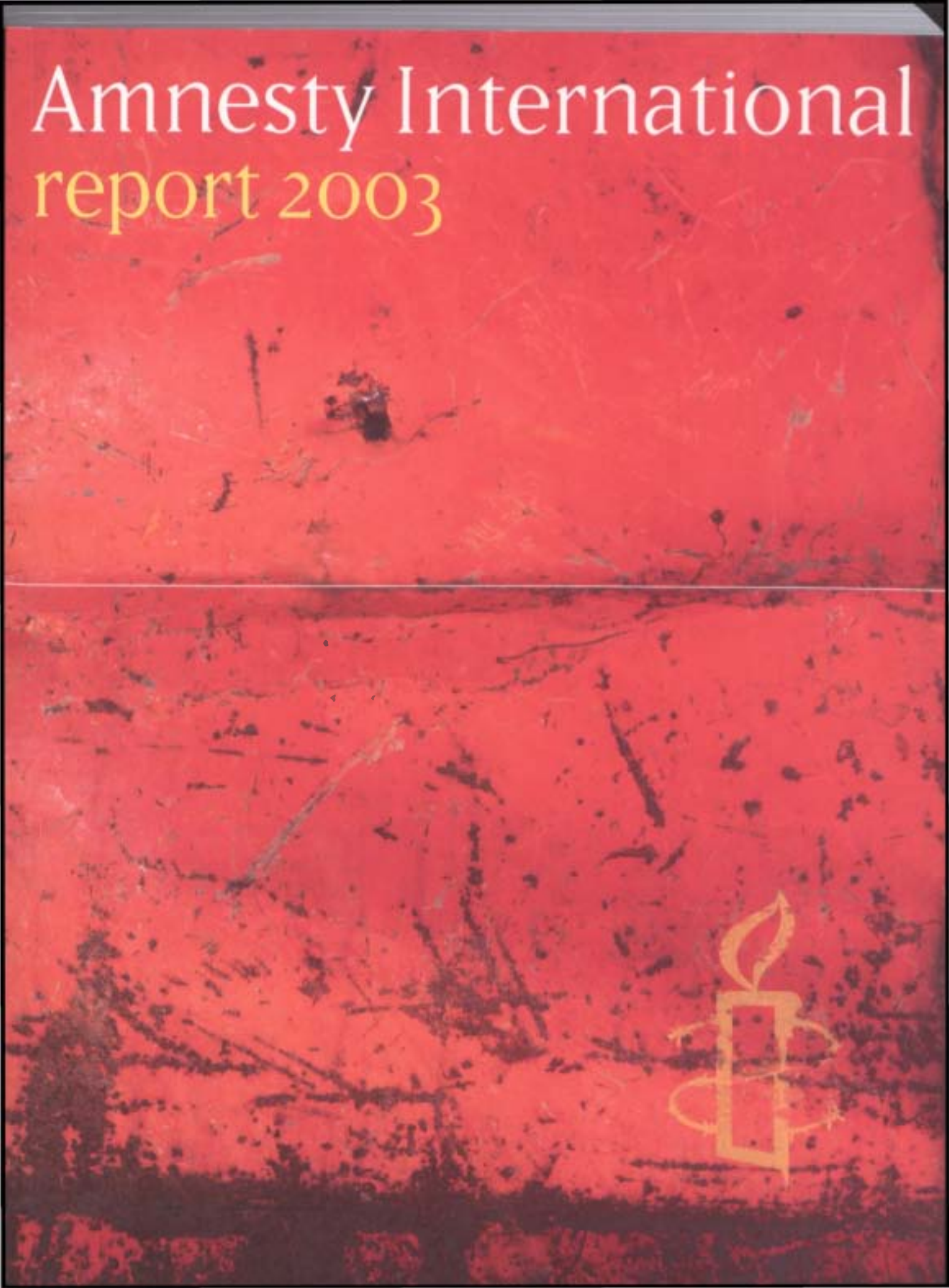
Amnesty International report 2003



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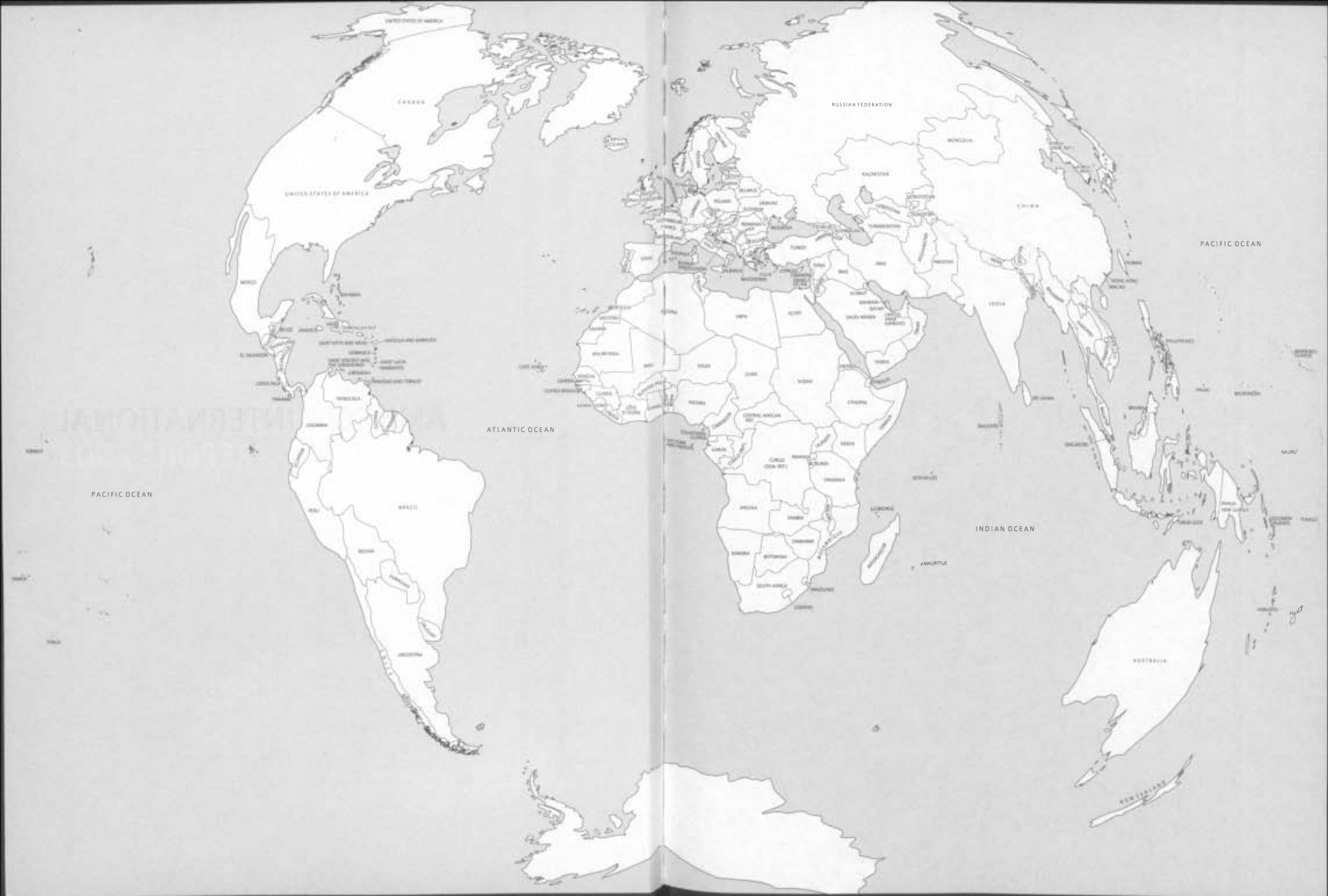
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AMNESTY INTERNATIONAL
REPORT 2003

This report covers the period January to December 2002

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PREFACE

Amnesty International (AI) is a worldwide movement of people who campaign for internationally recognized human rights.

AI's vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

In pursuit of this vision, AI's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

AI is independent of any government, political ideology, economic interest or religion. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the impartial protection of human rights.

AI has a varied network of members and supporters around the world. At the latest count, there were more than 1.5 million members, supporters and subscribers in over 150 countries and territories in every region of the world. Although they come from many different backgrounds and have widely different political and religious beliefs, they are united by a determination to work for a world where everyone enjoys human rights.

AI is a democratic, self-governing movement. Major policy decisions are taken by an International Council made up of representatives from all national sections.

AI's national sections and local volunteer groups are primarily responsible for funding the movement. No funds are sought or accepted from governments for AI's work investigating and campaigning against human rights violations.

Amnesty International Report 2003

This report documents human rights issues of concern to AI during the year 2002. It also reflects the activities AI has undertaken during the year to promote human rights and to campaign against specific human rights abuses.

The core of this report is made up of entries on individual countries and territories, listed alphabetically. Each of these entries gives a summary of the human rights situation in the country or territory and describes AI's specific human rights concerns there. The absence of an entry on a particular country or territory does not imply that no human rights abuses of concern to AI took place there during the year. Nor is the length of individual entries any basis for a comparison of the extent and depth of AI's concerns.

A world map has been included in this report to indicate the location of countries and territories, and each individual country entry begins with some basic information about the country during 2002. Neither the map nor the country information may be interpreted as AI's view on questions such as the status of disputed territory. AI takes no position on issues other than human rights.

The later sections of the report contain information about AI and its work during the year. The final section focuses on AI's work with intergovernmental organizations and includes information about which states are signatories or state parties to key international and regional human rights treaties.

AI reports

Reports published during the year are listed at the end of country entries. These are available on the AI website.

The AI Index given in this report can be used to locate a document as follows:
AI Index: ABC 56/013/2003
http://web.amnesty.org/ai.nsf/index/ABC56013 2003

Abbreviations

The following abbreviations have been used:

- UN Convention against Torture refers to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- UN Women's Convention refers to the Convention on the Elimination of All Forms of Discrimination against Women.
- UN Children's Convention refers to the Convention on the Rights of the Child.
- UN Convention against Racism refers to the International Convention on the Elimination of All Forms of Racial Discrimination.
- UN Refugee Convention refers to the Convention relating to the Status of Refugees.
- European Convention on Human Rights refers to the (European) Convention for the Protection of Human Rights and Fundamental Freedoms.
- European Committee for the Prevention of Torture refers to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

AI'S APPEALS

The country entries in this report include numerous examples of human rights abuses that AI is dedicated to opposing. AI urges those in authority in all countries where abuses occur to take the steps recommended below. More detailed additional recommendations are included where necessary in the specific country entry.

The right to life and physical integrity

Political killings and 'disappearances'

AI calls on governments to end extrajudicial executions and "disappearances". AI calls for prompt, thorough, independent and effective investigations into political killings and "disappearances". AI calls on governments to ensure that those responsible for such human rights violations are brought to justice.

AI calls on governments to:

- demonstrate their total opposition to extrajudicial executions and "disappearances" and make clear to security forces that these abuses will not be tolerated in any circumstances;
- end secret or incommunicado detention and introduce measures to locate and protect prisoners;
- provide effective protection to anyone in danger of extrajudicial execution or "disappearance", including those who have received threats;
- ensure that law enforcement officials use force only when strictly required and to the minimum extent necessary – lethal force should be used only when unavoidable to protect life;
- ensure strict chain-of-command control of all security forces;
- ban "death squads", private armies, and paramilitary forces acting outside the official chain of command.

Torture and ill-treatment

AI calls on governments to take steps to eradicate torture and ill-treatment. Such steps include initiating impartial, prompt and effective investigations into all allegations of torture and bringing to justice those responsible for torture.

Further safeguards against torture and ill-treatment which AI promotes include:

- policies making clear that torture and ill-treatment will never be tolerated;
- an end to incommunicado detention, including giving detainees access to independent medical examination and legal counsel;
- outlawing the use of confessions extracted under torture as evidence in courts of law;
- independent inspection of all places of detention;
- informing detainees of their rights;
- human rights training for law enforcement personnel;
- compensation, medical treatment and rehabilitation for the victims of torture.

Death penalty

AI calls on governments to abolish the death penalty in law and practice.

Pending abolition, AI calls on governments to commute death sentences, to introduce a moratorium on executions, to respect international standards restricting the scope of the death penalty and to ensure the most rigorous standards for fair trial in capital cases.

Criminal justice issues

Impunity

Impunity literally means exemption from punishment. When used by AI it refers to the failure of the state to redress human rights abuses by bringing suspected perpetrators to justice. Allowing perpetrators to commit abuses without consequences for themselves perpetuates their crimes.

Impunity denies the victims and their relatives the right to have the truth established and acknowledged, the right to see justice done and the right to an effective remedy.

AI calls on governments to ensure that reports of human rights abuses are promptly, thoroughly and impartially investigated and that those suspected of responsibility are brought to justice in a court of law in accordance with international standards.

AI opposes blanket amnesties for perpetrators of human rights abuses in post-conflict situations. Only by clarifying the truth about what has happened, establishing accountability for human rights abuses, and bringing to justice those allegedly responsible can confidence in the justice system be restored and human rights be guaranteed.

Prisoners of conscience

AI calls for the immediate and unconditional release of all prisoners of conscience. Prisoners of conscience are people detained anywhere for their political, religious or other conscientiously held beliefs or because of their ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status – who have not used or advocated violence.

Fair trials

AI calls for all prisoners whose cases have a political aspect to be given a prompt and fair trial on recognizably criminal charges, or released.

AI calls for trials to meet minimum international standards of fairness. These include, for example, the right to a fair hearing before a competent, independent and impartial tribunal, the right to have adequate time and facilities to prepare a defence, and the right to appeal to a higher tribunal.

Prison conditions

AI calls on governments to ensure that prison conditions do not amount to cruel, inhuman or degrading treatment or punishment, in line with international human rights standards for the treatment of prisoners.

Economics and human rights protection

Economic, social and cultural rights

As all human rights are indivisible and interdependent, effective work on civil and political rights cannot be conducted without equally addressing abuses of economic, social and cultural rights. AI is developing a program of work for the implementation of economic, social and cultural rights.

Economic, social and cultural rights are grounded in international law. National jurisprudence in many countries – and trends to include these rights in constitutional reforms – shows that these rights can be realized through legal remedies. Furthermore, numerous international standards permit individuals and groups to present complaints about violations of economic, social and cultural rights to intergovernmental organizations such as the International Labour Organisation, the UN Educational, Scientific and Cultural Organization and the regional African and Inter-American systems.

AI's activities in this area have included projects relating to the right to health, food, education and employment.

Companies and economic institutions

Economic interests are increasingly influencing and dominating political agendas, and all too often economic development is pursued without paying attention to human rights. AI believes that economic actors (companies, international financial institutions, international and regional economic forums and relevant non-governmental organizations and intergovernmental organizations) have to be made accountable and that they should ensure that their activities do not impair human rights.

AI seeks to increase the number of economic actors agreeing and taking practical measures to protect and promote human rights.

Non-state actors

AI uses the term "non-state actors" to refer to those acting as private individuals or groups, not as representatives of a government or of an armed political group.

Under international human rights standards, governments have a responsibility to respect, protect and fulfil the human rights of all people in their territory. If a government fails in this obligation, it shares responsibility with those who commit the abuse. AI may take action when governments breach their duty to safeguard those in their territory from human rights abuses by non-state actors.

AI takes action against abuses by non-state actors:

- when the harm they cause is similar in severity and nature to violations that AI would oppose if perpetrated by a government (for example "honour killing", infanticide, female genital mutilation, slavery, debt bondage and forced prostitution); and
- there is clear evidence that the government has not fulfilled its obligations, under international law, to eradicate the abuse. Indicators of complicity or negligence include failure to punish or prevent the abuses; the absence of legal prohibition or other measures to eradicate the abuses; and failure to provide remedies or compensation to victims.

Discrimination

AI works against grave abuses of the right to freedom from discrimination. Those who are imprisoned solely on grounds such as race, sex, sexual orientation, religion or ethnicity are considered by AI to be prisoners of conscience.

AI calls on all states to take measures to prevent discrimination, not only by their own officials but also by private individuals. States can do this by ratifying international standards against discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination and the UN Convention on the Elimination of All Forms of Discrimination against Women, and by ensuring that national legislation outlaws discrimination. Both these international standards and national laws against discrimination must be fully implemented.

Asylum-seekers and refugees

AI calls on governments to ensure that asylum-seekers are not returned to countries where they might suffer violations of their fundamental human rights.

AI calls on governments to ensure that all asylum-seekers have access to a fair and impartial individual asylum determination, and to ensure that they are not arbitrarily detained or otherwise put under undue pressure.

Armed conflict

Human rights in wartime

In armed conflict situations, AI continues to oppose the death penalty, torture and ill-treatment, "disappearances", unlawful killings and the imprisonment of prisoners of conscience.

AI takes no position on armed conflict, military service (although it regards imprisoned conscientious objectors as prisoners of conscience) or conscription (except in the case of child soldiers).

AI opposes direct attacks on civilians and indiscriminate or disproportionate attacks and urges all parties involved to respect the standards which are set out in international humanitarian law.

Child soldiers

AI campaigns for an end to the recruitment of child soldiers and for the protection of children in armed conflicts.

Armed political groups

AI opposes torture, hostage-taking, unlawful killings, and other grave abuses by armed political groups. In opposing these abuses, the AI movement makes its protest known through direct appeals, its own publications and the news media. AI bases its position on fundamental standards set out in international humanitarian law.

Military, Security and Police (MSP) transfers

AI urges governments to adopt and implement laws and regulations to prohibit arms exports unless it can be reasonably demonstrated that such arms will not contribute to serious human rights violations, crimes against humanity or war crimes.

- AI also calls for suitable mechanisms at the international level to provide effective control of the trade in small arms.
- AI calls on all governments to introduce comprehensive measures to control arms brokering and trafficking to ensure that the MSP transfers they participate in do not assist in the violation of human rights abroad.
- AI has called for the use of electro-shock equipment by police or prison officials to be suspended immediately unless and until it can be proved safe.
- AI calls on governments to implement stringent national and international controls on the flow of riot control equipment – such as water-cannon, plastic and rubber bullets, and chemical agents such as pepper spray and tear gas – to ensure that it does not end up in the hands of those responsible for human rights violations.
- AI continues to press for stringent controls and monitoring of MSP training and know-how.

Promotion of human rights

AI calls on states to ratify international and regional human rights instruments without reservations, and calls on all governments to promote and respect the provisions of these instruments.

AI REPORT 2003

PART 1

SECURITY FOR WHOM?

A HUMAN RIGHTS RESPONSE

A message from Irene Khan, Amnesty International's Secretary General

As I write this message, I remember Claudine, a six-year-old girl whom I met when I visited Burundi last September. She was one of the survivors of a massacre by the Burundian army, in which more than 170 people had been brutally killed 10 days before my arrival. She could not recall her family name, but she remembered in vivid, painful detail the way in which her grandfather, parents, sisters and baby brother were bayoneted to death. She described how she herself was wounded but managed to escape by crawling between the legs of the soldiers. When I raised her case with the President of Burundi, he told me that the army had been fighting a civil war for the past 10 years to make the country secure from "rebels". It was apparent that Claudine's own security did not feature in that larger national security strategy.

As I write this message, the shadow of war darkens over Iraq. Military action is being contemplated in order to make the world more secure. Some 26 million Iraqi women, men and children who have risked terrible human rights abuses at the hands of their own government for several decades, who have suffered the impact of economic sanctions for more than a decade, face an uncertain fate. The only certainty is that if war comes, some of them will die. They could be killed by the fighting, or they might be killed by the Iraqi security forces if they dare to rise against the Iraqi government, or they could die if they flee and neighbouring countries refuse to grant them asylum, as happened in 1991.

Last year the international community waged a war in Afghanistan. That war too was fought in the name of security. An unknown number of civilians died in the bombing raids and hundreds of prisoners reportedly suffocated to death in sealed containers. Many Afghans continue to live precariously as large parts of the country remain insecure and under the control of commanders known to have perpetrated appalling human rights abuses.

Human rights advocates have long been wary of the way in which governments interpret and implement their security agenda at the national and international levels. All too often security measures harm the innocent as well as the guilty. All too often political leaders exploit public fears and prejudices to avoid accountability and promote their own interests.

Our fears were once again confirmed over the past year as the drive for security gained greater momentum around the world. A combination of forces sought to roll back the human rights gains of the past five decades in the name of security and "counter-terrorism". But the restrictions on liberty have not necessarily led to increased dividends on safety. Greater emphasis on security, far from making the world a safer place, has made it more dangerous by curtailing human rights and undermining the rule of international law; by shielding governments from scrutiny; by deepening divisions among people of different faiths and origins; and by diverting attention from festering conflicts and other sources of insecurity.

The establishment of the International Criminal Court, the coming into force of the agreement aimed at ending the use of child soldiers and the adoption of the protocol to allow international inspection of places of detention were important gains for human rights in the past year. On the other hand, the blatant disregard and virtual contempt which many governments displayed for international human rights and humanitarian obligations were a major setback.

At a time of heightened insecurity, governments chose to ignore and undermine the collective system of security which international law represents. Draconian measures – by democratic as well as autocratic governments – to intrude and intercept, to arrest and detain suspects without trial and to deport people with no regard to their fate, weakened human rights protection of individuals as well as respect for the standards of international law. The USA continued to detain prisoners from the war in Afghanistan in defiance of international humanitarian law, turned a blind eye to reports of torture or ill-treatment of suspects by its officials and allies, and sought to undermine the International Criminal Court through bilateral agreements. In the process, it undermined its own moral authority to speak out against human rights violations in other parts of the world.

Action that makes people feel insecure cannot make states or societies secure. Because of the real or alleged actions of a few individuals, entire communities – identified by race, religion or national origin – are being viewed with suspicion. The result is growing unease and uncertainty among large sections of the population. Racial profiling and detention of immigrants in the USA, and labelling of refugees and asylum-seekers as "terrorists" in Europe have compounded the stigmatization. In a climate of increasing xenophobia and racism, asylum-seekers are being sent back to face imprisonment, torture or death and violent attacks on members of minority communities are on the increase. Whipping up public fears in the interests of short-term political or electoral gains is a dangerous business. In the course of the past year, ethnic and religious tensions in countries like India, Nigeria and Côte d'Ivoire demonstrated the dangers of accentuating the divide between citizen and immigrant, people of different faiths, rich and poor, north and south.

Exploiting the international climate favouring "counter-terrorism", many governments reinforced and renewed their crack-down on political opponents and others whose loyalty they doubt, such as trade

unionists, journalists, religious and racial minorities, and human rights defenders. Our country reports illustrate numerous examples where, citing national security, government forces acted with impunity to kill, rape, torture and abduct. The tragedy of Claudine was repeated many times in many places during 2002.

Amnesty International does not challenge the right of governments to act against criminal and political violence by armed groups and individuals. On the contrary, we call on governments to protect people in accordance with the law. We consistently and strongly condemn attacks against civilians as a grave abuse of their human rights. We remind armed groups and those who support them of their obligations not to target civilians whatever the circumstances. However, human rights abuse by armed groups is not a licence for governments to ignore their own obligations.

Governments are not entitled to respond to terror with terror. They are obliged at all times to act within the framework of international human rights and humanitarian law. The people who organize and perpetrate bombings of buses in Tel Aviv or a discotheque in Bali, who ambush and kill civilians in Burundi, or who take hostages in a theatre in Moscow must be brought to justice in accordance with standards of fair trial. So too must the Israeli soldiers who carry out unlawful killings in the Occupied Territories, the Indonesian police who torture in Aceh and Papua, the Russian security forces who rape villagers in Chechnya. By denying justice and perpetuating impunity, many governments have both undermined their international human rights obligations and contributed to the cycle of insecurity, violence and violations.

The focus on national security has diverted attention from some very real threats that affect the lives of millions of people. The real sources of insecurity for many people lie in the failure to halt the unimpeded flow of small arms, to eradicate extreme poverty and preventable diseases, to arrest and treat the spread of HIV/AIDS, and deal with the social dimensions of globalization. Real security will remain illusory, especially for the poor, so long as police, courts and state institutions in many countries remain inept or corrupt. Many women will continue to feel insecure as long as they are unprotected from violence in their homes and communities. Amnesty International's campaign on Russia has highlighted the failure of the parliament to adopt legislation to criminalize domestic violence, despite 50 drafts, in a country where some 14,000 women die at the hands of their partners or family members each year.

Addressing these diverse sources of insecurity requires commitment and investment by governments and the international community in all human rights – economic, social, cultural, civil and political. It requires establishing or strengthening institutions that can protect human rights. New resources are being directed to security police and "counter-terrorism" agencies. Where is the new money, however, to strengthen the UN's human rights machinery which has been grossly under-funded for years? Where are the new resources to help countries build fair and effective justice and policing systems? Where are the funds to meet the social needs of poor and marginalized communities? Where is the political will and public awareness to combat violence against women?

Global insecurity, far from diminishing the value of human rights, has actually heightened the need to respect them. A more secure world demands a paradigm shift in the concept of security, a shift that recognizes that insecurity and violence are best tackled by effective, accountable states which uphold, not violate, human rights. Unless that shift happens, security will be a skewed concept, bringing in its wake greater insecurity.

Throughout the past year, Amnesty International has relentlessly challenged the narrow focus of the security agenda. Our members have lobbied governments, armed groups, corporations and others to promote and protect human rights around the world. Achieving real change in the lives of people is the measure of our success. This report documents achievements as well as disappointments. It records the efforts of our members to campaign for change, to demand justice, to expose the travesty of political rhetoric, to hold governments to account – and above all, to tell the story behind the statistic, to give voice to the voiceless.

Human rights are not a luxury for good times. They must be upheld at all times, including in times of danger and insecurity. They restrain governments from actions that harm and provide the standards for accountability. They empower people and give them the freedom to choose, to challenge and to shape their own destiny. They provide a framework for constructive dialogue between governments and peoples. If the quest for a safer world is to succeed, human rights must lie at its heart.

2002 IN FOCUS

Introduction

Throughout 2002 the international political agenda and media headlines were driven by the "war on terrorism" and the threat of war on Iraq. In the wake of the 11 September 2001 attacks in the USA, and in the name of combating "terrorism", governments stepped up the repression of their political opponents, detained people arbitrarily, and introduced sweeping and often discriminatory laws that undermined the very foundations of international human rights and humanitarian law.

Meanwhile, in the pursuit of security, politics and profit, fundamental human rights were trampled on the world over – and the resulting suffering of millions of people was largely ignored.

In Africa, countless lives and livelihoods were destroyed in conflicts often encouraged and armed by outside powers, during which abuses were committed with impunity. In both Colombia and Israel and the Occupied Territories, AI responded to rapidly deteriorating human rights situations by mobilizing its membership and resources to campaign against escalating human rights abuses. The organization also launched a major worldwide campaign on human rights in the Russian Federation, which highlighted among other things the serious abuses taking place in the long-running conflict in Chechnya.

Many of the human rights abuses recorded by AI during 2002 were committed in the context of conflicts between states and armed political groups. Government forces carried out extrajudicial killings, "disappearances", torture and other serious violations, while armed groups killed civilians and committed other serious abuses, including abductions and torture, in pursuit of their political aims.

While governments, particularly those in the industrialized world, stigmatized asylum-seekers and passed ever more restrictive laws to restrict asylum, millions of people who had fled terror found themselves confined in refugee camps and detention centres, turned away at borders, or targeted in racist attacks.

While governments and the media debated the real or supposed danger of weapons of mass destruction, millions of people faced death and injury in conflicts fuelled by the sale and transfer of arms to known human rights abusers.

While the world's attention turned away from Afghanistan to Iraq, millions of Afghans – both refugees and those who had remained in the country – faced an uncertain and insecure future.

While governments prepared to spend billions of dollars on war, millions of people suffered the ravages of poverty, and were denied treatment for HIV/AIDS and other diseases.

AI worked ceaselessly throughout 2002 to try to ensure that respect for international law and human rights was not eroded by the "war against terrorism". It continued exposing and campaigning against the wide range of abuses that were being committed by government forces and armed political groups in all regions of the world.

The organization broke into new areas of research and action in relation to economic, social and cultural rights, following the expansion of its mandate the previous year. It kept the spotlight on Afghanistan in the crucial post-conflict period, and established a field office in Kabul to work with local non-governmental organizations (NGOs) on reforming the criminal justice

Nomsa, an abandoned HIV-positive child at the Sparrow's Nest, a home in Roodepoort, South Africa, for adults, children and babies who are living with HIV/AIDS. According to UNAIDS, women and girls comprise the majority of those living with HIV/AIDS in Southern Africa. Infection levels in the countries of this region range from 13 to 38 per cent of the adult population.

system, addressing ethnic violence, and improving the status of women. It carried on its worldwide work against the death penalty, on the rights of refugees, and on military, security and police transfers.

AI also saw the rewards of past lobbying. The establishment of the International Criminal Court in July was a major step forward by the international community in the campaign against impunity. Although the Court faced attack by the USA, its creation brings hope that those who commit the worst crimes known to humanity will be brought to justice.

The international community also made a new commitment to the continuing battle to eradicate torture. The UN adopted an Optional Protocol to the Convention against Torture that will allow regular visits to places of detention by international experts. In addition, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict entered into force.

'Counter-terrorism' and human rights

Exploiting the atmosphere of fear that followed 11 September, many governments ignored, undermined or openly violated fundamental principles of international human rights and humanitarian law.

There was widespread abuse of the rights of people detained as suspected *al-Qa'ida* members or alleged "terrorists". More than 600 people, captured during the war in Afghanistan, continued to be held at the US base in Guantánamo Bay, Cuba, without charge or legal assistance. If they were prisoners of war, they should have been released at the end of the war in Afghanistan. If they were not prisoners of war, they should have been charged with a recognizable criminal offence or released. The US government, however, treated alleged *al-Qa'ida* members and associates as "enemy combatants" – a concept applied to detainees regardless of the circumstances in which they were captured or taken into custody (including those who were not taken prisoner during armed conflict). Arguing that it was "at war" with *al-Qa'ida*, the USA asserted that it was entitled to detain "enemy combatants" until the "war" ended – which means they could be detained indefinitely and without the rights afforded to prisoners of war or criminal suspects.

US forces also held hundreds of detainees in Afghanistan. Some were reportedly transferred to United Front forces in Afghanistan despite their record of abusing detainees; others were sent to countries where torture and ill-treatment are rife. In Pakistan, the authorities handed over more than 400 people to US custody without adequate human rights safeguards, in breach of domestic legislation regarding extradition and the international principle of *non-refoulement*.

In Yemen, US officials collaborated with the local authorities to locate, attack with missiles and kill six men, one of whom was suspected of being a leading *al-Qa'ida* member. Available information indicated that on that occasion no attempt was made to arrest, charge or prosecute the *al-Qa'ida* suspect.

The UN Security Council did little to counter the atmosphere in which human rights were sacrificed in the name of "counter-terrorism". The Security Council, which had adopted Resolution 1373 in 2001 compelling all governments to take measures against "terrorism", and its Counter-Terrorism Committee consistently refused to allow UN human rights mechanisms to advise or inform these initiatives. In November the UN General Assembly adopted a resolution calling on the High Commissioner for Human Rights to analyse the effects of "counter-terrorism" measures: a similar initiative by Mexico had earlier failed at the UN Human Rights Commission for lack of support.

Governments around the world appeared to take on board the message that human rights standards could be jettisoned in times of emergency. Some sought to use the "war against terrorism" to legitimize their repression of political dissent and their failure to address internal conflicts and grievances. In the Philippines, the government branded lawful groups critical of the government, including some human rights organizations, as "fronts" for an armed

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Detainees held in US military custody soon after their arrival at Camp X-ray, Guantánamo Bay, Cuba, following their transfer from Afghanistan. AI has repeatedly called for these detainees to be treated in accordance with international human rights and humanitarian law.

Women sing and dance on International Women's Day, 8 March 2002, in the town of Kindu, Democratic Republic of the Congo, to demand an end to the armed conflict.

opposition group, increasing human rights defenders' vulnerability to abuse. In Liberia, journalist and human rights activist Hassan Bility was accused of belonging to an armed opposition group, severely tortured and held incommunicado and without charge or trial for six months. His was not an isolated case.

The introduction of "anti-terrorism" measures that erode fundamental freedoms, seen in many countries in the months following the 11 September attacks, continued in 2002. In India, for example, parliament enacted the Prevention of Terrorism Act in March, which provides for confessions obtained in police custody to be admissible in courts for "terrorist" offences. Confessions in police custody in India are often extracted through torture, and Indian law prohibits such confessions from being submitted as evidence for other offences.

Many governments justified "counter-terrorism" measures on the grounds of protecting civilians from violent attack. AI strongly condemned such attacks, including the hostage-taking by Chechen rebels in a Moscow theatre; suicide bombings by Palestinians in Israel; killings by Maoist groups in Nepal; and kidnappings by armed political groups in Colombia – and called for the perpetrators to be brought to justice in fair procedures. However, in the post-11 September world, many governments spoke not of law enforcement and justice, but of self-defence and war – a war that appeared to be increasingly waged outside the norms of human rights and international humanitarian law.

Conflict and impunity in Africa

Away from the glare of publicity on the "war against terrorism", conflict, insecurity and violence continued to affect millions of people in Africa. Underlying the violence were struggles primarily for political and economic control of natural resources – and the principal victims were civilians.

While some progress was made towards resolving the conflict in Madagascar, peace talks on Somalia and Sudan failed to end widespread human rights abuses. In Angola, a decades-long armed conflict ended with the disintegration of the main armed opposition group, but grave human rights abuses continued. There were new or escalating conflicts in the Central African Republic (CAR), Republic of the Congo and Liberia.

In Côte d'Ivoire, an armed opposition emerged in mid-September and by the end of the year controlled more than half of the country. France reinforced its military presence, initially to protect foreign nationals and later to monitor a cease-fire agreement. However, government troops and opposition movements in the north and west continued to fight, perpetrating grave human rights abuses against civilians and combatants with little fear of being held to account for their crimes. At several sites, evidence of extrajudicial executions and summary killings was discovered but remained uninvestigated. In an atmosphere of violent xenophobia, many foreign nationals, mainly from Burkina Faso, Liberia and Mali, had their homes destroyed or were killed in raids by government forces on poor neighbourhoods. People originally from the north of Côte d'Ivoire suffered violence and harassment. Hundreds of thousands of people in the fighting zones and the south fled towards the west and north.

In the Democratic Republic of the Congo (DRC), despite peace negotiations and the announcement of the withdrawal of foreign troops, the human rights situation remained bleak, with continued fighting and attacks on civilians, particularly in the east. During the six years of conflict involving at least six governments and many more armed political groups, as many as three million people have died, according to one estimate. The DRC government protested against abuses by foreign forces while simultaneously persecuting its peaceful opponents. Claims by the

Rwandese government that it had intervened in the DRC in part to protect the Tutsi population proved hollow when Congolese Tutsi turned their guns on Rwandese forces early in the year. Ugandan forces were responsible for killing unarmed civilians in Ugandan-controlled eastern DRC. Zimbabwe insisted that its intervention was to protect the DRC from external aggression while its forces at home were busy attacking their fellow citizens. A UN Panel concluded that many of the parties to the armed conflict had no intention of ending a war from which they amassed personal wealth with total disregard for the devastating consequences for the population.

In the Great Lakes region too, those perpetuating human rights abuses continued to enjoy impunity. In Burundi, all parties to the conflict continued to commit war crimes and widespread human rights abuses on the civilian population with virtually no prospect of being held to account for their actions. Hundreds of unarmed civilians were killed during 2002 by government forces in reprisal for the activities of armed political groups. In only one instance – the killing of between 174 and 267 unarmed civilians in September – did the government acknowledge responsibility. None of the armed groups acknowledged human rights abuses by their forces.

Despite general elections and a constitutional referendum during 2002 in the Republic of the Congo, instability and human rights abuses continued in the context of renewed armed conflict. Dozens of people were killed, hundreds of women were raped and thousands were displaced with impunity by perpetrators from the CAR and from neighbouring countries. Further north in Chad, peace continued to be illusory, despite seemingly endless negotiations between the government and its armed opponents.

However, 2002 saw some progress in addressing impunity for gross human rights abuses committed during the conflict in Sierra Leone. The Special Court for Sierra Leone was established – the UN Security Council had decided in 2000 to set it up to try those most responsible for crimes against humanity, war crimes and other serious violations of international humanitarian law. The Truth and Reconciliation Commission, which was provided for by the 1999 Lomé peace agreement, was also established.

While lack of popular participation and accountability remained major factors inhibiting conflict resolution and development, and the struggle to control economic resources provided the context for most conflicts in Africa, the common thread through all these crises continued to be impunity. As long as political and military leaders benefit from the chaos they cause, the human rights of ordinary Africans will remain unprotected. Sustainable peace cannot be achieved through deals to protect those who have been responsible for systematic human rights abuses and the plunder of natural resources. Greater popular participation in the peace processes, and effective measures to end impunity, including the use of regional and international judicial mechanisms, need to be given greater priority.

Spiralling political violence in Colombia

Another human rights tragedy that has gained little international attention – the ongoing conflict in Colombia – became even more serious in February, when peace talks broke down between the government and the main armed opposition group, the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia.

Thousands of "Women against the war" protest in Bogotá, Colombia, in July 2002. More than 60,000 people have been killed in the conflict since 1985, most of them civilians.

Since 1985, over 60,000 people have been killed, 80 per cent of them civilians, and hundreds of thousands more have been displaced, tortured, kidnapped or have "disappeared". All the parties to the conflict must accept responsibility for perpetuating the cycle of violence. Successive governments have failed to challenge the institutional links between the armed forces and the paramilitaries, or to end impunity for human rights violations. The paramilitaries, backed by the army, persist in torturing, killing and "disappearing" perceived opposition sympathizers with virtually no fear of being held to account for their actions. Armed political groups continue to engage in hostage-taking and kidnapping, deliberate and arbitrary killings, and indiscriminate and disproportionate attacks against military targets, which often result in civilian casualties.

Following the election in May of President Álvaro Uribe Vélez, in August the government declared a state of emergency. States of emergency have been repeatedly used by Colombian administrations over the past 50 years. Such measures have resulted in constitutional guarantees being side-stepped, governments ruling by executive decree, and the armed forces being granted broad powers to deal with public order issues. This has inevitably led to widespread and flagrant human rights violations. Unlike previous states of emergency, however, the decrees issued by President Uribe under the state of emergency also targeted foreign nationals and restricted the activities of international human rights and humanitarian organizations in conflict areas. A number of foreign nationals working for NGOs were expelled in 2002. This helped reinforce the secrecy shrouding human rights violations. The Uribe administration also repeatedly called into question the work of many human rights organizations, especially that carried out by Colombian human rights defenders, who they often stigmatized as "guerrilla collaborators".

The government also implemented measures that dragged the civilian population further into the conflict. A new "network of a million civilian informers" required people to collaborate with the security forces in counter-intelligence activities. This put civilians at great risk of revenge attacks by opposition forces. The network – which began operating in many parts of the country – could also serve to strengthen paramilitarism and blur the distinction between legal and illegal vigilante groups.

The government will not resolve the human rights and humanitarian crisis through hardline security measures that pay scant regard to the human rights of ordinary Colombians. It still has at its disposal – as did previous administrations – a series of recommendations elaborated by the UN and other international organizations that, if put into practice, could help to resolve the crisis. Unless the government accepts this challenge, and the armed opposition groups agree to respect international humanitarian law, the human rights crisis will continue to escalate and the civilian population will continue to pay a heavy price.

The international community has a pivotal role to play by encouraging the government to respect and implement the human rights recommendations repeatedly made by the UN and other international bodies. However, some foreign governments, especially the US government, have been increasing military and security aid to Colombia's armed forces, despite their continuing responsibility for serious human rights violations in collaboration with their paramilitary allies.

AI used every possible opportunity to keep Colombia in the public eye and to challenge the government of President Uribe on its failure to protect human rights, by putting pressure on government authorities, supporting human rights defenders and lobbying internationally. Six delegations visited the country, including a high-level mission led by AI's Secretary General, and several major documents were issued, including reports on the situation in the contested area of San Vicente del Caguán, on human rights and US military aid to Colombia, and on the impact of President Uribe's security policies.

Russia: 'Justice for everybody'

On 30 October AI's Secretary General, Irene Khan, joined many other human rights activists outside the headquarters of the State Security Service in Moscow to commemorate the Day of the Political Prisoner. As she lit a candle at the gathering, people in countries all over the world also lit candles and signed petitions to Vladimir Putin, President of the Russian Federation, calling for greater respect for human rights.

Home page of AI's campaign website.

The event, along with other initiatives around the world, signalled the launch of AI's year-long major worldwide campaign on human rights in the Russian Federation, *Justice for everybody*.

The campaign turned out to be timely. In the context of the conflict in Chechnya, AI had for years been documenting rape and other torture, ill-treatment, extrajudicial killings, "disappearances" and looting by the Russian army, as well as serious abuses by Chechen rebels. But against the background of 11 September, and particularly in the aftermath of the hostage-taking by Chechen rebels in a Moscow theatre, international criticism of this appalling record of abuse became increasingly muted as the Russian authorities justified their actions against Chechen rebels as part of the "war against terrorism". A resolution on Chechnya at the 2002 session of the UN Commission on Human Rights was defeated. Monitoring of the situation in Chechnya became more difficult after the Russian authorities refused to extend beyond December the mission based there of the Organization for Security and Co-operation in Europe (OSCE).

AI lobbied the international community, including the European Union (EU), to press the Russian authorities to grant unrestricted access to Chechnya for independent journalists and human rights monitors, including those from international organizations.

AI's campaign on the Russian Federation also sought to highlight the widespread violations of people's rights outside the conflict zone of Chechnya. Torture and ill-treatment remain virtually routine in police stations, and conditions in the country's disease-ridden and overcrowded pre-trial detention centres are generally so appalling that they amount to cruel, inhuman or degrading treatment. Methods of torture commonly reported include beatings, electric shocks, rape, the use of gas masks to induce near-suffocation, and tying detainees in painful positions.

The victims come from all walks of life, but members of ethnic minorities and the poor are most at risk. Even children are not spared. Members of ethnic or national minority groups are targeted disproportionately by police for checks of their identity documents, often leading to arbitrary detention or ill-treatment. Asylum-seekers and refugees suffer the additional difficulty that their documentation is not recognized by the police. In some regions, whole communities are denied a range of economic, civil and political rights.

One reason why abuses are so persistent is that those responsible usually get away with their crimes. Throughout the Russian Federation victims of human rights violations are denied their right to justice by authorities who ignore or condone the abuses. The authorities fail to investigate thoroughly allegations of human rights violations and bring the perpetrators to justice. They fail to take action to combat racially motivated violence and discriminatory policing. They fail to take measures to protect women from sexual abuse and violence in the home or at the hands of state agents. And they fail to ensure that children are only imprisoned as a measure of last resort.

AI Hong Kong hold a ceremony in a busy pedestrian area of Hong Kong to mark the launch of AI's campaign on human rights in the Russian Federation, "Justice for everybody". The event was covered by Chinese-language media.

These concerns were summarized in several AI reports, and AI established a resource centre in Moscow in late 2002. Further initiatives were planned for 2003.

AI members around the world will continue to put pressure on the Russian government to live up to its obligations to protect and promote human rights so that there is justice for everybody in the Russian Federation.

Israel and the Occupied Territories

There was a deepening of the human rights crisis that had been unfolding since 2000 in the context of the Palestinian uprising (known as the *al-Aqsa intifada*) against Israeli occupation. Day after day people were killed or injured, had their homes and livelihoods destroyed, and had their movement severely restricted. Human rights defenders, including AI members in Israel and in areas under the jurisdiction of the Palestinian Authority (PA), faced enormous dangers as the spiral of violence intensified, with atrocities committed against Palestinians by the Israeli army on one side, and suicide bombings by Palestinian groups targeting Israeli civilians on the other. The number of victims, both Palestinians and Israelis, more than doubled in 2002 compared to the previous year. Among them were more than 100 Palestinian children, most killed unlawfully by the Israeli army, and 45 Israeli children killed in attacks by armed Palestinians. Thousands of other Palestinians and Israelis were injured, many maimed for life.

Assassinations of Palestinians by the Israeli army contributed to increasing violence in Palestinian society, as scores of Palestinians suspected of having helped Israeli intelligence services carry out such assassinations were unlawfully killed by other Palestinians. Thousands of Palestinians were arrested by Israeli forces, among them many children. Most of those arrested were soon released, but hundreds were administratively detained without charge or trial – held on the basis of "secret evidence" that neither they nor their lawyers were allowed to see or to challenge in court. Many of those detained said they were ill-treated.

After the Israeli army retook control of most PA areas, it imposed comprehensive and prolonged closures and curfews on an unprecedented scale

Women activists from more than 60 countries gather near the Israeli Embassy in the United Kingdom to show solidarity with women facing human rights violations in Israel and the Occupied Territories. April 2002.

A Palestinian man points to the rubble of a destroyed building beneath which a member of his family was buried alive. Jenin refugee camp, 17 April 2002.

Irene Khan, AI's Secretary General, and Petter Eide, Secretary General of AI Norway, visit victims of a suicide bombing in Sheba medical centre, Tel Hashomer, Israel. April 2002.

throughout the Occupied Territories. Most Palestinian towns and villages were cut off from one another and from surrounding areas most of the time. These sweeping measures of collective punishment affected millions of Palestinians, whose access to work, school and medical care was denied or severely restricted. AI delegates were denied access to towns in the West Bank and Gaza by Israeli soldiers on several occasions, as were international aid workers, medical personnel and journalists. Two UN fact-finding delegations were unable to visit Israel and the Occupied Territories because of the refusal of the Israeli authorities to grant them access.

Closures, curfews and destruction of Palestinian property resulted in massive job losses and the collapse of the Palestinian economy. Unemployment rose to above 50 per cent, and about half the Palestinian population was living below the poverty line, depending almost entirely on outside aid for survival.

Throughout 2002 AI sent an almost continuous stream of delegations to Israel and the Occupied Territories, many working at great risk to themselves, to uncover and tell the world what was happening. The organization repeatedly condemned the unlawful killings, the wanton destruction of civilian property, the deliberate obstruction of humanitarian aid, the killing of medical aid workers, the targeting of civilians by suicide bombers. It also sent an

unambiguous message to both sides to the conflict – nothing justifies the targeting of civilians for death and destruction.

The human rights crisis in Israel and the Occupied Territories is among the issues most discussed – and least acted upon – by the international community. Concerns about the worsening situation are regularly expressed by world leaders, the UN, the EU, the Arab League and others. "Peace and security" are recurring keywords of the various political initiatives put forward by the main players in the international community, while human rights are rarely if ever mentioned. To date no concrete measures have been taken at the international level to ensure that the parties to the conflict live up to their obligations and stated commitments to human rights. In this respect the international community has failed the Palestinian and Israeli victims.

AI and numerous other Palestinian, Israeli and international NGOs have repeatedly called for international human rights monitors to be sent to Israel and the Occupied Territories. Even though the call for monitors has been widely supported at the international level, including by the UN and EU, the international community has failed to act in the face of Israel's rejection of the proposal. AI does not claim that human rights observers can solve all the problems in this complex situation. However, it does believe that had monitors been sent to the area from the beginning of the current crisis, their presence could have contributed to saving Palestinian and Israeli lives. It is still not too late to make amends for past failures.

Pressure mounts on Iraq

The threat of US-led military intervention against Iraq grew during 2002. The US President labelled Iraq as part of an "axis of evil" in January and later called for a "regime change" in Iraq. The US government accused Iraq of possessing weapons of mass destruction, in breach of UN Security Council resolutions, which would constitute a "threat to US security". In November the UN Security Council adopted Resolution 1441, which demanded that Iraq abolish its weapons of mass destruction. The Resolution gave UN weapons inspectors sweeping powers, including "immediate and unimpeded access" to any Iraqi site. It threatened Iraq with "serious consequences" if it did not take advantage of "a final opportunity" to cooperate and disarm.

The many debates on the pros and cons of war revealed a glaring absence of concern about the lives, safety and security of the Iraqi people. Also sorely missing from the discussions was any consideration of the fate of Iraqi people in the aftermath of conflict or the potential knock-on effect on the human rights of people living in neighbouring countries.

AI has for decades documented and vigorously campaigned against widespread human rights violations in Iraq. During 2002, AI stepped up its efforts to ensure that the UN Security Council considered not only the security and political consequences of its action, but also the inevitable human rights and humanitarian consequences of war.

AI members around the globe petitioned their own governments and members of the Security Council to ensure the protection of the rights of Iraqi people. They also spelled out the likely human rights and humanitarian toll of a war on Iraq – civilians being killed by bombing or internal fighting; massive outflow of refugees; and needless deaths of children, the elderly and other vulnerable groups from hunger and disease following 12 years of UN economic sanctions. AI's Secretary General urged the Security Council to consider the use of force only as a last resort.

AI delegates visited countries near Iraq, including Jordan, Lebanon and Turkey, to assess the possible impact of a mass influx of Iraqi refugees if there was a military conflict. AI also warned governments of the dangers of using certain weapons and military tactics that are inherently indiscriminate.

At the end of the year, AI's members worldwide remained on a high state of alert, ready to respond to the human rights and humanitarian crises that would inevitably accompany an outbreak of war.

Afghanistan: a year of transition

As international attention turned towards Iraq, it began to fade away from Afghanistan – the site of the US-led military intervention in the "war against terrorism".

Following the UN-brokered Bonn Agreement of December 2001, which was designed to bring peace to the country after the fall of the *Taleban* government, an Interim Administration was formed to run the country until the convening of an emergency *Loya Jirga* (a traditional decision-making assembly) in June.

While the human rights situation improved in important respects, serious human rights violations, especially against women, continued. Such abuses were facilitated and exacerbated by weak institutions and poor security. The weeks before the *Loya Jirga*, for example, saw a rise in abuses, including intimidation of potential female delegates.

The *Loya Jirga* agreed on the composition of a Transitional Administration to run the country for the next 18 months. However, factional fighting continued in some areas of the country. So too did US-led bombing against suspected *Taleban* and *al-Qa'ida* forces, which resulted in a mounting toll of civilian deaths. Over 1.7 million refugees returned home during 2002 to face an uncertain and insecure future. Impunity remained a key human rights problem; the sole case of past abuses that was prosecuted only served to highlight the inability of the current institutions to deliver justice.

AI's approach to Afghanistan in this critical post-conflict period is based on the conviction that human rights guarantees must be at the centre of the rehabilitation and reconstruction process. To pursue this goal, in June AI established a year-long field presence in Kabul. Its aim is to engage with the government and with local and international NGOs based in Afghanistan,

A literacy class in Mazar-e-Sharif jail, Afghanistan, November 2002.

research key areas of the criminal justice system, and draw up recommendations for the Transitional Administration, donor governments and the UN.

AI's presence was welcomed, particularly at a time when many in Afghanistan felt that the international community was turning away from the country as other crises took precedence around the world. AI was able to gain access to detention facilities and police stations in many locations, offer solidarity and support to the local human rights community and give special attention to the problems facing women.

At the end of 2002 there were still many challenges ahead for Afghanistan, particularly in establishing security, addressing impunity, building institutions, and promoting protection of minorities as the country continued the difficult process of transition after decades of war and endemic violations of human rights.

Refugees

In many countries, governments and the popular media portrayed refugees and asylum-seekers as trouble-makers, even as "potential terrorists" rather than as people fleeing terror, and in most parts of the world they faced major obstacles to protection. Policies and practices were encouraged which effectively deny access to territory and asylum procedures, diminish the quality of protection, and undermine fundamental rights of refugees, including the right to seek and enjoy asylum, not to be arbitrarily detained, and to be protected from forcible return to persecution. These rights are not expendable – they are the bare minimum considered necessary to protect the safety, dignity and integrity of refugees.

The view that the UN Refugee Convention was no longer appropriate for contemporary refugee movements was widely peddled. This was despite renewed commitments made in December 2001 by states parties to the Refugee Convention and its Protocol in a Declaration which recognized the "enduring importance" of the Convention. The fact that some states may find it less convenient or politically expedient to live up to their obligations does not diminish the Convention's importance as an instrument of human rights protection.

In most developed countries, governments focused on immigration controls to reduce the number of asylum-seekers, including through bilateral agreements or unilateral action, with scant regard for human rights or international obligations. Such responses conflicted sharply with the protection needs of the refugees themselves and the responsibilities shouldered by many countries in the developing world that host large numbers of refugees. This imbalance highlights the urgent need to develop a credible framework for international solidarity and responsibility sharing that is based on human rights and oriented to protection. All states should take steps, individually and through international assistance and cooperation, to respect and protect the rights of refugees and find durable solutions.

Governments placed increased pressure on refugees to return "voluntarily", sometimes to uncertain and evolving situations, before they could be guaranteed a return in safety and dignity. For example, a highly politicized sense of urgency was whipped up in several industrialized states to justify plans to return Afghan refugees to Afghanistan. This

Thousands of people demonstrating in Sydney against the Australian government's treatment of refugees and asylum-seekers, June 2002.

was at a time when the country was in desperate need of resources to make sustainable return and reconstruction possible, and when serious protection problems persisted for Afghan refugees in neighbouring Pakistan and Iran. Disregarding these problems, several European states (notably Denmark, France and the United Kingdom) as well as Australia pressed to secure the return of a relatively small number of Afghan refugees. Ambiguous statements by the UN High Commissioner for Refugees (UNHCR) did little to help secure attention where it was most needed – the continuing protection concerns of those in and around Afghanistan.

Repatriation that is truly voluntary is one of the hallmarks of sustainable post-conflict societies. However, premature pressure for return undermines the voluntary character of "voluntary repatriation" and weakens the protection offered by the UN Refugee Convention.

A particularly disturbing development was the increasing number of reports of sexual abuse and exploitation of refugee women and girls by humanitarian aid workers and others. Reports on West Africa and Nepal in 2002 showed that sexual exploitation and abuse were symptoms of the protracted uncertainty facing millions of refugees. In some cases the perpetrators were the very people responsible for the welfare of refugees. While resolving protracted refugee situations is key, it is also clear that there is an urgent need for an independent monitoring and complaints mechanism to be established in all refugee situations – not only in camps, but also in urban areas where allegations of sexual and other exploitation are widespread.

International Criminal Court

On a brighter note, the entry into force of the Rome Statute of the International Criminal Court (ICC) on 1 July was a major step forward in the long-standing fight to ensure that perpetrators of the worst crimes – genocide, crimes against humanity and war crimes – are brought to justice.

This important milestone was reached years earlier than expected, illustrating the will of most of the international community to end impunity for the worst crimes. Such impunity has been a major factor perpetuating cycles of abuse and conflict in most parts of the world.

A number of issues must be addressed immediately to ensure that the ICC can function effectively in its initial years. For example, all states that have ratified the Rome Statute must enact legislation to allow them to investigate and prosecute people accused of the worst crimes in their national courts and to cooperate fully with the ICC. Only a handful of states had passed such laws by the end of 2002. Also, all states should sign, ratify and implement the Agreement on Privileges and Immunities for the ICC to ensure that the ICC can conduct its work on the territories of states without obstruction. At the end of the year 24 states had signed the Agreement on Privileges and Immunities and only one state had ratified it.

The most disturbing challenge to the ICC came from the efforts of the USA to undermine the Court. Expressing fears that the ICC could be used to bring politically motivated investigations and prosecutions against US nationals, the USA repudiated its signature of the Rome Statute in May.

These fears are groundless because the substantial safeguards and fair trial guarantees contained in the Rome Statute will prevent such a situation. Nevertheless, in June the USA demanded that the UN Security Council include in its renewal of the Bosnia and Herzegovina peace-keeping mission an exemption from ICC jurisdiction for UN peace-keepers from states that are not party to the Rome Statute. When the 14 other Security Council members initially refused, the USA vetoed an extension of the peace-keeping mission. Despite calls from over 100 countries not to give in to US demands, on 12 July the Security Council adopted Resolution 1422. This provides for an automatic Security Council deferral (unless it decides otherwise) of any ICC investigation or prosecution for 12 months (from 1 July 2002) of any case involving current or former officials or personnel from a state that has not ratified the Rome Statute over acts or omissions relating to a UN established or authorized operation.

In August, President George W. Bush signed the American Servicemembers' Protection Act. Under this, the USA will not cooperate with the ICC in investigations or prosecutions of US citizens, will deny military aid to states that have ratified the treaty (with some exceptions), and may use "all necessary means" to return anyone detained by the ICC to the USA.

The USA also asked governments around the world to enter bilateral impunity agreements not to surrender or transfer US nationals to the ICC. It exerted extreme pressure on states to meet this request, in many cases threatening to withdraw military aid. At the end of the year, 17 states had signed such impunity agreements with the USA, although none have been ratified so far.

AI called on the USA to abandon its attacks on the ICC and to join the international community in its effort to end impunity.

Economic, social and cultural rights

In the globalized world of 2002, where there was vast wealth and opportunities for some, and destitution and despair for many, and where the talk was of war on nations, not of war on poverty, AI broke new ground to focus its work not only on legal justice but also on social justice. Through its activities on economic, social and cultural rights, AI is determined to demonstrate the interdependence of human rights. All human rights have an intrinsic value, but respect and fulfilment of one right may be essential to achieving progress in relation to another. The "security of the person" stands at the heart of political and civil rights, but it means little if people are starving.

AI's strategy on economic, social and cultural rights focuses on marginalized people, such as the extremely poor who suffer grave and systematic deprivation of a wide range of rights. Medical care, clean water and adequate food are often beyond their reach. They may be barred from access to schools and jobs. Many are forcibly displaced from their land. Police often refuse to enter their communities to defend women from violence, to combat racist attacks, or to protect the poor from crime.

Scenes from the special International Criminal Court event at the UN, April 2002. More than 60 countries have ratified the Rome Statute of the International Criminal Court, triggering the Statute's entry into force on 1 July 2002. The picture top right shows the empty chair of the US representative.

Attempts to seek justice – whether through the courts, the police, regulatory bodies or government agencies – are thwarted by illiteracy, discrimination, poverty and arbitrary abuse of power by those in authority. Access by the marginalized to mechanisms of redress is often denied on account of their ethnic, religious or linguistic background or simply because they are poor and therefore have little influence on government. Women and girls in most cases face further exclusion.

AI believes that communities which suffer systematic or severe denial of economic, social and cultural rights demonstrate in their everyday life the interdependence of all human rights.

Gearing up its capacity to work on economic, social and cultural rights, AI is seeking to strengthen its expertise and build bridges with groups already active in these areas. A good start was made in 2002 with a number of pilot projects on issues such as discrimination against the mentally disabled in Bulgaria, the right to work of Palestinians in the Occupied Territories, discrimination in economic and social rights suffered by Bosnian refugees and displaced persons, and the right to health of HIV/AIDS victims in southern and east Africa.

AI's work on economic, social and cultural rights seeks to draw attention to the obligations of different actors to respect, protect and fulfil these rights. Just as with civil and political rights, the primary obligation falls on national governments. However, in many cases foreign governments, international organizations and private companies can both violate economic, social and cultural rights and take steps to ensure that they are respected. All have legal obligations in relation to economic, social and cultural rights – and there are strong ethical arguments for believing that they must act on these to ensure that goals such as universal primary education and eradicating preventable disease and hunger are achieved.

Military, security and police transfers

Throughout the year AI continued to call on governments to introduce stringent controls using human rights and humanitarian law criteria for arms exports and arms brokering. AI also made further efforts to prevent the trade of security equipment used for torture, and to convince governments of the need to base military and police training on respect for international human rights and humanitarian law.

At the summit meeting in Calgary, Canada, of the Group of Eight (G8) most industrialized states in mid-2002, AI lobbied for tough arms controls. The G8 leaders agreed to "support efforts by African countries and the United Nations to better regulate the activities of arms brokers and traffickers and to eliminate the flow of illicit weapons to and within Africa" and to "support the reform of the security sector through assisting the development of democratically controlled police structures".

In July AI hosted an international meeting between several NGOs and lawyers to develop the text of an Arms Trade Treaty, building on the work of a group of Nobel Peace Laureates. The proposed treaty codifies state obligations under international law preventing arms exports that would contribute to violations of human rights and humanitarian law.

While the world focused on weapons of mass destruction, AI urged governments not to use weapons with indiscriminate effects, and continued to raise awareness about the human rights abuses facilitated by the supply of small arms and light weapons, particularly to areas of conflict. In August, the UN Sub-Commission on the Promotion and Protection of Human Rights proposed the appointment of a Special Rapporteur on small arms. AI had called for the establishment of such a rapporteur in November 2001 at an international conference of humanitarian organizations held in Nairobi, Kenya, and contributed to discussions at the Sub-Commission itself. In October, AI presented an open letter to the UN Security Council shortly before the Council's Open Debate on Small Arms and Light Weapons. It called for tough controls on arms exports and on international arms brokers and carriers. In November, the Security Council considered the latest report by the Panel of Experts investigating breaches of the arms embargo and other sanctions on Liberia. In order to help reduce human rights abuses, AI supported the Panel's recommendation that the ban on arms and ammunition and other military assistance to both sides in the conflict in Liberia remain in force.

AI also worked on issues concerning military and police training. It produced a survey of police practices in countries of the Southern African Development Community, which was widely distributed in the region. Linked to this, training, lobbying and outreach activities

Poster for AI's action on policing and human rights in countries of the Southern African Development Community.
©AI

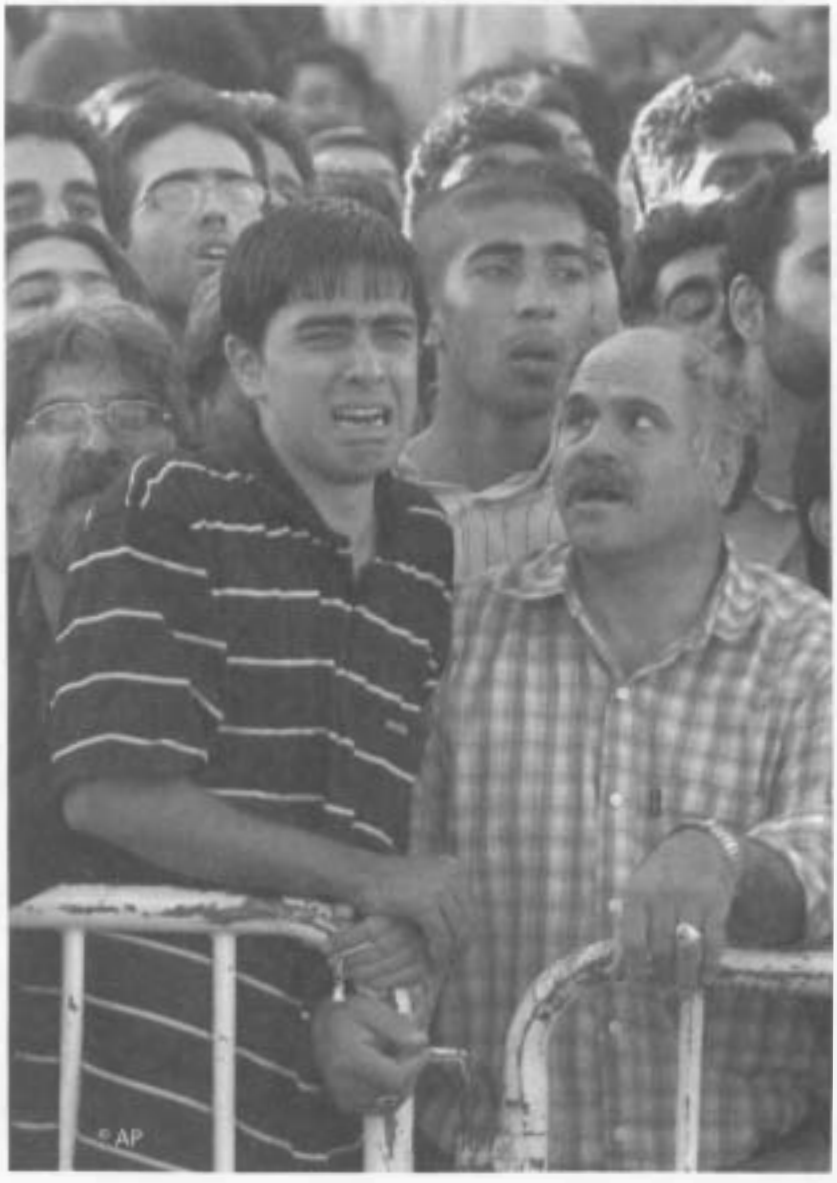
were organized, particularly by AI groups in southern Africa. Authorities in at least three countries began the process of amending their laws as a result of lobbying.

The organization also published a report that examined the failure of US government institutions to promote and protect human rights when providing military and police training to personnel from over 150 countries. As a result of lobbying, AI in the USA secured in September a legal requirement that the Secretary of State report annually to the US Congress "any involvement of a foreign military or defense ministry civilian" trained by the USA "in a violation of internationally recognized human rights..." Both the US Defense and State departments were to begin tracking and reporting on human rights violations committed by people trained by the US government. AI campaigners in the USA also defeated government efforts to remove human rights conditionality from US foreign assistance programs.

Death penalty

The world moved closer to universal abolition of the death penalty in 2002, although many countries continued to execute prisoners. Cyprus abolished the death penalty for all crimes in April, when the Military Criminal Code was amended to remove the death penalty for the military offences of treason and piracy. The Federal Republic of Yugoslavia abolished the death penalty in June when the penalty was removed from the laws of Montenegro, the only part of the country where it still existed. Turkey abolished the death penalty for peacetime offences in August.

By the end of the year, 76 countries had abolished the death penalty for all crimes. A further 15 countries had abolished it for all but exceptional crimes such as wartime crimes. At least 20 countries were abolitionist in practice: they had not carried out any executions for the past 10 years or more and were believed to have an established practice of not carrying out executions or



An unidentified youth cries as people watch a public hanging in Tehran, Iran, September 2002.

had made an international commitment not to do so. Eighty-four other countries and territories retained the death penalty, although not all of them passed death sentences or carried out executions during the year.

On 25 April, for the sixth consecutive year, the UN Commission on Human Rights adopted a resolution calling for a moratorium on executions. The resolution also urged states that maintained the death penalty not to use it for "non-violent acts such as... sexual relations between consenting adults".

Protocol No. 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) was adopted by the Committee of Ministers of the Council of Europe on 21 February. Protocol No. 13 is the first international treaty to provide for the abolition of the death penalty in all circumstances with no exceptions permitted. When the Protocol was opened for signature in Vilnius, Lithuania, on 3 May, 36 of the 44 member states of the Council of Europe signed the Protocol, indicating their intention to become parties to it. The Protocol will enter into force three months after 10 states have ratified it. By the end of 2002 five countries had ratified it.

In May the World Coalition against the Death Penalty was founded in Rome, Italy. An offshoot of the first World Congress against the Death Penalty, held in Strasbourg, France, in June 2001, this coalition unites national and international human rights organizations, including AI, bar associations, trade unions and local and regional authorities. In a statement released on 13 May, the then UN High Commissioner for Human Rights, Mary Robinson, described its launch as "an important milestone in the continuing international campaign aimed at limiting and, one day, eliminating the use of the death penalty everywhere in the world".

Meanwhile, executions continued. In 2002 at least 1,526 people were executed in 31 countries, and at least 3,248 people were sentenced to death in 67 countries. These figures include only cases known to AI; the true figures were certainly higher.

The vast majority of executions worldwide were carried out in a tiny handful of countries. In 2002, 81 per cent of all known executions took place in China, Iran and the USA.

- In China, preliminary figures indicated that at least 1,060 people were executed, many without a fair trial. The true number was believed to be much higher.
- At least 113 executions were carried out in Iran.
- Seventy-one prisoners were executed in the USA, including three who were under 18 years old at the time of the crimes of which they were convicted.

AI REPORT 2003
PART 2

AFGHANISTAN

AFGHANISTAN
President of the Transitional Administration: Hamid Karzai
Death penalty: retentionist
International Criminal Court: not signed

There were significant improvements in the human rights situation following the establishment of a new government in late 2001. Reconstruction of institutions responsible for enforcing the rule of law was ongoing, but essential institutions, including the police, prisons and judiciary, were undermined by a lack of resources and a tenuous security situation. Grave human rights abuses and armed conflict continued. Hundreds of people were arbitrarily detained and held in poor prison conditions. Impunity remained entrenched and perpetrators of human rights violations largely went unpunished. Violence continued with factional fighting between regional commanders and armed militias. Mass graves were discovered. Despite the lifting of restrictions on their freedom of movement, women feared for their security and were subjected to acts of violence, rape, public harassment and intimidation. Civilian deaths mounted as a result of continued US-led military air strikes and ground operations. Ethnic violence and retribution killings left a vast number of people internally displaced. Around 1.9 million refugees returned from neighbouring states, some under pressure from host countries, to live in an unsustainable and unstable post-conflict environment. The death penalty was imposed after trials that fell short of international fair trial standards.

Background

The six-month Interim Administration of Afghanistan inaugurated in December 2001 was in place until the convening of a traditional grand assembly or Emergency *Loya Jirga* in June. The *Loya Jirga*, originally intended to accord national legitimacy to the peace process, failed to open up space for democratic debate and entrenched in power many against whom there were allegations of massive human rights abuses. Reports of political intimidation, violence and insecurity surrounded the *Loya Jirga*. The Afghan monarch, Mohammed Zahir Shah, withdrew his candidacy shortly before the *Loya Jirga* to support Hamid Karzai, who was elected President. The new Transitional Administration differed only slightly from the Interim Administration, retaining several powerful cabinet posts in the hands of those from the Tajik-dominated United Front.

In February Civil Aviation Minister Abdul Rahman was killed at Kabul airport and in July Vice-President Haji Abdul Qadir was shot dead in Kabul. In September President Karzai survived an assassination attempt in Kandahar.

The central government had no real control outside Kabul following the departure of the *Taleban*, resulting in increased lawlessness, factional fighting and repression, and continued human rights abuses. Despite numerous calls to expand the UN-mandated peace-keeping operation, the International Security Assistance Force (ISAF) was only present in Kabul.

The administration was mandated to form a constitution, army and legal system before the election of a new government through the Constitutional *Loya Jirga* by December 2003. However, efforts to rebuild Afghanistan's devastated infrastructure, institutions and civil society were hampered by the precarious security situation. Many people in the country called for an increase in aid and rapid fulfilment of promises for assistance from donors.

Impunity and the administration of justice

Impunity remained entrenched. Reports of violence, torture, including rape, and ill-treatment by armed militia, regional commanders and police continued. US coalition forces allegedly funded and rearmed militias and those regional commanders crucial to helping their "war on terror" despite concerns about abuses by these groups. AI received information about "informal" or "private" jails supervised by commanders not authorized to carry out such activities, raising fears about the arbitrary nature of detention by parallel systems of "law enforcement" frequently run by armed militias outside the ambit of the rule of law.

The police, prisons and other institutions essential for the implementation of the rule of law were hampered by a shortage of funds, lack of training for personnel, and a lack of command and control structures that would help to ensure accountability. Extortion and arbitrary detention by police, fuelled by a lack of pay, were reported in many parts of the country. Torture during police interrogation was common. People were detained for long periods without a court appearance. Living conditions for detainees and working conditions for prison wardens were poor. The German Project for Support of the Police in Afghanistan provided support and coordination for training a new police force. However, by the end of the year no donor had stepped forward to provide such support for the reconstruction of the prison system.

In November Afghan police used excessive force and fired into a crowd of unarmed students demonstrating for better living conditions at Kabul University. At least two students were reportedly killed and more than 20 injured.

"Nasir", a man in his mid-twenties, was arrested in April and held in Kabul Central Jail. During interrogation he was beaten and received electric shocks on his toes. He was held in detention for seven months without a court appearance.

In November a judicial commission was established to oversee the rebuilding of the dilapidated justice system but had made little progress by the end of the year.

AI welcomed the establishment of the Afghan Independent Human Rights Commission (AIHRC) in June, although lack of political support from sections of the central government, and administrative and organizational difficulties, meant it failed to make significant progress. The AIHRC's mandate included overseeing a process of national consultation on transitional justice, instituting a program of human rights education, and monitoring and investigating human rights abuses. The UN Assistance Mission in Afghanistan, mandated to monitor and investigate human rights abuses, was often silent or appeared inactive on these issues.

Little action was taken to bring to justice perpetrators of human rights abuses committed over the past 23 years or to identify a transitional justice strategy on war crimes. Military commanders suspected of past grave human rights abuses were integrated into the Transitional Administration.

The first and only attempt to date to bring to justice a former *Mujahideen* commander accused of grave human rights violations fell far short of international fair trial standards, highlighting the inadequacies of the current justice system to cope with such cases. Abdullah Shah, a commander from Paghman, was brought to trial in September, and later called for a retrial in October. No defence lawyer was present. Twenty-three written complaints formed the bulk of the evidence but there was no opportunity for cross-examination. Following the retrial Abdullah Shah was sentenced to death. President Karzai had not made the final decision on his death sentence by the end of the year.

In the debate about what to do regarding mass graves in Afghanistan, important questions were raised about the need for effective witness protection programs and about what should be prioritized for investigation.

The mass grave in Dasht-e-Leili, near Shibarghan desert, contained the remains of hundreds of *Taleban* prisoners who reportedly suffocated to death while being transported in sealed containers from Kunduz to Shibarghan prison near Mazar-e-Sharif in 2001. In May the UN conducted a preliminary investigation at the site with the assistance of the non-governmental organization (NGO) Physicians for Human Rights. Three bodies from the grave were exhumed and autopsies conducted, which found injuries consistent with death by asphyxiation. The United Front under the command of General Abdul Rashid Dostum was implicated in these deaths by witnesses. Several of the witnesses were themselves reportedly later harassed and subjected to torture, arbitrary detention and extrajudicial killing. The UN was called on to protect the site until a full investigation could be completed, following accusations that evidence had been disturbed.

Death penalty

At least five people were sentenced to death, charged with murder, by courts whose procedures did not conform to international fair trial standards. No executions were known to have been carried out.

Women's rights

Taleban decrees that restricted women's movement to the home were lifted with the inauguration of the Interim Administration. However, sexual violence by armed factions and public harassment linked to cultural beliefs continued to restrict women's movement, expression and dress. Fears for their personal security prevented women from participating fully in civil society and denied them the opportunity to exercise their basic rights. This was heightened in areas outside Kabul, where security was administered by local and rival commanders. In Mazar-e-Sharif, rape, other sexual abuse and violence against Pashtun women were reported following the fall of the *Taleban*.

Repressive decrees that restricted women's movement and participation in civil society were proclaimed in Herat, an area governed by Ismail Khan, and women's NGOs increasingly suffered discrimination and intimidation.

Discrimination against women in the form of political intimidation was widely reported. Seven women school teachers from Pul-e-Chumri were dismissed because of their political activity during the *Loya Jirga*. The former Women's Affairs Minister, Sima Samar, was intimidated for her outspokenness in the *Loya Jirga*. She was summoned to a Kabul court in June on apparently politically motivated blasphemy charges that were later dropped.

Violence against women by both state and non-state actors continued. The violence took the form of rape, forced marriages, kidnappings, and traditional practices discriminatory towards women in settling tribal disputes. Women were unable to seek legal redress through the judicial system, which remained ill-equipped and deeply discriminatory. The traditional *jirga/shura*, an informal justice system, continued to operate, often resulting in discriminatory outcomes. The majority of women in prisons were detained for violating social, behavioural and religious codes.

Killings of civilians and reported violations of international humanitarian law

US-led military action in Afghanistan targeting the *Taleban* and *al-Qa'ida* continued throughout the year. An unknown number of civilians were reportedly killed during the US-led bombing campaign that began in October 2001. The exact number of casualties was not independently verified owing to a lack of independent investigations and public information. As a result, a lack of accountability for the civilian death toll caused by US-led military operations continued.

On 1 July an estimated 48 civilians died and more than 100 were injured when US warplanes bombed a wedding party in Kakarak village, Dehrawad district in Uruzgan province. The US Department of Defense first blamed an errant bomb for the civilian deaths. US officials later stated that the warplanes responded when they came under attack; local witnesses said it was celebratory gunfire, a tradition in Afghan weddings. The US authorities admitted that civilians were killed and dispatched an investigation team, but the results were not made public.

Civilians were also reportedly killed by armed Afghan groups engaged in disputes over territorial control in eastern and northern Afghanistan.

US-led ground forces continued to raid villages and reportedly detained civilians mistaken for *al-Qa'ida* or *Taleban* soldiers, and failed to disclose full information on the circumstances of the arrests.

On 17 March, at least 31 men were arbitrarily arrested and detained when US soldiers raided a compound near Kandahar. They were subsequently released when it was established that they were civilians. The detainees alleged they were ill-treated by US soldiers. They said that they were punched and kicked while their hands were tied behind their backs and hoods placed over their heads, and that US soldiers walked on their backs as the detainees lay on their stomachs. It was alleged that the detainees had their body hair shaved by US military officers. For the next few days between 10 and 18 detainees were held in cages measuring 5m by 10m, with buckets for toilets.

Some of the hundreds of Afghans and men of other nationalities who had been detained were transferred to the US base in Guantánamo Bay, Cuba. They were held there in virtual limbo with neither prisoner of war status nor the protection afforded to criminal suspects under international human rights standards. (See also USA entry.)

Prisoners associated with the conflict

Hundreds of suspected members of the *Taleban* and *al-Qa'ida* were arbitrarily detained by Afghan authorities and remained in prisons throughout the country without charge or trial. There were serious concerns about reported ill-treatment of these prisoners. Reports of overcrowding, inadequate medical treatment and food shortages exacerbated fears about poor prison conditions. A series of releases of detainees began in April, which helped to relieve overcrowding.

Ethnically motivated violence and internally displaced persons

Fears over ethnic violence and retribution killings kept thousands of refugees from returning to their homes. People fled their homes in northern Afghanistan where violence and factional fighting plagued the region after the fall of the *Taleban*. Ethnic Pashtuns faced widespread abuses, including killings, sexual violence, extortion, looting and the burning of houses. The three main armed groups in the north and their militias were implicated in the violence.

Dozens of such incidents were reported in Balkh, Samangan and Sar-e-Pul in January and February. Pashtuns were also reportedly attacked in Badghis and Kunduz and in Herat province. Numerous attempts by the authorities and the UN to bring peace and security in the north were undermined, and Pashtun communities and displaced families remained vulnerable to persecution. Families fleeing human rights abuses and violence contributed to an estimated 700,000 internally displaced people within Afghanistan.

Refugees and asylum-seekers

Up to two million refugees returned to Afghanistan following the collapse of the *Taleban* government, despite ongoing conflict and insecurity in the country. The situation in Afghanistan was not conducive to the promotion of voluntary repatriation.

More than 1.6 million Afghans returned from Pakistan and over 350,000 returned from Iran, many under the UN High Commissioner for Refugees (UNHCR) repatriation program. Erosion of protection standards in Iran and Pakistan, and considerable pressure on the refugee population to leave, undermined the voluntariness of return. Non-neighbouring states took advantage of this to return Afghan asylum-seekers. Australia signed a bilateral agreement with Afghanistan's Interim Administration and the United Kingdom and France signed tripartite agreements with the Transitional Administration and UNHCR offering cash incentives for the voluntary return of Afghan refugees and asylum-seekers.

The lack of infrastructure and functioning health and education systems, and continued human rights violations, insecurity and drought continued to be major problems affecting the reintegration of the large number of people returning. In June UNHCR reported a shortfall of funds for the return operation. This raised serious concerns about the sustainability of returns and called into question the implementation of the principle of non-*refoulement*.

AI country reports/visits

Reports

- Afghanistan: Open letter to participants in the International Conference on Reconstruction Assistance to Afghanistan (AI Index: ASA 11/002/2002)
- Afghanistan: Continuing need for protection and standards for return of Afghan refugees (AI Index: ASA 11/014/2002)
- Afghanistan: Open letter to President Karzai regarding Amnesty International's recommendations for the rebuilding of the criminal justice system (AI Index: ASA 11/011/2002)
- Afghanistan: Human rights concerns – a message from NGOs to donors (AI Index: ASA 11/016/2002)

Visits

AI established a field presence in Kabul and AI delegates visited Afghanistan throughout the year.

ALBANIA

REPUBLIC OF ALBANIA
Head of state: Alfred Moisiu (replaced Rexhep Meidani in June)
Head of government: Fatos Nano (replaced Ilir Meta in July)
Death penalty: abolitionist for ordinary crimes
International Criminal Court: signed

Detainees, including children, continued to be frequently ill-treated and sometimes tortured during arrest and in police custody, usually to force confessions. Judicial proceedings against police officers accused of ill-treatment were rare. There were instances of illegal detention, and instances where relatives, a lawyer or doctor were denied access to a detainee following arrest. Conditions of detention were often poor, and in some cases, because of severe overcrowding, lack of hygiene and fresh air, amounted to cruel, inhuman and degrading treatment. The authorities took measures to suppress the trafficking of women and girls for sexual exploitation, and the sale of children to criminal gangs, but the conviction rate was low.

Torture and ill-treatment

The ill-treatment of detainees during arrest and in police custody was common. In some cases the ill-treatment was so severe as to amount to torture. In March the Minister of Public Order reportedly stated that a special group would examine the problem of "police violence" against detainees, but no more information emerged. In October and November, monitors from the non-governmental Children's Human Rights Centre of Albania visited a number of police stations and found that police routinely ill-treated, and at times tortured, children to extract confessions.

By the end of 2002 Albania had still not submitted reports, due in 1995 and 1999, to the UN Committee against Torture.

On 5 March Sabaudin Çela from Vlora in southern Albania was returning from work when the chief of crime police of Vlora police station and two other men allegedly forced him into a car at gunpoint. He later stated that they drove him to the outskirts of the city where he was beaten until he lost consciousness. It appears that they believed he had information about a murder case. After he regained consciousness, they questioned him. When he told them that he knew nothing, they allegedly hit him with pistol butts and truncheons and burned him with cigarettes. An AI representative visited him in hospital two days later and found that he had severe bruising on his back, head and legs. The chief of crime police was suspended from service and placed under house arrest. At the end of September he was indicted on a charge of "arbitrary acts" and two civilians were charged *in absentia* with having assaulted and injured Sabaudin Çela.

On 20 October Ardian Muja was arrested on suspicion of placing explosives in the car of the chief of police in Shkodra. Two days later he filed a complaint alleging that he had been beaten and severely injured by police officers at Shkodra police station to force him to confess. Although he was taken by police to hospital for treatment, his request for examination by a forensic medical expert had reportedly not been granted by 28 October.

Investigation of alleged police ill-treatment

Judicial proceedings against police officers accused of ill-treatment were rare. The limited information available indicated that in the few cases in which officers were convicted, they almost always received non-custodial sentences (fines or suspended prison sentences).

A police officer was tried by a court in Saranda for allegedly torturing an 11-year-old boy whom he wrongly suspected of theft in June 2000. The local prosecutor had previously dismissed the case, but as a result of the repeated intervention of the Ombudsman investigation proceedings were reopened. In July the officer was found guilty of "abuse of office" for detaining the boy beyond the legal time limit and for interrogating him without the presence of a lawyer or guardian. The court found that he had not ill-treated the boy and imposed a suspended sentence of 18 months' imprisonment. The officer was dismissed from the police force following the allegations made against him, but was subsequently given the post of Chief of Municipal Police in Saranda.

Illegal detention and denial of access

There were instances of illegal detention, and instances where detainees were denied access to relatives or a doctor. It appeared to be routine practice for police not to inform detainees of their rights.

On 7 January police in Vlora arrested and allegedly ill-treated Neritan Gjikondi, a 21-year-old disabled man. He was not brought before a court until seven days later, when a judge remanded him in custody. Under Albanian law he should have been brought before a judge within 48 hours of arrest. Neritan Gjikondi's father was allegedly denied access to his son when he attempted to visit him at Vlora police station after his arrest.

Two brothers, Zef and Dedë Përgjini, were arrested in Lezha on 5 April and ill-treated and injured by police. They were denied access to a doctor for about three weeks; a prosecutor's order for Dedë Përgjini to be examined by a forensic medical specialist was reportedly ignored. An investigation by the Ombudsman concluded that the two men and another brother, Gjokë, had been ill-treated, and recorded other breaches of the law. The Ombudsman recommended that penal proceedings be started against six police officers and the local prosecutor.

On 6 February police arrested Ilir Hajrullai, aged 22, in Ferras, without an arrest warrant. He was not informed of any charges against him and neither he

nor his family were told where he was being taken. On 7 February he reportedly learned that he had been charged with "collaboration with a terrorist organization". Several days later he was remanded in custody by a court. He was allegedly not permitted to choose a lawyer, but had a court-appointed lawyer, who did not know his case and apparently did not challenge his detention. At the end of April, following publicity about his case, he was released without charge. It appears that the authorities suspected that he might be associated with *al-Qa'ida*. Ilir Hajrullai had been studying at an Islamic college in Kuwait, where his sister was married to a Kuwaiti citizen. They both had been previously detained for three weeks for questioning about her Kuwaiti husband.

Conditions of detention

Conditions of detention were often harsh, and in some cases, because of overcrowding and lack of hygiene, amounted to cruel, inhuman and degrading treatment. In February, 16 prisoners detained in Vaqarr prison reportedly threatened a hunger-strike in protest at the lack of water in their cells. In March there were 204 prisoners in this prison, which has a capacity for 130.

Conditions in police cells were generally held to be even worse than in prisons. Minors were often not detained separately from adults. In May, 10 convicted prisoners went on protest hunger strike in Rrëshen police station in Mirdita district. The Albanian Human Rights Group, a local non-governmental organization, reported that 32 detainees were held there in six cells intended for two, or at most three, detainees. In early October there were over 100 detainees held in Vlora police station in cells with a capacity of 40 to 50. Detainees had no beds or mattresses; cells had minimal light and ventilation; there was no running water and drains were blocked. Detainees, among them six convicted prisoners, were denied reading and writing materials, and access to radio or television. Their only permitted recreation was smoking cigarettes.

Trafficking of women and children

The authorities took measures to suppress the trafficking of women and girls for sexual exploitation, and of children who were forced to beg for criminal gangs. However, the conviction rate in such cases was very low.

AI country reports/ visits

Report

- Albania: Alleged ill-treatment of detainees (AI Index: EUR/11/006/2002)

Visits

AI representatives visited Albania in March and September to conduct research.

ALGERIA

PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA
Head of state: Abdelaziz Bouteflika
Head of government: Ali Benflis
Death penalty: retentionist
International Criminal Court: signed

The number of people killed in the context of the internal conflict, which had been raging for over a decade, remained high. Hundreds of civilians, including children, were killed in attacks by armed groups. Hundreds of members of the security forces, state-armed militias and armed groups were killed in attacks, ambushes and armed confrontations. Some 10 civilians were unlawfully killed by the security forces in the context of anti-government demonstrations. Torture continued to be widespread, particularly during secret and unacknowledged detention. Human rights defenders were harassed and intimidated by the authorities. The overwhelming problem of impunity for human rights violations continued to block the search for truth and justice in relation to the thousands of reports of torture, "disappearances" and killings committed by the security forces, state-armed militias and armed groups since 1992. The state of emergency imposed in 1992 remained in place. The moratorium on executions declared in December 1993 continued to hold.

Background

The *Front de libération nationale* (FLN), National Liberation Front, which until 1989 had been the only permitted political party, won an absolute majority in legislative elections in May. The elections were marked by the lowest turnout since independence in 1962, with less than half of the electorate casting their vote. The predominantly Amazigh (Berber) region of Kabylia saw an almost total boycott of the polls. Local elections in October were marked by a similarly low voter turnout.

In April the Constitution was amended to include Tamazight, the Amazigh language, as a "national language", which imposes a duty on the state to promote and develop all variations of the language in use in Algeria. Amazigh activists continued to demand that Tamazight be made an official language on a par with Arabic.

In April Algeria and the European Union signed the Euro-Mediterranean Association Agreement. The accord focuses on trade, economic integration, security and political relations, but also contains a legally binding clause obliging the contracting parties to promote and protect human rights.

In June a complaint was lodged in France against retired general Khaled Nezzar, alleging that he was responsible for incidents of torture committed while he was Algeria's Defence Minister from 1990 to 1993. This followed an earlier complaint of torture brought

against him in 2001. In July the prosecution in Paris dropped both complaints, noting a lack of evidence which pointed to the direct responsibility of Khaled Nezzar for the incidents of torture.

In July former army officer Habib Souaidia stood trial in Paris, accused by Khaled Nezzar of defamation. The lawsuit followed statements made by Habib Souaidia on French television about the involvement of the Algerian armed forces in gross human rights violations during the 1990s. The court hearings generated a succession of testimonies relating to the current conflict and the mass human rights abuses which have characterized it, from historians, politicians, members of the military and intellectuals of all political tendencies. In September the court dismissed the defamation suit, arguing that Habib Souaidia had acted in good faith.

Algeria hosted three international meetings relating to "counter-terrorism" and "organized criminality" during the year. Official statements made at the time of these meetings indicated that Algeria was seeking support for its view that the "counter-terrorism" approach it had followed in the last decade had been vindicated in the wake of the attacks in the USA on 11 September 2001. A similar message was given in Algeria's reports of 24 December 2001 and 15 August 2002 to the UN Security Council's Counter-Terrorism Committee which presented steps taken "to prevent and combat terrorism". Some of these measures, including legislative amendments from previous years and ratifications of instruments such as the Arab Convention for the Suppression of Terrorism, present a serious threat to human rights. Algeria's "counter-terrorism" approach was criticized by AI and others as being a pretext to justify mass human rights violations. During the year, the USA publicly declared its support for Algeria's "counter-terrorism" policy.

Killings in armed conflict

Hundreds of civilians were killed by armed groups in both targeted attacks in towns and villages or at false roadblocks, and in indiscriminate bomb explosions. Individual attacks often left dozens dead or seriously injured. In the vast majority of cases no group claimed responsibility and no one was brought to trial for carrying out the attack.

Hundreds of members of the security forces, state-armed militias and armed groups were killed in ambushes and armed confrontations. However, as a result of official restrictions on information about such incidents, it was often not possible to obtain precise details about the identity of the victims or the exact circumstances of their deaths. Dozens of members of armed groups who had surrendered to the authorities in previous years reportedly rejoined armed groups.

More than 40 civilians were killed and dozens more were injured when a bomb exploded in a crowded market in Larba, 25km south of Algiers, on 5 July, the 40th anniversary of Algerian independence.

Killings and arrests during demonstrations

Some 10 unarmed civilians, including a 14-year-old boy, were killed by the security forces in March and April, in the context of waves of anti-government demonstrations. Protests continued to rock parts of the country, particularly the predominantly Amazigh region of Kabylia in northeastern Algeria, throughout much of the year. The demonstrations focused mainly on political repression and deteriorating socio-economic conditions. Some of the civilians killed were reported to have been shot dead with live ammunition. Others were said to have been beaten or stabbed to death, and some were believed to have died after being hit by rubber bullets or tear-gas grenades apparently aimed at protesters' heads.

Scores of protesters were arrested during or following these demonstrations and detained for several months. Among them were more than 60 political activists from Kabylia who were held without trial from March on public order charges; they were provisionally released in August. Dozens of other demonstrators were tried and sentenced to between several months and several years' imprisonment. Some were freed after serving their terms. The rest were released as part of a presidential amnesty in August.

Torture and secret detention

Torture remained widespread. Many of those reported to have been tortured had been arrested on suspicion of having links with armed groups. They were reportedly tortured during periods of secret and unacknowledged detention lasting days or weeks, often in bases belonging to the military security service, officially known as the *Département du renseignement et de la sécurité* (DRS), Department of Information and Security. During these periods of secret detention, the government and judicial authorities systematically denied all knowledge of the detainees and only acknowleged their detention when they were brought to court or released.

Reported cases of torture were believed to represent only the tip of the iceberg since many victims, particularly in common-law cases, chose not to complain, fearing that this would only exacerbate their predicament or expose family members to reprisals from the authorities.

Brahim Ladada and Abdelkrim Khider, both shopkeepers in their early thirties living in the northeastern coastal town of Dellys, were repeatedly tortured in March while in secret and unacknowledged detention at a DRS base near Algiers. They were allegedly forced into making statements, dictated to them by their torturers, in which they confessed to having links with both an armed group and an Algerian human rights lawyer living in exile in Switzerland. AI believes that Brahim Ladada and Abdelkrim Khider may have been arrested and tortured because they had passed reports of human rights violations committed by the security forces to this lawyer. The two men were allegedly stripped naked and kept in this state throughout the 12 days or so that they spent at the DRS base. On several occasions, they were reportedly beaten with batons and plastic pipes and also tortured by the so-called

chiffon method, in which a rag is forced into the mouth and dirty water, containing detergent and other impurities, is poured through it.

Human rights defenders

Human rights activists were harassed and intimidated during the year by the Algerian authorities. Some were brought to trial on apparently politically motivated charges. Others, including lawyers and relatives of the "disappeared", received threats, including death threats, from members of the security forces or people believed to be security agents.

Mohamed Smain, President of the Relizane branch of the *Ligue algérienne de défense des droits de l'homme* (LADDH), Algerian League for the Defence of Human Rights, was sentenced to one year in prison in February on charges of defamation, after raising questions in the press relating to the state's involvement in serious human rights violations. At the end of the year he was at liberty pending the outcome of an appeal to the Supreme Court.

Abderrahmane Khelil, an LADDH member in Algiers and an activist in the *Comité SOS-Disparus*, a committee working on the issue of the "disappeared", and his friend, Sid Ahmed Mourad, were each given a six-month suspended prison sentence in May for undertaking research into the circumstances surrounding the arrests of university students in the lead-up to the May legislative elections. The two men were sentenced on the vague charge of "inciting an unarmed gathering".

Prison conditions

Some 50 prisoners died and around 100 were injured after fires broke out in separate incidents inside 12 prisons in April and May. The head of the official human rights body, the *Commission nationale consultative de promotion et de protection des droits de l'homme* (CNCPPDH), National Advisory Commission for the Promotion and Protection of Human Rights, called for investigations to take place into allegations that the high death tolls were due to inhumane prison conditions, including gross overcrowding. The Justice Ministry said it had opened an inquiry into the events, but no findings had been made public by the end of the year.

Failure to establish truth and justice

The head of the CNCPPDH made repeated statements during the year about the need for investigations into human rights abuses and pledged, in particular, that the problem of the "disappeared" would be resolved before the end of the year.

However, no concrete action was known to have been taken by the authorities to clarify the fate of some 4,000 men and women who "disappeared" after arrest by members of the security forces or state-armed militias between 1993 and 2000. Similarly, no steps were known to have been taken to investigate information provided by families about the alleged burial place of relatives who had been abducted and killed by armed groups, but whose bodies were never found.

The gendarme accused of shooting dead schoolboy Massinissa Guermah inside a gendarmerie in Kabylia in April 2001 was sentenced to two years' imprisonment for "manslaughter" by a military court in October. The shooting had sparked off a wave of protest demonstrations in the region. However, by the end of the year, only a very limited number of judicial proceedings were known to have been started against those responsible for the unlawful killings of more than 100 unarmed citizens in the context of demonstrations in the region, despite the authorities' repeated announcements that the security force personnel involved would be brought to justice. An official commission of inquiry had concluded in 2001 that the security forces had repeatedly resorted to excessive use of lethal force during the demonstrations.

No full, independent and impartial investigations were carried out into the mass human rights abuses committed since 1992, including thousands of cases of extrajudicial executions, deliberate and arbitrary killings of civilians, torture and ill-treatment, and "disappearances". In the overwhelming majority of cases, no concrete measures were known to have been taken to bring to justice those responsible for human rights abuses committed by the security forces, state-armed militias or armed groups in 2002 or previous years.

International organizations

The UN Working Group on Enforced or Involuntary Disappearances, which had asked in 2000 to visit Algeria, had not been granted access to the country by the end of 2002. Long-standing requests by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Special Rapporteur on torture to visit Algeria had not resulted in invitations by the end of 2002. The UN Special Rapporteur on freedom of religion or belief visited the country in September.

In October, when giving its assent to the Association Agreement between the European Union and Algeria signed in April, the European Parliament passed a resolution which expressed serious concern about different aspects of the human rights situation in the country, including impunity, killings and "disappearances".

The International Committee of the Red Cross (ICRC) continued prison visits, resumed in 1999.

AI country reports/visits

Report

- Algeria: When token gestures are not enough – human rights and the Algeria-EU accord (AI Index: MDE 28/007/2002)

ANGOLA

REPUBLIC OF ANGOLA
Head of state: José Eduardo dos Santos
Head of government: Fernando da Piedade Dias dos Santos (replaced Eduardo dos Santos in December)
Death penalty: abolitionist for all crimes
International Criminal Court: signed

Prospects for an end to the 27-year conflict between government forces and those of the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, improved when a cease-fire was agreed in April. This followed the death of UNITA leader Jonas Savimbi in a gun battle in February. Humanitarian aid was slow to reach former UNITA soldiers and their families as well as thousands of displaced people living in areas formerly under UNITA control. Human rights abuses were reported in the Cabinda enclave where conflict with armed separatists continued. Police carried out beatings and other human rights violations with impunity.

Background

Following the April agreement both the government and UNITA expressed a firm commitment to peace. The agreement included a timetable for the quartering and disarmament of UNITA troops and provisions for completing other outstanding requirements of the 1994 Lusaka Protocol to the peace agreement of 1991.

In August, UNITA's military wing was formally disbanded. More than 100,000 former UNITA soldiers assembled in camps awaiting assistance to return to civilian life. Some returned to their homes but most remained in the camps at the end of the year. Five thousand other former UNITA soldiers were integrated into the Angolan armed forces and police. Some 30,000 weapons were collected from the quartered soldiers but many more were believed to remain in civilian hands in rural and urban areas.

In August the UN Mission in Angola (UNMA) replaced the UN Office in Angola (UNOA). The head of UNMA chaired the Joint Commission set up under the Lusaka Protocol to oversee the implementation of the peace process but this was replaced in November by a consultation body of government and UNITA representatives. UNMA's mandate included the promotion and protection of human rights, support for the reintegration of demobilized soldiers into civilian life and facilitating the delivery of humanitarian aid.

The two UNITA factions, UNITA-Renewed and the faction which had continued to support Jonas Savimbi, officially reunited as a political party. In December the UN Security Council voted to end sanctions against UNITA.

Civil society groups such as churches and non-governmental organizations (NGOs) contributed to the peace process, including through promoting human rights and peaceful conflict resolution. A government program to reunite families separated by war enabled people to broadcast messages on the national radio or to gather at a meeting point in Luanda to search for missing relatives or display their photographs. The International Committee of the Red Cross (ICRC) increased its tracing program.

The Angolan government helped to broker an agreement signed in Luanda in August for the withdrawal of Ugandan troops from the Democratic Republic of the Congo (DRC). In October the Angolan government declared that it had withdrawn the military force sent to the DRC in 1998 to support DRC government forces. In December it said that it had repatriated troops sent to the Republic of the Congo in 1997 to assist the forces of the current President, Denis Sassou Nguesso, against the then President, Pascal Lissouba, whom the Angolan government suspected of supporting UNITA.

In December the President appointed the former Interior Minister, Fernando da Piedade Dias dos Santos, as Prime Minister. The post of Prime Minister had been vacant since 1999.

Impunity for human rights violations and war crimes

An amnesty law was passed to accompany the April peace agreement. It provided immunity from prosecution for all crimes against the security of the state and military crimes committed within the context of the armed conflict. The law ruled out amnesties for military crimes resulting in death. The Angolan media reflected an angry public reaction to expressions of concern by representatives of the UN, AI and others that such laws provided impunity for human rights violations and war crimes. However, despite this and previous amnesty laws, there were calls for a process to reveal the truth about past human rights abuses including mass summary executions by both sides.

One person was handed over to face justice. Augustin Bizimungu, a former Rwandese army commander accused of complicity in the 1994 Rwanda genocide, was identified among over 600 foreign soldiers who had been fighting with UNITA. Angolan authorities arrested him in Moxico province in August on the basis of a warrant issued by the International Criminal Tribunal for Rwanda and transferred him to the custody of the Tribunal in Tanzania.

Forced displacement

During the last months of fighting, particularly in the east of the country, both sides allegedly burned houses and crops and forced civilians to transport looted goods. Some communities suffered repeated forced displacement. Many people died while fleeing attacks and most of those who reached the towns arrived in a critical condition. Government troops were said to have forcibly transported hundreds of people to towns in Moxico and Kwando Kubango provinces, where they lacked adequate access to shelter, water or sanitation. The April cease-fire revealed a further 600,000 civilians who had previously been inaccessible to aid

organizations. Aid agencies gathered testimonies about forced displacement, rape and unlawful killings.

Inadequate delivery of humanitarian assistance to vulnerable groups

Forced displacement gave rise to a widespread humanitarian crisis which remained acute until June. Out of a total of about 4.4 million people displaced in 2002 and previous years, some 1.9 million remained heavily dependent on humanitarian aid. The delivery of food and other items to former UNITA soldiers, their families and the internally displaced was slow and inadequate.

The government experienced difficulties in providing sufficient humanitarian assistance to the quartering areas where the expected total of 50,000 former UNITA soldiers swelled to over 80,000. Camps in remote areas were most severely affected. UN agencies and non-governmental aid organizations assisted over 300,000 UNITA family members in addition to the internally displaced. The international community was slow to respond to urgent appeals for further funding but called on the government to increase financial transparency and to use its oil revenues to purchase humanitarian supplies. Aid agencies complained that the government was impeding aid shipments and deliveries through inefficient customs and other bureaucratic procedures and that some government officials harassed and intimidated aid workers. The destroyed transport infrastructure and the presence of millions of landmines also hindered the delivery of aid.

Cabinda

Fighting between government troops and armed factions of the *Frente para a Libertação do Enclave de Cabinda* (FLEC), Front for the Liberation of the Cabinda Enclave, escalated, particularly in the northern part of the enclave, after government forces received substantial reinforcements in October.

There were numerous allegations of human rights abuses but it was difficult to obtain independent corroboration. FLEC sources reported indiscriminate bombardments and land attacks on villages and makeshift camps in the forest to which hundreds of civilians had fled. They said that during these attacks scores of unarmed civilians including women and children were killed and homes were looted and burned. They also reported that soldiers raped women and girls, sometimes in front of family members.

Soldiers, paramilitary police and security officers reportedly arbitrarily detained dozens of civilians suspected of assisting FLEC. In November soldiers were said to have arrested unarmed civilians in various villages to the east and south of Cabinda city and held them, without regard to required legal procedures, in an army base in Tando Zinze. Other suspected FLEC supporters were arrested in Cabinda city.

Ivo Macaia, a 44-year-old oil-company worker, was arrested without a warrant in Cabinda city in November by men in plain clothes. A few weeks previously, paramilitary police had questioned him on suspicion that he was a member of FLEC. After his arrest, paramilitary police reportedly handed him over to military police who questioned him about FLEC's military bases. He was subsequently said to have been taken to the village of Prata where he was held for five days in a hole full of water. In late December military police took him to his home, which they searched, and then took him away again. His whereabouts were unknown at the end of the year.

In December, members of the Coalition for Reconciliation, Transparency and Citizenship, an NGO, published a report on Cabinda detailing dozens of allegations of arbitrary arrest, torture, rape, and extrajudicial executions in 2002 and previous years.

FLEC factions were also reported to have attacked unarmed civilians and carried out other human rights abuses.

The *FLEC-Renovada* (FLEC-Renewed) faction was said to have captured a government soldier who was drawing water from a river near Champuto Rico village in late July and to have deliberately killed him a week later.

In response to the killing, government soldiers allegedly carried out a reprisal action against the village. They were reported to have kicked a 13-year-old girl in the stomach, beat other villagers with their fists and guns and subjected one to a mock execution. A dozen victims were subsequently taken to hospital.

Violations by police

Police were unable to respond adequately to the high level of violent crime which was particularly rife in densely populated urban areas where unemployment was the norm and weapons were freely available. Many suspected criminals reportedly used police or military uniforms to gain access to properties. Despite appeals by NGOs and its obligations under the Lusaka Protocol, the government did not institute a comprehensive program to collect weapons in civilian hands.

The most frequently reported abuses concerned police on patrol in towns and rural areas who resorted to beatings or other human rights violations when victims refused, or were unable, to pay bribes. Police reportedly raped or otherwise sexually assaulted women and girls. In rural areas, both military personnel and police demanded bribes at control posts. There were also reports of torture in police stations. The authorities claimed that police officers who disobeyed regulations or laws were dismissed or tried, but most perpetrators of human rights violations were not brought to justice.

Two men (names withheld) said they were tortured in a police station in a Luanda suburb in August after being arrested on suspicion of illegal possession of a pistol. Two police officers beat them using batons and the flat side of a cutlass blade. The detainees were then ordered to remove their shoes and received blows on the toes with a hoe. The hoe had a protruding nail which caused deep lacerations. Senior police officers were alerted after the detainees smuggled a note out of the police station. The detainees subsequently received some medical attention and were released without charge after eight days in custody. The

allegations of torture were under police investigation at the end of the year.

Police were reported to have used disproportionate or unnecessary force on several occasions. In one case, the police authorities reportedly opened an inquiry after officers allegedly beat at least five university students during a demonstration in Luanda in October. However, the results of the inquiry were not made public by the end of the year.

Rogério Ndunzi, aged 13, was shot dead by a police officer in Cabinda city in July. He was reportedly test-driving a car after helping his father to repair it when two police officers ordered him to stop. According to the boy's father, who was a passenger in the car, his son had been unable to stop before one of the police officers shot at the car, hitting the boy in the back of the head. The police reportedly held no inquiry into this incident.

In January, October and December police were said to have used excessive force while accompanying teams of workers sent by the authorities to confiscate land and demolish houses in different parts of Luanda. Demolitions were reportedly carried out without the legally required notice and without consideration or compensation for those in occupation.

In December police arrested eight residents of Golfe II, a Luanda suburb, and allegedly beat three of them with batons. Police claimed that they had resisted the demolition of their houses. On the same day, *Maos Livres* (Free Hands), an NGO, helped secure the release without charge of seven of the detainees. The eighth, who had sustained a broken arm, was released without charge three days later. He and one other victim of beatings submitted a complaint to the police about their treatment, but had received no response by the end of the year.

AI country reports/ visits

Report

- Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community (AI Index: AFR 03/004/2002)

ARGENTINA

ARGENTINE REPUBLIC
Head of state and government: Eduardo Duhalde
Death penalty: abolitionist for ordinary crimes
International Criminal Court: ratified

Hundreds of people were arrested during massive and widespread demonstrations and demonstrators were killed by police in circumstances that suggested that they had been extrajudicially executed. Human rights defenders, journalists and social activists were reportedly harassed and assaulted. Reports of killings and ill-treatment by police continued. During a mass raid on an indigenous community, police ill-treated and racially abused indigenous people. Judicial decisions in Argentina and new initiatives abroad to investigate past human rights violations were announced.

Background

The economic situation continued to deteriorate as the government tried to satisfy international lending agency conditions. The peso was devalued, cash withdrawals from banks were severely restricted and unemployment rose sharply. There were massive and repeated demonstrations around the country against government policies and public trust in state institutions reached its lowest ebb. The year saw the emergence of new social groups actively involved in public protests, including labour activists, associations of the unemployed and neighbourhood groups. Hundreds of demonstrators were arrested for short periods around the country, scores were injured and two demonstrators were killed by police.

Two laws which obstructed judicial investigations into thousands of "disappearances" that took place in the late 1970s and early 1980s – the Full Stop Law and the Law of Due Obedience – remained in force. However, in August the Attorney General supported earlier judicial decisions that they were unconstitutional. A final ruling by the Supreme Court was pending at the end of 2002. In November the Minister of Defence publicly supported the constitutionality of the laws and indicated that the Supreme Court would be taking risks if it agreed that the laws were unconstitutional.

Demonstrations

In June, two protesters were killed by provincial police during a demonstration in Avellaneda, Buenos Aires Province, in what appeared to be extrajudicial executions. Around 90 demonstrators were injured when hundreds of protesters tried to cut off the main road into the capital, Buenos Aires. Demonstrators claimed that police shot at them indiscriminately.

Dario Santillán was shot inside the Avellaneda railway station while he was trying to help Maximiliano Kosteki who had been shot a few minutes earlier. Both

men died of their injuries. An investigation was initiated, two police officers were arrested and several suspended from active duty, after photographs clearly showing police involvement were published nationwide. The photographer, Sergio Kowalewsky, and his family were subjected to death threats. Claudio Pandolfi, the lawyer acting on behalf of the families of the victims, also received death threats.

Indigenous people

In August, members of the provincial police raided homes in the indigenous Toba community in Formosa, Formosa Province, after the death of a policeman and the injury of another in disputed circumstances. According to reports, about 100 police officers carrying firearms destroyed belongings, beat and ill-treated individuals including children and racially abused members of the community. They reportedly had no search warrant, although members of the judiciary were present. Those arrested, including a 74-year-old man, were allegedly tortured or ill-treated.

Past human rights violations

Judicial rulings

In September, federal judge Claudio Bonadio ordered the preventive detention of former General Leopoldo Fortunato Galtieri and 25 former members of the armed forces and ordered their assets to be frozen. They were accused of responsibility for the kidnapping, illegal detention, torture, "disappearance" and murder of 20 members of the *Montoneros* armed group in 1978 and 1980. In his ruling judge Bonadio stated that the Full Stop and Due Obedience Laws, passed in 1986 and 1987 respectively, were unconstitutional and void.

Trial of a human rights defender

In July, Sonia Torres de Parodi, a 73-year-old member of the Grandmothers of Plaza de Mayo, who has been searching for her "disappeared" daughter and grandchild since 1976, was brought to trial in Córdoba, Córdoba Province. She faced charges of defamation and slander brought by a former member of staff at the Manuel Belgrano Business School. According to a press interview given by Sonia Torres de Parodi, this member of staff had given the security forces information about students who later "disappeared". In August Sonia Torres de Parodi was acquitted.

New investigation

In October, the US-German car maker DaimlerChrysler set up a commission to examine the conduct of Mercedes-Benz and its officials in Argentina between 1975 and 1978. The commission was expected to investigate the "disappearance" of about 14 workers from the Mercedes-Benz factory – now owned by DaimlerChrysler – at González Catán, Buenos Aires Province, in 1976 and 1977.

Attacks on human rights defenders

Journalists, lawyers, human rights activists, witnesses and relatives of victims were repeatedly harassed, threatened and attacked during the year.

In September, a group of unidentified men attacked the home of Estela Carlotto, President of the Grandmothers of Plaza de Mayo and President of the La Plata Provincial Remembrance Commission. She was inside the house when it came under a hail of bullets. A few days earlier, she had submitted to the provincial Supreme Court a report about abusive practices by the provincial police including torture and "trigger-happy" killings. An investigation into the attack was initiated.

Ill-treatment, torture and killings

There were repeated public complaints of ill-treatment of detainees in detention centres, including ill-treatment of minors. There were also killings by police in disputed circumstances.

Children

Committee on the Rights of the Child

In September the UN Committee on the Rights of the Child expressed concern about the administration of juvenile justice; national legislation on children dating back to 1919; and the frequent failure of provincial legislation to comply with the UN Children's Convention. It raised concerns about institutional violence and reports of torture and ill-treatment of children in police stations, which in some cases had resulted in death. It also raised the issue of "trigger-happy" killings, which had led to the deaths of many children. The Committee recommended that Argentina bring laws and practices governing the juvenile justice system at national and provincial level into full compliance with the Convention. It urged Argentina to enforce a national plan to prevent and eliminate institutional violence; to investigate in an effective manner reports of killings, torture and ill-treatment of children; and to provide programs to rehabilitate, reintegrate and compensate child victims of torture or ill-treatment.

AI country reports/ visits

Reports

- Argentina: Action plan and respect for human rights (AI Index: AMR 13/002/2002)
- Argentina: The rights of the child in Argentina (AI Index: AMR 13/018/2002)
- Argentina: Will the long search by the Plaza de Mayo Grandmothers be undermined by the courts? (AI Index: AMR 13/008/2002)
- Argentina: Unacceptable interference by the executive in support of impunity (AI Index: AMR 13/017/2002)

Visits

In February AI delegates visited Argentina to meet government officials, representatives of non-governmental organizations and to gather information. In July an AI observer attended hearings related to the trial of a member of the Grandmothers of Plaza de Mayo.

ARMENIA

REPUBLIC OF ARMENIA
Head of state: Robert Kocharian
Head of government: Andranik Markarian
Death penalty: retentionist
International Criminal Court: signed

Reports of torture and ill-treatment by law enforcement officers continued, together with complaints about the brutal bullying of conscripts. The authorities continued to imprison conscientious objectors to military service. A new criminal code failed to abolish the death penalty. At least 42 men were reportedly under sentence of death at the end of 2002, although the moratorium on executions continued.

Background

Nationwide local elections were held in October and were generally described as progressive rather than free and fair. The Prime Minister's party won a landslide victory. President Kocharian described the elections as a step towards orderly presidential elections in February 2003. However, political life continued to be marked by violence and by central control of the media and restrictions on freedom of expression.

Torture and ill-treatment

Reports indicated that ill-treatment by law enforcement officials remained commonplace. Military conscripts continued to be treated brutally by superior officers or with their complicity. It was alleged that a number of investigations into cases of torture or ill-treatment were inadequate.

In February, 22-year-old Artiom Sarkisian died shortly after beginning his military service. The military hospital stated that the cause of death was food poisoning, but a later autopsy reportedly revealed severe brain and abdominal injuries and loss of blood. A trial started in December in which 15 people faced charges in connection with his death. They included fellow soldiers, two of whom were accused of assault, and the unit commander. Five military doctors, according to whom Artiom Sarkisian was suffering from food poisoning, were also accused of complicity in his death. Artiom Sarkisian allegedly spent 36 hours in agonizing pain until a sixth military doctor sent him to hospital. In 2001, Artiom Sarkisian had taken part in highly publicized student protests against compulsory military service before the completion of studies. His relatives claimed to have been intimidated at the trial, which was adjourned at the end of 2002 because of the absence of heating in the court.

In July, parliamentary deputy Gevorg Hakobian was reported to have been physically assaulted in police custody by a number of law enforcement officials, including a senior figure in the Yerevan police. An internal government investigation conducted by the Prime Minister exonerated the senior official, who was promoted a month later to head a department in the Interior Ministry.

Agamal Artiunian, one of President Kocharian's bodyguards, was given a two-year suspended sentence for "unintentionally assaulting" political activist Pogos Pogosian in September 2001. Pogos Pogosian was found dead in the toilet of the "Aragast" café in Yerevan after being beaten by Agamal Artiunian. This followed an incident in the café in which Pogos Pogosian allegedly made a disrespectful remark to the President.

Prisoners of conscience

There was still no sign during 2002 of Armenia acting in the spirit of its commitments to the Council of Europe (see below) with regard to conscientious objectors to compulsory military service. By mid-December, prison sentences of between one and three years had been imposed during the year on at least 16 men, all Jehovah's Witnesses, as a result of their conscientious objection. Five more had been arrested and were awaiting trial. A further 10 had been released after serving part of their sentences. Two of these 10 were serving their second such prison sentence. As a condition of their release, they had to report regularly to the police.

Council of Europe

When Armenia joined the Council of Europe in January 2001 it made a series of human rights commitments.

During 2002 Armenia ratified the European Convention on Human Rights, although Protocol No. 6, which abolishes the death penalty except in time of war, was not submitted to parliament for ratification. Armenia also ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. This authorizes the European Committee for the Prevention of Torture (CPT) to visit all places of detention in Armenia; the CPT conducted its first visit in October.

A new criminal code was given a first reading in parliament in June and a second reading in December. The new code decriminalized homosexual relations between consenting adults. However, despite Armenia's commitments to the Council of Europe to abolish the death penalty by 25 January 2002, the new code provided for the death penalty for aggravated murder, rape of a minor girl, and terrorist acts, committed before the code came into effect. This was believed to be linked to the trial of five people charged with carrying out an armed attack in the Armenian parliament in 1999 in which eight people, including the Prime Minister and the Speaker, were killed.

In August, the committee monitoring Armenia's membership of the Council of Europe visited the country. On the basis of the committee's report, the Parliamentary Assembly of the Council of Europe (PACE) called in September for the complete abolition of the death penalty in Armenia without any exceptions or restrictions. PACE also noted that it might decide to withdraw the credentials of the Armenian

parliamentary delegation should Armenia fail to abolish the death penalty by June 2003. The monitoring committee had indicated that, given the help provided by Council of Europe experts, abolition could be incorporated into the new criminal code for its second reading. However, on 25 December the code was given its second reading unaltered on this point.

Despite a *de facto* moratorium on executions, the number of prisoners condemned to death rose to at least 42 by early October.

Armenia's commitments to the Council of Europe include the adoption by January 2004 of a law on an alternative to military service, and in the meantime pardons for all imprisoned conscientious objectors. A draft law was under consideration in 2002 which provided for unarmed military service but not for an alternative civilian service as required by the Council of Europe.

AUSTRALIA

AUSTRALIA
Head of state: Queen Elizabeth II, represented by Peter Hollingworth
Head of government: John Howard
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

The government continued its controversial policy on refugees and asylum-seekers and sought international support for its restrictions on the rights of refugees and asylum-seekers under international law. Under the "Pacific Solution" approach, so-called boat people seeking asylum in Australia were arbitrarily detained and transferred between detention facilities in Australia, Nauru and Manus Island, Papua New Guinea.

Background

The treatment of asylum-seekers and refugees, and other immigration and border control issues, generated vigorous public debate on human rights. Government statements linked asylum-seekers with criminals, economic opportunists and "terrorists". Former Chief Justice Gerard Brennan commented: "The wretched isolation of the asylum-seekers in Woomera, in Nauru and in Manus Island, has left this country divided, many Australians accepting the necessity for inhuman treatment as the price to be paid for maintaining our immigration policies and our boundaries."

The Australian navy and coast watch continued operations off the coast to monitor and intercept vessels carrying asylum-seekers. A Senate inquiry found evidence, contrary to government claims, that in 2001 an overcrowded boat carrying Middle Eastern asylum-seekers had sunk inside waters patrolled by Australian military and coast watch forces, killing 353 people.

'Anti-terrorism' legislation

In May, parliament passed several new laws to define and outlaw acts of "terrorism". There was continuing controversy about another proposed law to give the Australian Security Intelligence Organisation (ASIO) powers to arrest and detain, without charge and legal representation, people suspected of involvement in "terrorist activities". Such powers could lead to violations of international human rights law.

International issues

In September, Australia's ratification of the Rome Statute of the International Criminal Court (ICC) entered into force. The Australian government had been chairing the "Like-Minded Group" of 67 states committed to the Court's establishment. There was a provision in the implementing legislation that the Attorney General must issue a certificate before a person can be surrendered to the ICC.

At the UN Economic and Social Council meeting in July, Australia voted against the adoption of the draft Optional Protocol to the UN Convention against Torture. The Foreign Minister defended the decision on procedural grounds and stated that the government did not wish to see UN inspectors arrive unannounced at Australian prisons and detention centres, incorrectly interpreting the Protocol's provisions. In November, Australia abstained when the UN General Assembly adopted the Protocol.

Asylum-seekers and refugees

International and national criticism of the government's refugee and asylum policies continued, particularly Australia's so-called "Pacific Solution" and the policy of mandatory, non-reviewable detention of people arriving without travel documents. Scores of detainees were held for months in government-funded detention centres in Australia, Nauru and Papua New Guinea, after being recognized as refugees but pending security clearance. In August, ASIO reported that none of the approximately 6,000 asylum-seekers it had investigated was considered a security threat.

Rejected asylum-seekers in detention who asked to be returned to their home countries but could not obtain travel documents continued to be detained indefinitely. The Federal Court found in two cases that such continued detention was unlawful if there was no prospect of removal and ordered the detainees to be released. Two men, a Palestinian and an Iraqi, had been detained for eight and 23 months respectively after asking to be returned home. The Palestinian was eventually returned.

The government actively sought support for its policies from other countries and claimed that preventing asylum-seeker boats from landing on the Australian mainland was justified because it stopped the influx of boat people. The numbers of detainees

declined on mainland Australia, leading to the suspension of remote detention facilities at Curtin and Woomera. The fate and status of many detainees refused entry to mainland Australia remained unclear.

In May, the UN Working Group on Arbitrary Detention (WGAD) and the Office of the UN High Commissioner for Human Rights (OHCHR) sent delegations to investigate conditions of detention and the legal regime governing the detention of asylum-seekers without trial or judicial oversight. In July, the OHCHR delegate described the detention regime as "offensive to human dignity" and reported "serious concern" about the human rights situation of people in immigration detention, particularly children and unaccompanied minors. In December, a WGAD report expressed similar concerns about "the psychological impact" of the detention regime, its "automatic and indiscriminate character, its potentially indefinite duration and the absence of juridical control of the legality of detention". The government rejected the findings of both reports.

In November, the national Human Rights and Equal Opportunity Commission (HREOC) found that Australia had breached its international human rights obligations by transferring six asylum-seekers from immigration detention to prisons, where they were arbitrarily detained without charge alongside convicted felons. One man had been held without judicial oversight in prison and immigration detention since December 1997.

In December, the HREOC found that five asylum-seekers in Port Hedland detention centre had been arbitrarily detained for more than six days in isolation in dim or dark rooms before an immigration official became aware of their treatment. During the six days, they were allowed outdoors only twice for 10 to 15 minutes, and only one was given a change of clothes after five days. Despite reports by the official, the government took no action until alerted by AI Australia.

In November, AI received reports of a Colombian asylum-seeker who, after being rejected in Australia, went to Argentina and was then removed to Colombia, where he was reportedly killed by paramilitaries less than one month later.

In a landmark ruling in April, the Federal Court upheld Naima Khawar's right to refugee status and ruled that the failure of Pakistani authorities to assist her when she went to them for protection from domestic violence amounted to a failure of the state to protect women from gender-based persecution.

In November, a coroner's inquest was held into the deaths of Nurjan Husseini and Fatimeh Husseini who died when their boat sank after being intercepted by Australian navy and customs vessels off an Australian island in November 2001. Inquest findings were expected in 2003.

Indigenous people

The HREOC annual report on indigenous social justice published in June found that indigenous people made up 20 per cent of the prisoner population, despite government promises to reduce the imprisonment of indigenous people which caused disproportionately high rates of deaths in custody. This figure had risen from 14 per cent in 1991 and was 10 times their proportion of the general population. Indigenous juveniles represented about 42 per cent of juvenile detainees.

In September, the HREOC launched a report to mark the passing of five years since its national inquiry into the removal of indigenous children from their families under past government policies. *Restoring identity*, a report on reparations for the so-called "stolen generations", called for an all-encompassing tribunal process to provide a package of reparations measures to affected individuals and communities.

In July, a judicial inquiry in Western Australia found that lack of coordination between government agencies and inaction by indigenous organizations contributed to high rates of domestic violence and child abuse within indigenous communities. It found that, unless authorities and Aboriginal men addressed the issue, "the future for Aboriginal children will only lie in higher statistics of Aboriginal youth suicide or higher Aboriginal imprisonment rates". The inquiry report confirmed long-standing concerns of indigenous women and criticized police investigations into the death of 15-year-old Susan Taylor at an indigenous settlement in February 1999, which triggered the inquiry.

In October, a court in Alice Springs temporarily released an indigenous murder suspect, Kevin Webb, from pre-trial custody, specifically to allow the families of his victims to carry out a customary punishment against him. He consented to the ceremony which resulted in him being speared in the leg 13 times and having his ankle broken. A police officer and a nurse were on stand-by. AI wrote to the Northern Territory Government seeking clarification on the legal basis for the court decision.

Investigation into police in Western Australia

In October, a Royal Commission investigating alleged criminal conduct within the Western Australia Police Service confirmed its intention to investigate the unresolved death in custody of Stephen Wardle, a non-indigenous 18-year-old youth who died in 1988 within hours of being placed in a police cell. In December a police officer who refused to give evidence in the inquest examining Stephen Wardle's death admitted fabricating evidence and perjury in an unrelated case.

AI country reports/ visits

Report

- Australia-Pacific: Offending human dignity – the 'Pacific Solution' (AI Index: ASA 12/009/2002), published to mark the anniversary of the rescue of 438 shipwrecked asylum-seekers by a Norwegian freighter off the coast of Australia

Visit

In March, AI Secretary General Irene Khan visited Australia to mark International Women's Day. During her visit, she met senior representatives of the government, non-governmental organizations, the media, and refugee and indigenous organizations.

AUSTRIA

REPUBLIC OF AUSTRIA
Head of state: Thomas Klestil
Head of government: Wolfgang Schüssel
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

The trial of three police officers charged with the 1999 death of asylum-seeker Marcus Omofuma took place. Allegations of police ill-treatment and excessive use of force against detainees persisted. An unarmed man suffering from mental health difficulties was shot dead by police. Certain categories of asylum-seekers were excluded from state-run accommodation centres. Austria equalized the age of consent for gay men with that for heterosexuals and lesbians.

Marcus Omofuma case

On 4 March the trial of the three police officers accused of ill-treating Marcus Omofuma resulting in his death opened at Korneuburg Regional Court in Vienna. The 25-year-old Nigerian asylum-seeker suffocated on 1 May 1999 after being gagged and bound during his forced deportation from Vienna to Nigeria, via Bulgaria. On 15 April Korneuburg Regional Court found the three police officers guilty of the lesser crime of "negligent manslaughter in particularly dangerous conditions" and sentenced them to eight-month suspended prison terms. The sentence was criticized by some civil society groups because of its alleged leniency, which also permitted the officers to continue serving in the police force.

Allegations of police ill-treatment

There were a number of allegations that police officers ill-treated and used excessive force against detainees. In March the UN Committee on the Elimination of Racial Discrimination expressed concern about "allegations of racist incidents involving police officers and other State employees".

On 17 October Vienna's Independent Administrative Tribunal found that police had insulted, degraded and excessively treated human rights activist Bülent Öztoplu, who is of Turkish origin, during a police operation in Vienna in September 2001. A group of armed police officers from the WEGA special police detachment arrested Bülent Öztoplu, a member of the national Human Rights Advisory Board, on an outstanding international arrest warrant relating to an incident alleged to have occurred in Mannheim, Germany, in 1984. The Tribunal found that, while in police custody, an officer had verbally abused Bülent Öztoplu as a "dirty bastard" when informing a colleague that the detainee was a member of the Human Rights Advisory Board. It also found that officers had needlessly subjected Bülent Öztoplu to a strip search. Bülent Öztoplu was acquitted of all charges by a court in Mannheim in December. He had not been reinstated to the Human Rights Advisory Board, from which he was suspended shortly after his arrest, by the end of the year.

A 25-year-old Congolese national, Kambowa Mutombo, was allegedly ill-treated and racially abused by police officers during an identity check in Vienna on 15 March. Police officers were alleged to have grabbed hold of Kambowa Mutombo and forced him to the ground after he objected to being referred to as a "stupid nigger", and kicked him as he lay on the street. Kambowa Mutombo also alleged that police officers laughed at him and made disparaging comments as he stood naked before them during a strip-search at Favoriten police station in Vienna.

Police shootings

AI urged the authorities to initiate a prompt, thorough and impartial investigation into the fatal shooting of 28-year-old Binali Ilter on a street in the centre of Vienna on 31 August. At the time of the shooting he was unarmed and suffering from schizophrenia. Binali Ilter, an Austrian national of Kurdish origin, had left his home earlier in the day and walked barefoot into the city centre. During the afternoon he was involved in an incident in a shop during which he hit a sales assistant in the face, after unsuccessfully demanding money from her. Police intercepted Binali Ilter in the city centre, but he failed to respond to their repeated warnings to stop. A police officer shot him in the shoulder and stomach after Binali Ilter reportedly shouted and stepped towards him. Binali Ilter died in hospital later the same day.

Update

On 4 June Vienna-Fünfhaus District Court acquitted a police officer of the negligent killing of an unarmed criminal suspect, Imre Bartos, in Vienna in May 2000. The court ruled there was doubt in the case. Imre Bartos was shot by the police officer, who was trying to open the door of a vehicle, controversially using a privately owned firearm. The court reportedly ruled that the shooting occurred as a result of an unintended gripping reflex of the hand in which his gun was held as he opened the door of the vehicle. Imre Bartos' two sons also lodged a complaint with Vienna's Independent Administrative Tribunal, which had not been ruled upon by the end of the year.

Asylum-seekers

There was widespread concern about a new asylum regulation, introduced by the Ministry of the Interior on 1 October, which excludes certain categories of asylum-seekers from state-run accommodation centres. Under the regulation asylum-seekers from European Union accession countries face eviction and exclusion from such accommodation centres during the processing of their asylum application, potentially rendering them destitute. Asylum-seekers from certain other countries also face eviction if they appeal against an unsuccessful initial application. The new policy put considerable pressure on national relief organizations, which were forced to support evicted and excluded asylum-seekers.

Danger of *refoulement*

In early January AI opposed the extradition of 35-year-old Muhammad 'Abd al-Rahman Bilasi-Ashri to Egypt, where he was at serious risk of torture and other human rights violations. He fled Egypt in 1994 fearing political persecution and applied for asylum in Austria in 1995. Following an unfair trial in Egypt he was sentenced *in absentia* to 15 years' hard labour in late 1995 in connection with his alleged affiliation to an Islamist group. Although his asylum application was still pending, he was taken into custody by police in Vienna in October 2001 following an extradition request from the Egyptian authorities. Muhammad 'Abd al-Rahman Bilasi-Ashri's extradition was prevented, although he remained in prison in Vienna until his release in August. At the end of the year his application for asylum had not been resolved.

Unequal age of consent

On 24 June Austria's Constitutional Court ruled that the country's unequal age of consent for gay men was unconstitutional. Less than a month later, parliament voted to remove the offending article from the criminal code. While AI welcomed the move, it remained concerned that the legislative change did not apply to ongoing criminal cases and no rehabilitation was envisaged for gay men already convicted under the law, such as the erasure of their criminal records.

AI country reports/visits

Report

- Concerns in Europe, January-June 2002: Austria (AI Index: EUR 001/007/2002)

Visit

An AI delegate visited Austria in October to meet lawyers and victims of alleged human rights violations.

AZERBAIJAN

REPUBLIC OF AZERBAIJAN
Head of state: Heydar Aliyev
Head of government: Artur Rasizade
Death penalty: abolitionist for all crimes
International Criminal Court: not signed

There were allegations that law enforcement officers were responsible for excessive use of force against demonstrators. A person died in one such incident and a number of those arrested were reportedly ill-treated in detention.

Background

Concern about the concentration of power in the presidency and about the presidential succession increased in view of President Heydar Aliyev's age and health, and the presidential elections due in October 2003.

In August, a referendum approved numerous changes to the Constitution. The authorities reportedly pressurized and induced voters to approve the changes, and there were allegations of widespread ballot irregularities.

Alterations to the electoral system prompted allegations that they were designed to ease the succession from President Aliyev to his son, Ilham Aliyev.

In October, police broke into the headquarters of an opposition party, in a move widely perceived as increased harassment of the opposition. A number of religious organizations, mainly Muslim, were banned. Media freedoms continued to be eroded, as the authorities exerted various forms of pressure on the independent media, including harassment and court imposed fines which forced the closure of a number of television stations and newspapers.

No significant progress was reported in attempts to achieve a political settlement in the disputed region of Karabakh.

Torture, ill-treatment and excessive use of force

There were numerous allegations that the police used excessive force against demonstrations. Most of these demonstrations were organized by opposition political parties. However, at least one of them appeared to arise spontaneously from local grievances.

Aligasan Agaev was shot and killed by police during what began as a peaceful demonstration in the village of Nardaran on 3 June. Residents had been campaigning to improve local socio-economic conditions for several years. The 3 June demonstration was a reaction to the unexpected cordoning-off of the village and the arrest of seven village elders. Dozens of villagers and several police officers were reported to have been injured in the clashes. An official report blamed the incident on "anti-Azerbaijani Islamic forces" in the village. At the end of the year a number of villagers faced serious

criminal charges but no prosecutions of law enforcement officers were known to have been initiated.

Police at Nardaran reportedly impeded injured people from obtaining appropriate medical treatment by blocking access to medical personnel, and beating and arresting injured people and those who went with them to hospital.

Some of the Nardaran residents arrested at the hospital were reportedly tortured and ill-treated in detention.

Twenty-two-year-old Rasim Alizade, who had a bullet wound in the shin, and Mirzaga Movlamov were kept in hospital until 4 June because of the seriousness of their injuries. They were reportedly arrested in the hospital and tortured, both in the hospital and later in prison.

Death in custody – update

The trial of the senior officer on duty at the time of Ilgar Javadov's death in police station No. 9 in Baku's Sabail district was continuing at the end of the year. Ilgar Javadov died in the early hours of 13 May 2001, allegedly as a result of ill-treatment by law enforcement officers. The senior officer was subsequently dismissed and charged with negligence.

On 26 February 2002, the day after Ilgar Javadov's family and his lawyer gave a press conference to voice concern about the investigation into his death, the criminal case against three other police officers charged in connection with the case was dropped.

Political prisoners

One of the obligations undertaken by Azerbaijan on joining the Council of Europe was to release or grant a retrial to political prisoners. In January, the Parliamentary Assembly of the Council of Europe (PACE) requested the release of 11 political prisoners whom it had previously asked either to be released or retried. PACE put particular emphasis on Alakram Alakbar oglu Hummatov (also known as Alikram Gumbatov or Gummatov, see below), Iskander Mejid oglu Hamidov (also known as Iskander Gamidov), and Rahim Hasan oglu Qaziyev (also known as Raqim or Ragim Gaziyev). However, these three prisoners were not released. Instead, retrials began. There were allegations that these retrials did not meet international standards for fair trial. For example, the lawyers of Iskander Mejid oglu Hamidov complained that the administration of Gobustan Strict Regime Prison, where the retrials were being held, had refused to allow them to meet with their client. In a resolution adopted in September, PACE expressed concern at reports of "blatant violations of their procedural and other rights" and was "profoundly disturbed by the fact that in seven out of the 17 'pilot' cases, political prisoners were still detained and had neither been pardoned nor granted retrials."

Changes to the Constitution

In August a referendum approved 36 amendments to the Constitution. Some of these arose out of Azerbaijan's commitments made in view of becoming a member of the Council of Europe. For example, one of them moved further towards the introduction of a civilian alternative to military service. However, legislation to implement this reform had not been enacted by the end of the year.

Twenty-two prisoners serving life sentences sought to make use of one of the amendments which broaden access to the Constitutional Court, including for individuals and the newly created Ombudsperson's institution. The prison administration reportedly refused to forward 21 of these appeals to the Court. The exception was that of the political prisoner Alakram Alakbar oglu Hummatov. In December, the *Milli Mejlis* (parliament) passed legislation in a second reading to implement the right of individual complaint to the Constitutional Court.

AI country reports/visits

Report

- Concerns in Europe, January-June 2002: Azerbaijan (AI Index: EUR 01/007/2002)

BAHAMAS

COMMONWEALTH OF THE BAHAMAS
Head of state: Queen Elizabeth II, represented by Dame Ivy Dumont
Head of government: Perry Gladstone Christie (replaced Hubert Alexander Ingraham in May)
Death penalty: retentionist
International Criminal Court: signed

A new government committed itself to improving prison conditions, but they remained harsh. A suspected extrajudicial execution by police was reported, as well as cases of ill-treatment of detainees by police. Death sentences continued to be imposed by the courts; no executions were carried out. There was continued concern that asylum-seekers were returned to their countries of origin without access to a full and fair determination procedure.

Background

In May, the Progressive Liberal Party (PLP) won general elections, ousting the Free National Movement.

Death penalty

At the end of 2002 there were 30 people on death row. No executions were carried out.

Prison conditions

In February prison officers protested against the risk of contracting infectious diseases from their work. In May the incoming PLP government committed itself to

improving prison conditions, and in October it established a Prison Reform Commission to recommend reforms.

In August an AI delegation which visited Fox Hill Prison found evidence of conditions constituting cruel, inhuman or degrading treatment. Reports of serious diseases and of inadequate medical treatment continued. Children were detained with adults. Although a new block for unconvicted detainees was opened subsequently, overcrowding remained severe.

The authorities were unable to provide information as to the status of an investigation into the alleged rape of a 17-year-old detainee by adult prisoners in August 2001.

Asylum-seekers

Asylum-seekers from countries including Haiti and Cuba continued to be forcibly returned without access to a full and fair determination procedure, in violation of international law. The government indicated to AI that it did not intend to enact the provisions of the 1951 Refugee Convention. Asylum-seekers and unauthorized migrants were detained without access to any judicial procedures, in harsh conditions. Some detainees were reportedly beaten by Royal Bahamas Defence Force personnel.

Suspected extrajudicial execution

On 5 December, Jermaine Alexander Mackey was killed by police in circumstances suggesting that he was extrajudicially executed. Police stated that he was shot following an encounter with mobile reserve officers. Witnesses claimed that he was stopped by police then, when he ran away, shot several times in the head and chest. Some witnesses were allegedly threatened and forced to lie on the ground with guns to their heads. Forensic evidence was reportedly tampered with. AI had received no response to its request for information about the status of the investigation into the shooting by the end of 2002.

Police ill-treatment

There were several reports alleging ill-treatment of detainees by police officers.

In June, Earl Meadows was allegedly beaten and kicked by several officers on a police bus in Nassau. An officer allegedly placed a gun against his head and threatened him. An inquiry had not concluded by the end of 2002.

Flogging

In September the Judicial Committee of the Privy Council, the highest court of appeal for the Bahamas, ruled that a sentence of flogging did not violate the Bahamas Constitution, despite constituting inhuman and degrading punishment. The Privy Council sent back to the Court of Appeal a decision as to whether the cat-o'-nine tails (a whip of several knotted cords) or the rod should be used.

In August, the Minister of National Security stated that she supported flogging with the cat-o'-nine tails as a punishment for rape. In October a man sued the government on the grounds that he had been flogged before his conviction for rape was overturned on appeal.

Discrimination

In February, a referendum on various constitutional amendments rejected a provision for equality between men and women before the law.

AI country reports/visits

Visit

An AI delegation visited in August. Delegates met government ministers and others and visited Fox Hill Prison, the Carmichael Detention Centre and a number of police stations.

BAHRAIN

KINGDOM OF BAHRAIN
Head of state: King Hamad bin 'Issa Al Khalifa
Head of government: Shaikh Khalifa bin Salman Al Khalifa
Death penalty: retentionist
International Criminal Court: signed

The positive steps taken since the general amnesty of February 2001 continued to contribute to an overall improvement in the human rights situation. A few human rights violations were reported during the year. Security forces used excessive force against demonstrators and a student died when he was hit by rubber bullets. Two people were detained and severely beaten. An Ethiopian woman remained under sentence of death.

Background

In February Bahrain was officially proclaimed a Kingdom and Shaikh Hamad bin 'Issa Al Khalifa, who became King, announced that local and parliamentary elections would be held in May and October respectively. The 1971 Constitution was amended and confirmed the King as Head of State and Bahrain as a hereditary constitutional monarchy. The amended Constitution also made provisions for a bi-cameral parliament, *al-Majlis al-Watani* (National Assembly), made up of the *Majlis al-Shura* (Consultative Council) and *Majlis al-Nuwab* (Council of Deputies); a constitutional court; and the right of women to vote and stand for election. Each chamber would comprise 40 members. While members of the Council of Deputies would be elected by popular vote, the King retained the power to appoint and dismiss members of the Consultative Council, dissolve the Council of Deputies and amend the Constitution.

In its report to the UN Security Council Counter-Terrorism Committee, submitted in December 2001, Bahrain listed a number of measures it had taken. These included ratification of the Arab Convention on the Suppression of Terrorism, many provisions of which were in violation of international human rights standards.

During the year more political associations and non-governmental organizations were officially recognized. The General Committee of Bahrain Workers was officially registered as the General Union of Bahrain Workers in June and a law on trade unions was issued in September. In July the Bahrain Human Rights Centre was officially registered, the first such centre in the Gulf region. The Bahrain Women's Union, which works to defend and promote women's rights, was recognized in November.

Local elections took place in May and 320 candidates, including 31 women, contested 50 seats. The majority of seats were won by candidates linked to Sunni and Shi'a Muslim political associations. None of the women candidates won a seat.

For the first time since 1973 parliamentary elections were held in October and 190 candidates, including eight women, stood for election to the 40-member Council of Deputies. For many years, reinstatement of the parliament, which was dissolved in 1975, had been one of the opposition's main demands. However, the four leading political associations, including the main Shi'a Muslim opposition group, boycotted the elections to protest against constitutional amendments and the legislative powers granted to the Consultative Council. Sunni Muslim groups won the most seats. None of the women candidates was elected.

A new government was named in November with key ministerial posts unchanged. However, a former political opponent, Majid Muhsin al-'Alawi, was appointed Minister of Labour and Social Affairs.

April protests and security force abuses

There were reports of excessive use of force by security forces during widespread anti-USA and anti-Israel demonstrations in April in the capital, al-Manama. Demonstrators, mostly students, attacked the US Embassy. Security forces intervened by using tear gas and rubber bullets; one person died and scores were injured.

- Mohammad Juma'a al-Shakhuri, a 24-year-old student, died when he was hit by rubber bullets and scores of demonstrators reportedly needed hospital treatment. The authorities announced that an investigation into the circumstances surrounding the death of Mohammad Juma'a al-Shakhuri would be carried out; by the end of the year the results of such an investigation were not known.
- A human rights activist, 'Abdul Hadi al-Khawaja, was severely beaten when he reportedly intervened to stop security forces beating a demonstrator. He was detained at al-Hura Police Station and released later that day.
- In May, Jassem Ahmad Salman was stopped in his car in al-Manama by plainclothes security personnel, then reportedly beaten, blindfolded and handcuffed before being taken away for interrogation. He was said to have suffered further beatings during interrogation, when he was reportedly asked about his role in the anti-USA demonstrations and his alleged involvement in a dispute between a Bahraini shopkeeper and the wife of a US serviceman. He was then released. In September the Minister of the Interior indicated in a letter to AI that an investigation into the case was being conducted and said that no member of the Interior Ministry security forces had been involved in the alleged abuses.

Freedom of expression

In January the authorities dropped a legal action initiated by the Ministry of Information in November 2001 against Hafidh al-Shaikh, a freelance journalist, in connection with articles he had written for the foreign press which the authorities considered to be an "attempt to undermine national unity".

Some Internet websites, including that of the United Kingdom-based opposition group, Bahrain Freedom Movement (BFM), were reportedly blocked by the authorities in March. The BFM had voiced strong criticism of the constitutional amendments introduced by the King.

In May the Qatar-based television channel *al-Jazeera* was banned from Bahrain for "deliberately seeking to harm Bahrain". The ban was said to have been connected with *al-Jazeera*'s coverage of the anti-USA protests in Bahrain.

A new Press and Publications Law was issued by royal decree in October. Article 68 provides for up to five years' imprisonment for publishing articles that insult the state's religion, criticize the King or incite to overthrow or change the government. There were concerns that the law was restrictive and violated international standards on freedom of expression. At the end of the year the government reportedly withdrew the law to make amendments.

Forcible exile and stateless people

Hundreds of Bahraini families who had been forcibly exiled to Iran during the 1980s were allowed to return to Bahrain. Among them were Ahmad Hussain Ghaloum and 'Abd al-Hassan Moussa Mohammad 'Abbas, and their families.

In October it was announced that all stateless people living in Bahrain would be granted Bahraini citizenship.

Impunity

In May a colonel in the Security and Intelligence Service (SIS), 'Adel Jassem Fleifel, fled Bahrain to Australia after the authorities launched an investigation into allegations of corruption against him. He was alleged to have extorted millions of Bahraini dinars from businesses. 'Adel Jassem Fleifel had for many years been accused by opposition groups of torturing and ordering the torture of political detainees and prisoners. In May AI urged the government to investigate all human rights violations, including torture, allegedly committed by 'Adel Jassem Fleifel

and the SIS. 'Adel Jassem Fleifel returned to Bahrain in November. Hundreds of people demonstrated outside the Ministry of Justice and called on the authorities to bring him to justice for his involvement in past human rights violations, including torture. 'Adel Jassem Fleifel was arrested two days after his return. At the end of the year it was not clear what charges he faced.

In October the King issued Decree No. 56 to clarify provisions made in the general amnesty decree of February 2001 (Decree No. 10). Decree No. 56 effectively bans any person from taking legal action against any individual, including civilian or military officials, who had committed or been involved in human rights violations before February 2001. In November AI wrote to the King and urged that the Decree be repealed.

Intergovernmental organizations

In February the UN Committee on the Rights of the Child presented its recommendations after examination of Bahrain's report on implementation of the UN Convention on the Rights of the Child. The Committee recommended amending legislation on the juvenile justice system to ensure that it conformed to international human rights standards. The UN High Commissioner for Human Rights visited Bahrain in March and expressed the need for Bahrain to investigate past human rights violations and bring those responsible to justice. In June Bahrain ratified the UN Convention on the Elimination of All Forms of Discrimination against Women, with some reservations to Articles 2, 9, 15, 16 and 29.

Death penalty

A 22-year-old Ethiopian woman, Yoshork Dostazudi, remained under sentence of death for murder. Doctors who examined her reportedly could not agree about her mental state at the time the crime was committed in December 1998.

BANGLADESH

PEOPLE'S REPUBLIC OF BANGLADESH
Head of state: Iajuddin Ahmed (replaced Badruddoza Chowdhury in September)
Head of government: Begum Khaleda Zia
Death penalty: retentionist
International Criminal Court: signed

At least 38 men died reportedly after torture in army custody and eight after torture in police custody. Several opposition politicians were arbitrarily detained. Women continued to suffer violent attacks in their homes and communities. On one of the rare occasions when authorities ordered a judicial inquiry into such an attack, they neither published the findings nor promised to implement the recommendations. Tribal representatives continued to demand implementation of the peace accord in the Chittagong Hill Tracts. At least 87 people were sentenced to death.

Background

President Badruddoza Chowdhury resigned on 21 June after the ruling Bangladesh Nationalist Party (BNP) reportedly accused him of disrespecting the party founder Ziaur Rahman by not attending a function to mark his 1981 assassination. Parliament Speaker Jamiruddin Sircar became acting president until Iajuddin Ahmed, the unopposed presidential nominee and a close BNP ally, was sworn in as President on 6 September. The opposition Awami League ended its boycott of parliament in June, but staged several protest walk-outs.

Concern about corruption and poor governance continued to be raised internationally and within the country.

The government repealed the Public Safety Act, but continued to detain people under the Special Powers Act (SPA) which overrides safeguards in Bangladeshi law against arbitrary detention.

