Human rights crisis continues in Nepal

As the internal conflict between the security forces and armed insurgents of the Communist Party of Nepal (CPN) enters its 10th year, a long-ignored human rights crisis threatens to slide toward catastrophe. The situation deteriorated sharply following King Gyanendra's direct seizure of power and declaration of a State of Emergency on 1 February. Fundamental rights were suspended, including freedom of expression, freedom of assembly and freedom of movement. Within days, hundreds of people were arrested – among them political leaders, student activists, trade unionists, journalists, and human rights defenders.

Krishna Pahadi, a former chairperson of AI Nepal and founding chairman of the Human Rights and Peace Society, was one of those arrested. Four members of the security forces dressed in plain clothes seized him at his office on 9 February, the day before a planned rally in Kathmandu organized by the Society to protest against the emergency rule and challenge the ban on public demonstrations. Eleven other Society activists were arrested at the rally itself, where protestors chanted slogans such as “Human rights have been violated” and “Long live democracy”. While the other protestors were released after a few days, Krishna Pahadi remained in police custody.

An AI delegation, led by Secretary General Irene Khan, met Krishna Pahadi in detention at the police station in Naal, Kathmandu, during an AI visit to Nepal in mid-February. He told them there was little point in being released, as he was sure to be rearrested for his opposition to the restrictions imposed by the king. The attacks on human rights defenders, journalists and others following the state of emergency are crippling Nepal's dynamic civil society. Those who were exposing and condemning the human rights abuses perpetrated both by the security forces and the CPN (Maoist) are being muzzled by the threat of arrest or assault, restrictions on freedom of movement, and the imposition of censorship.

In March a team from Nepal's National Human Rights Commission was prevented from travelling to Kapilvastu district to investigate reports that mobs allegedly operating with the sanction of the Royal Nepal Army had targeted Maoists and suspected Maoist sympathizers, burning hundreds of homes and killing an estimated 30 villagers. Without witnesses, both sides are free to commit human rights abuses with impunity.

While the state of emergency and mass arrests have drawn international attention, it is important to remember that the most serious human rights concern in Nepal is the daily violence and terror inflicted on ordinary communities across the country. For more information about the human rights situation in Nepal, see Nepal: A long ignored human rights crisis is now on the brink of catastrophe (ASA 31/001/2005) and Nepal: Killing with impunity (ASA 31/001/005).

Women carry the burden in the Occupied Territories

Severe restrictions on the movement of Palestinians in the Occupied Territories have had tragic consequences for women and girls. In August 2003, Rula Ashiya (quoted above) was forced to give birth on a dirt road by the Beit Furik checkpoint, in the West Bank, after Israeli soldiers refused her passage from her village to the nearby town of Nablus.

In December 2004, Bayan Hussein-Ali gave birth in an ambulance at a checkpoint near Nablus after being delayed by Israeli soldiers in the middle of the night. The ambulance was not allowed to pass through the checkpoint so a second ambulance was called to collect her from the other side of the checkpoint. Known as the “back-to-back” method, this is how merchandise and often patients – are transported through Israeli army checkpoints.

Such experiences demonstrate the vulnerability of women to a system of control that discriminates against Palestinians in the Occupied Territories, subject to an increasingly sophisticated system of blockades and checkpoints, 3.5 million Palestinian women, men and children are prevented from moving between towns and villages, and are often confined to their homes. As a result, they are denied access to work, education and adequate health care. Under siege and under strain, the potential for increased family violence, including sexual abuse, is heightened. Unprecedented levels of poverty and unemployment caused by the restrictions imposed by the Israeli army and the increased militarization of the conflict have aggravated existing problems of gender inequality in Palestinian society.

Women have borne the brunt of the anger and frustration of male relatives who feel humiliated because they cannot fulfill their expected role as providers.

The greater the external threat, the less opportunity women have to confront internal issues within Palestinian society, especially those considered as private matters concerning family “honour”. Those who do seek help are thwarted by ineffectual laws that discriminate against women and give little or no protection to victims of family violence. Restrictions on movement further exacerbate matters.

In September 2004, Maha, a young woman from northern Gaza, was forced to drink poison by her father when he discovered that she was pregnant. Efforts by women's rights activists, hospital staff and local officials were hampered because the Israeli army had just launched a major operation and had completely sealed the area. Maha died.

For women and girls who are at risk of being killed by their families, leaving their immediate surroundings, even for a short period, is often the only effective solution. However, as one non-governmental organization (NGO) worker told AI: “In the past few years getting to the victims and getting the victims out of the danger area has been very difficult and at times totally impossible. These military blockades, curfews and checkpoints have caused the death of some women who could have easily been saved.”

