Cambodian justice system in disarray

"The government just allows these people to commit the same abuses again and again and people live in constant fear."

These were the words of a witness who saw six young children die when a drunken soldier fired a rocket into a crowd at an ice-cream stall. Three of the dead were sisters, aged six, three and two. Another six children were injured in the blast.

The soldier then fled, leaving his four companions wounded.

a drunken soldier fired a rocket into a crowd at an ice-cream stall. Three of the dead were sisters, aged six, three and two. Another six children who had recently been active in the area. The soldiers were ill-disciplined, and had reportedly assaulted and raped villagers, as well as stealing food and money from them.

The children were gathered as usual at a local drinks and ice-cream stall on 18 September 1996, when five heavily armed and apparently drunk soldiers sitting nearby began arguing. One fired a 84mm rocket launcher over the heads of his companions, into the group of children. The soldier then fled, leaving his four companions wounded.

Six years after this tragedy the villagers of Krang Kontroul have received little compensation: a bag of rice and approximately US$20 to each of the families whose children were killed; no help at all for the injured. No one has been held to account for the killings: there has been no justice.

This failure reflects a justice system in Cambodia which is weak, corrupt and subject to political interference and which daily fails in its duties and responsibilities.

The Cambodian judiciary was wiped out in the 1970s, during a decade of civil war followed by Khmer Rouge rule. The years that followed were marked by continuing conflict and the rebuild justice system was weak and flawed. Peace accords in 1991 led to a period of UN administration, but the ravages the country had endured would not be quickly or easily redressed.

Cambodia still relies heavily on international aid. Donor countries are increasingly aware of the need to build a strong, independent judicial system, capable of upholding basic rights and protecting the vulnerable. Poor facilities, low salaries, political interference, lack of education and training, and weak and poorly enforced legislation combine to produce a judicial system in which people have no confidence. These shortcomings prevent not only justice today but also justice for the crimes of the past. The courts are no longer a credible deterrent against crimes in the future.

Previous initiatives to improve the judicial system have consistently failed to yield practical results. Donor countries should play a more active role in pushing for reforms and ensuring that aid packages include a human rights component. Both the government and donor countries have an important role to play in ensuring necessary changes in the justice system.

For more information see: Cambodia - Urgent need for judicial reform (AI Index: ASA 23/004/2002).

Burundi's children suffer

Raped, tortured and killed, children suffer the consequences of war

Celestin Mainambona and Gerard Ndayikeza were arrested during an identity check in Buumbura in 1999. They were just 14 and 15 years old, and had come to the capital from northern Burundi about two years earlier to look for work. Both eked out a living by selling peanuts on the streets.

When they could not produce identity papers, they were taken to the Kigobe Public Security Police (PSP) station in Bujumbura. They were then accused of being members of one of the armed groups that have been engaged in a bitter power struggle with the government since the mid-1990s.

Both Celestin and Gerard said they were beaten to make them confess to being combatants. Celestin claims that he was hit repeatedly with a truncheon and told that the beating would only stop if he confessed. The two boys were held for about six months, then transferred to Mpimba central prison. They have not yet had a chance to defend themselves in court.

Like most of the children in Burundi's prisons, Celestin and Gerard are poor and uneducated. They are vulnerable not only because of their age, status and poverty, but also because they are isolated from their families and have no one to defend them.

There are about 160 children under the age of 18 held in prisons in Burundi, out of a prison population of approximately 9,000. The inadequacies of the Burundian justice and prison systems leave them particularly at risk of human rights abuses, both by the authorities and by fellow prisoners.

AI is publishing a report in September which focuses on children in detention in Burundi, because it believes that the juvenile justice system is an area where real improvements can be achieved without delay.

However, life for all children in Burundi is harsh and dangerous. The right to education and health care for many children is an illusion, with access to limited facilities further diminished by poverty and insecurity. An increasing number of children are living on the streets. The armed conflict that has raged for nearly 10 years and the subsequent human rights crisis have had a devastating impact on Burundian society.

Children in Burundi continue to suffer the consequences of the armed conflict. Hundreds of children have been deliberately killed, maimed or wounded. Thousands of child soldiers have been recruited by all parties to the conflict. Sexual violence against women and young girls by
Time to eliminate torture and ill-treatment in Peru

In December 2000, Elisa Rivera Toribio, an inmate of Santa Lucia Prison in Peru's justice department, reported that she had been sexually abused on many occasions while in custody. She said a prison guard went into her cell several times very early in the morning and touched her without her consent. The last of these attacks took place in February 2001 when the same guard attempted to rape her.