Army abuses during 'Operation Clean Heart'

On 17 October some 40,000 army personnel were deployed across the country in a joint army-police crack-down on crime named "Operation Clean Heart". By the end of the year, more than 10,000 people, including members of opposition and ruling political parties, had been arrested. Many were subsequently released. In the same period, at least 38 men died, allegedly as a result of torture in army custody. Despite international calls for independent inquiries into these deaths, no investigations were carried out.

Torture

Many detainees were tortured by police, who continued to use widely Section 54 of the Code of Criminal Procedure to detain people without an arrest

warrant. At least eight people died reportedly after they were tortured in police custody.

- Kauser Mia, a 15-year-old boy detained by the police on 4 February on suspicion of involvement in a bomb blast, told a relative on 6 February that he had been beaten with sticks with a chair placed on his head, and had received electric shocks. His health deteriorated and he died in hospital on 15 February.
- Bahauddin Nasim, a senior Awami League official detained on 28 February, was reportedly tortured for five days by army and police. With his hands and feet tied and his head covered with a bag, he was reportedly hung upside down from what felt like a ceiling fan, spun round and beaten with glass bottles filled with water on his buttocks, knees, elbows, hips and genitals, and given electric shocks.
- Mohiuddin Alamgir, an Awami League leader detained on 15 March, testified before a court on 24 March that while in police custody, three masked men had beaten him with *lathis* (bamboo sticks) and glass bottles filled with water on his buttocks, feet and other parts of his body, and that he was not allowed his medicine for diabetes.

Arbitrary detention

There was a series of politically motivated detentions of journalists, politicians and others during the year.

- On 20 January, Shahriar Kabir, a journalist detained in November 2001 after he had gathered information on attacks on members of the Hindu minority in Bangladesh, was released on bail. Politically motivated charges of sedition against him remained pending before a court. On 8 December Shahriar Kabir and Muntasir Mamun, a university lecturer and human rights defender, were arrested after they had given interviews to foreign journalists, and were detained without charge.
- Omar Tarek Chowdhury, deputy director of the non-governmental organization *Proshika*, a centre for human development, was detained between 13 March and 4 April for carrying documents relating to attacks against members of the Hindu minority.
- Several Awami League leaders were detained for long periods and reportedly tortured or ill-treated. The authorities routinely ignored court orders for their release. Among those detained and later released were Kamal Ahmed Majumder, Mohiuddin Alamgir, Liaqat Shikder, Nazrul Islam Babu, Rafiqul Islam Kotowal and Sheikh Fazlul Karim Selim. Bahauddin Nasim was still detained at the end of the year. Over a dozen Awami League politicians were arrested in December and continued to be detained under the SPA, despite court orders for their release on bail. They included Saber Hossain Chowdhury, who had been detained between 20 October and 20 November, Shafi Ahmed, Mukul Bose, Sheikh Bazlur Rahman and Tofael Ahmed.
- In late November, five people involved in making a documentary about the political situation in Bangladesh for the United Kingdom (UK) television station *Channel 4* were arrested. They were: Zaiba Malik, a woman journalist from the UK; Bruno Sorrentino, an Italian cameraman; and three Bangladeshi nationals – Pricila Raj, an interpreter, Saleem Samad, a journalist and local guide, and Mujib, a driver. The authorities accused them of seeking to tarnish Bangladesh's image abroad, but no formal charges were brought against any of them. Mujib was released after a few days. Zaiba Malik and Bruno Sorrentino were released and deported to the UK on 11 December. Pricila Raj was released on 22 December and stated that she had been tortured. Saleem Samad continued to be detained.

Violence against women

There were frequent reports of violent attacks against women in their homes and communities, including rape, murder and acid throwing. At least six women committed suicide following rape.

- Mahima, a young woman, was raped by three youth activists of the BNP and one youth activist of *Jamaat-e-Islam* (Islamic society), part of the ruling coalition, in what was suspected to be a politically motivated action against her father, an Awami League worker in a village in Rajshahi Division. The rapists took photographs of the rape scene and told the family they would be distributed if a complaint was made. Following Mahima's suicide on 19 February, police brought charges against the four culprits. A court sentenced them to death in October. Their appeal against the death sentence was pending.
- On 24 July, police raided Shamsunnahar hall of residence at Dhaka University and subjected dozens of female students to brutal beatings. More than 50 students were reportedly injured. Following widespread condemnation of the action, the authorities ordered a judicial inquiry. The inquiry confirmed police brutality and recommended punishment of the perpetrators. The report was not made public and by the end of the year no action had apparently been taken against the police involved in the attack.

Violence against minorities

No information was made public about an investigation promised by the government into widespread attacks against Hindus in 2001 that included rapes, beatings and the burning of property. However, the authorities took action to protect Hindus during their festivities in October.

Violent clashes continued between members of the majority tribal groups (PCJSS) who signed the peace accord with the government in December 1997, and radical groups seeking more autonomy and opposing the peace accord. Police sources reportedly said that at least 231 people had been killed and 400 injured in clashes between the PCJSS and radical groups between December 1997 and September 2002. Tribal representatives continued to demand implementation of the peace accord, including the withdrawal of army camps from the region.

Death penalty

At least 87 people were sentenced to death. No executions were reported.

AI country reports/visits

Reports

- Bangladesh: Politically-motivated detention of opponents must stop (AI Index: ASA 13/012/2002)
- Bangladesh: Deaths in custody must be investigated (AI Index: ASA 13/021/2002)

Visit

AI delegates visited Bangladesh in March/April.

BELARUS

REPUBLIC OF BELARUS
Head of state: Alyaksandr Lukashenka
Head of government: Gennady Novitsky
Death penalty: retentionist
International Criminal Court: not signed

Several high-profile "disappearances" remained unresolved. Freedom of expression came under considerable pressure as several journalists were convicted of criminal libel and imprisoned. Human rights defenders faced continued harassment and intimidation. Several hundred people were detained for their peaceful opposition activities, some of whom were subsequently sentenced to prison terms. There were persisting reports of the ill-treatment of detainees, sometimes amounting to torture. Belarus remained the last country in Europe to execute prisoners sentenced to death.

Background

Violations of human rights and fundamental freedoms and the lack of pluralist democracy continued to blight Belarus' relations with the international community, leading to its further isolation. In late September the Parliamentary Assembly of the Council of Europe rebuffed any notion that Belarus' special guest status in the Assembly would be restored. Resolution 1306 stated: "At present, Belarus shows severe democratic deficits and it does not yet meet the Council of Europe's relevant standards. The electoral process is imperfect, human rights violations continue, civil society remains embryonic, the independence of the judiciary is doubtful, local government is underdeveloped and, last but not least, Parliament has limited powers."

'Disappearances'

The authorities failed to determine the fate of leading opposition figures Yury Zakharenko and Viktor Gonchar, as well as businessman Anatoly Krasovsky and journalist Dmitry Zavadsky, who "disappeared" in 1999 and 2000. International criticism of this failure persisted in 2002. In September the Parliamentary Assembly of the Council of Europe stated that it was "seriously concerned about the lack of progress" and established an investigative sub-committee to probe into the "disappearances".

On 14 March Minsk Regional Court convicted four men of crimes including the July 2000 "disappearance" of the *Russian Public Television* cameraman Dmitry Zavadsky, even though the journalist's body was never recovered and the circumstances surrounding his presumed death were not explained. The defendants, two of whom were former members of the *Almaz* special police unit, were sentenced to long prison terms. Human rights monitors regarded the trial and convictions as flawed. The trial took place behind closed doors and failed to address a series of allegations implicating senior state officials in Belarus' spate of "disappearances".

Freedom of expression

Press freedom came under intensified state pressure in 2002, as the authorities used criminal libel laws to curb the legitimate exercise of the right to freedom of expression. Journalists convicted of libel faced imprisonment of up to five years. Three journalists convicted of criminal libel were prisoners of conscience. They were held in guarded barracks far from Minsk and subjected to forced labour for the duration of their sentences. Several other trials were still pending at the end of 2002.

On 24 June Leninsky District Court in Grodno convicted Nikolai Markevich, editor of the independent newspaper *Pagonia*, and staff writer Pavel Mozheiko of libelling President Alyaksandr Lukashenka. The two were sentenced to two and a half and two years respectively of "restricted freedom", reduced by one year in August. The journalists had raised widely held concerns about the alleged involvement of the presidential administration in several "disappearances" in an unpublished article in *Pagonia* in the run-up to presidential elections in September 2001.

On 16 September the editor of the independent newspaper *Rabochy*, Viktor Ivashkevich, was sentenced by a court in Minsk to a two-year term of "restricted freedom" after being convicted of slandering the President in a newspaper article in the pre-election period. The offending article accused the administration of corruption.

Attacks on journalists

There were renewed reports of independent journalists and writers being physically attacked by unidentified assailants. The circumstances surrounding the attacks remained unclear and those responsible were not brought to justice.

In September alone, three journalists and writers were knocked unconscious in separate incidents. The correspondent for the Warsaw-based independent radio station *Radio Racija*, Gennady Kesner, suffered a serious head wound during an attack on 28 September in Minsk. No valuables were reportedly stolen during the assault.

Human rights defenders

Human rights defenders were subjected to continued harassment and intimidation. The state-controlled bar association, the Collegium of Advocates, attempted to exert undue influence over the activities of independent lawyers. Like journalists, lawyers were liable to prosecution on grounds of criminal libel.

On 30 September Minsk Collegium of Advocates informed the prominent human rights lawyer, Vera Stremkovskaya, that it would not permit her to travel abroad. She had recently attended a meeting organized by the Organization for Security and Co-operation in Europe in Warsaw, Poland, where she had criticized the Collegium and the pressure it exerted on human rights lawyers.

On 11 October Leninsky District Court in Minsk convicted lawyer Igor Aksenchik of criminal libel and sentenced him to an 18-month suspended prison sentence. In February, during the closed trial of the men accused of Dmitry Zavadsky's "disappearance", he had publicly named a leading state official widely believed to have been involved. Igor Aksenchik represented Dmitry Zavadsky's mother in the trial. The Collegium of Advocates subsequently expelled him, preventing him from practising as a lawyer.

Detention of protesters

The authorities increasingly resorted to repressive measures to stifle peaceful protest. Many people were deprived of their liberty solely for exercising their rights to freedom of expression and assembly. Between January and April, more than 200 people were detained during anti-government demonstrations and pickets and at least 51 were subsequently imprisoned for between three and 15 days. Detentions continued throughout the year, although on a lesser scale.

On 5 April police detained 13 journalists in Grodno for staging an unauthorized picket against the impending trial of *Pagonia* journalists Nikolai Markevich and Pavel Mozheiko. Leninsky District Court subsequently sentenced six of the journalists to between three and 10 days' imprisonment. They were prisoners of conscience.

Long-term prisoners of conscience

On 25 March Andrey Klimov's four-year deprivation of liberty came to an end when he was released from the UZ-15 labour colony in Minsk after serving two thirds of his six-year sentence. Despite his release, he was prohibited from travelling abroad and undertaking certain activities. He had been arrested in February 1998 on apparently false corruption charges.

Scientist Professor Yury Bandazhevsky remained imprisoned in the Minsk UZ-15 labour colony. He was convicted of bribe-taking in June 2001 and sentenced to eight years' imprisonment, although his conviction was widely believed to be related to his criticism of official reaction to the Chernobyl nuclear reactor catastrophe of 1986. In mid-June the conditions of his detention reportedly improved, allowing him to undertake some scientific work. However, his wife Galina Bandazhevskaya, who visited her husband in early September and November, stated that she had witnessed a distinct deterioration in his mental health and believed he was suffering from severe depression.

Torture and ill-treatment

There were numerous reports of ill-treatment by police officers. In some cases the ill-treatment amounted to torture. Anti-government demonstrators were particularly at risk, usually at the time of arrest. In the absence of prompt, impartial and thorough investigations of complaints, offending police officers were rarely brought to justice.

Stas Pochobut, a 26-year-old punk-rock musician, was stopped by police officers one night in September while walking home with friends in Grodno. Police officers handcuffed him and placed him in a police vehicle when he asked for their identification. One of the officers allegedly punched him in the face repeatedly. The musician suffered concussion and extensive bruising around his left eye and had to be hospitalized. Despite the injuries and eyewitness statements, the public prosecutor's office in the city failed to charge the police officer.

Death penalty

Belarus remained the last country in Europe to execute prisoners sentenced to death. On 30 May the House of Representatives (the lower house of parliament) rejected abolition of the death penalty after a parliamentary debate. In September the Minister of the Interior confirmed that five people had by then been executed in 2002. He was also reported to have suggested that people sentenced to life imprisonment should be given the right to choose between life imprisonment and the death penalty.

AI country reports/ visits

Reports

- Belarus: Four years on – Prisoner of Conscience Andrey Klimov (AI Index: EUR 49/001/2002)
- Belarus: "As long as there are journalists, there will be prison cells" (AI Index: EUR 49/007/2002)
- Belarus: Trodden underfoot – Peaceful protest in Belarus (AI Index: EUR 49/008/2002)
- Without trace: Uncovering the fate of Belarus' "disappeared" (AI Index: EUR 49/013/2002)

Visit

An AI delegate visited Minsk in October in order to take part in a conference and to meet human rights defenders.

BELGIUM

KINGDOM OF BELGIUM
Head of state: King Albert II
Head of government: Guy Verhofstadt
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

There were further allegations that criminal suspects were subjected to ill-treatment and racist abuse by law enforcement officers and that asylum-seekers were ill-treated during forcible deportation operations. Five law enforcement officers were committed for trial in connection with the death of an asylum-seeker during a forcible deportation operation in 1998. There was concern that the treatment of detained child asylum-seekers was not in line with international standards on the treatment of minors. The level of prison overcrowding, together with understaffing and inadequate training, prompted strikes by prison guards. The government advocated prisoner of war status for people held in US custody in Guantánamo Bay, Cuba, unless a competent court decided otherwise, but two Belgian nationals remained detained there without charge or trial or judicial review. There was dismay over court rulings declaring certain cases brought under Belgium's universal jurisdiction legislation inadmissible.

Racist attacks

In March the UN Committee on the Elimination of Racial Discrimination noted "the satisfactory measures" taken in Belgium "following the events of 11 September 2001 in the United States, in order to promote tolerance between religious communities", but expressed regret at "occurrences of racial acts against persons belonging to ethnic minorities, especially those of the Muslim faith". There was a subsequent increase in racist attacks, including a wave of attacks on Jewish synagogues in April. In May a Belgian known for expressing racist views shot at a neighbouring Moroccan immigrant family, killing the parents and wounding two of the children. It was reported that racial motives also played a part in the fatal shooting of a Moroccan teacher of Islamic religion in November.

In May, in a joint statement, AI and Human Rights Watch condemned racist attacks on both Jews and Arabs in a number of European countries, including Belgium, and called on the authorities to redouble their efforts to combat racism in all its forms and to bring to justice suspected perpetrators of hate crimes. The government publicly condemned such attacks, stating that it would expedite bringing the perpetrators to justice and take all measures to ensure the security of places of worship. A number of initiatives to combat racism and promote inter-cultural dialogue were under way.

Ill-treatment of criminal suspects

There were reports of police ill-treatment, often accompanied by racist abuse in the context of identity checks. Such acts were apparently often committed with impunity.

The UN Committee on the Elimination of Racial Discrimination expressed concern about "racist incidents in police stations... where the victims were immigrants and asylum-seekers" and recommended that Belgium take all necessary measures to prosecute such "racially motivated acts of violence".

The Standing Police Monitoring Committee, reporting to parliament, indicated a "worrying" increase in complaints against the police, a substantial number of them relating to insults, racism, xenophobia and physical violence.

The Centre for Equal Opportunities and Opposition to Racism reported that over the previous year it had received scores of complaints against the police, and that skin colour was cited most often as the grounds of police discrimination.

The Council of Europe's Committee for the Prevention of Torture (CPT) published a report in October on its visit to various places of detention in Belgium in 2001. The CPT said it had collected allegations of ill-treatment by law enforcement officials, usually inflicted at the moment of arrest and involving, in particular, kicks, punches, truncheon blows and abusive use of tear-gas spray. In some cases the CPT collected medical evidence consistent with the allegations. The CPT concluded that the risk of someone being ill-treated by law enforcement agencies during detention could not be dismissed. In particular it called for detainees to be allowed access to a lawyer from the beginning of deprivation of liberty, as a fundamental safeguard against ill-treatment.

In October, after repeated delays, the trial began of a gendarme charged with assaulting and racially insulting Rachid N., a Tunisian national, in 1993, more than nine years earlier. Rachid N. said that he was ordered to strip naked in the presence of 10 gendarmes and assaulted and insulted when he tried to refuse. A medical certificate issued within hours of his release from custody the next day recorded multiple bruises. In December the Brussels court acquitted the officer. While it was not disputed that Rachid N. had suffered injuries in detention, the court concluded that there was insufficient evidence that the accused officer was the perpetrator.

Ill-treatment during deportation

There were further allegations that police officers subjected some foreign nationals resisting deportation by air to physical assault and dangerous restraint methods. Some official investigations into such allegations appeared inadequate, with complainants often at risk of deportation while investigations were still under way.

The CPT stated that it had gathered a number of "very worrying" reports concerning restraint methods and the disproportionate use of force during deportation operations via Brussels-National airport. It concluded

that these operations involved a "manifest risk of inhuman and degrading treatment". The CPT noted "numerous measures" taken by the authorities to reduce this risk, including the prohibition of any restraint techniques obstructing the respiratory tract. However, it underlined other dangers associated with the methods in use, in particular those relating to "positional asphyxia" and "economy class syndrome". Among other things, the CPT recommended the introduction of a comprehensive medical examination for any foreign national whose forcible deportation had to be interrupted and further exploration of the use of audio-visual monitoring for forcible deportations.

In March AI called on Belgium to re-examine thoroughly its legislation and practice in the area of forcible deportations and to ensure that they were brought in line with recommendations on the protection of human rights during expulsion procedures issued by Council of Europe bodies in the preceding six months.

Rafik Miloudi, an Algerian national, claimed that he was ill-treated during several of nine attempts to deport him forcibly between October 2001 and March 2002. After one attempt he said he had received injuries requiring some 40 stitches to his back and two to his right thumb. He said that a doctor who examined him at the airport told him he had inflicted the wound himself but referred him for hospital treatment. In March it was reported that efforts by a private doctor and several members of parliament to visit Rafik Miloudi in prison had been unsuccessful for several weeks. The Ministry of the Interior ordered an administrative investigation into Rafik Miloudi's allegations and he was visited by a doctor delegated by the Ministry in March. A private doctor subsequently examined him and recorded, among other things, three scars and the traces of 46 stitches on his back and traces of two stitches to his right thumb. The administrative investigation apparently concluded that Rafik Miloudi's injuries were self-inflicted and his allegations unfounded. The Ministry of the Interior released him in May, with an order to leave the country within five days.

Updates

In March a Brussels court decided that five gendarmes should stand trial in connection with the death in 1998 of Semira Adamu, a Nigerian national, who died after gendarmes pressed a cushion over her face during a deportation operation. Three officers acting as escorts on the plane were charged with deliberately causing grievous bodily harm resulting unintentionally in death. Two officers who had supervised the operation were charged with causing the bodily harm unintentionally through failure to take precautionary measures. No trial had taken place by the end of 2002.

In June the Minister of the Interior informed AI that he had requested and received a report from the General Inspectorate of the Federal Police about allegations made by Mohamed Konteh, an asylum-seeker from Sierra Leone, that he had suffered ill-treatment, threats and racist abuse during numerous attempts to deport him in 2001. The Minister stated that "the result of it was that no mistake was made".

Child asylum-seekers

Child asylum-seekers, both those unaccompanied and those travelling with relatives, remained liable to be held in detention centres for aliens for several months. Measures to address the special protection needs of unaccompanied minors and of children in their own right appeared insufficient. Several unaccompanied minors were returned to their countries of origin, apparently without adequate arrangements made for their protection on return.

Five-year-old Tabita Mubilanzila was held in a detention centre for aliens for two months before being deported to her country of origin, the Democratic Republic of the Congo, although no close relatives were apparently available to receive her and her mother was living in Canada as a recognized refugee and reportedly seeking family reunification. Following a public outcry and the intervention of the Belgian Prime Minister, she was reunited with her mother in Canada.

In June the UN Committee on the Rights of the Child recommended, among other things, that Belgium should: ensure that unaccompanied minors are informed of their rights and have access to legal representation in the asylum process; expedite efforts to establish special reception centres for unaccompanied minors; create a guardianship service ensuring the appointment of a fully independent guardian for unaccompanied minors from the beginning of the asylum process; and expand and improve follow-up of returned unaccompanied minors. Legislation establishing a guardianship service in principle, attached to the Ministry of Justice, was promulgated in December.

Universal jurisdiction

Legislation enacted in 1993 and amended in 1999 made provision for Belgian courts to exercise universal jurisdiction over genocide, crimes against humanity and war crimes in international and non-international armed conflict. Under this legislation, complaints were lodged between 1998 and the end of 2002 against people from some 20 countries who were residing outside Belgium, in addition to criminal complaints against people found in Belgium. Those facing complaints included past and present heads of state and lower-level officials.

During 2002 separate chambers of the Brussels Court of Appeal declared three such complaints inadmissible on the grounds that the law was not intended to permit a criminal investigation unless the suspect was in Belgium. One complaint alleged that in 1982 the Prime Minister of Israel, Ariel Sharon, then Minister of Defence, and others, were responsible for war crimes, crimes against humanity and genocide in the Sabra and Shatila refugee camps in Lebanon. AI stated that the Court's restrictive interpretation of national law was inconsistent with international law. An appeal against the Court's decision was still awaiting ruling by the Court of Cassation at the end of 2002.

In July, the government approved two legislative proposals which, among other things, would allow investigation and prosecution in such cases, regardless of the suspect's location. They were still awaiting parliamentary debate at the end of 2002.

AI called for any amendment of the law to ensure that Belgium could continue to act on behalf of the international community in investigating and prosecuting the worst possible crimes, when states where the crimes occurred failed to fulfil their responsibilities under international law.

AI country reports/visits

Reports

- Concerns in Europe, January-June 2002: Belgium (AI Index: EUR 01/007/2002)
- Universal Jurisdiction: Belgian court has jurisdiction in Sharon case to investigate 1982 Sabra and Shatila killings (AI Index: IOR 53/001/2002)

BELIZE

BELIZE
Head of state: Queen Elizabeth II, represented by Colville Young
Head of government: Said Musa
Death penalty: retentionist
International Criminal Court: ratified

A constitutional amendment bill to resume executions was proposed, but had not been voted on by the end of the year. There were several reports of excessive use of force and killings in disputed circumstances by law enforcement officers. Prison conditions did not meet international standards, and there were reports of torture and ill-treatment of detainees.

Death penalty

In a move to resume executions, a constitutional amendment bill was proposed in September, but had not been approved by parliament by the end of the year. If passed, the legislation would remove the right of appeal to the Judicial Committee of the Privy Council (JCPC) in the United Kingdom – the final court of appeal for Belize – in cases involving Class A murder. This would make the Belize Court of Appeal the final appellate court in such cases. Class A murder, comprising the most serious cases of murder, carries a mandatory death sentence in Belize. Appeals to the JCPC in other criminal and civil cases would be retained. Those on death row who had not instituted proceedings before the JCPC prior to the approval of the bill would have to lodge their final appeal before the Belize Court of Appeal.

The constitutional amendment followed a ruling in March by the JCPC to uphold the previous decision of the Eastern Caribbean Court of Appeal that the imposition of a mandatory sentence of death was unconstitutional. The ruling is binding upon those countries which have the Eastern Caribbean Court of Appeal as their appeal court – Antigua and Barbuda, Belize, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines.

The last execution in Belize took place in 1985. Approximately six people were on death row at the end of 2002. Two people sentenced to death in 1993 and 1994 had their sentences commuted to life in prison, in accordance with previous JCPC rulings regarding people who had spent five or more years on death row.

In March the Belize Court of Appeal upheld the convictions for murder and death sentences imposed on Gilroy Wade (alias "Hooty") and Glenford Baptist, but acquitted Oscar Catzim Mendez, who had been sentenced to death in the same case.

Excessive use of force and unlawful killings by law enforcement officials

There were several reports of excessive use of force and killings in disputed circumstances by Belize Police Department (BPD) officers and the Belize Defence Forces (BDF). Human rights organizations, lawyers and journalists reported that torture and ill-treatment by the security forces were widespread but often remained unreported because of victims' fear of retaliation.

During a protest against increased bus fares in Benque Viejo del Carmen on 24 April, police used excessive force against demonstrators and sprayed tear gas indiscriminately, affecting up to 300 people, including at least 60 young schoolchildren. BPD officers shot and injured two demonstrators at close range with M-16 rifles: Marcos Sánchez, aged 15, was shot in the chest; and Marlon Gámez, aged 24, was shot in the leg. According to reports, police also arbitrarily arrested people and beat some of those detained. Many of the officers involved had not received training in crowd control. The government told AI that "the confrontational attitude adopted by some demonstrators led to the injuries to both police officers and civilians".

Prisons

Conditions in Hattieville Rehabilitation Centre, the main penal institution in Belize, remained poor. Severe overcrowding exacerbated already insufficient sanitary and drainage facilities, posing serious health risks. Many cells lacked sufficient light and ventilation, and some leaked when it rained. In both the women's and men's facilities, juveniles were sometimes held with adult offenders, as were detainees on remand with convicted prisoners. In August the government passed legislation granting control of the prison management to a private company, which subsequently initiated a number of positive reforms to improve conditions and rehabilitation. However, government mechanisms to ensure the company's

compliance with international and domestic standards had yet to be fully established.

Torture and ill-treatment

In May guards in Hattieville Rehabilitation Centre beat and then shot and injured four detainees following a failed escape attempt. Guards reportedly beat the four men, all foreign nationals, with rifle butts and batons, and kicked and punched them. A guard then reportedly went from one detainee to the next deliberately shooting each at close range with a pistol. Three of the detainees were shot in the leg and one sustained a superficial bullet wound to the head. According to reports, the four men were again severely beaten. All needed medical attention in hospital.

Indigenous and border issues

Calls by Mayan community leaders to the government to institute clear policies regarding rights of land ownership and occupation of the Mayan communities in the south continued. Incidents of killings in disputed circumstances by law enforcement officers in the area were reported.

In October, two Mayan men, Alfredo Chen and Seriano Choc, were shot dead and three others from their community were wounded in a confrontation with police in Otoxha village in the western Toledo district. Police reportedly said that two of their officers were acting in self-defence after they were attacked by a machete-wielding mob while attempting to gather evidence of illegal logging in the area.

In May the government reportedly gave *ex-gratia* payments to the family of three Guatemalan men who were killed by Belizean security forces near the village of San Vicente in the Toledo district near the Guatemalan border in November 2001. An Organization of American States (OAS) mission in December 2001 had determined that these were unlawful killings, but a Belizean commission of inquiry in 2002 said the forces had acted in self-defence.

Refugees

Belize failed to offer a meaningful mechanism for people fleeing persecution to apply for asylum, in violation of the 1951 UN Refugee Convention to which Belize has acceded.

AI country reports/visits

Documents

- Belize: Alarming step backwards in the eradication of the death penalty (AI Index: AMR 16/001/2002)
- Belize: Death penalty/legal concern – proposal for return to practice of death penalty (AI Index: AMR 16/003/2002)

Visit

AI delegates visited Belize in November to gather information on human rights concerns from a wide range of sources.

BHUTAN

KINGDOM OF BHUTAN
Head of state: King Jigme Singye Wangchuck
Head of government: Kinzang Dorji (replaced Khandu Wangchuk in August)
Death penalty: abolitionist in practice
International Criminal Court: not signed

There was no progress in the talks between the governments of Bhutan and Nepal over the future of tens of thousands of Nepali-speaking refugees from southern Bhutan living in seven refugee camps in Jhapa district, eastern Nepal. An estimated 60 political prisoners from southern and eastern Bhutan continued to serve long prison sentences. Four people were sentenced to long periods of imprisonment after unfair trials in Samdrup Jongkhar district.

Background

The Minister of Agriculture, Lyonpo Kinzang Dorji, took over as Chairman of the Council of Ministers in August. The National Assembly introduced a new system of local and district government in which members of the local administration, and their chairpersons, would be elected in a secret ballot. Several changes were also introduced to the functioning of the district administration, limiting the powers of the *dzongda* (district administrator).

A Committee appointed in 2001 to write a Constitution handed over its first draft to King Jigme Singye Wangchuck in December.

Members of several armed political groups from northeast India continued to live in camps in the east and south of Bhutan. These groups included the United Liberation Front of Assam (ULFA), the National Democratic Front of Bodoland and the Kamtapuri Liberation Organization. The National Assembly supported a government proposal to hold talks with the leadership of ULFA on the removal of the ULFA headquarters from Bhutan. If ULFA refused, the government would resort to military action.

There was increased tension in refugee camps in eastern Nepal among young Bhutanese refugees attracted to political groups in exile and armed opposition groups operating in the area, including the Communist Party of Nepal (CPN) (Maoist).

Nepali-speaking refugees

A decade after tens of thousands of people from the ethnic Nepali community in southern Bhutan were forced to flee the country, a solution to their plight remained distant.

In 1993 Nepal and Bhutan agreed a process to "verify" the refugees by interviewing them. The outcome of the verification of 12,000 people living in Khudunabari refugee camp in Jhapa district, Nepal, completed in December 2001, was not made public. No progress was

made in categorizing and repatriating the verified refugees. The verification of refugees living in six other refugee camps had not started by the end of 2002. A ministerial-level meeting to discuss the categorization of verified refugees and what would happen to the people in each of four agreed categories had not been convened by the end of 2002.

Children's rights

There were allegations that data from the verification of refugees in one camp in Nepal had been used by the Bhutanese government to discriminate against relatives of refugees still living in Bhutan, in particular by denying them access to education for their children. It was reported that families had been asked to produce a certificate, issued by the police after clearance from the Home Ministry, before their children could sit for exams. Failure to produce the certificate had reportedly resulted in children being suspended from school.

Possible prisoners of conscience

Two prisoners from eastern Bhutan – Taw Tshering and Tsampa Wangchuck – were released in February on completion of their sentences. Eleven other possible prisoners of conscience from eastern Bhutan continued to serve prison sentences ranging from four to over 13 years. In addition an estimated 50 political prisoners from southern Bhutan remained in prison. None had been given leave to appeal.

Siddha Bahadur Bista, a refugee from Beldangi II refugee camp in Jhapa District, Nepal, was arrested by Indian army personnel in northeast India on 12 January and handed over to the Bhutanese authorities. He was released later in the year. Dalman Magar, from the same refugee camp, was arrested in southern Bhutan on 22 September. He was allegedly tortured in police custody.

Unfair trials

Two government employees were reportedly sentenced after unfair trials by the Samdrup Jonkhar district court to life imprisonment for suspected links with ULFA. Two other people were reportedly sentenced by the same court to five years' imprisonment for a similar offence.

AI country reports/ visits

Report

- Bhutan: Ten years later and still waiting to go home – The case of the refugees (AI Index: ASA 14/001/2002)

BOLIVIA

REPUBLIC OF BOLIVIA
Head of state and government: Gonzalo Sánchez de Lozada (replaced Jorge Quiroga Ramírez in August)
Death penalty: abolitionist for ordinary crimes
International Criminal Court: ratified

The situation in the region of El Chapare deteriorated at the beginning of the year. Four peasants were killed and several people were injured in violent clashes between peasants and security forces. Scores of trade unionists were arrested. There were reports of arbitrary arrests and ill-treatment of detainees by members of the security forces. Human rights defenders continued to be harassed and attacked.

Background

Presidential and congressional elections took place in June. In the absence of an outright majority, Congress designated Gonzalo Sánchez de Lozada from the *Movimiento Nacionalista Revolucionario* (MNR), Nationalist Revolutionary Movement, as President for a five-year term; he was inaugurated in August. The election result emphasized the growing emergence of a rural left-wing vote as a political force led by coca grower Evo Morales from the party *Movimiento al Socialismo* (MAS), Movement Towards Socialism. For the first time, indigenous communities obtained a strong parliamentary representation through the MAS, which won the second largest number of seats in the House of Deputies.

El Chapare region

The continuing government policy of forced eradication of coca-leaf crops to fulfil agreements signed with the US government, the militarization in El Chapare region, and the failure of alternative development to replace coca-leaf crops, led to confrontations between peasants and members of the security forces.

In January, following the government's decision to enforce Supreme Decree 26415 which prohibited the drying, transportation or sale of coca-leaf, there were violent clashes between peasants and members of the security forces in Sacaba and Shinahota, Cochabamba Department. Three peasants were killed and several people, including members of the security forces, were injured during the clashes. According to eyewitnesses, one of those killed in January was Marcos Ortiz Llanos, who was shot by a member of the security forces.

Four members of the security forces were killed in disputed circumstances. Two of them showed signs of torture. Reportedly, over 80 union leaders were arrested and needed medical attention as a result of beatings during detention.

In February, following the mediation of the Roman Catholic Church, the Human Rights Ombudsperson and the human rights organization *Asamblea Permanente de*

Derechos Humanos (APDH), Permanent Assembly for Human Rights, an agreement was reached between coca-leaf trade union leaders and the government. Supreme Decree 26415 was suspended, investigations into the killings and complaints of ill-treatment were reportedly initiated, payment of economic compensation to victims of the ongoing conflict in El Chapare was announced, and the jailed union leaders were released.

In October, in further clashes between peasants and members of the security forces in Ichoa, Cochabamba Department, Sabino Toledo, a peasant, was killed and another three peasants were shot and wounded in circumstances which appeared to involve excessive use of force by the security forces.

Conditions of detention and ill-treatment

Prison conditions remained very poor. There were concerns about overcrowding, insanitary conditions and inadequate medical care. Ill-treatment of detainees by police both in prisons and detention centres persisted.

- Detainees held at the Abra men's prison in Cochabamba reportedly complained of ill-treatment by prison staff as well as physical abuse and extortion by other prisoners.
- In January the APDH and the Human Rights Ombudsperson called for an investigation into an incident in which a young female detainee was found stripped naked below the waist after she passed out in the Technical Judicial Police cells. She had also sustained a series of abrasions while unconscious. She required medical attention for several days in the Viedma Hospital. The detainee was unsure whether she had been raped or sexually assaulted while unconscious. Test results were inconclusive; medical and laboratory tests were not carried out until four days after the young woman's arrest.

There were reports of ill-treatment of conscripts in military barracks in Santa Cruz, Santa Cruz Province. According to reports conscripts were subjected to violent punishments and sexual abuse. An investigation into the complaints was announced.

- Over 10 conscripts serving at the army barracks of Puerto Suarez deserted their posts after allegedly being subjected to sexual harassment and being punished for disobeying orders by having aviation fuel poured on their genitals.

Human rights defenders

Human rights defenders continued to be threatened and harassed for denouncing human rights violations and providing assistance to detainees and members of indigenous groups in the context of land disputes.

- In March, César Blanco was detained for several hours by police in Tarija, Tarija Department. While in detention he was reportedly ill-treated and threatened with "disappearance". César Blanco is a lawyer from the non-governmental organization *Centro de Estudios Jurídicos e Investigación Social* (CEJIS), Centre for Legal Studies and Social Research, which provides legal assistance to peasants and indigenous communities on land tenure claims.

AI country reports/ visits

Reports

- Bolivia: Open letter to Presidential Candidates (AI Index: AMR 18/007/2002)
- Bolivia: The need to protect human rights defenders (AI Index: AMR 18/004/2002)

BOSNIA-HERZEGOVINA

BOSNIA AND HERZEGOVINA
Head of state: rotating presidency – Sulejman Tihić, Mirko Šarović and Dragan Čović (replaced Beriz Belkić, Jožo Križanović and Živko Radišić in November)
President of the Muslim/Croat Federation of Bosnia and Herzegovina: Safet Halilović
President of the Republika Srpska: Dragan Ćavić (replaced Mirko Šarović in November)
Head of state government: Dragan Mikerević (replaced Zlatko Lagumdžija in March)
Death penalty: abolitionist for ordinary crimes
International Criminal Court: ratified

The human rights situation continued to be dominated by the unresolved legacy of the 1992-1995 war, and in particular impunity for massive human rights violations committed during that period. The number of refugees and displaced persons who returned to their pre-war homes increased significantly, although many returns were not sustainable. Human rights institutions were unable in several cases to prevent or redress violations as their decisions were not implemented by the authorities. Cooperation with the International Criminal Tribunal for the former Yugoslavia (Tribunal) was still inadequate in the Republika Srpska (RS), where authorities failed to arrest any suspects indicted by the Tribunal. Few past human rights violations were investigated.

Background

Bosnia-Herzegovina comprises two semi-autonomous entities, the Federation of Bosnia and Herzegovina (Federation) and the RS, as well as the autonomous district of Brčko. The country continued to be under the authority of the international community, in particular the High Representative appointed by the UN Security Council. The High Representative has far-reaching powers allowing him to dismiss public officials, including government and judicial officials. Throughout 2002 significant efforts were made to strengthen state institutions. In December the High Representative

imposed new legislation, restructuring the state government and establishing new state ministries for internal affairs and justice.

In April, Bosnia-Herzegovina became the 44th member state of the Council of Europe. The Parliamentary Assembly of the Council of Europe is responsible for monitoring the implementation of commitments made by the government and parliamentary authorities of Bosnia-Herzegovina, most relating to legal reform and ratification of Council of Europe treaties.

In March, politicians representing key political parties reached a partial agreement – the Sarajevo Agreement – on the implementation of decisions reached by the Constitutional Court in 2000. This provided that all Bosnians throughout the country should enjoy equal status. The constitutions of the Federation and of the RS were amended, but the RS parliament subsequently adopted restrictions which contradicted the Sarajevo Agreement. In April the High Representative imposed amendments to both constitutions. These provided for proportional representation in political, administrative and judicial institutions, in accordance with the 1991 population census, until a durable solution is found for all Bosnian refugees and displaced persons.

In general elections in October, ethnically identified parties – the Party of Democratic Action (SDA), the Serbian Democratic Party (SDS) and the Croatian Democratic Union (HDZ) – gained the most votes, although they did not secure an outright majority in either parliament.

Legal reform

The international community continued its efforts to reform the legal system and legislation. In May the first judges of the State Court were appointed. In September the High Judicial Council, a mixed body of international and national jurists, was set up to screen judges and prosecutors. Also in September the High Representative established the Prosecutor's Office in the State Court.

International prosecutions for war crimes

Ten trials, involving a total of 13 accused, were conducted before the Tribunal.

In October, Bosnian Serb Milan Simić was convicted of war crimes and crimes against humanity in Bosanski Šamac and sentenced to five years' imprisonment.

Biljana Plavšić, the Bosnian Serb wartime Deputy President, pleaded guilty in October to one count of crimes against humanity as part of a plea agreement with the Prosecutor, who dismissed the remainder of the indictment. Biljana Plavšić acknowledged her full responsibility for the crimes, expressed remorse to the victims, and called upon other leaders in the conflict to follow her example.

In late November, Mitar Vasiljević was convicted of crimes against humanity and war crimes and sentenced to 20 years' imprisonment.

The Office of the Prosecutor unsealed charges against seven suspects, four of whom remained at large, and announced that it expected to charge a further 100 individuals currently under investigation.

Twenty-four publicly indicted suspects remained at large, most reportedly in the Federal Republic of Yugoslavia and the RS. The RS did not apprehend a single suspect indicted by the Tribunal. Stabilization Force (SFOR) troops arrested four Bosnian Serbs in April, June, and July, but failed to deliver on earlier promises to arrest the Bosnian Serb wartime political leader, Radovan Karadžić, and military commander, Ratko Mladić, both indicted for genocide.

Domestic prosecutions for war crimes

Despite thousands of investigations relating to war crimes, few suspects were brought to justice in proceedings in domestic courts, largely as a result of the lack of cooperation between the criminal justice systems of the two entities. According to unofficial estimates, some 10,000 potential suspects were listed in local investigation files, of which 2,500 had been reviewed by the Tribunal Prosecutor who approves domestic prosecutions in individual cases.

A proposal to establish a special division in the State Court to prosecute violations of international humanitarian law was debated within the international community for several months, upon the insistence of the Tribunal Prosecutor, in view of the Tribunal's termination in 2008. However, the proposal had not been officially adopted at the end of 2002, apparently because of insufficient funds.

In the RS, five former Bosnian Serb police officers were arrested in May on suspicion of involvement in the "disappearance" of the Matanović family in 1995. The police investigation into the case, which had been ordered by the Human Rights Chamber in 1997, only progressed after intense pressure from the UN Mission in Bosnia and Herzegovina (UNMIBH) and the International Police Task Force (IPTF). Evidence implicating a further 18 former and serving police officers in Prijedor was revealed in May. In November the Tribunal approved the opening of judicial investigations relating to these additional suspects, after judicial proceedings were delayed for several months by counter-complaints from the suspects.

In October, AI wrote to the European Union making recommendations about the proposed structure and objectives of the European Union Police Mission (EUPM), which was due to take over police monitoring from the UNMBIH/IPTF in January 2003. AI's recommendations included the establishment of a human rights unit which would continue the supervision of investigations into human rights violations, including war crimes. AI was informed that the EUPM does not have the executive authority to investigate allegations of human rights violations itself.

Prosecutions for post-war abuses

Members of ethnic minority groups who returned to their pre-war homes faced violence and harassment. The response of the police and the judiciary remained inadequate and proceedings were subject to delays. Even in cases where the IPTF provided considerable

support, perpetrators responsible for organizing and committing serious violent acts continued to escape justice.

Two trials relating to violent riots which erupted during a rebuilding ceremony for the *Ferhadija* mosque in Banja Luka in mid-2001 concluded after sustained pressure by the international community. In April, seven men were convicted of violent behaviour – mainly for assaults on RS police officers in June 2001 – and sentenced to imprisonment of up to four months. In October, 14 men were sentenced to up to 13 months' imprisonment for violent assaults committed on 7 May 2001. However, no one was brought to justice for the death of one elderly man or the ill-treatment of scores of others. The police and judicial investigations preceding the trial were reportedly inadequate and UNMIBH/IPTF criticized the lack of professionalism of the judiciary.

Right to return in safety and with dignity

More than 90,000 members of ethnic minorities were registered as having returned to their pre-war homes by the end of 2002. Legislation enabling them to regain possession of property was implemented in more than 60 per cent of the country.

However, many of those who returned appeared unlikely to be able to remain, as they faced inadequate funding for rebuilding, lack of economic development and employment opportunities in return areas, discriminatory practices leading to the denial of social and economic rights, violence and harassment. In many parts of the country communities remained divided on ethnic lines, despite sustained efforts by the international community to recruit members of minorities into the police force, and steps to establish multi-ethnic authorities.

In June the UN High Commissioner for Refugees (UNHCR) made an urgent appeal for continued international funding. UNHCR stated that tens of thousands of homes in need of urgent reconstruction still required funding. In November, Bosniak leaders in the eastern RS stated that hundreds of returnees to Zvornik, Srebrenica and Bratunac had temporarily returned to the Federation, awaiting the arrival of previously announced reconstruction funding.

'Disappearances'

Thousands of cases of "disappearances" remained unresolved. Despite the partial progress made in the Matanović case (see above), few other cases of "disappearance" were investigated and no perpetrators were brought to justice. Legal provisions criminalizing "disappearances" were lacking, and there was insufficient cooperation between the entities, between the police and judicial systems, and between Bosnia-Herzegovina and neighbouring Croatia and the Federal Republic of Yugoslavia, whose armed forces had been involved in many of the cases.

Significant progress was made in the DNA identification program, led by the International Commission on Missing Persons. By the end of 2002 the total number of human remains identified in this way in Bosnia-Herzegovina reached 1,200, compared to 70 in the previous six years. However, it became increasingly difficult to locate the sites of mass graves, reportedly because of the failure of the armed forces and the authorities to disclose information.

'Anti-terrorism' measures violating human rights

In January, the Federation and state authorities handed over six Algerian men – who had held Bosnian citizenship – to US custody, without obtaining guarantees that they would not be subjected to the death penalty, torture or ill-treatment, or unfair trial. The transfer ignored a decision of the Human Rights Chamber which stated that four of them should not be forcibly removed from Bosnian territory, pending a full examination of their case. The six men were reportedly taken to the US-run detention facility in Guantánamo Bay, Cuba. They had been arrested by Federation police in October 2001 on suspicion of "international terrorism" in connection with an alleged plan to attack foreign embassies in Sarajevo. On 17 January the Federation Supreme Court ordered their release from custody but instead the men were immediately redetained by Federation special police forces and hours later handed over to US officials. Federation police reportedly used excessive force against demonstrators protesting against the transfer of these men. In October, the Human Rights Chamber ruled that the Federation and state authorities had violated multiple human rights, and ordered the authorities to compensate the four men and to retain lawyers to represent them in any forthcoming trial proceedings in the USA.

A Bosnian citizen, Sabahudin Fiuljanin, was detained without warrant by SFOR in late October, reportedly on suspicion of illegal possession of weapons and documents, and of espionage against SFOR. He was held at the US Task Force Eagle Base near Tuzla, and denied access to a lawyer and visits from his family, in contravention of national and international standards. AI wrote to SFOR in November, questioning the legal basis of his detention and urging SFOR to hand him over to the local authorities so that he could have access to a court. A few days after AI's intervention, Sabahudin Fiuljanin was allowed some very restricted contact with his lawyer, but remained in detention at the end of 2002.

AI country reports/ visits

Reports

- Bosnia-Herzegovina: Amnesty International's concerns in the case of Edin Garaplija (AI Index: EUR 63/002/2002)
- Bosnia-Herzegovina: Memorandum to the High Representative of Bosnia-Herzegovina (AI Index: EUR 63/009/2002)
- Bosnia-Herzegovina: Memorandum to the Secretary-General of the Council of the European Union (AI Index: EUR 63/018/2002)

Visits

In May and August AI visited the country to carry out research into domestic war crimes prosecutions and "disappearances".

BRAZIL

FEDERATIVE REPUBLIC OF BRAZIL
Head of state and government: Fernando Henríque Cardoso
Death penalty: abolitionist for ordinary crimes
International Criminal Court: ratified

Thousands of people were killed in confrontations with the police, often in situations described by the authorities as "resistance followed by death". Police were responsible for numerous killings in circumstances suggesting extrajudicial executions. Torture and ill-treatment continued to be widespread and systematic in police stations, prisons and juvenile detention centres. In some cases police reportedly used torture as a method of extortion. Mechanisms put in place by the authorities to encourage complaints did not result in notable increases in prosecutions or convictions of torturers. Conditions in prisons continued to deteriorate as a result of overcrowding, long-term neglect and corruption. Many cases of deaths in custody were recorded at the hands of police and prison guards, but more often as the result of inter-prisoner violence committed with the acquiescence or neglect of the relevant authorities. Human rights defenders continued to be intimidated, threatened, attacked and even killed, especially those denouncing organized crime, impunity and corruption. Land and environmental activists, as well as indigenous peoples fighting for land rights were also threatened, attacked and killed by police or those acting with the acquiescence of the authorities.

Background

President Fernando Henríque Cardoso's eight years and maximum of two terms in office came to an end. Even though important human rights legislation and two national human rights programs were introduced during this time, many Brazilians continued to suffer systematic abuse and violations at the hands of representatives of the state. This was largely because of widespread impunity and the federal government's inability to ensure that state authorities complied with national and international human rights legislation.

Luiz Inácio Lula da Silva of the Workers' Party won a landslide presidential election in October and was due to take office in January 2003. Gubernatorial and congressional elections also took place.

Widespread organized crime, including drug trafficking, kidnapping and gun trafficking, resulted in continued high levels of urban violence. Popular demands for tougher public security policies dominated the elections, with many gubernatorial candidates promising further repressive policing. Those in poor and marginalized sectors of society continued to suffer most from violent crime committed by both criminal gangs and corrupt elements within the police.

Economic decline in the region impacted negatively on Brazil. Acute levels of poverty and starvation were strongly criticized by the UN Special Rapporteur on the right to food, who visited the country in March.

In June Brazil ratified the Rome Statute of the International Criminal Court (ICC). The authorities were pursuing the necessary legislative reforms to ensure that the exercise of primary jurisdiction matched the requirements for cooperation with the ICC.

Police killings, extrajudicial executions and 'death squads'

Public and media concern at high levels of urban violence and crime continued to drive underfunded, poorly trained and often corrupt police forces to the further use of repressive methods. Members of the military and civil police were again responsible for thousands of deaths across the country. Many of these killings reportedly took place in situations which indicated excessive use of force or extrajudicial execution. The killings were rarely investigated as they were often registered as "resistance followed by death", a characterization that frequently sought to blame the victim. According to the São Paulo police Ombudsman's office, police killings in the state numbered 703 by October, matching the total for the whole of 2001. Of these killings, 652 were registered as "resistance followed by death", 138 of which were attributed to off-duty police officers. In Rio de Janeiro 656 killings by the police had been registered by September, already outstripping the previous year's total of 592. "Death squads" reportedly continued to act with impunity in certain states, with the participation or collusion of members of the police.

On 5 March over 100 members of São Paulo's military police killed 12 suspected criminal gang members travelling in a bus near the town of Sorocaba, in an alleged shoot-out. Independent forensic examinations of the victims suggested that many had been extrajudicially executed. However, formal investigations were reportedly hampered as the crime scene was interfered with and the bodies removed by the police. São Paulo's Bar Association and the city's Vice-Mayor said they had evidence indicating that the incident was part of a wider scheme set up by a special intelligence unit within the military police, known as GRADI, originally created to investigate hate crimes. According to this evidence, the scheme included the torture of detainees and illegally forcing them to infiltrate criminal gangs with the aim of executing members. Similar incidents, involving 15 other killings, were being investigated by the state's Public Prosecutor's Office. São Paulo's governor praised police who participated in the killings, using film footage of the destroyed bus during his election campaign.

Human rights defenders

Human rights defenders across the country continued to suffer attacks, threats, intimidation and killings as a result of their work, especially when denouncing organized crime, corruption and impunity. Some public

figures and elements within the media made concerted efforts to undermine the work of human rights defenders by dismissing them as "defenders of criminals".

In Espírito Santo state, human rights defenders faced growing threats. Several federal investigations had previously implicated the police organization *Scuderie Detetive le Cocq* (SDLC) in extrajudicial executions, killings of human rights defenders, corruption and organized crime. The SDLC, which appears to have a paramilitary structure, reportedly had links with powerful economic and political groups in the state, including members of the executive, legislative and judicial branches of power. In April a lawyer was killed just before he was due to reveal evidence on political corruption in the state to the police. His death led human rights activists to call on the federal government to intervene in the state to end the many years of impunity. Although the Human Rights Council of the Ministry of Justice recommended intervention by the federal government, the request was stalled when the federal Attorney General withdrew his support following a meeting with the President. This led the Minister of Justice to resign.

Following calls from both the national and international human rights community the government set up a "special mission", comprising federal public prosecutors and federal police, to investigate allegations of organized crime, extrajudicial executions, torture and threats to human rights defenders in Espírito Santo. However, members of the local human rights movement continued to be at risk. An incendiary device was detonated in the offices of the Bar Association in June, and one of the principal suspects, who was collaborating with the investigations, was killed in November while in the custody of the federal police.

Torture and ill-treatment

Torture and ill-treatment continued to be used by elements within all Brazil's police forces as a means of investigation and to extract confessions. Understaffed and poorly trained prison guards, often working in dangerous situations, used torture and violence to humiliate and control detainees. Torture was also used to extort money and serve the criminal interests of corrupt officials. Although the federal government launched a campaign to combat torture in 2001, prosecution figures under the 1997 torture law continued to be extremely low given the endemic practice of the crime. The São Paulo non-governmental organization (NGO) *Ação dos Cristãos pela Abolição da Tortura* (ACAT), Christian Action for the Abolition of Torture, presented a report to the São Paulo state authorities citing 1,631 of the 5,000 cases of torture it had recorded between June 2000 and June 2002. According to figures given to the NGO Global Justice, the São Paulo state Public Prosecutor's Office had initiated only 30 prosecutions under the torture law since 1997.

Detainees held in São Paulo's FEBEM juvenile detention system continued to suffer torture and ill-treatment on a systematic basis. Members of the Children and Adolescents department of the Public Prosecutor's Office consistently denounced torture and ill-treatment of juveniles, especially at the Franco da Rocha unit. Prosecutors uncovered bars, chair legs and batons reportedly used to beat detainees. Many complaints were accompanied by photographs of juvenile detainees showing injuries. Efforts to prevent prosecutors from monitoring the system culminated in November with guards threatening to strike in an attempt to stop inspection visits.

Conditions of detention and deaths in custody

Conditions of detention in most police stations, prisons and pre-trial and juvenile detention centres continued to cause concern. Extreme overcrowding, minimal provisions for basic health and sanitation needs, poor structural conditions, and no provisions for work or education meant that the majority of detainees were held in cruel, inhuman or degrading conditions. Many cases of deaths in custody were recorded, caused either by excessive force used by police or guards or by inter-prisoner violence perpetuated by the negligence or acquiescence of prison authorities. Torture and ill-treatment were consistently used as methods of control and punishment.

In an attempt to control gang violence in prisons, the São Paulo state and federal authorities introduced the Differentiated Disciplinary Regime, which allows prison directors to transfer dangerous prisoners to solitary confinement in high-security prisons for up to a year, with no prior approval necessary from a judge. The move was criticized as unconstitutional by members of São Paulo's Bar Association.

On 31 December 2001 a judicial order was issued to transfer prisoners randomly between Urso Branco, the main prison in Rondônia state, and the holding cells used for inmates deemed to be at risk from others. The following day, after the order was implemented, there was a massacre of 27 inmates by other prisoners in the main prison. Military police and prison guards, who could hear the screams of those being killed, refused to enter the prison to intervene. Ten other detainees were killed by guards and other prisoners later in the year. During a visit to the prison in April, AI found that it suffered from a sub-standard structure, severe overcrowding, no segregation by category, and minimum health provisions. Heavily armed military police were guarding detainees, contrary to national law, and were reportedly maintaining control through extensive use of torture and ill-treatment. The case of Urso Branco was one of the first for which Brazil was taken to the Inter-American Court of Human Rights, yet few if any of the provisional measures ordered by the Court had been effectively implemented.

On 15 September the Carandiru prison complex, which held around 7,000 detainees in appalling conditions, was closed. The closure was largely welcomed by human rights groups, although subsequent transfers of detainees led to overcrowding in many other prisons in the state. Carandiru became infamous as a result of a 1992 massacre, where members of the military police killed 111 unarmed

detainees following a riot. The trial of the military police accused of participating in the massacre was again delayed as Colonel Ubiratan Guimarães of the military police, awaiting an appeal hearing on his sentence of 632 years for heading the operation, was elected state deputy in October, giving him parliamentary immunity. No date was set for the trials of 115 military police officers also involved in the massacre.

Violence against land activists and indigenous peoples

In the course of land disputes, land activists suffered harassment and attacks at the hands of military police responsible for carrying out evictions, as well as killings by hired gunmen often acting with the apparent acquiescence of the police and local authorities. The Pastoral Land Commission documented 38 killings of land activists during the year, a rise of 31 per cent on 2001. At least 10 killings of rural workers and trade unionists were reported in Pará state alone. Land reform activists continued to be held under preventive detention orders and to have politically motivated criminal charges brought against them. In many cases charges appeared to be prompted solely by non-violent activities in favour of land reform.

Almir Muniz da Silva, a farm worker, was last seen on 29 July when walking down a small country path in the municipality of Itabaiana, Paraíba state. Investigations failed to uncover his whereabouts. Almir da Silva had testified before the state Parliamentary Commission of Investigation into Rural Violence and the Formation of Private Militias in the state of Paraíba. He had named a policeman as the principal person responsible for violence against rural workers in the region. Almir da Silva's name was reportedly one of 10 on a death list compiled by police and local landowners. Four others on the list reportedly survived attempts on their life.

In June, after many years and numerous legal hindrances, the retrial of the military police officers charged with responsibility for the 1996 massacre of 19 land activists in Eldorado dos Carajás, Pará state, took place. Representatives of the Landless Workers Movement (MST) boycotted the trial, stating that the proceedings were neither fair nor independent. Other NGOs assisting the prosecution withdrew following the decision to try 127 soldiers in one session. Of those charged, only Colonel Mario Pantoja and Major José Maria Oliveira were convicted for their part in leading the police operation. They remained free pending an appeal. All other defendants, including one major, one captain, four lieutenants, 11 sergeants and 127 soldiers of the Pará Military Police, were found not guilty. AI, as well as victims' families and local NGOs, saw the convictions as little more than symbolic given the inability of the police investigation and the judicial process to identify those with individual criminal responsibility for the shooting and hacking to death of the 19 land activists. Appeals were lodged against the court's rulings.

Indigenous peoples around the country also suffered threats, attacks and killings mainly as a consequence of their struggle for land. They suffered further violations of their rights, including reported sexual harassment, as a result of military bases being set up on indigenous lands. Concerns were raised that Decree No. 4412, which regulates the armed forces' presence on indigenous lands, fails to provide necessary protection for indigenous peoples. Further legislation for the protection of indigenous rights remained pending: the Indigenous People's Statute was awaiting congressional approval; and Convention No. 169, the Indigenous and Tribal People's Convention, of the International Labour Organisation, was still awaiting presidential ratification, having passed through the Senate.

On 15 September armed gunmen entered the Pataxó indigenous community in Pequi village, Bahia state, shooting randomly. Thirty families fled the village as their houses were destroyed. Many suffered physical violence. Following the violent eviction six members of the Pataxó community were arrested. All were subsequently released, one bearing visible signs of torture. Members of the community believed that a local landowner was responsible for the violence and that members of the civil and military police were involved. At the end of the year the families had still not been able to return to their land and their condition was extremely precarious. Members of the Pataxó community have consistently suffered attacks and violence since their land was demarcated in 1988.

AI country reports/visits

Reports

- Brazil: 'Subhuman' – Torture, overcrowding and brutalisation in Minas Gerais police stations (AI Index: AMR 19/003/2002)
- Open letter from Amnesty International to Brazilian presidential candidates (AI Index: AMR 19/022/2002)

Visits

AI delegates visited six states in Brazil in April and met presidential candidates in September.

BULGARIA

REPUBLIC OF BULGARIA
Head of state: Georgi Parvanov (replaced Petar Stoyanov in January)
Head of government: Simeon Saxe-Coburg-Gotha
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

People with mental disabilities faced systematic discrimination, and conditions in many social care homes were inhuman and degrading. Reports of ill-treatment and torture by law enforcement officials were widespread and at least one person died as a result of being beaten by police. Very few perpetrators were brought to justice. Many of the victims, some of whom were minors, were Roma. Law enforcement officials continued to use firearms in circumstances prohibited by international standards, resulting in deaths and injuries.

People with mental disabilities

Children and adults with mental health disorders or developmental disabilities (referred to as people with mental disabilities) were systematically discriminated against when subjected to treatment against their will in psychiatric hospitals, when placed for residential care in social care homes or when placed under guardianship. Legal regulations for placement in hospitals and homes failed to provide sufficient guarantees of independence and impartiality. Patients and residents in social care homes suffered inadequate rehabilitation and care. AI observed abusive practices of restraint and seclusion in all institutions for adults, and appalling material conditions in eight out of 10 social care homes for adults. In combination, these conditions amounted to cruel, inhuman and degrading treatment or punishment in violation of international human rights law.

Living conditions in psychiatric hospitals were inadequate and opportunities for rehabilitation and therapy were notably lacking. Electroconvulsive therapy was reportedly administered in some institutions without the use of anaesthetic or muscle relaxant. Children were frequently placed in institutions without proper diagnosis, and there was no provision for monitoring and reassessing diagnoses by specialists.

State-allocated resources appeared not to cover even the most basic provision of food, heat and clothing. Facilities in social care homes for adults were generally so neglected that some buildings were derelict, filthy and, in places, dangerous. Food, heating and medical treatment were so inadequate in some homes that mortality rates were high, particularly during long, cold winters.

In April AI urged the authorities to investigate the deaths of 22 men who had died in the social care home in Dragash Voyvoda in 2001 and five men who died there in 2002. Most of the deaths in this institution, which houses around 140 men, were apparently caused by pneumonia. The bodies of two men who died in March 2002 were subjected to a post-mortem examination which established pneumonia and malnutrition as the cause of death. The doctor who treated the deceased residents stated that residents have to pay for their own antibiotics and that none of his other patients in the municipality had died as a result of pneumonia.

Psychotropic medication was used in homes for adults as well as in some institutions for children to subdue behaviour which could be a response to distress or anger arising from the environment, rather than from a psychiatric disorder.

Measures taken by the authorities to address the situation were insufficient and piecemeal. In Sanadinovo, an institution housing more than 90 women with mental disabilities, material conditions and lack of care were appalling. Around 20 of the most vulnerable women lived in a two-room single-storey building. When AI visited in January, they were in dirty and tattered clothing, and some were half naked. Those who were bed-ridden lay on soiled sheets. Urine and faeces were on the floor and walls. A criminal complaint was lodged on behalf of some Sanadinovo residents who had been held in a cage. However, in May the complaint was dismissed for lack of evidence. In June the institution was closed down and most of the women were transferred to a refurbished facility in Kachulka. However, seriously disabled women still lacked adequate care, and lay in their beds unwashed and unattended. Seven women were transferred to Razdol where conditions were no better than in Sanadinovo.

Police ill-treatment

Numerous incidents of police ill-treatment, which sometimes amounted to torture, were reported. One case resulted in death.

In February at a border police facility near Sladun, in Svilengrad region, 26-year-old Seval Sebahtin Rasin was apprehended with 26 foreign nationals who were entering Bulgaria illegally. He was reportedly punched, kicked and beaten with truncheons by border police officers, then taken to a police lock-up where he died several hours later. In September, seven officials were indicted in connection with his death.

Some of the victims were minors who were questioned without their parents or a lawyer being present.

In February, in Kostinbrod, six adolescent boys aged 17 and 16 were taken to the police station on suspicion of stealing a radio from a patrol car. They were reportedly kicked and punched by several police officers. They were then questioned for about three hours before being released without charge. Two officers allegedly involved in the beating were reportedly dismissed from the police force, but there was no information on the results of a criminal investigation initiated by the military prosecutor.

Few of the reported incidents of police ill-treatment resulted in suspected officers being brought to trial. In March, Sofia Military Court acquitted two police officers who had been charged with causing grave bodily injuries which resulted in the death of Mehmed Mumun (known as Milotin Mironov) in January 2001.

Investigations into complaints of police torture and ill-treatment failed to meet international standards. In June the European Court of Human Rights decided that the death in custody of 17-year-old Angel Zabchekov (also known as Zubchikov) in Razgrad in 1996 constituted a violation of the European Convention on Human Rights in respect of the death, the authorities' failure to provide timely medical care, and the failure to conduct an effective investigation. Angel Zabchekov had been taken from a police lock-up to hospital, where he died. An autopsy established that his death had resulted from a brain haemorrhage following a blow to the head, but the investigation into his death was suspended on the ground that it was impossible to establish how the injuries had been inflicted.

Unlawful use of firearms by the police

Law enforcement officers resorted to firearms in circumstances far wider than those allowed by international human rights standards, which only permit the use of firearms in self-defence or the defence of others against the imminent threat of death or serious injury. Police officers continued to use firearms to apprehend suspects who were running away. Many people were injured in such incidents. According to the Human Rights Project, a local non-governmental organization defending the rights of the Roma, a police officer shot Stefan Kostov, a 27-year-old Romani man on 2 February. Stefan Kostov and three 15-year-old boys were collecting wood near Sliven when the officers approached them and told the boys to return to the village. The officer then shot Stefan Kostov in the right knee from a distance of about one metre. The boys took Stefan Kostov to hospital. The same day three police officers and a photographer took the boys from the hospital to the scene of the shooting, then to a police station where they were reportedly forced to sign a statement which, being illiterate, they could not read. In March the military prosecutor rejected a complaint about the shooting filed by the Human Rights Project and decided not to initiate a criminal investigation.

AI country reports/visits

Reports

- Bulgaria: Sanadinovo: "This is truly a ghastly place" (AI Index: EUR 15/002/2002)
- Bulgaria: Far from the eyes of society – systematic discrimination against people with mental disabilities (AI Index: EUR 15/005/2002)

Visits

Representatives of AI visited Bulgaria four times between January and July. They visited 16 social care homes for children and adults with mental disabilities, returning to four institutions for a second visit. In October AI and the Bulgarian Helsinki Committee, a local human rights organization, convened an international forum in Sofia to highlight systematic discrimination against people with mental disabilities and to urge the authorities to reform the mental health, social care and educational systems. This event was attended by participants in the reform process, national and international non-governmental organizations as well as representatives of the Council of Europe Commissioner for Human Rights and the UN Special Rapporteur on disabilities.

BURKINA FASO

BURKINA FASO
Head of state: Blaise Compaoré
Head of government: Ernest Yonli
Death penalty: abolitionist in practice
International Criminal Court: signed

A human rights organization found scores of unburied bodies, believed to be those of criminal suspects extrajudicially executed by the security forces. No progress was reported in investigating these killings. The judicial commission set up to investigate the killing in December 1998 of Norbert Zongo and his three companions remained blocked.

Background

Parliamentary elections in May led to the ruling *Congrès pour la démocratie et le progrès*, Congress for Democracy and Progress, winning a majority of parliamentary seats. In June the *Secrétariat d'Etat chargé de la promotion des droits de l'homme*, Secretariat of State for the Promotion of Human Rights, was upgraded into the *Ministère de la promotion des droits humains*, Ministry for the Promotion of Human Rights. In November the government launched an operation to repatriate citizens of Burkina Faso subjected to xenophobic attacks in Côte d'Ivoire.

Extrajudicial executions

In February the human rights organization *Mouvement burkinabé des droits de l'homme et des peuples* (MBDHP), Burkinabé Movement for Human and Peoples' Rights, reported that 106 bodies had been found between October 2001 and January 2002 in various parts of the country. According to MBDHP, the bodies were handcuffed and bullet-ridden. The organization attributed the killings to extrajudicial executions of alleged criminals by the security forces in the context of a security operation launched by the government in October 2001. In February, the Ministry of Justice announced it would open a judicial

investigation commission but by the end of 2002 there was no indication that such a commission had been opened. The Ministry of Security opened an internal investigation, but its terms of reference were not made public. The government acknowledged that several people had been killed and said it would support families of victims who sought justice.

Impunity

There was no progress in the investigation of the killings in 1998 of the prominent journalist Norbert Zongo and Ablassé Nikiema, Ernest Zongo and Blaise Ilboudo. According to the judicial commission of inquiry, the ill-health of one of the main suspects was the cause of the delay.

AI country reports/ visits

Statement

- Burkina Faso: Amnesty International calls for an investigation into massive extrajudicial executions (AI Index: AFR 60/001/2002)

BURUNDI

REPUBLIC OF BURUNDI
Head of state and government: Pierre Buyoya
Death penalty: retentionist
International Criminal Court: signed

Conflict raged countrywide for most of 2002. Human rights abuses, in particular the extrajudicial execution of unarmed civilians by government armed forces, escalated alarmingly. Armed political groups committed widespread abuses against the civilian population, including unlawful killings. All parties looted and destroyed property. Politically motivated or arbitrary arrests, torture and "disappearances" by state security forces were reported. Thousands of people remained in prolonged detention without trial. At least 52 death sentences were passed. Hundreds of thousands of people were internally displaced, some without humanitarian assistance. Thousands more fled to neighbouring countries. Conflict in the Democratic Republic of the Congo (DRC) continued to affect the political and human rights situation in Burundi.

Background

Implementation of the August 2000 Peace and Reconciliation Agreement continued, albeit haltingly, despite the escalating conflict and political divisions within the Transitional Government and its institutions. There was some progress towards the implementation of human rights provisions, particularly with regard to impunity and justice. Several exiled political leaders and politicians returned. New legislation on the registering of political parties was passed.

The conflict escalated further during 2002, and grave violations of international humanitarian law were committed by all parties. These abuses included deliberate killings of unarmed civilians and other non-combatants, which constituted war crimes.

Cease-fire agreements between the Transitional Government and dissident wings of the two main armed political groups were signed in October 2002, but had little impact on the conflict. However, in early December 2002, a cease-fire agreement was signed with the *Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie* (CNDD-FDD), National Council for the Defence of Democracy-Forces for the Defence of Democracy, which also outlined a number of outstanding military and political points to negotiate, as well as some implementation issues. The CNDD-FDD is not a signatory to the Peace and Reconciliation Agreement. The other main armed political group, the *Parti pour la liberation du peuple hutu-Forces nationales de liberation* (PALIPEHUTU-FNL), Party for the Liberation of the Hutu People-National Liberation Force, stated its intention to continue hostilities.

The economic crisis deepened. Tens of thousands of people suffered severe malnutrition. As health care was increasingly privatized, scores of people were detained by private hospitals for failing to pay medical bills.

Killings of civilians by government forces

Indiscriminate killings of unarmed Hutu civilians by government armed forces increased significantly, often in reprisal for operations by armed political groups. More than 500 civilians were extrajudicially executed, including scores of children, many under the age of 10. Killings appeared to increase following a statement by the army spokesperson, broadcast on national radio, that civilians in conflict zones would be treated as "rebels". The Transitional Government did not condemn most of the killings.

- In July and August, 23 children were among more than 30 unarmed civilians extrajudicially executed by government forces in Rutegama and Kiganda communes, Muramvya province. The victims were relatives of three men suspected of belonging to the CNDD-FDD. No one was arrested in connection with these killings.
- On 9 September, at least 174, and possibly as many as 267, unarmed civilians were killed by government forces in Itaba commune, Gitega province. Many were shot at point-blank range. The government and armed forces admitted responsibility but claimed, falsely, that it was an isolated incident. Two officers were arrested. At the end of 2002 they were in detention but had not been charged.

Abuses by armed political groups

Serious human rights abuses were carried out by both PALIPEHUTU-FNL and the CNDD-FDD, including unlawful killings of unarmed civilians, government

officials and suspected collaborators. CNDD-FDD combatants indiscriminately shelled the capital, Bujumbura, on several occasions. Scores of unarmed civilians were killed in ambushes on public transport vehicles. An already impoverished population was repeatedly looted and forced to hand over money and other contributions. Both groups continued to use children, some as porters, shepherds and cooks, and others as active combatants. Numerous girls were reportedly raped by combatants.

In May, several PALIPEHUTU-FNL combatants and officers were killed, in some cases after torture, following an alleged plot to assassinate Agathon Rwasa, the leader of PALIPEHUTU-FNL, involving senior members of the government and the Hutu-dominated political party, the *Front pour la démocratie au Burundi* (FRODEBU), Front for Democracy in Burundi. Killings of people suspected by PALIPEHUTU-FNL of collaboration with the government also increased. Further punishment beatings, and sometimes killings, were reported as local PALIPEHUTU-FNL commanders intervened in disputes and other affairs normally treated by low-level officials or the courts.

Scores of civilians were taken hostage by CNDD-FDD combatants, sometimes after being forced to act as porters. The majority were released after payment. In May, CNDD-FDD combatants abducted the Bishop of Ruyigi as he travelled to Bujumbura, claiming it was for his protection. They killed his driver. The Bishop was released unharmed after five days.

More than 20 low-level local government officials were unlawfully killed by both armed political groups, including at least 12 in Bubanza province (in which both the CNDD-FDD and PALIPEHUTU-FNL operate). In September, the head of the Kamenge district of Bujumbura was killed by armed men believed to be from PALIPEHUTU-FNL.

'Disappearances'

Several people reportedly "disappeared" after their arrest and were feared dead.

On 4 September, Dieudonné Nzisabira, Rénovat Mvuyekure and Léopold Bucumi were arrested by soldiers from Kamesa military position, Nyabiraba commune, Rural Bujumbura, and accused of being members of an armed political group. They were reportedly transferred to a nearby military position in Gisovu, but were not seen thereafter.

Torture and ill-treatment

At least two people died in detention as a result of torture.

In July, Sergeant Paterne Mpfukamensabe was beaten to death in Ngagara military barracks, Bujumbura, after being arrested following a dispute with another soldier. The barracks commander initially claimed that the officer had died from a severe stomach upset. However, the body showed injuries to the face, head and back. A military judicial investigation was opened but had not progressed by the end of 2002.

Scores of people were tortured or ill-treated after arrest. In January, 13 people were arrested in Songa commune, Bururi province, on suspicion of links with an armed political group. At least four of those arrested were ill-treated at a military position, including two elderly women who were beaten on their hands with an iron bar.

Rape was widespread. Members of government forces and armed political groups were widely accused of raping women. One woman died in April in Gihanga, Bubanza province, after being repeatedly raped by soldiers. Very young girls were also raped, often by civilians, but few prosecutions took place.

Administration of justice

Scores of people were arrested on suspicion of belonging to armed political groups, or of threatening state security. Some arrests appeared motivated by corruption and extortion by local authorities, police or magistrates. Several political opponents and critics of the transitional process were arrested and detained.

In November, former President Jean-Baptiste Bagaza, who returned from exile in July, was accused of plotting to assassinate President Buyoya and placed under house arrest. More than 10 members and supporters of his *Parti pour le redressement national* (PARENA), Party for National Recovery, were arrested and detained incommunicado on suspicion of involvement in the plot and other destabilizing activities, including violence in Bujumbura. At least one of those arrested was badly ill-treated. PARENA itself was suspended for six months. At the end of 2002, seven suspects remained in detention without charge.

Prolonged detention without trial

More than 4,500 people out of a prison population of approximately 8,300 were awaiting trial. Some had been detained since 1994, mainly on suspicion of involvement in the 1993 massacres of Tutsi civilians which followed the assassination of Burundi's only democratically elected president. Others were held for offences including belonging to armed political groups.

Scores of soldiers and several civilians detained on suspicion of involvement in coup attempts in April and July 2001 had not been charged by the end of 2002. One suspect was killed in disputed circumstances in Ngozi prison.

Six people were charged in October with the November 2001 murder of Burundi's representative to the World Health Organization (WHO). One of the defendants, an expatriate WHO colleague, had left the country. The remaining five had been held without charge for nearly a year. At least one of the suspects was tortured during interrogation by the National Intelligence Agency. None had been brought to trial by the end of 2002.

In June, six people were acquitted of involvement in an attack attributed to PALIPEHUTU-FNL on an international civilian passenger aircraft as it came in to land in Bujumbura. Most of the defendants had been in

detention since January 2001. Several suspects were tortured in the early stages of the investigation, and one reportedly "disappeared". There were no investigations into the torture allegations.

Children

Children were killed, tortured, and arbitrarily detained by government forces. Other children were killed by armed political groups, mainly in ambushes.

Children formed a minority of detainees, but were spared none of the abuses inflicted on adult detainees. Under Burundian law, no child under the age of 13 should be detained.

Gilbert Ndabarushimana, aged 11, was detained for nearly two months after being arrested in January by a government militia. Alexandre Nzeyimana, reportedly aged 12, was arrested in April and was still detained at the end of 2002.

Freedom of expression

Freedom of expression came under attack once again. Journalists were subjected to ill-treatment and intimidation by the security forces and authorities. One journalist was called in for questioning and another ill-treated after reporting on a demonstration. In May, the Minister of Defence forbade journalists to broadcast interviews with members of armed political groups. Human rights defenders, who continued to monitor and condemn human rights abuses, faced grave risks.

Population displacement

Conflict forced some families to leave their homes and crops repeatedly. There were an estimated 450,000 internally displaced persons (IDPs) in Burundi, some displaced since 1993. Approximately 200,000 children were living in IDP camps and thousands of others were living away from their homes but not in camps.

Chronic insecurity limited access to some displaced populations, aggravating the humanitarian crisis. Some IDP camps were looted and attacked by armed political groups. There were persistent reports that some displaced populations were being prevented from returning to their land by corrupt local officials or army commanders demanding money.

At least 40,000 refugees reportedly returned from Tanzania, but significant numbers of refugees continued to flee the country. Over 20,000 people fled to Tanzania during 2002, joining approximately 550,000 Burundian refugees.

Congolese refugees in Burundi

Conflict in the DRC caused thousands of Congolese to flee to Burundi. A refugee camp in the northern border province of Cibitoke was closed in June after a new camp was opened further from the Congolese border. However, Congolese Banyamulenge refugees in Cibitoke and Bujumbura refused to move there, citing security concerns. Several hundred chose to return to the DRC.

Forcible return

The Burundian authorities arrested and forcibly returned at least 13 Congolese Banyamulenge refugees to the Rwandese-controlled zone of eastern DRC in January, and eight in July and August. All remained in detention without charge in the DRC and some were ill-treated. Other Banyamulenge, including refugees, were briefly detained and some beaten in Bujumbura.

Over 300 Burundian refugees, some of whom had lived in the DRC for nearly 30 years, were forcibly returned to Burundi in January. Little humanitarian assistance was provided to them on their arrival in Rumonge, southern Burundi.

Death penalty

At least 450 people were under sentence of death, the majority after unfair trials. No executions took place. At least 50 death sentences were passed after trials by the Appeal Courts and at least two death sentences were passed by military courts. The only recourse for those sentenced to death by the Appeal Courts is a plea to the Cassation Chamber of the Supreme Court on procedural issues. This contravenes the right to appeal.

Zamda Bagurikunda, a businesswoman suspected of links with the CNDD-FDD, and Dieudonné Niyonsaba, a member of the armed forces, were sentenced to death by a military court after being convicted of passing stolen army ammunition to the CNDD-FDD. Three other defendants received lesser sentences. None of the defendants received legal assistance. Zamda Bagurikunda appealed to the Military Court of Appeal. Her appeal had not been heard by the end of 2002.

AI country reports/visits

Reports

- Burundi: Punishing the population – reprisal killings escalate (AI Index: AFR 16/006/2002)
- Poverty, isolation and ill-treatment: Juvenile justice in Burundi (AI Index: AFR 16/011/2002)

Visits

AI delegates visited Burundi in March to undertake research. In September AI's Secretary General was among a delegation that met government ministers, human rights and refugee groups, and launched a report on juvenile justice in Burundi.

CAMBODIA

KINGDOM OF CAMBODIA
Head of state: King Norodom Sihanouk
Head of government: Hun Sen
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

Montagnard refugees (members of minority groups from the Central Highlands of Viet Nam) continued to arrive in Cambodia in large numbers. Fears grew over Cambodia's lack of commitment to its obligations as a state party to the 1951 UN Refugee Convention. Attempts by the UN High Commissioner for Refugees (UNHCR) to guarantee protection collapsed. Hundreds of Montagnards were accepted for resettlement in the USA, but hundreds of new arrivals were arrested and forcibly returned to Viet Nam. In the run-up to February's commune-level elections, at least 17 candidates were reported to have been killed. Political violence and intimidation continued in the run-up to the national elections to be held in mid-2003. The UN decided not to support the Cambodia tribunal for Khmer Rouge leaders, citing concerns about the court's independence, impartiality and objectivity and saying that trials would not meet international standards of justice. However, in November the UN General Assembly asked for negotiations between the UN Secretary-General and Cambodia to begin again on this issue. Impunity remained a major obstacle to human rights protection in Cambodia. Torture and ill-treatment in detention centres was reported throughout the year. The criminal justice system continued to suffer from endemic corruption and remained weak.

Background

Commune-level elections, the first to be held at grassroots level since the Paris Peace Accords in 1991 that formally ended the civil war, were won by the Cambodian People's Party (CPP). CPP candidates won over 90 per cent of the commune chief positions contested. International election observers reported that voting and counting of votes were carried out in an acceptable way, but raised concerns about pre-election violence and intimidation.

Compared to previous years, the political situation in 2002 was relatively stable. The CPP continued to consolidate power as its weaker coalition partner, the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) saw defections and important figures leaving the party.

In April Cambodia ratified the Rome Statute of the International Criminal Court.

Cambodia hosted without incident an Association of South East Asian Nations (ASEAN) leaders' meeting in November for the first time, marking an important step for the country on the international stage.

A major meeting of donors was held in June in the capital Phnom Penh. It resulted in the international community pledging US$635 million to Cambodia for the following year. However, donors raised concerns about corruption, lack of progress on judicial reforms, the need for free and fair elections, unauthorized logging and the slow pace of military demobilization.

Refugees

In March the UNHCR withdrew from a tripartite agreement with Cambodia and Viet Nam on the voluntary repatriation for Montagnards that had been signed in January. The UNHCR's action resulted from the intimidation of asylum-seekers by a 400-strong visiting Vietnamese delegation of officials and relatives to refugee camps in northeast Cambodia, threats made against UNHCR staff, and problems of limited access to returnees in Viet Nam. After March, Cambodia began to deport new arrivals against their will, in breach of its international obligations under the 1951 UN Refugee Convention. However, the majority of the approximately 900 Montagnard asylum-seekers who had arrived in 2001 continued to be resettled in the USA as part of a bilateral arrangement.

Three asylum-seekers under UNHCR protection – a Vietnamese monk and a Chinese married couple who claimed to be practitioners of the *Falun Gong* spiritual movement – went missing and were widely believed to have been forcibly returned to their respective countries. The incidents led to an unusual public criticism of Cambodia by the UNHCR.

Khmer Rouge cases

In February the UN withdrew from discussions with the government to establish a criminal tribunal to bring to justice suspected perpetrators of gross human rights violations during the period of Khmer Rouge rule (1975-1979). This followed the government's continuing refusal to address concerns regarding the independence and impartiality of this judicial process which had been highlighted by the UN's legal office in previous years. The government's stance was in contrast to Cambodia's ratification of the Rome Statute of the International Criminal Court in April. In November a new UN resolution was passed which opened the way for renewed negotiations on the Khmer Rouge tribunal.

Two Khmer Rouge suspects arrested in 1999 remained in detention. One of them, Ta Mok, was charged in February with crimes against humanity under Cambodian law, providing legal justification for his continued pre-trial detention.

Political violence and intimidation

The high level of political violence and intimidation reported in the run-up to the February commune-level elections left a reported 17 candidates dead, including three women candidates who were shot dead in January. Killings, harassment and intimidation continued as the national elections, due in July 2003, approached. According to one report from a local human rights organization, seven party activists were

killed after the February elections and many others faced threats and intimidation. All of the alleged politically motivated killings were of members of FUNCINPEC or the Sam Rainsy Party, the other main opposition party. The ruling CCP candidates and activists did not appear to be targets.

Torture

In August, five prison guards accused of torture were acquitted in a landmark case, the first trial of state agents accused of torture since 1993. The trial stemmed from an attempted prison escape from Kompong Cham provincial prison in 1999, when five men were caught and allegedly beaten severely in front of other prisoners. The acquittal was strongly criticized by the Special Envoy of the UN Secretary-General for Human Rights in Cambodia. The court recommended that the five guards face "administrative action". The five victims remained in prison serving their original sentences and fears were expressed for their safety by the Special Envoy and others.

A leading Cambodian human rights advocacy organization released a report in August showing a rise in human rights violations in prisons, including torture, which it attributed to a sharp increase in the prison population. Of more than 2,000 inmates questioned by the organization, over 10 per cent alleged that they had been tortured in police custody with a smaller percentage claiming they had been tortured in prison.

Impunity

The promotion and protection of human rights continued to be severely hampered by the lamentable state of the judicial system. The combination of poor facilities, low salaries, executive interference, lack of education and training, and weak and poorly enforced legislation has created a judicial system in which people have no confidence and which daily fails in its duties and responsibilities. Numerous judicial reform initiatives, many supported by international donors, did not result in concrete improvements.

AI country reports/ visits

Reports

- Cambodia: Urgent need for judicial reform (AI Index: ASA 23/004/2002)
- Viet Nam/Cambodia: No sanctuary – The plight of the Montagnard minority (AI Index: ASA 41/011/2002)
- Cambodia: Still waiting for justice – appeal cases (AI Index: ASA 23/005/2002)

Visit

An AI delegation visited Cambodia in March.

CAMEROON

REPUBLIC OF CAMEROON
Head of state: Paul Biya
Head of government: Peter Mafany Musonge
Death penalty: retentionist
International Criminal Court: signed

Security forces continued to ill-treat criminal suspects, political activists and members of ethnic minorities in police stations. At least one person died in custody, allegedly as a result of torture by the gendarmerie. Eight gendarmes were tried by a military tribunal in connection with the "disappearance" of nine teenagers in Douala in 2001. Members of the Southern Cameroons National Council (SCNC) were arrested and detained without trial for weeks. Human rights defenders and independent journalists were harassed and intimidated by the security forces and, on occasion, detained without charge for weeks. Eighteen detainees sentenced in 1999 to long prison terms after an unfair trial remained in prison; some of them were suffering serious health problems.

Background

The ruling *Rassemblement démocratique du peuple camerounais*, Cameroonian People's Democratic Movement, increased its majority in parliament following legislative elections in June. The International Court of Justice in The Hague ruled on 10 October that sovereignty over the Bakassi Peninsula, an oil-rich territory disputed between Nigeria and Cameroon, lay with Cameroon.

Human rights defenders and journalists

Intimidation and harassment of human rights defenders, independent journalists and political opponents intensified during the year. On occasion, the security forces confiscated travel documents preventing people considered to be critical of the government from travelling abroad and taking part in international meetings. Offices of human rights defenders and opponents were routinely searched and documents confiscated without explanation. Publishers, journalists and human rights activists were arrested by the gendarmerie and detained for weeks without charge. Journalists from independent newspapers and press groups such as *Mutations*, *Le Front Indépendant* and *Le Messager* were particularly targeted.

On 28 September, Albert Mukong, former executive director of the Human Rights Defence Group, was arrested by the gendarmerie at Ayukaba in South-West Province. He was taken to Mamfe Gendarmerie Station and held there until his release on bail on 22 October. Albert Mukong was accused, together with seven members of the SCNC, of taking part in illegal meetings, disturbing public order, banditry and separatism. AI

believes that Albert Mukong was targeted for publicly expressing the right of self-determination of the English-speaking provinces of Cameroon.

Detention without charge

Detainees were held without charge, sometimes for several months, in breach of national law which states that detainees should be referred to a judicial authority to be either charged or released within 72 hours of arrest.

The authorities continued to target English-speaking activists in the South West and North-West provinces. Throughout the year at least 10 members of the SCNC were arrested and detained without charge for weeks.

Nwanchang Thomas was arrested by gendarmes in Bamenda, North-West Province, on 18 May while he was distributing leaflets calling for independence for Southern Cameroon. He was transferred to Bamenda Central Prison where he remained until he was released without charge on 3 June.

Torture and ill-treatment

Suspects held in custody by the gendarmerie continued to be subjected to torture and cruel, inhuman and degrading treatment.

Ousman Haman, a member of the Mbororo ethnic group in the North-West Province, was arrested in Bamenda on 29 April, in the context of a dispute between Mbororo shepherds and a landowner said to have close links with the authorities. According to his lawyer, gendarmes tortured him following his arrest. They reportedly beat the soles of his feet 150 times using a cane and flogged him while they made him jump on sand. He was taken to hospital before being released on bail by the Bamenda High Court on 17 May. However, he was rearrested a few days later and remained detained without charge at the end of the year together with three other members of the Mbororo ethnic group: Adamu Isa, Yunusa Mbaghoji and Yaouba Oumaru.

Shiynyuy Georges, an SCNC activist, was arrested on 10 September by gendarmes in the Tobin quarter of Kumbo, North-West Province, and taken to the local gendarmerie station. According to Shiynyuy Georges' wife, when she visited him at the station the following day he told her that he had been severely beaten all night long by gendarmes. Shiynyuy Georges died in custody on 16 September, apparently while being transferred to Bamenda. No investigation into the death was known to have taken place by the end of the year.

Impunity

On 9 July, a military tribunal in Yaoundé convicted two gendarmes of involvement in the "disappearance" of nine adolescents in the Bépanda Omnisports neighbourhood of Douala. The youngsters, popularly known as the "Douala 9", had been arrested in February 2001 on suspicion of stealing a cooking-gas bottle and "disappeared" after they were taken to Bonanjo, Douala, and detained in a facility of the *Commandement Opérationnel*, a special anti-crime unit of the gendarmerie. There were allegations that the teenagers had been extrajudicially executed. The two gendarmes were found guilty of abuse of authority and complicity in the abuse of authority and sentenced to short prison terms. The other six gendarmes tried in the same case were acquitted. By the end of the year no one had been held to account for the "disappearance" of the "Douala 9".

AI country reports/ visits

Reports

- Cameroon: Human rights defender targeted and harassed on the eve of a major international human rights conference (AI Index: AFR 17/001/2002)
- Cameroun: Affaire des 9 "disparus" de Douala – A quand le jugement des responsables? (AI Index: AFR 17/006/2002)
- Cameroon: Human rights defender and political activists arrested and held in prison (AI Index: AFR 17/008/2002)

Visits

Despite repeated requests by AI to visit the country, the Cameroonian authorities failed to grant visas to AI delegates.

CANADA

CANADA
Head of state: Queen Elizabeth II, represented by Adrienne Clarkson
Head of government: Jean Chrétien
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

There were concerns about police accountability and refugee protection.

Police accountability

The trial of four police officers charged with the manslaughter of Otto Vass, who was beaten to death in Toronto in August 2000, had not taken place by the end of 2002.

In June, Ramsey Whitefish, an indigenous man, was allegedly beaten by two police officers in Toronto. In September, after considerable public pressure, two police officers were charged with assault in connection with the incident.

In August the ongoing refusal of the authorities to hold an inquiry into the 1995 killing by an Ontario Provincial Police officer of Dudley George, an indigenous man involved in a land claims protest, was brought before the UN Committee on the Elimination of Racial Discrimination. Before the Committee, Canadian officials asserted that the federal government did not

"have the authority to conduct inquiries into allegations of misconduct by provincial officials and the province's police force." The Committee's conclusions point out that "the principal responsibility for the implementation of the Convention lies with the federal Government of Canada."

Refugees

Canada's new Immigration and Refugee Protection Act came into effect on 28 June. In spite of provisions in the legislation, the government chose to suspend implementation of the Refugee Appeal Division. This effectively denied asylum-seekers the fundamental right to an appeal on the merits of their case if they received a negative decision from the Immigration and Refugee Board.

In January, the Supreme Court ruled in the case of Manickavasagam Suresh, who had been recognized as a refugee by the Canadian authorities in 1991. The Canadian authorities had initiated proceedings to deport him to Sri Lanka because of his alleged links to an armed opposition group. There were concerns that he would be at risk of torture in Sri Lanka. The Supreme Court ruled that, barring extraordinary circumstances, deportation to torture will generally violate the principles of fundamental justice. The Court agreed that there was *prima facie* evidence that Suresh would face torture in Sri Lanka. The decision to deport him was being reconsidered at the end of the year.

In June, Mansour Ahani was forcibly returned to Iran in spite of a request from the UN Human Rights Committee to the Canadian authorities not to do so, in order to give the Committee time to review a submission on his case. Mansour Ahani was reportedly briefly detained upon his return to Iran and has not been heard from since.

Throughout the year a number of individuals, often people accused of supporting armed Islamic groups, continued to be at risk of deportation from Canada to countries where AI believed they faced a serious risk of torture.

On 5 December, Canada and the USA signed a "safe third country" agreement which, with a few exceptions, denies asylum-seekers who have passed through either country and are seeking to make a refugee claim at a border entry into the other country, any opportunity to do so. The agreement was expected to become operational early in 2003. There was concern that the agreement could lead to human rights violations, including arbitrary detention and *refoulement*.

Other issues

In October, Canada acceded to the Optional Protocol to the UN Women's Convention, which allows women to make individual complaints to the Committee that oversees the Convention.

There was concern that a referendum regarding the negotiation of land claims, conducted by the provincial government in British Columbia, implied a willingness to abrogate existing rights of indigenous peoples under international and national law.

CENTRAL AFRICAN REPUBLIC

CENTRAL AFRICAN REPUBLIC
Head of state: Ange-Félix Patassé
Head of government: Martin Ziguélé
Death penalty: abolitionist in practice
International Criminal Court: ratified

Dozens of unarmed civilians were killed along the border with Chad during fighting between government soldiers and rebel forces. Dozens of other unarmed civilians were unlawfully killed and hundreds were tortured during and following an attempted coup in October. After an unfair trial, 25 people were sentenced to death *in absentia* and around 600 people were sentenced to prison terms *in absentia* in connection with a coup attempt in May 2001.

Background

Political and military instability persisted in the aftermath of the 28 May 2001 coup attempt by armed soldiers of the former President, General André Kolingba. In November 2001, the army chief of staff, General François Bozizé, fled to neighbouring Chad with his followers after he was accused of another coup attempt. The government subsequently accused General Bozizé's forces of launching armed incursions into northern Central African Republic, with Chadian government support. During 2002 there were repeated clashes along the Chad border between General Bozizé's supporters and Central African forces led by the former Chadian rebel leader, Abdoulaye Miskine, recruited as a colonel in the Central African army. The Presidents of both countries met in the Chadian capital N'djaména on 10 April to discuss tensions between the two states and announced the immediate reopening of the common border.

In October General Bozizé launched another attempt to overthrow President Ange-Félix Patassé. Dozens died in the fighting before the rebels retreated, and thousands of people fled to the town of Mbaiki, about 175km southwest of Bangui, the capital.

In November around 300 troops from the Central African Economic and Monetary Community (CEMAC) arrived in Bangui to ensure the President's security and to patrol the border between Chad and the Central African Republic. On 11 November the UN peace-building office in the Central African Republic (BONUCA) set up a commission to investigate human rights violations perpetrated during the October 2002 coup attempt.

October coup attempt

From 25 to 31 October forces loyal to former army General Bozizé attempted to overthrow President Patassé. They were driven out of the capital, Bangui, by

loyalist forces supported by Libyan government troops and combatants of the *Mouvement de la libération du Congo* (MLC), Movement for the Liberation of the Congo, from the Democratic Republic of the Congo.

During and after the coup attempt in Bangui, and after the rebels had withdrawn, dozens of unarmed civilians were unlawfully killed and hundreds beaten by forces supporting the Central African government. Hundreds of women, girls and boys were raped. The main perpetrators were reported to be MLC combatants as well as Libyan and Central African government forces. Local and international humanitarian workers expressed concern that many of the people raped were at risk of HIV infection. Rebel forces also committed human rights abuses, including the taking of hostages.

- Dozens of unarmed Chadian nationals were killed in the PK12 district of Bangui on 31 October, allegedly by members of the presidential guard and other Central African government forces.
- Presidential spokesman Prosper Ndouba was taken hostage on 25 October by rebels and held some 300km north of Bangui towards the border with Chad. He was released on 2 December.

Unlawful killings

During the year dozens of unarmed civilians, including Chad nationals, were killed in the north of the Central African Republic during repeated clashes between General Bozizé's supporters, based in Chad, and soldiers supporting the Central African government.

- In January, 11 unarmed Chadian civilians were killed near M'Bari and Batangafo in the north of the Central African Republic, allegedly by Central African government forces.

Impunity

The authorities failed to bring to justice members of the security forces suspected of serious human rights violations. There was no investigation into extrajudicial executions by the security forces that took place after the May 2001 coup attempt.

Political trial and the death penalty

The government-appointed Commission of Judicial Inquiry was itself responsible for human rights violations during its investigations of abuses perpetrated by rebel forces against security forces during the May 2001 coup attempt. Among the violations committed by the Commission were arrests on the basis of anonymous notes, failure to respect the time limit for holding suspects in police custody, unlawful searches, violations of prisoners' rights, and obstruction of the right to freedom of movement. The Commission's findings led to the trial *in absentia* of more than 600 defendants.

- The trial of former Defence Minister Jean-Jacques Demafouth, former President Kolingba and 600 other defendants on charges relating to the May 2001 coup attempt opened and was immediately adjourned on 15 February after defence lawyers protested that the proceedings did not respect the rights of the defence. Defendants had not been given access to the files until two days before the trial began. When the trial resumed on 22 February, Jean-Jacques Demafouth was in court, charged with organizing his own coup attempt. The President of the Criminal Court tried but failed to exclude one of the main defence lawyers, Zarambaud Assingambi. The *Ligue centrafricaine des droits de l'homme*, Central African Human Rights League, protested against the insults and humiliations suffered by defence counsel. The hearing was adjourned on 8 March.

On 21 August the trial of 600 defendants resumed. After a two-day trial during which none of the defendants had legal representation, both the civilians and former soldiers being tried received up to 20-year prison sentences with hard labour for treason. On 26 August, former President Kolingba, his three sons and 21 soldiers were sentenced to death *in absentia* on charges of undermining state security. The same day, 10 people accused of being accomplices to former President Kolingba were sentenced to 20 years' imprisonment with hard labour. On 7 October Jean-Jacques Demafouth was acquitted.

AI country reports/ visits

Visit

In January AI delegates visited Bangui to gather information about human rights violations in the aftermath of the May 2001 coup attempt, and held talks with the authorities. The delegates also visited Brazzaville, Republic of the Congo, and the northwest of the Democratic Republic of the Congo to interview refugees from the Central African Republic. They also discussed with MLC leaders human rights abuses committed by the armed group's combatants in the Central African Republic in May 2001.

CHAD

REPUBLIC OF CHAD
Head of state: Idriss Déby
Head of government: Nagoum Yamassoum
Death penalty: retentionist
International Criminal Court: signed

Several prisoners of conscience, including human rights defenders, were arrested and briefly detained. Over 100 people, including children, were arbitrarily arrested in March. Scores of people were ill-treated while held by the security forces and a number of cases of torture, including rape, were reported. No effective action was taken to bring those responsible to justice. Judicial investigations continued into human rights violations committed during the presidency of Hissein Habré between 1982 and 1990. Concern was expressed about the impact of an oil pipeline on the rights of the local population and the environment. Attacks on freedom of expression increased.

Background

In January, a peace agreement was signed in Libya between the government and an armed opposition group, the Movement for Democracy and Justice in Chad (MDJT). A general amnesty for MDJT combatants was passed by the National Assembly in February. However, sporadic fighting continued and the MDJT, active in northern Chad, appeared divided over the cease-fire.

Legislative elections took place in April. They were boycotted by two opposition parties, the Union for Democracy and the Republic, and the Party for Liberty and Development. Both claimed that the authorities did not provide sufficient guarantees that the election would be free and fair. Turnout was low and President Idriss Déby's ruling Patriotic Salvation Movement won a majority of seats in the National Assembly.

On the day of the elections, one of the candidates, Gueti Mahamat, leader of the African Democratic Party and a member of the Living Forces coalition opposed to President Déby, was killed when his car ran over a landmine in Faya Largeau, northern Chad. At least three people were arrested in connection with the incident; it remained unclear whether they had been charged with any offence.

Relations between Chad and neighbouring Central African Republic remained tense, with mutual accusations of harbouring or supporting armed opponents, and fighting broke out several times along or near their common border.

Prisoners of conscience

Several prisoners of conscience were arrested and briefly detained. Human rights defenders working outside the capital, N'Djaména, were particularly vulnerable to arbitrary arrest.

In March, three people who had protested against the recruitment policy of a French firm involved in an oil pipeline were arrested in Bam and transferred to the gendarmerie in Bessao where they were detained. They were released without charge or trial after three days.
In October, two members of the Chadian League for Human Rights were arrested in Maro, Moyen Chari Prefecture, southern Chad, and transferred to Sido, near the border with the Central African Republic. They were accused of being members of an armed opposition group, but were later released without charge or trial.

Arbitrary arrests

In March, over 100 people were arbitrarily arrested in N'Djaména in a joint police and gendarmerie operation. Many of those arrested were beaten before being transferred, with flagrant disregard for legal procedures, to gendarmerie stations between 70km and 150km from their homes. Their conditions of detention were harsh. Chadian human rights groups and others protested at the arrests and within three weeks all had been released or had escaped. One person died in the raid in circumstances which remained unclear.

Torture and ill-treatment

There were other reports of ill-treatment and torture, including rape, by the security forces. The perpetrators appeared to be able to commit such abuses with impunity.
In November, a woman was reportedly raped and another sexually assaulted by a gendarmerie officer while in gendarmerie custody in Bébédja, Logone Oriental Prefecture. The women were subsequently released and lodged formal complaints with the gendarmerie commander.
In May, new information came to light about people who were tortured in Abéché in 2001. One of them, Ibrahim Adoum, died as a result of torture in police custody shortly after his arrest in July 2001. Attempts by victims, their families and members of the judiciary to bring to justice those responsible were blocked by the security forces.

Oil pipeline

In September, the Inspection Panel (IP) created by the Board of Executive Directors of the World Bank published its report on its inspection in response to allegations by a National Assembly member and residents of the Doba area "that the Pipeline Project constituted a threat to local communities, their property and the environment and that the people of the oil field were being harmed because of the absence, or inadequacy, of environmental assessment and compensation". The IP concluded "that Management was in compliance with several aspects of the Bank's environmental and social policies". However, human rights activists and community representatives in Chad continued to raise concerns about the consequences of the project in southern Chad, including the negative impact of the pipeline on health, access to education and discrimination with regard to employment opportunities.

Violations during President Hissein Habré's rule

Judicial investigations continued into human rights violations alleged to have been committed by former President Hissein Habré and his collaborators. Investigations into cases of "crimes of torture, murder and enforced disappearance" were initiated both by Chadian and Belgian courts after complaints were registered by a number of victims, supported by Chadian and international human rights groups. In October, the Chadian Minister of Justice confirmed that Hissein Habré would not benefit from state immunity.

Several of the plaintiffs were harassed and threatened in Chad reportedly by the security forces following their complaints.

Freedom of expression

Freedom of expression came under increasing attack as the legislative elections approached. In March, the Superior Communications Council announced that non-state radio stations would not be allowed to broadcast political programs or debates during the electoral campaign. A similar restriction had been imposed in 2001 before the presidential campaign.

Refugees

In May, nearly 100 refugees from various countries, including children, who had sought refuge in N'Djaména cathedral in April, were forcibly ejected by members of the security forces. Unconfirmed reports suggested that some were subsequently forcibly conscripted into the armed forces.

AI country reports/visits

Visit

AI delegates visited Chad in May to conduct research and meet judicial officials.

CHILE

REPUBLIC OF CHILE
Head of state and government: Ricardo Lagos
Death penalty: abolitionist for ordinary crimes
International Criminal Court: signed

Harsh prison conditions and ill-treatment of inmates, including minors, continued to be reported. There were further confrontations between police and indigenous people in the context of land disputes; one person was killed. Proceedings against former President Augusto Pinochet were dismissed, but other investigations into past human rights violations continued.

Background

In September there were reports in the press that a secret organization known as the *Comando Conjunto* (Joint Command) was being revived. This organization, which was accused of involvement in past human rights abuses, was reported to be regrouping in order to obstruct judicial investigations into past human rights violations.

In October, the Third Criminal Court ordered the trial of former Air Force General Patricio Campos Montecinos. The Court found that he had withheld and destroyed information in relation to five people who "disappeared" during the military government and so "benefitted those responsible for these crimes and harmed the administration of justice".

In August, the non-governmental human rights organization *Agrupación de Familiares de Detenidos Desaparecidos* (AFDD), Association of Relatives of Disappeared Detainees, demanded new forensic tests on the remains of victims of "disappearances" who had been returned to their relatives for burial. The demand followed the disclosure of a 1995 forensic report prepared by the Department of Forensic Medicine and Science of the University of Glasgow in connection with the identification of remains found in the Santiago General Cemetery, Plot 29. The report had been sent to the Chilean Medical Forensic Service, a unit within the Ministry of Justice, which had failed to forward the report to the court in charge of the investigation or to inform the relatives of the findings. A judicial investigation was initiated and the reorganization of the Medical Forensic Service was announced by the Minister of Justice.

Ill-treatment

Harsh prison conditions and ill-treatment of inmates, including minors, continued to be reported.

In January detainees at the Alfa high-security wing of Colina II prison initiated a protest against ill-treatment and poor conditions in the prison by injuring themselves with sharp objects. At the end of January, the Fifth Chamber of the Appeals Court of Santiago ordered the closure of the Alfa high-security wing. The

decision of the Court followed the submission of a habeas corpus writ on behalf of 25 detainees who complained of beatings and other ill-treatment by prison guards (*Gendarmeria*). The ruling of the Court stated that the detainees had been subjected to cruel, inhuman and degrading treatment.

In October, the Santiago Appeals Court reportedly ordered an investigation into allegations of ill-treatment by prison guards of a prisoner convicted of criminal charges held in the punishment cells of the Former Penitentiary prison. The Court ruled that conditions in the punishment cells amounted to cruel, inhuman and degrading treatment and ordered that its use be restricted until individual isolation cells had been provided.

Children

In September, the Santiago Appeals Court found that the authorities had violated the UN Children's Convention by allowing minors under the age of 18 years to be detained together with adults and by holding them in punishment cells. According to reports, following the Court's decision, the director of the *Gendarmeria* ordered that children held in prisons be segregated from adults and that the use of punishment cells be stopped.

Past human rights violations

'Caravan of Death'

In July the Second Chamber of the Chilean Supreme Court dismissed the case against Augusto Pinochet in relation to proceedings connected with the "Caravan of Death" – a military operation in which 75 people were killed in 1973. The ruling stated that Augusto Pinochet was mentally unfit to stand trial and that his condition was incurable. Following the decision, Augusto Pinochet resigned from his position as senator for life. Immunity as a former president of the country was automatically granted to him.

In September a civil suit against Augusto Pinochet was submitted by the daughter of Benito Tapia, a trade union leader who was one of the victims of the "Caravan of Death".

The Prats investigation

In July an Argentine judge requested the lifting of Augusto Pinochet's presidential immunity to interrogate him about the killing of Chilean general Carlos Prats and his wife in the Argentine capital, Buenos Aires, in 1974. In November the Supreme Court upheld the Santiago Appeals Court decision rejecting the request.

Other cases

Some progress and new judicial initiatives were registered during the year in a number of cases of past human rights violations. These included the judicial investigation into the killing of two children, eight-year-old Jim Christie Bossy and seven-year-old Rodrigo Javier Palma Moraga, in December 1973, and the trial against seven former members of the *Dirección de Inteligencia Nacional* (DINA), National Intelligence Directorate, accused of kidnapping about 20 people from Villa Grimaldi, a secret detention centre in Santiago, between 1974 and 1975. The fate and whereabouts of those abducted remain unknown.

Indigenous people

There were further confrontations and reports of excessive use of force by *carabineros* (uniformed police) in the context of continuing disputes over land rights in the south of the country.

In November, Edmundo Alex Lemun, a 17-year-old member of the Mapuche community, died in hospital after being shot in the head. He had reportedly been shot by *carabineros* during a clash between Mapuche indigenous people and *carabineros* in Ercilla, IX Region. An investigation into the incident was initiated but had not been completed by the end of the year.

AI country reports/ visits

Statements

- Chile: An independent justice system and equality before the law are the pillars of a fair society (AI Index: AMR 22/002/2002)
- Chile: Pinochet case – Supreme Court ruling should not exert influence upon other trials (AI Index: AMR 22/006/2002)

Visit

In May AI sent an observer to hearings of Augusto Pinochet's appeal in relation to the "Caravan of Death" case.

CHINA

PEOPLE'S REPUBLIC OF CHINA
Head of state: Jiang Zemin
Head of government: Zhu Rongji
Death penalty: retentionist
International Criminal Court: not signed

Serious human rights violations continued and in some respects the situation deteriorated. Tens of thousands of people continued to be arbitrarily detained or imprisoned for peacefully exercising their rights to freedom of expression, association or belief. Some were sentenced to prison terms; many others were administratively detained without charge or trial. The "strike hard" campaign against crime launched in April 2001 was renewed for a further year. According to interim figures available, the crack-down led to at least 1,921 death sentences, many imposed after unfair trials, and 1,060 executions. Torture and ill-treatment remained widespread and appeared to increase as a result of the campaign. The anti-crime crack-down also extended to people accused of being "ethnic separatists", "terrorists" and "religious extremists" in the Xinjiang Uighur Autonomous Region (XUAR) and members of the *Falun Gong* spiritual movement. Further regulations were introduced to control

access to the Internet. Labour protests increased and were frequently met with excessive use of force and arbitrary detentions. In Xinjiang, restrictions increased on the cultural and religious rights of the mainly Muslim Uighur minority. In Tibet, freedom of expression and religion continued to be severely restricted, although seven prisoners of conscience were released before the end of their sentences.

Background

Measures aimed at strengthening the rule of law and judicial institutions continued to be undermined by political campaigns against those suspected of opposing the government. Appeals to nationalism, state security and social stability were used to justify the crack-down on ethnic and religious minorities in outlying regions as well as unofficial religious and spiritual groups across China. The "strike hard" campaign against crime continued to result in the imposition of the death penalty and harsh prison sentences, often without due process, as well as the use of torture and ill-treatment to obtain confessions from criminal suspects.

In November, the 16th National Congress of the Chinese Communist Party (CCP) elected Hu Jintao to replace Jiang Zemin as General Secretary of the CCP. He was expected to take office as State President in March 2003. The "strike hard" campaign against crime was intensified in the run-up to the Congress following its renewal for a further year in April. In August China ratified International Labour Organisation (ILO) Convention No. 182, which calls for immediate action to ban the worst forms of child labour. At the same time, the government issued a directive banning the use of child labour from 1 December 2002.

"Anti-terrorist" amendments to the Criminal Law adopted in late December 2001 enlarged the scope of the death penalty and contained vague definitions of "terrorist" organizations and certain activities, raising fears that these could be used to suppress legitimate rights to freedom of expression and association.

In a departure from past practice, member states of the UN Commission on Human Rights in April failed to propose a resolution on the human rights situation in China. In August, Mary Robinson, the UN High Commissioner for Human Rights, visited China and raised various issues with the authorities, including repression of ethnic minorities, political prisoners jailed after unfair trials, and the death penalty.

Workers' rights and social unrest

The dramatic rise in labour disputes continued. Among issues sparking protests were low wages, corrupt management, mass lay-offs, dangerous working conditions and restrictive working practices in factories.

Many protests were met with excessive use of force by police, resulting in casualties. Protesters were detained and harassed, and some were sentenced to long terms of imprisonment. Lawyers and journalists who defended protesters or publicized the protests were intimidated or arrested.

Reforms to the trade union law introduced in October 2001 brought some improvements as well as further restrictions to labour rights. The revised law still severely restricts workers' rights to freedom of association and expression, and independent trade unions remained illegal.

Four labour leaders, Yao Fuxin, Xiao Yunliang, Pang Qingxiang and Wang Zhaoming, were detained after participating in mass demonstrations by workers laid off by a factory in Liaoyang city, Liaoning province, in March. Wang Zhaoming and Pang Qingxiang were released on bail in December, but Wang Zhaoming was reportedly detained again, apparently after he hired a lawyer to sue the authorities for his nine-month detention. Yao Fuxin and Xiao Yunliang were reportedly charged with "subversion", but their trial had not been held by the end of the year.

Protests also continued in rural areas against corruption, high taxes and other issues. Again, protesters were arrested and some were sentenced to long terms of imprisonment.

Repression of spiritual and religious groups

Members of unofficial spiritual or religious groups, including some *Qi Gong* groups and unregistered Christian groups, continued to be arbitrarily detained, tortured and ill-treated.

The crack-down on the *Falun Gong* spiritual movement, which was banned as a "heretical organization" in July 1999, intensified, particularly after *Falun Gong* practitioners intercepted cable and satellite television to broadcast pro-*Falun Gong* messages.

Tens of thousands of *Falun Gong* practitioners continued to be detained, many at risk of torture and ill-treatment if they refused to renounce their beliefs. By the end of 2002, total alleged deaths in custody of *Falun Gong* practitioners had reached around 500. Most of those held were in "re-education through labour" centres, but some were in prisons or psychiatric hospitals. Those accused of organizing *Falun Gong* protests were sentenced to prison terms after apparently unfair trials.

Zhao Ming, a *Falun Gong* practitioner from Changchun city, Jilin province, alleged he was punched, beaten with electro-shock batons, deprived of sleep and forcibly fed while held in Tuanhe "re-education through labour" camp in Beijing between June 2000 and March 2002.

Members of unofficial Christian groups were also arrested and some received long prison sentences. Some reported being tortured or ill-treated in police custody.

Political activists, human rights defenders and Internet users

Political activists, human rights defenders and Internet users were arrested and imprisoned after they peacefully exercised their rights to freedom of expression and association. Many were held on charges relating to "state secrets" or "subversion" – vaguely defined offences widely used to suppress dissent.

Several people were serving long prison sentences for circulating "politically sensitive" information over the Internet.

Regulations introduced in January 2001 provide for the death penalty for those who cause "especially serious harm" by providing "state secrets" to overseas organizations and individuals over the Internet. In January 2002, the Ministry of Information Industry announced new regulations that require Internet Service Providers to monitor more closely use of the Internet. In November new regulations introduced by the Ministry of Culture restricting access to the Internet and the operations of Internet cafés entered into force.

Chen Shaowen, a writer in Hunan province, was reportedly detained on 6 August after posting "up to 40 reactionary articles and essays" on the Internet. According to an official report, he was charged with "subverting state power". He had reportedly written many articles for overseas Chinese-language websites calling for independent labour and farmers' unions and raising issues such as China's social inequalities and flawed legal system.

Veteran dissident Xu Wenli was released into exile in the USA in December, nine years before the end of his sentence. Xu Wenli was serving a 13-year prison sentence for "subversion" imposed in 1998 after he established the China Democracy Party. He was officially released on medical parole owing to a deterioration in his state of health after he contracted hepatitis B in prison.

Torture and ill-treatment

Torture and ill-treatment continued to be widespread and was reported in many state institutions as well as in workplaces and homes. The victims included people detained on suspicion of criminal and political offences, bystanders at protests, migrant workers, vagrants and women suspected of prostitution. Common methods of torture included kicking, beating, electric shocks, suspension by the arms, shackling in painful positions, and sleep and food deprivation.

In June, Zhu Chunlin, a senior official from the Public Security Ministry, admitted that the use of torture to extract confessions was still a problem and that tighter police discipline and more investigations of abuses were needed.

Gong Shengliang and four others were sentenced to death in December 2001 in connection with their membership of an unofficial Christian organization, reportedly after witnesses were tortured. Three women said they were tortured by police to make them confess to having had sexual relations with Gong Shengliang, whose convictions included rape. The allegations of torture included being shackled, whipped and kicked, and being beaten on the bare chest with electro-shock batons. In October 2002 the sentences were commuted to long prison terms after a retrial was ordered because of "insufficient evidence and unclear facts". However, the verdicts still appeared to be partly based on confessions obtained through torture.

Administrative detention, unfair trials and the rule of law

The combined effects of repressive and vaguely worded criminal legislation, the use of administrative detention, a weak judiciary and impunity for officials who abuse their power continued to result in widespread abuses of human rights.

The use of two systems of administrative detention increased considerably, as in recent years. More than a million people, including migrant workers, vagrants and homeless children, were detained without charge under a system of administrative detention known as "custody and repatriation".

Some 310,000 people were administratively detained without charge or trial in "re-education through labour" camps in early 2001, the last official figure available. The figure was thought to be substantially higher in 2002 as a result of the government's crack-down on the *Falun Gong* and the "strike hard" campaign against crime.

People accused of political and criminal offences continued to be denied due process. Political trials fell far short of international fair trial standards, with verdicts and sentences decided by the authorities before trial and appeal hearings usually a formality. Those charged with offences related to "state secrets" had their legal rights restricted and were tried *in camera*. The "strike hard" campaign against crime led to an increased use of torture to extract confessions and to curtailed trial procedures.

Wang Wanxing, a veteran human rights activist who had been detained for 10 years except for a three-month period in 1999, remained held in Ankang psychiatric hospital in Beijing. According to reports, he was not mentally ill. In mid-2002 he was reportedly transferred to a more secure ward, where the regime is stricter and all contact with the outside world is monitored.

Death penalty

The death penalty continued to be used extensively, arbitrarily and frequently as a result of political interference. The increased use of the death penalty witnessed after the launch of the "strike hard" campaign, under which defendants were more likely to be sentenced to death for crimes which were previously punished by imprisonment, continued throughout 2002, especially in the run-up to the November CCP Congress.

People were executed for drug offences and violent crimes, as well as for non-violent crimes such as tax fraud and pimping. By the end of the year, with the limited records available, AI had recorded 1,921 death sentences and 1,060 executions, although the true figures were believed to be much higher. Execution was by shooting or lethal injection and sometimes occurred within hours of sentencing. As in previous years, there were several reports of miscarriages of justice because of confessions extracted by torture.

In June at least 150 people were executed across China for drug-related crimes to mark the UN-designated International Anti-Drugs Day on 26 June.

Refugees and asylum-seekers

Hundreds, possibly thousands, of North Korean asylum-seekers in northeast China were arrested and forcibly repatriated during the year. This denied them access to any refugee determination procedures despite evidence that many had a genuine claim to asylum. It also breached the principles of the 1951 UN Refugee Convention to which China is a state party.

During the year dozens of North Koreans entered foreign diplomatic facilities in several Chinese cities to claim asylum and highlight their plight. The Chinese authorities responded by stepping up their crack-down on North Koreans, particularly in provinces bordering North Korea, and forcibly returning them across the border to an uncertain fate. The crack-down was extended to people suspected of helping North Koreans, including members of foreign aid and religious organizations, and ethnic Korean Chinese nationals, many of whom were detained for interrogation.

Xinjiang Uighur Autonomous Region

Gross violations of human rights continued in the region, including torture, arbitrary detention and unfair political trials. The authorities continued to use the 11 September 2001 attacks in the USA to justify further repression of Uighurs, particularly after the USA and UN classified the East Turkestan Islamic Movement as a "terrorist organization". Repression also intensified in the context of the "strike hard" campaign against crime and the new "anti-terrorism" provisions introduced in December 2001.

The crack-down on suspected government opponents, stigmatized as "ethnic separatists, terrorists and religious extremists", included new restrictions on freedom of religion, the closure of mosques, and enforced "political education" of academics, key personnel in the media and arts, and Islamic clergy. Arrests of suspected "separatists" and "terrorists" continued; some were sentenced to long prison terms; others were executed. Thousands of political prisoners, including prisoners of conscience, remained in prison.

Prisoner of conscience Tohti Tunyaz, an ethnic Uighur, continued to serve an 11-year sentence for his research into Uighur history. A post-graduate student in Japan, he was arrested in 1998 while visiting the XUAR to research his thesis. He was charged with "inciting separatism" and "illegally acquiring state secrets". He was convicted in March 1999 and his conviction and sentence were confirmed on appeal in February 2000.

Tibet Autonomous Region and other ethnic Tibetan areas

There were signs of a change in the official approach towards dissent in Tibet with the release of seven prisoners of conscience, including Ngawang Choephel, Jigme Sangpo and Ngawang Sangdrol, as well as meetings between the Chinese authorities and representatives of the Tibetan government in exile. However, freedom of expression, religion and association continued to be severely restricted. Monasteries and nunneries were destroyed and the monks and nuns expelled. In December, death sentences were passed against ethnic Tibetans for alleged political offences for the first time in many years. More than 180 people, mainly Buddhist monks and nuns, continued to be imprisoned in violation of their fundamental human rights, and arbitrary arrests and unfair trials continued. Reports were received of torture and ill-treatment of detainees, and many prisoners suffered health problems because of harsh prison conditions.

In December, Tenzin Deleg Rinpoche, a senior Tibetan religious teacher, was sentenced to death with a two-year reprieve for "inciting separatism" and "causing explosions". His attendant, Lobsang Dhondup, who was additionally convicted of "illegally possessing guns and ammunition", was sentenced to death. They had reportedly been held incommunicado for eight months following their arrest in April. There were serious concerns that their trial was unfair and that Tenzin Deleg Rinpoche had been falsely accused because of his religious or community activities.

Hong Kong Special Administrative Region

There were concerns that an Anti-Terrorist Ordinance passed in 2002 could be used to restrict human rights. The government issued a consultation document about proposed legislation under Article 23 of the Basic Law, which allows Hong Kong to enact its own laws to prohibit acts of treason, secession, sedition and subversion. It was feared that the proposals could be used to suppress the rights to freedom of expression and association as well as the legitimate activities of non-governmental organizations and the media.

Police reportedly used excessive force in response to protests on economic issues and the right of abode. Three prominent activists were arrested and charged with organizing an unlawful assembly under a revised Public Order Ordinance that had never before been invoked. In November, two other well-known activists were arrested and charged with the same offence after holding a demonstration in May in protest against the arrests of the three activists.

Members of the *Falun Gong*, a registered society in Hong Kong, were arrested at peaceful demonstrations and alleged that they were victims of police violence. In August, 16 *Falun Gong* members were convicted of obstruction during a demonstration in March. There were claims that the trial was politically motivated.

Macao Special Administrative Region

There were continuing reports of beatings and torture in police custody; at least one detainee died in suspicious circumstances. Police reportedly used excessive force during labour protests. Investigations into complaints about police violence continued to be slow and unsatisfactory. Members of the *Falun Gong*, which was neither registered nor banned in Macao, were reportedly harassed by police and foreign practitioners were denied access to Macao.

AI country reports/ visits

Reports

- People's Republic of China: Call for accountability for Tibetan deaths in custody in Drapchi Prison (AI Index: ASA 17/009/2002)
- People's Republic of China: China's anti-terrorism legislation and repression in the Xinjiang Uighur Autonomous Region (AI Index: ASA 17/010/2002)
- People's Republic of China: Labour unrest and the suppression of rights to freedom of association and expression (AI Index: ASA 17/015/2002)
- People's Republic of China: Human rights violations and the crackdown on dissent continue (AI Index: ASA 17/047/2002)
- People's Republic of China: Establishing the rule of law and respect for human rights – the need for institutional and legal reforms (AI Index: ASA 17/052/2002)
- People's Republic of China: State control of the Internet in China (AI Index: ASA 17/007/2002)
- Hong Kong: Article 23 Legislation – the potential for abuse (AI Index: ASA 19/004/2002)
- Hong Kong: Police must exercise restraint in handling protesters (AI Index: ASA 19/001/2002)

COLOMBIA

REPUBLIC OF COLOMBIA
Head of state and government: Álvaro Uribe Vélez (replaced Andrés Pastrana in August)
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

Peace talks initiated in 1999 between the government and the main armed opposition group, the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia, collapsed on 20 February. Attempts to initiate negotiations between the government and the *Ejército de Liberación Nacional* (ELN), National Liberation Army, had stalled by the end of the year. The armed conflict between the security forces, acting in conjunction with paramilitary groups, and guerrilla groups, intensified following the break-down of peace talks with the FARC. This resulted in a marked deterioration in the human rights situation. More than 500 people "disappeared" and more than 4,000 civilians were killed for political motives. Forced internal displacement continued to grow dramatically. Over 2,700 people were kidnapped, at least 1,500 of whom were kidnapped by guerrilla groups and paramilitary forces. This cycle of political violence was exacerbated by the security policies of the new government of Álvaro Uribe Vélez which took office in August. The main victims of violations of human rights and international humanitarian law continued to be the civilian population, including the internally displaced, peasant farmers, and members of Afro-Colombian and indigenous communities living in conflict zones. Colombia's largest paramilitary group, the *Autodefensas Unidas de Colombia* (AUC), United Self-Defence Groups of Colombia, declared a unilateral cease-fire on 1 December and in the same month the government announced its intention to initiate negotiations with army-backed paramilitaries. There was concern that government measures to facilitate negotiations with illegal combatant groups and government legislative initiatives might result in impunity for members of the paramilitary groups, the armed forces or the guerrillas responsible for war crimes, crimes against humanity and other crimes under international law.

State of emergency and security legislation

On 11 April, the Constitutional Court ruled that the Defence and National Security Law, which accorded judicial police powers to the armed forces, was unconstitutional. The new government of Álvaro Uribe declared a state of emergency on 11 August. This was followed on 9 September by Decree 2002 which again granted judicial police powers to the armed forces. Decree 2002 also gave the military special powers and restricted certain rights in designated security zones called Rehabilitation and Consolidation Zones. Foreigners wishing to enter these zones were required to seek prior authorization or risk expulsion from the country. Several foreign human rights workers were deported from Colombia prior to and following the creation of the Rehabilitation and Consolidation Zones.

On 25 November, the Constitutional Court declared that parts of Decree 2002 were unconstitutional, notably those parts granting judicial police powers to the military. The government stated that it wished to make permanent some of the provisions contained in the state of emergency and Decree 2002. The government announced it would submit legislative proposals to Congress in 2003 to grant judicial police powers to the security forces after proposed reforms enabling the Attorney General to grant such powers to the security forces were blocked in Congress in December.

The authorities announced the creation of a million-strong network of civilian informers, who are expected to assist the security forces in their counter-insurgency strategy, and began recruiting "peasant soldiers", who will live within their own communities. There were concerns that this would drag the civilian population further into the conflict and strengthen paramilitarism.

The government also suggested that it would reform the 1991 Constitution, in particular some of its important human rights mechanisms and safeguards.

Impunity

There were reports that the Attorney General's Office was seeking to block or hinder investigations into human rights violations in which senior military officers were implicated. Prosecutors working on such cases were removed from the investigations or dismissed from their posts, while others faced death threats; at least one was killed. Several high-profile human rights investigations were also dropped with no apparent justification.

On 6 February, Oswaldo Enrique Borja Martínez, a public prosecutor investigating the 2001 massacre in Chengue, Sucre department, was killed in Sincelejo, Sucre department. On the same day, Mónica Gaitán, another public prosecutor investigating the massacre, was reportedly forced to resign. Her removal followed the formal initiation, in 2001, of criminal investigations against Rear-admiral Rodrigo Quiñónez Cárdenas for dereliction of duty in failing to prevent the massacre, allegedly carried out by paramilitaries. In March, Rear-admiral Quiñónez was summoned for questioning by the Attorney General's Office. In the same month, his appointment as military attaché at the Colombian Embassy in Israel was announced. In October, he received a medal while still under criminal investigation. Rear-admiral Quiñónez offered his resignation from the armed forces on 26 November following a decision by the USA to withdraw his entry visa because of his alleged involvement in drug trafficking. On 12 November, a lower court cleared a navy sergeant of complicity in the massacre and ordered his provisional release from detention.

In November, criminal investigations against former generals Rito Alejo del Río and Fernando Millán were terminated. They had been under investigation for involvement in paramilitary activity.

Armed opposition groups

Armed opposition groups were responsible for numerous and repeated violations of international humanitarian law, including hostage-taking and the killing of civilians. In May, the FARC issued "resign or die" threats to judges, mayors and local councillors. The FARC subsequently killed several local officials and civilians they accused of collaborating with their opponents.

On 5 June, the Mayor of Solita in the southwest of Caquetá department, Luis Carlos Caro Pacheco, was killed. According to press reports, the Colombian Federation of Municipalities attributed responsibility for his death to the FARC.

On 14 March, four peasant farmers were taken from their homes and allegedly killed by ELN guerrillas in Sotomayor, Nariño department.

On 26 April, nine banana plantation workers were reportedly killed by the FARC in Apartadó municipality, Antioquia department.

The FARC carried out numerous disproportionate and indiscriminate attacks which resulted in the deaths and wounding of many civilians.

On 2 May, during armed combat between the FARC and paramilitaries in Bojayá, Chocó department, a gas cylinder mortar fired by the FARC hit a church, killing around 119 civilians taking refuge in the building. An investigation in Colombia by the UN Office of the High Commissioner for Human Rights held guerrilla forces, paramilitaries and also the state partly responsible, since it did not prevent the arrival of the paramilitaries in the area.

Armed forces

There were reports of direct involvement by the security forces in serious human rights violations, including arbitrary arrests, torture, "disappearances" and killings.

On 24 September, Monguí Jérez Suárez was seriously injured and her husband, Florentino Castellares Zetuián, and her nine-year-old son, Nilson Hernández, were both reportedly killed when soldiers of the Nueva Granada Battalion forced their way into her house in Brisas de Yanacué, Cantagallo municipality, Bolívar department. Reportedly, this military operation was carried out after information was provided to the security forces by civilian informers. Although the military claimed that the two were killed in combat, the Regional Ombudsman reportedly stated that the victims were unarmed.

On 29 October, the security forces reportedly entered the El Salado area of Comuna XIII in Medellín and took Blanca Lilia Ruiz Marín, John Fredy Sánchez, and Dany Ferney Quiroz Benitez from their homes. A witness stated that he had seen the three detainees in the IV Brigade army base, and that they had been beaten. By the end of the year, the families of the three "disappeared" had not been able to establish their whereabouts.

Paramilitaries

Paramilitary groups continued to spread and consolidate their presence throughout the country, particularly in areas with a heavy military presence. Paramilitaries operating in collusion with the security forces were responsible for the vast majority of "disappearances" and killings of civilians.

On 4 August, paramilitaries reportedly killed three members of an indigenous community, including indigenous leader Obencio Germán Crillo Queta, from the Valle del Guamuez reservation in Hormiga, Putumayo department.

On 26 November, paramilitaries reportedly killed at least four peasant farmers in Matal de Flor Amarillo, Arauca municipality, Arauca department, which is part of the Rehabilitation and Consolidation Zone. The paramilitaries were reportedly looking for several people included on a list in their possession.

Kidnappings

There was a significant number of high-profile kidnappings, as well as mass kidnappings, mainly by armed opposition groups. Guerrilla groups were responsible for most of the 1,500 kidnappings carried out by armed opposition groups and paramilitaries.

On 23 February, the FARC kidnapped presidential candidate Ingrid Betancourt near San Vicente del

Caguán, Caquetá department. She remained held at the end of the year.

On 25 February, Gilberto Torres Martínez, a leader of the Oil Workers' Union, was reportedly kidnapped by the AUC in Monterrey municipality, Casanare department. He was released on 7 April.

On 20 August, 26 Colombian tourists were kidnapped, allegedly by the ELN, in Bahía Solano on the Pacific coast, Chocó department. Most of the detainees had been released by the end of the year.

Persecution of human rights defenders

Under the new government, human rights activists were killed, "disappeared", detained, threatened and harassed. While expressing an interest in maintaining dialogue with non-governmental organizations, in practice officials and some sectors of the media frequently treated human rights defenders as subversives, targeting them during intelligence and counter-insurgency operations.

Official and unofficial restrictions on movement meant that human rights defenders were not always able to gain access to areas where human rights violations were reported to have taken place. Some activists, journalists and humanitarian workers were interrogated or arbitrarily detained during attempts to reach people in conflict zones cut off from the rest of the country. During raids carried out in so-called intelligence and counter-insurgency operations, individual personal details and valuable information regarding the involvement of members of the security forces in human rights violations was seized from social organizations. On 11 December, the offices of the development organization *Terre des Hommes-Italie*, a project financed by the European Union and established to address the needs of young people affected by the conflict, was raided by state agents allegedly looking for arms, but who also copied information from computers.

Human rights activists from all sectors of society were targeted.

On 3 September Oswaldo Moreno Ibague, a human rights worker in Villavicencio, Meta department, was reportedly killed by paramilitaries.

José Rusbell Lara, a local activist working in Tame municipality, Arauca department, was reportedly shot dead by paramilitaries on 8 November.

By the end of the year, more than 170 trade unionists had reportedly been killed, the majority by paramilitaries. Several indigenous leaders and journalists were also killed.

Radio journalist Efraín Varela Noriega, a critic of all sides in the long-running civil war, was pulled from his car and shot dead on 28 June in Arauca department by people believed to be paramilitaries.

Civilians in conflict zones

Peasant farmers, Afro-Colombians and indigenous communities living in conflict zones or areas of economic interest continued to be among the main victims of violations of human rights or international humanitarian law committed by the security forces and their paramilitary allies and by guerrilla forces. Over 350,000 people were internally displaced in the first nine months of the year as a result of threats and killings of civilians committed by both sides in the conflict.

In October, some 800 members of the Embera Katío Alto Sinú reservation were forcibly displaced from their homes following death threats made against indigenous communities by the FARC and the killing of an indigenous leader.

Between December 2001 and early 2002 paramilitary incursions in the municipalities of El Tarra and Teorama, Norte de Santander department, led to the forced displacement of more than 10,000 civilians, many of whom fled to regional municipal capitals.

International Criminal Court

Colombia ratified the Rome Statute of the International Criminal Court (ICC) on 5 August. On the same day, President Andrés Pastrana invoked Article 124 of the Rome Statute. This allows a country not to submit those accused of war crimes to the ICC for seven years. Once this period is over, only war crimes committed after the seven-year moratorium can be submitted to the ICC.

In August, the US government called on the Colombian government to sign an immunity agreement to ensure that US security force personnel in Colombia would not be submitted to the authority of the ICC. However, Colombian Foreign Minister Carolina Barco stated that this was unnecessary since US security force personnel and US citizens providing technical assistance would continue to benefit from a 1962 agreement with the USA.

US military aid

Colombia continued to be one of the main recipients of US military aid. The US Congress passed an emergency supplemental spending bill in July that included around US$27.5 million in additional assistance for Colombia. Included in this package was US$6 million to begin training a special unit to protect the Caño Limón oil pipeline. The supplemental bill also lifted a previous requirement that limited aid to counter-narcotics efforts so that military aid approved to date can also be used to combat activities by organizations designated as "terrorist" organizations, such as the FARC, ELN, and AUC. AI continued to oppose the provision of US military aid in a context in which the Colombian authorities failed to meet US congressional human rights conditions for the aid or to implement UN human rights recommendations.

Intergovernmental organizations

The UN Commission on Human Rights again condemned the grave and persistent breaches of international humanitarian law committed mainly by paramilitaries and guerrillas. It also strongly condemned the persistence of impunity and expressed concern at the links between the armed forces and the paramilitaries. The UN High Commissioner for Human Rights highlighted that military courts launched or continued with investigations into human rights violations despite

recommendations to the Colombian authorities to ensure that all cases of human rights violations and breaches of international humanitarian law should be excluded from military courts.

AI country reports/visits

Reports

- Colombia: Human Rights and US Military Aid to Colombia III, published jointly by Amnesty International, Human Rights Watch and the Washington Office on Latin America (AI Index: AMR 23/030/2002)
- Colombia: Open letter to the President of the Republic of Colombia, Dr Álvaro Uribe Vélez (AI Index: AMR 23/084/2002)
- Colombia: San Vicente del Caguán after the breakdown of the peace talks – a community abandoned (AI Index: AMR 23/098/2002)
- Colombia: Human Rights and US Military Aid to Colombia IV, published jointly by Amnesty International, Human Rights Watch and the Washington Office on Latin America (AI Index: AMR 23/122/2002)
- Colombia: Letter for the attention of Mr Manuel Marulanda, Revolutionary Armed Forces of Colombia-People's Army (AI Index: AMR 23/124/2002)
- Colombia: Security at what cost? The government's failure to confront the human rights crisis (AI Index: AMR 23/132/2002)

Visits

AI delegates visited Colombia in March, April, May, September, October and December.

COMOROS

UNION OF THE COMOROS
Head of state: Assoumani Azali
Head of government: Hamada Madi Bolero
Death penalty: retentionist
International Criminal Court: signed

Political violence during elections reportedly resulted in 12 serious injuries. Following the elections, soldiers were accused of using excessive force when breaking up protests.

Background

After three years of extensive peace talks aimed at national reconciliation and the institutionalization of political life, Comorians went to the polls throughout the first half of 2002. In mid-January the government was dissolved and a transitional government headed by Hamada Madi Bolero was installed. The islands of Mwali (Mohéli), Njazidja (Grande Comore) and Nzwani (Anjouan) held constitutional referendums. Voting for the island presidents of Mwali, Njazidja and Nzwani also took place. Presidential elections for the Union of the Comoros were won by Colonel Assoumani Azali, who was inaugurated on 26 May. Following the elections, the four presidents and island representatives met regularly to discuss power-sharing arrangements between the central and island governments.

Comorian human rights organizations and the independent press criticized the election process as deeply flawed. The National Council of Independent and Sanctioned Elections (CNEIH) twice postponed the first round of Union presidential elections following the threatened boycott by eight of the nine presidential candidates. The opposition's protest focused on fraudulent electoral lists that favoured the government in power. The UN Development Programme, responsible for organizing the elections, substantiated this complaint. The opposition also protested against the violation of the electoral code. Under considerable international pressure to maintain the election timetable, the electoral lists were not corrected.

Political violence

Opposition candidates boycotted the second round of Union presidential elections and the campaigns were marred by violence. On election day, 12 people were reportedly wounded seriously on Njazidja when security forces attempted to reopen polling stations allegedly closed by opposition forces, and eight ballot boxes were destroyed. On Nzwani, four voting stations were damaged and polling officials were threatened. There were several reports of voter intimidation and voting stations that opened late or not at all. CNEIH and international observers concurred that the election was neither fair nor free. CNEIH was dissolved and a

newly appointed Election Ratification Commission recognized Colonel Assoumani Azali's election.

There were violent street protests after Assoumani Azali's electoral win and frequently after meetings between the Union and island presidents. On 28 August, two children were wounded in the clashes.

Freedom of expression

The government remained sensitive to political criticism and exercised control over the free flow of information. There were several reported incidents of police violence against journalists who were covering the civil unrest.

Izdine Abdou Salam, manager of the privately owned *Radio Karthala*, remained in prison. He was arrested on 10 November 2001 by the Moroni gendarmerie, accused of "libel" and placed under a committal order. His arrest followed the broadcast of a debate in which several speakers criticized the new draft constitution.

CONGO
(DEMOCRATIC REPUBLIC OF THE)

DEMOCRATIC REPUBLIC OF THE CONGO
Head of state and government: Joseph Kabila
Death penalty: retentionist
International Criminal Court: ratified

Fighting continued to afflict parts of the Democratic Republic of the Congo (DRC) despite peace agreements involving many of the protagonists. Neighbouring countries withdrew many of their troops in the second half of the year, but there was an upsurge in fighting by armed groups and militias in the east and northeast. The population continued to suffer enormous hardships, with widespread hunger and frequent human rights abuses by government forces, armed opposition factions and foreign troops. Abuses included killings of unarmed civilians, torture, including rape, and repression of political dissent.

Background

The Kinshasa-based government led by Joseph Kabila and backed by Angola, Namibia and Zimbabwe faced armed opposition on several fronts. The Ugandan-supported *Mouvement de la libération du Congo* (MLC), Movement for the Liberation of Congo, and its allies controlled the north while various factions of the Ugandan and Rwandese-backed *Rassemblement congolais pour la démocratie* (RCD), Rally for Congolese Democracy, controlled large swathes of the east. There was fighting between different RCD factions and with armed groups including the *mayi-mayi*, local armed groups generally opposed to RCD and Rwandese control.

In February a rebellion against RCD-Goma and Rwandese rule was launched in the Minembwe area by South-Kivu Tutsi known as Banyamulenge. Large numbers of Banyamulenge civilians were killed in the fighting and up to 50,000 were displaced. In previous years the Rwandese and RCD-Goma authorities had claimed that they were fighting to protect DRC Tutsi from the DRC government. In October *mayi-mayi* captured the town of Uvira from RCD-Goma, who retook it with the help of Rwandese troops. Fighting for control of South-Kivu was continuing at the end of 2002.

Peace initiatives led to significant withdrawals of foreign troops and the emergence of a plan in which Joseph Kabila would remain President in a coalition government, with the main rebel and unarmed opposition groups sharing vice-presidential posts. Talks in Sun City, South Africa, ended in stalemate and a power-sharing formula agreed between President Kabila and the MLC leader, Jean-Pierre Bemba, remained unimplemented. In October further power-sharing talks between the government and its major opponents resumed in Pretoria, South Africa.

In July, after talks in Pretoria, Rwanda agreed to withdraw its troops from the east in return for the Kinshasa government disarming predominantly Rwandese Hutu rebels and sending their leaders for trial. In October and November several dozen Hutu were returned to Rwanda by officials of the DRC, South Africa and the UN's military cease-fire monitors, MONUC. At least one returnee was detained. The returns sparked a mutiny among Hutu former combatants at Kamina military base; both mutineers and DRC soldiers were killed.

The withdrawal of pro-government forces from Angola, Namibia and Zimbabwe accelerated. Uganda agreed to withdraw its troops after talks with the DRC government in Luanda, Angola, in August although several battalions of the Ugandan army remained in the country.

Conflict between various armed groups and factions in the east and north escalated after the withdrawal of foreign troops. Massive human rights abuses were committed (see below), leading to yet more people being internally displaced or becoming refugees.

MONUC personnel increased to more than 4,200 during the year and in December the UN Security Council authorized an increase to 8,700. MONUC oversaw the disengagement of DRC government forces and armed opponents from frontline positions. In October a UN Panel of Experts reported that both allies and opponents of the government, including military commanders and political leaders from Rwanda, Uganda and Zimbabwe, were taking advantage of the conflict to loot the country's natural resources and to prolong the war. In November President Kabila suspended government and security officials implicated in the report. The UN also announced

inquiries into a massacre in Kisangani in May and ethnic conflict between the Hema and Lendu in the northeast (see below). The UN Special Rapporteur on the DRC called for support for the Inter-Congolese Dialogue, designed to put in place new institutions.

In July the International Court of Justice decided it did not have jurisdiction to hear a case brought by the DRC against Rwanda for alleged aggression on its territory.

Impact of the conflict

More than three million people were estimated to have been killed or to have died as a result of the war to overthrow the DRC government which started in 1998. Up to two million people were internally displaced. The UN Office for the Coordination of Humanitarian Affairs estimated that in North-Kivu province, four out of five rural residents had been forcibly displaced at one time or another since 1998. The devastation of agricultural production resulted in malnutrition and high mortality rates for both the displaced and host populations. The years of armed conflict also produced an environment in which abuse of women by men, including rape, was widespread and children were forced to work in mines or to serve as combatants.

Areas under government control

Death penalty

More than 80 people remained on death row, and courts continued to pass death sentences. In September the government suspended a moratorium on executions which had been in place since March 2001. Since 1997 the *Cour d'ordre militaire* (COM), Military Order Court, had sentenced hundreds of people to death after unfair trials, of whom at least 200 were executed. Despite a government announcement in November that it had promulgated a law to abolish the COM in December, the court continued to try about 135 defendants (see below).

On 15 March the trial began of some 135 people accused of involvement in the January 2001 assassination of former President Laurent-Désiré Kabila before the COM. The trial had not concluded by the end of 2002. The defendants included 19 former security agents from Kivu region who had sought asylum in neighbouring Republic of the Congo but were handed back to the DRC in April 2001. One of the defendants, Antoine Ngalamulume, was in custody at the time of President Kabila's death and two are the wives of an army major sought by the government. Many of the detainees were reportedly tortured, and they were not given adequate time and facilities to prepare their defence. The prosecution demanded the death penalty for 115 of the defendants and it was feared that the September suspension of the moratorium on executions was to allow them to be executed.

Unlawful killings

Members of the security forces unlawfully killed dozens of unarmed civilians. In virtually all cases the government failed to take action against the perpetrators.

Government forces reportedly killed at least 100 unarmed civilians at Ankoro, Katanga province, after a clash with *mayi-mayi* combatants in November.

In Mbuji-Mayi, the hub of the DRC's diamond trade, guards employed by MIBA – the largely state-owned mining company which runs the concessions – frequently used excessive force against unauthorized miners. Dozens were shot dead by MIBA guards and many more were injured. Not a single MIBA guard was known to have been brought to justice for killing or injuring an unauthorized miner.

Torture and ill-treatment

Torture and ill-treatment continued to be widespread in unofficial detention centres run by the security services without any control by the judiciary. Detainees were almost invariably held incommunicado and were routinely refused medical care. Beatings, including whippings administered with *cordelettes* (military belts), were particularly common. There were numerous reports of women in custody being raped by members of the security services. Psychological torture, such as death threats and mock executions, was also frequent.

Conditions in many detention centres were appalling. At least 46 prisoners were reported to have died between March and June 2002 in Kinshasa's main prison, the *Centre pénitentiaire et de rééducation de Kinshasa* (CPRK), Kinshasa Penitentiary and Reeducation Centre, previously known as Makala Prison. They reportedly died as a result of ill-treatment, lack of medical care and lack of food.

Persecution of human rights defenders

Human rights defenders were harassed, threatened and detained for investigating human rights violations by government security forces.

N'sii Luanda Shandwe, president of the *Comité des observateurs des droits de l'homme* (CODHO), Committee of Human Rights Observers, who was detained in 2001 then released without charge, was rearrested on 19 April 2002 and held without charge in the CPRK. He remained in custody despite a severe illness; he was a prisoner of conscience.

Persecution of journalists

Press freedom remained under threat as journalists continued to face detention as prisoners of conscience and ill-treatment.

On 3 April José Feruzi Samwegele of the government radio and television company was detained by the military security service DEMIAP, accused of conspiring to broadcast a statement issued by the opposition party, the Union for Democracy and Social Progress (UDPS). He was reportedly subjected to a mock execution before his release on 10 April.

Dieudonné Karl Nawezi, a sports reporter with the government broadcasting company, was arrested by the *Agence nationale de renseignements* (ANR) security service on 7 May. He was interrogated for two days by the ANR in Lubumbashi because television footage showed Congolese football fans in South Africa wearing T-shirts bearing a photograph of Katebe Katoto, a government opponent.

On 6 September a Kinshasa court sentenced Raymond Kabala and Delly Bonsange of *Alerte Plus* to 12 and six months' imprisonment respectively, and a

large fine. They were arrested in July after their newspaper published an article claiming that a government minister had been poisoned. While in custody, Raymond Kabala was reportedly tortured and in October their lawyer, Sebastien Kayembe, was tortured by armed men in military uniform. In November, a court reduced the fines, released Delly Bonsange and reduced Raymond Kabala's prison sentence to seven months.

Persecution of students

Students demonstrating against the government were arrested and ill-treated. Victims included students from the University of Kinshasa (UNIKIN) and from the University of Lubumbashi (UNILU).

- Frank Buruani Kitenge, a student at UNILU originating from Kivu, was arrested on 16 April by police in Lubumbashi. He was handed over to the ANR on 12 May and transferred to Kinshasa where he remained held, reportedly accused of being a spy for RCD-Goma and Rwanda because of his Kivu origins.

Areas controlled by armed political groups and foreign forces

Fighting escalated in parts of eastern and northeastern DRC. Hundreds of unarmed civilians were killed. Much of the fighting over mineral-rich areas in the northeast took place between combatants of the MLC and the RCD-National on the one side and those of the *RCD-Mouvement de Libération* (RCD-ML), RCD-Liberation Movement, on the other. All three rival armed groups were backed by Uganda. An agreement to end hostilities reached in Kampala, Uganda, in November between rival factions of the RCD-ML was not implemented.

