AMNESTY INTERNATIONAL REPORT 2010
THE STATE OF THE WORLD’S HUMAN RIGHTS
AMNESTY INTERNATIONAL

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Residents of Atfet Al-Moza in Al-Duwayqa, Egypt, built wooden homes on the rubble of their demolished houses. Residents were forcibly evicted from Al-Duwayqa, Estabi Antar and Ezbet Khayrallah, all informal settlements in Greater Cairo. August 2009.
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By Claudio Cordone, interim Secretary General of Amnesty International

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A Uighur woman in Urumqi, Xinjiang Uighur Autonomous Region, north-west China, July 2009. Police cracked down on initially peaceful Uighur protesters, triggering violent riots and heightened ethnic tension between Uighurs and Han.
Claudio Cordone, Amnesty International’s interim Secretary General, talks with a mother who gave birth at the CMA medical centre of Secteur 30, Ouagadougou, Burkina Faso. During the visit, President Blaise Compaoré committed to removing financial barriers that prevent women receiving quality maternal health care.
Between January and May 2009, some 300,000 Sri Lankans were trapped on a narrow strip of land between the retreating Liberation Tigers of Tamil Eelam (LTTE) and the advancing Sri Lankan military. As reports of abuses by both sides increased, the UN Security Council failed to intervene. At least 7,000 people were killed – some have put the figure as high as 20,000. The Sri Lankan government dismissed all reports of war crimes by its forces and rejected calls for an international inquiry, while failing to hold any credible, independent investigations of its own. The UN Human Rights Council convened a special session, but power plays led to member states approving a resolution drafted by the Sri Lankan government, complimenting itself on its success against the LTTE. By the end of the year, despite further evidence of war crimes and other abuses, no one had been brought to justice.

One would be hard pressed to imagine a more complete failure to hold to account those who abuse human rights.

Thinking about it, I remembered the foreword to the Amnesty International Report published in 1992. Entitled “Getting away with murder”, it highlighted many countries where political and military leaders responsible for ordering or condoning killings,
enforced disappearances, systematic rape and other torture, faced no threat of being held to account. Sri Lanka figured prominently as an example, its then government having failed to bring to justice those responsible for tens of thousands of extrajudicial killings and enforced disappearances in the violent 1988-90 suppression of an internal insurgency.

So the obvious question is, has anything changed over the last two decades? And looking at Sri Lanka in 2009, or indeed at the situations in Colombia or Gaza, it would be easy to conclude, not really; and if not, why pursue accountability at all? But that would be to overlook the significant progress that has been made in less than 20 years – despite old and new challenges – which ensures it is now harder for perpetrators to secure impunity.

Yes, the law’s reach is still far from complete. Some situations evade scrutiny altogether; in others, justice simply takes too long. But there is progress. Moreover, the demand for accountability has extended beyond the familiar territory of redress for killings or torture, to the denial of basic human rights to food, education, housing and health, which we all also need to live our lives in dignity.

**Accountability – the achievements**

To be accountable is to be held responsible for an action you have taken, or failed to take, that has a direct consequence on others. It is a broad concept: one can speak of political accountability, tested, for example, in elections; or moral accountability, measured perhaps by a society’s values.

International human rights standards are focused primarily on establishing legal accountability. People have rights that must be set out in and protected by law; those in power have duties, also established in law, to respect, protect and fulfil individual rights.

Ensuring accountability is important because, first and foremost, those who have suffered harm have a right to truth and justice. Victims and their relatives must have the wrongs done to them acknowledged and see those responsible brought to account. If victims are to receive reparation, finding out what happened, by whom and why, is as important as bringing to justice those responsible for abuses.

Accountability also allows us to look ahead. It provides a measure of deterrence for those who might commit crimes, and it provides a basis on which to build reforms of state and international institutions. Efficient and effective mechanisms for accountability can help states make better policies and laws, and monitor their impact on people’s lives.

During the past two decades, a global campaign has succeeded in establishing a role for international justice. Its achievements include the establishment in 1998 of the International Criminal Court (ICC) built on the foundations of international tribunals that dealt with genocide, crimes against humanity and war crimes in the former Yugoslavia and Rwanda.

2009 was a watershed year, when a sitting head of state, President Omar Al Bashir of Sudan, was named in an arrest warrant by the ICC on five counts of crimes against
humanity (murder, extermination, forcible transfer of population, torture and rape) and two counts of war crimes (for the targeting of civilians).

By the end of 2009, the ICC Prosecutor had opened investigations in three situations referred by the states where the crimes occurred – Uganda, Democratic Republic of the Congo (DRC) and Central African Republic (CAR) and one where the Security Council referred the situation (Darfur, Sudan). He also requested authorization from the Pre-Trial Chamber to open another investigation (Kenya). The ICC has summoned a leader of an armed group in Darfur, and issued arrest warrants for a militia leader, a senior government official and the President in Sudan, and issued arrest warrants for leaders of armed groups in Uganda, the DRC and CAR. These are important steps to implement the principle that all those committing war crimes or crimes against humanity should be held equally to account, whether they belong to government or other forces.

In recent years, the ICC Prosecutor has expanded the geographical scope of his work by beginning preliminary examinations of four situations outside Africa – Afghanistan, Colombia, Georgia, and the 2008-09 conflict in Gaza and southern Israel.

The process whereby states (110 by the end of 2009) ratify the Rome Statute of the ICC has spurred national legal reform so that national courts are being given jurisdiction over crimes under international law, allowing suspects to be brought to book abroad when – and crucially only when – they enjoy impunity at home. Despite some setbacks in the development of universal jurisdiction in 2009, such as the enactment of legislation restricting its scope in Spain, lawyers have initiated cases and some were advancing before national courts across the Americas, Europe and Africa. In South Africa in December, two NGOs challenged in court the decision by the authorities not to open investigations under South Africa’s universal jurisdiction law into alleged crimes against humanity committed in Zimbabwe by individuals known to travel to South Africa. By the end of the year more than 40 states had enacted legislation since 1998 maintaining or strengthening universal jurisdiction over crimes under international law, helping fill a small part of the global justice gap.

Such investigations and prosecutions have transformed the way governments and the general public see crimes under international law. More and more, these cases are seen for what they are: serious crimes to be investigated and prosecuted, as opposed to political issues to be resolved through diplomatic channels. Having campaigned hard with my colleagues to hold former Chilean President Augusto Pinochet to account following his arrest in London in 1998, I am particularly encouraged by this shift in perception.

Throughout Latin America, national courts and governments are re-opening investigations into crimes long shielded by amnesty laws. These developments show how even decades after the events, with numerous amnesties and other measures of impunity designed to block prosecutions, civil society will still fight to tear down barriers to truth, justice and reparation.
Among a number of landmark judgments was the conviction in April 2009 of former President Alberto Fujimori of Peru for crimes against humanity, which brought some closure for the relatives of those kidnapped, tortured and extrajudicially executed by military death squads in three cases in the early 1990s. In October, the Supreme Court of Uruguay found that the amnesty law enacted to provide impunity for gross human rights violations in the late 1980s was null and void because it was inconsistent with Uruguay’s obligations under international law. And as 2009 drew to a close, Argentine prosecutors began presenting evidence in one of the most important trials since the demise of the military government (1976-1983) involving 17 members of the armed forces and police charged with torture, enforced disappearance and murder at the notorious Escuela Superior de Mecánica de la Armada (Naval Mechanics School).

The pursuit of justice extended far beyond Latin America. Sierra Leone, for example, came closer to reconciliation with its past in 2009 as all trials in the Special Court for Sierra Leone were concluded apart from that of former President of Liberia Charles Taylor, which was ongoing. And in Asia, one of Cambodia’s most notorious Khmer Rouge commanders finally faced trial for war crimes and crimes against humanity committed more than 30 years ago. Kaing Guek Eav, also known as Duch, was the commander of Security Office S-21 where at least 14,000 people are believed to have been tortured and then killed between April 1975 and January 1979. It was the first trial by the “Extraordinary Chambers in the Courts of Cambodia” – such a temporary tribunal must give way to a functioning national justice system as soon as practical, but at least it allowed survivors to have their suffering acknowledged.

In 2009, even powerful states found they could not always hide from the law. While some European states were lukewarm in pursuing violations within the context of the US-led “war on terror”, an Italian court convicted 22 CIA operatives, one US Air Force officer and two Italian military intelligence agents in November for their involvement in the 2003 abduction of Usama Mustafa Hassan Nasr (Abu Omar) from a street in Milan. Abu Omar had then been rendered to Egypt, where he was held in secret for 14 months, and allegedly tortured. The trial took place largely because the Milan prosecutor’s office was determined to enforce the law, despite pressure from its own government to drop the case, and although none of the US agents was ever arrested, or physically present in court.

The existence of the ICC has inspired more serious attention to the issue of accountability even in states where those responsible might otherwise have felt immune because they have not formally accepted the court’s jurisdiction. The UN Human Rights Council created an independent fact-finding mission led by South African judge Richard Goldstone, previously Prosecutor of the International Criminal Tribunals for Rwanda and the former Yugoslavia, to investigate alleged violations during the 22-day conflict in Gaza and southern Israel that ended in January 2009. The Goldstone report found that both Israeli forces and Hamas (and other Palestinian groups) committed war crimes and, possibly, crimes against humanity. This echoed the findings of Amnesty
International’s field missions to Gaza and southern Israel during the conflict and in its immediate aftermath.

The Goldstone report stated that “[t]he prolonged situation of impunity has created a justice crisis”. It recommended that if the two sides failed to carry out investigations and ensure accountability, the Security Council should exercise its authority and refer the situation to the ICC. In November 2009, the UN General Assembly gave Israel and the Palestinian side three months to show they were willing and able to undertake investigations that met international standards.

In an example of prompt response by the international community, the UN set up an International Commission of Inquiry to investigate the events of 28 September in Conakry (Guinea), where more than 150 people were killed, and women were raped in public, when security forces violently repressed a peaceful demonstration in a stadium. The Inquiry found in December that crimes against humanity had been committed and recommended a referral to the ICC, which initiated a preliminary examination.

Finally, the last two decades have seen an exponential growth in “transitional justice” mechanisms, with many countries emerging from prolonged armed conflict or political repression to confront their past with different models of accountability. During 2009, truth and reconciliation processes and their follow-up were in progress in Liberia, the Solomon Islands and Morocco/Western Sahara – the only country in the Middle East and North Africa Region to have confronted past abuses in such a way, although without including a criminal justice component. As we gathered Amnesty International’s relevant records to assist that process, covering decades of research on individual cases, it was clear to all of us that accountability must accompany truth-telling if reconciliation based on justice is to be achieved. The temptation remains to ‘let bygones be bygones’, but experience has shown that allowing perpetrators, literally, to ‘get away with murder’ can make for a precarious and often short-lived peace.

**Power and politicization – obstacles to justice**

While legal accountability for crimes under international law is more of a possibility today than ever before, events in 2009 confirmed that two formidable obstacles stand in the way. These must be addressed if we hope to spread meaningful accountability across the full spectrum of rights. The first is the fact that powerful states continue to stand above the law, outside effective international scrutiny. The other is that powerful states manipulate the law, shielding their allies from scrutiny and pushing for accountability mainly when politically expedient. In so doing, they provide a pretext for other states or block of states to politicize justice in the same way.

Although 110 states ratified the Rome Statute to the ICC by the end of 2009, only 12 out of the G20 countries had done so. Among others, China, India, Indonesia, Russia, Turkey and the USA have stood aside from, if not deliberately undermined, international justice efforts.
Having excluded itself from the jurisdiction of the ICC, the USA faces less external pressure to address its own abuses committed in the context of its counter-terrorism strategy. When President Barack Obama took office and ordered the closure of the Guantánamo Bay detention facility within a year, as well as the end of the secret detention programme and the use of so-called “enhanced interrogation techniques”, the signs were promising. However, by the end of 2009 the Guantánamo detentions were still ongoing and little progress had been made in holding anyone accountable for the violations there and in the other aspects of the US-led “war on terror”.

China too shields its actions from international scrutiny. In July 2009, violent riots followed a police crackdown on an initially peaceful protest by Uighurs in Urumqi, Xinjiang Uighur Autonomous Region. The Chinese government restricted access to information, arrested non-violent protesters, and set up quick, unfair trials, sentencing many to death and executing nine within months of the violence. In December, a further 13 were sentenced to death, and 94 more arrested. The short and controlled access journalists were allowed after the violence is no substitute for proper international scrutiny – China failed to respond to a request from the UN Rapporteur on torture to visit the area. Any claim by the government that it is ensuring accountability is not credible when the supposed accountability is cloaked in secrecy and a rush to executions.

Despite an EU-commissioned independent inquiry that concluded that all sides in the 2008 Georgia-Russia conflict were responsible for violations of international humanitarian and human rights law, neither Russia nor Georgia had brought anyone to account by the end of the year, and 26,000 people were still unable to return home. It was increasingly clear that Russia would use its power to shield both its own soldiers and Georgia’s breakaway regions of South Ossetia (and Abkhazia) from international scrutiny. Specifically, Russia opposed the extension of the mandates of two crucial international monitoring missions in Georgia belonging to the Organization for Security and Co-operation in Europe and the UN. This left the European Union Monitoring Mission as the sole international observer body operating in Georgia, with no access to areas controlled by Russia or the de facto South Ossetian and Abkhazian authorities in the post-conflict zone.

Indonesia, another financial heavyweight with membership of the G20, has for more than 10 years failed to ensure accountability for the victims of human rights violations committed during Timor-Leste’s 1999 UN-sponsored independence referendum and the previous 24 years of Indonesian occupation. Despite various national and internationally sponsored justice initiatives over the last decade, most of those suspected of having committed crimes against humanity in 1999 are still at large. Of those who have been prosecuted in Indonesia, all have been acquitted.

The second obstacle – the politicization of international justice – makes the pursuit of accountability subservient to a political agenda of supporting allies and undermining rivals. The USA, for example, and European Union states, used their position within the
UN Security Council to continue to shield Israel from strong measures of accountability for its actions in Gaza. In a display of counter political bias, the UN Human Rights Council, initially resolved to investigate only alleged Israeli violations. To his credit, Judge Richard Goldstone, subsequently appointed to lead that investigation, insisted that the UN Fact-Finding Mission should examine alleged violations by both Israel and Hamas. Also at the UN Human Rights Council, not a single Asian or African state voted against the resolution that applauded the Sri Lankan government’s conduct of the war against the LTTE.

