

2004 UN Commission on Human Rights Mission: to promote and protect human rights *Addendum*

Protection of human rights in individual country situations

In its main position paper to the 60th session of the UN Commission on Human Rights (the Commission), Amnesty International (AI) provides information and recommendations in relation to the 18 country situations which the organization expects to be already on the Commission's agenda.¹ Since issuing this document in January 2004, AI has learned of new country initiatives planned by member states. These include the human rights situation in Chechnya, Nepal, Sudan, Uzbekistan and Zimbabwe, and AI is taking this opportunity to present short summaries of its concerns in these countries as well as key recommendations for action by the Commission on each.

However, AI wishes to reiterate that its concerns about the human rights situation in individual countries go far beyond the countries currently under review by the Commission as the organization's annual report and other reports will testify.² It is AI's hope that the information provided will assist the Commission in taking concrete action to end human rights violations wherever these occur. As detailed in the main position paper to the Commission, AI urges member states to review the Commission's approach to human rights promotion and protection and to undertake whatever reform is necessary to enable it to better perform its role as the main human rights body in the UN system. In particular AI calls on the Commission to:

- Reaffirm that promotion and protection human rights in all countries is one of the key functions of the Commission;
- Establish objective and transparent mechanisms for invoking scrutiny by the Commission of the human rights situation in individual countries, taking into account the recommendations by the Special Procedures and the treaty monitoring bodies as well as the demonstrated failure by many states to cooperate with the human rights mechanisms of the UN;
- Create an effective system of monitoring and evaluating implementation by governments of recommendations by the Commission as well as by the Special Procedures in order to achieved increased accountability by states.

¹ 2004 UN Commission on Human Rights, *Mission: to promote and protect human rights*, AI Index: IOR 41/001/2004.

² See Amnesty International Report 2003 (AI Index: POL 10/003/2003) and other documents available on www.amnesty.org.

Chechen Republic

Amnesty International remains deeply concerned about the ongoing human rights crisis in the Chechen Republic, which continues to be characterized by grave violations of human rights and humanitarian law.

The organization has noted with deep regret that, for the past two years, attempts to adopt a resolution on the Chechen Republic at the Commission have failed. The Commission's most recent resolution on the situation of human rights in the Chechen Republic, adopted in 2001,³ strongly condemned the continued use of disproportionate and indiscriminate force by Russian military forces and state agents, including attacks against civilians, breaches of international law and serious human rights violations including "disappearances", extrajudicial, summary and arbitrary executions, torture and other inhuman and degrading treatment. and "all terrorist activities and attacks as well as breaches of international humanitarian law perpetrated by Chechen fighters such as hostage –taking, torture and the indiscriminate use of landmines..". Regrettably, despite continuing reports of grave violations of human rights and humanitarian law, the Commission has failed to pass a resolution on the situation in Chechnya at both the 58th and the 59th sessions in 2002 and 2003, respectively.

Amnesty International urges the Commission to demand that all sides to the conflict in Chechen Republic put an immediate end to the continuing grave and persistent human rights violations and that the authorities of the Russian authorities ensure that such violations are thoroughly and promptly investigated and those responsible are brought to justice in fair trials

Current human rights situation

Russian security forces continue to enjoy almost total impunity for serious violations of human rights and international humanitarian law committed within the context of the ongoing armed conflict in the Chechen Republic. On 6 November 2003, having examined the fifth periodic report of the Russian Federation, the Human Rights Committee expressed its deep concern about "continuing substantiated reports of human rights violations in the Chechen Republic, including extrajudicial killings, disappearances and torture, including rape".⁴

Since mid 2003, Amnesty International has been receiving consistent reports that military raids, which spread fear among the civilian population in the Chechen Republic, are now also taking place in neighbouring Ingushetia. The reports indicate that Russian federal troops as well as pro-Moscow Chechen security forces are responsible for these raids. Despite the introduction, in 2001 and 2002 respectively, of Decree No. 46 and Order No.80 both of which aimed at limiting human rights abuses during raids conducted by the security forces and securing information about the perpetrators of such abuses, targeted raids in the Chechen Republic and Ingushetia have continued to take place, often resulting in arbitrary detention,

³ Commission Resolution 2001/24

⁴ UN Doc: CCPR/CO/79/RUS, para 13.

