

The Wire

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State of denial: Europe's role in rendition and secret detention

"I was hung like slaughtered cattle, head down, feet up, hands tied behind my back, feet also tied together, and

I was exposed to electric shocks all over my body and especially the head... and in the nipples and my genitals..." Abu Omar, describing his torture after his rendition to Egypt

Usama Mostafa Hassan Nasr, usually known as Abu Omar, was walking down a street in Milan, Italy, on 17 February 2003 when he was abducted. He was then handed over to US agents, taken to Aviano airbase in northern Italy and flown, via Germany, on a CIA-chartered jet to Cairo, Egypt. There he was secretly detained for 14 months. He says that he was tortured up to 12 hours a day for seven months. He was finally released in February 2007.

Abu Omar is one of many victims of the USA's programmes of rendition and secret detention carried out in the context of the "war on terror". The victims were detained and then transferred to the custody of another state, covertly and outside any judicial process, and transported to another country. Some have been transferred from US custody to countries where torture or other ill-treatment are routinely used; others were transferred to official US detention centres in Guantánamo Bay or in Afghanistan. Others were held in secret detention in so-called "black sites" operated by the CIA. All were held without access to their families or lawyers. All were tortured or otherwise ill-treated.

The extent of European states' involvement in renditions and secret detention, long known despite official denials, has become increasingly clear as a result of numerous, painstaking investigations, including by Amnesty International.

That role has ranged from active participation to tacit collusion. European agents have detained suspects and turned them over to US custody without judicial process. Europe's airports have been freely used by CIA-operated planes that have transported victims of rendition, hooded and chained, to interrogation and torture in locations around the world.

Between 2002 and 2005, Europe was host to CIA "black sites". Victims of these programmes have been held in solitary confinement in undisclosed locations for years on end, conditions that violate the prohibition on torture and other ill-treatment. Furthermore, US authorities have acknowledged that the CIA uses a range of "enhanced interrogation" methods on detainees held in secret. In February 2008, the Director of the CIA confirmed that three detainees were subjected to the torture method known as "waterboarding" in secret detention in 2002 and 2003.

Amnesty International is calling on European states to:

- Condemn rendition and secret detention as unlawful.
- Investigate effectively, independently and impartially allegations of involvement of its agents or territory in renditions, secret detention or enforced disappearances.
- Bring to justice anyone reasonably suspected of being responsible for human rights violations in connection with renditions, secret detention and enforced disappearance.
- Ensure accountability of domestic and foreign intelligence agencies.
- Prevent secret detention and renditions by introducing measures that include: only transferring individuals to the custody of another state, or facilitating such a transfer, if the transfer is carried out under judicial supervision, and ensuring that no one is forcibly returned to any place where they may be at risk of serious human rights violations.
- Provide reparations for victims of rendition, secret detention and enforced disappearance.

For further information, see State of denial: Europe's role in rendition and secret detention (EUR 01/003/2008).

[*Photo caption:* Rendition victim Abu Omar talking to reporters after his release by the Egyptian authorities in 2007. © AP Graphics Bank]

Migrants attacked in South Africa

Discrimination against immigrants, refugees and asylum-seekers by officials and police services has been unchecked. This has allowed public hostility to fester, particularly in poorer urban communities, and eventually to erupt into deadly violence.

Thousands of foreign nationals still fear for their lives following the outbreak of violence that spread through South Africa during May.

The attacks, which began in Alexandra townships on 11 May, left more than 60 dead and tens of thousands displaced, among them migrant workers, asylum-seekers and others seen as “foreigners”. As well as killings, beatings and sexual assaults, property was destroyed and looted.

Immigrants from Zimbabwe, Mozambique, Somalia and Malawi were among those singled out. Black South Africans from smaller linguistic groups were also attacked. Thousands fled back to their home countries, including more than 30,000 Mozambicans. Others sought refuge in churches, police stations and community halls. In the following weeks municipal authorities began to move scattered groups of displaced people into consolidated “camps”.