The unwillingness of the powerful to apply the same standards to themselves and their political allies plays into the hands of others who can then justify their own double standards, sometimes placing a misguided notion of “regional solidarity” above solidarity with the victims. Nowhere can this be seen more clearly than in the initial response of African states to the ICC’s arrest warrant for President Al Bashir. Despite the seriousness of the crimes alleged, in July the Assembly of the African Union (AU), chaired by Libya, reiterated a request to the UN Security Council to suspend the proceedings against the Sudanese President, decided that AU member states would not co-operate with the ICC in his arrest and surrender, and requested the African Commission to convene a preparatory meeting to discuss amendments to the Rome Statute to be submitted to the 2010 Review Conference.

After travelling freely around countries not party to the Rome Statute, President Al Bashir was then invited by Turkey, Nigeria, Uganda and Venezuela. After an outcry from civil society, however, the tide began to shift. South Africa said it would fulfil its obligations as a party to the Rome Statute, and Brazil, Senegal and Botswana made clear their readiness to arrest him if he arrived. Nevertheless, at the end of 2009, President Al Bashir was still at large, and still alleging that the effort to prosecute him was politically motivated and biased against Africa. For hundreds of thousands of displaced people in Darfur, the nightmare of further violence and abuses continues, with the prospect of the war in Southern Sudan resuming and the hardship intensifying.

**Challenges ahead – accountability for all rights**

The obstacles to implementing accountability for mass atrocities in conflicts or political repression are real, but the debate at least has been won: no one denies the principle that war crimes or crimes against humanity or enforced disappearances should be punished. Yet when it comes to the mass abuses of economic, social and cultural rights, there is no comparable effort to bring law and accountability to bear. Not the same thing, many will say. And true enough, massacring civilians is different from denying a population its right to education. But such denials are still flouting international law and impacting adversely on people’s lives. They must, therefore, be pursued through international accountability.

The task is to convince world leaders that, no less than the conflict in Darfur, the problem is a human rights crisis.
Consider the right to health, and specifically the scourge of maternal mortality. Every year, more than half a million women die from pregnancy-related complications. Maternal mortality rates for women in Sierra Leone, Peru, Burkina Faso and Nicaragua – to name a few countries on which Amnesty International focused in 2009 – are directly affected by human rights abuses. As I witnessed personally in Sierra Leone and Burkina Faso, the governments in these countries acknowledge the problem and are taking steps to tackle it. But they – along with civil society – need to make greater efforts to address the key human rights issues that contribute to the high rates of preventable deaths, such as gender discrimination, early marriage, the denial of women’s sexual and reproductive rights, and barriers to accessing essential health care. In this, they must be supported by the international community.

Human rights law recognizes that adequate resources are a crucial condition for the realization of some aspects of economic, social and cultural rights and so demands “progressive realization” of those aspects “to the maximum of available resources”. But governments cannot simply use the issue of resource constraint as an excuse. The existence of preventable maternal mortality in a country is not just a simple reflection of how poor or rich a country is. Angola, for example, has a much higher maternal mortality ratio than Mozambique, despite the fact that Mozambique is much poorer. Or take Guatemala, with a GDP per capita nearly double the size of Nicaragua, but higher maternal mortality ratios.

Consider also the right to housing. In 2009 Amnesty International addressed the plight of tens of thousands left homeless in N’Djamena, Chad, after forced evictions, as well as that of the inhabitants of slums in Cairo, Egypt, who remained at risk of being killed by landslides or other hazards, due to the authorities’ failure to provide adequate housing. In Nairobi, Kenya, Amnesty International marched with inhabitants from Kibera, the largest slum in Africa, and other slums to demand their right to adequate housing and services. In Gaza, one of the consequences of the 2008-09 conflict highlighted by Amnesty International has been the extensive destruction of houses coupled with a continuing blockade which prevents construction materials from entering Gaza. The blockade, which amounts to collective punishment, a crime under international law, hits hardest the most vulnerable.

What the people in the situations mentioned above have in common more than anything else is their poverty. It is the poor who are most discriminated against and where the need for protection of all the rights in the Universal Declaration of Human Rights is most evident. Discrimination is a key driver of poverty, and is often reflected in the allocation of government spending and policies. And most of the people living in poverty in the world, and the ones suffering most discrimination in law and practice, are women. Safe pregnancies, safe homes, safe routes to school or work – none of these should be the preserve of men or of the wealthy.
There are some positive steps towards ensuring legal accountability for the denial of basic economic, social and cultural rights. Increasingly, national courts are intervening to protect these rights and to demand changes to government policy so that minimum rights to health, housing, education and food do not go unfulfilled. And they are being spurred to go further by international mechanisms.

In a ground-breaking decision in November 2009, for example, the ECOWAS (Economic Community of West African States) Community Court of Justice in Abuja declared that education is a human right to which all Nigerians are entitled. The Court said that the right to education can be enforced legally and dismissed all objections brought by the government that education was “a mere directive policy of the government and not a legal entitlement of the citizens”.

In another example, in Miercurea Ciuc, Romania, a Roma community which has been living in metal cabins and shacks next to a sewage treatment plant since 2004, after being forcibly evicted from a crumbling building in the centre of the town, lodged an appeal in December 2008 with the European Court of Human Rights. The community, supported by local NGOs, had exhausted national remedies for reparations when rulings in their favour by national courts amounted to nothing in practical terms.

The possibility of international accountability in this field took a leap forward in September 2009 with the opening for signature of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Protocol establishes, for the first time, an international mechanism for individual complaints. It will also support efforts within countries to ensure that effective remedies are available to victims.

Increased accountability for the denial of basic economic, social and cultural rights has become ever more important in view of the combined effects of the food, energy, and financial crises which are estimated to have pushed many million more people into poverty. The respect for all human rights, including economic, social and cultural rights, must be an integral part of all national and international responses to the crises.

But governments are not the only actors contributing to such a crisis. Global business is growing in power and influence. Decisions companies make and the influence they wield can profoundly impact people’s human rights. Too many companies exploit the absence of effective regulation or work hand in glove with abusive and often corrupt governments, with devastating consequences.

Over the past 15 years, we have seen the expansion of law to protect global economic interests, through a range of international investment and trade agreements backed by enforcement mechanisms. But while economic interests have been able to make the law work for them, those harmed by their operations have often seen the law recede in the face of corporate power.

December 2009 marked the 25th anniversary of the catastrophic leak of deadly chemicals from Union Carbide’s pesticide plant in Bhopal, India. Thousands died and an
estimated 100,000 people are still suffering the health consequences of that leak today. Despite efforts by survivors of the Bhopal disaster to pursue justice through courts in India and the USA, a quarter of a century after the leak, rehabilitation is still far short of what is needed and no one has ever been held to account for the leak or its aftermath.

Meaningful accountability for corporations remains rare. Attempts to secure justice are thwarted by ineffective legal systems, lack of access to information, corporate interference with legal and regulatory systems, corruption and powerful state-corporate alliances. Although transnational businesses, by definition, operate across borders, the legal and jurisdictional obstacles to bringing court actions against companies abroad remain significant. Global business operates in a global economy but in the absence of a global rule of law.

Yet, despite the enormous challenges, individuals and communities affected by transnational companies are increasingly bringing civil actions in an effort to both hold companies to account and gain some form of remedy. In Nigeria, the oil industry has operated for 50 years without effective regulatory controls. The consequence has been widespread damage to the environment and human rights. Justice in Nigeria has proved elusive for most of the communities whose lives and livelihoods have been damaged. In December 2009 a Dutch court agreed to proceed in a civil case against Shell brought by four Nigerians seeking compensation for oil-spill damages to their livelihood.

In a high-profile civil action in the UK in 2009, the oil-trading company Trafigura agreed a US$45 million out of court settlement with some 30,000 people affected by the dumping of toxic waste in Abidjan in Côte d’Ivoire. The waste was brought to Abidjan in 2006 on board the ship Probo Koala, which had been chartered by Trafigura. The waste was then dumped in various locations around the city. More than 100,000 people sought medical attention for a range of health problems and there were 15 reported deaths.

Such out of court settlements may bring a small measure of justice for victims, but they often involve serious limitations and do not offer full reparation or accountability. In the Côte d’Ivoire case, critical aspects of the human rights impact of the toxic waste dumping remain unaddressed. Far more needs to be done to address the legal and jurisdictional gaps that currently facilitate corporate impunity. Companies which in increasing numbers profess commitment to human rights should actively promote such efforts.

The next global plan – accountability for all rights

World leaders will gather at the UN in September 2010 to review progress on their promises to improve the lives of the world’s poor, set out in the Millennium Development Goals (MDGs). On the evidence available, we are falling far short of the goals set for 2015. The cost of this failure is to deprive hundreds of millions of people of their right to live in dignity – not just to enjoy their political freedoms, but also to have access to food, housing,
health care, education and security, as enshrined in the Universal Declaration of Human Rights. Freedom from fear, and freedom from want – that remains the goal.

There must now be a comparable effort to harness the same energy used to set up the ICC and the international mechanisms for justice, to bring more accountability to a global economic and political order that fails to take all human rights into account. New thinking is needed. The MDG targets cannot simply be just promises. They must be based on the legal commitments governments have made to meet basic human rights, and as such there must be mechanisms to hold governments to account to meet these commitments. There must be effective remedies when states fail to do so.

Accountability would be enhanced if efforts to meet the MDGs took full account of the views of those living in poverty. Individuals have the right to participate in and to have free access to information about decisions that affect their lives. There has been little genuine participation of rights holders themselves in the MDGs. And the MDG process must also ensure proper scrutiny of those governments who pursue national policies – including those with international effect – that undermine the realization of the basic rights embedded in the Goals. All governments, but especially those of the G20, which claim a greater role in global leadership, should be held accountable for whether their policies translate into tangible improvements in the lives of the world’s poor.

In this effort to secure the delivery of all human rights for all people, states and non-state actors should be constantly reminded of their legal obligations and responsibilities. More than ever before, human rights activists, community organizations, lawyers and others are joining together to do so, working with those in power when sharing common objectives, but otherwise challenging them by seeking institutional and individual measures of accountability. The human rights movement is itself becoming more global and diverse, connecting ever better across borders and disciplines in pursuit of a comprehensive human rights project.

As we enter the second decade of the millennium, Amnesty International is working alongside partners in such a global movement, seeking to reassert the value of universal human rights; to show how they cannot be divided up or parcelled off, and how they are directly relevant to people’s full life experience. In so doing, we recommit ourselves to a vision of human rights whereby – beyond states, armed groups and companies – each individual is an agent of change, with rights as well as responsibilities. Each of us has rights to demand respect, protection and fulfilment from the state and society, but also responsibilities to respect the rights of others and act in solidarity with each other to fulfil the promise of the Universal Declaration.
Two girls from the Romani community in Miercurea Ciuc, Romania, hold drawings of the houses they would like to live in. May 2009.
Pregnant women in a village in Koinadugu district, northern Sierra Leone, February 2009. Free care for pregnant women and children was among the plans announced by the President to try to combat high levels of maternal mortality.
“No one ever asked the Sudanese themselves if they want the arrest warrant against their President. [But] undoubtedly, yes: it’s time.”

This Sudanese activist reflected the feelings of many in the region when the International Criminal Court (ICC) issued its arrest warrant for President Omar Al Bashir of Sudan in March. President Al Bashir was accused, as indirect perpetrator, of war crimes - specifically attacking civilians and pillaging – and crimes against humanity – specifically for murder, extermination, forcible transfer, torture and rape. This was a powerful and welcome signal sent to those suspected of being responsible for gross human rights violations: that nobody is above the law, and that the rights of victims should be upheld.

Members of civil society in Africa frequently stressed the importance of strengthening international justice, and called on the African Union (AU) and its member states to work with the ICC, but in July, the AU Assembly adopted a resolution stipulating it would not collaborate with the Court in surrendering President Al Bashir. The AU also reiterated its request to the UN Security Council to suspend the ICC proceedings against President Al Bashir, and expressed its intention to seek to limit the Prosecutor’s discretion to initiate investigations and prosecutions. Although some AU states seemed to disagree with the position taken by the AU as a whole, their voices were drowned out by the more vocal opponents of the ICC.

The stark contrast from many leaders in Africa between their human rights rhetoric and the absence of concrete action to respect, protect and promote human rights, is not new. But hardly ever has it been demonstrated so unequivocally as with their reaction to President Al Bashir’s arrest warrant. This triggered a wide – and still ongoing – debate in Africa on the role of international justice in ensuring accountability for gross violations of international human rights and humanitarian law.

Sadly, there are numerous other examples from 2009 that demonstrate the lack of political will in Africa to ensure accountability on any scale.
Conflict

Members of armed opposition groups and government security forces in Central African Republic, Chad, Democratic Republic of the Congo (DRC), Somalia and Sudan continued to commit human rights abuses with impunity in those parts of the countries affected by armed conflict or insecurity.

In Somalia, there was no functioning justice system and no effective mechanism was put in place to monitor human rights abuses. The conflict between the various armed groups and government forces resulted in thousands of civilian casualties due to the indiscriminate and disproportionate nature of many of the military operations conducted by all parties to the conflict, especially around the capital Mogadishu. Civilians were often targeted in attacks and densely populated areas were shelled. Military assistance, including shipments of arms from the USA, to the Transitional Federal Government, without adequate safeguards in place to ensure that such assistance does not lead to gross human rights violations, risked exacerbating the situation. The conflict in Somalia also continued to have implications for stability in the rest of the Horn of Africa.

In eastern DRC, sexual violence, attacks against civilians, looting and recruitment and use of child soldiers continued unabated. Joint military operations of the national Congolese army (FARDC) and the UN peacekeeping force (MONUC) against the armed group the Democratic Liberation Forces of Rwanda (FDLR) displaced thousands more people, destroyed villages and killed and wounded thousands. The FDLR continued to target civilians. MONUC was heavily criticized for its support to the FARDC in these military operations as the national army was also responsible for numerous human rights violations.

The arrest in Germany in November of Ignace Murwanashyaka, President of the FDLR, and his deputy, Straton Musoni, was a positive development and demonstrated the contribution universal jurisdiction can make in addressing impunity. The government of the DRC refused to arrest former rebel commander Bosco Ntaganda and surrender him to the ICC, even though the government is legally obliged to do so as an arrest warrant has been issued. Other senior FARDC officers accused of war crimes or other serious human rights violations have not been suspended from duty or brought to justice.