“disappearances”, torture and ill-treatment and extrajudicial executions. Prosecution of those responsible for such human rights abuses are few and far between.

Tens of thousands of internally displaced Chechens remain in Ingushetia, although many are now returning to Chechnya after having received guarantees from the state that they will receive compensation. The voluntary nature of such returns continues to be called into question; information from both UNHCR and *Memorial* Human Rights Centre include consistent reports of intimidation and harassment of internally displaced people (IDPs) in Ingushetia and of the curtailment of essential utility supplies to IDP camps. According to UNHCR, around 65,000 IDPs still remain in Ingushetia, with 7,000 of these living in tent camps.⁵ Many of the IDPs have expressed fear of returning to the Chechen Republic, while the security situation is still unstable. UNCHR has stated that a return can only be considered voluntary if remaining in Ingushetia is a genuine alternative and if the IDPs are fully informed about the conditions for their return to the Chechen Republic. Returns should not only be voluntary but also durable, and take place in safety and with dignity.

Credible reports received by Amnesty International continue to indicate the existence of secret, illegal places of detention where Chechens (mostly men, but also women) detained during raids are held and often tortured. There appear to be a growing number of such places reportedly under the control of the security forces of President Kadyrov. There are also reports that such detention centres exist outside of the Chechen Republic.

Chechen fighters also continue to commit serious human rights abuses. In the past year, they are reported to have targeted civilian members of the pro-Moscow administration, and are alleged to have been responsible for a number of bombings that have caused indiscriminate harm to civilians.

AI remains concerned about the apparent lack of political will by the Russian government to end human rights abuses in the Chechen Republic and to bring to light the fate of the “disappeared”. While claiming that the situation in the Republic is “normalizing”, the Russian government continues to reject the findings of independent human rights organizations, and has failed to comply with resolutions of both the Parliamentary Assembly of the Council of Europe⁶ and the Commission⁷ concerning the situation in and around Chechnya. No one has been brought to justice in connection with any of the well-documented raids during which civilians were killed in places such as Alkhan-Yurt, Aldi, Staropromyslovskii or Sernovodsk. The failure to bring to justice those responsible for serious human rights abuses continues to undermine the confidence of the civilian population in the judicial system.

Amnesty International continues to receive reports of harassment of people who have petitioned the European Court of Human Rights seeking redress for alleged human rights abuses

⁵ See UNHCR Press release, *UNHCR concerned about gas cuts in Ingushetia’s settlements*, 24 February 2004

⁶ PACE Resolutions 1270 (2002), 1315 (2003), 1323 (2003).

⁷ Commission resolutions 2000/58, 2001/24.

in Chechnya. Some applicants to the European Court are reported to have been subjected to torture and ill-treatment, and even extra-judicial execution, allegedly because of their resort to the Council of Europe's human rights court.⁸ Amnesty International considers it essential that applicants to the European Court as well as human rights defenders – many of whom risk their own safety to assist individuals and report on the situation in the Chechen Republic – are protected in line with international human rights standards.

On 21 January 2004 it was announced that Abdul-Khakim Sultygov, Russian Federation Special Presidential Representative for Human and Civic Rights and Freedoms in Chechnya, was to be removed from office and that the post would cease to exist. It is critical that the work of this office continues and that the information gathered by the Special Representative's office is preserved. Furthermore, the President of the Chechen Republic, whose security forces are reportedly associated with numerous egregious human rights abuses, has assumed responsibility for human rights in Chechnya including supervising the work being conducted by staff of the former Special Presidential Representative's office. Amnesty International underscores the responsibility of the authorities of the Russian Federation under international law to ensure investigation of past and present human rights violations committed in Chechnya, and to bring the perpetrators to justice

While Amnesty International notes recent progress in negotiations between the Russian authorities and the Council of Europe and OSCE regarding access to Chechnya, the organization is concerned that the Russian authorities have still not agreed a date for the visits of the Special Rapporteurs on torture, and on extrajudicial summary or arbitrary executions.