Migrant labour has long formed part of the South African economy. However, despite economic growth, unemployment remains high and there is a severe shortage of housing. In this climate of economic hardship and rising crime, migrants are being blamed for others’ suffering.

President Thabo Mbeki and his government publicly condemned the attacks and took measures to help restore security and investigate suspected perpetrators. President Mbeki also appointed a team to examine the causes of the attacks following suggestions by government and African National Congress officials that a politically motivated “third force” had been fomenting the violence.

Whether or not this is true, Amnesty International has urged the government to establish an independent, impartial and judicially led inquiry into the violence. It should investigate fully any evidence of negligence by law enforcement officials. Did they fail to act on information provided to them? Did they turn a blind eye to incidents of violence?

In addition, it should examine contributory factors such as discriminatory practices and attitudes towards asylum-seekers, refugees and migrants by officials. It should investigate allegations of enduring patterns of discrimination by officials from the Department of Home Affairs, the police services and also the magistracy.

Such discrimination can result in asylum-seekers being denied access to asylum determination procedures. It places individuals at risk of arbitrary arrest, unlawful deportation or forcible return to their countries of origin where they may be subjected to further human rights violations.

Amnesty International has called on the South African government to take all necessary measures to protect the human rights of people displaced by the violence. All those affected should have access to humanitarian assistance, legal remedies, counselling support and full and fair asylum procedures, and repatriation must be voluntary.

[*Photo caption:* Mozambicans displaced from their South African homes wait for a bus to take them back to their country. © Associated Press / Jerome Delay]

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China’s human rights record overshadows Olympic spectacle

On the eve of the 2008 Olympic Games, the world’s eyes are turning to Beijing. As preparations are being finalized for one of the most spectacular Games ever staged, what will be the legacy for China? Seven years after the Olympics were awarded to Beijing, when members of the city’s bid committee stated that human rights would improve through the hosting of the Games, in several areas the situation has in fact deteriorated rather than improved. Repression against activists and

journalists, as well as the “clean up” of Beijing, is occurring not despite the Games but because of them.

People who speak out against human rights violations have been swiftly silenced. Land rights activist Yang Chunlin was sentenced to five years in prison in March for “inciting subversion” after he led a petition campaign under the banner, “We don’t want the Olympics, we want human rights”. He was initially denied access to lawyers because his case apparently involved “state secrets”. He was also reported to have been tortured by police but was denied the opportunity to raise these allegations in court. When he attempted to speak to his family in court he was hit several times with electro-stun batons.

Housing rights activist Ye Guozhu, who opposed the seizure and demolition of property to make way for new Olympics construction projects, is serving a four-year prison sentence after he applied for permission to hold a demonstration against forced evictions in Beijing. He was convicted in December 2004 of “picking quarrels and stirring up trouble” and according to local sources has been tortured in prison.

The Chinese authorities are keen to ensure that their country is presented as stable and modern. To this end, Beijing police have stepped up their efforts over recent months to “clean up” the city in the run-up to the Olympics. An official campaign aimed at “uprooting illegal activities that tarnish the city’s image and affect the social order” was reported in the state media and has targeted beggars, unlicensed peddlers and flyer distributors among others. Potential punishments included fines and detention – possibly for up to four years without trial.

In Tibet and Tibetan areas of neighbouring provinces, serious violations have been occurring since March and hundreds of people have been detained. Although some protests turned violent, police appear to have used excessive force in policing demonstrations, arbitrarily detaining peaceful protesters and violating freedom of expression and assembly. The unrest highlights the Chinese authorities’ failure to deal with longstanding grievances, including freedom of religion.

Recent encouraging moves in China, such as reform of the death penalty system and greater reporting freedom for foreign journalists to report news, are being overshadowed by repressive controls on protest and dissent, and the “cleaning” of Beijing. As the Games near, the spectacle and the excitement grow, but how can the Games have a lasting positive legacy when human rights have been so roundly violated in their preparation?

[Photo caption-Main photo: Hurdling over barbed wire.