In March, the AU mandated a panel under former South African President Thabo Mbeki, to explore ways of ensuring accountability as well as reconciliation in Darfur. The report of the Mbeki panel, released in October, contained a wide range of recommendations to obtain justice, establish the truth about past and ongoing human
rights abuses and seek reparations for those affected by human rights abuses or their relatives. The Mbeki panel recognized the role the ICC plays in addressing impunity.

And yet, although a number of countries indicated that President Al Bashir would be at risk of arrest if he were to visit, many others, such as Egypt, Ethiopia and Eritrea were more than pleased to receive the Sudanese President. And the government of Sudan ignored international attempts at justice and continued to refuse to arrest former government minister Ahmad Harun and militia leader Ali Kushayb even though warrants from the ICC have been outstanding against both of them for war crimes and crimes against humanity since April 2007.

Conflict between various communities in South Sudan increased, specifically in Jonglei, leading to thousands of people being displaced and numerous others killed and wounded, including civilians.

Any help humanitarian organizations might have been able to offer people was hampered by the difficult working environment in the country, partly due to the general insecurity and partly because they were often targeted by parties to the conflict or bandits. This was also the case in the DRC, eastern Chad, and Somalia. UN and AU peacekeepers, often with a mandate to protect the civilian population, were also attacked in these four countries.

Accountability and reparations for past human rights violations were often not effectively addressed in post-conflict situations either. In Liberia, for example, the Truth and Reconciliation Commission, established to shed light on the human rights violations committed during the period 1979-2003, published its final report in 2009 and recommended establishing an extraordinary criminal tribunal to investigate and prosecute those suspected of having committed crimes under international law. However, concrete steps need to be taken by the authorities to implement these recommendations.

In Burundi, there was only limited progress in establishing a Truth and Reconciliation Commission and a Special Tribunal within the Burundian justice system to investigate Burundi’s violent history and to prosecute, if established, crimes of genocide, war crimes and crimes against humanity.

Good news came primarily from the Special Court for Sierra Leone, which concluded all its trials in 2009, including those at the appeal stage, except that of former President of Liberia Charles Taylor, which continued throughout the year. However, the reparations programme in Sierra Leone lacked means to be of much significance for the people affected by human rights abuses during the 1991-2002 conflict. The
UN Security Council also extended in December the mandate of the International Criminal Tribunal for Rwanda until the end of 2012 to ensure it could finalize the trials.

By the end of 2009, Senegal had still not started the trial of former Chadian President Hissène Habré, as requested by the AU, allegedly due to lack of resources. However, requests from Senegal for financial assistance were deemed excessive by international donors.

Public security concerns

The lack of commitment to address impunity was also reflected in the attitude of many governments in the region towards human rights violations committed by their law enforcement and other security officers. It was not unusual in 2009 for security forces to use excessive force and to commit unlawful killings, including extrajudicial executions.

On 7 February, the Presidential Guard in Madagascar fired live ammunition at unarmed demonstrators marching on the Presidential Palace in Antananarivo, killing at least 31 people. No independent and impartial investigation was conducted into the unlawful killings despite requests from the victims’ relatives and human rights organizations.

In Nigeria, hundreds of people are unlawfully killed every year by the police, and 2009 was no exception. These unlawful killings, many of which may be extrajudicial executions, and which occur in police stations, at road blocks or in the street, are hardly ever investigated. Those who live in poverty face a greater risk of being killed as they are not in a position to bribe police officers. The law in Nigeria provides more grounds for lethal force than those permitted by international human rights law and standards.

There was no indication that the government of Cameroon had initiated investigations into the unlawful killings of about 100 people in 2008 when security forces cracked down on violent demonstrations against the increased cost of living and a constitutional amendment to extend the President’s term of office. The government of Kenya did not take measures to ensure accountability for human rights violations committed during the post-election violence in 2007-08 when more than 1,000 people were killed. As a result, the Prosecutor of the ICC sought authorization from the Court to investigate possible crimes against humanity during the post-election violence in Kenya.

On 28 September, more than 150 people were unlawfully killed in Guinea when security forces violently repressed a peaceful demonstration in a stadium in the capital Conakry. Women participating in the demonstration were raped in public. No credible investigations were initiated by the authorities so the UN set up an international
Commission of Inquiry. It concluded that crimes against humanity had been committed and recommended referral to the ICC.

At least here there was political will among the UN, AU and the Economic Community of West African States (ECOWAS) to act swiftly to determine the facts and identify those responsible. Unfortunately, this was more an exception than a rule in the region.

The problems in 2009 were compounded by the fact that security forces continued to be poorly paid, inadequately trained and ill-equipped. In many states security forces were still primarily a tool for repression and not for maintaining law and order, or for serving the public. In this way the demand for accountability was squashed by further violations.

Repression of dissent
In many countries, journalists, political opponents, trade union activists, and human rights defenders had their rights to freedom of expression, association and peaceful assembly violated. Across the region, governments’ reaction to criticism was often to discredit and attack the messenger, including through intimidation, arbitrary arrests, enforced disappearances and sometimes killings. In some countries the judiciary lacks independence and magistrates are intimidated – so the judiciary becomes yet another tool of repression.

The work of journalists was restricted in numerous ways and the list of governments in 2009 that repressed basic freedoms and the right of their people to information is long: in Angola, journalists faced lawsuits for “abusing the media” and defamation charges leading to prison sentences; in Cameroon, a journalist was sentenced to three years’ imprisonment for publishing “false news” and others were charged with insulting government officials; journalists were also arrested in the DRC, Eritrea, Gambia, Nigeria and Uganda for their work; Sudan and Chad deported several foreign journalists and media laws restricting their work were introduced or remained in place in both countries as well as in Rwanda and Togo; print media in Sudan were heavily censored for most of the year; in Madagascar, Nigeria, Senegal and Uganda, various media outlets were closed down; in Côte d’Ivoire, Republic of Congo, Djibouti, Ethiopia, Guinea, Kenya, Senegal, Swaziland and Tanzania, journalists were harassed and intimidated; in Somalia, nine journalists were killed and many others fled the country, as they and human rights activists were also threatened by members of armed groups.

Human rights activists were intimidated for their work across the region, and sometimes arrested, including in Burkina Faso, Chad, the DRC, Mauritania, Swaziland and Zimbabwe. Other countries,
including Ethiopia, passed legislation restricting the legitimate work of civil society. In Gambia, the President reportedly threatened to kill anyone wishing to destabilize the country and specifically threatened human rights defenders. In Kenya, two prominent human rights defenders were killed in broad daylight in Nairobi by unidentified gunmen. In Burundi, a human rights defender working on corruption, including within the police, was stabbed to death at his home.

Political opponents of the government, or people perceived to be, were arbitrarily arrested in many countries, including Cameroon, Chad, Republic of Congo, Equatorial Guinea, Ethiopia, Guinea, Guinea-Bissau, Madagascar, Niger and Zimbabwe. Those in detention were regularly tortured or otherwise ill-treated. Some political opponents remained victims of enforced disappearances, including in Chad and Gambia. Military personnel in Guinea Bissau killed a number of political and military figures.

In some countries, such as Republic of Congo, Guinea, Madagascar, Mauritania and Uganda, demonstrations were violently repressed.

People on the move
The ongoing armed conflicts and insecurity in the region meant hundreds of thousands of people remained displaced in 2009, often living in camps, in precarious conditions with limited access to water, sanitation, health, education and food. Many of the internally displaced in northern Uganda returned to their homes but had no access to basic services.

Refugees and asylum-seekers in Kenya, Tanzania and Uganda were forcibly returned, or were at risk of being so, to their countries of origin where they still faced persecution or other risks. In South Africa the police response to xenophobic attacks against migrants and refugees, and destruction of their property, was often inadequate.

In Mauritania, migrants continued to be arbitrarily arrested and detained before being expelled, a policy put in place by the authorities as a result of pressure from European states to control migration. Angola expelled an estimated 160,000 DRC nationals in a process fraught with abuses, including reports that Angolan security forces subjected those expelled to wide-ranging ill-treatment including sexual abuse. Some died during the expulsion. In retaliation, the DRC expelled thousands of Angolan citizens, including refugees.

One positive development of 2009 was the adoption by the AU of the Convention for the Protection and Assistance of Internally Displaced Persons in Africa, recognizing the specific vulnerability and needs of displaced people.
Housing – forced evictions
The rapid urbanization in the region also causes displacement. Every year, tens of thousands of people end up living in informal settlements, often in very precarious living conditions with no access to basic services such as water, sanitation, health and education.

People have no access to adequate housing, no security of tenure and are at risk of forced evictions. The forced evictions often lead to the loss of their livelihood and their meagre possessions, and drive people deeper into poverty. Those evicted are hardly ever consulted, are not given advance notice of the evictions and are not granted compensation or adequate alternative housing. In 2009 the trend continued, and mass forced evictions took place in Angola, Chad, Equatorial Guinea, Ghana, Kenya and Nigeria.

Economic concerns – corporate accountability
The lack of corporate accountability resulted in a range of human rights abuses. In eastern DRC, the exploitation of natural resources, specifically in the mining industry, continued to fuel the conflict. Armed groups as well as the national army were involved in the exploitation of natural resources and were trading with private economic actors. Children were working in some of the mines.

In the Niger Delta in Nigeria, the situation deteriorated as security forces committed human rights violations during their military operations against armed groups. Armed groups kidnapped numerous oil workers and their relatives and attacked oil installations. The oil industry damaged the environment and had a negative impact on the standard of living and livelihood of local people. Laws and regulations to protect the environment were poorly enforced, and impunity for past human rights abuses continued, further contributing to poverty and conflict.

Due to corruption, nearly 30,000 victims of the 2006 dumping of toxic waste in Côte d’Ivoire were at risk of missing out on the compensation granted to them by the multinational corporation Trafigura in an out of court settlement in the UK.

Discrimination
Discrimination against people based on their perceived or real sexual orientation continued in various countries. Lesbian, gay, bisexual and transgender people as well as human rights activists working with and for them were harassed and intimidated. Some faced arbitrary arrest and detention as well as ill-treatment. New legislation to further criminalize homosexuality was introduced or debated in parliaments across the region.
Burundi, for example, adopted a new penal code in April that criminalized consensual same-sex relations. In Uganda, an Anti-Homosexuality Bill was introduced for consideration by parliament, building on the existing discriminatory laws by proposing new offences such as the “promotion of homosexuality”. The Bill also sought to impose the death penalty and life imprisonment for some offences. In Nigeria, discussions continued on the draft Same Gender Marriage Bill, which would criminalize not only people of the same sex who get married, but also their witnesses or officiators.

In Cameroon and Senegal, men faced harassment, arbitrary arrest and detention, torture and unfair trials because they were suspected of engaging in same-sex relationships. In Malawi, two people were arrested and charged with “indecent practices between males” at the end of December, following a “traditional engagement ceremony”. They were reportedly ill-treated while in detention.

More positive was the public statement in Rwanda by the Minister of Justice that homosexuality would not be criminalized, as sexual orientation was considered a private matter.

People were also discriminated against across the region for their gender, ethnicity, religion and identity. Discrimination and violence against women and girls prevailed in many societies and in different forms. Women and girls continued to be raped, particularly in situations of armed conflict such as in Chad, the DRC and Sudan. Some countries also recorded high levels of domestic violence although in most no proper reporting or investigating system was in place. Most women and girls faced numerous obstacles to obtain access to justice.

Discrimination and the low status of women in countries such as Burkina Faso and Sierra Leone affected their ability to seek health care, and contributed to high levels of maternal mortality. Traditional harmful practices continued, including female genital mutilation and early marriage.

In Sudan, women were arrested and flogged for wearing trousers – which were considered “indecent or immoral”. In Somalia, al-Shabab (“youth”) militias closed women’s organizations. In northern districts of Sierra Leone, women were not allowed to contest chieftaincy elections. An attempt to address the inequality of women in law sparked protests in Mali, and Nigeria still has to adopt legislation to incorporate the UN Women’s Convention, almost 25 years after it chose to ratify this treaty.

In Mauritania, Special Rapporteurs of the UN highlighted the ongoing marginalization of black Mauritanian people. Several religious groups remained banned in Eritrea and people were persecuted due to their religion. In Burundi and Tanzania, killings and mutilations of
albino people continued, driven by cultural and religious beliefs. Some suspected of involvement in the killings were convicted of murder in Tanzania.

**Conclusion**

Lack of accountability in Africa was not only reflected in the reluctance of many states to investigate and prosecute those responsible for crimes under international law, or to collaborate with the ICC on the arrest of President Al Bashir. The lack of accountability for human rights abuses – by local and central authorities, law enforcement agencies, armed groups and corporate actors – continued to be a systemic problem across the region. Unless it is addressed, there will be no lasting improvement in the realization of all human rights as enshrined in the Universal Declaration of Human Rights and regional and international human rights treaties.

The AU should lead by example, but in certain situations it has become part of the problem. The call for accountability from civil society has become stronger over the years in Africa, but commitment from the political leadership is required to make significant change.
In a landmark ruling on 7 April 2009 in Lima, Peru’s former President Alberto Fujimori was sentenced to 25 years’ imprisonment for grave human rights violations.
“People ask ‘why don’t you forgive?’,” says Tita Radilla Martínez. “Because they don’t tell me what they did to my father. Is he dead or alive? They say ‘don’t re-open the wound’. Re-open? The wound is open – it never healed.”

It has been more than 30 years since Tita Radilla Martínez last saw her father, Rosendo Radilla. He was 60 years old when he was forcibly disappeared in 1974. The social activist and former mayor was last seen in a military barracks in Guerrero State, Mexico.

His family’s hopes for truth and justice were rekindled by a decision from the Inter-American Court of Human Rights, which in November condemned Mexico for failing to adequately investigate his enforced disappearance.

Hundreds of thousands of people were killed, forcibly disappeared, tortured and many more forced into exile, during the period of military rule in Latin America from the 1960s to the mid 1980s. Return to civilian, democratically elected governments has not, however, overcome the legacy of impunity for most of these crimes. Indeed, a lack of accountability for abuses during this dark period of history has helped perpetuate policies and practices that feed continuing violations. The failure to bring those responsible, at all levels of authority, to justice sends a clear signal that those in power are above the law.