Nigeria's unheard voices: widespread violence against women in the family

Women confront violence in the Solomon Islands

A victory for international law - an end to the execution of child offenders in USA

Women in the Solomon Islands marked International Women's Day 2005 by celebrating remarkable progress on human rights. The courts' decision to confront violence and discrimination are paying off - assisted by international donor support to rebuild the country after the end of internal armed conflict in 2003. Examples from recent months include:

- the opening of the country's first purpose-built unit to address gender violence; a new police gender assault unit, to: Prime Minister, Prime Minister's Office, Honiara, Solomon Islands. Fax +677 26088.

Women confront violence in the Solomon Islands

The ruling came decades late, and was disturbingly close, considering that it involves a country that claims to be a progressive force for human rights. Nevertheless, it was a cause for celebration when on 1 March the United States Supreme Court decided by five votes to four that the execution of offenders who were under 18 years old at the time of the crime was now unconstitutional. The decision brings the USA -- by far the world's leading perpetrator of this violation -- into a global consensus that such use of the death penalty is wrong. More than 70 countries will be removed from death row as a result.

In Roper v. Simmons, a case involving Christopher Simmons who was sentenced to death in Missouri for a murder committed when he was 17 years old, the US Supreme Court majority noted the "stark reality" of the USA's international isolation on this issue. Writing for the majority, Justice Kennedy pointed out that the UN Convention on the Rights of the Child (CRC), a treaty which only the USA and Somalia have failed to ratify, prohibits the use of the death penalty against anyone who was under 18 at the time of the crime. He said that it was "proper that we acknowledge the overwhelming weight of international opinion", which provided "respected and significant confirmation" of the court's decision.

Supreme Court Justices debate

This was the latest twist in a struggle among US Supreme Court Justices about the weight they should attach to international standards. In 1988 the court ended the death penalty against offenders who were aged 15 or younger at the time of the crime, giving a favourable nod to international standards. Al had filed an amicus curiae (friend of the court) brief with the court. It failed to impress Justice Scalia, who wrote: "The plurality's reliance on Amnesty International's account of what it pronounces to be civilized standards of decency in other countries is totally inappropriate as a means of establishing the fundamental beliefs of this Nation".

The case involves 16-year-old Sean Sellers, who was convicted of murder and sentenced to death in 1999. Sellers' lawyer, Benjamin Civiletti, has argued in the court that the "So-called international community" had "told the parties to go home and settle the problems".

Shockingly, a year later, the court ruled that the execution of 16- and 17-year-old offenders was unconstitutional. This time Justice Scalia's words prevailed. Reversing the contrary, he emphasized that the sentencing practices of other countries were irrelevant to "American conceptions of decency."

In Roper v. Simmons, Al briefed with 16 of other Nobel Peace laureates was cited in the majority opinion. Justice Scalia was back in the minority, protesting that "the views of other countries" and the so-called international community" had taken "center stage".

It may be surprising, then, that AI finds reason to be optimistic. In Roper v. Simmons, the court's decision to confront violence and discrimination are paying off - assisted by international donor support to rebuild the country after the end of internal armed conflict in 2003. Examples from recent months include:

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**Philippines**

**Sharp rise in 'vigilante' killings**

More than 320 people suspected of crimes such as drug dealing, solvent abuse and petty theft have reportedly been killed in Davao City since last April, and remain held without charge or trial. Jayah Mahmood Hassan Humaidat and Ahmad Badran Faris, both aged 21, were arrested by US troops at their university residence in al-Qadiysi, Baghdad, along with 10 other Palestinian students. All were transferred to Camp Bucca, in detention under US control, in Umm Qasr, southern Iraq.

The Internal Committee of the Red Cross were initially given access to the prisoners and the last visit was in July 2004. None of those arrested had access to lawyers. Jayah Mahmood Hassan Humaidat and Ahmad Badran Faris continue to be held at Camp Bucca. Their families believe that they are detained because they held Palestinian passports and come from the Occupied Territories. The other Palestinian students arrested with them were released, having served several months in detention without charge. Those Palestinians who are held foreign passports and have returned to their countries of residence.