Inset photos clockwise from top: Campaigning events by Amnesty International sections: Nepal, UK, France, Japan. Police supervise drug rehabilitation patients, Kunming, Yunnan Province; police carry computer equipment from an unauthorized internet café, Beijing; a protester calling for the abolition of the death penalty in China; police detain a Falun Gong protester in Tiananmen Square, Beijing. © Main pic: © Amnesty International Belgium; insets clockwise from top: © Amnesty International, © Amnesty International, © Laurent Hini, © Amnesty International, © Guang Niu / Getty Images, © EyePress / AP / PA Photo, © Private, © Chien-min Chung / AP / PA Photo]

Worldwide Appeals

Laos: Imprisoned after unfair trial

Ethnic Hmong Lao nationals Thao Moua and Pa Fue Khang are serving prison sentences of 12 and 15 years respectively for assisting two European journalists and their interpreter.

The journalists were researching ethnic Hmong hiding in the Lao jungle. The Hmong regularly come under attack by the Lao military and are forced to live on the move, putting them at risk of starvation and disease. Thao Moua, Pa Fue Khang and Char Yang were working as guides for the group when they were arrested on 4 June 2003. During pre-trial detention, the three guides were reportedly made to wear leg shackles and were beaten with sticks and bicycle chains. Thao Moua and Pa Fue Khang were brought to trial, along with the journalists and interpreter, in Xieng Khouang province on 30 June 2003. Char Yang escaped detention and was tried in his absence.

The trial lasted less than three hours. Thao Moua and Pa Fue Khang had no legal representation, and the outcome of the trial was apparently pre-determined. All the defendants were handed down lengthy prison sentences; however, the journalists and interpreter were released and deported on 9 July 2003. Thao Moua and Pa Fue Khang were transferred to Samkhe prison in Vientiane, where Hmong prisoners are at risk of torture, denial of medical care and other ill-treatment. Amnesty International believes that the unfair trial was politically motivated.

*Please write, calling for Thao Moua and Pa Fue Khang to be given a prompt and fair retrial which meets international standards. Urge the authorities to investigate the allegations that they were tortured in detention and ensure those responsible are brought to justice.

Send appeals to: Bouasone Bouphavanh,
Prime Minister, Prime Minister's Office, Rue Sisavat, Vientiane, Laos
Fax: + 856 212 13560
Salutation: Dear Prime Minister

[*Photo caption: Thao Moua (left) and Pa Fue Khang. © Private (both images)*]

Viet Nam: Critic of government silenced

Truong Quoc Huy is serving a six-year prison sentence for his peaceful political beliefs. He was arrested at an internet café in Ho Chi Minh City on 18 August 2006 by plain-clothes policemen. He had previously been arrested at his home in October 2005, along with two brothers and a female friend, by 50 police officers who beat and kicked them. They had been taking part in a chatroom discussion entitled "the voice of people in Viet Nam and abroad". Truong Quoc Huy, his brother Truong Quoc Tuan and their friend were charged with "carrying out activities aimed at overthrowing the peoples' administration" and held for nine months, during which time they were refused legal representation and family visits. After his release, Truong Quoc Huy said he would continue to criticize the government and expressed his support for Bloc 8406, an online petition calling for peaceful political change and respect for human rights. His comments may have prompted his re-arrest on 18 August 2006.

Truong Quoc Huy was tried on 29 January 2008, before which his family had no news about him and did not know where he was being detained. He was charged under Article 88 of the Penal Code for "conducting propaganda against the Socialist Republic of Viet Nam", and sentenced to six years in prison followed by three years' house arrest. Amnesty International considers him to be a prisoner of conscience, detained for exercising his right to freedom of expression and association.

*Please write, calling for Truong Quoc

Huy to be released immediately and unconditionally, along with all other prisoners in Viet Nam charged for exercising their right to freedom of expression.

Send appeals to: Nguyen Tan Dung, Prime Minister, Office of the Prime Minister, Hoang Hoa Tham, Ha Noi, Viet Nam

Fax: + 844 823 1872

Salutation: Dear Prime Minister

[*Photo: © Private*]

Mexico: Indigenous defendant's rights not upheld

Seven years into a 22-year prison sentence, the case of Ricardo Ucán Ceca serves as a grave reminder of discrimination against Indigenous communities in Mexico. He was sentenced for murder in June 2001 during an unfair trial in which he was denied basic rights.

