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Europe and Central Asia

Summary of Amnesty International's Concerns in the Region

July- December 2007

FOREWORD

This bulletin contains information about Amnesty International's main concerns in Europe and Central Asia between July and December 2007. Not every country in the region is reported on; only those where there were significant developments in the period covered by the bulletin, or where Amnesty International (AI) took specific action.

A number of individual country reports have been issued on the concerns featured in this bulletin. References to these are made under the relevant country entry. In addition, more detailed information about particular incidents or concerns may be found in Urgent Actions and News Service Items issued by AI.

This bulletin is published by AI every six months. References to previous bulletins in the text are:

AI Index EUR 01/01/98	Concerns in Europe: July - December 1997
AI Index EUR 01/02/98	Concerns in Europe: January - June 1998
AI Index EUR 01/01/99	Concerns in Europe: July - December 1998
AI Index EUR 01/02/99	Concerns in Europe: January - June 1999
AI Index EUR 01/01/00	Concerns in Europe: July - December 1999
AI Index EUR 01/03/00	Concerns in Europe: January - June 2000
AI Index EUR 01/001/2001	Concerns in Europe: July - December 2000
AI Index EUR 01/003/2001	Concerns in Europe: January-June 2001
AI Index EUR 01/002/2002	Concerns in Europe: July - December 2001
AI Index EUR 01/007/2002	Concerns in Europe: January - June 2002
AI Index EUR 01/002/2003	Concerns in Europe and Central Asia: July - December 2002
AI Index EUR 01/016/2003	Concerns in Europe and Central Asia: January - June 2003

AI Index EUR 01/001/2004 Concerns in Europe and Central Asia: July – December 2003
AI Index EUR 01/005/2004 Concerns in Europe and Central Asia: January – June 2004
AI Index EUR 01/002/2005 Concerns in Europe and Central Asia: July – December 2004

ALBANIA

Background

In July Bamir Topi was elected President of Albania, replacing Alfred Moisiu.

The ruling Democratic Party continued to criticize the Prosecutor General Theodor Sollaku and demand his dismissal. At the end of November President Topi dismissed the Prosecutor General, on questionable legal grounds, and appointed his successor, Ina Rama.

The European Commissioner for Human Rights, Thomas Hammerberg, visited Albania in November and emphasised the need for an independent judicial system and clear rules for the appointment of office-holders and for the limitation of mandates. He also noted continuing corruption among the judiciary and police ill-treatment, as well as prison overcrowding and instances of the illegal detention of minors in remand cells together with adults.

In September Albania ratified the International Convention for the Protection of All Persons from Enforced Disappearance, and in November the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflicts.

In November the Ambassador of the European Commission in Tirana called on Albania to revoke or amend its bilateral agreement with the USA of 2003 committing it not to surrender US nationals accused of genocide, crimes against humanity and war crimes to the International Criminal Court (ICC), on the grounds that this agreement did not accord with Albania's plans for European integration.

Domestic violence

Domestic violence continued to be widespread; the number of incidents reported to the authorities increased, although it was not clear whether this reflected an actual rise in incidents or a greater willingness on part of victims to seek assistance. As in the past, few cases of domestic violence reached the courts, unless they resulted in death or very serious injury. However, in July Tirana court issued the first emergency protection order under the provisions of the law "On Measures against Violence in Family Relations" which had come into force a month previously. In this case, the court prohibited a man from threatening, attacking or communicating directly with his ex-wife and two children for two weeks pending a further court hearing arising out of the complaint about violence she had filed against him. At the subsequent court hearing the court extended the protection order for a further three months.

Another reported precedent was the conviction in December of Tomor Merja on a charge of inducing his wife, by repeated ill-treatment, to commit suicide. He was sentenced to 20 months' imprisonment. There were at least three other cases during the period under review in which men were charged with this offence.

In October officials of the Ministry of Labour, Social Affairs and Equal Opportunities held meetings with officials from Albania's 12 regions and urged them to ensure that the Law "On Measures against Violence in Family Relations" was implemented. In November a special unit dealing with domestic violence and the protection of minors was established within the Tirana police force.

Trafficking

According to police sources, the trafficking of women and children decreased sharply in 2007, with 13 reported cases in which the victims were women and seven cases involving children. However, non-governmental organizations apparently suspected that considerably more cases went unreported. The Serious Crimes Court convicted eight men of trafficking women for forced prostitution, and two other defendants of trafficking children for exploitation as beggars. Trial proceedings against nine men on charges of trafficking women for forced prostitution, and against five other people for trafficking children, had not been concluded by the end of the year.

In July four defendants, one of them a woman, were sentenced to between seven and 13 years' imprisonment by Fier district court on charges relating to trafficking a woman to Italy and exploiting her for prostitution. In November trial proceedings (in absentia) started against Sokol Ruko before the Serious Crimes Court on a charge of having trafficked two minors (brothers) to Italy to work as beggars, between 2002 and 2003.

Witness protection remained problematic and victims of trafficking were often reluctant to report their traffickers for fear of reprisals. According to an article in *Koha Jonë* (an Albanian daily newspaper), in November police reportedly initiated charges of "failing to report a crime" against a 17-year-old girl from Kuçova after she refused to identify the people she claimed had trafficked her to Italy for forced prostitution at the age of 14.

Conditions of detention:

In July all remand prisoners being held in police stations were transferred to prisons or remand centres (under the authority of the Ministry of Justice). While this meant an improvement in their conditions and treatment, it exacerbated prison overcrowding. Two new prisons and a

remand centre which were due to be opened had not been completed by the end of the year. As a consequence, the total prisoner population, including convicted and remand prisoners, stood at 4,638 in October: 1,172 prisoners above capacity.

In September the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) published its report on its visit to Albania in March 2006, during which it visited remand facilities in Durrës and Fier police stations and cells at two police stations in Tirana. The ECPT criticized "deplorable conditions" in Durrës, Fier and the holding cells in Tirana police station no.4, as well as inadequate health care – described as "particularly problematic and, in a number of cases, even inexistent" at Fier remand facility. In November, the Albanian Helsinki Committee criticized conditions at Vlora remand prison, where 92 detainees were being held in cells with a capacity of only 46. They included five minors aged between 14 and 17 years, who were held in cells with adults, in breach of the law.

For lack of space, a number of remand prisoners were returned to, or remained in, police stations, in breach of the law. In September commissioners from the Ombudsperson's Office reportedly found that 16 detainees were being held at Tirana police headquarters in four cells designed to hold only one person each. According to police officers, a few days earlier as many as 36 detainees had been held there, three of them convicted prisoners.

There were also concerns about the lack of adequate medical care and medication for prisoners. The director of Peqin high security prison referred in September to the shortage of medication for some 20 prisoners suffering from chronic cardiovascular and pulmonary diseases.