Jayah Mahmood Hassan Humaidat and Ahmad Badran Faris, from the University of the Occupied Territories, were studying accountancy at al-Rusafah University, south of Baghdad. They travelled to Iraq in March 2001 to attend their university course in November 2001. At least 9,000 people are detained in Iraq, including in Camp Bucca and Abu Ghraib, near Baghdad. They are held under US control, without charge or trial—many for up to three years. Their legal status remains unclear and AI has raised its concerns on detenues with the US and Turkish authorities.

**Tunisian objects detention of Darfurians**

At least four Jehovah's Witnesses continue to be held in Tunisian prisons for objecting to compulsory military service on religious grounds.

Ali Mansour Masharipov and Vepa Tuvakov (see Worldwide Appeal August 2004), both Jehovah's Witnesses, are also in prison for refusing military service on religious grounds. They had been accused of theft and possession of a knife. Newspapers have reported that they were killed the day after they were released from police custody.

Fear of persecution by local officials and police in the killings have been heightened by repeated public statements by the Mayor of Davao City which appear to encourage extrajudicial executions as an acceptable and effective way of combating crime. At an election rally in 2004 he reportedly told a crowd: "If I win, more criminals will get killed because I have vowed to protect the people of this city... I've been telling criminals it's a place where you can die any time. If that's a cue for anybody, that's fine."

While the authorities continue to deny responsibility for the killings, no one has been brought to justice and investigations have failed to identify the perpetrators.

**Please write, urging the authorities to condemn publicly all extrajudicial executions of criminal suspects. Call for prompt, effective and impartial investigations into the killings and for those responsible to be brought to justice.**

Send appeals to: Mayor Rodrigo Duterte, City Hall, City Hall Drive, Davao City 9000, Philippines.

**IRAQ**

**Palestinian students held**

Two Palestinian students have been detained in Iraq since their arrest on 1 April 2003, and remain held without charge or trial. Jayah Mahmood Hassan Humaidat and Ahmad Badran Faris, from the University of the Occupied Territories, were studying accountancy at al-Rusafah University, south of Baghdad. They travelled to Iraq in March 2001 to attend their university course in November 2001. At least 9,000 people are detained in Iraq, including in Camp Bucca and Abu Ghraib, near Baghdad. They are held under US control, without charge or trial—many for up to three years. Their legal status remains unclear and AI has raised its concerns on detenues with the US and Turkish authorities.

**Please write, expressing concern at the detention without charge or trial since April 2003 of Jayah Mahmood Hassan Humaidat and Ahmad Badran Faris. Call for their immediate release if they are being held simply because of their Palestinian origin and also call for clarification of the legal status of the thousands of Palestinian students held in Iraq, specifically in Umm Qasr and Abu Ghraib.**

Send appeals to: Prime Minister, Republic of Iraq, Convention Centre (Qasr al-Mudir), Baghdad, Iraq; and to: The Honorable Donald Rumsfeld, Secretary of Defense, Office of the Secretary, The Pentagon, Washington, DC 20330, USA. Fax: +1 703 697 8339

Email: send appeals via the US Department of Defense website: www.defoutlook.mil/faq/comment.html

**SUDAN**

**Incommunicado detention of Darfurians**

Ma'mun Issa Abdal Gadeer, a Fur community leader from Nyieri in war-torn Darfur, remains detained incommunicado, a year after his arrest in the Sudanese capital, Khartoum. He has never been charged and has only been allowed one visit from his family, during Eid in November 2004. He is being held in Koher prison in Khartoum, after being transferred between several detention centres. He is reportedly in poor health and suffers from a fractured arm which has not healed properly. A lawyers' petition to the National Security Forces called for him to be charged or released, as his detention contravenes even the Sudan National Security Forces Act, which allows incommunicado detention without charge for up to nine months. The authorities claim that he is linked to armed groups in Darfur, at war with the government. AI believes that he

**Please write, calling for Ma'mun Issa Abdal Gadeer and other Darfurians held without charge to be released immediately or charged with a recognisable criminal offence and tried according to international standards for their trial.**

Send appeals to: Mr Ali Osman Mohamed Taha, First Vice-President and Presidential Envoy for Darfur, People's Palace, PO Box 281, Khartoum, Sudan.

Fax: +299 183 771651/779977

**KENYA**

**Conscientious objectors detained**

At least four Jehovah's Witnesses continue to be held in Kenyan prisons for objecting to compulsory military service on religious grounds.

Ahmed Badran Faris, both Jehovah's Witnesses, are also in prison for refusing military service on religious grounds. They had been accused of theft and possession of a knife. Newspapers have reported that they were killed the day after they were released from police custody.

