



## GLOBAL UPDATE:

### EVENTS COVERING THE PERIOD FROM 1 JANUARY TO 15 MAY 2010

Issue date: 27 May 2010

Please note: This document is embargoed until 23.01 GMT on 26 May 2010

#### OVERVIEW:

Following on from the picture painted in 2009, the first few months of 2010 saw great strides made in accountability in some areas – such as the sentencing of Reynaldo Benito Bignone, Argentina's last military president, to 25 years' imprisonment for human rights violations – but half-hearted, drifting attempts with no resolution in others – such as the lacklustre response to UN deadlines for investigations from Palestinian and Israeli parties to last year's conflict in Gaza.

Natural disasters and the international response to them compounded pre-existing human rights problems, for example in Haiti, and illustrated how crucial the fundamental respect of human rights is in building strong infrastructures and stable societies.

Innate insecurity – of person and of livelihood – continued to stalk millions, whether they were struggling to survive such natural disasters, or conflict, or found themselves in post-conflict situations. Others faced deep insecurity simply going about their daily lives, trying to earn a living and keep a roof over their heads in their slum environment.

Shocking examples of the use of the death penalty against juvenile offenders, or after unfair trials or coerced confessions, and worrying retreats by some countries, reminded the world that we cannot take eventual abolition of the death penalty for granted and must keep pushing.

Freedoms of assembly and association were given short shrift by those consolidating their power.

#### KEY MOMENTS in 2010 BY REGION:

##### AFRICA

- **Kenya:** On 31 March, the Pre-Trial Chamber of the International Criminal Court (ICC) issued a decision accepting the ICC Prosecutor's November 2009 application to officially open investigations into alleged crimes against humanity committed during the post elections violence and police and military operations in 2008.
- **Kenya:** The work of the Kenya Truth, Justice and Reconciliation Commission (TJRC), established after the post election violence, stalled in April after TJRC commissioners petitioned the Chief Justice to investigate allegations that the commission's chair, Ambassador Bethwel Kiplagat has a conflict of interest in his role.
- **Sudan:** Presidential and legislative elections took place in April with restrictions on essential freedoms in the run-up to the elections. President Al Bashir was elected as President with 68 per cent of the

vote after many of the main opposition parties withdrew their candidates over fraud allegations. International election observers from the Carter Center and the European Union stated that the elections did not meet international standards. Observers still recognized the elections as an important step in the implementation of the Comprehensive Peace Agreement.

- **Sudan:** Fighting continued in Jebel Marra, Darfur, between government forces and armed opposition groups. Accurate information remains unavailable as UN and humanitarian organizations were denied access to the area by the government.
- **Sudan:** In February 57 people charged for their alleged participation in the attack on Khartoum in 2008, including 50 that had been sentenced to death, were released as a result of a Framework Agreement to resolve the conflict in Darfur that was signed by the government of Sudan and the armed opposition group Justice and Equality Movement.
- **Eastern Chad:** The Chadian government requested that the military component of the UN mission (MINURCAT) leaves the country when its mandate expires on 26 May. Negotiations between the Chadian government and the United Nations led to a proposal whereby MINURCAT would be extended beyond May but the mission would no longer have the resources or mandate to protect civilians. There is a real risk that civilians will be exposed to increased attacks from various parties, including Chadian armed opposition groups, irregular militias, criminal elements and members of the Chadian security forces. Those responsible for carrying out these abuses enjoy almost total impunity. The Chadian security forces have been unable and unwilling to protect the population in eastern Chad in recent years which include 250,000 Sudanese refugees from Darfur and 170,000 displaced Chadians.
- **Democratic Republic of Congo (DRC):** The government requested a withdrawal of the UN mission (MONUC) by June 2011 and a withdrawal of UN troops not involved in eastern DRC by 2010. The UN Security Council will take a decision on MONUC after a visit of the UN SC to the DRC in May. A premature withdrawal of the military component of MONUC would compromise the security of civilians in the DRC and would lead to an upsurge of violence.