The lack of a hospital dedicated to mentally ill prisoners and overcrowding in the Psychiatric Section of Tirana Prison Hospital meant that mentally ill prisoners were often held together with other prisoners, both in prisons and in remand facilities. In December the European Court of Human

Rights found against Albania in a case brought by Ilir Dybeku, a prisoner suffering from a chronic mental disorder, who in 2003 was convicted of murder. Since 2002 he had been held in prisons together with other prisoners in good health, and treated as an ordinary prisoner, apart from two short periods in Tirana Prison Hospital. His family had on several occasions filed complaints with the competent authorities alleging that he had been denied adequate medical treatment, resulting in a deterioration of his health. Their complaints were dismissed. In his application to the European Court of Human Rights, Ilir Dybeku alleged that his detention conditions and the medical treatment he received in prison were not appropriate given his state of health. The Court upheld his complaint, finding that there had been a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights.

Torture and ill-treatment

In its report (see above) the ECPT also noted that it had received a number of allegations from detainees that they had been subjected to "deliberate physical ill-treatment whilst in *police custody*, in particular, during police questioning." In addition, a number of remand prisoners held at Durrës police station had told the ECPT that members of the facility's special intervention force had handcuffed them, and after placing a helmet on their heads had beaten them about the head with hard objects.

Reported incidents of police ill-treatment during the period under review included an account by Elton Qyno, a journalist, who in August witnessed several police officers brutally punch and kick an acquaintance of his, Ilir Nastimi, at a police station in Tirana Student City.

While commissioners from the Ombudsperson's office were inspecting conditions at Vlora remand prison in November, they heard that a detainee, Ilirian Malaj, had the same day been

punched and beaten with a truncheon by prison guards after he protested about a cell search. Ilirian Malaj had visible injuries, later confirmed by a medical forensic examination, and his account was supported by other detainees. The Ombudsperson called for an investigation on charges of torture against four named guards.

In November Korça court awarded 400,000 leks' compensation (approximately 3,300 euros), to the family of Gazmend Tahirllari, who died in 2003 after being beaten by police officers during arrest. His family complained that the compensation was derisory, and said they planned to appeal the court's decision.

Access to housing - adult orphans denied the right to adequate housing

Over 45,000 families were registered as homeless, and among the most vulnerable groups affected were some 340 people who had been orphaned as children and brought up in state institutions. In violation of domestic law, the state had failed to provide them with adequate housing when they reached adulthood and completed secondary school, and they could not afford to buy or rent housing on the open market. Many of them had been living for years in squalid conditions, sharing a single room with several others, in dilapidated school residence halls, without security of tenure. Amnesty International documented its concerns in a report published in November, *Albania: "No place to call home" - Adult orphans and the right to housing* (AI Index: EUR 11/005/2007).

In November the government signed an agreement with the Council of Europe Development Bank (CEB) under which the CEB granted a subsidized loan to the government to cover 60 per cent of the costs of a project to construct social rental housing for low-income homeless families and individuals. This housing is to consist of some 1,100 apartments, to be built in a number of larger towns in Albania by the end of 2010. Under Albanian law, adult

orphans up to the age of 30 are among the vulnerable groups to be granted priority when these apartments are allocated. However, Amnesty International remained concerned that, as a small group with little leverage, adult orphans might, as in the past, be overlooked when the apartments are allocated.

ARMENIA

Restricted freedom of assembly

In the context of forthcoming presidential elections scheduled for February 2008, there were continued reports of restrictions on the freedom of assembly. On 23 October nine people were detained for nine hours on charges of public disorder and resisting arrest after police used truncheons and tear gas to disperse a march advertising a forthcoming rally in support of presidential candidate Levon Ter-Petrosian.. The detainees included Shogher Matevosian and Nikol Pashinian, editors-in-chief of the opposition newspapers *Chorrord Ishkhanutyun* (Fourth Power) and *Haykakan Zhamanak* (Armenian Times) respectively. The others were all members of the pro-Levon Ter-Petrosian movement Aylentrak (Alternative), headed by Nikol Pashinian. Both Shogher Matevosian and another journalist of the *Chorrord Ishkhanutyun* newspaper, Gohar Vezirian, were reported as having been beaten and injured by security forces as the march was disbanded. The police announced that four police officers had been injured during the incident. The nine detainees were subsequently charged with hooliganism or assault of police officers; their cases were still pending at the end of the year.

Freedom of expression concerns

Human rights activists and media watchdogs continued to voice concern over alleged restrictions on freedom of expression in the country's broadcast media, the principal source of information for the vast majority of the population.

Harassment of journalists and independent media

Human rights activists expressed concern that a number of assaults on journalists attested to a climate of impunity for such assaults. For the second time in just over a year Hovannes Galajian, editor of the opposition newspaper *Iskakan Iravunk* (True Constitutional Right), was beaten in September by unknown assailants. To AI's knowledge no one had been prosecuted for the assault by the end of the year.

In October Ruzan Minasyan, a journalist with the *Aravot* (Morning) newspaper, was assaulted by a group of people in the newspaper's offices. They attacked Ruzan Minasyan on account of material she published relating to the death of their relative. A criminal case was opened, but no prosecution had taken place by the end of the year.

On 13 December there was an explosion at the entrance to the offices of the *Chorrord Ishkhanutyun* newspaper; there were no reported injuries. Its editor Shogher Matevosian stated that she had received threats of possible violence against the newspaper from security staff associated with Prime Minister (and future presidential candidate) Serge Sarkisian in response to political cartoons published by the newspaper.

Following its screening of Levon Ter-Petrosian's 21 September campaigning speech both tax officials and representatives of the National Security Service reportedly visited the independent *Gala TV* television station in the city of Gyumri. The television station reported having received warnings from the government-controlled National Commission on Television and Radio not to broadcast coverage of Levon Ter-Petrosian's political activities. The station's owner Vahan Khachatrian also reported that local officers of the National Security Service had visited him shortly after the broadcast and warned him to cease coverage of Levon Ter-Petrosian's campaigning activities. In November *Gala TV* was accused by the State Tax Service

(STS) of under-reporting its advertising revenues to the sum of 26 million Armenian drams (approximately US \$82,000). In early December the Economic Court ordered the freezing of the station's bank accounts; *Gala TV* was also accused by the STS of using a TV tower in Gyumri illegally to transmit its broadcasts to the city and the surrounding regions. Demonstrations in support of the station ensued in late December.

Harassment of opposition activist

On 15 November a youth activist belonging to a small political party supporting Levon Ter-Petrosian was severely assaulted. Narek Galstian was assaulted by three unknown men while travelling in a taxi in a northern suburb of Yerevan. He was told by his attackers that he 'would be killed next time' if he informed the media of his assault. Narek Galstian reported being detained two days prior to the attack and told to cease leafleting and other activities in support of Levon Ter-Petrosian.

Opposition figure detained

Five days before parliamentary elections on 12 May Alexander Arzoumanian, former foreign minister from 1996-1998 and leading figure in the administration of former President Levon Ter-Petrosian, was arrested on charges of money-laundering. Subsequently known for outspoken criticism of President Robert Kocharian Alexander Arzoumanian had co-founded in 2006 the Civil Disobedience Movement, a small opposition group. The National Security Service (NSS) claimed that Alexander Arzoumanian received and attempted to legalize funds for his political activities from Levon Markos, an ethnic Armenian citizen of Russia wanted in Armenia on charges of fraud. During a search of Alexander Arzoumanian's apartment, the NSS discovered US \$55,400 in cash, which Alexander Arzoumanian denied having received from Levon Markos. Following a visit by state investigators to the Russian Federation to verify claims that Alexander Arzoumanian had received the cash from a

Moscow-based friend, he was released on 6 September pending further investigation.

