

AMNESTY INTERNATIONAL

External Document

AI Index: POL 10/006/2003 (Public)
News Service No: 110

Embargo Date: 28 May 2003 09:00 GMT

Amnesty International Annual Report 2003 Updates Selected events covering the period from January to April 2003

Published

**EMBARGOED FOR TRANSMISSION TO ALL MEDIA UNTIL:
9.00 HRS GMT Wednesday 28 MAY 2003**

AMNESTY INTERNATIONAL REPORT 2003 UPDATES

**Selected events covering the period from January to
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Africa Update

Selected events in the Africa region from January to April 2003

Following an initial lull in fighting between **Burundian** government forces and the opposition *Conseil National pour la Défense de la Démocratie - Forces pour la Défense de la Démocratie* (CNDD-FDD), National Council for the Defence of Democracy - Forces for the Defence of Democracy in December 2002, hostilities resumed in various parts of the country, particularly the central area around Gitega and the south eastern border area around Ruyigi, and intensified around the capital Bujumbura.

The fighting has brought new reports of reprisal killings of unarmed civilians by the armed forces, unlawful killings and looting by the CNDD-FDD, and heightened an already critical humanitarian situation. Tens of thousands of people in these areas are reported to be recently displaced and to be without access to humanitarian aid.

In January, the Burundian justice system again failed to bring to justice members of the armed forces responsible for the massacre of between 173 and 267 unarmed civilians who were deliberately and unlawfully killed in Itaba commune, Gitega province on 9 September 2002.

Although the Burundian armed forces had admitted the killings, the charge of murder was dropped and lesser charges of breaching public solidarity (*manquement à la solidarité publique*) and failure to follow orders (*violation de consignes militaires*) were introduced. Acquitted of the first charge, the officers were found guilty of failing to follow orders, on the grounds that they had failed to give a report of the incident, and that even though they had received orders to fire on combatants in the area it should have been clear that they were firing on an unarmed civilian population. They were sentenced to four months imprisonment and released.

In **Côte d'Ivoire**, the civil strife caused by an uprising on 19 September 2002 of armed elements originally belonging to the *Forces Nationales de la Côte d'Ivoire* (National Armed Forces of Côte d'Ivoire), inched towards resolution with the signing in Paris, on 29 January 2003, of the Linas-Marcoussis Accords, intended to provide a political solution to the conflict. However, fighting continues to rage in the west of the country. Since the start of the conflict, more than a million people have been displaced.

Liberian refugees, indiscriminately associated with the armed opposition in Côte d'Ivoire, continued to be at imminent risk of being killed as they were caught up in the violence which has shaken Côte d'Ivoire.

In **Liberia**, hostilities between government forces of President Charles Taylor and the armed opposition Liberians United for Reconciliation and Democracy (LURD) intensified and spread to areas previously unaffected by conflict. The human rights and humanitarian crisis, already acute, has deteriorated still further. The emergence of another armed group, separate from the LURD, in the east and south has not only widened the threat to Liberian civilians and refugees of other nationalities fleeing the conflict in Côte d'Ivoire, but also complicates an already fraught process of trying to resolve the conflict and curb human rights abuses.

The worsening security situation is exacting a terrible toll: widespread loss of life, destruction of property and massive population displacement. Refugees and internally displaced people are particularly vulnerable as camps are deliberately attacked. Forcible recruitment, including of children under the age of

18, by both government and armed opposition forces is rampant.

Access by humanitarian agencies, whose staff have themselves been attacked and killed, has become severely restricted. Encroachment of fighting almost throughout the country now prevents emergency humanitarian assistance from reaching 11 of Liberia's 15 counties.

In the **Democratic Republic of Congo** (DRC) death sentences were passed in January on some 30 defendants for their alleged role in the assassination of President Laurent-Desiré Kabila in January 2001. The defendants, did not receive a fair trial held before a military tribunal called the *Cour d'Ordre Militaire*(COM), Military Order Court, the statutes of which do not meet international fair trial standards. Just hours before the handing down of the death sentences, fifteen people were reportedly executed in secret in the first executions known to have taken place in the DRC since December 2000.