In recent years, however, a growing number of Latin American countries have made important advances towards tackling impunity, recognizing that reconciliation is an empty concept unless it is built on truth, justice and reparation. Until very recently most prosecutions and convictions were directed at low-ranking security personnel directly responsible for the crime; there was little or no effort to bring to justice those with ultimate responsibility for ruthlessly eliminating dissent and opposition.

But in April, a democratically elected head of state was convicted of human rights violations for the first time. Former Peruvian President Alberto Fujimori was sentenced to 25 years’ imprisonment for grave human rights violations committed in 1991, including torture, enforced disappearances and extrajudicial executions. The conviction finally shows the region that nobody is exempt from justice. The judges
concluded that former President Alberto Fujimori bore individual criminal responsibility because he had effective military command over those who committed the crimes.

Alberto Fujimori was not the only former leader on trial in the year. The trial of former Surinamese President Lieutenant Colonel Désiré Bouterse (1981-1987) and 24 others – accused of killing 13 civilians and two army officers at a military base in Paramaribo in December 1982 – resumed in 2009. Gregorio Álvarez, former general and de facto President of Uruguay (1980-1985) was sentenced to 25 years in prison, for the kidnapping and killing of 37 activists in Argentina in 1978.

In Colombia, the Council of State confirmed the dismissal of an army general for human rights violations. Álvaro Velandia Hurtado and three other army officers were dismissed for the torture, enforced disappearance and extrajudicial execution of Nydia Erika Bautista in 1987. The country also saw retired army general Jaime Uscátegui sentenced to 40 years in prison in November for his involvement in a massacre of 49 civilians by right-wing paramilitaries in Mapiripán in 1997.

During Argentina’s 1976-1983 military regimes, the ESMA Naval Mechanics School served as a clandestine detention centre, where thousands of people were forcibly disappeared, or tortured, or both. Seventeen former ESMA officers, among them Alfredo Astiz, finally went on trial for human rights abuses, including torture and murder, including that of two French nuns, a journalist and three founder members of the Madres de Plaza de Mayo human rights group. Alfredo Astiz was first prosecuted in relation to these crimes in 1985 but amnesty laws, since-repealed, halted the proceedings.

In May, Sabino Augusto Montanaro, Interior Minister during the regime of General Alfredo Stroessner in Paraguay, was arrested after voluntarily returning to the country from exile. He faces trial for human rights violations including crimes allegedly committed under Operación Condor – a regional security co-operation against perceived political opponents. In September, more than 165 retired ex-agents of the Chilean National Intelligence Directorate (DINA) were charged in Chile for their roles in the operation, as well as in other cases of torture and enforced disappearance in the early years of Chile’s military regime.

Despite this important progress in a growing number of emblematic cases of past human rights violations, justice for most of the hundreds of thousands of victims of past human rights violations remained elusive. Amnesty laws continued to hamper efforts in El Salvador, Brazil and Uruguay to hold violators accountable, and a

Many ... investigations in 2009 were obstructed or collapsed; and the hopes and expectations of families for truth, justice and reparation remained frustrated.
national referendum in Uruguay on the annulment of the 1986 Law on the Expiration of the Punitive Claims of the State (Expiry Law) failed to reach the required majority needed to overturn the law. In the run-up to the referendum, however, the Uruguayan Supreme Court reached an historic ruling on the unconstitutionality of the law in the case of Nibia Sabalsagaray, a young activist opponent who was tortured and killed in 1974. The ruling, along with interpretations made by the Executive to limit the application of the law, allowed for some progress on justice.

In a somewhat swifter process, people who suffered human rights violations in Oaxaca, Mexico, in 2006 during violent political protests, may find their justice a step closer – with the finalization of the Supreme Court investigation into the political crisis four years ago. It concluded that the state governor and other senior officials should be held accountable, but no steps were taken to indict them. However, many other investigations in 2009 were obstructed or collapsed; and the hopes and expectations of families for truth, justice and reparation remained frustrated. A Mexican federal court, for example, closed the case of genocide against former President Luis Echeverría, and the armed forces in Brazil continued to block progress into past abuses. In December, President Luiz Inácio Lula da Silva announced the creation of a truth commission to investigate torture, killings and enforced disappearances during the military rule of 1964 to 1985, as a part of the Third National Human Rights Plan. Following concerted pressure from the military, there were concerns that the proposal could be watered down.

And little progress was made in bringing to justice those responsible for human rights violations in the context of US conduct in the “war on terror”.

International justice
As well as national prosecutions’ attempts to combat impunity in Latin America, international justice continued to play an important role in 2009. In June, Chile became the final state in South America to ratify the Rome Statute establishing the International Criminal Court, and in November, the declaration under Article 124 of the Rome Statute, by which Colombia had declared that for seven years it did not accept the jurisdiction of the Court with respect to war crimes, came to an end, paving the way for investigations into war crimes and crimes against humanity.

In January, a Spanish National Court charged 14 Salvadoran army officers and soldiers with crimes against humanity and state terrorism for the killings of six Jesuit priests, their housekeeper and her 16-year-
old daughter at the Central American University in El Salvador in November 1989. In August, a Paraguayan judge ordered the extradition of former army doctor Norberto Bianco to Argentina to face trial for his alleged role in the illegal detention of more than 30 women and subsequent appropriation of their children in 1977 and 1978 during the military regime.

The trial of former Chilean Military Prosecutor General Alfonso Podlech in connection with the enforced disappearance of four people in the 1970s, including former priest Omar Venturelli, began in Italy in November. That same month, a US court ruled that sufficient grounds existed to try former Bolivian President Sánchez de Lozada and former Defence Minister Carlos Sánchez Berzain in the USA in a civil suit for damages in relation to charges of crimes against humanity including extrajudicial executions in 2003.

Public security concerns
The public security situation affecting many countries continued to cause great concern. Murder rates for women and men continued to rise, in particular in Mexico, Guatemala, Honduras, El Salvador and Jamaica. Millions of people in Latin America and the Caribbean’s poorest communities were plagued by violent criminal gangs and repressive, discriminatory and corrupt responses by law enforcement officials. At the same time, members of the security forces, especially the police, were required to work in ways that often put their own lives at risk.

As organized criminal networks extended their activities from drug trafficking, to kidnapping and trafficking of people, including women and children, the risks to irregular migrants and other vulnerable groups intensified. Governments in the region typically did very little to collect data and analyze these new problems, and even less to prevent abuses or bring to justice those responsible.

Official efforts to address escalating crime were often undermined by allegations of grave human rights violations, including enforced disappearances, torture and other ill-treatment. In Brazil, Jamaica, Colombia and Mexico, the security forces were accused of committing hundreds of unlawful killings – the vast majority of which were dismissed as “killings while resisting arrest” or simply dismissed as false allegations designed to dishonour the security forces.

Despite reports of serious human rights violations by armed and security force personnel, Colombia and Mexico continued to receive significant security co-operation from the USA, and more is expected under the terms of the Merida Initiative – a heavily financed agreement between Mexico (and other certain Central American countries) and the USA to combat organized crime.
Some countries encouraged alternative public security projects – a crucial initiative for challenging illegal policing methods – but they frequently fell short of expectations, and they were criticized by the affected communities in the Dominican Republic and Jamaica, for example, as further delaying urgently needed policing reform, and failing to address the broader needs of the communities.

**Conflict and crisis**

A general trend in 2009 towards an arms build-up in the region led to concern about the potential impact on human rights for people already living in fragile or non-existent security.

The civilian population in Colombia continued to bear the brunt of the 40-year-old internal armed conflict. All the warring parties – the security forces, paramilitaries, and guerrilla groups – to the conflict continued to abuse human rights and violate international humanitarian law. Indigenous Peoples, social leaders and human rights defenders were among the most vulnerable. At least 3 million and possibly as many as 5 million people have been forcibly displaced as a result of the long-running, armed conflict. As many as 286,000 were forced from their homes in 2009 alone. Women continued to suffer sexual violence, communities continued to be subjected to hostage-taking, enforced disappearances, forced recruitment of children, indiscriminate attacks, and those deemed a particular risk to each party’s interests faced death threats to intimidate them.

Insecurity and instability were not limited to Colombia, however. In a disturbing echo of the past, Honduras experienced the first military-backed coup d’état in Latin America since Venezuela’s in 2002. Months of political turbulence and instability followed, which November elections failed to resolve. The security forces met protests against the coup with excessive use of force, intimidation and attacks against opponents. Freedom of expression was curtailed as several media outlets were closed and there were reports of violence against women and the killing of more than 10 transgender women. The Tegucigalpa-San José accord – brokered by the international community and which included a truth commission to clarify responsibilities – made no progress and the de facto government remained in power at the end of the year.

**Hemispheric relations**

Hopes and expectations for a new era of hemispheric relations were initially borne out by US pledges on partnership. When President Barack Obama addressed the Fifth Summit of the Americas in Trinidad and Tobago in April, he promised an era of mutual respect and a multilateral
approach. However, by the end of the year, relations were strained by the Honduras crisis, US policy on Cuba and Colombia’s agreement to allow the USA to use some of its military bases. Growing tensions between several Latin American countries – Colombia with neighbours Ecuador and Venezuela, and Peru with neighbours Chile and Bolivia – also hampered efforts to move towards greater regional integration.

Economic concerns – poverty
Deep and persistent inequalities continue to exist in the Americas, especially in access to education, income levels, health and nutritional status, exposure to violence and crime, and access to basic services.

Although some Latin American and Caribbean countries were not as severely affected by the international financial crisis as initially feared, an estimated 9 million more people were tipped into poverty in the region in 2009. This reversed the recent trend of reducing income poverty, fuelled by economic growth. With varying degrees of commitment, states took measures to protect the most vulnerable sectors of the population from the crisis and avoided regressive measures in social rights. However, social expenditure in Latin America and the Caribbean is still extremely low and there is a lack of long-term policies to combat the human rights violations suffered by people living in poverty. Those most affected continued to be those already discriminated against, such as women, children and Indigenous communities.

Giving birth safely in 2009 continued to be the privilege of only the most affluent women in the region. In every country – including high-income economies the USA and Canada – already marginalized women, such as African-Americans or Native American women, had the highest risk of death from complications in pregnancy or childbirth – disparities which in the USA had been unchanged for the past 25 years.

Violence against women and girls
Violence against women and girls remained endemic. The number of reported cases of domestic violence, rape and sexual abuse, and the killing and mutilation of women’s bodies after having been raped, rose in Mexico, Guatemala, El Salvador, Honduras, Nicaragua and Haiti. In several countries, in particular Nicaragua, Haiti and the Dominican Republic, data suggested that more than half these victims were girls.

Discrimination against women, and the lack of rigorous investigations into complaints of violence, was highlighted by several international bodies. The Inter-American Court of Human Rights, for example, condemned Mexico for failing to act diligently to prevent or effectively investigate or remedy the abduction and murder of three
women in Chihuahua in 2001. The authorities in several countries, including Uruguay, Venezuela and the Dominican Republic, acknowledged they were unable to deal with the level of complaints relating to violence against women, even though specialist gender units were established in a number of criminal justice systems. Medical care for survivors was often deficient or wholly lacking.

Implementation of laws to ensure respect for women’s rights and prevent violence remained slow, especially in Argentina, Mexico, Jamaica and Venezuela. A number of countries, mainly those in the Caribbean, introduced reforms but fell short of international human rights standards by not criminalizing rape in all circumstances.

Abortion in cases of rape or when the health of the mother is at risk was accessible and available in a number of countries including Colombia, Mexico Federal District, Cuba and the USA. In many other countries where it is allowed legally, in practice there were obstacles to access. Steps were taken towards decriminalizing abortion in certain circumstances in Peru. However, constitutional reforms introduced in the Dominican Republic and 17 Mexican states to protect the right to life from the moment of conception, raised fears that a total prohibition on abortion may follow. Total prohibitions on abortion in all circumstances remained in place in Chile, El Salvador and Nicaragua.

Despite the simple legal fact of a woman’s own right to life and health, the issue continued to polarize opinion and emotion, with campaigners and health care professionals involved in abortions receiving threats and a US doctor being killed.

On a more positive note, steps were taken to uphold the rights of lesbian, gay, bisexual and transgender people (LGBT). Mexico City passed a ground-breaking bill legalizing gay marriage. However, Honduras, Peru and Chile failed to protect their LGBT communities from harassment or intimidation, along with Caribbean countries such as Jamaica and Guyana.

**Indigenous Peoples**

Discrimination against Indigenous Peoples remained both systemic and systematic across the region. Decisive action to protect Indigenous Peoples’ rights did not match rhetoric. There was a general failure to consider Indigenous rights in decisions to do with licensing oil, logging and other resource concessions. The right to free, prior and informed consent about matters that may impact Indigenous Peoples’ lives is defined in the 2007 UN Declaration on the Rights of Indigenous Peoples. In Canada, Peru, Argentina, Chile and Paraguay, Amnesty International documented cases where the authorities failed to establish a robust process to ensure this right was upheld in development project proposals.
Massive oil and gas developments continued to be carried out in Canada, for example, without the consent of the Lubicon Cree in northern Alberta, undermining their use of traditional lands and contributing to high levels of poor health and poverty.

Throughout the region, evictions of Indigenous Peoples from their ancestral lands were reported. Threats, intimidation and violence against Indigenous leaders and community members were common.

A new Constitution in Bolivia which took effect in February, asserted the centrality and plurality of Indigenous identities in the country and set out a framework for reform, including by elevating Indigenous jurisdiction to be equal to current judicial processes.

Indigenous Peoples across the region campaigned throughout the year for their social, civil, economic, cultural and political rights to be upheld. They were frequently met with intimidation, harassment, excessive use of force, spurious charges and detention. In Queretaro, Mexico, one Indigenous woman was released but two others remained in prison at the end of the year, pending the outcome of their retrial on the basis of fabricated criminal charges. In Peru, Indigenous leaders were charged with rebellion, sedition and conspiracy against the state, without any evidence, following the dispersal of a road blockade by hundreds of Indigenous people in which scores of protesters were injured and 33 people killed – including 23 police officers. In Colombia, the authorities often falsely accused Indigenous communities and their leaders of links to the guerrilla forces.