## AMERICAS

- **Argentina:** Reynaldo Benito Bignone, Argentina's last military president, was sentenced to 25 years' imprisonment for human rights violations. The tribunal convicted General Bignone and five other former officials of responsibility for enforced disappearance and torture involving 56 people from 1976 to 1978 at the notorious Campo de Mayo military detention centre on the outskirts of Buenos Aires.
- **Brazil:** The Supreme Federal Court in April ruled to uphold the interpretation that crimes committed by members of the military government between 1964 and 1985 were political acts and therefore covered by the 1979 Amnesty Law. The 1979 Amnesty Law protects members of the former military government from being put on trial for extrajudicial killings, torture and rape. Unlike many other countries in the region, Brazil has not brought to justice any of those accused of gross human rights violations committed during past periods of military rule.
- **Colombia:** In January, several senior officials from the civilian intelligence service (DAS), which reports directly to the president, were charged with various offences in connection with a massive and longstanding illegal operation against perceived opponents of the government, including human rights defenders, some of whom were subsequently threatened, killed or subjected to unfounded criminal proceedings. However, doubts remain over who ultimately ordered the operation and whether illegal wiretapping and surveillance continues.
- **Haiti:** The devastating earthquake in January killed more than 225,000 people and forced the displacement of more than a million people into makeshift camps in Port-au-Prince and other localities. Living conditions in the camps remain dire in spite of a strong presence of international humanitarian organizations. Failure to protect women and girls from sexual and gender-based violence remains a source of great concern.
- **Honduras:** Six Journalists were killed between March and April, following a year of violent attacks and threats against journalists, particularly targeting those investigating organized crime or human rights

violations and those who speak out about the June 2009 coup, when then president Jose Manuel Zelaya Rosales was forced into exile.

- **USA:** In the counter-terrorism context, accountability for past human rights violations by the USA remains largely absent, particularly in relation to the CIA programme of secret detention. In litigation, the US administration continues to block remedy for victims of such human rights violations. 181 detainees remain in Guantánamo despite President Obama's commitment to close the detention facility by January 2010. A new Manual for Military Commissions released by the Pentagon in April confirmed that even if a detainee is acquitted by a military commission, the US administration reserves the right to continue to hold them in indefinite detention.

## ASIA-PACIFIC

- **Afghanistan:** The upcoming Advisory Peace Jirga (an Afghan term for a major forum of tribal elders and political leaders) is due to be held on 29 May 2010 in Kabul. It will discuss peace talks with the Taliban, and comprise more than 1,000 representatives of the government, judiciary, religious leaders, representatives of different groups of the society, and the international diplomatic missions.
- **Sri Lanka:** The ruling UPFA party won the majority of seats in the 8 April Parliamentary elections, reinforcing President Rajapaksa's hold on power. The President dissolved the Ministry of Human Rights. He appointed a controversial politician accused of organizing and even participating in physical attacks on journalists as Deputy Minister for Mass Media and Information. On 5 May, however, the new minister resigned after international media groups denounced his appointment. Vinayagamoorthy Muralitharan was appointed Deputy Minister for Resettlement. He is better known as Colonel Karuna, the former leader of a breakaway faction of the LTTE who Amnesty International has said should be investigated for recruiting and deploying child soldiers and other violations of human rights.
- **India:** A government-appointed expert panel published a report on the activities of international mining company Vedanta Resources, confirming the human rights abuses committed by the company that Amnesty International had highlighted in February 2010. The panel's report followed persistent protests from Indigenous communities in Orissa, eastern India, and intense campaigning by Amnesty International and other INGOs. The Indian government is believed to have sought an official explanation from the authorities in Orissa, stalling the construction of the proposed bauxite mine.
- **Myanmar:** On 8 March, the Myanmar government enacted five laws in relation to the national and regional elections – the first in 20 years – expected to take place towards the end of this year. One of these laws, Political Parties Registration Law, bars all political prisoners, including detained Nobel Peace-prize winner Daw Aung San Suu Kyi, from belonging to a political party. This put Daw Suu's party, the National League for Democracy (NLD), in a dilemma: either it no longer accepts her as a member of the party so that it can re-register within 60 days of 8 March in order to contest the elections (this is another requirement of the law), or it chooses not to re-register (thereby not taking part in the elections) and faces the scenario of dissolution. At the end of March, the NLD decided to boycott the elections, on the grounds that the electoral laws are "unfair and unjust". A number of other smaller parties representing ethnic minorities have since followed the NLD's decision and announced their boycott of the polls.
- **Thailand:** The United Front for Democracy against Dictatorship (UDD) returned to the streets in growing numbers in March. They have been demonstrating in Bangkok since 12 March, demanding the dissolution of Parliament, followed by new elections. Many UDD members, commonly known as "Red Shirts" for the colour of their clothing, are allied with former Thai Prime Minister Thaksin Shinawatra, deposed in a 2006 coup d'etat and currently in self-imposed exile. In early May, Prime Minister Abhisit announced a five-point reconciliation plan, including elections in November and the dissolution of Parliament in September.
- **China:** The harassment of Rights Defence lawyers continues. Recent actions include revoking licences of two well-known lawyers – new Measures for the Penalty of Unlawful Activities by Lawyers and Law Firms – recently promulgated by the Ministry of Justice, which will take effect on 1 June 2010. There are also an increasing number of reports of lawyers barred from working in locales where they do not have household registration (hukou), even though this is not required in law.