Human rights abuses were widespread, particularly unlawful killings of unarmed civilians, arbitrary arrest, unlawful detention and torture, including rape. In a 10-week period from 10 February, a local human rights network reported more than 500 killings, more than 100 rape cases and several abductions, as well as destruction of villages by fire and looting in the eastern region under RCD-Goma occupation.

Massacres in Kibali-Ituri province

Killings of unarmed civilians in the armed conflict between Hema and Lendu ethnic groups continued in the Ugandan-created Kibali-Ituri province, previously part of Oriental province. As many as 50,000 people were reported to have been killed since June 1999, and around 500,000 forcibly displaced. The intensification of violence prevented international humanitarian agencies from operating in the area. Of the tens of thousands of Lendu who fled from their homes to surrounding forests, many died from starvation, disease and exposure.

- Ugandan soldiers allegedly killed more than 70 unarmed civilians at Kogoro, Gety and Chakurundu in Irumu territory in February.
- Scores, possibly hundreds, of civilians, many of them women and children, were reported to have been killed in Bunia in August. Several dozen bodies were found in a mass grave near the governor's residence after it had been bombarded by Ugandan troops.
- In August Hema militia killed dozens of Lendu while taking control of Bunia. In retaliation, Lendu and allied militia killed dozens of Hema including patients at Nyakunde hospital.

Atrocities in Kisangani

As many as 200 people were killed in Kisangani between 14 and 17 May. RCD-Goma and Rwandese soldiers are reported to have raped and summarily executed civilians after a mutiny on 14 May. Mutinous RCD-Goma soldiers occupied a Kisangani radio station and called on the population to end the occupation of eastern DRC by Rwanda. Hundreds of civilians reportedly came out on the streets in response to the call and killed several Rwandese soldiers and civilians suspected of being Rwandese.

RCD-Goma claimed that only 41 people died in the aftermath of the mutiny. However, according to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, the bodies of more than 100 civilians and 60 police and soldiers were identified and 20 corpses were spotted floating in the Tshopo river.

Persecution of human rights defenders

Human rights activists were routinely threatened by RCD-Goma for investigating abuses in Kisangani.

- Xavier Zabalo, a Roman Catholic priest, was briefly detained by RCD-Goma and interrogated about his links to a local human rights group in May. His colleague, Guy Verhaegen, required medical treatment after being assaulted. They were released after international pressure.
- On 3 September Honoré Musoko, a lawyer and member of the *Justice Plus* human rights organization, was arrested in the town of Aru by RCD-ML soldiers, after describing the human rights situation in a radio interview. He was subsequently transferred to the RCD-ML "Mont Hawa" military camp. Following appeals by AI and other human rights organizations to the RCD-ML and Ugandan authorities, he was released on 7 September.
- Zelote Farini Luendo, a member of a local children's rehabilitation group, was arrested with two others by Rwandese soldiers on 27 May in Goma. The three men were held blindfolded and with their arms tied tightly behind their backs in a private house in Goma. They were presented at a press conference on 31 May, where Zelote Farini Luendo made a self-incriminating statement, allegedly under duress. He remained in custody.

Detention and torture

People accused of supporting the government or its allies were arrested, detained and tortured, particularly in Kisangani, Goma and Bukavu. Some were released after making payments. Detainees taken into custody by RCD-Goma and Rwandese soldiers were held in metal freight containers at Ndosho, near Goma, in conditions amounting to cruel, inhuman and degrading treatment.

- Raphael Paluku Kiyana, a radio station director in an area controlled by the RCD-ML, was arrested on 9 March when he was found in territory controlled by RCD-Goma. He was released by RCD-Goma on 14 March but his property was not returned.

A group of 18 Banyamulenge men, four of them pastors, were arrested by RCD-Goma in July and held incommunicado. Many of the detainees, who included leading members of the Banyamulenge community, appeared to be prisoners of conscience. At least 20 Banyamulenge refugees arrested by the Burundian authorities were forcibly returned to eastern DRC and detained. They and others arrested in South-Kivu were still held at the end of 2002 (see Burundi entry).

On 13 September Franklin Moliba-Sese, a correspondent in Gbadolite for the MONUC radio station *Okapi*, was arrested by the MLC and detained for one week for reporting on the plight of child soldiers.

Journalists Safari Ntamana, Bugumba Tanganika and Zamukulu Mulungula were arrested by RCD-Goma officials in late September. The three men worked for a Uvira-based radio station and had broadcast a debate about the impact of a withdrawal of Rwandese troops from the area. They escaped from custody on 14 October when *mayi-mayi* forces briefly occupied Uvira town.

AI country reports/visits

Reports

- Democratic Republic of the Congo: Making a killing – The diamond trade in government-controlled DRC (AI Index: AFR 62/017/2002)
- Democratic Republic of the Congo: From assassination to state murder? (AI Index: AFR 62/023/2002)

Visits

In January AI delegates visited northwestern DRC to interview refugees from the Central African Republic (CAR) and discussed with MLC leaders human rights abuses committed by the armed group's combatants in the DRC and in the CAR in May 2001. In February AI delegates visited Goma to assess the impact of a volcanic eruption on the activities of local human rights defenders and to discuss concerns with RCD-Goma leaders. In April AI representatives briefed the UN Security Council in New York about the deteriorating human rights and humanitarian crisis, especially in eastern DRC. In September a delegation led by AI's Secretary General met exiled DRC human rights defenders in Burundi.

CONGO
(REPUBLIC OF THE)

REPUBLIC OF THE CONGO
Head of state and government: Denis Sassou-Nguesso
Death penalty: abolitionist in practice
International Criminal Court: signed

The human rights situation deteriorated significantly during 2002 after armed conflict erupted again in April. Hundreds of unarmed civilians were unlawfully killed and hundreds of women raped by government soldiers and opposition combatants. Tens of thousands of people were internally displaced by fighting in the Pool region and in the capital, Brazzaville.

Background

In March, Denis Sassou-Nguesso won an overwhelming majority of votes in the presidential election. The result was contested by local human rights and political groups who accused the government of manipulating the register of voters and election-rigging.

A few days after the election, fighting broke out in the town of Mayama, Pool region, between the *Forces Armées Congolaises* (FAC), Congolese Armed Forces, assisted by Angolan forces, and the opposition *Ninja* militias. On 4 April, two people were killed and 12 wounded in an attack on a passenger train travelling from Pointe-Noire to Brazzaville. The government blamed the attack on members of the *Ninja* militia, led by the Reverend Frederic Bitsangou (also known as Ntoumi). *Ninja* representatives countered that these clashes had been provoked when government troops arrived in the village of Vindza, to arrest their leader.

On 28 May, the UN High Commissioner for Human Rights voiced concern at the deteriorating situation, particularly in the Pool region where both parties were showing blatant disregard for the safety and human rights of the civilian population.

Unlawful killings

Hundreds of unarmed civilians were unlawfully killed or wounded in the Pool region and in Brazzaville between early April and the end of the year. Many of the victims were killed by members of the FAC, who used helicopters equipped with rockets to fire on villages where opposition forces were alleged to be concentrated.

In early June, dozens of people in the villages of Zandu and Matoumbou were killed when government helicopters bombed the village, after which soldiers machine-gunned houses and fired on people fleeing into the forest. Dozens of people were killed and at least 10,000 people fled following two days of fighting in mid-June between government forces and *Ninja* militias in Brazzaville.

Internally displaced people

At least 50,000 people were internally displaced by the fighting between the security forces and opposition militias in the Pool region and in Brazzaville. Houses were destroyed and villages burned, preventing people who fled from returning to their home. In Kinkala and Kindamba, where fighting started in early April, the government did not allow humanitarian aid workers to reach those displaced by the fighting for more than two months. During this period those who remained in the refugee camp suffered from malnutrition and at least 10 people died of starvation, when aid failed to reach them. On 11 June, UN agencies reported that at least 20,000 people in urgent need of humanitarian aid remained in inaccessible areas of the region.

Hundreds of displaced women were raped. Women in a camp in Kimdamba were reportedly gang-raped by FAC soldiers.

Dozens of young men were reportedly abducted from camps for internally displaced people. Their fate and their whereabouts remained unknown at the end of the year.

'Disappearances'

At least 353 refugees who "disappeared" after returning from the Democratic Republic of the Congo in May 1999 remained unaccounted for. In early 2002, relatives of the "disappeared" reported that the victims had been extrajudicially executed and their bodies secretly disposed of. A parliamentary commission of inquiry set up in August 2001 to investigate the "disappearances" had not published its report by the end of 2002. On 15 October an examining magistrate of Brazzaville's High Court said that the judiciary were beginning to interview relatives of the "disappeared" with a view to establishing responsibility and bringing the perpetrators to justice.

Political prisoners

Dieudonné Ndjilambot, a police officer arrested in August 2001 in connection with an armed attack on the residence of the Minister of Defence, was held in solitary confinement at Brazzaville's central prison until August, when he was released. The Procuracy claimed that as a senior police officer he had immunity from prosecution which could only be removed by the Supreme Court. However, the authorities failed to explain why this immunity could not protect him from unlawful detention. There were reports that political authorities had instructed the judiciary to detain him indefinitely.

Joseph Melloh Mindako, a Cameroonian journalist and environmentalist, was arrested on 13 May 2002 and detained by the Congolese authorities as a prisoner of conscience for three months. At the time of his arrest at Pokola near Ouesso, northern Congo, he had been taking photographs of commercial timber extraction and hunting in the forest. He was detained at Ouesso and accused of filming without an official permit. In mid-June he was transferred to Brazzaville's central prison where he was held for 48 days. He was subsequently accused of spying and reportedly charged with endangering the security of the state. On 12 August the Brazzaville High Court sentenced him to 45 days' imprisonment and ordered his release and expulsion from the country. The Court also issued an order prohibiting him from returning to the Congo for five years.

AI country reports/ visits

Visit

AI delegates visited the country in January and February.

CÔTE D'IVOIRE

REPUBLIC OF CÔTE D'IVOIRE
President: Laurent Gbagbo
Head of government: Pascal Affi N'Guessan
Death penalty: abolitionist for all crimes
International Criminal Court: signed

The country suffered its most serious political crisis since independence after an uprising in September by an armed group which effectively divided the country in two. Despite a cease-fire agreement in October, hostilities continued at the end of 2002. French troops intervened to evacuate foreigners and to monitor the cease-fire. In November, two new armed groups rose up in the western part of the country near the border with Liberia. Serious human rights abuses were committed by both the government and the armed groups. In Abidjan, government forces committed extrajudicial executions and arbitrary arrests. They destroyed several deprived neighbourhoods where poor people, including many foreign nationals, were living, leaving thousands of people homeless. Armed opposition groups were responsible for killing unarmed members of the security forces and people suspected of supporting the government. They were also responsible for recruiting child soldiers.

Background

The September crisis came after two years of turmoil, following a military coup in December 1999. The two-year period was marked by major human rights violations in a climate of xenophobia encouraged by political leaders. The leader of the largest opposition party, the *Rassemblement des Républicains* (RDR), Rally of Republicans, Alassane Ouattara, had been prohibited by the Constitutional Court from standing in presidential and parliamentary elections in 2000 on the grounds that he was a foreigner of Burkinabè extraction. However, a period of relative peace preceded the uprising. A Forum of National Reconciliation met in late

2001 and the issue of Alassane Ouattara's nationality was apparently settled. In July 2002, a court granted Alassane Ouattara a certificate of nationality and in August the RDR joined the government. All political parties and President Laurent Gbagbo made efforts to end the political stalemate and to reassure the international and regional community.

After the September uprising, peace talks under the auspices of the Economic Community of West African States (ECOWAS) began in Lomé, Togo, but no agreement was reached. In December, the cease-fire was broken several times by the government and by the armed political groups: the *Mouvement patriotique de Côte d'Ivoire* (MPCI), Patriotic Movement of Côte d'Ivoire; the *Mouvement populaire ivoirien du grand ouest* (MPIGO), Ivorian Popular Movement of the Far West; and the *Mouvement pour la justice et la paix* (MJP), Movement for Justice and Peace.

By the end of 2002, some 2,500 French troops were present in Côte d'Ivoire to monitor the cease-fire. In late December, there were several armed clashes between French troops and armed opponents in the west of the country.

Extrajudicial executions

After the uprising, security forces arrested a large number of unarmed people suspected of supporting the rebellion, including many foreigners or Ivorians with Muslim names. Some of them were then killed. In Abidjan, where a curfew was imposed, several people were seized at work or at home by men in uniform and executed. These armed men presented themselves as members of the security forces and apparently acted with the consent of the authorities, who took no steps to arrest them or to prevent further violations.

- On 19 September, the first day of the uprising, General Gueï, a former head of state, was shot dead by security forces while seeking refuge in Abidjan Cathedral. His wife, Rose Gueï, as well as other people close to General Gueï such as his aide-de-camp, Captain Fabien Coulibaly, went into hiding, but were found and killed by members of the security forces.
- On 6 November, Dr Benoît Dacoury-Tabley was arrested by two men in uniform who said they were members of the security forces. Relatives of the doctor were told that he was detained at the Gendarmerie Brigade of Abobo in Abidjan, but they did not find him there. His body was found two days later on a road leading to the *Maison d'Arrêt et de Correction d'Abidjan*, the main civil prison.

Massacre in Daloa

In October, when government forces retook the town of Daloa (in the west), several dozen civilians were extrajudicially executed by people dressed in military fatigues. Those killed were Ivorians with Muslim names or citizens of other countries from the sub-region, especially Mali, Burkina Faso and Guinea. The Ivorian authorities acknowledged the killings and ordered an inquiry. However, they claimed that the security forces were not responsible, despite the fact that eyewitnesses stated that the killers had arrived in tanks and military vehicles, in some cases bearing the initials of the *Brigade anti-émeute* (BAE), Anti-Riot Brigade.

Mass grave in Monoko-Zohi

In December, French soldiers discovered a mass grave containing dozens of bodies in Monoko Zohi, near Vavoua. Eyewitnesses told AI that the village, which was occupied by the MPCI, had been attacked at the end of November by uniformed government soldiers. The soldiers reportedly killed people named on a handwritten list, including Adama Ouédraogo, a businessman, Ali Ouédraogo, Kafale Boukary and Podogo Ali. The soldiers threw some bodies down wells. The remaining villagers buried the bodies and were forced to leave the area because the wells had been poisoned. The government and the MPCI both denied responsibility and called for an international inquiry.

Human rights violations in the Man region

Government forces committed massacres in December after recapturing the town of Man near the border with Liberia, which was occupied in late November by the MJP and the MPIGO. Soldiers arrested many people, notably members of the RDR, some of whom then "disappeared". Among the "disappeared" were Maméry Soumahoro, president of the RDR district committee; Traoré Abdoulaye, local president of the *Cercle Alassane Dramane Ouattara*, Alassane Dramane Ouattara Circle; Bonsié Blaise, a correspondent for *Le Nouvel Espoir*; and Kababou Cissé, head of the western transport union.

Detention without charge or trial

After the uprising, dozens of people including members or alleged members of the RDR were arrested and held in incommunicado detention. Among them was Aly Keita, deputy spokesman of the RDR, who was still held at the end of 2002. It was unclear how many had been charged and presented to a judge. Most were transferred in November to the main civil prison in Abidjan.

Destruction of homes and extortion by the security forces

In the days immediately after the uprising, the security forces destroyed several shanty towns and makeshift homes inhabited by Ivorians and people from other countries of the sub-region, on the grounds that these poor areas "were sheltering assailants". The destruction resulted in the displacement of thousands of people who were left without shelter. These operations took place in an atmosphere of heightened nationalism stirred up by certain news media, including the state radio and television service. Despite a promise by President Gbagbo in October of an end to such destruction, the security forces continued to carry out raids, to destroy houses and to intimidate and extort money from the people who lived there. The people expelled from their homes did not obtain any relocation assistance from the government.

Harassment of human rights defenders and journalists

Several human rights defenders and journalists were harassed. Some received death threats and others were briefly held for questioning.

In October, a member of an AI delegation, Gaetan Mootoo, was taken in for questioning by members of the security forces in Haoussa Bougou, an area of Abidjan, together with a member of the *Mouvement ivoirien des droits de l'homme*, Côte d'Ivoire Human Rights Movement. At the time of their arrest, the two human rights defenders were interviewing women whose homes had been destroyed. They were all taken to the central police headquarters and were released one hour later, following the intervention of the Minister of Justice.

Unlawful killings by armed opposition groups

The three armed opposition groups – the MPCI, the MPIGO and the MJP – summarily executed dozens of unarmed members of the security forces and others suspected of supporting the government. They also seized a number of people who then went missing. The three groups called on the population to denounce anyone thought to be a military official or government sympathizer. Several such people were reportedly killed on the spot. Other people accused of being thieves or of having committed ordinary criminal offences were summarily executed in public.

On 6 October, after an attack by government forces to recapture the town of Bouaké from the MPCI, dozens of gendarmes accompanied by about 50 of their children were seized by the MPCI and detained in a military camp in Bouaké. About 60 gendarmes were reported to have been summarily killed in their cells, and fellow detainees who were forced to bury the bodies then "disappeared". AI feared that they might have been killed at the mass grave site after burying their fellow detainees.

In Bouaké, on 8 October, a soldier called N'Da was killed at his home in the district of Broukro, in Bouaké, where he was hiding. He was not wearing military uniform but someone had apparently denounced him.

When the MJP and the MPIGO took the town of Man on 28 November, they sought out and killed gendarmes who had hidden in the houses of civilians. They also killed people who had agreed to hide the gendarmes. Other civilians were killed because they were suspected of supporting the President.

Arbitrary detention by armed groups

Dozens of people, including members of the security forces, were held in the areas held by the three armed opposition groups. The whereabouts and conditions of detention of many remained unknown.

Several people were held for several days by MPCI forces, including the Minister of Sport, François Amichia. Journalist Christophe Koffi, a correspondent for *Agence France Presse*, was held in Korhogo for almost a week. In September Martin Bléou, president of the *Ligue ivoirienne des droits de l'homme* (LIDHO), Côte d'Ivoire Human Rights League, who was in Bouaké when the town was taken by MPCI forces, was detained for several hours.

Threats to AI delegates

Despite written assurances from the MPCI authorities guaranteeing the security of an AI delegation on a research mission in the north of the country in December, AI delegates were repeatedly threatened, sometimes with death, by young armed combatants at the numerous road checkpoints.

Restrictions on freedom of movement

In the area held by the MPCI, some people from the south of the country or with unusual family names were denied the right to leave the region.

A witness in Korhogo told the AI delegation how in December he was prevented from boarding a bus to the south of the country because the local authorities wanted to keep him as "a human shield to stop the loyalists bombarding the town".

Child soldiers

The armed opposition groups, notably the MPCI, recruited young people, including children apparently as young as 14, to serve as soldiers. Such young and untrained recruits were armed and were often deployed at checkpoints along the region's roads. AI delegates witnessed the deployment of child soldiers and saw displays of aggressive and violent behaviour by them.

AI country reports/visits

Statements

- Côte d'Ivoire: A country caught up in a turmoil for more than a month (AI Index: AFR 31/005/2002)
- Côte d'Ivoire: Without immediate international action, the country will descend into chaos (AI Index: AFR 31/010/2002)

Visits

In October, AI delegates visited Côte d'Ivoire. They met officials including the Minister of Justice, and carried out research. In December, AI delegates carried out a research mission to the north of the country to assess the human rights and humanitarian situation. They also met MPCI officials.

CROATIA

REPUBLIC OF CROATIA
Head of state: Stipe Mesić
Head of government: Ivica Račan
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

Both Serb and Croat suspects faced war crimes trials, revealing the shortcomings of the criminal justice system which proved largely unable to prosecute cases impartially and independently. Croatia failed to cooperate with the International Criminal Tribunal for the former Yugoslavia (the Tribunal) by delaying the arrest and transfer of two Croatian suspects indicted by the Tribunal. Incidents of violence and discrimination against members of minority groups were reported, and returns of the country's pre-war Croatian Serb population continued to be obstructed by flawed and discriminatory legislation and practice.

Background

In July the five-party coalition government resigned as a result of a dispute concerning the use of a nuclear power plant situated in neighbouring Slovenia. Shortly afterwards Ivica Račan was reappointed as Prime Minister; he formed a new government in late July.

The implementation of key human rights elements of the Stabilization and Association Agreement, signed with the European Union in October 2001, was delayed. The government itself had set the deadline for these measures to be taken by the end of 2002. Issues included accelerating refugee returns, reform of the judiciary, a new constitutional law on minorities and media legislation.

Impunity for war-time violations

International prosecutions

In May Mile Mrkšić, a former Serb officer in the Yugoslav People's Army (JNA) who had been indicted for war crimes committed after the fall of Vukovar in November 1991, was transferred to the Tribunal from the Federal Republic of Yugoslavia (FRY). The two people indicted with him, Veselin Šljvančanin and Miroslav Radić, remained at liberty in the FRY despite repeated calls by the Tribunal and others, including AI, for their arrest.

Trial proceedings against the former Yugoslav President, Slobodan Milošević, continued at the Tribunal. The prosecution put the case that he had superior responsibility for crimes against humanity and war crimes committed in Croatia as well as genocide in Bosnia-Herzegovina.

In September the Tribunal unsealed an indictment against retired General Janko Bobetko, the former Chief of Staff of the Croatian Army, for war crimes and crimes against humanity committed against Croatian Serbs in 1993. Ignoring the obligation to cooperate unconditionally with the Tribunal, the government first referred the case to the Constitutional Court, apparently in an attempt to stem public anger. Croatia also appealed against both the decision confirming the indictment and the arrest warrant. In November the Tribunal turned down both appeals, finding that Croatia could not challenge these decisions on political grounds and that only the accused in person could counter the indictment before the Tribunal. The Constitutional Court also ruled in November that it was not competent to decide on the merits of the indictment. The authorities had not transferred Janko Bobetko to the custody of the Tribunal by the end of 2002, apparently on grounds of his poor health.

Another suspect, retired General Ante Gotovina, who was indicted in 2001, also remained at liberty. He had gone into hiding after the charges against him were published, although reportedly the authorities had been given prior warning by the Tribunal. He was indicted for war crimes against Croatian Serbs during and after the 1995 Croatian Army offensive, Operation Storm.

Domestic prosecutions

Scores of war crimes trials were conducted before the local courts. The vast majority of defendants were Croatian Serbs, many of whom were accused in group indictments and tried in their absence.

The State Public Prosecutor continued to review outstanding war crimes cases, recognizing that many charges were not supported by sufficient evidence and were motivated by the suspect's ethnicity. However, this review apparently excluded trials that had already been concluded where proceedings had apparently been unfair.

Mirko Graorac, a Bosnian Serb, was convicted after a retrial in 2000 and sentenced to 15 years' imprisonment after a trial that reportedly failed to meet international standards of fairness. He lodged an appeal with the European Court of Human Rights.

In prosecutions of Croats, prosecution witnesses were inadequately protected and the trial courts were reportedly not conducting proceedings impartially.

The trial of eight former military police officers for war crimes committed against Serb detainees in Lora military prison in Split ended with their acquittal in November. There were consistent reports of intimidation and harassment of victims and witnesses, some of whom left the country as a result. Despite complaints made to the local police identifying the perpetrators of these acts, none was reportedly brought to justice. The court also failed to ensure the appearance of prosecution witnesses living in the FRY and in Bosnia-Herzegovina, who had earlier refused to come to Croatia, apparently fearing for their safety.

Minorities

The results of a population census conducted in 2001 revealed that the proportion of minorities had approximately halved since the 1991 census. Discrimination against members of minority communities was reported, in particular with regard to social, economic and cultural rights. The existing legal

and administrative mechanisms appeared inadequate in providing redress for victims of such violations.

In March the UN Committee on the Elimination of Racial Discrimination noted with concern Croatia's delay in adopting a new constitutional law on the rights of national minorities. The Committee highlighted the Roma and Croatian Serb minorities as being particularly affected by discriminatory legislation and practices and recommended that steps be taken to increase access to justice and equal treatment before the law.

A new draft constitutional law on the rights of national minorities, one of the accession requirements Croatia undertook when joining the Council of Europe in 1996, was adopted by parliament in December.

There were persistent reports that the approximately 35,000-strong Roma community was subjected to widespread discrimination and violence by both law enforcement officials and non-state actors, particularly groups of skinheads. Roma children faced discrimination in the school system. For example, in Medjimurje County they were only allowed to attend segregated classes with a lower standard of education.

In November a Romani man and his son filed a complaint with the European Court of Human Rights in connection with their ill-treatment in Zagreb in 1999 and 2001 by skinhead groups, who had not been prosecuted by the authorities.

Skinhead attacks were also reported against members of the lesbian and gay community. After the first Gay Pride parade in Zagreb in June, 30 people were assaulted, some of them sustaining serious injuries.

Minority returns

About 11,000 Croatian Serbs from the FRY and Bosnia-Herzegovina reportedly returned during 2002, an increase compared to previous years. Problems over restitution of housing persisted, although in July legislation on the return of property was reformed and responsibility was moved from the housing commissions, which were abolished, to the central state. The government committed itself to issuing decisions on the repossession of all privately owned property by the end of 2002. However in late November the Organization for Security and Co-Operation in Europe (OSCE) reported that less than 10 per cent of all occupied private property had been repossessed. There was still no redress for thousands of Serb refugees who had lost tenancy rights during and after the war and therefore could not return.

'Disappearances'

According to official statistics, about 2,000 people remained unaccounted for following the armed conflict in Croatia. Many were victims of "disappearances" or abductions.

After years of negotiations between Croatia and the FRY, in March the Serbian authorities, assisted by the International Commission on Missing Persons, started exhuming the bodies of Croat war victims buried in graveyards on FRY territory. By the end of 2002 more than 200 bodies had been returned to Croatia for identification. Exhumations of grave sites increased and several hundred bodies were recovered from graveyards in the former Krajina region, including Gračac and Knin. During exhumations near Gospić in May, 18 bodies were recovered. They were reportedly the bodies of Serb civilians who had been killed by the Croatian Army in 1991 in the eastern Slavonian village of Paulin Dvor, some 500km to the east. A criminal investigation into these killings was launched.

CUBA

REPUBLIC OF CUBA
Head of state and government: Fidel Castro Ruz
Death penalty: retentionist
International Criminal Court: not signed

A number of initiatives by unofficial organizations in Cuba called for greater openness and respect for human rights in the country. The authorities largely ignored these efforts, although there were some incidents of harassment of those involved. In February a busload of youths crashed a bus into the Mexican embassy, apparently in search of asylum. The incident sparked a number of apparently pre-emptive arrests of dissidents, with the result that at the end of 2002 there were more prisoners of conscience than at any point during the previous year. New death sentences were handed down although the unofficial moratorium on executions appeared to remain in place. The embargo by the USA against Cuba continued to contribute to a climate in which fundamental rights were denied.

Background

Cuba's relations with some sectors of the international community improved over 2002. A November meeting with representatives of the European Union indicated a positive shift in relations with Cuba. Political dialogue between the two, blocked for five years over a number of issues including human rights concerns, had reopened with an initial meeting in December 2001. Similarly, Cuba's relations with Canada, which had deteriorated over the three previous years, improved with the visit of a senior Canadian official in November.

In April the UN Commission on Human Rights passed a relatively mild resolution on human rights in Cuba. However, the resolution was supported by many Latin American countries and for the first time Mexico voted in favour, prompting a diplomatic row with Cuba. In November, for the 11th consecutive year, the UN General Assembly passed a resolution calling on the USA to end its embargo.

Relations with the USA

Overall, US relations with Cuba remained difficult. Although calls in the US for a lifting of the embargo reached an unprecedented level, US President George W. Bush indicated that he would veto any legislative attempt to remove the embargo or other restrictions on Cuba unless a multi-party system was established and elections held. His position was criticized by former US President Jimmy Carter, whose visit to Cuba in May marked the highest-level mission from the USA since 1959. In October, the US House of Representatives voted to end travel restrictions on US citizens wanting to visit Cuba.

Cuba continued to express opposition to US control of the land on which the US naval base in Guantánamo is sited, but indicated that allowing the use of Cuban airspace by US planes was a gesture of goodwill on its part towards the global effort against "terrorism". (For information on those held by the US authorities in Guantánamo, see USA entry.)

Civil society initiatives

Initiatives by civil society organizations drew increased attention to calls for fundamental freedoms.

In October the *Asamblea para promover la sociedad civil*, Assembly to Promote Civil Society, headed by former prisoner of conscience Marta Beatriz Roque Cabello, was announced. The *Mesa de Reflexión de la Oposición Moderada*, Roundtable of Reflection of the Moderate Opposition, declared that by the end of 2002 discussions of a draft charter of human rights had stimulated responses from more than 10,000 Cuban citizens. The *Carta de derechos y deberes fundamentales de los cubanos*, Charter of Fundamental Rights and Responsibilities of Cubans, was described as a mechanism for increasing dialogue around human rights issues in Cuba.

Proyecto Varela

The "*Todos Unidos*" ("All Together") movement sponsored the *Proyecto Varela* petition for a referendum on fundamental freedoms. On 10 May Oswaldo Payá Sardiñas of the *Movimiento Cristiano Liberación*, Christian Liberation Movement, and other *Proyecto Varela* leaders presented more than 11,000 signatures to the National Assembly demanding a referendum on fundamental freedoms. Shortly afterwards, former US President Carter arrived in Cuba and, in an unprecedented move, was allowed to address the nation in a live broadcast. He supported the *Proyecto Varela* petition and discussed a range of human rights matters.

On 12 June, the authorities organized a massive march in support of a new referendum initiative which would maintain the existing system. On 20 June, a petition signed by a reported 99 per cent of Cuban voters was submitted to the National Assembly calling for reaffirmed commitment to socialism. Six days later, the National Assembly voted unanimously in favour of a Constitutional amendment declaring the socialist system irrevocable and making it illegal in future for lawmakers to attempt to change it. *Proyecto Varela* supporters declared that this was a response to their initiative, but the authorities stated that it was in response to calls from US President Bush for a change of government in Cuba.

Prisoners of conscience

Limitations on freedom of expression, association and assembly remained codified in Cuban law. However, a decline in numbers of prisoners of conscience over the last several years was taken by some observers as an indication that repression of dissidents was waning. Several prisoners of conscience were released during 2002, including Juan José Moreno Reyes, Vladimiro Roca Antúnez and Oscar Elías Biscet, apparently supporting this view.

However, there were more new detentions of prisoners of conscience in 2002, showing clearly the authorities' continuing use of harsh measures to stifle potential internal dissent. In December Oscar Elías Biscet was redetained with a number of other activists as they took part in a discussion group on human rights.

Crackdown after Mexican embassy incident

On 27 February a busload of young men crashed into the grounds of the Mexican embassy in Havana. After several days, Havana police raided the embassy and took them into custody. Several of the younger participants were released, but at the end of 2002, 15 of them reportedly remained in detention.

The authorities' reaction to the incident was harsh. Two *Reuters* journalists were reportedly beaten by police while trying to cover the events. A sweep of the neighbourhood during the disturbances resulted in several hundred arrests. Most of those detained were soon released, but there was a separate round-up of known dissidents, a significant number of whom were still in detention at the end of 2002. Ten of those detained were prisoners of conscience. Five more activists who had been detained in the days before the incident were also considered prisoners of conscience. None of the 15 had been officially charged or tried by the end of 2002.

A number of these prisoners of conscience, along with other detainees, went on hunger strike in late August to protest against their continuing detention without trial. The health of prisoner of conscience Leonardo Miguel Bruzón Avila deteriorated sharply before he was transferred to a military hospital in early November.

On 4 March, 12 dissidents were allegedly beaten and detained by state security officers and paramilitaries in a hospital in Ciego de Avila, where they were visiting a colleague who had been beaten during an earlier demonstration. They were still in detention without trial at the end of 2002. One of the detainees, Juan Carlos González Leyva, is blind and was subjected to severe conditions which reportedly aggravated his high blood pressure and other medical problems.

Harassment of dissidents

The authorities continued to try to discourage dissent by harassing suspected critics of the government.

Suspected dissidents were subjected to short-term detention, frequent summonses, threats, eviction, loss of employment and restrictions on movement.

Death penalty

Although the unofficial moratorium on executions declared in 2001 apparently remained in place, at least three prisoners were sentenced to death in 2002: Ramón González, Iván Rodríguez and Gabriel Lindón. Prosecutors argued for the death penalty to be imposed on at least three other individuals. At the end of 2002, more than 50 people remained on death row.

AI country reports/visits

Reports

- Cuba: The situation of human rights in Cuba (AI Index: AMR 25/002/2002)
- Cuba: Questions and answers on the work of Amnesty International (AI Index: AMR 25/003/2002)
- Cuba: Ill-health of Juan Carlos González Leyva – Medical action (AI Index: AMR 25/007/2002)
- Cuba: New prisoners of conscience and possible prisoners of conscience (AI Index: AMR 25/008/2002)

Visits

AI last visited Cuba in 1988. The government did not respond to AI's requests to be allowed into the country.

CZECH REPUBLIC

CZECH REPUBLIC
Head of state: Václav Havel
Head of government: Vladimir Spidla (replaced Miloš Zeman in July)
Death penalty: abolitionist for all crimes
International Criminal Court: signed

The authorities failed to establish a system for thorough and impartial investigations of abuses committed by police officers. A man of ethnic Romani background died in custody in suspicious circumstances.

Investigations into complaints against law enforcement officers

Investigations into allegations of criminal offences by police officers continued to be conducted by the Inspectorate of the Ministry of the Interior. This system, under which law enforcement officials are investigated by colleagues who report to the same authority, namely the Ministry of the Interior, had been criticized by the UN Human Rights Committee in July 2001. The Committee had expressed concern that such a system "lacks objectivity and credibility" and recommended that the Czech authorities "establish an independent body with authority to receive and investigate all complaints of excessive use of force and other abuses of power by the police".

In January an amendment to the Criminal Procedure Code came into effect giving the State Attorney a greater role in supervising the work of the Inspectorate. However, in practice, this amendment had little impact on the impartiality of investigations as the State Attorney is not involved in investigations until a criminal investigation has been initiated; all preliminary investigations continue to be carried out by the Inspectorate with little supervision from the State Attorney. The Inspectorate's role in collecting evidence is particularly important in this early stage when it has the power to inspect the site where the alleged offence has been committed, prepare forensic reports and conduct interviews with witnesses. In the past, the Inspectorate has failed to ensure that complaints of ill-treatment by police officers have been promptly and impartially investigated. As a result those responsible for human rights violations have not been brought to justice and an atmosphere has emerged in which police officers feel they can commit human rights abuses with impunity.

The authorities also failed to put in place mechanisms which would ensure the implementation of the UN Human Rights Committee's recommendations regarding the right of detainees to a lawyer from the moment of deprivation of liberty.

Death in suspicious circumstances

On 19 June 2002, Vladimír Pecha, a 23-year-old man of ethnic Romani background, allegedly jumped from a window of the police station on Malátova Street in Brno. He later died of injuries sustained in the fall. Two police officers reportedly claimed that Vladimír Pecha, who was 170cm tall and weighed 58kg, overpowered them as he was being escorted from the toilet, and jumped out of the window. The Inspectorate did not begin a preliminary investigation until Vladimír Pecha's partner filed a criminal complaint; she and her legal counsel were refused access to the relevant file, in violation of the Code of Criminal Procedure, three times. They were finally allowed to see the file on 6 August, but it contained only interviews with three police officers and three photographs of the place where Vladimír Pecha fell taken five days after the incident. There was no information, for example, on the position in which the body landed or on the state of Vladimír Pecha's clothing. A post-mortem examination ordered by the chief of the police station reportedly had not been instructed to establish whether Vladimír Pecha had suffered any injuries other than those caused by the fall. Following the intervention of the League of Human Rights, a local non-governmental organization, the State Attorney ordered the Inspectorate to complete the suspended investigation. Little progress in the investigation was reported at the end of the year.

DENMARK

THE KINGDOM OF DENMARK
Head of state: Queen Margrethe II
Head of government: Anders Fogh Rasmussen
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

The prolonged use of solitary confinement continued to cause concern. Legislation was introduced limiting the right to seek asylum and the rights of foreign nationals resident in Denmark. The scope of "anti-terrorist" legislation was broadened in the wake of the 11 September 2001 attacks in the USA. The government failed to ensure that the human rights of a Danish national held in US custody in Guantánamo Bay, Cuba, were respected. No police officer was charged in connection with a fatal police shooting in 2001 in which two people died.

International scrutiny

In March the UN Committee on the Elimination of Racial Discrimination expressed concern about a reported increase in hate speech and in the harassment of members of the Arab and Muslim communities; the tightening of asylum and refugee regulations; and reports of the failure of the authorities to recognize the Inughuit community as a separate ethnic or tribal entity.

In May the UN Committee against Torture reiterated its concern that torture was not defined as an offence in Danish law and that convicted prisoners were denied effective mechanisms to challenge the use of solitary confinement.

In September the European Committee for the Prevention of Torture (CPT) published its report on its visit to Denmark in early 2002. The CPT expressed concern about remand detainees being locked in their cells for up to 21 hours a day without access to purposeful activities, and about the use of solitary confinement (see below).

Solitary confinement

Safeguards were introduced to limit the use of court-ordered solitary confinement during pre-trial detention, although a maximum duration was not set. However, similar safeguards were not available to convicted prisoners who were also denied access to a judicial review of decisions by the prison authorities to hold them indefinitely in solitary confinement. Detainees in court-ordered solitary confinement continued to be locked in their cells for 23 hours a day.

In February Hans Nati, who had been detained in solitary confinement since March 1998, was transferred to the maximum security unit of Nyborg prison. In June prison authorities informed AI that, since the end of April, he was being allowed to associate with two other prisoners for four hours a day. In December 2001 the Parliamentary Ombudsman had criticized Nyborg prison authorities for disregarding the rules on carrying out a substantive weekly review of his solitary confinement and recording the results of the review.

"Anti-terrorist" legislation

The definition of "terrorism" and the scope of the offence of "aiding and abetting in terrorist activities" were broadened. There was concern that this might affect people involved in non-violent activities, including of a humanitarian nature, in connection with organizations suspected of "terrorism". Amendments to the extradition law could result in the return of "terrorist" suspects to countries where they may be at risk of serious human rights abuses.

Refugees and asylum-seekers

There were concerns about new legislation restricting refugee protection. Among those potentially affected were conscientious objectors and those fleeing armed conflict or widespread violence. Under the new legislation people can no longer apply for asylum from Danish embassies. There were also concerns that the authorities could make increased use of an accelerated procedure which could deny those seeking asylum a fair examination of their case.

Akhmed Zakayev

In October, Akhmed Zakayev, an envoy of the Chechen President, was detained while in Copenhagen to attend the World Chechen Congress, following an extradition request from the Russian government for crimes allegedly committed between 1996 and 1999. There were concerns that, if he was handed over to the Russian authorities, he could be at risk of torture or ill-treatment. In December the Danish authorities released Akhmed Zakayev, stating that there was insufficient evidence to justify his extradition.

Danish national held in US custody in Cuba

The Danish government failed to make adequate representations to the US authorities urging respect for the human rights of a Danish national held in US custody in Cuba. In November the Minister of Justice and the Minister of Foreign Affairs were questioned by the parliamentary legal affairs committee about the issue. It emerged that the Danish national had been denied access to legal counsel during questioning by US and Danish intelligence officers, in violation of the detainee's rights under Danish law.

Police shooting

Claus Nielsen and Lars Jørgensen were shot dead by police in Tilst, a town near Århus, in December 2001. They were suspected of being involved in a robbery. The circumstances of the shooting were disputed and a criminal investigation was initiated. The Regional Public Prosecutor (RPP) decided not to prosecute either of the officers involved, despite the finding by the Police Complaints Board (PCB) that charges should be brought against one of the officers for the shots fired at Claus Nielsen. The families of the deceased appealed against the RPP's decision; their counsel highlighted

several contradictions in the investigation report by the RPP. The PCB did not exercise its powers of appeal and in June the Director of Public Prosecutions upheld the decision not to prosecute the police officers.

AI country reports/visits

Report

- Concerns in Europe, January-June 2002: Denmark (AI Index: EUR 01/007/2002)

DOMINICAN REPUBLIC

DOMINICAN REPUBLIC
Head of state and government: Hipólito Mejía
Death penalty: abolitionist for all crimes
International Criminal Court: signed

Killings in disputed circumstances by police and military lessened somewhat following the appointment of a new head of the National Police. However, such killings continued to be reported. Some of those killed were reportedly shot during demonstrations in protest at electricity shortages while others were killed in alleged "exchanges of gunfire" with security forces. In January information emerged that the Supreme Court of Justice had just set an important precedent by ratifying the decision that the prosecution of a police officer for the killing of Pedro Manuel Contreras came under the jurisdiction of the civilian rather than the police courts. The debate over the issue of prison reform intensified following the death of 30 inmates in a fire started during a riot at La Inmaculada Concepción Prison in La Vega in September.

Background

Former President and head of the *Partido Reformista Social Cristiano*, Social Democratic Reform Party, Joaquín Balaguer, died at the age of 96. Several dissidents had been killed or had "disappeared" during his several terms in office from 1966 onwards, including Orlando Martínez and Narciso González. As part of investigations into their cases (see below), Joaquín Balaguer had been summoned several times to appear in court as a witness; he had consistently failed to appear.

The National Police

In January Major-General Jaime Marte Martínez replaced Pedro de Jesús Candelier as head of the National Police. He made a number of statements emphasizing the importance of human rights and criticizing the excessive use of force by police officers. However, there were several reports of the torture of detainees and of killings in disputed circumstances, some of which were described by witnesses in terms suggesting that they may have been extrajudicial executions. Police were believed to have used excessive force to disperse demonstrators on several occasions.

On 25 May, Alejandro Peña Díaz was reportedly shot several times while in the custody of police officers who had arrested him in Bonao. After the shooting, witnesses reportedly saw the officers remove Alejandro Peña's body from the scene. According to some sources, police were believed to have thrown his body from a moving police truck to give the appearance that he died while trying to escape. His body was subsequently found in a different location from that in which he was reportedly shot. According to press reports, the outcome of an internal investigation launched into the case established that a senior officer and two police agents were responsible for the killing of Alejandro Peña. They were dishonourably discharged.

On 7 June, Ramón Ureña, a 23-year-old man said to be suffering from mental illness, was allegedly shot in the head and killed by a police officer in the Los Gandules area of the capital, Santo Domingo. The killing occurred in the context of demonstrations against electricity cuts in the capital. The victim's family claimed that he had not been participating in the protest when he was shot.

Police tribunals

The police and the military are governed by their own codes of justice which grant jurisdiction over certain human rights related investigations to police or military rather than civilian courts. A bill on the Reform of the Police approved in November by the Chamber of Deputies, left this unchanged.

However, in a landmark ruling, the Supreme Court of Justice stated that proceedings against two police officers charged in connection with the killing of Pedro Manuel Contreras in September 2001 should be heard by a civilian rather than a police court. The Supreme Court stated that soldiers should only be removed from civilian jurisdiction in exceptional circumstances and that police tribunals are not competent to try such cases in peacetime.

Harsh prison conditions

Despite some reforms, including the reported construction of new wings in existing prisons to alleviate overcrowding, reports indicated that prison conditions did not improve substantially during the year.

The main problems were highlighted on 20 September when 30 inmates died in a fire in La Inmaculada Concepción prison in La Vega. A group of prisoners allegedly set fire to mattresses and other items in order to prevent the prison authorities from searching them for weapons and other prohibited

goods. The prison, which had been built to accommodate 120 people, was said to house around 600 prisoners at the time of the fire. According to some reports, one of the inmates who died was a minor who had been imprisoned with adults; several of those who died were detained awaiting trial and others had reportedly completed their sentences but remained held because they could not pay their fines. The commission investigating the riot and subsequent deaths, including those of two members of the armed forces, recommended that six prisoners be tried on charges including culpable homicide; that two prison officials be detained for 30 days; and that a number of soldiers, whom the tribunal accused of negligence, be transferred.

Forced repatriation

The security forces continued to forcibly return people thought to be Haitians without proper documentation who were apprehended during police sweeps. Migration authorities of the province of Dajabón reported having forcibly repatriated over 7,000 Haitians between January and June 2002. According to reports, the authorities often failed to give people the opportunity to demonstrate their status and as a result a number of Dominican nationals of Haitian origin were expelled from their own country. Those returned may have included people at risk of human rights violations in Haiti. There were also reports of police brutality during repatriations.

Pending trials

On 5 November the Court of Appeal in Santo Domingo revoked the convictions and 30-year prison sentences of four men, including two high-ranking military officers, involved in the 1975 killing of journalist Orlando Martínez, because of procedural errors. At the end of the year the case was before the Supreme Court of Justice which was considering a petition by representatives of the victim that the Court of Appeal judges had not been impartial.

The case of journalist and university lecturer Narciso González, who "disappeared" in 1994, following his reported arrest on the streets of Santo Domingo by members of the army, was still pending in the Court of Appeal at the end of the year.

ECUADOR

REPUBLIC OF ECUADOR
Head of state and government: Gustavo Noboa Bejarano
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

Human rights defenders were threatened, harassed and intimidated. Although some officials spoke out against persecution of the lesbian, gay, bisexual and transgender (LGBT) community, LGBT people continued to be arbitrarily detained, tortured and ill-treated. Members of the security forces suspected of committing human rights violations continued to be investigated and tried by police courts which were neither independent nor impartial. Torture and ill-treatment remained widespread.

Background

Throughout 2002, trade unions and grass-roots organizations, including indigenous communities, staged demonstrations against the poverty of the vast majority of the population and the government's economic policies.

The construction of an oil pipeline to deliver oil from the eastern rainforest region to refineries on the Pacific coast alarmed environmentalists and indigenous groups, since the route cut through several protected areas including the Mindo Nambillo Cloud Forest Reserve.

There were serious concerns about the effect of Plan Colombia (see Colombia entry) in Ecuador, in particular in the border areas. In the border province of Sucumbíos, for example, there was a marked increase in crime. The military reacted by transferring troops from the interior to newly constructed outposts all along the northern border. A growing number of Colombians crossed the border to escape the worsening violence in Colombia. According to official statistics, there were 3,774 asylum claims by September. Of the 8,482 asylum applications in Ecuador between January 2000 and September 2002, more than 95 per cent were from Colombian nationals.

One person was injured when three bombs exploded in September in the city of Guayaquil, which the authorities blamed on small armed groups operating in the country.

Elections were held in October and November. Retired Colonel Lucio Gutierrez Borbua, the candidate of the *Alianza Sociedad Patriótica-Pachakutic*, won and was due to take office in January 2003. AI urged candidates to put the protection and promotion of human rights at the forefront of their political agenda. However, none of the candidates, including the newly elected President, committed themselves to respect and protect human rights during their presidency.

Human rights defenders

Human rights defenders were harassed, intimidated and arbitrarily detained. President Noboa publicly

criticized the work of human rights defenders on various occasions.

- The offices of a national human rights organization, INREDH, were broken into and confidential information was accessed and tampered with by the intruders, who ignored valuable items which were at hand.
- Eight environmentalists were detained without charge when they demonstrated in front of the headquarters of the US oil company Occidental in Quito in July. All were subsequently released.

Lesbian, gay, bisexual and transgender people

Although some officials called for an end to discrimination against the LGBT community, in particular to practices that lead to grave human rights abuses, the authorities continued to ignore many of the complaints they received. Torture and ill-treatment, including sexual harassment, continued to be used to humiliate and punish LGBT detainees.

- In April, two transgender adolescents were allegedly "sold for sex" by guards to other detainees in the Provisional Detention Centre in Guayaquil. In May, state human rights officials and representatives of the non-governmental organization (NGO) *Fundación Amigos por la Vida*, Friends for Life Foundation, visited the centre and subsequently called for an improvement in conditions and thorough investigations into allegations of human rights violations against LGBT detainees.

Impunity

Members of the security forces who allegedly committed human rights violations continued to be investigated and tried by police courts which were neither impartial nor independent. In the few cases where members of the security forces were detained for alleged human rights violations, proceedings were so slow that the accused was often conditionally released after one year, as required by law. Often, the accused then absconded.

Victims, their relatives and witnesses of human rights violations were frequently intimidated and threatened after the lodging of a complaint, during the pre-trial and trial phase.

Torture and ill-treatment

Torture and ill-treatment of detainees and prisoners remained widespread. These violations occurred during arrest, while being taken to a police station, and in police stations, detention centres and prisons.

- Nicolás Agustín Tiluaño Cedeño was detained by police in April as he travelled to Guayaquil. He was taken to the police station on suspicion of belonging to an armed gang. The following day he was taken to hospital, where he died two days later. His family reported that he was held incommunicado during his detention and that when they went to see him in hospital his body showed that he had been beaten and he had a broken arm. An investigation was reportedly opened by a police court in Guayaquil.

Conditions of detention in some detention centres amounted to cruel, inhuman and degrading treatment. The poorest detainees were sometimes detained in these conditions for months because they did not have the resources to speed up judicial procedures for their release or transfer to a prison.

- The Provisional Detention Centre in Guayaquil held more than 350 detainees in a handful of cells, each holding up to three times more than the maximum capacity, when it was visited by officials and NGO delegates in May.

AI country reports/ visits

Report

- Ecuador: Pride and prejudice – time to break the vicious circle of impunity for abuses against lesbian, gay, bisexual and transgendered people (AI Index: AMR 28/001/2002)

EGYPT

ARAB REPUBLIC OF EGYPT
Head of state: Muhammad Hosni Mubarak
Head of government: 'Atif Muhammad 'Ubayd
Death penalty: retentionist
International Criminal Court: signed

At least 32 prisoners of conscience were sentenced to prison terms of up to seven years. At the end of 2002, 28 prisoners of conscience, including seven people imprisoned in previous years, remained held. Thousands of suspected supporters of banned Islamist groups, including possible prisoners of conscience, remained in detention without charge or trial; some had been held for years. Others were serving sentences imposed after grossly unfair trials before military courts. Torture and ill-treatment of detainees continued to be systematic. At least 48 people were sentenced to death and at least 17 were executed.

Background

Several leaders of *al-Gama'a al-Islamiya*, Islamic Group, imprisoned for grave human rights abuses in previous years, publicly condemned the use of violence and declared that the killing of civilians is forbidden by Islam. They added that they owed the Egyptian people an apology, and suggested paying compensation to the families of those killed in their attacks. *Al-Gama'a al-Islamiya* declared a halt to violence at the end of 1997, since when it has not carried out violent attacks.

Freedom of expression and association

Legal restrictions and government controls continued to limit the activities of political parties, non-governmental organizations (NGOs), professional

associations and trade unions, and the news media. The authorities maintained bans on several political parties imposed in previous years and party newspapers remained suspended. In June parliament passed a controversial law requiring NGOs to obtain prior approval from the authorities before conducting board elections, joining an organization outside Egypt or receiving funding from abroad.

The authorities continued to detain, try and imprison people in violation of their right to freedom of expression. Prisoners of conscience, including political activists, human rights defenders and members of religious groups, were sentenced to up to seven years' imprisonment.

In July the Supreme Military Court sentenced 16 alleged Muslim Brothers to between three and five years' imprisonment for non-violent political activities. They included doctors, university professors and engineers.

In October, a court of appeals in Cairo upheld a one-year prison sentence *in absentia* on Shohdi Naguib, son of the poet Naguib Surour, for posting his father's political poetry, described as "sexually explicit", on the Internet.

Human rights defenders

In July the Supreme State Security Court in Cairo upheld a seven-year prison sentence on Saad Eddin Ibrahim, a prominent human rights defender and Director of the Ibn Khaldun Center for Development Studies in Cairo, after the Court of Cassation ordered a retrial in February. In the same trial Nadia 'Abd al-Nur, the Center's accountant, was sentenced to two years' imprisonment. The main charges against them were in connection with European Union funded projects aimed at promoting participation in elections. Following the verdict the US government announced a halt to all additional aid to Egypt. In December the Court of Cassation ordered a further retrial and Saad Eddin Ibrahim and Nadia 'Abd al-Nur were released.

Freedom of religion

People continued to be at risk of human rights violations solely for exercising their right to freedom of religion.

In March an (Emergency) State Security Court for Misdemeanours, which allows no right of appeal, sentenced Amin Youssef and 'Ali Mamduh to three years' imprisonment for "contempt of religion"; six others, including Amin Youssef's wife, received one-year suspended prison terms. Amin Youssef and 'Ali Mamduh, both prisoners of conscience, were convicted for holding private religious gatherings and advocating modifications to basic Islamic rules.

In September an (Emergency) State Security Court for Misdemeanours convicted 21 men and women charged with "contempt of religion". The alleged leader, Sayid Tolba, was sentenced to three years' imprisonment while one of his co-defendants received a one-year prison term; 19 others were given suspended sentences. The charges related to their variant interpretation of mainstream Islamic belief.

Several Egyptians who converted from Islam to Christianity reported human rights violations, including arbitrary detention and torture or ill-treatment.

Trials connected with alleged sexual orientation

In May President Mubarak annulled the verdict of 50 of the 52 men tried in 2001 in connection with their alleged sexual orientation and as a consequence 21 prisoners of conscience were released. However, he upheld prison terms imposed on two men in the same case by an (Emergency) State Security Court for Misdemeanours. Sherif Farahat was sentenced to five years' imprisonment and Mahmud Ahmed 'Allam Daqla to three years' imprisonment. A retrial of the 50 other men opened in July before a criminal court in the Qasr al-Nil district of Cairo. The trial was continuing at the end of 2002.

Nine prisoners of conscience who had been sentenced in two separate trials for "habitual debauchery" to the maximum of three years' imprisonment were acquitted on appeal. In April, five men were acquitted by an appeals court in Damanhour, and in September, four men were acquitted by an appeals court in the Bulaq al-Dakrur district of Cairo.

Several men were detained and tried after having agreed to meet a person contacted over the Internet who turned out to be a security officer or police informant.

In January, Zaki Sayid Zaki 'Abd al-Malak was detained in such circumstances and sentenced to three years' imprisonment for "habitual debauchery". The verdict was upheld in March by an appeals court of the Agouza district of Cairo. He was reportedly ill-treated in detention.

Unfair trials

Scores of people faced trial before exceptional courts, such as state security courts, established under emergency legislation. They were charged with a variety of offences, including membership of illegal organizations, contempt for religion, espionage and corruption. The procedures of these courts fell far short of international standards for fair trial. For example, defendants did not have the right to a full review before a higher tribunal.

In March Sharif al-Filali was sentenced by the (Emergency) Supreme State Security Court to 15 years' imprisonment on charges of espionage for Israel. In June 2001 he had been acquitted on these charges but President Mubarak refused to ratify the acquittal and ordered a retrial. He had been detained for several months in incommunicado detention before trial.

In September, the Supreme Military Court sentenced 51 men to between two and 15 years' imprisonment on various charges, including possession of arms and membership of an illegal organization referred to as *Tanzim al-Wa'd*, Organization of Promise. Forty-three others were acquitted but the majority of them continued to be held in administrative detention at the end of 2002. Dozens of the accused alleged that they had been tortured, including with electric shocks, by members of State Security Intelligence (SSI) before the trial. Among those alleging torture were Magdi Hassan Idris Muhammad, 'Omar 'Abd al-'Aziz Khalifa,

and 'Omar Hagayif Mahdi, who were all sentenced to 15 years' imprisonment. Several of the accused claimed that they had been coerced into making confessions.

In October, the trial of 26 men, including three Britons, opened before the (Emergency) Supreme State Security Court. They were accused of being affiliated to the banned *Hizb al-Tahrir al-Islami*, Islamic Liberation Party. Several of the defendants were reportedly tortured or ill-treated following their detention in April.

Incommunicado detention of relatives

Several relatives of political prisoners and political activists were detained in connection with the activities of their family members. They were held for weeks in incommunicado detention where they were at risk of torture or ill-treatment.

In July 'Aziza 'Abbas Muhammad, the wife of a political prisoner, was detained for the third time that month. For approximately two months she was held in incommunicado detention at an unknown location, possibly by members of the SSI. In September she was transferred to Qanatir Women's Prison, where she continued to be held in administrative detention under emergency legislation. In June her two sons, one of them a minor, were detained when they attempted to visit their father in prison. Both were held for several weeks in incommunicado detention. 'Aziza 'Abbas Muhammad and her sons continued to be held in detention at the end of the year.

Yahya Tawfiq 'Ali al-Sirri, a football trainer, and Muhammad Tawfiq 'Ali al-Sirri, an engineer, two brothers of an Islamist activist based in the United Kingdom, Yasser al-Sirri, were arrested in August. Muhammad al-Sirri alleged that he had been tortured and was referred for a medical examination. In October Al-Sayid Muhammad Hassan 'Abd al-Ghani, an uncle of Yasser al-Sirri, was arrested at Cairo airport and held for four weeks in incommunicado detention.

Torture and ill-treatment

Torture continued to be systematic and widespread in detention centres throughout the country and the authorities failed to investigate reports of torture promptly and thoroughly. The most common methods reported were electric shocks, beatings, suspension by the wrists or ankles and various forms of psychological torture, including death threats and threats of rape or sexual abuse of the detainee or a female relative. Torture victims came from all walks of life and included political activists and people arrested in criminal investigations. The UN Committee against Torture and the UN Human Rights Committee both expressed concern at the persistence of torture.

In January Wa'el Tawfiq, an activist of the Egyptian People's Committee for Solidarity with the Palestinian *Intifada*, was arrested during the Cairo International Book Fair. He alleged that he had been tortured at the SSI headquarters. An independent medical examination found evidence consistent with his torture allegations. Wa'el Tawfiq filed a complaint, but thorough and impartial investigations which could lead to the prosecution of those responsible were not conducted.

In February Umm Hashim Abu al-'Izz, a young actress, was detained at the Agouza Police Station in Cairo. When she protested against insults by a police officer, she was beaten with a belt on her face and on other parts of her body. AI delegates met her a few days after the incident when her face was still bruised and swollen. She filed a complaint but in August her lawyers learned that the torture complaint file had been closed although there had been no proper investigation of her allegations.

Deaths in custody

Several security officers were tried in connection with two deaths in custody, allegedly as a result of torture, which occurred in 2002. However, many other such cases, including from previous years, remained uninvestigated. Marks found on the bodies of detainees who died in police custody were consistent with traces left by electric shocks and other forms of torture, according to forensic evidence presented in several trials.

Sayid Khalifa 'Isa died in March after reportedly being tortured at the police station of the second precinct of Madinat Nasr. In August Cairo Criminal Court sentenced two police officers to three years' imprisonment each. A forensic report noted signs on Sayid Khalifa 'Isa's body consistent with torture, including marks on his penis from electric shocks.

Forcible return

There were allegations that people forcibly returned to Egypt in 2001 from countries including Sweden and Bosnia-Herzegovina were tortured or ill-treated in incommunicado detention. People forcibly returned in 2002 were held for several weeks in incommunicado detention after their return. Among them were Nabil Ahmad Soleiman and Muhammad al-Zahir who were returned from the USA in June and September respectively.

Excessive use of force

In April thousands of students demonstrated throughout the country against Israel's incursions into the Israeli Occupied Territories. Many students were seriously injured when police used excessive force, including buckshot, to break up demonstrations.

Mohammed 'Ali al-Sayid al-Saqqa, a 19-year-old student at the University of Alexandria, was killed, reportedly after security forces fired buckshot at demonstrators.

Death penalty

The death penalty continued to be used extensively. At least five women and 43 men were sentenced to death by criminal courts during 2002 and at least 17 men were executed.

Intergovernmental organizations

In November the UN Human Rights Committee expressed concern at the "semi-permanent" state of emergency in effect since 1981; the very large number of offences punishable by death; the apparently systematic

practice of torture; trials of civilians before military courts; and restrictions on the activities of NGOs.

In November the UN Committee against Torture expressed particular concern at the widespread evidence of torture in premises of the SSI; the many reports of "abuse of under-age detainees, especially sexual harassment of girls, committed by law enforcement officials"; and ill-treatment of people because of their sexual orientation. The Committee called for prompt and impartial investigations into all torture allegations and the abolition of incommunicado detention.

The UN Special Rapporteur on torture reported that a request to visit Egypt had been pending since 1996. The UN Special Representative on human rights defenders and the UN Special Rapporteur on the independence of judges and lawyers both reported that in 2001 they asked to visit the country, but received no invitations.

AI country reports/visits

Reports

- Egypt: Increasing use of the death penalty (AI Index: MDE 12/017/2002)
- Egypt: No protection – systematic torture continues (AI Index: MDE 12/031/2002)

Visits

AI delegates visited Egypt to conduct research in February and in September/October. On both visits delegates were refused permission to visit prisoners and detainees.

EL SALVADOR

REPUBLIC OF EL SALVADOR
Head of state and government: Francisco Flores
Death penalty: abolitionist for ordinary crimes
International Criminal Court: not signed

There were renewed efforts in the fight against impunity. Trade union leaders were threatened as a result of their lawful activities.

Background

January marked the 10th anniversary of the Peace Accords which brought an end to the armed conflict in El Salvador. Despite improvements in the human rights situation during this period, those responsible for the massive human rights violations committed during the country's 11-year conflict had not yet been brought to justice, an issue central to the peace process. However, local organizations renewed their efforts to ensure accountability for the violations.

Economic conditions in some areas of the country deteriorated dramatically as a result of bad weather or low prices for agricultural products in the international market, leading to high levels of child malnutrition, in some cases resulting in deaths.

Impunity

The struggle to end impunity continued. A case brought by three Salvadoran torture victims against two former Salvadoran army generals in the USA stimulated renewed efforts within El Salvador. The case, brought under US civil legislation, resulted in the court ruling in favour of the victims and imposing punitive financial damages on the defendants, all of whom were resident in the USA.

Non-governmental organizations submitted proposals to the authorities to provide medical assistance to victims of torture and to investigate "disappearances" during the conflict. They also proposed initiatives to the Inter-American Commission on Human Rights that would lead to the annulment of the Amnesty Law, so that prosecutions could be initiated against those responsible for human rights violations.

In March the Office of the Human Rights Procurator, PDDH, published a report on the case of Archbishop Oscar Arnulfo Romero, who was murdered in 1980. The PDDH recommended that the case should be reopened. The authorities had not taken up this recommendation by the end of 2002.

In October the Supreme Court of Justice allowed an appeal filed in late 2001 in the case of six Jesuits who were murdered in 1989 along with their housekeeper and her daughter. The appeal was against a decision in 2001 in which the Third Magistrate's Court of San Salvador had dismissed all charges against high-ranking civilian officials and military officers accused of ordering the killings. The Supreme Court ruled, among other things, that the right to access to justice had been obstructed. Further proceedings were pending. In a resolution issued in November the PDDH accused the state of failing to investigate, prosecute or punish those involved in the murders and therefore of failing to comply with the recommendations made by the Truth Commission in 1993. The resolution also considered the Amnesty Law, which prevented legal proceedings against those involved in human rights violations, and asked parliament to annul it.

Threats to trade unionists

In October leaders of trade unions in the health sector received death threats. Doctors and other health personnel were involved in prolonged strikes during 2002 in opposition to government plans to privatize health services. Trade unions argued that the outsourcing of ancillary services marked the start of a privatization process which would damage the population's health care.

Dr Guillermo Mata, President of the *Colegio Médico*, Medical Association, Dr Melvin Guardado, President of the *Asociación de Médicos del Sistema Nacional de Salud*, Association of Doctors in the National Health Service, Dr Ricardo Alfaro Barahona, Secretary General of the *Sindicato de Médicos*

Trabajadores del Instituto de Seguro Social (SIMETRISS), Doctors' Union in the Institute of Social Security, and approximately 27 other health professionals, received death threats in October. The anonymous threats were communicated by telephone to the individuals' homes, all in the capital, San Salvador. They allegedly came from a self-styled "death squad" calling itself *Comando de Exterminio*, Extermination Command. AI urged the government to investigate the threats and bring those responsible to justice and to ensure that people were free to carry out legitimate trade union activities.

AI country reports/ visits

Statement

- El Salvador: 10th anniversary of Peace Accords, still no justice for victims of human rights violations (AI Index: AMR 29/001/2002)

EQUATORIAL GUINEA

REPUBLIC OF EQUATORIAL GUINEA
Head of state: Teodoro Obiang Nguema Mbasogo
Head of government: Candido Muatetema Rivas
Death penalty: retentionist
International Criminal Court: not signed

After one or two years of relative decline in the number of human rights violations, a new wave of arrests, torture and unfair trials began when the authorities claimed in March that they had discovered a coup plot. More than 150 people were arrested, many of whom were tortured to extract "confessions". These were used during an unfair trial to convict 67 people who were sentenced to long prison terms and appeared to be prisoners of conscience. Prison conditions before, during and after the trial were harsh, with inadequate food and medical treatment, especially for detainees who had been tortured. As a result, two prisoners died and at least two others were hospitalized. In October, the authorities announced a general amnesty which led to the release of more than 100 prisoners, but did not cover most of the prisoners of conscience.

Background

Although the authorities accepted multi-party democracy in 1992, peaceful political opponents have faced continuing repression and the denial of fundamental rights. The country's oil production and international importance rose during this period, although the population at large received little benefit. In March, the authorities dissolved the Bar Association on the pretext that some lawyers did not have the necessary training to exercise their profession. In May, the Deputy Minister of Information called for the *Asociación de la Prensa de Guinea Ecuatorial*, Equatorial Guinea Press Association, to be banned.

Arrests of prisoners of conscience

Between mid-March and May more than 150 people were arrested, including former members of the armed forces and relatives of Felipe Ondó Obiang, former member of parliament and leader of the *Fuerza Demócrata Republicana* (FDR), Republican Democratic Force, an unauthorized political party. They were all accused of plotting against the security of the state and appeared to be prisoners of conscience, arrested solely because of their links with the FDR. Many were sentenced after an unfair trial in May (see below). The leaders of the two main legal opposition parties, both lawyers, were also arrested.

- Plácido Micó, Secretary General of the *Convergencia para la Democracia Social*, Convergence for Social Democracy, was arrested and subsequently convicted in connection with the alleged FDR plot. He was sentenced to six years' imprisonment.
- Fabián Nsué Nguema Obomo, leader of one of the factions within the *Unión Popular*, Popular Union, was arrested and sentenced in July to one year's imprisonment for "defaming the head of state". He was released under an October amnesty.
- In May, more than 10 members of the Bubi ethnic group were arrested during a traditional ceremony in the town of Moka and accused of "attempting to undermine the security of the state". In November, they were released after all the charges against them were dropped in court during the trial.

Torture

Most of the people arrested because of alleged links with the FDR were tortured in pre-trial incommunicado detention to force them to make statements incriminating themselves and others in the alleged coup. Many of them were tied up with rope and hung from a bar in a position that meant that the bones in their forearms, and in some cases their legs, eventually broke. They were also beaten, some severely with sticks and whips. They were blindfolded for prolonged periods.

The torture and ill-treatment of the detainees continued during the trial. Some of the defendants who told the court they wished to retract earlier statements were subsequently tortured in prison, apparently in reprisal.

The wives of two prisoners who took food to their husbands were also beaten and tortured and one of them was raped by several soldiers, according to a statement made in court by her husband.

Unfair trial

In May and June, 144 of the people arrested in connection with the alleged FDR plot were tried in

Malabo, the capital, on charges of attacking state security. The trial, to which AI sent an observer, was characterized by serious human rights violations and countless procedural irregularities, such as the use of confessions obtained under torture which were retracted by the accused when in court; the lack of adequate defence; and the lack of independence of the judges, who had been directly appointed by the executive authorities.

Despite these serious violations of the defendants' rights, the court convicted 64 of them (plus three *in absentia*) to sentences ranging from six to 20 years' imprisonment. Felipe Ondó Obiang was sentenced to 20 years' imprisonment. In June, the European Parliament unanimously adopted a resolution calling for the trial to be annulled and for the prisoners to be released immediately. Following the October amnesty, only five of the people sentenced during this trial were released.

Harsh prison conditions

The conditions in which the prisoners arrested in connection with the alleged FDR plot were held were cruel, inhuman and degrading. The detainees were stripped and crammed together in small cells. None was given medical attention and some were denied food which had been brought to them by their families. Conditions deteriorated even further in June when the authorities banned relatives from visiting the prisoners and bringing them food. Following the ban, the prisoners received insufficient amounts of food and many apparently suffered from malnutrition and lack of treatment for the wounds caused by torture. Two prisoners, Juan Ondó Nguema and Juan Sumu Sima (aged 80), died and at least two others were hospitalized.

UN Commission on Human Rights

In April, despite the serious human rights violations committed following the alleged FDR plot, the UN Commission on Human Rights decided to end the mandate of the Special Representative on Equatorial Guinea who had been monitoring the human rights situation in the country for over 20 years.

AI country reports/visits

Report

- Equatorial Guinea: A parody of a trial in order to crush the opposition (AI Index: AFR 24/014/2002)

Visit

An AI delegate observed the May/June trial in Malabo.

ERITREA

ERITREA
Head of state and government: Issayas Afewerki
Death penalty: retentionist
International Criminal Court: signed

Dozens of prisoners of conscience arrested in September and October 2001 remained in secret detention at the end of 2002 without charge or trial. They included former members of the government who were calling for democratic reforms, and journalists. During 2002 there were many further arrests of government critics and people refusing compulsory military service. Torture and sexual abuse of army protesters were reported. Most Ethiopian prisoners of war were released. Hundreds of political detainees detained in previous years remained held in secret without charge or trial.

Background

In April, following a peace treaty signed in December 2000 ending a two-year border war between Eritrea and Ethiopia, the Eritrea-Ethiopia Boundary Commission at The Hague in the Netherlands delivered its ruling on the border issue. Both sides had agreed in advance to accept the ruling but disagreements remained at the end of the year, delaying border demarcation.

The mandate of the UN Military Mission in Ethiopia and Eritrea (UNMEE), administering a buffer zone between the two countries and demining the area, was extended by the UN Security Council into 2003. Exchanges of prisoners of war and civilian internees continued through the International Committee of the Red Cross (ICRC) but were not completed by either side. In August, Eritrea returned what it said was the remaining group of 485 Ethiopian prisoners of war, but there were fears for the safety of some others unaccounted for, including Colonel Bezabih Petros, an Ethiopian pilot shot down in 1998 and detained in secret.

The Eritrean government supported Ethiopian and Sudanese armed opposition groups, leading to heightened tension in October when the Sudanese armed opposition briefly captured parts of eastern Sudan adjacent to the Eritrean border. The armed opposition group, the Alliance of Eritrean National Forces (AENF), was based in Ethiopia, although there were no confirmed reports of AENF armed activities in Eritrea.

Refugees

During 2002, hundreds of Eritreans fled abroad fearing political imprisonment or forcible conscription. In May 2002 the Office of the UN High Commissioner for Refugees (UNHCR) declared Cessation of Refugee Status for Eritreans from the end of 2002, applying to those who had fled during the 30-year armed struggle for

independence from Ethiopia, achieved in 1991, and for those who had fled during the 1998-2000 border war with Ethiopia. Over 100,000 Eritreans who had lived in Sudan for up to 25 years were offered voluntary repatriation, which many refused, or an alternative option of alien resident status in Sudan. Voluntary repatriation was suspended by the UNHCR in October 2002 for security reasons. The cessation of refugee status was widely misunderstood to mean that Eritrea was safe for all refugee returns, which was not the case. Many of the long-term refugees in Sudan feared persecution on return on account of their links with the Eritrean Liberation Front (ELF), a rival to the Eritrean People's Liberation Front (EPLF) which formed the independence government in 1991, or because of conscientious objection to military service. Army deserters during and after the Ethiopian war feared persecution on return. Over 10,000 refugees applied for exemption from the cessation.

Over 200 Eritreans who had originally entered Sudan were deported back to Eritrea from Malta in September 2002 and detained on arrival. They were held incommunicado and without charge or further explanation. There were fears for their safety since many had allegedly deserted from the army.

Prisoners of conscience

In February the government accused 11 former government and ruling party leaders, arrested in September 2001, of treason during the war with Ethiopia. There were fears for their safety as the authorities refused to disclose their whereabouts or conditions of detention, or allow family access. They could be subject to the death penalty, but they had not been taken to court or charged by the end of the year.

Among the detainees were Mahmoud Ahmed Sheriffo, former Vice-President; Haile Woldetensae, former Foreign Minister; and Petros Solomon, also a former Foreign Minister. They were prisoners of conscience, detained for leading the post-war calls for democratization and human rights reforms.

Scores of supporters of these reforms who had been arrested in late 2001 remained in secret incommunicado detention without charge or trial throughout 2002. They included Idris Aba'ere, a severely disabled liberation war veteran, writer and Ministry of Labour department head; Miriam Hagos, director of cinemas; and Tesfaye Gebreab, a director in the Ministry of Foreign Affairs.

Others arrested in early 2002 and still detained incommunicado without charge or trial at the end of the year included Ali Muhammad Saleh, a former diplomat working in the Ministry of Foreign Affairs who was arrested in May; and Ibrahim Siraj, a former director of a maternity clinic. They were also prisoners of conscience.

Journalists

Ten journalists detained soon after the government banned the entire private press in September 2001 remained in detention without charge or trial throughout 2002. They included Seyoum Tsehaye, former director of the state television service; Fessaye Yohannes, a reporter and playwright; and Dawit Habtemichael, an assistant editor and science teacher. The government said that the 10 had violated the 1996 Press Law but did not specify details. In March, the 10 prisoners of conscience went on hunger strike in protest at their unlawful detention. After three days, security police removed them from a police station in Asmara and took them to an undisclosed location. At the end of the year, the authorities had not disclosed their whereabouts or conditions of detention.

At least four journalists arrested in early 2002 were held without charge or trial at the end of the year, including Saadia Ahmed, and Semret Seyoum, who was caught fleeing the country in January. Dozens of other journalists fled abroad.

Conscripts

National military and development service, indefinitely extended since 1994, is compulsory for 18 months for men and women aged between 18 and 40, with additional compulsory reserve duties afterwards for all conscripts and demobilized former EPLF fighters. Eritrea does not recognize the right to conscientious objection, although there are exemptions for mothers and certain categories of workers. The penalty for evading conscription or protesting against military service is three years' imprisonment, but in practice those caught are tortured and arbitrarily detained for several months with hard labour, before being forced back into the army. Methods of torture reported included being left for many hours in the hot sun, bound hand and foot, in some cases resulting in permanent injury. Some female conscripts were allegedly subjected to sexual abuse. In December the government announced the demobilization of women conscripts.

Religious persecution

Four Jehovah's Witnesses who maintained their refusal of conscription on religious grounds remained in secret detention without charge or trial since 1994. Jehovah's Witnesses continued to be deprived of basic civil and political rights.

During 2002 the authorities closed down several evangelical and pentecostal Christian churches, including the Mullu Wengel Church, which had been established for several decades in Eritrea. This was done without any public announcement or legal basis.

Long-term political prisoners

Hundreds, possibly thousands, of government opponents were alleged to be still secretly detained. Some had been members of the former Ethiopian administration and surrendered in 1991, or had been abducted from Addis Ababa and handed over to the new Eritrean government. Others were captured ELF opposition fighters or suspected supporters, or government critics, including some long-serving EPLF commanders or members. Some appeared to be prisoners of conscience.

New information emerged about some of these political detainees and others feared to have

"disappeared". Some were reportedly detained secretly within the official Sembel Prison in Asmara, in secret security or military prisons in Asmara, or in remote rural detention camps.

The Special Court

Hundreds of prisoners were serving long prison terms imposed after unfair trials by the Special Court or were detained pending trial by this exceptional court. Some cases were believed to have political elements. The Special Court, set up in 1996 to try corruption offences, denies the right to legal representation or appeal and has military judges with little or no legal training.

AI country reports/visits

Report

- Eritrea: Arbitrary detention of government critics and journalists (AI Index: AFR 64/008/2002)

Visas refused

In July AI delegates were refused visas to visit Eritrea.

ESTONIA

REPUBLIC OF ESTONIA
Head of state: Arnold Rüütel
Head of government: Siim Kallas
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

There were concerns about conditions of detention and imprisonment. International treaty bodies made recommendations to strengthen safeguards against torture and ill-treatment and to prevent violence against women in the family.

Prison conditions

The European Committee for the Prevention of Torture (CPT) published in October the findings of its visits to Estonia in 1997 and 1999, which were dominated by concerns about the conditions of police detention and imprisonment. Conditions of detention were "extremely poor" in almost all of the eight establishments of police detention visited by the CPT in 1997, where "[m]ost of the cells seen were dirty, had little or no natural light and poor artificial lighting and ventilation, and were equipped with primitive and unhygienic sanitary facilities." Poor conditions were exacerbated by overcrowding, meagre dietary regimes and the absence of programs of activities. During follow-up visits to four establishments in December 1999 the CPT found that, despite certain efforts at improvement, conditions of detention remained generally unacceptable. Prison conditions were also poor, particularly in Central Prison in Tallin, where in 1997 the CPT found conditions of detention for remand prisoners "intolerable".

Alleged torture and ill-treatment

In November the UN Committee against Torture in Geneva considered Estonia's initial report, which was submitted over eight years late. The Committee expressed concern that "[i]solated cases of ill-treatment of detainees by officials still occur in police establishments" and recommended Estonia to "[e]nsure that law enforcement, judicial, medical and other personnel who are involved in custody, detention, interrogation, and treatment of detainees or psychiatric patients are trained with regard to the prohibition of torture". Recommendations were also made to strengthen the safeguards against torture and ill-treatment by ensuring that, in law as well as in practice, detainees have the right of access to a medical doctor of their choice, the right to notify a third person of their detention and access to legal counsel. The Committee recommended that Estonia continue renovating all detention facilities in order to ensure that they conform to international standards.

Violence against women

Estonia was scrutinized by the UN Committee on the Elimination of Discrimination against Women in January. Among the Committee's main concerns were acts of violence against women and girls, including domestic violence. The Committee urged Estonia to "place high priority on comprehensive measures to address violence against women in the family and in society" and recommended, among other things, that it introduce a specific law prohibiting domestic violence against women, prosecute and punish perpetrators of violence with the required speed and severity, and make available immediate means of redress and protection for the women victims of violence.

ETHIOPIA

FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
Head of state: Girma Wolde-Giorgis
Head of government: Meles Zenawi
Death penalty: retentionist
International Criminal Court: not signed

Police shot dead over 230 people and detained several hundred more in Oromia and the southern region in connection with demonstrations, mostly peaceful. Many human rights violations including torture, rape and extrajudicial execution were reported, particularly in conflict zones in the Oromia and Somali regions. Journalists and government critics were arrested and some sent for trial. A prominent prisoner of conscience convicted following an unfair trial was released after his 15-year sentence was reduced on appeal. Several thousand people remained in long-term detention without charge or trial on suspicion of supporting armed opposition groups. Prison conditions were harsh and many prisoners were held incommunicado or were feared to have "disappeared". Many trials on charges of genocide and crimes against humanity of officials of the former Dergue government were concluded, leaving over 1,000 others on trial or awaiting trial. Several death sentences were imposed but no executions were reported.

Background

The UN and aid agencies appealed for funds for humanitarian aid as famine threatened the lives of 14 million people at the end of the year.

The National Human Rights Commission and Ombudsman's Office legislated for in 2000 had not been formed by the end of 2002.

In April, following a peace treaty signed in December 2000 ending a two-year border war between Eritrea and Ethiopia, the Eritrea-Ethiopia Boundary Commission at The Hague in the Netherlands delivered its ruling on the border issue. Both sides had agreed in advance to accept the ruling but disagreements remained at the end of the year, delaying border demarcation.

The mandate of the UN Military Mission in Ethiopia and Eritrea (UNMEE), administering a buffer zone between the two countries and demining the area, was extended into 2003 by the UN Security Council. Exchanges of prisoners of war and civilian internees proceeded under the auspices of the International Committee of the Red Cross (ICRC). In November Ethiopia returned to Eritrea 1,568 Eritrean prisoners of war and civilian internees, the last remaining war prisoners wishing to return home. It renewed calls for the return of Colonel Bezabih Petros and several other Ethiopian prisoners of war not yet returned by Eritrea.

In December Ethiopia ratified the African Charter on the Rights and Welfare of the Child.

Armed conflict

In continuing regional conflicts, Ethiopia supported the Alliance of Eritrean National Forces armed group, while Eritrea supported Ethiopian armed opponents – the Oromo Liberation Front (OLF) fighting in Oromia region, and the Ogaden National Liberation Front (ONLF) fighting in the Somali region in alliance with the OLF and *Al-Itihad Al-Islamiya* (Islamic Unity). In these and other lesser conflicts in Ethiopia, civilians were frequently the victims of arbitrary detention, extrajudicial executions, and torture, including rape, by government forces in reprisals for attacks and casualties.

There were some incidents of intercommunal fighting resulting in dozens of deaths and the displacement of thousands of people. Scores of people of the opposed Nuer and Anuak communities were killed in Itang town in Gambela region in the southwest in July 2002. Some arrests were made in connection with the killings but no one had been brought to trial by the end of the year.

Ethnic clashes among Sudanese refugees in Fugnido camp in Gambela region in November left over 40 dead and scores wounded.

Journalists

The government continued to harass, threaten, arrest and jail independent journalists, although less than in 2001. They were accused under the Press Law of offences such as defamation, spreading false information, causing alarm and instigating violence, for publishing articles critical of the authorities. Two were still in prison at the end of the year. A number of journalists fled the country.

Killings of demonstrators and mass arrests

There were major incidents of apparently unlawful use of lethal force by police against demonstrators. The government said it was investigating but it was unclear whether the alleged perpetrators would be brought to justice.

- On 10 March in Teppi town in the southwest, police shot dead up to 200 demonstrators of the Shekicho and Mezenger ethnic groups, who were protesting against administrative boundary changes. Over 300 were detained, including opposition party activists. Ninety were brought to court in August and remanded for trial on charges including murder of four police officers during the demonstration violence.
- In March and April, during widespread peaceful demonstrations against regional educational and taxation policies by school and college students in several towns in western Oromia region, police shot dead several demonstrators and wounded and beat others. There were mass arrests of demonstrators, followed by detentions of hundreds of teachers, civil servants and others accused of supporting or instigating the protests. There were reports of torture and ill-treatment of prisoners, who were held incommunicado and accused of links with the OLF. The authorities accused the OLF, which had increased its operations in the region, of organizing the

demonstrations. Most detainees were released in mid-2002 but some were still held without charge or trial at the end of the year.

On 24 May in Awassa, capital of Sidama zone in the southern region, regional and federal police shot dead at least 25 people and wounded others at a demonstration which was peaceful until police shot without warning. Two police officers were killed – by other police, according to some sources. Scores of demonstrators and their alleged supporters were detained in the following weeks and many were reportedly tortured. They included a medical doctor, Million Tumato, and Sidama Development Corporation director Mengistu Gonsamo, who were prisoners of conscience. By November, both men had been provisionally released, together with many others, but at least 12 people remained in custody without being charged. The southern region government established an inquiry but the inquiry was not independent and no report had been published by the end of the year.

Detention without charge or trial

There continued to be a pattern of arbitrary and incommunicado detention without charge or trial of people suspected of links with opposition groups such as the OLF and ONLF. Numerous people were detained and tortured in the Somali region for alleged links with the ONLF, particularly after ONLF operations in the region.

Ziad Hussein Abarusky, a railway employee and national football coach, was arrested in June in Dire Dawa and accused with 20 others of involvement with the OLF bombing of the railway offices earlier that month. After reportedly being tortured, he was transferred in September to prison in Addis Ababa and later taken to court. He had not been charged by the end of the year.

Two Sudanese refugee community leaders arrested in December 2001 in Fugnido refugee camp in Gambela region and allegedly tortured for protesting against the ill-treatment of refugees, were released in March without being charged.

In December Abate Angore, Acting General Secretary of the Ethiopian Teachers Association (ETA), was arrested and charged with inciting people against the government in a newspaper article 20 months earlier when he had criticized police violence against student demonstrators. He was released on bail after six days in custody.

Many of the several thousand people detained for political reasons in recent years in the Oromia and Somali regions were reportedly still held, without charge and, in most cases, incommunicado. In some cases, their whereabouts were not known, giving rise to fears that they had "disappeared" or been extrajudicially executed. Regional courts in Oromia reviewed some detention cases and released some detainees, although little information on this process was publicly available. Scores of opposition party supporters detained for apparently political reasons in the southern region during the December 2001 local elections were released without charge in the first few months of 2002.

Political trials

There was continuing concern about the fairness of trials of political prisoners. The government acknowledged some of the problems and said that development of the judiciary and training of judges were a priority.

The trial of some 100 OLF fighters held since 1992 concluded in February; two were sentenced to death and others were imprisoned.

In August Mohamed Ahmed Abdi, chair of the Ogaden Welfare Society, was arrested in Addis Ababa. The government had sought to ban this local non-governmental relief organization and several of its officials had previously been detained. Mohamed Ahmed Abdi, a prisoner of conscience, was taken to Jijiga, tortured, and charged with corruption. In November he escaped from prison and fled the country.

The trial of Professor Mesfin Wolde-Mariam, president of the Ethiopian Human Rights Council, and Berhanu Nega, director of the Ethiopian Economic Association, was repeatedly adjourned and had not started by the end of 2002. The two men, who were falsely accused of instigating student demonstrations at Addis Ababa University in April 2001, had been released on bail in June 2001.

In May, the Appeal Court reduced the 15-year prison sentence for armed conspiracy on Taye Wolde-Semayat, President of the ETA, to six years and ordered his release. He had been a prisoner of conscience since 1996 and was convicted after an unfair trial in 1999.

Dergue trials

The long-running trial continued of 46 senior officials of the government of Mengistu Haile-Mariam, overthrown in 1991 and known as the Dergue, who were charged with genocide and crimes against humanity. At the end of 2002, over 1,000 former government and ruling party officials remained in custody, including university president Alemayehu Teferra. They were accused of political killings during the government's "Red Terror" campaign against its opponents in the late 1970s. Between July 2000 and July 2001, 478 had been convicted and 328 acquitted. The Special Prosecutor said all the trials would be completed by 2004.

Torture

Torture of political prisoners, particularly those accused of links with armed opposition groups, continued to be frequently reported. Several women accused of involvement with such groups were reportedly raped. Courts rarely investigated defendants' allegations of torture, but in August a regional court in Awassa ordered police to stop the beating of prisoners held in connection with the May demonstration.

On 27 December hundreds of clergy and men and women members of an Ethiopian Orthodox Church in Lideta, Addis Ababa, were beaten by police when they peacefully demonstrated against the appointment of the new leader of their church. More than 700 of them were reportedly arrested and subjected to torture or

ill-treatment for five days in Kolfe police training camp. They were then taken to court and detained for investigation, with bail refused.

Extrajudicial executions

There were continuing reports of killings of civilians by the police and army in circumstances suggesting extrajudicial executions or unlawful killings. Such killings were reported in Addis Ababa and especially in conflict zones in Oromia and the Somali region. The government said it was investigating police use of excessive force in Teppi and Awassa and made some arrests but no trials had started by the end of the year.

Death penalty

In February, two OLF members were sentenced to death for armed conspiracy and alleged killings in 1992. In April, five Somalis were sentenced to death after being convicted of planting a bomb at the Tigray Hotel in Addis Ababa in 1995, allegedly as members of *Al-Itihad Al-Islamiya*. The appeals of these seven had not been heard by the end of the year.

Although the charges in the Dergue and "Red Terror" trials mostly carried an optional death penalty, those convicted were sentenced to prison terms, except for a few who were given death sentences *in absentia*.

Several death sentences were imposed by criminal courts but no executions were reported.

AI refused visa

In November the government again refused a visa to an AI representative who had been barred from the country since 1995.

FIJI

REPUBLIC OF THE FIJI ISLANDS
Head of state: Ratu Josefa Iloilovatu Uluivuda
Head of government: Laisenia Qarase
Death penalty: abolitionist for ordinary crimes
International Criminal Court: ratified

Political considerations continued to undermine respect for constitutional human rights and the rule of law. People responsible for coup-related racist violence, torture and extrajudicial executions continued to enjoy effective impunity while others were convicted in proceedings which avoided evidence on human rights violations and abuses being presented in court. Fifteen rebel soldiers were sentenced to prison terms for their involvement in a mutiny in 2000; some were ill-treated after their arrest. Indo-Fijian families were effectively internally displaced after being illegally evicted from leased indigenous land. The death penalty was abolished for all crimes, except under military law.

Political situation

Return to full political stability was hampered by unresolved power struggles within the indigenous Fijian community over land and other resources and by constitutional uncertainty over the composition of the government. Prime Minister Laisenia Qarase and former Prime Minister Mahendra Chaudhry – who was held hostage during the 2000 coup – held informal talks to resolve the situation. However, the talks were effectively undermined by politicians making racist statements in parliament against the Indo-Fijian (ethnic Indian) minority.

The large scale emigration of skilled labour, particularly among Indo-Fijians, which had begun in the wake of the 2000 coup, continued. Ongoing disputes over communally owned resources and land leases adversely affected thousands of indigenous landowners as well as Indo-Fijian tenant farmers, many of whom lost their livelihoods after being illegally evicted from leasehold land. Indigenous officials continued to implement policies based on racial identity and aimed at benefiting indigenous Fijians.

Government actions indicated a growing awareness of constitutional and international human rights law, but also demonstrated a reluctance to implement controversial provisions and court rulings which challenged government decisions. Lack of safeguards and government action on racial discrimination remained an issue.

Post-coup legal developments

There were setbacks as courts dealing with coup-related cases failed to act on evidence of ill-treatment, torture and extrajudicial executions. The judiciary remained split with some judges committed to

upholding the existing Constitution and others favouring political considerations over constitutional human rights.

In February, when coup leader George Speight faced being sentenced to death on charges of treason, the Attorney General moved to abolish the death penalty for all crimes, except under military law. However, before the law had been passed by the Senate, George Speight pleaded guilty, thus avoiding evidence on officials implicated in the coup being presented in court. George Speight was sentenced to death, but the President commuted the sentence to life imprisonment, on the recommendation of a Committee on Mercy chaired by the Attorney General.

In November, 15 former elite soldiers accused of mutiny in November 2000 were sentenced to prison terms of between 18 months and life imprisonment in court-martial proceedings from which the public was excluded. They had faced possible death sentences, but were given prison terms following appeals by a pro-government religious group, and after the court heard evidence of how some had been tortured or ill-treated by the arresting officers. None of the members of the security forces alleged to have tortured or ill-treated the suspects was brought to justice. In February, independent forensic evidence presented in court showed that four suspected rebel soldiers died from injuries consistent with eyewitness reports that they were beaten to death by soldiers loyal to the military commander. The military refused to cooperate with police investigations into the extrajudicial executions.

Chief Justice Timoci Tuivaga, who had blamed the Constitution for Fiji's ongoing political instability and urged substantial amendments, retired in September. He was replaced by Daniel Fatiaki who was appointed Chief Justice despite controversy over his role, with Timoci Tuivaga, in the drafting of post-coup emergency decrees which purported to abolish the Supreme Court and the Constitution. In November, the government nominated Timoci Tuivaga for the International Criminal Court. The Chief Justice and non-governmental organizations in Fiji had supported Indo-Fijian High Court judge Nazhat Shameem's nomination.

The government took steps to revive a process of law reform halted by the 2000 coup. However, the government's focus for reform ignored Penal Code provisions on corporal punishment, ruled unconstitutional by Fijian courts, and the criminalization of homosexuality and of certain sexual acts between consenting adults in private.

International scrutiny

In August the UN Committee on the Elimination of Racial Discrimination rescheduled a full consideration of the situation in Fiji to 2003. The authorities had failed to submit a comprehensive report on its implementation of the International Convention on the Elimination of All Forms of Racial Discrimination since 1982, but submitted an update to the Committee in November. The Committee took up Fiji's offer to address specific questions prior to its March 2003 session. It requested further information on issues including social confrontation and economic decline in Fiji linked to polarized race relations; on access to, and the effectiveness of, mechanisms to address racial discrimination; and on the deregistration of the Citizens Constitutional Forum, a leading human rights non-governmental organization (NGO), after it filed constitutional challenges against the government in court. The Committee noted initial achievements in government-NGO consultation on Fiji's reporting commitments, after receiving an independent submission, made at the request of the authorities, by the Fiji NGO Coalition on Human Rights.

National Human Rights Commission

Although two of the three Commissioner posts remained vacant throughout the year, the Commission consolidated its key position in the promotion of human rights in Fiji. In March, the Commission raised public awareness about the prohibition of corporal punishment under national and international law. Following advice from the Commission, the High Court declared corporal punishment unlawful under the Constitution. In May the Commission announced work towards a National Plan of Action to include human rights in formal education. In September, the Commission hosted an international seminar attended by representatives of Fiji's diverse ethnic and religious groups, as well as government and civil society groups. In line with the Declaration and Program of Action formulated at the 2001 UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the seminar agreed resolutions including calling on the government to fund a race relations unit for the Commission and urging members of parliament to refrain from statements under parliamentary privilege which vilify communities on the basis of race or religion.

FINLAND

REPUBLIC OF FINLAND
Head of state: Tarja Halonen
Head of government: Paavo Lipponen
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

Seven imprisoned conscientious objectors to military service were considered prisoners of conscience. The Minister of Justice confirmed that the ministry was participating in the implementation of an Action Plan for combating racism.

Conscientious objection to military service

Under the 1998 Military Service Law, the length of alternative civilian service remained punitive. All conscientious objectors were required to perform 395 days of alternative civilian service, 215 days longer than the majority of recruits who perform military service. AI continued urging the government authorities to reduce the length of alternative civilian service in line with international standards on conscientious objection. The Ministry for Foreign Affairs stated that it would continue to work for a reduced period of alternative service.

Prisoners of conscience

AI adopted seven conscientious objectors as prisoners of conscience during 2002 and called for their immediate and unconditional release. All were convicted of a "non-military service crime" and most of them were sentenced to 197 days' imprisonment. The majority refused alternative civilian service because of its discriminatory length.

Allegations of racism

In June the Minister of Justice, in a coordinated reply with the Ministry of the Interior, replied to a November 2001 letter from AI raising concerns about reports of racism and discriminatory practices by police towards Somali nationals in Hakunila, a suburb of Vantaa. The Minister confirmed that his ministry was participating in the implementation of an Action Plan for combating racism.

Farah Muhamed lodged a complaint with the European Court of Human Rights. An appeal he had lodged with the Supreme Court was rejected. Convicted of attempted manslaughter after an incident in 2000 in which the car he was driving hit and ran over a white man, the refugee from Somalia claimed that his conviction had been the result of racist and prejudicial behaviour by the police during the course of their investigations.

AI country reports/visits

Report

- Concerns in Europe, January-June 2002: Finland (AI Index: EUR 01/007/2002)

FRANCE

FRENCH REPUBLIC
Head of state: Jacques Chirac
Head of government: Jean-Pierre Raffarin (replaced Lionel Jospin in June)
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

Jews and Arabs were the victims of widespread racist attacks. Incidents of police brutality, a number of which related to foreign nationals or French nationals of foreign origin, were reported. Police use of a gun that fires rubber bullets was extended, raising concern about a possible increase in injuries. Some court judgments in cases involving excessive use of force by police officers, or police ill-treatment, compounded long-standing concerns about effective impunity. The death of an Argentine national during forcible deportation raised concern about methods of restraint. The form of administrative confinement known as "*assignation à résidence*" continued to be applied to some foreign nationals. Some detainees and prisoners reported to be seriously ill were being held in conditions that aroused fears for their physical or mental integrity.

Background

May's presidential election, centred on the theme of law and order, was won overwhelmingly by President Jacques Chirac, after the Socialist Party candidate, Prime Minister Lionel Jospin, was edged out of the first round by the extreme-right National Front party of Jean-Marie Le Pen. The latter's first-round success brought tens of thousands of demonstrators onto the streets to protest, among other things, against the party's immigration policies.

Parliamentary elections in June resulted in a landslide victory for the centre-right Union for the Presidential Majority.

The new government acted swiftly to reorganize law enforcement and increase police powers. Justice reforms in place from September provided for the provisional detention, in certain circumstances, of minors from the age of 13 and the establishment of "closed educational centres" for some children.

A draft law on internal security, presented in October, proposed to outlaw public soliciting, unauthorized encampments of travellers, "aggressive" collective begging, and gatherings in public spaces within residential buildings. There would also be prison terms and fines for verbal abuse of any public official. At the end of the year a new draft law was proposed which, if approved would extend existing provisions of the 96-hour special custody regime to a wider range of offences, including "organized crime", and so increase the numbers of people likely to be denied access to a lawyer for the first 36 hours of police custody.

Racist attacks

Arabs continued to be the main target of daily acts of a racist nature. There was also a wave of attacks on the large Jewish community, with up to 395 anti-Semitic incidents recorded during March and April alone. During that time several synagogues, including those in Lyon, Montpellier and Strasbourg, were vandalized. A synagogue in Marseille was burned down and there was a fire at a Jewish school near Paris.

In May, in a joint statement, AI and Human Rights Watch condemned racist attacks on Jews and Arabs in a number of European countries, including France, and called on the French authorities, among others, to redouble their efforts to combat racism in all its forms and to bring to justice suspected perpetrators of "hate crimes". In December proposed legislation to increase penalties for offences of a "racist, anti-Semitic or xenophobic nature" was presented to parliament.

Police brutality

Cases of police brutality were reported. They frequently involved disputes arising from police identity checks. In April several lawyers' associations expressed concern that such checks – which have led in recent years to increasing numbers of people being charged by police with "insulting behaviour" or "rebellion" – tended to occur in urban areas of particular "sensitivity". Such areas have large populations of young people of non-European ethnic origin.

French national Karim Latifi alleged that in February he was racially abused and physically assaulted by police officers after intervening in an incident in a Paris street. He said that up to 15 officers were present at the assault, during which he was allegedly hit with truncheons, punched and kicked. As a result, his head became swollen and his nose was broken. He was held at a police station for about 15 minutes, after which he was told that he would not be charged. Karim Latifi lodged a criminal complaint, which was set aside by the prosecutor in July on the grounds that the investigation into the complaint had "not been able to distinguish sufficiently the nature of the offence" to enable prosecution. However, this was an administrative decision and judicial proceedings were continuing.

On 31 December a lawyer, Daniel François, was asked to assist a 17-year-old boy held in police custody at Aulnay-sous-Bois (Seine-Saint-Denis). The lawyer notified the duty officer that he wished to register that his client had been subjected to acts of violence by police officers, but his attempts to do so were reportedly obstructed. After an argument Daniel François was allegedly thrown out of the police station by six or seven officers, but returned. He was then stripped, held for 15 hours and charged with "rebellion" and "insulting behaviour". Daniel François subsequently took his client to hospital for treatment of head, nose and leg injuries.

Flashball guns

In May the Interior Minister announced that police on patrol would increasingly be equipped with the "non-lethal" or "less lethal" Flashball gun, which fires supple rubber bullets that squash on impact. The decision to extend the use of Flashball guns was taken after various police officers had come under attack. AI wrote to the Minister in June, stating that while international standards encouraged the development of non-lethal incapacitating weapons insofar as they reduced the situations in which police officers might otherwise resort to firearms, the organization was concerned about reports that the Flashball bullets could cause serious and even lethal injuries when fired at close range. AI also expressed fears that there was a risk that officers would begin to rely on such weapons instead of applying non-violent means, or would fire at dangerously close range, unless training was rigorous and regular. In October the Interior Minister replied that, since Flashball guns had been brought into use, there had been only one criminal investigation into their application, and the investigation had been set aside by the prosecutor. The Minister added that the number of criminal investigations into the use by police of their traditional service weapons had diminished by a quarter in the past decade, and that there was regular training in the use of all bullet-firing weapons.

Ill prisoners

In September Maurice Papon, a former high-ranking government official and Paris police chief, was released from prison, where he was serving a 10-year sentence for crimes against humanity. Maurice Papon – whose inability to appeal against his sentence had been ruled unfair by the European Court of Human Rights in July – was released under the humanitarian provisions of a new law of 4 March 2002 on the rights of ill people. According to the law, prisoners' sentences can be indefinitely suspended if they are critically ill or suffering from a chronic condition incompatible with their detention. In December, given widespread concern about the number of prisoners suffering from AIDS, terminal cancer and other severe or chronic illnesses, AI sought information from the government about the number of prisoners who had benefited from the law. AI also reiterated its concern that prolonged isolation may have a detrimental effect on the physical and mental health of prisoners and may, in some circumstances, amount to cruel, inhuman and degrading treatment. AI asked for information about the current circumstances of four prisoners, all members of the former armed group *Action Directe* (Direct Action), in particular Georges Cipriani and Nathalie Ménigon, whose deteriorating health after long periods in isolation was a long-standing concern.

Alain Solé remained in provisional detention at the end of the year – more than three years after his arrest in October 1999 in connection with alleged illegal activities by the Breton nationalist group *Emgann*. He reportedly did not receive adequate medical care for his diabetes in the first months following arrest. He reportedly became insulin-dependent in prison and tried to commit suicide in March 2001 after becoming ill with a viral condition. In October 2002 he was reportedly transferred to the prison hospital of Fresnes with circulatory problems affecting one leg, which

required surgery. AI wrote to the Justice Ministry in December stating that, according to international standards, everyone had the right to trial within a reasonable time or release, and that in the case of those held in provisional detention, the obligation on the government to expedite trials was even more pressing. AI stated that if Alain Solé required ongoing and specialized medical care, his continuing detention was of particular concern.

Effective impunity

Some judicial resolutions in cases of deaths in custody compounded long-standing concerns that courts were still unwilling to pass sentences that reflected the gravity of the crime. A police officer convicted in July for the fatal shooting of an unarmed man, Riad Hamlaoui, in April 2000 was given a three-year suspended sentence and therefore remained at liberty at the end of the year.

In other cases, such as that of the death in custody of Edouard Salumu Nsumbu in October 2001, there was concern that investigations were not being pursued with due diligence. The Interior Minister informed AI in October that the investigating judge had not yet completed inquiries into the death of Edouard Salumu, a national of the Democratic Republic of the Congo.

More than 11 years after the death in custody of 18-year-old Aïssa Ihich, the Court of Appeal of Versailles in February upheld the convictions against two police officers for acts of violence, but reduced their sentences from 10-month to eight-month suspended prison terms. This made the officers eligible for an amnesty and allowed them to pursue police careers. The appeal court also upheld the conviction against a doctor involved in the case. Aïssa Ihich died of an asthma attack in May 1991 at Mantes-la-Jolie (Yvelines) police station. Gendarmes testified that Aïssa Ihich had been assaulted by police immediately before his death.

Death during forcible deportation

Argentine national Ricardo Barrientos died on an aeroplane at Roissy-Charles de Gaulle airport during an attempt in December to forcibly deport him to Argentina. He was reportedly escorted, struggling, on to the aircraft before other passengers embarked, seated and then held, handcuffed, in a "folded" position by two uniformed officers, who applied pressure to his shoulder blades. Ricardo Barrientos reportedly collapsed before take-off. Minutes later he was examined on the aircraft by a doctor, who pronounced him dead. An autopsy apparently concluded that he had died of a heart attack, and a police inquiry concluded that procedures had been respected. AI was nevertheless concerned that the death raised questions about methods of restraint during forcible deportation and the extent to which they comply with international standards.

Administrative detention of foreign nationals

A number of foreign nationals, including Iraqi Kurds, who could not be returned to their countries because of the dangers they faced, were reportedly "assigned" to various designated areas under a procedure known as "*assignation à résidence*". Although this form of administrative detention, which restricts the person's movements to specific and limited geographical areas, may be considered preferable to expulsion, AI was concerned that it could be imposed indefinitely without recourse to a court of law and without the affected person being told the reason for the confinement.

Salah Ben Hédi Ben Hassen Karker, a Tunisian political refugee, was "assigned" to Digne-les-Bains (Alpes-de-Haute-Provence) in 1995 and has remained there ever since. AI has repeatedly appealed to the authorities to review the case. In December it wrote again to the government asking for further information about the situation of Salah Karker, the total number of people who had been "assigned" and the reasons for their confinement.

AI country reports/visits

Report

- Concerns in Europe, January-June 2002: France (AI Index: EUR 01/007/2002)

GAMBIA

REPUBLIC OF THE GAMBIA
Head of state and government: Yahya Jammeh
Death penalty: abolitionist in practice
International Criminal Court: ratified

Freedom of expression remained under attack. Several journalists were arbitrarily detained for short periods. Several people were detained on suspicion of links with the *al-Qa'ida* network. Civilians and members of the security forces charged with plotting to overthrow the government in 1997 and 2000 continued to be held without trial. Female genital mutilation remained widespread. Several women were charged after being accused of forcibly mutilating a young girl. A law granting immunity to members of the security forces accused of excessive use of lethal force and ill-treatment in 2000 remained in force. The independence of the judiciary continued to be undermined. No death sentences were known to have been passed.

Background

Legislative elections were held in January. A coalition of opposition parties led by the United Democratic Party (UDP) boycotted the elections in protest at alleged irregularities. President Yahya Jammeh's Alliance for Patriotic Reorientation and Construction (APRC), won all but three seats. Former President Dawda Jawara, who was given an unconditional amnesty by President Jammeh in December 2001, returned to Gambia in June.

Freedom of expression

Several journalists were briefly detained because of their legitimate journalistic activities. Restrictive decrees passed shortly after President Jammeh came to power remained in force and new legislation further threatening press freedom was passed.

Guy-Patrick Massoloka, a Congolese journalist for the *Pan African News Agency*, was held incommunicado from 19 July to 1 August at the National Intelligence Agency (NIA) headquarters. He was apparently accused of running an unregistered newspaper, although the basis for the accusation was not clear and it seemed that he was detained purely on the grounds of his legitimate activities as a journalist.

On 2 August Pa Ousman Darboe, a reporter at *The Independent* newspaper, was arrested. The following day Alhaji Yoro Jallo, an editor of the same newspaper, was also detained by NIA agents. Both were detained in connection with an article announcing the wedding of the Vice-President of Gambia, Isatou Njie Saidy. Both were subsequently released without charge.

In mid-2002 legislation creating a National Media Commission Act was passed. The Commission has considerable powers, including the power to grant, suspend or withdraw registration of media workers and organizations. It also has the right to investigate and try media workers and organizations and the power to force the disclosure of sources and to issue arrest warrants against anyone who fails to appear before the Commission.

Incommunicado detention of *al-Qa'ida* suspects

Several people suspected of links with *al-Qa'ida* were detained incommunicado by the NIA while being questioned by US investigators. In November, four men were arrested. Two of them, both United Kingdom (UK) nationals, were released a month later and returned to the UK. The two others, an Iraqi and a Jordanian national, were reportedly still detained at the end of the year. At least one of the four may have been ill-treated and the men were reportedly threatened and intimidated by the US investigators. In a separate case, a Moroccan national was arrested on 30 December on arrival in the country and immediately detained.

Female genital mutilation

The practice of female genital mutilation remained widespread, especially in rural areas. There is no specific legislation prohibiting the practice.

On 15 October a woman appeared in Brikama magistrate's court charged with conspiracy to commit a felony and assault causing actual bodily harm after she was alleged to have forcibly circumcized a 13-year-old girl. Six other women charged in the case failed to appear. The woman was remanded in custody until 17 October when all seven women appeared in court. The case was then adjourned at the request of the police, who said that further investigations were needed. On 31 October the court dismissed the case. Scores of women had demonstrated outside the court in protest at the charges brought against the women.

Impunity

The Supreme Court ruled that the 2001 Indemnity Amendment Act, which granted immunity from prosecution to members of the security forces accused of using excessive lethal force during demonstrations in April 2000 in which at least 14 people were killed and scores of others were ill-treated, did not apply in a case brought in March 2001 because the case was submitted before the Act became law. The case had been brought by a teacher who was suing the government for alleged assault and injuries sustained during the demonstrations.

The independence of the judiciary was undermined by several persistent problems. In February the Gambian Bar Association protested that the appointment of the new (acting) chief justice was unconstitutional as the criteria set down in the Constitution had not been respected. In July lawyers briefly went on strike to protest against the sacking of a judge who had ruled against the state in several cases.

Long-term detention without trial

Several armed forces officers and civilians suspected of involvement in past alleged coup attempts remained held without charge or trial.

Four members of the armed forces extradited from Senegal in 1997 to face charges in connection with an attack on Kartong military posts in July 1997 had not been charged or tried by the end of 2002.

Hearings in the trial of two armed forces officers and four others accused of involvement in an alleged coup plot in June 2000 were repeatedly delayed and the trial had not concluded by the end of 2002. The defendants, who had been detained since June 2000, faced treason charges.

Trial of Ousainou Darboe

Ousainou Darboe, UDP Secretary General, and two others charged in 2000 with the murder of a government supporter, were detained for several days in November. The detention followed a Justice Ministry announcement that bail would not be allowed for certain offences, including murder.

Intergovernmental organizations

In October Gambia signed an impunity agreement with the USA that it would not surrender US nationals accused of genocide, crimes against humanity and war crimes to the International Criminal Court. The agreement had not been ratified by the parliament by the end of the year.

In July representatives of the Gambian government failed to attend a session of the UN Human Rights Committee which was to consider the human rights situation in Gambia under a special procedure, initiated because of Gambia's failure to comply with its reporting obligations under the International Covenant on Civil and Political Rights.

AI country reports/visits

Reports

- Gambia: Missed opportunity to promote human rights (AI Index: AFR 27/002/2002)
- Gambia: Growing clampdown on freedom of expression (AI Index: AFR 27/005/2002)

GEORGIA

GEORGIA
Head of state and government: Eduard Amvrosiyevich Shevardnadze
Death penalty: abolitionist for all crimes
International Criminal Court: signed

There were continued allegations of torture and ill-treatment in custody. Members of minority faiths were attacked, and the authorities reportedly did little or nothing to protect them. Official investigations into both torture and attacks on religious minorities were reportedly inadequate and allowed the perpetrators to operate with impunity.

Background

Two senior members of the government reportedly committed suicide during 2002. Local elections, which had been postponed from 2001, were held in June, and there were widespread reports of irregularities.

The disputed regions of Abkhazia and South Ossetia remained out of the control of the Georgian authorities and peace talks to regulate their status made little progress. However, an agreement between Georgia and Abkhazia in April led to the withdrawal of Georgian troops from the Kodori Gorge in Abkhazia. The announcement in February that US special forces would be deployed in Georgia to provide training and equipment led to a worsening of relations between Georgia and the Russian Federation. The Russian government pressed Georgia to clear the Pankisi Gorge near the border with Chechnya of Chechen fighters. US officials similarly called on Georgia to rid the area of "Afghan militants" and suspected members of *al-Qa'ida*. There were reports that Russian warplanes bombed the Pankisi Gorge in August. Georgian forces reportedly carried out at least two operations designed to clear the gorge in January and December.

Torture and ill-treatment

There were persistent reports of torture and ill-treatment in police custody. The aims of such treatment included discouraging the use of lawyers and securing confessions.

On 7 April, Mamuka Rukhadze was arrested by the local Criminal Investigation Department of the Ministry of the Interior in Gldani-Nadzaladevi, a district of Tbilisi. His lawyers reported seeing blood on his head and ears at their first visit, and that he had difficulty moving his limbs and speaking. At their second visit, his condition appeared worse and one of his legs was completely numb. He was then transferred to the central prison hospital where he stayed for two months. An official medical report concluded that injuries to his left leg and foot were due to electric shocks.

On 20 April, Aleksandr Guguneishvili was detained by a group of police officers in Rustavi, a town some 30 kilometres south of Tbilisi. At the police station, the police allegedly tortured him for 11 hours to make him confess to several robberies. First, they allegedly hung him on an iron bar fixed between two tables for five or six hours. Then they allegedly beat him with a gas mask over his head, covering the eye-openings so that he could not see anything. Finally, they allegedly subjected him to several rounds of electric shocks. An examination conducted by a forensic expert at the Ministry of Justice concluded that his injuries were consistent with his account, including details as to timing.

Death in custody – update

Mamuka Rizhamadze was found hanged in his cell in a preliminary detention facility in Kutaisi in May 2000. A post-mortem carried out by the state forensic service concluded that he had committed suicide, rebutting allegations that he had died as a result of torture and ill-treatment. However, a second post-mortem by an independent forensic expert concluded that he had died as a result of a brain injury caused by a heavy blunt object. In February, the Public Defender of Georgia (Ombudsperson) informed AI that a further post-mortem had confirmed the original conclusion of death by hanging. However, there remained, in her opinion, considerable doubt about the case, although she did not feel that it was within her power to pursue it further.

Public Defender of Georgia (Ombudsperson)

During 2002, the Public Defender published a report on human rights in the second half of 2001. The report highlighted widespread torture of detainees by police; violent attacks on members of minority religious groups and the lack of action by the authorities to take serious action against the perpetrators; the failure to implement the law providing a civilian alternative to military service; and inadequate legal mechanisms and funding for the Public Defender's work, restricting its effectiveness.

UN Human Rights Committee

In April, the UN Human Rights Committee issued observations on Georgia's compliance with the International Covenant on Civil and Political Rights. AI had previously provided the Committee with a written briefing outlining its concerns. The Committee's concerns included: "widespread and continuing" torture and ill-treatment of prisoners; lack of rights for detainees; an increase in religious intolerance; lack of effective rights to freedom of thought, conscience and

religion; discrimination against conscientious objectors; lack of women's rights; harassment of non-governmental organizations, especially those defending human rights; and limitations on the powers of the Public Defender.

Attacks on human rights defenders

On 10 July, a group of men armed with truncheons and knuckledusters attacked the Liberty Institute, a non-governmental human rights organization in Tbilisi. Six members of staff were injured and the premises were ransacked. Witnesses, who included three Council of Europe members on a fact-finding mission, remarked on the systematic and unhurried nature of the attack, which fuelled concern that they were acting without fear of apprehension. Nearby police reportedly ignored a call for help and did not arrive until well after the attackers had left. A hostile demonstration outside the Institute two days before the attack had called for it to be closed down. By the end of 2002, one person had reportedly been arrested in connection with the assault.

Attacks on members of religious minorities

Radical supporters of the Orthodox Church continued to attack minority faiths, such as the Jehovah's Witnesses and the Baptists. In many cases, the police reportedly failed to take steps to protect the victims of such attacks.

On 3 February, about 150 people broke into a Baptist warehouse in Tbilisi and burned thousands of books including Bibles. On 15 August, a smaller group broke into and vandalized a house where a Jehovah's Witness congress was due to take place in the western town of Kaspi. Both attacks were associated with Basil Mkalavishvili who, together with another alleged leader of such attacks, was charged in 2001 with minor offences. During 2002, court proceedings in the case were repeatedly delayed, either because the prosecutor failed to appear or because police reportedly failed to protect witnesses from hostile Orthodox radicals who were packing the courtroom.

Extraditions

A number of detainees faced extradition to destinations where they might be in danger of human rights abuses.

In October, a number of Russian citizens of Chechen origin had their extraditions to Russia delayed until the European Court of Human Rights had examined the case. In November, the Court lifted the stay on these extraditions in the light of guarantees given by the Russian Federation authorities that the rights of those extradited, such as access to appropriate medical treatment and legal advice, would be observed, despite the widespread violations of such rights within the Russian Federation.

AI country reports/visits

Report

- Concerns in Europe, January-June 2002: Georgia (AI Index: EUR 001/007/2002)

Visit

In May, two AI delegates visited Tbilisi and met lawyers, government and state officials and members of non-governmental organizations.

GERMANY

FEDERAL REPUBLIC OF GERMANY
Head of state: Johannes Rau
Head of government: Gerhard Schröder
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

There were allegations that police officers had ill-treated and used excessive force against detainees; one man allegedly died as a result. It was still not known whether criminal proceedings would ensue in relation to the death in 1999 of the Sudanese asylum-seeker, Aamir Ageeb. Chechens were in danger of being forcibly returned to Russia, where they faced human rights violations on the basis of their ethnicity. No criminal or disciplinary proceedings were taken against public officials who forcibly administered an emetic substance to a man, resulting in his death.

Death in police custody

Charges of physical assault resulting in death were brought against police officers alleged to have beaten 31-year-old Stefan Neisius at Cologne's First Police Inspectorate on 11 May, following his arrest after a domestic argument earlier the same evening. Stefan Neisius collapsed and was taken from the police station to hospital, where he spent 13 days in a coma on a life-support system until his death on 24 May. The incident of alleged brutality came to light when two police officers at the police station informed a superior officer that on the night of Stefan Neisius' arrest they had witnessed five or six colleagues surrounding him, as he lay handcuffed on the floor of the police station, repeatedly kicking him in the head, body, arms and legs. Three or four police officers were then alleged to have grabbed hold of his legs and dragged him down a corridor into a cell, where they allegedly continued to hit and kick him as he lay on the floor of the cell. Six police officers were suspended from service, shortly after the allegations emerged. The investigation was ongoing at the end of the year and no trial date had been set.

Allegations of police ill-treatment

Reports that police ill-treated detainees and used excessive force continued to be received.

Complainants alleged that they were kicked, punched and sometimes verbally abused. In certain instances the alleged victims sustained serious injuries.

An investigation was opened into the alleged ill-treatment of 44-year-old Svetlana Lauer at her home in Bamberg, Bavaria, on 20 February. An altercation arose between Svetlana Lauer and four police officers, after she refused them permission to search her home. During the incident a police officer allegedly grabbed her by the hair, repeatedly hit her head against apartment walls and doors and painfully twisted her handcuffed hands. The same police officer also reportedly verbally abused Svetlana Lauer. The incident reportedly took place in front of Svetlana Lauer's eight-year-old twin daughters. A second police officer also allegedly ill-treated Svetlana Lauer after she had scratched him in the face. He allegedly handcuffed her, dragged her through the apartment by her handcuffed hands, kicked her and banged her head on the floor. He was said to have then placed his foot on her back and continued to hit her as she lay on the floor. Svetlana Lauer sustained multiple bruising and grazing.

By the end of the year the investigation had not been concluded into the alleged police ill-treatment of Doviodo Adekou in Mettmann, North Rhine-Westphalia, on 1 October 2001. The 59-year-old Togolese asylum-seeker alleged that a police officer deliberately punched him in the right eye causing it to rupture, while forcibly detaining him in order to place him in pre-deportation detention. The authorities denied Doviodo Adekou's version of events, stating that a police officer inadvertently struck the detainee in the eye after being bitten. Doviodo Adekou, who had undergone a cataract operation on his right eye shortly before the incident, spent eight days in hospital and is now blind in his right eye.

In mid-December the trial began of two police officers accused of ill-treating a then 41-year-old man of Turkish origin in Berlin in May 2000. The man alleged that after he was handcuffed, one police officer grabbed hold of his neck and violently threw him to the ground, causing him to hit his face on the ground after which two police officers kicked him as he lay on the ground. The man suffered a deep gash to his nose and lower forehead, which required an operation, and multiple bruising to his arms and neck. On 23 December Tiergarten District Court found one police officer guilty of "physical assault in office"; he was given a seven-month suspended prison sentence.

Alleged ill-treatment in prison

In July, a 46-year-old man held in Lingen Prison was allegedly punched in the face by a prison official for conducting a telephone conversation with his children in his native Albanian and not German, as reportedly stipulated by prison rules. The prisoner, who is HIV positive, was confined to the prison hospital ward at the time. An investigation was initiated by the Osnabrück Public Prosecutor's Office, but the findings were not known at the end of the year.

Death during deportation

At the end of the year AI had received no response from Frankfurt-am-Main Public Prosecutor's Office to its requests for information concerning the investigation into the death of Aamir Ageeb. The 30-year-old Sudanese asylum-seeker died in late May 1999 during his forced deportation from Frankfurt-am-Main airport to Khartoum via Cairo, Egypt.

Forced deportations

Several Chechens were forcibly returned to Russia, where it was believed they would be at serious risk of torture and ill-treatment on the basis of their ethnicity. However, in November the Federal German government urged the regional Länder governments to consider a temporary halt to forced deportations of Chechens from Germany. The decision was reportedly made in the light of intensified security operations against Chechens in Russia following the Melnikov Street theatre hostage-taking in Moscow in late October.

In May, 20-year-old Rustam Alimkhanov, a Chechen whose asylum application had been dismissed by the Berlin authorities as manifestly unfounded, was threatened with forcible return to Russia. Following numerous appeals on his behalf, Rustam Alimkhanov was given six months' leave to remain in Germany, where he remained at the end of the year, albeit on a temporary basis.

Forcible administration of emetics

In late June Hamburg Public Prosecutor's Office concluded its investigation into the death of the 19-year-old Cameroonian asylum-seeker Achidi John in late 2001. Achidi John died at Hamburg's Eppendorf University Hospital on 12 December 2001 after four police officers and a doctor forcibly administered an emetic substance against his will in order to secure as evidence against him narcotics, which he was suspected of having swallowed. The cause of death was reported to be brain death due to a lack of oxygen, which was attributed to a serious heart condition. No criminal charges were brought against the public officials involved, as the emetic was said to have been administered in accordance with the relevant article of the Criminal Code. The practice of forcibly administering emetics for the non-medical purpose of gathering information on the possession of drugs was introduced in Hamburg in mid-2001. The overwhelming majority of people subjected to the forced procedure have been black Africans.

AI country reports/visits

Report

- Concerns in Europe, January-June 2002: Germany (AI Index: EUR 001/007/2002)

Visit

An AI delegation visited Germany in September and met victims of alleged police ill-treatment.

GREECE

HELLENIC REPUBLIC
Head of state: Constantinos Stephanopoulos
Head of government: Constantinos Simitis
Death penalty: abolitionist for ordinary crimes
International Criminal Court: ratified

There were frequent allegations that police had ill-treated detainees. Two people were shot dead by police officers, allegedly in self-defence. In unrelated incidents soldiers on border duty allegedly fired at and seriously wounded two unarmed Albanians seeking to enter Greece clandestinely. Some undocumented foreign nationals were reportedly denied the right to apply for asylum; in some cases their conditions of detention were allegedly inhuman and degrading. The law on conscription to military service fell short of international standards.

Background

In May Greece signed Protocol No. 13 to the European Convention on Human Rights providing for the abolition of the death penalty in all circumstances. In October a law was adopted which classified trafficking in women and children for the purpose of sexual exploitation and labour as a form of organized crime, increased sentences and provided for the protection of witnesses.

Ill-treatment

Despite government assurances to the UN Committee against Torture that the application of the provisions of the Convention against Torture was fully safeguarded, there continued to be frequent allegations that police had ill-treated detainees during arrest and in custody. Alleged victims included Roma, unauthorized immigrants and members of the majority population.

In June a Nigerian immigrant, Joseph Emeka Okeke, alleged that police officers had beaten him and subjected him to electric shocks when he resisted deportation. After he filed a complaint, three plainclothes officers allegedly threatened him. The authorities later stated that a forensic medical examination and an internal police inquiry had shown these complaints to be unfounded and that he had withdrawn his allegations. However, he reportedly denied having done this.

In August, Yannis Papakostas, a Greek military conscript who was detained for driving a motorcycle without a licence, alleged that a plainclothes police officer at Aspropyrgos police station had subjected him to electric shocks on his shoulders and genitals.

Thomas Mihalopoulos, a Rom, alleged that in July he and a cousin, Georgios Mihalopoulos, were slapped, kicked and punched by police officers at Zefyri police station after being arrested for driving a car without a licence.

Shootings by law enforcement officials

There were several incidents in which police officers or soldiers were alleged to have resorted to firearms in contravention of international standards for their use, resulting in injuries and deaths. In November draft legislation on the use of firearms by police and training for police in the use of firearms was published.

There were at least two incidents in which unarmed Albanians seeking to enter Greece clandestinely in search of work were shot at and seriously injured by Greek border forces.

In March, Ferhat Çeka, an elderly Albanian, was apprehended by soldiers as he crossed the border into Greece. He alleged that they first beat him, and then one soldier shot him in the back. He was taken to hospital where a kidney and part of his liver were removed, before being returned to Albania for further treatment. An administrative investigation into this incident concluded in May, and a soldier was later charged with having accidentally caused him injury. The trial was scheduled for 2003.

A police officer shot and fatally wounded a young Greek man, Anastasios Limouras, in October. Anastasios Limouras had allegedly attacked the police officer when the officer observed the young man apparently about to snatch a handbag. The police officer was remanded in custody on a charge of murder and exceeding the limits of self-defence.

Investigations and impunity

In a number of cases judicial investigations were not opened into complaints of ill-treatment. Where such investigations were undertaken they were slow. No police officers were convicted of ill-treatment. Police officers convicted of manslaughter received non-custodial sentences or prison sentences of less than three years, which under Greek law may be redeemed by payment.

In April an Albanian immigrant, Arnesto Nesto, was arrested and charged with attempted murder and other crimes. He subsequently complained to an investigating judge and prosecutor that police officers had beaten him following his arrest and in custody to force him to "confess". His injuries were reportedly plainly visible, but his request for a forensic medical examination was denied and a judicial investigation into his allegations was not opened.

In January Nikos Kambourelis filed a complaint that police officers in Thessaloniki had beaten and injured him while arresting him (he was found in possession of a small quantity of cannabis). Two eyewitnesses and a medical certificate confirming injuries to his face, hand and foot reportedly supported his complaint. A preliminary investigation was started; it was only in September that two police officers were charged with having caused him bodily injury.

Two police officers were convicted of manslaughter.

In February police officer Athanasios Ziogas was sentenced to four and a half years' imprisonment. He was convicted of shooting and fatally injuring Stephanos Sapounas in 1996, when the latter failed to stop his car at a police roadblock near Athens. He appealed and in

September his sentence was reduced to three years' imprisonment, redeemable by means of payment.

In April police officer Dimitrios Trimmis was given a two-year suspended prison sentence for shooting dead Anastasios Mouratis, a Rom, in 1996. The court found that while carrying out a check on a group of Roma, he had accidentally pulled the trigger of his sub-machine gun. He appealed against his conviction.

In July a police officer was indicted for manslaughter. In November 2001 he had shot and killed Gentjan Çelniku, an Albanian immigrant. There were concerns about the thoroughness and impartiality of the investigation. Relatives of the victim, who wanted the defendant to be charged with murder, had no right to lodge an appeal. AI called on the Chief Prosecutor of the Supreme Court to ensure that all aspects of the case were thoroughly and impartially investigated before it was referred for trial, but the indictment was not changed.

Undocumented immigrants and asylum-seekers

The authorities reportedly impeded the applications of some possible asylum-seekers by failing to inform them of their rights and refusing them asylum application forms. Some undocumented immigrants or asylum-seekers arrested after entering the country clandestinely were reportedly tried without benefit of legal counsel, and sentenced to imprisonment or deportation after the briefest of trials. Their conditions in detention were often poor, and in some cases inhuman and degrading. The National Commission for Human Rights in June published proposals to improve the reception of asylum-seekers and to guarantee their right of access to asylum procedures.

In June the Commissioner for Human Rights of the Council of Europe visited Attica Police Headquarters in Athens where dozens of foreign nationals were detained pending deportation. He afterwards stated that in his view the shortage of space, lack of physical activities and outdoor exercise, and "very precarious conditions of sanitation" amounted to degrading treatment. The Minister of Public Order subsequently informed him that conditions would be improved and that these premises would no longer be used for foreign nationals detained pending deportation. Although the number of foreign nationals detained in Attica Police Headquarters decreased, there were still reports of foreign detainees being held there in harsh conditions at the end of 2002.

In separate incidents at least four would-be immigrants, three of them Kurds from Turkey, were killed and five others wounded by landmines, while trying to enter Greece clandestinely. They had apparently strayed into marked minefields on the border with Turkey. In March Greece ratified the UN Ottawa Convention prohibiting anti-personnel landmines, but by the end of 2002 it had not removed and destroyed them.

Freedom of expression and religion

In April the Supreme Court overturned, on appeal, a four-month prison sentence imposed on Mehmet Emin Aga, an ethnic Turkish Muslim, on a charge of acting illegally as a mufti (religious leader). He was convicted after sending religious messages to Muslims in Xanthi signed as the Mufti of Xanthi. In October the European Court of Human Rights, ruling on two applications he had made in 1999 arising out of eight convictions on the same charge, found that Greece had violated his right to religious freedom.

Conscientious objection

The law on conscription to military service fell short of international standards. Alternative civilian service continued to be of discriminatory and punitive length.

At least 25 people, including eight Jehovah's Witnesses and one Christian Evangelist, were denied conscientious objector status, or had that status withdrawn, and reportedly faced imprisonment. In some cases a refusal to grant conscientious objector status resulted from delays by the authorities in providing the necessary information to the applicant. In September the Deputy Minister of Defence undertook to improve legislation and conditions governing alternative civilan service.

In September a conscientious objector, Lazaros Petromelidis, was arrested and detained in Korydallos prison for three days on a second charge of "insubordination in time of general mobilization" after he failed to respond to a call-up to military service. His appeal against a previous conviction and four-year prison sentence on this charge was again postponed. In 1998 he was deprived of conscientious objector status after refusing to do alternative civilian service on the grounds of its punitive length.

Detention conditions

There were concerns arising out of the case of 18 people suspected of being members of "17 November", an illegal group accused of responsibility for 23 politically motivated killings and other crimes committed between 1975 and 2000. On 29 June Savvas Xiros was brought to hospital with severe injuries, apparently sustained while carrying explosives in Piraeus. For several weeks he was under police guard in hospital and the authorities severely restricted his family's access to him, citing health and safety grounds. However, a prosecutor was able to question him at length – as a witness, according to the authorities. Savvas Xiros was not charged until 31 July. Some of the 17 other suspects arrested in July and subsequently were detained in complete isolation. In October the only woman detainee, Angeliki Sotiropoulou, complained about her conditions of detention and alleged that she was not permitted to exchange documents with her lawyer and that information appearing in the press indicated that her telephone calls with her lawyer were being tapped.

AI country reports/visits

Report

- Greece: In the shadow of impunity – ill-treatment and the misuse of firearms (AI Index: EUR 25/022/2002), published jointly with the International Helsinki Federation for Human Rights

Visit
AI delegates visited Greece in September to launch the report, to observe court hearings and to meet government officials.

GUATEMALA

REPUBLIC OF GUATEMALA
Head of state and government: Alfonso Portillo
Death penalty: retentionist
International Criminal Court: not signed

The human rights situation continued to deteriorate. Those principally targeted for abuses were people attempting to implement the indigenous, labour and land rights elements of the 1996 Peace Accords or trying to combat the ongoing impunity for the gross human rights violations of the conflict years. Progress remained slow on implementation of the Accords and the recommendations of the UN-sponsored Historical Clarification Commission established under them. A military official was convicted for ordering an extrajudicial execution during the conflict, but days later the convictions of three other military officials found guilty in 2001 of an extrajudicial execution were overturned. Efforts to secure convictions locally for other high-profile human rights abuses continued to face delays, irregularities and legal obstructions. Universal jurisdiction suits abroad remained unresolved. The civil defence patrols re-emerged, demanding recompense for their often enforced service during the conflict. Government efforts to meet their demands suggested official acceptance of the patrols and the abuses they committed during the conflict and appeared inconsistent with the Peace Accords. Further lynchings by former civil patrollers were reported.

Background

Guatemala suffered civil conflict for more than 30 years until the military and armed opposition agreed far-reaching Peace Accords in 1996. The accession to the presidency in 2000 of Alfonso Portillo signalled the return to power of the *Frente Republicano Guatemalteco*, Guatemalan Republican Front, a party strongly linked to the military. His government was widely held to be controlled by General Efraín Ríos Montt – the current President of Congress and a military leader during one of the worst periods of repression – and the "parallel power structures" linked to him.

The notorious Presidential Chief of Staff Unit (EMP), which was to have been disbanded under the Accords, continued to operate and its budget was increased. The government continued to call on the army for policing operations. The Peace Secretariat, mandated to monitor implementation of the Accords, reportedly lost funding to the EMP.

The continuing influence of General Ríos Montt and his supporters, and the failure to bring those responsible for past gross human rights violations to justice except in a handful of hard-fought cases, encouraged past perpetrators and others to abuse their authority and commit new abuses with impunity.

The state's failure to combat impunity or provide reparations and mental health programs for the victims, including indigenous women who suffered rape and sexual abuse by the army and civil patrols during the conflict, left many suffering what has been described as a "national trauma". However, some child survivors of massacres who were put up for adoption traced surviving relatives, and new groups continued to try and locate children who "disappeared" during the conflict.

Widespread corruption and increases in tension in the run-up to elections scheduled for 2003 were linked to new human rights abuses.

Attacks on the human rights community

The human rights community continued to suffer death threats and intimidation almost daily. Many offices were raided and equipment and computer records stolen. Two apparent extrajudicial executions seemed to be aimed at intimidating prominent human rights groups.

In October, Guillermo Ovalle de León of the Rigoberta Menchú Foundation was shot dead in Guatemala City. Manuel García de la Cruz, who was active in the efforts of the National Coordination of Guatemalan Widows (CONAVIGUA) to have mass graves exhumed in indigenous areas in Guatemala and to protect indigenous rights, was seized, tortured and killed in September in El Quiché Department.

In March threats were directed at 11 forensic scientists involved in exhumations aimed at collecting evidence relating to army massacres carried out during the conflict. Those making the threats clearly had links with the military.

Land conflict and abuses

Abuses escalated against those pressing for implementation of the land rights aspects of the Peace Accords.

In March several indigenous rural workers' leaders were threatened in San Marcos and Retalhuleu Departments, and in San Marcos Department several people connected to the Church suffered death threats and other intimidation because of their efforts to mediate between powerful private landowners and indigenous peasants claiming land title under Guatemala's 1944 land reform.

Also in March, land activists claiming banana lands in Morales, Izabal Department, were attacked by police

and paramilitaries linked to local landowners. One prominent activist was killed.

- Several peasant leaders in Alta Verapaz Department reported death threats in October. On 14 October at Senahú, about a thousand Special Police and National Civil Police violently dislodged women and children from land they were occupying; four women and eight children reportedly "disappeared".

Corruption-related abuses

A growing number of human rights abuses were attributed to or were carried out on behalf of the so-called "corporate mafia state", a criminal alliance of officials, business, elements of the police and military, and common criminals who collude to tighten their control of legal extractive industries, as well as illegal operations, including drugs and arms trafficking, money laundering, car theft, kidnapping for ransom, illegal adoptions and illicit use of state-protected lands.

The Guatemalan Anti-Narcotics Department (DOAN) was regularly implicated in illegal drug trafficking, allegedly in complicity with trafficking cartels, the judiciary, the police and the military as well as highly placed government officials. The DOAN reportedly committed serious human rights violations to eliminate competition. The disbandment of the DOAN, called for by the US authorities, was announced in October.

- In January DOAN agents raided the small hamlet of Chocón, Livingston, in Izabal Department. Two villagers were killed and one "disappeared". Other villagers were detained and tortured, and then accused of the killings.

Continuing efforts to combat impunity

Myrna Mack case

Anthropologist Myrna Mack was extrajudicially executed in 1990, months after she published her findings that government counter-insurgency policies had caused internal displacement of Guatemala's indigenous peoples and their resultant suffering. In 1993, after a sustained campaign by her sister Helen Mack, a low-ranking member of the EMP was found guilty of the killing and jailed for 25 years. However, Helen Mack continued to press for prosecution of the military officials she believed had ordered her sister's death. The case against three higher-ranking military officials finally came to court in 2002, but as the trial approached, those acting for Helen Mack were threatened. In August, the home of her lawyer, Robert Romero, was fired on and he received anonymous telephoned death threats. In October, an army colonel was sentenced to 30 years' imprisonment for ordering Myrna Mack's death. His two superior officers in the EMP were acquitted.

Gerardi verdicts annulled

Days after the Myrna Mack case concluded, the convictions were overturned of three military officers who had been found guilty in 2001 of the killing of Bishop Juan José Gerardi in 1998, two days after he presented the Guatemalan Church's detailed report on abuses during the conflict years. A priest sentenced as an accessory also had his conviction overturned. The case may eventually return to court, with many of the original witnesses in exile abroad or dead, the victims of apparent extrajudicial executions.

Genocide proceedings

By mid-2002, the Special Cases Department of the Public Prosecutor's Office had taken statements from some 100 eyewitnesses, completed four inspections at massacre sites and received forensic reports of exhumations at all the massacre sites in relation to charges of genocide and other crimes against humanity filed in Guatemala against the military high commands of Generals Romeo Lucas García (1979-1982) and Ríos Montt (March 1982-August 1983). The charges had been laid by massacre survivors grouped as the *Asociación Justicia y Reconciliación*, Association for Justice and Reconciliation. Three of the accused officials in the Ríos Montt proceedings also submitted documents and testified before the Special Prosecutor.

Rigoberta Menchú Foundation case

At the end of the year, the decision was still awaited from the Spanish Supreme Court regarding the Spanish High Court's December 2000 decision that it did not currently have jurisdiction to hear the Rigoberta Menchú Foundation's 1999 suit against former Guatemalan officials, including General Ríos Montt, for genocide and other crimes against humanity. AI made public its own legal analysis, which found that the Spanish courts did have jurisdiction to hear the case.

Proceedings through the Inter-American system

Despite entry by the Guatemalan government into "friendly agreements" negotiated under the auspices of the Inter-American Commission on Human Rights, under which Guatemala accepted that state institutions had been responsible for specific past abuses and agreed to pay compensation for them, proceedings against those allegedly responsible stalled. In the case of the 1982 massacre of 300 people at Dos Erres, El Petén, by a Guatemalan army unit, the *kaibiles*, eight years had elapsed since judicial proceedings were initiated but arrest warrants requested by the Public Ministry had still to be implemented.

Lynchings

Lynchings instigated or carried out by former civil patrollers continued to be reported against a background of rising crime and lack of faith in the justice system to combat crime or impunity. In mid-2002, the UN Verification Mission in Guatemala reported that there had been 354 such lynchings since 1996.

Death penalty

Thirty people remained on death row, but no death sentences were passed and no executions were carried out. In July, following a call for a moratorium from the Vatican prior to Pope John Paul II's visit to Guatemala, President Portillo announced his intention to ensure that no further executions would be carried out during his presidency. He submitted to Congress proposed legislation to abolish the death penalty, but it was not approved.

International concern

In February the Consultative Group of principal donor countries and international institutions named several areas, including human rights protection and impunity, where it wanted to see progress before funds would be disbursed.

Hina Jilani, Special Representative of the UN Secretary-General on human rights defenders, visited Guatemala in June and called on the government to take steps to combat impunity and protect human rights defenders from threats and intimidation.

In October, several high-level US officials expressed concern before the US Congress regarding corruption in Guatemala, the deteriorating human rights situation, the paralysed Peace Accords and the links between government agencies and officials and organized crime.

AI country reports/ visits

Reports

- Guatemala's Lethal Legacy: Past Impunity and Renewed Human Rights Violations (AI Index: AMR 34/001/2002)
- Addressing Guatemala's Lethal Legacy: Appeals against Impunity (AI Index: AMR 34/003/2002)
- Guatemala: Briefing Prepared for Hina Jilani, Special Representative on human rights defenders of the United Nations (AI Index: AMR 34/040/2002)
- Guatemala: In the Wake of the Pope's Visit – A Window of Opportunity to Abolish the Death Penalty? (AI Index: AMR 34/054/2002)
- Guatemala: The Civil Defence Patrols Re-emerge (AI Index: AMR 34/055/2002)

Visits

In February an AI delegation visited Guatemala and collected human rights data, raised concerns with government officials and met representatives of the human rights community. In July AI attended the Second Regional Consultation on Human Rights Defenders in Latin America and the Caribbean, held in Guatemala.

GUINEA

REPUBLIC OF GUINEA
Head of state: Lansana Conté
Head of government: Lamine Sidimé
Death penalty: retentionist
International Criminal Court: signed

Abuses of the rights of refugees from neighbouring Liberia and Sierra Leone continued to be the main human rights concern in the country. In February a report by the UN High Commissioner for Refugees (UNHCR) and Save the Children UK exposed the high risk of sexual exploitation of refugee and internally displaced women and girls by international and national agency workers.

Background

Long-delayed legislative elections were held in June and the ruling *Parti de l'unité et du progrès* (PUP), Party of Unity and Progress, won more than a two-thirds majority in the National Assembly. The European Union refused to fund or monitor the elections as irregularities were feared. Twelve political parties participated but afterwards some claimed that the elections had been rigged and that voters had been intimidated and threatened by government officials.

A new coalition of opposition parties, the *Front républicain pour l'alternance démocratique*, Republican Front for Democratic Change, boycotted the elections and claimed there had been massive fraud. Intimidation and threats by government officials against voters during the elections as well as some cases of violence and excessive use of force by the security forces were reported. A day after the election results were announced, President Lansana Conté banned all street demonstrations.

In November, on the occasion of Army Day, President Conté strongly criticized organized crime and all those who wore army uniforms to commit armed robberies. In his speech he ordered the security forces to shoot anyone wearing military uniform caught in the act of stealing.

Refugees

Refugees fleeing armed conflict in neighbouring countries including Côte d'Ivoire and Liberia continued to cross the border into Guinea – around 30,000 entered the country during the year. However, in some cases Guinean security forces closed the border to refugees in violation of the principle of non-*refoulement*, which prohibits the forcible return of people to a country where their life or freedom would be in danger. Guinea was host to more than 90,000 refugees from Liberia and Sierra Leone, the vast majority of whom were assisted in camps run by the UNHCR. It was reported that the Liberians United for Reconciliation and Democracy (LURD), a Liberian

armed opposition group, forcibly recruited refugees in refugee camps in Guinea and prevented Liberians from entering Guinea.

In February a report of the UNHCR and Save the Children-UK exposed grave concerns that humanitarian workers from international and local non-governmental organizations as well as UN agencies were reportedly sexually exploiting women and girls from Liberia and Sierra Leone. The sexual favours were reportedly obtained in exchange for humanitarian aid. In October the UN Office for Internal Oversight Services (OIOS) concluded that "the impression given in the [UNHCR and Save the Children-UK] report that sexual exploitation by aid workers, in particular sex for services, was widespread is misleading and untrue" after it had carried out a six-month investigation into allegations of sexual exploitation in the three countries of the Mano River Union – Guinea, Liberia and Sierra Leone. AI was concerned, however, that the terms of reference of the OIOS report were too limited.

Arrests

Alcoumba Diallo, editor of the weekly *Aurore*, was arrested on 30 January and released two days later without charge or trial. Shortly before his arrest, he published an article claiming that some Guinean navy ships belonged to relatives of President Conté.

Refugees were arrested and released after a few days on the intervention of humanitarian organizations.

Military, security and police transfers

Reports issued during the year by the UN Panel of Experts on Liberia stated that Guinea had supported the LURD with cross-border artillery fire in 2001 and that Guinean liaison officers had crossed into Lofa County to assess LURD's progress. Its October report contained information on LURD members stationed in Guinean border towns and on mortar ammunition rounds reaching the LURD which had originally been supplied to Guinea as military assistance by the United Arab Emirates. The Guinean authorities denied supporting the LURD.

AI country reports/visits

Report

- Guinea: Maintaining order with contempt for the right to life (AI Index: AFR 29/001/2002)

GUINEA-BISSAU

REPUBLIC OF GUINEA-BISSAU
Head of state: Kumba Ialá
Head of government: Mário Pires (replaced Alamara Nhasse in November)
Death penalty: abolitionist for all crimes
International Criminal Court: signed

Politically motivated arrests of human rights activists and others occurred during the year. Soldiers arrested in 2000 and accused of plotting against the government were tried and sentenced to varying terms of imprisonment. Other soldiers arrested in 2001 were held incommunicado until their release from prison in June. Political instability continued with frequent changes of government personnel and unsubstantiated allegations of coup attempts. Political interference undermined the judiciary and affected the operation of non-governmental organizations (NGOs). There were restraints on press freedom.

Background

Political tensions remained high. Numerous government changes throughout the year added to the friction between the government, the ruling party and other political forces. The government was accused of corruption and of mismanaging the economy and there were frequent calls for its resignation. In November, President Kumba Ialá dismissed the National Assembly and the government. A caretaker government was appointed pending elections, which were scheduled for February 2003 and then rescheduled for April 2003.

Political instability was exacerbated by the failure to promulgate the revised Constitution, which had been approved by the National Assembly in 2001. Civil servants who had not been paid for several months, including teachers and national television employees, went on strike on several occasions to demand payment of their salaries.

There were unsubstantiated allegations of coup attempts. In June, President Kumba Ialá accused the Gambian government of involvement in a plot to overthrow him in May and threatened to invade the Gambia. Several people were reportedly arrested but no details were made public. The Gambian authorities denied the allegations.

Government pledges to promote human rights and the independence of the judiciary did not always materialize. In February a human rights unit was set up within the Ministry of Justice and given the task of reforming the judicial system. However, interference with the judiciary continued. For example, in July, President Kumba Ialá reportedly ordered the arrest and, 24 hours later, the release of former Prime Minister Faustino Fadut Embali whom he accused of embezzlement of funds during his term in office from May to December 2001. In June, President Kumba Ialá

bypassed parliament and granted an amnesty to soldiers who had allegedly plotted a coup in December 2001.

Participants in seminars organized by the UN Peace-building Support Office in Guinea-Bissau (UNOGBIS) in April and May called on the National Assembly to establish a truth and reconciliation commission, and to ensure respect for human rights and the independence of the judiciary. A new Representative of the UN Secretary-General took office in February and in August the mandate of the UNOGBIS was extended until the end of December 2003.

Arrests of human rights activists

The authorities harassed civil society groups and activists. There was government interference in the internal affairs of the *Liga Guineense dos Direitos Humanos* (LGDH), Guinea-Bissau Human Rights League, leading to the arrest of several of its members and to its temporary closure. An internal dispute arose when a document related to the LGDH finances was leaked to the authorities in January. In March the authorities refused permission for a demonstration called by the LGDH to protest against interference in its internal affairs and the arrest of its members. The authorities said that they could not guarantee the security of the demonstration. In April, the government also demanded proof from the long-established National Trade Union Confederation that it had been legally constituted.

LGDH Vice-President João Vaz Mané and Fernando Gomes, a founder and first president of the LGDH, were arrested in late January and early February respectively, after an internal LGDH document was leaked to the government. They were accused of embezzlement of funds donated by a foreign NGO in 1999, although neither the LGDH nor the foreign NGO had lodged a complaint against them. The two were released on bail after several days in detention. They had to report to the Bissau Regional Court weekly and were not allowed to leave the country. Their trials took place between October and December. Although charges were not proved, in December Fernando Gomes was given a two-month prison sentence which was suspended, while João Vaz Mané was sentenced to pay a fine of approximately US$240. Appeals by both men against their convictions and sentences were pending at the end of the year.

