

The Wire

July 2004 Vol 34 No. 06

AI Index: NWS 21/006/2004

Page 1

Systematic killings cause crisis in western Sudan

Armed militias backed by soldiers have committed murder and rape in the Darfur region of Sudan, forcing hundreds of thousands to flee

“As we left the village, the military came with the Janjawid and the airplane dropped the bomb. Now I don’t know where my mother and father are. I don’t know if the military killed them or what happened to them. Our entire village is burnt.”

Nineteen-year old male refugee in Chad, talking to AI in May

The *Janjawid*, armed militias supported by the Sudanese armed forces, are committing massive human rights violations in the Darfur region in the west of Sudan. They are systematically pillaging and destroying the towns and villages of Darfur, forcing the people to flee for their lives. At the same time the government authorities in the capital Khartoum are making peace with the Sudanese People’s Liberation Army (SPLA) to end the long civil war in the south of the country.

Often accompanied by soldiers, the *Janjawid* frequently attack each village three or four times until the inhabitants flee. Local people report human rights abuses including the killing of civilians. Women and girls have been raped, sometimes with their husbands or parents nearby, and old women have been burnt in their homes.

AI has received information about large scale extrajudicial killings in Murli in April and August 2003, and in Deleij in March 2004 carried out by security forces and *Janjawid*.

Both sides have violated the ceasefire signed in Chad on 8 April 2004. On 22 May, *Janjawid* killed at least 40 villagers and burned five villages including Tabaldiya and Abqarajeh, 15 km south of Nyala.

AI’s most recent visit to the refugee camps in Chad collected many testimonies of abuses against women. One woman told AI delegates visiting the region in June how she and a group of girls were taken by attackers wearing civilian clothes and khaki uniforms and raped repeatedly over a three-day period. Their attackers told them “You, the black women, we will exterminate you: you have no God. Next time we come we will exterminate you all, we will not even leave a child alive”.

Hundreds of thousands of civilians have been forced to abandon their homes. Some have sought refuge in camps and towns in the region but these are now facing serious shortages of food, water, shelter and medical supplies. Even in towns displaced persons are harassed; those who venture outside the camps run the risk of being attacked or abducted.

Thousands of others have taken the dangerous route across the border to eastern Chad to still inadequately equipped refugee camps. One refugee told AI: “As long as the safety of my family is not guaranteed, I don’t wish to return home”. In some places *Janjawid* have moved into the villages of the people they have driven out, preventing any possible return.

The attacks against civilians breach international humanitarian law and appear to be a deliberate attempt to destroy the social fabric of the communities of Darfur.

Despite the April ceasefire which agreed to the deployment of 90 ceasefire monitors, the initial deployment only occurred by mid June. AI is also calling for human rights monitors to be sent by the UN High Commissioner for Human Rights to monitor the situation in Darfur. They should include people with expertise in gender and sexual violence.

The Sudanese government must withdraw its support of the *Janjawid* militias and take immediate measures to protect the civilian population of Darfur. Moreover, the government is not addressing the impunity of the *Janjawid*, it is integrating them into the army. The international community should have the courage of its convictions and apply the strongest pressure on the government of Sudan to end human rights violations in Darfur.

For more information and to take action see www.amnesty/sudan

Law punishes victims of rape in Pakistan

According to the Human Rights Commission of Pakistan, every two hours a woman is raped in Pakistan and every eight hours a woman is subjected to gang rape. The frequency of rape is thought to be much higher but many rapes remain unreported due to a combination of social taboos, discriminatory laws and victimization by the police. Meanwhile, Pakistani law is punishing victims of rape as though they were criminals while the perpetrators go free.

The Hudood Ordinances are a set of laws in Pakistan intended to make the criminal justice system conform with Islamic law. These laws cover offences including Zina crimes (unlawful sexual intercourse including adultery and rape) and Qazf (wrongful accusation of Zina crimes).

The maximum punishment for Zina crimes is death by stoning. Many women are imprisoned for years, convicted or awaiting trial for Zina crimes.

These laws place an almost impossible burden of proof on women and girls who are raped. If they report a rape to the police they are often charged with Zina crimes because they have in effect admitted to sexual intercourse outside of marriage and been unable to prove absence of consent. In such cases, the victims are more likely to be convicted than the perpetrators.

The following story combines several true incidents, to show the plight of women and girls in Pakistan.