In 2000, Ricardo Ucán claimed to have shot his neighbour, Bernardino Chan Ek, in self-defence during a dispute over a plot of land. However, he stated that he understood and spoke little Spanish and could not read or write. Despite this,

his right to have an interpreter present at his trial was not upheld. This restricted his understanding of the proceedings and limited his ability to explain the circumstances surrounding the death of his neighbour.

In addition, the public defender appointed to Ricardo Ucán's case did not discernibly participate in the process, sign the record of his statement or support his declaration that he had acted in self-defence. The judge also failed to take into account the absence of the public defender's signature from Ricardo Ucán's statement, which was illegally amended in subsequent copies.

Subsequent appeals have failed, seemingly due to discrimination which frequently results in Indigenous defendants facing unfair trials and excessive sentences. Higher courts ruled that an interpreter is for the benefit of the judge, not of the defendant. Furthermore, they said there was no evidence that Ricardo Ucán's Indigenous community had a specific cultural identity, which they claimed was a prerequisite for being recognized as Indigenous and therefore being eligible for an interpreter.

*Please write to the Governor of Yucatán State, expressing concern at the discrimination against Ricardo Ucán Ceca and the violation of his right to a fair trial with an interpreter and adequate defence. Call for him to be retried in line with international fair trial standards.

Send appeals to: Ivonne Aracelly Ortega Pacheco, Gobernadora del Estado de Yucatán, Palacio de Gobierno, Calle 61, Col. Centro, Mérida 97000, Estado de Yucatán, Mexico

Fax: +52 999 930 3100, Ext. 10055

Email: ivonne.ortega@yucatan.gob.mx

Salutation: Dear Governor

[Photo: © Equipo Indignación]

Update

Still unjustly imprisoned in Cambodia

Born Samnang and Sok Sam Oeun have now spent more than four years in prison for the murder in January 2004 of prominent trade union leader Chea Vichea. They have always protested their innocence and human rights groups and journalists found that both men had strong alibis. Amnesty International believes they were convicted and imprisoned unjustly.

It was widely believed at the time of the shooting that Chea Vichea's murder was politically motivated. It created intense domestic and international outrage and the authorities were under severe pressure to find the perpetrators. At the time of the arrests of Born Samnang and Sok Sam Oeun, Phnom Penh's police chief declared publicly: "We have found the killers who directly committed the killing of Chea Vichea" – thereby undermining all pretence of a fair hearing.

Shortly after the trial in 2005, a key witness to the murder, now a refugee in a third country, came forward with testimony that Born Samnang and Sok Sam Oeun were not present at the murder scene. A few days later, the police chief who had made the remarks above admitted that at the time of the arrests he had understood the two men "had nothing to do with the murder". The victim's brother refused to accept the financial compensation ordered by the court, saying that these were "not the real killers". The two men are currently serving 20 years' imprisonment in Phnom Penh. A second appeal in the Supreme Court is due to be scheduled. *See Worldwide Appeals* September 2006 and May 2007.

[*Photo caption: Sok Sam Oeun (left) and Born Samnang. © Heng Sinith*]

Baha Mousa's death - UK government announces a public inquiry

On 14 May 2008, the UK Ministry of Defence announced that a public inquiry will be held into the case of Baha Mousa, who died on 15 September 2003 after being tortured while being detained by UK troops in Basra, Iraq.

The UK authorities have confirmed that the inquiry is to be held under the controversial Inquiries Act 2005. Amnesty International is concerned that an inquiry held under this legislation may not be fully independent of the government.

Amnesty International has called for the inquiry to be given a broad enough remit to allow it to fully investigate the chain-of-command procedures which led to detainees being subjected to treatments such as hooding, sleep deprivation and being placed in stress positions. Thank you to all those who have campaigned on Baha Mousa's case. Please do not send any further appeals; we will issue further information as soon as it becomes available.
See Worldwide appeal June 2007.