Two members of the LGDH, Mário Sá Gomes and Formozinho da Costa, were arrested in March and charged with disobedience, after they changed the locks of the LGDH office following the expulsion of the President and a Vice-President of the organization during an extraordinary meeting. The authorities refused to acknowledge the new LGDH board and temporarily closed its premises. Mário Sá Gomes and Formozinho da Costa were summarily tried a week after their arrest and sentenced to prison terms of two and one and a half years respectively; the sentences were subsequently converted into fines. In October the Court of Appeal overturned the conviction of Mário Sá Gomes but upheld that of Formozinho da Costa.

Attacks on freedom of expression

There were further attempts to stifle the media and restrict freedom of expression. Media workers were harassed and journalists were briefly detained for criticizing the government. In April the then Procurator General issued an order to all media outlets forbidding them from broadcasting or publishing any information from or about the LGDH.

Two independent newspapers which had been closed down in October 2001, *Gazeta de Notícias* and *Diário de Bissau*, resumed publication in January, the latter under the new name, *Correio de Bissau*. A weekly radio program on human rights broadcast by the LGDH was suspended in January.

In February, the private radio station *Rádio Bombolom* and two community radio stations were threatened with closure for allegedly operating without a licence and failing to pay taxes, despite the fact that community radio stations are tax exempt and that *Rádio Bombolom* had reportedly already presented all the documentation required for registration. The three stations were able to continue broadcasting throughout the year.

João de Barros, director and owner of *Correio de Bissau*, was arrested in June after an interview he gave to *Rádio Bombolom* in which he criticized President Kumba Ialá for accusing the Gambian government of involvement in an alleged attempted coup and for threatening to invade the Gambia in retaliation. João de Barros was held for two days before being released on bail and had to report to the authorities weekly. He had not been charged or tried by the end of the year.

In August, Carlos Vamain, a lawyer and presenter of a weekly current affairs program on a private radio station, was fined the equivalent of US$4,500 for remarks he made in broadcasts which the authorities said endangered national unity and considered defamatory. Apparently, he accused President Kumba Ialá of "tribalising" the administration by filling government and senior military posts with members of the Balanta ethnic group. Earlier, he had accused the President of interference in the judiciary by ordering the release of certain detainees without regard for legal procedures. After he was fined, a warrant for Carlos Vamain's arrest was issued and subsequently rescinded, reportedly following the intervention of the UN Secretary-General's Representative in Bissau.

Updates

About eight high-ranking military officers, who had been arrested in November 2000 and released on bail seven months later, were tried in May and July. They were convicted of attempting to overthrow the government and sentenced to prison terms ranging from three to 10 years. The authorities dropped charges against about 100 other military officers suspected of involvement in the same plot. Those convicted included former Chief of Staff of the Navy Commodore Mohamed Laminé Sanhá and General Augusto Sá Gomes, known as "Patchanga". At least four others had their sentences suspended for four years.

About 40 soldiers arrested in December 2001 on suspicion of attempting to overthrow the government were held without charge, incommunicado and in harsh conditions until June when they were released on the basis of a presidential pardon. They had not been convicted of any crime.

The former president and vice-president of the Supreme Court, respectively Emiliano Nosolini dos Reis and Venâncio Martins, were charged with misappropriation of funds; the charges appeared to be politically motivated. They were released on bail in February and were still awaiting trial at the end of the year.

GUYANA

REPUBLIC OF GUYANA
Head of state: Bharrat Jagdeo
Head of government: Samuel Hinds
Death penalty: retentionist
International Criminal Court: signed

"Anti-terrorism" legislation opened the door to human rights violations. Death sentences continued to be imposed. There were reports of killings in circumstances suggesting extrajudicial execution. Torture, ill-treatment and severe overcrowding in detention were reported.

Background

On 3 July, two people were fatally shot by police following an attack on the Presidential Palace after a demonstration organized by the opposition. Broadcast journalist Mark Benschop and political activist Phillip Bynoe were subsequently accused of leading the protest march and charged jointly with treason. Legal representatives for Mark Benschop alleged that he had been ill-treated in custody.

There was a reported increase in violent crime. At least 11 police officers were killed. Joint police and army operations, including curfews and stop-and-search cordons, were increased in response. Sections of the Indo-Guyanese community claimed an increase in race-hate crimes. The ruling People's Progressive Party (PPP) attributed the violence to escaped prisoners in February and in May the President accused members of the opposition People's National Congress/Reform (PNC/R) of instigating the violence. The PNC/R denied the allegations.

In July, the Guyana Bar Association, the Private Sector Commission and the Trades Union Congress attempted to get the parliamentary parties to sign a joint communiqué on crime. The agreement had not been finalized by the end of 2002.

New legislation

The Criminal Law (Offences) Amendment Act was passed in September. Provisions introducing the offence of a "terrorist act" were inconsistent with international standards governing the rights of freedom of expression and association, among others. The Act extended the scope of the mandatory death penalty.

The Prevention of Crime (Amendment) Act provided the executive with powers to subject certain individuals to measures including police supervision. There was concern that its provisions could facilitate indefinite detention of individuals without charge.

Death penalty

Death sentences for murder were imposed by the courts, and at the end of 2002 there were 23 people on death row, including two women. There were no executions. A new law expanded the scope of the death penalty.

Violations by law enforcement officials

There were a number of fatal shootings by the police. Some appeared to be extrajudicial executions or otherwise involved the unjustifiable use of lethal force. There were reports of torture and ill-treatment.

On 6 April, Shaka Blair was shot dead. Police alleged that he opened fire when presented with a warrant to search his house for arms. Witnesses claimed he was shot dead while posing no threat. In May relatives appealed against an order by the Director of Public Prosecutions that a private criminal prosecution be discontinued. An inquest convened in July had not concluded at the end of 2002.

Investigation of police and army abuses

No police officers were held criminally responsible for human rights violations, and the government rejected a call for a review of the Target Special Squad (TSS), a special police unit widely alleged to have committed extrajudicial executions. In September police officials stated that 44 police officers faced proceedings before criminal courts.

In January, an inquest into the killing in disputed circumstances of Shazad Bacchus, Azad Bacchus and Faddil Ally by members of the security forces in August 2001 was ordered after an appeal. No inquest had started by the end of 2002.

In February, relatives challenged the quashing of an inquest verdict into the death of Mohammed Shafeek, who died in detention in Brickdam Police Station, Georgetown, in September 2000. In November 2001 an inquest jury had returned a unanimous finding of criminal liability by the police, which was quashed later that month by the High Court. No decision on the challenge had been made by the end of 2002.

At the end of 2002 no investigation had been initiated into the death of Anthony Brumesh in Aurora police lock-up in May 2001. Witnesses alleged that he was tortured by police officers and denied medical attention.

Prisons

Conditions in prisons remained harsh, and amounted in some cases to cruel, inhuman or degrading treatment. Severe overcrowding was aggravated by a substantial remand population.

HAITI

REPUBLIC OF HAITI
Head of state: Jean-Bertrand Aristide
Head of government: Yvon Neptune (replaced Jean Marie Chérestal in January)
Death penalty: abolitionist for all crimes
International Criminal Court: signed

Armed supporters of the ruling *Fanmi Lavalas* (FL) party were accused of numerous human rights abuses. With the forcible release in August of popular activist Amiot "Cubain" Métayer from prison by a group of his supporters, the police force and judiciary appeared to give up serious attempts to confront FL supporters accused of abuses. There were some accounts of violence by individuals linked to opposition parties against pro-government activists. On 25 December unidentified armed men attacked Michèle Montas, the widow of prominent radio journalist Jean Dominique, and killed her bodyguard, in an apparent attempt to dissuade the judge investigating Jean Dominique's death from issuing a full and thorough report of his findings. This, combined with numerous other threats and violence against journalists, highlighted ongoing impunity and attacks on free speech. In another worrying development, a number of "disappearances" and extrajudicial executions were reported in 2002.

Relations with the international community

After two years of trying to broker negotiations between the Haitian government and opposition, in early September the General Assembly of the Organization of American States (OAS) passed Resolution 822. This laid the groundwork for elections in 2003. However, the initial deadline for setting up a new provisional electoral council by November was missed, sparking widespread violence between supporters of different parties. The resolution also called for normalization of relations between Haiti and international donors, who had blocked aid following disputed elections in 2000. Nonetheless, aid remained frozen.

Resolution 822 also urged Haiti to implement a disarmament program as well as the recommendations made by the OAS-sponsored commission of inquiry into the events around the 17 December 2001 attack on the National Palace. The inquiry had concluded that 17 December 2001 was not a coup attempt but that some law enforcement officers had been complicit in the attack and the subsequent, apparently premeditated, reprisal attacks by government supporters. The government published the first part of its own report in September and announced that it had begun making reparation payments to some of those affected.

In April the OAS fielded a Special Mission to Strengthen Democracy in Haiti. In addition, a delegation from the Inter-American Commission on Human Rights, including the Commission's Special Rapporteur for Freedom of Expression, visited Haiti in August in response to an invitation from the government. In September, the new UN Independent Expert on the situation of human rights in Haiti visited the country.

Political violence

An unprecedented wave of violent clashes in November and December, involving supporters of opposing parties and at times the police, was sparked by the failure of political leaders to move towards long-demanded elections. At least five people were reportedly killed and many more wounded in the confrontations. On 17 November in Cap Haïtien, the largest ever march in protest against the government of Jean-Bertrand Aristide was held. It was peaceful. However, subsequent demonstrations in other parts of the country were marred by violence by supporters and, at times, opponents of the government. The Haitian National Police (HNP) were accused of repressing anti-government protests while failing to intervene to control violent pro-government crowds. Tensions were exacerbated by the emergence onto the political scene of military and paramilitary leaders from Haiti's repressive past. In addition, authorities denounced what they claimed were armed attacks by former soldiers near the border with the Dominican Republic.

Christophe Lozama, a justice of the peace who supported the FL, was shot and killed during a clash between pro- and anti-government demonstrators in the Quimpe 8 area of Lascahobas, Central Plateau, on 28 November. A wave of searches and arrests, mainly of opposition supporters, followed. Two people were arrested but were reportedly freed by armed men who attacked the Lascahobas police station on 10 December. A passer-by was killed outside the police station during the attack, and three other people were killed by gunfire in the area that night.

Numerous people were reportedly injured when government supporters wielding whips and throwing rocks violently broke up an opposition march in Port-au-Prince on 3 December. Police were reportedly present but did not intervene.

On 20 December the authorities announced that political demonstrations were banned until 8 January 2003.

Jailbreak of Amiot Métayer and its aftermath

Amiot "Cubain" Métayer, a former activist whose attempted arrest was believed to have sparked the 1994

Raboteau massacre (see *Amnesty International Report 1995*), was arrested in Gonaïves, department of the Artibonite on 3 July, reportedly in connection with the killing of the guard of an opposition party headquarters in the aftermath of the 17 December 2001 National Palace attack. He was transferred to Port-au-Prince, but after days of rioting by his supporters, he was returned to Gonaïves prison on 10 July.

On 2 August his supporters broke him out of Gonaïves prison. Over 150 prisoners were believed to have escaped, including the notorious Jean Pierre Baptiste, alias "Jean Tatoune", a former paramilitary leader sentenced to forced labour for life for participation in the 1994 Raboteau massacre. During the clashes between pro- and anti-government supporters at the end of the year, Amiot Métayer and Jean Tatoune led opposing armed gangs, both of which were accused of human rights abuses.

Grave violations by the police

In a worrying development, several "disappearances" and extrajudicial executions by police were reported. In addition, there were numerous complaints of police brutality.

'Disappearances' and extrajudicial executions

On 17 September, FL activist Félix Bien-Aimé, from the Martissant zone of Port-au-Prince, was reportedly arrested by the police along with two colleagues, Paul Muzac Jean and Djal Normil. His supporters claimed that no one had seen the men since, although Félix Bien-Aimé's burned-out car was said to have been found near Titanyen, a notorious dumping ground for the bodies of "disappeared" people during the military dictatorship. Large demonstrations were held to demand news of his whereabouts, but the HNP denied that he had been taken into custody.

Jean Lewis Bourgouin, a former police commissioner, was reportedly taken into custody by men in black police uniforms on a street in Pétionville, near Port-au-Prince, on the night of 13 November. The men were said to have forced him into a vehicle with official police licence tags. Despite numerous inquiries by family members, there was no further news of him.

On the night of 7 December, three brothers – Andy Philippe, Angélo Philippe and Vladimir Sanon – were reportedly taken from their home in the Waney 89 area of the Carrefour neighbourhood of Port-au-Prince by area police officers. Their bodies were found in the morgue the next day with bullet wounds in the head. Their parents filed a formal complaint with the public prosecutor. Following an internal investigation, the municipal police commissioner was sacked and three police officers and several others were reportedly taken into custody; another officer implicated in the incident reportedly went into hiding to avoid arrest. Some reports indicated that a potential witness was killed by hooded men on 17 December in Carrefour.

Police brutality

In February a policeman who was reportedly chasing a thief through a crowded market in Port-au-Prince, fired indiscriminately and killed a 21-year-old woman, Sherline Coriolan. A pregnant woman and a child were said to have been wounded.

Fleury Lysias, a member of the national Justice and Peace Commission, was reportedly tortured by police officers following his arrest in Bon Repos on 24 June (see below).

In Petit Goâve on 20 November, at least seven demonstrators were reportedly wounded when the HNP fired at students protesting against a rumoured increase in exam fees.

Jean Dominique investigation

The investigation into the killing of Jean Dominique and *Radio Haïti Inter* station guard Jean Claude Louissaint continued to be a key test for the rule of law in Haiti. Investigating judge Claudy Gassant, widely praised for his tenacious work on the case despite threats, fled the country in January after President Aristide did not extend his expired mandate. On the second anniversary of the killings in April, President Aristide announced that the mandate had been renewed; however, the judge maintained that he was not formally notified of this and that the government's failure to do so indicated that he would still face a precarious security situation should he return.

In July responsibility for the case was given to investigating judge Bernard Saint Vil. He interviewed numerous people, including Senator Dany Toussaint who had resisted appearing before the previous judge despite an indictment against him. Several arrest warrants issued in the case remained unenforced, and the issue of Senator Toussaint's parliamentary immunity remained unresolved. Judge Saint Vil's final report, which would serve as the basis for any subsequent prosecution, had not been issued by the end of the year.

On 25 December unidentified gunmen attacked the home of Jean Dominique's widow Michèle Montas, herself a journalist and an outspoken advocate for justice in his case. One of her security guards, Maxime Séïde, was shot and killed by the assailants before they fled.

Freedom of speech

Throughout the year the authorities repeatedly stated their general commitment to freedom of speech, but increasingly added conditions that raised doubts about the commitment.

Ongoing threats and attacks against journalists

About a dozen journalists were reported to have fled Haiti following the 17 December 2001 attack on the National Palace and the accompanying violence, during which many reporters were intimidated or threatened. Other journalists continued to be at risk throughout the year.

Darwin St. Julien of *Haïti Progrès* newspaper and Allan Deshommes of *Radio Atlantique* were among those arrested following a protest by workers at the Guacimal plantation near St. Raphaël, department of the North, on 27 May. Both were said to have been seriously injured, but were reportedly denied urgently needed medical care after being taken into custody.

They were released on 8 June. At the end of the year both men were still suffering the effects of their injuries.

In July *Radio Caraïbes* investigative reporter Jacky Cantave was kidnapped and beaten by armed men. After he was freed the next day, police questioned his version of events and the authorities alleged he had lied.

On 20 August *Radio Saca* director Joseph Claudy Milord was reportedly struck by the local mayor inside the court building of Grand Goâve, department of the West. Reports indicated that the mayor was angered by the station's reporting of his alleged involvement in land deals. The mayor was subsequently arrested by order of the prosecutor's office, but was freed later the same day.

Brignol Lindor investigation

In September the investigating judge gave his final report to the prosecutor about the December 2001 killing of *Radio Echo 2000* news director Brignol Lindor, who was hacked to death in Petit Goâve by a mob that included members of a pro-FL organization, several of whom reportedly admitted their involvement in the killing. Ten men, including members of the pro-FL organization, were indicted and arrest warrants were issued for those not already in custody. However, the man who was mayor of Petit Goâve at the time of the killing was not indicted, although he was interviewed by the judge. In the days before the killing, the former mayor had publicly called for "zero tolerance" of Brignol Lindor on the grounds that he supported an opposition party. The Association of Haitian Journalists filed a complaint about the omission before the Court of Appeal on behalf of the victim's family.

Human rights defenders under attack

Human rights defenders continued to face attacks and threats.

In March, Patrick Mérisier, a field monitor for the National Coalition for Haitian Rights, was shot as he waited to be served in a restaurant in Port-au-Prince. He was wounded in the chest and left arm. In January he had reportedly received unsigned leaflets warning that he would be killed if he did not stop his human rights monitoring and community radio broadcasts on human rights issues. Another of the organization's field monitors, Berthony Philippe, went into hiding after receiving similar death threats.

Fleury Lysias, a member of the national Justice and Peace Commission, was arrested at his home in Bon Repos on 24 June. The arresting officers, who were accompanied by three armed men in civilian clothes, did not have a warrant for his arrest. They took him to the Bon Repos police station where they reportedly kicked him and beat him severely with clubs, breaking one of his arms. They also struck him repeatedly on the ears, damaging his eardrums. He was reportedly released without charge the next day.

On 16 July the home of human rights defenders Jean Claude and Sylvie Bajeux of the Ecumenical Centre for Human Rights was attacked by unidentified individuals. Both are long-term human rights defenders who were victims of repression under previous governments.

Repression of trade union activities

Two elderly trade unionists – Francilien Exilien and Ipharès Guerrier – were killed during disturbances on 27 May between demonstrating workers and supporters of the owners of the Guacimal plantation, among whom were local officials. Eleven people were arrested, including six trade unionists, their three drivers and two journalists. The journalists were released on 8 June (see above), and the drivers and four of the trade unionists were freed later. The two remaining trade unionists – Jérémie Dorvil and Urbain Garçon – remained in custody without charge until their release on 2 December. Trade unions called for an investigation into the deaths of Francilien Exilien and Ipharès Guerrier, but no progress had been reported by the end of the year.

Justice developments

In March, Ronald "Cadav" Camille, linked to popular organizations supportive of the FL, was arrested on charges of killing another FL activist outside the parliament building on 10 September 2001. Ronald Camille's supporters staged violent demonstrations in protest, but the authorities resisted pressure to release him.

The Federal Justice Office in Switzerland rejected a Haitian extradition request dating back to 1986 for former President Jean-Claude Duvalier. His lawyers had argued that Haiti's justice system could not be guaranteed to respect due process and that the 15 years that had elapsed since the events of which he was accused precluded prosecution under Swiss law. Following political unrest in Haiti, in December Jean-Claude Duvalier announced on US television his intention to return to the country.

In April an appeal court ordered the release of former coup leader General Prosper Avril, detained on charges relating to the alleged 1989 torture of political prisoners. He was freed but immediately rearrested on charges related to the 1990 Piâtre massacre of peasant farmers.

AI country reports/ visits

Reports

- Haiti: 'I have no weapon but my journalist's trade' – human rights and the Jean Dominique investigation (AI Index: AMR 36/001/2002)
- Haiti: Update of the Jean Dominique investigation and the situation of journalists (AI Index: AMR 36/013/2002)

HONDURAS

REPUBLIC OF HONDURAS
Head of state and government: Ricardo Maduro (replaced Carlos Flores Facussé in January)
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

Dozens of children and young people were killed in circumstances suggesting that they had been extrajudicially executed. Human rights violations against human rights defenders persisted. There were reports of excessive use of force by police officers against demonstrators.

Background

Ricardo Maduro, who had been elected President in November 2001, took office in January. He came to power with an agenda to fight crime and quickly introduced "zero tolerance" initiatives and involved the army in law enforcement activities. However, these measures appeared to have little impact on crime levels and no significant reduction in crime had been recorded by the end of the year.

The economic conditions of the poorer sectors of society continued to deteriorate; there were reports of acute hunger and malnutrition in some rural areas. The fall in the price of coffee and the failure of various crops early in the year exacerbated the situation. There were demonstrations against government plans to privatize basic services and utilities, such as education and water (see below).

The new government entered into a number of agreements with human rights organizations and other civil society organizations. These included an undertaking to review violations of human rights which took place in the 1980s, including over 100 "disappearances", for which no one has ever been held to account, despite the continued efforts of non-governmental organizations.

Children

There were continued and persistent reports of the killing of children and young people, some in circumstances suggesting that they had been extrajudicially executed. According to *Casa Alianza*, a non-governmental organization working with street children which has been monitoring such deaths, around 1,500 children and young people had been killed since 1998, 556 of whom were killed in 2002 alone.

In January the National Commissioner for the Protection of Human Rights published a report, *Informe Preliminar sobre Muertes Violentas de Niños, Niñas y Adolescentes en Honduras*, Preliminary Report on the Violent Death of Boys, Girls and Teenagers in Honduras. The report disagreed with the explanation that the deaths were the result of inter-gang violence, but found some credence instead for the argument that the deaths were the result of "social cleansing". It also found that the majority of the victims did not have criminal records, contrary to public perception.

The report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Honduras in August 2001 was published in October. She concluded that "children had been killed by members of the security forces" and that in many cases the victims were unarmed and had not provoked the police to use force. The Special Rapporteur noted that the government had failed to send a clear message to the police that they would be brought to justice for abuses of human rights.

In September the Ministry of Security established the *Unidad Especial de Tratamiento de Muertes de Menores*, a special unit to investigate and resolve, within 90 days, the deaths of 15 minors whose cases had been documented and submitted by *Casa Alianza*. By the end of the year that commitment had not been fulfilled.

Both the current and previous governments had consistently failed to respond to calls for investigations into such deaths and for steps to be taken to protect those at risk. Also of concern was the failure of the police and the judicial system to follow established procedures at the most basic level in cases of violent deaths.

Human rights defenders

Human rights defenders continued to be targeted for human rights violations. Nobody was brought to justice for violations against human rights defenders in previous years.

In August José Santos Callejas, a member of the *Comité de Derechos Humanos en Honduras* (CODEH), Committee for the Defence of Human Rights in Honduras, in the San Antonio Community, La Masica municipality, Department of Atlántida, was shot dead by at least two unidentified men as he was leaving the school where he was providing literacy training. He had narrowly escaped a previous attempt on his life two weeks earlier. José Santos Callejas provided support to victims of violence in the region. The police initiated an investigation shortly after his death but the outcome was not known by the end of the year.

Update

There was no progress in the case of Carlos Roberto Flores, a community leader and environmental activist who was shot dead outside his home in El Ocotal, Gualaco, Olancho Department, in June 2001. Although charges had been filed and arrest warrants issued against five security guards in August 2001, no further proceedings had taken place by the end of 2002.

Indigenous peoples

The new government promised that indigenous groups would no longer be forgotten and took some positive steps to protect them from discrimination. However, issues relating to land rights and natural resources remained contentious and discrimination persisted.

At least one indigenous leader was killed during 2002. There were no investigations into killings of indigenous people in previous years.

In May, Luis Soto, a member of the Xicaque community, was killed in Yoro Department. Although there were witnesses to the killing, no investigation was initiated by the authorities into the circumstances of his death.

National Police

There were reports of human rights violations committed by members of the National Police, particularly in the context of demonstrations.

In October the police reportedly used tear gas, water canon, sticks and batons to disperse demonstrators, including teachers and workers in the water and sewage services, who were protesting against privatization plans and the introduction of charges in state education services. A leader of the teachers' union was injured when he was hit in the face while being restrained by several police officers.

International Criminal Court

In July Honduras ratified the Rome Statute of the International Criminal Court (ICC). However, in September Honduras signed an agreement with the USA pledging not to extradite US soldiers for prosecution by the ICC. AI urged the government to reconsider the agreement and not to implement any measure which would contravene Honduras' obligations under international law to ensure the prosecution and punishment of those guilty of genocide, crimes against humanity or war crimes.

HUNGARY

REPUBLIC OF HUNGARY
Head of state: Ferenc Mádl
Head of government: Peter Medgyessy (replaced Viktor Orbán in July)
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

There was continued concern about the ill-treatment of detainees by police. Some of the victims were Roma. New regulations concerning asylum-seekers further undermined their rights and protection.

Ill-treatment

Police ill-treatment, including of Roma, continued to be reported.

In November, in the hospital in Gyöngyös, about 40 Roma who were mourning the death of a family member were reportedly assaulted by six police officers, one of whom said: "I will shoot all of you, filthy gypsies." Women with children were reportedly indiscriminately pushed down three flights of stairs. A son of the deceased was reportedly handcuffed to a door and beaten with a truncheon. Five men were subsequently taken into custody and charged with assaulting the police officers. The local police chief justified the use of force, reportedly stating that it was necessary to "break the resistance of the Roma" whose conduct in the hospital was considered as disturbing the peace.

UN Human Rights Committee

In April the Human Rights Committee, reviewing Hungary's fourth periodic report on the implementation of the International Covenant on Civil and Political Rights, expressed concern that Hungary had no comprehensive legislative provision against discrimination. The Committee was also concerned about general discrimination against Roma as well as "the excessively high number of Roma in prisons, reports of their ill-treatment in police custody and the continuing existence of separate schools". It expressed concern both at the length of initial investigative detention of up to 72 hours, and the difficulties experienced by detainees in contacting their families and obtaining access to a lawyer, especially if they could not afford to engage one. Furthermore, the Committee was deeply concerned about detention on police premises and the high risk of ill-treatment which it entails; the high number of reports of ill-treatment by law enforcement agencies; the limited number of investigations carried out in such cases; and the very limited number of convictions in those cases which were investigated.

The Committee recommended that the Hungarian government take steps to enact comprehensive anti-discrimination legislation and strengthen measures for improving the situation of the Roma. It called on

Hungary to revise provisions of the new Criminal Procedure Act in order to reduce the maximum permitted detention in police stations to 48 hours or less. It further recommended that the authorities bring to the attention of judges the particular risk of ill-treatment on police premises, and take appropriate measures to ensure respect for detainees' rights to contact their families and obtain legal assistance. The Committee also called for the creation of an independent system for the investigation of complaints of abuses by law enforcement officials.

Asylum-seekers

New regulations concerning asylum-seekers and other foreign nationals came into force in January, creating even more restrictive conditions for asylum-seekers. Decisions on asylum applications are taken in the first and second instance within an office, established in the Ministry of the Interior, which is perceived as enjoying little independence. The same office is also responsible for policing foreigners and this responsibility takes precedence over the responsibility to process asylum applications. Thus, an asylum-seeker who has promptly and voluntarily approached the authorities, but who has entered the country illegally, could be issued with an order for their expulsion on the grounds of illegal entry, even though their deportation cannot be implemented because their case for asylum has not been considered. The asylum-seeker can then be detained for up to a year, pending deportation.

The new regulations also mean that the police responsible for dealing with foreign nationals are no longer required to request a so-called "expert opinion" from the authorities responsible for refugee matters before issuing the order to forcibly return (*refoulement*) an asylum-seeker detained at the border or who has voluntarily reported to the authorities. As a result, in the first few months after the new regulations entered into force, asylum-seekers were threatened with *refoulement* to the countries from which they fled, including Iraq. The decisions of the authorities on whether or not to forcibly return an asylum-seeker appear to be based not on an assessment of the potential risk to the individual concerned, but rather on internal general guidelines concerning particular countries, contrary to international law.

It also became even more difficult for asylum-seekers placed in detention to contact a legal representative following a ministerial decree permitting detainees to maintain contact only with legal representatives already in possession of at least an oral authorization. In September lawyers working for the Hungarian Helsinki Committee, a local human rights organization, were given limited access to prisons where asylum-seekers could request their counsel.

INDIA

REPUBLIC OF INDIA
Head of state: A.P.J. Abdul Kalam
Head of government: Atal Bihari Vajpayee
Death penalty: retentionist
International Criminal Court: not signed

The right of minorities to live in the country as equals was increasingly undermined by both state and non-state actors, despite it being clearly asserted in the Constitution. Religious minorities, particularly Muslims, were increasingly targeted for abuse. In Gujarat, Muslims were victims of massacres allegedly masterminded by nationalist groups with the connivance of state agencies. New and stringent security legislation, which gives wide powers of arrest and detention to the police, was misused to target political dissent in areas of armed conflict and elsewhere. Human rights defenders were frequently harassed by state and private actors, and their activities labelled as "anti-national". The criminal justice system remained extremely slow, under-resourced and difficult to access for people from socially and economically marginalized sections of society, including lower castes and women. Security agencies continued to enjoy virtual impunity for past abuses, thanks to specific provisions contained in security legislation and to political protection. International human rights monitors, including UN independent experts and international human rights organizations, were *de facto* denied access to areas of armed conflict and were granted only very limited access to the rest of the country.

Background

The Bharatiya Janata Party (BJP)-led National Democratic Alliance remained in power in the central government throughout the year. State elections in February saw a further weakening of the BJP and a re-emergence of the Congress party at state level. In December, however, the BJP won state elections in Gujarat on a communal platform. The victory strengthened the position of Hindu hardliners within the party nationwide. In Jammu and Kashmir, a coalition government of the People's Democratic Party and the Congress party took office in November; the election ended decades of domination of state politics by the National Conference party.

Ongoing tensions between India and Pakistan – both nuclear powers – were heightened by renewed claims by the Indian government that armed opposition groups active in Kashmir were enjoying Pakistan's support. This claim received international legitimization in the context of the campaign against "terrorism" led by the USA and supported by the Indian government. The result was a military stand-off on the India-Pakistan border, which started de-escalating only in October.

Hindu nationalist groups continued to push their communal agenda – particularly the issue of the reconstruction of a Hindu temple in Ayodhya at the site where a mosque was destroyed in 1992 – through violence and the penetration of institutions, leading to an increasing fragmentation of society on religious lines. The peace process between the central government and Naga armed groups in the northeast of the country made further progress. Talks between the Andhra Pradesh government and *naxalite* (armed left-wing) groups failed to materialize in July.

In the context of the liberalization of the economy, economic development projects continued to infringe the right of local communities to have access to natural resources and led to large-scale internal displacement.

Massacres in Gujarat

On 27 February a train in Godhra, Gujarat, was attacked and 59 passengers believed to be Hindus were killed. Violence of unprecedented brutality targeting the Muslim community then spread in the state and continued in the following three months. Hindu nationalist groups reportedly had a role in masterminding the violence. Reports also indicated that the state government, administration and police took insufficient action to protect civilians and in many cases may have colluded with the attackers and actively participated in the violence. Human rights groups estimated the death toll was between 2,000 and 2,500. The destruction of homes, places of worship and means of livelihood of thousands of civilians also took place. About 140,000 people fled their homes in the aftermath of the massacres and many remained homeless at the end of the year. The Gujarat government did not actively fulfil its duty to provide appropriate relief and rehabilitation to the survivors. Following the violence, the same police force that was accused of colluding with the attackers was put in charge of the investigations into the massacres, undermining the process of delivery of justice to the victims. A commission of inquiry was appointed to investigate responsibilities in the violence, but its progress was extremely slow. When AI sought permission to visit Gujarat in July to investigate the violence, its delegates were effectively denied access to the state.

Security legislation

The Prevention of Terrorism Act (POTA), operative as an ordinance since October 2001, was passed by parliament in March. It gave the police wide powers of arrest and provided for up to six months' detention without charge or trial for political suspects. POTA *de facto* legislates for a level of political scrutiny in the judicial process, and undermines the rules of evidence set by Indian statutory law. It was used during the year to detain political opponents, especially in the state of Jammu and Kashmir, and was implemented in other states, including Andhra Pradesh, Bihar, Jarkhand, Tamil Nadu, Uttar Pradesh, and in the New Delhi Union Territory. New security legislation similar to POTA was enacted at state level in Andhra Pradesh, Arunachal Pradesh, Karnataka and in the New Delhi Union Territory. The lapsed Terrorist and Disruptive Activities Act continued to be used to arrest people in Jammu and Kashmir by linking them to cases filed before 1995; hundreds of people were believed to be in detention under the Act. Preventive arrest and detention provisions contained in security laws as well as in the Code of Criminal Procedure were also misused against political and human rights activists.

Impunity

Security forces continued to enjoy virtual impunity for human rights abuses as a result of provisions contained in special security laws, including POTA, as well as in the Protection of Human Rights Act. Political protection, as well as the frequent non-implementation of recommendations issued by various commissions of inquiry, strengthened this trend. In Punjab, investigations entrusted to the National Human Rights Commission (NHRC) in relation to the "disappearance" and possible extrajudicial execution by security forces of thousands of people in the 1980s and early 1990s did not make any significant progress. This indicated that accountability for security forces in areas of armed conflict was not a priority.

Ten years after widespread communal riots in Bombay claimed 1,788 lives and five years after the Shrikrishna Commission of Inquiry indicted several police officers for having actively sided with violent Hindu groups during the riots, no significant progress had been made to prosecute the alleged perpetrators.

The new government in Jammu and Kashmir, in its Common Minimum Program issued in October, promised that all reports of human rights abuses would be investigated. AI reminded the state government of the large number of past abuses that had never been independently investigated and asked it to make public and act on findings of commissions of inquiry set up under the previous government, such as the Pandian Commission on unlawful killings in April 2000.

Both the UN Special Rapporteur on the independence of judges and lawyers and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions had pending requests to visit India. Neither had been invited to visit the country by the end of the year.

Discrimination

Socially and economically marginalized sections of society, such as *dalits*, *adivasis* (tribal people), women and religious minorities, including Muslims, continued to be discriminated against by the police, the criminal justice system and non-state actors, despite legislation aimed at protecting some of these groups. They continued to be particularly vulnerable to torture and ill-treatment, which remained widespread across the country. The ongoing international campaign against "terrorism", as well as the heightened tensions with Pakistan, contributed to the giving of undue legitimacy to various forms of discrimination against the Muslim minority, including violence and the denial of access to justice.

A pattern persisted of excessive use of force by police against *adivasi* communities protesting against their displacement in the context of the construction of large dams or of industrial projects. *Dalit* human rights continued to receive international attention, particularly from the UN Committee on the Elimination of Racial Discrimination, which held a thematic discussion on descent-based discrimination in August. However, *dalit* communities continued to be victims of violent backlash when asserting their rights, and to have problems accessing the criminal justice system when seeking redress for abuses.

Human rights defenders

Human rights defenders suffered increased isolation as their activities were frequently branded as "anti-national" by state and non-state actors. This happened in particular when they sought to raise human rights concerns in debates about the security of the country. Harassment of human rights activists by both state and private actors continued throughout the year, with many cases of undue interference with their legitimate activities, verbal and physical threats, filing of false cases by police in order to intimidate or detain them, use of preventive arrest and detention, and violence, including isolated killings.

On 19 June Navleen Kumar, a social activist working to protect the land rights of tribal communities, was stabbed to death in her home in Nallasopara, Thane district, Maharashtra. Police arrested four people believed to have links with the local builders and land mafia that were operating in the area with the support of sections of the local administration. The prosecution of the accused appeared to have come to a standstill after the four were released on bail.

Both the UN Special Representative on human rights defenders and the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression had pending requests to visit India. Neither had received an invitation by the end of the year.

Abuses by armed opposition groups

Armed opposition groups in Jammu and Kashmir and in the states of the northeast continued to target civilians, subjecting them to torture and deliberate killings. In the pre-election period in Jammu and Kashmir, such groups intensified their operations resulting in scores of killings, including of the state law minister and several election candidates. A total of 830 killings by state agents and opposition groups was recorded between early August and mid-October when the elections were completed. Civilians were also victims of human rights abuses by armed *naxalite* groups in areas of Andhra Pradesh, Bihar, Madhya Pradesh, Orissa and West Bengal.

Human rights commissions

The NHRC took an independent position in the aftermath of the violence in Gujarat, recommending that the state government take proactive steps to protect the minorities in the state, to ensure that justice was delivered and that relief and rehabilitation were provided to the victims of the violence and their families. However, the NHRC's recommendations were largely ignored by the Gujarat government. Amendments to the Protection of Human Rights Act 1993 – under which the NHRC operates – recommended in 2000 by the NHRC itself, were not considered by the government during the year. As a result, the NHRC was unable to investigate allegations of human rights violations committed by the army or paramilitary forces, or incidents that took place more than a year before the complaint was made. Its recommendations continued not to be binding and were poorly implemented by the governments to which they were addressed. State human rights commissions, existing in 13 of the 28 states, continued to suffer from lack of resources and expertise.

Death penalty

At least 29 people were sentenced to death. The exact numbers of death sentences passed and executions carried out were not known as the government does not release the relevant information. In November the parliament and the central government stated that they favoured the extension of the death penalty to crimes of rape. The majority of women's groups, however, affirmed that a higher conviction rate of rapists, rather than the use of the death penalty, was needed. The enactment of POTA in March extended the use of the death penalty to "terrorist" offences resulting in death. Concerns about the use of the death penalty under POTA were heightened because the Act provides for the possibility of unfair trials and because the necessity of fighting "terrorism" was occasionally taken as a sufficient justification for imposing the death penalty in the absence of solid evidence.

In December 2001 Davinder Pal Singh Bhuller appealed to the Supreme Court against the death sentence he received for "terrorist" offences allegedly committed by him in 1993. The appeal was rejected by two of the three judges, who found Davinder Pal Singh Bhuller guilty on the basis of a confession. The confession, which Davinder Pal Singh Bhuller said was extracted by police under torture, was later retracted and was not corroborated by any other evidence. Unusually, the third judge found the accused innocent. A petition questioning the controversial appeal decision was upheld by a three-judge bench of the Supreme Court in mid-December.

AI country reports/ visits

Reports

- India: Evaluation of the South Asia Human Rights Defenders Project (AI Index: ASA 04/002/2002)
- India: The state must ensure redress for the victims. A memorandum to the Government of Gujarat on its duties in the aftermath of the violence (AI Index: ASA 20/005/2002)
- India: Open letter to Chief Minister Mufti Mohammad Sayeed (AI Index: ASA 20/020/2002)

- India: Open letter to Law Minister Jana Krishnamurthi about the forthcoming trial of Abdul Rehman Geelani and three others (AI Index: ASA 20/011/2002)

Visit

AI delegates visited India in April and met government and other officials as well as human rights groups. Access to the country for a research visit to Gujarat in the aftermath of the massacres was *de facto* denied by the government in July.

INDONESIA

REPUBLIC OF INDONESIA
Head of state and government: Megawati Sukarnoputri
Death penalty: retentionist
International Criminal Court: not signed

In Nanggroe Aceh Darussalam (NAD) and Papua provinces (formerly known as Aceh and Irian Jaya respectively), the human rights situation remained grave, with hundreds of reported cases of extrajudicial execution, "disappearance", torture and unlawful arrest. The government's failure to take decisive action to end human rights violations undermined efforts to resolve the conflicts resulting from long-standing demands for independence. Impunity was reinforced by the failure of trials of the *ad hoc* Human Rights Court on East Timor to satisfactorily resolve serious crimes, including crimes against humanity, committed in 1999 in East Timor (renamed Timor-Leste in 2002). At least nine prisoners of conscience were sentenced to terms of imprisonment and four others were awaiting trial at the end of the year. Human rights defenders suffered human rights violations, including extrajudicial execution, torture and unlawful arrest.

Background

Reform progressed in some areas. Direct presidential elections were introduced and a deadline of 2004 was given to end the much criticized system of reserved parliamentary seats for the military and police. However, reform of the judiciary made little progress and plans to amend the Criminal Code or the Criminal Procedures Code were again not implemented.

A number of high-profile corruption trials during the year did little to restore public confidence in either the judicial system or the political leadership. Akbar Tanjung, leader of Golkar, one of the main political parties, was among those sentenced to terms of imprisonment for corruption. Despite his conviction, he did not relinquish his post as party leader or speaker of parliament.

Security legislation

A Government Regulation on the Elimination of Terrorism was enacted in the aftermath of the bombing of a nightclub in Bali on 12 October which killed close to 200 people. The Regulation introduced the death penalty for some acts characterized as "terrorism". Rights of suspects to fair trial, including the right to presumption of innocence and the right to legal counsel, were not adequately guaranteed. Legislation to replace the Regulation was submitted to parliament but had not been adopted by the end of the year.

Fifteen people were detained in connection with the Bali bombing. A leading Muslim cleric was detained in relation to other bombings in Indonesia in recent years. There were concerns that their trials might not meet international standards for fair trial.

Impunity

Attempts to tackle impunity in human rights cases made little progress as political resistance and legal and institutional weaknesses continued to undermine investigations and trials of those suspected of human rights violations. Four permanent human rights courts provided for under legislation enacted in 2000 had not been established by the end of the year. The courts would have jurisdiction over cases of crimes against humanity and genocide.

Timor-Leste trials

An *ad hoc* human rights court was convened in March to consider cases of crimes against humanity committed in East Timor around the August 1999 vote on independence. Eighteen people were tried in relation to four events. The former provincial Governor of East Timor, Abilio Jose Osorio Soares, the head of the military in Dili, Lieutenant Colonel Sujarwo, and militia leader, Eurico Guterres, were sentenced to three, five and 10 years' imprisonment respectively. Eleven other defendants were acquitted. The trials of the remaining four had not been completed by the end of the year. AI expressed its concern that the prosecutors had failed in their duty under international law to bring effective prosecutions against the accused because they ignored relevant and well-attested evidence, and failed to prove the widespread and systematic nature of crimes committed in East Timor in 1999. Moreover, witnesses and victims were not provided with adequate protection and several witnesses refused to appear because their security could not be guaranteed.

Hundreds of other cases of serious crimes committed in East Timor during 1999 were not investigated. Indonesia also continued in its refusal to cooperate with the investigations and trials being undertaken in Timor-Leste, including by failing to transfer to Timor-Leste Indonesians or individuals living in Indonesia against whom the UN Serious Crimes Unit had issued arrest warrants.

Other unresolved cases

Little progress was made towards bringing perpetrators of other human rights violations to justice and thousands of cases were not investigated. The few that were investigated did not, except in one case, lead to

trials. In three prominent cases where investigations of crimes against humanity had been initiated no one was charged or brought to trial.

In January, nine members of the Police Mobile Brigade (Brimob) were sentenced to between three and six years' imprisonment by a military court in relation to the shooting of four students at Trisakti University in Jakarta in 1998. However, a number of senior military and police officials refused to respond to summons for questioning by a Commission of Inquiry into the extrajudicial execution of the four students and at least 19 others who were killed when the security forces opened fire on demonstrators in Jakarta in 1998 and 1999. The inquiry team reported in April that 49 members of the police and military were involved in the killings. Its recommendation that the Attorney General carry out further investigations had not been acted on by the end of the year.

The Attorney General's office sent an investigation team to Papua in April in response to the conclusions of another Commission of Inquiry which had found evidence of gross human rights violations in Abepura in December 2000, including the killing of three students and the unlawful detention and torture of around 100 others. No one had been charged by the end of the year.

Fourteen people, including the head of the Special Forces Command (Kopassus), were named as suspects for the killing of a large number of people in Tanjung Priok, Jakarta, in 1984 when security forces opened fire on demonstrators. They had not been brought to trial by the end of the year.

Repression of pro-independence movements

Nanggroe Aceh Darussalam

Dialogue between the government and the armed opposition Free Aceh Movement (GAM) resulted in the signing of a cease-fire agreement in December. The agreement was intended as a first step towards ending the conflict, in which over 1,300 people were killed during the year according to estimates by local human rights organizations.

Scores of unlawful detentions by both the police and the military were reported. Torture and ill-treatment of detainees continued to be routine. Victims included individuals suspected of belonging to or sympathizing with GAM, political activists and human rights defenders. In some cases relatives were held in the place of suspected GAM members. Demands for payment to secure the release of detainees were also reported.

GAM was also responsible for serious human rights abuses, including kidnappings and unlawful killings. Justice for these and other human rights violations was not addressed under the cease-fire agreement.

Junaidi, head of the Aceh Besar District branch of the pro-independence Information Centre for a Referendum in Aceh (SIRA), was detained on 8 January by soldiers from the Army Strategic Reserve Command (Kostrad) and subsequently "disappeared". A relative received a telephone call from him saying that he was being detained in the Seulimeum Sub-district area, Aceh Besar District. The military denied holding him.

Hasan Basri, a 50-year-old man from Krueng Sabee Sub-district, West Aceh District, was held in military detention for five months. He was tortured, including by being threatened with death and forced to witness the execution of another prisoner. He was thought to have been detained because the military suspected that two of his children belonged to GAM. Lawyers who tried to gain access to him were threatened with death.

Papua

Efforts to find a peaceful solution to political and other grievances in Papua continued to be undermined by human rights violations by the security forces. Restrictions on freedom of expression severely limited the activities of the civilian independence movement. Trials of three senior members of the leading political independence group of the Papua Presidium Council (PDP) continued. They were acquitted in March of charges relating to their peaceful political activities. Four members of the Jayawijaya District branch of the PDP, who had been sentenced to four years' imprisonment in 2000, remained under town arrest in Wamena. They were prisoners of conscience.

Members of Kopassus were declared suspects of the November 2001 killing of PDP chairman Theys Eluay, and seven were facing charges at the end of the year. Their trials before a military court were scheduled to begin in January 2003.

Human rights violations were committed in the context of mining and logging operations. In August, one Indonesian and two US citizens were killed in an attack close to the PT Freeport Indonesia mine in Mimika District. The military blamed the armed opposition group Free Papua Movement (OPM). However, both the police and local human rights organizations publicly stated that they believed that the Indonesian military was involved in the killings.

Access to Wasior Sub-district, Manokwari District, continued to be restricted following police operations in 2001 against individuals suspected of carrying out two attacks on logging companies. Twenty-seven people arrested during the police operations were sentenced to terms of imprisonment after unfair trials. All but Marthinus Septinus Daisiwa, who was sentenced to seven years' imprisonment, had been released by the end of the year. No investigation was carried out into allegations that the 27 had been tortured and subjected to other human rights violations.

Forty-nine people were arrested in connection with peaceful pro-independence ceremonies in November and December, including 41 people in Manokwari town, Manokwari District. The 41 were initially denied access to lawyers and relatives. Eight remained in detention at the end of the year.

Prisoners of conscience

There was an increase in the use of repressive legislation to arrest and imprison prisoners of conscience. Two people were sentenced to terms of imprisonment and three were charged with "insulting the President" under legislation not used since 1998. Seven others, including labour and independence activists, were sentenced to terms of imprisonment

under different legislation for their peaceful activities. Another political activist, who would be a prisoner of conscience if convicted, was still awaiting trial at the end of the year.

Muzakkir and Nanang Mamija were each sentenced to one year in prison in October for "insulting the President" after defacing a picture of her during a demonstration in Jakarta. Ricky Tamba and Frederik were held for two days in connection with the same demonstration.

Raihana Diany, Coordinator of the Acehnese Democratic Women's Organization (ORPAD), was arrested during a peaceful demonstration against the policies of the government and human rights violations in NAD province in July. She was charged with "insulting the President". Her trial, which started in October, had not been concluded at the end of the year.

Human rights defenders

Access to NAD and Papua provinces for national and international human rights monitors was restricted. Human rights defenders in both provinces continued to be subjected to human rights violations, including extrajudicial execution, torture and unlawful arrest. Many also reported being threatened and harassed when carrying out their work. In NAD, two human rights defenders were extrajudicially executed. At least 23 were detained during the year – 14 of them reported being beaten in detention.

Seven people were each sentenced to a prison term of two months and 10 days for an attack on the Jakarta office of the Commission for Disappearances and Victims of Violence (Kontras) in March. However, most cases remained unresolved, including the unlawful killing of three workers of the Rehabilitation Action for Torture Victims (RATA) in NAD in December 2000, even though the suspects had been identified in 2000.

In March, Nasrullah Ibrahim, Muhammad and Riza Pahlevi of the Association of Human Rights Victim Abuse (SPKP HAM) were held in incommunicado detention by the police for four days before being released without charge. Koes Sofyan, another SPKP HAM member, was detained by members of Kopassus and held for nearly three months before being released without charge. All four were tortured.

Musliadi, head of the West Aceh Student and Youth Action Coalition (Kagempar), was detained by six men in plain clothes at the organization's office in Banda Aceh, the provincial capital of NAD, in November. His body was found floating in a river 70 kilometres outside Banda Aceh four days later. It had bruises on the legs, back and chest and a stab wound at the back of the head. There were concerns that he may have been killed because of his activities against human rights violations in NAD.

Death penalty

Nine people were known to have been sentenced to death, bringing the total number under sentence of death to at least 58. Twenty-five of those on death row had been convicted of drugs-related offences. No executions took place.

Intergovernmental organizations

The UN Special Rapporteurs on the independence of judges and lawyers and on the right to education visited Indonesia in July. A request by the Special Rapporteur on the independence of judges and lawyers to visit NAD was refused.

An invitation to visit Indonesia was extended to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Neither the UN Special Rapporteur on torture nor the UN Special Representative on human rights defenders received responses to their requests to visit Indonesia.

AI country reports/ visits

Reports

- Indonesia: Impunity and human rights violations in Wasior, Papua (AI Index: ASA 21/015/2002)
- Indonesia: Grave human rights violations in Papua (AI Index: ASA 21/032/2002)

Visit

AI delegates visited Indonesia in January, including a short visit to Papua Province.

IRAN

ISLAMIC REPUBLIC OF IRAN
Leader of the Islamic Republic of Iran: Ayatollah Sayed 'Ali Khamenei
President: Hojjatoleslam val Moslemin Sayed Mohammad Khatami
Death penalty: retentionist
International Criminal Court: signed

Scores of political prisoners, including prisoners of conscience, were arrested. Others continued to be held in prolonged detention without trial or were serving prison sentences imposed after unfair trials. Some had no access to lawyers or family. Freedom of expression and association continued to be restricted by the judiciary, and scores of students, journalists and intellectuals were detained. At least 113 people, including long-term political prisoners, were executed, frequently in public and some by stoning, and 84 were flogged, many in public.

Background

Political and social tension intensified during the year, adversely affecting human rights. There was heightened political rivalry between President Khatami's supporters and the large parliamentary majority favouring social reform on the one hand, and those favouring the conservative approach of the Supreme Leader Ayatollah Khamenei, the judiciary and many security officials on the other. Combined with

rising unemployment, such factors added to social discontent, particularly among young people seeking greater social freedom. Weeks of student-led protests in October, which began after Hashem Aghajari was sentenced to death (see below), centred on the lack of freedom of expression.

The judiciary responded to expressions of social and political criticism with mounting curbs on freedom of expression and association, including arbitrary arrests; politically motivated prosecutions of students, writers, academics, members of parliament and prominent advocates of reform; and the arbitrary closure of pro-reform publications. Unfair trials, especially of such people, as well as torture and televised "confessions" continued to be reported. The judiciary used the death penalty and judicial sentences of flogging as a means of punishment in cases relating to freedom of expression.

Iran's report to the UN Security Council's Counter-Terrorism Committee provided a review of security measures already in place; no new measures were added.

The final report of the Special Representative of the UN Commission on Human Rights on the situation in Iran was presented to the Commission in April. In a narrow vote, the Commission ended the Special Representative's mandate. In July the government stated that it would permit thematic rapporteurs to visit Iran.

Attacks on freedom of expression and association

Scores of students, academics and journalists were arbitrarily arrested and many faced politically motivated criminal charges based on defamation or security laws. Trials in this context usually fell short of international fair trial standards and continued to be heard in special courts and frequently behind closed doors, resulting in the imprisonment of people solely on account of their beliefs. Many of the arbitrary arrests of student leaders in January and November were carried out in the manner of abductions, with several students "disappearing" for days. Prisoners of conscience, such as student leader Ali Afshari (see below), faced new charges apparently designed to prolong their imprisonment. Others were released only to be immediately rearrested.

Journalist and researcher Hojjatoleslam Hasan Yousefi Eshkevari, imprisoned in connection with his participation in an academic conference in Berlin, Germany, in April 2000, was unexpectedly released in early August. He was rearrested weeks later without a warrant or any explanation, and subsequently sentenced to a further seven years' imprisonment.

The trial of up to 30 prisoners of conscience, including academics, journalists and intellectuals associated with the *Milli Mazhabi* (national-religious association), notably the Iran Freedom Movement (IFM), recommenced in January. The defendants faced vaguely worded charges including "acts against national security", "conspiring to weaken the religious faith of students" and "seeking to overthrow the state by illegal means". One of the defence lawyers resigned on the grounds that it was impossible for him to represent his clients without access to the case files. Another, Mohammad Ali Dadkhah, was reportedly barred from attending the court and later sentenced to five years' imprisonment and banned from practising law for 10 years in connection with his defence of the case (see below). On 27 July the 30 defendants were sentenced to prison terms of up to 10 years; the dissolution of the IFM was ordered as part of the sentence.

Hashem Aghajari, an academic and member of the pro-reform Mojahedin of the Islamic Revolution (OMIR), was tried in connection with a speech he made in June in the western city of Hamedan. He had called for a reformation of religion, stating that the faithful should not "blindly follow" religious leaders. He was sentenced to death and 74 lashes for vaguely worded offences relating to the defamation of religion and religious leaders. In an exceptional move, the Supreme Leader ordered the judiciary to review the sentence.

Releases

There was a small number of temporary, conditional and other releases of prisoners of conscience. In February prisoner of conscience Abbas Amir Entezam, who was first imprisoned on espionage charges following an unfair trial in 1979, was given medical leave for up to six months. In November former newspaper editor and senior politician Abdollah Nouri was released from prison after serving three years of a five-year prison sentence. In October student activist Manuchehr Mohammadi was given about a week's medical leave following his transfer in July to Qa'emshahr prison, where he was reportedly ill-treated by officials and other detainees. His brother, Akbar Mohammadi, was also given temporary medical leave of about a week in November. Another student, Ahmad Batebi, imprisoned in connection with the student unrest in July 1999, was allowed a month's home leave in August.

Lawyers and human rights defenders at risk

Lawyers, who require authorization from the judiciary to practise law, continued to face judicial harassment. Those known as human rights defenders were particularly targeted. Lawyers were occasionally contacted by judicial representatives and told not to represent certain people or face a summons. Following protests by the Bar Association, in at least one case the summons was rescinded.

In August, six lawyers, including Mohammad Ali Dadkhah and Abdolfattah Soltani, all of whom had defended cases concerning freedom of expression and association, were charged with vaguely worded offences such as "spreading lies" in connection with the carrying out of their professional duties. After trials that violated the laws governing the legal profession, they received sentences that prohibited them from practising law and included prison terms, often suspended. The cases sparked widespread protests, including by the Bar Association. Appeals against the sentences were continuing at the end of the year.

The 'Serial Murders' case

There were developments in the case of the officials allegedly involved in the extrajudicial execution of

three writers and two political activists in 1998 – a case known as the "Serial Murders". In March, five Ministry of Intelligence officials who interrogated the officials accused of the killings were sentenced to prison terms and flogging following the clandestine distribution of a video showing that they had ill-treated the suspects. Their appeal had not been heard by the end of the year.

Nasser Zarafshan, the lawyer for several families of the victims of the "Serial Murders", was detained in connection with comments that he made about the case. He was sentenced following an unfair and closed trial before a military court in March to five years' imprisonment and 50 lashes, and was banned from practising law. An appeal court upheld the verdict on 16 July.

Nasser Zarafshan's successor, in a letter to the Revolutionary Court, requested that former Minister of Intelligence Dorri Najafabadi be questioned in connection with his role in the killings. He had previously been excused from testifying as he was not named in the case files. However, the new video evidence indicated that those interrogated were not permitted to refer to him or his alleged role in the killings.

Legal proposals and the human rights debate

In May parliament passed a bill outlawing the use of torture to obtain confessions or information. The bill was rejected in June by the Guardian Council – the highest legislative body that examines laws to ensure that they are in keeping with Islamic tenets and the Iranian Constitution – on several grounds, including that it did not clearly define torture. In December an amended version was presented to the Guardian Council. Also in December parliament passed a law defining political crimes; the Guardian Council had rejected an earlier draft in 2001.

Two bills introduced in the latter half of the year increased political tension. In late September a bill aimed ostensibly at ensuring that the President can fulfil the office's constitutional duties – notably by being able to overturn court decisions seen as unconstitutional – was introduced and was later passed by parliament. In October a bill was passed amending the qualifying criteria for candidates for parliamentary elections. This proposed, among other things, that the role of approving candidates be removed from the Guardian Council. The bills had not been ratified by the Guardian Council by the end of the year.

Parliament's Article 90 Commission, constitutionally charged with investigating citizens' complaints, remained the main avenue for raising cases of human rights violations and issued several reports. Some of its members also formed a Human Rights Committee within the Commission and sought to promote human rights standards.

In December the European Union (EU)-Iran "Human Rights Dialogue" began. Delegates proposed by AI and Human Rights Watch, an international human rights organization, were denied entry.

Torture and ill-treatment

Torture and ill-treatment, including of prisoners of conscience, continued to be used, usually in cases where judicial or security officials denied detainees access to lawyers and relatives.

Siamak Pourzand, aged 72, was sentenced to 11 years' imprisonment in April following an unfair trial. He had reportedly admitted to a range of accusations, including "having links with monarchists and counter-revolutionaries" and "creating disillusionment among young people". Also in April he made a televised "confession". The same month he reportedly suffered a heart attack and may have been denied effective medical treatment. AI feared that he was coerced into not lodging an appeal against the sentence, which was upheld in early July. He continued to be held in a secret location until his temporary release in December.

Ali Afshari, a student leader, told reporters in February, during temporary leave from prison, that he had been forced by Revolutionary Guards to make a false confession. The "confession" had been broadcast on state television in May 2001 while he was being interrogated at a military detention centre, where he was held for almost a year in solitary confinement. In an open letter to the Supreme Leader in August, he described the circumstances of his arrest, detention, interrogation and forced televised confession and asked the Supreme Leader to take action against official bodies responsible for his ill-treatment. Although serving a one-year sentence in connection with his participation at the Berlin conference in April 2000, he faced new charges based on alleged defamation and security violations. He was subsequently sentenced to a further year's imprisonment.

Death penalty and cruel, inhuman and degrading judicial punishments

The death penalty and cruel, inhuman and degrading punishments were used against people charged for trying to exercise their rights to freedom of expression and association. At least 113 people, including six women, were executed, many in public. At least two people were reportedly executed by stoning and at least one execution was broadcast on television. As in previous years, there was a surge in public executions and floggings between July and September. At least 84 people were flogged. The true numbers of executions and floggings may have been considerably higher. Political organizations, for example, reported that 450 people were executed in 2002.

In April, Ali Firouzi, convicted of murder, was pardoned by the victim's parents minutes before his scheduled execution in Qom, central Iran. The parents reportedly changed their minds shortly afterwards and he was executed 90 minutes later.

Five men, reportedly members of a gang known as the Black Vultures, who had been convicted of numerous offences, were hanged simultaneously at two public locations in Tehran on 30 September. The executions caused renewed debate about the use of the death penalty.

Hoseyn Mojahed and Mojtaba Heydari, pro-reform activists who were tried prior to Hashem Aghajari (see above), were sentenced in September to prison terms and 74 lashes.

IRAQ

REPUBLIC OF IRAQ
Head of state and government: Saddam Hussain
Death penalty: retentionist
International Criminal Court: not signed

Scores of people, including possible prisoners of conscience, were executed. A general amnesty for prisoners was announced, but the fate of tens of thousands of people who "disappeared" in previous years remained unknown. Non-Arabs, mostly Kurds, in the Kirkuk region continued to be forcibly expelled to Iraqi Kurdistan. Relatives of opposition activists continued to receive threats.

Background

The threat of US military intervention against Iraq increased considerably towards the end of the year. In January US President George W. Bush labelled Iraq as part of an "axis of evil" and during the year he called for a "regime change" in Iraq. The US government accused Iraq of possessing weapons of mass destruction, in breach of UN Security Council resolutions, which would constitute a "threat to US security". In a speech to the UN General Assembly in September the US President urged the UN to ensure Iraq's compliance with all UN resolutions and threatened to take military action against Iraq if the UN failed.

In November, after two months of negotiations, the UN Security Council adopted Resolution 1441. This demanded that Iraq abolished its weapons of mass destruction and gave weapons inspectors from the UN Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency sweeping powers, including "immediate and unimpeded access" to any Iraqi site. The resolution gave Iraq a week to accept it and a month to make an accurate, full and complete declaration of its programs to develop chemical, biological and nuclear weapons, and ballistic missiles. It threatened Iraq with "serious consequences" if it did not take advantage of "a final opportunity" to cooperate and disarm.

Iraq accepted the resolution and at the end of November the UN inspectors began work. In December Iraq submitted its declaration to the UN Security Council. The chairman of UNMOVIC, Hans Blix, stated that there were "gaps" in the declaration and the US government said that the declaration was not complete and Iraq was in "material breach" of its obligations.

Iraq remained under economic sanctions, imposed by the UN since 1990. In May the UN Security Council passed Resolution 1409, which allowed Iraq to import goods without prior agreement from the UN Sanctions Committee. The Security Council also adopted a list of goods that could have military or dual use which would need approval by the UN Sanctions Committee. The "oil-for-food" program was renewed for six months after Iraq accepted Resolution 1409, and for a further six months in December.

Civilian deaths resulting from increased air strikes by US and United Kingdom (UK) forces against Iraqi targets inside the "air exclusion zones" were reported during the year. The Iraqi government said that four civilians were killed when US and UK aircraft attacked Iraqi targets in the Mosul area in the north in February. In July the government stated that five people, including a family of four, were killed when US planes bombed an area in al-Diwaniya in the south.

In February the UN Special Rapporteur on Iraq visited the country – the first time the government had agreed to a visit by the Special Rapporteur since 1992. The Special Rapporteur raised long-standing human rights concerns in his talks with senior government officials, visited two prisons and met other people, including religious leaders and judges. In April the UN Commission on Human Rights adopted a resolution accusing the Iraqi government of "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror". The Commission extended for a further year the mandate of the UN Special Rapporteur.

In October President Saddam Hussain was re-elected for a further seven-year term after winning a reported 100 per cent of the votes in a presidential referendum. He was the only candidate.

General amnesty

In October the Revolutionary Command Council, Iraq's highest executive body, issued Decree No. 25, signed by President Saddam Hussain, purportedly ordering the release of all prisoners. The amnesty included "prisoners, detainees and fugitives jailed for political reasons and all other ordinary reasons, including [those] sentenced to death... inside or outside Iraq". However, it excluded Arabs condemned or accused of spying for Israel and the USA. The names of those who benefited from the amnesty were not published by the authorities and most of those released had reportedly been charged with offences such as drug smuggling, possession of weapons, collaboration with Iran, corruption and bribery. The releases were made conditional in November when a new decree was issued stating that those released would not be pardoned if they committed fresh offences.

Hundreds of Iraqis living abroad, including opposition activists, were said to have returned to the country following the amnesty. The fate of the tens of

thousands of people who "disappeared" in the 1980s and in 1991, including foreign nationals, remained unknown.

Death penalty

The death penalty continued to be applied extensively. Scores of people, including possible prisoners of conscience, were executed during the year. The victims included suspected members or sympathizers of political and religious opposition groups, and army officers suspected of having contacts with the opposition abroad. In many cases it was impossible to determine whether the executions were judicial or extrajudicial, given the secrecy surrounding them.

In March, five people were executed in the General Security Directorate in Baghdad, reportedly for murdering a Ba'ath Party official and a policeman in the village of al-Wahabi near al-Kufa. Hussain al-Sayyid Hammadi al-Buhadma, Kamil al-Sayyid Muhsin 'Abbas al-Buhadma, Hamza 'Uwayd Jouida 'Idan, Qassem al-Sayyid Jaber Hamza and 'Inad al-Sayyid 'Abbas Hamza had been arrested in December 2001. Their families were reportedly denied proper funeral ceremonies. It was not known if the five had been tried.

Three army officers, including Mohammad Abdallah Shahin and Mohammad Najib, were reportedly executed in Mosul in March for their alleged criticism of the Iraqi President.

In July, five people from Basra were executed in Abu Ghraib Prison. Fadhel Mrawwadh 'Inaya al-Hamdani, Salah Jabr al-Hamdani, Falah Jabr al-Hamdani, Jassem Ahmad al-Hamdani and 'Ali Jawwad al-Haydari had been arrested at the end of 2001 and were reportedly accused of membership of illegal Shi'a Muslim opposition groups.

Forcible expulsions of non-Arabs

Non-Arabs in the Kirkuk region, mainly Kurds but also Turkmen and Assyrians, continued to be expelled to Iraqi Kurdistan. A few were expelled to southern Iraq. Thousands have been deported in recent years because of their ethnic origin and Kirkuk's strategic location and oil resources. The authorities encouraged Arabs from the centre and south to move to Kirkuk.

In July, Akbar 'Omar, Sa'di Ali Karimand, Haji Mohammad Khosro and their families were expelled to Iraqi Kurdistan from the Shorja district in Kirkuk.

In September, Maid 'Abd al-Hammed, Basin Thai, Nazim Shu'at, Ashy Ahmad and their families were expelled from Kirkuk to Iraqi Kurdistan. The same month Omar Unman Hassan, Baqi Fathallah, Najat Abdallah Hassan and their families were expelled from Makhmur town to Iraqi Kurdistan, and 'Abd al-Rahman 'Abd al-Hamid Shafiq, Jangi 'Abd al-Hamid Shafiq, Yussef Jalal Rahman, Mohammad Hama 'Ali, Hussain 'Omar and their families were expelled from the town of Tuz Khurmatu to southern Iraq.

Threats against families of opposition activists

Relatives of some Iraqi opposition figures living in exile were forced by the security services to appear on Iraqi satellite television to denounce their relatives abroad. The apparent aim was to silence those active in the opposition.

In January the mother, two sisters and brother of Fa'iq al-Shaikh 'Ali, an Iraqi journalist living in London, UK, were interviewed on Iraqi television in their home in the city of al-Jaf, south of Baghdad. Each family member denounced Fa'iq 'Ali in turn and asked him to stop his political activities. Before the interviews, the family members had been arrested and held for a few days. The arrests came after Fa'iq 'Ali criticized Iraqi government policies in a debate on *al-Jazeera*, the satellite television station.

In October the brothers of al-Shaikh Hajem Hazzara, an opposition activist based in Jordan and a member of the Tribes' Alliance, a political association founded in exile, were summoned for interrogation at the headquarters of the General Intelligence. They were reportedly threatened with physical elimination if their brother continued his anti-government activities. Relatives of other members of the Tribes' Alliance reportedly received similar threats.

Iraqi Kurdistan

In the provinces in northern Iraq, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) announced in September the start of a reunification process and agreed to move forward with the implementation of the 1998 Peace Agreement signed in Washington, USA. The leaders of the two groups met several times. Normalization moves agreed included the reopening of the offices of each party in the areas controlled by the other, the restoration of property seized in fighting during the mid-1990s, the facilitation of movement across their respective areas, and the release of detainees still held since the civil war (1993-97). In October the Kurdish regional parliament met for the first time in six years and in November it announced that it had set up a committee to prepare for legislative elections that would be held by July 2003.

Sporadic fighting between the PUK security forces and members of the armed Islamic group, *Ansar al-Islam*, continued during the year. *Ansar al-Islam*, a merger between two armed groups – *Jund al-Islam* and a splinter group from the Islamic Unity Movement – was said to be behind a number of bomb attacks targeting PUK government officials and buildings.

In August the PUK and KDP authorities introduced legislation which made "honour killings" punishable by a maximum penalty of death.

Political arrests

Mohammad Ahmad Mahmoud al-Zahawi, a former member of the Kurdistan Human Rights Organization, was arrested in April in Kalar in the area controlled by the PUK on suspicion of spying for a foreign country. His family did not know his whereabouts until mid-June, when they were told he was being detained in Sulaimaniya by *Dezgay Zanyari*, the PUK's security and intelligence service. He was released in September. It was not known if he was charged or tried.

In September, Burhan Qani, the editor-in-chief of *Ray Gishti* newspaper, and 'Imad Shekhani, a writer,

were arrested in the area controlled by the KDP. They were reportedly still held at the end of the year. The reasons for their arrest and continued detention were not known.

AI action

In September AI urged all members of the UN Security Council to ensure that every effort was made to resolve the Iraq crisis through peaceful means.

IRELAND

IRELAND
Head of state: Mary McAleese
Head of government: Bertie Ahern
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

There was continued concern about the treatment of asylum-seekers and about allegations of misconduct by police.

Background

The government persisted in its failure to incorporate the European Convention on Human Rights into domestic law. It also failed to introduce legislation to monitor transfers of military, security and police equipment from Ireland to other countries.

In May, Ireland ratified Protocol No. 13 to the European Convention on Human Rights, concerning the abolition of the death penalty in all circumstances.

In June the UN Committee on Economic, Social and Cultural Rights expressed concern that discrimination against people with physical and mental disabilities persisted.

At the end of 2002, draft "anti-terrorist" legislation, introduced in response to the 11 September 2001 attacks in the USA, was pending in parliament.

By the end of the year, the Human Rights Commission had not yet become fully operational.

Racism

Concern remained about racist violence and harassment of ethnic minorities and about the inadequacy of legislation in this area. Calls increased for an independent monitoring body to investigate and monitor racism and discrimination.

Asylum-seekers and refugees

For the first time, asylum-seekers were detained during 2002 under the Refugee Act 1996. The Garda Síochána (police force) detained large numbers of rejected asylum-seekers in July and the government announced plans to increase forcible deportations.

In May the Immigration Bill 2002, which included provisions to penalize carriers who allowed asylum-seekers to enter the country, lapsed because of the general election. The Bill was reintroduced to parliament in December, with further restrictive asylum measures.

Policing

In March a Tribunal of Inquiry was established to investigate complaints concerning members of the Donegal Division of the Garda Síochána. In December AI called for full legal aid to be granted to the McBrearty family, whose allegations of police misconduct were central to the Tribunal's investigation. AI also called for the Tribunal to examine the role of all the authorities who might have played a part in relation to the alleged failures to address the complaints.

In May, Garda officers reportedly used excessive force during a "Reclaim the Streets" demonstration in Dublin. In November the Garda Complaints Board stated that members of the Garda had failed to cooperate with its investigation of the policing of the demonstration. It was announced that seven Garda officers had been confined to desk duties and would be charged with assault.

Further allegations that the Garda had prior knowledge of the 1998 Omagh bombing emerged after the publication of a report by the Police Ombudsman for Northern Ireland. The authorities established an internal inquiry in May.

In October the government announced that it would introduce legislation in 2003 to establish an inspectorate to investigate complaints against members of the Garda.

The investigation into the death of John Carthy, who was shot dead in April 2000 by the police Emergency Response Unit, entered a new phase in July when judge Robert Barr was appointed as the sole member of a Tribunal of Inquiry.

Prisons

Concern continued to be expressed about the treatment in prison of people with mental illness. In November AI expressed disappointment at the government's refusal to allow researchers from a joint AI-Irish Penal Reform Trust project to visit several named Irish prisons to investigate the issue of racism in Irish detention establishments.

Dublin/Monaghan bombings

The Independent Commission of Inquiry into the 1974 bombings in Dublin and Monaghan reportedly continued to experience difficulty in obtaining the cooperation of the United Kingdom government. The remit of the inquiry was extended to probe the 1976 sectarian killing of Seamus Ludlow, a Catholic man killed by loyalist paramilitaries with the alleged collusion of the British Army's Ulster Defence Regiment.

ISRAEL AND THE OCCUPIED TERRITORIES

STATE OF ISRAEL
Head of state: Moshe Katzav
Head of government: Ariel Sharon
Death penalty: abolitionist for ordinary crimes
International Criminal Court: nullified signature

At least 1,000 Palestinians were killed by the Israeli army, most of them unlawfully. They included some 150 children and at least 35 individuals killed in targeted assassinations. Palestinian armed groups killed more than 420 Israelis, at least 265 of them civilians and including 47 children, and some 20 foreign nationals, in targeted or indiscriminate attacks. Prolonged closures and curfews were imposed throughout the Occupied Territories and more than 2,000 homes were destroyed. Thousands of Palestinians were arrested. Most were released without charge, but more than 3,000 remained in military jails. More than 1,900 were held in administrative detention without charge or trial, and some 5,000 were charged with security offences, including involvement in attacks against Israelis. More than 3,800 were tried before military courts in trials that did not meet international standards. Ill-treatment of Palestinian detainees was widespread. Israeli soldiers used Palestinians as "human shields" during military operations. Certain abuses committed by the Israeli army constituted war crimes. These included unlawful killings, obstruction of medical assistance and targeting of medical personnel, extensive and wanton destruction of property, torture and cruel and inhuman treatment, unlawful confinement and the use of "human shields". The deliberate targeting of civilians by Palestinian armed groups constituted crimes against humanity. At least 158 Israeli conscientious objectors and reservists who refused to serve in the Occupied Territories were imprisoned. Several Israeli soldiers and settlers were arrested on charges of selling weapons and munitions to armed Palestinian groups, and four Israeli settlers were arrested and charged with attempting to bomb a Palestinian school.

Background

In November the Labour Party withdrew from the government coalition headed by Prime Minister Ariel Sharon. Labour leader and Minister of Defence, Benyamin Ben Eliezer, resigned and was replaced by Shaul Mofaz, former Israeli Defence Forces (IDF) Chief of Staff. Israeli colonies, known as settlements, in the Occupied Territories continued to be expanded and new ones were established. Israel pursued its policy of seizing Palestinian land to expand the infrastructure for settlements.

IDF operations in the Occupied Territories

The Palestinian uprising, known as the *al-Aqsa intifada*, continued throughout 2002. Israeli army incursions in areas under the jurisdiction of the Palestinian Authority (PA) intensified at the beginning of the year. From March, following a series of attacks on Israeli civilians by Palestinian armed groups, the IDF launched a series of major offensives against refugee camps and most towns throughout the West Bank. Operation "Defensive Shield" began on 29 March with an attack on the headquarters of Yasser 'Arafat, President of the PA, in Ramallah. The IDF then entered Bethlehem, Tulkarem, Qalqiliya, Jenin and Nablus, declaring them "closed military areas", barring access to the outside world, cutting water and electricity supplies in most areas, and imposing strict curfews on residents. Access by international non-governmental organizations (NGOs) and media to these areas was often denied and a UN fact-finding team was refused permission to visit the country. In the course of this and other operations, the IDF destroyed more than 2,000 Palestinian homes, scores of public buildings and destroyed or damaged water and electricity infrastructure. Soldiers also damaged and ransacked hundreds of other houses as well as public and private buildings, including the offices of non-governmental organizations.

The IDF continued to demolish houses and destroy agricultural land and industrial installations throughout the Gaza Strip, especially in areas close to Jewish settlements, settlers' roads and borders. The army also resumed the practice of blowing up houses of relatives of people known or suspected of involvement in attacks against Israelis. The destruction of Palestinian homes left thousands homeless, most of them children. The construction of the initial phase of a barrier around some West Bank cities resulted in the destruction of vast areas of Palestinian agricultural land. Other collective punishment in the form of closures and curfews was imposed throughout the Occupied Territories on an unprecedented scale.

The IDF routinely used F16 fighter jets, helicopter gunships and tanks to bomb and shell Palestinian residential areas in response to gunfire or mortar attacks by Palestinians or in reprisal for suicide bombings and other attacks by Palestinian armed groups in Israeli cities and against Israeli settlements in the Occupied Territories.

Israeli soldiers often used Palestinians as "human shields" during military operations, forcing them to carry out tasks that endangered their lives, including entering houses to make the inhabitants leave, searching houses for explosives, removing potentially dangerous objects, and providing cover for them when they shot at other Palestinians. At least one Palestinian was killed while being used as a "human shield" by the IDF.

Impunity for IDF members remained a key problem. Some soldiers were tried for stealing Palestinian property, two were sentenced to 28 days'

imprisonment for using a Palestinian as a "human shield", and one was sentenced to 65 days' imprisonment for killing a 95-year-old Palestinian woman. According to the IDF, since the beginning of the *intifada* 127 military police investigations were initiated against IDF members, resulting in 12 indictments, eight of which resulted in convictions. However, in the overwhelming majority of the thousands of cases of unlawful killings and other grave human rights violations committed by Israeli soldiers since the beginning of the *intifada*, no independent and impartial investigation was known to have been carried out. This was despite a government commitment in October to investigate all killings of children.

Killings by the Israeli army

Hundreds of unarmed Palestinians, including more than 100 children, were killed by the Israeli army in random and reckless shooting, shelling and bombings or as a result of excessive use of force, including in enforcement of curfews. Hundreds of others were killed in armed clashes with the Israeli army and at least 35 were killed in targeted assassinations, which often also resulted in the deaths of uninvolved bystanders. Some Palestinians were killed when the IDF demolished their homes on top of them.

🗀 Ahmad Ghazawi, aged six, and his 12-year-old brother Jamil were killed on 21 June by a tank shell fired by the IDF in a residential area on the edge of Jenin city. Their 11-year-old brother Tareq and a neighbour, Samer al-Ahmad, were seriously wounded in the same incident, which was caught on video by a neighbour.

🗀 During the night of 22 July, the IDF dropped a one-ton bomb from an F16 fighter jet on a densely populated neighbourhood of Gaza City, killing *Hamas* activist Salah Shehada, the target of the IDF attack. Seven other adults and nine children were also killed, and more than 70 injured. The IDF accused Salah Shehada of having organized attacks against Israelis. Six nearby houses were also destroyed in the attack. The following day Prime Minister Ariel Sharon called the attack "one of the most successful operations".

🗀 Baha al-Bahesh, aged 13, was killed by a single bullet fired from an IDF armoured personnel carrier on 22 September in Nablus while standing with four international aid workers from the International Solidarity Movement.

🗀 Nine-year-old Shaima' 'Abu Shammala was killed on 17 October in her home in front of her parents and siblings by a shell fired by the IDF into a densely populated refugee camp in Rafah, in the Gaza Strip. In the same incident five other residents were killed, including a 15-year-old boy and a 70-year-old woman.

🗀 Iain Hook, a United Kingdom national working with the UN Relief and Works Agency (UNRWA), was shot by IDF troops while inside the UNRWA compound in Jenin refugee camp on 22 November. The ambulance was delayed by the IDF and he died shortly afterwards. On the same day Cahoime Butterly, an Irish aid worker, was injured by a shot fired by an IDF armoured personnel carrier inside Jenin refugee camp.

Killings by Palestinian armed groups

Palestinian armed groups killed at least 265 Israeli civilians, including 47 children, and some 20 foreign nationals. Of these, some 180 were killed in suicide bombings, often in crowded areas such as cafés, and in other attacks inside Israel. More than 80 were killed in shootings and other attacks in the Occupied Territories. Also killed were over 150 soldiers, more than 100 of them in the Occupied Territories and 47 inside Israel.

🗀 Pinhas Tokatli, aged 81, was killed and more than 100 people were injured on 27 January, when Wafa Idris blew herself up in Jaffa Street in Jerusalem. Wafa Idris was the first female Palestinian suicide bomber. Al-Aqsa Martyrs Brigades (an offshoot of *Fatah*) claimed responsibility.

🗀 Five-year-old Danielle Shefi was killed on 27 April by three armed Palestinians in Adora, an Israeli settlement in the Occupied Territories. She was shot dead and her mother and two brothers, aged two and four, were injured. Elsewhere in the settlement, the gunmen killed three adults. The Izz al-Din al-Qassam Brigades, the military wing of *Hamas*, claimed responsibility for what it described as an "heroic and daring operation".

🗀 Levina Shapira, aged 53, and David Ladovski, aged 29, were among seven people killed on 31 July when a bomb exploded in a cafeteria at an international students' centre in Jerusalem's Hebrew University. More than 70 people were injured. The Izz al-Din al-Qassam Brigades claimed responsibility.

🗀 Eleven people were killed and 47 injured on 21 November when a Palestinian blew himself up on a bus in the Kiryat Menachem district of Jerusalem. Hadassah Ben David, aged 13, and Michael Sharshevsky, aged 16, were among those killed. Both *Hamas* and Islamic *Jihad* claimed responsibility.

Attacks on Palestinians by Israeli settlers in the Occupied Territories

Israeli settlers repeatedly attacked Palestinians and destroyed their property in the Occupied Territories. In October during the olive harvest, Israeli settlers frequently attacked Palestinian villagers, preventing them from picking their olives and burning and destroying olive trees and other property. Several of the attacks occurred around Nablus. In the village of Yanun, all the Palestinian residents were forced to flee the village because of repeated attacks by Israeli settlers. The villagers later returned home under the protection of international and Israeli peace activists. In most cases the IDF did not intervene to protect the Palestinians under attack and often declared the areas closed to Palestinian farmers. In August, six Israeli settlers were arrested as they placed a bomb outside a girls' school in East Jerusalem. Their trial started in September but was not concluded by the end of the year.

🗀 Nivin Jamjun, aged 14, was shot dead on 28 June in Hebron by Israeli settlers who destroyed and vandalized Palestinian houses and property.

Closures and curfews

The IDF imposed closures and curfews on an unprecedented level throughout the Occupied

Territories. Most Palestinian towns and villages were cut off from one another and from surrounding areas for most of the year, and prolonged curfews were imposed on the major population centres. From the beginning of August, Nablus, home to around 120,000 Palestinians, was under strict 24-hour curfew for 106 consecutive days. These sweeping measures of collective punishment affected millions of Palestinians, whose access to work, school and medical care was denied or severely restricted for most of the year. AI delegates were denied access to towns in the West Bank and Gaza Strip by Israeli soldiers at checkpoints on several occasions, as were other international aid workers, medical personnel and journalists.

Destruction of homes, agricultural land and other property

The Israeli army destroyed more than 2,000 Palestinian homes and vast areas of agricultural land, where tens of thousands of trees were uprooted. The IDF usually destroyed houses without giving prior warning to the inhabitants, who were not allowed to salvage any of their belongings.

Hundreds of homes were destroyed during military operations. In April, after the armed confrontation between the IDF and armed Palestinians had ended, the IDF destroyed an entire quarter in Jenin refugee camp, leaving about 800 families homeless.

In Nablus on 6 April the IDF bulldozed a house on top of 10 members of the al-Shu'bi family. Eight of them were killed, including three children, their pregnant mother and 85-year-old grandfather. Two other elderly relatives were found alive under the rubble a week later.

Hundreds of homes and large areas of cultivated land were destroyed by the IDF in the Gaza Strip in areas near Israeli settlements, along settlers' roads and along the borders with Egypt and Israel.

On 10 January the IDF destroyed some 60 houses in Rafah refugee camp, leaving about 500 people homeless.

The IDF destroyed around 100 homes of relatives of people known to have been or suspected of involvement in attacks against Israelis. This practice had been used by the IDF in previous decades but had been discontinued in 1993. In most cases the IDF blew up the houses, destroying or seriously damaging nearby houses and in some cases injuring residents.

In the second half of the year, large areas of agricultural land were destroyed by the IDF around Qalqiliya, Tulkarem and Jenin to make way for a barrier being built to stop Palestinians from the West Bank from entering Israel. The barrier was being built to the East of the Green Line (the border with Israel), inside the West Bank, cutting off local farmers from much of their land, which is their main or sole means of subsistence.

Mass arrests, detention and torture or ill-treatment of Palestinians

The IDF arrested thousands of Palestinians, including hundreds of minors, throughout the Occupied Territories. Most were released without charge and many without having been questioned. Ill-treatment was widespread during arrest and interrogation, and there were numerous reports of torture in detention. Detainees reported various forms of torture and ill-treatment, including beatings, being handcuffed and tied in uncomfortable positions for prolonged periods, threats to the detainee and their relatives, and sleep deprivation. At least one detainee died in custody after he was beaten.

More than 1,900 of those arrested were held in administrative detention for up to one year. They were not charged with any offence and were held on the basis of "secret evidence", which neither they nor their lawyers were allowed to see or to challenge in court. Around 1,000 other people who were arrested were charged with involvement in attacks against Israelis and more than 3,800 were tried by military courts in trials that fell short of international fair trial standards.

Most Palestinian detainees were not allowed to receive visits from their relatives, even when, according to the International Committee of the Red Cross, the relatives fulfilled the necessary security requirements.

Conscientious objectors

At least 158 Jewish Israelis who refused to perform military service or to serve in the Occupied Territories were sentenced to terms of imprisonment of up to six months. They were prisoners of conscience.

Forcible transfer

On 4 September Intisar and Kifah 'Ajuri were forcibly transferred from their home town of Nablus to the Gaza Strip on the grounds that they had allegedly assisted their brother, who was assassinated by the IDF on 6 August, to commit attacks against Israelis. The two had been in detention since 4 June and 18 July respectively, but were never charged and no proceedings were initiated to bring them to trial.

United Nations

In April a UN delegation headed by the UN High Commissioner for Human Rights was unable to travel to the Occupied Territories because of lack of cooperation by the Israeli government. After initially agreeing to a visit by a UN fact-finding team, pursuant to UN Security Council Resolution 1405 of 19 April, the Israeli government refused access to the team, which was disbanded by the UN Secretary-General on 3 May.

In August the Israeli government informed the UN Secretary-General of the nullification of its signature of the Rome Statute of the International Criminal Court.

In October the UN Committee on the Rights of the Child recommended that Israel refrain from targeting children and noted: "[T]he illegal occupation of Palestinian territory, the bombing of civilian areas, extra-judicial killings, the disproportionate use of force by the Israeli Defence Forces, the demolition of homes, the destruction of infrastructure, mobility restrictions, and the daily humiliation of Palestinians continues to contribute to the cycle of violence".

AI country reports/visits

Reports

- Israel/Occupied Territories: The heavy price of Israeli incursions (AI Index: MDE 15/042/2002)
- Israel/Occupied Territories: Mass detention in cruel, inhuman and degrading conditions (AI Index: MDE 15/074/2002)
- Israel/Occupied Territories/Palestinian Authority: Without distinction – attacks on civilians by Palestinian armed groups (AI Index: MDE 02/003/2002)
- Israel/Occupied Territories/Palestinian Authority: Killing the Future – children in the line of fire (AI Index: MDE 02/005/2002)
- Israel/Occupied Territories: Shielded from scrutiny – IDF violations in Jenin and Nablus (AI Index: MDE 15/143/2002)

Visits

AI delegations visited Israel and the Occupied Territories in January, March, April, May, June, July, August, October and November. AI's Secretary General visited the area in April/May. AI delegates met Israeli government authorities and IDF officials on several occasions and raised the organization's concerns and requested clarification on dozens of cases. Replies were received on two of these cases, both concerning detainees.

ITALY

ITALIAN REPUBLIC
Head of state: Carlo Azeglio Ciampi
Head of government: Silvio Berlusconi
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

Reports of excessive use of force and ill-treatment, sometimes amounting to torture, by law enforcement and prison officers persisted, together with reports of detainee and prisoner deaths in disputed circumstances. The functioning of the criminal justice system was the subject of renewed criticism by both domestic and intergovernmental bodies. One of three men convicted in 1995 of participating in a politically motivated murder in 1972, following criminal proceedings of questionable fairness, remained in prison, serving a 22-year sentence and awaiting the outcome of a petition lodged with the European Commission of Human Rights. Organizations campaigning for refugees' human rights voiced concern at the continued lack of a comprehensive law on asylum and the adoption of a new law, relating mainly to immigration but containing some provisions concerning asylum, which impeded the effective exercise of the right to asylum under international refugee and human rights law and increased the risk of the *refoulement* (forcible repatriation) of people at risk of serious human rights violations. An armed political group, the Red Brigades for the Construction of a Fighting Communist Party (BR-PCC) claimed responsibility for the fatal shooting in March of a senior economics adviser to the government.

Background

In January, following nationwide protests by magistrates, the Special Rapporteur on the independence of judges and lawyers of the UN Commission on Human Rights expressed concern about the growing confrontation between the government and the judiciary which he said could undermine the rule of law. He visited Italy in March and November in order to study the causes of, and assist in finding a solution to, the confrontation.

In preliminary reports and statements issued following his visits, the Special Rapporteur stated that he was satisfied that judges and prosecutors had "reasonable cause" to feel their independence threatened. Following his March visit he called on politicians involved in high-profile trials concerning charges of corruption and false accounting, including Prime Minister Silvio Berlusconi, to respect the principles of due process and not to use their positions to delay the proceedings unduly. He also recommended the establishment of a coordinating committee representing all segments of the administration of justice to address reform of the justice system in a "holistic and comprehensive way". During his November visit he found that "[m]utual suspicion and mistrust resulting in tension between the magistrates and Government" continued. He said that "[t]he root causes appear to be the cumbersome legal system and its procedures leading to abuses and the high profile trials of prominent politicians who are seen taking advantage of the weaknesses in the system and where necessary using the Parliamentary process". He also concluded, among other things, that there had "not been much progress in the reform of the justice system" and pointed out that the Committee of Ministers of the Council of Europe was also concerned over the excessive length of judicial proceedings in Italy and was monitoring the efficiency of the criminal justice system.

In its Second Report on Italy, issued in April, the European Commission against Racism and Intolerance (ECRI) recognized that the country had taken a number of steps towards combating such problems in recent years, but noted that they persisted and were reflected in prejudice, discrimination and acts of violence. It stressed that "the use of racially inflammatory and xenophobic propaganda by certain politicians" had played a role in the development of this situation and merited urgent attention. The Italian authorities observed in response that "[n]o Italian political party in its program or behaviour draws inspiration from racial and xenophobic intolerance".

Ill-treatment and excessive force by law enforcement officers

Numerous criminal proceedings were opened or continued into allegations of ill-treatment and excessive use of force by law enforcement officers, as well as into shootings, sometimes fatal, in disputed circumstances.

ECRI expressed concern at reports that some law enforcement officers were involved in "discriminatory checks, insulting and abusive speech, ill-treatment and violence, including in some cases undue use of firearms", and that certain groups of people, "including Roma/Gypsies, foreigners and Italian citizens of immigrant background" were "particularly likely to become victims of this behaviour". ECRI noted reports that most such incidents did not result in a criminal complaint being filed by the victim, that there was "little investigation" of such cases and little transparency regarding the results of police investigations and that counter-charges were "frequently brought or threatened against those indicating their intention of lodging a complaint of ill-treatment". It stressed the "urgent need" for an improved response to complaints of police misconduct against members of minority groups and recommended, among other things, the establishment of an independent commission to investigate all allegations of human rights violations by the police.

Updates

Among the criminal investigations under way were those into human rights violations committed during the policing operations surrounding mass demonstrations during the Third Global Forum in Naples in March 2001 and the G8 Summit in Genoa in July 2001.

🗁 Scores of Naples police officers were under investigation. In April the judge of preliminary investigation endorsed the public prosecutor's request for eight police officers to be detained. Among other things, they were accused of illegally and indiscriminately transferring scores of individuals from local hospitals, where many had gone for urgent treatment to injuries incurred during the demonstrations, to a detention facility; preventing the detainees from communicating with relatives and lawyers; subjecting them to illegal and humiliating body searches, physical assault, including with batons, intimidation, threats and other ill-treatment; damaging detainees' property and illegally confiscating photographic film, cameras, video cameras, mobile phones and other objects with the aim of covering up alleged crimes committed by law enforcement officers. The review section of Naples Tribunal annulled the detention order in May. However, the Tribunal emphasized that, although it had found insufficient evidence to support a charge of abduction, there was consistent evidence of crimes of coercion and bodily harm and that there was "no doubt" that there had been "violent and oppressive" police conduct "in clear violation of legal provisions" particularly in the detention facility and that what had occurred had been "abnormal and absolutely unjustifiable".

🗁 The numerous G8-related criminal inquiries being conducted by the Genoa public prosecutor's office included an inquiry into the fatal shooting of a demonstrator, Carlo Giuliani. The *carabiniere* who fired the shot, from a *carabinieri* vehicle under attack by demonstrators, was under investigation in connection with a possible crime of homicide while witness and forensic evidence was analysed. In December the public prosecutor's office, arguing that the officer had acted in self-defence, requested that the judge of preliminary investigation close the investigation without bringing charges. Lawyers representing Carlo Giuliani's family challenged the request and the judge's decision was still awaited at the end of the year.

Another criminal investigation was under way into the conduct of law enforcement officers during a raid on a building legally occupied by the Genoa Social Forum. At least 62 of the 93 people detained during the raid suffered injuries, some of them requiring urgent hospitalization and in some cases surgical operations. Dozens of police officers were under investigation, initially in connection with possible charges of abusing their authority, assault and battery, verbal abuse and/or failing to prevent such crimes committed by officers under their command. The investigation widened as strong evidence emerged suggesting that officers had committed perjury and falsified evidence against the 93 detainees, apparently in order to justify the raid, the degree of force used by police and the arrest of the 93. The latter were accused of violently resisting state officers, theft, carrying offensive weapons and belonging to a criminal association intent on looting and destroying property. In December the public prosecutor's office asked for the criminal proceedings relating to the first three accusations to be dropped. A criminal investigation relating to the fourth accusation was still open at the end of the year.

An investigation was also under way into the conduct of law enforcement and prison personnel inside the temporary detention facility of Bolzaneto through which over 200 detainees passed. By the end of the year over 30 people, including prison officers, doctors, *carabinieri* and police officers, were reportedly under investigation for abusing their authority, assault and battery, verbal abuse and/or for failing to stop such crimes.

Prisons

Chronic overcrowding persisted, as did reports of inadequate medical assistance, poor sanitary provisions and high levels of self-mutilation, attempted suicides and suicides. There were frequent prison protests, prompted largely by deteriorating conditions for both prisoners and staff. Numerous criminal proceedings, some of them marked by excessive delays, were under way into alleged ill-treatment by prison officers, in some cases amounting to torture. There was concern that the so-called 41-bis high-security regime, allowing a severe degree of isolation from the outside world, and applicable to prisoners held in connection with organized crime, could in certain instances amount to cruel, inhuman and degrading treatment. Legislation approved by parliament in December

extended its application to prisoners held in connection with trafficking in people and crimes committed "for the purposes of terrorism or subversion of the state".

In May, over 70 inmates in Trento district prison signed a complaint alleging that prison officers had beaten an inmate of Moroccan origin and that officers frequently abused their power. The Ministry of Justice stated in June that the local public prosecutor's office had opened inquiries both into the prisoners' allegations and into a report submitted by Trento prison officers alleging that prisoners had committed violent crimes against officers in May and that some prisoners of Moroccan origin had participated in violent disturbances.

In September, the Palermo public prosecutor's office opened a criminal investigation into a written complaint lodged by some 25 inmates in Pagliarelli prison. The prisoners alleged that officers had subjected them to physical assault, intimidation and psychological pressure and that in one case this had resulted in a suicide attempt.

There were reports that the windows of cells occupied by prisoners held under the 41-bis regime in the prisons of Cuneo, L'Aquila and Viterbo were covered by up to three layers of reinforced glass and metal security barriers which significantly limited the inmates' access to air and light. It was claimed that the eyesight of prisoners held in such cells for prolonged periods had deteriorated significantly.

The trial of eight prison officers charged with causing serious bodily harm to Luigi Acquaviva who died in the Sardinian prison of Bad'e Carros in January 2000 opened in December 2002. Autopsy and forensic tests had found that his body, found hanging in an isolation cell under electronic surveillance, had suffered extensive traumatic injuries before death as well as neck injuries consistent with suicide. One officer was additionally charged with manslaughter for failing to monitor the prisoner and prevent his suicide.

Universal jurisdiction over crimes against humanity

In February a Rwandese national resident in Italy flew to Tanzania and surrendered to the International Criminal Tribunal for Rwanda in Arusha. In 2001 Italy had refused to implement an international warrant for his arrest on charges of genocide and crimes against humanity arguing that, under its domestic legislation, there was no legal basis to carry out any such arrest. AI had called on Italy to fulfil immediately its international obligations and ensure that any perpetrators of serious human rights violations were brought to justice. A law on Italy's cooperation with the Tribunal was promulgated in August.

AI country reports/ visits

Report

- Concerns in Europe, January-June 2002: Italy (AI Index: EUR 01/007/2002)

Visit

AI delegates visited Italy in April.

JAMAICA

JAMAICA
Head of state: Queen Elizabeth II, represented by Howard Felix Cooke
Head of government: Percival James Patterson
Death penalty: retentionist
International Criminal Court: signed

Reports of police brutality and excessive use of force continued. At least 133 people were killed by the police, many in disputed circumstances suggesting extrajudicial executions. Detention without charge or trial was reported, as was ill-treatment in detention. Conditions of detention frequently amounted to cruel, inhuman and degrading treatment. At least five people were sentenced to death; there were no executions. In January the government refused to repeal laws criminalizing homosexuality.

Background

In elections on 16 October the People's National Party was returned to power. The elections were accompanied by an increase in politically motivated violence, with at least 60 people killed in the days leading to the election. Supporters of both the main political parties reportedly attacked each other's events. In July a political Ombudsman was appointed in line with a recommendation of the National Committee on Crime and Violence as a means of reducing political tensions.

In October the Minister of National Security announced that soldiers from the Jamaican Defence Force (JDF) would be deployed in inner-city areas in an attempt to deal with "paramilitary terrorist groups".

The economic situation remained dire with a large number of people living below the poverty line. Jamaican society continued to suffer from an extremely high level of violent crime; at least 1,045 people were reported murdered, including 16 police officers.

Brutality by the security forces

At least 133 people were killed by the police during the year. Many of the killings appeared to be extrajudicial executions. There were continuing reports of unlawful arrests and detention, and increasing reports of ill-treatment, possibly amounting to torture, in police custody.

On 6 March Glenroy Stewart, aged 22, Jovan Campbell, 20, Gregory Sharpe, 19, and Douglas Rhoden, 17, were shot dead by police in disputed circumstances in Worthy Park. According to the police, the four men were killed in an exchange of fire after a car chase. Witnesses said police had handcuffed the four men at a shop, then had beaten them and taken them away in a police vehicle. Police allegedly threatened members of the community to remain silent following protests against the killings.

In July, 15-year-old Jason Smith was shot dead by police. According to the police, he was killed in an exchange of fire after he produced a gun when challenged while riding a bicycle. According to witnesses, Jason Smith tried to flee from a group of police officers because he had no lights on his bicycle, but was caught. An eyewitness said that Jason Smith fell to the ground and pleaded for his life. One officer kicked him and then another fatally shot him. According to the autopsy, Jason Smith's body bore signs of being beaten.

In September, the Inter-American Commission on Human Rights issued precautionary measures calling on Jamaica to ensure the safety of the residents of West Kingston. This followed a petition from the human rights group, Jamaicans for Justice, detailing human rights violations allegedly committed by officers from Hunts Bay Police Station that had remained inadequately addressed by the authorities.

Impunity

There was a continuing failure to hold perpetrators of human rights violations to account and to offer redress to victims. Investigations into alleged extrajudicial executions and other human rights violations were inadequate. In numerous instances, police allegedly failed to protect the scenes of such killings and those investigating failed to arrive promptly, thereby allowing important evidence to be tampered with or destroyed. Although police officers were occasionally charged with offences related to human rights violations, no police or army officer was known to have been convicted of such charges.

In January the Director of Public Prosecutions (DPP) refused to charge any of the police officers involved in the 1999 killing of Patrick Genius despite the finding of a coroner's court that the police should be held criminally responsible. The DPP argued that police statements that they had fired in self-defence could not be disproved, ignoring all the evidence to the contrary. In November relatives of Patrick Genius successfully appealed to the Supreme Court for judicial review of the DPP's decision. The review had not taken place by the end of the year.

In October a coroner's inquest into the killing on 14 March 2001 of seven young men (known as the Braeton Seven) by the Crime Management Unit, a specialist police unit, found that no one was criminally responsible for the deaths. Witnesses said the young men were beaten before being summarily executed one at a time in a house in Braeton. A pathologist who observed the autopsies said it was "highly unlikely" that the men had been killed in crossfire as suggested by the police. AI was critical of many of the procedures used in the coroner's court inquiry, including the failure of the magistrate to oblige four of the police officers involved to testify.

The trial of the police officer accused of the March 2000 murder of 13-year-old Janice Allen had yet to take place, but was scheduled for the beginning of 2003. There were continuing reports that members of Janice Allen's family were threatened by police officers seeking to intimidate them in connection with the proceedings. Important police records connected to the case went missing.

Commission of inquiry into West Kingston violence

In June the report of the West Kingston Commission of Inquiry was published. The Commission was unable to establish the identities of the 27 people who died during disturbances in West Kingston between 7 and 10 July 2001, or those who killed them. Despite this, the report fully exonerated the actions of the security forces, although it recommended that officers be trained in the use of non-lethal weapons. The report contained serious legal and factual flaws, and appeared in many instances to accept the evidence of the state despite contradictions between witnesses. In June the Prime Minister stated that the government accepted in principle the Commission's recommendations. These included replacing existing internal disciplinary mechanisms for police officers with a Civilian Review Board, imposing stiffer penalties for refusal to testify before a commission of inquiry, and subjecting police officers to the Corruption Prevention Act. In August the Public Defender stated that he was discussing with the government the possibility of compensation for those who died. No decision was reached by the end of the year.

Torture and ill-treatment in detention

Conditions in prisons and other places of detention were harsh and in many cases amounted to cruel, inhuman and degrading treatment. Serious diseases and severe overcrowding were common. In Spanish Town police lock-up 131 prisoners were held in cells originally designed for 46. There were many reports of male rape, particularly of inmates suffering from mental illness.

In May over 600 of the 800 prison warders who were suspended for staging an illegal strike in 2000 started a phased return to work. Following their return there were reports of physical abuse of inmates by warders at St. Catherine's District Prison and Tower Street Correctional Centre, resulting in injuries.

Death penalty

At least five people were sentenced to death, bringing to at least 50 the number of people on death row. No executions took place. In January the leader of the opposition called for the death penalty to be introduced for drug trafficking and "terrorism". In February the Minister of National Security stated that those guilty of importing large quantities of firearms should be executed. In June the Police Federation called for the resumption of executions, especially for those guilty of the murder of police officers. In September the Prime Minister announced that, should his party be returned to office, it would amend the Constitution to facilitate the resumption of executions.

Violence against women

In October a coalition of women's organizations presented a petition to political parties in Jamaica,

ahead of the general election. The petition called for measures to be taken to eradicate violence against women and gender-based discrimination, in light of continued high reported levels of rape and other forms of violence against women.

Homosexuality

There were continued reports of attacks on homosexuals by both the public and the police. In January the government refused to contemplate removing legislation that makes homosexual relations between men in private illegal, despite a recommendation by a Joint Select Committee working on the Charter of Rights Bill.

In October the United Kingdom granted refugee status to a gay man on the basis that homophobia is so severe in Jamaica that it represented a threat to his personal safety.

AI country reports/ visits

Report

- State killing in the English-speaking Caribbean: a legacy of colonial times (AI Index: AMR 05/003/2002)

Visits

In February and August AI sent an observer to the coroner's inquest into the killing of the Braeton Seven. In April an AI delegation met the Attorney General and the Ministers of Foreign Affairs, Security and Information to discuss the use of the death penalty.

JAPAN

JAPAN
Head of government: Koizumi Junichiro
Death penalty: retentionist
International Criminal Court: not signed

Two people were executed in 2002. More than 100 people remained on death row during the year, many of whom had been convicted on the basis of confessions extracted during pre-trial detention. Reports of ill-treatment and torture of prisoners in detention continued to be received. There were concerns about the lack of an independent complaints procedure for prisoners. Refugee recognition procedures failed to meet international standards. Several refugees and around 20 asylum-seekers were detained.

Background

Issues relating to the Democratic People's Republic of Korea (North Korea) were given prominence in the media during the year. In May the Chinese police entered the Japanese Consulate in Shenyang in the People's Republic of China and dragged out five North Korean asylum-seekers. Japanese officials claimed the Chinese police entered the Consulate without Japan's consent. However, Chinese officials maintained that they had permission from the Japanese authorities to enter the compound.

In September there was an historic summit meeting in Pyongyang, North Korea, between Prime Minister Koizumi and the North Korean leader, Kim Jong Il. This meeting led to a joint declaration by the Japanese and North Korean governments – the Pyongyang Declaration – which included an apology by Japan for its colonial past and an agreement by both governments on an early normalization of relations between the two countries. During the meeting Kim Jong Il admitted that North Korean agents had kidnapped 13 Japanese citizens in the late 1970s and early 1980s. Eight of those abducted were reported to have died; the remaining five were able to visit relatives in Japan in October. The summit resulted in normalization talks in October. However, talks were suspended as the Japanese government insisted that the five kidnapped Japanese who were visiting Japan be allowed to stay in Japan and that their family members still in North Korea be allowed to join them.

Death penalty

Two people were hanged on 17 September while media attention was dominated by the Japan-North Korea summit meeting. The authorities continued to carry out executions in secret. The prisoners were informed of their executions just hours before they were scheduled to be carried out and so were effectively denied the right to see relatives or consult their lawyers. Both executions were carried out while parliament was in recess and so unable to debate the issue.

In 2001 the Council of Europe had threatened to withdraw Japan's observer status at the Council if Japan did not take positive steps to abolish the death penalty. After Japan carried out the executions in September, the Council of Europe issued a statement condemning the executions and stated that it was horrifying that they took place without the families of the executed men knowing the date in advance.

At the end of 2002, more than 100 prisoners remained under sentence of death, 57 of whom had had their sentences confirmed by the Supreme Court. Prison conditions on death row amounted to cruel, inhuman and degrading treatment. Many prisoners under sentence of death were held in solitary confinement with limited contact with the outside world; some had been held in such conditions for over a decade.

Asylum-seekers

At the end of 2002 only 11 people were recognized as refugees, despite the increase in the number of refugee applications. Asylum determination procedures continued to be subject to long delays and were very secretive; for example, asylum-seekers were not given any specific reasons for the rejection of their claim. At least four refugees whose status had been recognized by the UN High Commissioner for Refugees (UNHCR) were detained in immigration detention facilities, such as the West Japan Immigration Centre. This centre failed to meet international standards, in that detainees had very little opportunity to exercise and had limited access to medical treatment. Some of the detainees intentionally injured themselves in protest at their indefinite detention. Some asylum-seekers had been held at the Centre for more than a year.

The authorities reportedly continued to forcibly return asylum-seekers to countries where they could be at risk of serious human rights violations, in breach of the internationally recognized principle of non-*refoulement*. Many repatriations were carried out in secret; in a few cases, public attention prevented forcible returns.

In March, the Japanese authorities reportedly intended to forcibly return at least 19 asylum-seekers to Afghanistan. Many were believed to be from the Hazara ethnic group who were persecuted when the mainly Pashtun *Taleban* were in power. Despite the collapse of the *Taleban* regime, they remained at risk of torture and persecution if forcibly returned to Afghanistan. Deportation orders were issued for almost all of them, but following international pressure all were provisionally released.

Torture and ill-treatment

Reports of torture and ill-treatment of prisoners by prison officials continued to be received. Notoriously complex and harsh rules govern every part of prisoners' lives, including how they should sit and when they may speak. There were continuing reports of prisoners being forced to sit cross-legged or with their legs folded under them without moving for very long periods.

There was continued reliance by the courts on a confession-based system known as *Daiyo Kangoku*, which involves incommunicado detention for up to 23 days before charge. In some cases the confessions themselves were extracted through the use of interrogation techniques such as early morning to midnight interrogations and harsh physical and psychological conditions amounting to torture. There was concern at the lack of an independent complaints procedure in prisons. There were several reports that prisoners who complained of torture or ill-treatment were subjected to beatings and harassment to force them to withdraw their complaints.

A 49-year-old prisoner died in Nagoya prison in May when guards put a restraining device comprising handcuffs and a belt around his abdomen and left him unsupervised in solitary confinement. The prisoner had a fatal heart attack later that day while still restrained. Two of five prison officers who were arrested in September for another case (see below) were also charged in connection with this case.

In September, five prison officials from Nagoya prison were arrested for reportedly attacking a 30-year-old inmate, putting him in a leather restraining device and placing him in solitary confinement. The prisoner reportedly suffered internal bleeding and was hospitalized for three weeks as a result. In November the Ministry of Justice announced that the head of the prison and two senior assistants would be demoted to posts at the regional correctional bureau.

Legislation

The government submitted a Human Rights Protection Bill to the House of Councillors, the upper house of parliament, in March. There was concern that the National Human Rights Commission proposed under this Bill would not be independent from the government but would be established as an affiliate under the jurisdiction of the Ministry of Justice.

In May the government signed the optional protocols to the UN Convention on the Rights of the Child.

AI country reports/ visits

Report

- Japan: Welcome to Japan? (AI Index: ASA 22/002/2002)

Visit

AI delegates visited Japan in December.

JORDAN

HASHEMITE KINGDOM OF JORDAN
Head of state: King 'Abdallah bin Hussein
Head of government: 'Ali Abu Ragheb
Death penalty: retentionist
International Criminal Court: ratified

At least six political prisoners were acquitted and released on appeal. Hundreds, including prisoners of conscience, were arrested following demonstrations or on suspicion of involvement with Islamist groups and "terrorist" activity. There were reports of torture and other ill-treatment of detainees. Political prisoners were tried before the State Security Court (SSC) whose procedures did not meet international fair trial standards. There were reports of harassment and repression of human rights defenders. At least 15 people were sentenced to death and at least 14 were executed. At least 22 people were victims of family or "honour" killings. Two Iraqis who were apparently asylum-seekers were reportedly returned to Iraq.

Background

Laws hastily promulgated and introduced in 2001 in the wake of the 11 September attacks in the USA remained in force and continued to be used to erode the right to freedom of expression. In August the authorities closed the local office of the Qatar-based satellite TV channel *al-Jazeera*, following the screening of a phone-in program deemed insulting to the royal family. It had included criticism of the late King Hussein in relation to the 1994 Jordan/Israel peace treaty. Demonstrations against ties with Israel, in support of the Palestinian *intifada* and in opposition to war on Iraq continued.

In October US diplomat Laurence Foley was shot dead in Amman, leading to the arrest of scores of people said to be linked with Islamist or Palestinian groups. This was followed in November by security force raids in and around the city of Ma'an in which at least four civilians, a policeman and a soldier were reportedly killed. Scores of people, thought to be Islamists, were subsequently arrested and 136 apparently referred for questioning to the State Prosecutor. The government claimed the arrests related to trafficking of weapons and drugs. In December the authorities announced the arrest of two men, one Libyan and one Jordanian, said to be members of *al-Qa'ida*, in connection with Laurence Foley's killing. They were reprtedly held incommunicado at the end of 2002.

In November the *Majlis al-Nuqabaa* (the Board of Trade Union Chairs) representing the Jordanian Professional Trade Unions and its Anti-Normalization Sub-Committee were found "illegal" by the Court of Cassation's Special Bureau for the Interpretation of Laws. The decision apparently related to the groups' political activities over Jordan's relations with Israel.

Releases

In October the SSC acquitted six of nine men convicted in July 2001 in connection with politically motivated bombings and membership of an illegal organization, *Jama'at al-Islah wa'l-Tahaddi*, Reform and Challenge Group. Prisoner of conscience Toujan al-Faisal, a former member of parliament, was released from Jweideh women's prison on 26 June, following a personal amnesty, although her conviction remained in force. She was sentenced following an unfair trial in May by the SSC to 18 months' imprisonment after publicly criticizing government policy and spent three months in prison.

Arrests

Hundreds of people were arrested for political reasons. Scores were detained for exercising their right to freedom of expression and assembly, including demonstrating in support of the *intifada* or in opposition to war on Iraq. Dozens of others were arrested on suspicion of involvement with Islamist groups, or of "terrorist" activity, or of gun-running to support the *intifada*.

More than 100 people, said to be Islamist activists, were reportedly arrested following a bomb attack which killed two passers-by outside the house of the head of the Anti-Terrorist Unit of the General Intelligence Department (GID) in Amman in February. Apparently most were released after days, although six were reportedly charged in relation to "terrorism", two *in absentia*, and one was charged with withholding information. The case was referred to the SSC.

Torture and ill-treatment

Some political detainees were reportedly tortured or ill-treated by security officers and prison guards during their detention.

Scores were reportedly ill-treated after their arrests in April. They were apparently arrested in connection with a pro-*intifada* demonstration in Amman. Apparently some bystanders were among those arrested. Detainees were reportedly beaten in local police stations before being taken to Jweideh prison where they were reportedly kicked and beaten with cables, belts and hoses. Most were apparently released after days but at least three were reportedly charged and referred to the SSC.

Prisoners of conscience

Scores of possible prisoners of conscience were detained. Some eight journalists were held for publishing "false" information deemed to be "damaging to the state and its officials" under the new amendments to Article 150 of the Penal Code. They were held for up to four days. Five were charged and their cases were still apparently pending before the SSC at the end of 2002.

Dozens of other possible prisoners of conscience were held for belonging to illegal organizations including *Hizb al-Tahrir* (Islamic Liberation Party), involvement in pro-*intifada* activities, or opposition to normalization of ties with Israel.

In October possible prisoners of conscience 'Ali Abu Sukkar, Badi' Rafay'ah and Maysarah Malas, three trade unionists and members of the Anti-Normalization Committee, were arrested. They were charged with membership of an illegal organization after reportedly distributing leaflets critical of Jordan's official stance towards Israel. They were held in Jweideh prison for almost three months before being released, but the charges against them remained.

Human rights defenders

Human rights defenders faced repression and harassment by the authorities. In October the Ministry of the Interior arbitrarily dissolved the Jordanian Society for Citizen Rights (JSCR). The closure was apparently related to the JSCR's criticism of the government's human rights record and new laws restricting freedom of expression and assembly.

Hisham Bustani, a trade unionist and member of the Arab Organization for Human Rights, was detained twice during 2002. He was arrested in April by Preventive Security and held for five days, mainly in Jweideh prison, after attending a meeting which had discussed the use of tear gas by police against demonstrators. He was held on suspicion of "disseminating rumours harmful to the reputation of the state". The State Prosecutor later dismissed the case on grounds of insufficient evidence. He was arrested again in December by the GID after the Jordanian newspaper *al-Arab al-Yawm* published an article by him about ill-treatment of prisoners in Jweideh prison. He was held for five days, mainly in Jweideh prison, before being released on bail.

Trials before the State Security Court

Political trials continued before the SSC whose procedures did not meet international fair trial standards. Cases referred to the SSC concerned both allegations of "terrorist" activity and the publication of materials deemed to be "harmful to the reputation of the state". At least 13 political cases were heard by the SSC.

On 11 February the SSC sentenced Ra'ed Muhammad Hijazi to death on charges of plotting to carry out "terrorist" activities and illegal production and possession of explosive materials. The SSC acquitted him of other charges, including membership of the *al-Qa'ida* network. He had reportedly been tortured to extract a "confession" and was convicted following an unfair trial. Following an appeal the Court of Cassation ordered his retrial before the SSC.

Death penalty

At least 15 death sentences were passed, two of which were commuted to life imprisonment and three to 15 years. There were at least 14 executions.

Yaser Muhammad Ahmad Salamah Abu Shannar, a Palestinian, was executed at Swaqa prison on 4 December. He had been sentenced to death by the SCC in December 2001 in connection with the 1994 shooting of a Jordanian diplomat, which he denied, and was reportedly tortured to extract a "confession". Jamal Darwish Fatayer was sentenced to death by the SSC on 17 December in relation to the same killing, apparently following an unfair trial. His "confession" had reportedly been extracted under torture.

Refugees

Reports were received of the forcible return of at least two apparent asylum-seekers to Iraq.

In February, two Iraqis – 'Ammar Sami Muhammad 'Ali and Zayed Sami Muhammad 'Ali – were arrested in Jordan. They had reportedly tried to go to Syria, after allegedly being harassed by Iraqi security agents in Jordan, but were returned by the Syrian authorities. They were then reportedly returned to Iraq where they may be at risk of human rights violations.

Family or 'honour' killings

At least 17 women and five children, were victims of family or "honour" killings. At least 10 men who had killed women for reasons of "honour" benefited from Article 98 of the Penal Code which provides for leniency in sentencing for crimes committed in a "fit of rage" caused by an unlawful or dangerous act on the part of the victim.

AI country reports/visits

Report

- Jordan: Security measures violate human rights (AI Index: MDE 16/001/2002)

KAZAKSTAN

REPUBLIC OF KAZAKSTAN
Head of state: Nursultan Nazarbayev
Head of government: Imangali Tasmagambetov (replaced Kasymzhomart Tokayev in January)
Death penalty: retentionist
International Criminal Court: not signed

Death sentences and executions continued in large numbers. Reports of torture and ill-treatment continued and at least two detainees died in suspicious circumstances. Two leaders of the opposition were imprisoned and opposition supporters reported harassment. The authorities continued to return refugees forcibly to countries where they were at risk of serious human rights violations.

Human rights protection

In September, the President established the position of Human Rights Commissioner. The Organization for Security and Co-operation in Europe (OSCE) welcomed

this development and called for the Commissioner's mandate to be strengthened in line with international standards.

Death penalty

A large number of people continued to be sentenced to death and executed during 2002. The authorities did not disclose exact figures. The newly appointed Human Rights Commissioner and senior government officials including the President made statements in favour of moves towards abolition of the death penalty. The chair of the Supreme Court, however, favoured retaining the death penalty.

There were reports of torture and ill-treatment in several death penalty cases. In addition, the treatment of relatives of condemned prisoners amounted to a form of mental cruelty. Families were not told in advance the date of execution, and usually learned of the execution by telegram a week after it had taken place. The laws also stipulated that they were not to be informed of the burial site for two years.

Torture and deaths in custody

Reports of torture and ill-treatment of detainees continued. At least two people died in pre-trial detention, reportedly as a result of torture.

Vladislav Shishov died on 11 September during his transfer from police custody to the investigation-isolation prison in the northern town of Pavlodar. He had been detained on 7 September on drug-related charges. The director of the police station reportedly told Vladimir Shishov's mother that he was uncontrollable and his injuries were self-inflicted. The prison medical officer reportedly refused to give him any medical care. According to a post-mortem examination, he suffered multiple injuries including a ruptured liver and injuries to his head, chest and stomach. In September a six-day criminal investigation was conducted into his death, which found that fellow detainees were responsible. Criminal cases were reportedly opened against two of his cellmates, and two senior prison staff were charged with "criminal negligence" and "improper performance of duty by medical staff". There were reports that the investigation ignored allegations that prison staff deliberately failed to protect Vladimir Shishov as well as allegations that police officers were actively involved in the beatings.

Forcible deportations

Kazakstan continued to return refugees forcibly to countries where they were at risk of serious human rights violations. For example, at least five people wanted by the Uzbek authorities on "religious extremism" charges were forcibly returned to Uzbekistan and at least two of them were reportedly tortured in the basement of the National Security Service in the Uzbek capital, Tashkent.

However, on a positive note, Kazakstan refrained from returning Turkmen former political prisoner Gulgeldi Annannyyazov to Turkmenistan. Gulgeldi Annannyyazov was granted refugee status by the UN High Commissioner for Refugees in Kazakstan and was flown to Norway for medical treatment at the end of September.

Freedom of expression

Supporters of the secular opposition reported increased harassment by the authorities following the creation of the Democratic Choice of Kazakstan (DCK) movement in late 2001.

Mukhtar Ablyazov and Galymzhan Zhakiyanov, two former senior government officials and well-known leaders of the DCK movement, were sentenced to six and seven years' imprisonment in July and August respectively, on charges of "abuse of office" and financial crimes, including misappropriation of state funds. Official corruption is an endemic problem in Kazakstan and goes largely unpunished. Mukhtar Ablyazov and Galymzhan Zhakiyanov were apparently targeted because of their peaceful opposition activities. Despite a sharp deterioration in Galymzhan Zhakiyanov's health as a result of interrogations in May and June, the investigator reportedly insisted on continuing to interrogate him. The trials of both men failed to meet international fair trial standards.

Several journalists known to be critical of the government faced harassment, assaults and allegedly fabricated charges.

Sergey Duvanov, an independent journalist, was charged in July with "insulting the honour and dignity of the President", reportedly in connection with an article implicating government officials in financial crimes. On 28 August he was assaulted by three unidentified men in plain clothes and had to be hospitalized. In November he was charged with raping a minor and a trial against him opened on 24 December in Karasay District Court in Almaty region. There were allegations that the case was fabricated to discredit him.

Independent media outlets were subjected to arson attacks and robberies, allegedly government-inspired in order to intimidate independent journalists. The authorities reportedly failed to investigate these incidents thoroughly. Several independent media companies were forced to suspend broadcasts temporarily.

On 19 May, a beheaded dog was found in the Almaty office of the independent newspaper *Business Review 'Respublika'*. The office was burned down several days later in a petrol-bomb attack.

AI country reports/visits

Report

- Concerns in Europe, January-June 2002: Kazakstan (AI Index: EUR 01/007/2002)

KENYA

REPUBLIC OF KENYA
Head of state and government: Mwai Kibaki (replaced Daniel arap Moi in December)
Death penalty: retentionist
International Criminal Court: signed

Death sentences continued to be imposed but no one was executed. More than 100 people were reportedly killed by the police in circumstances suggesting they may have been extrajudicially executed. Torture remained widespread. Police used violence to disperse peaceful rallies and forcibly broke up demonstrations. Security officials and supporters of the ruling party committed human rights abuses with impunity.

Background

Presidential and parliamentary elections were held on 27 December. The pre-election period was marred by politically motivated violence and by intimidation and harassment of opponents by members and supporters of the ruling party, Kenya African National Union (KANU) and other candidates. Private militia and "youths for hire" were implicated in election-related violence. There were fewer human rights abuses in the context of the elections than had been feared.

In March KANU and the National Development Party (NDP) led by opposition leader Raila Odinga merged to form a new party called New KANU. Raila Odinga and other leading members of the NDP were subsequently made cabinet ministers. Constitutionally, President Moi could not stand for another term and in June he announced that Uhuru Kenyatta, a newcomer to the government and Local Government Minister, was his choice for President. In October Uhuru Kenyatta was officially named as KANU's presidential candidate at KANU's national conference.

This nomination caused splits within KANU. In August the Rainbow Alliance was formed by those calling for the nomination for presidential candidate to be decided by secret ballot rather than acclamation. The Rainbow Alliance decided not to participate in the KANU conference and on 14 October declared themselves the Liberal Democratic Party (LDP).

In April the mainstream opposition parties established the National Alliance for Change (NAC), including the Democratic Party (DP), Ford-Kenya and the National Party of Kenya. In July the NAC established a political party and announced candidates for the presidential elections. In October the Rainbow Alliance/LDP and NAC merged to form the National Rainbow Coalition (NARC). NARC put forward Mwai Kibaki of the DP as presidential candidate.

Mwai Kibaki was sworn in as Kenya's third President on 30 December. NARC secured 125 seats, KANU 64 and other parties 21.

The Constitution of Kenya Review Commission (CKRC) continued its work under its chairperson Professor Yash Pal Ghai until October, when parliament was dissolved. Both KANU and the NAC presented blueprints for the composition of a new government to the CKRC, proposing a President, Vice-President and an elected prime minister. The CKRC compiled a national report to present to Parliament and drafted a new Constitution for debate at a National Constitutional Conference. The national report observed that many Kenyans had lost confidence in the country's judicial system, which led to two contempt of court cases being filed against the chairperson and the CKRC, one filed by two lawyers and the other by two judges.

Parliament passed a bill to establish an autonomous Kenya National Commission on Human Rights in June. It would replace the Standing Committee on Human Rights. By the end of the year the bill had not yet received presidential assent.

Death penalty

At least 126 people were sentenced to death in 2002 but no one was executed. Kenya refused to vote for a UN resolution calling for the abolition of the death penalty during the 58th session of the UN Commission on Human Rights. Kenya also refused to vote on another resolution condemning arbitrary execution and impunity. Kenya has still not signed the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at abolition of the death penalty.

Violations by security forces

Allegations of killings and ill-treatment by security forces remained widespread. In June the Standing Committee on Human Rights published a report on police brutality which stated that suspects were dying in police custody as a result of torture and lack of proper medical attention. The report stated that use of excessive force by the police had a direct bearing on the number of people who die in police cells. More than 100 people were reportedly killed by police in suspicious circumstances during the year.

- On 18 July police killed a University of Nairobi student, sparking a mass demonstration in the city. Riot police reportedly used live ammunition and fired tear gas in an attempt to disperse the students.
- In September 2000, six prisoners from King'ong'o prison, Nyeri, Central Province were killed by prison warders. The government was accused of covering up the deaths. On 14 May 2002, 11 prison warders were arrested in connection with the deaths. Their trial had not started by the end of the year.

Numerous meetings and demonstrations were broken up, sometimes violently, by the police, especially those of opposition parties, members of the Rainbow Alliance and human rights groups.

- Demonstrations by striking Kenyan teachers, protesting because the government had failed to pay in full a salary award negotiated in 1997, were forcibly broken up by the police using tear gas. The strike lasted for about six weeks from late September.

In May, police in Nairobi detained hundreds of refugees from Ethiopia, Somalia and other countries on suspicion of being illegal immigrants. They were held for several days or weeks in harsh conditions, with reports of sexual abuse of women refugees. Many were released on payment of a bribe, which often seemed to be the purpose of the frequent round-ups of refugees.

Violence by the Mungiki group

Increasing incidents of violence were perpetrated by the Mungiki group, which claims to be based on traditional African values.

On 4 March at least 23 people were killed and many others injured in an attack by a group of up to 300 members of Mungiki in the Kariobangi Estate in Nairobi. The attack was apparently in retaliation for an earlier confrontation between Mungiki members and a local vigilante group known as the *Taliban*. Following the massacre the Mungiki group was banned along with 17 other vigilante and militia groups, and more than 100 Mungiki members were arrested.

Despite the ban, the Mungiki group became increasingly active in the pre-election period. In August hundreds of Mungiki members, some armed with machetes and clubs, held a rally in central Nairobi expressing their support for KANU presidential candidate Uhuru Kenyatta. Police monitored the rally but did not intervene. The same month, the group threatened to use violence against anybody who insulted President Moi.

Ethnic violence

Ethnic conflict continued during the year. In central Kenya and Isiolo District thousands of people were displaced by inter-ethnic conflict, mostly between warring groups of the Turkana and Borana communities.

In October the High Court ordered the publication of the report of a judicial inquiry into ethnic clashes in Kenya between 1991 and 1998. The "Akiwumi Commission", set up by President Moi in 1998, investigated ethnic violence including the 1992 violence in the Rift Valley Province and the 1997 violence in the Coast Province. The Commission submitted its report, which concluded that the clashes amounted to ethnic cleansing, to the President in March 1999, but the government refused to make it public. The report called for a number of prominent Kenyans, including government ministers, opposition leaders and other officials, to be investigated for their role in the bloodshed. The government dismissed the report as "biased".

Freedom of expression

A law imposing new restrictions on the media, the Statutory Law (Miscellaneous Amendment) Bill, was passed in May. The new law demanded that media publishers lodge a prohibitively expensive bond, which threatened to force hundreds of publications to close. Vendors selling newspapers without such a bond could face a six-month jail sentence.

Death threats were issued against two prominent pathologists, Dr Moses Njue and Dr Andrew Gachie, who were involved in the post-mortem examination of an alleged torture victim in April. The doctors were also threatened with deregistration unless they altered their post-mortem report. Dr Njue was removed from his post of Provincial Pathologist. In May new regulations were introduced requiring doctors paid by the state to ask permission from their employers before undertaking private post-mortems, but they were soon lifted.

Violence against women

Despite the prohibition of violence against women in international human rights law and within Kenya's own Constitution and national legislation, it continued to be widespread and prevalent. The government consistently stated its intention to promote gender equality through legislation, but failed to implement provisions to promote and protect women's rights.

A bill that would increase protection for women from domestic violence, the Domestic Violence (Family Protection) Bill, introduced to Parliament in 2000, had still not become law by the end of the year. It passed its second reading in the National Assembly in July but was not sent for the required further examination by a parliamentary committee before being heard for a third time in the National Assembly. The bill would establish a protection fund for victims and enable courts to take action to protect women from abusive partners. However, the bill did not explicitly criminalize marital rape or challenge the assumption that consent to sexual intercourse is given by the act of marriage.

Children's rights

The Children's Act came into effect on 1 March, outlawing female genital mutilation (FGM), child prostitution and child labour. At least 43 children's courts were established as part of the implementation of the Act. However, the practice of FGM continued in various communities, particularly in western Kenya.

In April, 17 girls in Eldoret fled their homes after their community refused to recognize an alternative rite. They went to court to seek protection from being subjected to FGM.

Compensation from the United Kingdom

The UK Ministry of Defence agreed in July to pay at least £4.5 million in compensation plus legal costs to 228 Masai and Samburu pastoralists bereaved or injured by unexploded ordnances left by the British army during exercises on their herding grounds. Other cases were expected to come forward.

AI country reports/ visits

Report

- Kenya: Rape – the invisible crime (AI Index: AFR 32/001/2002)

Visits

AI delegates visited Kenya in February to conduct research, in March to launch AI's report on violence against women in Kenya, in July/August to conduct a

workshop with non-governmental organizations, and in November and December to conduct research on politically motivated human rights violations during the pre-election and election periods.

KOREA
(DEMOCRATIC PEOPLE'S REPUBLIC OF)

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA
Head of state: Kim Jong Il
Head of government: Hong Song Nam
Death penalty: retentionist
International Criminal Court: not signed

The government of the Democratic People's Republic of Korea (North Korea) continued to refuse access to independent human rights monitors. Repression of fundamental freedoms, ill-treatment in prison camps, public executions and religious repression continued to be reported. Food shortages continued and there were fears that economic reforms could adversely affect the poor and vulnerable groups.

Background

Relations between North and South Korea (Republic of Korea) fluctuated during 2002. There was a serious naval battle in June on the West Sea in which five South Korean sailors and an unknown number from North Korea were killed. An unprecedented apology by the North Korean government led to inter-ministerial talks in July in Seoul, South Korea, and in October in Pyongyang, the North Korean capital. Family reunions took place between separated families in May and September and there was agreement on a road and rail link between the two countries. North Korea participated in the Asian Games held in Busan, South Korea, in September as a separate country.

During a visit by Japanese Prime Minister Koizumi Junichiro in September, the Japanese delegation apologized for the damage and suffering inflicted by its past colonial rule over Korea, and offered economic cooperation including humanitarian aid. North Korea admitted abducting 13 Japanese nationals in the 1970s and 1980s, eight of whom had died. The five survivors were later allowed to visit Japan. Talks about normalization of relations between the two countries started in October, but were suspended when the Japanese government insisted that the five kidnapped Japanese who were visiting Japan should be allowed to stay in Japan and that their family members in North Korea should be allowed to join them.

In September the US Assistant Secretary of State for East Asian and Pacific Affairs became the highest ranking US official under the Bush administration to visit Pyongyang. During the talks, the North Korean government admitted that it had a plutonium enrichment program, an admission which subsequently soured relations both with its neighbours and with the USA.

Economic reforms were launched in July. It was feared that some of the reforms might lead to further impoverishment of the most vulnerable sections of society, including children and women. The North Korean currency was devalued and food prices rose dramatically. It was announced that food rationing systems as well as subsidized housing would be phased out. A family-unit farming system was introduced on a trial basis for the first time since the government imposed collective farming in 1953.

Among other measures, in September the government set up a special administrative zone in Sinuiju, a town near the border with China. The local authority was given near-autonomy, especially in its economic affairs.

Denial of access

Information and access to the country remained tightly restricted. The denial of access to AI and other human rights observers hampered investigation of the human rights situation, although reports suggested serious patterns of violations, including executions, torture, detention of political prisoners and inhumane prison conditions.

Executions

Reports of public executions carried out in recent years continued to be received. This contradicted the statement of North Korean officials to the UN Human Rights Committee in July 2001 that the last public execution took place in 1992.

Public executions were reportedly carried out in places where large crowds gather, with advance notice given to schools, enterprises and farms. Some prisoners were reportedly executed in front of their families. Executions were by hanging or firing squad.

Freedom of expression

Political opposition of any kind was not tolerated. According to reports, any person who expressed an opinion contrary to the position of the ruling Korean Workers' Party faced severe punishment, and so did their family in many cases.

The domestic news media continued to be strictly censored and access to international media broadcasts was restricted.

Any unauthorized assembly or association was regarded as a "collective disturbance", liable to punishment. Religious freedom, although guaranteed by the Constitution, was in practice sharply curtailed. There were reports of severe repression of people involved in public and private religious activities, including imprisonment, torture and executions. A number of sources reported that many Christians were being held in labour camps, where they reportedly faced torture and starvation.

Torture and ill-treatment

Unconfirmed reports suggested that torture and ill-treatment were widespread in prisons and labour camps. Conditions were reportedly extremely harsh.

Refugees

Many North Koreans continued to cross the border into China. At least 100 North Koreans were permitted to leave China after seeking asylum in diplomatic compounds and foreign schools and went to South Korea via third countries.

Hundreds of others were reportedly apprehended in China and forcibly returned to North Korea. Little was known about what happened to them after their return, but a number of sources reported that they often faced long interrogation sessions and torture. Some were reportedly sent to prison or labour camps.

Food shortages

North Korea continued to rely on international aid to feed its population. According to a study by the Food and Agricultural Organization, more than 13 million people suffered from malnutrition. A fall in donations for its emergency operations in North Korea resulted in the World Food Programme (WFP) halting cereal distribution to three million women, children and elderly people in the relatively better-off western and southern provinces in October and November. It was feared that a further 1.5 million North Koreans in the poorer east would be deprived of rations in winter if the shortfalls continued.

Government statistics indicated that 45 per cent of North Korean children under five were chronically malnourished, while a further four million school-aged children were also severely underfed, impairing their physical and mental development.

Those deprived of WFP assistance were totally dependent on the government-run public distribution system, traditionally the main channel for food to most of the country's 23 million people. The public distribution system used to provide less than half the internationally recommended minimum nutritional intake to those it supplied, but under the economic reforms announced in July this system was due to be phased out.

KOREA
(REPUBLIC OF)

REPUBLIC OF KOREA
Head of state: Kim Dae-jung
Head of government: Kim Suk-soo (replaced Lee Han-dong in October)
Death penalty: retentionist
International Criminal Court: ratified

Detentions under the National Security Law (NSL) continued. At least 52 prisoners were believed to be under sentence of death; there were no executions. A bill submitted in 2001 calling for the abolition of the death penalty and supported by a majority in the National Assembly remained pending in the legislative timetable. Harassment and arrests of trade union leaders continued; at least 170 trade unionists were detained during the year. In June the immigration authorities adopted a tough stance against migrant workers; around 2,000 were reportedly arrested and several were reported to have been deported. Some 1,600 conscientious objectors were in prison, most of them Jehovah's Witnesses.

Background

The last year of Kim Dae-jung's administration witnessed some progress in the promotion and protection of human rights, although this was limited by lack of legislative human rights reforms. In October, after Prime Minister Lee Han-dong resigned, the administration appointed Kim Suk-soo as Prime Minister after it failed to gain approval from the National Assembly for its preferred prime ministerial candidates. Presidential elections in December were won by Roh Moo-hyun; he will assume office in February 2003.

Inter-Korean relations were marked by a serious naval battle in June on the West Sea in which five sailors from the Republic of Korea (South Korea) and an unknown number from the Democratic People's Republic of Korea (North Korea) were killed. In July North Korea expressed regret over the incident. Subsequently, there were two rounds of inter-ministerial talks; one in Seoul, capital of South Korea, the other in Pyongyang, capital of North Korea. Family reunions took place between separated families in May and September. In an unprecedented gesture, athletes from North Korea competed in the Asian Games held in Busan, South Korea, in September.

A Terrorism Prevention Bill proposed after the 11 September 2001 attacks in the USA and justified as a measure to increase security during the football World Cup in June and the Asian Games in September did not get the requisite number of votes in the National Assembly.

In November the Republic of Korea ratified the Rome Statute of the International Criminal Court.

Death penalty

There were no executions – none had been carried out since President Kim Dae-jung, a former death row prisoner, took office in February 1998. It was believed that at least 52 prisoners convicted of murder remained under sentence of death. According to reports, death row prisoners continued to be handcuffed at all times for the first year after sentencing. In December, four death row prisoners had their sentences commuted to life imprisonment.

Despite support from 155 members of the 273-member National Assembly, a bill calling for the abolition of the death penalty submitted in November 2001 appeared to have stalled during deliberations by the Standing Committee for Judiciary and Legislation.

National Security Law

The NSL continued to be used to imprison people for non-violent, political activities. The law provides for long sentences or the death penalty for "anti-state" and "espionage" activities, but these offences are not clearly defined and has often been used arbitrarily against people who have tried to exercise their basic rights to freedom of expression and association. Most arrests in 2002 were made under Article 7 of the law that provides for sentences of up to seven years' imprisonment for "praising" and "benefiting" the enemy (generally meaning North Korea). In November, at least 41 prisoners were reportedly being held under the NSL.

In July Kim Kang-phil, an office worker at an IT company in Busan, was arrested without a warrant by 10 officers from the National Intelligence Service. He was detained in Seoul Detention Centre and charged under Article 7(5) of the NSL for possessing "enemy-benefiting materials" and "for the worship and praise of an enemy-benefiting group". In January he had expressed his support for the North Korean "*Juche*" ideology in e-mail discussions with a well-known scholar. In September the Seoul District Court sentenced him to one year's imprisonment plus one year suspended. He was released on 3 December after the Seoul High Court, on appeal, changed the sentence to a two-year suspended prison term. He lodged an appeal against this sentence before the Supreme Court.

Action against trade unionists

Harassment and arrests continued of trade union leaders who organized strikes and demonstrations to protect their basic rights. The trade unions were protesting against restructuring leading to mass redundancies, inadequate social welfare provision, failure to prosecute employers engaging in illegal termination of employment contracts, and the lack of effective consultation between the government, employers and trade unions. At least 170 trade unionists were arrested, including trade union leaders charged with calling "illegal" strike action and "obstructing company business".

Trade union leader Dan Byung-ho, arrested in September 2001, continued to serve a two-year sentence in Seoul prison for violating the "Interference with business" clause of the Criminal Act and the Anti-Demonstration Law. His appeal against the sentence was not heard.

Conscientious objectors

About 1,600 conscientious objectors, most of them Jehovah's Witnesses, were in prison for their refusal to serve in the military on the basis of their religious beliefs. At least two men, one of them a Buddhist, were imprisoned for refusing to serve in the military on the basis of their pacifist ideals. Every year, about 500 men refuse to accept military conscription orders and are detained. The possibility of introducing alternative civilian service for conscientious objectors was considered by the Constitutional Court, but no decision was reached by the end of the year.

Torture and ill-treatment

There were reports of torture and ill-treatment in custody; at least one person reportedly died as a result.

Cho Cheon-hoon, aged 32, died on 26 October during interrogation in the prosecution office in Seoul after he was arrested as a murder suspect. An autopsy report revealed that he died as a result of severe beatings.

Migrant workers

There were reports of government crack-downs on protests by migrant workers and of detained migrant workers being subjected to beatings and verbal abuse by law enforcement officials. Most of the 300,000 poorly paid migrant workers in the country, of whom around two thirds do not have the required documentation, continued to be exposed to poor and dangerous working conditions, and subjected to racial discrimination. In June the Ministry of Justice, the National Intelligence Service and the National Police Agency reportedly detained some 2,000 undocumented migrant workers. Several were reported to have been deported.

On 2 September Mohammed Bidduth and Kabir Uddin were among 13 Bangladeshi migrant workers reportedly arrested at their house in Masok District by about nine immigration officials and 40 police officers. They were taken to Namyang-ju police station, some still in their sleeping clothes and many without footwear. Mohammed Bidduth and Kabir Uddin, leaders of a rally organized by members of the Equality Trade Union-Migrants Branch, were reportedly beaten. The two men were detained in Hwaseong Immigration Processing Centre for 80 days. They were released conditionally and told that they would have to leave the country by 20 January 2003.

Refugees

Only one person – a national from the Democratic Republic of the Congo – was granted refugee status during the year. Several opposition group members from Myanmar were among other asylum-seekers awaiting decisions on their applications. Immigration authorities reportedly discouraged asylum-seekers from lodging a claim for refugee status, and sometimes

refused to register applications. People who did lodge an application were not given adequate information about the procedures, and immigration officials were reportedly unfamiliar with the principles of refugee recognition. Applicants for refugee status were not entitled to legal aid and were generally unable to obtain financial assistance for living costs.

Presidential Truth Commission on Suspicious Deaths

The two-year tenure of the Presidential Truth Commission on Suspicious Deaths was extended for a further year on 14 November. The Commission was established in October 2000 to "[find] the truth on suspicious deaths that occurred in relation to the Democratization Movement against past authoritarian regimes".

National Human Rights Commission

The secretariat for the National Human Rights Commission was established in June. Concerns that the Commission lacked adequate investigative powers remained.

AI country reports/visits

Reports

- Republic of Korea: Prisoners of conscience – Silenced for speaking out (AI Index: ASA 25/001/2002)
- Republic of Korea: Amnesty International's comments on the National Human Rights Commission Act – Towards an autonomous, effective National Human Rights Commission (AI Index: ASA 25/002/2002)
- Republic of Korea: Terrorism Prevention Bill – Granting greater scope for increased human rights violations (AI Index: ASA 25/003/2002)
- Republic of Korea: Summary of concerns and recommendations to candidates for the presidential elections in December 2002 (AI Index: ASA 25/007/2002)

Visit

AI delegates visited the Republic of Korea in December.

KUWAIT

STATE OF KUWAIT
Head of state: al-Shaikh Jaber al-Ahmad al-Sabah
Head of government: al-Shaikh Sa'ad al-'Abdallah al-Sabah
Death penalty: retentionist
International Criminal Court: signed

The effects of the attacks on 11 September 2001 in the USA continued to be felt in Kuwait. Dozens of men were detained on suspicion of involvement in "terrorist" activities. More than 30 political prisoners, including prisoners of conscience, continued to be held; they had been convicted in manifestly unfair trials since 1991. The fate of more than 70 people who "disappeared" in custody in 1991 remained unknown. Four men were executed during 2002 and at least four others were sentenced to death. There were reports of torture, none of which appeared to have been independently investigated.

Aftermath of 11 September 2001

In April, men returning from Afghanistan and Pakistan were reportedly detained for a short period and then released without charge.

There was concern about the treatment of Kuwaiti detainees in Afghanistan and Guantánamo Bay, Cuba, (see USA entry). In July, a government-backed legal challenge to the detention in Guantánamo Bay of 12 Kuwaiti nationals was rejected by a court in Washington DC, USA.

Measures aimed at combating "terrorism" that were introduced by the government included financial controls and regulation of the activities of charitable organizations. Kuwait signed the Arab Convention on the Suppression of Terrorism in April 1998. AI is concerned that many provisions of the Arab Convention are in violation of international human rights standards and may be used to facilitate violations of human rights.

Dozens of men were reported to have been arrested in October, following attacks on US military personnel stationed in the country in advance of a widely expected attack on Iraq.

On 8 October, a US marine was killed in an attack on the US base on the island of Failaka. The two Kuwaiti men reportedly involved in the attack – Anas Ahmad Ibrahim al-Kandari and Jassem Hamad Mubarak al-Hajeri – were subsequently killed by US forces. In response to this and other attacks on US forces, the Kuwaiti authorities reportedly questioned hundreds and arrested dozens of people believed to have links with *al-Qa'ida*. At least eight remained in detention at the end of the year and at least four were charged. According to their lawyer, Mohsen al-Fadli, Maqbool Fahad al-Maqbool, Mohammed al-Mutairi and Adel Yusif Buhaimed told the trial judge that they were innocent of all accusations. Their trial was continuing at the end of the year.

On 15 October, the Kuwaiti security forces reportedly stormed the houses of Mohammad Youssef al-Malifi and Jaber al-Jalahima and arrested them. The two men were reportedly arrested following instructions from US security agencies, after they made statements to the media supporting the attacks which targeted US forces on the island of Failaka. The men faced charges, including "broadcasting propaganda at a time of war."

On 21 November, two US soldiers were shot and seriously wounded as they were travelling from a US military base. A Kuwaiti police officer, Khaled Messier al-Shimmari, was accused of the shooting. He later fled to Saudi Arabia where he was arrested and deported to Kuwait. According to Kuwaiti officials, Khaled al-Shimmari reportedly suffers from mental health problems and was previously admitted to hospital for psychiatric treatment.

Death penalty

Four men were sentenced to death. One had been convicted of the murder of a woman journalist in March 2001. The three others, a Kuwaiti and two Saudi Arabian nationals, were convicted in July of the kidnapping, rape and murder of a six-year-old *Bidun* (stateless) girl in May. The three men reportedly told the court in the opening session that they had confessed under duress, but the court accepted the "confessions" in evidence.

Four men were executed, including three Bangladeshi nationals who were hanged in public on 30 June following their conviction for the rape and murder of a Sri Lankan woman. The men's bodies were left for "public viewing" for 10 minutes after their execution. The three men had reportedly been beaten several times during detention and denied medical attention for their injuries. One of their lawyers alleged that the men's "confessions" had been extracted under torture.

Torture

There were reports of torture, none of which appeared to have been independently investigated.

Six Philippine nationals accused of the murder in October 2001 of a Canadian national were allegedly tortured during interrogation and there were fears that their confessions may have been forcibly extracted. They remained detained at the end of the year despite a court order for their release following the quashing of their convictions.

Political prisoners

At least 30 political prisoners, mainly Iraqi nationals, including prisoners of conscience, who had been convicted following unfair trials since 1991, continued to be held. They were sentenced to be deported upon completion of their terms of imprisonment. In most cases, the expiry of the sentence or an amnesty effectively means that prisoners are transferred from prison to a deportation centre where they are held indefinitely.

The fate of more than 70 people who "disappeared" in custody in 1991 remained unknown.

Amnesties

Four prisoners of conscience of Palestinian origin were reportedly released in February under an amnesty granted by the Amir. In September, four political prisoners of Iraqi origin, including Ibtisam al-Dakhil and Intisar Rasan Khallati, were pardoned by the Amir. All eight reportedly continued to be held in a deportation centre at the end of the year.

Women's rights

The Constitutional Court rejected three new cases challenging the legality of the election laws, which deny women the right to vote. On 17 February, during annual voter registration, dozens of Kuwaiti women activists demanding their social and political rights, attempted to register for forthcoming elections. Officials told them that they had no authority to place women's names on voter lists.

AI country reports/ visits

Visit

AI visited Kuwait in February to carry out fact-finding and to interview the families of Kuwaitis held by US forces in Guantánamo Bay, Cuba, and in Afghanistan.

KYRGYZSTAN

KYRGYZ REPUBLIC
Head of state: Askar Akayev
Head of government: Nikolay Tanayev (replaced Kurmanbek Bakiyev in May)
Death penalty: retentionist
International Criminal Court: signed

Police used excessive force dispersing demonstrators in March. At least five demonstrators were killed. Human rights defenders and opposition figures were harassed, detained and imprisoned. Refugees were forcibly returned to countries where they were at risk of serious human rights violations.