Fear of persecution by local officials and police in the killings have been heightened by repeated public statements by the Mayor of Davao City which appear to encourage extrajudicial executions as an acceptable and effective way of combating crime. At an election rally in 2004 he reportedly told a crowd: "If I win, more criminals will get killed because I have vowed to protect the people of this city... I've been telling criminals it's a place where you can die any time. If that's a cue for anybody, that's fine."

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**UK**

**Breaks promise on inquiry**

The UK government has reneged on its promise to hold a public inquiry into the murder of human rights lawyer Patrick Finucane. Instead, the UK authorities are seeking to fast-track new legislation which— with the excuse of protecting "national security"— would eliminate independent, impartial and public scrutiny of the authorities' alleged involvement in the killing. AI is calling for the withdrawal of this legislation and for an inquiry under the authority of Lords of Parliament. Patrick Finucane was killed in Northern Ireland in 1995. See Worldwide Appeal November 1999 and Update November 2004.

**Kenya releases Iraqi**

Abdel Mohammed Al-Dahah, an Iraqi held without charge or trial in police cells in Kenyan prisons was released on 28 March 2005 and returned to the UNHCR on 28 February. A former pilot with the Iraqi armed forces, he was held without charge of being a "terrorist" although no evidence of any alleged "terrorist" activity was presented to him. He was arrested with the Kenyan assassins with which his refugee status was being decided. No reason has been given for his sudden release, and he was not forced to return to Iraq against his wishes. See Worldwide Appeal September 2003.

**Conscientious objector free**

Camilo Mejia Castillo was released from prison by US authorities in February, three months before the end of his one-year sentence, on grounds of good conduct.

On his release he said: "I can't express enough how much I appreciate everything that has happened to me on this case. I received thousands of letters in support of my cause and they also thanked me, saying that he thought the campaign played an important role in protecting my right to freedom of conscience, and in securing his early release. Camilo Mejia Castillo was imprisoned in March 2002 for refusing to return to his unit in Iraq. He killed his moral obligations to the conduct of US troops toward Iraqi civilians and prisoners, questioned the legality of the invasion and applied for conscientious objector status.

By appealing against his conviction he hopes to have his two years of confinement revoked and his rank and pay restored. If his first appeal is unsuccessful, it will then be taken to the US Army Court of Criminal Appeals. See Worldwide Appeal September 2004.
"You cannot imagine how much Al meant to us," said Anwar Ibrahim, former Deputy Prime Minister of Malaysia and freed prisoner of conscience. "The immense contribution of AI is indescribable," Addressing staff and volunteers in London, he thanked the movement for supporting him during his six years of imprisonment on politically motivated charges.

Anwar Ibrahim was arrested under the Internal Security Act in September 1998, three weeks after being dismissed from his government post. "They stormed my house, broke open the door," he said. Outside, scores of members of the media were waiting for him. "It was a show of force," he explained. "If we can treat Anwar like this then the rest cannot be saved." His dismissal, following policy disagreements with then Prime Minister Mahathir Mohamad, had sparked a series of public demonstrations calling for political and social reform.

Anwar Ibrahim's arrest and detention sparked unprecedented public protests in Malaysia, many of which were forcefully repressed. They unleashed thousands of appeals worldwide. However, Anwar Ibrahim stressed his release is by no means an indication of a real change in government policy towards prisoners of conscience. "The judiciary remains the same as it was before," he said. "We [also] have thousands of migrant workers imprisoned in Malaysia — caged just because they are migrants... They are not our slaves and they should not be treated as such."

Despite reports of human rights violations, the government has routinely ignored the concerns of AI and other human rights organizations asking for Anwar Ibrahim's release. He remains still disseminated across the country.

Appeals sent by supporters worldwide make a vast difference, said Anwar Ibrahim, even if they never reach the ear of the public. "They [government ministers] read the letters, it annoys them," he said. His message to supporters is clear: "Write more, affect them more!"

Anwar Ibrahim holds the first Worldwide Appeal calling for his release, published in Amnesty International News, November 2000

Field officer

"Write more!" urges former prisoner of conscience

Zamzam Ahmed Dualeh (left), aged 16, has finally returned to her native Puntland after spending five months in prison in Somalia. Wrongly convicted of espionage and jailed for five years in an unfair trial, she was pardoned and released into the care of the visiting UN Independent Expert on human rights in Somalia on 2 February. She left Somalia the next day.

Zamzam Ahmed Dualeh was arrested in Hargeisa, the Somali capital, in August 2004. She was accused of spying for a supposed Islamist "terrorist" group in neighbouring Puntland, a regional state of Somalia, which had clashed with Somalia over disputed border regions.