At the start of the year information emerged about killings of civilians in late 2002 by members of the *Mouvement de libération du Congo* (MLC) and *Rassemblement congolais pour la démocratie - National* (RCD-N) in Ituri province of northeastern DRC. At Drodro in the same province, hundreds of mainly unarmed Hema civilians were reportedly killed at the start of April by armed gangs believed to be from the Lendu ethnic group. More killings and other human rights abuses, including rape, by armed political groups and Rwandese government forces continued to be reported in the Kivu region.

In the **Central African Republic**, amidst reports of unlawful killings and torture, including widespread rape, particularly by MLC combatants supporting President Ange-Félix Patassé, former army Chief of Staff Francois Bozizé seized power in March. The new President released political prisoners and decreed an amnesty for convicted opponents of the ousted government.

In **Zimbabwe**, there was an intensification of the cycle of harassment, arbitrary arrest, detention and torture of human rights defenders, opposition MPs and those who peacefully express their opinion, and those in opposition to the government views. Although some of those arrested have been released, many remain in detention, whilst the whereabouts of others remain unknown.

Americas Update

Selected events in the Americas region from January to April 2003

In its efforts to identify those responsible for the 11 September 2001 attacks and in the context of the "war against terrorism", the **USA** continued to breach fundamental human rights of more than 600 detainees held in the US Navy Base in Guantánamo Bay, Cuba. The US military admitted to detaining children under 16 at the base for interrogation as "enemy combatants". Amnesty International called for the immediate release of children held in Guantánamo Bay, calling their detention "particularly repugnant". The continuing legal limbo in which all Guantánamo detainees have been held - who have neither been recognized by the USA as prisoners of war nor allowed any means of challenging the legality of their detention before a court - was in itself a violation of international law. By putting these detainees into a legal black hole, the US administration appeared to continue to support a world where arbitrary unchallengeable detention becomes acceptable.

In **Colombia**, the government of President Álvaro Uribe in February extended, for a further three months, the state of emergency, first declared in August 2002. The administration is also proceeding with a number of measures that are likely to exacerbate the already serious problem of impunity in the country. In January it issued Decree 128 which will effectively allow the government to grant amnesties or pardons to members of guerrilla and paramilitary groups accused of human rights violations. In April, the government finalized a bill, which it will soon present to Congress, granting judicial police powers to the armed forces on a permanent basis. This will be seriously detrimental to the protection of human rights since it will reduce the possibility of full and impartial investigations into human rights violations committed by the security forces with or without their paramilitary allies.

Over the last four months there has also been an increase in attacks targeting civilians in violation of international humanitarian law. On 7 February a car bomb exploded outside the "El Nogal" club in Bogotá killing 36 people and injuring some 170.

The Jamaican government appeared to ignore potential new evidence uncovered by an Amnesty International delegation to **Jamaica** in March 2003 of extrajudicial executions in the case of the "Braeton 7" killings. The evidence overwhelmingly pointed to the young men having been extra judicially executed by the police. The relatives of the "Braeton 7" have seen their quest for answers and justice go unheard by the authorities in Jamaica.

In a move which signalled a giant step backwards for human rights in **Cuba**, at least 33 Cuban dissidents -- arrested in a government crackdown in March -- were sentenced to shockingly lengthy prison terms ranging up to 28 years.

In yet another blow to respect for human rights, Cuban authorities ended a three-year *de facto* moratorium on executions in April by sending three men to their deaths before an official firing squad. The three men, Lorenzo Enrique Copello Castillo, Bárbaro Leodán Sevilla García and Jorge Luis Martínez Isaac, were among a group who reportedly hijacked a Cuban ferry with several dozen passengers on board on 2 April and tried to force it to the United States. They were given a summary trial, and their appeals to the Supreme Court and the Council of State were dealt with in a cursory and inadequate manner. They were shot and killed less than a week after their trial began. Coming on the heels of the mass arrest and summary trials of the dissidents, these executions marked a serious erosion in Cuba's human rights record.

Political polarization in **Venezuela** earlier this year threatened to lead to large-scale violence. Tension was especially intense during the 63-day national strike that ended in February, which had been convened by the opposition in an attempt to overthrow President Chávez. A year on from the failed Coup d'Etat of April 2002, when more than 50 people lost their lives and scores of others were wounded,

Venezuela's government and opposition had failed to face up to their part in the tragedy and ensure that those responsible were brought to justice. Amnesty International expressed its concern that the dismissal of murder charges against those accused of shooting from the Puente Llaguno, and the failure to charge Metropolitan Police implicated in the deaths and injuries suffered on 11 April 2002, demonstrated the weakness of the official investigation. It also raised serious concerns about the capacity of the state to effectively prosecute all those responsible.