Priya, aged 13, was abducted and raped by her neighbour. Her brother found her bruised and unconscious in an alley behind their house. Her father reported the rape at the police station and medical reports confirmed that she had been sexually assaulted. The case was brought before a magistrate.

Priya named her attacker but had no proof of rape other than the medical examination. According to Zina laws, her own testimony is not admissible as evidence. Rape must be proved either by the perpetrator's confession or by the testimony of four men.

Priya's neighbour denied the charges of rape and so she was unable to prove that the act of penetration had been non-consensual.

Having attained puberty a few months earlier, Priya was legally considered an adult. Since the medical examination proved that penetration did occur, the legal tables turned against Priya and she was put in detention on charges of Zina. Her father faced charges of Qazf for reporting the rape and was also detained. The rapist went free.

AI continues to call for the repeal of laws that criminalize consensual sexual intercourse between unmarried adults and a reformulation of those relating to rape, so that victims, both married and single, can obtain justice.

Page 2

Breaking Haiti's cycle of violence

The international community has a crucial role to play in helping Haiti's interim and future governments to build long-term political stability in which the safety of all Haitians is paramount.

The disarmament of armed groups and the re-establishment of the rule of law must be a priority for the Haitian authorities and the new UN Stabilisation Mission in Haiti (MINUSTAH).

An AI delegation, which visited Haiti in March and April, observed that Haitians were living in a climate of fear. All those interviewed by the delegation said that they were extremely afraid of one or more of the armed groups fighting for power in the country. These include former insurgents, armed criminal gangs, escaped prisoners, and militias loyal to former President Aristide. As well as supporters of former President Aristide, former victims of human rights abuses, human rights defenders, judicial personnel and opponents of the former President have been threatened, harassed or beaten.

Despite the presence of a US-led Multinational Interim Force (MIF) since 29 February, a large number of armed groups with fluid affiliations continue to be active throughout the country. AI heard numerous reports of human rights abuses attributed to insurgents (made up of former military officers and paramilitary groups responsible for past human rights abuses) and their associates, including killings, beatings and other attacks, as well as illegal detentions.

Many armed groups have taken control of smaller towns and cities throughout Haiti and are acting as *de facto* authorities, sometimes even in the presence of the local police force. They have occupied police stations and former military barracks, filling the police vacuum that exists in large parts of the country.

Detained and ill-treated

On the island of La Gonâve, Jolès Sylvain, the director of the local secondary school, was reportedly detained along with three colleagues, Jean Rémy Célestin, Kenil Loissant and Delamarre Pierre, on 15 April. They were holding a meeting at the local church with others to discuss the re-opening of the school, closed since former President Aristide's departure, when around 30 heavily armed men burst into the church and "tied them up and beat them". The apparent reason for their capture and ill-treatment was their alleged Fanmi Lavalas (pro-Aristide) association. The four men were later released, but went into hiding in fear for their lives.

Floods cause devastation

To add to Haiti's woes, the devastating floods in May have caused considerable damage and loss of life. MINUSTAH and the Haitian authorities have had the additional task of tackling the immediate humanitarian needs of providing shelter, food and sanitation for those affected.

Haiti cannot respond to these challenges alone. MINUSTAH, which on 1 June formally took over from the MIF, must actively work towards disarmament of all irregular armed groups, assist in maintaining public safety and order and make the most of the humanitarian provisions in its mandate. MINUSTAH must also fulfil its mandate to support the constitutional and political process, assist in maintaining public safety and order, and support the transitional and future governments and Haitian human rights institutions in promoting and respecting human rights.

For further information and AI's recommendations see *Breaking the cycle of violence: a last chance for Haiti?* (AMR 36/038/2004).

Confronting family violence in Turkey

When Güldünya Tören became pregnant, despite pressure from her family she refused to marry her cousin and was sent to her uncle's house in Istanbul. There, one of her brothers gave her a rope and told her to hang herself. She escaped and begged the police for protection, but was assured that her relatives had promised not to kill her. Weeks later her brothers reportedly shot and wounded her in the street. From her hospital bed, she pleaded for the

police to save her. Late that night, her killers entered the unguarded hospital and shot her in the head. Her life support machine was later turned off.

Patterns of abuse and discrimination

At least a third of all women in Turkey are estimated to be victims of physical violence within their families. They are beaten, raped, and in some cases killed or forced to commit suicide. The pattern of abuse and discrimination begins when families barter their newborn daughters and force young girls into early marriage.