New evidence of domestic violence published

In July the results of a survey investigating the incidence of domestic violence was published. The survey was implemented by the Turpanjian Centre for Policy Analysis at the American University of Armenia, under contract with the non-governmental organization, the Women's Rights Centre. The survey sample consisted of 1,006 women from across the country, aged between 18 and 75. The survey questioned respondents on the incidence of both psychological and physical abuse.

Twenty-seven per cent of respondents reported having experienced 'moderate' physical abuse (covering a range of acts including punching, kicking and physically detaining the victim); 12 per cent reported having experienced 'severe' physical abuse (including attempts to strangle, burn or drown the victim, harm her children, threaten her with a weapon and force her to have sexual relations against her will). Of this 12 per cent, six reported experiencing these kinds of abuse 'sometimes' or 'often'. With regard to psychological abuse (covering a range of abuses including verbal abuse, physical detainment of the victim, preventing contact with relatives or friends and withholding of economic means) 66 per cent of respondents reported having experienced these phenomena; 46 per cent reported experiencing them 'sometimes' or 'often'.

No statistically significant differences in the incidence of violence were found according to differences in age, income, employment status, urban/rural settlement or education.

Conscientious objectors still imprisoned

The Armenian authorities still failed to introduce a genuinely civilian alternative to compulsory military service, an obligation

undertaken upon accession to the Council of Europe in 2001, and continued to imprison conscientious objectors, all of whom were Jehovah's Witnesses. To AI's knowledge no one was performing the alternative service during the period under review. In September there were a reported 82 Jehovah's Witnesses in detention, a record number. AI considered all of them prisoners of conscience. The rise in numbers was attributable to lengthened sentences (typically up to 30 months) and a greater reluctance to release conscientious objectors on parole.

AZERBAIJAN

Freedom of expression

In July President Ilham Aliyev declared that no police officers would face criminal prosecution for the beating of journalists at the time of the 2005 parliamentary elections. Human rights activists condemned the comment as contributing to a climate of impunity for the use of excessive force by police against journalists.

In July the Yasamal District Court in Baku made reference to the jurisprudence of European Court of Human Rights in its decision to dismiss defamation charges against Qənimət Zahid, editor of the opposition *Azadlıq* (Freedom) newspaper. The charges related to a reference in an article published by Qənimət Zahid to allegations of the misuse of state property by a railway official.

No progress in the investigation of the murder of Elmar Hüseynov

In July the Georgian Prosecutor General's Office refused to extradite two ethnic Azeri citizens of Georgia suspected of murdering outspoken opposition editor Elmar Hüseynov in March 2005. The official stated reason for this refusal was the failure of the Azerbaijani Prosecutor General's Office to present evidence substantiating the extradition request. An alternative explanation of Elmar Hüseynov's murder, suggesting that he was shot by a former Interior Ministry official, remained unsubstantiated.

Journalists released

On 28 December five journalists were among 119 prisoners pardoned by President Aliyev and released. Three of the journalists, Faramaz Novruzov, Yaşar Agazade and Rovşan Kebirli, had been imprisoned earlier in the year on charges of defamation. The remaining two, Rafiq Tağı and Samir Sədəqətoğlu, had been sentenced in May to three and four years' imprisonment respectively following the publication of an article critical of Islam in the *Sənət* (Art) newspaper. AI considered them prisoners of conscience.

Also in December the Appeal Court ordered the release of Nazim Quliyev, editor of the *Ideal* newspaper. He had been sentenced by a lower court to 30 months' imprisonment on charges of defamation relating to articles published criticizing police officials.

The case of Muşviq Hüseynov

On 24 July Muşviq Hüseynov, correspondent for the opposition *Bizim Yol* (Our Way) newspaper, was arrested for allegedly accepting a bribe from an official within the Ministry of Labour and Social Security. Muşviq Hüseynov's colleagues and family told AI that they believed the arrest was the result of an operation by the Ministry of National Security and the Prosecutor General's Office. On 1 August video footage allegedly showing Muşviq Hüseynov accepting the alleged bribe of US \$3,500 was broadcast on a number of pro-governmental television channels. According to his relatives and colleagues, this footage showed signs of tampering, including the cutting and pasting of footage and the distortion of voices, casting doubt on the plausibility and authenticity of the tape, while a narrator's voice added to the recording clearly implied that Muşviq Hüseynov was guilty of the charges against him. The journalist's relatives also informed AI that his flat had been searched without a warrant and two computers had been confiscated. They believe Muşviq Hüseynov's arrest was motivated by a series of articles he had published in *Bizim Yol* regarding the activities of the Minister

of Labour and Social Security. His trial was still ongoing at the end of the year. AI has previously documented the targeting of *Bizim Yol* journalists. In May 2006 the newspaper's editor Baxaddin Xəziyev was abducted by unknown assailants, beaten and deliberately run over by a car in the outskirts of Baku. To date no one has been prosecuted for this assault.

The case of Sühayle Qamberova

In September reporter Sühayle Qamberova of the *Impuls* (Impulse) newspaper was reportedly beaten by court officials while conducting research for an article on forced evictions. She was hospitalized after being kicked and punched.

The case of Həkim Eldostu Mehdiyev (update to AI Index EUR 55/014/2007)

In Naxçıvan (an Azerbaijani exclave bordered to the south by Iran and to the east by Armenia) Həkim Eldostu Mehdiyev, journalist for the opposition *Yeni Müsavat* (New Equality) newspaper, was seized on 22 September by police, beaten and detained for four days. Earlier that month he had contributed to reports published on the website of *Radio Free Europe/Radio Liberty* on socio-economic problems in the region. Həkim Eldostu Mehdiyev had also contributed to a radio interview broadcast on *Radio Azadlıq*, the Azeri service of *Radio Liberty/Radio Free Europe*. Charged with disobeying police orders he was tried immediately without legal representation and his family was not allowed to visit him in detention. Two businesses run by members of his family were closed and demolished following his detention. He was released on 27 September after being told that he had been 'forgiven'.

The case of Eynulla Fətullayev (update to AI Index EUR 55/016/2007)

Following his April trial, at which he was sentenced to 30 months' imprisonment on charges of defamation, opposition editor Eynulla Fətullayev was sentenced on 30 October to eight-and-a-half years' imprisonment on separate charges of terrorism, incitement of ethnic hatred and

tax evasion. He denied all of the charges against him. The terrorism charges related to the content of an article Eynulla Fətullayev published in his newspaper *Realny Azerbaydzhan* (Real Azerbaijan) speculating on possible strategic targets in Azerbaijan in the event of US-Iranian conflict. The charge of incitement of ethnic hatred also related to commentary published by Eynulla Fətullayev on the ethnic composition of local government personnel in southern Azerbaijan. The charge of tax evasion led to an additional fine of more than 200,000 new Azerbaijani manats (approximately the equivalent of US \$235,000); Eynulla Fətullayev's lawyer Isaxan Asurov claimed that the reported calculations behind the tax evasion charge were erroneous. AI considered Eynulla Fətullayev a prisoner of conscience.