**Counter-terror and security**

The new US administration seemed to promise substantive change in some of the policies that have damaged international human rights protections over the previous seven years. An end to the CIA secret detention programme, for example, and the release of some information on the legal opinions that had been issued in support of that programme, were welcome. But not all promises translated into reality. The deadline set by President Obama on his second day in office to close the detention facility at Guantánamo within a year drifted as domestic party politics trumped the human rights of the detainees. The positive move by the new administration to turn to the ordinary federal courts to try some Guantánamo detainees was tarnished by its decision to retain military commissions for others.

Meanwhile, detentions at Bagram airbase in Afghanistan continued as if under the old administration, and the USA failed to meet its legal obligation to ensure accountability and remedy for human rights violations committed in the counter-terrorism context since September 2001.
Death penalty

There were 52 executions in the USA during the year. Although this was the highest judicial death toll in the USA since 2006, it was still well down on the peaks of the late 1990s. Death sentencing continued on its downward trend – even in Texas and Virginia, which account for almost half of all executions carried out in the USA since 1977. Around 100 people were sentenced to death nationwide compared with around 300 a decade and a half earlier. In March, New Mexico became the 15th state to abolish the death penalty, but three months later, Connecticut’s Governor vetoed an attempt to do likewise by the state legislature.

Although death sentences were handed down in the Bahamas, Guyana and Trinidad and Tobago, no executions were carried out.

Conclusion

Despite the progress made in an important number of emblematic cases of past human rights violations, the legal, jurisdictional and political obstacles that have helped entrench impunity in the region, remained formidable in 2009.

However, across the region, victims of human rights violations, their families and human rights defenders supporting them continued to defy intimidation, threats and harassment and campaigned vigorously to hold governments and armed groups to their obligations to respect international and domestic human rights standards.

Tita Radilla Martínez demanded the Mexican government comply with the Inter American Court, which ordered the end of military jurisdiction for all human rights cases, so the truth of her father’s enforced disappearance, along with hundreds of others, would finally be established. They need justice. The time for rhetoric is over.
Vedanta’s alumina refinery at Lanjigarh, seen from Kenduguda village, Orissa, India, March 2009. Marginalized communities, including landless farmers and Adivasis, in several states were threatened with forced evictions to accommodate industrial and other business projects.
AsIA-pAcIfIc

“We left everything behind. We have nothing now… The Taleban were very cruel to us, and then the government began bombing so we had to flee with whatever we could gather. So who can we turn to?”

This schoolteacher spoke to Amnesty International as she was fleeing the intense fighting that forced more than 2 million people out of their homes in Pakistan’s North West Frontier Province and the Federally Administered Tribal Areas (FATA), abutting the Afghan border.

Her sentiments apply equally to the millions of other people across the Asia-Pacific region who have been forced, whether through insecurity or economic necessity, to leave their homes and, in many cases, their countries.

At the beginning of the year, nearly half a million Pakistanis were already displaced. Although the communities Amnesty International spoke to had been subject to the Taleban’s harsh practices – including public executions, torture, and severe restrictions on women and girls’ ability to receive health care and attend school – most explained that they had fled out of fear of the Pakistani government’s brutal counter-insurgency offensives. Indeed, by April, as the Taleban aggressively extended their control to areas within easy driving distance of Islamabad, the government launched another major assault, prompting 2 million more people to flee.

The government’s response to the long-standing conflict in the north-western border with Afghanistan has vacillated between appeasement and extreme violence; neither strategy indicating a government committed to protecting the rights of the Pakistani people. In fact, there is a clear link between the surging conflict and decades of successive Pakistani governments ignoring the rights of the millions who live in the difficult terrain of north-western Pakistan, evading accountability for current or past abuses. Even now, the people of the Tribal Areas bordering Afghanistan do not have the same rights as the other citizens of Pakistan: under the colonial era Frontier Crimes Regulation (1901) that still governs most administrative and judicial aspects of their lives, they are outside the writ of Pakistan’s national assembly as well as the judiciary. Pakistanis living in the FATA region are legally subject to collective punishment, that is, the government can punish any and all members of a tribe for crimes committed on its
territory, or for “acting in a hostile or unfriendly manner” or in any way abetting or failing to provide evidence of a crime. At the same time, the residents of FATA suffer some of the highest levels of maternal mortality, infant mortality, and illiteracy (particularly for girls and women) in the entire region.

By the end of 2009, millions of people across the Asia-Pacific region were still waiting for their governments to protect their rights. Whether in their own homes or in makeshift shelters, accountability for the injustice they suffer remained an ideal celebrated more often in the breach, especially for the marginalized and powerless. But for people on the move, whether crossing international frontiers as refugees, asylum-seekers and migrant workers, or travelling within the borders of their own country due to displacement or for work; nobody assumed responsibility for them. They lacked the standing to assert their human rights, and they faced violations of all of them: civil, political, economic, social and cultural.

**Conflict**

The vast majority of the people displaced by armed conflict sought shelter within the borders of their own country. Most were lucky enough to receive humanitarian assistance to stave off immediate starvation or deadly disease, but the vast majority of the displaced suffered from insufficient sanitation, health care, and education. They had no way of speaking out about their situation or getting redress for the wrongs that had led to their displacement in the first place.

Some 300,000 Sri Lankans were trapped on a narrow coastal strip of north-eastern Sri Lanka from January to mid May between the retreating Liberation Tigers of Tamil Eelam (LTTE) and the advancing Sri Lankan military. In many instances, the LTTE prevented them from fleeing, while the government rained shells upon the area. Many thousands were killed.

There was little sign that the Sri Lankan authorities would provide accountability for any of the atrocities allegedly committed by both sides during the fighting, especially in its final bloody phase, despite a promise to UN Secretary-General Ban Ki Moon.

The Sri Lankan government also promised to allow hundreds of thousands of Sri Lankan Tamils who survived the war to return home, but in fact more than 100,000 remained in military-run camps by year’s end, denied their freedom of movement. Many of them had previously survived months of difficult conditions as they were forced to travel with retreating LTTE forces who forcibly recruited civilians, including children, and in some cases used them as human shields. The government of Sri Lanka, citing varying security concerns, barred...
independent monitors from freely assessing the detained population’s wellbeing. This lack of access stymied efforts to gather information about violations of humanitarian law during the long conflict, and consequently blocked accountability.

Tens of thousands of Afghans were displaced by a combination of escalating violence by the Taleban and the inability of the central government and its international allies to improve the country’s political and economic situation. The Afghan Taleban were responsible for some two thirds of the more than 2,400 civilian casualties, with the peak of the attacks occurring as the Taleban tried to disrupt the presidential election.

Despite the Taleban’s attacks, millions of Afghans turned out to exercise their right to vote on election day, only to have their selection undermined as a result of the failure of the Afghan government and its international supporters to provide an adequate human rights protection mechanism. Supporters of the main candidates, including President Hamid Karzai, intimidated and harassed political activists and journalists before, during, and after the elections. The balloting itself was immediately criticized by independent observers as fraudulent, and the process of verifying the results dragged on for months, further eroding the election’s legitimacy and the Afghan people’s right to participate in the conduct of their public affairs.

Afghan women again paid a high price in the conflict, as the Taleban targeted women human rights defenders and activists as well as schools and health clinics, particularly those for girls and women, while ongoing insecurity eroded the very modest gains Afghan women had made since the fall of the Taleban government.

In the conflict-afflicted Philippines island of Mindanao, more than 200,000 civilians continued to live in camps or makeshift shelters, sometimes surrounded by a heavy military presence despite the July ceasefire between the Philippine army and the insurgent Moro Islamic Liberation Front. A significant element in the fighting was the lawlessness of paramilitary groups and militias, controlled and funded by local politicians and operating without any legal accountability.

The history of impunity for these forces formed the backdrop to the shocking, execution-style killing of at least 57 people, including more than 30 journalists, on 23 November on the eve of registration for local gubernatorial elections. The egregious nature of the crime led the government to impose martial law briefly to reimpose its writ and press charges against several members of the powerful Ampatuan family, which has dominated the province’s politics for a decade.
Repression of dissent

In other parts of the Asia-Pacific region, it was not sharp conflict that spurred the dislocation of people and the subsequent denial of their rights, but rather ongoing repression.

Thousands of people fled North Korea and Myanmar to get away from their governments’ ongoing and systematic violation of human rights. North Koreans mainly sought to escape political repression and the country’s economic crisis by crossing the Chinese border illegally. If caught by the Chinese authorities and forcibly returned, they faced detention, forced labour and torture, with some deaths occurring while in custody.

China considered all undocumented North Koreans as economic migrants, rather than refugees, and continued to prevent the UN refugee agency, UNHCR, from having access to them. In 2009, the UN Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea stated that most North Korean border crossers into China were entitled to international protection because of the threat of persecution or punishment upon return.

North Korean authorities also continued to bar their own citizens from freely moving around inside the country. People had to obtain official permission to travel. Although the authorities have reportedly relaxed enforcement of such rules, as thousands have left their homes in search of food or economic opportunities, people remained vulnerable under the current law and were often subjected to extortion by officials.

Thousands of people were displaced in Myanmar as government security forces routinely violated the laws of war in campaigns against armed opposition groups from several of the country’s ethnic minorities. The government continued to repress political dissent, with 2,100 political prisoners in detention. The most prominent detainee, Aung San Suu Kyi, who has been in detention for 13 of the past 20 years, mostly under house arrest, was sentenced to 18 more months under house arrest on 11 August after an unfair trial by a court in Yangon’s Insein prison. The charges stemmed from the uninvited visit of a US man who swam to her house and spent two nights there in early May.

The year witnessed another painful reminder of the desperation of Myanmar’s Rohingyas, a persecuted Muslim minority from western Myanmar, when thousands of them fled on boats sailing for Thailand and Malaysia. The Thai security forces, intent on preventing an influx of refugees, expelled hundreds of them, setting them adrift in unseaworthy boats with little or no food and water.
As the year was ending, Thai authorities also forcibly returned around 4,500 Lao Hmong, including 158 recognized refugees and many others fleeing persecution, to Laos. The Lao government refused requests from the UN and others to be allowed access to monitor the conditions of those who were returned.

In December, the Chinese government successfully pressed Cambodian authorities to return 20 Uighur asylum-seekers who were fleeing the crackdown after the July unrest in the Xinjiang Uighur Autonomous Region (XUAR). The move was part of China’s increasingly assertive strategy of pushing other governments to avoid any support for dissenting voices within China. The Chinese government stepped up its pressure on all internal challenges, detaining and harassing dozens of lawyers and human rights defenders. In particular, Chinese authorities targeted the signatories of Charter ‘08, a document calling for greater respect for human rights and popular participation.

China maintained its position as the world’s leading executioner, although the exact extent of the problem remained shrouded in China’s state secrecy laws.

**Economic concerns**

The vast majority of people who left their homes in the Asia-Pacific region were driven by economic need. Millions of people in China who had moved to the country’s economic hubs were forced back to their homes in rural areas, more aware of the growing inequities between China’s newly wealthy and the millions still living with inadequate health care and education.

In 2009, as in all recent years, millions left their homes in countries such as the Philippines, Nepal, Indonesia and Bangladesh, to pursue livelihoods in others, namely South Korea, Japan and Malaysia, or even further abroad. Despite some improvements in the national and bilateral legal frameworks governing the hiring, transportation and treatment of migrant labourers, most of those participating in this massive global flow of migrant labour were not able to enjoy their rights fully. In many cases, this was due to government practices, but they also often found themselves as easy targets of heightened racism and xenophobia in economically difficult times.

The discrimination that migrant workers faced throughout the region, even in their own countries, formed the backdrop to one of the worst recent outbreaks of unrest in China’s Xinjiang Uighur Autonomous Region. The protests began with non-violent demonstrations against government inaction after a violent riot at a factory in Shaoguan, Guangdong province, resulted in two deaths.
On 26 June, hundreds of Uighur workers clashed with thousands of Han Chinese workers at a factory where Uighurs had been recruited from the XUAR. By early July, the protests in the XUAR had turned into full-scale riots, with reports that more than 190 people were killed. Perhaps unsurprisingly, given the decades of official marginalization and discrimination of the Uighur community, the authorities blamed Uighur activists for the violence, without allowing for independent monitoring or proper trials. China executed at least nine of those they blamed within months, and the authorities pledged to respond to further unrest with a heavy hand.

One of the starkest examples of the abuse of migrant workers came to light in Malaysia, where foreign workers made up a fifth of the total workforce. Official records divulged this year showed that Malaysian authorities caned almost 35,000 migrants between 2002 and 2008, many for immigration offences – cruel and degrading punishment on a monumental scale. In addition to undocumented workers, documented workers whose passports have been withheld by their employers, asylum-seekers and refugees were also at risk of being caned. Thousands of migrant workers languished in detention centres falling short of international standards, often with little due process or legal protection.

Even where migrant workers received greater legal protection, their marginalized status still made them vulnerable to abuse. In South Korea – one of the first Asian countries to legally recognize the rights of migrant workers – the state failed to protect migrant workers from being abused by their employers, trafficked for sexual exploitation, and denied their wages for long periods.

**Housing – forced evictions**

In many other cases, economic motives prompted authorities to forcibly evict people from their homes. Cambodian authorities, for example, forcibly evicted low-income families from a redevelopment site in central Phnom Penh after three years of harassing and intimidating them. In another example, Cambodian authorities evicted 31 families living with HIV and AIDS in Phnom Penh, and took the majority of them to a grossly inadequate resettlement site with limited access to crucial health care.

In India, the development of aluminium mining and processing facilities in the eastern state of Orissa threatened to dislocate thousands of Indigenous people who hold the site to be sacred. In the two years that Vedanta’s aluminium refinery at Lanjigarh has been running, local communities have had to contend with contaminated water, polluted air and constant dust and noise. Further plans to open a mine in the
Niyamgiri Hills threatened to undermine the lives and livelihoods of the Dongria Kondh, an Adivasi Indigenous community.

In April 2009, the Indian authorities gave Sterlite Industries India Ltd and the state-owned Orissa Mining Corporation permission to mine bauxite in Dongria Kondh traditional lands for the next 25 years.

In Papua New Guinea, police forcibly evicted the residents of around 100 houses near the Porgera mine operated by a subsidiary of Canadian transnational corporation Barrick Gold.

In Viet Nam, a mob, apparently with official backing, evicted nearly 200 Buddhist monks and nuns from a monastery in central Viet Nam. The group had been sheltering there since they were evicted from another monastery in September, by a similar mob. The authorities denied any involvement, but consistently failed to provide any protection for the monks and nuns, or ensure they were offered suitable alternative accommodation.