Elisa Rivera filed a complaint for abuse of authority against three prison officers.

Since Elisa Rivera reported these incidents she has apparently suffered reprisals by the prison guards. She has been prevented from selling food in the prison, which was her only way of making a living and supporting her seven-year-old son.

She has been falsely accused of causing disorder inside the prison and has been threatened with transfer to a different prison if she refuses to drop the charges. The case is currently under judicial investigation.

The plight of the people in the Indian state of Gujarat was largely forgotten by the rest of the world when attention focused on the possible impending war between India and Pakistan in Kashmir.

On 27 February, 58 Hindus were killed in an attack on a train in Godhra, Gujarat. The Vahsh Hindu Parishad, a Hindu nationalist organization, called for a day of agitation, which was interpreted as a call for retaliation and sparked a wave of violence and massacres against the Muslim community.

Many victims of torture withdraw their complaints because they are intimidated, harassed and threatened. Such acts of intimidation are committed with impunity.

The Peruvian authorities must take decisive and widening measures to eradicate torture and ill-treatment to ensure that all Peruvians can live free of violence perpetrated by the state. See Peru: Torture and ill-treatment – Time to put words into practice (AI Index: AMR 46/005/2002).

Will the victims of the massacres in Gujarat obtain justice?

A woman walks past the burnt remains of a shop after the massacres in Ahmedabad, in the Indian state of Gujarat, March 2002

The government body (a federal government body) has expressed the opinion that the law and order situation in the state is too fragile for some of the new elections to be held.

When AI sought permission to visit Gujarat in July to investigate the violence, its delegates were effectively denied access. As a matter of urgency, the government needs to deliver justice to the victims and protect those people who have been displaced. Unless those responsible are brought to justice, those who perpetrated the violence will remain free to repeat their terrible crimes.
REMEMBER... AI members should not take up cases from their own countries

worldwide appeals

GEORGIA

Student alleges electric shock torture

Veterinary student Alexander Guguneishvili, aged 21, was reportedly given electric shocks and beaten by police to force him to confess to robberies he says he did not commit. He was talking to his friends in the yard of school No. 16 in Rustavi, on 20 April 2002, when about 10 police officers arrived by car to detain him. He says they threw him to the floor and tried to push a sawn-off gun into his trousers to fabricate a case against him. He was subsequently charged with "robbery" and "possession of firearms". The took him to Rustavi regional police station. He said that, because he refused to confess to the crimes, they handcuffed him and hung him on an iron bar attached between two tables, for about five hours. They reportedly blindfolded him and beat him on his back. When he still refused to confess he said that they attached wires to his toes and gave him electric shocks. Eventually he gave up and agreed to sign a confession. He told his lawyer: "My legs were trembling and jumping uncontrollably and an artery in my throat was incredibly painful after the electric shocks."

An independent expert who examined him at the end of April confirmed that his injuries could have resulted from beatings with a heavy, blunt object, and from electric shocks. He was not informed of his rights following his detention and no medical examination was carried out at the police station.

Alexander Guguneishvili is currently detained at the investigation-isolation facility No. 5 in Tbilisi. There are serious concerns about the conditions of his detention. According to the torture allegations, Alexander Guguneishvili's lawyer said "The procuration officials who conduct the investigation and the torturers know each other and have close links. It's not serious and is completely superficial."

EQUATORIAL GUINEA

Imprisoned and tortured for internet article

Fabian Nsú Nguema Obono was arrested in April for criticizing the government policy. He was accused of defamation and slandering the Head of the State. He is a lawyer and member of the Popular Union (UP) opposition party. His arrest, in the capital Malabo, followed the publication of a communique on the Internet signed by him and published by Laurentino Nsue Mibuy, another UP member in exile in Spain. The communique criticized the government for cancelling a salary increase for civil servants which had been announced at the beginning of the year.

Following his impeachment he was reportedly severely tortured on several occasions, sustaining broken wrists, for which he received no treatment. After a reportedly unfair trial in July he was sentenced to one year in prison. The same trial convicted Laurentino Nsue Mibuy, in his absence, of defamation and slander, and sentenced him to two years and four months in prison and to pay a hefty fine.

FRANCE

Allegations of racial abuse and physical assault by police

Karine Latifi claims he was racially abused and physically assaulted by police officers in February to the extent that he was unable to return to work for 15 days.