Background

There was a series of anti-government mass protests during the year. At least five people died in the southern district of Aksy in March after police opened fire on demonstrators (see below). Hundreds of demonstrators were detained. One demonstrator, who had been on hunger strike, died in January. In several cases demonstrators took government officials and police officers hostage to protest against government actions.

The Prime Minister and his cabinet stepped down on 22 May after the State Commission on the shootings by police of five demonstrators in Aksy found that senior officials were responsible for the deaths.

A Council for Constitutional Reforms which comprised government officials, parliamentarians, opposition figures and human rights activists was established by the President in August. A national referendum to vote on amendments to the Constitution was scheduled for early 2003.

In June, the law on the People's Rights Defender (Ombudsman) was adopted and in November the first Ombudsman was elected.

Arrests of alleged members of the banned Islamist party *Hizb-ut-Tahrir* continued.

The US-led coalition used military bases in Kyrgyzstan in connection with the military intervention in Afghanistan. In December, the Russian Federation deployed military aircraft in Kyrgyzstan.

Excessive use of force by police

At least five demonstrators died in clashes between police and protesters in the Aksy district of Jalal-abad region on 17 and 18 March. The protesters were calling for Azimbek Beknazarov's release (see below). Police officers and demonstrators were reportedly injured in the clashes.

The then Prime Minister stated that police were forced to fire in self-defence when the demonstration turned violent. However, in its report, issued on 17 May, the State Commission investigating the Aksy events stated that the "use of force by the law enforcement agencies... was erroneous, while the use of firearms was illegal." At the end of August, a criminal case was opened against several officials accused of abuse of office in connection with the deaths at the March protests. The trial was postponed several times, at least twice because several of the accused failed to appear in court, and because the case was sent back for further investigation. At the end of December, the Military Court in the southern city of Osh sentenced four senior law enforcement officials at the time of the Aksy events to prison terms ranging from two to three years. Three officials were acquitted.

Human rights defenders

Bakhadir Akhmedov, a 37-year-old ethnic Uzbek and deputy chairman of the Committee for the Protection of Muslims' Rights, was detained on 11 January in the southern town of Jalal-abad following a search of his flat in the course of which police officers reportedly planted ammunition in his gas oven to incriminate him. He was transferred to the investigation-isolation prison in Bishkek on 13 January, accused of "illegal possession of firearms". On 12 August, he was additionally charged with membership of the Islamic Movement of Uzbekistan (IMU). There were strong indications that the charges were not supported by compelling evidence. On 30 December, the charge of membership of the IMU was dropped. The initial charge was upheld, but the court ruled that he had already served the sentence in pre-trial detention and Bakhadir Akhmedov was released from the court room.

Political prisoners

Opposition politician and parliamentarian Azimbek Beknazarov was detained in Jalal-abad region on 5 January, accused of failing to investigate a murder in 1995 when he worked as an investigator at a prosecutor's office of the region. His supporters believed that the charges were brought in order to punish him for criticizing the government, in particular for his criticisms of ceding Kyrgyz territory to China as part of a frontier delineation agreement. On 19 March, following mass demonstrations in the district of Aksy demanding his release, he was set free on condition that he did not leave the country. On 24 May, Toktogul District Court sentenced him to one year's imprisonment for "abuse of power". His conviction meant that he lost his seat in parliament. He was immediately released as the judge ruled he had already served long enough on remand. On 28 June, Jalal-abad Regional Court closed the case, restoring Azimbek Beknazarov's parliamentary mandate.

On 11 October, Bishkek City Court upheld the conviction of Feliks Kulov, leader of the opposition *Ar-Namys* party and a former senior government official. He had been sentenced in May to 10 years' imprisonment in a strict-regime colony for abuse of office and embezzlement while he was governor of the northern Chui region between 1993 and 1997 and mayor of Bishkek in 1998 and 1999. There were concerns that these charges were brought for political reasons.

Refugees

Kyrgyzstan continued to deport refugees to countries where they were at risk of serious human rights violations.

Two ethnic Uighurs, both Chinese citizens, were reportedly deported at the beginning of August to China where they were at risk of serious human rights violations. The Kyrgyz Interior Minister had reportedly told journalists in July that the men would be tried in Kyrgyzstan and would not be extradited to China. The men had been accused of killing a senior official at the Chinese Embassy in Kyrgyzstan in late June.

Death penalty

At least 160 people were reported to be on death row at the end of 2002. The moratorium on executions in place since December 1998 remained in force.

AI country reports/ visits

Report

- Kyrgyzstan: Open letter from a coalition of non-governmental organizations to Askar Akayev, President of the Republic of Kyrgyzstan (AI Index: EUR 58/001/2002)

LAOS

LAO PEOPLE'S DEMOCRATIC REPUBLIC
Head of state: Khamtay Siphandone
Head of government: Bounyang Vorachit
Death penalty: retentionist
International Criminal Court: not signed

Torture, prison conditions, arbitrary detention and lack of a fair and impartial judiciary were all of urgent concern. At least eight prisoners of conscience and two political prisoners were in detention. Three people were sentenced to death for drugs-related offences under new tougher sentencing laws. They were awaiting the results of their final appeals. Basic freedoms, including the rights to freedom of expression, association and religion, remained severely restricted.

Background

National elections were in held in February for the National Assembly. Khamtay Siphandone was re-elected head of state and remained head of the Lao People's Revolutionary Party (LPRP). The LPRP held all but one of 109 elected seats in the National Assembly. Most leading government figures remained unchanged. Major General Soutchay Thammasith replaced Major General Asang Laoly as Minister of Security. Major General Asang Laoly was appointed Deputy Prime Minister.

Laos failed to ratify the two UN human rights covenants that it signed in December 2000.

The Lao authorities continued to seek the extradition from Thailand of 17 Lao nationals, alleged to be members of an opposition group involved in an armed attack in Champassak province in 2000.

Torture and ill-treatment

Information was received indicating widespread torture and ill-treatment of detainees and prisoners within police stations and prisons. Eyewitnesses reported seeing prisoners abused during police interrogations. Reported methods of torture and ill-treatment included kicking and punching, beatings with sticks or truncheons, death threats and mock executions, solitary confinement and long-term shackling in wooden stocks. There were also reports of suffocation, near-drowning, use of electric shocks, burning with cigarettes, and exposure to extremes of temperature.

A prisoner held in Phonthong prison stated in a letter that he had been repeatedly beaten and that police had placed a board on his feet, then stood on it for more than five hours so that he could no longer walk. He also said that he had been beaten in the chest and was coughing blood, that his penis had been burned and that he was "dying slowly".

Prisoners were held for long periods, months at a time, in stocks and had to lie in their own excrement. Stocks were reportedly used as a matter of routine in prisons including Samkhe prison, Vientiane.

Prison conditions

Medical care in prisons and detention centres was inadequate and mental health care non-existent. Prisoners suffering from mental health problems were labelled as "crazy" by prison guards and were particularly vulnerable to abuse.

The health of detainees and convicted prisoners deteriorated during their detention because of malnutrition. Food rations provided were insufficient. Prisoners lacking funds, family or consular access were reported to be dependent on basic rations and on the goodwill of fellow prisoners, without which they become seriously malnourished.

An Australian couple held in Phonthong prison in 2000-2001 witnessed the death in custody of a French citizen, Francis Prasak, on 5 January 2001, from a suspected heart attack. Desperate requests from fellow prisoners to the prison guards for help were ignored.

Political prisoners

Official secrecy about political imprisonment continued, and the collection of independent and impartial information continued to be hampered by lack of access to the country and restrictions on freedom of expression. However, Lao officials admitted for the first time to members of the European Parliament during talks held in Strasbourg, France, in June that five members of a group called the Lao Students Movement for Democracy had been convicted in June 2001 and were held in Samkhe prison. They had attempted to hold a demonstration in Vientiane in October 1999 to call for respect for human rights, the release of political prisoners, a multi-party political system and elections for a new National Assembly. The five, Thongpaseuth Keuakoun, Khamphouvieng Sisaath, Seng-Aloun Phengphanh, Bouavanh Chanhmanivong and Keochay, were prisoners of conscience.

Prisoners of conscience Feng Sakchittaphong and Latsami Khamphoui remained in Prison Camp 7, in a remote area of Houa Phanh province. Both men are former government officials who were arrested in 1990 after advocating peaceful political and economic change. In 1992 they were sentenced to 14 years' imprisonment under national security legislation following an unfair trial. Their conditions of detention remained extremely harsh with access to their families severely restricted.

Khamtanh Phousy, a prisoner of conscience detained since 1996, remained in Prison Camp 7. A former army officer who converted to Christianity, he was sentenced to seven years' imprisonment on what were believed to be politically motivated charges. No information was available about the situation of two other political prisoners believed to be still held in Prison Camp 7. Sing Chanthakoummane and Pangtong Chokbengboun were detained for "re-education" without charge or trial in 1975, and were sentenced to life imprisonment after an unfair trial in 1992.

Religious persecution

In July a Prime Minister's decree to "ensure religious freedom" was issued. Articles in the decree severely restrict freedom of religion by requiring official authorization for many aspects of organized worship.

Arrests and harassment of members of small unauthorized Christian churches continued to be reported. There were also unconfirmed reports of the release of some religious prisoners. Verifiable information about religious persecution was extremely difficult to obtain.

Death penalty

In the first such ruling since the death penalty was introduced in 2002 for drugs trafficking, three drug traffickers were sentenced to death in June. All three reportedly appealed to the Supreme Court. The death penalty is applicable for a number of offences, but according to government officials, no executions have been carried out for more than 10 years.

AI country reports/visits

Report

- Lao People's Democratic Republic: 'The laws are promulgated but have no impact on the people' – Torture, ill-treatment and hidden suffering in detention (AI Index: ASA 26/004/2002)

LATVIA

REPUBLIC OF LATVIA
Head of state: Vaira Vike-Freiberga
Head of government: Einars Repše (replaced Andris Berzins in November)
Death penalty: abolitionist for ordinary crimes
International Criminal Court: ratified

Legislation to introduce a civilian alternative to military service was passed by the Latvian parliament. Conditions in prisons generally did not meet international minimum standards. Latvia took a step towards abolishing the death penalty in all circumstances.

Conscientious objection

On 30 May the Latvian parliament, the *Saeima*, passed a law to introduce a civilian alternative to military service. A draft Law on Alternative Service prepared by a special working group in the period 2000-2001 had been adopted by the government in mid-2001 and sent to the *Saeima* for consideration in early February 2002. The law, which came into effect on 1 July, remained – as was previously feared – punitive in length, forcing conscientious objectors to military service to undertake an alternative service of two years in length, which is twice as long as military service. Conscientious objectors with graduate qualifications will serve 18 months.

Prison conditions

In late September the European Committee for the Prevention of Torture (CPT) visited Latvia for the second time, inspecting various places of detention throughout the country. The November 2001 report of the CPT's initial visit to Latvia in February 1999, which primarily focused on police detention facilities and prisons in the capital, Riga, found that conditions were often unacceptable, on occasion amounting to inhuman and degrading treatment. The CPT's findings were underscored by the European Commission's 2002 report on Latvia's progress towards accession to the European Union, published in October. The report, while acknowledging certain measures undertaken by the authorities to improve prison conditions, stated that "the situation in prisons continues to be reported as critical in terms of health and sanitary conditions, overcrowding and occupational measures". The length of pre-trial detention, particularly of juveniles, also remained a serious concern, contributing to delays in the administration of justice and overcrowding.

Death penalty

On 3 May Latvia took the first step to abolishing the death penalty in all circumstances, including in times of war, by signing Protocol No. 13 of the European Convention on Human Rights.

AI country reports/visits

Report

- Concerns in Europe, January-June 2002: Latvia (AI Index: EUR 01/007/2002)

LEBANON

LEBANESE REPUBLIC
Head of state: Emile Lahoud
Head of government: Rafiq al-Hariri
Death penalty: retentionist
International Criminal Court: not signed

Dozens of people affiliated to Christian and Islamist opposition groups were arrested for political reasons. At least 12 others were detained for alleged affiliation to *al-Qa'ida* or other groups classified as "terrorist". Scores of people, including political prisoners and suspected members of the disbanded South Lebanon Army (SLA), were tried before the Military Court on charges of "collaboration" with Israel, and dozens of political prisoners remained held for long periods without trial in connection with Islamist groups. There were reports of torture and ill-treatment of political detainees. At least one politically motivated killing took place. The year witnessed an increase in violence against women in the community. At least 10 death sentences were passed, but there were no executions. There were reports of deportations, arrests and ill-treatment of refugees and asylum-seekers, and Palestinian refugees continued to suffer discrimination.

Background

The authorities introduced new measures to combat "terrorism", including activating the anti-terrorism Law 11 of 1958. As a result Sunni Islamist groups with a history of opposition to the government were targeted and legitimate rights to freedom of expression and association were suppressed.

In June Lebanon and the European Union signed an agreement covering political and economic matters which includes a clause on human rights.

In September the Prosecutor General ordered search warrants to be issued allowing surveillance in Lebanon and abroad of those thought to be involved in anti-government activities, including "contacting" Israel and activities "detrimental" to Lebanon's relations with its Arab neighbours. The move followed efforts in the USA to oppose the Syrian presence in Lebanon led by General Michel Aoun, the exiled former commander of the Lebanese army and leader of the opposition group Free Patriotic Movement (FPM). Amid growing discontent, especially among Christian opposition groups, about the Syrian military presence in Lebanon, the Commander of Syrian Military Intelligence in Lebanon was transferred to Syria and replaced.

Arrests

Dozens of people affiliated to Christian and Islamist opposition groups were arrested. They included members of the unauthorized Lebanese Forces Party (LFP), the FPM, suspected member of Sunni Islamist groups including *Hizb al-Tahrir* ([Islamic] Liberation Party) and others allegedly affiliated to *al-Qa'ida*.

The arrests of LFP and FPM members were mostly related to their involvement in demonstrations opposed to the Syrian military presence in Lebanon and the distribution of political leaflets.

In March at least three students from the Lebanese University, including Bashir Matar and Charbel Ayoub, were arrested by members of the Internal Security Forces. They were later released without charge. They were taking part in a political rally organized by the LFP which was also attended by members of the FPM and the National Liberal Party.

In March, three men were arrested for allegedly distributing a leaflet by *Hizb al-Tahrir* critical of the Saudi Arabian Middle East peace initiative during the Arab summit in Beirut. Wisam Husain al Humsi, Muhammad Nayef al Humsi and Khaled Nayef al Humsi were arrested in western al-Biqa'. Others who were allegedly distributing leaflets in villages in the area were still being sought. The three men were later referred to the Internal Security Forces "anti-terrorism" office in Beirut for questioning.

In October, on the eve of the Francophone Summit held in Beirut, at least 10 students including Edward Cham'un, Cynthia Zaraziri and Richard Yunan were arrested at a demonstration against government policies and the Syrian military presence in Lebanon. These three students were reportedly injured when members of the Internal Security Forces used excessive force to break up the demonstration outside Saint Joseph University in Beirut.

In September and October, Military Intelligence arrested Khaled Minawi (see below), an 18-year-old Lebanese national; Muhammad Ramiz Sultan, a Lebanese and Australian national; and Ihab Husain Dafa', a Saudi Arabian national. The three were held incommunicado and later charged with offences including establishing "a terrorist organization" and forming a "cell" belonging to *al-Qa'ida*. They were reportedly tortured and ill-treated to extract "confessions".

Trials

Scores of people, including political prisoners and suspected members of the disbanded SLA, were tried before the Military Court on charges of "collaboration" with Israel. The trials fell short of international standards for fair trial and there were numerous reports of confessions being extracted under duress. Dozens of Islamist political prisoners remained held for long periods without trial.

In July the Military Court of Appeal sentenced Tawfiq al-Hindi, a leading member of the LFP, and journalist Habib Yunes to 15 months' imprisonment each; and journalist Antoine Basil to 30 months in prison. All were charged with "contacting" Israel. The sentences were passed following a retrial ordered by the Court of Cassation which rejected the previous three and four-year sentences passed by the Military Court. The trials appeared to be unfair and the three were possible prisoners of conscience. They had reportedly been tortured or ill-treated and they told

the courts, throughout their trials, that confessions had been extracted under duress. Both Tawfiq al-Hindi and Habib Yunes were released in November after serving their sentences.

Torture

There were reports of torture and ill-treatment of political detainees held in detention centres operated by Military Intelligence.

Fadi Taybah, a Sunni Islamist activist, was reportedly tortured and ill-treated at the Ba'abda Military Intelligence centre in August. He was arrested in Tripoli on 12 August, taken to Ba'abda, and reportedly tortured repeatedly over three days while being denied food and drink. He said intelligence officers beat his feet with cables during interrogation and that he was beaten on his head, his hands and his stomach. He was released on 20 August.

In October Khaled Minawi, an 18-year-old, was reportedly tortured and ill-treated while held incommunicado for five days at the Ministry of Defence Detention Centre. He was reported to have been tortured by the *ballanco* (suspension by the wrists, which are tied behind the back), and severely beaten in the stomach and face, in addition to being deprived of food for five days. He had previously been tortured while being held incommunicado in 2000, when he was just 16 years old.

Prison conditions

Prison conditions improved in some areas in 2002, apparently as a result of campaigning by national and international human rights groups. The women's prison in Tripoli was moved to a new building and the residence of the male prison guards, which was inside Ba'abda women's prison, was moved to a separate building. In another positive development, in October the authorities allowed the International Committee of the Red Cross access to Lebanese prisons.

Political killings

At least one politically motivated killing took place during 2002.

In May police discovered the decomposed body of Ramzi 'Irani, an engineer and LFP activist, in the Beirut neighbourhood of Karkas. He had "disappeared" on 7 May on his way to collect his son from school in central Beirut. His body was found in the boot of his car and was taken for post-mortem examination. No independent investigation appeared to have been initiated into his "disappearance" and killing.

'Disappearances'

A government commission of inquiry on "disappearances", set up in February 2001, concluded its work but its findings were not disclosed. National human rights groups and families of victims stepped up their campaign to find out what had happened to Lebanese who "disappeared" during the war, or who were believed to be detained in Syria.

In July members of the Committee of Families of Lebanese Detained in Syria met the Syrian Minister of Interior in Damascus and raised their concerns about Lebanese detained in Syria. The Minister undertook to look into their concerns in two months, but no response was available at the end of the year.

Violence against women

The year witnessed an increase in violence against women in the community, including "honour" or "family" killings, rapes and beatings. Men continued to commit "honour crimes" with near impunity.

In July Ziyad Misbah Shahab stabbed to death his wife, Widad Muhammad al-Nabulsi, and his daughter, Nasrin, in the family's home in Beirut. He reportedly told police that he was "suspicious" of the "conduct" of his wife and daughter. Under Lebanese law, a man who murders a female relative in a "fit of rage" because of "suspicious" relations with another man is liable only to a lenient sentence.

Children's rights

In January the UN Committee on the Rights of the Child examined Lebanon's periodic report on its implementation of the UN Children's Convention. It expressed concern at allegations that children as young as 15 had been tortured and ill-treated during incommunicado detention. The Committee recommended that the authorities take measures to prevent incommunicado detention of children, and investigate reported cases of ill-treatment of children.

Freedom of expression

The year witnessed an increase in the use of repressive measures against the media, particularly those critical of government policies and the Syrian military presence.

In October the Publications Court reaffirmed an earlier decision ordering the closure of MTV television station for contravening Article 68 of the Parliamentary Election Law by allegedly broadcasting unlicensed electioneering advertisements. The court decision provoked a demonstration by Christian opposition groups in central Beirut which was forcibly dispersed by the security forces. At least six demonstrators, some of them MTV employees, were injured. MTV was owned by Gabriel al-Murr, an opposition member of parliament (MP), and the court decision was opposed by political groups, including the Qurnat Shahwan Gathering of opposition MPs. The Interior Minister banned public protests on this issue. In November the Constitutional Council stripped Gabriel al-Murr of his seat in parliament for alleged failure to declare his financial interests, following an unfair hearing with no right of appeal.

Death penalty

At least 10 death penalty sentences were passed during the year, but there were no executions. A *de facto* moratorium on executions since November 1998 continued.

Refugees

Palestinian refugees

Thousands of Palestinian refugees living in camps in Lebanon continued to face systematic discrimination.

They risked arbitrary detention, their freedom of movement was restricted and they were barred from entering dozens of professions.

In September, two Palestinian civilians were killed when the Lebanese army stormed the densely populated al-Jalil refugee camp in Ba'albek, ostensibly to collect weapons and documents from an abandoned *Fatah* Revolutionary Council office.

Other refugees

Human rights violations against refugees and asylum-seekers, including arbitrary arrests and ill-treatment, continued. Dozens of asylum-seekers, including recognized refugees from Iraq, Sudan, Somalia and Tunisia, remained in detention. There were reports that 300 Iraqi nationals, among whom were asylum-seekers and refugees, were deported from Lebanon to countries where they would not be protected against forcible return.

Yasser Akrach, a recognized Sudanese refugee, was arbitrarily detained after a prison sentence for entering the country illegally had expired. In September, when he went on a two-day protest hunger strike, he was reportedly beaten and suspended by his wrists as a punishment.

Two Iraqi asylum-seekers, Khaled Salem Azzaoui and 'Ali Alkout, reportedly died in custody in Rumieh Prison in March, allegedly as a result of inadequate medical assistance.

AI country reports/visits

Statement

- Lebanon: Amnesty International reiterates its concerns on the situation of refugees and asylum-seekers (AI Index: MDE 18/005/2002)

Visits

AI delegates visited the country several times to conduct research, hold talks with government officials and non-government organizations and carry out human rights training.

LIBERIA

REPUBLIC OF LIBERIA
Head of state and government: Charles G. Taylor
Death penalty: retentionist
International Criminal Court: signed

As conflict continued, large numbers of civilians were unlawfully killed and tortured by government forces and, to a lesser extent, by the armed opposition. Both sides forcibly recruited children. Despite UN sanctions, arms transfers continued. Several hundred thousand civilians became refugees or were internally displaced. A state of emergency resulted in increased repression of political opponents, journalists and human rights activists. Those responsible for human rights abuses enjoyed almost total impunity.

Background

Armed conflict between government forces and the armed opposition Liberians United for Reconciliation and Democracy (LURD) continued throughout 2002 in the north and west of Liberia. There was widespread loss of life, destruction of property and infrastructure and population displacement. Large numbers of people had no access to assistance and the humanitarian situation deteriorated dramatically. It was often difficult to verify information about abuses and it was sometimes unclear whether government forces or the LURD were responsible.

The conflict threatened the stability of neighbouring Guinea and Sierra Leone, which with Liberia form the Mano River Union. LURD forces operated from and were supported by Guinea, although this was denied by the Guinean government.

There were several initiatives by the international community to resolve the conflict. In February the heads of state of the three countries met in Morocco, but progress faltered. In November President Charles Taylor expressed willingness to open dialogue with the LURD. An International Contact Group on Liberia, coordinated by the Economic Community of West African States (ECOWAS), met in December and encouraged early negotiations towards a solution, including a cease-fire, disarmament and respect for the rule of law and human rights.

President Taylor imposed a state of emergency from early February to September, claiming that the LURD threatened the capital, Monrovia. Political activity and public meetings were banned, and freedom of expression was curtailed.

In September a Special Representative of the UN Secretary-General in Liberia was appointed and the UN Security Council subsequently decided to elaborate a comprehensive strategy on Liberia. AI called for the UN Peace-building Support Office in Liberia (UNOL), whose mandate was extended to the end of 2003, to include a strong human rights

component, including monitoring and reporting human rights abuses. The Security Council subsequently recommended an expanded role for UNOL, including enhancing and monitoring respect for human rights and providing regular reports on the human rights situation.

Violations by Liberian security forces

Human rights violations on a large scale were committed by the Armed Forces of Liberia (AFL), by two special security units – the Anti-Terrorist Unit (ATU) and the Special Operation Division (SOD) – and by government-allied militia. Violations increased markedly after the imposition of the state of emergency, and the government did little or nothing to prevent them. It failed to bring perpetrators to justice.

Summary executions

Liberian security forces summarily executed civilians, including women and children, in areas affected by fighting. After driving LURD forces from an area, civilians suspected of supporting the LURD were beaten, tortured or killed. Several incidents were reported of boys and young men being abducted and then summarily executed when they refused to fight with government forces. Large numbers were rounded up in and around Monrovia and forced to fight after the imposition of the state of emergency.

- In January AFL soldiers shot dead a woman and wounded her four-year-old son at her home in Sawmill, near Tubmanburg, Bomi County.
- On 20 March, Henry Cooper, a member of an opposition political party in Bong County, was reportedly arrested by police; his bullet-ridden body was found later.
- In May, 11 people of Mandingo ethnic origin were killed in Gbaney and another eight in Gbeka, both close to Gbarnga, Bong County.
- During fighting in Sawmill in mid-April, men and boys who refused to fight with government forces were summarily executed. They included Fofoe Kanneh, a Mandingo.
- In May more than a dozen boys, the youngest 15, and men were forcibly recruited in the suburbs of Monrovia; four were later summarily executed for refusing to fight.

Arbitrary arrest, detention, torture and ill-treatment

Anyone suspected of being a "dissident" or associated with the LURD, in particular members of the Krahn and Mandingo ethnic groups, risked arbitrary arrest and detention. After the imposition of the state of emergency, security units undertook daily raids in and around Monrovia, including displaced people's camps, in search of LURD members. Hundreds of boys and young men were beaten and arrested. Some were released only after their families paid a bribe. Often those arrested were taken for questioning to the Executive Mansion, the Office of the Presidency, in Monrovia. Forced recruitment was also often accompanied by arbitrary detention and ill-treatment. The use of torture and ill-treatment was routine, and dozens of people reportedly died as a result.

In March the UN Special Rapporteur on torture reported that no institutions for the protection of human rights had been established and that there was no training in international human rights standards for special security units, including the ATU and SOD, known to torture detainees routinely.

- ATU and SOD forces arrested 45 young men at a displaced people's camp in Monrovia on 24 February. They were released the following day after payments by their families.
- In February in Tubmanburg, four men suspected of being "dissidents" were reportedly tortured by members of the ATU; one subsequently died. A surviving victim described his scrotum being beaten with a hammer.

Arrests and ill-treatment of suspected opponents continued after the lifting of the state of emergency in September.

- On 14 December Throble Suah, a journalist on *The Inquirer* newspaper, was stopped in a street in Monrovia and severely beaten by security forces, believed to be ATU members; he required urgent medical treatment.
- On 11 December, five members of opposition political parties were arrested in Grand Bassa County and taken to Monrovia where they remained held without charge before being released.
- In late December leading members of the Inter-Religious Council of Liberia, David Kiazolu and Christopher Toe, were arrested, apparently suspected of collaborating with the LURD.

Rape and other sexual violence

Women and girls in areas affected by fighting were frequently subjected to rape and other forms of sexual violence.

- In February, a women aged 23 who had fled her home was gang-raped and severely beaten by security forces in Margibi County.
- As thousands of civilians fled fighting around Gbarnga in May, as many as 20 women reported that they had been raped by security forces. They included a 19-year-old raped by four government-allied militia. Another woman was abducted, held for two days and repeatedly raped by an ATU member.

Attacks on the human rights community

Those who condemned human rights violations were accused of spreading false information intended to "tarnish the image" of Liberia within the international community or of supporting the LURD. Attacks on human rights activists increased during the state of emergency. While some were held for short periods, others remained held at the end of 2002.

- Frances Johnson-Morris, former Chief Justice and head of the Catholic Justice and Peace Commission, was arrested in February after publicly questioning the constitutional legality of the state of emergency. She was detained briefly with male detainees before the Minister of Justice ordered her release without charge.
- Tiawan Gongloe, a human rights lawyer, was arrested in April and tortured in police custody, requiring hospital treatment for his injuries. He was

initially prevented from leaving the country and was briefly detained again in May.

- Hassan Bility, a journalist with *The Analyst* newspaper, was arrested in June with two associates, following articles condemning human rights violations. Sheikh Sackor, Executive Director of Humanist Watch, was arrested the following month. Both were held incommunicado and tortured. The government accused them of belonging to the LURD and announced that they would be tried by a military court. No charges were brought against them. Although the government said in October that they would be released, Hassan Bility was held until December when he was handed over to US Embassy officials and flown out of the country. Sheikh Sackor remained held at the end of 2002.
- Aloysius Toe, a leading human rights activist, went into hiding in late October after police raided his home and briefly detained his wife and three other human rights activists. These arrests followed the launch of a campaign by the Liberia Coalition of Human Rights Defenders to secure the release of Hassan Bility and Sheikh Sackor. Aloysius Toe was arrested and charged with treason when he emerged from hiding. The charge was based solely on a widely available LURD document which he was alleged to have received by e-mail. He remained in the Central Prison, Monrovia.

Abuses by the armed opposition

Lack of independent information made it difficult to confirm reports of human rights abuses by the LURD. However, evidence indicated that abuses against civilians continued, although less widespread and systematic than those by government forces. Abuses included unlawful killings, torture, including rape, and the use of child combatants. Sierra Leonean civilians living near the border were among the victims as the LURD made incursions into Sierra Leone.

Early in 2002 there were isolated incidents of killings of suspected government collaborators, rape and forced recruitment. As offensives by government forces intensified, reports of abuses increased. Refugees fleeing to Guinea and internally displaced people were particularly at risk. Hundreds of boys and young men were forcibly recruited to fight and civilians, including women and children, were systematically used as forced labour. The LURD leadership reportedly made some efforts to ensure that combatants respected civilians' human rights.

- In January a LURD commander forced several men from Kolahun, Lofa County, to carry ammunition. Two were shot in the leg for not walking fast enough, one of whom later died.
- In August, three women fleeing to Guinea were abducted by LURD combatants between Kotolahun and Honyahun. They were forced to carry loads and then raped. Those responsible were subsequently beaten by their commanders.
- During an attack by the LURD on a refugee camp at Sinje, Grand Cape Mount County, in June, five nurses working with a Liberian medical relief organization were abducted and held until September.

Refugees and internally displaced people

The plight of refugees and internally displaced people deteriorated significantly. Fighting led to internal displacement of several hundred thousand Liberians in addition to an exodus of nearly 200,000 to neighbouring countries. Refugees were frequently turned away at borders. Liberian refugees were harassed by security forces, in particular in Côte d'Ivoire and Guinea.

Guinean security forces prevented Liberians from crossing the border, forcing them back into the hands of the LURD. Liberian refugees in Ghana were also at risk because of the presence of Liberian security forces and inadequate security at refugee camps.

Ivorian security forces extorted money and stole possessions as refugees crossed the border, and detained Liberian refugees of Mandingo and Krahn ethnic origin. The situation of some 72,000 registered Liberian refugees deteriorated dramatically as violence and insecurity gripped Côte d'Ivoire from September. More than 30,000 had returned to Liberia by the end of 2002. Some 20,000 Ivorian nationals also fled to Liberia.

By the end of 2002, there were an estimated 130,000 internally displaced people in established camps, while another 200,000 remained in conflict areas where humanitarian access was severely restricted. The attack by the LURD on Sinje refugee camp in June forced some 25,000 Sierra Leonean refugees and Liberian internally displaced people to flee.

In February a report by the UN High Commissioner for Refugees (UNHCR) and Save the Children-UK revealed the risks of sexual abuse and exploitation faced by refugee and internally displaced children in Guinea, Liberia and Sierra Leone from employees of national and international non-governmental organizations, UNHCR and other UN bodies, security forces and other refugees and internally displaced people. Although the UN Office of Internal Oversight Services carried out an investigation into these allegations and published a report in October, AI was concerned that its terms of reference were too limited and therefore unlikely to yield findings which reflected the true situation.

External military assistance

The Panel of Experts established by the UN Security Council to monitor compliance with UN sanctions imposed on Liberia in 2001, including a ban on arms transfers and rough diamond exports, published reports in April and October. These showed that the government had continued to procure arms. In May the Security Council extended sanctions for a further 12 months. The government protested, claiming that the ban on arms transfers prevented it from protecting the country against the armed opposition. The Panel of Experts, which specified that the ban also applied to the LURD, found that arms had reached the LURD through neighbouring countries, including Côte d'Ivoire, Guinea and Sierra Leone.

The Panel of Experts' reports made explicit links between the Liberian timber industry and the arms

trade. AI supported the Panel's recommendation that there should be a long-term financial audit of the timber industry by an international auditing firm.

AI country reports/visits

Reports

- Guinea, Liberia and Sierra Leone: Diamond trading must be controlled and monitored from the point of mining to the point of export (AI Index: AFR 05/001/2002)
- Liberia: State of emergency signifies a greater need for international involvement in human rights protection (AI Index: AFR 34/002/2002)
- Liberia: Hassan Bility – Incommunicado detention without charge (AI Index: AFR 34/011/2002)
- Liberia: Civilians face human rights abuses at home and across borders (AI Index: AFR 34/020/2002)
- Liberia: Aloysius Toe – Human rights activist on trial for treason (AI Index: AFR 34/029/2002)

LIBYA

SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA
Head of state: Mu'ammar al-Gaddafi
Death penalty: retentionist
International Criminal Court: not signed

Approximately 65 political prisoners, including five prisoners of conscience detained since 1973, were released. Hundreds of others reportedly remained in prison. Families of dozens of prisoners were informed by the authorities that their relatives had died in prison, but were not told the date or cause of death. Several cases of "disappearance" were still not clarified. Two possible prisoners of conscience were sentenced to death. Reports of torture continued to be received; no investigations were known to have been carried out. Legislation remained in force criminalizing non-violent political activities and providing for unfair trials.

Background

After the announced release of political prisoners and prisoners of conscience, Colonel Mu'ammar al-Gaddafi declared on 1 September in his annual speech for the anniversary of the 1969 Revolution that "the existing Libyan prisons will be empty" with the exception of "a group of heretics who are believed to have links with what is known as *al-Qa'ida* and the *Taleban*". He stated that these would be treated in the same way the USA was treating people detained in Guantánamo Bay: "America said these people do not have the right to defend themselves, we will never provide them with lawyers, nor will their human rights be respected".

A climate of fear continued to prevail where victims of human rights violations or their relatives, in or outside the country, risk measures of retaliation when they communicate information to human rights organizations.

Political prisoners and prisoners of conscience

Some 65 political prisoners were released. Among them were five prisoners of conscience – Muhammad 'Ali al-Akrami, al-'Ajili Muhammad Salah 'Abd al-Rahman al-Azhari, Muhammad 'Ali al-Kajiji, Salih 'Omar al-Qasbi and Muhammad al-Sadiq al-Tarhuni – who had been imprisoned for almost three decades for their peaceful involvement with the prohibited Islamic Liberation Party, *Hizb al-Tahrir al-Islami*.

Despite the authorities' claim that there were no more political prisoners in the country, it was reported that hundreds remained in prison.

Ahmad 'Abd al-Qadir al-Thulthi, an engineer arrested in April 1986, was believed to be still in detention despite his acquittal by a court in 1987 because of lack of evidence against him. He was reportedly accused of sabotage and membership of an illegal political organization.

Unfair trials

Unfair trials, particularly before People's Courts established in 1988, continued to be reported. In a statement commenting on *Amnesty International Report 2002*, the authorities reiterated that the People's Court is an "independent body" which "maintains all legal safeguards with regard to levels of litigation and the rights of the defence". Despite apparent positive developments in the case of the "HIV trial", concerns regarding the unfair administration of justice remained unchanged.

In February a People's Court in Tripoli dropped charges of conspiracy against the state in the case of one Palestinian and six Bulgarian health professionals who had been on trial since February 2000, accused of deliberately infecting nearly 400 children in hospital with the HIV virus. It referred the case back to state prosecutors. In June the prosecution pressed similar charges to those which had formed the basis of the original trial, but dropped the charge of conspiracy against the state. In August the Arraignment Chamber ordered a referral of the accused before a criminal court. According to reports, security officers who interrogated and allegedly tortured the accused following their arrest in 1999 were also referred to the criminal court.

Lockerbie appeal

In March a Scottish court of appeal, established in the Netherlands where the original trial took place, upheld the life imprisonment sentence against Libyan national 'Abdel Basit al-Megrahi. He had been convicted in 2001 for involvement in the bombing of a Pan Am flight which exploded over the town of Lockerbie in Scotland, United Kingdom, in 1988, killing 270 people. In September his lawyers reportedly lodged an application for a hearing before

the European Court of Human Rights on the grounds that 'Abdel Basit al-Megrahi had not received a fair trial.

Death penalty

Legislation remained in force that provides for the death penalty for activities which solely amount to the exercise of the right to freedom of expression and association. Death sentences continued to be imposed. No executions were reported. Since 1988, the authorities have continued to state their intention to work towards the abolition of the death penalty but there was no concrete move on this issue.

On 16 February, two possible prisoners of conscience, Abdullah Ahmed Izzedin and Salem Abu Hanak, were sentenced to death after an unfair trial before a People's Court in Tripoli. Scores of others in the same trial received sentences ranging from 10 years' to life imprisonment. They were among 152 professionals and students arrested in 1998 on suspicion of supporting or sympathizing with the banned Libyan Islamic Group, *al-Jama'a al-Islamiya al-Libiya*, which was not known to have used or advocated violence. No investigation into allegations of torture during detention raised by some of the defendants was known to have been carried out. Both the defendants and the prosecution lodged appeals against the verdict.

Torture and ill-treatment

Torture remained common in detention centres. According to AI's information, officials failed to take action to investigate allegations of torture or provide redress for the victims. Corporal punishments provided by law remained in force and were reportedly applied.

On 5 September Muhammad Mas'ud Zubaida went to the office of the Revolutionary Committee in Beni Walid to inquire if his son 'Abdullah Muhammad Mas'ud, detained since 1994, was to be included in the latest round of releases. Muhammad Mas'ud Zubaida was reportedly detained and died shortly after his release the following day. He had allegedly been tortured and ill-treated in detention.

According to Libyan media reports, four men convicted of robbery had their right hand and left leg amputated on 3 July, after the punishment was endorsed by the Supreme Court.

Deaths in custody

Allegations of numerous deaths in custody were not investigated. The authorities notified dozens of families that their relatives had died in custody, but apparently refused to provide any details of the date or cause of death. Some families were told that the body of their relative could not be returned because the prisoner had died years earlier. This led to speculation that the prisoners may have been among scores of prisoners allegedly killed unlawfully by the security forces in July 1996 in Abu Salim Prison in Tripoli.

'Disappearances'

The authorities came under increased pressure to clarify several cases of "disappearance", but had failed to open thorough, independent and impartial investigations into the cases by the end of the year.

In his annual speech on 1 September Colonel Mu'ammar al-Gaddafi gave an official acknowledgement that Imam Musa al-Sadr, a prominent Iranian-born Shi'a cleric living in Lebanon, "disappeared in Libya" during a visit in 1978.

The authorities failed to disclose information about Mansur Kikhiya, former Foreign Affairs Minister and prominent human rights defender, who was last seen in Cairo, Egypt, in December 1993, or about Jaballah Matar and Izzat Youssef al-Maqrif, both prominent Libyan opposition activists who "disappeared" in Cairo in March 1990.

Correspondence with the authorities

In a statement of responses to *Amnesty International Report 2002*, the General People's Committee for Justice and Public Security denied any basis to the concerns raised by AI. By the end of the year, the organization had received no replies to the correspondence bringing cases and human rights concerns to the attention of the authorities.

MACEDONIA

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
Head of state: Boris Trajkovski
Head of government: Branko Crvenkovski (replaced Ljubcho Georgievski in November)
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

Although the human rights situation continued to improve, there were suspected extrajudicial executions and reckless use of firearms by security officials leading to loss of life, and continuing allegations of torture and ill-treatment by police and security officials. There were also reports of unlawful killings and hostage-taking by armed groups, and reports of attacks by "unknown assailants" who were suspected of being connected to the security forces. There were threats against human rights defenders and opposition journalists were attacked.

Background

Ramifications continued from the conflict in 2001 in the north and west of the country between the National Liberation Army (NLA), an ethnic Albanian armed opposition group, and the Macedonian security forces.

In March, an amnesty was granted to all those involved in the conflict, except for those accused of war crimes under the jurisdiction of the International Criminal Tribunal for the Former Yugoslavia (the

Tribunal). Under this amnesty, which followed on from a December 2001 Presidential pardon, 54 people were released. In October, the Trial Chamber of the Tribunal ruled that the Macedonian courts should defer to the competence of the Tribunal in five cases. Four cases involved alleged NLA abuses, and the fifth related to the killing of at least six Albanians in Ljuboten in August 2001, allegedly by the security forces. In April, exhumations of bodies in the Ljuboten case were completed, although the results of the forensic tests had not been made public by the end of 2002.

The peace process continued to be supported by activities of the international community, including up to 200 Organization for Security and Co-operation in Europe (OSCE) and European Union (EU) monitors protected by a NATO force from 11 countries.

Violent incidents decreased although tension was still high. Incidents included bomb attacks and shootings occasionally resulting in loss of life. However, mixed Albanian and Macedonian police units were successfully redeployed under the guidance of OSCE monitors. Although the NLA had disbanded and handed over some of its weapons to NATO, armed Albanian splinter groups continued to operate. Inter-Albanian armed clashes occurred sporadically as former NLA commanders entered the political arena.

After national elections in September, the government led by the predominantly ethnic Macedonian VMRO-DPMNE (the Internal Macedonian Revolutionary Organization-Democratic Party for National Unity) was replaced by a coalition led by the Social Democratic Alliance of Macedonia (SDSM) and the Democratic Union for Integration (BDI) formed by former NLA leader Ali Ahmeti.

Killings by the security forces

There were concerns at the occasional reckless use of firearms by security officials leading to loss of life. In one case the available information pointed to extrajudicial execution.

On 2 March police shot dead seven men – six from Pakistan and one from India – in a police ambush at Rashtanski Lozja near Skopje. The authorities claimed the men were radical Islamic "terrorists" linked to the NLA and its successors, who were planning to attack western embassies in Skopje. However, the available evidence indicated that the men were all economic migrants on their way to Greece.

On 18 October Metin Adili, an ethnic Albanian, was killed and two others wounded when police opened fire on a car which failed to stop at a roadblock in Tetovo. A police spokesman claimed the occupants of the car had opened fire at the police but OSCE observers reportedly found no evidence to back up this claim.

Police torture and ill-treatment

Police continued to ill-treat people during arrest and in detention. In many cases, especially those involving ethnic Albanians or Roma, the alleged ill-treatment had an ethnic or racial component. Many of the incidents involved members of the "Lions", a special mono-ethnic paramilitary police unit set up by the Interior Ministry following the NLA uprising whose members were widely seen as being pro-VMRO-DPMNE. Cases raised with the Interior Ministry by the office of the People's Defender (Ombudsperson) were dismissed as unfounded despite at times compelling evidence to the contrary. However, in November the new government replied to AI, stating that, in accordance with AI's recommendations, a plan would be drawn up for training police officers and implementing European standards governing the conduct of law enforcement officials. The authorities failed to make available the findings of visits in October 2001 and July and November 2002 by the European Committee for the Prevention of Torture.

On 3 April, two Muslim Macedonians, Cano Canoski and Vebija Saloski, were allegedly severely beaten and threatened with guns and knives by six to eight members of the "Lions" while they were gathering wood near Struga.

On 9 October police allegedly ill-treated Arben Ismaili, who suffers from cerebral palsy and is confined to a wheelchair, after he left his home in Nerezi near Skopje with a neighbour, also an ethnic Albanian. Reportedly, they were stopped by police officers who insulted them with racial slurs, and then punched Arben Ismaili repeatedly in the face despite his pleas that he was disabled and had done no wrong.

Attacks by 'unknown assailants'

There were occasional attacks on citizens by "unknown assailants" who may have been connected to the authorities.

On 23 January, a group of masked men armed with automatic weapons attacked and severely injured Pavle Todorovski, the Deputy Leader of the Local Community Council of Tearce near Tetovo, denouncing him as a "Macedonian traitor". No serious police investigation into the attack appeared to have been undertaken and there were suspicions that the perpetrators may have been members of the security forces who attacked him because of his conciliatory stance towards ethnic Albanians.

There were a number of physical attacks on journalists perceived as being in opposition to the authorities.

On 16 July Mare Stoilova, a correspondent with *A1 TV*, was attacked by eight men after *A1 TV* reported alleged corruption by a VMRO-DPMNE politician.

Human rights defenders threatened

In January there was repeated criticism of the non-governmental Helsinki Committee in the media and on Macedonian television, coordinated by members of the government including the Prime Minister and Minister of the Interior. The Minister of the Interior referred to the Committee's chairperson, Dr Mirjana Najchevska, as "state enemy No. 1", "anti-Macedonian" and an "attorney for the Albanians" because of the Committee's criticism of human rights violations by the authorities against ethnic Albanians. Dr Najchevska received warnings that she might be arrested when she returned to Macedonia from France. However,

following pressure by AI and others, she returned safely and the authorities denied that there was ever a threat to her. She was also personally attacked in a Interior Ministry statement after the Committee issued a press release on 3 September questioning the political impartiality of the police. The same statement threatened criminal proceedings against editors of opposition media.

Abuses by armed groups

Members of armed groups, most believed to be connected to remnants of the NLA, committed repeated abuses throughout the year, including killings. During the run-up to the elections there was an increase in tension with a spate of assassinations of former NLA members by rival Albanians, the killing of two policemen by gunmen in Gostivar, short-term abductions, and a series of bomb and grenade attacks on ethnic Albanian political party buildings. In the event, the elections passed off without noticeable incident.

Refugees and the displaced

In October the Macedonian Red Cross reported that the number of registered internally displaced persons due to the 2001 fighting was 9,013, of whom 6,826 were in host family accommodation and 2,187 in the collective centres.

AI country reports/ visits

Reports

- Macedonia: Dark days in Tetovo (AI Index: EUR 65/007/2002)
- Macedonia: Possible extrajudicial killing of seven men in Rashtanski Lozja (AI Index: EUR 65/012/2002)
- Macedonia: The "Lions" beat tonight – alleged ill-treatment of citizens by paramilitary police (AI Index: EUR 65/025/2002)

MADAGASCAR

REPUBLIC OF MADAGASCAR
Head of state: Marc Ravalomanana (replaced Didier Ratsiraka in May)
Head of government: Jacques Sylla
Death penalty: abolitionist in practice
International Criminal Court: signed

Disputed presidential elections in December 2001 sparked a major political crisis as well as unrest and localized fighting. Against this background there were numerous human rights abuses, including unlawful killings, torture, arbitrary detentions and unfair trials.

Background

On 22 February, after weeks of demonstrations by his supporters in the capital Antananarivo in protest at the official election results, Marc Ravalomanana, main challenger to outgoing President Didier Ratsiraka, declared himself President. Didier Ratsiraka established his government in the eastern port of Toamasina, with the backing of five of the six provinces' governors, while Marc Ravalomanana's supporters installed his nominated ministers in the government offices in Antananarivo. The erection of blockades and the destruction of bridges by Ratsiraka supporters effectively isolated the inland capital from the coastal provinces. Ravalomanana supporters were then targeted by members of the security forces and supporters loyal to Didier Ratsiraka in some provinces. Human rights abuses were committed in April during fighting between both sides in Fianarantsoa province.

After a recount of the votes, the High Constitutional Court declared Marc Ravalomanana the winner. He was sworn into office as President on 6 May. Didier Ratsiraka contested the decision and four provincial governors declared their "independence" from the capital. Marc Ravalomanana sent the army to take control of the provinces by force. Hundreds of people were arrested by the army on suspicion of having supported Didier Ratsiraka, who fled to France on 7 July. At the end of the year, some of those arrested had been tried and others were awaiting trial – in most cases the judicial proceedings did not respect international standards of fairness.

Parliamentary elections, a condition set by international mediators of the crisis, were held on 15 December, although many opposition party members remained in detention. According to international observers, there was no violence despite isolated incidents of intimidation of opposition candidates. President Ravalomanana's party, *Tiako'I Madagascar*, and allies won 125 seats out of 160 in Parliament.

Unlawful killings

Dozens of people were killed during the unrest. Some were apparently extrajudicially executed. Others

were killed by security forces during demonstrations or unrest in circumstances suggesting excessive use of force.

On 2 March, Olivier Ratsimba and Lalason Rajaobelina, supporters of Marc Ravalomanana in the island of Nosy-Be, part of the northern province of Antsiranana, were separately arrested in their homes and beaten severely by armed security officers and supporters of Didier Ratsiraka. When Lalason Rajaobelina woke up in a car driven by his attackers, Olivier Ratsimba was lying unconscious next to him. Both men and then the car were subsequently thrown over a cliff. Lalason Rajaobelina survived but Olivier Ratsimba was killed. An investigation was reportedly opened into the incident.

On 14 March, officers of the *Organe Mixte de Conception*, a body in charge of maintaining order comprising army and police forces, opened fire on suspected looters in Morarano district of Toamasina, killing at least two people. Officers had reportedly been ordered to fire on looters, in contravention of international law which sanctions intentional lethal use of firearms only when law enforcement officials or others are faced with the imminent threat of death or serious injury. Tension had been mounting in the town amid growing unrest between rival supporters of Didier Ratsiraka and Marc Ravalomanana.

Torture

Dozens of people were tortured or ill-treated by security officers and Ratsiraka supporters during unrest in the provinces. Some suspected Ratsiraka supporters were also tortured or ill-treated during arrest by Ravalomanana's armed forces.

On 23 June, 73 itinerant dealers were ambushed on their way back to Ambilobe, Antsiranana, from the capital, by pro-Ratsiraka military and security officers, reportedly aided by local men. They were beaten, tied to each other with ropes and transferred in a military truck to the city of Antsiranana, capital of the province.

They were detained in the "2nd RFI" military camp next to the office of the governor, where they were beaten with gun butts and stones, threatened with death, humiliated and robbed of their personal belongings. Some were forced to stand the whole night with a grenade on their head. The following day, they were tied to the front bars of the governor's office for a whole day, apparently to serve as "hostages" as Ravalomanana's armed forces were making their way to the city. The pro-Ratsiraka soldiers finally let them go after forcing some of them to pay a "ransom".

On 15 June police agent Said Ibrahim was arrested without a warrant and tortured by Ravalomanana supporters in a room in the office of the newly installed Ravalomanana provincial chief in Mahajanga. Said Ibrahim was reportedly blindfolded, beaten with gun butts, stripped and forced to drink his own urine. He was transferred to Tsiafahy, a detention centre in Antananarivo, on charges of "participating in blockades".

Arbitrary arrests and detentions

There were numerous reports of arbitrary arrests and detentions of suspected Ravalomanana supporters by Ratsiraka supporters during the unrest. Once Ravalomanana's army retook control of the provinces, many suspected Ratsiraka supporters were arbitrarily arrested or detained by soldiers who do not legally have powers of arrest.

In April at least 19 people were arrested by Ratsiraka security forces and supporters in separate instances in Antsiranana province because of their perceived support for Marc Ravalomanana during the elections. All were tortured during arrest and transferred to Camp Pardes in Antsiranana. The tribunal in Antsiranana was unable to charge them with a recognizable criminal offence. Most were later transferred back to their home towns. Some were released without charge; others were charged by local tribunals, apparently under pressure by provincial security forces. They were not tried. At least one of them, Jonathan Odilon Venor, died in October, apparently from injuries sustained as a result of torture.

On 27 May, Tantely Andrianarivo, Prime Minister in the Ratsiraka government, was arrested from the Prime Minister's residence by security forces loyal to Marc Ravalomanana. He was briefly taken to a police station, then placed under house surveillance for almost five months. He was neither charged nor given regular access to lawyers during this time. On 7 or 8 October, his lawyers were finally able to visit him. On 21 October he was charged with several offences, including "attempt against the security of the state" and "misappropriation of public funds". He was transferred to the Antanimora prison in Antananarivo the same day.

Unfair trials

Hundreds of suspected Ratsiraka supporters and members of the security forces were arrested after Ravalomanana's army took control of the provinces. Most were charged with offences ranging from "attempt to undermine the internal security of the state" to "participation in blockades". Some were prisoners of conscience. In most cases, the judicial proceedings fell short of international standards of fairness: some defendants were tortured during arrest and denied legal counsel during interrogation and proper medical assistance.

On 14 June Venance Raharimanana, an educator, was arrested by Ravalomanana army soldiers in Mahajanga and transferred to Antananarivo. He was beaten with gun butts on his face and head on his arrival, and then held incommunicado. The next day he was taken to hospital by his family who had managed to locate him. He was later charged with "propagating false news" and "inciting to crimes", under the pretext that he would have supported the governor of Mahajanga's declaration of independence of the province. Requests to transfer him to hospital were ignored, despite the serious injuries he sustained as a result of beatings during arrest. He was found guilty in

an unfair and summary trial on 23 August and sentenced to a two-year suspended jail sentence. While held he was a prisoner of conscience.

Restrictions on freedom of assembly and expression

Media offices were attacked and demonstrations were repressed violently during the unrest.

On the night of 23 February, unidentified armed men attacked the *Madagascar Broadcasting Service* (MBS) radio station, owned by Marc Ravalomanana in Fianarantsoa. The office was burned down and three guards were seriously injured in the attack. On 27 February, the *Tsiokavao* radio station was burned down by Ravalomanana supporters in reprisal for the attack on the MBS.

AI country reports/ visits

Report

- Madagascar: Justice is selective (AI Index: AFR 35/004/2002)

Visit

AI delegates visited Madagascar from 14 to 28 August.

MALAWI

REPUBLIC OF MALAWI
Head of state and government: Bakili Muluzi
Death penalty: retentionist
International Criminal Court: ratified

Political tensions increased ahead of general elections scheduled for 2004. Police failed to investigate several instances of political violence perpetrated by ruling United Democratic Front (UDF) supporters against the opposition. State repression of freedom of expression and assembly escalated. Approximately 22 people were sentenced to death. No executions have take place since 1992.

Background

The government continued its efforts to amend the Constitution to enable President Muluzi to run for a third term, leading to growing criticism from local churches, human rights groups and western donors. Article 83(3) of Malawi's Constitution, adopted in 1994 following the move to multi-party democracy, allows the President to stand for two terms only. In response to the July defeat of a private member's bill to amend Article 83(3), the Minister of Justice drafted a new Third Term Bill scheduled for parliamentary debate in January 2003.

Policing

Widespread abuse of powers by police continued. Torture of suspects and deaths in custody were common as well as excessive use of force during public demonstrations. Detention of criminal suspects without charge or trial was routine, as was denial of access to legal representation. Approximately two thirds of prisoners, including juveniles, continued to be detained for long periods without charge or trial, many in harsh conditions. Rape and sexual abuse of juvenile detainees by adult prisoners were reportedly rampant.

Michael Chauluka died in custody in April. He was reportedly beaten to death during interrogation by police officers after being arrested on suspicion of burglary. The Director of Public Prosecution cleared police of responsibility in August following a government post-mortem. However, an investigation conducted by the Malawi Human Rights Commission found that Michael Chauluka's injuries resulted from beatings by police. A coroner's inquest was subsequently ordered.

Freedom of expression and assembly

State repression intensified in the context of the efforts to afford the President a third term. Intimidation and harassment of journalists believed to be critical of the government escalated. In response to continuing public protest, President Muluzi issued a directive in May which banned all public demonstrations for or against a third term. This directive was later reversed by the High Court which ruled that it was unconstitutional and an infringement on freedom of assembly and association. Despite the ruling by the High Court, riot police fired tear gas at anti-third term demonstrators in November. Opposition members of parliament and supporters were reportedly intimidated and harassed by ruling UDF supporters, as part of a state-sponsored campaign to suppress opposition.

Danga Mughogho, regional chairman of the opposition Malawi Forum for Unity and Development, was arrested in September for allegedly organizing a protest calling on motorists to hoot their car horns to demonstrate their opposition to the third-term amendment. He was initially charged with "conduct likely to cause a breach of peace". However, following the High Court decision overturning President Muluzi's ban on demonstrations, he was charged with the lesser offence of excessive use of a car horn under the Road Traffic Act.

Food shortages

Serious food shortages caused by floods put approximately 3.3 million Malawians at risk of hunger and starvation by the end of 2002. The food shortages were reportedly exacerbated by the sale of almost all of Malawi's grain reserve in late 2001. The government's decision to sell the grain reserve was reportedly based on advice from donor agencies led by the International Monetary Fund, despite early indications of escalating food shortages.

AI country reports/visits

Report

- Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community (AI Index: AFR 03/004/2002)

MALAYSIA

MALAYSIA
Head of state: Raja Tuanku Syed Sirajuddin
Head of government: Mahathir Mohamad
Death penalty: retentionist
International Criminal Court: not signed

Throughout 2002 the authorities used an array of restrictive laws, including the Internal Security Act (ISA) which allows for detention without trial, to deny or place unjustified restrictions on fundamental human rights, including freedom of expression and freedom of assembly. Thirty-seven people suspected of having links with organizations allegedly responsible for planning acts of violence were arrested and detained under the ISA, putting them at risk of torture or ill-treatment. Opposition leaders were subject to politically motivated arrest and prosecutions. Some continued to be detained under the ISA. Peaceful demonstrations and meetings were broken up or prevented by the police, and a ban on public political gatherings (*ceramah*) continued to be imposed. Ill-treatment at the hands of the Malaysian authorities was reported in detention camps during a mass expulsion of undocumented migrants. Hundreds of people were sentenced to be caned under amendments to the Immigration Act. At least seven people were sentenced to death and at least three people were executed during the year.

Background

All academics, as well as university students, teachers and civil servants, were obliged to sign a pledge of loyalty to "the king, country and government", raising questions of academic freedom.

After 21 years in power, Prime Minister Mahathir Mohamad unexpectedly announced his resignation in August, declaring that he would step down in October 2003. Fadzil Noor, President of the main opposition party *Parti Islam se-Malaysia* (PAS), died in June and was replaced by Abdul Hadi Awang, chief minister of the state of Terengganu.

In July *Hudud* law (*Syariah* criminal code) was passed by the PAS-controlled state assembly in Terengganu. Punishments under the law include caning, amputation, and the death penalty. However, under the Malaysian Constitution, criminal law falls under federal jurisdiction, casting doubt on whether the law would actually be implemented.

The government justified the continued use of the ISA in light of the attacks in the USA in September 2001 and the bomb attack in Bali, Indonesia, in October 2002.

Detention without trial

The ISA allows for the detention without trial of any person considered to be a potential threat to national security or public order. However, the broad terms of the ISA fail to provide any precise definition or criteria for determining which individuals pose a threat. Those arrested by the police under the ISA can be detained for up to 60 days for investigative purposes. During this period detainees have been subjected to ill-treatment, sometimes amounting to torture, and held incommunicado (sometimes in solitary confinement) without access to lawyers, families or independent doctors. After this period the Home Minister may hand down a two-year detention order (renewable indefinitely). After two court rulings declared the detention of several individuals under the ISA to be unlawful, the government proposed amendments further restricting judicial review.

Thirty-seven people were arrested under the ISA during 2002 for alleged links with the *Kumpulan Mujahidin Malaysia* (KMM) or *Jemaah Islamiah* (JI), bringing the total detained to at least 71. The authorities claimed that both groups were planning to use violent means to set up a pan-Islamic state in southeast Asia. No evidence to support these allegations was made public, and none of the detainees was brought to trial.

Nasharuddin Nasir was arrested in April, accused of being a member of the KMM and given a two-year detention order. A High Court ruling in November stated that his detention was unlawful and ordered his release. He was immediately rearrested and given another two-year detention order.

Opposition activists

Members of the political opposition continued to be the target of politically motivated arrest, prosecution and imprisonment.

Six *reformasi* (reform) activists, including members of the opposition *Parti Keadilan Nasional* (PKN), National Justice Party, continued to be detained under the ISA. They were arrested in April 2001 and accused of planning to overthrow the government by "militant" means, but no evidence to support these allegations has ever been made public. All were prisoners of conscience. The Federal Court ruled on 6 September that the initial 60-day detention of some of the activists was unlawful. However, the court did not release them as its judgment was restricted to the 60-day police detention and not the subsequent two-year detention order handed down by the Home Minister. The ISA prevents acts of the Home Minister under the ISA from being questioned by the courts, apart from issues of procedure. In December the ISA Review Board announced its recommendation that the activists should be released, but no action was taken.

Members of the opposition Democratic Action Party (DAP) were arrested on several occasions between June and August under the Sedition Act for distributing leaflets critical of the Prime Minister's statement that Malaysia was an Islamic state. All were released on bail. The police raided the DAP headquarters and confiscated 5,000 copies of the leaflet. The Sedition Act places wide-ranging limitations on freedom of expression, especially regarding sensitive political subjects.

Gopala Krishnan, a leading PKN member, was arrested under the Sedition Act in October for allegedly criticizing the treatment of ethnic Indians in police detention. This followed increasing publicity given to deaths in police custody; 19 people died in custody during the year. Gopala Krishnan was later released on bail.

In July former Deputy Prime Minister Anwar Ibrahim lost his appeal against a six-year prison sentence on charges of corruption, imposed after an unfair trial in 2000. He was still waiting for his appeal against his nine-year sentence for sodomy to be heard. He was a prisoner of conscience.

In August Mohamad Ezam Mohd Nor, leader of the youth branch of the PKN, was sentenced to two years' imprisonment under the Official Secrets Act (OSA) for reading out documents regarding investigations by the Anti-Corruption Agency into senior government ministers at a press conference in 1999. The OSA imposes wide restrictions on the right to freedom of expression.

Undocumented migrants and refugees

The Immigration Act was amended so that anyone found guilty of being in the country without the appropriate legal documentation would face a mandatory sentence of up to five years' imprisonment and up to six strokes of the cane. Previously, caning was applicable only to repeat offenders. The amendment also imposed mandatory caning on those convicted of harbouring five or more undocumented individuals. By the end of 2002, hundreds of people had been sentenced to caning.

A government amnesty running from March to the end of July allowed those without documents to leave the country without being arrested, with an extension of two weeks for those who had applied to leave the country before the end of the amnesty but had been unable to secure transportation.

Tens of thousands of people, predominantly migrants from the Philippines and Indonesia, were held in detention camps prior to deportation. They faced insanitary conditions, lack of medical care and ill-treatment. There were reports of tens of people dying, including children, from dehydration and disease in camps in the state of Sabah. Refugees and those seeking asylum were also arrested and placed in detention camps during the crack-down.

A 13-year-old girl was reportedly raped in a detention centre in Sabah state by three policemen. The girl, who was deported in August, was originally thought to be from the Philippines, but further investigation showed she was a Malaysian citizen. The Malaysian police opened an investigation but had not arrested anyone by the end of 2002.

National Human Rights Commission

Two years after being established, the National Human Rights Commission (*Suhakam*) came under increased criticism from human rights groups. A coalition of 32 Malaysian non-governmental organizations conducted a disengagement campaign for 100 days in protest at *Suhakam*'s poor performance and at the government's lack of action on its recommendations.

During 2002 *Suhakam* held an inquiry into conditions at the Kamunting detention centre, where ISA detainees are held. It held a workshop on press freedom in August, stating that the government should review all laws curtailing freedom of expression, including the Printing Presses and Publications Act, the OSA, the ISA and the Sedition Act. The government promised to build four new prisons in response to a *Suhakam* report on overcrowding and lack of segregation of juvenile offenders. *Suhakam* criticized the government's ban on political gatherings, and advised that the police need only be notified of such events rather than having to grant a permit.

AI country reports/visits

Visit

An AI delegate visited Malaysia in August.

MALDIVES

REPUBLIC OF MALDIVES
Head of state and government: Maumoon Abdul Gayoom
Death penalty: abolitionist in practice
International Criminal Court: not signed

The government continued to impose severe restrictions on freedom of expression. Critics of the government continued to be detained, or imprisoned following unfair trials; they were prisoners of conscience.

Background

Political parties were not allowed to function and by the end of the year the authorities had still not allowed the Maldivian Democratic Party, an independent political party, to be registered.

Prisoners of conscience

At least seven prisoners of conscience and possible prisoners of conscience were held during 2002. Some were sentenced to imprisonment. They were not

permitted to consult with, or engage the services of, a lawyer before their trials or in court. AI called on the government to provide information about the detention of political prisoners and to reform its legal system to safeguard fundamental rights.

Mohamed Nasheed was "expelled" from parliament in March after he lost his appeal against his conviction in November 2001 for the theft of a few children's exercise books at an auction; the charges were believed to be politically motivated. He was initially banished to a remote island and then placed under house arrest in Malé. He was released on 29 August, but denied his parliamentary seat.

Four prisoners of conscience, Mohamed Zaki, Ibrahim Moosa Luthfee, Ahmed Ibrahim Didi and Fathimath Nisreen, were arrested between 30 January and 1 February by the National Security Service (NSS). They were accused of writing for *Sandhaanu*, an Internet e-mail magazine critical of the government which continued to be circulated clandestinely. The four were held in solitary confinement with no family visits for about five months. On 7 July, Mohamed Zaki, Ibrahim Luthfee and Ahmad Didi were sentenced to life imprisonment for "insulting" the President, calling for the overthrow of the government, causing hatred against the government, spreading false news, and forwarding *Sandhaanu* to others via e-mail. Fathimath Nisreen was sentenced to 10 years' imprisonment for writing "false information" in *Sandhaanu*, criticizing government policies, calling for the overthrow of the government and assisting *Sandhaanu* originators. They were held in the island prison of Maafushi where food is reportedly not hygienic, prisoners are at times kept in handcuffs for days, and access to health care is severely limited.

Naushad Waheed, an artist and businessman held in detention or under house arrest since 9 December 2001, was sentenced to 15 years' imprisonment by a court in Malé on 14 October. Charges reportedly related to his involvement in public debates deemed critical of the government. He was a possible prisoner of conscience. His place of detention was not known.

Ibrahim Fareed, a postgraduate scholar of *Shari'a* (Islamic Law), was arrested in Malé on 8 June by members of the NSS, reportedly accused of calling for civil disobedience. He was a possible prisoner of conscience and was believed to be detained either at the island prison of Guraidhoo or Dhoonidhoo at the end of the year.

Flogging

A couple convicted of having an extramarital sexual relationship were sentenced to 15 lashes each. The sentence was carried out in public on 9 October.

MAURITANIA

ISLAMIC REPUBLIC OF MAURITANIA
Head of state: Maaouiya Ould Sid 'Ahmed Taya
Head of government: Cheikh El Avia Ould Mohamed Khouna
Death penalty: retentionist
International Criminal Court: not signed

Three prisoners of conscience remained in prison and others, including a human rights activist, were briefly detained during the year. Several people were detained, apparently arbitrarily, on suspicion of having links with an armed political group. At least one of the suspects was reportedly tortured. Suspects, particularly those in politically sensitive cases, were held incommunicado. Scores of demonstrators were ill-treated by the police as they broke up demonstrations. The government continued to deny the existence of slavery. Freedom of expression was again attacked. Human rights groups remained illegal. The independence of the judiciary was threatened. One man was sentenced to death; no executions were carried out.

Background

In January, a political party, *Action pour le Changement*, Action for Change, which had spoken out strongly about discrimination, was banned on the grounds that it incited violence, racism and intolerance. The party reformed as the *Convention pour le Changement*, Convention for Change, but was refused recognition on the grounds that it was the same party with a different name.

Relations between Mauritania and the USA continued to strengthen. In September, the Mauritanian government signed an agreement with the USA undertaking not to surrender US nationals accused of genocide, crimes against humanity or war crimes to the International Criminal Court. The agreement had not been ratified by the parliament by the end of the year.

Famine threatened several west African countries including Mauritania. By December, over 400,000 people in Mauritania were reportedly in need of emergency food aid. Crop production in 2002 was significantly down on previous years, pushing up prices dramatically.

Slavery

In November, 21 years after slavery was officially abolished for the third time in Mauritania, AI published a report on slavery, slavery-like practices and related abuses and discrimination in the country, as well as analysis of government efforts to end the practice. A response addressed by a diplomatic representative of the Mauritanian government to AI's Secretary General denied the persistence of slavery but acknowledged that social discrimination remained a problem.

Mauritanian human rights activists who had campaigned actively against slavery were also condemned by the press following publication of AI's report. The report had been made public at a press conference in Dakar, Senegal, held by AI and the activists.

Ill-treatment and excessive use of force

In April, scores of demonstrators, many of them students, were beaten and otherwise ill-treated as police broke up demonstrations against Israeli military intervention in the Occupied Territories. Several people required urgent hospital treatment and one man suffered severe head injuries and remained in a coma for several days. No investigation was known to have taken place.

Prisoners of conscience

Three prisoners of conscience – all members of the opposition *Front populaire mauritanien* (FPM), Popular Mauritanian Front – remained imprisoned throughout the year. They were held in Aïoun prison, 800km from their homes in Nouakchott, where conditions were harsh. They had been convicted in 2001 on criminal charges of sabotage and "terrorism". In late 2002, the visiting rights of one of the prisoners of conscience, Mohammed Lemine Chbih Ould Cheikh Melaïnine, leader of the FPM, were severely restricted.

Human rights groups were obliged to operate without legal recognition, leaving them particularly vulnerable to harassment and arrest.

In May, Boubacar Ould Messaoud, President of *SOS Esclaves*, was arrested by the State Security Service after speaking on *Radio France Internationale* (RFI). During the broadcast, he expressed concern that a man detained on suspicion of having links with an opposition group had been tortured in detention. Boubacar Messaoud was released without charge after two days.

Freedom of expression

Freedom of expression came under attack throughout the year.

In July, copies of the independent *Le Renovateur* newspaper were seized, reportedly because it contained an article on an increase in the price of essential goods.

In August, the Arabic version of an independent newspaper, *Le Calame*, was censored, reportedly because it contained an article on demonstrations by Mauritanian opposition movements and French human rights organizations which had taken place in France during President Taya's visit there.

In October, the Mauritanian authorities lifted a ban, imposed in April 2001, on the Mauritanian RFI correspondent. The authorities had accused RFI of only broadcasting negative images of Mauritania.

Independence of the judiciary under threat

In June, the authorities reportedly tried to interfere with the elections of the Head of the Bar Association, apparently seeking the election of a pro-government lawyer. Several serious procedural irregularities were noted. Although the incumbent Head of the Bar Association was returned with an absolute majority of votes, a second round of voting was organized and a pro-government Head appointed. In effect, by the end of the year, two bar associations were operating.

Intergovernmental organizations

In June, at a conference of the International Labour Organisation, the Committee of Application of Standards noted with concern, as did the Committee of Experts, that workers' organizations continued to allege the existence of practices of forced labour, the absence of sanctions to punish those responsible and the ambiguity of the legal provisions with regard to the requisition of labour. The Committee noted that the government had agreed to a technical assistance mission visit by the International Labour Office to the country to examine the details of a study on forced labour and child labour.

AI country reports/visits

Report

- Mauritania: A future free from slavery? (AI Index: AFR 38/003/2002)

MAURITIUS

REPUBLIC OF MAURITIUS
Head of state: Karle Auguste Osma (replaced Cassam Uteem in February)
Head of government: Anerood Jugnauth
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

President Cassam Uteem resigned in February in protest at the government's proposed "anti-terrorist" legislation. At least three people accused police officers of ill-treating them during arrest. Police harassed two human rights activists.

'Anti-terrorist' legislation

Opposition parties, civil society groups and AI expressed concern at provisions of the government's proposed "anti-terrorist" legislation which fail to meet international human rights standards. The legislation allows the police to detain "terrorism" suspects incommunicado for 36 hours and gives the government the right to extradite or deny them asylum and to return them to countries where they risk human rights abuses.

Torture and ill-treatment

At least three people alleged torture or ill-treatment by police officers. They complained to the police Complaints Investigation Bureau or the National Human Rights Commission but, despite investigations into these and previous cases (including suspect deaths in custody), no police officers were brought to justice.

On 22 April, 17-year-old Kevin Besage filed a complaint alleging that members of the Special Supporting Unit beat him in Roche-Bois and in the nearby police station of Abercrombie. The Complaints Investigation Bureau opened an investigation and the complainant identified three suspected police officers, but no further information was made public by the end of the year.

Human rights activists

Police harassed two people because of their human right activities.

Two members of *Parti Lalit*, a non-governmental human rights organization, were arrested by police officers in March while they were collecting information about police brutality. The charges against them were subsequently dropped.

AI country reports/ visits

Reports

- Mauritius: Anti-terrorist legislation must not undermine fundamental human rights (AI Index: AFR 39/001/2002)
- Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community (AI Index: AFR 03/004/2002)

MEXICO

UNITED MEXICAN STATES
Head of state and government: Vicente Fox Quesada
Death penalty: abolitionist for ordinary crimes
International Criminal Court: signed

The Mexican government renewed its commitment to protect and promote human rights at home and abroad. Nevertheless, there were widespread reports of arbitrary detention, torture and ill-treatment throughout Mexico. There were new reports of threats and smear campaigns against human rights defenders in a number of states. Investigations into the killing of a prominent human rights lawyer continued. The government met with human rights defenders to establish protection and promotion measures. There were a number of reports of extrajudicial executions and at least one "disappearance". A Special Prosecutor began investigations into past human rights violations. General José Francisco Gallardo, a long-term prisoner of conscience, was released. Indigenous communities continued to suffer violence and marginalization. Thirteen international treaties were ratified, but a reservation to the Inter-American Convention on Forced Disappearance of Persons strengthened impunity.

Background

In the second year of President Fox's administration, domestic policy focused on the harmonization of national legislation with international law, cooperation with international organizations, and dialogue with civil society. A human rights unit was established in the Interior Ministry. Discussions regarding the reform of the state to strengthen human rights protection continued, although definitive proposals were still pending at the end of the year. The majority of Mexico's 31 state governments, under whose jurisdiction many human rights violations were committed, failed to seriously confront human rights abuses. Despite the federal government's policies and initiatives, the underlying causes of human rights violations remained to be tackled.

Internationally, the Mexican government played an important role in promoting human rights issues. The government maintained support for the International Criminal Court, and took steps to ratify the Rome Statute. However, the Senate imposed conditions on approving the ratification of the Rome Statute which, in practice, could obstruct the work of the Court and result in a breach of Mexico's obligations under international law.

Intergovernmental organizations

There were visits by several UN Special Rapporteurs and by the UN Working Group on Arbitrary Detention. The Inter-American Commission on Human Rights (IACHR)

Special Rapporteur on the Rights of Women visited. Representatives of the judiciary and legislature sought to discredit the report by the UN Special Rapporteur on the independence of lawyers and judges.

The crucial second phase of the Technical Cooperation Program with the UN High Commissioner for Human Rights was negotiated and signed. In December the Senate gave approval to the establishment of an Office of the High Commissioner to oversee the implementation of the Program.

Administration of justice

Key institutions at federal and state level, such as the police, the military, the prosecution services and the judiciary, were frequently either directly responsible for human rights violations or were complicit in failing to prevent or effectively investigate abuses. The National and State Human Rights Commissions were unable to effectively safeguard fundamental human rights or hold the authorities to account. The profound reforms required to the structure and practices of these institutions to guarantee transparency, accountability and adherence to international human rights standards did not take place.

Arbitrary detention, torture and ill-treatment

The use of arbitrary detention, ill-treatment and torture by police, military and prosecution services agents at state and federal level remained widespread. In a number of cases detainees reportedly died as a result of torture. Judges failed to assess adequately allegations of coerced confessions, perpetuating the use of torture as a means of investigation. Unsafe convictions based on coerced confessions were widespread. No officials were prosecuted for torture. The excessive and unaccountable power of the prosecution services at federal and state level made credible independent investigations into allegations of abuses virtually impossible, denying justice to victims and ensuring impunity.

On 29 March, Guillermo Vélez Mendoza died within hours of being detained by agents from the *Procuraduría General de la República* (PGR), Office of the Attorney General, in connection with a number of kidnappings. The initial autopsy indicated that he died as a result of torture. However, a PGR investigation suggested that he died as a result of an accidental fall while attempting to escape. The irregularities in the investigation undermined its credibility and underlined the weakness of official inquiries into such incidents.

In January, after an armed hold-up in Chiapas state, Miguel Angel Gómez, Andrés Gómez Luna and Mariano Cruz Hernández were detained and reportedly tortured to extract confessions by state judicial police in the presence of state prosecutors.

Human rights defenders and journalists

There were new reports of threats, harassment and smear campaigns against human rights defenders. Discussions with the federal government led to a number of defenders receiving protection, although questions remained about the effectiveness of these measures. State authorities failed to take effective action. Investigations into past and present threats against defenders did not advance, contributing to a climate of impunity. There were reports of journalists being threatened or facing prosecution for defamation for reporting corruption or human rights violations.

The killing of human rights lawyer Digna Ochoa in October 2001 remained unsolved at the end of 2002. The quality of the official investigation was repeatedly called into question; the investigating team reportedly leaked case information suggesting she had committed suicide. At the end of the year a new prosecutor had been assigned to the case and a visit by IACHR experts to assess the evidence was pending.

In January shots were fired at the home of the president of the Chiapas State Human Rights Commission, Pedro Raul López. In October he was reportedly beaten up by three armed men and warned to stop the Commission criticizing the human rights record of the local authorities.

Prisoner of conscience released

In February, prisoner of conscience General Gallardo was released after the President ordered the reduction of his sentence to time served. No investigation was undertaken into the abuse of the judicial system which had led to his imprisonment for more than eight years.

Misuse of the judicial system

There were reports of the misuse of the judicial system, particularly at state level, where social activists were subjected to extended pre-trial detention and excessive prison sentences. Infrastructure and development projects created social tensions. There was also concern at the potential impact on local communities of projects included in the Plan Puebla Panamá, a development plan for the southern states of Mexico and Central America.

In February, President Fox annulled the 20-year prison sentences of Aurelio Guzmán Mateo and Leocadio Ascencio Amaya, two indigenous fishermen from Pátzcuaro, Michoacan State. They had been convicted in 2000 for their part in protests against restrictions to their community's fishing grounds. There was no investigation into the judicial process which led to their original sentence.

The threatened expropriation of communal lands for the construction of a new airport in Atenco, Mexico State, led to detentions, violent confrontation between police and protesters and allegations of ill-treatment and excessive use of force.

In August and October plans to develop an environmentally sensitive site, Casino de la Selva, in Cuernavaca, Morelos State, led to protesters being detained, allegedly with excessive use of force.

Extrajudicial executions and 'disappearances'

Extrajudicial executions and "disappearances" continued to be carried out, primarily against criminal suspects or for directly criminal purposes. The close link between investigating authorities and the agents implicated in such abuses encouraged impunity.

In March, Jesús Angel Gutiérrez Olvera was reportedly detained by Federal District Judicial Police in connection with a number of kidnappings. Despite official investigations, his whereabouts remained unknown. A human rights defender who took up the case suffered threatening calls and intimidating surveillance.

Impunity

In January a Special Prosecutor was appointed to head the unit to investigate past crimes against members of political and social movements. The new prosecutor reopened a number of cases on receipt of complaints from victims, including more than 500 "disappearances" over the past three decades. A number of witnesses and accused, including a former president, were interviewed. At the end of the year, there was no clear indication of advances in investigations. There was concern at the limited resources available to the unit, its lack of independence from the PGR and its failure to claim jurisdiction over important cases involving the military.

The role of the armed forces in civilian policing activities continued to cause concern. Senior military officials continued to play key roles in the PGR and military jurisdiction continued to protect officials from prosecution for human rights violations. The reservation placed on the Inter-American Convention on Forced Disappearance of Persons strengthened the role of military justice. A decision by the Supreme Court on a challenge to the legality of the reservation was still pending at the end of the year.

Indigenous communities

Indigenous communities continued to suffer marginalization and discrimination. The Supreme Court rejected legal challenges to controversial indigenous legislation passed by Congress in 2000 which was widely condemned for failing to enshrine effective recognition and protection of the rights of indigenous communities. The failure of the legislation to reflect principles negotiated with the *Ejército Zapatista de Liberación Nacional* (EZLN), Zapatista National Liberation Army, increased tension in Chiapas where the conflict remained unresolved. A heavy military presence remained in the state and there continued to be reports of attacks and threats by armed civilian groups or so-called paramilitaries acting with the apparent protection or acquiescence of local or municipal authorities.

On 7 August, José López Santis, a leader of the autonomous Zapatista community *6 de Agosto*, was shot and killed by three armed men.

During the year several members of the paramilitary group *Justicia y Paz* were detained and a further 19 people were sentenced to prison terms in connection with the 1997 massacre of 45 members of the indigenous community of Acteal.

In Oaxaca and Guerrero states there were reports of armed groups or local officials acting on behalf of local political bosses, threatening or attacking opposing factions in the community. The state authorities reportedly failed to prevent or investigate such acts, encouraging a climate of impunity.

On 2 May, 26 indigenous people were gunned down in the municipality of Santiago Textitlán, Oaxaca. The state authorities had reportedly failed to take seriously warnings of impending violence. Following the massacre, mass arrests were made in a neighbouring community and detainees were reportedly tortured to extract confessions.

Violence against women

There was continuing concern at the failure of the authorities to investigate fully the cases of women who had been murdered or gone missing in Ciudad Juárez, and Chihuahua, Chihuahua State. More cases were reported and human remains were discovered. On 5 Februrary, Mario Escobedo Anaya, the lawyer of one those accused of the killings, was killed by state judicial police who were later exonerated by a judge for acting in self-defence. Journalists and victims' families campaigning on the cases were harassed.

At least two indigenous women were reportedly raped by members of the army in the Guerrero State during counter-insurgency operations.

On 16 February, a 17-year-old woman was reportedly raped by members of 41 Battalion near her home in Barranca Bejuco, municipality of Ayutla. The doctor at a local clinic refused to certify her injuries for fear of reprisals from the military and she had to travel a further six hours to Ayutla to receive medical attention. Despite legal challenges by human rights organizations, the case was being handled by a military prosecutor.

AI country reports/visits

Reports

- Mexico: 'Disappearances', an ongoing crime (AI Index: AMR: 41/020/2002)
- Summary of Amnesty International's concerns on Mexico (AI Index: AMR 41/037/2002)

Visit

An AI delegation visited the country in July, travelling to Oaxaca, Guerrero and Chiapas.

MOLDOVA

REPUBLIC OF MOLDOVA
Head of state: Vladimir Voronin
Head of government: Vasile Tarlev
Death penalty: abolitionist for all crimes
International Criminal Court: not signed

Some demonstrators in the capital Chişinău were arbitrarily arrested and harassed by the police. An opposition leader was abducted and released after two months; the investigation into the identity of his abductors produced no results. Torture and ill-treatment by police continued to be reported. Conditions of detention in most police lock-ups and many prisons amounted to cruel, inhuman and degrading treatment. At least three political prisoners remained imprisoned in the self-proclaimed Dnestr Moldavian Republic (DMR).

Anti-government demonstrations

From 9 January to 29 April tens of thousands of students, school children and some opposition parties organized almost daily street demonstrations in Chişinău against government plans to reintroduce the teaching of Russian language and history. In February the government announced a moratorium on its plans, but when the protests continued to call for the government to resign, judicial proceedings were initiated to ban the demonstrations and to prosecute Christian Democratic People's Party (CDPP) members of parliament. Walter Schwimmer, Secretary-General of the Council of Europe, under Article 52 of the European Convention on Human Rights, requested an explanation from the Moldovan authorities about the decision to temporarily suspend the CDPP and about other measures that were contrary to basic articles of the European Convention on Human Rights, such as the rights to freedom of association, assembly and expression.

There were no reports that excessive force was used against the demonstrators, but some participants, including minors, were harassed and intimidated.

During the demonstrations, police arrested six youths, including three minors, and held them in a police station for six hours. The youths were held in a room without electricity and were denied the right to contact their parents or a lawyer. They were questioned by a police inspector who reportedly threatened and insulted them and warned them not to participate in demonstrations. The police reportedly stated that the youths had been arrested and questioned because they attempted to "mobilize students from the State University of Moldova for participation in illegal protests". They were subsequently charged with a misdemeanour under the administrative procedure.

In March Vlad Cubreacov, a CDPP leader, was abducted from outside his home. He was released in May by men whose identity was not established by a subsequent investigation. The prosecutor in charge of the investigation was suspended in August and then dismissed in September for alleged "internal violations".

On 24 April the Parliamentary Assembly of the Council of Europe called on Moldovan political forces to pursue a constructive dialogue and requested the authorities to adopt a number of measures as a matter of urgency. It called for a simultaneous moratorium by the CDPP of its demonstrations and the suspension of criminal proceedings against two CDPP leaders; an extension of the existing moratorium on the reforms concerning the teaching and status of the Russian language, and changes to the history curriculum; and the revision of radio and television legislation and amendment of the status of broadcasting station *Teleradio Moldova* to make it an independent public corporation. The Council of Europe also offered assistance concerning the investigation into the abduction of Vlad Cubreacov.

Torture and ill-treatment and conditions in detention

In June the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published its report on its visit to Moldova in June 2001. In the course of its visit the CPT asked the authorities to immediately initiate a thorough and independent investigation into methods used by the police to interrogate detainees; to provide, regardless of the state's economic capacities, to all detainees in police establishments adequate drinking water, food and sanitation; and to immediately take out of service an unfurnished cell in the police lock-up in Comrat measuring only 1.25m x 1.25m.

The CPT received numerous allegations that men, women and children who had been arrested by the police suffered physical ill-treatment, which in many cases was considered to amount to torture. This occurred mainly during questioning by the police. A number of victims examined by CPT forensic experts bore injuries which were consistent with the allegations of torture. The CPT reiterated its extensive recommendations, first issued after its 1998 visit, regarding safeguards to prevent torture and ill-treatment.

The Moldovan Helsinki Committee, a local non-governmental organization that visited 13 police stations during the year, reported that some local authorities had improved living conditions for detainees. However, no progress was observed with regard to police malpractices, including those that amounted to torture and ill-treatment.

Political prisoners in the self-proclaimed Dnestr Moldavian Republic

Alexandru Leşco, Andrei Ivanţoc and Tudor Petrov-Popa, who had been convicted of "terrorist acts" in 1993 by a court in the DMR in the trial of the so-called "Tiraspol Six", remained in prison. In September the Grand Chamber of the European Court of Human Rights decided that a delegation of four judges should carry

out an on-the-spot investigation into the case and that the parties would be asked to provide further clarification.

The first and best known applicant, Ilie Ilaşcu, who was released in 2001, had complained that their right to a fair trial had been violated in the proceedings which led to their conviction in 1993; that their detention since then was unlawful; and that their conditions of detention amounted to inhuman or degrading treatment. The applicants argued that the Moldovan authorities were responsible under the European Convention on Human Rights for the alleged violations of their rights since they had not taken adequate measures to stop them. They also argued that this responsibility was shared by the Russian Federation as the territory of Transdniestria was *de facto* under Russia's control owing to the stationing of its troops there and its alleged support of the separatist regime.

No significant progress was reported in the negotiations between the Moldovan government and the DMR authorities on the status of the breakaway region. In October representatives of the Organization for Security and Co-operation in Europe (OSCE) in Moldova reportedly stated that the withdrawal of Russian troops, arms and ammunition from the region would not be completed by the end of the year, the second deadline stipulated at the 1999 OSCE Istanbul Summit.

Human Rights Committee

In July the UN Human Rights Committee considered Moldova's initial report on compliance with the International Covenant on Civil and Political Rights (ICCPR). The Committee questioned the delay in submission (the report was due in 1994); the fact that "an extensive number of questions remained wholly or partly unanswered at the conclusion of its discussion with the State Party"; and that more detailed information on the situation in the Transdniestrian region had not been provided. The Committee welcomed Moldova's abolition of the death penalty and invited Moldova to accede to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.

The Committee expressed its concern about conditions in detention facilities and the prevalence of disease, notably tuberculosis. The Committee was concerned about the length of time before a suspect is brought before a judge; about prolonged pre-trial detention; and the apparently frequent administrative detention for significant periods of people described as "vagrants". The Committee also expressed concern about other provisions of Moldovan laws that undermine the independence and impartiality of the judiciary; impede the exercise of the right to religious freedom; and restrict the rights to freedom of assembly and association.

MOROCCO/ WESTERN SAHARA

KINGDOM OF MOROCCO
Head of state: King Mohamed VI
Head of government: Driss Jettou (replaced Abderrahmane Youssoufi in November)
Death penalty: retentionist
International Criminal Court: signed

The process, begun in 1999, of compensating victims of "disappearance" and arbitrary detention in previous years and their families continued. However, the authorities failed to clarify the cases of several hundred people, most of them Sahrawis, who "disappeared" between the 1960s and early 1990s. Sahrawi human rights and civil society activists faced arrest, detention and imprisonment. Tens of demonstrators, charged with public order offences in Western Sahara, and scores of Islamists, held in secret detention and accused in connection with alleged violent acts, were reportedly tortured or ill-treated. Over 30 political prisoners sentenced after unfair trials in previous years remained in detention. The failure to bring those responsible for human rights violations to justice remained a major concern.

Background

Parliamentary elections took place in September resulting in the formation of a new government in November, headed by Prime Minister Driss Jettou, formerly Minister of the Interior. The King retained powers to appoint key ministers, including the Prime Minister, and the Ministers of Justice and the Interior.

In December a new leadership was appointed by the King for the official human rights body, the Human Rights Advisory Board.

The UN Mission for the Referendum in Western Sahara (MINURSO) continued to extend its mandate to remain in the disputed territory as no progress was made to end the deadlock in the process designed to lead to a referendum on the sovereignty of Western Sahara.

Moroccan human rights and women's organizations continued to campaign on a range of issues, including to resolve all outstanding cases of "disappearance" and to revise the *moudawana* (personal status code), which currently discriminates against women.

Impunity

The compensation process for victims of "disappearance" and arbitrary detention in previous years and their families continued. The families of the "disappeared" and former victims of "disappearance" continued to insist that compensation is only one element in the process of providing full redress for victims of human rights violations.

However, despite the authorities' stated commitment to address current and former human rights violations, no additional steps were taken to resolve the cases of grave abuses committed between the mid-1960s and the early 1990s, notably the "disappearance" of several hundred people, the majority of them Sahrawis.

Hamudi ould Mohamed-Lahbib ould Baba Biri was among tens of Sahrawis arrested by the Moroccan security forces in Erbeib, near Smara in Western Sahara, on 10 July 1976. His wife, Safiya L'mbarek, was arrested five days later. After reportedly being tortured, the security forces took her, on two separate occasions, to see her husband, whom she alleged had also been tortured. She had neither seen nor heard news of her husband since that time, despite repeated attempts to seek clarification regarding his whereabouts from the Moroccan authorities. Over 26 years later, the fate of Hamudi ould Mohamed-Lahbib ould Baba Biri remained unknown and a thorough, impartial and independent investigation had not been opened into his "disappearance".

The deaths of scores of "disappeared" remained unacknowledged by the authorities, and the victims' families had neither received any information on the whereabouts of their relatives' remains nor received them for burial. Among the victims were some 70 Sahrawis, who "disappeared" in the secret detention centres of Agdz, Qal'at M'gouna and Laayoune between 1976 and 1991. Investigations to establish responsibility for the grave and systematic human rights violations which occurred in the past were not known to have been opened and the perpetrators, including those responsible for gross violations over long periods, were not brought to justice.

On 16 December the Moroccan authorities announced that a Moroccan magistrate would be appointed to record the testimony of retired security agent Ahmed Boukhari on behalf of the French judicial inquiry investigating the "disappearance" of Mehdi Ben Barka, a leading Moroccan political opponent, who was abducted in Paris, France, in 1965. Following his allegations that the Moroccan secret services were responsible for thousands of abductions, followed by secret detention and torture, including that of Mehdi Ben Barka, Ahmed Boukhari had repeatedly been prevented from testifying before the French judicial inquiry because the Moroccan authorities continued to refuse to renew his passport. A challenge to this decision by Ahmed Boukhari was pending before the courts at the end of the year. In addition, several defamation lawsuits brought against Ahmed Boukhari, including one by three of his former colleagues, who he alleges were implicated in grave and systematic human rights violations over a number of years, were ongoing at the end of the year.

Sahrawi activists

Tens of Sahrawi human rights and civil society activists, particularly those perceived to advocate the independence of Western Sahara, were subjected to harassment and intimidation. Many were members of the Western Sahara branch of the human rights organization Forum for Truth and Justice. Some were arrested, remanded in custody and brought to trial on apparently politically motivated charges. Others were arrested and released after being questioned about their alleged support of the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (known as the Polisario Front), the pro-independence movement based in neighbouring Algeria. Several were reportedly denied a passport.

On 24 October, Ali-Salem Tamek, a prominent activist in the Western Sahara branch of the Forum for Truth and Justice and a prisoner of conscience, was sentenced on appeal to two years' imprisonment and a fine of 10,000 Moroccan dirhams (about US$1,000) for "undermining the internal security of the state". Ali-Salem Tamek's conviction was based on two elements. The first was his stated belief that Western Sahara should be an independent state. The second was a statement, allegedly extracted under torture, made by three former Sahrawi prisoners of conscience during questioning by Moroccan security forces in 1999 that Ali-Salem Tamek received funds from the Polisario Front. The allegations of torture raised by the three former prisoners were never investigated.

Torture and ill-treatment

There were reports that scores of detainees were tortured or ill-treated in custody in order to extract confessions or to force them to sign statements which they rejected or denied. Many of the reports related to scores of Islamists held in secret detention and accused of involvement in or planning violent acts, and tens of demonstrators charged with public order offences in Western Sahara.

Following their arrests in May and June, three Saudi Arabian nationals and seven Moroccans, including the wives of two of the Saudi Arabians, were put on trial in proceedings that opened on 28 October. They faced various charges, some of which carried the death penalty, in connection with an alleged plan to blow up NATO warships in the Straits of Gibraltar and of plotting attacks on cafés and public buses in Marrakesh. Some were allegedly held in secret detention for up to a month. In the case of the three Saudi Arabians, defence lawyers claimed that the authorities tried to cover up this serious breach of procedures by logging a false arrest date of 12 June in official records rather than the correct dates of 12 and 13 May. Many of the detainees alleged that they were tortured and ill-treated during interrogation in secret detention in order to make them sign "confessions" whose content they rejected and denied. Techniques reported included suspension, beatings and threats of rape. In addition, they were allegedly threatened with further torture immediately prior to appearing before the examining magistrate in order to coerce them into repeating their "confessions".

On 25 April, 14 people were sentenced to between six months' and two years' imprisonment for taking part in a demonstration in Smara on 18 November 2001, which was violently dispersed by the Moroccan

security forces. They were allegedly tortured in detention, including being beaten with clubs and whipped, in order to extract "confessions" from them. Despite raising this in court, no investigation into these allegations was undertaken and the "confessions" were accepted as the principal piece of evidence leading to their convictions. Lawyers claimed that, in some cases, traces of torture were visible when the accused appeared before the public prosecutor and the examining magistrate.

Journalists

Journalists continued to face prison sentences when reporting on sensitive subjects.

On 14 February, a Casablanca court of appeal suspended prison sentences of three and two months handed down in March 2001 to two journalists, Aboubakr Jamai and Ali Amar, both of whom work for the Moroccan weekly *Le Journal Hebdomadaire*. They had been charged in connection with a series of articles which accused Minister of Foreign Affairs Mohamed Benaissa of embezzlement while he was ambassador to the USA.

Several hearings were held in the appeal trial of Ali Lmrabet, editor of the Moroccan weekly *Demain Magazine*, who had been sentenced to four months' imprisonment and fined in November 2001 for "disseminating false information" in connection with an article on the possible sale of a royal palace to foreign investors. In December 2002 the trial was postponed until October 2003. Ali Lmrabet remained at liberty pending a final ruling on his case. If imprisoned, he would be a prisoner of conscience.

Polisario camps

Freedom of expression, association and movement continued to be restricted in the camps controlled by the Polisario Front, near Tindouf in southwestern Algeria. Those responsible for human rights abuses in the camps in previous years continued to enjoy impunity. The Polisario authorities failed to hand over perpetrators still resident in the camps to the Algerian authorities to be brought to justice, and the Moroccan government failed to bring to justice the perpetrators of abuses in the Polisario camps present on its territory.

In January the Polisario Front announced the liberation of 115 prisoners of war who had been detained in the Polisario camps, some for over 20 years. Hundreds more remained in detention despite an end to armed hostilities between the Polisario Front and the Moroccan authorities in 1991 following a cease-fire brokered by the UN.

AI country reports/visits

Visit

In June and July AI delegates met dozens of families of the "disappeared" and former "disappeared" in Rabat, Casablanca, Laayoune and Smara.

MOZAMBIQUE

REPUBLIC OF MOZAMBIQUE
Head of state: Joaquim Alberto Chissano
Head of government: Pascoal Mocumbi
Death penalty: abolitionist for all crimes
International Criminal Court: signed

There were reports of human rights violations by police including torture, ill-treatment and at least two extrajudicial executions. Efforts to improve police professionalism were undermined by the continued failure of the authorities to bring the perpetrators of human rights violations to justice. The report of a parliamentary commission of inquiry into violent political demonstrations in November 2000 paid little attention to alleged human rights violations by police.

Background

Despite economic improvements, debt reduction and increased expenditure on social welfare, poverty remained widespread. Some 600,000 people were affected by severe food shortages as a result of a drought in the southern and central provinces and floods in the north. Crime levels remained high, particularly in cities.

In his report to parliament in March, the Attorney General severely criticized pervasive corruption, including among senior public officials and within the criminal justice system. He gave examples of police tampering with evidence in cases of fraud, of judges and lawyers taking bribes, and of prison officers allowing inmates to escape.

In a continuing program to collect illegal weapons, Mozambican police, with the cooperation of the Mozambique Christian Council's weapons collection program and technical assistance from their South African counterparts, disposed of tonnes of ordnance, including heavy weapons. Demining continued but over a million anti-personnel mines remained, particularly in rural areas.

Commission of inquiry

The report of a parliamentary commission of inquiry into violent demonstrations in November 2000 by the opposition party coalition *Resistência Nacional Moçambicana-União Eleitoral* (RENAMO-UE), Mozambican National Resistance-Electoral Union, was brought to parliament in April. The report acknowledged that, of some 500 people detained in connection with the demonstrations, 84 suffocated to death in a grossly overcrowded police cell. It also mentioned instances of police firing on demonstrators, some of whom were killed, but without examining witnesses' allegations of excessive use of force. Nevertheless, it concluded that the police had acted in accordance with the law and in a "prompt, professional and patriotic manner". RENAMO-UE members of

parliament refused to allow the report to be tabled in parliament on the grounds that it was biased. The report was published in the press.

Fifteen people tried in Cabo Delgado Provincial Court in November 2001 on charges including armed rebellion and murder in connection with the November 2000 demonstrations were sentenced in January to prison terms ranging from two to eight years. Fourteen other defendants were acquitted.

Prisons

Police officers suspected of assisting an escape from the Maximum Security Prison in Maputo in September were arrested. The escaped prisoner was one of the group accused of complicity in the killing of journalist Carlos Cardoso in 2000. Carlos Cardoso had been investigating reports of bank fraud and corruption within the judicial system. Under security measures imposed after the escape, prisoners were denied access to their lawyers, family visits and food brought by relatives to supplement their meagre diet. Prisons throughout the country were severely overcrowded and many inmates were held for months beyond the legal limit for pre-trial detention.

Abuses by police

There were attempts to increase police professionalism. A police training program, supported by foreign governments, continued. Dozens of police officers were dismissed for misconduct including corruption and lending their weapons to criminals. Two members of the paramilitary police were officially reported in April to have been dismissed for "acts of gratuitous violence" committed in 2001, which reportedly included the severe beating of a pregnant woman.

A number of police officers were dismissed or detained in connection with human rights abuses, but few were brought to justice.

Two police officers were arrested in Maputo after separate incidents in October in which they were respectively alleged to have shot dead two youths, Mário Alfredo and Gabriel Chilene. According to a police spokesman, one of the detained police officers could face homicide charges for using lethal force to end a minor scuffle among a group of youths. Disciplinary and criminal investigations into both cases continued at the end of the year.

There were reports that market traders and others stopped in their cars or in the street in Maputo and other towns were beaten by police, sometimes for refusing to pay bribes. Paramilitary police beat non-violent demonstrators in Maputo in September and November.

A number of criminal suspects were reportedly tortured in police stations, often during interrogation. In at least two cases, police reportedly delayed releasing torture victims, apparently to allow torture injuries to heal.

Vasco Juíz, aged 59, his son Virgílio Vasco Nhabinte, aged 29, and two other men were severely beaten in a Maputo police station in October. They had been arrested shortly after three of them witnessed a shooting incident in which one police officer was killed and another injured. Vasco Juíz received bruises and abrasions on his back, buttocks and arms. His son was beaten with sticks and gun butts until he lost consciousness. Vasco Juíz was released without charge after six days. The other three detainees were released without charge three weeks later following the intervention of the *Liga Moçambicana dos Direitos Humanos* (LMDH), Mozambique Human Rights League. When Virgílio Vasco Nhabinte handed in his prison uniform his scars were still visible and he was given treatment in the prison clinic. A criminal investigation into a complaint made by one of the victims was continuing at the end of the year.

In February the LMDH announced that it had received dozens of reports of shootings by police, including extrajudicial executions, in 2002 and previous years and said that it was difficult to persuade the authorities to bring those responsible to justice.

Amir Ali Mahomed was arrested in January on suspicion of car theft. Relatives who visited him in the police station said that he was in handcuffs and had blood on his body. The next day, police said they had transferred him to another police station. The family went to this station and were directed back to the first. A week after the arrest, Amir Ali Mahomed's wife was informed that her husband had been found with gunshot wounds in a Maputo suburb. She and two friends rushed him to hospital, but he received little attention before being taken to the Maximum Security Prison. Police denied that he had been injured in custody and said that he had escaped from prison in December.

AI country reports/visits

Report

- Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community (AI Index: AFR 03/004/2002)

MYANMAR

UNION OF MYANMAR
Head of state and government: General Than Shwe
Death penalty: retentionist
International Criminal Court: not signed

Daw Aung San Suu Kyi, leader of the main opposition party, the National League for Democracy (NLD), was released from *de facto* house arrest in May. There was no reported progress in confidential talks about the future of the country, begun in October 2000, between the ruling military government – the State Peace and Development Council (SPDC) – and Aung San Suu Kyi. However, over 300 political prisoners were released during the year, bringing the total of those released since January 2001 to over 500. Some 1,300 political prisoners arrested in previous years remained in prison and some 50 people were arrested for political reasons, despite the SPDC's stated commitment to release political prisoners as part of their undertaking to work with the NLD. Extrajudicial executions and forced labour continued to be reported in most of the seven ethnic minority states, particularly the Shan and Kayin states. Civilians continued to be the victims of human rights violations in the context of the SPDC's counter-insurgency tactics in parts of the Shan and Kayin states.

Background

As in previous years, the army was involved in skirmishes with the Karen National Union (KNU), the Karenni National Progressive Party (KNPP), and the Shan State Army-South (SSA-South). In May the SSA-South captured some SPDC outposts in eastern Shan State. The SPDC accused the Thai government of permitting the SSA-South to launch attacks from Thai territory and closed the 2,000-km border with Thailand until October.

General Ne Win, who headed the military government between 1962 and 1988, was placed under *de facto* house arrest with his daughter, Sanda Win, in March. He died in December; his daughter remained under house arrest. His son-in-law and three grandsons were arrested at the same time and detained at Insein Prison. In September the four were sentenced to death for high treason; their sentences were appealed but the first appeal was denied and further appeals were pending. The family was widely believed to have been involved in economic activities which were contrary to SPDC interests, and to have tried to influence some members of the military to support their businesses.

Political and economic developments

Dialogue on substantial issues between the SPDC and the NLD did not progress during the year. Some NLD offices around the country reopened, but the party did not receive permission to publish party materials. On several occasions NLD officials called on the SPDC to begin talks with them and to release all political prisoners. Students, NLD members and other activists calling for political change or who possessed publications by exiled opposition groups were arrested during the year.

During the latter part of the year, Myanmar's currency, the kyat, traded at over 800 kyat to the US dollar; the official rate remained six kyat to the dollar. Large increases in the price of rice and other commodities, severe power shortages, and the lack of major development assistance, led to further economic hardship for much of the population. Farmers continued to be forced to sell or give part of their rice crop to the government at significantly lower than market prices. The SPDC continued to spend a very small proportion of their budget on health, education and welfare.

The lack of adequate nutrition and the prevalence of preventable diseases in ethnic minority states, particularly in counter-insurgency areas, increased civilian suffering. The army continued to subject civilians to forced labour and extrajudicial executions in southern Shan State in counter-insurgency efforts against SSA-South. Thousands of Karen civilians in Papun District, northern Kayin State, continued to live in hiding from the army after their villages were destroyed. In April, civilians were forcibly relocated, extrajudicially executed or subjected to forced labour in Kya-in-seik-gyi and Kya-in townships in southern Kayin State, in the context of counter-insurgency measures against the KNU which continued to operate in these areas. Civilians in some parts of Mon State, particularly Ye township, were subjected to forced labour and land confiscation by the army.

Political prisoners

Some 50 people were arrested during the year, most apparently for their peaceful political opposition activities. Approximately 1,300 political prisoners remained behind bars, including 18 members-of-parliament-elect.

- Among the prisoners of conscience held during 2002 were U Win Tin, Ma Khin Khin Leh; U Win Htein; Thet Win Aung, who had been sentenced to 59 years' imprisonment in January 1999; and Paw U Tun, alias Min Ko Naing, who was among almost 30 people held under administrative detention provisions after having served their sentences.
- Prisoner of conscience Dr Salai Tun Than, a professor and member of the Chin ethnic minority in his seventies who had been arrested in November 2001 for a staging a peaceful demonstration, was sentenced in February to seven years' imprisonment amid ongoing concerns about his health.
- Aung Thein and Kyaw Naing Oo, both NLD youth members, were arrested in July for possessing publications by an exiled opposition group. They were reportedly severely beaten during interrogation. They were sentenced in September to seven years' imprisonment.
- Two university students, Thet Naung Soe and Khin Maung Win, were arrested in August for staging a

peaceful protest at Yangon City Hall. In November they were sentenced to 14 and seven years' imprisonment respectively.

Ko Shwe Maung, an NLD supporter, was arrested in November in Mandalay, reportedly after distributing rice to poor children and making a bamboo hat, the NLD party symbol.

Releases

Daw Aung San Suu Kyi was released in May and was allowed to travel freely within the country. U Aye Tha Aung, a prisoner of conscience and leader of the Arakan League for Democracy, was released in August. Pastor Gracey, a Chin Christian minister, and Myo Mying Nyein, a writer, were released in February; Myo Mying Nyein had been imprisoned since 1990. Many of the political prisoners released during the year had completed their sentences.

Torture and ill-treatment

Reports of torture of political prisoners during initial interrogation by Military Intelligence continued to be received. Three political prisoners died in custody during the year, bringing the total known number of custodial deaths of political prisoners since 1988 to 73.

Sai Phat, a 61-year-old NLD Shan State vice-chairman and member of the Shan ethnic minority, died in detention in disputed circumstances in October in Kengtung, Shan State. He had been organizing local NLD activities when he was arrested in September, and was reportedly accused of instigating farmers not to pay a rice tax to the authorities. The SPDC stated that he died of cerebral malaria; opposition sources indicated that he may not have received adequate medical treatment.

Prison conditions

Since the International Committee for the Red Cross (ICRC) began to visit prisons in Myanmar in 1999, conditions have improved. However adequate food and medical care for prisoners was lacking, which contributed to the poor health of some political prisoners. Convicted criminals were at risk of being sent to labour camps, where conditions were sometimes harsh, to work on infrastructure projects. They were also reportedly taken from prisons to porter for the army in counter-insurgency areas, placing them at risk of being killed in combat or of dying from ill-treatment and neglect.

Forced labour

SPDC Order No. 1/99 and Order Supplementing Order No. 1/99, which outlaws forced labour by the military and all other government officials and provides for punishments for those found responsible, appeared not to have been enforced by the SPDC in many parts of the seven ethnic minority states. Some civilians were told about the orders by the military, but there did not appear to be any decline in forced labour. Unpaid forced labour and extortion of money, food and other goods from civilians by the military continued in some areas of the Shan, Kayin, Chin, Rakhine and Mon states, and in the Tanintharyi Division. As part of the military's self-sufficiency drive, ethnic minority civilians were forced to work on infrastructure projects and on military farms, which had previously been confiscated from the civilian population. Civilians were subjected to forced portering, which entailed carrying heavy loads for soldiers over rugged terrain for extended periods, in counter-insurgency areas.

A Mon woman who worked as a day labourer in Thanbuyzat township, Mon State, was forced to build a road for 10 days in January by the military; she had to perform unpaid forced labour for several days every month.

A Shan man from Namzarng township was forced to carry meat for the army during forced portering duties in February. Despite paying "porter fees" twice per month to avoid being taken, he was forced to work on military farms and dig trenches.

Extrajudicial executions

Extrajudicial executions of ethnic minority civilians taking no active part in the hostilities continued to be reported, particularly in the context of the army's counter-insurgency activities when civilians were punished for alleged contacts with armed opposition groups.

In January Lun Kon, Sai Ohn Ta, Sai Nyunt, Pa Pan, Nang Leng, four-month-old Naing Naing, six Shan civilians from Murngkerng township, Shan State, were shot dead by members of Infantry Battalion 281 in Murngton township as they were travelling to Thailand.

International initiatives

In April the UN Commission on Human Rights adopted by consensus its 11th resolution extending the mandate of the Special Rapporteur on Myanmar for another year. The resolution expressed concern about the high level of human rights violations, and urged the SPDC to accelerate the pace of national reconciliation. In December a similar resolution was adopted by consensus by the UN General Assembly.

In May the USA renewed limited economic sanctions against Myanmar. The European Union (EU) Common Position which provided for limited sanctions was renewed in April and again in October. EU troika visits took place in February and September.

The International Labour Organisation (ILO) opened a liaison office in Yangon in June under a March agreement with the SPDC, and in September appointed a permanent Liaison Officer. The Liaison Officer met with the SPDC Implementation Committee and other officials, but no independent mechanism for investigating reports of forced labour had been established by the SPDC by the end of the year. The UN Secretary-General's Special Envoy visited the country three times in attempts to foster political dialogue between the NLD and the SPDC and to facilitate the release of political prisoners. The UN Special Rapporteur on Myanmar visited the country in February and October, when he was given unimpeded access to prisons and allowed to travel outside of Yangon.

AI country reports/visits

Reports

- Myanmar: Lack of security in counter-insurgency areas (AI Index: ASA 16/007/2002)
- Myanmar: Fear for safety/fear of torture/possible prisoners of conscience (AI Index: ASA 16/011/2002)

NAMIBIA

REPUBLIC OF NAMIBIA
Head of state: Samuel Nujoma
Head of government: Hage Geingob
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

There were reports of human rights violations, including arbitrary arrest and torture by police officers. Members of the security forces were responsible for extrajudicial executions in the Caprivi region.

Background

Over 345,000 Namibians experienced food shortages resulting from erratic rainfall and drought; the Caprivi region in the northeast of the country was the hardest hit. Although the death penalty was abolished at Independence in 1985, its reintroduction was raised in parliament in the context of deterring crime.

Police involvement in abuses

The police and paramilitary police, known as the Special Field Forces (SFF), continued to commit human rights violations including arbitrary arrests, excessive use of force, beatings and "disappearances". The use of torture by police and the SFF to extract confessions from suspects was reported. Approximately 23 deaths in custody occurred during 2002.

In October, nine minors were arrested on suspicion of housebreaking. Several police officers wearing SFF uniforms, as well as plain-clothes detectives, reportedly beat and tortured them with whips and electric shocks. Five minors remained in custody at the end of the year. A trial date was scheduled for April 2003.

Extrajudicial executions

The Namibian armed forces extrajudicially executed people they suspected of collaborating with the National Union for the Total Independence of Angola (UNITA) in northern Namibia. Three suspected UNITA rebels were shot and killed near the northern border and western Caprivi in February. In November, five alleged Caprivi secessionists were killed by members of the Namibian Defence Force on Situngu Island in the Caprivi region. The National Society for Human Rights, a Namibian human rights organization, called for an independent investigation into the killings. No formal investigation had taken place by the end of the year.

Undue delay in Caprivi treason trial

People continued to be subjected to excessive periods of detention without trial, most notably in the case of the 126 Caprivi detainees facing 275 charges of high treason, public violence, sedition, and possession of firearms and ammunition, for allegedly taking part in attacks on government installations in Katima Mulilo and providing support to the Caprivi Liberation Army (CLA) in August 1999. Following their successful application to the Supreme Court in June for state-funded legal representation, three legal aid representatives were appointed to represent the detainees. A trial date was set for February 2003. The detainees had remained in detention without trial since late 1999 despite several unsuccessful bail applications, which raised serious concerns from local and international human rights organizations regarding the detainees' rights to a prompt and fair trial. Eight detainees had died in custody since 1999.

Detention without charge or trial

Seventy-eight men were detained without charge or trial in Dordabis, in the Kavango region. They had been held since June and July 2000, accused of being UNITA soldiers and collaborators. In December, 74 of the men were forcibly deported to Angola. Two others were released in December and remained in Namibia. By the end of the year, two remained in custody pending further investigation by the authorities. Although Namibia's Constitution states that detainees must be charged within two days or released, none of those held had been charged with a criminal offence during their detention.

Freedom of expression

In August, President Nujoma took control of the Ministry of Information and Broadcasting, reportedly in an effort to tackle technical problems at the state-run Namibian Broadcasting Corporation (NBC). The following month, President Nujoma instructed the NBC to broadcast only films which portray Namibia in a positive light. The NBC was also ordered to stop broadcasting foreign films and television series perceived to have a negative influence on Namibian youth. The President's control of the Information Ministry raised concerns among local journalists and media organizations about increasing restrictions on freedom of expression.

AI country reports/visits

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NEPAL

KINGDOM OF NEPAL
Head of state: King Gyanendra Bir Bikram Shah Dev
Head of government: Lokendra Bahadur Chand (replaced Sher Bahadur Deuba in October)
Death penalty: abolitionist for all crimes
International Criminal Court: not signed

Against a background of mounting political crisis, there was a sharp rise in the incidence of unlawful killings, "disappearances", torture and arbitrary arrest and detention by the security forces, and of deliberate killings, hostage-taking and torture by the Maoists. The abuses were carried out in the context of the "people's war" declared by the Communist Party of Nepal (CPN) (Maoist) in 1996, and the declaration of a state of emergency and the deployment of the army in late 2001.

Background

Political instability at the national and local level contributed to a spiralling human rights crisis. In May Prime Minister Sher Bahadur Deuba dissolved parliament and called parliamentary elections for November. In July the government disbanded local elected bodies, replacing them with government appointees. In October King Gyanendra Bir Bikram Shah Dev sacked Sher Bahadur Deuba and took executive power. He appointed an interim government comprising people known to be loyal to him, and indefinitely postponed parliamentary elections. For the rest of the year there was a stand-off between the King and the mainstream political parties.

Fighting in the context of the "people's war" continued to escalate, with heavy casualties reported among army and police personnel. The Maoists remained in control of several districts in the Mid-Western region, where their "people's governments" ran parallel to the government's local administration at district level. Similar bodies continued to function at ward and village level in many other districts. The Maoists' "people's courts" appeared to become less active in some areas.

State of emergency and Terrorist and Disruptive Activities Act

In February the state of emergency declared in November 2001 was extended with all-party support. However, the government did not win sufficient support to further extend it in May. After the parliament was dissolved in May, the King reimposed the state of emergency for three months on the recommendation of the interim government. It was not renewed in August. The states of emergency were accompanied by the suspension of several fundamental rights, including the right to constitutional remedy (apart from habeas corpus), the right of assembly, the right to freedom of thought and expression, and the right not to be held in preventive detention without sufficient grounds.

In April parliament passed the Terrorist and Disruptive Activities (Control and Punishment) Act (TADA) to replace the Ordinance of the same name promulgated in 2001. It was due to remain in force for two years. The TADA curtailed some of the powers granted to the security forces under the Ordinance, but allowed for preventive detention for up to 90 days. Anyone arrested under the TADA should be brought before Special Courts, but there were delays in establishing these courts and in several areas they had not been constituted by the end of the year.

Extrajudicial executions

The security forces continued to carry out unlawful killings. It was estimated that of the more than 4,000 "Maoists" officially declared as killed since November 2001, nearly half may have been unlawfully killed. Those unlawfully killed included civilians suspected of providing shelter, food or financial assistance to the Maoists. They also included members of the CPN (Maoist) killed in circumstances where they could have been taken into custody or where they had already been taken prisoner.

- Thirty-five labourers involved in construction work at Suntharali airport, Kalikot district, were dragged from their houses and huts on 24 February and deliberately killed by an army patrol. The army personnel were pursuing members of the CPN (Maoist) suspected of involvement in an attack at Mangalsen, Achham district, on 17 February in which 56 soldiers were killed.

'Disappearances'

People continued to "disappear" after arrest by the security forces; more than 65 people had "disappeared" since late 2001. "Disappearances" were facilitated by the TADA, under which people were held incommunicado for prolonged periods in secret and illegal detention at army camps.

- Five students – Bipin Bhandari, Dil Bahadur, Ramhari Rupakheti, Shusila Thapa and Nita Gautam – all alleged by the authorities to be members of the All Nepal National Independent Students' Union (Revolutionary), were reportedly arrested by police on 17 June in Kathmandu. Officials denied any knowledge of the arrests, and the whereabouts of three of them remained unknown at the end of 2002.
- Bishnu Pukar Shrestha, a former secondary school teacher and human rights activist, "disappeared" after he was arrested by plain-clothes security forces personnel at his home in Thapatali, Kathmandu, on 29 July. Earlier in the year his name and photograph were included in a list of wanted Maoist leaders shown during an army television broadcast. A cash award was offered to anyone giving information leading to their arrest "dead or alive". Bishnu Pukar Shrestha, who has always denied membership of the CPN (Maoist), was released on 16 December. He had reportedly been held blindfolded in army custody for nearly five months.

Torture and death in custody

Torture by the army, the paramilitary police force (the so-called Armed Police Force – APF) and the police was reported almost daily. The APF, which was established in 2001, was increasingly cited in allegations of torture as it became more active during the year. The army systematically held people blindfolded and handcuffed for days, weeks or even months. Torture methods included rape, electric shocks, *belana* (rolling a weighted stick along the prisoner's thighs causing muscle damage), beatings with iron rods covered in plastic, and mock executions.

Members of the APF raped Sita Chaudhary and killed her husband during a search operation in Patariya village, Kailali district, on 10 September. A neighbour, Sri Krishna Devi, aged 20 and pregnant, was also allegedly raped.

On 20 May Krishna Sen, a prominent pro-Maoist journalist, was arrested and allegedly tortured at the Mahendra Police Club in Kathmandu. In June he was reported to have died in custody. The authorities denied he had been arrested and did not return his body to the family.

Arbitrary arrest and detention

Thousands of people were arbitrarily arrested and detained. They included lawyers, students, journalists, teachers, farmers and other suspected members or sympathizers of the CPN (Maoist). According to official figures released in August, 9,900 "Maoists" had been arrested since the imposition of the state of emergency in November 2001, of whom 1,722 remained in custody. District Coordinating Committees decided who should be arrested, detained or released often on the basis of information provided by mainstream political parties. Chief District Officers issued blank detention orders for use by the security forces. The army denied holding detainees, but there was overwhelming evidence of people being held for long periods incommunicado in army barracks. Prisoners were usually held outside any legal framework. Those held under the TADA were rarely produced before a court.

Impunity

Victims of human rights violations failed to gain redress, and official accountability was widely lacking. The judiciary was largely bypassed or failed to assert its authority or confirm the rule of law. Habeas corpus remained an ineffective remedy in relation to "disappearances" and for those detained under the TADA. The Supreme Court persistently postponed making a decision on around 12 habeas corpus petitions put before it since late 2001. Police and the judiciary put obstacles in the way of victims trying to file cases or requesting medical examinations in order to gain redress under the Torture Compensation Act. An officer implicated in the death of Krishna Sen was awarded "policeman of the year".

Sexual abuse of refugees

Sexual abuse of women and children in Bhutanese refugee camps in Nepal was reported. An investigation by the UN High Commissioner for Refugees revealed 18 cases of sexual abuse and exploitation in the camps by aid workers; one victim was a seven-year-old girl.

Maoist abuses

The Maoists stepped up attacks on members of mainstream political parties in the run-up to the elections set for November. Members of the Nepali Congress (NC) party were most often targeted for deliberate and unlawful killings, but there were increasing attacks on members of the Communist Party of Nepal (United Marxist Leninist). The Maoists also tortured captives, took hostages and linked their release to certain demands, and recruited children into their ranks. They were also responsible for the summary execution of members of the security forces taken captive during attacks, particularly on police stations.

Three NC members were killed by 40 to 50 Maoists in Ramshikhar Jala and Pahalmanpur villages in Kailali district on 3 September. Jagat Bahadur Shaha, President of the NC's village committee, and Ram Prasad Subedi and Shobhakar Sharma, both from Pahalmanpur village, were all beheaded.

Nawaraj Sharma, editor of the weekly newspaper *Karnali Sandesh*, was abducted from his home in Kalikot district on 1 June. His mutilated body was found on 13 August.

National Human Rights Commission

The National Human Rights Commission (NHRC) in June sent fact-finding teams to 35 districts to verify reports of human rights abuses. Reports on their findings were submitted to the authorities and the leadership of the CPN (Maoist) in October. The NHRC also made recommendations for the prevention of unlawful killings, "disappearances" and arbitrary arrests and detention. No responses had been received by the end of the year.

AI country reports/visits

Reports

- Nepal: A spiralling human rights crisis (AI Index: ASA 31/016/2002)
- Nepal: A deepening human rights crisis (AI Index: ASA 31/072/2002)

Visit

AI delegates visited the country, including the Mid- and Far-Western Regions in September. The delegation also met senior army, police and APF officers.

NEW ZEALAND

NEW ZEALAND
Head of state: Queen Elizabeth II, represented by Michael Hardie Boys
Head of government: Helen Clark
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

A police officer who faced murder charges for a fatal police shooting in 2000 was acquitted in December. The High Court ruled that the detention of nearly all asylum-seekers since September 2001 breached national and international human rights safeguards. New human rights legislation came into effect.

Background

In January, the Human Rights Amendment Act 2001 came into effect. This restructured the Human Rights Commission and introduced additional safeguards against discrimination on grounds such as age, disability or sexual orientation in the policies and practices of government agencies. The government increased funding for the Commission, including for the development of a National Plan of Action to identify priorities for the implementation of human rights protection measures under the Act.

In July, the UN Human Rights Committee commended New Zealand courts for taking account of the country's international human rights obligations and the Committee's General Comments in cases heard by the courts. However, the Committee expressed concern that there appeared to be no "effective day to day monitoring" of the treatment of prisoners and of compliance with international law within a commercially managed prison and prisoner escort service. It found that a new detention policy for asylum-seekers may have been introduced without full consideration of New Zealand's obligations under the International Covenant on Civil and Political Rights.

In July, elections resulted in Prime Minister Helen Clark forming a new coalition government.

Police shooting – court proceedings

In February, two Justices of the Peace sitting in a District Court dismissed murder charges against a police officer who had shot and killed Steven Wallace at Waitara in 2000. Evidence presented to the court by police indicated that the officer had not followed proper police procedure, but the court found that he had acted in self-defence. However, in June the Chief Justice ruled that the murder charges should be heard by a jury at the High Court. The police officer was acquitted in December.

Refugees and asylum-seekers

The government resettled scores of refugees processed by the UN High Commissioner for Refugees (UNHCR) who were seeking entry to Australia, from detention facilities in the Pacific funded by the Australian authorities.

In May, a joint report by the Refugee Council of New Zealand and the Human Rights Foundation of Aotearoa New Zealand found that government officials dealing with asylum-seekers lacked knowledge of relevant national and international law on the detention of asylum-seekers. The report examined the impact of a policy change in September 2001 under which virtually all asylum-seekers arriving in New Zealand were detained. During the previous two years, only five per cent of asylum-seekers had been detained. The report criticized the lack of human rights safeguards in detention procedures and recommended that children and vulnerable people – such as torture and trauma victims – not be detained and that any detention of others should be exceptional and in accordance with UNHCR guidelines.

In two subsequent judgments relating to the report's findings, the High Court made important rulings on the application of national and international refugee law in relation to the detention of asylum-seekers in New Zealand. In May, the Court ruled that asylum-seekers retained a right to seek bail from detention, and that their "invariable automatic detention cannot be 'necessary'" in almost all cases as practised under the new government policy. In June, the Court found that an Operating Instruction on the detention of asylum-seekers, issued under this policy by the New Zealand Immigration Service in September 2001, was unlawful because it failed to comply with national and international refugee law.

During the months following the ruling, the authorities continued to detain nearly all newly arrived asylum-seekers, reportedly on the grounds that their identity was unconfirmed and that therefore the risk that they might commit an offence or abscond could not be assessed.

The government filed an appeal against the High Court ruling. Appeal hearings began in November and were continuing at the end of the year.

NICARAGUA

REPUBLIC OF NICARAGUA
Head of state and government: Enrique Bolaños
Death penalty: abolitionist for all crimes
International Criminal Court: not signed

Human rights defenders and public officials faced attacks and threats. The National Police used excessive force against demonstrators.

Background

Enrique Bolaños, elected President in November 2001, took office in January. His predecessor, Arnoldo Alemán Lacayo, who secured a seat in parliament through the 1999 agreement with the opposition *Frente Sandinista de Liberación Nacional* (FSLN), Sandinista National Liberation Front, manipulated the system to become President of the National Assembly.

Attempts to punish corruption, one of the main commitments of the new President, led to a political crisis. Investigations into corruption led in August to charges, including embezzlement of public funds, fraud and money laundering, against Arnoldo Alemán and 13 others. In September Judge Juana Méndez ruled against most of the accused, including Arnoldo Alemán, and imposed prison sentences. However, Arnoldo Alemán refused to renounce his parliamentary immunity which protected him from prosecution. The National Assembly, after a long and difficult process, finally removed his immunity in December and he was put under house arrest.

Extreme poverty aggravated by unemployment in the agricultural sector led to dozens of children and adults dying from malnutrition. The authorities were slow to react to the needs of peasants especially in northern Nicaragua. Malnutrition was widespread among the rural population.

Human rights defenders under attack

Human rights defenders, judicial personnel and members of parliament were attacked and threatened as a result of their activities.

María Luisa Acosta, a lawyer defending indigenous communities, received death threats and in April her husband Francisco García Valle was shot dead at their home in Bluefields, Autonomous South Atlantic Region. He was found with his hands tied behind his back. Nothing was taken from the house. It was feared that María Luisa Acosta was the real target and that the attack was connected to her work. According to reports, there were irregularities in the judicial process which identified the actual killer (who remained at large) but acquitted others believed to have planned the murder.

In September Judge Juana Méndez received anonymous death threats by telephone against her children and herself. Previously she had received a similar threat and was involved in an incident where a vehicle blocked her way when she was travelling to work. The authorities provided police protection for her and her family. Judge Méndez was in charge of the case against Arnoldo Alemán and others charged with corruption. In the context of this case some members of parliament also received threats and had explosives detonated near their homes reportedly because of their intention to vote for the withdrawal of Arnoldo Alemán's immunity.

Excessive use of force by police

The National Police used excessive force against demonstrators.

In February, 12 families in Mérida, Altagracia, Omepete Island, were removed by the police from land where they had lived for decades. Their homes and possessions were destroyed by employees of a landowner who claimed the land belonged to him. A judicial official present was strongly criticized by human rights organizations for allowing the destruction without intervening. In the course of the expulsion the police fired their weapons injuring four demonstrators; some policemen were also injured when demonstrators used stones and sticks. In May, eight policemen were sentenced to prison terms for exposing people to danger, abuse of authority and causing injury. They appealed, but a decision was still pending at the end of the year.

NIGER

REPUBLIC OF THE NIGER
Head of state: Mamadou Tandja
Head of government: Hama Amadou
Death penalty: abolitionist in practice
International Criminal Court: ratified

In response to a mutiny by soldiers which was quelled in August, a presidential decree was issued which severely restricted freedom of expression. The decree led to the arrest of two journalists and two human rights defenders, but was invalidated by the Constitutional Court.

Background

Government forces ended a mutiny by members of the armed forces, led by soldiers in the southeastern town of Diffa in August, after 10 days. The mutineers, who sought a pay increase, took several hostages, including a local civilian governor. This was the first mutiny since the election of President Tandja in 2000, which marked a return to civilian rule. A presidential decree which forbade the circulation of information which would

"jeopardize" defence operations against the mutineers was ruled unconstitutional in September. In November, the government adopted a law creating a court martial to try the arrested mutineers.

Human rights defenders

Two human rights defenders were arrested and one was sentenced to imprisonment after expressing concern about the reaction of the security forces to the August mutiny.

- In August, Amina Balla Kalto, president of the *Collectif d'organisations de défense des droits de l'homme* (CODDH), an umbrella grouping of human rights bodies, was briefly arrested twice for criticizing the government's plan to try army mutineers before a court martial.
- Bagnou Bonkoukou, president of the *Ligue nigérienne des droits de l'homme* (LNDH), Niger League of Human Rights, was arrested and charged with "disseminating false information" in August. His organization had called for an independent inquiry into the deaths of those killed in the suppression of the mutiny. In September, Bagnou Bonkoukou was sentenced to one year's imprisonment. In November, he was granted a presidential pardon and was released.
- In a case not related to the mutiny, Morou Amadou, president of a human rights organization called *Croisade*, Crusade, was arrested in April in Birnin N'Gaoure. He had tried to settle a land dispute between two villages and was charged with contempt of court and "discrediting a judicial decision". In May, he was sentenced to 10 months' imprisonment but was released in July after an appeal court dropped one of the charges.

Harassment of journalists

The August presidential decree led to the arrest of two journalists in August.

- Moussa Kaka, director of *Radio Saraounya* and a correspondent for *Radio France International* (RFI), was detained for 10 hours at the gendarmerie in Niamey and interrogated.
- Boulama Ligari, a reporter from a private radio station, *Anfani*, was arrested in Diffa and held for four days before being released without charge.

Detention without trial of students

Two students, Ousmane Abdelmoumine and Chaibou Issa, were still detained at the end of 2002. They were arrested in February 2001 following violent clashes between students and security forces in Niamey and charged with involvement in the violence, but were never brought to trial. In July, they went on hunger-strike and were hospitalized before being returned to prison.

NIGERIA

FEDERAL REPUBLIC OF NIGERIA
Head of state and government: Olusegun Obasanjo
Death penalty: retentionist
International Criminal Court: ratified

Penal legislation inspired by *Sharia* (Islamic law), which had been gradually introduced in 12 states in northern Nigeria since 1999, was applied throughout the year. One person was executed for murder after being sentenced to death in 2001 by a *Sharia* court in Katsina. During 2002 at least five people were sentenced to death under this legislation and in at least three cases corporal punishments of amputation of hands or flogging were carried out. Three people were sentenced to death by High Courts. The security forces continued to act with impunity. No one was brought to justice for the extrajudicial execution of civilians by the army in Bayelsa and Benue States in 1999 and 2001 respectively. Dozens of criminal suspects were tortured by the police; according to reports, at least two people died in custody as a result. At least five people were unlawfully killed by the police. State-endorsed vigilante groups carried out hundreds of extrajudicial executions in the southeast of the country and were responsible for acts of unlawful detention, torture and "disappearances". Peaceful protests by women in Niger Delta region outside oil company premises were repressed with excessive use of force by the army and the paramilitary Mobile Police.

Background

The cycle of intercommunal violence continued; hundreds of people died in clashes between different ethnic and religious groups in Plateau, Taraba, Kaduna, Lagos, Delta and other states. The Independent National Electoral Commission announced that general and presidential elections would take place between 12 April and 3 May 2003. In August the Federal House of Representatives passed a motion advising President Olusegun Obasanjo to resign or face impeachment for a series of accusations, including corruption and breach of the Constitution. The situation in the oil-producing Delta region deteriorated; women seized several oil flow stations to demand jobs and proper compensation for land acquisition and for environmental damage caused by oil companies.

Death penalty

At least three death sentences were passed by High Courts, and on 27 May the Supreme Court upheld four death sentences passed by a High Court in Abia State in 1999. There were no executions of people who had been convicted of offences under non-*Sharia* penal codes.

Sharia-based penal legislation, which provides for mandatory death sentences for extra-marital sex and for murder, continued to be implemented in some states of northern Nigeria. One person was executed for murder and at least five death sentences were passed by *Sharia* courts in Bauchi, Kaduna, Jigawa and Niger States for offences related to sexual conduct.

Sani Yakubu Rodi, aged 27, was executed by hanging on 3 January at Katsina Prison following the expiration of the statutory 30-day period to appeal against the sentence. He had been found guilty in November 2001 by a *Sharia* court in Katsina of the murder of a woman and her two children.

Amina Lawal, aged 30, was sentenced on 22 March to stoning to death for adultery by a *Sharia* court at Bakori, Katsina State. She allegedly confessed at her first trial to having had a child while divorced. On 19 August the *Sharia* Court of Appeal in Funtua, Katsina State, upheld the death sentence. Amina Lawal's appeal against the sentence to the Upper *Sharia* Court of Appeal of Katsina was still pending at the end of the year. Amina Lawal's case was the subject of a worldwide campaign by several non-governmental organizations, including AI, against death sentences and cruel, inhuman or degrading punishments passed by *Sharia* courts in northern Nigeria.

On 25 March the *Sharia* Court of Appeal of Sokoto State ordered the acquittal of Safiya Yakubu Hussaini, who was facing death by stoning for adultery. She had been sentenced to death in October 2001 by a *Sharia* court in Gwadabawa, Sokoto State.

Cruel, inhuman and degrading punishments

Sharia courts sentenced several people to cruel, inhuman and degrading punishments. Dozens of people were sentenced to have their hands amputated for theft or armed robbery and to flogging for fornication, consumption of alcohol and other offences. The sentences were passed in Sokoto, Zamfara, Kano, Kebbi, Bauchi, Kaduna, Jigawa and other northern states. At least three sentences of flogging or amputation were carried out in Zamfara and Bauchi States.

Most of those convicted under the new penal legislation were from economically deprived backgrounds. In the majority of cases, international standards for fair trial, such as the right to legal representation, were not observed. Floggings and amputations were repeatedly carried out in towns and villages within hours of sentencing.

In March, in a letter to the governors of the 12 states that had introduced *Sharia*-based penal legislation, the Minister of Justice and Attorney General of the Republic stated that the new codes were unconstitutional as they were discriminatory on grounds of religion. The Minister stated: "[A] Muslim should not be subjected to a punishment more severe than would be imposed [on] other Nigerians for the same offence". However, the federal government took no action to change the new penal legislation or prevent its application.

Mohammed Na'ila, a *Sharia* court judge from Zamfara State, received 80 strokes of the cane in public on 18 January. The judge had been found guilty of consuming alcohol by an upper *Sharia* court in Kaura Namoda, Zamfara State.

Killings, torture and ill-treatment by police

The proliferation of anti-crime operations by the federal police resulted in extrajudicial executions, deaths in custody, torture and cruel, inhuman or degrading treatment in police detention centres throughout the country. In most cases, the policemen responsible were not brought to justice.

Ndudiri Onyekwere, a 28-year-old student, was arrested by the police on 11 June in Onitsha, Anambra State, and taken to Alausa police station. A friend had accused him of robbery. Ndudiri Onyekwere died six days later, after he had been transferred to the Special Anti-Robbery Squad facility in Panti. According to his family, he was taken to Ikeja General Hospital on 17 June after complaining of stomach pains, and died there hours later. An autopsy showed that he had been severely beaten and attributed his death to "traumatic shock consequent upon multiple soft tissue and skeletal injuries".

Vigilante brutality and killings

Armed vigilante groups, especially in the south and southeast, were responsible for killings; acts of torture; cruel, inhuman or degrading treatment; unlawful detention; and "disappearances" of alleged criminals. Some of the groups were tacitly or officially endorsed by state governments to conduct law enforcement functions.

Dozens of people were extrajudicially executed in Anambra State during the year by the Anambra State Vigilante Service (AVS), a vigilante group officially endorsed by a law passed in 2000 by the Anambra State House of Assembly. On 24 September Mobile Police officers attacked premises of the AVS in and around Onitsha, Anambra State, and found five illegal detention centres in Ihala, Nnewi, Onitsha, Awka and Ekulubia. At least 100 members of the group were arrested and subsequently released without charge. State-endorsed vigilante groups were also responsible for extrajudicial executions, torture and unlawful detention in Abia and Imo States.

On 5 February at least 10 people were publicly killed by the AVS with machetes at Onitsha main market and other locations in the town.

On 10 April an AI delegation witnessed AVS members trying to set a man on fire inside the compound of the Government House of Anambra State. The government of Anambra State refused to explain the incident or provide information about the identity of the suspect or any subsequent treatment he received at the hands of the vigilante group.

Political violence

Allegations of politically motivated killings and acts of harassment and intimidation spread throughout the country, with allegations of involvement of individual members of state and local governments and political parties. Political violence was particularly acute in

Ebonyi and Bayelsa States. Thirteen people were arrested in connection with the assassination in 2001 of Bola Ige, Minister of Justice and Attorney General of the Republic. They were charged with murder and complicity in murder in October.

On 1 September Barnabas Igwe, president of the Nigerian Bar Association in Anambra State, and his wife were killed by a group of people armed with machetes. Barnabas Igwe had publicly opposed state-endorsed vigilante groups in Anambra and openly criticized the governor of the state.

Impunity

The authorities continued to fail to bring to justice perpetrators of human rights violations.

Odi and Benue massacres

No one was brought to justice for the raid by the army in the town of Odi, Bayelsa State, in 1999, in which over 250 unarmed civilians were killed, nor for the killing of more than 200 civilians in Benue State in 2001. The federal government did not apologize officially for the killings and none of the victims or the families of those killed received compensation.

A 10-member Judicial Commission of Inquiry created by the federal government began sitting in May. The commission was mandated to investigate the causes of intercommunal violence in Nassarawa, Plateau, Benue and Taraba States, and to set up lasting strategies to secure peace. The commission's terms of reference did not mention explicitly investigation into the actions of the armed forces in the Benue massacre.

Human Rights Violations Investigation Commission

The Human Rights Violations Investigation Commission, known as the Oputa Panel, inaugurated in June 1999 to investigate human rights violations committed between 1966 and the return to civilian rule in May 1999, submitted its final report to President Obasanjo in May. The report was not made public and the government failed to disclose its plans to implement recommendations made by the panel.

Economic interests and human rights in Niger Delta

Tension continued to mount in the oil-producing Delta region. There were widespread protests against the oil companies and the federal government on issues such as environmental degradation, lack of compensation, and lack of development assistance to local communities. Permanent deployment of army and navy troops to protect oil companies against "saboteurs" led to a series of clashes between armed forces and local students, youths and activists.

On 8 August several hundred Ijaw, Itsekiri and Urhobo women staged a peaceful protest outside the operational headquarters of the oil companies Shell and Chevron-Texaco in Warri, Delta State. Some of the women, who said the protests were violently broken up by soldiers and Mobile Police officers, had scars and bruises, which they said had been caused by beatings, floggings and kicking by police and soldiers.

In June the African Commission on Human and Peoples' Rights made public its ruling in relation to an accusation filed in 1993 by a Nigerian human rights group against the federal government for the violation of the rights of the Ogoni people in Rivers State. The Commission ruled that the Nigerian government had violated several articles of the African Charter on Human and Peoples' Rights. It appealed to the government to stop all attacks on Ogoni leaders and communities by the Nigerian security forces; investigate human rights violations in the area; ensure adequate compensation to victims of human rights violations, including relief and resettlement assistance and the clean-up of lands and rivers damaged by oil operations; ensure that appropriate environmental and social impact assessments were prepared for future oil development; and provide information on health and environmental risks of oil operations.

AI country reports/ visits

Reports

- Nigeria: Vigilante violence in the south and south-east (AI Index: AFR 44/014/2002)
- Nigeria: Security forces – Serving to protect and respect human rights? (AI Index: AFR 44/023/2002)

Statements

- BAOBAB for Women's Human Rights and Amnesty International: Joint statement on the implementation of new *Sharia*-based penal codes in northern Nigeria (AI Index: AFR 44/008/2002)
- Nigeria: Amnesty International witnesses attempted summary execution by Anambra Government Security Force (AI Index: AFR 44/009/2002)
- Nigeria: Death by stoning upheld in the case of Amina Lawal (AI Index: AFR 44/017/2002)
- Nigeria: Amina Lawal – the Nigerian government's double speech (AI Index: AFR 44/022/2002)
- Nigeria: Intimidation of human rights defenders (AI Index: AFR 44/025/2002)

Visits

In March an AI delegation met government officials and undertook research in Lagos, Abuja and southeast Nigeria. In October an AI delegation conducted research in Lagos and the oil-producing Niger Delta region.

PAKISTAN

ISLAMIC REPUBLIC OF PAKISTAN
Head of state: Pervez Musharraf
Head of government: Mir Zafarullah Khan Jamali (replaced Pervez Musharraf in November)
Death penalty: retentionist
International Criminal Court: not signed

Human rights abuses committed in the context of the government's continued support for the US-led "war on terrorism" included the arbitrary detention of hundreds of people suspected of having links with "terrorist" organizations and their transfer to the custody of US officials. In addition, systemic human rights violations – including torture, deaths in custody and extrajudicial killings – continued. Abuses committed against women, children and religious minorities, including Christians and Shi'a Muslims, continued to be ignored. At least 140 people were sentenced to death and eight were executed.

Background

A presidential ordinance amended the Anti-Terrorism Law in January, providing for military officers to be part of judicial panels trying "terrorist" offences.

In April, a referendum extended the presidency of President Musharraf for a further five years. The elections were marked by allegations of irregularities and a low voter turn-out.

In August the Legal Framework Order restored Article 58(2b) of the Constitution, which allows the President to dissolve parliament and sets up a National Security Council composed of military and civilian officials to consult on national security.

In August the federal cabinet approved the Prevention and Control of Human Trafficking Ordinance 2002. The National Commission on the Status of Women announced it would review discriminatory laws but had not produced recommendations by the end of the year.

The criteria which potential parliamentary candidates are required to fulfil were changed shortly before general elections in October, excluding many former politicians from standing for election. Seats for women were reserved at all levels of federal and provincial legislatures. However, women's participation in the elections was not effectively ensured. Many village elders forbade women from casting votes and threatened with fines men who "permitted" female relatives to vote. In some regions less than 10 per cent of eligible women cast their vote.

The elections led to a hung parliament. For the first time, Islamist parties formed an alliance and became the third largest block in the National Assembly. In November Mir Zafarullah Khan Jamali replaced Pervez Musharraf as the new head of government.

Arbitrary detention and transfer of people to US custody

In January, four religious groups were banned and thousands of Islamists arrested and held under administrative detention. They were released within days or weeks.

More than 400 people were arbitrarily detained in the context of the US-led "war on terrorism". The detainees were handed over to US officials without adequate human rights safeguards, in breach of domestic legislation regarding extradition and the fundamental international principle of non-*refoulement*. They included Pakistanis, Afghans and people of Middle Eastern origin.

Moazzem Begg holds dual United Kingdom (UK) and Pakistani nationality. He had run a school in Afghanistan, but came to Islamabad with his family when military action started in October 2001. In February 2002, he was pushed into the boot of a car by unidentified men and taken away. In April, his father in the UK received a letter from his son through the International Committee of the Red Cross (ICRC) saying that he was in US custody in Afghanistan. According to available information he remained detained without charge or trial in harsh conditions at the end of the year.

Lack of protection for minority communities

The state continued to ignore abuses inflicted by private individuals or groups against members of minority communities. At least 40 members of the minority Shi'a community, mainly doctors and other professionals, and some 65 Westerners and Christians died in targeted killings. Preventive and protective measures were non-existent or inadequate, and action was taken to investigate such killings only following domestic and international pressure.

In October, two men entered the office of the Christian organization Commission for Justice and Peace in Karachi. They bound and gagged all members of staff and shot them dead. No one had been arrested in connection with the attack by the end of the year.

Abuses of the blasphemy laws

Several men were sentenced to death for blasphemy. Others accused of blasphemy were killed, some in circumstances suggesting official complicity or acquiescence in the killings.

Anwar Kenneth, a Roman Catholic who had claimed to be a prophet, was sentenced to death in July. His mental health had not been taken into consideration during the trial.

In June, a prisoner in Kot Lakpat Jail, Yousuf Ali, was shot dead by a fellow convict. His appeal against his conviction for blasphemy and death sentence, imposed two years earlier, was pending at the time of his death. Punjab Governor Khalid Maqbool held prison staff responsible and ordered an inquiry but no further action was reported.

Zahid Mahmood Akhtar was stoned to death in July by a mob after a local Muslim cleric called for his death. He had claimed to be a prophet of Islam, and

had been charged with blasphemy but freed on bail by a court in 1997 on account of mental illness. Police took no action for two weeks and then arrested several suspects.

Abuses against juveniles

The government failed to ensure that officials in the criminal justice system were made aware of the Juvenile Justice System Ordinance of 2000. Children continued to be brought to court in handcuffs and to be tried before judges not empowered to hear their cases.

Children also continued to be sentenced to death, contrary to national and international law. President Musharraf had announced in December 2001 that all juveniles sentenced to death before July 2000, when the death penalty for juveniles was banned, would have their sentences commuted. However, implementation of this presidential decree remained uneven.

In August, two boys aged 14 and 15 who had been arrested on suspicion of theft were brought handcuffed before a magistrate. Although the magistrate did not have the authority to hear the case, he issued an order remanding them in custody and failed to take note of the fact that they were wearing handcuffs.

Sixteen-year-old Atif Zaman was sentenced to death in July for murder by an Anti-Terrorism Court. An appeal was lodged during which the Peshawar High Court referred the question to the Supreme Court as to whether Anti-Terrorism Courts were competent to try juveniles or to sentence them to death. By the end of the year the issue had not been decided and Atif Zaman remained imprisoned.

Muhammad Ameen had been sentenced to death in January 2000 for a murder committed in 1998 when he was 16 years old. His appeal was dismissed by the High Court in September 2001. In March 2002, the Supreme Court refused to admit his appeal. A petition filed in the Supreme Court was still pending at the end of the year and he remained held in a death cell in Adiala Jail, Rawalpindi.