The new government of Luiz Inácio Lula da Silva took office in **Brazil** in January. The continued and dramatic increase in violence in cities like Sao Paulo and Rio de Janeiro has led to concerns about public security and the mechanisms which need to be put in place to guarantee respect for human rights and security for all Brazil's population. Amnesty International is waiting to see what concrete steps the new government will take to implement a strong policy on human rights.

In **Chile**, former General Manuel Contreras - the head of the secret police under General Augusto Pinochet - was sentenced in April to 15 years in prison in connection with the "disappearance" of Carlos Sandoval, who "disappeared" during Pinochet's 1973-1990 rule.

A prison riot took place in El Porvenir, La Ceiba, northern **Honduras**, on 5 April. Sixty-nine people were killed including 59 members of "maras" (youth gangs), six other prisoners, three women visitors and one policeman. Amnesty International wrote to the Minister of Security expressing the organization's concern regarding the riot and the high number of "mara" members killed (they were in a minority of 1 to 5 in the prison's population). The organization called for an independent, thorough and impartial investigation, and expressed concern at reports of children being incarcerated with adults.

In **Guatemala**, the increasing hostility and violence against indigenous people formed part of a growing wave of intimidation and violence directed towards the indigenous movement in the capital and in the rural areas. In April, Amnesty International called on the Guatemalan government to adopt urgent and effective measures to put an end to human rights abuses, including extrajudicial executions, against indigenous people throughout the country.

Asia Pacific Update

Selected events in the Asia Pacific region from January to April 2003

The year began with seven executions in **China** after a public sentencing rally in the southern city of Sanya - a popular tourist destination on Hainan island. The number of executions dramatically increased in the run up to the Chinese New Year in early February.

On 29 January the government of **Nepal** and the leaders of the Communist Party of Nepal (Maoist) announced a cease-fire. Amnesty International urged both parties to make human rights an integral part of the agenda for peace negotiations.

In February, Amnesty International made its first ever visit to **Myanmar**. During the visit the delegation met with representatives of the military government, known as the State Peace and Development Council (SPDC); with Daw Aung San Suu Kyi, in her capacity as General Secretary of the National League for Democracy (NLD); as well as with supporters of the NLD, diplomats, and members of the international community. Delegates also visited detention facilities, including Insein Prison in Yangon and the Guard Ward at the Yangon General Hospital. The organization hopes to return to the country by the end of the year. In April, Amnesty International welcomed some limited improvements in the human rights situation, but at the same time expressed disappointment that other urgent steps to improve human rights have not yet been taken by the SPDC. The SPDC has told the organization that political prisoners now have access to reading materials and social contact, which are positive developments. However over 1,200 political prisoners are still held in prisons throughout the country, and the pace of releases has decreased considerably in the last four months.

On 12 March, Amnesty International issued a report "*Police reconstruction essential for the protection of human rights*" in **Afghanistan** calling on the international community to step up support for the reconstruction of a police service, that has human rights at its core. The organization also welcomed the recent ratification of the Convention on the Elimination of Discrimination against Women (CEDAW) by Afghanistan.

In **Cambodia** two journalists were arrested in an attempt to silence free speech.

In **Thailand** a "war against drugs" was announced resulting in a de facto shoot-to-kill policy of anyone believed to be involved in the drugs trade. At least 600 people were shot dead since the beginning of the year. The authorities claim that only 15 of them were killed by the security forces, and the rest were as a result of drug dealers shooting one another. The authorities are not permitting pathologists to perform autopsies and bullets are reportedly being removed from the corpses.

On 27 February, on the anniversary of the massacres in which more than 2,000 people were killed in Gujarat, **India**, Amnesty International stressed that constitutional rights, and in particular the right to redress, continue to be violated in the state.

On 23 March in **Jammu and Kashmir** 24 people, including 11 women and two children - all members of the Kashmiri Pandit community - were killed by unidentified gunmen. Amnesty International condemned the killings and called for an investigation.