Husbands, brothers, fathers and sons are responsible for most of these abuses. Sometimes they are acting on the orders of family councils, gatherings of family or clan elders who decide the “punishment” for women deemed to have infringed traditional codes of honour. Tradition often serves as a pretext for acts of brutality against women as punishment for daring to choose how to lead their lives.

Women are placed in double jeopardy, both as victims of violence and because they are denied effective access to justice. They are discouraged from bringing complaints against their attackers and receive almost no effective protection from vengeful husbands and relatives. Police and prosecutors frequently fail to investigate violent attacks, murders or apparent suicides of women. Those responsible – including the heads of family councils – are rarely brought to justice. Courts continue to blame women who have been attacked, raped or killed and to exonerate their attackers on grounds of “honour”.

Human rights groups in Turkey work courageously to expose this culture of violence that is often invisible to the outside world. They face daily threats and assaults from the families of women they support.

The Turkish government has failed to adequately address the prevalence of violence against women and to ensure the effective implementation of existing legislation. It is feared that proposed positive reforms to the Turkish Penal Code will be resisted by the courts and other parts of the criminal justice system.

See Worldwide Appeal on page 3 and *Turkey: Women confronting family violence* (EUR 44/013/2004).

Torture is rife in Eritrea

“Ermiyas [a returnee from Germany] escaped twice. ...he was caught trying to get a boat out of the island. Ten guards surrounded him and two other captured escapees... They beat them in front of us until they were vomiting blood. They tied them in “helicopter” method for 55 days outside in the heat. Ermiyas’ skin colour changed, his body swelled and he couldn’t walk. For the first two days he was refused food, but the prisoners fed him. I don’t know if he is still alive.”

Former Dahlak Kebir island prison detainee

AI has received new and consistent reports of the widespread and systematic torture and ill-treatment of prisoners in Eritrea, particularly by the military against national service conscripts. Torture is used as a standard form of military punishment. Prisoners are routinely beaten but the torture method of “tying” with rope is also frequently used.

The most commonly described torture method is nicknamed “the helicopter”. The victim is tied by a rope with hands and feet behind the back, stripped of upper garments and left lying face down on the ground, outside in the hot sun, rain and on freezing cold nights. The prisoner is tied in this position 24 hours a day, except for two or three short breaks for meals and toilet functions. The longest this punishment is known to have been imposed is 55 days in the Dahlak Kebir island prison, but it commonly lasts for one or two weeks.

Another method of torture is nicknamed “Jesus Christ”. Here the victim is stripped to the waist and left standing on a block with hands tied to a tree branch; the block is removed, leaving the victim suspended with the feet just off the ground in a crucifix-like posture. Beatings are inflicted on the bare back. This extremely severe torture is said to be restricted to 10-15 minutes to avoid serious lasting injury. This method was first reported from Adi Abeto prison in 2003.

Torture is systematically practised in the army for interrogation and punishment, particularly against conscription evaders, deserters, soldiers accused of military offences and members of minority churches.

Three Jehovah’s Witnesses have been detained incommunicado by the army for the last 10 years because of their faith-based refusal of military service (See *Worldwide Appeal* August 2003). The government does not recognize the right to conscientious objection. Hundreds of members of other minority Christian churches have been jailed and tortured or ill-treated to make them abandon their faith.

Torture is also used against some political prisoners. The atrocious conditions under which thousands are held amount to cruel, inhuman or degrading treatment.

The government dismisses all criticism of its appalling human rights record. It ignores the principle of the rule of law and flagrantly contravenes the human rights safeguards in Eritrea’s Constitution and laws. It has ratified several international human rights treaties – though not the whole range – but does not adhere to them in practice. It allows no criticism in the country – critics and human rights defenders have been detained or have fled the country.

AI is calling on the government to put in place effective safeguards against torture. In particular, it should end the practice of secret incommunicado detention whereby most political prisoners simply “disappear” and their families are told they have no right to ask about them. AI is also calling for training of police, military and security officials in international standards prohibiting torture, including their right and duty to refuse to obey any order to commit torture.

For further information see AI’s report: *Eritrea: ‘You have no right to ask’ – Government resists scrutiny on human rights* (AFR 64/003/2004).

Page 3

Worldwide Appeals

Turkey: Women need shelters

“Everyone sends women who have experienced violence to us. Everyone. The government, the police, everyone. We don’t have the facilities to meet the demand.”