The case of Qenimet Zahid

Qenimet Zahid, chief editor of the opposition *Azadlıq* (Freedom) newspaper and brother of imprisoned satirist Sakit Zahidov, was arrested in November on charges of hooliganism and causing bodily harm after an incident with two passers-by. He was alleged to have insulted a female passer-by, and then inflicted minor bodily harm on the man accompanying her when he intervened. Qenimet Zahid denied the charges, claiming that as he passed her, the woman thrust her arms out at him and began to shout that he had insulted her. According to Qenimet Zahid the man accompanying her then began to assault him. AI considered him a possible prisoner of conscience. His case was still pending at the end of the year.

Death in custody

On 18 November Faina Kunqurova, formerly a member of the opposition Democratic Party of Azerbaijan (DPA), died in custody aged 33. Faina Kunqurova was arrested on 5 October on charges of the possession and distribution of illegal narcotics. Reports indicate that she was arrested by the side of a motorway route along which the motorcade of President

Ilham Aliyev was due to pass. Faina Kunqurova's relatives believe that she was arrested on account of her political views and political activities in support of the DPA and its now exiled former leader Rasul Quliəv, whose photograph Faina Kunqurova was allegedly carrying on her person at the time of her arrest. After two weeks of pre-trial detention at the Şüvəlan detention centre Faina Kunqurova was transferred to a prison hospital on 19 October. She died in hospital one month later allegedly due to starvation. No statement was released by the Ministry of Justice for 10 days until 28 November, when it was claimed that she had died as a result of malnutrition and had also been suffering from depression. The Ministry of Justice did not release the results of the official autopsy to either Faina Kunqurova's relatives or outside investigators. On 27 December the Prosecutor General's Office announced that it would not be conducting an investigation into the circumstances of Faina Kunqurova's death.

Faina Kunqurova was previously arrested in 2002. In April of that year she was reportedly arrested and sentenced to 10 days' detention on charges which AI has not been able to clarify. Reportedly, the Chief of Sabayil District Police claimed in a television interview that Faina Kunqurova was Armenian, which could be understood as an attempt to publicly discredit her. She was arrested again later that year on charges of hooliganism and on 16 July 2002 sentenced to three years' imprisonment. She claimed she was imprisoned on account of her political activities. Required to serve her sentence in an all-male prison, Faina Kunqurova was later recognized as a political prisoner by the Council of Europe. Following lobbying by the Special Rapporteur of the Parliamentary Assembly of the Council of Europe on Political Prisoners, she was pardoned and released in May 2004.

Concerns regarding the Talysh national minority

On 29 November the European Court of Human Rights ruled that Azerbaijan must award US \$29,540 in compensation to Aləkrəm Hümətov, the leader of a movement to create a self-proclaimed Talysh-Mugan Republic in an ethnic Talysh-populated region of southern Azerbaijan in 1993. The European Court of Human Rights supported Aləkrəm Hümətov's claim that he had been subjected to an unfair trial, torture and the denial of medical treatment for tuberculosis and found that Azerbaijan had violated Articles 3 (the right not to be subjected to torture or inhuman or degrading treatment or punishment), 6.1 (the right to a public hearing) and 13 (the right to effective remedy) of the European Convention on Human Rights. Originally sentenced to death in 1996, Aləkrəm Hümətov was pardoned by President Aliyev in 2004 and emigrated to the Netherlands.

During the period under review AI received reports concerning the alleged harassment of representatives of the Talysh community. In December the trial began of Novruzali Mamədov, aged 67, editor of the Talysh-language newspaper *Tolyshi sado* (Voice of the Talysh), chairman of Talysh Cultural Centre and head of the Institute of Philology of the Academy of Sciences of Azerbaijan. He had been arrested on 3 February and charged under Article 274 of the Azerbaijani Criminal Code (high treason) for allegedly conducting surveillance activities for the Islamic Republic of Iran. In July Atakan Abilov, another Talysh activist, was allegedly detained by officials from the Ministry of National Security. His apartment was also searched and he was allegedly dismissed from his job at the Baku State University on account of his political convictions. He subsequently left Azerbaijan for Russia and since then was reportedly granted asylum in the Netherlands.

Concerns regarding discrimination on grounds of conscience or religion

The case of Zaur Balaev

On 9 August a Zaqatala District Court sentenced Zaur Balaev, a Baptist pastor, to two years' imprisonment on charges of illegal religious activities without registration and the use of force against government officials. Zaur Balaev, aged 44, was detained on 20 May while administering a religious service. He was then arrested on charges of resisting arrest and assaulting up to five policemen as he was taken away in a police car. An additional allegation that he had set dogs onto the police was rejected after 50 local residents signed an affidavit to the contrary. Relatives making enquiries at the Zaqatala police station where he was being held were allegedly beaten and not permitted to visit Zaur Balaev. According to reports, Zaur Balaev's health deteriorated following his arrest and in mid-June he was transferred to the hospital unit of the prison in Azerbaijan's second city of Gəncə. Another member of the Baptist Church has further alleged that the Prosecutor stated verbally that as a Christian, Zaur Balaev constituted a 'threat to society and to social security'.

Zaqatala is known as Saingilo to the local Georgian-speaking population; Muslim members of this community are known as Ingilos. The Baptist Church, whose congregation is made up of Christian converts from the Ingilo population, has been denied legal status in Azerbaijan for 13 years and there have been repeated reports of harassment directed against it. AI considered Zaur Balaev a prisoner of conscience.

Forcible beard shaving

There were numerous reports of the forcible shaving of men's beards in some regions of the country, where wearing a beard is connoted as symbolizing religious extremism. According to one lawyer, speaking in August, some 50 residents of İsmayilli, Qax, Zaqatala and Göyçay regions had their beards forcibly shaved off by the police.

The case of Said Dadaşbeyli

Said Dadaşbeyli was arrested on 13 January 2007 on charges of attempting the violent overthrow of the government, treason, the illegal accumulation of weapons and drugs, the production of counterfeit money, banditry and the formation of an illegal organization. Fourteen others were arrested at the same time. At the heart of the charges against Said Dadaşbeyli was the allegation that he had cooperated with elements in the Iranian secret service in order to overthrow the Azerbaijani government. However, Said Dadaşbeyli's family and lawyer believed that he had been targeted on account of his espousal of religious values independently of official religious structures.

On 10 December Said Dadaşbeyli was sentenced to 14 years' imprisonment. Other members of the group were sentenced as follows: Fardi Ağayev, Rasim Kərimov, Beybala Quliyev and Samir Gocayev (13 years), Raşad İsmaylov, Emin Mexbaliyev and Mikail İdrisov (12 years), Mubariz Süleymanov (nine years), Faik İsmaylov (six years), Fətulla Babirov (three-and-a-half years) and Zaur Orucov (two years).