- **Death penalty:** In Taiwan although the government maintains that its long-term goal is abolition, on 30 April it executed four men, ending a moratorium in place since 2005. Recent statements and actions by the government of South Korea have raised concerns that it will resume executions in the near future. The South Korea Constitutional Court failed to rule that the death penalty was incompatible with the Constitution.

## EUROPE AND CENTRAL ASIA

- **Kyrgyzstan:** In early April, tension between the government and opposition supporters over rising energy prices and official corruption, escalated into violent confrontations between security forces and protestors in several cities throughout the country. Violent protests in the capital Bishkek on 7 April reportedly left 85 people dead and hundreds injured. Opposition supporters took control of the Presidential administration on 8 April and a group of 14 opposition party leaders formed an interim government. The appointed leader Roza Otunbaeva, an ex-foreign minister, reported that the interim government – set to remain in power until elections are held in October – was fully in control of the country and had dissolved parliament and appointed new ministers. President Bakiev resigned on 15 April and left Kyrgyzstan for neighbouring Kazakhstan and eventually Belarus.
- **Russian Federation:** On 29 March, a double suicide bombing on two central Moscow subway stations during the height of the city's rush hour led to 40 deaths and more than 60 injuries.
- **Georgia:** De facto authorities in the breakaway regions of Abkhazia and South Ossetia as well as Russian armed forces continued to restrict rights and freedoms of civilians in areas under their control as well as in the areas close to the administrative border line (ABL). Ethnic Georgians in Abkhazia reportedly suffered harassment by Abkhaz and Russian forces. According to reports shootings and incidents of harassment of the civilians also continued in some of the villages close to the ABL with South Ossetia. There were also frequent reports of civilians being detained for alleged illegal crossing of ABL between Georgia and South Ossetia.
- **Balkans and legacy of war crimes:** On 18 January the Bosnia and Herzegovina State Prosecutor's Office issued an indictment against Dusko Jevic, Mendeljev Djuric and Goran Markovic in relation to their individual and command responsibility for the crimes committed in Srebrenica in July 1995 where more than 7,000 Bosnian Muslim men were killed by the Bosnian Serb Army. The accused are charged with genocide, including the charge of rape. The indictment against the three men is the first one related to the events in Srebrenica. On 31 March, the Serbian Parliament officially condemned the 1995 "massacre of thousands of Muslim men and boys" in Srebrenica and apologized to the victims, but failed to state it was genocide.
- **Belarus:** Two prisoners, Vasily Yuzepchuk and Andrei Zhuk, convicted of murder in 2009, were executed in March without being granted a last meeting with their relatives. Their families were not informed in advance of the execution.
- **Human Rights and security:** On 26 January, a report on secret detentions based on a joint study by, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on Torture, the Working group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances was made public. The report highlighted the global nature of secret detention, and included information on secret detention in European countries. In **Spain**, an official investigation was launched in January into the alleged torture of Ahmed Abderraman Hamed, a Spanish national held at Guantánamo Bay. The court stated in its decision that the US Department of Justice had not taken steps to investigate or prosecute cases of torture in Guantánamo Bay. In **the United Kingdom** in February, the Court of Appeal ordered that previously secret evidence regarding the treatment of British resident Binyam Mohamed in Guantánamo Bay, be disclosed.
- **Italy:** The "Nomad Plan" has resulted in the forced eviction of hundreds of Roma and paves the way for thousands more over the coming months. The measures envisage the destruction of over 100 Roma settlements across Rome and an estimated 6,000 Roma are to be resettled into just 13 new or expanded camps on the outskirts of the city. In the last few months, hundreds of Roma families have already been evicted from at least five different camps.