Denying the charges, she claimed that she had been raped and beaten by six police officers to make her confess. She said she was then taken from her police cell and tortured at a secret location on several occasions. She identified some of the alleged rapists who were brought in as prosecution witnesses. Her defence counsel was not allowed to see testimony by government doctors said to have assessed her rape allegations, nor to conduct a proper cross-examination. The judge summarily dismissed her rape and torture allegations.

Her four defence lawyers were jailed for three years for "insulting the judge" but were released shortly afterwards. Local human rights defenders who supported her were harassed and threatened, and some briefly arrested.

Al severely criticized the court's failure to investigate adequately her rape and torture allegations and called for an independent and impartial inquiry into them. If the allegations are substantiated, any police officer found to be responsible for rape should be tried in accordance with recognized standards of fair trial.

Zamzam Ahmed Dualeh should not have been tried in an adult court, since she was under the internationally recognized age limit of 18 years, and she should not have been imprisoned with adults.

She was finally released through the intervention of the UN Independent Expert, Dr Ghanim Alnajjar (pictured below). Under a negotiated arrangement to settle this much-criticized case, the Somali government agreed to cooperate if she decided to make a court complaint against the authorities.

Dr Alnajjar also held meetings about human rights issues with government officials and NGOs, including human rights defenders, both in the Somali Republic and in Puntland. In Kenya, where the Somalia peace and reconciliation conference concluded in late 2004, after nearly 18 years of war and collapse and massive human rights abuses, he also met members of the new independent Human Rights Commission and the Federal Government of Somalia. He submitted his fourth annual report to the UN Commission on Human Rights in April.


Dr Ghanim-Alnajjar, UN Independent Expert for Somalia and founder-member of AI Kuwait

Sentenced to a total of 15 years' imprisonment after unfair trials, Anwar Ibrahim was released in September 2004 after Malaysia's highest court overturned his conviction. He is currently spending time outside Malaysia, lecturing at universities in the USA and UK. But this is not out of free choice. "They [Malaysian authorities] have used the courts to deny me holding public office until 2008," he said. "They have taken away my car, my pension. There is no possibility of getting a job."

Despite such restrictions, Anwar remains a leading public figure in Malaysia. His visits to local areas have prompted thousands to turn up, unannounced, to speak to him. Though not active in formal politics in Malaysia, he is determined that this should change in the future. "I will certainly return," he said, "because if I do not - avoiding the risk in the political scene in Malaysia - then I am surrendering to them."

No real change

It was a chance reading of an article in the press that led British lawyer Peter Benenson to take a stand against human rights abuses - this at a time when human rights had little protection under international law. Outraged by the case of two students in Portugal who were imprisoned for raising a toast to freedom, Peter Benenson decided to take action. He wrote a full-page appeal in the UK evening paper, The Observer, later explaining: "It was necessary to think of a larger group which would harness the enthusiasm of people all over the world who were anxious to see wider respect for human rights."

The appeal prompted thousands of letters of support, and with it, AI was born. From a one-year campaign for the release of six prisoners of conscience, AI grew to become a worldwide human rights movement, taking up thousands of cases and inspiring millions to take action to defend human rights throughout the world.

Throughout his life, Peter Benenson put human rights first, whether as a student helping to bring Jews fleeing Nazi Germany to Britain, or as a co-founder of the legal society, Justice. Peter Benenson, founder of AI, died on 25 February, aged 83.

Women caught in the firing line

"From one day to the next, my dreams were shattered - all because of the irresponsibility of supposedly civilised people who feel brave with a gun in their hands," Camila Magalhães Lima, Brazil

...Women are finding themselves increasingly under attack as the multi-billion dollar trade in arms spirals further out of control. In South Africa, a woman is shot dead by a current or former partner every 18 hours. In the USA, a gun in the home increases the risk of a murder in the household by 41 per cent, but increases the risk for women by 272 per cent. There are almost 650 million small arms in the world today, most of them in the hands of men.

Dr Ghanim-Alnajjar, UN Independent Expert for Somalia and founder-member of AI Kuwait

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A new report, The impact of guns on women's lives (ACT 30/001/2005), examines circumstances in the home, in communities and during and after conflict when women are most at risk from armed violence. Produced by AI, Oxfam and IANSA for the Control Arms and Stop Violence against Women campaigns, the report also highlights the range of gun control measures adopted around the world, mainly in response to campaigns against gun violence led by women.

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