A worker at a non-governmental organization (NGO) in Turkey speaking to AI

At least a third of all women in Turkey are estimated to experience physical violence within their families. Women should not face this violence unsupported. The state has a duty to protect women from violence committed not only by agents of the state but also by private individuals and groups.

The first step in the protection of women should be the Family Protection Law, which would distance perpetrators and allow women to stay in their own homes. However, it is recognized that in some emergency situations this is insufficient to protect women, and for such situations shelters are needed.

It is estimated that there are only 14 shelters and 19 community-based services to support women experiencing violence at home for a population of 70 million. Two independently run shelters providing invaluable services to women escaping violence and to community

education, including an effective police education campaign, were closed in 1997 and 1999 due to lack of funding.

The role of women's rights activists is crucial to ensure that at least a small proportion of women obtain protection. Women's organizations in Turkey believe that such centres should be run independently of the government. "We have reports that government-run women's shelters are turning away women who do not have their identity cards with them," said a representative. "When you are running away from a violent home, do you think to take your identity card?" Government-run shelters have been criticized for their failures to accept women who fall into particular categories – for example, prostitutes, women with health problems and women who are pregnant.

Please write, calling on the authorities to help protect women by funding a sufficient number of appropriate shelters for women in collaboration with NGOs experienced in working to protect women from violence.

Send appeals to: Prime Minister of Turkey, Recep Tayyip Erdogan, Office of the Prime Minister, Basbakanlik, 06573 Ankara, Turkey.

E-mail: receptayyip.erdogan@basbakanlik.gov.tr

Afghanistan: Detained at Bagram

Saifullah Paracha, a Pakistan national, was scheduled to fly to Thailand for a business meeting on 5 July 2003. He rang his daughter from Karachi airport just before boarding his flight but he never arrived at the meeting. For the next month his family had no idea of his whereabouts.

Saifullah Paracha's wife made enquiries with the Pakistan and Thai authorities in an attempt to find out what had happened to her husband, but received no answers. After a month the family heard on NBC news that Saifullah Paracha and his son had been detained by the US authorities. Some time afterwards his wife received a letter via the International Committee of the Red Cross explaining that Saifullah Paracha was being held at Bagram, a US air base north of Kabul, Afghanistan. It appears that he had been transferred into US custody without reference to any legal safeguards.

Detainees at Bagram are denied access to lawyers, families and courts. Former detainees have reported being subjected to prolonged kneeling or standing, hooding, being kept in painful or awkward positions, sleep deprivation and 24-hour lighting. It is not known what the current conditions of detention are. AI has been denied access to Bagram air base.

For further information on detentions in Bagram and Guantánamo Bay, see AI's document *USA: The threat of a bad example — undermining international standards as "war on terror" detentions continue*, August 2003 (AMR 51/114/2003).

For further information on transfers from Pakistan to US custody, see *Pakistan: Transfers to US custody without human rights guarantees*, June 2002 (ASA 33/014/2002).

Please write, asking for justice for Saifullah Paracha and all detainees held at Bagram air base and other US detention facilities in Afghanistan. Urge that they be released immediately unless they are promptly charged with recognizably criminal offences and brought to trial within a reasonable time in proceedings that fully comply with international standards.

Send appeals to: George W. Bush, The President, The White House, 1600 Pennsylvania Avenue, Washington, DC 20500, USA.

Fax: +1 203 456 2461

E-mail: president@whitehouse.gov or submit your appeal via: www.whitehouse.gov/webmail

Yemen: Imminent risk of execution

Fuad 'Ali Mohsein al-Shahari is at risk of execution after his death sentence was upheld by the Supreme Court in March 2004.

In early May 1996 two Political Security officers spoke to Fuad 'Ali Mohsen al-Shahari concerning a dispute with his brother. The two officers reportedly reacted violently to Fuad 'Ali Mohsen al-Shahari's intervention in the dispute and fired their guns at him.

On 29 May 1996, a military car, driven by Captain Mohammed al-'Ameri from the Political Security Department, reportedly blocked Fuad 'Ali Mohsen al-Shahari's car. Armed men surrounded him, tried to arrest him without a warrant and reportedly threatened to kill him. A number of shots were fired, including at least one by Fuad 'Ali Mohsen al-Shahari, and Mohammed al-'Ameri was killed.