In each case, the destruction of their home significantly undermined the ability of the people concerned to enjoy their rights, and to get redress for the violations of them.

Environmental displacement
In a year when the Copenhagen Climate Change summit sought, and failed, to achieve a global consensus to address environmental change, it was easy to see the impact of large-scale shifts in the human environment. The government of the Maldives held a cabinet meeting underwater just before the Copenhagen meeting – a stunt that graphically captured the very real possibility that the small island state would disappear under the Indian Ocean sooner rather than later. Several Pacific states also announced that they feared being submerged.

In Tibet and Nepal where the headwaters of some of the world’s most important rivers are located, and in Bangladesh, the possibility of catastrophic droughts or floods prompted dislocation and attendant political instability. Thus environmental concerns led to human rights challenges – and as is often the case, it was the poorest and most marginalized communities who were most susceptible to the realities of the physical environment, and less likely to receive assistance from their own governments.

Conclusion
By and large, the countries in the Asia-Pacific region have not responded adequately to the challenges of protecting the rights of those who have left their homes behind. Most countries in the region have not even ratified the 1951 Refugee Convention or its 1967...
Protocol, which sets out the rights of people who have fled their country due to persecution or clear danger.

Frameworks to protect the rights of internally displaced people remained even more poorly developed, compared with the international legal framework for the treatment of refugees and asylum-seekers. But the greatest challenge for the protection of dislocated people in the region remained the poor record of accountability for many of the region’s governments.

Nowhere was this more apparent than in the case of Sri Lanka. The UN Human Rights Council on 27 May passed a deeply flawed resolution on Sri Lanka that not only ignored calls for an international investigation into alleged atrocities during the conflict, but actually commended the Sri Lankan government. Global politics and expediency trumped concern for the wellbeing of hundreds of thousands of Sri Lankans. The international community also continued to ignore the large-scale human rights violations that forced thousands of the country’s citizens to flee from their homes.

China and India, apparently vying for access to Myanmar’s resources, did not use their political and economic influence to curb the Myanmar government’s practice of excluding internal critics like Aung San Suu Kyi, or of ending the repression of various ethnic minorities. Even the widely reported spectacle of the Rohingyas adrift on the sea did not prompt appropriate action from Myanmar’s neighbours in the Association of South East Asian Nations (ASEAN).

All ASEAN members finally ratified the ASEAN Charter, containing several provisions addressing human rights, including one that called for the establishment of a human rights body. Nevertheless, most countries in the region had still not signed up to many of the major global human rights treaties. In particular, Amnesty International believes that the region shirked its responsibility to establish a clear regional response to the ongoing problems created by flows of people across borders, or the underlying human rights problems that prompt such movements.

There are strong indications that the rate of movement of people across the globe, within and across borders, is going to increase, whether as a result of conflict, economic need, or environmental disruptions. Yet there are no signs that the international community is amending and adapting the current legal framework to address this development. What is required is an acknowledgement that people leave their homes for a variety of reasons, and that, whatever the reason, every human is still entitled to enjoy the full range of their human rights.
Individual nation states cannot always address the migration of their own people – whether because the scale of internal movement is too great, or because it crosses regional and global borders. This understanding has grown in recent decades but must accelerate further to accommodate the reality of a global population on the move.

The people of the Asia-Pacific region constitute a major portion of the global population of migrant workers, refugees, asylum-seekers, and internally displaced people. They are waiting for the region’s governments and regional groups to follow and facilitate these trends.
“I dream of living somewhere in peace with my daughter, becoming a grandmother and being kind to my grandchildren, but I still have a task to fulfil here... This is a declaration of war, we have to fight for justice, we cannot give up.”

Natalia Estemirova, talking to Amnesty International in 2009, after the murder of her friend and fellow human rights defender Stanislav Markelov.

At 8.30 on a July morning in the Chechen capital of Grozny, leading human rights defender Natalia Estemirova was dragged off the street into a waiting car, shouting to witnesses that she was being abducted. Later that day her body was found with gunshot wounds, dumped in the neighbouring Russian republic of Ingushetia.

This was a tragedy on a number of levels: for her 15-year-old daughter who she had brought up alone; for the people of Chechnya who lost a tireless, courageous voice seeking to document the abuses they suffer and their lack of justice; and for civil society, in Russia and abroad, for whom she was an invaluable partner in the fight for respect of human rights.

It would also be a tragedy doomed to repetition, should the Russian legal system again prove utterly ineffective in ensuring accountability for the life of another activist who braved death threats and intimidation to demand justice for others.

This was not, sadly, an isolated story. Across Europe and Central Asia, governments failed to live up to their responsibilities to protect human rights defenders, and made continued efforts to suppress those who sought to publicize abuses, articulate alternative views or hold different beliefs. Many governments used repressive measures, or exploited the seeming indifference of the international community, to shield themselves from accountability. They continued to erode human rights, evade their obligations, and suffer a failure of political will in addressing key abuses.
Counter-terror and security

One of the most striking cases in point is that of renditions. The involvement of European states in the global programme of rendition and secret detention operated by the CIA in the years after 2001 has long been known. But despite repeated denials and obfuscation by individual governments, we now have clear evidence of the involvement.

Most governments, however, still failed to seek effective and transparent accountability for these human rights abuses, either at the national level or through European institutions. Some initiatives that had been taken remained unsatisfactory. A German parliamentary inquiry into German involvement in renditions concluded in July 2009, but exonerated all German state actors, despite compelling evidence to the contrary. A German court had previously issued warrants for the arrest of 13 CIA agents for their involvement in the rendition of Khalid al-Masri but the government refused to transmit these warrants. The methods, evidence and findings of an investigation into the existence of an alleged secret prison in Poland, finally begun in 2008, still remained secret. Other European states reportedly implicated in such abuses, including Romania, did even less to ensure accountability for them. Several European states ignored the rulings of the European Court of Human Rights against the return of suspects of terrorism to countries where they were at risk of torture. In February, the Court ruled that Italy’s expulsion of Sami Ben Khemais Essid to Tunisia violated the prohibition of refoulement. In August, Italy returned Ali ben Sassi Toumi to Tunisia, where he was held incommunicado for eight days.

There were some other signs of progress towards accountability, however. In November, an Italian court convicted 22 CIA agents, one US military officer and two Italian agents for their involvement in the abduction and rendition of Abu Omar – a man kidnapped in broad daylight from an Italian street and then illegally transferred via Germany to Egypt where he said he was tortured. The prosecution of those involved had faced serious obstacles due to restrictions on the evidence available to prosecutors on grounds of national security. And in December a European government admitted for the first time that a secret “black site” had existed on its territory after a Lithuanian parliamentary committee concluded that a CIA secret detention facility had been constructed there. The committee found that officials from the Lithuanian State Security Department had assisted in the construction of the site, and knew of CIA flights landing without border checks, but failed to notify the President or Prime Minister – an echo of concerns raised elsewhere about the lack of oversight of intelligence and security agencies.
In other areas too, security trumped human rights in government agendas, to the detriment of both. In waves of arbitrary detentions, the security forces in Uzbekistan swept up a range of individuals and their relatives on suspicion of involvement with banned Islamist parties and armed groups accused of attacks throughout the country. Among those detained were men and women who attended unregistered mosques, studied under independent imams, had travelled or studied abroad, or had relatives who lived abroad or were suspected of affiliation to banned Islamist groups. Many were believed to have been detained without charge or trial for lengthy periods, amid reports of torture. In Kazakhstan, the security forces continued to use counter-terrorism operations to target minority groups perceived as a threat to national and regional security. Groups particularly affected were asylum-seekers and refugees from Uzbekistan, and members or suspected members of Islamic groups or Islamist parties, either unregistered or banned in Kazakhstan. A total failure of political will to uphold the rule of law and address impunity in Chechnya continued to lead to destabilization across Russia’s North Caucasus region.

Armed opposition groups continued to cause death and destruction in parts of the region, including in the North Caucasus, Spain, Greece and Turkey.

People on the move
Real or perceived risks for security also continued to drive the debate in other areas, providing fertile ground for populist rhetoric particularly in relation to migration, and exclusion of the ‘other’.

The signature response of European states to the challenges of large and mixed flows of irregular migration was to repress them, resulting in a consistent pattern of human rights violations linked to the interception, detention and expulsion by states of foreign nationals, including those seeking international protection. In May, for example, the lives and safety of hundreds of migrants and asylum-seekers on three vessels in the Mediterranean were placed at risk first by a squabble between the Italian and Maltese authorities over their obligations to respond to maritime distress calls, and then by the Italian government’s unprecedented decision to send those in the boats to Libya – a country with no functioning asylum procedure – without assessing their protection needs.

Some others, including Turkey and Ukraine, also forcibly returned refugees and asylum-seekers to countries where they risked serious human rights violations. Other asylum-seekers facing obstacles in accessing help included those in Greece and Turkey who could be unlawfully detained and expelled due to the absence of a fair asylum
procedure, or denied necessary guidance and legal support to pursue their claims.

Many countries such as Greece and Malta also routinely detained migrants and asylum-seekers, and in inappropriate conditions.

Across the region, hundreds of thousands of people remained displaced by the conflicts that accompanied the collapse of the former Yugoslavia and the Soviet Union, often unable to return owing to their legal status – or lack of it – and discriminated against in accessing rights including property tenure. They were joined by some 26,000 people still unable to return home after the 2008 conflict between Russia and Georgia.

**Discrimination**

A climate of racism and intolerance in many countries fuelled ill-treatment of migrants, and helped to keep them and other marginalized groups excluded from society, blocking their rights to access services, participate in government and be protected by the law. The marginalization was heightened in 2009 by fears of the economic downturn, and accompanied in many countries by a sharp rise in racism and hate speech in public discourse. The endorsement by Swiss voters in November of a constitutional ban on the construction of minarets was an example of the dangers of popular initiatives transforming rights into privileges.

Many asylum-seekers and migrants were subject to discrimination and exclusion from services and employment, and experienced extreme poverty. In Italy, new legislation as part of a security package established the criminal offence of “irregular migration”. Many feared the new law would deter irregular migrants from accessing education and medical care – and indeed protection by law enforcement officials – for fear of being reported to the police. This was especially the case given existing provisions in the criminal code obliging civil servants (such as teachers or local authority employees, including those in charge of issuing identity cards) to report all criminal acts to the police or judicial authorities. In the UK, hundreds of thousands of rejected asylum-seekers – whose inability to leave the country was often outside their control – lived in destitution and faced significant limits on their access to free health care, with the majority relying on the charity of others. In Germany, irregular migrants and their children had limited access to health care, education, and judicial remedies in cases of labour rights violations.

One of the most profound illustrations of systemic discrimination was against the Roma, who remained largely excluded from public life. Roma families were frequently unable to enjoy full access to housing,
education, employment and health services. In some cases, such as in Kosovo, one factor was a lack of personal documents enabling them to register their residency and status. One of the routes out of the vicious cycle of poverty and marginalization – education – was denied to many Romani children who continued to be placed in substandard, segregated classes or schools, including in the Czech Republic and Slovakia. Negative stereotyping as well as physical and cultural isolation also blighted future prospects. Unlawful forced evictions of Roma in places such as Italy, Serbia and Macedonia drove them further into poverty. In many places Roma faced increasingly overt public hostility. The Hungarian police strengthened a special task force to 120 officers to investigate a series of attacks against the Romani community, including murders, after widespread concern that initial investigations were ineffective.

Authorities in a number of countries continued to foster a climate of intolerance against the lesbian, gay, bisexual and transgender (LGBT) communities, making it harder for their voices to be heard and their rights to be protected. In August, the Lithuanian parliament adopted a controversial law that institutionalized homophobia. It could be used to prohibit any legitimate discussion of homosexuality, impede the work of human rights defenders and further stigmatize LGBT people. In Turkey, discrimination in law and practice against people based on their sexual orientation and gender identity continued. Five transgender women were murdered, and in only one case was a conviction secured. The Belarusian authorities denied an application by a group of 20 people to hold a small public awareness action about LGBT issues. Their excuse was that the request did not include copies of contracts with the local police department, the health clinic, and the waste disposal services to cover the expenses of ensuring public order, safety and for cleaning up after the action.

Member states of the EU continued to block a new regional directive on non-discrimination, which would simply close a legal protection gap for those experiencing discrimination outside of employment on the grounds of disability, belief, religion, sexual orientation and age.

Repression of dissent
In many areas across the region the space for independent voices and civil society shrunk, as freedoms of expression, association and religion remained under attack.

It remained very dangerous for individuals who did speak out. In Russia, human rights defenders, journalists and opposition activists were killed, beaten or received death threats. In both Serbia and
Croatia, the authorities failed to protect people working to highlight issues such as war crimes, transitional justice, corruption and organized crime – women human rights defenders in the former, journalists in the latter, were subject to continued intimidation and attacks. Human rights defenders in Turkey continued to be prosecuted for their legitimate work documenting and reporting on alleged human rights violations. And dissenting views in the country were still met with criminal prosecutions and intimidation.

Independent journalists were harassed or imprisoned in places such as Azerbaijan, or physically attacked by unidentified individuals in places such as Armenia or Kyrgyzstan, where the assaults were sometimes fatal. Independent newspapers and journalists in Tajikistan continued to face criminal and civil lawsuits for criticizing the government, resulting in self-censorship of the media. In Turkmenistan, all printed and electronic media remained under state control, and the authorities continued to block websites run by dissidents and exiled members of the opposition. Journalists, as well as human rights defenders, faced increased harassment in Kazakhstan and Uzbekistan.

Public events were banned in Belarus and peaceful demonstrators were detained. Civil society organizations faced many obstacles in trying to register while any activity on behalf of a non-registered organization remained a criminal offence. In Moldova, despite a progressive Law on Assemblies which was passed in 2008, police and local authorities continued to unduly restrict the right to freedom of peaceful assembly by banning demonstrations, imposing limitations and detaining peaceful protesters.

In many places the space for freedom of religion and belief contracted further. In Uzbekistan, for example, religious communities continued to be under strict government control and to have their right to freedom of religion compromised. Those most affected were members of unregistered groups such as Christian Evangelical congregations and Muslims worshipping in mosques outside state control. The authorities in Tajikistan continued to close, confiscate and destroy Muslim and Christian places of worship, without explanation. Some 70 Jehovah’s Witnesses were serving prison terms in Armenia for refusing to perform compulsory military service on grounds of conscience.