Women's rights

Women and girls continued to be subjected to abuses in the home, the community and in the custody of the state. Impunity for such abuses persisted. Hundreds of women were killed in so-called "honour" killings. Some private initiatives were announced. For instance the head of the Leghari tribe said in March that "honour" crimes would no longer be permitted. However, the state did not take any action to ban the practice or to ensure that the perpetrators were held to account. The law of *qisas* and *diyat* relating to murder remained unchanged. This law allows criminal prosecution only if the family of the murder victim wishes to pursue it. In case of "honour" crimes this often does not occur, leading to persistent impunity. Police failed to respond adequately to abuses reported by women.

Razina was killed in July 1999 by her cousin who considered her free choice of a spouse to have "shamed" the family. Razina's father agreed to forgo prosecution and in April 2002 the perpetrator was acquitted by the Peshawar High Court.

In June, a tribal council in Meerwalla village, Punjab Province, reportedly "sentenced" 30-year-old Mukhtaran Bibi to be gang-raped as "punishment" for her younger brother's alleged affair with a woman from a tribe considered higher in the tribal hierarchy. After a public outcry, police took note of the incident and registered a complaint. The alleged rapists and council members were tried before an Anti-Terrorism Court. During the trial it was alleged that the victim's brother had been sodomized by tribesmen who then invented the story of his illicit relationship. In August, six men, including two council members, were sentenced to death; eight others were acquitted. Those sentenced to death appealed against their conviction, while the state appealed against the acquittal of the others. Both appeals were pending at the end of the year.

In November, a council of elders in Manjhand, Sindh Province, directed that a man who could not repay his debts should hand over his 10-year-old daughter for marriage instead. She was to live with relatives until puberty. However, she was reportedly abducted by her 40-year-old "husband" and raped. The rape was confirmed by a doctor who examined the child. A complaint was lodged with the police, but local elders denied the allegations.

Legislation which permits compensation to be paid to the family of murder victims in lieu of criminal prosecution led to abuses.

In June, days before the imminent execution of four men for murder, a council of elders brokered a compromise by which eight young girls and money were handed over to the family of the victims in exchange for dropping the charges. Following public protests the deal was overturned. The Punjab Law Minister's direction in July that the practice of handing over women in compensation should be outlawed was not acted upon. Similarly the Peshawar High Court's direction in 2000 that courts should not accept such arrangements was ignored.

The Islamist party alliance in November announced it would end co-education and make religious education compulsory for all. Women's rights groups expressed their apprehension about a setback to women's rights under the new government.

Torture, deaths in custody and extrajudicial executions

Torture in police custody continued to be reported; at least 26 people reportedly died as a result.

Sixteen-year-old Kashmir Khan died in May in Bhanamari police station, North West Frontier Province. Police claimed that he was killed in an encounter with police who surprised him during a robbery. His father filed a complaint with police stating that the boy had been shot at and deliberately kept in a van until he died. An official inquiry was ordered but not carried out. The officer reportedly responsible for the killing was transferred to another post. The Director General of Police reportedly said, "we do not want to demoralize police by taking action against the police official".

The number of criminal suspects killed in so-called "encounters" with police increased alarmingly. In the

first seven months of the year, 73 criminal suspects were killed in Punjab alone. In several cases, relatives claimed that the victims had been killed while in police custody. In some cases police claimed that criminal suspects had committed suicide when surrounded by police.

Following a wave of targeted killings of members of the Shi'a and Christian minority communities, suspected perpetrators appeared to be targeted by police. In September President Musharraf said of those allegedly responsible for the intercommunal violence "the positive thing is, that we have either rounded them up or killed them", suggesting that the killing of suspects was an acceptable solution.

In May, Riaz Basra, leader of the Sunni organization *Lashkar-e-Jhangvi*, which was believed to be responsible for a number of targeted killings of members of the Shi'a minority, was reportedly shot dead by police in Vihari. Riaz Basra had dozens of criminal charges pending against him. The Pakistani media reported that he had been arrested six months earlier and been killed in custody. No investigation into the death had been initiated by the end of the year.

The death penalty

At least 140 people were sentenced to death, bringing the total number of people under sentence of death by the end of the year to over 5,500. At least eight people were executed.

In April, Zafran Bibi was sentenced to be stoned to death. She had alleged that she had been raped by her husband's brother. However, her father-in-law told police that she had been raped by another man 10 days earlier. When a medical examination established that she was several weeks pregnant although her husband had been away, police changed the charge from rape to adultery. The court acquitted the man alleged by her father-in-law to have been involved, but found Zafran Bibi guilty of *zina* (fornication) and sentenced her to death by stoning. In June, in what was considered a landmark judgment, the Federal *Shariat* Court acquitted Zafran Bibi saying that a rape victim should not be considered to have committed a sexual offence and should not be punished.

AI country reports/visits

Reports

- Pakistan: Insufficient protection of women (AI Index: ASA 33/006/2002)
- Pakistan: Transfers to US custody without human rights guarantees (AI Index: ASA 33/014/2002)
- Pakistan: The tribal justice system (AI Index: ASA 33/024/2002)
- Pakistan: No protection against targeted killings (AI Index: ASA 33/030/2002)
- Pakistan: Imminent execution of Mir Aimal Kasi raises fears for others taken into US custody without human rights safeguards (AI Index: ASA 33/034/2002)

Visit

AI visited Pakistan in April.

PALESTINIAN AUTHORITY

PALESTINIAN AUTHORITY
President: Yasser 'Arafat
Death penalty: retentionist

Scores of people were arrested for political reasons. They included alleged members of armed groups and people suspected of "collaborating" with Israeli intelligence services. At least 13 people were sentenced to death, three of whom were executed. The majority of those sentenced to death were accused of "collaborating" with Israeli intelligence services. Scores of alleged "collaborators" were unlawfully killed by armed groups or individuals.

Background

The *al-Aqsa intifada* (uprising), which started on 29 September 2000, continued. More than 1,000 Palestinians were killed by Israeli security forces, the majority of them unlawfully.

Palestinian members of armed groups attacked Israeli soldiers and civilians. They killed more than 420 Israelis, including some 180 Israeli civilians within Israel and more than 80 Israeli civilians in the Occupied Territories, and injured thousands of other people. Their deliberate targeting of civilians constituted crimes against humanity (See also Israel and the Occupied Territories entry.)

The main armed groups involved in the attacks were the al-Aqsa Martyrs Brigades (an offshoot of *Fatah*), Izz al-Din al-Qassam Brigades (*Hamas*), Islamic *Jihad* and the Popular Front for the Liberation of Palestine (PFLP).

Administration of justice

President Yasser 'Arafat and other Palestinian Authority (PA) officials routinely condemned suicide bombings and other killings and attacks against Israelis and called on Palestinian armed groups to put an end to such attacks. However, in the overwhelming majority of cases those responsible for ordering or planning such attacks were not brought to justice and no investigations were known to have been carried out. It remained unclear to what extent the PA could exercise effective control over any of the armed groups involved in attacks against Israelis. The systematic bombings and raids by the Israeli army of virtually all PA infrastructure, including prisons and security installations, reduced the PA's ability and willingness to exercise control over armed groups and to address serious human rights concerns.

As a result of the destruction and targeting of PA prisons and detention centres by the Israeli Defence Forces (IDF), many prisoners were transferred to makeshift detention centres in undisclosed locations (so-called "safehouses") to avoid bombings, raids and

assassination of prisoners by the IDF. On several occasions, the PA released prisoners, or they escaped, when prisons and detention centres were attacked by the Israeli air forces. On other occasions, prisoners were released when "safehouses" or prisons were broken into by groups of Palestinians. In at least one instance, Israeli forces broke into a Palestinian prison and released alleged "collaborators". Files on detainees and possible defendants were also destroyed or taken during IDF raids on PA security installations and administration buildings. Prolonged closures and curfews prevented or restricted the functioning of PA courts as judges, lawyers and witnesses could not travel freely or at all within the Occupied Territories.

Legislation

In May, President 'Arafat ratified the Basic Law, which had been passed by the Palestinian Legislative Council in 1996. The Basic Law affirmed the independence of the judiciary and recognized the rights of all people living under the jurisdiction of the PA as contained in international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The law came into effect in July.

Arbitrary detention and unfair trials

The PA arrested scores of alleged members of *Hamas*, Islamic *Jihad* and other armed groups as well as people suspected of "collaborating" with Israeli intelligence services. Some of them remained detained without charge or trial in PA prisons, detention centres or "safehouses". There were reports of torture and ill-treatment of detainees by various Palestinian security forces.

Six men were held in the custody of the PA in a Jericho prison, under the monitoring of United Kingdom and US observers. Five of them were held in connection with the killing of Israel's Minister of Tourism, Rehavam Ze'evi, on 17 October 2001, claimed by the PFLP. Ahmad Sa'adat, General Secretary of the PFLP, was arrested on 15 January by the Palestinian General Intelligence Service. On 3 June the Palestinian High Court of Justice in Gaza ordered his immediate release as he had never been charged or brought before a judge. However, the next day the Palestinian Cabinet, while expressing respect for the court's decision, decided that Ahmad Sa'adat should not be released because of "Israeli threats of assassinating" him. The four others, Hamdi Qar'an, Basel al-Asmar, Majdi al-Rimawi and 'Ahed Abu Ghalma, were tried before a special "field court", in unfair proceedings, and on 25 April were sentenced to up to 18 years' imprisonment. The sixth man, Fuad Shubaki, was detained on suspicion of involvement with a shipment of arms from Iran, but was never tried. On 10 December the Palestinian High Court in Ramallah ordered his release, but he remained in detention at the end of the year.

Death penalty

Palestinian State Security Courts sentenced at least 13 people to death after unfair and summary trials. Three of them, who were convicted of ordinary criminal offences, were executed. Another was killed by security forces, allegedly while he was trying to escape from prison. Nine of those sentenced to death were accused of treason and "collaboration" with Israeli intelligence services. Those sentenced to death are not entitled to appeal against the sentence, and can be executed when the sentence is ratified by the PA's President. During 2002, President 'Arafat did not ratify any death sentences passed on alleged "collaborators".

Khaidar Ghanem, a 39-year-old former field worker for the Israeli human rights organization *B'Tselem*, was sentenced to death on 28 October by the State Security Court in Gaza. He was convicted of "collaboration" with Israeli intelligence services. His trial apparently lasted two and a half hours and he was represented by a court-appointed lawyer. According to reports, Khaidar Ghanem was convicted mainly on his own admission. He allegedly said during his trial that he did not know the information he gave to the Israeli intelligence officers would be used to kill people.

Faisal Ahmed Suleiman Abu Teilakh, aged 26, and Sa'id al-Barrawi Mohammed al-Najjar, aged 29, were executed by firing squad in Gaza on 6 June, just 24 hours after they were sentenced to death by the State Security Court for the rape and murder of a seven-year-old girl. The trial failed to meet minimum international standards for fair trial. It lasted just three hours and the court was not told that one of the defendants was mentally disabled. The case was heard by the State Security Court, even though the crimes committed should have fallen under the authority of the ordinary criminal courts.

Unlawful killings

Scores of Palestinians suspected of "collaboration" with Israeli intelligence services were unlawfully killed. Most of these killings seemed to have been carried out by members of armed groups or by armed individuals. Some appeared to be extrajudicial executions carried out by members of Palestinian security services. The PA consistently failed to investigate these killings and none of the perpetrators was brought to justice.

On 14 March, Muhammad Dayfallah al-Khatib was killed on suspicion of being a "collaborator" by armed Palestinian gunmen apparently not affiliated to the Palestinian security forces. Muhammad Dayfallah al-Khatib had been sentenced to death by the Higher State Security Court in Bethlehem on 13 January 2001 for treason and "collaboration" with Israel, after an unfair trial which lasted only five hours. According to reports, he and other prisoners had been transferred to a "safehouse" from a Bethlehem prison that was later shelled during Israeli air strikes.

Mundher al-Hafnawi and Hussein Abu al-'Uyun were shot dead in Nablus on 15 March by armed Palestinians apparently not affiliated to the Palestinian security forces. They had escaped from Nablus prison on 9 March after the gates of the prison complex were damaged by Israeli helicopter gunfire. Both men had been sentenced to death in 2001 after unfair trials for "collaborating" with Israel.

On 14 July, 'Abd al-Hay Diab Sababa, aged 42, was killed by armed gunmen during his trial by the Palestinian State Security Court in Khan Yunis. He was accused of "collaborating" with the Israeli security services and providing them with information that facilitated the assassination by the IDF of four *Hamas* activists. More than 50 people, including policemen and relatives of the victims, were witnessing the trial. During a recess, the accused was escorted to a cell. As people were leaving the court, a heavy blast was heard – the result of shelling by Israeli helicopters. During the confusion, a number of gunmen fired at 'Abd al-Hay Diab Sababa in his cell and killed him. No measures were taken against the gunmen.

United Nations

In October the UN Committee on the Rights of the Child recommended that non-state actors establish and strictly enforce rules of engagement for military and other personnel which fully respect the rights of children as contained in the UN Children's Convention and as protected under international humanitarian law. It also recommended that they refrain from using or targeting children in armed conflict and comply fully with Article 38 of the Convention, and as much as possible with the Optional Protocol on the involvement of children in armed conflict.

AI country reports/visits

Reports

- Israel/Occupied Territories/Palestinian Authority: Without distinction – attacks on civilians by Palestinian armed groups (AI Index: MDE 02/003/2002)
- Israel/Occupied Territories/Palestinian Authority: Killing the future – children in the line of fire (AI Index: MDE 02/005/2002)

Visits

AI delegates visited areas under the jurisdiction of the Palestinian Authority in January, March, April, May, June, July, August, and October. AI's Secretary General visited the area in April/May.

PAPUA NEW GUINEA

PAPUA NEW GUINEA
Head of state: Queen Elizabeth II, represented by Silas Atopare
Head of government: Michael Somare (replaced Mekere Morauta in August)
Death penalty: abolitionist in practice
International Criminal Court: not signed

Implementation of far-reaching agreements to resolve the Bougainville conflict progressed despite local setbacks. Allegations of police brutality persisted and two journalists were ill-treated by security forces. Hundreds of refugees and asylum-seekers were arbitrarily detained in Australian-funded facilities.

Background

Armed violence was a frequent response to political power struggles, corruption and the perceived unequal distribution of government benefits.

In March, soldiers opposing plans to reduce the size of the army took control of military barracks near Wewak, burning down buildings and seizing weapons. Their demands included the resignation of the government and the withdrawal of foreign aid agencies. Most were arrested after a two-week stand-off.

In June and July, national elections sparked an upsurge of violence, particularly in Highland provinces, which left an estimated 30 people dead. Police and polling stations were attacked and raided by armed clans. Districts affected by massive violence and electoral fraud were left without representatives in parliament.

In December, the Justice Minister, announcing a review of sentencing laws, indicated "drastic measures" might be used to ensure that the courts used existing death penalty provisions.

Bougainville

In March, parliament passed legislation allowing for autonomy in Bougainville and a referendum on independence from Papua New Guinea in 10 to 15 years' time. The army began withdrawing from the province and Bougainville leaders began drafting a provincial constitution which was expected to be circulated for public consultation in 2003.

Concern among some former combatants about the pace of economic and political rehabilitation slowed progress on disarmament in some districts. In November, a report to the national Cabinet detailed the theft of 212 weapons from containers deployed under a UN-assisted disarmament program. Traditional chiefs met with the head of the UN mission to Bougainville, which must certify completion of the critical second

stage of disarmament, but were unsuccessful in supporting renewed efforts to meet a disarmament deadline extended to December 2002. The UN Security Council then discussed a final extension of the UN mission for one year.

Ill-treatment by security forces

In November, following continuing reports of illegal logging and violence in remote provinces, a parliamentary committee directed the National Forest Authority to investigate police violations of human rights against landowners opposing logging on their land. In December, Western Province Governor Robert Danaya claimed that police officers paid by logging companies had been videotaped beating a local villager.

In October, a soldier assaulted and intimidated a newspaper journalist at military barracks in Port Moresby. Reporter Robyn Sela said the soldier shook and threatened to kill her if she continued reporting on investigations into corruption. Other soldiers intervened but the soldier left the barracks unchallenged. Robyn Sela sought refuge with her family in a safehouse. A military spokesman later announced that the soldier would be brought to justice under military law, but by the end of the year no information was available on any steps taken to bring this about.

In November, armed police Mobile Squad officers in riot gear took journalist and academic Kevin Pamba to the back of the Jomba police station in Madang for questioning, hours after his newspaper reported on how police had evicted suspected squatters from their homes. The officers reportedly threatened to beat him and demanded a published apology and the names of the people who provided information and permitted him to take photographs of houses destroyed during the eviction. Kevin Pamba said that during his interrogation, officers tried to cut off his ear and repeatedly punched him in the head, causing cuts and bruising. He was released following the intervention of the Mobile Squad Commander. By the end of the year no one was known to have been brought to justice in connection with the incident, but a court ordered the suspension of the evictions.

Soldiers and Bougainville resistance fighters held responsible by a 1997 official inquiry for the death of Bougainville Premier Theodore Miriung continued to enjoy impunity.

Refugees and asylum-seekers

International human rights organizations, lawyers and humanitarian organizations were effectively denied the opportunity to examine conditions in an Australian-funded detention and processing centre for asylum-seekers and recognized refugees on Manus island, or to investigate reports of human rights violations at the centre.

In October, the government reversed its initial opposition to Australian requests to extend for another 12 months the agreement covering the centre, which is administered by the intergovernmental body, the International Organization for Migration.

PARAGUAY

REPUBLIC OF PARAGUAY
Head of state and government: Luis Ángel González Macchi
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

There were reports of excessive use of force by the security forces against anti-government demonstrators, as well as of torture and ill-treatment of detainees. Efforts to advance investigations into past human rights violations made little progress.

Background

Political instability marked the year as protests against the government's economic policies and demanding the resignation of President Luis Ángel González Macchi were repressed by the security forces. There were also demonstrations against privatization plans and a proposed "anti-terrorist" law, which gives a vague definition of "terrorism" and raised concerns that it could be used to repress the legitimate right to protest of trade unions, peasant farmer organizations and others.

Supporters of exiled former General Lino Oviedo continued to campaign for the 10-year prison sentence against him for his part in a 1996 coup attempt to be revoked on the grounds that legal proceedings against him were flawed.

Excessive use of force by the security forces and failure to investigate killings

Anti-government demonstrations turned violent, with several reports of excessive use of force by the security forces and mass detentions of protesters, including children.

In demonstrations between May and June, 200 people, including children, were detained in San Patricio town. On 4 June, peasant farmer Calixto Cabral was reportedly shot dead by police in Asunción, the capital. The Ombudsman's Office called for an investigation into his death.

AI called for investigations into the reported excessive use of force by police against demonstrators in Asunción on 17 September, when 116 people were injured and 250 people detained, many of whom were members of opposition parties. Some of the detentions may have been politically motivated. Some of those detained by the security forces were reportedly tortured. The Attorney General praised the police actions, raising doubts about the possibility of investigations into police abuses.

According to Paraguay Human Rights Coordination (CODEHUPY), several peasant farmers involved in land occupations were killed or injured. On 6 October Víctor Díaz Paredes was reportedly killed when police forcibly removed 120 peasant farmers occupying land in Cruce Kimex, San Rafael del Paraná district, Itapúa

department. The police claimed they had been fired on by demonstrators, a claim the demonstrators denied.

Torture and ill-treatment

Reports were received of arbitrary detentions and the torture and ill-treatment of detainees by the security forces.

Juan Arrom and Anuncio Martí, suspects in a kidnapping case, were held by the security forces at an undisclosed location for 13 days in January. Medical examinations found signs of torture. The apparent implication of senior government and police officials in the illegal detention of the two men led to the resignation of two ministers on 1 February. Two journalists who divulged the identities of police agents allegedly involved in the illegal detention were reportedly threatened by police agents in February. According to the Ombudsman's Office, which played an active role throughout the year in monitoring human rights violations, two other suspects in the same kidnapping case were also tortured.

Twelve-year-old Egidio Careaga reported being hit in the stomach and tortured with an electric prod by two policemen in the town of Luque on 9 May. The case was reported to the Office of the Attorney General.

In March a commission including representatives from the government and the Ombudsman's Office published a report on juvenile prison conditions. The commission visited several adult prisons and youth detention centres and found that youths were often detained in cramped conditions and forced to share prison facilities with adults. The commission reported on allegations of ill-treatment by prison guards and adult prisoners and the continued practice of solitary confinement of youths. With the agreement of the Justice Vice-Minister, the commission instructed prison governors to prohibit solitary confinement for youths.

Ill-treatment of conscripts and recruitment of minors

There were more reports of ill-treatment of conscripts in military barracks. In May, four conscripts fled military barracks in Pozo Colorado, Chaco region, alleging sexual abuse by their superiors. The Defence Minister reportedly questioned the veracity of their allegations but called for an investigation. In May Congress approved a law allowing for the ratification of the UN Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, prohibiting the obligatory conscription of minors. In October the Human Rights Ombudsman denounced the conscription of three minors. In December a bill which would end obligatory military service and all forms of conscription for those under 18 until their security and physical well-being could be guaranteed was presented to Congress.

In May and November, María Noguera, president of the Association of Relatives of Victims of Obligatory Military Service, received death threats after visiting a conscript who had reported being sexually abused in military barracks.

Impunity

On 10 May, a judge investigating the "disappearance" of Agustín Goiburu Frutos in 1977 declared former President General Alfredo Stroessner – who ruled Paraguay between 1954 and 1989 – in contempt of court for not cooperating with the investigation. In April a judge ordered the arrest of General Stroessner (in exile in Brazil) and his former Interior Minister, Sabino Montanaro (in exile in Honduras), for their alleged part in the killing of Celestina Pérez in 1974. In August judicial authorities were asked to approach the Ministry of Foreign Affairs to seek clarification as to whether an extradition request against General Stroessner, ordered by a judge in 2001 for his alleged role in the torture and killing of two brothers in 1974, had been submitted.

In February the Procurator General's Office opposed granting reparations to victims of human rights violations under Law No. 838, arguing that this law had expired. In October the Ombudsman's Office insisted that victims should receive reparation under the law. Despite the controversy, reparations to several victims were initiated. Napoleón Ortigoza, who was illegally detained for 26 years under the Stroessner government, began receiving reparation payments in May.

PERU

REPUBLIC OF PERU
Head of state and government: Alejandro Toledo
Death penalty: abolitionist for ordinary crimes
International Criminal Court: ratified

There were reports of torture and ill-treatment. Those responsible were not brought to justice. Detainees falsely charged with "terrorism-related" offences in previous years remained held. "Anti-terrorism" legislation which had resulted in unfair trials since its introduction in 1992 remained in force. Members of the security forces accused of human rights violations continued to have their cases transferred to military courts.

Background

Opinion polls throughout the year revealed widespread public discontent with government economic policies. The government's privatization plans encountered strong opposition. In April the government had to halt plans to privatize part of their electrical plants in the town of Arequipa following mass demonstrations. Two demonstrators died in circumstances suggesting that the security forces used excessive force to disperse protesters.

In the November local elections for municipal and regional officials President Alejandro Toledo's party suffered electoral defeat in all but one of the regions. The *Alianza Popular Revolucionaria Americana*, American Revolutionary Popular Alliance, led by former president Alan García, won an overall majority in regional governments in 11 of the 25 regions contested.

There were signs of improvement in the human rights situation during President Alejandro Toledo's first year in office. The government earmarked US$15 million to improve the infrastructure of all police stations in line with the recommendations of a Special Commission for the Restructuring of the National Police. The Commission also recommended a complete reform of recruitment, training, refresher training and professionalization of police officers.

Concerns were expressed that the post of Ombudsman had not been permanently filled by the end of the year. An interim Ombudsman has been in place since February 2001. Critics expressed concern at the apparent lack of political will to establish a strong Office of the Ombudsman.

At the end of the year the debate in Congress on the text of a new Constitution to replace the 1993 Constitution was continuing.

Small groups of the armed opposition group Shining Path allegedly continued to operate in isolated river valleys in the Amazon jungle region. Alleged members of this armed group were charged with the killing of nine people near the US embassy in Lima a few days before US President George Bush visited the country in April.

Tambogrande

In June a neighbourhood poll organized by the municipality and the population of the district of Tambogrande, in the northern department of Piura, resulted in an overwhelming rejection of the extraction of minerals in the area by a Canadian mining company. The authorities had given approval for private investment in mining activities in the region in 1999.

The local population expressed fears that the mining activities would result in contamination of the water and soil and so endanger their crops; the area produces over 40 per cent of Peru's mango and citrus crops. The authorities and the company stated that the dispute would be resolved once an environmental impact study had been carried out. However, the local population were concerned that the study was financed by the mining company and that they had no role in the setting up or approval of the study. No decision on whether to allow the company to pursue its plans had been made by the authorities by the end of the year.

Local leaders who have opposed the mining plans have received death threats. In May, an anonymous caller threatened to kidnap the 18-year-old daughter of one of the local leaders. In March 2001 Godofredo García Baca had been killed by an attacker reportedly demanding money, suggesting an immediate criminal motive for the killing. Godofredo García Baca's family and fellow activists believe that his killing may have been linked to his campaigning activities.

Truth and Reconciliation Commission

The Truth and Reconciliation Commission, set up in 2001 to establish the circumstances surrounding human rights violations committed by the state and abuses committed by armed opposition groups between May 1980 and November 2000, held seven public hearings. Three of these hearings were focused on "anti-terrorism" legislation and due process, violence against women, and violence within the universities. According to the President of the Commission, the purpose of these hearings was to give a voice to those whose suffering during the 1980s and 1990s had been shrouded in silence.

In November the Commission published a preliminary list of 7,000 cases of forced disappearance. The list launched the campaign, "So that you will not forget", organized by the Commission in conjunction with human rights organizations. The campaign aims to verify the information so far collected in order to propose redress for the relatives of the victims of forced disappearance.

The Commission was scheduled to publish its final report in 2003 and asked the government to establish a special Commission to monitor the implementation of its recommendations after the expiry of the current Commission's mandate.

Mass graves

Throughout the year investigations continued into mass graves discovered since 2000 in several provinces. The graves were believed to date from 1980 to the mid-1990s. The investigations were carried out by national and international forensic anthropologists under the auspices of the Truth and Reconciliation Commission, the Public Ministry and the Office of the Ombudsman to ensure that the investigations were carried out effectively and that crucial evidence was not destroyed. Since 2000, four mass graves have been investigated and 73 bodies have been identified. Human rights organizations called on the Truth and Reconciliation Commission to ensure that at the end of its mandate all the evidence gathered in these investigations was passed to the judicial authorities so that those responsible for these crimes could be brought to justice.

Torture and ill-treatment

Torture and ill-treatment remained a concern. There were continuing reports of abuses against young military personnel in military barracks. In addition, there continued to be serious concern that victims, their relatives and witnesses were intimidated and harassed and that some complaints of torture or ill-treatment were dropped as a result. There have been only three cases in which members of the security forces have been tried under 1998 legislation criminalizing torture.

Prison conditions

Challapalca prison remained operational despite repeated calls for it to be closed. Since 1997 the human rights community, including the Inter-American

Commission on Human Rights, have called for the closure of the prison on the grounds that conditions are so harsh that they amount to cruel, inhuman or degrading treatment. The prison, in Puno department, is located more than 4,600m above sea level. The inaccessibility of the prison seriously limits prisoners' right to maintain contact with the outside world, including relatives, lawyers and doctors. Prisoners convicted of political and criminal offences are held in the prison.

Political prisoners in several high-security prisons throughout the country staged several protests, including hunger strikes, during the year for an improvement in prison conditions. The protests also called for political prisoners not to be transferred to Challapalca prison. More than 60 political prisoners were transferred to Challapalca prison in March. Since President Alejandro Toledo took office in July 2001, at least 90 political prisoners have been transferred to this prison. The authorities have said that this is a temporary measure. However, they had not been transferred by the end of the year.

Prisoners of conscience

Scores of prisoners of conscience and possible prisoners of conscience falsely charged with "terrorism-related" offences remained incarcerated. A special commission within the Ministry of Justice which reviews these cases continued to make very slow progress and there were concerns that there was no political will to speed up the process and release all those women and men who have spent more than five years in prison on false charges of "terrorism".

Political prisoners and the 'anti-terrorism' legislation

The "anti-terrorism" legislation, which has resulted in thousands of unfair trials since its introduction in 1992, remained in force, despite repeated appeals by the human rights community, including the Inter-American Commission on Human Rights, for the legislation to be reviewed. The legislation provides for those charged with treason to be tried before military courts which are neither independent nor impartial. In a handful of cases those tried by military courts have had their sentences annulled and their cases transferred to the civilian courts.

Lori Berenson, a US citizen, had been sentenced to 20 years' imprisonment in 2001 by a civilian court following a second trial under the "anti-terrorism" legislation. However, the Inter-American Commission on Human Rights in reviewing the case concluded that Lori Berenson's trial in 2001 was unfair, in particular because she was tried under the 1992 "anti-terrorism" legislation and because the evidence used at this trial was the same as that used at her earlier trial in 1996 by a military court; her conviction by that court had been annulled. The case was before the Inter-American Court of Human Rights at the end of the year.

Hundreds of political prisoners who were tried in the 1990s in summary trials by military courts filed writs of habeas corpus in order to have their sentences annulled and to be given a fair trial. Courts, including the Constitutional Tribunal, ruled in favour of some of these habeas corpus petitions and some political prisoners were being retried in civilian courts at the end of the year.

Impunity

The request prepared by the authorities for the extradition of former President Alberto Fujimori from Japan for trial in Peru on charges of crimes against humanity did not reach the Japanese authorities before the end of the year as a result of delays in translation.

In 2001 the Peruvian Attorney General had formally charged Alberto Fujimori with the murder of 15 people in 1991 at Barrios Altos, Lima, and with the forced disappearance and murder of nine students and a professor at La Cantuta University in Lima in 1992.

Seven members of the *Grupo Colina* "death squad" attached to Peru's Intelligence Service, and believed to be responsible for these crimes, were detained during the year. In November the leader of *Grupo Colina* was detained. He had been in hiding since 1995 when he and others were given an amnesty. They had been sentenced in 1994 to 20 years' imprisonment for the "disappearance" of the nine students and the professor at La Cantuta University. At the end of the year members of *Grupo Colina* were awaiting trial on charges of crimes against humanity committed under Alberto Fujimori's government.

The trial of Vladimiro Montesinos, intelligence adviser to Alberto Fujimori, on charges including human rights violations was continuing at the end of the year.

Update

In August the Supreme Court of Justice ruled that the case of 15 military officers charged with extrajudicially executing members of the *Movimiento Revolucionario Túpac Amaru* (MRTA), an armed opposition group, should be heard by the military justice system. The MRTA members had broken into the residence of the Japanese Ambassador in December 1996 and taken a number of people hostage. The hostage crisis ended in April 1997 when the then President, Alberto Fujimori, ordered a military assault. All 14 MRTA hostage-takers were killed, leading to allegations that some may have been extrajudicially executed.

AI country reports/visits

Report

- Peru: Torture and ill-treatment – time to put words into practice (AI Index: AMR 46/005/2002)

Visit

Amnesty International delegates visited the country in April and May.

PHILIPPINES

REPUBLIC OF THE PHILIPPINES
Head of state and government: Gloria Macapagal Arroyo
Death penalty: retentionist
International Criminal Court: *signed*

Negotiations between the government and the National Democratic Front (NDF) representing the New People's Army (NPA) and the Communist Party of the Philippines (CPP) remained suspended and the Armed Forces of the Philippines (AFP) began a new military operation against the NPA. Clashes continued in Mindanao between Islamist secessionist groups and the AFP. Serious human rights abuses, including unlawful killings, committed by government forces and opposition armed groups continued in the context of these conflicts. Harassment, killings or "disappearances" of opposition politicians, activists and journalists were also reported. Reports of torture and ill-treatment of criminal suspects by police, including rape and sexual assault of female prisoners and mistreatment of children, highlighted deficiencies in the administration of justice. Complaints procedures failed to provide effective redress. President Gloria Macapagal Arroyo placed a moratorium on executions while the issue of abolition of the death penalty was before Congress.

Background

In January a six-month military exercise began in Mindanao with the involvement of 650 US soldiers in an advisory capacity. The stated objective was to train the AFP in "counter-terrorism" against *Abu Sayyaf*, a Muslim separatist group involved in kidnapping for ransom. In November a five-year Mutual Logistics Support Agreement was signed between the two countries providing for the use of the Philippines as a "supply point" for US military operations.

The US government added the NPA and the CPP to its list of "foreign terrorist organizations" and added NDF political consultant Jose Maria Sison to its list of "Specially Designated Nationals and Blocked Persons". The government of the Philippines announced that the CPP-NPA was a "terrorist organization".

The UN Special Rapporteur on human rights visited indigenous communities in December and noted allegations of serious human rights violations.

Communist insurgency

Formal peace negotiations between the government and the NDF remained suspended following the assassination of two congressmen by the NPA in 2001, although President Macapagal Arroyo expressed an interest in informal "back-channel" talks. In September the AFP announced the launch of "Operation Gordian Knot" targeting the NPA.

High-ranking military officials accused lawful groups critical of the government of having close links with the NPA. Individuals publicly portrayed as active NPA sympathizers risked being viewed by the military as legitimate targets of counter-insurgency operations, making them highly vulnerable to grave human rights violations. During the year, the NPA launched attacks on civilian targets and killed political opponents.

At least 28 members of opposition groups critical of government policies were reported to have been killed by government forces since early 2001. Four members of the *Bayan Muna* political party remained "disappeared" and were feared to have been killed. In many cases the authorities claimed that those killed were members or sympathizers of the NPA.

Human rights activist Benjaline Hernandez, aged 22, and three companions were shot dead in April. Local residents who saw the bodies said that Benjaline Hernandez' skull had been crushed and that her face was badly disfigured by bullet wounds. Military officials stated that she was an NPA rebel killed in cross-fire between rebels and militia. AI believed she was summarily executed as a result of her legitimate work in defence of human rights.

Armed conflict in Mindanao

Despite a cease-fire between the separatist Moro Islamic Liberation Front and the government, periodic clashes continued throughout the year resulting in fatalities on both sides. The conflict also caused large-scale population displacement and civilians were killed in cross-fire.

In January Nur Misuari, leader of the Islamist separatist Moro National Liberation Front (MNLF), was returned to the Philippines from Malaysia in what appeared to be an informal extradition without a judicial hearing. He was subsequently detained on rebellion charges. A former governor of the Autonomous Region of Muslim Mindanao (ARMM), Nur Misuari fled to Malaysia in 2001 after MNLF units loyal to him attacked AFP installations in the run-up to ARMM elections.

Military operations continued against *Abu Sayyaf*. The conflict, concentrated in Basilan and Jolo islands, led to population displacement and the death of civilians. In June, one US hostage was freed while two other hostages, one Filipina and one US national, were killed in the rescue operation. There were further kidnappings during the year. In July there were allegations that a US soldier participating in the military training exercise shot an alleged *Abu Sayyaf* suspect. US and Philippine military officials denied the allegation; the results of an investigation were not known at the end of the year.

Impunity and the administration of justice

Despite an extensive range of institutional and procedural safeguards, complaints mechanisms and legal sanctions, suspected perpetrators of serious human rights violations were rarely brought to justice and a climate of impunity persisted. Failures in the administration of justice derived repeatedly from

unjustified use of arrests without warrant, mainly against ordinary criminal suspects but also against suspected insurgents.

After arrest, during unlawfully extended periods of "investigative" detention before the filing of charges, suspects were tortured or ill-treated by police or military personnel to extract confessions or information.

The rights of victims of torture and other human rights violations to receive prompt, effective and impartial investigations of their complaints continued to be severely curtailed, and public confidence in existing complaints bodies, including the Commission on Human Rights and the Office of the Ombudsman, remained low. Prolonged trial proceedings placed excessive burdens on those seeking judicial remedies, especially victims from poor or marginalized communities, and convictions in such cases remained rare.

Children in custody

Child suspects, especially street children and those involved in substance abuse, were frequently detained without access to social workers and lawyers for extended periods and were vulnerable to torture and ill-treatment. Even where juvenile facilities were available, minors were often held in adult institutions in cells with adults, in breach of the standards set out in the UN Children's Convention.

Violence against women

Despite the announcement by government agencies of a number of initiatives to improve protection of women in detention, cases of rape, sexual assault and other forms of torture and ill-treatment in custody continued to be reported. Investigations into these violations were inadequate and rarely resulted in the prosecution of alleged perpetrators.

The lack of a law criminalizing domestic violence limited legal recourse for abuse in the home. Two bills criminalizing violence against women in the home were before Congress at the end of the year.

Death penalty

President Macapagal Arroyo suspended executions in late September while a bill on abolition of the death penalty was before Congress. The suspension followed a 90-day reprieve for Rolando Pagdayawon, Filemon Serrano and Eddie Sernadilla, who had been scheduled for execution in August, September and October respectively.

President Macapagal Arroyo initially continued former President Estrada's moratorium on executions when she came to power in January 2001, but lifted it midway through that year. Seventeen people had been due for execution in 2002, the majority convicted of rape. At the end of the year nearly 1,000 people were under sentence of death, including at least eight young offenders.

Killings and extrajudicial executions

Killings and extrajudicial executions continued throughout the year, particularly of criminal suspects. In Mindanao many such killings, including those of minors, were attributed to the so-called "Davao Death Squad" vigilante group. It was reported that local officials in some areas advocated a "shoot to kill" policy with respect to criminal suspects resisting arrest. Journalists Edgar Damalerio and Sonny Alcantara were killed in suspicious circumstances in May and August respectively and several other journalists were harassed and intimidated.

AI country reports/visits

Visits

AI delegates visited the Philippines in June and November.

PORTUGAL

PORTUGUESE REPUBLIC
Head of state: Jorge Fernando Branco de Sampaio
Head of government: José Manuel Durão Barroso (replaced António Manuel de Oliveira Guterres in April)
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

There were reports of police ill-treatment, including beatings, and verbal abuse based on grounds of race and sexual orientation. Police use of firearms resulted in two disputed killings and was controversial on other occasions. The authorities continued to fail to ensure the safety of prisoners, including from inter-prisoner violence and self-harm. Conditions in some prisons failed to comply with international standards, with overcrowding, inadequate access to health care and lack of proper hygienic facilities among the main problems.

Background

In November a parliamentary commission of inquiry was established to investigate allegations of interference in the affairs of the Judiciary Police by members of the government. The allegations stemmed from the resignation of two senior prosecutors of the Judiciary Police in charge of investigations into corruption and financial crimes. The parliamentary inquiry collapsed after a few weeks owing to disagreement among the members of the commission over who should give evidence. A major investigation into allegations of corruption, extortion and abuse of power by officers of the Republican National Guard – as a result of which at least 17 people were remanded in custody – was also ongoing.

The Constitution was amended to allow for the extradition to a European Union member state of people accused of offences punishable under the law of the requesting state with life imprisonment. The

amendments also allow for police night searches, authorized by a judge, of the homes of people suspected of particularly violent or highly organized crimes, including "terrorism".

The slow functioning of the justice system at various levels continued to have a negative impact on ensuring the protection of fundamental human rights. Routine use of prolonged pre-trial detention – sometimes without charges – during criminal investigations continued to mean that around a third of the prison population had not been tried.

Police ill-treatment

There were reports of police ill-treatment of people at the time of arrest and in police stations. The alleged victims included children, women and people belonging to ethnic minorities. In some cases attempts by the victims to lodge complaints against the police were reportedly hampered.

In August, two women, Mónica Godinho and Cláudia Domingues, alleged that they had been beaten with truncheons, slapped and kicked by several police officers at the Public Security Police (PSP) station of Cascais, near Lisbon, where they had been taken following a car accident. Cláudia Domingues was also reportedly pushed over, causing her head to hit the floor. Both alleged that they were verbally abused because of their sexual orientation. The two women, who were charged with assault, lodged a complaint. A criminal investigation was ongoing at the end of the year.

Police shootings

António Pereira and Nuno Lucas were shot dead by the PSP in two separate incidents in disputed circumstances. According to reports, both men were unarmed and there was no immediate threat to the lives of either the police officers involved or any other people. In December 2001 Ângelo Semedo, a 17-year-old boy of Cape Verdean origin, had also been killed in disputed circumstances. In October AI wrote to the government to seek clarification about the circumstances of these three fatal shootings and was informed in December that criminal investigations into the circumstances of the shootings of António Pereira and Nuno Lucas were ongoing. The General Inspectorate of the Internal Administration (IGAI) had also opened disciplinary proceedings against the police officers involved in both cases, but neither had been suspended or ordered not to carry firearms. The government also informed AI that Ângelo Semedo had been hit in the abdomen by a bullet fired by the police officer who had been pursuing him on foot, in connection with reports that a car had been stolen and the driver threatened with violence. In October, following disciplinary proceedings, the IGAI ruled that the police officer involved should be suspended for 75 days for infringing rules about the use of firearms. However, the disciplinary punishment was suspended. A criminal investigation was ongoing at the end of the year.

António Pereira, a construction worker in his mid-twenties who was a member of the African Cultural Centre in Setúbal, south of Lisbon, was shot dead in June in the Bela Vista area of the town. He had reportedly tried to intervene in a quarrel between two men. Police officers arrived at the scene and, in circumstances that remained unclear, fired their guns, killing António Pereira and injuring the other men. The shooting was reportedly witnessed by several people. Following the incident, a crowd gathered around the local police station and began throwing stones at the building. There were reports that police reinforcements, called to disperse the crowd, discharged both rubber bullets and live rounds and that, as a result, some people were injured. As a result of António Pereira's killing, social tension in the area of Bela Vista reportedly heightened, leading to a deepening of the sense of marginalization among the minority community.

Deaths in police custody

At least three people were reported to have committed suicide in police custody: Between December 2001 and January 2002 alone, three people of Ukrainian origin allegedly committed suicide in separate incidents in different police stations. According to reports, two of them were detained in connection with disturbances in public places and had said that they had been threatened by people involved in criminal activities. At least one had asked to be protected by the authorities. AI noted that in the report of its 2001 activities, the IGAI had stated that in several police cells they had visited there were "suspension points" not adequately protected; that some cells had doors with unprotected metallic bars; and that some police cells contained dangerous objects and materials. The location of some detention areas was described as too distant from the police officers on duty for them to respond to requests for help.

Prisons

Following serious episodes of inter-prisoner violence in 2001, which resulted in four prisoners being killed and others being injured in separate incidents, the authorities started to take measures to improve safety in prisons. However, there were continuing concerns about conditions in prisons. There were allegations of ill-treatment by prison officers. Overcrowding continued to be a serious problem, putting prisoners' safety at risk and resulting in inhuman and degrading conditions in some prisons. Access to physical and mental health care continued to be inadequate, and reports of widespread infectious diseases and a high level of drug trafficking and use raised serious concern.

A report by the Director General of the Prison Service submitted in April to the Minister of Justice referred to a combination of factors that left prisoners at risk. These included: inadequate measures and procedures to ensure the protection of prisoners from inter-prisoner violence; difficulties in ensuring the separation of convicted prisoners from detainees in pre-trial custody at all times; and unhygienic conditions in several prisons, including lack of

adequate toilet facilities resulting in the practice of "slopping-out", regarded as degrading by international monitoring bodies.

The criminal investigation into the killings at the penitentiary of Vale de Judeus (Alcoentre) in October 2001 was ongoing and no charges had been brought at the end of the year. Some reports had implicated custodial staff in the killings.

Racism

In November the European Commission against Racism and Intolerance (ECRI) published its second report on Portugal. ECRI acknowledged a number of positive steps taken by the authorities to combat racism. However, it also noted persisting problems, including the few prosecutions brought under the provision of the criminal code which punishes activities carried out with the intent of inciting or encouraging racial or religious discrimination, hatred or violence; the lack of a general rule providing that racist motives constitute an aggravating circumstance for all offences; some aspects of the asylum application procedure and of the economic and social situation of asylum-seekers awaiting decisions on their cases; and the lack of reliable information about the situation of the various minority groups which live in the country.

ECRI noted that there had been "several reports of law enforcement officials using excessive force against detainees or other persons with whom they have come into conflict, a large proportion of them immigrants or Roma/Gypsies" and that "Roma/Gypsies" were reportedly subjected to "frequent spot checks, humiliating treatment and even ill-treatment at the hands of the police". ECRI expressed particular concern about allegations that police officers responsible for such acts had gone unpunished and urged the authorities to combat impunity by ensuring that investigations into acts of ill-treatment committed against immigrants and members of the "Roma/Gypsy" community were duly carried out and that those responsible were identified and punished.

AI country reports/visits

Report

- Concerns in Europe, January-June 2002: Portugal (AI Index: EUR 01/007/2002)

Visit

In December AI representatives visited Portugal to conduct research.

PUERTO RICO

COMMONWEALTH OF PUERTO RICO
Head of state: George W. Bush
Head of government: Sila María Calderón Serra
Death penalty: abolitionist

US Navy personnel used pepper spray against protesters in a number of separate incidents. Legislation prohibiting same-sex consensual relationships was under review by the Puerto Rico Senate.

Background

Vieques, a small island off the east coast of Puerto Rico, has been the scene of frequent demonstrations by the local population, civil rights activists and environmentalists protesting against the use of the island for some 60 years by US forces as a military training ground. President Bush ordered the Navy to withdraw from Vieques by 1 May 2003 but this deadline might be postponed.

Treatment of protesters

During US Navy training manoeuvres in April, US Navy personnel were reported to have used large amounts of pepper spray against protesters in a number of separate incidents, including outside the US Naval base camp at Camp Garcia and in Monte Carmelo.

On 6 April the US Navy fired pepper spray at peaceful demonstrators shouting anti-military slogans. The demonstrators were talking to a visiting US-based support group in an area known as camp Luisa Guadalupe. Members of this group took refuge in a school bus to escape the fumes, but the bus and camp were bombarded with gas over a period of 20 minutes. An eyewitness said that local police officers, news reporters, children and demonstrators were affected by the fumes which caused choking and eye and respiratory problems. One young man reportedly suffered a head injury from a gas bottle fired into the camp. The US Navy stated that the action by military personnel was appropriate and that protesters had used violence. However, the police chief of Puerto Rico is reported to have condemned the Navy's action and the governor of Puerto Rico, Sila Calderón, voiced her concerns and called for an inquiry. A civil complaint against the Navy was dismissed in September, and a Justice Department investigation was initiated.

Tear gas was also fired at demonstrators who were reportedly throwing rocks during military training exercises in September.

Several protesters were arrested for trespass during the protests, including two Roman Catholic priests.

Robert Rabin, a protester sentenced to several months' imprisonment in April, was alleged to have been placed unfairly in solitary confinement on a number of occasions because of his political opinions rather than for any infringement of prison regulations.

Legal reform

A draft bill was being debated in the Puerto Rican legislature which would eliminate Article 103 of the Penal Code, which prohibits same-sex consensual relationships and provides for a punishment of 10 years' imprisonment.

QATAR

STATE OF QATAR
Head of state: al-Shaikh Hamad Ibn Khalifa Al-Thani
Head of government: al-Shaikh Abdullah Ibn Khalifa Al-Thani
Death penalty: retentionist
International Criminal Court: not signed

The Emir, al-Shaikh Hamad Ibn Khalifa Al-Thani, decreed the establishment of a governmental human rights commission and announced future constitutional changes with potential positive effects on human rights. However, past patterns of human rights violations remained unchanged and were sustained by global and regional security policies in the wake of the 11 September 2001 attacks in the USA. One possible prisoner of conscience was sentenced to death, while another held from 2001 was released. The status of 39 political prisoners, including possible prisoners of conscience, held from previous years remained unchanged. Allegations of ill-treatment were reported and new information on past torture came to light.

Background

In January Qatar reported to the UN Security Council Counter-Terrorism Committee measures it had taken to "combat terrorism". One of the measures pointed out in the report was that the "authorities are currently studying a number of bilateral draft agreements with certain states relating to cooperation in the field of extradition and the exchange of information relating to criminal offenders..." The US State Department report, *Patterns of Global Terrorism*, released in May, stated that Qatar had worked closely with the US authorities to detain and investigate "terrorist suspects". The government made no reference to human rights protection in its report to the Security Council nor did it reveal the identity of anyone it had assisted the US authorities to arrest or what procedures were followed in such cases. There were concerns that human rights standards had been sidelined.

Najib al-Nu'aimi, a lawyer and former Minister of Justice, made plans to set up a lawyers' committee to defend the right to seek justice for the detainees in the US detention centre at Guantánamo Bay, Cuba. He said he had obtained the power of attorney from some of the families of the detainees in different countries in the Gulf, and had sought access to detainees, but the US authorities did not grant him a visa. The detainees included Jar Allah al-Murri, a Qatari national, and Sami al-Haj, a Sudanese employee of the Qatar-based *al-Jazeera* television station and a resident of Qatar.

AI received a commentary from the government on concerns expressed in the *Amnesty International Report 2002*. The commentary pointed out changes made by the authorities in the light of some of AI's concerns, but either rejected other concerns as "inaccurate" or defended its actions on legal grounds which AI considered inconsistent with international human rights standards.

Possible prisoners of conscience

One possible prisoner of conscience was sentenced to death, while another, Lu'ay Muhammad Abdullah, a US national of Palestinian origin who was serving two years' imprisonment, was released in January (see below).

- Firas Nassuh Salim Al-Majali, a 29-year-old Jordanian journalist who worked for Qatari national television, was sentenced to death in October by the Grand Criminal Court in Doha. He was convicted after what was reported as a grossly unfair trial of spying for Jordanian intelligence (see below). It appeared that the defendant was a victim of deteriorating political relations between Jordan and Qatar over a number of issues, including a program critical of the Jordanian royal family and the country's Middle East policy, which was broadcast by *al-Jazeera* television in August. The defendant lodged an appeal which remained pending at the end of the year.
- Thirty-nine political prisoners, including possible prisoners of conscience, sentenced in previous years after grossly unfair trials in connection with a coup attempt in 1996, remained held. They included 19 whose sentences of life imprisonment were changed to capital punishment by the Appeal Court in May 2001. The other 20 were serving life imprisonment.

Torture

Allegations of ill-treatment were reported and new information on torture came to light. Firas Al-Majali (see above) was reportedly subjected to lengthy solitary confinement and duress during his pre-trial detention in order to force him to confess. No investigation of torture allegations made in 2001 was known to have taken place. Other people alleging that they had been tortured included Lu'ay Abdullah, a possible prisoner of conscience, who was released in January. He alleged that he had been beaten and sustained injuries to his head.

Death penalty

At least 20 people were known to be under sentence of death, but the true figure may have been higher. No executions were reported in 2002.

ROMANIA

ROMANIA
Head of state: Ion Iliescu
Head of government: Adrian Năstase
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

There were numerous reports of police torture and ill-treatment. At least seven men died in suspicious circumstances. Police resorted to firearms in circumstances which are prohibited by international standards. Many of the victims were Roma. Excessive restrictions on the right to freedom of expression remained in spite of a revision of the Penal Code. Conditions in prisons were sometimes inhuman and degrading and there were reports of ill-treatment of detainees.

Background

Romania made slow progress in bringing its national legislation into line with international human rights standards. In May a Committee of the Council of Europe recommended that dialogue with Romania on its fulfilment of commitments to the organization should be concluded, after the government informed the Committee that it had fulfilled all outstanding concerns, including amending certain provisions of the Penal Code. In fact, the government amended the Penal Code by adopting an emergency ordinance a week after the Committee meeting. Even then, this long delayed revision did not abolish all excessive restrictions on the right to freedom of expression in line with the European Convention on Human Rights. In October President Ion Iliescu returned the amendments to Parliament.

In June Parliament established a committee to draft proposals for constitutional reform which would strengthen the functioning of state institutions. Areas requiring improvement included excessive legislation by ordinance, and inadequate safeguards to ensure the independence of the judiciary from government influence.

In August the government appointed a board of directors for the Council for Combating Discrimination, none of whom came from vulnerable minority groups or non-governmental organizations.

Romania succumbed to pressure from the USA to sign an agreement not to surrender or transfer US citizens to the International Criminal Court.

Torture and ill-treatment

The number of reported incidents of police beatings, some of which amounted to torture, remained high. At least seven men died in custody in suspicious circumstances.

In most cases victims were beaten and ill-treated by police officers who wanted to extract "confessions". If they failed to obtain a "confession", police officers frequently attempted to justify the use of force by charging the victims with assault or defamation. In a number of cases victims were not provided with adequate medical assistance or protected from beatings by other detainees.

In March, 32-year-old Mihai Iorga was arrested to serve a prison sentence because he had not paid a fine. He was taken into the Ploieşti police lock-up and placed in a cell where he was beaten by another detainee, reportedly at the instigation of police officers. The following day he was taken to a hospital for treatment, then placed in a different cell where he was again beaten. The officers on duty then reportedly took Mihai Iorga out of the cell and beat him further. He went into a coma and died four days later in hospital. The police authorities initially stated that Mihai Iorga died because of an "alcoholic coma", then that he had been beaten by other detainees. The Military Prosecutor of Ploieşti completed a preliminary investigation against the police officers and medical staff of the police lock-up in the unusually short time of two weeks. He decided that there were no grounds to initiate a criminal investigation against any of the suspected police officers.

There were reports that minors were ill-treated, usually while being questioned at a police station without their parents or representatives of a child welfare agency present. Charges against suspected officers were brought only in exceptional cases.

In June an officer from Hidiş municipality was charged with ill-treating 13-year-old R.P. in July 2001. The boy, who was suspected of petty theft, was taken by two officers to the police station where he was reportedly stripped naked and handcuffed with his hands behind his knees. He was then allegedly suspended from an iron bar between two tables and beaten with a truncheon. The officer had previously been convicted of "abusive conduct" and fined in connection with an earlier case.

In October the European Commission in its annual report on Romania's progress towards accession to the European Union stated that "there has been no noticeable reduction in cases of excessive violence being used by police officers (in particular against the Roma community)". The Commission also noted that "successful prosecutions against police officers are rare and internal police investigations have frequently been inconclusive". The Commission urged the government to make public the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Romania in 1999, which assessed how far CPT recommendations to prevent torture and ill-treatment had been implemented.

The Roma

Many of the victims of torture and ill-treatment were of Romani ethnic background. Police ill-treatment was frequently accompanied by verbal racist abuse. Although such incidents were numerous, few official complaints were lodged. In one reported case, the mother of a 14-year-old boy who was beaten by two gendarmes did not file a complaint after a local official

arranged to have her fine cancelled. She was fined for disturbing the peace after she shouted at the gendarmes to stop beating her son.

In April, Nelu Bălășoiu, who was 18 years old, 17-year-old D.D. and 15-year-old M.C. were arrested in Tîrgu Cărbunești. The three Romani youths were reportedly apprehended with a stolen car tyre and beaten repeatedly by officers in the police lock-up. On 14 May they were transferred to Târgu Jiu prison. Men detained in the same cell as Nelu Bălășoiu told representatives of APADOR-CH (the Romanian Helsinki Committee) that he had swellings on his legs and head and had vomited and passed blood. Apparently he was seen by a member of the prison medical staff on 28 and 29 May but was only sent to hospital on 3 June. He was referred on to the Jilava Penitentiary Hospital, where he died on 5 June. An investigation was reportedly started into his death and the allegations of torture of D.D. and M.C.

In April the European Commission against Racism and Intolerance (ECRI) made public its second report on Romania and expressed concern about persistent and widespread problems "as regards police attitudes and behaviour towards members of the Roma/Gypsy community". ECRI urged the authorities to review the functioning of the judicial system in order to ascertain the extent of discrimination in the administration of justice. It also recommended implementation of further measures to combat discriminatory practices on the part of the police. ECRI appealed for the setting up of an independent investigatory mechanism to look into reports of police abuses, with power to take action where appropriate.

Unlawful use of firearms by the police

At least three people were shot dead and several others were injured by police officers in circumstances which breached international human rights standards. A new law on the organization and functioning of the police which came into force in May failed to revise provisions which allow police officers to shoot at suspects avoiding arrest who are not posing a threat to life. No official statistics were available on the number of incidents in which police officers resorted to firearms and there was no information about investigations into cases which resulted in death or injury. In only one case was the perpetrator convicted. In February the Supreme Court of Romania sentenced Sergeant Major Ion Nicolae to 18 months' imprisonment for killing Tudor Palcu in May 1996. However, the same court failed to complete the trial, begun in March 2000, of an officer charged with killing Andrei Frumușanu and Aurica Crăiniceanu in September 1991.

Freedom of expression

The revision of the Penal Code failed to amend the provisions of two articles of the Penal Code which placed excessive restrictions on the right to freedom of expression: Article 168 "Communication of false news" and Article 236 "Defamation of a state or nation".

Ovidiu Cristian Iane was detained for three days in January under Article 168. Together with Mugur Ciuvica, he was subsequently placed under investigation for distributing via the Internet a report entitled *Armageddon II*, which alleged that the Prime Minister was involved in corrupt business affairs.

The revised Penal Code maintained imprisonment as a punishment for insult, libel and defamation of a public official, under Articles 205, 206 and 239. According to the non-governmental organization Media Monitoring Agency "Academia Catavencu", there were more than 400 cases pending against journalists who had written critically of public figures or local authorities. Most involved charges of insult or libel.

Some journalists were subjected to harassment and intimidation. In one case a journalist who wrote about the illicit dealings of a businessman supported by the ruling Social Democratic Party was threatened with blackmail and subsequently a videotape embarrassing to the journalist was broadcast by a Bucharest television station.

Other restrictions on the right to freedom of expression were imposed by economic pressure exerted at a regional level where local politicians controlled or were closely linked to the locally based media.

Prison conditions

Overcrowding, poor living conditions, lack of activities and inadequate medical services were reported from many prisons.

In June, Ploiești remand prison held 1,136 detainees in 760 beds, although the official capacity was 574. The overcrowding was particularly bad in the ward for minors and repeat offenders where, on average, two to three detainees shared a bed. At least one incident of prison guards beating minors was reported.

In July, in Târgu Jiu prison, there were 1,251 people accommodated in 892 beds with 500 beds as the registered capacity. Heat and lack of air was exacerbated because the windows were covered with panels in some of the rooms.

In October, in Codlea prison there were 1,291 men although its official capacity was 640. Prisoners held in solitary confinement were denied the right to read and their mattress and sheets were taken out of the cell from 6am to 10pm.

AI country reports/visits

Reports

- Romania: Deaths in custody in suspicious circumstances (AI Index: EUR 39/002/2002)
- Romania: Ill-treatment of children (AI Index: EUR 39/005/2002)

RUSSIAN FEDERATION

RUSSIAN FEDERATION
Head of state: Vladimir Putin
Head of government: Mikhail Kasyanov
Death penalty: abolitionist in practice
International Criminal Court: signed

Russian security forces committed serious human rights violations and breached international humanitarian law in the continuing conflict in the Chechen Republic (Chechnya), with almost total impunity. In the wake of the hostage incident in Moscow in October, law enforcement agencies cracked down on Chechen civilians throughout the Russian Federation. Chechen armed groups committed serious human rights abuses. An estimated 110,000 internally displaced Chechens lived in harsh conditions in neighbouring Ingushetia. They reportedly faced forcible return to Chechnya, in conditions where their security and dignity could not be assured. Elsewhere in the Russian Federation there were continuing reports of torture and ill-treatment. Prison conditions were often cruel, inhuman and degrading. Members of ethnic minorities faced widespread discrimination and racist attacks were often carried out with impunity. Refugees and asylum-seekers were sent back to countries where they faced human rights violations.

Background

A new Criminal Procedure Code came into force on 1 July. Although it did not fully address all the shortcomings of the previous Code, it contained important reforms, including a provision that courts decide whether a suspect should be held in detention and a requirement to bring detainees to court in person within 48 hours of arrest.

In February the *Duma* (parliament) voted against amending the Criminal Code to include a specific crime of torture.

After the hostage crisis in late October, when about 50 people took more than 800 people hostage at a Moscow theatre, the *Duma* voted in favour of amendments to laws on the mass media and the fight against "terrorism". There were concerns that these amendments would seriously curtail freedom of expression, but they were vetoed by President Putin who sent them back to the *Duma* for further consideration.

Reports of ethnically motivated violence by non-state actors in Russia's cities continued. The authorities did little in response to racist statements by public figures in Russia's regions and anti-Semitic publications were openly on sale.

The conflict in Chechnya

Both sides to the conflict continued to commit serious human rights abuses, and the human rights situation in Chechnya deteriorated during the second half of 2002. Chechen fighters intensified their activities, including shooting down a Russian army helicopter in August, killing at least 117 people, and a suicide bomb attack in December. The attitude of federal forces towards the local population hardened still further. After the Moscow hostage-taking incident, federal forces set up more checkpoints and the number of detentions reportedly increased. In the Chechen capital Grozny, there were major raids by Russian security forces in various parts of the city and its suburbs, reportedly carried out with great brutality.

Human rights violations by Russian forces

Human rights violations reported in the conflict zone included extrajudicial executions, "disappearances" and torture, including rape. These violations would constitute war crimes. Other violations of international human rights and humanitarian law included arbitrary detentions, ill-treatment, looting and destruction of property.

Five men, including Said-Magomed Imakaev and Ruslan Utsaev, were taken from their homes in the Chechen village of Novye Atagi by Russian security forces on 2 June, and subsequently "disappeared". Said-Magomed Imakaev's son, Said-Khusein Imakaev, had been detained by Russian federal troops in December 2000 and then "disappeared".

On 14 February Russian forces reportedly abducted Naip Idigov, a Chechen living in Karabulak in Ingushetia, from his home. In October the body of Naip Idigov was found on a dumping site in Grozny.

Military raids

The so-called *zachistki* – raids by Russian security forces – continued to be accompanied by reports of serious human rights violations, looting and extortion.

The village of Tsotsin-Yurt, east of Grozny, was repeatedly raided during 2002. In March, after two Russian soldiers were reportedly killed there by Chechen fighters, Russian forces blockaded the village. During the blockade, which lasted until 1 April, Russian forces detained approximately 300 men and allegedly subjected them to torture and ill-treatment. Most of the men were later released, with some reportedly paying bribes to secure their freedom. However, at least 15 men were reportedly taken away by Russian forces and "disappeared". Seven villagers were reportedly killed in another raid by Russian security forces on Tsotsin-Yurt in July.

Human rights defenders

Human rights organizations which continued to operate in Chechnya were working in extremely difficult and dangerous conditions. In July, the office of the non-governmental organization Memorial in Grozny was raided by unknown men in uniform. International human rights monitors were severely restricted when attempting to enter the republic.

Impunity

The situation in Chechnya was characterized by the absence of the rule of law. Few of the thousands of

crimes against civilians committed by federal forces were investigated, and even fewer were ever taken to court. An official reportedly stated in May that more than 30 military personnel had been tried by the courts for crimes committed in Chechnya. In September an official reported that 44 members of the Russian forces had been convicted for crimes against civilians, including nine for murder, one for rape and three for causing physical harm or death through carelessness.

Colonel Yury Budanov, a Russian tank regiment commander, was charged with murdering 18-year-old Kheda Kungaeva in the village of Tangi-Chu in March 2000. However, post-mortem evidence that she had been raped shortly before her death was inexplicably ignored by the prosecution. The trial, which began in February 2001, was repeatedly postponed. In December 2002 a psychiatric report declared Colonel Budanov temporarily insane at the time of the crime, contrary to earlier assessments which had found him sane and responsible for his actions. On 31 December a military court relieved him of criminal responsibility and ordered that he undergo psychiatric treatment. The decision was criticized by Russian human rights groups.

An officer was reportedly charged with causing physical harm to Zelimkhan Murdalov, a young man from Grozny, who "disappeared" in January 2001. His family and Russian journalist Anna Politkovskaya had reportedly received death threats from the officer, who was accused by witnesses of participating in the abduction. Nevertheless, after four months in pre-trial detention the officer was released in May, subject to further investigation.

Internally displaced people

An estimated 110,000 internally displaced people continued to live in neighbouring Ingushetia. Many languished in overcrowded camps with inadequate shelter and sanitation. After the Moscow hostage crisis, troops from the Russian Federation Ministry of Internal Affairs set up checkpoints to control access to and from the camps.

In May the newly elected president of Ingushetia and the pro-Moscow head of the Chechen administration signed an agreement affirming that "all Chechen refugees should be brought back home from Ingushetia before the end of September". This did not happen, but a new deadline was set for January 2003. On 2 December the camp at Aki Yurt was closed and the Russian authorities threatened to close other camps, despite assurances that no one would be forced to return.

Abuses by Chechen fighters

Chechen forces were reported to have breached international humanitarian law, although independent investigation of these reports was very difficult because of restricted access and insecurity. Chechen fighters operating in populated areas allegedly failed to take measures to protect civilians. Chechen forces targeted civilian members of the pro-Moscow administration in attacks that resulted in dozens of fatalities and serious injuries, and kidnapped civilians and held them hostage. Such abuses can constitute war crimes.

At least 80 people were killed and many wounded when two vehicles packed with explosives smashed into the main building of the Moscow-backed civilian Chechen administration in Grozny on 27 December. Chechen fighters claimed responsibility on their website for the attack.

Hostage-taking in a Moscow theatre

A group of about 50 people described as Chechens took hostage some 800 people attending a theatre performance on 23 October. Several hostages were killed by their captors before Russian forces stormed the theatre in the early morning of 26 October, releasing the hostages and killing their captors. An estimated 129 hostages died during or following the raid, mostly as a result of the incapacitating gas used by Russian forces during the rescue operation.

Following the incident, Chechens living in Moscow were not only checked when moving around the city, but were also visited by police in their homes in a check on registration documents. Numerous complaints of ill-treatment during such checks were received, and a number of Chechens were detained, some allegedly on false drugs charges.

Chechnya and the international community

In January the Parliamentary Assembly of the Council of Europe passed a resolution deploring "the ongoing serious human rights violations in the Chechen Republic, as well as the lack of progress in investigating past and present crimes and in prosecuting and punishing the perpetrators, which has caused a climate of impunity". Russia refused to authorize publication of reports by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment after its visits to Chechnya.

The Russian authorities and the Organization for Security and Co-operation in Europe (OSCE) failed to reach agreement on extending the mandate of the OSCE Assistance Group to Chechnya, which expired on 31 December. As a result the activities of the OSCE mission ceased. Its mandate had included promoting democratic institutions, respect for human rights and the rule of law, and a peaceful end to the conflict.

Freedom of expression

Restrictions on freedom of expression included the takeover or closure of independent news outlets such as the television network *TV-6*, which was closed down in January. *TV-6* had been a persistent critic of government policy, especially over the war in Chechnya.

In June, the Military Collegium of the Supreme Court upheld the decision of a Vladivostok military court that had sentenced prisoner of conscience Grigory Pasko to four years in a labour camp in December 2001. Grigory Pasko, a journalist and naval captain, was arrested in 1997 after exposing the Russian navy's illegal dumping of nuclear waste; he was accused of passing classified documents to Japanese news media.

Conscientious objectors

A new law on alternative military service was signed by President Putin in July to come into force by January 2004. While addressing some concerns raised by AI and

other human rights groups, the proposed alternative service fails to satisfy international standards because of its punitive length (42 months as opposed to 24 months' military service) and it is not completely civilian in nature.

Torture and ill-treatment

Police reportedly tortured and ill-treated detainees in custody in order to extract confessions, virtually as a matter of routine. In May the UN Committee against Torture expressed deep concern about numerous and consistent allegations of widespread torture and ill-treatment of detainees by law enforcement personnel, commonly with a view to obtaining confessions.

People were at greatest risk of torture and ill-treatment in police custody during the hours immediately after arrest, before they were charged. The victims came from all walks of life, but members of ethnic minorities and the poor were most at risk. The persistent failure to ensure thorough investigations and bring perpetrators to justice contributed to a climate of impunity.

Two 16-year-old boys, Andrei Osenchugov and Aleksei Shishkin, were arrested in March on suspicion of robbery and held in the Nizhnii Novgorod regional pre-trial detention centre. Andrei Osenchugov was reportedly beaten, kicked, whipped and subjected to electric shocks over a three-day period in late July by two adult cellmates, allegedly on the orders of prison staff. Aleksei Shishkin was reportedly tortured by the same two adult prisoners. When the boys' trial started in August, the judge postponed it so that Andrei Osenchugov could be treated for his injuries. Relatives of the two boys filed complaints, but were informed that the claims had been checked and insufficient grounds found for an investigation to be opened. In October the procuracy did open a criminal investigation against the cellmates. Prison officers reportedly interrogated Andrei Osenchugov and made him sign a confession that he had asked to be beaten up.

Conditions in detention

Prisons in Russia continued to be overcrowded and rife with infectious disease. Often about 100 prisoners were packed into cells of less than 100 square metres and the prisoners had to sleep in shifts. In May the Deputy Justice Minister reportedly stated that more than half of all prisoners were ill, including 92,000 with tuberculosis, 33,600 with HIV/AIDS, and 30,000 with syphilis. Conditions of detention in many pre-trial facilities were so poor that they amounted to cruel, inhuman or degrading treatment.

Racially and ethnically motivated discrimination and violence

Discrimination on grounds of race was widespread. Some groups were targeted disproportionately by police for checks of their identity documents, often leading to arbitrary detention or ill-treatment. Asylum-seekers and refugees suffered the additional difficulty that their documentation was frequently not recognized by the police. In some regions whole communities were denied a range of economic, civil and political rights, including their right to citizenship. Discriminatory practices in relation to the issuing of passports and residence registration stamps exposed people to the threat of arbitrary detention, extortion and bribery, and deprived them of a whole range of civil and political rights.

In March the governor of Krasnodar Territory in the south announced his intention to initiate a campaign of mass expulsion of "illegal migrants". These included several thousand former citizens of the Soviet Union who had been prevented by local discriminatory policies from asserting their right to Russian citizenship and local residency.

In March, three police officers appeared in court charged with fabricating evidence, exceeding their authority, theft and extortion. In July 2000 they had allegedly been among a group of unidentified men who entered a house in Starbeevo village, Khimki district, where Tajik construction workers lived. According to reports, they racially abused and severely beat three men – Azizkhon Davlatov and Samad and Iskandar Ibroimov – before taking them away and charging them with drugs offences. It subsequently emerged that the attackers were police officers led by a major from RUBOP, the organized crime squad, in Moscow Region. The case was pending at the end of 2002.

Reports of ethnically motivated violence by non-state actors in Russia's cities continued. Many racist attacks were not reported to the police because the victims feared further abuse. Those who did report attacks alleged that law enforcement officials were reluctant to register attacks as racist, often advising the victims to report the attack as "hooliganism" (defined in Russian law as a "serious breach of the peace").

A group of African students, refugees and asylum-seekers was attacked by about 10 Russian men with shaven heads shouting racist abuse in Troparevskii Park, Moscow, in July. Police nearby reportedly refused to help the victims. Germain Soumele Kembou, a student from Cameroon, was seriously injured. Despite needing hospital treatment, he was taken to the police station at Teplyi Stan with two of the alleged attackers for questioning. Unusually, a criminal investigation was opened into this attack, but had not concluded by the end of 2002.

In November, five people were sentenced to between three and eight years' imprisonment in connection with an attack in October 2001 by a crowd of 300 youths on a Moscow market. The attack left an Armenian, an Indian and a Tajik dead and about 40 people injured.

Violence against women

In January the UN Committee on the Elimination of Discrimination against Women expressed concern that the government had not taken sufficiently urgent measures to combat the high level of domestic violence against women. It expressed concern at reports of ill-treatment of women in prisons and the failure of the government, as a rule, to investigate, discipline and

prosecute offenders. It stated that, despite strong evidence that Russian forces had committed rape and other sexual violence against women in Chechnya, the government had failed in the vast majority of cases to conduct the necessary investigations or hold anyone accountable.

AI country reports/ visits

Reports

- The Russian Federation: Failure to protect or punish — human rights violations and impunity in Chechnya (AI Index: EUR 46/004/2002)
- Justice for everybody: Human rights in the Russian Federation (AI Index: EUR 46/023/2002)
- The Russian Federation: Denial of justice (AI Index: EUR 46/027/2002)

Visits

AI delegates visited the Russian Federation in February, March, May, June, July, September and November. An AI delegation including Irene Khan, AI's Secretary General, visited Moscow in October to launch AI's worldwide campaign on human rights in the Russian Federation, *Justice for everybody*.

RWANDA

RWANDESE REPUBLIC
Head of state: Major-General Paul Kagame
Head of government: Bernard Makuza
Death penalty: retentionist
International Criminal Court: not signed

"Disappearances", arbitrary arrests, unlawful detentions and torture and ill-treatment of detainees were reported. At least 40 individuals were sentenced to death for crimes committed during the 1994 genocide; no executions took place. There were approximately 112,000 individuals in detention at the end of 2002; around 100,000 were suspected of participation in the 1994 genocide. Many had been held for prolonged periods without charge or trial, in conditions amounting to cruel, inhuman or degrading treatment. Trials of genocide suspects continued at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. In eastern Democratic Republic of the Congo (DRC), Rwandese military and allied forces were responsible for the deaths of civilians; torture, including rape; "disappearances"; and the systematic harassment of human rights defenders. Many perpetrators of human rights violations, particularly state security agents, both within Rwanda and in the eastern DRC, continued to benefit from impunity. Grave human rights violations committed by state security agents were largely ignored. Several people were detained for their alleged connections with political opposition figures.

Background

The security situation improved within Rwanda; there were no new incursions by armed opposition groups. Nonetheless, the continuing focus on security led to further human rights violations.

In July, the Rwandese and DRC governments signed a bilateral agreement. The Rwandese government pledged to withdraw its troops and the DRC government promised to round up, disarm and repatriate members of armed Rwandese opposition groups. The UN Organization Mission in the Democratic Republic of the Congo (MONUC) confirmed the completed withdrawal of Rwandese troops on 4 October, which was verified by the Third Party Verification Mechanism on 24 October. There were numerous reports regarding the re-entry of Rwandese troops into the DRC.

A draft constitution was presented to the National Assembly on 7 November. A constitutional referendum was scheduled for March 2003. Presidential and legislative elections were scheduled for 2003. There was no indication that the new constitution would allow political opposition groups to participate effectively in these elections. The government continued to wield almost complete military, political and economic control over the country, silencing criticism or challenge to its authority.

Nearly all 23,478 Rwandese refugees in Tanzania had been repatriated by the end of the year. The repatriation of these refugees followed informal consultations between the governments of Tanzania and Rwanda and the UNHCR.

In August, the Rwandese government began to forcibly repatriate some of the more than 30,000 Congolese refugees, the majority ethnic Tutsi from the Kivu region, who had fled the DRC in 1995 and 1996 to escape persecution by *Interahamwe* militias. By mid-September some 8,500 refugees had been returned. The UN High Commissioner for Refugees (UNHCR) protested against this forced repatriation. Local authorities in Rwanda and officials of the Rwandese-backed Congolese armed opposition group, the *Rassemblement congolais pour la démocratie*-Goma (RCD-Goma), Congolese Rally for Democracy-Goma, in the DRC were reported to be putting pressure on returning refugees to join RCD-Goma. Forced repatriation was continuing at the end of the year, albeit at a slower pace.

'Disappearances'

Tens of "disappearances" were reported. No independent investigations of these reports were carried out. Many of the "disappeared" had served in the security forces or were allegedly supporters of opposition political parties.

François Matabaro, a soldier in the 23rd Battalion of the Rwandese Defence Forces, "disappeared" on 29 October. He had apparently left the Military Camp of Kigali without permission and returned to his parents' home. He was apprehended at the home of his wife's parents by eight men in civilian clothes, some of them armed. François Matabaro was last seen being forced into a vehicle by an armed man. Military authorities in the Military Prosecutor's Office and the Military Camp in Kigali told family members that they knew nothing about the case.

Arbitrary detention

Several individuals suspected of criticizing the government or of being associated with critics of the government were detained without charge or trial.

On 24 April, 11 people were arrested in Gaseke district, Gisenyi province. This was followed in May by the arrest of 13 people in the city of Kigali, all seemingly held for their non-violent and legitimate connections with imprisoned former President and opposition politician, Pasteur Bizimungu (see below). All but six of the detainees had been released by the end of the year; two were released after reportedly signing forced confessions.

Torture and ill-treatment

People were beaten following their arrest or apprehension by the security forces. Individuals with alleged connections to various political opposition parties were particularly singled out for such abuses. Most were detained in desperately overcrowded and insanitary conditions, amounting to cruel, inhuman or degrading treatment; some died as a result. Women were reportedly subjected to violence and sexual abuse, including rape. There were reports that people who confessed to crimes committed during the genocide or to being involved in illegal political activities did so under duress. Wives were reportedly subjected to electric shocks and rape to obtain incriminating evidence against their husbands.

Jean Kayiranga was arrested in February 1995 accused of killing a young boy, Kalisa, during the genocide. At his trial, which began in Gitarama on 24 July 2001, he retracted his confession, claiming that it was extracted under torture. Several eyewitnesses testified that Jean Kayiranga was not present at the killing. On 11 February 2002, the court acquitted him.

Genocide trials

Approximately 1,300 people were tried in connection with the 1994 genocide in 2002, about the same number tried in 2001. By the end of 2002, the Specialized Chambers, which became operational in December 1996, had tried about 7,700 individuals suspected of participating in the genocide. In many cases, trials did not meet international standards of fairness. At least 40 defendants were sentenced to death. There were no judicial executions.

The relatively low number of trials was attributed to the temporary stoppage in the assignment of cases to judges, the transfer of detainees to itinerant judicial seats, the progressive disengagement of *Avocats Sans Frontières* (Lawyers Without Borders) and other non-governmental agencies that had been assisting the courts, and the beginning of the *gacaca* jurisdictions.

Gacaca

For six weeks beginning on 6 April, some 254,162 *gacaca* tribunal lay magistrates received several days of instruction regarding basic principles of law, group management, conflict resolution, judicial ethics and trauma counselling.

The *gacaca* jurisdictions were inaugurated on 18 June but became operational in only 73 cells chosen as a pilot project for this community-based system of justice. On 25 November, *gacaca* tribunals became operational in another 673 cells. It was projected that another 8,258 tribunals would become operational in March 2003.

There are concerns that *gacaca* tribunals may fall short of minimum international standards of fairness, in particular with regard to whether or not the defence and prosecution will be treated equally; whether *gacaca* benches are competent, independent and impartial; and whether there will be adequate protection for all those involved in the *gacaca* sessions and hearings.

International Criminal Tribunal for Rwanda

Trials of leading genocide suspects continued at the International Criminal Tribunal for Rwanda (ICTR). At the end of 2002, there were 61 detainees. Seven ongoing trials involving 22 defendants, two of which began in 2000 and three in 2001, had not been completed by the end of 2002. Two trials, one begun in 2000 and one in 2001, closed in June and August respectively but final judgments had not been rendered by the end of the year.

Angola, Cameroon, the DRC and Tanzania arrested five suspects and transferred them to the ICTR for trial. In 2000, the US Congress expanded its Rewards for Justice program to include the apprehension of individuals indicted by the ICTR. In June and July the program was extended to focus on such individuals in Kenya and the DRC. Two people were reported to have been arrested as a result of this program.

The ICTR initiated four reforms in July that promised to expedite procedures and ensure that important cases would be tried before its projected 2008 closure. The ICTR is now empowered to transfer those indicted to national courts for prosecution, to assign legal counsel to a case if it is in the interest of justice, and to accept written statements as well as oral testimony.

In June, the Rwandese government changed its travel regulations for witnesses giving evidence at the ICTR, allegedly in order to delay trials. Two ongoing trials were adjourned several times owing to the lack of witnesses. In August, the President of the ICTR wrote to the UN Security Council accusing the Rwandese government of failing to cooperate with the Tribunal. The government in turn accused the ICTR of "mismanagement, incompetence and corruption". The government further stated that it would not cooperate with the ICTR prosecutor to investigate alleged war crimes committed by Rwandan Patriotic Army (RPA)

members during the genocide and the armed conflict that brought the current government to power.

International justice

Other states continued to try individuals in connection with the 1994 genocide under their national jurisdiction or to deport them.

In January, Belgium's final court of appeal rejected the appeals for a retrial by a Rwandese businessman and two Rwandese nuns sentenced to prison in Brussels on 8 June 2001 for war crimes committed during the 1994 genocide. In July, the two nuns lodged a petition with the European Court of Human Rights, claiming that Belgium had violated their rights under the European Convention on Human Rights. The case was still pending at the end of 2002.

A Rwandese man arrested in the USA in December 2001 accused of genocide remained detained pending deportation at the end of 2002. This was the first case of its kind brought by the US Immigration and Naturalization Service.

Freedom of expression

Members of the press, the political opposition and elements within civil society not aligned with the government, or critical of it, faced continuing infringements on their freedom of expression. Self-censorship was rife, with individuals, particularly journalists, unable to cover certain subjects. During the year, journalists were imprisoned, deported and driven into exile.

On 27 January and 2 February, three members of the *Association Modeste et Innocent* (AMI), the Modeste and Innocent Association, a Rwandese non-governmental organization promoting national peace and reconciliation which takes its names from its founders Modeste Mungwarareba and Innocent Samusoni, were arrested and detained in Butare. Ignace Ndayahundwa was released within hours of his arrest. Laurien Ntezimana and Didace Muremangingo were detained for nearly a month before a court determined that the charges against them were unsubstantiated. It was believed that their arrests related to the use in their bulletin, *Ubuntu*, of the word "*ubuyanja*" (renewal or rebirth), which is associated with the banned political opposition party, the *Parti Démocratique pour le Renouveau-Ubuyanja* (PDR-*Ubuyanja*), Democratic Party for Renewal-*Ubuyanja*. All three individuals remained under government surveillance at the end of the year and AMI was not allowed to operate.

Freedom of association and assembly

The Rwandese Patriotic Front (RPF) remained the only political party allowed to organize; all other political party activity remained banned.

Pierre Gakwandi, Secretary-General of the *Mouvement Démocratique Républicain*, Democratic Republican Movement, was detained on 4 January for giving a press interview considered to be "ethnically divisive". He remained detained in Kigali central prison at the end of the year.

Pasteur Bizimungu and his political ally, Charles Ntakirutinka, were arrested in April for illegal political activities relating to the May 2001 launch of the political party PDR-*Ubuyanja*. A Court of First Instance ordered their preventative detention. The Kigali Court of Appeal recognized that their first hearing had violated several provisions of the Code of Criminal Procedure, but still upheld their detention. Their trial, which began on 14 October on different charges, namely inciting civil disobedience, was continuing at the end of the year.

Freedom of religion

The situation with regard to religious freedom deteriorated. Local authorities harassed churches or religious organizations regarding requirements that they acquire legal status, that they hold their services in established places of worship and that they receive permission to hold evening services or meetings. There were also reports that local officials denied the rights of assembly and worship to and detained Jehovah's Witnesses.

Seven members of a congregation within the Association of Pentecostal Churches in Gikondo district, city of Kigali, were arrested and detained for 15 days in November. On 15 and 22 November members of the National Police Force and Local Defence Forces entered the church and attacked members of the congregation. No one had been held to account for these attacks by the end of 2002.

Abuses in the DRC

The Rwandese Patriotic army (RPA) and RCD-Goma continued to control large areas of the eastern DRC, in opposition to the DRC government and armed political groups which included Rwandese insurgents. The Rwandese forces and their allies were responsible for arbitrary arrests, unlawful detentions, unlawful killings of civilians, "disappearances", and torture, including rape (see Democratic Republic of the Congo entry).

There were numerous reports that the RPA and the Rwandese-backed RCD-Goma forces targeted Roman Catholic clergy for abuse. Abuses reported included arbitrary arrests, unlawful detentions, killings and "disappearances". There were also reports of death threats against religious leaders, pillaging and destruction of church property, and the use of armed soldiers to forcibly disperse religious services. Human rights defenders and civil society activists were also subjected to harassment, detention and ill-treatment.

Intergovernmental organizations

The UN Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC released its Final Report on 15 October. The report noted that the withdrawal of the RPA was having little or no effect on the economic exploitation of the DRC's resources by criminal groups linked to the RPA.

AI country reports/ visits

Report

- Rwanda: *Gacaca*—a question of justice (AI Index: AFR 47/007/2002)

SAINT LUCIA

SAINT LUCIA
Head of state: Queen Elizabeth II, represented by Pearlette Louisy
Head of government: Kenneth Anthony
Death penalty: retentionist
International Criminal Court: signed

There were reports of police brutality and excessive use of force. At least one person was sentenced to death and remained under sentence of death at the end of the year.

Police brutality

There were reports of police brutality and excessive use of force. No police officers were charged in connection with allegations of extrajudicial executions or excessive use of lethal force in previous years.

- In January, Martin Henry alleged he was beaten by nine police officers who arrested him at his home. Further assaults followed at the police station. Martin Henry was charged with resisting arrest and obstructing the police, and released the following day.
- Aloysius Emmanuel, a locksmith, was allegedly assaulted by police in January. He was working at a school when police officers arrived and assumed he was breaking in. Aloysius Emmanuel said the officers handcuffed him and then beat him until he was unconscious despite his attempts to explain that he was a locksmith.
- In June the charges against the police officer accused of beating and cutting Randy Blanchard in February 2001 were dismissed.
- The coroners' inquests into the fatal police shootings of Alfred Harding in 2000 and of Lucious Maurice in 2001 did not take place. In January the coroner's inquest into the fatal shooting by police of Paul Hamilton in 2000 returned a verdict of "death by misadventure".

Prison conditions

There were reports that prison conditions amounted to cruel, inhuman or degrading treatment. Overcrowding remained severe. Prisoners were forced to sleep on stone floors without any sort of mattress. There were also reports of inadequate medical care for prisoners, lack of food and failure of the authorities to tackle inmate-on-inmate violence, including rape.

- In HM Prison in June prisoners set fire to parts of the prison reportedly in protest at the poor conditions. One prisoner was reported to have been shot in the leg by police during the disturbance.

Death penalty

At least one person was sentenced to death and continued to be held under sentence of death at the end of 2002. In March the Judicial Committee of the Privy Council upheld the previous decision of the Eastern Caribbean Court of Appeal that the imposition of a mandatory sentence of death was in violation of the Constitution. The ruling is binding upon those countries which have the Eastern Caribbean Court of Appeal as their appeal court – Antigua and Barbuda, Belize, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines. Peter Hughes, the prisoner who lodged the appeal, was subsequently sentenced to 20 years' imprisonment.

Human rights defenders

Human rights defenders continued to face an atmosphere of hostility. At least one lawyer was subjected to threats, including of rape, because of her defence of human rights.

SAUDI ARABIA

KINGDOM OF SAUDI ARABIA
Head of state and government: King Fahd Bin 'Abdul 'Aziz Al-Saud
Death penalty: retentionist
International Criminal Court: not signed

Gross human rights violations continued and were exacerbated by the government policy of "combating terrorism" in the wake of the 11 September 2001 attacks in the USA. The violations were perpetuated by the strictly secretive criminal justice system and the prohibition of political parties, trade unions and independent human rights organizations. Hundreds of suspected religious activists and critics of the state were arrested, and the legal status of most of those held from previous years remained shrouded in secrecy. Women continued to suffer severe discrimination. Torture and ill-treatment remained rife. At least 48 people were executed. Over 5,000 Iraqi refugees continued to live in Rafha camp as virtual prisoners. International non-governmental human rights organizations were denied access to the country and the government failed to respond to any of the concerns raised by AI during the year.

Background

Against a background of continuing gross human rights violations, the international community continued to scrutinize the country's human rights record and the government enacted a number of laws that could have a positive impact.

In May the UN Committee against Torture examined Saudi Arabia's implementation of the UN Convention against Torture and urged it to bring legislation and practice into line with the letter and spirit of the

Convention. In October the UN Special Rapporteur on the independence of judges and lawyers visited Saudi Arabia – the first UN Special Rapporteur ever to visit the country. In his preliminary observations, he noted that "the legal system is undergoing substantial changes both structurally and procedurally".

The government enacted a code of criminal procedures and a law to regulate the legal profession. According to the Special Rapporteur, "Implementing regulations for the criminal procedures code have been issued... and the government has commenced the process of registering lawyers and intends on finishing registration within five years." However, the Special Rapporteur noted that "many of these new laws have taken a long time to implement". AI did not have details of these changes and was unable to assess whether they adequately address the issue of the secrecy of the criminal justice system.

The government submitted its report to the UN Security Council Counter-Terrorism Committee in December 2001 and a supplementary report in July 2002. Both documents provided details of measures taken by the government to "combat terrorism" without reference to any provisions to ensure protection of human rights. In practice, the government used the issue of "combating terrorism" to aggravate the already dire human rights situation in the country.

Prisoners of conscience and political prisoners

Hundreds of suspected religious activists and government critics were reportedly arrested during the year and the legal status of most of those held from previous years remained secret. About a dozen possible prisoners of conscience were released, but the legal status of scores of others held from previous years remained unclear.

The pattern of arrests which began in the wake of 11 September 2001 continued. The government estimated that around 700 people had been questioned and that more than 100 remained in detention at the end of 2002. Opposition sources estimated that several hundred people continued to be held. Most of those held were targeted for arrest by Saudi Arabia's security forces, but some were handed to the government by other countries, including Iran and Yemen. The names of the detainees were kept secret, and except in a few cases where the suspects were allegedly planning violent attacks, the government justified the arrests solely on the basis of vague references to "terrorism" and "suspicion of connection with *al-Qa'ida*". None of those held was given access to lawyers or was known to have had judicial proceedings brought against them. It was not known if they were allowed family visits.

Other people were arrested for trying to exercise their rights to freedom of expression and conscience.

In March 'Abdul Muhsin Musalam, a poet, was reportedly arrested and detained for having written a poem entitled *The Corrupt on Earth*, which criticized judges in Saudi Arabia. His poem was published in *al-Madina* newspaper. The editor of *al-Madina* was subsequently dismissed apparently for allowing publication of the poem. 'Abdul Muhsin Musalam was detained for approximately 14 days before he was released without being charged or tried.

In April 'Abdul Hamid al-Mubarak, a 47-year-old professor at the University of King Faisal in al-Ihsa, was arrested in Dahran following demonstrations against Israel's military attacks on Palestinians. The Deputy Minister of the Interior reportedly told *Okaz* newspaper that the professor was being held so that legal proceedings could be brought against him.

In July Sa'd bin Sa'id Zua'ir, aged 28, was arrested at Riyadh airport. He was apparently planning to travel to Qatar to be interviewed by *al-Jazeera* television in order to raise awareness of his father's detention in Saudi Arabia. His father, Sa'id bin Zua'ir, a government critic and former head of the department of information at Imam Muhammad Ibn Sa'ud University, had been detained without charge or trial since his arrest in 1995. Both father and son remained held without charge or trial at the end of the year.

Women's rights

The debate on women's rights continued and steps were taken by the government that could constitute the beginning of a challenge to the severe forms of discrimination suffered by women. The gravity of this discrimination was highlighted in March by the death of 15 girls and the injury of dozens of others during a fire at a school in Mecca housing 800 girls. There were concerns that the girls may have been victims of the strict application by the *Mutawa'een* (religious police) of the policy of segregating the sexes. Some eyewitnesses said that the *Mutawa'een* prevented the girls from escaping because they were not wearing headscarves and because their male relatives were not there to receive them. The *Mutawa'een* were also said to have prevented rescuers from entering the school because they were men. The government denied the involvement of the *Mutawa'een*, apparently on the basis of an investigation it had carried out. AI called for a transparent investigation into the incident and the bringing to justice of anyone responsible for the deaths. It did not receive a reply.

In the wake of the tragedy the government dismissed the head of girls' education and united the department with the Ministry of Education for Boys. Many people urged the integration of the curriculum too – the policy of the former girls' education body limited the teaching of girls to "disciplines suitable to her disposition as a woman".

Officials, including ministers, made announcements on other women's issues during the year. These included: consideration of allowing practices for women lawyers; a project to look into the problem of unemployment among women; the recruitment of 100 women prison police personnel; attendance by women at the all-male Consultative Council's discussions of issues affecting women; and plans to set up a special unit to tackle violence in the home. While these measures may reflect an emerging consciousness about the severe forms of discrimination suffered by women, the eradication of such discrimination remained far from reality.

Torture and ill-treatment

The UN Committee against Torture called on Saudi Arabia to incorporate torture in its domestic legislation as a punishable crime as defined in Article 1 of the UN Convention against Torture. It also called on Saudi Arabia to re-examine the imposition of judicial corporal punishments, provide redress for victims of torture and ill-treatment, and ensure punishment of the perpetrators. However, allegations of torture continued to be reported and no measure of redress was known to have been applied. Judicial corporal punishments, including bodily mutilation, were routinely imposed and carried out.

Torture in detention

Allegations of torture of suspects arrested during the year and of those arrested in previous years were reported. Dozens of people, including women and children arrested in April after demonstrations in support of the Palestinian *intifada* (uprising), were reportedly beaten.

One former possible prisoner of conscience released in March said that he had been shackled hand and foot, beaten and deprived of sleep. The lawyers of Alexander Mitchell and William Sampson (see below) stated that that their clients had suffered physical and mental torture during their interrogation. No investigations into such allegations were known to have been carried out.

Flogging of children

Regional authorities continued to urge extrajudicial floggings by police of teenage boys suspected of "immoral" behaviour; scores of teenage boys were flogged during the year.

- Fifteen boys suspected of "flirting and bothering" families in a park in Taif in August were flogged. According to one press report, "the youths were given 15 lashes each inside the park" by police immediately after they caught them.

Flogging

Flogging remained a routine corporal punishment handed down by courts as a main or additional sentence.

- A woman was sentenced to 65 lashes in addition to six months' imprisonment in February. She was convicted of having committed adultery with her sister's husband, despite having reportedly claimed before the court that he had raped her. The man was sentenced to 4,700 lashes and six years' imprisonment.

Bodily mutilation

At least seven people, all foreign nationals, had their right hand amputated, and one man had two of his teeth extracted under *qisas* (retribution) punishment.

- Abdulrahman Isma'il, an Egyptian national, and Shir Muhammad 'Ali Ahmad, an Afghan national, had their right hands amputated in Mecca in July. Both had been convicted of theft.
- In May Awda al-Zahrani, a Saudi Arabian national, reportedly had two of his teeth extracted as a judicial punishment for having caused similar injury to someone during a fight. One press report suggested that the teeth were extracted by a dentist.

Refugees

More than 5,000 Iraqi refugees from the Gulf War of 1991 spent their 11th successive year as virtual prisoners in the Rafha military camp in the northern desert near the border with Iraq. The government continued to deny them the opportunity to seek asylum.

Death penalty

At least 48 people were executed. Twenty of them were foreign nationals. The Saudi Arabian nationals executed included three believed to have been convicted on charges of homosexuality. All 48 were sentenced to death after trials about which very little was known.

The number of prisoners under sentence of death was not known owing to the secrecy of the criminal justice system. Among those known to be facing execution were Siti Zainab, an Indonesian maid convicted of murdering her female employer in 1999; and Alexander Mitchell, a United Kingdom national, and William Sampson, a Canadian national, both of whom were reportedly sentenced to death on charges of lethal bombings which took place in Saudi Arabia in 2000. Their case was said to have been referred to the King for ratification of the sentence or clemency.

Two Saudi Arabian nationals sentenced to death for murder were pardoned under *qisas*, which gives relatives of the murder victim the right to pardon or seek execution of the offender. In December the King commuted the death sentences of 17 men from the Ismaili community to 10 years' imprisonment. The 17 men, who were among dozens arrested in April 2000 after protests by the Ismaili community in Najran against the closure of their mosque, were possible prisoners of conscience.

AI country reports/visits

Report

- Saudi Arabia remains a fertile ground for torture with impunity (AI Index: MDE 23/004/2002)

Visits

AI renewed its request to visit Saudi Arabia after Prince Sultan Bin 'Abdul 'Aziz Al-Saud reportedly said in September that he had no objection to AI visiting the country. However, AI did not receive a response.

SENEGAL

REPUBLIC OF SENEGAL
Head of state: Abdoulaye Wade
Head of government: Idrissa Seck (replaced Mame Madior Boye in November)
Death penalty: abolitionist in practice
International Criminal Court: ratified

Tension continued to be high in the disputed region of Casamance despite two peace agreements signed in 2001. Several civilians were killed during military operations. Abuses against civilians by armed opposition forces continued throughout the year, particularly against people with "non-Casamance" names. Despite a long-standing government commitment to investigate past human rights violations, no inquiry was set up.

Background

In November President Abdoulaye Wade dismissed the government and appointed as Prime Minister Idrissa Seck, deputy leader of the ruling *Parti démocratique sénégalais*, Senegalese Democratic Party. The move followed public anger at the sinking of an overloaded ferry in which more than 1,800 people died.

In Casamance, continuing insecurity and internal fighting within the *Mouvement des forces démocratiques de Casamance* (MFDC), Democratic Forces of Casamance Movement, an armed opposition group claiming independence for Casamance, prevented peace agreements signed by the government and the MFDC in 2001 from being implemented. Nevertheless, talks continued throughout the year. In August President Wade met Father Diamacoune Senghor, former Secretary General of the MFDC. Negotiations were set to resume in neighbouring Guinea-Bissau but had not begun by the end of the year.

After several attacks allegedly by armed members of the MFDC, the security forces launched a military operation in June in the northern part of Bignona department. These "combing operations" lasted one month and extended to the border with Gambia where more than 1,000 villagers had sought refuge from the fighting.

Killings of civilians by the army

Several civilians were killed by the army during clashes with the MFDC or when soldiers were pursuing armed members of the MFDC.

In May, five people were killed by soldiers who entered Coubalang village, Bignona department, following an attack by alleged members of the MFDC. The soldiers apparently mistook three civilians – Ampaï Diémé, Louis Coly and Yancouba Tamba – for alleged MFDC armed members and killed them. A shell launched by the army entered a house killing Diaratou Sané and her baby.

Detention without trial of alleged MFDC members

At least 40 people were arrested during the year and charged with collaborating with the MFDC. Some were reportedly in possession of light weapons when arrested. None appeared to have been tried by the end of the year.

In March, Alexandre Djiba, former MFDC spokesman, was arrested in Guinea-Bissau and handed over in May to the Senegalese Minister of Interior who was visiting Guinea-Bissau. Soon after, Alexandre Djiba was returned to Dakar where he was released without charge.

Abuses by the MFDC

Several attacks against civilians were launched by alleged members of one of the MFDC's armed wings. Unarmed civilians were beaten or shot after reportedly being identified by their "non-Casamance" names.

In April, Ibrahima Kébé, a woodcutter, was killed in the forest of Djibanar, Kolda department, by armed people who told relatives of the victim that the forest was reserved for the MFDC.

In July, six fishermen were detained by MFDC armed members near Brin village by the river Casamance. One was released because he had a Casamance name. The five others – Babacar Sall, Abdou Guèye, Abdoul Ba, Mama Thiam and Boubacar Ba – were taken away and never seen again.

Impunity

Despite formal commitments by the authorities to investigate past human rights violations, no steps were taken to institute an inquiry into the large-scale violations committed by the security forces in Casamance in the past decade. Security officials widely believed to have been responsible for excessive use of force and torture in Dakar in recent years, including some who had been arrested, were not brought to trial.

A police auxiliary arrested in October 2001 in connection with the killing of Balla Gaye, a student shot dead in January 2001 during a clash between demonstrators and police near the University of Dakar, had not been brought to trial by the end of the year.

AI country reports/visits

Report

- Senegal: Putting an end to impunity – a unique opportunity not to be missed (AI Index: AFR 49/001/2002)

Visit

In November an AI staff member went to Dakar to meet lawyers in connection with a project addressing the denial of social and economic rights to relatives of the "disappeared" in Casamance.

SIERRA LEONE

REPUBLIC OF SIERRA LEONE
Head of state and government: Ahmad Tejan Kabbah
Death penalty: retentionist
International Criminal Court: ratified

There was a significant improvement in the human rights situation as a decade of internal armed conflict was officially declared ended in January. Progress was made towards addressing impunity for past human rights abuses committed by both government and armed opposition forces during the conflict. Developing national capacity, including strengthening the justice system, to promote and protect human rights remained a priority. The former leader of the armed opposition, together with some 100 others, was brought to trial on charges of murder and other offences but hearings were repeatedly postponed and international standards of fair trial were not met. Some 20 others associated with the former armed opposition were held without charge or trial. While large numbers of Sierra Leonean refugees and internally displaced people returned home, conflict in neighbouring Liberia resulted in an influx of Liberian refugees.

Background

The internal armed conflict which began in 1991 was officially declared over in January 2002 with completed demobilization and disarmament of more than 55,000 combatants, including almost 7,000 children, from the armed opposition – the Revolutionary United Front (RUF), the Armed Forces Revolutionary Council (AFRC) and renegade soldiers of the Sierra Leone Army – and the government-allied Civil Defence Forces. Inadequate funds, however, hampered their reintegration into society. The national army and police – restructured, trained and equipped by the international community – gradually resumed responsibility for security and law enforcement in areas previously affected by conflict. Support from the UN Mission in Sierra Leone (UNAMSIL), however, remained necessary, in particular in border areas. Security also remained a concern in diamond-producing areas.

Presidential and parliamentary elections in May were generally judged free and fair. President Ahmad Tejan Kabbah obtained 70 per cent of votes and was re-elected for a further five-year term. His party, the Sierra Leone People's Party, also gained a large majority in parliament. Many members of the security forces, however, voted for Johnny Paul Kamara, former leader of the AFRC which came to power following a military coup in 1997. The RUF, which had transformed into a political party, contested the elections but fared poorly.

Continuing armed conflict in neighbouring Liberia threatened to undermine Sierra Leone's newly found peace. Former combatants were reported to have been recruited by Liberian government and armed opposition forces. Armed groups from Liberia attacked villages near the border and in some cases abducted civilians. The heads of state of Guinea, Liberia and Sierra Leone, the Mano River Union countries, met in Morocco in February in order to address sources of instability and build confidence. Efforts were also made by the Economic Community of West African States (ECOWAS) to restore peace and stability in the region.

Impunity

There was progress in addressing impunity for gross human rights abuses committed during the conflict, notably in the establishment of the Special Court for Sierra Leone, which the UN Security Council decided in 2000 to set up to try those most responsible for crimes against humanity, war crimes and other serious violations of international humanitarian law, and the Truth and Reconciliation Commission (TRC), which was provided for by the 1999 Lomé peace agreement. The Special Court will, however, only look at crimes committed after 30 November 1996. Efforts were made to clarify the relationship between the Special Court and the TRC to ensure effective cooperation. Investigations into past abuses began, including examination of mass graves and gathering testimonies from victims.

The UN and the government signed an agreement in January on the establishment of the Special Court and implementing legislation was passed in March. A Registrar, Prosecutor and Deputy Prosecutor were appointed in May, and in December eight judges – both international and Sierra Leonean – for trial and appeals chambers were sworn in. The Special Court was expected to begin hearings in mid-2003. No names of those to be indicted by the court had been made public by the end of the year. In a meeting with the Prosecutor in July, AI stressed the importance of full independence to prosecute those most responsible for crimes within the Court's jurisdiction, regardless of political affiliation during or since the conflict.

Commissioners for the TRC – again both international and Sierra Leonean – were appointed in May. Although inaugurated in July, progress was hindered by inadequate funds from the international community. The TRC was expected to operate for 15 months with a possible extension of a further six months.

The general amnesty for all acts undertaken in pursuit of the conflict, which was provided by the Lomé peace agreement and subsequently passed into law, remained a serious impediment to addressing impunity comprehensively, although it was not a bar to prosecution by the Special Court.

Trial of Foday Sankoh and others

In March, emergency regulations allowing indefinite detention without charge or trial, under which over 120 members of the RUF and other armed opposition forces had been detained, were lifted. RUF leader Foday Sankoh and some 50 others were subsequently charged with conspiracy to murder, murder and shooting with intent

to kill in connection with an incident in May 2000 when about 20 people were killed and dozens injured after RUF members fired on civilians protesting outside Foday Sankoh's Freetown residence. The Attorney General and Minister of Justice said that these charges would not prejudice any case which the Special Court might subsequently bring. At least another 13 RUF members were subsequently charged with similar offences. Thirty-eight members of the "West Side Boys", a group of renegade soldiers, were also charged with conspiracy to murder, murder and aggravated robbery. If convicted, the defendants could face the death penalty.

The trial before the High Court was repeatedly postponed, in some cases because of Foday Sankoh's ill health, and there was little progress by the end of the year. Defendants had no access to lawyers at any stage of the legal proceedings, in violation of international fair trial standards. The fact that the defendants were charged with capital offences exacerbated concerns about lack of legal representation. They were also denied visits from their families.

Disquiet was expressed by the UN High Commissioner for Human Rights, AI and others that, while the maximum sentence which can be imposed by the Special Court is life imprisonment, the national courts may impose the death penalty.

Concerns remained about poor conditions, including inadequate medical care, for prisoners in the Central Prison, Pademba Road, in Freetown and other places of detention. In August one of the defendants died; his death was officially described as resulting from "psychosis". Although referred to the police for investigation, no clarification of the exact circumstances of the death emerged.

Detention without charge or trial

Despite the lifting of emergency regulations, some 20 detainees, all believed to be military personnel, remained held without charge or trial in the Central Prison, Pademba Road, at the end of the year. There was no legal basis for their continued detention.

Strengthening national institutions

Opportunities arose to address serious deficiencies in the justice system which had been aggravated by the conflict. While the Special Court focused on past human rights abuses and would only try a limited number of cases, AI considered it crucial that it contributed to the long-term strengthening of the national justice system, including personnel, training and infrastructure. A joint World Bank and United Kingdom (UK) Department for International Development team visited Sierra Leone in June and July to undertake a preliminary review of the justice sector.

Although some magistrates' courts were reopened outside the capital, Freetown, only five of 14 in the country were functioning, and these with limited capacity. Lack of trained legal personnel and the absence of legal aid caused a large backlog of cases and prolonged pre-trial detention. The UN Office of the High Commissioner for Human Rights assisted a local group to provide legal aid.

No progress was made in the establishment of a National Human Rights Commission, provided for by the Lomé peace agreement. The Special Adviser to the UN High Commissioner for Human Rights on national institutions wrote to the Vice-President, formerly Attorney General and Minister of Justice, to propose possible options for its speedy establishment.

Refugees and internally displaced people

Over 100,000 Sierra Leonean refugees returned home, mostly from Guinea and Liberia. Many were assisted by the UN High Commissioner for Refugees (UNHCR); others returned on their own. Some 124,000 internally displaced people were also resettled during the year. As conflict in Liberia escalated, however, there was a large influx of Liberian refugees; an additional 37,000 had arrived by November. Efforts by UNHCR to facilitate repatriation of Sierra Leonean refugees and protect the large number of Liberian refugees were, however, hampered by lack of funds.

In February a report by UNHCR and Save the Children-UK revealed the risks of sexual abuse and exploitation faced by refugee and internally displaced children in Guinea, Liberia and Sierra Leone from employees of national and international non-governmental organizations, UNHCR and other UN bodies, security forces and other refugees and internally displaced people. Although the UN Office of Internal Oversight Services carried out an investigation into these allegations and published a report in October, AI was concerned that its terms of reference were too limited and therefore unlikely to yield findings which reflected the true situation.

UN Mission in Sierra Leone (UNAMSIL)

In September the UN Security Council agreed to a reduction in the military component of UNAMSIL, with withdrawal to be largely completed by December 2004, provided that there was sufficient investment in developing the capacity of the army and police and taking into account the conflict in Liberia. The UNAMSIL military force of 17,500 had been reduced by 600 by the end of 2002.

The human rights component of the UNAMSIL human rights section continued to monitor the human rights situation and provide technical cooperation. It provided support to the Special Court and TRC and human rights training for UNAMSIL personnel, including peace-keeping troops, as well as Sierra Leonean police and army personnel. Two regional offices were opened early in the year, in Port Loko and Koidu, adding to those in Kenema and Makeni, thereby increasing capacity to monitor the human rights situation throughout the country.

Allegations of violations by UNAMSIL peace-keeping troops

In January, the UN Children's Fund (UNICEF) and CARITAS-Makeni, a Catholic non-governmental organization, reported several cases of sexual misconduct against children by UNAMSIL peace-keeping forces. These allegations were investigated by UNAMSIL together with child protection agencies and

preventive measures were put in place to protect children and women.

In July, two people died from bullet wounds and another three were injured after UNAMSIL peace-keeping forces fired shots to quell rioting in Freetown which broke out after the killing of a local trader. An investigation by UNAMSIL concluded that firing had not been directed at the crowd and that there was no conclusive evidence as to how individuals were killed or injured.

Military assistance and the diamond trade

Although the conflict was officially ended, measures continued to prevent trade in diamonds being used to finance military assistance to armed groups. The UN Security Council extended a ban on direct and indirect imports of rough diamonds from Sierra Leone, exempting those exported under the government's Certificate of Origin scheme. Controls were still needed, however, to track diamonds from the point of mining, and extension of government authority to diamond-producing areas remained crucial.

The Security Council also maintained a ban on arms transfers and rough diamond exports from Liberia, which had supported the RUF. Progress was made by governments and the international diamond industry towards the establishment of an international certification scheme. The scheme was launched in November and was expected to come into effect in January 2003.

AI country reports/visits

Report

- Guinea, Liberia and Sierra Leone: Diamond trading must be controlled and monitored from the point of mining to the point of export (AI Index: AFR 05/001/2002)

Visit

AI delegates visited Sierra Leone in April and May to carry out research on the national justice system. They met senior government officials and members of UNAMSIL.

SINGAPORE

REPUBLIC OF SINGAPORE
Head of state: S.R. Nathan
Head of government: Goh Chok Tong
Death penalty: retentionist
International Criminal Court: not signed

The government continued its crack-down on individuals alleged to be linked to "terrorist" organizations, detaining 34 men without charge or trial under the Internal Security Act (ISA). Freedom of expression continued to be curbed by restrictive legislation and by the effects of civil defamation suits against political opponents. Opposition activists also faced fines or imprisonment for speaking in public. Jehovah's Witnesses continued to be imprisoned for their conscientious objection to military service. Death sentences continued to be imposed but it was not known how many executions were carried out. Criminal offenders were sentenced to caning.

Background

The ruling People's Action Party (PAP), in power since 1959, continued to dominate the political scene, occupying 82 out of 84 seats in parliament.

Detention without trial

In September the authorities announced the arrest the previous month of 21 men under the ISA. The authorities claimed they were members of *Jemaah Islamiah*, a group allegedly planning to use violent means to set up a pan-Islamic state in southeast Asia. The authorities claimed the men were plotting to bomb several targets in Singapore, including water pipelines and the headquarters of the Ministry of Defence. Some members of the group were also said to have undergone military training at *al-Qa'ida* camps in Afghanistan. Three of the detainees were released under orders restricting their freedom of movement, while 18 were ordered to be detained for two years without charge or trial. During the first few weeks of their detention they were denied access to lawyers and relatives, raising fears that they may have been tortured or ill-treated. The ISA violates the right to a fair and public trial and the right to be presumed innocent until proved guilty according to law.

Thirteen other men with alleged links to *Jemaah Islamiah*, who had been arrested in December 2001, were ordered in January to be detained for two years under the ISA. Two others were released conditionally the same month.

Curbs on freedom of expression and assembly

Government controls imposed on the press and civil society organizations curbed freedom of expression and were an obstacle to the independent monitoring of human rights. A range of restrictive legislation

remained in place, undermining the rights to freedom of expression and assembly. All assemblies of five or more people require a police permit. Such permits are rarely granted to those wishing to express dissenting political opinions.

The threat of potentially ruinous civil defamation suits against opponents of the PAP continued to inhibit political life and engendered a climate of self-censorship. While the government stated that PAP leaders had a legitimate right to defend their reputation, there were continuing concerns that their real motive was to silence selected opposition figures and remove them from public life.

Chee Soon Juan, leader of the opposition Singapore Democratic Party, continued to face a defamation suit lodged against him by the Prime Minister and Senior Minister in 2001. In August a court ruled that he was liable to pay damages, but postponed setting the amount. Chee Soon Juan lodged an appeal against the decision. In July he was barred from contesting the next general election after being fined for speaking in public without a permit. In October Chee Soon Juan and opposition party colleague Ghandi Ambalam were fined for various offences relating to holding a rally without a permit. Chee Soon Juan refused to pay the fine and was imprisoned for five weeks. His colleague spent one night in prison but was released after paying the fine.

In April the Senior Minister and other leading PAP members dropped further defamation suits against former opposition parliamentarian J.B. Jeyaretnam after he issued an apology. He had already been declared bankrupt and lost his parliamentary seat in 2001 as a result of a defamation suit.

Conscientious objectors

At least 27 conscientious objectors to military service were imprisoned during 2002. All were members of the banned Jehovah's Witnesses religious group. Those who refuse to perform military service receive an initial 15-month sentence, followed by a further two years for a second refusal. Subsequent refusals to perform military duties can attract further prison terms. There was no alternative civilian service for conscientious objectors to military service.

Death penalty

The death penalty was mandatory for drug trafficking, murder, treason and certain firearms offences.

Two Thai nationals were reported to have been sentenced to death for murder and at least seven people, including two Pakistani nationals, were executed for drug trafficking or murder. However, the true figure was believed to be higher. Information about death sentences and executions continued to be difficult to obtain as the government does not publish statistics. During 2002 it was learned that 22 people had been executed in 2001 for drug trafficking. This brought the total number of executions known to have been carried out since 1991 to 369. Singapore is believed to have one of the highest execution rates in the world, relative to its population of just over four million.

Cruel judicial punishment

Caning, which constitutes cruel, inhuman or degrading punishment, remained mandatory for some 30 crimes, including attempted murder, rape, armed robbery, drugs trafficking, illegal immigration offences and vandalism. Under the law, caning may be imposed on child offenders, in breach of the UN Children's Convention. It was not known how many sentences were carried out.

In July a Malaysian national was sentenced to five years in prison and 24 strokes of the cane for smuggling undocumented migrants into the country.

SLOVAKIA

SLOVAK REPUBLIC
Head of state: Rudolf Schuster
Head of government: Mikuláš Dzurinda
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

There were reports that the police did not protect Roma adequately from racist violence or investigate their complaints effectively. Provisions of the Penal Code which imposed excessive restrictions on the right to freedom of expression were abolished.

Roma

Members of the Romani community faced discrimination in all fields of life. There were a number of reports that members of the Romani community were subjected to racist violence and that law enforcement officers failed to protect them. The police also failed to investigate some of the reported incidents of racism effectively.

In February in the village of Ganovce-Filice in Poprad district, a dispute arose in a pub between Martin Kocka, who is of ethnic Romani background, and the landlord. Three hours later, approximately 15 young men holding baseball bats, cudgels and iron bars came to the local Romani neighbourhood. They shouted "Come out gypsies!" as they threw stones at windows and broke down doors with baseball bats. Martin Kocka was attacked by three or four men outside his home. They beat him with baseball bats as he lay on the ground, shouted racist abuse and threatened to kill him. Martin Kocka's arm was broken as a result of the beating. At least nine other people were injured by the attackers who entered people's homes and beat men and women indiscriminately. One of the victims was able to call the police on his mobile telephone. Shortly afterwards the attackers left.

The police reportedly arrived an hour later, briefly questioned some of the victims and left. Three days

later the the Director of the Poprad Police Investigation Bureau reportedly told a national daily newspaper that a racial motive in the incident had been excluded. The following day a lawyer for the League of Human Rights Advocates (LHRA), a non-governmental organization, publicly stated that the Police Director's assessment was unethical and unprofessional as no investigation had been carried out. Ten days later the Director of the Poprad Police Investigation Bureau publicly accused the LHRA lawyer of obstructing the investigation.

The police initiated an investigation against unknown perpetrators for trespassing, wilful damage to property, and causing bodily harm. In May, the investigation was terminated because the perpetrators could not be identified. Following an appeal, the police acknowledged that there may have been a racial motive; however, in June the investigation was terminated again on the same grounds.

In February, an officer at the Jarovnice police station asked journalist Denise Havrlová, of ethnic Romani background, to show him her "hygienic certificate" after she offered to shake hands with him as a sign of appreciation for assisting her on an article she was writing. Denise Havrlová reportedly filed a complaint with the Košice Police Inspectorate. In March the Inspectorate reportedly rejected the complaint. Denise Havrlová then filed another complaint, following which the Prešov County Investigator brought charges against her for offending a public official because she had called the officer a racist. The charges were dropped and in May the Central Police Inspectorate in Bratislava found Denise Havrlová's complaint against the officer to be "partially justified": his behaviour was not found to be racist, but was considered to be in breach of his legal duties as a police officer.

Freedom of expression

In January the Constitutional Court suspended provisions of Articles 102 and 103 of the Slovak Penal Code concerning defamation of the Republic and of public officials, stating that their enforcement may be a threat to the right to freedom of expression. A number of parliamentarians had filed the petition with the Court after President Rudolf Schuster initiated criminal proceedings in July 2001 against a journalist who was critical of his state of the nation speech to the National Council. In June 2002 the National Council adopted a law abolishing Articles 102 and 103 of the Penal Code and the Court terminated its review of these provisions.

SOLOMON ISLANDS

SOLOMON ISLANDS
Head of state: Queen Elizabeth II, represented by John Ini Lapli
Head of government: Allan Kemakeza
Death penalty: abolitionist for all crimes
International Criminal Court: signed

At least 20 civilians and four police officers were killed in an upsurge of violence within and between rival ethnic groups. Impunity for human rights abuses continued to prevail among both police officers and former members of armed groups. Government failure to secure basic public services, including effective policing, health and education, accelerated the country's decline. Thousands of civilians suffered from a lack of food, medical supplies and freedom of movement in areas controlled by gunmen or affected by police operations. The UN High Commissioner for Human Rights extended a human rights program in the country.

Background

The widespread availability of illegal guns, including hundreds stolen from police armouries, was the single most important factor affecting law and order, human rights and governance. The Australian government estimated that there were more illegal guns in the country than before the end of military-style fighting in October 2000. In October commanders of the disbanded paramilitary group the Malaita Eagle Force (MEF) confirmed reports that Prime Minister Allan Kemakeza had advised them not to give up their guns as required under a UN-supported disarmament project.

Armed violence temporarily escalated between and within rival ethnic groups, against a background of government corruption and payments of so-called "compensation" for alleged property destruction during the civil war between 1998 and 2000. Gunmen repeatedly raided government offices demanding money. The payments contrasted with the government's failure to pay outstanding debts and salaries for basic public services.

National medical institutions and the UN Children's Fund (UNICEF) reported increased malnutrition and preventable fatalities among children and mothers, some of whom died from a lack of medical supplies at hospitals and rural clinics whose staff frequently went without pay. In July the Health Minister reported that doctors were leaving the country; one of the reasons for this was that armed groups were entering clinics seeking revenge against sick rivals from opposing ethnic groups. Some schools and clinics remained closed all year or opened only temporarily.

The authorities made little progress in reducing the number of Police Special Constables, 1,600 of whom had been recruited from armed ethnic groups after the 2000 Townsville Peace Accord (TPA). About 500 of these Special Constables were fraudulently on the police payroll. Most were paid without being subject to police discipline and accountability. There were many reports that Special Constables were involved in crime or hampered efforts by regular police officers trying to restore law and order.

International concern

In March, Deputy New Zealand High Commissioner Bridget Nicholls died from a knife wound to her heart. A day earlier national radio had reported her role in her government's assistance plans for law and order in the Solomon Islands. Local authorities found that she had accidentally fallen onto her own knife, but a New Zealand coroner could not confirm this finding.

In August, the regional Pacific Forum organization, under its new crisis response mechanism, sent an Eminent Persons' mission from Australia, Fiji and Samoa to the Solomon Islands. The mission reported to a Forum summit about the seriousness of the overall situation and about complaints that government "compensation" payments were "available only to those with guns" or criminals. The summit extended the mission's monitoring mandate to 2003.

A UN human rights office established in late 2001 carried out a diverse program of training, advisory and awareness-raising activities. This included organizing debates on human rights issues such as a proposed truth and reconciliation commission to examine the 1998-2000 ethnic conflict. Among those participating at human rights workshops were police officers and trainers, former child soldiers, village elders, women's groups, and religious and youth leaders from various provinces. The program also assisted the judiciary which had suffered serious neglect by the government.

At the Prime Minister's request, a UN inter-agency assessment mission visited in October to examine the security and human rights situation, but no details were made public about its findings.

Peace monitors withdraw

In March, gunmen widely held responsible for acts of torture, extortion and intimidation of civilians openly participated in major public peace marches through Auki and Honiara. The police made no attempt to arrest them.

In June, an unarmed International Peace Monitoring Team withdrew from Guadalcanal and Malaita islands following threats by gunmen. In October, the government announced that a National Peace Council would be created to continue the conflict resolution work of a national Peace Monitoring Council established under the TPA.

Political and ethnic violence

Unreliable reports made it difficult to distinguish criminal opportunism from violence linked to the consequences of the ethnic conflict.

In June, during preparations for a reconciliation ceremony on Guadalcanal island's Weathercoast, a secret mission of 10 mostly Malaitan gunmen, including a police officer, was sent to capture rebel leader Harold Keke. Weathercoast villagers had increasingly blamed Harold Keke's men for leading a reign of terror among them, arbitrarily executing suspected dissidents and raping young women. One of Keke's men and all but one of those sent to capture him were killed.

In August, Harold Keke told the national radio station that he took responsibility for the killings and for shooting dead Augustine Geve, a government minister and former Roman Catholic priest who visited the Weathercoast on a peace mission that same month. Weathercoast gunmen were also suspected of involvement in an ambush in July of a stolen police vehicle carrying children and their mothers to a clinic for health checks. Two children and one woman died and six people were injured. Police officers had reportedly tried earlier to recover the vehicle by negotiations.

In September, seven leading former MEF commanders wrote to the Prime Minister threatening not to cooperate in peace efforts unless police took action against Guadalcanal rebels such as Harold Keke. Police then launched a major joint operation with armed members of illegal Guadalcanal groups, whose leaders were paid as Police Special Constables, to pursue Harold Keke. In October, the Police Commissioner called for urgent humanitarian assistance to an estimated 3,000 Weathercoast villagers displaced by the police hunt who were suffering from lack of food, shelter and medical services. Police patrol boats brought some relief supplies and evacuated hundreds of vulnerable villagers from the conflict zone.

In November and December, two police officers and a civilian police scout were killed in the operation, triggering threats and violence against indigenous Guadalcanal people in Honiara. Five men and one woman arrested for allegedly assisting Harold Keke were ill-treated and received treatment for injuries after their transfer to Honiara; police claimed they had been beaten by rival villagers supporting the police who also burned down villages deserted by displaced families. No one was brought to justice for these actions.

From April onwards, police in Honiara and Auki began to take action against gunmen including police constables who misused their authority. In September, about 150 police recaptured a Malaitan ferry seized by gunmen led by former MEF commander Jimmy "Rasta", but arrested only three guards.

SOMALIA

SOMALIA
Head of Transitional National Government: Abdiqasim Salad Hassan
Head of Somaliland Republic: Dahir Riyale Kahin (replaced Mohamed Ibrahim Egal in May)
Head of Puntland Regional State: Abdullahi Yusuf Ahmed
Death penalty: retentionist
International Criminal Court: not signed

Hundreds of civilians were killed in faction fighting in Mogadishu, Baidoa, Puntland, Gedo and other regions. Faction-linked militias were also responsible for kidnappings and rape. There was no effective national or regional rule of law. Courts did not provide fair trials. Faction leaders and the transitional government signed a cease-fire at the start of ongoing peace talks in Kenya, but outbreaks of fighting continued. Journalists were detained in Somaliland and Puntland, and in Puntland the authorities detained demonstrators and political opponents. Human rights defenders were frequently at risk from faction militias. People sentenced to death by Islamic courts were executed.

Background

The Transitional National Government (TNG), established for three years in August 2000 under a Charter adopted at the Arta Conference in Djibouti, did not succeed in establishing national government, police or judicial structures or moving towards elections. There were major humanitarian problems and few basic social facilities such as schools and medical centres. The TNG controlled only a small part of Mogadishu. It was opposed by the Somali Reconciliation and Reconstruction Council (SRRC), a loose and changing coalition of nearly 20 clan-based political-military factions, supported by Ethiopia. SRRC factions frequently fought with TNG police and militias in Mogadishu, and there was faction fighting in Baidoa and in Gedo region.

The self-declared independent Somaliland Republic was still the only part of the disintegrated state of Somalia to have peace and government. President Mohamed Ibrahim Egal, whose term of office had been extended for a year in February, died in May and was succeeded by his Vice-President, Dahir Riyale Kahin. There were district multi-party elections in December and presidential and parliamentary elections were scheduled for early 2003.

There was increased tension towards the end of the year between Somaliland and Puntland over Puntland's claim on parts of Sool and Sanag regions in the east. Four people were killed during an assassination attempt against the Somaliland president, reportedly by Puntland militias, when he visited Sool in December.

In the Puntland Regional State, declared in 1998, the presidency was claimed both by former president and SRRC member Abdullahi Yusuf Ahmed, who had refused to step down on completion of his three-year term in July 2001, and by Jama Ali Jama, who had been elected by a traditional elders' conference in November 2001. Abdullahi Yusuf Ahmed's forces on several occasions attacked Jama Ali Jama's forces, killing dozens of militia members and civilians. A civil society initiative failed to reconcile the rival groups. Abdullahi Yusuf Ahmed, already holding the Puntland capital of Garowe, captured Bosasso port in May and commanded sufficient recognition to attend the Somali peace talks as president of Puntland.

There was further international involvement with reconstruction through the UN and international and Somali non-governmental organizations. Humanitarian workers were at great risk and several Somali staff were kidnapped or killed.

In the aftermath of the 11 September 2001 attacks in the USA, US-led forces conducted aerial and maritime surveillance for alleged *al-Qa'ida*-linked activities.

Peace and reconciliation

The 14th peace conference since 1991 opened in Eldoret, Kenya, in October under the auspices of the Intergovernmental Authority on Development (IGAD), a regional state grouping. AI called for human rights to be at the forefront of the talks and opposed a general amnesty for faction leaders and others who had committed war crimes or crimes against humanity under the previous Said Barre government or in the succeeding civil wars. The conference was supported by the European Union, the UN, the USA and the Arab League. Although boycotted by Somaliland, it brought together all faction leaders and numerous civil society groups. Faction leaders and the TNG signed a cease-fire on 27 October and a further truce in December, although outbreaks of fighting continued in Somalia. They concluded an agreement to form a 450-member federal parliament in 2003 on the basis of quotas of the four main clans with seats reserved also for minorities. Six committees were formed to make recommendations on a unified constitutional framework, disarmament and demobilization, land and property rights, economic reconstruction, regional and international relations, and conflict resolution and reconciliation, including human rights.

Several hundred members of civil society groups attended the Eldoret peace talks, but without any specific role or input. Some belonged to established non-governmental organizations engaged in peace, development and human rights activities, despite the risk of reprisals from armed factions. They promoted public awareness of a range of rights, through seminars, workshops, media work, public events, rallies and demonstrations, and meetings with the authorities. Some denounced human rights abuses and visited prisons, making recommendations for improvements. A prominent human rights defender, Starlin Arush, who had been threatened by faction militias in Somalia several times in past years, was killed on a visit to

Nairobi in October as she was about to attend the Eldoret peace talks. She was reportedly murdered by Kenyan armed robbers.

International organizations

In January the UN Independent Expert on Somalia reported to the Commission on Human Rights on his August 2001 visit to Somalia. Among other recommendations, he called for independent investigations into past human rights abuses to assist the process of peace and reconciliation. In April the Commission condemned violations of human rights and humanitarian law and urged the international community to incorporate human rights principles into their humanitarian activities. In August the Independent Expert visited Somaliland and Puntland, but not Mogadishu or the south because of the security situation. He called for local leaders, civil society organizations and the international community to address serious human rights problems throughout Somalia, and recommended the establishment of independent national and regional human rights organizations.

In August, a UN Panel of Experts was formed to investigate violations of the renewed Security Council arms embargo.

Civilian victims of faction fighting

Inter-factional and inter-clan fighting in the south claimed scores of civilian lives, as well as combat casualties. Several factions used children as combatants and scores of people died from landmine injuries. Faction militias and other gunmen raped women and girls of opposing clans and other vulnerable groups, particularly internally displaced people and the severely underprivileged Somali minorities such as the Bantu (also known as Jarir), Midgan, Tumal, Yibir, Bravanese and also the wealthier Benadiri community. Dozens of people, including children, were kidnapped for ransom, including Mohamed Abokor, a UN official released in May after four weeks' captivity.

In Puntland in August, Sultan Ahmed Mahmoud Muhammed (also known as "Hurre"), a prominent opponent of Abdullahi Yusuf Ahmed and a British citizen, was killed by Abdullahi Yusuf Ahmed's forces in a village 50km south of Garowe. Abdullahi Yusuf Ahmed's representative claimed that militias were ordered to arrest him and that he was killed in a shoot-out. However, there were allegations that he was extrajudicially executed. A government investigation was said to be under way at the end of the year.

Rule of law

Regular courts functioned only in Somaliland, although many judges were arbitrarily dismissed in mid-2002. Puntland had an embryonic court structure incorporating *Sharia* (Islamic) law, but these courts did not function regularly. In other parts, the few functioning courts, other than at the customary clan level, included a number of *Sharia* courts in Mogadishu and other regions. These did not adhere to international standards of fair trial and there was generally impunity for faction militias which committed human rights abuses. Courts imposed several death sentences which were swiftly carried out. An amputation sentence from the Benadir regional court in Mogadishu in June was widely criticized as unfair, and withdrawn under TNG pressure for a retrial.

Prison conditions, particularly in Mogadishu, were harsh, with severe overcrowding and poor sanitation. Many prisoners seemed to be from minorities who lacked support from any armed clan. The custom continued of some parents placing children in prison, in Hargeisa and Mogadishu for example, for disciplinary purposes and without any legal procedure, despite there being no separate juvenile custody facilities.

Political imprisonment

In June, Yusuf Abdi Aziz, president of the East African University in Bosasso, was detained by Abdullahi Yusuf Ahmed's forces, along with scores of other alleged supporters of Jama Ali Jama. They were allegedly beaten but released after some days. In August, two members of Dulmidiid Centre for Human Rights were arrested: they were prisoners of conscience. They were released without charge a few days later following an appeal by the visiting UN Independent Expert.

Freedom of expression

Independent journalists were under threat in many areas. Private radio stations which broadcast criticism of the authorities were shut down in Somaliland and Puntland. In September and October, journalists protested against a draft media law. The law was sent back to parliament by the TNG President for revision.

In Somaliland, Abdirahman Ismail Omer was arrested on 27 August in connection with three articles raising questions about the President's visit to Djibouti. He was summarily tried at night and jailed for three months. He was released a few days later when the sentence was changed to a fine.

In September, the editor of *Somalpress* journal was detained in Puntland for a month without charge or trial.

Twelve people, mostly Ethiopians, were briefly detained in Somaliland in September for spreading Christianity. They were released without charge.

AI country reports/ visits

Report

- Somalia: No lasting peace without human rights (AI Index: AFR 52/002/2002)

Visit

AI representatives attended the Somali peace talks in Kenya in early November.

SOUTH AFRICA

REPUBLIC OF SOUTH AFRICA
Head of state and government: Thabo Mbeki
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

Deaths in custody in suspicious circumstances, torture and excessive use of force by the police continued to be reported. A resurgence in political violence led to deaths and injuries. Levels of reported rape of women and girls remained high; few of those responsible were brought to justice. There was continuing criticism of the government's policy on the provision of treatment for those living with HIV/AIDS. The Constitutional Court ruled that legislation governing the use of lethal force violated the right to life. Regulations preventing asylum-seekers from working or studying were declared unlawful and unconstitutional.

Background

There was increasing political tension between the ruling African National Congress (ANC) and its alliance partners in the labour movement and Communist Party, and between the ANC and other political parties. In June the ANC appeared set to win control of KwaZulu Natal Province when it gained five members from other parties in the legislature through the operation of the new law allowing parliamentarians to change political affiliation. However, in October the Constitutional Court ruled the law unconstitutional and in November ruled against an ANC application to have the five members protected against dismissal from the legislature. Also in November, the KwaZulu Natal premier and national chairperson of the Inkatha Freedom Party (IFP), Lionel Mtshali, dismissed two ANC cabinet ministers from the provincial coalition government.

The increasing political tensions between the ANC and the IFP in KwaZulu Natal led to fears of a resurgence of political violence. There were a number of incidents of political killings during the year, including the murder of an ANC local government councillor, Bongani Gabela, in Pomeroy on 16 March.

White right-wing organizations were linked to a series of bomb explosions in Gauteng Province in November which caused at least one death. During the year the police arrested a number of suspects in connection with the discovery of arms caches and other evidence of a right-wing plot to overthrow the government.

Violations of the rights of women and children

The government's policy on the HIV/AIDS pandemic and the provision of effective treatment for those living with the disease came under intense criticism from civil society organizations, medical research and other professional bodies, political figures and some members of the ANC itself. On 17 April the government publicly agreed to provide anti-retroviral treatment to HIV-positive pregnant women and their newborn babies and to survivors of rape at risk of HIV infection from sexual assault.

In July the Constitutional Court ruled that "the government [must] devise and implement within its available resources a comprehensive and co-ordinated programme to realise progressively the rights of pregnant women and their newborn children to have access to health services to combat mother-to-child transmission of HIV". It ordered the authorities to remove "without delay" the restrictions that prevented an anti-retroviral drug from being made available at public hospitals and clinics and to facilitate its use for the purpose of reducing transmission of HIV to newborn babies.

Parliamentary hearings, police and research evidence continued to reveal high levels of reported rape and attempted rape of women and girls. In November, a preliminary study by government departments revealed that the perpetrators had been convicted in less than eight per cent of the 52,975 rape cases reported in 2000. In some provinces, including the Free State, Limpopo, the Western Cape and KwaZulu Natal, there were improvements in the provision of health care, counselling and support services to survivors and in the prosecution of rape cases through specialized courts. In June the national Department of Health developed guidelines for the care and treatment of survivors of sexual assault which included measures to prevent the transmission of HIV and other sexually transmitted infections.

In Mpumalanga, the provincial Minister of Health continued to harass non-governmental organization (NGO) activists and medical professionals involved in the care and treatment of survivors of rape and the provision of anti-retroviral drugs to them to prevent HIV infection.

In February the Medical Superintendent of Rob Ferreira Hospital, Dr Thys von Mollendorff, was dismissed from his post because he had allowed an NGO, the Greater Nelspruit Rape Intervention Project (GRIP), to use hospital facilities. He lost his appeal in a hearing at which neither he nor his lawyer were present. At the end of the year GRIP, which paid for the anti-retroviral drugs prescribed for rape survivors, was still facing legal action to secure its eviction from provincial health facilities.

Torture and deaths in custody

There were continuing reports of incidents of torture and suspicious deaths in custody. The Independent Complaints Directorate (ICD) reported that there had been 37 complaints of torture and 255 complaints of assault with intent to do grievous bodily harm during the year ending 31 March 2002, a significant increase compared with the previous year. In the same period they investigated 214 incidents of deaths in custody and 371 deaths resulting from "police action", primarily shootings by police when conducting arrests or intervening to stop a crime. In a third of fully

investigated cases, the ICD concluded that there was sufficient evidence to recommend prosecution of the police officers involved.

There were a number of incidents of apparently deliberate killings by police of arrested suspects.

- In May, a member of a Community Policing Forum, Siphiwe Phakathi, was shot at close range at Ekuvukeni police station KwaZulu Natal, where he had gone to submit a complaint. He died from gunshot injuries to the neck and chest.
- At the end of the year, four members of the Serious and Violent Crimes Unit in Richard's Bay, KwaZulu Natal, were facing charges of murder and obstruction of justice in connection with the "disappearance" of Vusi Ngwenya. He had been taken from his home in handcuffs by police on 15 January. His family were informed less than 24 hours later that he had escaped. His body was found in a shallow grave at the end of December.
- In April the magistrate's court in Ixopo, KwaZulu Natal, convicted one soldier of murder and two other soldiers of assault with intent to do grievous bodily harm in connection with the torture of Basil Jaca during a military raid on his home in July 2000. During the assault they repeatedly pushed a rifle barrel into his anus. He died from his injuries the following day.

The Mpumalanga Deputy Commissioner of Police visited KaNyamazane police station in December following numerous complaints of human rights violations and failures to assist crime victims, including rape survivors. Earlier in the year, two KaNyamazane police officers were charged and put on trial as accomplices in the torture of a 13-year-old boy suspected of theft. The boy had been whipped, dunked in a river and his genitals and other parts of his body were burned with molten plastic and cigarettes by four other people who were also brought to trial. The trials were continuing at the end of the year.

Police use of force

On 21 May the Constitutional Court ruled that section 49(2) of the 1977 Criminal Procedure Act, which permitted the unrestricted use of "deadly" force by police or any other person against a fleeing suspect, violated the right to life. The Court held that potentially lethal force could only be used if there were reasonable grounds for believing that the suspect posed an immediate threat of serious bodily harm or had committed a crime involving the infliction or threatened infliction of serious bodily harm.

During the World Summit on Sustainable Development in August, police briefly detained more than 70 activists from the Landless People's Movement and the National Land Committee. On release the detainees were charged under an apartheid era law with participating in an illegal demonstration and public violence; the charges were later withdrawn. One of the detainees, Girly Zitha, was denied medical attention and suffered a miscarriage while in custody. Civil society organizations submitted a complaint to the South African Human Rights Commission criticizing police for resorting to the use of force without justification and causing injuries to peaceful demonstrators.

Prison conditions

A commission of inquiry into corruption in the prison service chaired by Judge Thabani Jali heard evidence of extensive abuses at Grootvlei prison in the Free State. The abuses included the rape of juvenile prisoners by warders or by other prisoners in collusion with warders, the intimidation of "whistle blowers" and physical violence against complainants. Disciplinary hearings against 21 Grootvlei prison warders began in November and were continuing at the end of the year.

In November the South African Human Rights Commission reported that some 230 prisoners remained under sentence of death owing to bureaucratic problems and delays in judicial proceedings following the abolition of the death penalty in 1995. The Commission condemned this situation as a violation of the prisoners' rights to dignity, to just administrative action, and not to be subjected to cruel, inhuman or degrading treatment.

Refugee rights

In March a High Court judge ruled that the Department of Home Affairs could not deport a Congolese refugee after he had applied for asylum when in transit at Johannesburg International Airport. Jacques Katambayi had been refused asylum in Australia and was in the process of being deported by the Australian authorities through South Africa. The judge prohibited the Australian and South African authorities from deporting Jacques Katambayi from South Africa and directed the Department of Home Affairs to allow him to apply for asylum in South Africa.

The South African government refused to deport a Chilean asylum-seeker, Jaime Yovanovic Prieto, on the grounds that the charge was political and he would face an unfair trial. His extradition had been sought by the Chilean government to stand trial in a military court for a murder allegedly committed in 1983.

In November the Cape Town High Court ruled, in a case brought by a Zimbabwean asylum-seeker, that regulations which prohibited asylum-seekers from working or studying in South Africa were unlawful and unconstitutional.

Impunity for past human rights violations

The IFP obtained a court order in August to prevent the Truth and Reconciliation Commission (TRC) from publishing its final volumes pending a High Court ruling on the IFP's earlier application for an order compelling the TRC to amend its 1998 report which named senior IFP officials as responsible for human rights violations. The court hearing on this application was scheduled for January 2003.

In June the Khulumani Support Group (Western Cape) sought a High Court order compelling the government to make public its policy on reparations for those whom the TRC had identified in 1998 as victims of gross human rights violations. The case had not concluded by the end of the year.

On 11 April the Pretoria High Court acquitted Dr Wouter Basson, head of the military's covert biological and chemical warfare program in the apartheid era, of the remaining 46 murder and other charges against him. Among other findings, the Court ruled that the state had not proved beyond reasonable doubt that Dr Basson had been part of a conspiracy to supply lethal drugs to military agents to murder enemies of the government. The state sought leave to appeal against the judge's decisions earlier in the trial not to hear charges against the accused relating to murders committed outside South Africa and not to withdraw from the case when the prosecution challenged his alleged bias.

AI country reports/ visits

Reports

- Protecting the human rights of women and girls: Report of a medico-legal workshop on the care, treatment and forensic medical examination of rape survivors in Southern and East Africa (AI index: AFR 53/001/2002)
- Southern Africa: Women and girls still facing discrimination and violence (AI index: AFR 03/012/2002)
- Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community (AI Index: AFR 03/004/2002)

Visits

AI delegates visited South Africa in April and August.

SPAIN

KINGDOM OF SPAIN
Head of state: King Juan Carlos I de Borbón
Head of government: José María Aznar López
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

The armed Basque group *Euskadi Ta Askatasuna* (ETA), Basque Homeland and Freedom, carried out a series of bombings and shootings, some of which were fatal. Allegations of torture and ill-treatment by police officers and Civil Guards were frequent and included complaints by immigrants and other people of foreign origin as well as people held incommunicado, mainly as ETA suspects. Deep concern about incommunicado detention was expressed by the UN Committee against Torture. Allegations were made of ill-treatment in prisons and of inhuman and degrading treatment in detention centres for newly arrived immigrants. Unaccompanied foreign minors, mainly of Moroccan origin, claimed that they were ill-treated and sexually abused in some reception centres. Some law enforcement officers were convicted of torture or ill-treatment, including acts of sexual assault on immigrant women, but were at liberty pending appeals. The judicial resolution of some cases continued to raise concerns about effective impunity.

Background

Five people were killed by ETA, including a Socialist Party (PSOE) councillor, Juan Priede Pérez, who was shot dead at Orio (Guipúzcoa) in March, and Silvia Martínez Santiago, a girl aged about six who died in a car bomb explosion at a Civil Guard barracks at Santa Pola (Alicante) in August. Up to 90 people were injured in various ETA attacks. In September ETA announced that offices and organized meetings of the Popular Party and PSOE would be viewed as "military targets", and threatened the lives of party activists. A series of initiatives against ETA was taken against a background of increased cross-border cooperation with France. Many ETA suspects were arrested.

In August an investigating judge of the National Court ordered the suspension for three years, extendable to five, of the political and economic activities of the Basque nationalist coalition, *Batasuna*. The coalition had operated as a legal parliamentary group but, according to the judge, formed an intrinsic part of ETA. This was denied by *Batasuna*. The Spanish government, at the request of parliament, applied to the Supreme Court to make *Batasuna* illegal. The Attorney General separately issued a request to the Supreme Court for the dissolution of *Batasuna*. The order to suspend *Batasuna* followed the entry into force earlier in the year of a revised law on political parties, according to which a political party would be declared illegal if it

failed to respect democratic principles and constitutional values.

In November the Defence Minister cited "massive illegal immigration" among alleged threats to national security. A reported increase in crime was also linked by government authorities to illegal immigration.

In November the Spanish parliament for the first time condemned the regime of General Franco (1939-1975) and backed initiatives to uphold the memory of the victims of the 1936-1939 Civil War, including the exhumation of the common graves of over 30,000 people, most thought to be Republican.

Race-related torture and ill-treatment

In April AI launched a campaign calling on the authorities to adopt a national strategy against racism. A major report published simultaneously concluded that complaints of race-related ill-treatment were frequent and widespread. Despite the existence of laws and codes guarding against discriminatory or arbitrary conduct, racial profiling was common and the discriminatory use of identity checks led to ill-treatment and abuse by public officials of people of foreign origin. Undocumented foreign women were particularly vulnerable to rape or serious sexual assault in custody. Immigrants subject to expulsion procedures were not treated with dignity or transparency, while impunity affected ethnic minorities and foreign nationals in a specific way.

The Interior Minister assured AI of the absolute commitment of the government, judicial system and law enforcement agencies to combating racism, effectively denying that there was any problem of racism by public officials. He made no substantive response to AI's report. In June the Minister appeared before a parliamentary committee to answer extensive questions about the report. The Minister admitted there were some cases of ill-treatment, but said that they were "isolated". Some deputies urged the government to respond to the report's recommendation to establish a national plan to combat racism, as well as many of its more specific recommendations.

In November the UN Committee against Torture, which examined Spain's fourth periodic report on its implementation of the UN Convention against Torture, expressed concern about reports of race-related ill-treatment of immigrants, as well as reports of rape and sexual abuse. It recommended that the motives by which torture was defined in the Spanish Penal Code be extended to include "discrimination of any kind".

Claudia Peña Ureña and her sister Brunilda Ureña Ureña, nationals of the Dominican Republic, alleged that they were assaulted and racially abused in March by two National Police officers called to a disturbance at birthday celebrations in Torrejón de Ardoz. Several small children were present. Claudia Peña was reportedly kicked in the face and head after being thrown to the ground and subsequently trampled. Their father said that when he tried to lodge a complaint with the police, he was told he could not do so and was forcibly evicted from the station, after being reportedly abused, threatened, kicked and punched. A medical report on Claudia Peña referred to "multiple contusions". In May a court acquitted the two women of "disobedience to authority". A separate court hearing scheduled for September, to try the complaints of ill-treatment brought by the two women, was postponed, reportedly because the officers were on holiday. In December the officers were acquitted on grounds of insufficient evidence, including failure of some witnesses to appear at the hearing.

In March a National Police officer was sentenced to 12 years' imprisonment for the sexual assault of "J", a Colombian woman, at Valladolid in 2001, and in April a National Police officer was sentenced to four years' imprisonment for the sexual assault of Miriam Rosa Verástegui Templo, a Peruvian woman, in 1998. In respect of "J", the court remarked that, given her irregular situation in Spain, she was in an especially vulnerable position vis-à-vis the police officer. Both officers lodged appeals against the sentences, which were not definitive; they therefore remained at liberty.

Incommunicado detention

Many people held incommunicado as ETA suspects alleged they were tortured or ill-treated by Civil Guards or police officers. In August and September several people arrested in connection with the Basque "*kale borroka*" ("urban struggle") campaign, which has been linked to ETA, were reportedly held incommunicado for up to four days. Several detainees alleged that they were beaten, sexually harassed, exhausted by forced physical exercises and subjected to asphyxiation by the "*bolsa*" technique (hooding with, and tightening of, plastic bags around the head).

In November the UN Committee against Torture expressed deep concern about the way in which incommunicado detention facilitated torture. The Committee recommended, among other things, the introduction of video recording of police and Civil Guard interrogations, which would have to be made available to the competent judge. The Committee also recommended joint examination of detainees held incommunicado by an officially appointed forensic doctor and by a doctor trusted by the detainee.

Lawyers acting for Unai Romano Igartua, who alleged that he had been tortured in September 2001, appealed against a decision in July to dismiss the case against three Civil Guards. While held incommunicado, Unai Romano's head swelled to a point where he became virtually unrecognizable and temporarily lost his sight, apparently as a result of severe beatings by Civil Guards. The Civil Guards claimed that the injuries were self-inflicted.