Amnesty International calls on the Commission to:

- Adopt a resolution condemning grave abuses of human rights and humanitarian law by both sides to the conflict in the Chechen Republic;
- Establish an international commission of inquiry into allegations of grave abuses of human rights and international humanitarian law in the context of the armed conflict in the Chechen Republic, and report back to the 61st session of the Commission in 2005;
- Urge the government of the Russian Federation and the authorities in the Chechen Republic to take urgent steps to end extrajudicial executions, secret and arbitrary detentions, "disappearances" and torture and ill-treatment, including rape, in Chechnya. Such steps should include ensuring prompt, thorough and impartial investigations into all alleged violations of human rights, and bringing those responsible to justice in accordance with international standards for fair trial;
- Urge the government of the Russian Federation and the authorities in the Republic of Ingushetia to stop attempts to forcibly return internally displaced people to the Chechen

⁸ For example in the case of Zura Bitieva, a group of 15 armed men in camouflage uniforms reportedly carried out an early morning raid on a number of houses in the Kalinovskaya settlement near one of the main military bases in the Chechen Republic on 21 May 2003. The men entered Zura Bitieva's house, killing her, her husband Ramzan Iduiev, her son Idris Iduiev and her brother Abubakar Bitiev. Zura Bitieva had petitioned the European Court of Human Rights in April 2000, concerning the alleged ill-treatment and torture of her and her son at the Chernokozovo detention facility.

Republic, and instead to provide adequate protection and humanitarian assistance to them in accordance with the Guiding Principles on Internal Displacement⁹ and other relevant international standards;

- Urge the government of the Russian Federation to grant unrestricted access to Chechnya to independent media and human rights monitors, including from inter-governmental and international organizations, as well as to ensure that human rights defenders working in the area can carry out their legitimate activity in safety and without fear of harassment or intimidation;
- Urge the government of the Russian Federation to issue a standing invitation to the Special Procedures of the Commission, and to facilitate without further delay visits to the Russian Federation, including the Chechen Republic, by relevant Special Procedures of the Commission, including the Special Rapporteurs on torture; extrajudicial, summary or arbitrary executions, and violence against women;
- Urge the government of the Russian Federation to ensure full and prompt implementation of recommendations by UN treaty bodies and the Special Rapporteurs relating to the ongoing conflict in the Chechen Republic.

Nepal

Nepal is currently experiencing the highest level of violence since the start of the armed conflict launched by the Communist Party of Nepal (CPN) (Maoist) in 1996. Since the breakdown of peace talks in August 2003, there has been an exponential increase in violations of human rights by both sides to the conflict, including arbitrary arrests, “disappearances”, extrajudicial executions, torture, including rape, and other serious human rights abuses.

Extrajudicial executions

Reports of extrajudicial executions by the security forces were reported during the cease-fire period, but increased in number following the resumption of hostilities in August 2003. According to figures published by one of the main human rights organizations in Kathmandu, more than 2,055 people have been killed since August 2003 (1499 by the state and 556 by the Maoists). These figures include a substantial number of civilians, including 19 people attending a Maoist meeting in August 2003 in Doramba, Ramechhap district, who were arrested by army personnel and subsequently extrajudicially executed. An investigation by the National Human Rights Commission (NHRC) found that the majority had died from gun shots to the head fired at close range.

⁹ These Principles were prepared by the Representative of the Secretary-General on internally displaced persons and included in his report to the 54th session of the Commission on Human Rights (E/CN.4/1998/53/Add.2).

An Amnesty International delegation, which visited Nepal in January 2004, investigated reports of 30 cases of alleged extrajudicial execution of civilians by the armed forces which had occurred since August 2003.

“Disappearances”

Amnesty International has noted a widespread pattern of “disappearances” by security forces as part of their counter-insurgency operations. Local human rights organizations have recorded over 250 cases of “disappearances” since the end of the cease-fire in August 2003; the NHRC recorded 579 cases of “disappearances” between December 2000 and December 2003.

In its report to the 59th session of the Commission, the Working Group on enforced or involuntary disappearances (WGEID) noted that “[t]he highest number of cases of enforced or involuntary disappearance in 2002 allegedly occurred in Nepal.”¹⁰ Between 1998 and February 2004, Amnesty International has submitted 362 cases of “disappearances to the WGEID.

Arbitrary arrest and detention

Since August 2003, the NHRC has recorded over 600 cases of arbitrary arrest and detention throughout the country. A substantial number of those arrested are believed to be illegally detained at army barracks for interrogation and security purposes. Amnesty International is concerned that the civil administration and judiciary appear to be bypassed or ignored due to the powerful role now played by the unified command of the army. District Security Committees, comprising the chief district officer, the local army commander, the most senior police official in the area and a local intelligence officer, are reported to be making decisions about arrests and releases.