Fuad 'Ali Mohsen al-Shahari was held in incommunicado detention for approximately one month and allegedly tortured and ill-treated in order to force him to confess to the murder charges. During the trial, key defence witnesses did not testify at court and were reported to have been intimidated.

On 12 November 1996 Fuad 'Ali Mohsen al-Shahari was found guilty of premeditated murder and was sentenced to death. If President 'Ali 'Abdullah Saleh ratifies the sentence, it may be carried out at any time.

Please write to President 'Ali 'Abdullah Saleh urging him not to ratify Fuad al-Shahari's death sentence, and to prevent his execution.

Send appeals to: His Excellency General 'Ali 'Abdullah Saleh, President, Office of The President, Sana'a, Republic of Yemen. Fax: + 967 127 4147

To see appeal from Fuad al-Shahari's family see: www.amnesty.org/actnow

Iraq: Detained in unknown location

Sattam Hameed Farhan al-Ga'ood, a 48-year-old businessman, was arrested at his home in the al-Mansur district of Baghdad by US soldiers on 19 April 2003. He has not been seen since then and his place of detention is unknown.

Since his arrest Sattam al-Ga'ood's family has received a few messages from him via the International Committee of the Red Cross to indicate that he was being held. The reasons for his detention are not known. His relatives believe it may be connected with his criticism of the US-led occupation of Iraq in an interview in April 2003 with the Arabic satellite television channel Al-Jazeera.

Sattam al-Ga'ood is said to have had no political background and was not involved with the Ba'ath Party or former security agencies.

His name was included in a list of 8,500 detainees published on the Internet by the Coalition Provisional Authority. Many of these detainees are being held indefinitely and without charge as "suspected terrorists" or "security detainees". However, while the place of detention of the majority of detainees is stated, that of Sattam Hameed Farhan al-Ga'ood and others is simply referred to as "HVD". It is thought this may mean "high value detainee".

In the main detention facility of Abu Ghraib, near Baghdad, evidence has emerged of detainees being subjected to physical and mental torture by US agents, in violation of international humanitarian and human rights laws. AI has expressed concerns at the torture allegations and called for independent investigations and accountability at the highest level in an open letter sent on 7 May to US President Bush.

Please write, calling for Sattam Hameed Farhan al-Ga'ood to be released unless he is charged with an internationally recognizable criminal offence. Pending his release, call for the

authorities to inform his family of his place of detention and guarantee that he will not be tortured.

Send appeals to: Dr. Iyad 'Allawi, Prime Minister, Baghdad, Iraq.

Updates

Uzbekistan

“This means that God exists. I hope that all other death row prisoners will be given life also. Thank you so much for your support. I wouldn't have been able to go through all of this on my own,” Abror Isaev's mother told AI on 28 April.

Abror Isaev's mother received a letter from the Supreme Court of Uzbekistan on 27 April, informing her that her son's death sentence had been commuted to 20 years' imprisonment.

Abror Isaev and Nodirbek Karimov were sentenced to death by Tashkent Regional Court on 23 December 2002 after they were convicted of killing two people in May. Both men alleged that they were beaten while in custody awaiting trial. There were strong indications that Abror Isaev became mentally disturbed while on death row. Nodirbek Karimov's death sentence has also been commuted by the Supreme Court.

See *Worldwide Appeal* March 2004.

Cuba

AI is concerned for the health of the 79 prisoners of conscience detained a year ago in a massive crackdown on dissent. Most of them are in an extremely poor state of health, some critical, aggravated by poor prison conditions and insufficient access to appropriate medical care.

Omar Pernet Hernández was recently described by his niece as a “living corpse”. He is suffering from extreme weight loss, dehydration and a tumour in his abdomen. Many others are also suffering from serious complaints including liver failure, lung disease, high blood pressure and intestinal disorders.

AI welcomes the release of Julio Antonio Valdés Guevara in mid-April for a kidney transplant and the recent release of five detainees including Leonardo Bruzón Avila who spent 27 months in jail without trial.

Please write, calling for the immediate and unconditional release of all prisoners of conscience, (there are currently 82), including those arrested in the crackdown of one year ago. Pending their release, call for the authorities to provide prisoners with adequate medical care and treatment whenever necessary.

Send appeals to: Su Excelencia, Dr. Fidel Castro Ruz, Presidente de los Consejos de Estado y de Ministros, Havana, Cuba.

See *Worldwide Appeal* March 2004.