Impunity in post-conflict situations
Although some progress was made in tackling impunity for crimes committed on the territory of the former Yugoslavia during the wars of the 1990s, insufficient efforts by domestic courts meant that many perpetrators of war crimes and crimes against humanity continued to

Victims of torture and other ill-treatment, often fuelled by racism and discrimination, and frequently used to extract confessions, were likewise too often failed by justice systems which did not hold to account those responsible.
evade justice. Witness support and protection measures in all courts in Bosnia and Herzegovina, for example, were inadequate. This meant that in some cases victims, including survivors of war crimes of sexual violence, were not able to access justice.

Although a report by an international fact-finding mission commissioned by the EU confirmed that violations of international human rights and humanitarian law had been committed by Georgian, Russian and South Ossetian forces during the 2008 war, and called on all sides of the conflict to address the consequences of the war, no side conducted comprehensive investigations into these violations.

For too many others, however, accountability was still a long way off, including for those waiting for justice from the international community. The relatives of two men killed by Romanian forces serving with the UN in Kosovo in 2007 were still among them, although an internal UN investigation had held the troops responsible for the deaths through the improper use of rubber bullets. The Romanian authorities failed to respond to these findings and in March the UN Special Representative in Kosovo, citing security reasons, refused to allow a public hearing into the failure of the UN troop mission to bring to justice members of the Romanian Formed Police Unit.

Torture and other ill-treatment

Victims of torture and other ill-treatment, often fuelled by racism and discrimination, and frequently used to extract confessions, were likewise too often failed by justice systems which did not hold to account those responsible. Obstacles to accountability included lack of prompt access to a lawyer, failure by prosecutors to vigorously pursue investigations, victims’ fear of reprisals, low penalties imposed on convicted police officers, and the absence of properly resourced and independent systems for monitoring complaints and investigating serious police misconduct. Such failures continued in countries such as Greece, France, Moldova, Russia, Spain, Turkey and Uzbekistan.

For some, however, there was limited redress although it was long in coming. In a unanimous judgment in June, the European Court of Human Rights ruled that Sergei Gurgurov had been a victim of torture in Moldova in 2005. The following month the Office of Moldova’s Prosecutor General opened a criminal case, almost four years after Sergei Gurgurov first said he had been tortured by police officers. The Prosecutor General’s Office had previously responded to all requests for a criminal investigation to be opened by saying that the injuries he claimed were the result of torture at the hands of police officers had been self-inflicted.
Violence against women and girls
Violence against women and girls in the home remained pervasive across the region for all ages and social groups. Only a small proportion of women, however, officially reported this abuse. They were deterred by fear of reprisals from abusive partners, the idea of bringing ‘shame’ on their family, for reasons of financial insecurity. Mostly, the widespread impunity enjoyed by perpetrators meant they knew there was little point.

Entrenched societal attitudes, and a backlash of traditional discourses in many places across the region in 2009, led to woefully inadequate provision of services to protect victims of domestic violence. In Tajikistan, such services including shelters and adequate alternative housing were virtually non-existent. Women and girls there were even more vulnerable to domestic violence because of early and unregistered marriages and an increased early drop-out rate from school. The number of shelters available in Turkey remained far below the one per settlement of 50,000 people required by domestic law. Moscow, a city of more than 10 million people, had only one shelter. It held 10 women.

Women also frequently lost confidence that the relevant authorities would regard this abuse as a crime, rather than a private matter, and deal with it as such, therefore official reporting rates were exceptionally low. Failure to bridge that confidence gap not only hampered justice in individual cases, but also impeded efforts to tackle such abuses across society by hiding the full extent and nature of the problem.

Certain groups remained particularly vulnerable across the spectrum of violence against women. Migrant women, for example in Spain, continued to face additional difficulties in obtaining justice and specialist services. In Bosnia and Herzegovina, the survivors of war crimes of sexual violence continued to be denied access to economic and social rights, and to adequate reparation to rebuild their lives. Many were also unable to find a job as they still suffered from the physical and psychological consequences of their experiences during the war.

Death penalty
In a continuing positive trend, the Russian Constitutional Court decided in November to extend a 10-year moratorium on executions and recommended abolishing the death penalty completely, saying that the path towards full abolition was irreversible. A parliamentary working group was established in Belarus to examine the introduction of a moratorium. Judges, however, continued to hand down death sentences in a process which remained shrouded in secrecy – prisoners and their relatives were not informed about the date of the
execution, the body was not given to the relatives and they were not
told where the burial place was. The use of the death penalty in
Belarus was also compounded by a flawed criminal justice system,
with credible evidence that torture and other ill-treatment were used
to extract “confessions” and that condemned prisoners did not have
access to effective appeal mechanisms.

Conclusion
Europe has a regional human rights architecture which is unrivalled
elsewhere in the world. It also guards a proud reputation as a beacon
of human rights. It is sadly still the case, however, that the reality of
protection from human rights abuses for many of those within its
borders falls short of the rhetoric.

One of the clear opportunities that arose in 2009 to uphold
Europe’s obligations, was the entry into force of the EU Lisbon Treaty.
This opened up new possibilities to strengthen human rights and
fundamental freedoms: the EU Charter of Fundamental Rights is now
binding on the EU institutions as well as on member states (with the
exception of three), and the EU is enabled to accede to the European
Convention on Human Rights.

While this was another welcome component of the human rights
framework, the gap is still implementation at a national level. Each
individual state across the region has a primary obligation to ensure all
within its borders enjoy the full range of human rights guaranteed by
the international community of which they are a part. The experience
of the past year shows that many states fail in this duty, but also that
there is no lack of courageous people who dare to stand up, whatever
the personal cost, and work to hold them accountable.
Hundreds of thousands of people turn out to protest against the disputed result of the presidential election at a mass rally in Azadi (Freedom) square in Tehran, Iran, 15 June 2009.
“They showed me a photocopied piece of paper that read: ‘Since the election, some people want to create chaos and unrest. It is asked that quick action is taken... to identify the organizers and the collaborators.’ It was pretty strange for me. I asked, ‘How is this related to me?’ They explained it was a general warrant. Then they brought me to the car.”

Shiva Nazar Ahari, an Iranian human rights defender arrested on 14 June, describing her arrest by Intelligence Ministry officials.

The year opened with Israeli military jets pounding Gaza, as part of a 22-day conflict that killed hundreds of Palestinian civilians, and closed with mounting repression in Iran, as thousands of demonstrators again took to the streets to protest over the disputed outcome of the presidential election and the ruthless clampdown on dissent that followed.

Both cases, in their different ways, illustrated the need for accountability if long-standing cycles of human rights abuse are to be brought to an end. Both also illustrate the obstacles to achieving such accountability. Following the Gaza conflict, an authoritative UN investigation found that the parties to the conflict, Israel and Hamas, had committed war crimes and possible crimes against humanity and called for them to hold credible investigations and bring the perpetrators to account, yet neither had taken effective steps to do this by the end of the year.

The Iranian authorities, meanwhile, seemed more intent on covering up than investigating allegations of rape and other torture of detainees. They also sought to transfer the blame for killings committed by their forces onto those who spoke out against them, rather than comply with their obligations under international law to properly investigate human rights violations and hold those responsible to account. As the architects of the abuse, they had much to hide.

The events in Gaza and Iran were also both illustrations – in the starkest form – of the continuing insecurity faced by millions throughout the Middle East and North Africa region. As in previous
years, 2009 witnessed deep-seated political, religious and ethnic divisions spawning patterns of intolerance, injustice and violent conflict, in which those who speak up for human rights or call for reform all too often do so at their peril. These divisions and tensions were also exacerbated in 2009 by foreign involvement in the region – particularly the presence of foreign military forces – and by the impact of the global financial crisis.

**Conflict and insecurity**

The short, sharp conflict in Gaza and southern Israel at the beginning of the year was marked on both sides by a callous disregard for the lives of civilians who consequently comprised the vast majority of those killed and injured.

Likewise, it was civilians, people trying to go about their daily lives amid the turmoil around them, who bore the brunt of the internal conflict that continued to grip much of Iraq. Overall, the number of those killed there fell in 2009 compared to previous years; even so, numerous civilians were killed. Many died in bomb explosions in Baghdad and other cities, perpetrated by shadowy armed groups who often seemed to select their targets with the aim of killing and maiming as many civilians as possible, and provoking sectarian feuds. Others were abducted and murdered by armed militias connected to parties represented in the Iraqi parliament.

In Yemen too, many thousands of civilians were displaced from their homes – they numbered close to 200,000 by the end of 2009 – and an unknown number were killed amid renewed, more intense fighting between government forces and armed adherents of a Shi’a minority cleric killed in 2004. The conflict, in the northerly Sa’da Governorate, spilled over into neighbouring Saudi Arabia, whose troops also clashed with the Shi’a rebels.

In all too many states, those who had the courage or temerity to question government policies or criticize their human rights records were still liable to find themselves branded as enemies of the state.
Repression of dissent

If these were the most extreme manifestations, the political insecurity that pervades the region was evidenced also by a pattern of governmental intolerance of even peaceful criticism and dissent. In states such as Libya, Saudi Arabia and Syria, authoritarian governments allowed virtually no space for free speech or independent political activity. In Libya, there was some slight opening up and Amnesty International was permitted to visit for the first time in five years, but rights to freedom of expression, association and assembly all continued to be severely curtailed.

In Egypt, leaders of the Muslim Brotherhood – all civilians – sentenced to imprisonment after an unfair trial before a military court in 2008 had their sentences confirmed and members and supporters of the organization, officially banned but commanding wide support, continued to be harassed and detained. In the West Bank, the Fatah-led Palestinian Authority cracked down on supporters of Hamas; in Gaza, the de facto Hamas administration targeted supporters of Fatah – in both areas, detainees were tortured or otherwise ill-treated and bystanders were killed and injured in gunfights between opposing factions.

The Moroccan authorities, meanwhile, were increasingly intolerant of those advocating independence for Western Sahara, administered by Morocco since 1975, and of Sahrawi human rights defenders. In November, they summarily expelled Aminatou Haidar to the Canary Islands, claiming that she had renounced her nationality, only relenting and allowing her to return home to Laayoune in the face of mounting international pressure after she had been on hunger strike for a month and had put her life at risk in defence of her human rights.

In all too many states, those who had the courage or temerity to question government policies or criticize their human rights records were still liable to find themselves branded as enemies of the state and detained or sentenced to prison terms.

In Syria, human rights lawyer Muhannad al-Hassani was arrested in July and faced a possible 15-year prison term for exposing the deficiencies of a notorious special court used to try political suspects. He was banned from practising as a lawyer by the official Bar Association. Veteran political activist and lawyer Haytham al-Maleh, despite being 78 years old, likewise faced a possible 15-year sentence for comments he made in a TV interview.

Some even paid with their lives: in Libya, Fathi el-Jahmi, a long-standing government critic, was flown to Jordan for belated medical treatment after over five years of detention when it became clear that his death was imminent; he died some two weeks later.
Freedom of expression and the media

In most countries of the region, the media was closely controlled. Editors and journalists had to operate within both written and unwritten rules, and to steer clear of subjects considered taboo – including criticism of the ruler, his family and circle, official corruption or other abuse of power by those in authority. The alternative was to be subjected to harassment, arrest or prosecution on criminal defamation charges.

It was not only the mainstream media that suffered in this way. In Egypt and Syria, for example, the authorities detained and sentenced bloggers on account of their writings, and all across the region state authorities blocked access to internet sites that carried comment or information they considered averse to their interests. In Iran, this was taken to extremes in the months following the June presidential election; the authorities cut phone and email communications to try and prevent the truth emerging, particularly pictures taken on mobile phones of violent attacks on demonstrators by the thuggish paramilitary Basij and other government strong-arm men.

In Tunisia, the authorities used trumped-up charges to prosecute some of their critics while at the same time manipulating the media to smear and defame others. The law acted as no protection for those targeted. After the main journalists’ union in the country called for greater media freedom, its leadership was ousted and replaced by a new board that then came out openly advocating the President’s re-election for an unprecedented fifth term. Human rights defenders too remained subject to continuing harassment, oppressive surveillance and other breaches of their rights by the Tunisian authorities despite the human rights-friendly image that the government sought to cultivate internationally.

Public ‘security’

In Egypt and Syria, the authorities maintained decades-long states of emergency which equipped their security police with exceptional powers to arrest and detain suspects, to hold them incommunicado and under conditions which facilitated torture and other ill-treatment and abuse. Israel continued to operate a system of military law over the Palestinians in the West Bank, while Palestinians in Gaza were subjected to Israeli laws that afforded them even fewer rights.

Throughout the region, governments allowed their security forces exceptional licence in the name of upholding state security and defending against threats to the public, although often such forces were used to pursue partisan political interests and to maintain monopolies on power in the face of calls for greater openness, free elections and political change.
Consequently, torture and other ill-treatment remained endemic and, for the most part, were committed with impunity. It was common practice throughout the region for political suspects to be detained incommunicado, often for weeks or months at a time, in secret or undisclosed prisons where they were tortured and abused to make them “confess”, to name and so put at risk others with whom they were associated, to make them become informers or simply to terrorize them. Many such detainees were then brought to trial, often before special courts whose procedures ran counter to those prescribed under international fair trial standards, routinely ignoring their complaints of torture and convicting them on the basis of their forced ‘confessions’.

In Iran, the authorities mounted a series of “show trials” reminiscent of those associated with some of the most totalitarian regimes of the 20th century to punish those accused of leading the outburst of popular protest that greeted the official result of the presidential election. In Saudi Arabia, the government announced that more than 300 people had been sentenced on terrorism-related charges but disclosed no details of the trials, which were held in secret, closed to outside observers and, it appeared, even to defence lawyers. One death sentence was said to have been imposed; other defendants received prison terms of up to 30 years.

Several governments in the region continued to use the death penalty extensively, justifying the practice on the grounds both that it was required by Shari’a law and that it deterred crime and guaranteed public security; in a number of other states, the authorities did not carry out executions. The main offenders were Iran, Iraq and Saudi Arabia, in all of which large numbers of executions were carried out, often after legal proceedings that failed to comply with international standards of fair trial. In Iran, moreover, the victims included juvenile offenders sentenced for crimes committed when they were younger than 18. By contrast, the authorities in states such as Algeria, Lebanon, Morocco and Tunisia, while they continued to impose death sentences, maintained de facto moratoriums under which no executions have been carried out in recent years, reflecting the growing international trend towards ending executions.