Torture and ill-treatment

Torture, including rape, and ill-treatment of detainees in the custody of the army, armed police force and civilian police continue to be reported on a regular basis. Several people released from detention in army barracks have reported being subjected to torture including beatings with polythene pipes, denial of food, having water poured over the face making it difficult to breathe and being kicked with boots. Some have also been threatened not to reveal how they were treated while in custody.

Torture in police custody of those arrested on suspicion of criminal activities is also regularly reported. Methods include beatings with bamboo sticks on all parts of the body, including the soles of the feet (*falanga*), boxing on the ears (*telephono*) and rolling a weight stick across the thighs (*belana*).

Violence against women

Amnesty International is receiving an increasing number of cases of violence against women, including the cases of two women shot dead by security forces personnel, allegedly following rape:

¹⁰ E/CN.4/2003/70.

18-year-old Reena Rasaili was reportedly forced out of her house by 10-20 men in plain clothes at midnight on 13 February 2004. She was allegedly interrogated about the activities of the CPN (Maoist) in Ward No 4, Pokhari Chauri Village Development Committee, Kavre District. An officer then ordered five of his men to take her to a cowshed near the house. At 5am, she was brought out of the cowshed and taken to a spot some 100 metres from the house. Three shots were heard. Villagers found her naked body after the security forces left. There were bloodstains on her discarded clothes and underwear indicating that she may have been raped before she was killed.

17-year-old Subhadra Chaulagain was asleep at home in Ward No.3 of Pokhari Chauri VDC in the early hours of 13 February 2004 when security forces personnel entered the house and forced her outside. Witnesses report that she was crying and pleading with her attackers to let her go to the district headquarters to “surrender”. She was then reportedly interrogated before being taken to a spot further away from the house. At around 4am nine shots were heard. Her body was later discovered with gunshot wounds to her face and stomach.

Human rights abuses by the Maoist

Since the breakdown of the cease-fire in August 2003, 50 civilians are reported to have been killed by the Maoist. They are also responsible for hundreds of abductions during the same period and several reports of torture of abductees. Those targeted included people considered to be informants and members of political parties.

Ganesh Chiluwal, head of the Maoist Victims’ Association, was killed by suspected Maoists in Kathmandu on 15 February 2004. He was shot dead by two armed men at the offices of the association in Bagbazar.

There are also reports that the CPN (Maoist) continue to abduct and recruit children between 15 and 18 years of age. Hundreds of children have reportedly been abducted by the Maoists in mid and far-western Nepal in January and February 2004 for training and “indoctrination” purposes.

Human Rights Accord

A Human Rights Accord was drafted in May 2003 which gave the NHRC a mandate to set up five regional offices to monitor human rights with technical assistance provided by the UN. Although both sides to the conflict agreed in principle, neither has signed it to date.

Responses of the international community

In September 2003, the Acting High Commissioner for Human Rights called on the government to act swiftly on the findings of the NHRC with regard to the reported extrajudicial executions in Ramechhap district in August 2003 and urged both sides to the conflict to abide by international humanitarian law. On 12 November 2003, a joint statement was issued by the Special Rapporteurs on torture and on the right to freedom of opinion and expression and the Working Group on arbitrary detention in which they expressed “profound concern over reports

that dozens of individuals are being detained secretly in Nepal and are therefore at risk of suffering torture and other forms of ill-treatment.”

Amnesty International believes that urgent action is needed by the international community, civil society, and government authorities to avert a slide towards increasing human rights abuses in the country. Military influence on large sections of the judicial process in the country amounts to control of that process by the military. While in many cases of illegal detention and “disappearance” *habeas corpus* petitions have been lodged in the Supreme Court, in response to “show cause” notices issued by the court, the authorities deny arrest or fail to respond in substance.