In March an investigating judge ruled that ETA suspect Iratxe Sorzabal Diez had not been physically tortured by Civil Guards the previous year, although she might have been threatened and harassed. Iratxe Sorzabal lodged an appeal.

Unaccompanied foreign children

In May AI publicly expressed its deep concern about a declaration by the government of the autonomous city

of Melilla that it would not in future extend its protection to unaccompanied foreign children entering the city. The organization reiterated earlier appeals to the Spanish, regional and autonomous governments to abide by international standards on the care and protection of unaccompanied children. In June the UN Committee on the Rights of the Child stated that it was "deeply alarmed about the conditions of unaccompanied foreign children". It recommended that the Spanish authorities take nine urgent measures to improve the children's conditions, including prevention of irregular expulsions and effective investigation of ill-treatment allegations.

Following adverse publicity about the situation of Moroccan children, and an appeal by the prosecutor attached to the High Court of Justice of Málaga to annul many of the expulsions from Melilla on grounds of illegality, such expulsions diminished considerably during the year. Improvements were also reported in conditions at some reception centres. However, in June and July there were allegations about the abusive use of a "punishment cell" at the Fuerte de la Purísima centre in Melilla. Some children said they had been beaten for disciplinary offences and shut in the cell, which was tiny, dirty and windowless. A teacher and a security guard were accused of beating children inside the cell, and of encouraging older children to commit acts of violence. The Málaga prosecutor subsequently ordered the closure of the "punishment cell". Judicial investigations were opened into the allegations and into individual complaints by children that they had been physically ill-treated and sexually harassed.

In December, La Montañeta reception centre in Las Palmas de Gran Canaria, reportedly described as "hellish" by a public prosecutor, was closed after complaints by several children that they had been ill-treated, raped and sexually abused by older inmates. Attacks on carers and teachers were also reported. There was concern that the conflictive situation in reception centres in the Canary Islands – including that of Puerto del Rosario (Fuerteventura) – was fuelling political pressure to resume repatriations of children against their will.

Prisons and detention centres

There were reports of growing tension in prisons, inter-prisoner violence and ill-treatment by prison staff. Salto del Negro (Las Palmas de Gran Canaria) was among prisons reported to be suffering from gross overcrowding. In May the prison of Quatre Camins in Cataluña was the scene of serious disturbances, involving up to 130 prisoners. Six inmates and five prison officers were reportedly injured. In June AI asked the Catalan government for information about individual allegations of ill-treatment and about measures being taken to alleviate overcrowding. The Catalan authorities replied in October that there had been a "spectacular increase" in the prison population of Cataluña – as elsewhere in Europe – caused partly by a national penal policy and partly by the "incessant increase of foreign nationals", who constituted about 28 per cent of the prison population. The Catalan government said that it had agreed to spend large sums of money on penitentiary construction.

Throughout the year the continuing arrival of African immigrants on Canary Island shores caused humanitarian concern. In March, seven organizations, including AI, expressed concern about "unacceptable conditions" and difficulties in obtaining access to lawyers at the detention centre for immigrants at the old airport terminal at Fuerteventura. New facilities were later opened to alleviate overcrowding, but these also appeared inadequate. The authorities accepted that the centres posed serious problems, and were planning new measures.

Right to peaceful protest

On the eve of two European Union summits held in Spain – the first in Barcelona in March, the second in Seville in June – AI called on the authorities to ensure that policing of demonstrations respected the right to peaceful protest. It was also concerned that the authorities had blocked the borders to prevent entry into the country of some protesters with apparently peaceful intent, thus violating their rights to freedom of expression and assembly.

In September, following the suspension of *Batasuna*, an investigating judge issued a court order that appeared to widen the scope for the prohibition of "any gathering or demonstration" held with reference to the Basque nationalist coalition or its suspension. A further court order reportedly stated that demonstrations by other parties or individuals were not covered by the prohibition. However, the precise scope of the prohibition remained unclear. AI urged the Spanish and Basque authorities to ensure that recent legal moves did not undermine the rights to freedom of expression and peaceful protest in the Basque Country.

AI country reports/ visits

Reports

- Spain: Crisis of identity – race-related torture and ill-treatment by state agents (AI Index: EUR 41/001/2002)
- Spain: A Briefing for the UN Committee against Torture (AI Index: EUR 41/012/2002)
- Spain: A Briefing for the UN Committee against Torture – Update (AI Index: EUR 41/014/2002)
- Concerns in Europe, January-June 2002: Spain (AI Index: EUR 01/007/2002)

Visits

AI representatives visited Spain in April and October for the launch of the report, *Crisis of identity*, and to attend meetings.

SRI LANKA

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA
Head of state: Chandrika Bandaranaike Kumaratunga
Death penalty: abolitionist in practice
International Criminal Court: not signed

There was a major improvement in the human rights situation in the context of a cease-fire and peace talks between the government and the Liberation Tigers of Tamil Eelam (LTTE). However, torture in police custody continued to be reported frequently. Lack of accountability for the perpetrators of human rights violations, including "disappearances" and torture, remained a serious concern. Members of the LTTE were responsible for hostage-taking and widespread recruitment of child soldiers. The President reaffirmed the country's long-standing tradition of automatically commuting death sentences.

Background

Unilateral cease-fires declared by both the government and the LTTE in late 2001 were followed by a formal cease-fire agreement (CFA) that came into force on 23 February. Peace negotiations, facilitated by the Norwegian government, started in September in Thailand. A Sri Lanka Monitoring Mission (SLMM) consisting of representatives of Nordic countries was set up to verify the implementation of the agreement through on-site monitoring. By November, about 180,000 of the estimated 800,000 internally displaced people had returned home.

The members of the Constitutional Council set up in September 2001 were appointed in March. After an initial delay, independent commissions to oversee the police force and public services were appointed in November. Similar bodies to oversee elections and the judiciary had not been appointed by the end of 2002.

National Human Rights Commission

The third Annual Report of the National Human Rights Commission (NHRC) was published, covering the period from January 2000 to March 2001. It revealed that during 2000 the Commission had received 552 complaints of torture. The report also set out a two-year capacity building plan. In July, a parliamentary committee was set up to review the functioning of the NHRC to make it more effective, reduce duplication of work and to propose amendments to the law under which the NHRC was established.

Prevention of Terrorism Act

Many Tamil political prisoners held for long periods without charge or trial under the Prevention of Terrorism Act (PTA) were released. At the end of 2002, about 65 of them continued to be held. In addition, an estimated 20 people were serving prison sentences under the PTA. As part of the CFA, the government made a commitment not to arrest anyone under the PTA.

Torture

Torture, including rape, in police custody continued to be reported frequently. Among the victims were women and children. In late October, the UN Committee against Torture submitted the findings of its visit to Sri Lanka in 2000 to the UN General Assembly. The Committee reported that it found a "disturbing number of cases of torture and ill-treatment", but nevertheless concluded that the practice was "not systematic".

Nandini Herat, a young woman, was sexually assaulted by police at Wariyapola police station, Kurunegala district, in March. Six months later, the police officers charged with torturing her reportedly tried to intimidate her, her family, her lawyer and a journalist who had reported her case.

Ten-year-old T.K. Hiran Rasika and 12-year-old E.A. Kasun Madusanka were tortured at Hiniduma police station in July while being questioned about a theft. They were beaten with a thick stick on their backs and legs; the younger boy was also hung by his legs from a roof. Both required hospital treatment as a result.

Impunity

Lack of accountability for human rights violations including "disappearances" and torture remained a serious concern.

Prosecutions

However, in some cases the courts held members of the security forces responsible for abuses.

In January, the Court of Appeal upheld the sentences of a school principal and six army personnel convicted and sentenced to 10 years' imprisonment in connection with the "disappearance" of a group of young people at Embilipitiya in late 1989 and early 1990.

In February, the High Court sentenced two air force officers to nine years' imprisonment for trespassing, criminal intimidation and unlawful entry with weapons, in connection with the attempted abduction of Iqbal Athas, a journalist, in February 1998.

The trial of 41 people, including nine police officers, in connection with the killing in October 2000 of 27 young Tamil men and boys detained for "rehabilitation" at Bindunuwewa, started in May.

Lack of progress

There was little progress in many other cases involving members of the security forces suspected of grave human rights violations. For instance, no progress was reported in the case against four army personnel and a police officer arrested on suspicion of involvement in the "disappearance" in 1996 of 15 people whose bodies were recovered from shallow graves in the Chemmani area of Jaffna district in 1999. There were also worrying reports that members of the government were putting pressure on the Attorney General's Department not to proceed with investigations against members of the security forces suspected of involvement in past "disappearances". These investigations arose from recommendations of four presidential commissions of inquiry into "disappearances" which occurred from 1987 to 1994.

Despite the reported filing of some cases under legislation to punish torture and repeated directions from the Supreme Court for further investigations into alleged cases of torture, no convictions for torture were reported.

Death penalty

During a meeting with an AI delegation visiting the country in June, the President promised to continue the practice of automatically commuting all death sentences that come before her. She thereby allayed fears of a resumption of executions which had emerged after she had announced an end to a long-standing policy of automatic commutation in March 1999.

Human rights abuses by the LTTE

Especially in the first part of the year, there were numerous complaints of hostage-taking and recruitment of children by the LTTE. Many Tamil and Muslim civilians taken hostage were released only by paying large sums of money to the LTTE.

In April, 82-year-old K.V. Sivasithamparapillai was taken captive by the LTTE in Batticaloa after he refused to pay them a large sum of money.

Several members of the Eelam People's Revolutionary Liberation Front and the Eelam People's Democratic Party (EPDP) were illegally detained by the LTTE. There were also reports of threats to former members of the LTTE who had returned to Sri Lanka and were living in Colombo.

Sellathurai Thangarajah, Nagarajah Nesarajah and Kandasamy Gnanajothi, three members of the EPDP, were last seen being driven away on motorcycles ridden by members of the LTTE at Kallady, Batticaloa district, during the evening of 3 December. Their whereabouts remained unknown at the end of the year.

Hundreds of children were recruited to serve in the LTTE, especially in Batticaloa district, some of whom were reported to be as young as 10. At the end of 2002 the SLMM reported that it had ruled that 313 cases out of 603 complaints regarding child recruitment were violations of the CFA. Similarly, 89 cases out of 306 complaints regarding hostage-taking by the LTTE were found to be CFA violations.

Tension in the east

Amid reports of human rights abuses by the LTTE in the east, tension rose between the Muslim and Tamil communities. In June, violence between Muslims and Tamils broke out in Mutur, near Trincomalee, before spreading to other areas in the east. Muslims had called a general strike in protest at alleged extortion by the LTTE. Nine Muslims and two Tamils were reportedly killed at Valaichenai, Batticaloa district.

On 9 October, eight Tamil people were killed by Special Task Force personnel at Kanjirankuda. The eight were shot outside the Special Task Force camp during a demonstration against an alleged attack on LTTE members.

The peace process and human rights

During meetings in June with the Prime Minister, Ranil Wickremasinghe, the President and S.P. Thamilchelvan, political leader of the LTTE, AI delegates called for human rights to be made an integral part of the peace process. The delegates discussed with both sides issues of truth, justice and reconciliation, human rights monitoring, the protection of vulnerable groups and human rights standards for the proposed interim civil administration in the northeast.

In the first phase of its deployment, the SLMM and its six advisory Local Monitoring Committees (LMCs) focused on the implementation of the military aspects of the CFA. They did not investigate complaints of human rights abuses under Article 2.1 of the agreement, under which both sides had to "abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment". The LMCs were unclear about their powers and how to process complaints from the public. AI urged the Norwegian government to address the urgent need for human rights training for members of the SLMM and LMCs.

During the second round of peace talks in Thailand in November, both parties announced that Ian Martin, former Secretary General of AI, had been invited to provide expert advice on the incorporation of human rights into the peace process.

AI country reports/visits

Report

- Sri Lanka: Rape in custody (AI Index: ASA 37/001/2002)

Visit

AI delegates visited the country and held talks with the government and the LTTE in June. This was the first time an AI delegation had met the LTTE in Sri Lanka.

SUDAN

REPUBLIC OF THE SUDAN
Head of state and government: Omar Hassan Ahmad al-Bashir
Death penalty: retentionist
International Criminal Court: signed

War-related human rights abuses were committed on a large scale until a cease-fire signed in October. Government forces, the Sudan People's Liberation Army (SPLA) and militias allied to both sides killed, abducted and raped civilians, destroyed houses, livestock and crops and restricted humanitarian aid. In Darfur, western Sudan, civilians were killed or injured throughout 2002 in attacks on villages by armed groups. Tens of thousands of Sudanese were displaced and faced hunger as relief supplies were frequently cut or disrupted. In government-controlled territories, the security forces detained and harassed human rights defenders and political opponents. Most of those detained were held in prolonged incommunicado detention without charge or trial and several were tortured. At least 40 people were reported to have been executed and more than 120 death sentences were imposed. Scores of Sudanese were sentenced to cruel, inhuman or degrading punishments involving flogging or amputation. Trials were frequently summary and grossly unfair. In the Darfur region, special courts continued to impose death sentences after summary trials.

Background

Moves towards peace continued. The Sudanese government and the SPLA agreed to four tests of their commitment to peace proposed by the US Special Envoy for Peace. As a result, an internationally monitored cease-fire in the Nuba Mountains was agreed in January and renewed in July. In March the government and the SPLA signed a commitment, to be verified by an international team, not to attack civilian targets. An international commission was set up to investigate slavery in Sudan and released a report in May. In addition, both sides agreed to allow humanitarian organizations to carry out medical programs in "zones of tranquillity". However, these agreements were not always respected. Attacks on civilians and breaches of international humanitarian law continued.

Fighting continued in oil-rich areas between government forces and militias on one side, and on the other, the SPLA and the Sudan People's Democratic Front/Defence Force of Riek Machar, who allied with the SPLA in January.

In eastern Sudan, armed opposition to the government was led by the National Democratic Alliance, a force led by eight northern political parties in alliance with the SPLA. Eritrean armed forces were also reported to have clashed with Sudanese government forces.

On 20 July, the government and the SPLA signed a peace protocol under the auspices of the Inter Governmental Authority on Development (a regional grouping under the African Union) and international mediators in Machakos, Kenya. The peace process halted when the SPLA captured Torit in Equatoria on 1 September, and the government banned relief flights to Equatoria. The peace process restarted after the government recaptured the town in October. On 17 October both parties signed a cease-fire and on 26 October both parties agreed to unimpeded access for international humanitarian aid. In November a Memorandum of Understanding was signed between the government and the SPLA.

Civil society organizations protested at being excluded from the peace talks. Despite mention of human rights in the Machakos protocol, both parties to the talks continued to abuse or restrict them. In December the government renewed the state of emergency.

In April the UN Commission on Human Rights renewed the mandate of the Special Rapporteur on human rights in the Sudan, and in October the Special Rapporteur visited Sudan. In September the UN Committee on the Rights of the Child considered Sudan's second periodic report.

Unlawful killings

Both government forces and armed opposition groups indiscriminately and directly targeted civilians and reportedly carried out extrajudicial executions in the context of the civil war. At least 85 incidents of aerial bombing or shelling of civilian targets by government Antonov planes and helicopter gunships were reported. More than 470 civilians were reportedly killed in May by the Lord's Resistance Army (see Uganda entry).

In December, the first investigation set up under the terms of the March agreement not to kill civilians concluded that the government had not deliberately targeted civilians in an attack in September in which 12 civilians died. The report also stated that the SPLA had deployed weapons near civilian areas.

- On 21 February, a government helicopter gunship killed 24 civilians in Bieh, injured many others and disrupted a World Food Programme (WFP) food distribution operation. The attack occurred despite the fact that the government had agreed to WFP operations in Bieh that day, under the framework of Operation Lifeline Sudan, the umbrella organization providing relief to civilians in southern Sudan. The government announced an investigation but no results were made public by the end of 2002.
- SPLA forces were reported to have summarily executed a number of captured government soldiers after taking control of Torit in early September.
- Armed men from nomadic groups attacked scores of villages in Darfur, killing and wounding scores of civilians, mainly from the Fur ethnic group, and destroying homes and livestock with virtual impunity. In April an armed group attacked Shoba village, killing 17 people. At least eight villagers, including some who

protested to the authorities about the attack, were arrested. They were held for up to seven months in detention without charge before being released.

Internal displacement

Attacks on civilians and destruction of homes, herds and crops led to the flight and displacement of tens of thousands of people. Forcibly displaced people were destitute and relief agencies could not reach many of them because of insecurity or government restrictions on aid flights.

In August, humanitarian agencies reported that an estimated 127,000 people displaced by fighting in western Upper Nile had fled to the districts of Gogrial and Twic in northern Bahr al-Ghazal state. Their arrival added further pressure on an already precarious food situation.

Torture

Cases of torture by members of the security forces continued to be reported.

Fourteen students from Bahr al-Ghazal University, Khartoum, who were arrested after violent demonstrations in October, were reportedly beaten with hoses and had their facial hair shaved while in custody. The arrests apparently followed an earlier violent clash between students and two security officers on the campus which was suppressed by police using tear gas and rubber bullets.

Yaser Mohamed el-Hassan Osman, Assistant Registrar of the Khartoum University Medical School, was arrested on 26 October and held for two days. During his detention, members of the security forces reportedly stood upon his chest and bladder and beat him unconscious with an iron bar. He required intensive care at Khartoum Hospital following his release. He had been arrested with scores of students after violent clashes on 22 and 23 October between students from the University of Khartoum and riot police armed with sticks and rubber bullets.

Death penalty

At least 40 people were reported to have been executed and more than 120 were sentenced to death. More than 90 death sentences were passed after unfair trials by Special Courts in the Darfur region. These courts, created in 2001 by presidential decree to try offences related to "armed banditry", imposed death sentences and other cruel, inhuman and degrading punishments after summary trials under military judges where the accused were frequently denied lawyers.

On 17 July, 88 people were sentenced to death on charges including murder, armed robbery and public disturbance by a Special Court in Nyala, southern Darfur. According to reports, they included two children, Gadim Hamdoum Hamid and Kabashi Alayan, both 14 years old. Thirty-six of some 130 defendants, mostly from the Rizeigat ethnic group, alleged that in June they were beaten with gun-butts and hoses in pre-trial detention. Their lawyers withdrew when the court refused to allow a medical examination. An appeal was pending.

In November the final appeal of Mohamed Ibrahim, Sadul Adam Abdelrahman, Abdullah Rabhi, Mohamed Hamid Ahmed and Mohamed Issa Tiue, sentenced to cross-amputation followed by hanging, was rejected. They had been convicted of armed robbery in 1999 after an unfair trial in Nyala, Darfur, where they were reportedly denied legal representation.

The death sentence by stoning imposed by a criminal court in Nyala on Abok Alfa Akok, a non-Muslim from the Dinka ethnic group, was reduced on appeal in February to a sentence of 75 lashes. The punishment was carried out immediately.

Women's rights

Women continued to be raped and abducted in the context of the civil war. Suspected perpetrators of sexual violence were not brought to justice. In government areas women were also singled out for cruel, inhuman or degrading punishments for adultery, in circumstances where men involved normally remained unpunished. Women in the north continued to be harassed and ill-treated by police enforcing the Public Order Law which restricts women's freedom of movement, behaviour and dress.

In November, at least 14 women from the village of Munwashi, near Nyala in Darfur, were convicted of adultery and sentenced to 100 lashes of the whip each. Three other women from the same area were also detained for adultery but were not reported to have been brought to court by the end of 2002.

Incommunicado detention without charge

Dozens of suspected political opponents of the government were arrested by the security forces. Many were held in prolonged incommunicado detention without charge or trial.

In October, nine Dinka civil servants, including Garang Wek Atheny and Gabriel Akol Akol Kuc, and Ahmad Labuo, a merchant, were arrested by military intelligence officers in Aweil, the capital of Bahr al-Ghazal state. They were released on 12 December after 53 days' incommunicado detention.

Hassan al-Turabi, former Speaker and leader of the Popular National Congress (PNC), remained in detention throughout 2002. In August the Constitutional Court ruled that his continued detention was unconstitutional, but a Presidential Emergency Decree immediately extended his detention for another year. More than 30 other members of the PNC, arrested between May and September, remained in prison without charge or trial at the end of 2002.

Abductions and slavery

A US-led international commission of eminent persons, set up in December 2001 to investigate slavery, abduction and forced servitude, issued a report in May. The international commission found that some exploitative relationships met the definition of slavery in international conventions and made a number of recommendations to end the practice. The government continued to deny the existence of slavery.

The Committee for the Eradication of Abductions of Women and Children (CEAWC), set up by the government in 1999, was placed directly under the President. CEAWC stated that it had succeeded in freeing 150 abducted persons. However, no suspected perpetrator of abductions was known to have been brought to justice.

Restrictions on freedom of expression and association

Despite some relaxation of restrictions on political activities and a government announcement in December 2001 that censorship on the media was lifted, the government and the security forces continued to limit freedom of expression and association. The authorities used restrictive or vague articles in the Penal Code and the 1999 Press Act to arrest journalists and editors and to confiscate, fine or suspend newspapers. Sanctions were imposed for writing or publishing articles critical of the government or for commenting on a wide range of areas including AIDS and female circumcision.

In February, the Republican Brothers, recently registered under the government's Political Associations Act, were refused permission by the security services to hold a meeting in Khartoum. They had planned to mark the anniversary of the execution of their spiritual leader, Mahmoud Mohamed Taha, in 1985.

In September, Osman Mirghani, a columnist for the Khartoum-based daily *Al-Ra'y al-'Am*, was detained by the security forces following an interview on the Qatar-based *al-Jazeera* television station in which he had criticized the Sudanese government for walking out of the peace negotiations. He was detained for questioning for two days then released without charge.

AI country reports/visits

Statement

- Sudan: Human rights agenda for lasting peace (AI Index: AFR 54/018/2002)

SURINAME

REPUBLIC OF SURINAME
Head of state: Ronald Venetiaan
Head of government: Jules Ajodhia
Death penalty: abolitionist in practice
International Criminal Court: not signed

Impunity for killings committed under military rule continued to be a major issue. Several incidents suggested excessive use of force by police.

Background

Suriname's compliance with the International Covenant on Civil and Political Rights was reviewed by the UN Human Rights Committee in October. As Suriname had not fulfilled its obligation to submit a report, the review took place under new procedures and was based on questions put to Suriname's representatives on issues of concern, including impunity for past violations, prison conditions, alleged ongoing human rights violations and the death penalty.

In June the UN Committee on the Elimination of Discrimination against Women considered Suriname's report on compliance with the UN Women's Convention, covering the period from 1993 to 1998. The Committee expressed concern at a number of issues, including the situation of rural women, particularly those from minority groups.

In August the Inter-American Commission on Human Rights responded to a petition by representatives of the Saramaka people, a group of descendants of escaped slaves of African descent who established settlements in Suriname's rainforest interior in the 17th and 18th centuries. The Commission requested the suspension of logging and mine concessions on the land in question until it had investigated the substantive claims raised in the case. It also requested that Suriname take appropriate measures to protect the physical integrity of the communities concerned.

Impunity

1982 'December murders'

By mid-2002 more than 160 people had reportedly testified in the investigation into the 1982 "December murders" in which 15 journalists, academics and labour leaders were extrajudicially executed at Fort Zeelandia, an army centre in Paramaribo. In May and September, Surinamese investigators went to the Netherlands to hear testimony from people there. Lawyers for Desi Bouterse, the coup-installed military leader of Suriname at the time of the killings, were allowed to attend the hearings in the Netherlands. According to some reports, this caused some people to "adjust" their testimony out of fear of reprisals. In June a team of forensic experts from the Netherlands Forensic Institute visited Suriname and in December they returned and played an advisory role during the exhumation of the bodies of the victims.

1986 Moiwana massacre

In August the Public Prosecutor's Office ordered the reopening of the investigation into the August 1990 killing of chief inspector Herman Gooding. While leading the police investigation into the 1986 Moiwana massacre, Herman Gooding was reportedly forced out of his car by unknown assailants near Fort Zeelandia and shot in the head. His body was reportedly left outside the office of Desi Bouterse. As a result, other police investigators fled the country and the investigation into the massacre stalled.

The massacre took place on 29 November 1986 when a specialized military unit attacked the village of Moiwana, burning the house of armed opposition leader Ronnie Brunswijk and reportedly killing at least 35 people, mostly women and children. Civilian police investigated the massacre. Several soldiers were arrested, but were released at the demand of armed military police officers said to have the backing of Desi Bouterse.

In June 1997 the non-governmental human rights organization Moiwana '86 lodged a petition with the Inter-American Commission on Human Rights concerning the massacre. The Commission made a series of recommendations to the government, and extended the deadline to late 2002 by which it had to comply. However, the government did not do so and in December the case passed to the Inter-American Court of Human Rights.

Possible excessive use of force by police

In several incidents the police reportedly used excessive force. The authorities failed to reply to AI's requests for further information on the cases.

- In March a man held in the detention block of the police station Keizersstraat in Paramaribo was reportedly shot dead by police as he tried to escape. Another detainee was apparently injured during the attempted escape and needed hospital treatment.
- In May a man who allegedly fled after resisting arrest following a suspected robbery in the Del Pradostraat in Paramaribo was reportedly shot dead. Police were said to have fired after he failed to stop in response to warning shots.
- In April 2001 Ricardo Benito Vrieze was reportedly shot and killed by a police officer in a sports complex in Paramaribo. The officer was said to have shot him twice while arresting him for suspected theft and vandalism. In July 2002 the police officer was convicted and sentenced to one year in prison, reportedly for excessive use of violence. It was not clear whether the officer was subsequently taken into custody. Meanwhile the Public Prosecutor, who had asked for six years' imprisonment, was said to be considering an appeal.

Conditions of detention

Conditions in the severely overcrowded prisons and police jails were reportedly harsh, sometimes amounting to cruel, inhuman or degrading treatment or punishment.

SWAZILAND

KINGDOM OF SWAZILAND
Head of state: King Mswati III
Head of government: Barnabus Sibusiso Dlamini
Death penalty: retentionist
International Criminal Court: not signed

The independence of the judiciary and the authority of the courts were seriously undermined by government officials and police in a number of cases. The security forces continued to enforce long-standing restrictions on freedom of assembly and association. Journalists were ill-treated and harassed when reporting on gatherings viewed by the authorities as political. Women were denied access to social and economic rights through discriminatory laws and practices. Asylum-seekers, including children, were detained in harsh conditions.

Background

The country experienced a major food crisis; UN agencies estimated that 265,000 people (just over a quarter of the population) were at risk of starvation. The government decided to purchase a private jet for the King at a cost of US$44.6 million, more than double the annual health budget. The decision was opposed by members of parliament and civil society organizations and triggered a two-day protest strike by labour unions in December.

The Constitutional Drafting Committee appointed by the King completed a draft new constitution by November, but the King did not make it public before the end of 2002.

Threats to the rule of law

On 30 November all the judges of the Court of Appeal resigned in protest at the government's public refusal to abide by two of their judgments. Despite widespread condemnation, the government refused to reverse its position.

- On 30 October the Attorney General (AG), an appointee of the King, together with the chiefs of staff of the army, police and prisons services, instructed the Chief Justice and two High Court judges to stop hearing the case of a young woman secretly taken from school by agents of the King (see below). When the judges continued to hear the case, the AG ordered them to resign. The Chief Justice lodged a complaint with the Director of Public Prosecutions (DPP), but the AG refused to appear in court to answer the charges. On 12 November government officials ordered the DPP to withdraw the case against the AG or resign. He refused. Government officials then raided and searched the DPP's office and prevented him from regaining access to his files.
- On 22 November the Court of Appeal upheld a court ruling that the Commissioner of Police and another senior officer were in contempt of court and must serve

a 30-day prison sentence. Police had repeatedly obstructed Madeli Fakudze and others from returning to their homes in Macetjeni, despite a Court of Appeal ruling in June that they must be allowed to return. Madeli Fakudze and other members of his community had been evicted from their homes in 2000 by the security forces. Both the Commissioner of Police and the Prime Minister declared their refusal to submit to the November ruling.

In November the Court of Appeal ruled that a King's Decree under which pre-trial prisoners were denied the right to apply for bail was invalid. The Prime Minister stated that the government would not abide by the ruling.

Political trials

On 22 August Mario Masuku, President of the People's United Democratic Movement (Pudemo), was acquitted by the High Court on a charge of sedition and released. He had been in prison since October 2001 in connection with statements he had allegedly made at protest rallies in 2000. The evidence of state witnesses, who were mainly police officers, was contradictory and there was no evidence that Mario Masuku had advocated violence. An AI representative attended part of the trial.

Violations of women's and children's rights

Discriminatory laws and practices continued to put women and girls at risk of sexual and domestic violence and the effects of the HIV/AIDS pandemic. More than a third of women attending ante-natal clinics were HIV positive, according to government statistics.

In October the practice of forced marriage was challenged in the High Court by the mother of a young woman, Zena Mahlangu, who had been taken from school by agents of the King to become the King's tenth wife. Lindiwe Dlamini applied to the High Court for an order compelling the King's agents to return her daughter. The Court appointed two lawyers to interview her, but officials repeatedly blocked access to her. Lindiwe Dlamini reluctantly postponed her court application on 5 November after the King presented her daughter in public as his fiancée. At least one other girl, Noliqhwa Ntentesa, was taken away from school by agents of the King without the knowledge of her family. Months later they were still denied access to her.

In October, two high school students lodged complaints with the police against a teacher who allegedly gave them 48 "strokes" on their buttocks. Corporal punishment of school students is a widespread practice. Police in Lobamba briefly detained 15 members of the Swaziland Association of Students following their protests over the case. At least one of the students withdrew charges, reportedly under pressure from her family.

Refugees

Asylum-seekers, including children, from the Democratic Republic of the Congo and several other African countries were detained at Sidwashini prison in overcrowded conditions for up to six months. They were detained after they protested at the lack of provisions following the closure of the office of the UN High Commissioner for Refugees in Swaziland. In November the government stated that it intended to deport them.

Death penalty

At the end of 2002 there were at least 12 prisoners under sentence of death. There were no executions.

AI country reports/visits

Reports and statements

- Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community (AI Index: AFR 03/004/2002)
- Swaziland: Acquittal of Mario Masuku is an opportunity to end persecution of the opposition (AI Index: AFR 55/002/2002)
- Swaziland: Grave concern at attack against High Court judges seeking to protect the rights of women (AI Index: AFR 55/004/2002)
- Swaziland: Continuing attacks on the independence of judges and lawyers (AI Index: AFR 55/005/2002)
- Swaziland: Subversion of the rule of law gravely endangers protection of human rights and jeopardizes the constitution reform process (AI Index: AFR 55/006/2002)

Visit

An AI delegate visited the country in August.

SWEDEN

KINGDOM OF SWEDEN
Head of state: King Carl XVI Gustaf
Head of government: Goran Persson
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

Trials took place in connection with demonstrations during the 2001 European Union (EU) summit in Gothenburg. The Osmo Vallo Commission reported on its findings. International monitoring bodies expressed concern about some aspects of Sweden's human rights record. Proposed "anti-terrorism" legislation was very broad in scope and lacked adequate human rights safeguards.

International scrutiny

In March the UN Human Rights Committee expressed concern about several cases of serious injury or death as a result of excessive use of force by police. Among the Committee's recommendations were independent investigations of incidents, including the policing of the Gothenburg summit; better human rights training for police; and discontinuing the use of life-threatening equipment during demonstrations. The Committee also expressed concern about reports of racism, xenophobia and neo-Nazi activism.

In May the UN Committee against Torture expressed concern about several deaths in custody as a result of excessive use of force by police or prison personnel, and about the large number of complaints of ill-treatment arising from the policing of the Gothenburg summit.

Refugees

Both the Human Rights Committee and the Committee against Torture also expressed concern about expulsions of asylum-seekers suspected of "terrorism". The Human Rights Committee asked the authorities to provide information on the issue within one year, especially what steps were being taken to monitor individuals after expulsion. The Committee against Torture noted possible breaches of the principle of non-*refoulement* in such cases and the absence of any right to appeal against expulsion decisions under "anti-terrorism" legislation.

AI continued to express concern and ask for information from the authorities about two Egyptian asylum-seekers, Muhammad Muhammad Suleiman Ibrahim El-Zari and Ahmed Hussein Mustafa Kamil Agiza, who were forcibly returned to Egypt in 2001.

In June, AI stated that a 1998 decision to allow homosexuals to be returned to Iran if their sexual orientation was not overtly manifested was discriminatory.

In May the Committee against Torture decided that returning Chedli Ben Ahmed Karoui to Tunisia would expose him to a substantial risk of torture, in breach of the UN Convention against Torture.

2001 EU summit in Gothenburg

By the first anniversary of the Gothenburg summit in June, investigations into the actions of the demonstrators had led to the conviction of 58 individuals, many of them on charges of rioting. Some of the sentences of imprisonment imposed were long, and apparently harsher than the average for analogous offences. Most of those convicted were sentenced to prison terms of one to two years. On appeal, of 35 cases heard, in 18 the sentences were reduced, in 13 they were upheld and in four they were increased. In four cases which went to the Supreme Court, the sentences were reduced.

Several of those charged in connection with the summit disturbances were reportedly held in prolonged solitary confinement during pre-trial detention and denied prompt access to legal counsel.

The first and only prosecutions of police officers in connection with human rights violations during the Gothenburg summit resulted in the acquittals in December of four police officers charged with misconduct. The prosecuting authorities did not appeal against the acquittals. The officers tried were in charge of the police operation at Schillerska school, where people were allegedly arbitrarily detained and ill-treated by police officers. However, there was public concern about the fact that criminal charges were not brought against the commanding officer. The Parliamentary Ombudsman reopened an investigation into police actions at Hvitfeldska school. One police officer was under investigation on suspicion of misconduct.

The Gothenburg Committee investigating the disturbances surrounding the summit was due to report in early 2003.

The investigation into the police shooting of Hannes Westberg, one of the demonstrators seriously injured by police, was reopened in November. Hannes Westberg was himself prosecuted for throwing stones at the police. At his trial, it was alleged that police had tampered with video evidence, adding sound effects to make his actions appear more threatening.

Osmo Vallo

The Commission established to examine the procedures used to investigate Osmo Vallo's controversial death in May 1995 in police custody published its report in April. The Osmo Vallo Commission confirmed many serious concerns about Osmo Vallo's death and the subsequent severely flawed investigation by the authorities. However, the Commission did not consider other cases of disputed deaths in custody, thereby not addressing broader issues about how the authorities address controversial deaths in custody. Its recommendations did not refer to restraint methods or to training in restraint techniques. The report failed to clarify questions arising from discrepancies in the findings of various forensic pathologists involved in the case. No one with forensic medical expertise was appointed to the Commission, reinforcing the perception that another opportunity had been missed to address issues such as whether the failures in Osmo Vallo's case were systemic. AI called on the government to establish a

mechanism capable of ensuring full public scrutiny of the authorities' actions, as required by Article 2 of the European Convention on Human Rights.

AI country reports/visits

Reports

- Concerns in Europe, January-June 2002: Sweden (AI Index: EUR 01/007/2002)
- Sweden: Osmo Vallo Commission – further action needed (AI Index: EUR 42/001/2002)

SWITZERLAND

SWISS CONFEDERATION
Head of state and government: Kaspar Villiger
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

There were further reports of police officers ill-treating detainees and using excessive force. Asylum-seekers and other foreign nationals were among the alleged victims. A number of official investigations were under way into such allegations. A conscientious objector to compulsory military service was a prisoner of conscience.

Background

In March the UN Committee on the Elimination of Racial Discrimination welcomed the progress made by the country but said: "The persistence of hostile attitudes towards black people, Muslims and asylum-seekers" was of "utmost concern" and recommended that Switzerland continue its efforts to prevent and combat such attitudes.

A national referendum in November voted by an extremely narrow margin against an initiative to alter the country's asylum legislation. The Swiss People's Party, a member of the four-party government coalition, sponsored the initiative, which was, however, opposed by the government. The initiative was severely criticized by organizations working for refugees' human rights, including the office of the UN High Commissioner for Refugees (UNHCR) and AI. UNHCR stated that the initiative "would transform the country's asylum system into one of the most restrictive in the industrialized world" and that Switzerland would have "more or less shut its doors to people fleeing persecution". There was also strong criticism of the frequently xenophobic tone and misleading content of the campaign in support of the initiative.

Ill-treatment on arrival and deportation

There were allegations that police officers on duty in the transit zone of Zurich-Kloten airport ill-treated and racially abused asylum-seekers. In a report published in March concerning its 2001 visit to various places of detention in Switzerland, the Council of Europe's Committee for the Prevention of Torture (CPT) said it had gathered allegations of racist abuse, threats and ill-treatment involving police at the airport, usually aimed at persuading foreign nationals to accept voluntary repatriation or not to lodge an asylum application. The CPT said that the manner of forcible deportation operations under police escort presented a manifest risk of inhuman and degrading treatment. It reported that in August 2001 it had asked for a moratorium on forcible deportations under heavy restraint, pending the outcome of a domestic working group on forcible deportations, and called on the group to take into account certain guiding principles for deportation operations. These included the banning of restraint methods involving obstruction of the airways and the introduction of procedures to minimize the risk of positional asphyxia.

In its response to the CPT, also published in March, the government said it had rejected a moratorium because the CPT's recommendations had already been implemented to a large extent and relevant instructions were being prepared by the working group on deportations. The working group aimed, among other things, to establish cross-cantonal guidelines on restraint methods and a specific training program for relevant officers. In April the Conference of the Directors of the Cantonal Justice and Police Departments endorsed detailed recommendations issued by the group. The guidelines on deportation contained many of the key recommendations made previously by AI and Council of Europe bodies, including the CPT. AI welcomed them as a positive step towards safeguarding human rights during forcible deportation, but regretted that they contained no explicit ban on the wearing of masks or hoods by officers involved in deportations, and that the risk of unauthorized use of irritant or incapacitating sprays was not addressed. AI queried whether provisions on the circumstances in which sedative drugs might be administered were in line with relevant international and domestic standards regarding medical ethics. AI urged that the guidelines be urgently implemented at the cantonal level and that they become legally binding as soon as the legislative process allowed.

Update

In March Valais Cantonal Court dismissed an appeal lodged by the family of Nigerian asylum-seeker Samson Chukwu against a September 2001 decision that no criminal investigation should be opened against two police officers who had used dangerous restraint methods during an attempt to forcibly deport him. An autopsy had concluded that Samson Chukwu's death in May 2001 could be attributed to positional asphyxia, resulting from the restraint methods used. The court's decision was based on police statements maintaining that the officers had not violated standard procedures and had not been trained in, and were unaware of the dangers of, such restraint methods. Further appeals lodged with the Federal Court were rejected in July.

Ill-treatment in police custody

There were regular reports of ill-treatment and use of excessive force by police, often accompanied by racist abuse and often in the context of identity checks.

The UN Committee on the Elimination of Racial Discrimination, expressing concern at such allegations, noted that many cantons lacked "independent mechanisms for investigation of complaints regarding violence and abuse by the police" and that sanctions against responsible officers had been "rare". It recommended that such independent mechanisms be established in all cantons, and that efforts be made to recruit members of minority groups into the police and to train officers on racial discrimination issues.

The CPT reported that the great majority of people detained by the police whom it had met during its 2001 visit to law enforcement establishments in four cantons had indicated that they had been treated correctly. Where allegations of ill-treatment had been collected, they principally concerned disproportionate use of force at the time of arrest.

The CPT welcomed a project under way aimed at unifying the 26 cantonal codes and three federal laws of penal procedure. It said that the existing draft text met some of its key recommendations concerning safeguards against ill-treatment in police custody. However, it asked that other recommendations be taken into account, including the introduction of a right of access to a lawyer from the beginning of deprivation of liberty by the police, and the establishment of an independent monitoring body for places of detention operated by police.

In May, following public revelations about a series of cases of alleged misconduct and ill-treatment by members of the Zurich Municipal Police, the City Council pledged additional resources for the judicial authorities, in order to expedite the relevant criminal investigations. It also announced the appointment of a prominent lawyer to head an independent complaints mechanism to receive complaints of police misconduct and use of excessive force, as well as complaints from police officers. It indicated that the lawyer's initial brief, assumed in June, would last until the end of 2002 when it would be re-evaluated.

A Cameroonian woman detained with her five-week-old baby in August, after a dispute over a bus fare, alleged that Geneva police officers subjected her to physical and racial abuse and strip-searched her in the presence of male officers. The police denied the woman's allegations. A criminal investigation was opened by the Geneva Attorney General following a complaint lodged by the woman in September and a police report accusing her of obstructing them in the performance of their duty.

In November, following information passed on by the Bern police authorities, the local judicial authorities opened a criminal investigation against four cantonal police officers suspected of using disproportionate force during identity checks and interrogations.

Update

In October, four Bern police officers were committed for trial in connection with the ill-treatment and death in July 2001 of Cemal Gömeç, a Turkish-Kurd refugee. All four were charged with attempted grievous bodily harm, and two of them were also charged with causing his death through negligence.

Police ill-treatment of minors

In May the UN Committee on the Rights of the Child stated that it was "deeply concerned" about allegations of "ill-treatment by law-enforcement officers against foreign children and at the prevalence of abuse". It endorsed the recommendation made by other UN treaty bodies that independent mechanisms be set up in all cantons to receive complaints of police ill-treatment. It also recommended the establishment in all cantons of child-sensitive mechanisms to receive such complaints and the systematic training of police in the human rights of children.

Update

A criminal investigation into a complaint lodged against Geneva police officers by the father of "Visar", a 14-year-old Kosovan refugee detained in 1999 following a street disturbance, concluded in January. The boy said that he was an innocent bystander but that police ordered a police dog to attack him, that the dog bit his thigh, and that police officers ill-treated and verbally abused him. In February the Geneva Attorney General stated that the investigation had not produced evidence supporting the allegations against the police officers but concluded that the police dog intervention was disproportionate. He found the officer who had ordered the dog's intervention guilty of bodily harm. The officer challenged the decision but in October the Geneva Police Tribunal endorsed the Attorney General's verdict.

Prisoner of conscience

Marino Keckeis began a five-month prison sentence in January for his refusal to perform compulsory military service. Although he had applied for alternative civilian service, his application and subsequent appeals were refused on the grounds that he had failed to demonstrate to the satisfaction of a civilian commission that he held conscientious beliefs causing a conflict of conscience with military service, thus failing to meet the requirements of the legislation relating to civilian service. AI believed Marino Keckeis' refusal of military service was the result of his conscientiously-held ethical and religious convictions, and called for his immediate release as a prisoner of conscience. Marino Keckeis was granted early release in April on grounds of good conduct.

AI country reports/visits

Reports

- Concerns in Europe, January-June 2002: Switzerland (AI Index: EUR 01/007/2002)
- Switzerland: Amnesty International urges the immediate release of conscientious objector Marino Keckeis (AI Index: EUR 43/002/2002)

SYRIA

SYRIAN ARAB REPUBLIC
Head of state: Bashar al-Assad
Head of government: Muhammad Mustafa Miro
Death penalty: retentionist
International Criminal Court: signed

Scores of people were arrested during the year for political reasons, including Syrian exiles who had voluntarily returned and others suspected of membership of unauthorized political groups. There was an increase in the repression of human rights defenders and lawyers. Hundreds of political prisoners remained in prolonged detention without trial or following sentences imposed after unfair trials. Some were ill but were still held in harsh conditions. Ten prisoners of conscience were sentenced to up to 10 years' imprisonment after unfair trials before the Supreme State Security Court (SSSC) or the Criminal Court. There were fewer reports of torture and ill-treatment, but cases from previous years were not investigated. At least two people died in custody.

Background

President Bashar al-Assad issued an amnesty in June reducing by one-third prison sentences imposed on children aged from seven to 18 who had been convicted of criminal offences. It was not clear what offences were covered or how many children benefited. Another amnesty in October applied to people who had failed to do military service or had deserted the army.

In June the European Parliament passed a resolution on Syria expressing grave concern at the imprisonment of intellectuals and opposition figures. It called on the authorities to ensure that detainees were not tortured or ill-treated and to ratify and implement the UN Convention against Torture.

Syrian opposition groups inside and outside the country stepped up their peaceful activities during 2002. In April, 137 former prisoners of conscience living in Syria sent a memorandum to President al-Assad calling for all former prisoners of conscience to be reinstated in their previous jobs and urging him to revoke restrictions on their employment, movement and travel. In August a conference initiated by *al-Ikhwan al-Muslimun* (Muslim Brotherhood) in London led to the adoption of a National Charter for Syria, containing principles including respect for human rights, including the rights of women, and rejection of all forms of violence.

Human rights defenders

The year witnessed an increase in the repression of human rights defenders and lawyers. The two major human right groups, the Committee to Defend Human Rights and the Human Rights Association in Syria (HRAS), continued to function despite lack of official authorization, government restrictions and detentions of their members.

In April, the Damascus Bar Association (DBA) imposed an arbitrary disciplinary punishment on human rights defender Haytham al-Maleh, a lawyer and director of the HRAS. He was suspended from practising law for three months after expressing concern about the fairness of the trial of a client, prisoner of conscience Mamun al-Humsi (see below). During 2002 Haytham al-Maleh was summoned several times by the security forces and the DBA to be questioned about his involvement with the HRAS and about his public statements on human rights in Syria. In June the DBA barred him from practising law for three years and in September the Deputy Military Prosecutor referred him, with Qasub 'Ali al-Malla and three other men, to the Military Court, on charges including distribution of the HRAS journal *Teyyarat* without a licence, and involvement with an organization (HRAS) "of an international nature" without government permission.

In April lawyer Anwar al-Bunni was arbitrarily suspended from practising law for three months by the DBA in connection with the case of Mamun al-Humsi. In June, he was physically ejected from the SSSC when he demanded that allegations of ill-treatment made by his client, prisoner of conscience 'Aref Dalilah, be noted and investigated. The court president banned Anwar al-Bunni indefinitely from practising before the SSSC and he was ill-treated by the security forces who ejected him from the courtroom. Anwar al-Bunni was also threatened by the security forces.

Razan Zaytunah, a human rights defender and member of HRAS, was harassed by the security forces and barred from travelling abroad.

Restrictions imposed on the movement of human rights defender Khalil Ma'tuq were lifted during 2002.

Arrests

Scores of people were arrested during 2002 for political reasons. They included former political activists affiliated to the Muslim Brotherhood who had been in exile but had been given clearance to return home by the authorities. Also arrested were suspected members of unauthorized Kurdish political organizations, and Islamist activists suspected of links with *al-Qa'ida*. Most were held incommunicado, apparently without charge or trial, and there were fears that they might be tortured or ill-treated.

In May Musallam Shaykh Hasan, a leading member of the Syrian Kurdish Yekiti Party, was arrested in 'Ayn al-'Arab for distributing Kurdish political literature. He was taken to the Aleppo Political Security Department and later transferred to a detention centre in Damascus. He was released in August after three months in prison. He was a prisoner of conscience.

At least 32 Islamist activists were held incommunicado for alleged links with *al-Qa'ida*. Muhammad Haidar al-Zammar, who has dual German and Syrian nationality, was reportedly held in a detention centre after being extradited from Morocco in October 2001. Maher 'Arar, who has dual Canadian

and Syrian nationality, was deported from the USA to Syria via Jordan in October 2002. He was reportedly held in a secret location in Syria and there were fears for his safety. Before his deportation Maher 'Arar had been detained by US authorities for interrogation about links with *al-Qa'ida*. A Canadian consular official was reportedly allowed to see him in October, but only in the presence of Syrian officials and Maher 'Arar was not allowed to answer all the questions asked.

In February Nawras Husain al-Ramadan, a former member of the Muslim Brotherhood, was arrested in Damascus airport upon his return from the United Arab Emirates, where he had lived in exile since 1980. He was reportedly given assurances of safety by the Syrian authorities before his return. He remained in incommunicado detention at the end of 2002.

Releases

At least a dozen political prisoners, including Jordanian nationals, were released during 2002.

Haytham Na'al was released in August after 27 years in prison in connection with the Arab Communist Organization (ACO). He was reportedly tortured and ill-treated. He was seriously ill and had injuries sustained as a result of torture.

Ferude Yaman, a Turkish political activist, was released in October after five years in prison. She had been held incommunicado until 2001 when members of her family were allowed to visit her. She was held on charges including involvement in activities detrimental to Syria's relations with foreign countries. She needed urgent medical care for a heart disease.

Trials of prisoners of conscience

Prisoners of conscience were brought before the Criminal Court and the SSSC in trials that fell seriously short of international standards for fair trial. During trials before the Criminal Court, defendants were denied the right to call witnesses or to have confidential access to their lawyers. Trials before the SSSC were equally flawed and prisoners of conscience and their lawyers were harassed and intimidated throughout the trials.

Ten prisoners of conscience were sentenced to up to 10 years' imprisonment by the SSSC or the Criminal Court after unfair trials in related cases in June and July. They were charged with attempting to change the constitution by illegal means and similar offences. All were held in Adra Prison and were reportedly denied access to reading material. Prisoners who were ill were reportedly not given adequate medical care. They included Riad al-Turk, a 72-year-old lawyer, first secretary of the unauthorized *al-Hizb al-Shuyu'i al-Maktab al-Siyassi*, Communist Party-Political Bureau, and a former prisoner of conscience, who was sentenced to 30 months' imprisonment by the SSSC. Suffering from diabetes and a heart condition, he was released in November by a personal presidential amnesty. Riad Seif and Mamun al-Humsi, both independent members of the People's Assembly and businessmen, were sentenced to five years' imprisonment by the Criminal Court. Hasan Sa'dun and Habib Saleh were reported to be ill and in need of medical care.

Political prisoners

Hundreds of political prisoners, mostly members of the Muslim Brotherhood, remained detained for years without trial or after unfair trials before the SSSC or Field Military Courts (FMC).

At least 800 political prisoners, mostly members of the Muslim Brotherhood, the pro-Iraqi Ba'th Party, and *Hizb al-Tahrir*, [Islamic] Liberation Party, remained in detention at Sednaya Prison. Hundreds of others remained held, mostly incommunicado, in detention centres including *Far'Falastin*, Palestine Branch, and *Far'al-Tahqiq al-'Askari*, Military Interrogation Branch.

Khalil al-Khayrat, aged about 65, was arrested in 1992 for distributing a leaflet criticizing the stance towards the Gulf War of Arab countries including Syria. He was believed to be affiliated to the pro-Iraq Ba'th party. He was tried and sentenced by a Field Military Court and was held in Tadmur Prison until 1997, when he was transferred to Sednaya Prison. He was reportedly tortured and was also suffering from arthritis. He had been detained three times in the past and at one time spent 15 years in prison. His family have apparently been given special permission to visit him once a year.

Scores of political prisoners with long-term illnesses continued to be held in prison conditions which fell short of international standards.

Faris Murad and 'Imad Shiha, both serving life sentences in Sednaya Prison, were arrested in 1975 in connection with their involvement with the ACO. Faris Murad was suffering from a spinal injury and high blood pressure. He lost his teeth as a result of dental disease and has a deeply bowed posture, possibly as a result of torture in a metal chair known as the "German chair" which stretches the spine and causes severe pressure on the victim's neck and legs. 'Imad Shiha was suffering from several health complaints including a chronic intestinal disease and an injured leg.

Mustafa Dib Khalil (also known as Abu Ta'an), a Palestinian political activist in his mid-sixties, remained detained in Sednaya Prison. He was reportedly suffering from a spinal problem, hypertension, loss of sight and psychological problems due to prolonged incommunicado detention. Mustafa Dib Khalil was arrested in 1983 by Syrian Military Intelligence officers near Tripoli in northern Lebanon. He was later transferred from Lebanon to Syria. He was reportedly arrested for belonging to the *Fatah* movement, and for coordinating Palestinian fighters in Lebanon. He was held for eight years in solitary confinement and then remained in incommunicado detention for about 14 years. He was apparently held without charge or trial.

Torture and ill-treatment

There were fewer reports of torture and ill-treatment during 2002, but previous allegations of torture were not investigated.

'Aref Dalilah, a former dean at Aleppo University, was sentenced to 10 years' imprisonment by the SSSC in July. He was reportedly beaten and ill-treated in Adra Prison and was injured as a result. In April he was taken to hospital because his health deteriorated but was returned to his cell without receiving adequate medical treatment. On 6 June, during his trial before the SSSC, he told the court of his ill-treatment and presented a blood-soaked handkerchief as evidence. He contracted deep vein thrombosis, possibly as a result of the harsh prison regime and restricted movement.

Death in custody

At least two political detainees, including a Lebanese national, died in custody.

Muhammad Hasan Nassar died in custody after being detained incommunicado for a week. He was arrested on 17 March on his voluntary return to Syria after a long period of exile in Jordan. Muhammad Hasan Nassar, a teacher, married with nine children, reportedly fled Syria in 1980 following violent confrontations between the Muslim Brotherhood and the Syrian authorities. He was reportedly suffering from serious physical and psychological complaints, and required constant care.

AI country reports/ visits

Report

- Syria: Smothering freedom of expression – the detention of peaceful critics (AI Index: MDE 24/007/2002)

Visit

An AI delegate visited Syria in May to observe the trial of prisoners of conscience but was denied access to the courtroom.

TAIWAN

TAIWAN
President: Chen Shui-bian
Head of government: Yu Shyi-kun (replaced Chang Chun-hsiung in February)
Death penalty: retentionist

Executions continued and at least 100 prisoners were reportedly on death row. However, steps were taken to limit the scope and application of the death penalty. A draft Human Rights Basic Law and drafts of a proposed National Human Rights Commission were under consideration by the Legislative *Yuan*. The Gender Equality Labour Law came into effect in March.

Background

The delivery of weapons from the USA continued to cause strain in relations between Taiwan and China.

In October President Chen Shui-bian announced that Taiwan would gradually phase out capital punishment and that Taiwan would issue its first national human rights report in March 2003.

Death penalty

At least nine people were executed; executions were conducted by shooting.

Steps were taken to limit the scope and application of the death penalty, and were widely seen as moves towards its abolition. The Act for the Control and Punishment of Banditry, which provided for the death penalty, was abolished in January. In October, the Cabinet drafted and submitted to the Legislative *Yuan* an amendment prohibiting courts from handing down sentences of death or life imprisonment to offenders under the age of 18. There was also debate within the government and the Legislative *Yuan* about the introduction of life imprisonment without parole as steps towards the eventual abolition of the death penalty. However, no moves were made towards introducing a death penalty moratorium.

Hsu Tzu-chiang remained in danger of imminent execution following the Supreme Court's rejection on 21 March of his appeal against a death sentence for kidnapping and murder. He continued to maintain his innocence. The State Public Prosecutor General had made extraordinary appeals to the Supreme Court on his behalf following calls from activists that he had been convicted on weak evidence and that there were flaws in the Court's handling of his case. Hsu Tzu-chiang was sentenced to death by the Supreme Court in April 2000 for a crime committed in 1995. He was implicated on the basis of testimony from two alleged accomplices, one of whom provided a signed statement to Hsu Tzu-chiang's relatives stating that he had incriminated Hsu Tzu-chiang because he had a grudge against him but that Hsu Tzu-chiang had not been involved with the crime.

Legislative reforms

Two draft statutes of a National Human Rights Commission were submitted to the Legislative *Yuan*, one by the government and the other by a coalition of non-governmental organizations. The legislature was considering adoption of a basic human rights bill that would include incorporation into domestic legislation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The Cabinet reportedly passed the proposed bill. The first Human Rights Policy White Paper was released in January.

The Gender Equality Labour Law came into effect in March. It includes the establishment of an 11-person equality labour committee under the Cabinet's Council of Labour Affairs, an appeal and review committee under each local government and the establishment of appeal channels by companies with more than 30 employees.

TAJIKISTAN

REPUBLIC OF TAJIKISTAN
Head of state: Imomali Rakhmonov
Head of government: Akil Akilov
Death penalty: retentionist
International Criminal Court: ratified

Death sentences and executions continued. Families of death-row prisoners were deprived of vital information about their loved ones. Tajikistan forcibly returned refugees to countries where they were at risk of serious human rights violations.

Background

Members of the opposition Islamic Rebirth Party of Tajikistan reportedly faced harassment; several Islamic clerics were dismissed and a number of mosques were closed in the northern Soghd region. These developments emerged following President Imomali Rakhmonov's speech in July warning of "religious extremism" in the region. Numerous law enforcement officials were demoted or dismissed, and some were prosecuted, in what appeared to be a politically motivated purge in the cities of Soghd and Khatlon. Arrests of alleged members of the Islamist party *Hizb-ut-Tahrir* continued.

Death penalty

At least 50 death sentences were handed down. At least 28 people were executed and six death sentences were commuted. The Tajik authorities continued to treat the death penalty as a state secret and comprehensive official information on the numbers of sentences passed and executions carried out was not available.

Since the beginning of 2001 the UN Human Rights Committee has requested that the Tajik authorities suspend the executions of 12 prisoners. By the end of 2002, five of the 12 had been executed.

Opponents of the government during the civil war of 1992 to 1997 continued to be arrested and sentenced to death following proceedings that failed to meet international standards. There were continuing reports that people detained in Dushanbe Investigation Prison for investigation in relation to crimes carrying the death penalty were tortured by members of the Sixth Directorate of the Interior Ministry. Allegations included beatings, rape with truncheons and other objects, and electro-shock to the ears, fingernails and anus.

In all cases that came to AI's attention, death-row prisoners were executed in secret. Their families did not know the date of execution in advance. As a result, the families were subjected to a form of mental cruelty that may amount to cruel, inhuman or degrading treatment prohibited under international law. The government failed to reply to AI's repeated proposals to conduct a joint seminar on the death penalty in Tajikistan.

The brothers Dovud and Sherali Nazriyev were executed in June, in violation of a request issued in January by the UN Human Rights Committee to put their executions on hold for six months. The men had been convicted in May 2001 of attempting to murder the Mayor of Dushanbe with a car bomb in February 2000. According to reports the two did not have regular access to legal counsel and were tortured to force them to confess. When Dovud Nazriyev's wife went to visit her husband in June she discovered that both men had been moved five days earlier from the central prison in Dushanbe to a destination in the southern town of Qurgontoppa, where most known executions have taken place. She was officially informed six weeks after their execution that the two men had been shot on 21 June.

Refugees

Tajikistan continued to forcibly return persons to countries where they were at risk of serious human rights violations.

Iskandar Khudoberganov was handed over to the Uzbek authorities in February. Following his forcible return to Uzbekistan, he was reportedly tortured at the offices of the National Security Service in Tashkent. He was allegedly kicked, beaten, deprived of food and sleep and threatened that his female relatives would be raped, in order to force him to sign a "confession". He was sentenced to death at the end of November following a grossly unfair trial (see Uzbekistan entry).

Afghan refugees in Tajikistan continued to face harassment and detention by the authorities. The repatriation of Afghan refugees from within Tajikistan began in April. On 15 September the Tajik authorities detained and forcibly returned nine Afghan refugees – among them reportedly a 17-year-old boy – to Afghanistan. On 16 November another five Afghans were forcibly returned despite

assurances by the Tajik authorities in September that they would refrain from further deportations. By the end of the year some 800 Afghans had reportedly been repatriated despite continued insecurity in Afghanistan.

AI country reports/ visits

Report

- Tajikistan: Deadly secrets – the death penalty in law and practice (AI Index: EUR 60/008/2002)

Visit

An AI delegate visited Tajikistan in late May/early June.

TANZANIA

UNITED REPUBLIC OF TANZANIA
Head of state: Benjamin Mkapa
Head of government: Frederick Sumaye
Death penalty: retentionist
International Criminal Court: ratified

The commission of inquiry into the killings during demonstrations in Zanzibar in January 2001 acknowledged that major human rights abuses had been committed, including killings, torture and rape by the security forces, but did not recommend any prosecutions of the officers responsible. During 2002, two demonstrations were broken up by police who shot at, beat and arrested demonstrators. At least five people were charged with sedition for expressing their opinions. Prison conditions were harsh and in one incident 17 prisoners died in custody. One hundred death sentences were commuted, but courts continued to pass death sentences.

Background

Political tension in Zanzibar reduced considerably as a result of the October 2001 agreement between the ruling *Chama Cha Mapinduzi* (CCM), Party of the Revolution, and the opposition Civic United Front (CUF). By early 2002 all detainees held in connection with the January 2001 demonstrations had been released and restrictions on opposition activities lifted. The targeting of CUF members for arrests and beatings ceased, although in February, five people were arrested in Zanzibar and charged with bombing a government office. They were awaiting trial at the end of 2002. Several thousand people who had fled to the mainland or Kenya returned safely during 2002. Talks between the CCM and the CUF on democratic reforms continued. The semi-autonomous Zanzibar Constitution was amended in April to create an independent electoral commission.

Tanzania continued to host more than 300,000 Burundian refugees; although some returned to Burundi, more arrived. Most of the remaining 22,000 Rwandese refugees returned to Rwanda by the end of 2002, under pressure from the Tanzanian authorities.

In December parliament passed a law to regulate the activities of non-governmental organizations (NGOs). The Zanzibar government continued to refuse registration to the Zanzibar Association for Human Rights.

The government continued to support corporal punishment in schools, although it reduced the maximum punishment from six to four strokes. Caning remained as an additional penalty for certain criminal offences.

Commission of inquiry into January 2001 killings

The commission of inquiry into the killings during demonstrations organized by the CUF in January 2001 began public hearings in January 2002. The commission held numerous sessions, including in Zanzibar and Pemba, where hundreds of people gave evidence.

In November the commission of inquiry published its findings and recommendations. The report stated that the violations committed by the security forces could have been avoided with better training and equipment for crowd control. It acknowledged that 31 people had been killed by the security forces and 294 injured; that people had been shot and beaten during the demonstrations; that people had been beaten and raped in their homes; and that detainees had been beaten in custody. It made no recommendation for prosecution of any officers responsible for these abuses. The report criticized inflammatory language used by politicians and the media, and recommended that future political disputes be resolved through the involvement of civil society. It called on the CCM and CUF to apologize for the damage caused, and on the government to compensate those who had sustained serious injuries.

Anti-Terrorism Law

In November parliament passed an Anti-Terrorism Law which gave police wider powers of search and detention, although it did not provide a clear definition of "terrorism". The need for the new law was justified by reference to the *al-Qa'ida* bombing of the US embassy in Dar es Salaam in 1998 when 11 Tanzanians were killed.

Press freedom

An independent Tanzania Union of Journalists was formed in January. In Zanzibar, the first private newspaper since the 1964 revolution was registered in November. Journalists in Tanzania were occasionally questioned by police about articles critical of the authorities but normally quickly released without being charged. However, an editor was charged with sedition in Dar es Salaam in July. He was released on bail and was awaiting trial at the end of 2002.

Freedom of association and expression

Police broke up two demonstrations and charged several people with sedition for the non-violent expression of their opinions.

In January riot police broke up a banned demonstration organized by the opposition Tanzania Labour Party (TLP) in Dar es Salaam. Demonstrators were beaten and 18 people, including party officials and a journalist, were arrested and charged with unlawful assembly. They were released on bail after some days and charges were later dropped.

In February riot police used live ammunition and tear gas to disperse a banned demonstration by a Muslim group at Mwembechai mosque in Dar es Salaam. Many demonstrators were beaten and 53 people were arrested. Most were released after some weeks, but eight were charged with the killing of a police officer at the demonstration. The eight, who included Sheikh Ponda Issa and Sheikh Mussa Kanducha, were released in August and the murder charges dropped.

In April Augustine Mrema, the TLP leader, and two members of the Lawyers' Environmental Action Team (LEAT), Rugemeleza Nshala and Tundu Lissa, were charged with sedition after calling for an independent inquiry into alleged deaths at Bulyanhulu gold mine in 1996. The first two were freed on bail. Tundu Lissa, who was abroad, returned to the country later, was briefly arrested in December, and was released on bail. The trial had not started by the end of 2002.

In August Reverend Christopher Mtikila, an opposition party leader, was acquitted (on a technicality) of sedition in connection with a letter and an audio tape of 1999 disparaging the late President Julius Nyerere. He was rearrested and charged again but released on bail.

Human rights commission

The Commission for Human Rights and Good Governance was inaugurated in March, headed by an Appeal Court judge, to promote human rights through civic education and to investigate human rights violations. It visited several prisons and investigated reports of deaths of 17 prisoners in Rujewa police station in November. Within days, the commanding police officer and four other officers were dismissed and charged with murder. The previous month the government had acknowledged severe problems in prisons: overcrowding, infectious diseases, lengthy pre-trial detention of prisoners, and the holding of children together with adult prisoners. In December these were some of the grounds cited by the President for granting amnesty to 3,000 prisoners.

Death penalty

In April President Mkapa commuted 100 death sentences to life imprisonment. Many of the prisoners had been held on death row for several years. It was not disclosed how many prisoners remained under sentence of death. There were no executions during 2002.

Several new death sentences were imposed by courts. The Russian government appealed for the commutation of death sentences on two Russian nationals, convicted in Zanzibar of killing a fellow Russian in 2000. The sentences were confirmed on appeal, but subsequently commuted.

Despite continued campaigning against the death penalty by Tanzanian NGOs and religious groups, the Justice Minister said in July that the government had no plans to abolish the death penalty, claiming it had widespread public support.

AI country reports/ visits

Report

- Tanzania: Human rights concerns relating to demonstrations in Zanzibar on 27 January 2001 (AI Index: AFR 56/001/2002)

Visit

In May, AI representatives gave evidence in Zanzibar to the commission of inquiry into the January 2001 killings. They also met Zanzibar government officials for discussions about human rights.

THAILAND

KINGDOM OF THAILAND
Head of state: King Bhumibol Adulyadej
Head of government: Thaksin Shinawatra
Death penalty: retentionist
International Criminal Court: signed

Five people were executed by machine-gun fire during 2002. At least 17 others were sentenced to death, bringing the total number of people under sentence of death at the end of the year to more than 600. Over 130,000 mostly Karen and Karenni refugees from Myanmar were living in refugee camps near the border, while Shan refugees were not allowed into camps. In February police announced that they had discovered the bodies of some 20 Karen migrant workers. Investigations were initiated into these murders but the results were not known at the end of the year. Land rights disputes continued in many parts of the country, including Lamphun, Ubon Ratchathani, Chiang Rai, Chiang Mai, and Songkla provinces. The rights of hill tribe people without full Thai citizenship to land, health care, and education continued to be extremely limited.

Background

In March the government initiated a crack-down on the media, including foreign publications. The same month the Anti-Money Laundering Office launched investigations into the financial activities of Thai journalists critical of the government, in what was widely viewed as a politically motivated move.

In May the Shan State Army-South (SSA-South), an armed opposition group based in Myanmar, attacked Myanmar military bases near the Thai border. In response the Myanmar government closed the border

between Myanmar and Thailand. The border was not reopened until October. The United Wa State Army (UWSA), a Myanmar-based armed opposition group which agreed a cease-fire with the government and was widely believed to be involved in illegally bringing methamphetamine drugs into Thailand, and the Thai army engaged in skirmishes in March, April, and May. Battles between Myanmar armed forces and armed opposition groups spilled over into Thai territory during the year, temporarily displacing Thai civilians.

Death penalty

Five people were executed in Bangkwang Maximum Security Prison, where all executions take place. Three had been convicted of murder and two of drugs trafficking. New legislation providing for the method of execution to be changed from machine-gun fire to lethal injection and also disallowing the execution of anyone under the age of 18 was promulgated in November. Some 70 per cent of the over 600 people under sentence of death had reportedly been convicted of drug-related charges.

Torture and ill-treatment

Three Karenni refugees, one of whom was 15 years old, were raped by soldiers in March. The women were attacked while they were gathering vegetables outside Karenni refugee Camp 2 near Mae Hong Son. Three soldiers were arrested in connection with the attack and remained in detention but at the end of the year it was not known if they had been tried and sentenced.

Overcrowding in prisons and the shackling of death-row prisoners continued although the Corrections Department took steps to reform the prison system, including training prison guards in human rights. Almost 260,000 people were reportedly held in prisons designed to hold some 100,000 prisoners. Cells in prisons and police stations were in some cases so crowded that inmates could not lie down on the floor to sleep at the same time. In April, 15 juveniles who had escaped from the Baan Ubekkha Juvenile Detention Centre, Samut Prakan Province, said that they had been ill-treated there.

Prisoner of conscience

Sok Yoeun, a Cambodian refugee and prisoner of conscience in poor health who was arrested in Thailand in 1999 for "illegal immigration", continued to be detained and remained at risk of being extradited to Cambodia. In November a court ruled that he should be extradited; his lawyers immediately appealed against the decision.

Ethnic minorities and rural people

Twenty-six farmers and land rights activists were arrested in Lamphun Province in April and May; some were charged with over 40 offences, including trespassing. By the end of the year all had been released on bail and an unknown number were standing trial. The 26 were arbitrarily arrested and seven were detained without bail for six weeks in extremely overcrowded conditions. The authorities claimed that the farmers were cultivating privately owned land, although there was compelling evidence of widespread corruption in issuing land deeds for property and that some of the land had originally been given to farmers by the authorities.

In September a group of elderly villagers protesting against the Pak Mun Dam project were dragged from Ubon Ratchathani town hall and roughly treated by inebriated paramilitary forces. In December their protest sites in Bangkok and at the Pak Mun Dam in Ubon Ratchathani Province were destroyed by unidentified assailants amid protests that the government did not protect the protesters. Also in December, police clashed with demonstrators in Hat Yai, Songkla Province, southern Thailand, when the latter gathered in order to hand over a petition to the Prime Minister protesting against the construction of a natural gas pipeline from Malaysia to Thailand. Members of both groups were injured amid claims that the police had charged peaceful protesters with batons. The National Human Rights Commission initiated an investigation.

Human rights defenders

Human rights defenders, particularly land rights activists, were subjected to surveillance, harassment, and intimidation.

- In July a hill tribe leader belonging to the Akha tribe was arrested by police without a warrant at the Chiang Mai airport and taken to her house which was then ransacked by police. After the police left her property she and her family experienced threats and other forms of harassment for several months.
- In June unidentified gunmen shot at a farmer and village leader in Chai Prakan district, Chiang Mai Province. He survived the attack although he was hit in the chest. By the end of the year, an investigation into the incident had not been completed by the police and the leader was in hiding.
- A leader of the Pak Mun Dam protesters continued to be denied a passport and continued to receive anonymous threats.

Migrant workers, refugees and asylum-seekers

Police announced in February that they had found in western Tak Province the bodies of more than 20 migrant workers belonging to the Karen ethnic minority from Myanmar. Their throats had been cut. They had been blindfolded and their wrists were tied behind their backs. No one had been brought to justice in connection with their murders by the end of the year.

In March the bodies of 13 migrant workers from Myanmar were found in Prachin Buri Province. Preliminary investigations indicated that they had been dumped there after suffocating to death hidden under a load of vegetables in a truck. By the end of the year, it was not known if anyone had been brought to justice.

Two separate groups of migrant workers and dissidents from Myanmar were arrested in August and again in December in Sangklaburi, Kanchanaburi Province, bordering Myanmar. In each instance both groups were released a few days after their arrest.

Refugees from Myanmar continued to arrive in significant numbers and stayed in camps along the Myanmar border, although the government refused to register them. Shan refugees, who also continued to enter the country in large numbers, were still denied access to refugee camps.

In December the newly appointed National Security Council Chief announced that Thailand would begin forcibly returning asylum-seekers from neighbouring countries to their country of origin.

AI country reports/ visits

Reports

- Thailand: Widespread abuses in the administration of justice (AI Index: ASA 39/003/2002)
- Thailand: 10 years later – still no justice for the May 1992 victims (AI Index: ASA 39/004/2002)

Visits

AI delegates visited Thailand in February, March and November.

TIMOR-LESTE

DEMOCRATIC REPUBLIC OF TIMOR-LESTE
Head of state: Xanana Gusmão
Head of government: Mari Alkatiri
Death penalty: abolitionist for all crimes
International Criminal Court: acceded

Human rights were widely debated during the drafting process of the Constitution which was adopted prior to independence in May. The newly independent government inherited an institutional and legal framework which was incomplete and unable to protect human rights fully. The rights of victims and suspects, including children, were undermined by the weak justice system and the police used excessive force in response to public disturbances. Delays and inconsistencies in the administration of justice contributed to security problems in prisons. There was continued reliance on non-official justice mechanisms which were not always applied in a manner consistent with international standards for fair trial. Women and other vulnerable groups were at particular risk of discrimination in this system.

Background

Presidential elections in April were won by Xanana Gusmão, an independence leader and former commander of the armed opposition. Timor-Leste became independent on 20 May. The UN Transitional Administration in East Timor (UNTAET) mandate expired on independence and was replaced by the UN Mission of Support in East Timor (UNMISET) which was mandated to provide assistance to core administrative structures, provide interim law enforcement and assist in the development of the Timor-Leste Police Service (TLPS) and to contribute to internal and external security.

Constitution and treaty obligations

Human rights were broadly reflected in a Constitution which was adopted in March.

Timor-Leste acceded to the Rome Statute of the International Criminal Court (ICC) in September. It was one of a number of countries to succumb to pressure from the USA to sign a bilateral agreement not to surrender or transfer US citizens to the ICC.

Legislation

Some progress was made in establishing a legislative framework to protect human rights, although human rights safeguards were often not implemented. Laws and procedures which were inconsistent with international human rights standards continued to be applied. Plans to reform certain provisions in UNTAET's rules of criminal procedure had not been realized by the end of 2002. Legislation dating from the occupation by Indonesia, including the Penal Code, which fell short of international standards had not been reviewed.

Criminal justice system

Efforts to establish a judicial system progressed little and in some areas deterioration was evident. One of the four district courts was still not functioning for most of the year and hearings in the other three were intermittent. The Appeal Court had not sat since October 2001. A backlog of cases developed and the right to prompt trial or release and to review of convictions and sentences was denied in many cases. By October, close to 80 per cent of the prison population were in pre-trial detention. Around 30 per cent had been held for six months or more and some for over one year. Twenty-seven per cent were detained illegally after their detention orders had expired. Around 40 appeal cases were pending by the end of 2002.

A law establishing a legal aid service was passed but not implemented. The capacity of the public defenders was extremely limited and they were unable to cope with their case load, leaving the majority of detainees without effective legal representation.

Safeguards in existing law and procedures to protect the rights of children in the criminal justice system were often not implemented. Children were detained, often for minor non-violent offences, for months before trial.

A 16-year-old boy was held for more than one year without judicial supervision before being brought to trial in connection with a road traffic accident in which one person died. In November he was convicted and sentenced to one year and 27 days' imprisonment – the period already spent in pre-trial detention.

Non-judicial or informal mechanisms incorporating traditional law and processes continued to be widely applied. Concern persisted that, in the absence of any assessment or regulation of these procedures, the rights of victims and suspects were at risk. Cases of rape and domestic violence were among those referred to informal resolution by law enforcement and judicial officials, in some cases against the wishes of victims.

Prison conditions

Delays in the administration of justice contributed to protests and breakouts by prisoners.

- In August, 179 prisoners escaped from Becora prison in Dili. One prisoner was shot and injured by police and two prison officers were injured.
- Riots in Becora in June resulted in injuries to at least 22 inmates and 13 police officers. There were allegations that excessive force may have been used by the TLPS Special Police Unit (SPU). There was no information on whether an investigation into these allegations took place.

Conditions for children in detention did not conform to UN minimum standards. Among other issues, children were not fully segregated from adults.

Policing

UNMISET maintained overall control of law and order functions and the development of the TLPS. Concerns about the limited training of TLPS officers and their lack of training and experience in the practical implementation of human rights standards, including in the use of force and firearms, were borne out by their response to public disturbances. On 4 December in Dili, two people were shot dead and several dozen others were injured, apparently as a result of police actions. In an earlier incident, a protester was shot dead by police in Baucau in November. Internal investigations were initiated, but did not report publicly. AI called for an independent investigation and for its findings to be made public.

No complaints or oversight mechanism was established for the TLPS and no Code of Discipline adopted. Not all complaints were adequately dealt with through the UN Police (UNPol) mechanisms which also failed to satisfactorily address a number of allegations, including of assault, against UNPol officers.

Investigations of past violations

Efforts were strengthened to investigate and prosecute individuals suspected of committing crimes against humanity and other serious crimes during 1999 when the popular consultation on independence was held. Thirteen indictments were filed in 2002. Progress in bringing suspects to trial was slow because judges were unavailable to serve on the Special Panels for Serious Crimes – nine trials were completed during 2002. Suspects in serious crimes cases were among those detained for extended periods without trial. The work of the UN Serious Crimes Unit was also hampered because Indonesia refused to transfer suspects or to allow access to witnesses or evidence (see Indonesia entry).

A Commission for Reception, Truth and Reconciliation was established. The first public hearings took place in November.

AI country reports/visits

Visit

AI delegates visited Timor-Leste in September/October.

TOGO

TOGOLESE REPUBLIC
Head of state: Gnassingbé Eyadéma
Head of government: Koffi Sama (replaced Gabriel Messan Agbéyomé Kodjo in June)
Death penalty: abolitionist in practice
International Criminal Court: not signed

Several people, including prisoners of conscience, were arrested for political reasons. There were reports of torture and ill-treatment by members of the security forces. Despite persistent human rights abuses, in April the UN Commission on Human Rights decided to end consideration of the human rights situation in Togo under its confidential procedure. A new law limiting the freedom of the press was passed. One person was sentenced to death. The vast majority of human rights violations were not investigated by the authorities.

Background

In October, the ruling party of President Eyadéma, the *Rassemblement du peuple togolais*, Rally of the Togolese People, won an overwhelming majority in much delayed legislative elections. The elections were boycotted by the most significant opposition parties, on the grounds that the government had breached the Lomé Framework Agreement by modifying the electoral code.

The Lomé Framework Agreement of 1999 was the outcome of efforts to resolve Togo's political crisis by international mediators including members of the European Union (EU) and the *Organisation Internationale de la Francophonie*, International Organization of Francophone Countries. The agreement provided for new legislative elections and for the establishment of an independent electoral commission to oversee them. After repeated disagreements between the opposition and the ruling party over the composition of the electoral commission, the Constitutional Court set up a new committee composed of seven judges to organize elections. The EU expressed concern that the "conditions under which the poll was held lacked credibility".

At the end of 2002 Parliament amended the national Constitution to remove the two-term limit on the presidency, thereby allowing President Eyadéma, who came to power in a coup in 1967, to stand for re-election.

Detention of political opponents

At least four student members of the *Union nationale des étudiants togolais* (UNET), National Union of Togolese Students, were arrested in February and detained for a few days before being released without charge or trial. At the time of the October elections, opposition supporters distributing leaflets calling for a boycott were arrested and held for a few days without charge.

People continued to be imprisoned after unfair trials for peacefully exercising their right to freedom of expression. Those targeted included journalists and political leaders.

In September, Claude Améganvi, President of the *Parti des travailleurs* (PT), Workers' Party, and co-ordinator of *Quelle solution pour le Togo?*, What Solution for Togo?, and Julien Ayi, publisher of the weekly *Nouvel Echo*, were sentenced to four months' imprisonment and a fine for "attacking the honour" of President Eyadéma. In December the Court of Appeal increased the sentence to six months' imprisonment. The editor-in-chief of *Nouvel Echo*, Klu Névamé, who was in hiding, was also sentenced to six months' imprisonment. All three were accused of stating that President Eyadéma was among the world's richest people. Claude Améganvi was arrested after a meeting with the Interior Minister at which he called for the release of two teachers, Djoura Tiguena and Takana Badjessa. These two prisoners of conscience had been arrested and sentenced to prison terms after handing out leaflets for *Quelle solution pour le Togo?* The leaflets called upon Togolese citizens to honour the memory of Tavio Amorin, who was executed extrajudicially in 1992.

Seven out of a group of nine refugees, arrested in Ghana in December 1997 and handed back to the Togolese authorities, remained in detention without charge or trial in Kara prison. Two of the nine had died in detention in previous years as a result of ill-treatment, medical neglect, lack of food and insanitary conditions.

Release of a prisoner of conscience

In March, Yawovi Agboyibo, chairman of the *Comité d'action pour le renouveau* (CAR), Action Committee for Renewal, was released by order of President Eyadéma. In August 2001 Yawovi Agboyibo had been sentenced to six months' imprisonment on charges of defamation of character for alleging that a person close to the ruling party supported militias responsible for human rights violations between 1996 and 1998. After serving his prison term he had been kept in detention on new charges of criminal conspiracy.

Torture and ill-treatment

There were reports of the security forces using excessive force against demonstrators in Lomé, subjecting numerous peaceful protesters to gratuitous assaults and beatings.

Acts of torture and ill-treatment of detainees continued, and were not investigated by the authorities. Prolonged incommunicado detention shortly after arrest facilitated torture.

In April, a Togolese citizen and a teacher were reportedly beaten by members of the security forces in Dapaong, apparently solely because they were in a particular bar at the time.

Prison conditions

Conditions in prisons and detention centres continued to be harsh and cases of ill-treatment of prisoners were reported. No provision was made to improve conditions in Lomé civil prison, which was seriously overcrowded. Medical facilities in prisons and detention centres were very poor. Prisoners were denied adequate food, beaten and held in cells which had no light and were too small and overcrowded to lie down in. Some prisoners complained that they were deprived of sleep and forced to sit in the same position for prolonged periods.

Restrictions on freedom of expression

In September, the National Assembly passed a new media bill which limited the freedom of the press. Officially aimed at "encouraging professionalism", the new bill imposed long prison sentences for defaming state institutions, courts, the armed forces and public administration.

Restrictions on the right to freedom of expression continued, with action by officials against independent newspapers, critics of the government and political opponents. On several occasions newspapers criticizing the President or the government were seized by the security forces. Some journalists faced legal suits against them.

International community

In April, despite persistent serious human rights abuses, the UN Commission on Human Rights decided to stop considering the human rights situation in Togo under the confidential procedure established by the UN Economic and Social Council.

In October, the Human Rights Committee, the expert body that monitors compliance with the International Covenant on Civil and Political Rights, expressed a number of concerns in relation to Togo. It reiterated that the International Commission of Inquiry jointly established by the UN and the Organization of African Unity had concluded that there had been "a situation of systematic violation of human rights in Togo in the course of 1998". Togo had rejected the Commission's report and created its own national commission, which did not identify those responsible for the violations.

The Human Rights Committee was also concerned about the "insufficiently precise character of the crimes which might incur the death penalty" and about complaints of excessive use of force by security forces against demonstrations and assemblies. The Committee expressed concern about allegations of torture at the time of arrest and in detention centres, about prison conditions, and about the "continued

harassment, intimidation and detention of journalists in 2001 and 2002, and the practice of governmental censorship".

Death penalty
In September Komlan Agbéviadé was sentenced to death on charges of murder, the first death sentence to be passed since 1978. No executions have been carried out since 1978.

AI country reports/visits
Statements
- Togo: Human rights must be at the heart of the political debate (AI Index: AFR 57/001/2002)
- Togo: Les conclusions du rapport de la Commission d'enquête internationale ne doivent pas être remises en cause (AI Index: AFR 57/006/2002)
- Togo: Nouvelles attaques contre la liberté de la presse (AI Index: AFR 57/007/2002)
- Togo: AI demande la libération de Claude Améganvi et deux autres prisonniers (AI Index: AFR 57/008/2002)
- Togo: AI exige la libération immédiate de Claude Améganvi (AI Index: AFR 57/010/2002)

TRINIDAD AND TOBAGO

REPUBLIC OF TRINIDAD AND TOBAGO
Head of state: Arthur Napoleon Raymond Robinson
Head of government: Patrick Manning
Death penalty: retentionist
International Criminal Court: ratified

Death sentences continued to be imposed but no executions were carried out. Reports of torture and ill-treatment by police persisted and abuses in detention continued to cause grave concern. Prison conditions amounted to cruel, inhuman or degrading treatment.

Background
In October elections the People's National Movement won a clear majority in parliament, ending an electoral deadlock. There was a marked increase in crime, with at least 170 people murdered.

Death penalty
At least 80 men and four women were on death row at the end of 2002. No executions were carried out and no death warrants were issued. Courts continued to impose death sentences; at least one woman and six men were sentenced to hang. Defendants facing a mandatory death sentence continued to appear in court without legal representation.

In March, Peter Cadette appeared before a magistrate's court charged with the murder of his wife and child, a capital offence, without a lawyer to represent him.

Abuses by police
Torture and ill-treatment by police continued to be reported. At least one person received compensation after filing cases alleging police abuse.

In May, 15-year-old schoolboy David Sooklal alleged he was beaten by police officers, causing him to vomit blood. The officers were allegedly attempting to get information about his brother. He was taken into police custody but released shortly after without charge.

In July, Kenton Sylvester was awarded TT$220,000 compensation (approximately US$36,000) after being beaten in 1992 by police who mistook him for a member of an armed gang. He suffered two broken arms, eight fractured ribs and liver damage.

In November, Edmund Ancil, Bruce Henry and Ashford Ramdhan alleged they were beaten by police officers to force them to confess to a high-profile murder. During a court appearance, the three men detailed their allegations and showed the judge burns allegedly inflicted by police officers with cigarettes and other marks allegedly caused by beatings. The magistrate ordered that the men receive medical treatment. A fourth accused, Irene Ragbir, alleged that she had been denied legal assistance while being questioned by the police.

Abuses in detention
Conditions in places of detention continued to cause grave concern and amounted to cruel, inhuman or degrading treatment. Many prisoners lacked the most basic facilities to ensure hygiene. Some inmates were forced to defecate onto newspaper which then had to be stored in a bucket that was emptied infrequently. There were reports of inmate-on-inmate violence and brutality by prison guards.

Death row inmate Damian Ramiah alleged that on 30 July he was taken from his cell to the office of a senior prison officer, where the officer and five other officers beat him with riot batons and electrical cables wrapped with tape. Damian Ramiah alleged he was beaten until he lost consciousness and was then taken to Port of Spain General Hospital with a broken leg, cuts, bruises and lacerations.

In August, three prison officers were charged with the 2001 murder of detainee Anton Cooper. The three men remained in custody at the end of the year awaiting trial.

Corporal punishment
In July, Rangee Dolsingh had his appeal against a sentence of 30 strokes of the birch denied. It was not known whether the sentence was carried out.

Prolonged detention without trial
Numerous people were detained awaiting trial for prolonged periods.

In November, Fouran Derrick La Fond, who suffers from mental health problems, appeared in court on murder charges. He had been remanded in custody more than 10 years previously. No trial date was set by the end of 2002.

AI country reports/ visits

Reports

- Trinidad and Tobago: Recent developments in the investigation of the killing of Anton Cooper and the alleged beating of Damian Ramiah (AI Index: AMR 49/002/2002)
- State killing in the English-speaking Caribbean: A legacy of colonial times (AI Index: AMR 05/003/2002)
- Trinidad and Tobago: The killing of Anton Cooper: "What I saw was murder" (AI Index: AMR 49/003/2002)

Visit

In April an AI delegation met the Prime Minister to discuss concerns about the imposition of the death penalty.

TUNISIA

REPUBLIC OF TUNISIA
Head of state: Zine El 'Abidine Ben 'Ali
Head of government: Mohamed Ghannouchi
Death penalty: retentionist
International Criminal Court: not signed

Hundreds of political prisoners, most of them prisoners of conscience, remained in prison. Many had been held for more than a decade after unfair trials. Several political prisoners, including prisoners of conscience, were conditionally released before the end of their prison terms. Political prisoners released this year and in previous years continued to face a range of administrative measures, some of them arbitrary, curtailing their civil and political rights. A number of political opponents, or alleged political opponents, of the government were imprisoned during 2002 after unfair trials, including some who were resident abroad and who were arrested on their return to Tunisia. Repression of human rights defenders and civil society activists continued and the authorities further clamped down on information and communication technologies. Torture and ill-treatment were reported in police stations, state security buildings and prisons; those responsible were generally not brought to justice.

Background

Nineteen people, including 14 German tourists, were killed in an attack on a synagogue in Djerba on 11 April. The Tunisian authorities initially declared that the explosion had been an accident. In June a spokesperson of the *al-Qa'ida* network publicly claimed responsibility for the attack.

In the aftermath of the attack, Interior Minister Abdallah Kaabi was replaced by Hedi M'Henni and Mohamed Hedi Ben Hassine was appointed as new head of the state security agency. In September the human rights brief, formerly held by a separate ministry, was transferred to the Ministry of Justice, renamed the Ministry of Justice and Human Rights.

On 26 May a referendum on proposed constitutional changes was held. The changes enabled President Ben 'Ali, in power since 1987, to stand for a fourth term in office in the 2004 presidential elections and granted the head of state immunity from prosecution in the Tunisian courts, even after his term in office. According to widely disputed official figures, nearly 96 per cent of those eligible took part in the referendum and more than 99 per cent of votes cast approved of the constitutional changes.

In October a seventh opposition party, the *Forum démocratique pour le travail et les libertés*, Democratic Forum for Labour and Freedom, was legalized, eight years after its formation.

In January an Association Council meeting between the European Union and Tunisia was held. No news emerged about steps agreed between the two parties to improve the human rights situation. The European Parliament passed a resolution in March criticizing the human rights situation in Tunisia and sent a delegation to observe the constitutional referendum in May.

Human rights defenders and civil society activists

As in previous years, human rights defenders, civil society activists and their families were subjected to arbitrary restrictions, police assaults or harassment, including physical assaults. Public meetings were banned or broken up by police, phone lines were cut and Internet and e-mail connections were disrupted. Several human rights defenders and civil society activists were the subject of defamatory campaigns in the government-controlled press.

Like other outspoken human rights organizations, the *Conseil national pour les libertés en Tunisie*, National Council for Civil Liberties, had to continue its work without legal recognition and faced numerous restrictions. Public activities of legally recognized organizations, such as the *Ligue tunisienne des droits de l'homme*, Tunisian Human Rights League, were largely curtailed or banned.

In November and December several members of the newly founded *Association internationale pour le soutien des prisonniers politiques* (AISPP), International Organization for the Support of Political Prisoners, were assaulted by police or interrogated and asked to stop their human rights activities. The AISPP's creation was announced in November, but the authorities did not legally recognize the organization. In August, Lasaad Jouhri, a member of several human rights organizations and former prisoner of

conscience, was attacked by five policemen in broad daylight in central Tunis. He had previously been assaulted and threatened by police on numerous occasions because of his activities on behalf of political prisoners and prisoners of conscience. In December human rights lawyer Saida Akremi, a member of the AISPP, her husband and two of her children were physically assaulted outside her office in central Tunis after several members of the AISPP had been interrogated by police and asked to discontinue their activities.

The *Centre pour l'indépendence de la justice*, Centre for the Independence of the Judiciary, which was founded in 2001 by former judge Mokhtar Yahiaoui, was denied formal registration as a non-governmental organization. Mokhtar Yahiaoui has faced numerous restrictions and intimidatory measures, including physical assaults, since he was suspended from his position as a judge following an open letter to President Ben 'Ali in July 2001 in which he criticized interference with the independence of the judiciary. On several occasions in 2002 he was arbitrarily prevented by airport police from leaving the country.

Several public meetings of AI's Tunisian Section were also banned in 2002. Zouheir Makhlouf, a member of the Section, was detained for four days in September and questioned by the State Security Department about his activities at the Section.

Access to many websites of human rights organizations and independent news services remained blocked. Further restrictions were imposed on communication technologies. E-mail communication was frequently disrupted and phone lines were cut or diverted. Several telephone numbers of human rights organizations and Tunisians living abroad remained unavailable from Tunisia throughout 2002.

Offices of human rights lawyers continued to be under close police surveillance and their clients were often questioned or harassed by plain-clothes policemen.

In June the offices of human rights lawyers Saida Akremi and Noureddine Bhiri were ransacked by unidentified assailants and some documents were stolen. The incident occurred only days after they had been warned by a police officer involved in the surveillance of their office to discontinue their human rights activities.

Torture and ill-treatment

Torture and ill-treatment of both criminal and political detainees continued to be reported. No member of the security forces was known to have been brought to justice for committing acts of torture. Allegations of torture committed during 2002 and in previous years were not investigated.

In June, Zouheir Yahiaoui, operator of an online news and discussion forum on Tunisia, and two of his colleagues were reportedly tortured at the Ministry of the Interior. Zouheir Yahiaoui, aged 34 and nephew of former judge Mokhtar Yahiaoui, was arrested on 4 June in Tunis. At the Ministry of the Interior, where he was secretly detained for 24 hours, he was suspended by his hands from the ceiling repeatedly for several hours prior to being interrogated by members of the State Security Department. The following evening he was transferred to Gourjani detention centre where he was kept handcuffed to a chair for one night and part of the following day and forced to sign a false confession. His lawyers were not able to see him until one week after the arrest. He was convicted of spreading false information and misuse of Internet facilities and sentenced to two years and four months' imprisonment, reduced to two years on appeal.

Deaths in custody

Several people died in detention during 2002, some apparently as a result of medical neglect in prison, sometimes in connection with hunger strikes. None of the deaths was known to have been investigated.

Abdelouahab Boussaa, who had been sentenced in 1991 to 16 years' imprisonment for membership of the unauthorized Islamist movement *al-Nahda*, died in detention on 23 March following a hunger strike he undertook to protest against his conditions of detention.

Unfair trials

Scores of people were sentenced after unfair trials before civilian and military courts in 2002. These included people arrested in previous years and prisoners already serving a sentence for the same charges. Others were Tunisians living abroad who were arrested on their return to Tunisia and tried before military courts for alleged "terrorist" activities abroad. Lawyers were often prevented from visiting their clients or were not given full access to their clients' files.

In January, Mounir Ghaith, Abdelbasset Dali and Bechir Ben Zayed, three Tunisian nationals living in Italy who had been arrested in 2001, were tried before a military court in Tunis, together with 31 other co-defendants who were tried *in absentia*. Bechir Ben Zayed was sentenced to 10 years' imprisonment while Mounir Ghaith and Abdelbasset Dali received eight years each. Those tried *in absentia* received prison sentences of up to 20 years. All were charged with belonging to a "terrorist organization operating from abroad". The trial, which was observed by AI, failed to conform to international standards of fairness. For example, the court did not take into account that the testimonies introduced as evidence were allegedly obtained under duress. No other evidence was produced to substantiate the charges brought against the defendants.

Bechir Saad, a Canadian citizen of Tunisian origin, was arrested in June and notified that he had been sentenced *in absentia* to 11 years and three months' imprisonment under the name of Bechir Lahouel. He was retried in September and sentenced to seven years and three months' imprisonment, reduced to four years on appeal. Following international pressure Bechir Saad was released in December.

Belgaçem Naouar, the uncle and alleged aide to the main suspect of the attack in Djerba (see above),

Nizar Naouar, who died in the attack, was arrested shortly after the incident in April and detained at an undisclosed location for several weeks. At the end of the year he had not been granted access to a lawyer despite requests being made by several lawyers. There were concerns that he may have been tortured or ill-treated.

Prisoners of conscience

Several prisoners of conscience were released, but hundreds remained in detention, many of whom had been imprisoned since the beginning of the 1990s. Several prisoners of conscience continued to be held in solitary confinement, some of them reportedly for up to a decade. Prisoners are transferred from one prison to another, frequently several hundred kilometres from their families.

Four members of the banned *Parti communiste des ouvriers tunisiens*, Tunisian Workers' Communist Party, who had escaped arrest for four years came out of hiding on 2 February. All of them were imprisoned to serve sentences imposed after unfair trials. Two of them, Hamma Hammami and Samir Taamallah, were conditionally released in September. Ammar Amroussia and Abdeljabbar Maddouri were conditionally released in early November.

Former prisoners

Former prisoners subjected to measures limiting freedom of movement and preventing their reintegration generally had no legal means of seeking redress. Many former prisoners released in recent years continued to be prevented from taking up or continuing university education.

Journalist Abdallah Zouari was released from prison in June after 11 years' imprisonment. He was arrested again on 19 August and remanded in custody after appealing against a decision by the Ministry of the Interior that ordered him to move from his home in Tunis to the town of Khariba-Hassi Jerbi in southern Tunisia. On 23 August Abdallah Zouari was sentenced after an unfair trial to eight months' imprisonment for non-compliance with administrative control. He was conditionally released in November following a large-scale national campaign for his release, but continued to be under close police surveillance.

Intergovernmental organizations

In June Tunisia's third and fourth periodic reports were examined by the UN Committee on the Elimination of Discrimination against Women. The Committee called on Tunisia to "ensure that all violence against women is prosecuted and punished and that women victims of violence have immediate means of protection and redress."

In its concluding observations on Tunisia's second periodic report the UN Committee on the Rights of the Child expressed its concern that freedom of expression and association of children are not fully guaranteed in practice. It also remained "extremely concerned at allegations of violations of the right of the child not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment... particularly in relation to children of human rights defenders and political opponents." The Committee pointed to the failure of the state party to guarantee effective child and juvenile protection in light of "detention of juveniles with adults which has allegedly resulted in sexual abuse or other ill-treatment".

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on human rights defenders and the Special Rapporteur on torture did not receive an invitation following their requests in 1999, 2001 and 2002 respectively to visit the country.

AI country reports/visits

Visit

In September and October AI delegates visited Tunisia and raised concerns with ministerial officials. No response on any of the cases raised had been received by the end of the year.

TURKEY

REPUBLIC OF TURKEY
Head of state: Ahmet Necdet Sezer
Head of government: Abdullah Gül (replaced Bülent Ecevit in November)
Death penalty: abolitionist for ordinary crimes
International Criminal Court: not signed

Legal reforms led to the abolition of the death penalty for crimes committed in peacetime and some amendments to laws restricting freedom of expression. However, many prisoners of conscience continued to face trial or imprisonment, particularly for expressing opinions on the Kurdish question or the high-security "F-type" prisons, or for expressing Islamist views. Torture in police custody remained widespread and was practised systematically in the Anti-Terror branches of police stations in the southeast. The perpetrators were rarely brought to justice. Dozens of killings by security officers were reported; some may have been extrajudicial executions.

Background

Legal reforms were introduced by the coalition government of Bülent Ecevit with the aim of meeting the criteria for accession to the European Union. The death penalty was finally abolished in August with the exception of crimes committed in times of war or imminent threat of war. Parliament passed three laws in February, March and August aimed at bringing

Turkish law into line with European human rights standards. As well as abolishing the death penalty, other reforms included changing detention regulations and amending laws used in the past to curtail the right to freedom of expression. However, some of these legal changes were ambiguous and insufficient to tackle the human rights abuses they were supposed to address. Furthermore, the changes were often not implemented in practice.

In March AI was given permission to open a branch in Turkey under the Law on Associations.

In the predominantly Kurdish southeast, the state of emergency was lifted in two provinces in July and in the remaining two in November.

Early parliamentary elections were held in November after several ministers resigned from the government formed by the Democratic Left Party (DSP) of Prime Minister Bülent Ecevit, the Nationalist Action Party (MHP) and the Motherland Party (ANAP). The Justice and Development Party (AK) was elected to government with an absolute majority. Of the other political parties, only the Republican People's Party (CHP) was elected to parliament. The AK deputy leader Abdullah Gül became Prime Minister. The AK party leader, Recep Tayyip Erdoğan, a former prisoner of conscience, was prohibited from standing for parliament because of his previous conviction.

In December, the new government introduced a package of legal reforms which addressed key areas of concern including torture, impunity and freedom of expression.

Prisoners of conscience

Many people, including writers, journalists, trade unionists, local and national politicians, religious leaders and human rights defenders, continued to be imprisoned or tried for exercising their right to freedom of expression.

New laws narrowed the definitions of offences punishable by law and in some instances reduced the maximum sentences, but there was concern that the new laws remained ambiguous. In several cases sentences were reviewed or court cases were dropped after the new laws were passed, but many prisoners of conscience remained in prison and political trials continued. Representatives of human rights organizations, political parties and trade unions who opposed isolation in "F-type" prisons continued to be charged under Article 169 of the Criminal Code with "aiding and abetting illegal, armed organizations"; many were believed to be prisoners of conscience.

Turgut Koçak, Hasan Yavaş and Necmi Özyurda, members of the Socialist Workers Party of Turkey (TSIP), were sentenced to 45 months' imprisonment in May 2001 for "helping and harbouring members of armed groups" by supporting protests against the "F-type" prisons. The charge related to a demonstration outside the TSIP office in December 2000. In a subsequent search, placards and banners related to the hunger strikes against the "F-type" prisons were found in the TSIP premises, which Turgut Koçak, Hasan Yavaş and Necmi Özyurda claimed had been placed by other people. The verdict was confirmed in November 2001. Turgut Koçak and Necmi Özyurda were imprisoned in March 2002 and Hasan Yavaş in May.

Torture and ill-treatment

Reports of torture continued with an increasing use of torture methods that did not leave visible marks on the body. Detainees continued to be subjected to methods such as electric shocks, hanging by the arms, and *falaka* (beating on the soles of the feet). Other methods of torture and ill-treatment regularly reported included: severe beating; sexual abuse; being sprayed with cold pressurized water; being stripped naked while being questioned; threats of death and rape; other psychological torture; and restriction of sleep, food, drink and use of the toilet. According to reports, women and girls taken into custody were frequently sexually abused and threatened with rape. A number of women were raped.

Victims included those suspected of pro-Kurdish, Islamist or leftist activities, or those who applied for Kurdish language education. Others were detained on suspicion of criminal offences or solely because they did not obey the orders of security officers. People suspected of theft or burglary – among them many children – were regularly beaten in detention.

Hamdiye Aslan, a 37-year-old Kurdish mother of five, was detained in March in Mardin, Kızıltepe province, and held at the Anti-Terror branch of Mardin police headquarters for two days. She was reportedly stripped naked and anally raped with a truncheon, blindfolded and threatened, and taunted when she pleaded with the perpetrators. Hamdiye Aslan was held in Mardin Prison for almost three months until she was released pending trial. Medical reports corroborated her allegations of torture. The Mardin prosecutor opened an investigation into five police officers alleged to have tortured her, and the Turkish Medical Chamber opened a case against two doctors who had previously stated that she had not been tortured.

Tekin Demir was arrested together with his son at their home at 5am on 3 April on suspicion of aiding and abetting an illegal organization. They were held at the Anti-Terror branch of police headquarters in Ankara for two days. While in custody Tekin Demir was reportedly blindfolded, stripped naked, given electric shocks, hosed with cold water, beaten, threatened, had his hair and moustache torn out and his fingers burned with hot water. Police officers also crushed his hands with their feet while he was lying on the floor. When he was medically examined at the end of his custody the doctor did not note any injuries, but after he filed a formal complaint a forensic examination recorded numerous lesions and other medical complaints.

Prolonged police custody/ incommunicado detention

Following a constitutional amendment in October 2001, in February 2002 parliament adopted a law reducing to four days the maximum length of initial police and gendarmerie detention before detainees are brought before a judge. The new law also reduced the length of incommunicado detention for detainees suspected of crimes under the jurisdiction of State Security Courts

from four days to 48 hours. However, the amendment failed to end the widespread use of torture and ill-treatment which occurred mainly within the first 24 hours of detention.

Impunity

Victims of torture who tried to bring their complaints to court continued to face severe obstacles. Detainees were frequently blindfolded, preventing identification of the perpetrator. Medical evidence of torture was frequently suppressed and doctors who documented torture were often harassed. Intimidation of victims and witnesses and a generalized climate of fear also contributed to impunity, as did prosecutors' reluctance to investigate the conduct of members of the security forces. Statements reportedly extracted under torture were placed in court records and judges often refused to investigate allegations of torture.

Lengthy delays in a number of key torture cases resulted in a failure to bring perpetrators to justice. Defendants who were police officers did not attend hearings; in some cases their lawyers resigned, or failed to disclose required material.

Gülderen Baran was tortured in custody at the Anti-Terror branch of police headquarters in Istanbul in 1995. Repeated suspension by the arms left her with a loss of movement in both arms. She was sentenced to life imprisonment. Five police officers accused of having tortured her were brought to trial. Despite admissions of using force and beatings from a chief commissioner and a police officer during the course of their trial, the case was discontinued on 12 March as it fell outside the statute of limitations because of excessive delays. The officers on trial were not suspended from their duties while proceedings against them were pending and one of them was subsequently promoted to chief superintendent.

On 16 October, 10 police officers accused of torturing 15 juveniles and one teacher in police custody in 1996 in Manisa were sentenced to prison terms of between five and 11 years.

High-security prisons

Isolation in prisons continued to be a subject of intense debate. The authorities continued to build a further 11 "F-type" prisons, and to add new wings to existing prisons in which dormitories were replaced with smaller cells. Thousands of inmates of six "F-type" prisons already in use were kept in prolonged solitary confinement or "small-group" isolation which could amount to cruel, inhuman or degrading treatment. Hunger strikes in protest at the "F-type" prisons continued, and led to 21 deaths in 2002, bringing the total number of deaths as a result of the hunger strikes to at least 57. Although in October the Minister of Justice lifted the condition that prisoners would only be allowed to meet for private conversation if they took part in education programs, such meetings were limited to five hours per week, which failed to meet recommendations by the European Committee for the Prevention of Torture. Numerous reports were received of the ill-treatment of detainees in "F-type" prisons, but they were difficult to verify because of restricted access.

Minority rights

Turkey ratified the International Convention on the Elimination of All Forms of Racial Discrimination in September.

Despite legislative reforms aimed at relaxing restrictions on publicly expressing Kurdish identity, observers failed to note significant improvements in practice. In August a change in the law was introduced which allowed language courses and broadcasting in "languages traditionally used and spoken by Turkish citizens in their daily lives". However, one week after this legislation was passed, the head of the teachers' trade union in Diyarbakır was removed from his teaching post by the Ministry of Education, reportedly for making a speech supporting first-language broadcasting. No courses in Kurdish were apparently approved by the authorities, and thousands of individuals were arrested for signing petitions asking for the right to be educated in Kurdish. Some detainees were allegedly tortured or ill-treated. Some were charged with aiding and abetting the armed opposition group Kurdistan Workers' Party (PKK) or its successor KADEK. However, after the amendment to the law, some people were reportedly acquitted while charges against others remained pending.

During 2002 several trials were opened against parents who tried to register their children with Kurdish names.

Abdullah Yağan was sentenced to 45 months' imprisonment in July by Diyarbakır State Security Court as a result of playing Kurdish music to the passengers in his minibus.

In July the public prosecutor opened a case in Siirt demanding that parents be forced to change the Kurdish names of their children. The case covered children born in 19 families between 10 July 1997 and 19 March 2002.

Eleven teachers and one engineer were taken into custody on 10 May and allegedly tortured and ill-treated by police, including by being beaten with books written in Kurdish. They were acquitted by the State Security Court on 5 September of charges of aiding and abetting an illegal organization. However, a Ministry of Education internal investigation resulted in 10 of the teachers being posted to other regions of the country, because "Kurdish books were found in their homes".

Human rights defenders

Local human rights defenders continued to face harassment, intimidation and prosecutions.

Charges were brought against Osman Baydemir, head of the Human Rights Association (İHD), Diyarbakır branch, and Eren Keskin, head of the İHD branch in Istanbul, in relation to their human rights activities. The chair of the İHD branch in Bingöl, Rıdvan Kızgın, was arrested in January after attending a commemoration for two representatives of the legal pro-Kurdish People's Democracy Party (HADEP) who "disappeared" in January 2001. He was released in March pending trial.

In a trial following a raid in September 2001 on the Diyarbakır office of the Human Rights Foundation of

Turkey, the office representative, lawyer Sezgin Tanrıkulu, was acquitted in April 2002 of the charge of opening a health centre without permission. However, in October 2002 a new trial was opened against Sezgin Tanrıkulu, and against Eren Keskin. They were charged with insulting the Turkish Armed Forces and the security forces because at a Human Rights Symposium organized by the Diyarbakır branch of the IHD in December 2001 they had stated that torture was still being used systematically in Turkey .

AI country reports/ visits

Reports

- Turkey: Constitutional amendments – Still a long way to go (AI Index: EUR 44/007/2002)
- Turkey: Torture and prolonged detention in the Region under State of Emergency (AI Index: EUR 44/010/2002)
- Turkey: Systematic torture continues in 2002 (AI Index: EUR 44/040/2002)

Visits

AI delegates visited Turkey in March, May, June and September to conduct research on the human rights situation and to observe trials.

TURKMENISTAN

TURKMENISTAN
Head of state and government: Saparmurad Niyazov
Death penalty: abolitionist for all crimes
International Criminal Court: not signed

An armed attack on the President in November triggered a new wave of repression. A trial of opposition leaders following the attack was grossly unfair. A civil society activist was arrested for exercising his right to freedom of expression. There were concerns about the health of long-standing political prisoner Mukhametkuli Aymuradov. Conscientious objectors continued to be imprisoned. Credible reports of torture and ill-treatment continued.

Background

An attack on Saparmurad Niyazov's motorcade in the capital, Ashgabat, on 25 November was considered by the authorities to be a failed assassination and coup attempt. State-organized demonstrations throughout the country called for severe punishment of those the authorities claimed were implicated in the attack; there were calls for the reintroduction of the death penalty.

Concerns raised by the international community about reported human rights violations following the attack included statements made by the European Union, the Organization for Security and Co-operation in Europe (OSCE) and the USA. On 20 December, the participating states in the OSCE invoked paragraph 12 of the Moscow 1991 document, providing for the establishment of a fact-finding mission of rapporteurs to investigate matters of concern regarding the conduct of the investigations following the November attack.

Throughout the year numerous senior officials were demoted, dismissed or imprisoned in what appeared to be a politically motivated purge. Turkmenistan requested the deportation of several members of the opposition in exile. In April the OSCE's Representative on Freedom of the Media issued a report condemning Turkmenistan for what he called "absolute lack of any freedom of expression". Further attempts to limit independent information entering the country included a ban on importing newspapers from the Russian Federation.

Clamp-down on government critics and their families

The clamp-down on dissent dramatically increased following the November attack. Scores of family members of government critics whom the authorities implicated in the attack on the President faced detention, harassment and eviction from their homes. Many of them were reportedly targeted solely because of their family relations with government opponents. The arrests were accompanied by credible reports of torture and ill-treatment of many of the detainees. The Turkmen authorities did not disclose comprehensive information about the whereabouts of detainees or the charges against them.

Twenty-one-year-old student Aili Yklymov and his 31-year-old brother Esenaman were arrested the day of the attack on the President. According to credible sources, on 5 December Aili Yklymov was beaten so severely in the basement of the Ministry of National Security in Ashgabat that he was unable to walk and had to be taken for questioning on a stretcher. Esenaman Yklymov was ill-treated in custody the day he was arrested. Reportedly, his ears were bleeding as a result. Both brothers received no treatment for their injuries while in custody.

On 29 December, at least four opposition leaders accused of masterminding the November attack – Boris Shikhmuradov, Nurmukhammet Khanamov, Khudayberdy Orazov and Saparmurad Yklymov – were reportedly sentenced to 25 years' imprisonment by the Supreme Court at a trial that fell far short of international standards; the latter three were sentenced *in absentia*. The sentences were increased to life imprisonment the following day by the *Khalk Maslakhaty*, Turkmenistan's supreme legislature. In Boris Shikhmuradov's televised "confession", which was believed to have been dictated to him, he stated: "I and my allies... are not opposition members but ordinary criminals and drug addicts... there is not a single decent person among us; we are all thugs... I am not a man able to rule a state... I am a criminal able

only to destroy the state." In a statement posted on his website on 26 December, one day after the authorities reported his detention, Boris Shikhmuradov denied involvement in the November attack.

Long-standing political prisoner Mukhametkuli Aymuradov remained held throughout the year. He was convicted in 1995 of charges including "attempted terrorism", and sentenced to 12 years' imprisonment after a reportedly unfair trial. In December 1998 he had been sentenced to an additional 18 years' imprisonment in connection with an alleged prison escape attempt. He was reported to have been denied appropriate medical treatment for a heart attack, a gastric ulcer and recurring inflammation of the kidneys, bladder and gall bladder. Unofficial sources also said that Mukhametkuli Aymuradov's eyesight had deteriorated. A regulation, reportedly in force since January, permitted his wife to visit him once every three months for 20 minutes.

Civil society

Civil society activists continued to face pressure from the authorities. No human rights groups could function openly in Turkmenistan.

Civil society activist and ecologist Farid Tukhbatullin was arrested on 23 December in his home town of Dashoguz in northern Turkmenistan. He was flown to Ashgabat the same day and taken to the Ministry of National Security, where he was kept incommunicado for three days. On 26 December Farid Tukhbatullin was reportedly charged with illegally crossing the Turkmen-Uzbek border and concealing a serious criminal act. The latter charge referred to his participation in a conference, held at the beginning of November in Moscow, that had been organized by human rights groups. He was accused of refusing to disclose information about plans of exiled opposition groups to carry out an armed coup that, according to the authorities, were discussed at the conference. AI – whose delegate attended the conference – believed that the charges against Farid Tukhbatullin were brought to punish him for exercising his right to freedom of expression and for his peaceful activities as a civil society activist. The organization regards him as a prisoner of conscience.

Freedom of religion

Conscientious objectors served prison terms during 2002. A Baptist prisoner was released following international pressure. Members of religious minorities continued to face harassment, deportation and imprisonment.

Twenty-one-year-old Nikolay Shelekhov, a Jehovah's Witness, was sentenced to 18 months' imprisonment for refusing to serve in the army on religious grounds; this was his second sentence for the same offence. His appeals were rejected by Ashgabat City Court and the Supreme Court in August and October respectively. Nikolay Shelekhov was still suffering from illnesses, including kidney problems, contracted during his previous imprisonment between August 2000 and December 2001.

AI country reports/visits

Reports

- Concerns in Europe, January-June 2002: Turkmenistan (AI Index: EUR 01/007/2002)
- Turkmenistan: Government must seek justice not revenge (AI Index: EUR 61/005/2002)

UGANDA

REPUBLIC OF UGANDA
Head of state: Yoweri Museveni
Head of government: Apollo Nsibambi
Death penalty: retentionist
International Criminal Court: ratified

A new joint anti-crime operation led to killings of civilians by members of the security forces. Civilians arrested during the operation faced trial by military courts. Soldiers reportedly committed abuses during a disarmament operation in the northwest. At least 24 death sentences were passed, and two soldiers were executed. Journalists continued to be subjected to excessive use of force by the police. A new law restricted the activities of political parties. Abuses by the armed opposition Lord's Resistance Army (LRA) increased during the year, but those by other armed groups were reduced.

Background

A Parliamentary Select Committee on election violence concluded that 17 people had been killed during parliamentary and presidential elections in 2001. The Committee recommended that security personnel named in the report for terrorizing and intimidating opposition parliamentary candidates and their supporters should be subject to criminal investigation. The report was not debated by Parliament during 2002.

Relations between Uganda and Sudan continued to improve throughout 2002 with an agreement to resume full diplomatic ties.

A group of several thousand Ugandans living in Tanzania were expelled from Tanzania in 2001 and returned to Uganda allegedly for voting against Tanzania's ruling party in the October 2000 elections. They were resettled by the Ugandan government in 2002, some in the Rakai District, while others were relocated to a camp near the Katuna border with Rwanda.

President Museveni voiced Uganda's strong support for the international "anti-terrorist" coalition led by the USA. The Suppression of Terrorism Act, passed in March, used a very broad definition of "terrorism" and gave extra powers to law enforcement officers to carry

out surveillance against suspected "terrorists", including accessing bank accounts and monitoring communications.

Violations by security forces

A new Joint Security Team was formed in June to fight violent crime in Kampala and surrounding towns. "Operation Wembley" brought together the intelligence services, police and the army. Police officers and soldiers were allegedly authorized to shoot criminals on sight, resulting in a dramatic increase in killings by security forces.

Those arrested under "Operation Wembley" were held without charge and screened to decide whether they should be tried by a civilian or military court. Of approximately 450 suspects arrested by November, around 200 were reportedly to face trials before military courts made up of senior army officers.

On 16 September soldiers raided Gulu Central Prison, northern Uganda, to remove 21 prisoners they claim were to be "rescued" by the LRA. One of the prisoners, opposition activist Peter Oloya, was killed in the prison grounds in a suspected extrajudicial execution. The 20 surviving prisoners were taken to Gulu Barracks where they remained in incommunicado detention until mid-November, when they were moved to Kigo prison in Kampala.

Violence in Karamoja region

There were renewed efforts to bring peace to the pastoralist communities in the districts of Moroto and Kotido in the eastern Karamoja region, long beset by insecurity and cattle rustling. A deadline of 15 February was set for the voluntary surrender of illegal weapons. This was followed by a forcible disarmament and arrest operation, which led to a number of reported killings by the army, and to looting and beatings of civilians in Moroto. Soldiers were reportedly given orders by the Army Chief of Staff to shoot dead any Karimojong warriors who fired at them.

The army announced an inquiry into an incident of 8 March in which two people were killed and a pregnant woman miscarried in Kotido after reportedly being beaten and tortured by soldiers carrying out the disarmament operation.

On 4 May, 20 Karimojong and two soldiers were killed during clashes after Karimojong pastoralists reportedly raided another community and stole their cattle.

Death penalty

At least 24 death sentences were passed. At the end of the year, 354 convicted prisoners were on death row. No civilians were executed. Two soldiers were executed after a military trial which fell short of international standards of fair trial. Senior military officers reportedly stated that the army could use executions as a disciplinary measure.

On 22 March Michael Declan O'Toole, parish priest of Panyangara in Jie county, his driver and his cook were allegedly killed by two soldiers on their way from Moroto to Kotido. On 25 March the soldiers were executed by firing squad after an Emergency Field Court Martial, which reportedly lasted just 2 hours and 36 minutes, and did not allow for a full investigation of the circumstances surrounding the killing.

Freedom of expression

Legislative restrictions on the media increased. The new "anti-terrorist" legislation provided for severe penalties, including imprisonment for up to 10 years, for journalists accused of encouraging "terrorism". Journalists risked being labelled as "terrorists" if they criticized government policies towards armed opposition groups classified as "terrorist" under the new legislation.

A bill under scrutiny in Parliament would impose undue restrictions on non-governmental organizations, infringing the right to freedom of association.

Journalists continued to be subjected to excessive use of force by the police.

In February a military police officer beat a *New Vision* photojournalist during an eviction in Kampala.

The Monitor was raided by police and closed for seven days in October after publishing an article alleging that an army helicopter was shot down in the north where the army was fighting LRA rebels. Frank Nyakairu, the author, was detained and accused of publishing a false report "likely to cause fear and alarm to the public".

Harassment of the opposition

A new law restricting the activities of political parties and organizations was passed in May. In June opposition members, led by the Democratic Party, filed a petition challenging the law as unconstitutional. The new law imposed restrictions on political parties which were not equally applied to the ruling party.

A Uganda People's Congress (UPC) rally was due to be held in Constitutional Square in Kampala on 12 January. Police arrested James Rwanyarare, the UPC leader, before the rally and a crowd confronted police outside UPC headquarters. Police fired live ammunition and killed a trainee journalist, Jimmy Ojotre Higenyi. The police officers involved were arrested and subsequently released on police bail. A police inquiry was ordered, but no information about its outcome emerged. Jimmy Ojotre Higenyi's family began legal proceedings against the state.

Persecution of sexual minorities

Discrimination against lesbian, gay, bisexual and transgender (LGBT) Ugandans continued, and legislation discriminating against gays and lesbians remained in place. In March President Museveni said in a speech to the Commonwealth Heads of Government Meeting in Australia that the relative success of the fight against AIDS in Uganda was because the country has no homosexuals. On 30 August the Minister of Ethics and Integrity ordered police to arrest and prosecute homosexuals. Security agents continued harassing members of the LGBT community throughout 2002, and several were arrested because of their sexual orientation.

In December, the police arrested, then released on police bond, a prominent member of an association of gay men and lesbians who went to a police station to inquire about two members of the association arrested allegedly because of their sexual orientation.

Armed political groups

The Suppression of Terrorism Act classified several rebel movements as "terrorist" and stipulated severe punishments for "terrorists", their supporters and sponsors, including the death penalty. Throughout 2002 former rebels who had been pardoned under the Amnesty Act were rearrested under the Suppression of Terrorism Act.

Lord's Resistance Army

The LRA re-entered northern Uganda in June from Sudan and insecurity increased sharply, forcing aid agencies to scale down many of their activities. The main towns in the region, particularly Kitgum, Gulu and Pader, were overcrowded with displaced people seeking refuge.

In March Uganda and Sudan signed a protocol to allow Ugandan soldiers to hunt for the LRA inside southern Sudan.

In May the LRA reportedly killed more than 470 civilians in villages in the Imotong mountain range.

In early July the LRA attacked a refugee camp in Adjumani District and on 26 July they killed 42 civilians.

On 5 August the LRA overran a camp for Sudanese refugees in northern Uganda, killing an undetermined number. The Acholi Pii camp housed 24,000 Sudanese refugees who were subsequently relocated to safer areas in Uganda.

Talks continued between the government and a splinter group of the LRA. However, the main group, led by Joseph Kony, increased its violent activities, killing, maiming and abducting people in northern Uganda and southern Sudan. In July President Museveni agreed to talk with the LRA, but stressed that the government was keen to continue to pursue the group through military means.

In August, under pressure from church leaders, President Museveni wrote to Joseph Kony setting out the government's terms for a peace deal, including demands that the rebels restrict themselves to three locations in southern Sudan and implement a cease-fire. The LRA rejected these terms and, on 24 August, declared a "unilateral cease-fire" on condition that the army stopped attacking their positions. This was rejected by the government. The LRA soon afterwards broke their own cease-fire and President Museveni moved to Gulu to oversee personally a military offensive with the stated aim of destroying LRA camps and rescuing abducted children.

Uganda National Rescue Front II

Around 1,000 combatants of the Uganda National Rescue Front II (UNRFII) armed political group and their families returned to Uganda in April, having been based in Sudan since 1997. After negotiations with the government by their leader Major General Ali Bamuze, they handed over 135 child soldiers to UNICEF, the UN Children's Fund. On 22 June the government and UNRFII signed a formal cease-fire agreement in northwestern Uganda. UNRFII formed in 1996 after breaking from the now largely defunct West Bank Nile Front.

The Allied Democratic Front

The armed activities of the Allied Democratic Front (ADF) were reduced following a military campaign conducted by the army as well as a restricted offer of amnesty to rebels surrendering to the government. More than 500 armed ADF rebels surrendered in Kasese under the provisions of the Amnesty Law. Early in the year the army reportedly captured a senior ADF official and killed two others.

Concerns were raised about the army's conduct in operations against the ADF. A local human rights group reported in May that arbitrary arrests, torture and detention of civilians in military barracks were widespread in Kasese and Kabarole districts in western Uganda.

UKRAINE

UKRAINE
Head of state: Leonid Kuchma
Head of government: Viktor Yanukovych (replaced Anatoliy Kinakh in November)
Death penalty: abolitionist for all crimes
International Criminal Court: signed

Allegations of torture and ill-treatment of detainees by police officers persisted and appeared to be widespread. Prison conditions continued to fall below international minimum standards and were frequently cruel, inhuman and degrading. No progress was made in determining who was responsible for the "disappearance" of journalist Georgiy Gongadze and for the killing of television journalist Igor Alexandrov. Press freedom continued to come under pressure.

Torture and ill-treatment

Allegations of torture and ill-treatment by police officers continued. AI's long-standing concerns were reflected in the reports of three visits by the European Committee for the Prevention of Torture (CPT) to Ukraine in 1998, 1999 and 2000, which were published in October 2002. The CPT concluded in its report on its visit in 2000 that people in the custody of the police ran a significant risk of being physically ill-treated, particularly at the time of arrest and during interrogation, almost invariably for the purposes of extracting a "confession".

During its 1998 and 2000 visits the CPT encountered "numerous allegations" of ill-treatment, which included kicks, punches and blows with a truncheon. However,

the CPT also received allegations of more severe forms of ill-treatment which could amount to torture. These included electric shocks, pistol whips, burns using cigarette lighters, asphyxiation by placing a gas mask or plastic bag over a detained person's head, beatings while handcuffed and suspended by the legs or arms, and beatings on the soles of the feet.

Allegations of ill-treatment were not confined to police custody. During its 2000 visit to several prisons the CPT encountered a number of allegations of ill-treatment which included blows with fists, various wooden objects and rubber batons or tubes. Disturbingly, the CPT stated that many detainees in police holding facilities and prisons appeared afraid to talk to members of its delegation or to be examined by its medical members for fear of subsequent reprisals.

Harsh prison conditions

Only very limited progress was made in improving conditions in pre-trial detention centres and prisons, which fell below international minimum standards. Endemic overcrowding was exacerbated by a general policy of remanding criminal suspects in custody and the infrequent use of non-custodial punishments. Delays in the administration of justice resulted in prolonged periods of pre-trial detention.

After its visit to Ukraine in 2000 the CPT described conditions at the SIZO No. 15 detention centre in Simferopol as characteristic of conditions often experienced by prisoners. "[The majority] of the prison population... were subjected to appalling material conditions. Inmates were crammed into severely overcrowded dormitories... with virtually no natural light, often poor artificial lighting and inefficient ventilation ... Furthermore, the establishment was unable to provide each prisoner with a bed; consequently, in many dormitories, inmates had to take turns to sleep. While some dormitories had been freshly painted, many others were dirty and infested with cockroaches and other vermin."

Attacks on journalists

The investigation into the "disappearance" of the *Ukrayinska Pravda* journalist, Georgiy Gongadze, on 16 September 2000 dragged on throughout 2002. In July, the newly appointed Prosecutor General, Svyatoslav Piskun, established a special investigative committee to probe the circumstances surrounding the journalist's "disappearance", but with few apparent results. The investigation's lack of progress continued to draw domestic and international criticism.

Similarly, few advances were made in determining who was responsible for the beating to death of Igor Alexandrov, the head of the *TOR* television station, in Slavyansk in July 2001. On 17 May a court in Donetsk acquitted a homeless man who had been charged with the murder, on grounds of lack of evidence. Domestic and international press monitors believed that Igor Alexandrov's murder may have been related to *TOR*'s investigations into government corruption and organized crime.

Freedom of expression

There continued to be widespread concern about excessive restrictions on press freedom in Ukraine. A number of privately owned newspapers and radio and television companies accused the authorities of attempting to stifle their journalistic activities by various administrative means. There were also reports of journalists being physically attacked by unidentified assailants.

On 15 April a court in Cherkassy sentenced newspaper editor Oleg Lyashko to 10 days' imprisonment for allegedly obstructing police officers when they attempted to enter the privately owned *Republic* publishing house in order to confiscate the entire print run of the newspaper *Svaboda* on 24 March. The day before, police officers had allegedly dumped into a river 107,000 copies of the same edition which reportedly levelled allegations of corruption against a senior state official.

AI country reports/ visits

Report

- Concerns in Europe, January-June 2002: Ukraine (AI Index: EUR 01/007/2002)

UNITED ARAB EMIRATES

UNITED ARAB EMIRATES
Head of state: Al-Sheikh Zayed bin Sultan Al-Nahyan
Head of government: Al-Sheikh Maktum bin Rashid Al-Maktum
Death penalty: retentionist
International Criminal Court: signed

New and broader security provisions facilitated the arbitrary arrest and incommunicado detention of up to 250 United Arab Emirates (UAE) nationals. Most remained in detention at the end of the year. The arrests, which began towards the end of 2001, were carried out in the context of combating "terrorism". Some of those detained were reportedly ill-treated. Dozens of people employed by the ministries of justice and education were forcibly retired or transferred as part of an ongoing policy of limiting freedom of expression and association. Asylum-seekers, scores of whom may have faced persecution in their country of origin, were forcibly returned or expelled, some on grounds of national security. Ill-treatment by the authorities was reported during unrest in a prison in Dubai. Sentences of death

penalty and flogging continued to be imposed and one execution was reported.

Political arrests and ill-treatment in detention

Scores, perhaps hundreds, of UAE nationals, including police and teachers arbitrarily arrested by the State Security following the 11 September 2001 attacks in the USA, remained in detention without charge. Most were reportedly held incommunicado. AI repeatedly expressed its concern about their detention to the authorities. While Ministry of Justice officials denied the detentions to AI delegates visiting the country in September, Ministry of Information officials acknowledged the arrest of a large number of people, stating that "it was for their own good". No steps had been taken to bring charges by the end of the year.

There were unconfirmed reports that detainees had been beaten and otherwise ill-treated, including in Khor Fakkan and Ras al-Khaimah. Many were reportedly ordered to sign "undertakings" not to associate with certain groups as a condition for release. Some were reportedly obliged to provide weekly reports detailing their activities for security officials, and members of their families were kept under surveillance.

'Ali 'Amish, one of five Libyan nationals detained between May and August 2001, was released and, along with one of the others detained, was forcibly expelled from the UAE. He said he had been subjected to various forms of torture: sleep deprivation; repeated beating with a wooden stick, electric cable or a hose; and suspension by his hands and feet followed by beating on various parts of his body. Another of those detained, 'Abdullah Abu al-Qasim al-Ghazal, died in September 2001 in the custody of security officials. No information was received about the fate of the two other Libyan nationals, 'Ali Bashir and Ahmad Ramadhan Hussain Qanud. The reason for the arrest of the five remained unclear but appeared to be linked to their suspected political activities.

Freedom of expression and association

In July, in an administrative measure widely seen as punitive, 10 judges and 33 teachers were forcibly retired, 24 teachers were transferred to other ministries, and at least two university lecturers were prohibited from teaching. No reason was given for these actions, but AI was concerned that it was linked to the political opinions of those affected.

Refoulement

In February hundreds of Afghan nationals, some of whom had been detained for up to a year, were reported to have been forcibly returned from Dubai to Afghanistan despite an appeal from the UN High Commissioner for Refugees (UNHCR) to halt their deportation. Their fate following their return to Afghanistan was not known. There was no judicial review of the decision to expel them and UNHCR was denied access to them. Also in February the authorities forcibly expelled two Libyan nationals. One of them, Ahmad Muhammad 'Ali 'Ak'ak, was reportedly detained for four hours at the airport on his arrival in Libya before being allowed into the country.

In April authorities at Dubai airport arrested Sabrina Imtiaz Syed, a Pakistan national aged 25 and a resident of the UAE, who was returning from a trip to Germany. She was taken to an "immigration jail". Her father, who met her in the jail, had reportedly requested that her visa be revoked and that she be sent to Pakistan, where family members had reportedly threatened to kill her for marrying someone in Pakistan against family wishes. She was released and reportedly taken to Pakistan by her mother on 12 May.

Intergovernmental organizations

In March the UAE submitted a report to the UN Security Council Counter-Terrorism Committee detailing measures intended to combat "terrorism". These mainly related to financial controls and increased cooperation with international policing bodies, but also referred to the UAE's accession in 1999 to the Arab Convention on the Suppression of Terrorism. AI believes that provisions of the Arab Convention violate international human rights standards.

In May the UN Committee on the Rights of the Child examined the UAE's initial report in respect of its obligations as a state party to the UN Children's Convention. In June, in its Concluding Observations, the Committee welcomed various measures undertaken by the UAE to promote children's rights, but recommended that the government withdraw its reservation to Article 14 of the Convention, under which state parties are to respect the right of the child to freedom of thought, conscience and religion. The Committee also called on the government to raise the minimum age of criminal responsibility in accordance with the principles and provisions of the Convention; abolish the imposition of flogging and other forms of cruel, inhuman or degrading treatment and punishment on people who have committed crimes when they were under 18, and ensure that the system of juvenile justice includes juvenile courts and fully integrates the provisions of the Convention. The Committee also expressed serious concern at "the hazardous situation of children involved in camel racing" (see below).

Ill-treatment in prison

Disturbances in Dubai's male prison in February reportedly resulted in injuries to several people. The authorities denied reports that prisoners had died. On 30 July, following a dispute mainly between prisoners, the authorities reportedly ill-treated prisoners to restore order. An Iranian prisoner reportedly died as a result.

Child labour

In July, in a move to enforce a 1993 law banning the use of boys as camel jockeys, the Minister of State for Foreign Affairs reportedly announced that children under the age of 15 would be banned from camel

racing. Boys as young as four have reportedly been used as jockeys and some have been seriously injured or killed during races.

Death penalty and cruel judicial punishments

In March a Yemeni national was reportedly executed in Dubai after he was found guilty of killing four of his relatives. In April an appeal court in Dubai upheld the death sentences of Andre Seefred, a Ukrainian national aged 28, and Sergei Doboni, a Russian national aged 24, who had been convicted in February of murdering an Indian national in July 2001. At least 20 individuals were sentenced to be flogged.

AI country reports/visits

Visits

AI delegates visited the UAE in February and September. In September the delegates held talks with government and judicial officials.

UNITED KINGDOM

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
Head of state: Queen Elizabeth II
Head of government: Tony Blair
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

Serious human rights violations took place in the context of the United Kingdom (UK) authorities' response to the 11 September 2001 attacks in the USA. The European Court of Human Rights ruled that the UK had violated the right to life. David Shayler was imprisoned for breaches of the Official Secrets Act 1989. Detention conditions in some facilities were inhuman and degrading. In Northern Ireland there were at least 12 paramilitary killings, the majority of which were committed by Loyalists. Members of armed groups were also responsible for "punishment" shootings and beatings and sectarian attacks.

Background

In October the peace process broke down when the government dissolved the Northern Ireland Assembly and reinstated direct rule.

There were allegations that disproportionately harsh sentences were imposed on members of ethnic minorities following trials in connection with the 2001 race riots in several cities in England.

In February, in their reports to the UN Commission on Human Rights, the Special Representative of the Secretary-General on human rights defenders and the Special Rapporteur on the independence of judges and lawyers expressed concern at the government's failure to establish public judicial inquiries into the killings of Patrick Finucane and Rosemary Nelson in Northern Ireland.

In April the European Committee for the Prevention of Torture reported on its February 2001 visit to the UK. It noted, among other things, allegations of ill-treatment of young people by police officers in Wales and of inmates by prison officers at Feltham Young Offenders Institution and Pentonville Prison in London.

In October the UN Committee on the Rights of the Child expressed concern that many of its previous concerns had not been sufficiently addressed. The Committee's recommendations included raising the minimum age of criminal responsibility and ensuring that no child can be tried as an adult.

Response to the 11 September 2001 attacks

By the end of the year, 11 foreign nationals were interned under the Anti-terrorism, Crime and Security Act 2001 (ATCSA) which allows for indefinite detention without charge or trial on the basis of secret evidence of foreign nationals who cannot be deported. Those interned were either asylum-seekers or recognized refugees.

Many of those detained under "anti-terrorism" legislation or on the basis of extradition warrants were held in inhuman or degrading conditions in high-security prisons.

Lotfi Raissi, an Algerian national who had been arrested in September 2001, was detained for five months after the US authorities sought his extradition for involvement in the 11 September attacks. In April 2002 a UK judge ruled that there was no evidence to support the US claims and rejected the extradition request. Lotfi Raissi had always maintained his innocence of such charges.

In July, Mahmoud Abu Rideh, a Palestinian refugee and torture victim interned in Belmarsh high-security prison, London, since December 2001, was transferred to a high-security mental hospital. AI called for Mahmoud Abu Rideh to be transferred to a low-level secure mental hospital near his family in London, because only such treatment could alleviate his deeply disturbed psychological state.

The UK failed to make adequate representations to the US authorities to ensure that the human rights of UK nationals detained in US custody in Guantánamo Bay, Cuba, were respected. The detainees were held indefinitely without charge or trial or access to courts, lawyers or relatives.

During the year Feroz Abbasi, Asif Iqbal, Shafiq Rasul and other UK nationals held in US custody at Guantánamo were "visited" and interviewed at least twice by UK officials, including members of the security services; they remained in legal limbo.

Northern Ireland

Sectarian violence reached very high levels in east Belfast in the context of street disturbances over many months. There were concerns about allegations that

the policing of those and other disturbances was inadequate and not even-handed and that police officers and soldiers used excessive force. Several people were injured by plastic bullets.

In June the Police Ombudsman for Northern Ireland expressed concern about the lack of scrutiny of the firing of plastic bullets by the army. In October the Ministry of Defence agreed to publish the army's rules of engagement on the use of plastic bullets. These permitted firing at perceived ringleaders, even if they were not involved in any illegal activity.

In May the UK and Irish governments announced the appointment of Justice Peter Cory, a former Canadian Supreme Court judge, to investigate a number of killings in which the security forces had allegedly colluded. The cases were: Patrick Finucane; Rosemary Nelson; Robert Hamill; Harry Breen and Bob Buchanan, two police officers; Lord Justice Maurice and Lady Cecily Gibson; and Billy Wright. Justice Cory began work in June.

In May, two people were convicted after pleading guilty to conspiracy to pervert the course of justice in connection with the death in 1997 of Robert Hamill, who was kicked to death by a Loyalist crowd in Portadown. The two admitted that they had lied to protect a police officer who had telephoned one of the people allegedly responsible for attacking Robert Hamill advising him to destroy evidence that might link him to the attack. Further prosecutions were anticipated.

At the end of the year the outcome of a judicial review of the police's failure to disclose their investigation files into the death of Billy Wright was awaited. Billy Wright, a leading Loyalist paramilitary, was shot dead in the Maze prison in December 1997 by three Irish National Liberation Army prisoners.

In April, Peter McBride's family lost their legal challenge to overturn the army's decision allowing the two Scots Guards convicted of his murder in 1992 to continue to serve.

In May the European Court of Human Rights concluded that the UK had violated Dermot McShane's right to life as a result of its failure to ensure an effective investigation into his death. Dermot McShane died in 1996 when an army vehicle drove over a piece of hoarding behind which he had been sheltering.

The Tribunal of Inquiry's hearings into the 1972 killing of 13 unarmed people by soldiers on "Bloody Sunday" were ongoing at the end of the year.

Abuses by armed groups

There were at least 12 killings by members of armed groups during 2002, of which eight were attributed to Loyalists and four to Republican dissidents.

Loyalist paramilitaries claimed responsibility for the killing of Daniel McColgan, a 20-year-old Catholic postal worker in January.

In August, Republican dissidents claimed responsibility for a bomb that killed David Caldwell, a 51-year-old Protestant construction worker.

According to police figures, there were 206 shootings and assaults by Loyalist paramilitaries and 106 shootings and assaults by Republican paramilitaries. Many of the victims were children.

In May a 12-year-old boy had his head doused in petrol and then set alight and a teenager was handcuffed to a lamp post after having tar poured over his body and being covered in sawdust.

Past deaths in custody

In March the European Court of Human Rights concluded that the UK had violated the right to life of Christopher Edwards, a 30-year-old man with a history of mental illness who was kicked to death in November 1994 by his cellmate who was also mentally ill at the time.

The trial of five police officers in connection with the death in 1998 of Christopher Alder collapsed in June when the judge threw out all charges on the basis of conflicting medical evidence about the cause of death.

In July, the report of the first public inquiry into a death in custody, that of Paul Wright, criticized prison authorities and the Home Office for inadequate and substandard medical care provided to him and for withholding information from the family during previous investigations. Paul Wright died in prison in 1996 following an asthma attack.

Fatal police shootings – update

In June an inquest into the fatal shooting in 1999 of an unarmed man, Harry Stanley, returned an "open" verdict after the coroner prohibited the jury from considering a verdict of unlawful killing. Harry Stanley had been fatally shot by a Metropolitan Police armed response unit. Forensic evidence presented at the inquest challenged the account of the police officers involved.

Child soldiers

The UK continued to fail to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

AI was informed that from September the army would no longer deploy anyone below the age of 18 years on "hostile" operations outside the UK. The Royal Navy and the Royal Air Force had not made a similar policy change by the end of the year. However, procedures were said to have been developed for all three of the services which would, as a rule, remove or replace anyone under 18 during preparation for operations where there was deemed to be a "greater than low probability of them having to take part in, or be put at risk by, hostilities".

Army deaths in disputed circumstances

In March, 17-year-old James Collinson was found dead, reportedly with a single shot to the head, at the Royal Logistics Corps headquarters in Deepcut, Surrey, England. Army officials reportedly suggested to his parents that he had committed suicide. Another 17-year-old, Geoff Gray, had also been found dead with two shots in the head at the same barracks in September 2001. An inquest into the circumstances of Geoff Gray's death, held in March, returned an "open" verdict. However, the coroner reportedly stated that he did not believe that the boy had taken his own life.

In June it emerged that two further deaths had occurred in 1995 at Deepcut, that of Cheryl James,

18 years old, who had been found with a single bullet wound to the head, and for whom an inquest had recorded an "open" verdict; and that of 20-year-old Sean Benton who had been found dead with five gunshot wounds, for whom an inquest had recorded a verdict of suicide. A police investigation into all four deaths was continuing at the end of the year.

Prisons

The authorities failed to fulfil their obligations to protect the fundamental human rights of children and young people in some prisons in England and Wales.

Mechanisms to prevent suicide and self-harm were inadequate, as was the system for investigating the circumstances of deaths in prison custody, and ill-treatment, bullying and racial abuse by prison staff. Health care and conditions of detention were also inadequate.

In September a jury returned a verdict of "suicide to which neglect contributed" at the inquest into the death of Kevin Jacobs, an exceptionally vulnerable 16-year-old, who died in Feltham Young Offenders Institution, London, in September 2001. The jury found that his death had been caused by "gross deficiencies within the system".

In September the Chief Inspector of Prisons for Scotland highlighted an increase in prisoner-on-prisoner violence, overcrowding and wholly inadequate toilet facilities. In December the report of the Chief Inspector of Prisons for England and Wales also highlighted overcrowding, a 29 per cent increase in suicides, and a deterioration in prison conditions with prisoners spending lengthy periods locked in their cells.

Asylum-seekers and refugees

Under the Nationality, Immigration and Asylum Act which became law in November, the provision from previous legislation of two automatic bail hearings for detained asylum-seekers, which had never been implemented, was repealed. The Act fails to address deficiencies in the asylum determination process and introduces a list of "safe countries" from which claims would be presumed to be unfounded, denying applicants an effective right of appeal against refusal. It also provides for the withdrawal of state support from any applicant who fails to claim asylum "as soon as reasonably practicable" after arriving in the UK, apart from families with children, those with special needs or those whose home country situation had changed significantly since they came to the UK. The authorities acknowledged that around two-thirds of all asylum applications were made "in-country" and not at the port of entry.

Freedom of expression

In November, David Shayler, a former intelligence agent who had alleged that the security and intelligence agencies were guilty of misconduct, was imprisoned for breaching the Official Secrets Act. The Act does not afford a public interest defence. He was released in December after being electronically tagged.

Samar Alami and Jawad Botmeh

In November the House of Lords refused to grant Samar Alami and Jawad Botmeh leave to appeal against their conviction and sentencing. They had been sentenced in 1996 to 20 years' imprisonment after being convicted of conspiracy to cause explosions in 1994 at the Israeli Embassy and Balfour House in London. AI believes their convictions were unsafe and that they were denied their right to a fair trial.

AI country reports/visits

Reports

- United Kingdom: Failing children and young people in detention (AI Index: EUR 45/004/2002)
- United Kingdom: Rights denied – the UK's response to 11 September 2001 (AI Index: EUR 45/016/2002)
- United Kingdom: Amnesty International's Memorandum to the UK Government on Part 4 of the Anti-terrorism, Crime and Security Act 2001 (AI Index: EUR 45/017/2002)

Visits

AI delegates visited Northern Ireland in September and observed proceedings before the "Bloody Sunday" Tribunal in London. AI delegates interviewed detainees in Belmarsh prison in February and June; observed extradition hearings in connection with US requests; and attended judicial hearings pertaining to internment proceedings under the ATCSA and the detention of UK nationals in Guantánamo. Delegates also observed a hearing in connection with the killing of Zahid Mubarek in Feltham Young Offenders Institution.

UNITED STATES OF AMERICA

UNITED STATES OF AMERICA
Head of state and government: George W. Bush
Death penalty: retentionist
International Criminal Court: signed

More than 600 foreign nationals – most arrested during the military conflict in Afghanistan – were detained without charge or trial or access to counsel or family members in the US naval base in Guantánamo Bay, Cuba. The USA refused to recognize them as prisoners of war or allow their status to be determined by a "competent tribunal" as required under the Geneva Conventions. There were concerns about the situation of others taken into US custody outside the USA, some of whom were held in undisclosed locations. Many of the 1,200 foreign nationals detained in the USA during investigations

into the 11 September 2001 attacks on the Pentagon and World Trade Center were also deprived of safeguards under international law, as were two US nationals held incommunicado in military custody in the USA as "enemy combatants". Death sentences continued to be imposed and carried out under state and federal law. There were reports of police brutality, deaths in custody and ill-treatment in prisons and jails.

Background

The US-led international military action in Afghanistan, launched following the 11 September 2001 attacks, continued into 2002. Thousands were detained in the context of the conflict, with frequent transfers of prisoners between the US, Afghan and Pakistan authorities. While calling for those responsible for the 11 September attacks and other crimes to be brought to justice, AI and others criticized the US government for denying internationally recognized rights to people taken into custody in the context of its declared "war against terrorism" (see below).

Detentions outside the USA

During the year, starting in January, the USA transferred more than 600 foreign nationals to the US naval base in Guantánamo Bay, Cuba, where they were held without charge or trial or access to the courts, lawyers or relatives. Although most were arrested during the armed conflict in Afghanistan, the USA refused to grant them prisoner of war status under the Geneva Conventions or to afford them other rights under international human rights law. Attempts to challenge the lawfulness of the detentions in US or other courts were unsuccessful, although several cases were pending at the end of the year. An urgent call by the Inter-American Commission on Human Rights to the US government to have the legal status of the detainees determined by a competent tribunal was ignored.

The conditions of the detainees' transfer to and detention in Guantánamo Bay gave cause for serious concern. During the 22-hour flights, the prisoners were handcuffed, shackled, made to wear mittens, surgical masks and ear muffs, and were effectively blindfolded by the use of taped-over ski goggles. They also had their beards and heads shaved. At first, the detainees were held in Camp X-Ray at the naval base, a temporary facility consisting of small wire-mesh cells, exposed to the elements, and lit up throughout the night by powerful arc lighting. Prisoners were made to wear shackles whenever they were taken out of their cells, and granted almost no out of cell exercise time.

A more permanent prison, Camp Delta, was constructed and began to house the detainees from April. The detainees continued to be held for up to 24 hours a day in cells smaller than those of Camp X-Ray. Some prisoners engaged in a hunger strike during the year, and there were also reports of several suicide attempts.

AI received no reply to its repeated requests to visit Guantánamo.

In December, AI wrote to the US government reiterating concerns raised in a Memorandum in April, and calling for the Guantánamo detainees to be repatriated or charged with recognizable offences and afforded their due process rights under international law.