According to Karim Latifi, he was driving to a family dinner in Paris when he found his way blocked by several police cars. When he asked what was happening, an officer told him to mind his own business in an insultingly familiar way. When asked for his identity papers he gave them to the officers to examine. One officer then pushed him on to a seascatte, calling him "dirty Arab". He says that about 15 police officers then hit him with truncheons, punched and kicked him. His face began to swell up and he was on the point of losing consciousness. He also claims that he was forced to lick the wall.

Karine Latifi was then handcuffed and driven to the central police station. He says the police continued to racially abuse him in the car. He was held at the police station for 15 minutes and was then released without charge by an officer not involved in the assault.

Karine Latifi has lodged an official complaint with the police inspectorate, and the public prosecutor of Paris has also opened a preliminary inquiry.

ISRAEL/OCCUPIED TERRITORIES

Fear of unlawful transfer

Intisar 'Ajuri was arrested at her home in Askar refugee camp near Nablus, on 6 June 2002. Her hands were bound and she was taken away. She had never been arrested before. She was sentenced to six months' administrative detention on 6 June 2002. At first her family did not know where she had been taken. Eventually, on 13 June, the Attorney General revealed that Intisar was being held at Neve Tzera prison. She is the only woman in administrative detention.

Administrative detention allows detainees to be held without charge or trial. The detention order, which states that Intisar 'Ajuri is a threat to the security of the area but offers no proof to substantiate this claim, is indefinitely renewable. On 20 July the Israeli Defence Forces (IDF) destroyed the 'Ajuri family home in Askar, saying that Intisar's brother, 'Ali, had helped to ambush an Israeli bus near Emmanuel settlement in the West Bank, killing nine people. 'Ali 'Ajuri was extradited by the IDF on 6 August. Now the IDF is threatening to unlawfully transfer Intisar and her brother Kifah 'Ajuri to Gaza. Intisar is now being held in the Moscoiyah Detention Centre in Jerusalem and allegedly subjected to torture or other ill-treatment including beating, sleep-deprivation and sexual harassment.

Please write, expressing concern at allegations that Alexander Guguneishvili was tortured at Rustavi regional police station during the night of 20 April 2002, in order to force a confession and urging the authorities to ensure that the investigation into the torture allegations is conducted thoroughly and impartially, and that anyone reasonably suspected of torture is brought to justice.

Send appeals to: President of Georgia, Eduard Shevardnadze, Gruzia; 380018 G, Tbilisi; pr. Rustavi; R, Georgia. Fax: +995 32 +996 30 / 99 68 79 / 98 23 54 e-mail: office@presidpress.gov.ge

Please write, calling for the immediate and unconditional release of prisoner of conscience Fabian Nsú Nguema Obono and for the allegations of torture to be investigated. Call for the sentence passed on Laurentino Nsue Mibuy to be annulled.

Send appeals to: General Teodoro Obiang Nguema Mbasogo, President of the Republic, Gabinete del Presidente de la Republica, Malabo, Republic of Equatorial Guinea. Fax +249 9331/3334.

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Send appeals to: M. Nicolas Sarkozy, Ministre de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office de l'Intérieur, de l'Absorption, Office of the Prime Minister, 3 Kaplan Street, PO Box 187, Kiryat Mequon, Israel. Fax: +972 2 651 2631. e-mail: rohmlpmpo.gov.il

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Tanzania: thanks to Al

When I was in jail I received thousands and thousands of letters from all kinds of peoples, including children, who supported me in my struggle for my freedom and my movement. I was very happy and thankful to have received these letters. They were a source of comfort and encouragement for me.

Juma Duni Hajji recently sent this message of thanks after meeting an Al delegation in Zanzibar on May 2002. He and Machano Khamis Ali, two leading members of the main opposition party, were released from jail in Zanzibar in October 2001. They had been arrested in February 2001 and charged with murdering a police officer during a demonstration at which they were not present. See Worldwide appeal May 2001.

Syrian lawyer sentenced

The Supreme State Security Court has sentenced lawyer Rida Al-Ark (72) to seven and a half years in prison on charges of "attempting to change the constitution by illegal means". He was arrested in August and September 2001 for his involvement with emerging civil society groups and forums. He had been released in 1999 after having been arbitrarily detained without charge for over 4 years. He suffers from a heart condition and diabetes.

Al continues to call for his immediate and unconditional release. See Worldwide appeal January 2002.