[Photo: © Private]

Equatorial Guinea - Presidential pardon for prisoners of conscience

Fourteen prisoners of conscience were among some 35 prisoners pardoned by President Teodoro Obiang on 5 June. The decree announcing the releases on the occasion of the President's 66th birthday was read on national radio and television during the evening of 4 June.

Those pardoned included Reverend Bienvenido Samba Momesori, a prisoner of conscience who had been held without charge or trial since his arrest in October 2003. This is the second time Reverend Samba has been released under a presidential pardon; in 1998 he was arrested and sentenced to death. This sentence was commuted to life imprisonment and in 2002 he was released. Reverend Samba's son thanked Amnesty International for its "support and collaboration to release my father."

Felipe Ondo Obiang, Guillermo Nguema Ela and 11 other members of the banned political party Democratic and Republican Force (Fuerza Demócrata Republicano), whom Amnesty International also considered prisoners of conscience, were also pardoned. Following an unfair trial in 2002 they were each sentenced to 20 years' imprisonment for attempting to overthrow the government and kill the President.

Brígida Asongsua Ela, Guillermo Nguema's wife, was also recently released from prison after being held for nearly five months without charge or trial in harsh conditions. She also told Amnesty International "you have done a lot, a lot, a lot. I have no words to thank you for all you have done over the years."

Amnesty International welcomes the release of these prisoners of conscience. However, at least six people who have been detained since 13 March 2008 continue to be held without charge or trial. Some have reportedly been tortured in detention. Some may be prisoners of conscience arrested solely for their past membership of a banned political party. Amnesty International is calling for them to be immediately released or promptly charged with a recognizably criminal offence.

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Act for equality! Pride 2008 in Latvia

"We will come back again and fight for the rights of lesbians, gay men and bisexual and transgender people in Latvia." Amnesty International delegate Anders Dahlbeck.

Amnesty International sections from around the world took part in Riga Pride on 31 May 2008. They came to express their support for activists in Latvia promoting the human rights of lesbians, gay men and bisexual and transgender (LGBT) people. Around 300 to 400 people joined the march, organized by the LGBT rights organization Mozaika.

In some previous years Pride marches have had to be cancelled because of attacks by counter-demonstrators, inadequate police protection and fears for the safety of participants. With police protection and international support, and in defiance of counter-demonstrators, Pride 2008 was able to go ahead as a vibrant affirmation of LGBT rights and activism.

[Photos clockwise from left: An Amnesty International activist marches with pride; Mozaika leads the Pride March, 31 May 2008; Counter-demonstrators; Amnesty International delegates from around the world gather at the start of the march; Counter-demonstrators chanting homophobic abuse. © Amnesty International / Caco Verhees, © AI / Kaare Viemose, © AI / Kaare Viemose, © AI, © AI / Kaare Viemose]

Day for Darfur's displaced children

“How many are dead and who will look after the families? Look at the camps — there is no security and no secondary schools. This generation will be the generation of anger, boys and girls.”

A Darfur political activist

Of the 4 million people affected by the conflict in Darfur, 1.8 million are children. Around 1 million children have been displaced. Displaced girls living in camps remain at particular risk of abuse when venturing outside in search of firewood or to go to the market.

Amnesty International sections and structures from 23 countries across the world participated in the Global Day for Darfur on 13 April 2008 to call for the effective protection of children in Darfur by the UN-African Union peacekeeping forces.

[Photos clockwise from top: Footballers displaying Day for Darfur T-shirts during a tournament organized by Amnesty International Mali; Children take part in Amnesty International Switzerland's Day for Darfur action; Amnesty International UK protest outside the Sudanese embassy, UK. © Amnesty International, © Amnesty International, © Amnesty International]

Living in the shadow of the bulldozers

People in ‘Aqaba, a small Palestinian village in the occupied West Bank, have long lived with the fear that their homes may be demolished.