Europe and Central Asia Update

Selected events in the Europe and Central Asia region from January to April 2003

In **Turkey** the Justice and Development Party (*Adalet ve Kalkinma Partisi* - AKP) was elected to government on 3 November 2002. Recep Tayyip Erdogan, leader of the AKP and a former Amnesty International prisoner of conscience, was elected to Parliament in March 2003 and shortly after became Prime Minister. He had been unable to become Prime Minister earlier, because of a law prohibiting him from standing for parliament because of his previous conviction for "inciting religious hatred" after he recited a poem during a public political speech while mayor of Istanbul in 1999.

In February 2003, Amnesty International launched a new report revealing that women in custody in Turkey risk being subjected to sexual violence (including abuse, assault and rape in custody) by members of the state security forces. Some sectors of women are particularly at risk, especially women of Kurdish origin from the south-east and women who hold political beliefs unacceptable to the authorities or military. The organization's membership was mobilized into action to end sexual violence against women.

In March 2003, Amnesty International launched a new report highlighting the problems faced by ethnic minority groups in the **Russian Federation**, such as arbitrary detention and ill-treatment; the situation of former Soviet citizens, whose legal right to Russian citizenship is denied; and racist attacks against asylum seekers and refugees, who suffer the additional difficulty that their documentation is not recognized by the police.

On 23 December 2002, **Russian** prisoner of conscience Grigory Pasko was conditionally released. Pasko, a reporter for a Russian Pacific Fleet newspaper, was first arrested in 1997 for passing allegedly sensitive information to Japanese media but two years later he was acquitted of all spying charges. He was sentenced to four years' imprisonment for treason and espionage in December 2001.

On 17 April 2003, Sir John Stevens, the Metropolitan Police Commissioner, delivered his report on his third investigation into matters of collusion in **Northern Ireland**, known as "Stevens 3", to the Chief Constable of the Police Service of Northern Ireland. However, only a short summary of the full 3,000-page Stevens report was made public, thus preventing a full public scrutiny of its content. Sir John concluded that there had been collusion in the killing of human rights lawyer Patrick Finucane, as in other killings, and that his death could have been prevented. In light of this, Amnesty International together with a number of other NGOs reiterated their call to the UK authorities to establish forthwith a full, public, international, independent and impartial judicial inquiry into all the circumstances surrounding the 1989 killing of Patrick Finucane.

Serbia and Montenegro became the 45th member of the Council of Europe on 3 April. Earlier, on 12 March, the prime minister Zoran Djindic had been assassinated prompting the authorities to impose a state of emergency. Amnesty International expressed its concern that under such state of emergency, suspects could be detained for up to 30 days without access to a lawyer, giving rise to concern that police torture and ill-treatment could occur, given the prevalence of the practice, during such a period of incommunicado detention. Hundreds of people remain in custody over the killing which the government has blamed on gangs linked to organized crime.

In **Spain**, on 20 February 2003, *Euskaldunon Egunkaria*, the only newspaper written entirely in Basque, was closed down as a "precautionary" measure and 10 managers, journalists and various associates were arrested under anti-terrorist legislation, by order of a National Court judge on ETA-related charges. All those arrested were held incommunicado under the anti-terrorist legislation and taken to the National Court in Madrid. In March, the Spanish government announced that it was taking legal action against four directors of the newspaper for "falsely accusing" Civil Guards of acts of torture.

Amnesty International wrote to the Spanish authorities after it received reports that Martxelo Otamendi, one of the newspaper's directors, and other detainees, had been subjected to forms of torture such as the "bolsa" (asphyxiation with a plastic bag), exhausting physical exercises, threats and simulated execution. The organization called for a thorough and impartial investigation, irrespective of whether a formal complaint of torture had been lodged.

Amnesty International, which opposes the use of incommunicado detention on the grounds that it facilitates torture, is also deeply concerned by disturbing new legislative proposals to extend the incommunicado regime.

In February 2003 information came to light that the Vice-President of Frankfurt-am-Main police in **Germany** had ordered a subordinate officer to use force against a criminal suspect believed to have been involved in the abduction and ransoming of an 11-year-old boy, in order to elicit information regarding the whereabouts of the boy. While in police custody the suspect was allegedly threatened that acts of force would be used against him. Amnesty International was concerned that, despite the clear-cut, absolute and non-derogable prohibition of torture and ill-treatment in the German Constitution, as well as in domestic and international law, a public official should have decided to resort to the use of force or threats thereof. Amnesty International urged the authorities to investigate the incident.