**Economic concerns – housing and livelihoods**

Despite efforts by the new US administration to build momentum for a revived Middle East peace process, the divide between Israelis and Palestinians was further deepened in 2009 – not only by the deaths and destruction caused during Operation “Cast Lead” but also by the impact of Israel’s unremitting blockade of the Gaza Strip. Begun in June
2007, the blockade continued to cut off almost 1.5 million Palestinians from the rest of the world, isolating them in Gaza’s cramped confines, and greatly limiting the import of essential goods and supplies. This gratuitous exacerbation of the privations already suffered by the inhabitants of Gaza seriously hampered their access to health care and education and destroyed industries and livelihoods. Imposed ostensibly to deter rocket-firing into Israel by Palestinian armed groups, the blockade was nothing less than an outrage – the imposition of collective punishment on the entire population of Gaza. All too predictably, it hit hardest on the most vulnerable – children, the elderly, the homeless and the sick, including those in need of medical treatment outside Gaza – not the armed militants responsible for rocket firing.

The Gaza blockade and Israeli policies in the West Bank – including house demolitions, roadblocks and restrictions on movement – all contributed to the impoverishment of Palestinians as if by design. Elsewhere in the region, millions of people lived in informal settlements – slums – in various degrees of poverty. In Greater Cairo, for example, many resided in areas that the Egyptian authorities designated as “unsafe” due to the constant threat of sudden rock falls or the presence of high-voltage cables. The residents were liable to be forcibly evicted without any or adequate consultation. Others, re-housed after a lethal rockslide in 2008 which left more than 100 dead, complained that they had no security of tenure in their new abodes.

Discrimination

Across the region, women and girls continued to face legal and other discrimination and to be denied the opportunity to access their rights such as to education, health and political participation. In most countries, family and personal status laws rendered women legally inferior to men in relation to inheritance, divorce and custody over their children, and caused them to be inadequately protected against violence within the family or on account of their gender. States such as Iraq, Jordan and Syria retained laws which allow men who commit violence against women to escape punishment if their crimes are deemed to be committed “in a fit of rage” and to uphold family “honour” or to receive only minimal punishment; in Syria, it represented an advance when the President decreed in July that men who killed or injured women relatives on such grounds should receive a penalty of at least two years in prison.

So-called honour killings of women were reported in Jordan, the Palestinian Authority and Syria. In Iraq, women were attacked and threatened for not adhering to strict moral codes and women detainees told a parliamentary committee that they had been raped in detention.

Women and girls continued to face legal and other discrimination and to be denied the opportunity to access their rights.
In Iran, the authorities continued to target women human rights defenders and activists leading the popular campaign for an end to discrimination against women in law.

Some advances were made in 2009, however. In Kuwait, four women were directly elected to parliament for the first time, after women were given the right to vote and run for office in 2005. In Saudi Arabia, the first woman government minister was appointed – for women’s education. In Yemen, the law was changed to allow Yemeni women with foreign husbands to pass on their nationality to their children, but a proposal to raise the marriage age for girls was left pending, although early and forced marriages of girls reportedly remain common and may contribute to Yemen’s notably high rate of maternal mortality. Qatar acceded to the UN Women’s Convention in June but with reservations, while the governments of Algeria and Jordan lifted some of their previous reservations to the treaty but maintained others and therefore continue to undermine the essence of the Convention as a means of ending gender discrimination.

In the oil- and gas-rich states of the Gulf, it was migrant workers – mostly from Asia – whose labour underpinned the national economies and helped build the world’s tallest skyscraper, opened amid great fanfare in December in Dubai. They did the heavy lifting but when it came to human rights, they were near the bottom of the heap: abused, exploited and often required to live in squalid conditions out of sight of the opulence. At the very bottom, both in the Gulf and in countries such as Lebanon, were the migrant domestic workers, almost all of them women. They were generally excluded even from the weak labour law protections that existed for migrants working in construction and other industry. They were among the most vulnerable to exploitation and abuse, triply discriminated against as foreigners, as unprotected workers and as women.

Throughout the region, the situation of foreign migrants gave serious cause for concern. Thousands of suspected irregular migrants from sub-Saharan Africa seeking to obtain work or travel on to Europe were detained in Algeria, Libya and other states or summarily expelled; some were reported to have been beaten or otherwise abused. Egyptian security forces shot dead at least 19 migrants trying to cross into Israel and forcibly returned 64 to Eritrea despite the risks to their human rights that they faced there. The Algerian government made “illicit” exit from the country, by its own nationals as well as foreigners, a crime. A draft law before the Israeli parliament prescribed a range of prison sentences to be imposed on foreigners who entered Israel illegally, with the heaviest sentences reserved for particular nationalities.
Refugees and asylum-seekers also rarely received the protection that is their right. In Lebanon, the large and long-resident Palestinian refugee community continued to be denied access to adequate housing, work and the realization of other economic and social rights; thousands who fled from Nahr al-Bared camp to escape fighting in 2007 had still not been able to return to their former homes more than two years after the fighting had ceased. Moreover, a process aimed to remedy the position of the estimated several thousand refugees without official papers – “non-IDs” – was halted by the Lebanese security authorities.

Women, migrants, refugees: these were not alone in suffering discrimination and violence in 2009. In Iran, Iraq and other states, members of ethnic and religious minorities were subject to discrimination and violent attacks. In Syria, thousands of Kurds were effectively stateless and Kurdish minority activists were detained and imprisoned. In Qatar, members of a tribe blamed for a failed coup attempt in 1996 continued to be denied nationality, and so denied employment and other rights. Other minorities facing discrimination included the lesbian, gay, bisexual and transgender community. In Egypt, for example, suspected gay men were targeted for prosecution under a debauchery law and subjected to degrading treatment; and in Iraq, gay men were abducted, tortured, murdered and mutilated by Islamist militias, with those responsible not held to account.

Accounting for the past
2009 saw little progress towards addressing past human rights violations despite the continuing, valiant efforts of many survivors and victims’ families to learn the truth of what occurred and to seek justice. The Algerian government appeared ever more determined to blot out the enforced disappearances and killings of the 1990s from public memory, and the Syrian government showed no interest in clarifying the fate of those who disappeared under the rule of the current President’s father. In Lebanon, human rights groups won a court order for the findings of an earlier official investigation into enforced disappearances to be disclosed but there was little sign that the government, a balancing act of different factions, was willing to pursue the truth with vigour. The Special Tribunal for Lebanon was established in the Netherlands with a mandate to prosecute the perpetrators of one set of political crimes – the assassination of former Lebanese Prime Minister Rafic Hariri and related attacks – but was not complemented by measures to investigate many others. In Morocco/Western Sahara, legal and institutional reforms recommended years earlier by the groundbreaking Equity and Reconciliation Commission had yet to be
implemented and still no steps had been taken to bring justice to those whose rights were violated under the rule of King Hassan II, when state violence against dissidents and opponents was particularly extreme. In Iraq, those accused of committing crimes under Saddam Hussain continued to be brought to trial but before a seriously flawed court which handed out further death sentences. In Libya, relatives of prisoners killed at Abu Salim prison in 1996 still awaited the outcome of a belated – and apparently secret – official inquiry.

Conclusion
Ten years on from the start of a new millennium, much – so much – remains to be done to give reality to the human rights set out more than 60 years earlier in the Universal Declaration of Human Rights. In particular, all across the region, state authorities have shown themselves either reluctant or downright unwilling to honour their international treaty obligations to protect and promote human rights. This trend has been exacerbated in face of the threat posed by terrorism, while that threat is also used as a convenient justification for clamping down further on legitimate criticism and dissent. Even so, all across the region, courageous individuals remain undeterred and continue to speak out for what is their right and their due, and in support of the rights of others. They are our inspiration.
Women and children escape the fighting in Maidan, north-west Pakistan, 27 April 2009. Conflict between the Pakistani Taliban and government security forces displaced more than 2 million people.
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AMNESTY INTERNATIONAL PRODUCES A WIDE RANGE OF MATERIALS, INCLUDING CAMPAIGN AND COUNTRY REPORTS, FOCUS SHEETS, LEGAL BRIEFINGS, AND BOOKS.

The nine titles on these pages are just a small sample of our recently published work. For more information on these or to order copies, please visit shop.amnesty.org. To see what else we produce go to our main website at www.amnesty.org.

Armed al-Shabab fighters patrol Bakara Market in Mogadishu, Somalia, on 29 June 2009. Thousands of civilians were killed and hundreds of thousands displaced as the conflict between armed groups and the Transitional Federal Government continued.
More than 2,000 women die in Burkina Faso every year from complications of pregnancy and childbirth. Maternal mortality takes its toll on the poorest and least educated women. Amnesty International calls for better information and services for family planning, for the removal of financial barriers to maternal health care and for improvements in access to care.

Half of Nairobi’s population live in slums and informal settlements with little access to clean water, toilets, health care, schools and other essential public services. They also live under the constant threat of water-borne diseases, violence and forced eviction from their homes and small businesses. The report focuses on the human rights dimension of Kenya’s housing emergency.

The lives and health of women and girls in Nicaragua have been put at risk by amendments to the penal code, criminalizing abortion in all circumstances. These changes in the law deprive pregnant women and girls of medical treatment, including therapeutic abortion. Doctors and nurses are also concerned about the implications of the law for medical professionals. Amnesty International calls for abolition of the law.
The unheard truth
Poverty and human rights

Despite economic growth in almost every corner of the world over the last decade, billions of people still live in poverty. Irene Khan, Amnesty International Secretary General from 2001 to 2009, argues that economic analyses do not provide a full picture and economic solutions alone cannot end the problems of poverty. She sees poverty as the world’s worst human rights crisis and in this book explores the poverty trap – the cycle of deprivation, insecurity, exclusion and voicelessness.

Published by: W.W. Norton – New York – London; www.wwnorton.com
Also available from Amazon.com
ISBN: 978-0-393-33700-6
Pages: 272, 35 Photographs
Price: £13.99
Languages available: English
Product order code: P2648

Operation ‘Cast Lead’
22 days of death and destruction

On 27 December 2008, without warning, Israeli forces began a devastating bombing campaign on the Gaza Strip code-named Operation “Cast Lead”. Its aim was to end rocket attacks into Israel by armed groups affiliated with Hamas and other Palestinian factions. By 18 January 2009 some 1,400 Palestinians had been killed and large areas of Gaza had been razed to the ground. Amnesty International demands a thorough, independent and impartial investigation into the conduct of all parties in the conflict.

Index: MDE 15/015/2009
Format: 118pp, A4 colour cover
Price: £13.00
Languages available: Arabic, English, French, Hebrew, Spanish
Product order code: P2918

Don’t mine us out of existence – Bauxite mine and refinery devastate lives in India

Plans to mine bauxite and expand a refinery in Orissa, eastern India, have thrown the lives of the local communities into turmoil. In April 2009, the authorities approved a joint venture to mine bauxite in the Niyamgiri Hills for the next 25 years. The mine is located on land considered sacred by the Dongria Kondh, an Adivasi (Indigenous) community who have lived in the area for centuries. The report looks at how their rights to water, health and their way of life compromised.

Index: ASA 20/001/2010
Format: 100pp, A4 colour cover
Price: £9.00
Languages available: English
Product order code: P2646
Whose justice?
The women of Bosnia and Herzegovina are still waiting

Rape and other forms of sexual violence against women were widespread during the 1992-1995 war in Bosnia and Herzegovina. Since the end of the conflict, successive governments have failed to bring those responsible to justice and to offer survivors an effective remedy. The issue of rape remains a taboo and survivors of this crime continue to be stigmatized by society. This report documents how the authorities have violated a wide range of rights of the survivors.

Index: EUR 63/006/2009
Format: 82pp, A4, colour cover
Price: £6.00
Languages available: Bosnian, English, French
Product order code: P2941

Iran – Election contested, repression compounded

Iran’s presidential election in June 2009 heralded sweeping repression and the eruption of mass protests on a scale not seen since the 1979 revolution. Before the election, politicians, journalists, students and many others were targeted for arrest. After the results were made public and contested by large demonstrations, thousands of people were arbitrarily arrested, dozens were killed on the streets or died in detention, and many were tortured. The report features cases and testimonies of individuals affected by the abuses.

Index: MDE 13/123/2009
Format: 80pp, A4 colour cover
Price: £10.00
Languages available: Arabic, English, French, Persian, Spanish
Product order code: P3138
I WANT TO HELP
WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, AMNESTY INTERNATIONAL CAMPAIGNS FOR JUSTICE, FREEDOM FOR ALL AND SEeks TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

WHAT CAN YOU DO?

Activists around the world have shown that it is possible to resist the dangerous forces that are undermining human rights. Be part of this movement. Combat those who peddle fear and hate.

- Join Amnesty International and become part of a worldwide movement campaigning for an end to human rights violations. Help us make a difference.
- Make a donation to support Amnesty International’s work.

Together we can make our voices heard.

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If there is not an Amnesty International office in your country, please return this form to: Amnesty International, International Secretariat, Peter Benenson House, 1 Easton Street, London WC1X 0DQ, United Kingdom
An Awá child looks at the coffins of 12 Awá, including seven children, killed in August 2009. All parties to Colombia’s internal armed conflict targeted civilians, with Indigenous Peoples particularly hard hit in 2009.
In a troubled and divided world, Amnesty International reveals truth, bears witness and campaigns for change.

The *Amnesty International Report 2010* documents the state of human rights in 159 countries in 2009. It details a year in which accountability seemed a remote ideal for many, as people’s lives continued to be torn apart by repression, violence, discrimination, power plays and political stalemates.

But the Foreword – published in this pamphlet along with five Regional Overviews of the year – celebrates real progress in the pursuit of justice. It examines how the arguments have changed over 20 years and how it is harder now for perpetrators of the worst crimes to secure impunity. It explains how the demand for accountability is not confined to redress for killings or torture, but extends to the denial of all the rights that we need to live our lives in dignity.

It ends with a clear call for the future we want: a global reassertion of the value of universal human rights – all rights for all people – and an understanding of each individual as an agent of change, with rights and with responsibilities.

As always, the *Amnesty International Report* is a testament to the courage, imagination and determination of the worldwide human rights movement. Amnesty International stands in solidarity with all those who suffer abuse and all those who stand up for human rights. Together we will fulfil the promise of the Universal Declaration of Human Rights.

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