Since the late 1990s the Israeli army has issued demolition orders for 35 of the 45 homes and other buildings in the village, including the kindergarten, the clinic and the mosque. Hundreds of residents have been forced to leave because they were not allowed to build a home on their land. Sheikha Sbeih, a widow and mother of 10, told Amnesty International: “All my children were forced to leave ‘Aqaba because they could not take the risk of building a home [and then] for it to be destroyed. I’m ill and can’t have my children near me. I tried to build a small house for my two youngest sons, so that they too won’t have to leave when they get married. It’s a little house, just two rooms each. But just as we finished building it, in May 2007, the demolition order arrived.” On 17 April 2008 the Israeli High Court rejected the villagers’ petition to have the demolition orders rescinded. The Israeli army told the court that it had no immediate plans to demolish the buildings in the centre of the village. ‘Aqaba’s residents must ponder the value of preserving their public buildings, however, if their present homes are destroyed and their children are not allowed to build homes in the future.

Mohammed Salah Talib, aged 70, held back tears as he recalled the day in 2003 when his home was demolished: “Israeli soldiers came with tanks and bulldozers, and got us out of the house – the whole family: me, my wife, our children and grandchildren. Then they destroyed the house and damaged the water reservoir. Since then I’ve been living in a nearby cave and some of my children were forced to move to another village. But this is where our land is, so now we are rebuilding our home.”

Since the 1967 Israeli occupation of the West Bank, thousands of Palestinian homes have been demolished. ‘Aqaba lies in an area where Palestinians have consistently been denied the right to build on and develop their land. At the same time, Israeli settlements continue to expand in the region, in violation of international law.

[Photo caption: Palestinian women’s NGO and kindergarten threatened with demolition in ‘Aqaba village in the Occupied West Bank. © Amnesty International]

Kenyan truth commission seriously flawed

The proposed truth commission in Kenya has severe implications for human rights.

On 4 March 2008, parties to the Kenyan mediation process agreed on the establishment of a Truth, Justice and Reconciliation Commission. The mediation was initiated after violence in the wake of the December 2007 disputed presidential elections. The draft legislation that would establish the Commission — which would investigate human rights violations committed between 12 December 1963 and 28 February 2008 — is due to be debated in Parliament in the coming weeks.

In May Amnesty International published a report outlining its concerns about the proposed Commission, in particular the risk that those responsible for gross human rights violations such as torture, enforced disappearance and extrajudicial executions could benefit from amnesties. The report called for amendments to ensure that the rights of victims of human rights violations are respected.

See Kenya: Concerns about the Truth, Justice and Reconciliation Commission Bill (AFR 32/009/2008).

Land protest success wins concessions

In June 2008, AbitibiBowater, one of the world's largest forestry companies, announced a dramatic reduction in logging at Grassy Narrows in Ontario, Canada.

In 2002 members of the Indigenous community at Grassy Narrows launched a blockade in protest at the extensive logging of traditional territories still used for hunting, trapping and other subsistence and cultural activities. In May 2008 the Ontario authorities began formal negotiations with the community, which it is hoped will provide the people of Grassy Narrows a measure of control over the management of the disputed forest.

AbitibiBowater's mill accounted for roughly half the wood being logged at Grassy Narrows. Earlier this year the paper company Boise said it would stop buying wood fibre from the AbitibiBowater mill that had been logged at Grassy Narrows without the community's consent.

Amnesty International continues to call on the Canadian authorities to implement effective interim protections to stop all large-scale logging at Grassy Narrows pending the outcome of the negotiations.

The ASEAN Charter and human rights – window of opportunity or window dressing?

In November 2007, leaders of the Association of Southeast Asian Nations (ASEAN) signed the ASEAN Charter. As a result of tireless campaigning by civil society organizations in the region, the Charter includes several strong, albeit general, obligations to respect and protect human rights. The Charter provides for the establishment of a "human rights body", and includes an obligation by states to act out of "respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice". The Charter will become legally binding when ratified by all 10 member states. To date, six member states have ratified.

Several ASEAN member states have poor human rights records. Myanmar is a glaring example. However, if implemented fully and in accordance with international standards, the Charter, together with other human rights instruments adopted by ASEAN in recent years, could herald a new era for human rights in the region.

ENDS