In **Belarus**, at least 50 peaceful protestors were detained in Minsk city centre on 23 March, during an unsanctioned demonstration staged to protest against President Alyaksandr Lukashenka's government and to coincide with the 85th anniversary of the creation of the first Republic of Belarus. Some participants were sentenced to periods of imprisonment between five and 15 days, and others reportedly received official warnings and fines.

In **Turkmenistan**, Amnesty International condemned the sentencing of Farid Tukhbatullin, on 4 March, to three years imprisonment. He was convicted on charges of illegally crossing the border from Uzbekistan into Turkmenistan and of concealing a serious criminal act after Turkmen border guards for unknown reasons failed to stamp his passport upon his return from Uzbekistan. He was returning from attending an international conference that discussed issues ranging from freedom of expression to the rights of the child. His trial did not meet international standards of fair trial and Amnesty International considers him a prisoner of conscience.

As the war in Iraq started, in some European countries there was a human rights backlash. In **Belgium**, more than 450 anti-war demonstrators were placed under administrative arrest, a form of "preventive" detention lasting up to 12 hours, in early March. In the **UK**, the Terrorism Act 2000 has been invoked in some areas to allow special police powers to "stop and search" people without suspicion, even reasonable.

In **Greece** riot police reportedly ill-treated protesters. On 21 March, 23 demonstrators were detained by police and dozens of others were briefly detained after buildings were damaged in Athens during an anti-war protest. After the demonstration, anti-riot police reportedly beat Iraqi immigrants and took 38 of them away to check their identities.

In the European Union, **Denmark, Norway, Sweden** and the **UK** froze decisions on Iraqi asylum claims.

Middle East and North Africa Update

Selected events in the Middle East and North Africa from January to April 2003

The conflict in **Iraq** had widespread human rights implications for the entire region with many governments using the shadow of the war to justify or hide human rights violations. Freedom of expression has come increasingly under threat with widespread clampdowns on anti-war demonstrations. Authorities in a number of countries but particularly in **Egypt, Jordan** and **Yemen** attempted to prevent people from demonstrating against the war, responding with harassment and arbitrary detention of demonstrators.

In many countries police have responded with excessive use of force - in **Yemen** this resulted in a number of deaths and the injury of many others, whilst in **Egypt** hundreds of anti-war activists have been detained and several of them were reportedly tortured whilst in detention.

With the international spotlight focussed on **Iraq** human rights abuses have continued throughout the region. Close to 100 people were killed every month in the internal conflict in **Algeria**, there were arbitrary arrests and torture in **Tunisia** and reports of secret detention and torture in **Morocco**.

Human rights violations continued apace in **Israel and the Occupied Territories**. The Israeli Army retook control earlier this year of most areas under the jurisdiction of the **Palestinian Authority**; it has imposed comprehensive and prolonged closures and curfews on an unprecedented scale throughout the Occupied Territories. Most Palestinian towns and villages have been cut off from one another and from surrounding villages for most of this year, and prolonged curfews continue to be imposed on the major population centres and elsewhere. These sweeping measures of collective punishment affect millions of Palestinians, whose access to work, education and medical care has continued to be denied or severely restricted. This has resulted in the overall collapse of the Palestinian economy. Unemployment has spiralled and over half of the Palestinian population is now living below the poverty line.

The situation in **Iraq** continues to be one of great uncertainty. The Iraqi government and government agencies have collapsed, but no alternative authority has been established yet in the country. Looting and violence has been widespread, and in some areas people have been forcibly displaced including those under UN protection. Up to 1,000 individuals, generally Iranian Kurds from the UNHCR's Al-Tash refugee camp, have not been allowed into **Jordan** and are languishing in the neutral zone between **Jordan and Iraq**. The duration of the military presence of the USA and UK is unknown, prospects for an effective Iraqi transitional authority are unclear and there is disagreement over the role of the UN.

The most difficult challenge for **Iraq** lies ahead: to ensure that human rights play a central role in Iraq's future. Addressing impunity for past violations, ensuring accountability for violations of international humanitarian law during the conflict, building a fair and effective justice system, ensuring respect for the rights of all without discrimination on grounds of religion, ethnicity or gender, and insisting that the Iraqi people themselves drive the process forward - all will be of central importance.

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