A number of suspected members of *al-Qa'ida* reported to have been taken into US custody continued to be held in undisclosed locations. The US government failed to provide clarification on the whereabouts and legal status of those detained, or to provide them with their rights under international law, including the right to inform their families of their place of detention and the right of access to outside representatives. An unknown number of detainees originally in US custody were allegedly transferred to third countries, a situation which raised concern that the suspects might face torture during interrogation.

Two US nationals continued to be held in incommunicado detention without charge or trial as "enemy combatants" in military custody in the USA at the end of the year. Yaser Esam Hamdi reportedly surrendered to the Northern Alliance in Afghanistan in late 2001 and was transferred to Virginia from Guantánamo Bay in April 2002. José Padilla was arrested at Chicago airport in May 2002 and was originally held on a material witness warrant – with access to an attorney – on suspicion of involvement in an alleged conspiracy to detonate a radioactive "dirty bomb" against a US target. He was transferred to US military custody on 9 June, without notice to his court-appointed attorney. On 4 December, a federal district judge issued a ruling stating that José Padilla could have access to his attorney under certain conditions. However, the terms of access had still not been agreed by the end of 2002.

Military commissions

In March, the Department of Defense released the operating procedures for the trial of non-US nationals by the military commissions established by presidential order in 2001. By the end of the year, no one had been named to appear before such commissions. AI believes that trials before such bodies, which would have the power to impose death sentences, would violate fundamental fair trial standards.

Abuses by US forces in Afghanistan and Yemen

There were allegations of ill-treatment of civilians during raids by US ground forces in Afghanistan. During a raid in Uruzgan province in January, US Special Forces killed at least 16 villagers, some of whose bodies were discovered with their hands tied behind their backs. Some 27 villagers taken into US custody during the raid were allegedly hooded, blindfolded, tied up and flown to the US base in Kandahar, where they were allegedly kicked, beaten and punched by US soldiers. A 17-year-old alleged that he was kept in solitary confinement in a shipping container for eight days. All the detainees were released two weeks later, after it had been determined that they were members of neither *al-Qa'ida* nor the *Taleban*. AI questioned the adequacy of the investigation into the allegations, but received no

reply from the US authorities. Similar allegations of ill-treatment were made by a group of 31 people detained by US soldiers during a raid on a compound near Kandahar on 17 March.

Baryalai, an 18-year-old telephone operator arrested by US troops in Sharan, Paktika province, Afghanistan, in November, was reportedly made to kneel with his hands bound behind his back and a hood over his face for about six hours before being taken to an undisclosed location. After he had been held for two weeks, the US authorities acknowledged that he was being held in the US airbase at Bagram for investigation.

In December, the *Washington Post* newspaper alleged that Central Intelligence Agency (CIA) personnel were operating "stress and duress" techniques during interrogations of detainees at Bagram airbase. Alleged techniques included prolonged kneeling or standing, hooding, blindfolding, sleep deprivation and 24-hour lighting.

In November, six men, including a suspected leading member of *al-Qa'ida*, were killed in Yemen in what appeared to be extrajudicial executions when their car was struck by a missile launched by a Predator drone aircraft controlled by the CIA.

Detentions in the USA in the aftermath of the 11 September 2001 attacks

Some 1,200 foreign nationals – most of them Muslim men of Arab or South Asian origin – were arrested during investigations into the 11 September attacks. More than 700 were held for routine visa violations, many under a regulation allowing the Immigration and Naturalization Service (INS) to hold individuals for an extended period without charge. Many were denied prompt access to attorneys and some remained in custody for months pending "clearance" by the government even after immigration judges had granted them bail or issued them with deportation or "voluntary departure" orders. There were also reports of ill-treatment of detainees, including verbal and physical abuse, prolonged solitary confinement, and heavy shackling of detainees during visits and court appearances.

There was continued concern at the secrecy surrounding the detentions. In August, a federal judge ordered the government to release the names and places of detention of all INS detainees held in the post-September 11 investigations, in a case brought by a consortium of human rights groups, including AI, under the Freedom of Information Act. The order was stayed pending an appeal by the government.

In October a federal appeals court ruled that the government had acted lawfully in ordering hundreds of deportation hearings to be held behind closed doors in so-called "special interest" cases. Legal challenges to this process continued.

In September the Inter-American Commission on Human Rights requested that the US government take urgent "precautionary measures" to "protect the fundamental rights of the 9/11 detainees ordered deported or granted voluntary departure".

An inquiry set up by the Justice Department's Office of Inspector General into the treatment of the detainees had still not reported by the end of the year. Their probe included a review of conditions in two New Jersey jails, which an AI delegation had visited in February and reported on, and in the federal Metropolitan Detention Center (MDC), New York, where more than 40 detainees were held in an isolation unit. The authorities rejected AI's request to visit the MDC.

By the end of the year most detainees arrested during the initial sweeps had been deported or released or were charged with crimes which were unrelated to 11 September or to "terrorism". The Justice Department reported in early December that only six of the 765 people detained on immigration charges in the above sweeps remained in custody and 500 had been deported; 134 others were arrested on federal criminal charges and 99 convicted. An earlier review by the *Washington Post* found that at least 44 people had been arrested and detained in the probes as "material witnesses" but no information was provided by the Justice Department on these cases. Some people were deported to countries, including Pakistan, Egypt and Yemen, where it was feared they were at risk of human rights abuses, including incommunicado detention and torture.

Human rights and immigrant groups expressed concern about the discriminatory nature of a new federal order requiring males aged 16 and over from designated Arab and Muslim countries and North Korea who did not have permanent US resident status to register with the INS to be interviewed, fingerprinted and photographed. Several hundred Middle Eastern men and boys who complied with the first round of registrations in December were detained for alleged visa irregularities and many were subjected to harsh treatment, including being placed in handcuffs and leg shackles and held in cold cells with inadequate clothing or blankets; some were reportedly moved around different facilities without an opportunity to contact lawyers or relatives. Although most were released after a few days, many faced deportation hearings, including people who reportedly had a claim to lawful status at the time of their arrest.

Ill-treatment and excessive use of force by law enforcement officials

There were reports of ill-treatment, deaths in custody and excessive use of force by police and prison officers. At least three people died after being struck by M26 Tasers: dart-firing, high-voltage stun guns deployed by a growing number of US police agencies. Although most such deaths have been attributed to other factors, there were concerns about the health risks associated with electro-shock weapons as well as their potential for abuse.

- Gordon Randall Jones, an unarmed man, died in July after he was struck 12 times with an M26 Taser by police in Orange County, Florida. The autopsy report listed the cause of death as "positional asphyxia, secondary to the application of restraints in the setting of acute cocaine intoxication".
- Chiquita Hammonds, a 15-year-old schoolgirl, was pepper-sprayed and struck with a Taser by police in Miramar, Florida, following a minor disturbance on a

school bus. AI believes the use of chemical and electro-shock devices in this case constituted cruel, inhuman or degrading treatment.

There were calls for a civil rights investigation into an incident in November in which two 16-year-old Latino boys died after a Los Angeles police officer shot at their car, hitting them with bullets and causing the car to crash. Two other juveniles and a 20-year-old in the car were also injured. The police – who had earlier tried to question two youths who fled in a car – said the officer opened fire when the Latino boys' car accelerated towards him. However, relatives questioned the use of deadly force in such circumstances. The case was under police investigation at the end of the year.

An unarmed mentally disturbed man died of asphyxiation after being physically restrained by police in Prince George's County, Maryland, in March. The report of a federal investigation into an alleged "pattern and practice" of brutality within the department was still pending at the end of the year.

Chad Boggess died of injuries received after allegedly being beaten by guards in the Boyd County Detention Center, Kentucky, in March. A coroner found that he had died from asphyxiation due to the manner in which he was restrained and that "blunt force" injuries had contributed to his death. Three jailers were subsequently fired and one was charged with assault in the case.

Conditions in supermax prisons

Lawsuits filed by human rights groups led to improvements in two supermax prisons – high-security facilities where prisoners are housed for 23 or more hours a day in solitary confinement in conditions of reduced sensory stimulation. However, more than 70,000 prisoners continued to be housed in supermax units, where AI believes conditions can amount to cruel, inhuman or degrading treatment.

In February, a federal district judge ruled that harsh conditions at Ohio State Penitentiary, a supermax prison designed to house some 500 inmates, imposed "atypical and significant hardship". The court also ruled that the procedure for assigning prisoners to the facility – which a lawsuit claimed was arbitrary – had "great potential for error". The lawsuit was filed by the American Civil Liberties Union and the Center for Constitutional Rights. During earlier negotiations in the case, the authorities had agreed to remove seriously mentally ill prisoners from the facility and to make some other changes.

In March, a lawsuit on conditions in Boscobel, Wisconsin's supermax prison, was settled. The settlement agreement included a ban on seriously mentally ill prisoners being housed in the facility; a modest improvement to exercise provision and rehabilitation programs; and a reduction in the use of restraints and electro-shock control devices, although these continued to be authorized. Some prisoners were also allowed face-to-face visits with their families; most inmates continued to receive family "visits" only through video.

Death penalty

In 2002, 69 men and two women were executed, bringing to 820 the total number of prisoners put to death since the US Supreme Court lifted a moratorium on executions in 1976. The USA continued to violate international standards in its use of the death penalty, including by executing people who were under 18 at the time of the crime and people who had received inadequate legal representation. On 20 June 2002, the US Supreme Court ruled that the execution of people with mental retardation violates the constitutional ban on "cruel and unusual punishments". The Court acknowledged that "within the world community" such executions were "overwhelmingly disapproved".

The moratorium on executions in Illinois, announced by the state Governor in January 2000 because of the number of wrongful convictions in capital cases, was still in force at the end of 2002. In May, the Governor of Maryland announced a moratorium on executions in his state pending the outcome of a study into racial and geographic disparities in its capital sentencing, which had not been published by the end of the year.

Executions continued elsewhere, with Texas carrying out 33 of the year's executions. Mississippi carried out its first execution since 1989. Executions also took place in 11 other states.

In October, the Inter-American Commission on Human Rights handed down its decision in the case of Michael Domingues, on death row in Nevada for a crime committed when he was 16 years old. The Commission concluded that the prohibition on the execution of those under 18 at the time of the crime was of a "sufficiently indelible nature to now constitute a norm of *jus cogens*", binding on all states and that "[t]he norm cannot be validly derogated from, whether by treaty or by the objection of a state, persistent or otherwise".

Napoleon Beazley, T.J. Jones, and Toronto Patterson were executed in Texas on 28 May, 9 August and 28 August respectively for murders committed when they were 17 years old.

Javier Suárez Medina, a Mexican national, was executed in Texas in August, despite having been denied his consular rights after arrest. The governments of 16 countries either sent appeals for clemency or joined Mexico in signing a brief urging the US Supreme Court to halt the execution and hold a full hearing to resolve the legal implications of the treaty violation in this case.

Pakistan national Mir Aimal Kasi was executed in Virginia in November. He had been convicted of killing two CIA agents in 1993. He remained at large until 1997, when he was forcibly abducted from a hotel room in Pakistan by agents of the Federal Bureau of Investigation, held in a secret location, and flown back to the USA.

International Criminal Court

On 6 May, the US government wrote to the UN Secretary-General to inform him that the USA did not intend to become a party to the Rome Statute of the International Criminal Court, and therefore "has no legal obligations arising from its signature on

December 31, 2000". During the year, the US approached several governments requesting that they enter into agreements that they would not surrender US nationals accused of genocide, crimes against humanity and war crimes to the new International Criminal Court. In some cases, the US government threatened to withdraw military assistance from countries that would not agree. AI condemned such actions as undermining the treaty.

AI country reports/visits

Reports

- USA: Arbitrary, discriminatory, and cruel – an *aide-mémoire* to 25 years of judicial killing (AI Index: AMR 51/003/2002)
- USA: The restraint chair – how many more deaths? (AI Index: AMR 51/031/2002)
- USA: Amnesty International's concerns regarding post September 11 detentions in the USA (AI Index: AMR 51/044/2002)
- USA: Memorandum to the US Government on the rights of people in US custody in Afghanistan and Guantánamo Bay (AI Index: AMR 51/053/2002)
- USA: Joseph Amrine: Facing execution on tainted testimony (AI Index: AMR 51/085/2002)
- USA: Amnesty International's concerns on police abuse in Prince George's County, Maryland (AI Index: AMR 51/126/02)
- USA: Indecent and internationally illegal – the death penalty against child offenders (AI Index: AMR 51/143/2002)
- USA: James Colburn – mentally ill man scheduled for execution in Texas (AI Index:AMR 51/158/2002)
- USA: Beyond the law – Update to Amnesty International's April Memorandum to the US Government on the rights of detainees held in US custody in Guantánamo Bay and other locations (AI Index: AMR 51/184/2002)

Visits

AI delegates visited the USA in January, October and November. An AI delegation visited immigration detainees in jails in New Jersey in February. An AI observer attended a pre-trial hearing in the case of John Walker Lindh in July.

URUGUAY

EASTERN REPUBLIC OF URUGUAY
Head of state and government: Jorge Batlle
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

The vast majority of past human rights violations remained unresolved. There were disturbances in Libertad prison by inmates demanding better conditions.

Background

In July the economic crisis, which had hit other countries in the region, forced the authorities to close financial institutions for almost a week. Protesters took to the streets and ransacked supermarkets and other stores during the first week of August. The threat of financial collapse prompted the USA to provide an emergency loan to the country until a new loan package from the International Monetary Fund could be approved.

Prison conditions

In March, prisoners at Libertad prison in the department of San José, 50 km from the capital Montevideo, staged riots demanding better access to healthcare and work and complaining about overcrowding and ill-treatment by prison guards. The authorities responded by cutting electricity and water supplies as well as food to the prison. Following the protests some prisoners were transferred to other prisons. Human rights organizations stated that following the riots, four prisoners were found dead in the Libertad prison and one at the COMCAR (*Complejo Carcelario Santiago Vázquez*) prison. The authorities allegedly said that some of the dead had committed suicide and other deaths were the result of prisoners "settling scores" among themselves. By April a total of 12 inmates had reportedly been found dead in various prisons around the country.

Past human rights violations

In March an Argentine judge confirmed that a young man, now aged 25, who had been adopted as a baby by an Argentine family was Simón Riquelo, the son of Sara Méndez, a Uruguayan refugee living in Argentina who was arrested in 1976 in Argentina by the Uruguayan military in the context of "Operation Cóndor". The forces of several military governments in South America had been involved in "Operation Cóndor" during the 1970s. Sara Méndez had been looking for her son for more than 20 years.

A former Minister of Foreign Affairs was charged with the unlawful imprisonment of Elena Quinteros Almeida who "disappeared" in 1976 after having been forcibly taken from the Venezuelan Embassy in Uruguay were she had taken refuge. He was remanded in custody awaiting trial at the end of the year. This was the first time anyone had been detained for human rights violations committed during military rule.

A Chilean judge indicted six current and retired army officers in October for the killing of Eugenio Berríos, a former Chilean military agent who "disappeared" in Uruguay in 1992 and whose body was found in 1995 on a beach near Montevideo. The Chilean judge stated that throughout the investigation the Uruguayan judicial system had obstructed her investigation.

In October the Peace Commission, established in August 2000 to clarify the fate of Uruguayans who "disappeared" between 1973 and 1985, stated in a preliminary report presented to the President and to the public that, according to its findings, 26 political prisoners had died as a result of being tortured in Uruguay and 13 others in Argentina. The Commission also stated that it believed that a further 41 Uruguayan political prisoners had also suffered the same fate in Argentina. However, there were concerns that the Commission had not shed any light on the whereabouts of the remains of those believed to have been killed during that period. Human rights defenders stated that until the remains were found the victims would continue to be considered as "disappeared", even if the Commission established that they were killed. They also urged the Commission to ensure that the information they had gathered was transferred to the judicial authorities so that those responsible for these grave human rights abuses could be brought to justice.

AI country reports/visits

Report

- Uruguay: Simon Riquelo – welcome (AI Index: AMR 52/001/2002)

UZBEKISTAN

REPUBLIC OF UZBEKISTAN
Head of state: Islam Karimov
Head of government: Otkir Sultanov
Death penalty: retentionist
International Criminal Court: signed

There were a number of positive measures during the year, including the registration of an independent human rights group, the conduct of two trials to bring torturers to justice, an invitation to the UN Special Rapporteur on torture to visit Uzbekistan, the commutation of at least eight death sentences, and the formal abolition of the press censor's office. However, the human rights situation remained dire, and human rights defenders were themselves harassed and imprisoned. Several thousand political prisoners remained in jail and the crack-down on political and religious dissent continued, increasingly extended to include women. Unfair trials, torture and ill-treatment were routinely associated with these cases. Relatives of political prisoners continued to face harassment and ill-treatment because of their family relationship with the prisoners. The Special Rapporteur on torture concluded that torture was "systematic" in Uzbekistan after a visit to the country. At least five men died in custody or shortly after their release, reportedly as a result of torture. The death penalty continued to be used widely and families of death row prisoners were subjected to a form of mental cruelty. Freedom of expression continued to be stifled as newspaper editors reportedly inherited censorship functions from the press censor's office.

Background

Uzbekistan provided the US-led coalition with military bases for flights into Afghanistan. The "international war against terrorism" was used by the Uzbek authorities to justify the clampdown on religious and political dissent.

A referendum conducted on 27 January provided for the presidential mandate to be extended from five to seven years and the establishment of a two-chamber parliament. The authorities stated that the extension of the presidential term of office would come into effect after the next presidential elections.

Human rights defenders

The Independent Human Rights Organization of Uzbekistan (NOPCHU) was registered in March, giving it the right to function legally. Other human rights groups that applied for registration remained unregistered. Human rights defenders continued to face harassment, intimidation, forcible psychiatric confinement and imprisonment.

Yuldash Rasulov, who worked with the unregistered Human Rights Society of Uzbekistan (OPCHU), was arrested on 24 May in his home town of Karshi in Kashkadarya region and transferred to a solitary confinement cell in the basement of the Ministry of Internal Affairs in Tashkent the next day. On 17 September Yunusabad District Court in Tashkent sentenced him to seven years' imprisonment in a strict regime colony, after convicting him of "religious extremism" and membership of a criminal organization. The investigator had allegedly typed a "confession" and forced him to sign it. There were strong indications that Yuldash Rasulov was imprisoned for his work with OPCHU, which included gathering information on arrests and the imprisonment of members and alleged members of *Hizb-ut-Tahrir* and independent Islamist congregations in Karshi.

Two women, Larisa Vdovina and human rights defender Elena Urlaeva, were reported to have been forcibly confined in a psychiatric hospital to stop their human rights activities. They were detained on 27 August during a demonstration outside the Ministry of Justice building to protest against alleged government human rights abuses. They were transferred to Tashkent City Psychiatric Hospital the next day. Elena Urlaeva was released at the end of December. However, a court case to consider her mental state remained pending.

Freedom of religion

Marat Mudarisov, a 26-year-old Jehovah's Witness, was summoned to the National Security Service of Akmal Ikramovsky District of Tashkent in July. The officers confiscated religious literature he had on him, which they deemed illegal. When Marat Mudarisov refused to write a confession and an undertaking that he would not hold religious meetings in the future, a police officer reportedly beat him and put a gas mask over his head, squeezing tightly the air supply. When he continued to refuse to confess, the policeman forced his mother to write a report about her son's religious activities, which she said was dictated to her. The indictment issued in September stated that "the dissemination of all types of printed material... that propagates the faith of the organization 'Jehovah's Witnesses' as the only true religion among other religious faiths is illegal." Marat Mudarisov was given a suspended sentence of three years' imprisonment by Akmal Ikramovsky District Court on 29 November. AI believed that the charges were brought solely to punish Marat Mudarisov for peacefully exercising his religious beliefs and his right to freedom of expression.

Political prisoners

Supporters and alleged supporters of *Hizb-ut-Tahrir* and members of independent Islamic congregations and their families continued to face imprisonment, detention and intimidation. In a move to increasingly target women, several women were sentenced to up to four years' imprisonment or suspended prison sentences following reportedly unfair trials. Wives of political prisoners demonstrated in several cities and towns to protest against the imprisonment and ill-treatment of their relatives. The demonstrations were dispersed by police and several women were detained for short periods. Police regularly visited wives of political prisoners urging them to sign undertakings that they would not participate in future demonstrations.

UN Special Rapporteur on torture

The UN Special Rapporteur on torture visited a number of detention facilities in different parts of the country in November and December, but was denied access to the detention facility of the National Security Service in Tashkent and expressed concern that he was prevented from visiting Jaslyk prison colony in Karakalpakstan Autonomous Region "in a satisfactory and comprehensive manner". At the end of his visit he declared that torture was "systematic" in Uzbekistan and that "many confessions obtained through torture and other illegal means were then used as evidence in trials, [including] in trials that are leading to the death penalty or to very severe punishment".

UN Committee against Torture

In June, after examining Uzbekistan's second periodic report under the UN Convention against Torture, the Committee against Torture noted some positive developments since it had considered the country's initial report in 1999. These included efforts to draw up a new definition of torture in line with the Convention, and the introduction of a draft law to allow citizens' complaints with regard to torture. However, the Committee also expressed serious concerns, such as the "numerous, ongoing and consistent allegations of particularly brutal acts of torture and other cruel, inhuman or degrading treatment or punishment committed by law enforcement personnel". It criticized the heavy reliance on confessions, unacceptable prison conditions, and inadequate access by detainees to a lawyer, a doctor of their own choice and family members. It regarded the judiciary as insufficiently independent and said the way the procuracy functioned gave rise to serious doubts about its objectivity. It urged Uzbekistan to make declarations recognizing the competence of the Committee under Articles 21 and 22 of the Convention. This would enable the Committee to receive and consider communications from another state party and from individuals alleging they have been tortured or ill-treated by state agents.

Torture and deaths in custody

There were continuing reports of torture and ill-treatment in pre-trial detention and places of imprisonment as well as allegations that many such reports were not promptly and impartially investigated. At least five men died in custody or shortly after their release, reportedly as a result of torture. However, in two separate cases in January and June respectively, seven law enforcement officers were sentenced to prison terms ranging from five to 20 years for torture.

Three police officers who tortured to death 32-year-old Ravshan Haitov at Sabir-Rakhimovsky District Police in Tashkent on 17 October 2001 and beat his 27-year-old brother Rasul the same day to such an extent that he needed intensive care in hospital, were sentenced to 20 years' imprisonment each by Tashkent City Court on 30 January. The policemen were charged with "premeditated infliction of bodily harm that caused death". Ravshan and Rasul Haitov had been arrested on accusations including membership of *Hizb-ut-Tahrir*. In April the criminal case against Rasul Haitov was formally closed due to "lack of evidence". He received no compensation for his treatment or injuries.

The bodies of Muzafar Avazov, a 35-year-old father of four, and Khusniddin Alimov, aged 34, were brought from Jaslyk prison in the Northern Karaklapakstan region to their families in Tashkent on 8 August. Muzafar Avazov was reportedly tortured to death; an eyewitness said the body showed signs of burns on the legs, buttocks, lower back and arms. Reportedly, there was a large wound on the back of the head, bruises on the forehead, and the hands had no fingernails. The authorities reportedly restricted viewing of Khusniddin Alimov's body.

Death penalty

At least 22 people were sentenced to death and 11 executed. Two men were executed despite interventions by the UN Human Rights Committee urging the Uzbek authorities to stay the executions. At least eight death sentences were known to have been commuted or reversed.

The authorities continued to treat the death penalty as a state secret so that official information on the numbers of sentences passed and executions carried out was not available publicly. In all cases that came to AI's attention, prisoners were executed in secret. Their families were often only informed months later; they were not informed of the place of the execution and were not told where their relative was buried. As a result, the families were subjected to a form of mental cruelty that may amount to cruel, inhuman or degrading treatment prohibited under international law.

On 28 November Tashkent City Court sentenced Iskandar Khudoberganov to death. Five co-defendants were sentenced to prison terms of between six and 16 years. The men had been put on trial on serious "anti-state" charges, including "attempting to overthrow the constitutional order" and "setting up an illegal group". Iskandar Khudoberganov was additionally charged with "terrorism" and "premeditated, aggravated murder", and accused of having trained in military camps in Chechnya and Tajikistan with the aim of overthrowing the Uzbek government by violent means. The trial was believed to be grossly unfair. Iskandar Khudoberganov's lawyers, for example, were denied access to him for at least two months. There were strong indications that the convictions were largely based on evidence extracted under torture. Although the three men reported the torture in court, no investigation into the allegations was opened. Iskandar Khudoberganov reportedly signed a confession after he suffered various forms of torture, including beatings, kicking, sleep and food deprivation, and threats of rape of his female relatives. The families of some of the defendants reported they had suffered torture, threats of torture and rape, and harassment to force them to incriminate their relatives.

On 12 February relatives of 21-year-old Refat Tulyaganov were informed that he had been executed on 18 January. They were not told in advance the date of the execution, and when Refat Tulyaganov's mother went to see him on 24 January, prison personnel reportedly told her she should return the next day. The UN Human Rights Committee had urged the Uzbek authorities on 24 December 2001 to put on hold the execution of Refat Tulyaganov. He had been sentenced to death by Tashkent City Court on 5 July 2001 for "premeditated, aggravated murder". The sentence was upheld by the Appeals Committee of Tashkent City Court and the Supreme Court on 21 August and 4 October 2001 respectively. There were allegations that Refat Tulyaganov had been severely beaten in detention to force him to sign a "confession".

AI country reports/ visits

Report

- Concerns in Europe, January-June 2002: Uzbekistan (AI Index: EUR 001/007/2002)

Visit

AI delegates visited Uzbekistan in July.

VENEZUELA

BOLIVARIAN REPUBLIC OF VENEZUELA
Head of state and government: Hugo Chávez Frías
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

At least 50 people were killed and many more wounded in the context of a failed coup to remove President Chávez in April. Political polarization, violence and repeated rumours of coups increased instability and threatened to lead to further serious human rights abuses. There were widespread reports of police killings in several states. There were a number of threats and attacks on journalists and opposition supporters. At least three peasant farmer leaders were killed. The criminal justice system failed to respond adequately to these crimes, undermining the rule of law. There were repeated mass demonstrations both in support of and against the government. On a number of occasions excessive force was used by the security forces to disperse protesters. There were several reports of torture and ill-treatment of criminal suspects. There was concern about the plight of refugees fleeing the escalating conflict in Colombia.

Background

Economic, social and political tensions led to an indefinite national strike on 9 April by supporters of the opposition movement demanding the immediate resignation of President Chávez. On 11 April a mass opposition demonstration converging on the presidential palace met pro-Chávez demonstrators in downtown Caracas. Demonstrators, the Metropolitan Police and the National Guard clashed and there were heavy exchanges of gunfire. Twenty people died from gunshot wounds and over 60 were injured. The ensuing crisis led to President Chávez' removal from office and detention by the military. A *de facto* joint civilian-military administration was established under the opposition leader Pedro Carmona, head of *Fedecamaras*, the employers' association. The *de facto* government issued draconian decrees, including the closure of the National Assembly and the summary dismissal of the Supreme Court, the Attorney General and the Human Rights Ombudsman. Police carried out raids on a number of homes of supporters of President Chávez. Among those arbitrarily detained were a minister and a National Assembly deputy.

There was widespread condemnation of the unconstitutional and summary removal of President Chávez, the illegal detention of his supporters, and the arbitrary powers assumed by the *de facto* government. On 14 April the new government resigned and President Chávez was reinstated. The civil disturbance during these four days left at least 50 people dead and many more wounded. The government and opposition accused each other of instigating the violence for political advantage.

Following the coup, national and internationally sponsored efforts were made to negotiate a peaceful solution to the political crisis, including mediation by the Secretary General of the Organization of American States. In December the opposition called a second indefinite general strike which continued into 2003. Social tension and political violence escalated in the context of the strike, which had a dramatic impact on the economy.

Climate of violence and impunity

The opposition alliance, built around *Fedecamaras*, the *Confederación de Trabajadores de Venezuela*, the largest trade union, and large privately owned media interests, continued to press for President Chávez' resignation. The government accused the media of unethical and biased coverage of events, while President Chávez was accused of continuing to encourage attacks on journalists with inflammatory public statements. There were a series of attacks and threats against journalists and media interests during the year. The lack of effective investigations into the violence helped generate a climate of impunity.

There were reports that some members of the *Círculos Bolivarianos*, grass-roots community groups established to support President Chávez' political project, were armed and had intimidated and attacked people identified with the opposition, including journalists. The authorities denied arming these groups or sponsoring illegal actions against the opposition. Official investigations failed to clarify many of the alleged incidents. A law to disarm the civilian population was passed in September, but remained largely unimplemented.

The armed forces

The involvement of the armed forces in the political crisis continued to cause instability and concern. While the authorities sought to prosecute officials allegedly involved in the coup, sectors of the opposition pressed the military to refuse to acknowledge the authority of the President. In August, under intense pressure from both government and opposition, the Supreme Court ruled that there were insufficient grounds to prosecute high-ranking military officials for "military rebellion" in connection with the April coup. This controversial decision led to protests by President Chávez' supporters. In September the government created militarized security zones in the capital for the protection of strategic installations from opposition demonstrations. In October a number of military officials occupied the Plaza Altamira demanding the resignation of President Chávez and refusing to acknowledge his authority. In November the government ordered the army to take over control of the Metropolitan Police, a measure ruled unconstitutional by the Supreme Court in December.

Investigations into April events

Investigations into the April events were severely hampered by the failure to protect crime scenes and to properly register and examine the dead and wounded; a lack of resources and coordination between different agencies; the failure of the Metropolitan Police and the National Guard to cooperate fully with investigators; and the perceived lack of impartiality of the investigating bodies. Despite this, the mass of photographic evidence, testimony and reconstruction of events enabled investigators to identify several of those responsible. At the end of the year, at least five supporters of President Chávez were detained awaiting trial and arrests warrants had been issued for another four. Eight Metropolitan Police officers were also facing charges, but remained at liberty. Questions remained about the possible role of unidentified sharpshooters firing from the upper floors of a downtown building; the violations committed between 12 and 14 April; and chain-of-command responsibility.

The precedent of impunity for similar crimes in the past and serious questions about the credibility and impartiality of the judiciary, the Attorney General's Office, police forces and the Human Rights Ombudsman, led non-governmental human rights organizations to propose the creation of a Truth Commission to carry out an impartial non-judicial investigation into human rights violations. However, the Legislative Assembly failed to provide adequate support for the proposal to go ahead.

Extrajudicial killings

There were continued reports of scores of extrajudicial executions of perceived criminal suspects by police, or groups linked to the police, in a number of states including Portuguesa, Falcón, Aragua, Anzoategui and Bolivar. Witnesses or relatives who reported these crimes were often themselves threatened or attacked. Despite the existence of clear evidence in many cases, police forces routinely presented these killings as acts of self-defence or suspects resisting arrest. No officials were prosecuted.

In May a journalist filmed the detention of Luis Gregorio Ojeda by police in the university in Barcelona, Anzoategui. Two hours later Luis Gregorio Ojeda's body was found at a hospital with two gunshot wounds. Despite evidence proving he was alive when taken into custody, the police claimed he had been fatally wounded while resisting arrest at the university. Since 2000, there have been over 150 similar cases reported in Anzoategui alone; no one has been brought to justice.

At least three indigenous peasant land activists were murdered in reprisal for their efforts to secure land rights for their communities.

On 19 September Armando Douglas García and Carlos Ramón Parra were killed in the community of Encontrados, municipality of Catatumbo, Zulia state, by gunmen reportedly hired by a local landowner. The official investigation led to the detention of the alleged gunmen; they remained in prison awaiting trial at the end of the year. Those responsible for ordering the shootings and hiring the gunmen had not been arrested or charged by the end of the year.

Torture, ill-treatment and excessive use of force

There were persistent reports of torture in different parts of the country and of prison conditions amounting to cruel, inhuman or degrading treatment. National and local police forces frequently used excessive force to break up demonstrations or when detaining criminal suspects. There was no information on investigations into these abuses leading to disciplinary action or prosecution. Legislation to reform the structure of police forces was debated, but remained pending at the end of the year.

In November the UN Committee against Torture considered Venezuela's report. The Committee concluded that there were important improvements in the legal framework for preventing torture, but raised concern that many of these provisions remained inadequately implemented. In particular the Committee stressed the urgent need for legislation to specifically criminalize acts of torture.

On 15 June Miguel Cerdá was stopped by the municipal police of Chacao, Caracas. He was reportedly beaten and, when he protested, the police officer sprayed tear gas in his face. Other officers subsequently beat him repeatedly in the stomach and ribs before taking him to the police station. No investigation was known to have been initiated into the incident.

Refugees

The escalating conflict in Colombia led to new influxes of civilians fleeing across the border into Venezuela. There were reports of Colombian paramilitary and armed opposition groups operating inside Venezuela's border, heightening tension in the area. Legislation passed in 2001 to increase protection for asylum-seekers and refugees in Venezuela was not implemented.

Human rights defenders

Non-governmental human rights organizations continued to play a vital role in highlighting human rights violations throughout the country. However, criticism of the authorities or the opposition sometimes led to verbal attacks on the integrity of human rights defenders, intimidation and threats.

The Inter-American system

Following a visit to Venezuela by its representatives, the Inter-American Commission on Human Rights stressed the urgent need to strengthen human rights protection measures and institutions. The Commission issued protection orders on behalf of a number of journalists and a human rights organization.

The Inter-American Court of Human Rights ordered the Venezuelan state to compensate 44 of the victims of human rights abuses committed during the widespread civil disturbances of 1989, known as Caracazo, in which hundreds died. The Court also reiterated its ruling that those responsible be brought to justice and that security force procedures be reviewed to ensure that they conformed to international standards.

AI country reports/visits

Visits

AI delegates visited Venezuela in April and November, meeting with a number of officials, including President Chávez. A memorandum outlining AI's concerns was sent to the government following the April visit. No reply had been received by the end of the year.

VIET NAM

SOCIALIST REPUBLIC OF VIET NAM
Head of state: Tran Duc Luong
Head of government: Phan Van Khai
Death penalty: retentionist
International Criminal Court: not signed

The human rights situation deteriorated in 2002. Trials continued of those accused of masterminding demonstrations and the ensuing unrest in the Central Highlands in 2001; some reportedly received lengthy prison sentences. Access to the Central Highlands was tightly controlled. A tripartite agreement between the UN High Commissioner for Refugees (UNHCR) and the governments of Cambodia and Viet Nam for the repatriation of asylum-seekers who fled to Cambodia in 2001 broke down. Dissidents using public petitions and the Internet to complain about official corruption and lack of democratic freedoms were harassed, placed under house arrest and imprisoned. Persecution continued of those adhering to religious denominations not sanctioned by the state. At least 48 people were sentenced to death and at least 34 were executed; the actual numbers were believed to be much higher.

Background

National Assembly elections were held in July and were followed by a restructuring of the government. Fourteen ministerial changes were made. These changes may have been linked to growing popular concern about corruption which was believed to extend to senior official circles. Scores of people were arrested for their alleged involvement in widespread corruption.

Viet Nam ratified the Optional Protocol to the Convention on the Rights of the Child relating to child trafficking, prostitution and pornography.

An agreement with China settling a long-standing border dispute that had brought the two countries to war in the past was finally published. It was met by much open opposition including the refusal of the National Assembly to ratify the agreement, an unprecedented occurrence in Viet Nam.

Two amnesties were granted for a total of more than 9,000 prisoners. It was not known whether any prisoners of conscience were included in this group.

Unrest in the Central Highlands

The crack-down that followed the unrest in early 2001 continued unabated. Indigenous minorities protested about the government's confiscation of their ancestral forest homelands, lack of religious freedom for members of unauthorized evangelical Protestant churches, and the denial of their basic rights including education in indigenous languages.

Outside observers were only given limited and tightly controlled access to areas of the Central Highlands at the heart of the protests. However, reports of repression continued to trickle out.

Hundreds of asylum-seekers from the ethnic minority communities of the Central Highlands, collectively known as Montagnards, fleeing arrest and general repression continued to cross to neighbouring Cambodia.

At least 38 men were sentenced to between three and 12 years' imprisonment for their involvement in the unrest. Reports indicated that those accused of fomenting the disturbances, as well as leaders of local unauthorized Protestant churches, were targeted for arrest. Unconfirmed reports indicated the probable arrest of hundreds more.

In August, Rlan Loa, a member of the Gia Rai hill tribe who had fled to Cambodia in January, was given a nine-year jail sentence by a court in Gia Lai province for "illegally leaving Viet Nam to work against the people's authorities". He had been arrested in January 2002 by the Cambodian police and forcibly returned to Viet Nam.

Harassment of government critics

A group of former military officers, Communist Party members, leading intellectuals and their families formed a "democracy group" in August which, among other demands, called for the creation of a Constitutional Court to review "anti-democratic legislation" and bring domestic laws into line with the International Covenant on Civil and Political Rights (ICCPR). Many of the same men and women were also responsible for the creation of an association to fight corruption, established on 2 September. Both organizations were formed without state approval and their status under Vietnamese law remained unclear. Four members of the group – Nguyen Vu Binh, Pham Hong Son, Nguyen Khac Toan and Le Chi Quang – were initially arrested. Le Chi Quang was tried and sentenced to a four-year prison term on 8 November. Nguyen Khac Toan was sentenced to 12 years' imprisonment in December after a trial which lasted less than one day. He was convicted of espionage after allegedly passing information to overseas Vietnamese activist groups on recent demonstrations. The others were awaiting trial at the end of the year. Leading dissident Pham Que Duong and his wife and Professor Tran Khue were reportedly arrested and taken into custody in December. Other members of the group were placed under formal house arrest using administrative detention provisions, or put under strict surveillance.

Le Chi Quang, the first of the five arrested to be tried and sentenced, was accused of "offences against the State and the Socialist Republic of Vietnam", after circulating via the Internet information condemning the government's recent border agreement with China which had come under unprecedented internal criticism. His trial lasted less than four hours and details of his sentence were circulating before he was officially convicted. There were concerns for his health following reports that he was not receiving medical attention at the time of his trial for a pre-existing kidney condition.

Continued suppression of religious freedom

Religious dissidents from faiths including the Hoa Hao Church, the Unified Buddhist Church of Viet Nam, the Roman Catholic Church and Protestant churches continued to be subjected to harassment and detention for their peaceful religious activities.

UN Human Rights Committee

In July, the UN Human Rights Committee considered Viet Nam's second periodic report on its implementation of the ICCPR. The Committee criticized the use of administrative detention provisions which allow for people to be kept under house arrest for up to two years without the intervention of a judge or judicial officer. The Committee was also concerned about the large number of crimes for which the death penalty may be imposed. Concerns were also expressed about the weakness and lack of independence of the judiciary and the lack of safeguards for detainees. The Committee called for the establishment of an independent body to oversee and investigate complaints of human rights violations by state agents.

Death penalty

In a rare official disclosure of information about the use of the death penalty, the Supreme People's Court informed the UN Human Rights Committee in July that between 1997 and 2002, 931 people had been sentenced to death; 535 cases involved people convicted of "violations of the right to life", 310 involved drug-related offences, 24 involved corruption charges, and five involved people convicted of property-related offences. The number of executions carried out during this period was not made public. Executions in Viet Nam are carried out by firing squad, sometimes in front of large crowds. The Chairman of the UN Human Rights Committee called for the gradual abolition of the death penalty in Viet Nam.

Denial of access

AI was denied access to Viet Nam, and did not receive a direct response from the government to any of the concerns raised with the authorities regarding the human rights situation. A Vietnamese government spokesperson publicly criticized the organization on several occasions for alleged "interference in internal affairs". Domestic human rights monitoring was not permitted and access continued to be denied to

independent international human rights monitors. The UNHCR, diplomats and journalists based in Viet Nam were only allowed to visit the Central Highlands region under strict supervision.

AI country reports/ visits

Reports

- Socialist Republic of Viet Nam: A human rights review based on the International Covenant on Civil and Political Rights (AI Index: ASA 41/007/2002)
- Socialist Republic of Viet Nam/Kingdom of Cambodia: No sanctuary – the plight of the Montagnard minority (AI Index: ASA 41/011/2002)

YEMEN

REPUBLIC OF YEMEN
Head of state: 'Ali 'Abdullah Saleh
Head of government: 'Abdul Qader Bajammal
Death penalty: retentionist
International Criminal Court: signed

Advances made in legal and institutional safeguards over recent years were largely put on hold during 2002 as a result of continuing repercussions of the 11 September 2001 attacks in the USA. Waves of mass arrests took place, with foreign nationals particularly targeted for detention and deportation outside the normal legal framework. Journalists were intimidated to prevent them from reporting the arrests; some were themselves detained. Torture and ill-treatment remained widespread. Death sentences continued to be passed and at least 10 people were executed; hundreds of people were believed to remain under sentence of death.

Background

In its efforts to comply with international pressures following the 11 September attacks 2001 in the USA, the government sacrificed human rights and sidelined the rule of law. In March and October Yemen submitted a report and a supplementary report to the UN Security Council Counter-Terrorism Committee listing measures it had taken, including ratification of the Arab Convention on the Suppression of Terrorism and bilateral security agreements. In the months following 11 September, the security forces carried out mass arrests of Yemenis and foreign nationals. Most foreign nationals were subsequently deported, while Yemeni detainees remained held on an indefinite basis without charge and without judicial supervision.

In June AI submitted a briefing to the UN Human Rights Committee for scrutiny of Yemen's implementation of the International Covenant on Civil and Political Rights (ICCPR). In July the Committee issued its conclusions and recommendations. Among these were that Yemen should: review the question of the death penalty; take appropriate measures to end the punishments of amputation and flogging; investigate all allegations of human rights abuses; ensure that the measures taken in the context of the "campaign against terrorism" were fully consistent with the ICCPR; ensure that the judiciary was free of any interference; and respect freedom of the press.

In October one crew member was killed and several injured when the French supertanker *Limburg* was rammed by a boat packed with explosives off the coast of Yemen. At least 20 people were detained by the Yemeni authorities for questioning in connection with the explosion.

On 28 December the deputy leader of the Yemeni Socialist Party (YSP), Jarallah Omar, was shot dead at an *Islah* party conference in Sana'a after giving a speech on behalf of the YSP calling for dialogue between the political factions and rejecting violence. According to information received, one of the main reasons for his killing was that he questioned the use of the death penalty. The perpetrator was reportedly apprehended and handed to the police.

Clashes continued between government forces and tribal groups in different parts of the country throughout the year.

Political arrests post-11 September 2001

Arrests continued throughout the year in the aftermath of the 11 September attacks in the USA. Hundreds of people, mostly foreign nationals, were held for several months without charge or trial, without consular access and without access to the outside world. Arrests were carried out without the judicial supervision required by law, and detainees were often held in lengthy incommunicado detention. Some reported that they were tortured or ill-treated.

People targeted included those believed to have had connections with Afghanistan, members of Islamist organizations, and anyone who had aroused the suspicion of the security forces. On 29 May Sheikh Abdullah al-Ahmar, the speaker of the Yemeni parliament and head of the opposition *Islah* party, reportedly said that hundreds if not thousands of people had been unfairly detained in Yemen since 11 September 2001. On 30 May the police denied that they were holding thousands of suspected members of the *al-Qa'ida* network, stating that those still detained totalled no more than 85 and that they were being interrogated.

'Ali Mubarak Firas was arrested in April by members of the security forces in Ma'rib, suspected of links with *al-Qa'ida*. He was later transferred to Sana'a for interrogation and was believed to be still held at the end of the year.

'Abdullah Sa'atar, a member of the *Islah* party, was arrested in al-Daleh on 20 June by members of the Intelligence Services, a branch of the security forces. He had delivered a speech two days earlier which reportedly criticized the government. He was released the same evening.

Indefinite detention without charge or trial

Safeguards provided by Yemen's legal system against indefinite detention were sidelined. At the end of the year, defendants in the case of the October 2000 attack on the destroyer *USS Cole* had been detained for more than two years without being formally charged or given access to a lawyer. Ministers indicated to AI delegates that the government had been planning to bring them to trial but the US government had objected.

None of those arrested after 11 September 2001 were charged and they too were denied access to lawyers as well as the opportunity to challenge the legality of their detention before a court. Government ministers said they had no plans to bring to trial or release those detained in the wake of 11 September and acknowledged that this was in breach of their own laws and Yemen's international human rights obligations.

Forcible deportation of foreign nationals

Mass deportations of foreign nationals continued in the wake of 11 September 2001. Most of the deportees were targeted for arrest because of their nationality, held incommunicado for weeks or months, then expelled after interrogation. Among them were more than 100 students, including nationals of Algeria, Egypt, France, Indonesia, Libya, Pakistan, Sudan, Somalia, the United Kingdom (UK) and the USA, who were deported in January. The official reason given was that their residency permits had expired and that the Islamic schools where they were studying had been declared illegal. None of those deported was allowed to challenge the decision by the government before the courts or to seek legal assistance.

On 31 December 2001 'Ali Mikon, a 17-year-old UK national with a valid student visa, was arrested along with three other UK nationals, one of them aged 15, from a hotel in Sana'a and taken to the headquarters of the Political Security. They were detained without charge until 30 January, when they were deported to the UK. During their detention they and other juvenile foreign nationals were held in cells with adults.

Harassment and detention of journalists

Journalists critical of the authorities were increasingly targeted for legal proceedings and arrest. Some were harassed by warnings and threats to prevent them reporting mass arrests after 11 September 2001.

On 29 April Nabil al-Kumaim, correspondent for the Qatar newspaper *al-Rayah*, was arrested at his home in Sana'a for writing an article about the presence of *al-Qa'ida* supporters in Yemen. He was reportedly questioned about his sources of information, before being released a few hours later.

On 4 June a court in Sana'a sentenced three journalists, 'Abdel Rahim Mohsen, Ibrahim Hussein and Khaled Sulaiman, to a suspended five-month prison term each. The three were charged with publishing articles in *al-Thawri* newspaper in February that incited "sectarian and irrational sentiments endangering the unity of the country". Following a protest rally, 'Abdel Rahim Mohsen and Ibrahim Hussein were released in July on condition that they appeared at future hearings. It was believed that Khaled Sulaiman was also released.

Possible extrajudicial executions

In November, six men were killed when the vehicle in which they were travelling exploded in Ma'rib province. One of them was alleged to be a leading member of *al-Qa'ida*. AI expressed its concern to US President Bush at reports that the six had been killed allegedly by a missile launched by an aircraft controlled by the US Central Intelligence Agency (CIA). AI also wrote to the President of Yemen asking whether there had been attempts by the Yemeni authorities to arrest the six men and urging clarification about the possible cooperation of the Yemeni government in the incident. Subsequently, officials were reported to have acknowledged that the government of Yemen had cooperated in the killings.

Demonstrations

Demonstrations critical of the government were frequently broken up by police, sometimes using excessive force.

At least three people were reportedly injured on 9 April after police prevented demonstrators from reaching the British consulate in Aden to protest against Israeli incursions into Palestinian towns and refugee camps. Police reportedly used tear gas and clubs and fired into the air to disperse the demonstrators.

In July police arrested and detained for short periods more than 150 demonstrators holding a sit-in at an Islamic seminary in Aden to protest against the government's derecognition of independent religious schools.

Torture and ill-treatment

Torture and ill-treatment continued to be widespread, resulting in at least one death in custody. No independent investigations were known to have been carried out. Judicial punishments of flogging and amputation continued to be imposed.

It was reported in February that a 19-year-old man had died in custody in Hudayda Central prison as a result of torture.

Samir Yahia 'Awadh, aged 25, charged with throwing two grenades at the US Embassy in Sana'a in March, alleged during his trial in May that his confessions had been extracted under duress. Although his defence lawyer presented medical evidence to the court that Samir Yahia 'Awadh was suffering from schizophrenia, he was convicted and sentenced to 10 years' imprisonment.

The trial of two police officers reportedly charged with the torture and ill-treatment of five men from Shibam, Hadramout region, began in August amid widespread publicity. The five men had been detained during the previous month in Shibam police station on unknown charges and had reportedly been tortured. Two of the men reportedly needed hospital treatment for the injuries they sustained. All five were later released. No further information was available about the trial of the police officers.

In August, four men were sentenced to cross amputation (right hand and left foot) by a criminal court in al-Beidha. 'Ali M. Hassan, Ahmad A. al-Taibi, Naji A. al-Taibi and Mus'ed Saleh were convicted of banditry, kidnapping and forming an armed gang. A fifth man convicted of stealing cars was sentenced to have his right hand amputated. It was not known if the punishments were carried out.

In September a court in Sana'a sentenced Muhammad 'Ali al-Sandahi Bayaqa' to cross amputation. He had been convicted of robbery. It was not known if the punishment was carried out.

Death penalty

Death sentences continued to be passed and 10 executions were reported. Hundreds of prisoners were believed to be under sentence of death.

Ahmad Nasser al-Zaidi was sentenced to death on 3 April by an appeal court. He and four other men had been sentenced in December 2001 to prison terms after being convicted of kidnapping a German businessman in November 2001 in Ma'rib. Ahmad Nasser al-Zaidi was initially sentenced to 25 years' imprisonment and the others were sentenced *in absentia* to 20 years' imprisonment each by a special court dealing with cases related to the kidnapping of foreigners and acts of sabotage. The appeal court upheld the prison sentences imposed on three of the men and acquitted one other.

Mansur al-Horsome was executed on 2 February. He had been convicted after an unfair trial of murdering his wife in 1993. The president of the court was alleged to be a relative of the prisoner's wife. Mansur al-Horsome had reportedly not been given sufficient opportunity to present a defence, and his lawyer apparently lost his case file and did not consult him or keep him informed of progress in the case.

The death sentence of Fuad 'Ali Mohsen al-Shahari was reportedly upheld for the second time by the appeal court in Ta'iz in April. He was sentenced to death in 1996 and the sentence was upheld on appeal in 1997. In 2000 the Supreme Court had referred the case back to the appeal court. Fuad 'Ali Mohsen al-Shahari had been convicted after an unfair trial of the murder of a captain in the Political Security department. He had been held incommunicado for several weeks and reportedly tortured to force a confession. It was alleged that key defence witnesses had been intimidated to prevent them from testifying.

AI country reports/visits

Visits

AI delegates visited Yemen in February and August to discuss with government officials the deterioration of the human rights situation in the wake of 11 September 2001, to investigate reports of widespread arrests, to meet non-governmental organizations and to carry out research.

YUGOSLAVIA
(FEDERAL REPUBLIC OF)

FEDERAL REPUBLIC OF YUGOSLAVIA
Head of state: Vojislav Koštunica
Head of government: Dragiša Pesić
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

The authorities largely failed to address impunity for war crimes in Bosnia-Herzegovina, Croatia and Kosovo. Detainees were frequently ill-treated and sometimes tortured in police custody, allegedly resulting in at least one death in custody. Roma, especially internally displaced people (IDPs) from Kosovo, continued to face severe discrimination. An estimated 230,000 Serbian and Romani IDPs from Kosovo remained in the Federal Republic of Yugoslavia (FRY), along with 390,000 refugees from Bosnia-Herzegovina and Croatia. Some conscientious objectors to military service were imprisoned. In Kosovo, the UN Mission in Kosovo (UNMIK) arrested some former members of the Kosovo Liberation Army (KLA) and some were tried and imprisoned for abuses against civilians in 1999. Ethnically motivated attacks and severe discrimination against minorities continued in Kosovo. The NATO-led peace-keeping Kosovo Force (KFOR) failed to adhere to international standards when detaining suspects.

Background

In March, under pressure from the European Union, the Belgrade agreement was signed. This envisaged the two republics of Serbia and Montenegro remaining in a loose union with an option for either party to secede after three years. In September the Parliamentary Assembly of the Council of Europe voted to allow the FRY to join the Council of Europe, once a new constitution was finalized. It was agreed in December but not formally accepted by the end of 2002. Pending the new constitutional arrangements, Montenegro did not recognize new federal laws. Presidential elections in Serbia in October and December, and in Montenegro in December, failed to produce results because the turnouts were below the minimum required. General elections in Montenegro in October gave an outright majority to President Milo Djukanović's pro-independence party, and in November he resigned as President of Montenegro to become its Prime Minister.

Sporadic armed incidents continued in the Preševo valley in southern Serbia, scene of clashes in 2001 between Serb security forces and an armed ethnic Albanian group. However, the situation there continued to stabilize. Municipal elections in July resulted in ethnic Albanian majorities in both Preševo and Bujanovac.

UNMIK continued to administer Kosovo, with the Special Representative of the UN Secretary-General holding governmental powers. The Kosovo Assembly,

the Provisional Institution of Self Government, met for the first time on 4 March. It appointed Ibrahim Rugova of the Democratic League of Kosovo (LDK) as President and Bajram Rexhepi of the Democratic Party of Kosovo as Prime Minister. Municipal elections in October were won by the LDK. In the ethnically divided town of Mitrovica, where there had been riots in April with Serbs attacking UNMIK officials, a Serb boycott resulted in an Albanian administration. Measures were taken to remove the Serbian parallel administrative structures previously supported by Serbia in the Serb-dominated north of the town.

Serbia and Montenegro

Death penalty abolished

The Serbian parliament abolished the death penalty for all crimes in February and the Montenegrin parliament did so in June.

Rule of law and administration of justice

In March a new federal criminal procedure code was adopted which allowed detainees immediate access to defence counsel. However, police could detain people for up to 24 hours under the petty crimes law, or for up to four hours for questioning as witnesses, without access to counsel. There continued to be no domestic law defining torture as a crime. The police force remained almost totally unreconstructed and in many areas used ill-treatment as a routine part of police work. Some progress was made to reform the administration of justice but the judiciary remained largely unchanged.

The courts continued to award compensation in 66 cases alleging violations by the Serbian police against members of the opposition group *Otpor* (Resistance) in 2000.

War crimes

The trial of former President Slobodan Milošević, accused of responsibility for war crimes committed in Croatia, Bosnia-Herzegovina and Kosovo, began in February before the International Criminal Tribunal for the Former Yugoslavia (Tribunal). In April the Federal parliament passed a law on cooperation with the Tribunal which was widely criticized, mainly because it was only applicable to those already indicted when the law came into force. Following the adoption of the law, the authorities issued arrest warrants for 17 people indicted. However, only one person was arrested and transferred to the Tribunal while five others surrendered voluntarily, apparently due to external economic pressure, principally from the USA. The authorities imposed severe restrictions on access by the Tribunal to documents and witnesses, and displayed a virtually complete lack of will to arrest those indicted.

There was some limited progress in domestic trials for war crimes.

In September in Montenegro, Nebojša Ranisavljević was sentenced to 15 years' imprisonment for taking part in the abduction and subsequent murder of 19 Muslims and one ethnic Croat from the Belgrade-Bar train at Štrpci in Bosnia-Herzegovina in 1993. He was the only person to be arrested and charged despite evidence presented in the four-year-long trial of the involvement of a paramilitary group in the abduction and murders. Documents were produced which clearly demonstrated that former political and military authorities knew about the planning of such abductions.

In June and October respectively, Dragutin Dragičević and Djordje Sefić were arrested for the abduction and murder in October 1992 of 17 Muslims, 16 of whom were taken from a bus in Bosnia-Herzegovina. Seven other people were indicted in the case.

In July in Prokuplje, former soldier Ivan Nikolić was sentenced to eight years' imprisonment for killing two ethnic Albanian civilians. This was the first domestic war crime trial outside Kosovo of a Serb accused in connection with violations committed in the Kosovo conflict.

In October in Niš, two army officers and two reservists were convicted of war crimes and sentenced to between three and seven years' imprisonment for killing two ethnic Albanians.

Widespread public opposition to such trials was shown by large demonstrations outside the court in Prokuplje. The presiding judge was repeatedly threatened. In November a trial in Prokuplje of two police reservists charged with murdering 19 Albanians was transferred, reportedly because of threats against the prosecutor.

Exhumations

There were further exhumations from mass graves of the bodies of ethnic Albanians transported from Kosovo to Serbia during the 1999 NATO campaign. In February, three protocols were signed establishing collaboration between UNMIK and the FRY on cross-boundary repatriation of identified remains, exchange of forensic expertise and joint verification teams on hidden prisons. The exhumations were monitored and aided by the International Commission on Missing Persons. Other exhumations of bodies of Croats and Bosnians from the wars of 1991-1995 began in March after years of inter-governmental negotiations, and 223 bodies were exhumed. A DNA laboratory was set up to assist in identifying victims.

Roma

Discrimination against Roma continued, despite the adoption in February of a federal Law on the Protection of Rights and Freedoms of National Minorities. Some 30,000 to 40,000 Roma lived in unhygienic settlements with few or no services in Belgrade alone. Roma continued to suffer disproportionately from unemployment. There were frequent attacks on Roma by racist groups, with little apparent protection afforded to the Roma by the authorities. Roma were also regularly reported as victims of ill-treatment by the police.

The majority of Roma who fled Kosovo after July 1999 continued to face severe problems, exacerbated by difficulties in obtaining registration. Some officials reportedly refused to issue identity cards to people who had the necessary documentation. Roma without adequate documentation or evidence of citizenship were routinely denied access to health and social

welfare, and children were discriminated against in the provision of education. In April and November Kosovo Roma were evicted from their makeshift homes in the Belgrade Autokomanda neighbourhood.

Police ill-treatment and impunity

Ill-treatment by law enforcement officers continued to be widespread, allegedly resulting in at least one death in custody. Few police officers were convicted of ill-treatment, and the sentences imposed were generally below six months and often suspended (a sentence of six months or more leads to dismissal from the police force). The sole reported exception occurred in January, when the Serbian Supreme Court raised to 18 months a policeman's previous sentence of 10 months' imprisonment for ill-treatment.

- In June, 18-year-old Nenad Miljković was reportedly tortured by being beaten on the soles of his feet by three policemen at Vučje police station near Leskovac. They were trying to force him to confess to a theft.
- On 18 August, 23-year-old Nenad Tasić was arrested and taken to the police station in Vranje. There he was allegedly beaten by two officers with truncheons to try and make him disclose information. He was taken unconscious to Vranje hospital, then rushed to Niš for an emergency brain operation. He suffered severe brain damage and remained in a coma until 2 September.
- On 8 November, two Roma brothers, M.Š. aged 13 and A.Š. aged 11, were arrested in Nikšić in Montenegro on suspicion of theft. Both were allegedly beaten on the soles of their feet and on their bodies with truncheons by two policemen. M.Š. was also allegedly kicked on the head, and A.Š. threatened with a knife.
- On 5 December, 24-year-old Milan Jezdović was allegedly tortured to death in Belgrade police station after being arrested on suspicion of drug dealing. The eight people arrested with him all reportedly stated that the police put sealed plastic bags over their heads and some alleged that they were beaten and tortured with electric shocks. Some reported hearing Milan Jezdović screaming that he could not breathe. An official autopsy found that he had died of a heart attack, but a second doctor found burn marks on his head consistent with electric shocks.

Excessive use of force

- On 9 June Agim Agushi, an ethnic Albanian from Miratovac village, was shot dead by a soldier near the Macedonian border. He was apparently suspected of smuggling by a lone soldier on border duty and killed after failing to obey an order to stop. The soldier was reportedly suspended.

Conscientious objectors

The law did not provide for a genuine alternative civilian service and at least seven people were tried and sentenced, and at least two imprisoned, for conscientious objection to military service.

- On 24 April, Jehovah's Witness Nenad Kostović was tried and imprisoned for four months for refusing military service. He was subsequently called up again and faced the possibility of a second trial and sentence.

Kosovo (Kosova)

War crimes and impunity

Serbs previously convicted of war crimes or genocide by panels with a majority of ethnic Albanian judges continued to receive retrials. In several cases, lesser charges were preferred or sentences were reduced. UNMIK arrested and charged some former KLA members for crimes committed in 1998 and 1999, and in December four leading former KLA members were sentenced to between three and 15 years' imprisonment for the unlawful detention and murder of four Albanians in June 1999. In April the Chief Prosecutor for the Tribunal confirmed that investigations had been opened into three KLA suspects.

Minorities

Attacks against minorities by racist groups continued throughout 2002, although on a lesser scale than in previous years, and the perpetrators enjoyed virtual impunity. In many areas, freedom of movement for members of minorities was dependent on KFOR protection. Minorities faced discrimination in access to employment, medical care and education. Few IDPs and refugees returned, although there was some increase.

Ethnic Albanian prisoners in Serbian jails

From March to May, more than 160 ethnic Albanians were transferred from Serbian jails to Kosovo after agreement between UNMIK and the FRY authorities. Most had been transported to Serbia in July 1999 and subsequently convicted after unfair trials. Following review of their cases by international judges and prosecutors, 106 were released.

'Disappearances' and abductions

The international civilian police force (CIVPOL) Missing Persons' Unit made limited progress in identifying the "disappeared" and abducted and there were some further exhumations of burial sites. However, few steps were taken to investigate the estimated 4,000 outstanding cases of "disappearance" and abduction, especially those of the estimated 1,200 Serbs, Roma and members of other minority groups abducted by the KLA or others after the entry of KFOR into Kosovo.

Trafficking in women and girls

Women and girls continued to be trafficked into Kosovo for the purposes of prostitution, despite more rigorous measures to implement the applicable law and the appointment of a Victim Assistance Coordinator in March. About 60 per cent of the victims reportedly came from Moldova.

KFOR Detentions

KFOR continued to arrest and illegally detain people.

- In July, three foreign Islamic humanitarian aid workers, Muhamed Zentagui, Redouane Guesmia and Ameur Sofiane, were arrested and detained for between 43 and 51 days without any judicial authorization.

Impunity for the international community

- An Austrian CIVPOL officer suspected of the torture and ill-treatment of an ethnic Albanian detainee was arrested in February after his immunity from prosecution – enjoyed by all UNMIK personnel – was waived. However, he was reportedly driven by Austrian

officers across the border into Macedonia and then flown to Austria. The Austrian government, despite an international arrest warrant, refused to extradite or prosecute him.

AI country reports/ visits

Reports

- Federal Republic of Yugoslavia: Amnesty International's concerns in the Federal Republic of Yugoslavia (AI Index: EUR 70/010/2002)
- Federal Republic of Yugoslavia (Kosovo): International officials flout international law (AI Index: EUR 70/008/2002)

Visits

AI delegates visited Kosovo in March and Serbia in July to conduct research.

ZAMBIA

REPUBLIC OF ZAMBIA
Head of state and government: Levy Mwanawasa
Death penalty: retentionist
International Criminal Court: ratified

Widespread human rights violations by the police continued. State harassment and intimidation of those perceived to be critical of the government, including independent journalists, persisted. At least 25 people were sentenced to death; there were no executions.

Background

Presidential, parliamentary and local elections in December 2001, which observers reported were not fair, were followed by protests during which the police reportedly arrested 34 demonstrators; they were released uncharged shortly after. Three opposition parties – United Party for National Development (UPND), Forum for Democracy and Development and the Heritage Party – filed presidential petitions with the Supreme Court in January alleging that President Mwanawasa's election was the result of vote rigging and corruption and asking that the election results be nullified. At the end of 2002 the petition was still pending.

Drought, floods and poor harvests resulted in severe food shortages for approximately three million Zambians.

Policing

The police used excessive force to disperse political gatherings deemed to be illegal, seriously injuring unarmed demonstrators in the process. Excessive force was also used when arresting suspects; several people were injured and some reportedly died as a result. Suspects were regularly detained beyond the 24-hour legal limit. Torture and ill-treatment of criminal suspects during interrogation were routine. Relatives, often women and children, of suspects were illegally detained by police in order to put pressure on suspects to give themselves up; some were detained for more than a month. Overcrowding and food shortages contributed to poor prison conditions. The number of deaths among suspects remanded in custody increased.

In February, Alison Phiri died in police custody following his arrest on suspicion of theft. Post-mortem results indicated that he was assaulted and tortured, allegedly by police, while in custody. An inquest into Alison Phiri's death was scheduled for November. No inquest had been held by the end of the year.

Freedom of expression and assembly

The police and ruling Movement for Multi-party Democracy supporters continued to harass people perceived to be critical of the government, including independent journalists. The police used the Public Order Act to arbitrarily deny opposition parties and non-governmental organizations permission to hold public demonstrations.

In October local media organizations and opposition Members of Parliament pushed for amendments to existing media legislation in order to increase media freedom. However, the amendments were blocked by Parliament in November. The government's version of the three amended bills – the Zambia National Broadcasting Corporation bill, the Freedom of Information bill and the Independent Broadcasting Authority bill – had all passed a second reading in parliament by the end of the year.

The editor of the *Monitor* newspaper, Arthur Simuchoba, and journalist Chali Nondo were charged with contempt of court in September following an article which alleged that President Mwanawasa had increased the salaries of Supreme Court judges "to soften the judiciary ahead of the Presidential petition hearing." The Supreme Court dismissed the application in November.

Following orders by President Mwanawasa, UPND MP Vitalis Mooya was arrested in October on charges of making false statements aimed at causing public alarm, for publicly warning that people in southern Zambia were dying of hunger as a result of food shortages. The Director of Public Prosecutions ordered his release the same month and all charges against him were dropped.

AI country reports/ visits

Report

- Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community (AI Index: AFR 03/004/2002)

ZIMBABWE

REPUBLIC OF ZIMBABWE
Head of state and government: Robert Mugabe
Death penalty: retentionist
International Criminal Court: signed

President Robert Mugabe was re-elected in March amid serious concerns about the fairness and transparency of the elections. The run-up to the election was marred by intimidation, arbitrary arrests, torture and attacks on the political opposition, as was the period following the election. This pattern was repeated during local council and parliamentary by-elections also held during the year. Violations reported during 2002 included at least 58 political killings and widespread torture and ill-treatment throughout the country. Legislation passed during the year further curtailed freedoms of expression, association and assembly. An estimated six million Zimbabweans were at risk of starvation by the end of 2002. Food shortages resulting from sub-regional drought were exacerbated by the government's acquisition of commercial farms and the political manipulation of the delivery of food aid by officials and supporters of the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF).

Background

Despite several attempts, the Commonwealth "troika", consisting of the Australian Prime Minister and the Presidents of Nigeria and South Africa, was unsuccessful in mediating the worsening political crisis. Efforts to promote Zimbabwe as a potential test case for the efficacy of the newly launched African Union and the New Partnership for Africa's Development failed, following reluctance by most African leaders to condemn the Zimbabwean government's human rights record. The UN Commission on Human Rights passed a "no-action motion" on a resolution criticizing Zimbabwe.

In May the government issued notices under Section 8 of the Land Acquisition Act to over 2,500 commercial farmers to vacate their farms. Approximately 250 commercial farmers were subsequently arrested for ignoring the deadline. Despite an August High Court ruling declaring the eviction orders invalid, subsequent amendments to the Land Acquisition Act validated the May eviction notices.

Soldiers from the Zimbabwe Defence Forces were involved in extrajudicial executions and other serious human rights violations in diamond concessions in the Democratic Republic of Congo (DRC). The official withdrawal of Zimbabwean troops from the DRC was due to be completed by October.

Elections

The international community, including election observers from the Southern African Development Community and the Commonwealth, and Zimbabwean civil society, expressed serious concern about the fairness and transparency of the March presidential election in response to widespread evidence that ZANU-PF rigged the election, used violence against opposition supporters, barred thousands from voting and manipulated the electoral laws before and during the election.

Following the election, the Commonwealth suspended Zimbabwe from its ruling structures, opting against full suspension.

Many election monitors from civil society organizations were denied accreditation to monitor the presidential election and restrictions were placed on the deployment of international observers. Intimidation, harassment and attacks on opposition members and supporters by "war veterans" and state-sponsored militia occurred systematically in the run-up to and following the election.

Officials and supporters of the opposition Movement for Democratic Change (MDC) who acted as polling agents during the elections were threatened, attacked and abducted. In April, the MDC filed an election petition under the Electoral Act challenging the results of the presidential election. By the end of the year no trial date had been set to hear the petition.

Local council elections in September and parliamentary by-elections in Hurungwe West, Mashonaland West province, and Insiza, Matabeleland South province, were also marred by political violence and intimidation directed at opposition candidates and supporters.

Impunity

Victims of human rights abuses were systematically denied justice by the authorities' repeated and deliberate failure to bring suspected perpetrators to justice. State security forces – police officers, army officers and agents of the Central Intelligence Organization (CIO) – committed widespread human rights violations with impunity. The authorities also organized, coordinated and encouraged militias and "war veterans" to carry out threats, assaults, abductions, torture and killings against real or perceived opposition supporters and human rights defenders.

Break-down of the rule of law

Intimidation of and attacks on judicial officials and lawyers intensified. Judges and magistrates who demonstrated judicial independence were threatened with investigation and disciplinary action for alleged misconduct. They were also subjected to intimidation and attacks for rulings perceived to be favourable to MDC supporters.

In August, Chipinge district magistrate Walter Chikwanha was dragged from his courtroom by people believed to be "war veterans" and assaulted. The attack was reportedly in response to his dismissal of an application by the state to remand in custody five MDC officials accused of burning two government tractors, on the grounds that the state did not have sufficient evidence.

Police involvement in abuses

The government intensified its misuse of the police to repress freedoms of expression, association and assembly. In the run-up to the presidential election, opposition rallies and other campaign gatherings were marred by political violence perpetrated by ZANU-PF youth militia, often with the direct collusion of the police. Police officers also actively committed human rights violations, including arbitrary arrests, unlawful detention, assaults and torture. The police failed to intervene to protect communities under attack by ZANU-PF militia, while protecting militia members alleged to have carried out assaults. Suspected perpetrators of these human rights abuses who were apprehended were not brought to justice, nor were police officers who colluded with or acquiesced in violations by the militia. Police who acted impartially were purged from service or transferred to inferior postings or administrative positions.

Torture and ill-treatment

More than 1,000 cases of torture and ill-treatment were reported during 2002. Victims were primarily targeted for their perceived or real affiliation with the political opposition. Among those responsible were members of the Zimbabwe Republic Police, the CIO and the Zimbabwe National Army.

ZANU-PF youth militia, trained in national youth service camps established throughout the country, were deployed to suburbs and rural areas in the run-up to elections and were implicated in the widespread harassment and torture of the political opposition. The number of reported cases of rape and other forms of sexual torture perpetrated against women suspected of supporting the political opposition increased. This intimidation and political violence created a climate of fear, and of impunity for perpetrators of human rights abuses.

Five men – Tendai Maluzi, Cosmos and Barbabas Ndira, Tom Spicer and Reuben Tichareva – were arrested in September and charged under the Public Order and Security Act (POSA) with public violence allegedly in connection with an incident where police were stoned by a crowd in a Harare suburb. All five were MDC youth members. They were reportedly beaten and tortured while in police custody for three days. Tom Spicer was tortured with electric shocks and beaten on the soles of his feet.

New restrictive legislation

The POSA, enacted in January 2002, imposed severe restrictions on civil liberties and criminalized a wide range of activities associated with the freedoms of expression, assembly and association. It provides for the imprisonment of journalists convicted of "causing hatred, contempt or ridicule of the President". The POSA criminalizes false reporting and statements that "incite or promote public disorder or public violence". It also requires that police be notified in advance of any public gathering of more than two people, and prohibits those which police believe could cause public disorder.

Approximately 80 opposition supporters were arrested during a rally held in June to commemorate the 25th anniversary of South Africa Youth Day. They were charged with unlawful assembly under the POSA. A Supreme Court application challenging the constitutionality of the POSA was filed and the case was adjourned to January 2003.

In March, the Access to Information and Protection of Privacy Act (AIPPA) was enacted. Under the AIPPA, journalists and media houses are required to register with the government-appointed Media and Information Commission. The Independent Journalists Association of Zimbabwe challenged the constitutionality of those sections of the AIPPA which prescribe the compulsory registration of journalists and punish journalists who write what the Act describes as "falsehoods", on the basis that they violate freedom of expression. Judgment on the appeal was expected in early 2003. In October, the government amended the AIPPA to tighten loopholes in the legislation and accord additional powers to the Media and Information Commission and the Minister of Information.

In July, Andrew Meldrum, a US national and journalist with the United Kingdom-based newspaper *The Guardian*, was charged under the AIPPA with "abusing journalistic privilege by publishing a falsehood" in connection with a report regarding the alleged beheading of a woman by ZANU-PF supporters. Although he was acquitted, within hours of the ruling he was served with a deportation order by the Ministry of Home Affairs. Following a High Court application, his deportation was suspended and the matter was referred to the Supreme Court. No date was set for a Supreme Court hearing.

Independent media under attack

In addition to the introduction of restrictive legislation, the government intensified its efforts to clamp down on independent journalists and media houses through harassment, attacks and arbitrary arrests. At least 12 journalists were arrested following the enactment of the AIPPA in March, some repeatedly. The Ministry of Information refused to renew work permits for an *Agence-France Presse* (AFP) journalist and the bureau chief. Newspaper street vendors were harassed and attacked for selling independent newspapers, and the sale of independent newspapers was reportedly banned in many rural areas. In August, the Harare office of the *Voice of the People*, one of two independent broadcasting organizations, was bombed. While no one was injured, damage to the building was extensive. No one had been arrested in connection with the bombing by the end of the year.

Geoff Nyarota, former editor-in-chief of the *Daily News* newspaper, was arrested for a third time in less than a year in October and charged under the POSA with "undermining public confidence in the police" in connection with a *Daily News* story on the arrest and reported torture of five MDC youths while in police custody. At the end of 2002 Geoff Nyarota was facing six separate charges.

Crack-down on human rights defenders

In September, the government issued a public notice advising non-governmental organizations (NGOs) to register with the government in accordance with Section 6 of the Private Voluntary Organizations (PVO) Act. The notice warned that those NGOs which continued to operate without registering risked prosecution. Although the PVO Act was enacted in 1997, it had not previously been fully enforced. Recent government attempts to enforce the PVO Act were part of an overall campaign to further restrict freedoms of association and expression and prevent human rights organizations from investigating and publicizing human rights abuses. There were also indications that new legislation would be introduced which would further curtail the activities of NGOs, such as increased restrictions, or a total prohibition, on the receipt of foreign funding by local NGOs, along with harsher penalties for breaches of the PVO Act.

Dr Frances Lovemore, the Medical Director of Amani Trust, a human rights NGO, was arrested in August, following allegations that the Trust was guilty under the POSA of "publishing or communicating false statements prejudicial to the state". The arrest stemmed from press reports which referred to Amani Trust's work with victims of torture and politically motivated rape. The offices of Amani Trust were raided and searched by police. Dr Lovemore was released the day after her arrest. In November, the government accused Amani Trust of threatening peace and security and warned that arrests would be made in connection with the organization's failure to abide by the PVO Act. Shortly after, Amani Trust closed its offices and by the end of the year had not resumed its work.

Teachers and students

Harassment, torture and attacks on teachers perceived to support the political opposition intensified, forcing many to leave their jobs. A national teachers' strike organized by the Progressive Teachers' Union of Zimbabwe (PTUZ) in October was met with excessive force by police and over 600 teachers were subsequently dismissed by the government. Protests by students were also dispersed with excessive force by police and student leaders were repeatedly harassed, arrested and tortured. Student demonstrations were met with riot police using batons and shooting tear gas canisters into enclosed areas, such as classrooms and dormitories.

Raymond Majongwe, the PTUZ Secretary General, was arrested twice following a national teachers' strike in October and charged under the POSA with "invading the rights of others" for allegedly encouraging other teachers to strike. During his first arrest, Raymond Majongwe was tortured in custody by police. His case was adjourned to January 2003.

Tinashe Chimedza, Secretary General of the Zimbabwe National Students Union (ZINASU), was arrested in October together with eight other ZINASU members. All were released the day of their arrest, except for Tinashe Chimedza who was held in police custody for two days during which time he was tortured. He was charged with "inciting public violence" in connection with writing and distributing ZINASU posters that called on students to support the PTUZ strike.

Food shortages

Serious food shortages and famine resulting from drought in the sub-region placed approximately six million Zimbabweans at risk of hunger and starvation by the end of 2002. In the run-up to the presidential elections, the government banned the distribution of food aid except through state channels. Following the elections, widespread reports emerged of the government's politicization of the distribution of international food aid and the deliberate denial of food aid by ZANU-PF officials to MDC members and supporters. Youth militia stationed outside long queues to buy grain reportedly targeted MDC supporters for assaults and intimidation to prevent them from getting food.

Internally displaced people

Political violence, intimidation and land invasions in the rural areas and on commercial farms by state agents and state-sponsored militia resulted in the forced displacement of many farm workers, commercial farmers and their families. Large numbers fled to urban areas as a result of threats, physical violence and rape.

AI country reports/visits

Reports

- Memorandum to the SADC on the deteriorating human rights situation in Zimbabwe (AI Index: AFR 46/004/2002)
- Zimbabwe: The unfair prosecution of Parliamentarians Fletcher Dulini Ncube, Moses Mzila Ndlovu and sixteen others (AI Index: AFR 46/005/2002)
- Zimbabwe: Appeal to the Commonwealth Heads of Government meeting, Coolum, Australia (AI Index: AFR 46/013/2002)
- Zimbabwe: The toll of impunity (AI Index: AFR 46/034/2002)
- Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community (AI Index: AFR 03/004/2002)

Visit

AI delegates visited Zimbabwe in March.

AI REPORT 2003

PART 3

WHAT IS AI?

Amnesty International (AI) is a worldwide voluntary activist movement working for human rights. It is independent of any government, political persuasion or religious creed. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the impartial protection of human rights.

AI mobilizes volunteer activists – people who give freely of their time and energy in solidarity with the victims of human rights abuses. AI has a varied network of members and supporters around the world. At the latest count there were more than 1.5 million members, supporters and subscribers in over 150 countries and territories in every region of the world. AI members come from many different backgrounds, with widely different political and religious beliefs, united by a determination to work for a world where everyone enjoys human rights.

AI members may be organized in one of several thousand groups in local communities, schools and colleges in more than 100 countries and territories. Tens of thousands of members also participate in networks working on particular countries and themes or using particular campaigning techniques. Listed below are the addresses of recognized AI sections in 54 countries and territories and pre-section AI structures in 23 countries and territories; sections and structures coordinate the work of AI members. Also listed are other AI offices around the world; these offices exist for a variety of purposes including research, lobbying, core language translation and coordination at a regional level.

What does AI do?

AI forms a global community of human rights defenders with the principles of international solidarity, effective action for the individual victim, global coverage, the universality and indivisibility of human rights, impartiality and independence, and democracy and mutual respect.

AI's vision is of a world in which every person enjoys all the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

AI's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination. In this context:

- It campaigns for an end to political killings and "disappearances".
- It opposes without reservation the death penalty, torture and other cruel, inhuman or degrading treatment or punishment.
- It campaigns for perpetrators of human rights abuses to be brought to justice.
- It seeks the release of prisoners of conscience. These are people detained for their political, religious or other conscientiously held beliefs or because of their ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status – who have not used or advocated violence.
- It works for fair and prompt trials for political prisoners.
- It opposes certain grave abuses of economic, social and cultural rights.
- It seeks to persuade companies and economic institutions to respect and promote human rights.
- It opposes abuses by non-state actors where the state has failed to fulfil its obligations to provide effective protection.
- It works against grave abuses of the right to freedom from discrimination.
- It seeks to assist asylum-seekers who are at risk of being returned to a country where they might suffer serious abuses of their human rights.
- It calls on governments to refrain from unlawful killings in armed conflict.
- It calls on armed political groups to end abuses such as the detention of prisoners of conscience, hostage-taking, torture and unlawful killings.
- It campaigns for an end to the use of child soldiers.

AI also seeks to:

- cooperate with other non-governmental organizations, the UN and regional intergovernmental organizations;
- ensure control of international military, security and police relations, to prevent human rights abuses;
- organize human rights education and awareness raising programs.

AI: a democratic movement

AI is a democratic, self-governing movement. Major policy decisions are taken by an International Council made up of representatives from all national sections. The Council meets every two years, and has the power to amend the Statute which governs AI's work and methods. Copies of the Statute are available from the International Secretariat.

The Council elects an International Executive Committee of volunteers which carries out its decisions and appoints the movement's Secretary General, who also heads up the International Secretariat.

The movement's Secretary General is Irene Khan (Bangladesh), and the members of its International Executive Committee are Samuel Zan Akologo (Ghana), Margaret Bedggood (New Zealand), Paul Hoffman (USA), Hans Landolt (Peru), Colm Ó Cuanacháin (Ireland), Claire Paponneau (France), Marian Pink (Austria), Jaap Rosen Jacobson (Netherlands) and Rafael Barca (International Secretariat).

Finances

AI's national sections and local volunteer groups and networks are primarily responsible for funding the movement. No funds are sought or accepted from governments for AI's work investigating and campaigning against human rights violations. The donations that sustain this work come from the

organization's members and the public. The international budget adopted by AI for the financial year April 2002 to March 2003 was £23,728,000. This sum represents approximately one quarter of the estimated income likely to be raised during the year by the movement's national sections to finance their campaigning and other activities.

AI's ultimate goal is to end human rights violations, but so long as they continue AI tries to provide practical help to the victims. Relief (financial assistance) is an important aspect of this work. Sometimes AI provides financial assistance directly to individuals. At other times, it works through local bodies such as local and national human rights organizations so as to ensure that resources are used as effectively as possible for those in most need.

During the financial year April 2002 to March 2003, the International Secretariat of AI distributed an estimated £48,000 in relief to victims of human rights violations such as prisoners of conscience and recently released prisoners of conscience and their dependants, and for the medical treatment of torture victims. In addition, the organization's sections and groups distributed a further substantial amount, much of it in the form of modest payments by local groups to their adopted prisoners of conscience and dependent families.

Information about AI is available from national section offices and from: International Secretariat, Peter Benenson House, 1 Easton Street, London WC1X 0DW, United Kingdom.

AI online – www.amnesty.org

AI online is dedicated to providing AI's human rights resources on the Internet. It contains more than 20,000 pages and is visited by over 12,000 people daily from all over the world. During 2002, AI documents were visited on the site approximately 30 million times.

The website holds most AI reports published since 1996 detailing AI's concerns about human rights issues around the world. Additionally, there is information on the latest campaigns and appeals for action to help protect human rights.

During 2002, the website featured a number of appeals on behalf of individual prisoners of conscience, victims of torture and prisoners facing the death penalty, as well as campaigns on issues such as torture, the arms trade, economic relations and human rights. Special web pages were also created for the continuing human rights crises in specific countries including Iraq, Israel and the Occupied Territories and Colombia. One of the particular highlights of the year was an online petition urging governments to ratify the Rome Statute of the International Criminal Court, which was signed by more than 80,000 people worldwide. For latest appeals please visit http://www.amnesty.org/actnow/.

Following the continuing success of the Stop Torture website (http://www.stoptorture.org), other Internet campaign sites have followed, including AI's Secretary General Irene Khan calling on the leaders of the G8 countries to convert promises into steps to protect human rights (http://web.amnesty.org/g8).

In October 2002 AI launched a worldwide campaign on the Russian Federation to highlight the discrepancy between the human rights protection which those living in Russia have in international and national law, and the reality of widespread human rights abuses. A website was created to accompany the campaign (http://www.amnesty.org/russia) and is available in Arabic, English, French, Russian and Spanish. Many AI sections also produced their own websites as part of this campaign.

During 2002, increased international resources were devoted to web development and there are now plans for the continuing growth of AI online, including improved accessibility of the site, more multilingual content and more action tools to encourage our supporters to participate in campaigning on and off line.

The site also contains contact details for AI's offices worldwide (http://www.amnesty.org/contact/) and links to thousands of human rights-related websites. There are also AI international sites in: Arabic (http://www.amnesty-arabic.org), French (http://www.efai.org), and Spanish (http://www.edai.org).

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AI groups

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AI IN ACTION

This section of the *Amnesty International Report 2003* shows some of the work undertaken by AI members and supporters during 2002. It cannot reflect the enormous variety of initiatives taken in AI's name at the local, national and regional level. More information is available from sections (for contact details see **What is AI?**) and on AI's websites.

AI's activities range from public demonstrations to letter-writing, from human rights education to fundraising concerts, from targeted appeals on behalf of a single individual to global campaigns on a specific country or issue, from approaches to local authorities to lobbying intergovernmental organizations.

AI confronts governments with its findings by issuing detailed reports and by publicizing its concerns in leaflets, posters, advertisements, newsletters and on the Internet. AI campaigns to change government attitudes and unjust laws by feeding information to the media, to governments and to the UN, urging them to take action.

AI also strives to promote awareness and strengthen the protection of human rights. It appeals to international organizations to intervene when a crisis appears likely to develop. It seeks the protection of refugees fleeing persecution and it works with local human rights workers who are subjected to harassment or who are under threat of attack.

AI visits

During 2002, AI delegates visited 76 countries and territories to conduct research, to meet victims of human rights violations, to observe trials, to contact local human rights activists, and to meet government officials.

Urgent Actions

If urgent action is needed on behalf of people in imminent danger of serious human rights violations, volunteers around the world are alerted, and they send thousands of letters, faxes and e-mails within a matter of days.

- During 2002, AI initiated 468 such appeals to the Urgent Action Network. They called for action on behalf of people who were either at risk of or had suffered human rights violations including torture, "disappearances", the death penalty, death in custody, or forcible return to countries where they would be in danger of human rights violations.
- There were also 346 updates to previous Urgent Action appeals, 130 of which recorded good news about the case.
- These actions were issued on behalf of people in 83 countries and territories.

Long- and medium-term actions

Thousands of AI groups in local communities, schools and colleges work on long- and medium-term assignments in support of prisoners of conscience and other individual victims of human rights abuses. Groups put pressure directly on the authorities, work to raise awareness of AI's concerns, and work with others in their communities and internationally. Where possible they maintain direct contact with individual victims and their families to offer their support. Over 130 new actions of this type were taken up during 2002, supporting individuals and achieving the change needed to protect many more.

Many cases were successfully closed during 2002. Among them:

- Seven Tibetan prisoners of conscience were released from Drapchi Prison in China.
- A prisoner of conscience in the Maldives, who in 2001 had been sentenced to banishment for two and a half years, was released in August 2002.
- Two doctors in Kenya who faced threats and de-registration for contributing to a post-mortem report had charges against them dropped and restrictions on doctors participating in independent post-mortem investigations were withdrawn.

Campaigning actions

Throughout 2002 AI's sections and structures worked together on human rights problems in all world regions. A variety of campaigning techniques were bought to bear on individual cases and towards the changes in policy and practice needed to prevent human rights abuses. AI sections and structures directly lobbied for change, publicized concerns in the media, provided education and training, held public demonstrations and organized letter-writing and Internet-based actions.

Concerns worked on during 2002 included:

- Africa and the G8 Summit of the world's richest nations: AI addressed arms transfers between the world's richest nations and African states with poor human rights records, as well as the responsibility of G8 governments to ensure human rights are addressed in their efforts to prevent conflict in Africa and as a precondition of sustainable development.
- Torture and impunity in Turkey: working towards specific steps that would begin to break the prevailing culture of impunity and help secure justice for the victims of torture, including children.
- Freedom of expression and the administration of justice in Iran: addressing concerns about the independence of the judiciary and restrictions on the right to defence.
- Police reform and human rights in the Southern Africa Development Community (SADC), where AI's approach included working with local activists to develop a dialogue with police and security forces in the region on policing methods that respect human rights.
- The consistent failure of Guatemalan governments to address the outstanding legacy of mass human

rights violations committed during the country's long civil conflict.

Campaign on the Russian Federation

In October, AI launched a major worldwide campaign to highlight the discrepancy between the human rights protection which those living in the Russian Federation have in international and national law, and the reality of widespread human rights abuses committed in a climate of impunity.

AI published a major report, *The Russian Federation: Denial of justice* (AI Index: EUR 46/027/2002), as well as a campaign briefing and a series of thematic leaflets.

To launch the campaign AI members around the world held a range of events to urge the Russian government to live up to its obligations to protect human rights.

- AI's campaign *Justice for everybody* was launched in Moscow on 29 October by AI's Secretary General, Irene Khan; Olga Kitova, an investigative journalist from Belgorod who was ill-treated in police custody; Sergei Kovalev, human rights activist and State *Duma* (parliament) deputy who is a former AI prisoner of conscience; and journalist Anna Politkovskaya who has written extensively on the armed conflict in Chechnya.
- AI Chile organized an information stand on human rights violations in Russia in front of the *Palacio de Justicia*, Courts of Justice.
- AI Croatia launched the Russia campaign with a press conference. The campaign featured in all major regional newspapers and on national television.
- In November AI Czech Republic organized a joint action with the UN High Commissioner for Refugees (UNHCR), UNICEF and a local children's organization to mark International Children's Day. AI volunteers ran workshops for children of Russian, Ukrainian and Belarusian refugees in the Czech Republic, exploring issues of tolerance through an interactive play.
- AI Germany collected signatures on a 30-metre banner.
- AI Hong Kong held a ceremony in a busy pedestrian area of Hong Kong. Candles were lit in the shape of the AI candle, surrounded by the Russia campaign logo, and AI members also circulated a petition. The event was featured on Chinese television and in several Chinese newspapers.
- In Iceland, the Russian Ambassador lit an AI candle to mark the launch of the campaign.
- AI Mongolia held a student conference on the human rights situation in the Russian Federation, as a result of which a student activists' network was organized to promote and protect human rights.
- AI Nepal organized a street event in the centre of Kathmandu with decorative banners, public speakers, candle lightings and the collection of over 500 signatures.
- AI Netherlands launched the campaign with guests Boris Pustyntsev, from Citizen's Watch, and Liudmila Alekseeva, from Moscow Helsinki Watch. The event received a high level of coverage on both radio and television.
- AI Pakistan translated the launch report briefing into Urdu and organized a student conference on human rights in the Russian Federation.
- AI South Africa launched the Russia campaign in Pretoria with an event attended by embassy officials and representatives of many NGOs.
- AI Zimbabwe's launch event was attended by embassy staff, government officials and representatives of local NGOs. The university group designed T-shirts with the slogan *Moscow Uphold Human Rights!* During the event a letter from the Russian Ambassador to Zimbabwe was read out, at his personal request, in which he spoke of his high esteem and support for the work of AI.

Israel/ Occupied Territories/ Palestinian Authority crisis response

Early in 2002, international attention turned to the serious deterioration in the situation in Israel and the Occupied Territories. In response, AI mobilized its members to take action to stop the destruction of lives and to bring human rights concerns to the forefront. AI members sought to put pressure on the Israeli government, the Palestinian Authority and Palestinian armed groups; AI also called on the international community to deploy a monitoring force with a strong human rights mandate.

- Several AI delegations, including forensic, military and international human rights law experts, travelled to Israel and the Occupied Territories and AI issued a number of reports and statements.
- Dedicated web-pages kept the public informed and involved in key actions on AI's main areas of concern.
- AI sections all over the world initiated embassy vigils, mass letter and e-mail appeals, government lobbying and public activities.
- On 27 April AI declared an International Day of Mourning, which coincided with a visit to the area by AI's Secretary General, Irene Khan. At the same time as she was meeting families who had lost their relatives and their homes in Jenin, and families of some of the victims of suicide attacks in Tel Aviv, thousands of AI members took to the streets to express solidarity with all victims of this human rights crisis and to demand justice and respect for human rights.
- AI coordinated a worldwide speakers' tour with Palestinian and Israeli bereaved parents and human rights defenders to promote the message, "stop killing civilians".

Colombia crisis alert

The movement activated its crisis alert mechanism in order to bring to international attention the human rights and humanitarian tragedy unfolding in Colombia.

AI sections were quick to respond to the Colombia crisis alert. Many of them made a special effort to

engage the news media as a way of breaking down the wall of silence on the human rights situation in Colombia and in order to put a human face on the crisis.

The first major action was the publication of AI's Open Letter to newly-elected President Álvaro Uribe. AI sections in Argentina, Norway, Peru, Spain, Sweden and the USA, among others, sent the Open Letter to their media. Opinion pieces, advertisements and media briefings were among the techniques used by sections internationally, including AI Canada, Netherlands and Peru.

- A daily newspaper in Belgium agreed to publish Urgent Actions on Colombia every week for two months.
- Other forms of international solidarity for Colombian human rights defenders included solidarity cards, messages and fundraising appeals used by sections in Argentina, Belgium, Italy and the USA, among others. AI Switzerland organized activities for the Swiss groups, which included petitions, posters and a photo display, in collaboration with other NGO and church representatives.
- The Internet was used for campaigning on Colombia. The majority of AI sections in the Americas had special web pages on Colombia, and used these to promote web/electronic appeals and petitions to President Uribe.

Youth and student networks

AI has several thousand Youth and Student groups in 70 countries. Young activists campaign on all AI concerns.

- During 2002 Youth and Student groups took part in the campaign against the use of child soldiers and the campaign for justice for everybody in the Russian Federation. For International Children's Day, they worked on children's rights in Israel and the Occupied Territories and under the Palestinian Authority.
- Youth and Student groups collaborated with AI's Women's Human Rights Network and the international V-Day movement on violence against women during the annual International Month of Student Action.
- In July, a youth camp for Russian speakers was organized in Voronezh, Russia.
- The first Middle East and North African Youth Forum was held in Morocco. This gathering offered young activists in the region an opportunity to discuss human rights issues relevant to the region and to develop their leadership and campaigning skills.

Human rights defenders

AI's work with and on behalf of human rights defenders around the world seeks to strengthen the capacity of local, national and regional human rights groups to take preventive action against abuses and to create sustainable programs of practical protection.

Human rights defenders in the Americas

According to the Special Representative of the Secretary-General of the UN on Human Rights Defenders, over 90 per cent of the reports received in 2001 regarding killings of human rights defenders in the world occurred in the Americas.

- In September, AI delegates accompanied threatened human rights defenders in the state of Espirito Santo in Brazil who successfully requested federal intervention to tackle impunity and mass killings committed by a paramilitary group with close links to state officials.
- Also in September, AI Canada presented Colombian human rights defenders with 17 solidarity quilts, symbolizing their need for protection. Hundreds of AI's supporters in Canada had contributed squares of material bearing messages of support. During the event, which was attended by representatives of the Colombian government and foreign embassies, Colombian defenders presented the new government with a letter requesting talks to address their demands for protection.
- AI's campaigning helped bring about the appointment of an attorney to investigate attacks against human rights defenders in Guatemala.
- AI helped organize the Second Regional Consultation on Human Rights Defenders in Latin America and the Caribbean. The meeting was held in July in Guatemala, in order to highlight the worsening attacks against human rights defenders there. A Special Unit for Defenders, set up within the Inter-American Commission for Human Rights as a result of several years of lobbying work, carried out a visit to Guatemala, its first to the region.
- As a result of AI's work on human rights defenders in Mexico, the government established protection for several defenders at risk. The Human Rights Ombudsman's Office in Mexico City launched a campaign to promote the value of work carried out by defenders.

Human rights defenders in Africa

Many human rights defenders in Africa are working in areas of armed conflict in extremely challenging and dangerous conditions.

- AI continued to support human rights defenders in West Africa, building on both the 1998 Johannesburg Declaration and the launch of the West African human rights defenders coalition in 2001.
- In Central and Southern Africa, AI helped human rights defenders' networks to develop. In the Great Lakes region, support was given to activists in Goma, eastern Democratic Republic of the Congo (DRC), who were working in very difficult conditions to rebuild infrastructure after a natural disaster.
- AI Secretary General Irene Khan met human rights defenders from Burundi and the DRC during a visit to Burundi in September.
- AI helped to ensure the safety of human rights defenders at risk, including by assisting emergency evacuation and contributing towards legal defence.

- In some cases AI helped to ensure medical treatment for human rights defenders who became victims of torture or were injured in repressive action by security forces.
- Working with local partners, AI established links to UN mechanisms for the protection of human rights defenders in particular cases.

Human rights defenders in the Middle East/North Africa

Human rights defenders were targeted in many countries in the Middle East and North Africa region.

- Actions were launched on behalf of human rights defenders in Algeria, Egypt, Israel and the Occupied Territories, Jordan, Morocco/Western Sahara, Syria and Tunisia.
- In collaboration with a Spanish NGO, AI organized capacity-building workshops for Algerian human rights defenders and arranged internships for two Algerians with an Egyptian NGO working for the rehabilitation of victims of torture.
- AI delegates carried out media and public activities, focusing in particular on the situation of Yemeni detainees in Yemen and elsewhere, following the deterioration of the human rights situation in the wake of 11 September 2001, which threatened the human rights achievements made by Yemen over the last decade.

Children's rights

AI's Working Groups on Children work for children's rights in all regions through a range of campaigning techniques, education and awareness-raising.

Concerns worked on during 2002 included:

- The killing of children in Israel and the Occupied Territories and the Palestinian Authority since the start of the *intifada*.
- The multiple abuses children suffer at the hands of the law in Burundi. AI highlighted the fact that many children in detention are particularly vulnerable to abuses, including torture and ill-treatment, because they are impoverished, poorly educated and isolated from their families. Many are held in harsh conditions for excessively long periods without charge or trial.
- The treatment of children with mental disabilities in Bulgaria, where children are often placed in care homes on the basis of inadequate diagnoses and where they receive little or no therapy or rehabilitation programs and may be ill-treated.

Particular projects in 2002 included:

- AI Denmark participated in a forum with other NGOs to share information and agree joint initiatives appealing to the Danish government and other authorities about the implementation of the UN Convention on the Rights of the Child. Issues covered included the treatment of unaccompanied minors in asylum procedures.
- AIUK distributed 1,600 postcards appealing for a stay of execution for Napoleon Beazley, sentenced to death in the USA for a crime he committed when he was 17 years old. In spite of considerable international pressure, Napoleon Beazley was executed in May.

Lesbian, gay, bisexual and transgender human rights

AI's activists participated in several actions for lesbian, gay, bisexual and transgender (LGBT) human rights, including:

- Continuing work on behalf of tens of men persecuted in Egypt solely for their actual or perceived sexual orientation. Campaigning initiatives on their behalf included a mobile phone action organized by AI Netherlands, which yielded over 4,000 text messages which were sent as a petition to President Hosni Mubarak.
- The case of three men executed in Saudi Arabia, possibly for their sexual orientation.
- Ongoing work on LGBT rights in Ecuador, where homophobic harassment and violence continues despite anti-discrimination provisions in the constitution.

Campaigning highlights included:

- The AI Global Human Rights Conference, held in Sydney, Australia, from 30 October to 1 November, attracted over 300 people from more than 20 countries. Many LGBT rights NGOs and activists participated in the conference, which increased awareness of the discrimination and persecution faced by LGBT and intersex people, and raised the profile of AI's LGBT rights work. The conference passed a resolution to advocate a UN declaration on the right to sexual self-determination.
- As part of Europride 2002 in Cologne, Germany, LGBT groups from AI Germany and AI Poland organized three days of AI meetings and public events focused on the LGBT human rights situation in Europe. Delegates attended from Belarus, Germany, Moldova, Poland, Portugal, Russia, Serbia, Switzerland, Ukraine and the United Kingdom.
- AI Philippines continued to campaign in conjunction with local LGBT organizations to make the Philippines the first country in the region to outlaw discrimination on the basis of sexual orientation and gender identity. In December an anti-discrimination bill was approved by a legislative committee, an important step in the bill's passage through Congress.

Women's rights

AI's International Women's Human Rights Network took action on a number of issues during 2002, including:

- The application of the Sharia penal code in Nigeria.
- The continued existence of discriminatory laws in Pakistan that fail to tackle the violence which affects a high proportion of the country's women.

Particular projects in 2002 included:

- An International Women's Day action on violence against women in Kenya, focusing on rape in custody and within marriage, and the documentation of medical evidence in rape cases.

- In April a meeting of AI's women's human rights activists was convened in London. Representatives from 45 AI sections and structures shared their experiences, planned their future role in the movement and discussed the issues surrounding women's human rights which impact on the work of AI.
- AI USA's women's human rights action team in Wyoming and Colorado collaborated with local and state coalitions against domestic violence to train service providers and officials. They focused on providing training in how to apply a human rights framework, including the concept of due diligence, to the issue of domestic violence, and explaining how domestic violence can amount to torture.
- The Intersectional Women's Network-Africa is a special project uniting women to defend women's human rights in Africa. The network comprises AI women human rights defenders from more than 10 countries in sub-Saharan Africa. Since its creation in 1999, the network has participated in several campaigns, as well as working on individual cases and running awareness programs on the rights of women, children and refugees.

Health professionals network

Health professionals in more than 30 countries continued to take action on cases involving prisoners deprived of health care, suffering the effects of torture or in other ways likely to benefit from appeals by health workers.

More than 40 medical actions and updates, as well as relevant Urgent Actions, were sent to network members during the year. Around a third of these appeals were for fellow health professionals, mainly doctors and nurses.

- In September the network campaigned on the issue of conditions in mental health institutions in Bulgaria following the publication of an AI report on the issue.
- The Health Professionals Network participated in the launch of the Russia campaign in October. The network focused on the medical documentation of torture.
- In August, a workshop on the protection of the rights of women and girls through the forensic documentation of rape was co-sponsored by AI and the Independent Medico-Legal Unit in Durban, South Africa. Doctors, lawyers, counsellors and others from 10 countries in the region participated.
- The Dutch Section medical examination group produced an interactive CD-ROM illustrating the effects of torture. This will be made available to doctors in the Netherlands and elsewhere in order to improve their awareness of torture-related injuries.

Trade union network

AI activists continued to work for basic labour rights; on behalf of those threatened or imprisoned because of their defence of workers' rights; and with trade unions on all human rights concerns.

- Throughout 2002 the Trade Union Network took up the cases of individual trade unionists in danger of human rights abuses in many countries including Brazil, China, Colombia, El Salvador, Guatemala and Turkey.
- In May, AI launched a campaign to work with trade unions internationally on behalf of imprisoned labour activists and others affected by repression of labour rights in China.
- AI worked with delegates attending the International Labour Conference, focusing on campaigning for the ratification of core labour standards worldwide.
- AI received good news in May when Dr Taye Wolde-Semayat, trade unionist and prisoner of conscience on whose behalf AI and the trade union movement had worked for many years, was released from prison in Ethiopia.

Human rights education

Human rights education in AI includes a broad range of education programs in the formal and informal sectors which are implemented by our members around the world.

These human rights education programs:

- Encourage change and empower people to claim their rights.
- Recognize the universality and indivisibility of human rights.
- Increase knowledge and understanding of human rights.
- Assist people to use the legal instruments designed to protect human rights.
- Use interactive and participatory methodology to develop respect for human rights and the skills needed to defend them.
- Take a long-term strategic approach and are planned and integrated into all parts of AI's work.

Throughout 2002 AI sections and structures in all regions of the world developed and implemented human rights education programs for a wide range of target groups, including teachers, police and other law enforcement officials, journalists, lawyers, health professionals, women's organizations, indigenous people and youth groups.

Many AI sections and structures played a major role in lobbying for human rights to be included in the curriculum for children's education, police and military training and other key areas of the tertiary education system.

Activities included courses and workshops, training of trainers, programs in schools, competitions and street dramas.

At the international level a newsletter, web pages and a database were produced to facilitate the exchange of information and expertise on human rights education.

Refugees and asylum-seekers

One of AI's main activities in the field of asylum is advocacy aimed at strengthening legislation, regulations and other tools for protection of the rights of refugees and asylum-seekers.

- AI's EU Office launched a campaign for the EU Council in Seville in June urging EU member states to adopt a human rights perspective to the debate on asylum and migration in Europe.
- AI Germany presented AI's concerns on the new migration law to parliament in January. The activities of AI Germany and others led to a change in the law to restore persecution by non-state actors as a ground for refugee status.
- AI Ireland spearheaded a campaign against the introduction of carrier sanctions. These sanctions, which penalize carriers who transport inadequately documented passengers, including asylum-seekers, are among several restrictive measures states have introduced in recent years in order to limit access to their territory and asylum procedures.
- AI New Zealand took an active part in a joint NGO lobby group working for an end to arbitrary detention of asylum-seekers.
- AI UK played a big part in campaigning against provisions in the 2002 Nationality, Immigration and Asylum Bill, helping to inform debates taking place in the UK parliament.
- AI USA and AI Canada worked vigorously to challenge a "safe third country" agreement between the USA and Canada.

In many countries, there has been a strong increase in AI members actively working on refugee issues.

- In South Africa, the specialized network of AI members has tripled in size.

Raising awareness of refugee rights

AI aims to raise awareness about the human rights of refugees, asylum-seekers and migrants among the general public and policy-makers.

- AI Australia ran a major refugee campaign that included the "Faces of Hope" photographic display of 10,000 faces, launched in Sydney on International Human Rights Day on 10 December.
- AI Belgium organized a series of visits to open refugee centres for AI members.
- AI Czech Republic ran a Christmas project in Brno to collect toys and books for refugee and asylum-seeking children.
- AI Turkey conducted several training seminars on refugee issues for people working with refugees and asylum-seekers.

World Refugee Day

AI sections organized a number of activities for World Refugee Day on 20 June.

- AI Luxembourg celebrated the courage of women refugees.
- AI Germany organized a symposium in cooperation with the UNHCR on refugee protection in Europe.
- AI Malaysia organized a forum on the refugee situation in Malaysia, with speakers from local NGOs and the UNHCR.

Human rights and economic relations

AI's Business and Economic Relations Network seeks to increase the number of companies and economic institutions taking measures to protect and promote human rights.

- AI's Business and Economic Relations Network collaborated with other NGOs on a sustained campaign on "conflict diamonds" which resulted during 2002 in the agreement by most diamond producing and trading countries to implement the Kimberley Process Certification system with effect from January 2003. AI welcomed the industry's commitment to working with governments and civil society on the private sector's role and responsibility in tracking rough diamonds. However, AI remained concerned about the system's shortcomings which leave the process open to abuse.
- In the run-up to the G8 summit of the world's richest nations, AI asked companies which are participants in the UN Global Compact to put in place policies ensuring that the companies' own security personnel and any security forces engaged by them are familiar with, and committed to, international guidelines and standards for the use of force in policing.
- AI asked companies from G8 countries to lobby their respective governments, urging them to control the trade in "conflict diamonds" and other resources which fund the supply of arms in armed conflict areas and contribute to human rights abuses.

Military, security and police transfers

AI's Military, Security and Police Transfers Network campaigns to increase the accountability of governments and businesses involved in the manufacture and trading of arms and security equipment, and those providing police or security training. AI's members urge all those involved in military, security and police transfers to consider the human rights implications of their operations.

Actions during 2002 included:

- AI members campaigned for better laws on arms exports in Belgium, Canada, Czech Republic, France, Italy, Slovakia, Spain, the UK and the USA. In almost all cases, positive developments followed.
- A commitment by the G8 countries to tackle international arms brokering and trafficking followed AI lobbying of the G8 Summit in Canada, under the slogan *No Arms for Atrocities*.
- AI worked to develop the text of an International Arms Trade Treaty and promoted it with key governments.
- AI's work to ban the trade in torture equipment contributed to an improvement by the US Department of Commerce in the regulations governing US crime control exports. AI also published a report on US foreign military and police training in over 150 countries, after which an important legal change to protect human rights was brought in.
- AI continued to campaign for strict national controls on the trade and use of security equipment. It organized an International Expert Meeting on Security Equipment and the Prevention of Torture in London in October, which was attended by 40 international experts.

- AI submitted proposals to the European Commission to draw up a law to prevent the trade in torture equipment and security equipment used for torture. A draft EU regulation governing this trade was issued to the 15 member states in December.
- With the 500-plus members of the NGO alliance on small arms, AI helped promote the creation of a UN Rapporteur on Small Arms.
- AI members campaigned for better weapons collection and destruction programs in countries saturated with small arms, such as Afghanistan, Angola and Sierra Leone.
- AI campaigned on policing in the Southern African region, with a special report released internationally, and workshops with AI members in the region to build awareness of human rights standards for policing.
- Projects on human rights and policing in other countries were developed, including in Afghanistan, Jamaica and Timor-Leste.
- AI Philippines organized a three-day training workshop for members and other NGOs in the Philippines and the region to study the problem of abuses committed with small arms and security equipment.
- AI addressed large rallies and provided workshops on arms control at the European Social Forum in Florence, Italy, in November.

INTERNATIONAL AND REGIONAL ORGANIZATIONS

Throughout 2002, AI continued its efforts to further its human rights work by seeking to influence international and regional organizations in terms of both campaigning against ongoing human rights abuses and promoting international standards for the protection of human rights. Below are some of the highlights of AI's work with these organizations.

UN Headquarters, New York

AI has urged the **Security Council** to pay attention to the human rights consequences of the adoption of Security Council Resolution 1373, which called for sweeping measures to combat "terrorism" and established a Counter-Terrorism Committee (CTC). In June AI submitted information to the CTC on several states taking measures which violated human rights, including the right to life and the right to freedom of expression. Other measures taken fell far short of international legal safeguards for arrest, detention and fair trial, including the presumption of innocence. The CTC informed AI that the information had been circulated to the CTC members but did not indicate any action taken by the CTC as a result. AI also expressed concern to the Chair of the CTC, Ambassador Greenstock (United Kingdom), *inter alia*, that the CTC guidelines to states did not require states to specify how in implementing Resolution 1373 they were also respecting their obligations under human rights treaties to which they were a party, and that reports to the CTC were not scrutinized by UN human rights experts. Despite interest from some states and the UN High Commissioner for Human Rights, the Security Council refused to appoint a human rights expert to advise states on how best to meet their human rights obligations when implementing Resolution 1373. In view of the CTC's refusal to take account of human rights concerns, AI looked to the UN's main human rights body – the UN Commission on Human Rights – and the UN General Assembly to address this deficit (see below).

During the year AI participated in informal briefings arranged by the Security Council on the human rights situation in the Great Lakes region and Sierra Leone, and provided the Council with information on other countries including Afghanistan and Liberia. It also followed closely Resolution 1441 on Iraq. On Israel/Occupied Territories, AI called for the deployment of a team of independent experts to investigate alleged human rights abuses in Jenin. AI also raised concerns about attempts to exempt UN peace-keepers from the jurisdiction of the International Criminal Court (ICC), and urged the Council to adopt stronger measures to control small arms and light weapons.

After 10 years of often difficult negotiations the **UN General Assembly (GA)** adopted in December an Optional Protocol (OP) to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The OP, which was to enter into force upon the 20th ratification, was an important addition to existing international standards to eradicate torture, aiming to prevent acts of torture before they occur. It establishes a system of regular visits to places of detention by an international body of experts, complemented by sustained regular visits conducted by national visiting bodies.

AI also campaigned for a GA resolution on the protection of human rights and "counter-terrorism". The initiative for the resolution came from the government of Mexico and was a welcome first step in ensuring that states respect human rights when taking measures to combat "terrorism", in particular as required by Security Council Resolution 1373. The GA resolution, adopted in November, reaffirmed state responsibility to protect human rights and that certain rights are non-derogable. It also asked the UN High Commissioner for Human Rights to monitor the situation, make recommendations to states on the protection of human rights when taking steps to counter "terrorism", and report to the Commission on Human Rights and the GA.

AI participated in the UN GA **Special Session on Children** with a specific focus on ratification of relevant international instruments, including on child soldiers and the imposition of the death penalty on those aged under 18 at the time the offence was committed. AI also joined with others in advocating that the outcome document of the Special Session must have a rights-based framework and use the Convention on the Rights of the Child as the framework for all work on children's issues at every level – national, regional and international.

UN Geneva

In advance of the March-April 2002 **Commission on Human Rights** (the Commission), AI identified six priority countries – Colombia, Indonesia, Israel/Occupied Territories, Russian Federation, Saudi Arabia and Zimbabwe – and five priority themes – the death penalty, "disappearances", the draft Optional Protocol to the Convention against Torture, human rights and "counter-terrorism", and follow-up to the World Conference against Racism. On AI's country priorities, the Commission adopted resolutions on Israel/Occupied Territories and a chairperson's statement on Colombia and East Timor, but draft resolutions on Russia and Zimbabwe failed. The Special Rapporteur on the independence of judges and lawyers visited Saudi Arabia in October – the first ever visit to that country by a UN human rights thematic mechanism. AI had worked towards this for more than eight years through both the confidential 1503 procedure and public sessions of the Commission. Resolutions which reflected AI's concerns were adopted on the abolition of the death penalty, the draft convention on "disappearances", and the draft

Optional Protocol to the Convention against Torture. A Mexican draft resolution on the protection of human rights and "counter-terrorism" for which AI had lobbied was withdrawn on the last day of the Commission in the face of strong opposition from the USA and several other countries. The Commission also decided to undertake a review to enhance its effectiveness. Throughout the year AI participated actively in this review with a specific focus on strengthening the human rights mechanisms of the Commission, specifically the special rapporteurs and working groups, and on a commitment by Commission members to human rights protection.

As part of its work to raise the profile of the Commission's thematic mechanisms, AI worked in cooperation with the Law Society of England and Wales to produce a new version of the publication *The United Nations Thematic Mechanisms: 2002* (AI Index: IOR 40/009/2002). AI's International Secretariat in London, United Kingdom, also hosted visits by representatives of thematic mechanisms, including the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on violence against women, and the new Special Rapporteur on the right to health. Throughout the year AI submitted cases to a broad range of human rights mechanisms and prepared briefings prior to their visits to countries such as Australia, Bolivia, Democratic Republic of the Congo, Georgia, Guatemala, Indonesia, Macedonia, Russian Federation, Thailand, Turkey and Uzbekistan. AI also hosted an international expert meeting with the Special Rapporteur on torture on security equipment and the prevention of torture.

AI observed the 54th session of the **Sub-Commission for the Promotion and Protection of Human Rights**. During the plenary sessions AI made oral statements supporting the development of human rights principles for transnational corporations and calling on governments to adopt legislation to control and monitor the supply and demand for small arms and light weapons. AI also lobbied around the issue of human rights and "terrorism", and supported a call for an optional protocol to be drafted setting up an individual complaints mechanism for the International Covenant on Economic, Social and Cultural Rights.

In 2002, AI continued to actively protect the rights of **asylum-seekers, displaced persons, refugees and migrants**. The organization contributed in particular to the Agenda for Protection of the UN High Commissioner for Refugees (UNHCR), a key product of the UNHCR Global Consultations on International Protection. In collaboration with other non-governmental organizations (NGOs), AI also pressed for a wider engagement of the non-government sector in international standard-setting, notably with regard to the conclusions of the UNHCR Executive Committee. AI sought to strengthen its work with relevant special procedures, including the Special Rapporteur on the human rights of migrants. AI also participated in an important discussion on "when displacement ends" led by the Special Representative of the UN Secretary-General on internally displaced persons. AI's work was increasingly concerned with the rights of migrants and other non-nationals, and in November AI became an observer to the Governing Council of the International Organization for Migration.

AI attended the Annual Meeting of the Chairpersons of the **treaty-monitoring bodies** and focused on the importance of ensuring follow-up to treaty-body recommendations. In particular, AI emphasized the need for such recommendations to inform the work of the UN agencies and UN technical cooperation programs, and for treaty bodies to better collaborate with NGOs in order that they may more effectively demand implementation at the national level. AI provided treaty-monitoring bodies with country-specific information including: the Committee against Torture (Egypt, Russian Federation, Saudi Arabia and Spain); the Committee on the Rights of the Child (Israel and UK); the Human Rights Committee (Egypt, Gambia (in closed session and without government representatives), Georgia, Togo, Viet Nam and Yemen); the Committee on the Elimination of Racial Discrimination (Canada); and the Committee on the Elimination of Discrimination against Women (Russian Federation, Sri Lanka, Trinidad and Tobago). Following the publication of the Committee against Torture's report on Sri Lanka under the Committee's Article 20 procedure, AI wrote to the Committee to seek clarification about the Committee's findings. AI was particularly concerned that despite a disturbing number of cases of torture and ill-treatment the Committee found that the practice of torture was not systematic.

Prior to the **International Labour Conference** of the International Labour Organisation (ILO) in June, AI issued *Fundamental rights at work* (AI Index: IOR 42/001/2002) which called on member states which had not done so to promptly ratify eight fundamental labour conventions which formed the basis of the 1998 ILO Declaration of Fundamental Principles and Rights at Work (the ILO Declaration). AI also drew attention to specific concerns, including forced labour and violation of the right to freedom of association, in China, Colombia, Mauritania and Myanmar.

Regional intergovernmental organizations

In advance of the July summit of the **Organization of African Unity (OAU)/African Union (AU)** in Durban, South Africa, AI published *African Union: A New Opportunity for the Promotion and Protection of Human Rights in Africa* (AI Index: IOR 63/002/2002). The report looked at the transformation of the OAU into the AU and the opportunities for the political and other organs created by the Constitutive Act to reinforce the promotion and protection of human rights in Africa. The report challenged African leaders to ensure that the AU strive to enhance the realization of human and peoples' rights in Africa.

Throughout the year AI campaigned for ratification of the Protocol establishing the **African Court on Human and Peoples' Rights** (see, for example, *African Court on Human and Peoples' Rights: An opportunity to strengthen human rights protection in*

Africa, AI Index: IOR 63/001/2002). The Protocol required 15 ratifications to enter into force but only six African states had ratified it by the end of the year: Burkina Faso, Gambia, Mali, Senegal, Uganda and South Africa. AI attended the first session of the **African Committee on the Rights and Welfare of the Child** and participated in the discussion on the Committee's rules of procedure and methodology. At sessions of the **African Commission on Human and Peoples' Rights**, AI drew the Commission's attention to human rights violations in Côte d'Ivoire, Democratic Republic of the Congo, Kenya, Liberia and Zimbabwe, and to the serious situation faced by human rights defenders in Africa.

Through its **European Union (EU)** office in Brussels and its offices in EU member states, AI continued to press the EU to put its human rights policies into practice more effectively, not only in external relations but also regarding human rights problems within its own borders. AI's major reports on Greece and Spain contributed to pushing for a proper system of accountability at EU level, all the more urgent with 10 countries set to join the EU in 2004.

AI addressed substantial memorandums to EU summit meetings with its Mediterranean and Latin American partners. Appeals were made to the EU to raise human rights concerns in its dealings with countries such as Algeria, China, Colombia, Iran, Israel, Tunisia, Turkey, Russian Federation and Zimbabwe. On these and other countries, AI pressed for more active use of the EU's specific instruments such as the guidelines against torture and against the death penalty, and the human rights clause in its agreements with third countries.

In response to the build-up of anti-immigrant sentiment before the June EU summit in Seville, Spain, AI campaigned forcefully to inject a human rights perspective into debates that threatened further fortification of Europe at the expense of the EU's key human rights obligations including the right to asylum. (Refugee issues are dealt with in the previous section, **AI in action**.)

The European Parliament (EP) began to respond to AI's critique that it should strengthen its human rights role and to focus on holding the European Council and European Commission accountable. This included a personal pledge from newly elected EP President Pat Cox (Ireland).

The conference on the Future of Europe responded positively to calls from AI and others for human rights to be anchored more firmly, by incorporating the Charter of Fundamental Rights in a new constitutional treaty, and by accession of the EU to the European Convention on Human Rights. AI was also active in advocating a stronger EU role in the world in pursuit of sustainable development and human rights goals.

AI participated actively through written submissions and oral interventions in the elaboration of **Council of Europe** "Guidelines of the Committee of Ministers of the Council of Europe on human rights and the fight against terrorism". AI continued to monitor proposals to reform the European Court of Human Rights. AI was particularly concerned at a proposal to allow the Court to decline applications "which raised no substantial issue" under the European Convention for the Protection of Human Rights and Fundamental Freedoms. If adopted, this proposal would mean that the Court would no longer have to issue rulings on all cases, in effect limiting the right of individuals to seek redress before the Court. In January AI joined forces with other NGOs and produced a Joint Response to the reform proposals. Throughout the year, AI continued to encourage other NGOs to sign the Joint Response, and to push governments in Council of Europe member states to hold consultation meetings on the reform proposals with civil society in their countries. AI also undertook a number of actions to persuade states to ratify Protocol No. 13, which abolishes the death penalty in all circumstances.

At the **Organization for Security and Co-operation in Europe (OSCE)** AI participated in the September session of the Human Dimension Implementation Meeting and contributed to the discussions with oral interventions and written statements on fair trial concerns in the aftermath of the 11 September 2001 attacks in the USA, the death penalty and violence against women. During the year AI also participated in OSCE meetings on human rights defenders and violence against women.

At the General Assembly (GA) of the **Organization of American States (OAS)** in Barbados in June, AI focused on the draft Inter-American Convention against Terrorism, as well as on human rights defenders, ratification of the Rome Statute of the International Criminal Court, strengthening of the Inter-American system for the protection of human rights, the draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance, and child soldiers. The GA adopted the Inter-American Convention against Terrorism which included an article on respect for international human rights law, international humanitarian law and international law on refugees. In a resolution on human rights defenders, the Inter-American Commission on Human Rights was invited to elaborate on and analyse the situation of human rights defenders in the Americas, and to cooperate with the Special Representative of the UN Secretary-General on human rights defenders. The GA also adopted resolutions urging ratification of the Rome Statute and promoting the elaboration of a draft convention against racism and all forms of discrimination and intolerance. The issue of child soldiers was addressed in a resolution on promotion of and respect for international humanitarian law which stated that "the particular protection and assistance needs of women and children in situations of armed conflict must be effectively addressed". The GA welcomed the May 2000 adoption of the UN Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. As part of the international Coalition to Stop the Use of Child Soldiers, AI issued a press release welcoming the adoption of this resolution and stressing the need to respond to affected children in the Americas region,

including direct and indirect participation in armed conflict, forced displacement and the growth of organized armed gangs. OAS member states were urged to ratify and implement the Optional Protocol, to support programs for prevention and assistance, and to establish as 18 the minimum age for recruitment. In November AI was confirmed as an accredited organization with the OAS.

Impunity: the International Criminal Court

AI continued its active engagement with the Coalition for an International Criminal Court in a year which saw the 60th ratification of the Rome Statute, triggering its entry into force on 1 July. Thirty-nine states ratified the Rome Statute in 2002, bringing the total at the end of the year to 87. AI continued to lobby states to ratify the Rome Statute and to incorporate the treaty into their national laws. As the ICC became operational, AI urged governments to establish transparent processes for the nomination of judges to the ICC including consultation with civil society. AI spoke against the adoption in July of UN Security Council Resolution 1422 as not consistent with the Rome Statute, UN Charter and international law. The resolution requests the ICC – without consideration of the facts – to defer all cases where persons taking part in UN Security Council-established and authorized peace-keeping operations are accused of genocide, crimes against humanity and war crimes, if they are nationals of states that have not ratified the Rome Statute. AI also urged governments to reject US requests to enter into impunity agreements not to surrender to the ICC US nationals accused of genocide, crimes against humanity and war crimes.

Selected AI reports

- 2002 UN Commission on Human Rights: Rights at risk (AI Index: IOR 41/025/2001)
- Rights at risk: Amnesty International's concerns regarding security legislation and law enforcement measures (AI Index: ACT 30/001/2002)
- The United Nations Thematic Mechanisms 2002: An overview of their work and mandates (AI Index: IOR 40/009/2002)
- International Criminal Court: Checklist to ensure the nomination of the highest qualified candidates for judges (AI Index: IOR 40/023/2002)
- International Criminal Court: US efforts to obtain impunity for genocide, crimes against humanity and war crimes (AI Index: IOR 40/025/2002)
- Statements and press releases issued by Amnesty International during the 58th Session of the UN Commission on Human Rights (AI Index: IOR 41/021/2002)
- The Arab Convention for the Suppression of Terrorism: A serious threat to human rights (AI Index: IOR 51/001/2002)
- Universal Jurisdiction: Belgian court has jurisdiction in Sharon case to investigate 1982 Sabra and Chatila killings (AI Index: IOR 53/001/2002)
- African Court on Human and Peoples' Rights: An opportunity to strengthen human rights protection in Africa (AI Index: IOR 63/001/2002)
- African Union: A new opportunity for the promotion and protection of human rights in Africa (AI Index: IOR 63/002/2002)

EU Office (available on www.amnesty-eu.org)

- The human rights agenda for the EU in 2002: AI Memorandum to the Spanish Presidency (EU Office, January 2002)
- A critical assessment of the European Parliament's 2002 human rights reports (EU Office, March 2002)
- Towards sustainable peace and security: The human rights imperative for the Barcelona process (EU Office, April 2002)
- Settle the past, safeguard the future: AI memorandum to the EU-Latin America Summit (EU Office, May 2002)
- EU war on "illegal immigration" puts human rights at risk: AI appeal to the Seville Summit (EU Office, June 2002)
- The EU and human rights: Time to change – AI memorandum to the Danish Presidency (EU Office, June 2002)
- Turkey: Briefing on present state of human rights development during the pre-accession process (EU Office, September 2002)
- Human rights in Chechnya: a litmus test for EU-Russia relations (EU Office, November 2002)
- Missing: A common asylum policy that is ambitious, coherent and protection-centred – AI open letter to Justice and Home Affairs Council (EU Office, November 2002)

Selected international human rights treaties

(AT 31 DECEMBER 2002)

States which have ratified or acceded to a convention are party to the treaty and are bound to observe its provisions. States which have signed but not yet ratified have expressed their intention to become a party at some future date; meanwhile they are obliged to refrain from acts which would defeat the object and purpose of the treaty.

	International Covenant on Civil and Political Rights (ICCPR)	(First) Optional Protocol to the ICCPR	Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Optional Protocol to CEDAW	Convention on the Rights of the Child (CRC)	Optional Protocol to the CRC on the involvement of children in armed conflict	International Convention on the Elimination of All Forms of Racial Discrimination	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees	Rome Statute of the International Criminal Court	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Afghanistan	○			○	D		○		○				○[28]
Albania	○			○	○		○		○	○	○	D	○
Algeria	○	○		○	○		○		○	○	○	D	[22]○
Andorra	◗	◗	◗		○	●	○	○	◗			○	◗
Angola	○	○		○	○		○			○	○	D	
Antigua and Barbuda					○		○		○	○	○	○	○
Argentina	○	○		○	○	D	○	●	○	○	○	○	[22]○
Armenia	○	○		○	○		○		○	○	○	D	○
Australia	○	○	○	○	○		○	◗	○	○	○	●	[22]○
Austria	○	○	○	○	○	○	○	●	○	○	○	○	[22]○
Azerbaijan	○	○	○	○	○	○	○	●	○	○	○		[22]○
Bahamas					○		○		○	○	○	D	
Bahrain					●		○		○			D	○
Bangladesh	○			○	○	○	○	○	○			D	○
Barbados	○	○		○	○		○		○			●	
Belarus	○	○		○	○	◗	○		○	○	○		○
Belgium	○	○	○	○	○	D	○	●	○	○	○	○	[22]○
Belize	○			D	○	●	○	D	○	○	○	○	○
Benin	○	○		○	○	D	○	D	○	○	○	●	○
Bhutan					○		○		D				
Bolivia	○	○		○	○	○	○		○	○	○	●	○
Bosnia and Herzegovina	○	○	○	○	○	●	○	D	○	○	○	●	○
Botswana	○				○		○		○	○	○	○	○
Brazil	○			○	○	●	○	D	○	○	○	●	○
Brunei Darussalam							○						
Bulgaria	○	○	○	○	○	D	○	●	○	○	○	●	[22]○
Burkina Faso	○	○		○	○	D	○	D	○	○	○	D	○
Burundi	○			○	○	D	○	D	○	○	○	D	○
Cambodia	○			○	○	D	○	D	○	○	○	●	○
Cameroon	○	○		○	○		○	D	○	○	○	D	[22]○
Canada	○	○		○	○	●	○	○	○	○	○	○	[22]○
Cape Verde	○	○	○	○	○		○	●	○		○	D	○
Central African Republic	○	○		○	○		○		○	○	○	○	
Chad	○	○		○	○		○	◗	○	○	○	D	○
Chile	○	○	D	○	○	D	○	D	○	○	○	D	○
China	D			○	○		○	D	○	○	○		○[28]

● became a state party in 2002
○ state is a party
◗ signed in 2002
D signed but not yet ratified

[22] Countries making a declaration under Article 22 recognize the competence of the Committee against Torture to consider individual complaints

[28] Countries making a reservation under Article 28 do not recognize the competence of the Committee against Torture to undertake confidential inquiries into allegations of systematic torture if warranted

SELECTED INTERNATIONAL HUMAN RIGHTS TREATIES

	International Covenant on Civil and Political Rights (ICCPR)	(First) Optional Protocol to the ICCPR	Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Optional Protocol to CEDAW	Convention on the Rights of the Child (CRC)	Optional Protocol to the CRC on the involvement of children in armed conflict	International Convention on the Elimination of All Forms of Racial Discrimination	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees	Rome Statute of the International Criminal Court	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Colombia	○	○	○	○	○	D	○	D	○	○	○	●	○
Comoros					○		○		D			D	D
Congo (Democratic Republic of the)	○	○		○	○		○	○	○	○	○	●	○
Congo (Republic of the)	○	○		○	○		○		○	○	○	D	
Cook Islands							○						
Costa Rica	○	○	○	○	○	○	○	D	○	○	○	○	[22] ○
Côte d'Ivoire	○	○		○	○		○		○	○	○	D	○
Croatia	○	○	○	○	○	○	○	●	○	○	○	○	[22] ○
Cuba					○	D	○	D	○				○
Cyprus	○	○	○	○	○	●	○		○	○	○	●	[22] ○
Czech Republic	○	○		○	○	○	○	○	○	○	○	D	[22] ○
Denmark	○	○	○	○	○	○	○	●	○	○	○	○	[22] ○
Djibouti	●	●	●	●	○		○			○	○	●	●
Dominica	○			○	○		○	●		○	○	○	
Dominican Republic	○	○		○	○	○	○	◗	○	○	○	D	○
Ecuador	○	○	○	○	○	●	○	D	○	○	○	●	[22] ○
Egypt	○			○	○		○		○	○	○	D	○
El Salvador	○	○		○	○	D	○	●	○	○	○		○
Equatorial Guinea	○	○		○	○		○		●	○	○		● [28]
Eritrea	●			○	○		○		○			D	
Estonia	○	○		○	○		○		○	○	○	●	○
Ethiopia	○			○	○		○		○	○	○		○
Fiji					○		○		○	○	○	○	
Finland	○	○	○	○	○	○	○	●	○	○	○	○	[22] ○
France	○	○		○	○	○	○	D	○	○	○	○	[22] ○
Gabon	○			○	○		○	D	○	○	○	○	○
Gambia	○	○		○	○		○	D	○	○	○	●	○
Georgia	○	○	○	○	○	●	○		○	○	○	D	○
Germany	○	○	○	○	○	●	○	D	○	○	○	○	[22] ○
Ghana	○	○		○	○	D	○		○	○	○	○	[22] ○
Greece	○	○	○	○	○	●	○	D	○	○	○	●	[22] ○
Grenada	○			○	○		○		D				
Guatemala	○	○		○	○	●	○	●	○	○	○		○
Guinea	○	○		○	○		○		○	○	○	D	○
Guinea-Bissau	D	D	D	○	○	D	○	D	D	○	○	D	D
Guyana	○	○		○	○		○		○			D	○
Haiti	○				○		○	◗	○	○	○	D	
Holy See							○	○	○	○	○		●
Honduras	○	D	D	○	○		○	●	●	○	○	●	○
Hungary	○	○	○	○	○	○	○	◗	○	○	○	○	[22] ○
Iceland	○	○	○	○	○	○	○	○	○	○	○	○	[22] ○
India	○			○	○		○		○				D
Indonesia					○	D	○	D	○				○
Iran (Islamic Republic of)	○			○			○		○	○	○	D	
Iraq	○			○	○		○		○				
Ireland	○	○	○	○	○	○	○	●	○	○	○	●	[22] ●
Israel	○			○	○		○	D	○	○	○	D	○ [28]
Italy	○	○	○	○	○	○	○	●	○	○	○	○	[22] ○

● became a state party in 2002

○ state is a party

◗ signed in 2002

D signed but not yet ratified

22 Countries making a declaration under Article 22 recognize the competence of the Committee against Torture to consider individual complaints

28 Countries making a reservation under Article 28 do not recognize the competence of the Committee against Torture to undertake confidential inquiries into allegations of systematic torture if warranted

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Jamaica	○			○	○		○	●	○	○	○	D	
Japan	○			○	○		○	◗	○	○	○		○
Jordan	○			○	○		○	D	○			●	○
Kazakstan					○	○	○	D	○	○	○		○
Kenya	○			○	○		○	●	○	○	○	D	○
Kiribati							○						
Korea (Democratic People's Republic of)	○			○	○		○						
Korea (Republic of)	○	○		○	○		○	D	○	○	○	●	○
Kuwait	○			○	○		○		○			D	□[28]
Kyrgyzstan	○	○		○	○	●	○		○	○	○	D	□
Lao People's Democratic Republic	D			D	○		○		○				
Latvia	○	○		○	○		○	◗	○	○	○	●	○
Lebanon	○			○	○		○	◗	○				○
Lesotho	○	○		○	○	D	○	D	○	○	○	○	○
Liberia	D			D	○		○		○	○	○	D	
Libyan Arab Jamahiriya	○	○		○	○		○		○				○
Liechtenstein	○	○	○	○	○	○	○	D	○	○	○	○	[28]○
Lithuania	○	○	●	○	○	D	○	◗	○	○	○	D	○
Luxembourg	○	○	○	○	○	D	○	D	○	○	○	○	[28]○
Macedonia (former Yugoslav Republic of)	○	○	○	○	○	D	○	D	○	○	○	●	○
Madagascar	○	○		○	○	D	○	D	○	○		D	□
Malawi	○	○		○	○	D	○	D	○	○	○	●	○
Malaysia					○		○						
Maldives					○		○	◗	○				
Mali	○	○		○	○	○	○	●	○	○	○	○	○
Malta	○	○	○	○	○		○	●	○	○	○	●	[27]○
Marshall Islands							○					○	
Mauritania					○		○		○	○	○		
Mauritius	○	○		○	○	D	○	D	○			●	○
Mexico	○	●		○	○	●	○	●	○	○	○	D	[21]□
Micronesia (Federated States of)							○	◗					
Moldova	○			○	○		○	◗	○	●	●	D	○
Monaco	○		○	○			○	○	○	○		D	[22]○
Mongolia	○	○		○	○	●	○	D	○			●	●
Morocco	○			○	○		○	●	○	○	○	D	○[28]
Mozambique	○		○		○		○		○	○	○	D	○
Myanmar					○		○						
Namibia	○	○	○	○	○	○	○	●	○	○		●	○
Nauru	D	D					○	D	D			○	D
Nepal	○	○	○	○	○	D	○	D	○				○
Netherlands	○	○	○	○	○	●	○	D	○	○	○	○	[22]○
New Zealand	○	○	○	○	○	○	○	○	○	○	○	○	[22]○
Nicaragua	○	○	D	○	○		○		○	○	○		D
Niger	○	○		○	○		○		○	○	○	●	○
Nigeria	○			○	○	D	○	D	○	○	○	○	○
Niue							○						
Norway	○	○	○	○	○	●	○	D	○	○	○	○	[28]○
Oman							○					D	
Pakistan					○		○	D	○				

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Palau							○						
Panama	○	○	○	○	○	○	○	○	○	○	○	●	○
Papua New Guinea					○		○		○	○	○		
Paraguay	○	○		○	○	○	○	●	D	○	○	○	[22]○
Peru	○	○		○	○	○	○	●	○	○	○	○	[22]○
Philippines	○	○		○	○	D	○	D	○	○	○	D	○
Poland	○	○	D	○	○		○	◗	○	○	○	○	[22]○[28]
Portugal	○	○	○	○	○	●	○	D	○	○	○	●	[22]○
Qatar							○	●	○				○
Romania	○	○	○	○	○	D	○	○	○	○	○	●	○
Russian Federation	○	○		○	○	D	○	D	○	○	○	D	[22]○
Rwanda	○			○	○		○	●	○	○	○		
Saint Kitts and Nevis					○		○			●			
Saint Lucia					○		○		○			D	
Saint Vincent and the Grenadines	○	○		○	○		○		○	○		●	○
Samoa					○		○			○	○	●	
San Marino	○	○		○			○	D	●			○	◗
Sao Tome and Principe	D	D	D	D	D	D	○		D	○	○	D	D
Saudi Arabia					○		○		○				○[28]
Senegal	○	○		○	○	○	○	D	○	○	○	○	[22]○
Seychelles	○	○	○	○	○	◗	○	D	○	○	○	D	[22]○
Sierra Leone	○	○		○	○	D	○	●	○	○	○	○	○
Singapore					○		○	D					
Slovakia	○	○	○	○	○	○	○	D	○	○	○	●	[22]○
Slovenia	○	○	○	○	○	D	○	D	○	○	○	○	[22]○
Solomon Islands				○	●	●	○		○	○	○	D	
Somalia	○	○		○			◗		○	○	○		○
South Africa	○		●	D	○		○	◗	○	○	○	○	[22]○
Spain	○	○	○	○	○	○	○	●	○	○	○	○	[22]○
Sri Lanka	○	○		○	○	●	○	○	○				○
Sudan	○			○			○	◗	○	○	○	D	D
Suriname	○	○		○	○		○	◗	○	○	○		
Swaziland							○		○	○	○		
Sweden	○	○	○	○	○	D	○	D	○	○	○	○	[22]○
Switzerland	○		○	○	○		○	●	○	○	○	○	[22]○
Syrian Arab Republic	○			○			○		○			D	
Tajikistan	○	○		○	○	D	○	●	○	○	○	○	○
Tanzania	○			○	○		○		○	○	○	●	
Thailand	○			○	○	○	○					D	
Timor-Leste												●	
Togo	○	○		○	○		○	D	○	○	○		[21]○
Tonga							○		○				
Trinidad and Tobago	○			○	○		○		○	○	○	○	
Tunisia	○			○	○		○	◗	○	○	○		[21]○
Turkey	D			D	○	●	○	D	●	○	○		[21]○
Turkmenistan	○	○	○	○	○		○		○	○	○		○
Tuvalu					○		○			○	○		
Uganda	○	○		○	○		○	●	○	○	○	●	○
Ukraine	○	○		○	○	D	○	D	○	●	●	D	○[28]

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United Arab Emirates							○		○			D	
United Kingdom	○		○	○	○		○	D	○	○	○	○	○
United States of America	○			D	D		D	●	○		○	D	○
Uruguay	○	○	○	○	○	○	○	D	○	○	○	●	22 ○
Uzbekistan	○	○		○	○		○		○			D	○
Vanuatu					○		○						
Venezuela	○	○	□	○	○	●	○	D	○		○	○	22 ○
Viet Nam	○			○	○		○	○	○				
Yemen	○			○	○		○		○	○	○	D	○
Yugoslavia (Federal Republic of)	○	○	○	○	○		○	D	○	○	○	○	22 ○
Zambia	○	○		○	○		○		○	○	○	●	○
Zimbabwe	○			○	○		○		○	○	○	D	

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Selected regional human rights treaties

(AT 31 DECEMBER 2002)

African Union (formerly the Organization of African Unity)

States which have ratified or acceded to a convention are party to the treaty and are bound to observe its provisions. States which have signed but not yet ratified have expressed their intention to become a party at some future date; meanwhile they are obliged to refrain from acts which would defeat the object and purpose of the treaty.

This chart lists countries which were members of the African Union at the end of 2002.

● became a state party in 2002
○ state is a party
◗ signed in 2002
D signed but not yet ratified

	African Charter on Human and Peoples' Rights (1981)	African Charter on the Rights and Welfare of the Child	Convention Governing the Specific Aspects of Refugee Problems in Africa
Algeria	○	D	○
Angola	○	○	○
Benin	○	○	○
Botswana	○	○	○
Burkina Faso	○	○	○
Burundi	○		○
Cameroon	○	○	○
Cape Verde	○	○	○
Central African Republic	○		○
Chad	○	○	○
Comoros	○		
Congo (Democratic Republic of the)	○		○
Congo (Republic of the)	○	D	○
Côte d'Ivoire	○		○
Djibouti	○	D	
Egypt	○	○	○
Equatorial Guinea	○		○
Eritrea	○	○	
Ethiopia	○	●	○
Gabon	○	D	○
Gambia	○	○	○
Ghana	○	D	○
Guinea	○	○	○
Guinea-Bissau	○		○
Kenya	○	○	○
Lesotho	○	○	○
Liberia	○	D	○
Libya	○	○	○
Madagascar	○	D	D
Malawi	○	○	○
Mali	○	○	○
Mauritania	○		○
Mauritius	○	○	D
Mozambique	○	○	○
Namibia	○	D	
Niger	○	○	○
Nigena	○	D	○
Rwanda	○	○	○
Sahrawi Arab Democratic Republic	○	D	
Sao Tome and Principe	○		

African Union (formerly the Organization of African Unity)

● became a state party in 2002
○ state is a party
◗ signed in 2002
D signed but not yet ratified

	African Charter on Human and Peoples' Rights (1981)	African Charter on the Rights and Welfare of the Child	Convention Governing the Specific Aspects of Refugee Problems in Africa
Senegal	○	○	○
Seychelles	○	○	○
Sierra Leone	○	●	○
Somalia	○	D	D
South Africa	○	○	○
Sudan	○		○
Swaziland	○	D	○
Tanzania	○	D	○
Togo	○	○	○
Tunisia	○	D	○
Uganda	○	○	○
Zambia	○	D	○
Zimbabwe	○	○	○

Organization of American States (OAS)

States which have ratified or acceded to a convention are party to the treaty and are bound to observe its provisions. States which have signed but not yet ratified have expressed their intention to become a party at some future date; meanwhile they are obliged to refrain from acts which would defeat the object and purpose of the treaty.

This chart lists countries which were members of the OAS at the end of 2002.

	American Convention on Human Rights (1969)	Protocol to the American Convention on Human Rights to Abolish the Death Penalty	Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights	Inter-American Convention to Prevent and Punish Torture (1985)	Inter-American Convention on Forced Disappearance of Persons (1994)	Inter-American Convention on the prevention, punishment and eradication of violence against women
Antigua and Barbuda						○
Argentina	○ 62		D	○	○	○
Bahamas						○
Barbados	○ 62					○
Belize						○
Bolivia	○ 62		D	D	○	○
Brazil	○ 62	○	○	○	D	○
Canada						
Chile	○ 62	D	D	○	D	○
Colombia	○ 62		○	○	D	○
Costa Rica	○ 62	○	○	○	○	○
Cuba*						
Dominica	○					○
Dominican Republic	○ 62		D	○		○
Ecuador	○ 62	○	○	○	D	○
El Salvador	○ 62		○	○		○
Grenada	○					○
Guatemala	○ 62		○	○	○	○
Guyana						○
Haiti	○ 62		D	D		○
Honduras	○ 62			D	D	○
Jamaica	○					
Mexico	○ 62		○	○	●	○
Nicaragua	○ 62	○	D	D	D	○
Panama	○ 62	○	○	○	○	○
Paraguay	○ 62	○	○	○	○	○
Peru	○ 62		○	○	●	○
Saint Kitts and Nevis						○
Saint Lucia						○
Saint Vincent and the Grenadines						○
Suriname	○ 62		○	○		●
Trinidad and Tobago						○
United States of America	D					
Uruguay	○ 62	○	○	○	○	○
Venezuela	○ 62	○	D	○	○	○

● became a state party in 2002
○ state is a party
◗ signed in 2002
D signed but not yet ratified
62 Countries making a Declaration under Article 62 recognize as binding the jurisdiction of the Inter-American Court of Human Rights (on all matters relating to the interpretation or application of the American Convention)

* In 1962 the VIII Meeting of Consultation of Ministers of Foreign Affairs decided to exclude Cuba from participating in the Inter-American system.

Council of Europe

States which have ratified or acceded to a convention are party to the treaty and are bound to observe its provisions. States which have signed but not yet ratified have expressed their intention to become a party at some future date; meanwhile they are obliged to refrain from acts which would defeat the object and purpose of the treaty.

This chart lists countries which were members of the Council of Europe at the end of 2002.

● became a state party in 2002
○ state is a party
◗ signed in 2002
D signed but not yet ratified

* Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in times of peace (1983)

** Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the general prohibition of discrimination (2000). The Protocol will enter into force after 10 ratifications.

*** Protocol No. 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in all circumstances. The Protocol will enter into force after 10 ratifications.

	European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)	Protocol No. 6*	Protocol No. 12**	Protocol No. 13***	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)
Albania	○	○			○
Andorra	○	○		◗	○
Armenia	●	D			●
Austria	○	○	D	◗	○
Azerbaijan	●	●			●
Belgium	○	○	D	◗	○
Bosnia and Herzegovina	●	●	◗	◗	●
Bulgaria	○	○		◗	○
Croatia	○	○	◗	◗	○
Cyprus	○	○	●	◗	○
Czech Republic	○	○	D	◗	○
Denmark	○	○		●	○
Estonia	○	○	D	◗	○
Finland	○	○	D	◗	○
France	○	○		◗	○
Georgia	○	○	○	◗	○
Germany	○	○	D	◗	○
Greece	○	○	D	◗	○
Hungary	○	○	D	◗	○
Iceland	○	○	D	◗	○
Ireland	○	○	D	●	○
Italy	○	○	D	◗	○
Latvia	○	○	D	◗	○
Liechtenstein	○	○	D	●	○
Lithuania	○	○		◗	○
Luxembourg	○	○	D	◗	○
Macedonia	○	○	D	◗	○
Malta	○	○		●	○
Moldova	○	○	D	◗	○
Netherlands	○	○	D	◗	○
Norway	○	○		◗	○
Poland	○	○		◗	○
Portugal	○	○	D	◗	○
Romania	○	○	D	◗	○
Russian Federation	○	D	D		○
San Marino	○	○	D	◗	○
Slovakia	○	○	D	◗	○
Slovenia	○	○	D	◗	○
Spain	○	○		◗	○
Sweden	○	○		◗	○
Switzerland	○	○		●	○
Turkey	○		D		○
Ukraine	○	○	D	◗	○
United Kingdom	○	○		◗	○

Human rights activists continue to face new challenges. The "war on terrorism" and the threat of war on Iraq dominated the international political agenda during 2002, diverting attention from other vital human rights issues. There were concerted efforts to roll back the human rights gains of recent decades in favour of a narrow security agenda.

Draconian measures – by democratic as well as autocratic governments – to intrude into people's lives, to detain suspects without trial and to deport people with no regard to their fate, weakened respect for international law. Human rights were curtailed, governments avoided scrutiny and divisions between people of different faiths and origins were exploited.

Human rights defenders also celebrated some successes during 2002, such as the establishment of the International Criminal Court, which marked a breakthrough in the struggle against impunity for the worst crimes known to humanity.

This **Amnesty International Report** documents human rights abuses in 151 countries and territories during 2002. It is a contribution to the work of human rights defenders struggling to achieve a safer world, a world where human rights take priority over political, military or economic interests.

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