Said Dadaşbeyli, aged 33, worked for an American-Azerbaijani joint venture in the oil industry. He also headed an organization named 'NIMA', a religious group consisting of approximately 25-30 individuals, which according to Said Dadaşbeyli's lawyer Elçin Qəmbərov was a charitable organization dedicated to the dissemination of a progressive (Shiite) Islam. According to information submitted to AI by Elçin Qəmbərov, NIMA's activities included charitable work and joint religious services between Sunni and Shia Muslims. Said Dadaşbeyli's wife İlhamə Kazımova told AI that while her husband was certainly a religious man, he was an advocate of a Western-looking Islam favouring integration with Europe who actively opposed the work of Iranian networks in Azerbaijan. According to his lawyer, members of NIMA received threats from pro-Iranian groups in February 2006; following that an attempt was allegedly made on the lives of Said

Dadaşbeyli and his wife. At this point they decided to emigrate from Azerbaijan; while his wife was successful, and now resides in Canada, Said Dadaşbeyli was allegedly prevented from emigrating and was then arrested.

AI is concerned regarding allegations of the torture of Said Dadaşbeyli in pre-trial detention and alleged irregularities in the trial. His lawyer Elçin Qəmbərov has alleged that Said Dadaşbeyli was subjected to torture in the form of beatings and sleep deprivation while in pre-trial detention. He was not given the right to appoint his own lawyer immediately after his arrest and his first interrogations took place without a lawyer present. Said Dadaşbeyli was tried in the Court of Grave Crimes in a closed process, which the authorities claimed was necessary to protect state security. Elçin Qəmbərov has further alleged that weapons and drugs found in Said Dadaşbeyli's apartment following his arrest were planted there by Ministry of National Security personnel. Elçin Qəmbərov has further alleged that witnesses were put under pressure to sign statements incriminating Said Dadaşbeyli.

AI has previously documented the alleged use of unsubstantiated charges of collusion with foreign security forces to sentence oppositional youth activists in Azerbaijan. In July 2006 three members of the Yeni Fikir (New Idea) youth group were sentenced to imprisonment on charges of plotting a coup d'état with the assistance of the Armenian secret service. Allegations of torture in the case of one of them, Ruslan Başirli, were, to AI's knowledge, never investigated.

Self-proclaimed republic elected a new president

On 19 July the self-proclaimed Nagorno-Karabakh Republic held a presidential election. Former military commander Bako Sahakian was elected president in elections that were not recognized by Azerbaijan or regional inter-governmental organizations.

No Azeris from the region participated in the election.

BELGIUM

Background

National elections were held on 10 June, but no new government had been formed by the end of the year. On 23 December parliament approved an interim government headed by Guy Verhofstadt.

Asylum and immigration

New legislation

New asylum legislation further limiting the rights of asylum-seekers came into full effect in June. The new procedures rely on written appeals which must be submitted within 15 days of the original decision. As a result, asylum-seekers may have greater need of specialist legal representation which, particularly in the case of those held in detention centres, can be difficult to obtain. The new law also increased the grounds on which asylum-seekers can be held in detention.

Detention of people with mental health difficulties

Evidence emerged that people with mental health difficulties were routinely held in closed migration detention centres, where they may have inadequate access to appropriate psychiatric treatment and facilities. According to information sent to Amnesty International from the government, the psychologist of closed migration detention centres is tasked with finding appropriate solutions for individuals with mental health difficulties, who are routinely detained in such centres. Such persons who may be subjected to a regime of isolation or a "differentiated regime", consisting of separate living quarters and (partial) separation from the other detainees. Options open to the psychologist include placement in a psychiatric facility. However, it is conceded that placement in such facilities is often not

possible, because of a lack of available places and because of language problems.

Amnesty International is concerned that the detention of vulnerable persons, including persons with mental health problems, may only be allowed as a measure of last resort. This principle applies equally to asylum-seekers, failed asylum-seekers and migrants. Where asylum seekers are concerned, the UN refugee agency (UNHCR) Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum Seekers (1999) state that, given the very negative effects on the psychological well being of those detained, active consideration of possible alternatives should precede any order to detain asylum seekers with mental disabilities. Moreover, detention should only be permissible on the certification of a medical practitioner that detention will not adversely affect their health and well being. Concerning migrants, the UN Special Rapporteur on the Human Rights of Migrants recommends that every detention centre be equipped with a doctor with appropriate training in psychological treatments. Migrants should have the possibility of being assisted by interpreters in their contacts with doctors or when requesting medical attention. They should be provided with adequate medical and psychological assistance (Report of UN Special Rapporteur on the Human Rights of Migrants, Gabriela Rodriguez Pizarro, UN Doc. E/CN.4/2003/85, paras. 50 and 75(m)). Also, it must be ensured that the obligations pursuant to the right to adequate health care (Article 12 of the International Covenant on Economic, Social and Cultural Rights) are respected.

Asylum granted to Iraqi family

An Iraqi couple was finally granted asylum in Belgium in September, after repeated detention in and expulsion from both Belgium and Greece. The couple first arrived in Greece in December 2004, but their asylum claim was rejected and they were ordered to leave the country without being able to appeal. They travelled to Belgium to join their son who has legal residence in the country, but were detained

upon arrival and sent back to Greece on the grounds that Greece was responsible for their asylum claim under the European Union's so-called Dublin II Regulation which establishes criteria and mechanisms for determining which EU state will examine an asylum application. In Greece they were detained again, before being ordered to leave the country. The couple returned to Belgium in February 2007 where they were detained once again before finally receiving refugee status.

The Tahiri family (Updated to: AI Index EUR 01/010/2007)

The Tahiri family, who were allegedly subjected to ill-treatment by police officers during an attempt to forcibly expel them to Albania in June were subsequently granted refugee status in Belgium.

Racism and discrimination

On 11 October Hans Van Themsche was convicted of the racially-motivated double murder of a pregnant black woman and the white child in her care and of the attempted murder of a woman of Turkish origin in May 2006 in Antwerp. He was sentenced to life imprisonment. The Centre for Equal Opportunities and the League for Human Rights were a civil party to the proceedings. It was the first time a court (cour d'assises) had qualified a murder as racially motivated.

BOSNIA AND HERZEGOVINA

General and political developments

Bosnia and Herzegovina (BiH) remained divided in two semi-autonomous entities, the Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH), with a special administrative status granted to the Brčko District. The international community continued to exert significant influence over the political process in BiH, as part of the civilian implementation of the Dayton Peace Agreement, led by a High Representative whose nomination is proposed by the Peace

Implementation Council (PIC), an intergovernmental body that monitors implementation of the Dayton Peace Agreement. In July Slovak diplomat Miroslav Lajčák assumed office as the new High Representative and as the European Union (EU) Special Representative in BiH, replacing Christian Schwarz-Schilling.

EUFOR, a EU-led peacekeeping force of approximately 2,500 troops, continued to be stationed in BiH and in November the UN Security Council extended its mandate for another year. In addition, a small North Atlantic Treaty Organisation (NATO) presence remained in BiH, mainly to assist the BiH authorities in defence reform and also ostensibly providing support to the International Criminal Tribunal for the former Yugoslavia (Tribunal) with regard to the detention of persons indicted for war crimes. The EU also operates a police mission in BiH, the EUPM, assisting local authorities in conducting investigations, with a particular focus on organized crime.