Amnesty International calls on the Commission to:

- Urge both sides to the conflict in Nepal to uphold human rights and humanitarian standards and to sign the Human Rights Accord without delay and support its active implementation;
- Urge the government to carry out prompt and impartial investigations into all alleged human rights violations and ensure that those responsible are brought to trial in accordance with international standards for fair trial;
- Call on the government to ensure respect for women’s human rights, including by exercising due diligence to prevent, investigate and punish acts of all forms of violence against women,¹¹ and in situations of armed conflict by taking special measures to protect women from gender-based violence, particularly rape and other forms of sexual abuse;¹²
- Condemn the use of child soldiers, particularly by the CPN (Maoists), and urge the government to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- Support a long-term and adequately resourced presence of the Office of the High Commissioner for Human Rights with a mandate to undertake independent monitoring and reporting of the human rights situation throughout the country as well as to provide technical assistance to the Nepalese government;
- Establish a mandate for a Special Rapporteur on the situation of human rights in Nepal;
- Call on the government to issue a standing invitation to the Special Procedures of the Commission; to grant access to human rights and humanitarian bodies; and to facilitate without delay visits by the Special Rapporteur on torture, the Working Group on enforced or involuntary disappearances, the Working Group on arbitrary detention; and to ensure prompt implementation of the recommendations by the Special Rapporteur on extrajudicial, summary or arbitrary executions.¹³

¹¹ Commission on Human Rights resolution 2003/45.

¹² Security Council resolution 1325 (2000).

¹³ The Special Rapporteur on extrajudicial, summary or arbitrary executions undertook a visit to Nepal on 5-14 February 2000 and issued her subsequent report to the 57th session of the Commission, E/CN.4/2001/9/Add.2.

Sudan

AI welcomes the progress towards a peace agreement between the government of Sudan and the Sudan People's Liberation Army (SPLA), but continues to be concerned over the lack of progress in creating mechanisms to secure respect for human rights as part of the peace agreement.

The armed conflict in Darfur

Amnesty International continues to have serious concerns in relation to the conflict in Darfur, including the government's role in the humanitarian disaster. Since February 2003, a new armed group, the Sudan Liberation Army (SLA), has been involved in a number of attacks against government forces. Their demands include more support for economic development of the region as well as inclusion in the national political scene. Initially, the government seemed willing to find a peaceful solution to the situation, and the Sudan National Assembly set up an emergency committee on Darfur. However, the government has since adopted a military approach to deal with the SLA and its supporters, including by backing militia groups, the *Janjawid*, who are reported to be responsible for indiscriminate attacks against civilians and their property. The *Janjawid* often operate alongside the armed forces of the government of Sudan. The government has also used indiscriminate aerial bombings.

According to UN figures 3,000 people have already died in the conflict.¹⁴ Since April 2003, a mass exodus has taken place from areas under attack. According to the most recent UN figures 700,000 people have fled their homes, mostly to other towns in Darfur, while more than 110,000 have crossed the border into Chad.¹⁵ A few aid agencies, including the government of Sudan Humanitarian Aid Commission, are providing limited aid and medical help, but many of the displaced are outside the reach of humanitarian agencies.

Amnesty International is deeply concerned about indiscriminate by government forces and the *Janjawid*, including killings, looting, the destruction of homes and property, rapes and torture. The organization is also very concerned that the government is restricting access to humanitarian agencies to assist the tens of thousands of internally displaced people in the region.

The administration of justice system in Darfur is also a serious cause for concern. Special Courts in North and West Darfur and Specialized Criminal Courts in South Darfur continue to hand down heavy sentences after unfair trials. Lawyers are often not allowed to plead except as "friends", and "confessions" extracted under duress are frequently accepted as evidence. In 2003, 33 people were tried before the Nyala Specialized Criminal Court and 26,

¹⁴ Statement by Tom Vraalsen, UN Special Envoy for Sudan, quoted by Agence France-Presse, "UN pushing for humanitarian ceasefire" in Sudan's Darfur region", 6 January 2004.

¹⁵ Integrated Regional Information Network (IRIN) News, "Sudan: One million at "imminent risk" in Darfur, says US government", 3 March 2004.

including a child, were sentenced to death. The accused were represented by only three lawyers who were not allowed access to them or the case files until five days before the trial opened in March 2003. In May 2003, the death sentence on the child was commuted to 25 lashes and was carried out immediately.

Freedom of expression curtailed

Despite promises in August 2003 that censorship would be lifted, freedom of expression continues to be restricted. The *Khartoum Monitor*, an English language daily, remains suspended. A journalist for the newspaper spent 18 days in detention in March 2003 and in May 2003 the managing editor was detained and ill-treated.