Iranian lawyer's sentence upheld

On 16 July the appeal court upheld the five-year prison sentence and 70 lashes imposed on the prominent lawyer, Nasser Zarathkhan, by a military court in March. Despite having reportedly appealed to the Supreme Court the day before, his appeal was rejected.

He was sentenced on 7 August. He was scheduled to undergo medical tests to determine whether he was healthy enough to face 70 lashes. Please continue to send appeals. See Worldwide appeal June 2002.

Pakistán: Yousuf Ali shot in jail

Prisoner of conscience Yousuf Ali was killed by another inmate in prison in Faisalabad, Pakistan, on 12 June. He was shot dead at point blank range as he was being transferred to a new cell. It is unclear how the gun was brought into the prison. Yousuf Ali had been a member of a banned Islamic organization reportedly promoting religiously motivated violence.

Yousuf Ali had been sentenced to death under the blasphemy laws for comments against Islam and his religious beliefs. Ali has repeatedly highlighted the abuse of the blasphemy laws. Dozens of people have been charged with blasphemy, charged with religious offences, either solely due to their minority religious belief, or because someone has made unfounded and malicious accusations against them.

Please write, calling for a full investigation into Yousuf Ali's killing and for those guilty to be brought to justice. Call for the safety of all those currently at risk of the blasphemy charges to be ensured. Send appeals to: Lieutenant General (Retired) Khalid Maqbool, Governor of Punjab Province, Governor's House, Lahore, Pakistan. Fax: +92 42 9200077.
Shot dead by UK police

Harry Stanley was shot dead by police on 22 September 1999 in East London. He was walking home carrying a plastic bag containing a table leg and had stopped in a pub, where another customer, mistaking his Scottish accent for Irish and the table leg for a sawn-off shotgun, had called the police. As a result, a Metropolitan Police armed response unit arrived in the area. Two officers followed Harry Stanley and fired two shots. He died instantly.

The inquest into the death of Harry Stanley concluded on 21 June 2002 with the jury returning an open verdict. Al is concerned that the coroner explicitly prevented the jury from returning a verdict of unlawful killing.

The officer who fired the fatal shot claimed that he was acting to protect his colleague's life as he saw Harry Stanley aim the object wrapped in the plastic bag at him. However, the direction of the fatal bullet suggests that Harry Stanley was facing away from the officers at the time of the shooting.

Following a police investigation into the incident, the prosecuting authorities decided in December 2000 not to prosecute the police officers involved. Lawyers for Harry Stanley's family challenged this decision through the courts, forcing the prosecution service to review that decision. However, in December 2001 the decision not to prosecute was confirmed.

Al continues to be concerned about the lack of police accountability in cases where serious allegations of human rights violations have arisen. The case of Harry Stanley reinforces Al's concern about the lack of independence and impartiality of the present system for investigating police misconduct, where police investigate themselves.

Al is also concerned that the inquest system does not guarantee that alleged violations of the right to life are investigated according to the standards required by international human rights law, particularly under Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The inquest into the death of Harry Stanley is still pending.

New hope for peace in Sri Lanka

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New government risks escalating human rights crisis in Colombia

Colombia has a new President who takes office during a spiralling human rights crisis. Each and every day, around 20 people are killed in political violence, the majority outside of combat. The security forces' paramilitary allies fire upon civilians, for serious human rights abuses including killings, "disappearances" and kidnappings.

Alvaro Uribe Velez became the new president of Colombia in August. However, many of the new government's announced plans threaten to exacerbate the already serious human rights crisis by undermining the protection of civilians and strengthening the mechanisms ensuring impunity for human rights violations.

In an open letter to the new President, Al has expressed concern over:

- Plans to create a million-strong civilian militia of informers, which risks dragging the civilian population further into the conflict and consolidating the army-backed paramilitary strategy;
- Proposals to grant greater powers to the armed forces and to allow the military judicial police powers which could facilitate impunity for human rights violations;
- Constitutional reform which could seriously undermine human rights safeguards; and
- Plans to re-establish the President's power to impose a state of siege, which could facilitate human rights violations by removing judicial and legislative oversight.

What needs to be done is clear. The international community and human rights organizations have identified a blueprint for action to tackle the human rights emergency. This is summarized in UN recommendations:

- Ending impunity for human rights violations;
- Combating paramilitary groups and severing their links with the security forces;
- Protecting human rights defenders and other vulnerable sectors of civil society.

ACT NOW!

CHALLENGE THE NEW GOVERNMENT

PROTECT HUMAN RIGHTS IN COLOMBIA

*For further information and to take action see Al's website: www.amnesty.org/actnow

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