The period under review was marked by political paralysis and delays in implementing reforms. In October, the High Representative enacted legislation amending the Law on the Council of Ministers of Bosnia and Herzegovina and proposed changes to the rules of procedures of the two chambers of the BiH Parliament. Such changes were aimed at modifying quorum requirements for the functioning of these institutions and at reducing possibilities for ministers or parliamentarians to obstruct the activities of these bodies. BiH Prime Minister Nikola Špirić resigned in November to express his disagreement with the High Representative's decision.

The situation of political crisis appeared to improve in December, when the BiH Council of Ministers adopted an action plan for the implementation of police reform, one of the main issues of contention among BiH politicians and a precondition set by the EU for the conclusion of a Stabilisation and Association Agreement (SAA) with BiH. The EU finally initialled the SAA shortly after the

adoption of the action plan. Also in December, Nikola Špirić was reappointed as Prime Minister and reconfirmed by the BiH Parliament.

War crimes and crimes against humanity (update to AI Index: EUR 01/010/2007)

International prosecutions

The International Criminal Tribunal for the former Yugoslavia (Tribunal) continued to try alleged perpetrators of war crimes and crimes against humanity committed during the violent collapse of Yugoslavia. Under the terms of the "completion strategy", laid down in UN Security Council Resolutions 1503 and 1534, the Tribunal was expected to complete all trials including appeals, by 2010.

In July the Tribunal's Appeals Chamber granted the appeal by Milan Lukić against the transfer of his case to BiH and ordered that the trial be held at the Tribunal. Subsequently, the Tribunal's Referral Bench revoked a previous decision to refer the case of co-accused Sredoje Lukić to BiH, allowing for a joint trial to be held at the Tribunal.

In December the Tribunal sentenced former Bosnian Serb Army (VRS) commander Dragomir Milošević to 33 years' imprisonment for war crimes and crimes against humanity, including murder and inhuman acts committed during the Sarajevo siege in a campaign of sniping and shelling which resulted in many civilian casualties.

Cooperation between the Tribunal and BiH and RS authorities appeared to have improved, with the Tribunal Prosecutor stating in June that BiH's level of cooperation with her office had progressed in recent months and was now generally satisfactory.

Domestic investigations and prosecutions

War crimes proceedings before domestic courts continued, including at the War

Crimes Chamber (WCC) within the BiH State Court, although efforts to bring perpetrators to justice remained insufficient to provide justice to the victims given the scale of the crimes committed and the potentially huge number of crimes to be investigated and prosecuted. Convictions also covered crimes of sexual violence, although survivors and witnesses in some cases were not provided with adequate protection and support.

In July, Niset Ramić, a former member of the Territorial Defence of the Republic of Bosnia and Herzegovina, was sentenced by the WCC to 30 years' imprisonment for war crimes, included murders, committed against Bosnian Serb civilians in the Visoko area in 1992. The verdict was confirmed on appeal in November.

Also in July, war-time RS Minister of Justice Momčilo Mandić, was acquitted of charges of war crimes and crimes against humanity by the WCC.

In August, following a retrial before an appellate panel, former member of the RS police forces Boban Šimšić was found guilty of crimes against humanity committed against the Bosniak (Bosnian Muslim) civilian population in the Višegrad area, including murder, torture, rape and enforced disappearance of persons. His sentence was increased from five to 14 year's imprisonment.

Former RS police officer Nenad Tanasković was found guilty in August on various counts of crimes against humanity committed against the non-Serb population in the Višegrad area and sentenced to 12 year's imprisonment.

In September, the WCC convicted Krešo Lučić, a former commander of the Croatian Defence Council (HVO), the Bosnian Croat armed forces, of crimes against humanity and sentenced him to six years' imprisonment. He was found guilty in particular of having unlawfully imprisoned, tortured and committed other inhuman acts against Bosniak civilians.

The WCC sentenced former VRS member Jadranko Palija to 28 years' imprisonment

in November for crimes against humanity and war crimes committed against non-Serbs in the Sanski Most area. These crimes include the murder of civilians and the rape of a Bosniak woman, committed in 1992.

Some war crimes trials of low-level perpetrators were also held in local entity courts, which continued to face difficulties in dealing with war crimes cases, including as a result of lack of staff and other resources. In these proceedings, victims and witnesses remained without adequate protection from harassment, intimidation and threats.

In October, Branislav Berjan, a former member of the VRS, was sentenced to seven years' imprisonment for war crimes against non-Serbs, following proceedings at the Sarajevo Cantonal Court. He was found guilty *inter alia* of crimes committed against Vladimir and Radislav Mađura, who were abducted from their home in Ilidža, a suburb of Sarajevo, in 1992. Their fate and whereabouts remained unknown until 2004, when their bodies were exhumed and identified.

The third retrial for war crimes of four former members of the HVO continued before the Mostar Cantonal Court. The defendants are charged with being responsible for the detention and subsequent enforced disappearance of 13 Army of Bosnia and Herzegovina (ABiH) soldiers in 1993. Two previous acquittals were quashed by the FBiH Supreme Court.

Missing persons and enforced disappearances (update to AI Index: EUR 01/010/2007)

According to estimates by the International Commission on Missing Persons, over 13,000 persons who went missing during the 1992-1995 war were still unaccounted for. Many of the missing were victims of enforced disappearances, whose perpetrators continued to enjoy impunity.

Progress continued to be slow in transferring competencies from the missing

persons commissions of the FBiH and the RS to the national Missing Persons Institute (MPI). In November the BiH Council of Ministers adopted a number of documents, including the MPI's statute, with a view to finally enable the MPI to begin its activities.

In October, the exhumation of a mass grave in Zeleni Jadar, near Srebrenica, uncovered 34 complete and 192 incomplete skeletons, believed to be the remains of victims killed in 1995 by Bosnian Serb forces. In November, the exhumation of a mass grave in Kamenica uncovered 76 complete and 540 incomplete bodies, also believed to be of Srebrenica victims.

Although in December 2006 a commission tasked with investigating the enforced disappearance of Avdo Palić had been reactivated, reported attempts to locate his mortal remains and to investigate his enforced disappearance were unsuccessful. ABiH Colonel Avdo Palić had disappeared after reportedly being forcibly taken by VRS soldiers from the UN Protection Force compound in Žepa on 27 July 1995. He had gone there to negotiate the evacuation of civilians from the town which had just surrendered to the VRS.

Right to return (update to AI Index: EUR 01/010/2007)

Since the end of the war, out of an estimated 2.2 million people displaced during the conflict, more than a million refugees and internally displaced persons were estimated to have returned to their homes. There was an increase in the number of registered returns during the second half of 2007. The Office of the UN High Commissioner for Refugees in BiH registered approximately 6,000 returns between July and December. Of these, approximately 5,500 were returns in a minority situation.