Human rights defenders

Human rights defenders continue to be harassed and sometimes arrested. Ghazi Suleiman, Chair of the Sudanese Human Rights Group (SHRG), was arrested in July 2003 and held *incommunicado* for two weeks in Kober Prison. This arrest coincided with the SHRG launch of the "Khartoum Declaration" which calls for an end to Islamic law and one-party rule in Sudan. Another human rights activist, Dr Mudawi Ibrahim Adam, was arrested at his home in Khartoum on 28 December 2003 and is currently being held in Kober Prison. After a two-day hunger strike demanding to be charged and tried or released, he was charged with a variety of lower case offences against the state, some carrying the death penalty. AI considers him a prisoner of conscience, held solely for his peaceful activities in defence of human rights.

Violence and discrimination against women

Women continue to suffer abduction and rape by members of government-supported militia as well as displacement in the context of the conflict in the oil regions and in Darfur. Women have been subjected to flogging as a punishment for adultery. Women continue to be harassed and sometimes punished under the Public Order Act which restricts women's freedom of movement.

In May 2003, a 14-year-old unmarried girl who was nine months pregnant was sentenced by the Criminal Court in Nyala to 100 lashes. The sentence was imposed on appeal, but has not yet been carried out.

Amnesty International calls on the Commission to:

- Support the creation of an international human rights monitoring mechanism to investigate reports of human rights violations in Darfur;
- Call on the government of Sudan to grant humanitarian organisations immediate and unrestricted access to Darfur to address the urgent humanitarian situation of the internally displaced people in Darfur;
- Call on the government and its supporters to end indiscriminate attacks;
- Call on the government to suspend any emergency legislation that is leading to impunity for human rights violations among the security forces and ensure that international standards of justice are respected;

- Encourage the government to issue a standing invitation to the Special Procedures of the Commission to visit Sudan, and to facilitate visits in particular by the Special Rapporteurs on extrajudicial, summary or arbitrary executions; torture, violence against women; and the right to freedom of opinion and expression; the Representative of the Secretary-General on internally displaced persons; and the Working Group on arbitrary detention;
- Ensure adequate funding of the Office of the High Commissioner for Human Rights (OHCHR) in Sudan, so that it can effectively monitor human rights in the country, and in particular to continue to advise the government on the protection and promotion of human rights.

Uzbekistan

Current human rights situation

Despite some limited legislative and judicial reforms, the Uzbek authorities continue to flout their international and national human rights obligations, and fail to address the grave human rights situation which includes official repression of those who dissent in civil, religious and political life.

The death penalty

The continued use of the death penalty in Uzbekistan highlights the most fatal consequences of the flawed criminal justice system. Torture is systematic, ‘confessions’ extracted under torture are routinely introduced as evidence in trials, and corrupt practices undermine investigations, trials and appeals in many death penalty cases.

Government statistics on death sentences and executions are kept secret. Information available to Amnesty International indicates that several dozen executions are carried out each year; however, the real figure is believed to be much higher. Executions take place in secret. In many cases family members do not know for months, sometimes even years, whether their relative has been executed nor where they are buried. The Special Rapporteur on torture called the secrecy surrounding the death penalty “malicious and amounting to cruel and inhuman treatment” of prisoners’ families.¹⁶ Relatives of suspects in capital cases have also been targeted by officials. They were arbitrarily detained to secure the arrest of the accused, tortured, threatened with rape and beaten. Corrupt practices by officials have also resulted in relatives being dismissed from their jobs, losing their property or becoming bankrupt.

Anti-death penalty activists have faced harassment, intimidation and death threats. The executions of at least nine young men, despite requests by the Human Rights Committee for a

¹⁶ Report of the Special Rapporteur on torture to the Commission on Human Rights, 3 February 2003, E/CN.4/2003/68/Add.2

stay of execution pending their consideration by the Committee, exemplify the authorities' contempt for their international human rights obligations.¹⁷

Political prisoners and human rights defenders

At least 6,000 political prisoners, including women, continue to be held in cruel, inhuman and degrading conditions.