## MIDDLE EAST AND NORTH AFRICA

- **Egypt:** On 11 May, the renewal of the longstanding state of emergency was pushed through parliament for a further two years. Emergency powers continued to be used throughout the early months of the year to clamp down on dissent, including the arrests of political activists involved with the 6 April movement and members of the Muslim Brotherhood. Some protests were dispersed using apparently excessive force. Political tensions were heightened by the recent illness of President Hosni Mubarak and questions about the succession to his rule, as well as the return to Egypt of Mohamed El Baradei, the well-known former head of the International Atomic Energy Agency, amid speculation that he may stand as a candidate in next year's presidential elections.
- **Egypt:** Border guards continued to use lethal fire with impunity against migrants, possibly including refugees and asylum seekers, trying to cross the into Israel. In all, 16 are known to have been killed in the first five months of 2010, following the killing of 19 others in 2009.
- **Iran:** The government continued to clamp down on all forms of dissent in the wake of the mass demonstrations following the disputed June 2009 presidential elections. The authorities deployed the paramilitary Basij and other security forces to prevent protestors gathering, arrested hundreds more political activists, journalists, students and women's and human rights defenders, and continued to mount grossly unfair "show trials" resulting in long prison terms and, in a few cases, death sentences. Two men were executed in January in connection with the protests. The authorities also took severe measures against ethnic minority activists, such as members of the Kurdish minority, whom they often accused of engaging in armed opposition to the state - in several cases, such accused were executed after grossly unfair trials, as the Iranian authorities maintained their record of being one of the top executors in the world, and of executing juvenile offenders.
- **Iran:** the Iranian authorities rejected out of hand many key recommendations made by other states to improve respect for human rights in the country, as part of the Universal Periodic Review of Iran by the UN Human Rights Council in February.
- **Iraq:** Deadly attacks, including suicide and other bombings targeting civilian areas, were carried out in the run up to and following national elections held on 7 March, by armed groups opposed to the government and the presence of US forces in Iraq. The elections resulted in a narrow victory for Iyad Allaw's Sunni-backed Iraqi List over the State of Law Alliance led by the Prime Minister, amid vote-rigging claims by both sides, and by mid-May no new government had been formed. In the increasing instability and violence, people were also targeted for their religious affiliation, their ethnic identity, their gender, or their professional or other activities, such as journalists and human rights defenders. Tensions also rose in the semi-autonomous Kurdistan Region in northern Iraq, where both independent journalists and supporters of a new opposition party that contested the elections against the two main Kurdish parties, the PUK and the KDP, were targeted for assault, murder or other abuses.
- **Israel/Occupied Palestinian Territories:** A year after the 22-day conflict in Gaza and Southern Israel ended, accountability remained wanting. Both the Israeli and Palestinian sides, however, did submit information to the UN shortly in advance of an early February 2010 deadline for reporting on their own investigations into alleged war crimes and possible crimes against humanity identified in the September 2009 the report of the UN Fact-Finding Mission on the Gaza Conflict (the Goldstone report). The Israeli submission reported that investigations had been or were being conducted, but they failed to satisfy the UN's requirements that they be "independent, credible and in conformity with international standards". The submission by Hamas indicated that the organization had conducted no serious investigations. The UN Human Rights Council agreed to allow more time for the parties to show that they were willing and able to conduct investigations, while keeping open the possibility that the matter could be referred to the ICC Prosecutor. Meanwhile, Israel's continuing blockade of Gaza continued to cruelly exacerbate the devastation of the conflict and its aftermath.
- **Yemen:** Fighting between government forces and Huthi rebels in the northern Sa'dah region ended in February in accordance with a ceasefire agreement between the two parties, but the situation remained unstable. Some 250,000 people are reported to have been internally displaced as a result of the fighting. In the meantime, the government continues to face protests in the south of the country,

in Aden and neighbouring cities and towns, by people alleging discrimination by the authorities in Sana'a, the capital, against those residing in the south. The protests have been further fuelled by government repression and the heavy-handed methods used by the security forces - including alleged extrajudicial executions and excessive and lethal force - in their efforts to clamp down on the protests.

- **Yemen:** The question of the extent of the threat posed by suspected al-Qa'ida militants and the Yemeni government's repressive and sweeping measures to combat it came under the spotlight in early 2010. This followed the alleged attempt by a Nigerian national, who is reported to have visited and received training in Yemen, to blow up a passenger plane on which he was travelling over the USA on 25 December 2009.

ENDS/

Embargoed until 00.01 BST Thursday 27 May 2010