Minority returnees continued to face discrimination in access to economic and social rights. Lack of access to employment continued to be a major obstacle to the sustainable return of refugees and the

internally displaced. The unemployment rate was high in general, reflecting the weak economic situation and difficulties of economic transition and post-war reconstruction. In addition, returnees faced discrimination on ethnic grounds.

'War on terror' (update to AI Index: EUR 01/010/2007)

The six men of Algerian origin who in 2002 were unlawfully transferred by the authorities in BiH to US custody remained in detention at Guantánamo Bay, Cuba. In August the BiH authorities reportedly requested guarantees from the US authorities that the detainees would not be subjected to the death penalty, torture, and ill-treatment.

The BiH State Commission for the Revision of Decisions on Naturalization of Foreign Citizens, which had begun its work in March 2006, continued its activities amidst statements to the media by politicians to the effect that those stripped of their citizenship, and in particular those deemed to represent a "threat to BiH's national security", would be deported. The Commission can propose to the BiH Council of Ministers to withdraw the citizenship of, among others, those who are deemed to have obtained it not in accordance with the relevant regulations, or on the basis of false information, in those cases where the individuals affected would not be rendered stateless. Reportedly, the activities of the Commission could affect approximately 1,500 individuals, many of whom reportedly came to BiH to join Bosniak forces as volunteer foreign fighters during the 1992-95 war, or to work for Islamic charities during and after the war.

There were continuing concerns about the expulsion of those stripped of their citizenship to countries where they would be at risk of serious human rights abuses. In December a man of Algerian origin was deported to Algeria after having been stripped of BiH citizenship following a review of his status by the Commission.

Ill-treatment in prisons and by the police

There were reports of ill-treatment by members of police forces and in prisons. Impunity for those responsible prevailed. The trial of three Sarajevo Canton police officers suspected of having ill-treated a young man started in April 2007 before the Sarajevo Municipal Court, and was continuing at the end of the period under review. Proceedings had been instigated following the broadcast on the internet of a video allegedly showing one of the police officers beating the victim.

In July the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published its preliminary observations following its visit to BiH in March 2007. The CPT highlighted "a considerable number of allegations of physical ill-treatment by the police", mostly during questioning by the police, involving kicks and punches to various parts of the body as well as blows with batons. The CPT also reported numerous allegations of ill-treatment of prisoners by prison staff in Zenica Prison as well as inter-prisoner violence, which appeared to be "prevalent in the prisons visited".

Discrimination against Roma

Members of Romani communities continued to suffer discrimination. Primary school attendance rates for Romani children were low and extreme poverty remained one of the main causes of the exclusion of Roma from education. Insufficient progress was made by the authorities at state, entity and cantonal level, in the implementation of the 2004 Action Plan on the Educational Needs of Roma and Members of Other National Minorities.

The FBiH authorities allocated funds for the purchase and distribution of textbooks to Romani and other vulnerable pupils in the school year 2007/08. However, in some

cases cantonal and municipal social welfare authorities reportedly failed to distribute textbooks to Romani pupils. More progress in this regard was reported in the RS. No meaningful steps were taken by the authorities in BiH to include in a systematic way Romani language, culture and traditions in school curricula.

Violence against women

The incidence of domestic violence remained high. Between July and December, the authorities in the FBiH recorded 398 criminal acts of violence in the family, a slight increase from the figure relative to the first six months of the year. Both in the RS and in the FBiH shelters for victims of domestic violence were facing financial difficulties and in some cases were dependent on financing from foreign donors.

BiH continued to be a country of origin, transit, and destination for women and girls trafficked for the purpose of sexual exploitation. In July the BiH Council of Ministers adopted a set of rules on the protection of victims and witnesses of human trafficking who are citizens of Bosnia and Herzegovina, as a way to facilitate the activities of social welfare and health protection organs at the entity and cantonal level. It is estimated that approximately one third of victims of trafficking in BiH are BiH citizens.

BULGARIA

Discrimination against minorities

The Roma minority

Roma continue to suffer discrimination at the hands of both public officials and private individuals, including in the areas of housing, education, health care and employment.

In July, the European Court of Human Rights (ECTHR) delivered its judgment in the 1996 racial killing of Angel Dimitrov Iliev, a Romani man, by a group of seven teenagers in the town of Shumen. The

Court noted that the authorities recognized the heinous nature of the crime yet failed to conduct a prompt and effective investigation into the incident. One teenager was acquitted and charges against four of the attackers were dropped, while the remaining two defendants were not brought to court. The Court judged "completely unacceptable" the authorities' failure to bring the perpetrators to justice, even though they were aware of the racist motives of the attack from the beginning. The authorities failed to also charge the assailants with any racially motivated offences, which together with "the widespread prejudices and violence against Roma... [undermined] the confidence of minorities in the authorities' ability to protect them from the threat of racist violence."

In September, the Committee of Ministers of the Council of Europe confirmed the finding of the European Committee on Social Rights (ECSR) in the case of a complaint lodged by the *European Roma Rights Centre* (ERRC) regarding the inadequate living conditions of most of Roma in Bulgaria. The ECSR ruled that Bulgaria was in violation of the European Social Charter for its systematic denial of the right to adequate housing and security of tenure with regard to Roma. "By failing to take into account that Roma families run a higher risk of eviction as a consequence of the precariousness of their tenancy, Bulgaria has discriminated against them", the Committee said. In response, Bulgaria announced new legislation in support of a variety of measures, including the construction of new social housing.

In October, the ERRC filed a collective complaint with the ECSR accusing the Bulgarian government of failing to eliminate the disparity regarding health insurance and access to medical assistance between Roma and other vulnerable groups and the majority population. It also accused the government of tolerating policies and practices which undermined the health of Roma and other minorities.

Macedonian minority (update to AI Index: POL 10/001/2006)

In September, the European Commission called on the Bulgarian government to respect the decisions by the ECtHR that Bulgaria should allow the registration of the OMO Ilinden PIRIN party, which represents the Macedonian minority in Bulgaria. On 11 October, the Supreme Court of Cassation in Bulgaria confirmed the August decision of the Sofia City Court to deny registration of the party because of the lack of updated documentation, a decision which prevented the party from participating in the municipal elections later that month. The OMO Ilinden PIRIN party subsequently filed a complaint with the ECtHR.

Police and security forces

In October, the Committee of Ministers of the Council of Europe assessed Bulgaria's implementation of judgments by the European Court of Human Rights regarding ill-treatment by police, including three deaths and the lack of adequate investigation. The Committee found that general measures remained to be taken, in particular on: the obligation to inform persons on remand of their rights and the formalities to be followed concerning the registration of arrests; the guarantee of independent investigations regarding allegations of ill-treatment inflicted by the police; and the inclusion of human rights education in professional training for members of the police.

Death of Angel Dimitrov (Update to AI Index: POL 10/001/2006)

On 9 November, the Sofia Military Appellate Court found five policemen guilty of beating 38-year-old Angel Dimitrov death and sentenced them to a total of 91 years in prison. The murder took place two years earlier, on 10 November 2005, when the five policemen were carrying out a prosecutor's order for the victim's arrest. The five policemen were also sentenced to

pay 170,000 *leva* (aprox. €86,908) to the deceased's family. Initially, local doctors and police claimed that Angel Dimitrov had died of a heart attack. However, Angel Dimitrov's family refused to proceed with his funeral and kept his body in a morgue camera until a second autopsy could be carried out. A second forensic examination carried out a month after the death determined that Angel Dimitrov died as a result of the beating.