Human rights defenders and hundreds of people suspected of political or religious dissent continue to be harassed, beaten and detained without trial, or sentenced to prison terms after unfair trials and subjected to other forms of ill-treatment or torture. The Special Rapporteur on torture reiterated in his report to the 59th session of the Commission that he believed "on the basis of the numerous testimonies he received during the mission in November and December 2002, that torture or similar ill-treatment is systematic."¹⁸ Torture is reported to have resulted in the death of at least two men in custody in 2003.

Scores of peaceful small-scale demonstrations and protests by human rights activists, female relatives of political prisoners, and citizens with a grievance against the authorities took place throughout the country in 2003, despite attempts by law enforcement officers to detain or disperse the demonstrators by force.

In December 2003, the Uzbek authorities prevented a conference on "The death penalty: Analysis, tendencies and realities" from taking place in Tashkent on the pretext that it had been organized by an unregistered organization. The NGO in charge of organizing the conference, *Mothers against the Death Penalty and Torture*, has been denied registration by the authorities. Many other human rights groups in Uzbekistan have similarly been denied registration.¹⁹

The Uzbek authorities are in the process of implementing a national action plan based on the recommendations by the Special Rapporteur on torture and in consultation with the Organization for Security and Co-Operation in Europe (OSCE). However, local and international NGOs have raised concern that the measures in the action plan are not far-reaching enough and may never be fully implemented.

¹⁷ In a July 2003 press release the Human Rights Committee reminded the authorities of Uzbekistan that "it amounts to a grave breach of the Optional Protocol to execute an individual whose case is pending before the Committee.". See UN Press Release 'Human Rights Committee deplores the execution of six individuals in Uzbekistan', 24 July 2003.

¹⁸ Report of the Special Rapporteur on torture to the Commission on Human Rights, 3 February 2003, E/CN.4/2003/68/Add.2

¹⁹ See also AI press release: *Uzbekistan: Authorities stop death penalty conference*, 5 December 2003, (AI Index: EUR 62/020/2003)

Amnesty International calls on the Commission to:

- Urge the government of Uzbekistan to take immediate steps to abolish the death penalty, including by commuting the death sentences of all prisoners currently on death row to terms of imprisonment and by establishing a moratorium on all death sentences and executions;
- Urge the authorities to adhere to the requests by the Human Rights Committee to stay executions while the cases are under consideration by the Committee;
- Urge the authorities to lift the secrecy surrounding the application of the death penalty and end cruel and inhuman treatment of relatives of those sentenced to death;
- Urge the government to implement the recommendations of the Special Rapporteur on torture, including through implementing the national plan and allowing independent national and international scrutiny of the process of implementation;
- Encourage the government to issue a standing invitation to the Special Procedures of the Commission to visit Uzbekistan, and to facilitate visits in particular by the Special Rapporteur on extrajudicial, summary or arbitrary executions.

Zimbabwe

At the 59th session of the Commission a draft resolution on Zimbabwe went unconsidered when a “no-action” motion²⁰ proposed by South Africa, on behalf of the African Group, was adopted with 28 votes in favour, 24 against and 1 abstention.²¹ The use by governments of this procedural tactic to halt discussion on a particular human rights situation seriously undermines the work of the Commission and goes against the principles of transparency and non-selectivity. This was emphasized by various Commission members who spoke against the motion

Current human rights situation

2003 saw an escalation in state-sponsored attacks on critics of the government, particularly supporters of the opposition *Movement for Democratic Change* (MDC). Incidents of ill-treatment and torture were reported throughout the year. Hundreds of people have been detained, and a leading private newspaper, the *Daily News*, was shut down. Political manipulation of food aid by officials and supporters of the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) continues, and the food situation remains critical. The

²⁰ A “no-action” motion may be tabled if a member state considers that the subject-matter of a resolution falls outside the competence of the Commission; if successful it halts the debate on the resolution altogether (Rule 65 of the Rules of Procedure of ECOSOC)

²¹ The draft resolution (L.37), proposed by Greece on behalf of the EU, on the “Situation of human rights in Zimbabwe”, expressed concern at the continuing violations of human rights by the government of Zimbabwe and requested the Special Rapporteurs on torture, on the independence of judges and lawyers, on violence against women, and on the right to food as well as the Special Representative of the Secretary-General on human rights defenders to examine alleged human rights violations.

country's economic situation has steadily deteriorated, with rampant inflation and unemployment, and critical shortages in basic food commodities, fuel and cash.