Israel/Occupied Territories

On 20 May 2004, upon expiry of Muhammad Hassan Mustafa al-Najjar's fourth consecutive administrative detention order, the Israeli Military Commander again issued a three-month renewal of the detention order. However, the Military Judge reviewing the order decided to shorten it by one month. In other words, Muhammad received another two instead of three months. The judge apparently also stated that the administrative detention order will be unextendable without new substantial information. The current date of Muhammad's release is 18 July 2004. But if by that date the military authorities provide what is considered new

substantial information, the order may again be extended. See *Worldwide Appeal* November 2003.

Viet Nam

AI welcomed the announcement on 14 June that Le Chi Quang, a prisoner of conscience imprisoned in November 2002 for “carrying out propaganda against the State”, had been released more than two years before his due date. See *Worldwide Appeal* February 2003.

Page 4

Human rights defenders still at risk in Indonesia

“Approximately one week after the declaration of the military emergency, I was told by other staff members that the military had called and asked about my activities and whereabouts. Two days later I was visiting a friend’s house when armed members of the Police Mobile Brigade (Brimob) arrived. I hid in the back room, while they asked my friend about my whereabouts. After these incidents, it was decided that I should leave the province.”

The above testimony was given by Dewi (not her real name), a women’s rights activist from Nanggroe Aceh Darussalam Province (NAD) in Indonesia. She is among dozens of human rights activists who have been forced to flee the province following the declaration of a military emergency on 19 May 2003. The military emergency status was down-graded to a civil emergency exactly one year later, but military operations have continued.

Since the start of the military emergency the human rights situation in NAD has deteriorated dramatically. In addition to numerous unlawful killings, hundreds of people have been arbitrarily detained. The authorities claim that those detained are members of the armed opposition group, the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) – in many cases they are not.

Had Dewi and others stayed, they would have risked the same fate as Mahyeddin and Yusni Abdullah. As the situation in NAD deteriorated, the two men continued their humanitarian work with the People’s Crisis Centre (PCC), to assist internally displaced people. However, in December 2003 they were arrested by the military, who accused them of links with GAM. The two men had reportedly come into contact with GAM during the course of their work and they were beaten, threatened and interrogated about the activities of the PCC and its relationship with GAM. Mahyeddin described being suffocated repeatedly by having plastic bags placed over his head.

In April, Mahyeddin and Yusni Abdullah were sentenced to one year’s and one year and six months’ imprisonment respectively. The convictions appear to have been based primarily on confessions extracted under torture.

At least 22 other activists have been detained since May 2003. Most of them are reported to have been beaten. Although 16 have since been released, six activists remain in detention. AI believes that most, if not all, of the activists were arrested as a result of their human rights work.

The threats to their security have meant that much of the work previously carried out by local NGOs has ceased. International human rights organizations are not permitted access to the province. As a result, it is virtually impossible to monitor the human rights situation, and the civilian population is being denied much-needed human rights protection.

AI calls on the Indonesian authorities to affirm publicly the important and legitimate role played by human rights defenders and to ensure that both domestic and international monitors are given full access to the province to carry out their work there free from intimidation, threats and human rights violations.

Making rights a reality

How can states be held responsible for violence against women by private individuals?

Violence against women is not only a crime, it is also a serious human rights violation under international law.

National and international legislation on violence against women are key achievements of the past decades. Laws to protect women from violence do exist and they can be enforced.

Why then do women continue to suffer violence on such a huge scale all over the world?

Some states lack the political will and commitment to translate the international human rights laws to which they are committed into effective domestic laws that protect women from violence. Some fail to allocate adequate resources to implement laws that do exist. And often the agencies responsible for the protection of women, such as the police, the prosecution service and the local authorities, do not coordinate their actions. Police officers and judges too often reflect the views of society that accept violence against women as “normal” and “acceptable”. In all these cases, the states are failing in their obligations under international law to respect, protect and fulfil women’s right to be free from violence.

Over the last decade, increasing attention has been given to states’ obligation to intervene when non-state actors – private individuals in their everyday lives and groups within the community – abuse human rights. Under international law, the state has clear responsibilities for human rights abuses committed by non-state actors, including acts of violence against women.

General Recommendation 19 of the UN Committee on the Elimination of All Forms of Discrimination against Women states:

“Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.”