In March 2003, the Commonwealth upheld Zimbabwe's suspension from its Governing Council until the meeting of Commonwealth Heads of Government in December 2003. At that meeting, Commonwealth leaders voted to maintain the suspension and Zimbabwe withdrew from the organization. In May 2003, the heads of state of South Africa, Nigeria and Malawi had visited Zimbabwe in an attempt to mediate talks between the MDC and ZANU-PF.

In July 2003, President Mugabe announced plans to introduce legislation to govern NGOs and to amend the National Council for Higher Education Act. Amnesty International is concerned that the proposed laws would further restrict the rights to freedom of expression, association and peaceful assembly. On 12 October 2003, human rights lawyer Beatrice Mtetwa was allegedly severely beaten by police officers when she called for assistance after thieves tried to break into her car. She was reportedly punched and kicked all over her body, sustaining severe bruising and cuts to her face, throat, arms and legs. She had previously represented journalist Andrew Meldrum²² and the independent newspaper *Daily News*.²³

The government is reported to have established training camps throughout the country for youth militia members, increasing concerns about the use of youth militia to carry out serious human rights violations. Perpetrators of human rights violations in Zimbabwe continue to enjoy impunity, and allegations against state agents remain without investigation. The majority of abuses appear to be committed by ruling party supporters and police, security and army officers against opposition supporters.

Amnesty International calls on the Commission to:

- Urge the government of Zimbabwe to ensure that all allegations of human rights violations are immediately and impartially investigated and that those responsible are brought to justice in accordance with international standards for fair trial;
- Call on the government to comply with its international human rights obligations, including by taking effective and decisive action to stop its state-sponsored militias from intimidating and attacking opposition activists, farmers, farm workers and other Zimbabwean citizens.
- Urge the government to ensure that the police abide by the highest of international policing standards and respect for human rights;
- Call upon the government to guarantee the independence of judiciary, and to ensure full and prompt implementation of the recommendations by the Special Rapporteur on the independence of judges and lawyers;

²² On 16 May, Andrew Meldrum, a US national and journalist with the UK-based *Guardian* newspaper, was held incommunicado for several hours before being forcibly and illegally deported by the Zimbabwean authorities, despite a High Court order that he should not be deported.

²³ In September 2003, the *Daily News* was closed, following a Supreme Court ruling that the newspaper was publishing illegally because it had not registered with the state-controlled Media Information Commission (MIC).

- Call on the government to review legislation and to repeal or amend those laws which violate internationally recognised rights to freedom of expression, association and assembly;
- Encourage the government to facilitate visits by the Special Rapporteurs on the right to food, the independence of judges and lawyers, and the right to freedom of opinion and expression, as well as by the Special Representative of the Secretary-General on human rights defenders;
- Urge the government to ratify international human rights instruments, particularly the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, its Optional Protocol and the Optional Protocol to the International Covenant on Civil and Political Rights.

Further background information

The following documents are available from Amnesty International section offices, the International Secretariat in London, and the AI UN Offices in Geneva and New York. Most of the documents are also available on the AI website: www.amnesty.org

Chechnya/Russian Federation

- *Denial of Justice*. (AI Index EUR 46/027/2002)
- “*Dokumenty!*” Discrimination on grounds of race in the Russian Federation (AI Index EUR 46/001/2003)
- *Rough Justice: The law and human rights in the Russian Federation* (AI Index EUR 46/054/2003)

Nepal

- Amnesty International's visit to Nepal: Official Statement (AI Index: ASA 31/014/2004)
- Nepal: A deepening human rights crisis (AI Index: ASA 31/072/2002)

Sudan

- Sudan: Dafur: “Too many people killed for no reason” (AI Index: AFR 54/008/2004)
- Sudan: Empty promises? Human rights violations in government-controlled areas (AI Index: AFR 54/036/2003)

Uzbekistan

- “Justice only on heaven” – the death penalty in Uzbekistan (AI Index EUR 62/011/2003)
- Uzbekistan: Unfair trials and secret executions (AI Index EUR 62/012/2003)
- Concerns in Europe and Central Asia, January – June 2003: Uzbekistan (AI Index EUR 01/016/2003)

Zimbabwe

- Zimbabwe: Rights under siege (AI Index: AFR 36/012/2003)