Due diligence: what it means

This general principle of due diligence requires that when states know, or ought to know, about abuses of human rights, and fail to take appropriate steps to prevent the violations, then they bear responsibility for the action. Exercising due diligence includes steps to prevent abuses; to investigate them when they occur; to prosecute the alleged perpetrators and bring them to justice in fair proceedings; and to ensure adequate reparation for the victims, including rehabilitation and redress. Steps to prevent violence can be legal, educational or practical, for example improving street lighting in an area where women have been raped. The principle of due diligence is used by the various organs of the UN and regional human rights bodies to monitor countries’ implementation of human rights treaties and is a way to measure whether a state has done enough to fulfil its human rights obligations.

A powerful campaigning tool

Campaigners can use the principle of due diligence to take governments to task over their failure to take action to end violence against women. To learn more about due diligence see: *Making rights a reality: The duty of states to address violence against women (ACT 77/049/2004)*. To find out how to use the principle of due diligence in your campaigning against violence against women, see *Making rights a reality: Campaigning to stop violence against women (ACT 77/051/2004)*

Spotlight on Ethiopia

Kifle Mulat, president of the Ethiopian Free Press Journalists Association (EFJA), received a prestigious media award in London from AIUK for “Human Rights Journalism Under Threat” on 13 May. The EFJA, currently suspended by the Ethiopian government, has documented hundreds of arrests of journalists and their court cases and has led opposition to an even harsher Press Law being prepared by the government. Kifle Mulat, who edits his own newspaper, *Lissane Hizeb* (Voice of the People), has been a prisoner of conscience more than six times in the past decade on account of published articles critical of the government.

In March AI made its first allowed visit to Ethiopia since 1999. During a meeting with Ethiopian government officials, AI delegates called for an independent inquiry into the ethnically targeted Gambella killings. Over 300 members of the Anwyaa ethnic group (also known as Anuak) were reportedly killed on 13 December 2003 in Gambella town in the south-west in a rampage by members of “highland” ethnic groups, allegedly in conjunction with members of the army and regional police. The government claimed only 57 were killed. It appeared to be a revenge attack for the murders of eight people nearby in a UN vehicle, including a police officer and three Ethiopian refugee staff.

Although the Ethiopian parliament set up an inquiry into the Gambella killings in March 2004, AI fears that it will not be independent and impartial.

Delegates also called for an impartial investigation into the recent arrests and ill-treatment of Oromo. Several people have been reportedly shot dead by police during student demonstrations throughout Ethiopia’s Oromia region since February. Hundreds of others were arrested and ill-treated. The demonstrations were sparked off by the government’s order relocating the Oromia regional administration from the national capital, Addis Ababa, to Adama (also known as Nazareth), a town in the south-east.

Noam Chomsky talks to AI staff in London

Renowned linguist, scholar and political analyst Noam Chomsky gave a thought-provoking talk at AI’s International Secretariat, London, on 20 May. His lecture covered analyses of the situations in Iraq and Israel and the Occupied Territories, as well as reflections on the foreign policy of the USA. As Professor Chomsky says: “The fundamental issues in Iraq and Palestine have to do with sovereignty: will the US permit authentic sovereignty? The issues go to the heart of longstanding US foreign policy goals, which have been articulated and implemented in an extreme – and very ominous – form by the current administration.” Noam Chomsky is known for his work on Palestine and the Middle East, East Timor, the Gulf War and the mass media.

Trials begin before Special Court for Sierra Leone

Achieving justice for some of the thousands of victims of killings, mutilation, rape, sexual slavery and conscription of children during Sierra Leone’s internal armed conflict took a step forward as trials began before the Special Court for Sierra Leone in June.

Eleven people, from all parties to the conflict and including former Liberian president Charles Taylor, have so far been indicted by the Special Court for bearing “the greatest responsibility” for crimes against humanity, war crimes and other serious violations of international law.

In landmark rulings, the Special Court decided in March that the amnesty in Sierra Leone’s 1999 peace agreement did not apply to these crimes, and in June that Charles Taylor had no immunity from prosecution by virtue of his position as a head of state.

UN resolution on death penalty

A UN resolution calling for a worldwide moratorium on executions has been co-sponsored by 76 countries, one more than in 2003 and the highest number ever. Resolution 2004/67 was adopted by the UN Commission on Human Rights on 21 April.

The resolution, backed by the European Union (EU), was sponsored by all EU countries and by many others from different parts of the world, including Iraq, Kiribati, Samoa and the Solomon Islands for the first time.

The text of the resolution is available on the website of the UN High Commissioner for Human Rights at www.unhcr.ch