Mental health care

Bulgaria signed the UN Convention on the Rights of Persons with Disabilities in September.

In August, the Mental Disability Advocacy Centre filed a complaint with the European Court of Human Rights regarding the inadequate investigation into the death of an elderly woman in February 2004 after she was placed in a social care institution near Sofia. While in the care of the institution, she allegedly suffered broken bones, freezing temperatures, poor hygiene and a lack of nutritious food or general health care. Although administrative enquiries in 2005 into her treatment and the conditions at the institution uncovered serious legal and procedural violations, law enforcement authorities failed to carry out adequate investigations and no-one was held accountable.

Following a documentary by the British TV channel BBC 4 that showed the inadequate living conditions of children in the institution for children with developmental disabilities at Mogilino, the UN children's agency, UNICEF, reported in November that "the overall standard of care provided to all 65 children in that institution was bad and the staff was not adequately qualified". The situation of three children was critical and they were hospitalized while another 20 children needed immediate additional care and feeding to alleviate deprivation caused by meagre nutrition and care. UNICEF called for "enhanced efforts for deinstitutionalization and reform of the child welfare system in Bulgaria". Minister of

Labour and Social Policy Emilia Maslarova promised in November that the institution would be closed within six months and that the 65 children would be moved to appropriate alternative places. However, in December, the Dve Mogili municipal council, within whose district the Mogilino institution is located, decided not to close the home down as the institution was reportedly the single largest employer in the region, creating employment mainly for the local women.

Release of medics sentenced to death in Libya

Palestinian/Bulgarian doctor Ashraf Ahmad Jum'a Al-Hajouj and Bulgarian nurses Valya Georgieva Cherveniyashka, Snezhana Ivanova Dimitrova, Nasya Stoycheva Nenova, Valentina Manolova Siropulo and Kristiana Venelinova Valcheva were released in July after being in detention in Libya since 1999. They were sentenced to death, accused of deliberately infecting 426 children with HIV in a hospital in Benghazi. The medics were transferred to Bulgaria under a prisoner exchange agreement between Bulgaria and Libya and then pardoned soon after their arrival by Bulgarian President Georgi Parvanov. In August, they told the Bulgarian prosecutors that they had been subjected to torture while in jail in Libya; they were given electric shocks and were beaten in order to extract confessions.

Refugees

Asylum-seekers, refugees and migrants continued to be detained for months and even years awaiting expulsion. According to Bulgarian NGOs, such detentions have become routine practice, contravening legislation that such a measure should be used only as a last resort.

BELARUS

International scrutiny of human rights

In December, the UN General Assembly adopted a resolution condemning human rights violations in Belarus and calling for, among other things, the release of all individuals detained for politically motivated reasons, an end to the prosecution, harassment and intimidation of political opponents and human rights defenders, respect for the rights to freedom of speech, assembly and association, and respect for the right to freedom of religion or belief.

Detentions of peaceful protesters

Government critics were sentenced to long prison terms or continued to serve long prison sentences for voicing their opposition to the government. Alyaksandr Kazulin, presidential candidate during the March 2006 elections, continued to serve his five and a half year sentence imposed in 2006 for "hooliganism" and "organizing group activities that breach public order" for protesting the conduct of the elections that the Organization for Security and Cooperation in Europe (OSCE) stated failed to meet OSCE commitments for democratic elections. Peaceful demonstrators were liable to be prosecuted, usually for administrative offences, incurring short sentences or fines.

On 10 December, 11 people were detained for organizing an unsanctioned meeting on October Square in the centre of Minsk. According to the local human rights group, *Vyasna*, over 30,000 people took to the streets throughout the country to protest against a presidential decree, due to come into force on 1 January 2008, which imposes strict limitations on private enterprises such as market traders. Among other measures, Decree No. 760 prevents small private enterprises from employing anyone but close family members, unless they register as businesses. The organizers of the demonstration applied for permission to demonstrate outside government offices, but were ordered to demonstrate at Bangalore Square on the outskirts of the

city. Defying this order, over 1,000 people demonstrated in the centre of Minsk. Of the 11 detained, two were released immediately and nine people were charged under the administrative code for organizing an unsanctioned meeting. Eight people were given sentences of 7 to 15 days, and one was fined.

Excessive Use of Force

On 12 December, a peaceful demonstration against the visit of President Putin to Belarus, was violently suppressed by police. The police who outnumbered the demonstrators tried to force the protesters from the October Square in the centre of Minsk. Dmitrii Fedoruk, a member of the Young Front (*Malady Front*), was beaten by riot police and lost consciousness. He was taken to hospital where doctors diagnosed head injuries and bruising to his stomach.

Freedom of Association

Human rights groups and opposition organizations face considerable obstacles when they attempt to register, which they are legally required to do, and face unduly stringent controls on their activities. There were many convictions under Article 193¹ of the Criminal Code. This article was added to the Criminal Code in December 2005 and outlaws any activity by an individual on behalf of an organization that has been closed or has not been registered. The article could potentially be used to outlaw any form of organized activity that is not registered with the state, but it has been used almost exclusively against members of the youth opposition movement, *Malady Front*. *Malady Front*, whose members continue to be arrested, detained and sentenced to terms of imprisonment of up to three years under this law, has applied six times for registration over the past 10 years and has been turned down on each occasion.

On 4 September, two members of the organization, Ivan Shila and Nasta Azarka,

were found guilty under Article 193¹ in two separate trials. Nasta Azarka was fined, but in the case of Ivan Shila, the judge did not impose a penalty. Zmitser Dashkevich, one of the leaders of Malady Front, who had been sentenced to one and a half years' imprisonment on 1 November 2006 under Article 193¹, was tried again and convicted on 9 November under Article 402 of the Belarusian Criminal Code for refusing to give evidence as a witness and sentenced to a fine. The charge referred to the police investigations of Ivan Shila.

On 24 July, the UN Human Rights Committee ruled that the dissolution of the human rights organization *Vyasna* in 2003 had been a violation of the right to association and that the organization was entitled to an appropriate remedy including re-registration and compensation. The members of *Vyasna* applied for re-registration on 23 July, but the application was refused on 28 August for several reasons including the fact that 20 of the 69 founders had convictions for administrative offences. The organization appealed against this refusal on 21 September, but its appeal was rejected on 26 October.

Death Penalty

The courts in Belarus continued to hand down death sentences and prisoners continued to be executed. No official statistics on executions were available. On 16 November, commenting on the UN Resolution on a Global Moratorium on the Death Penalty that was passed on 15 November, the Minister of Internal Affairs told journalists that it was too early to introduce a moratorium in Belarus.

On 9 October, Syarhey Marozaw, and Ihar Danchanka were sentenced to death for a series of murders carried out in the Gomel Region. This was the second death sentence imposed on the two men, who had previously been sentenced to death in December 2006 along with another member of the same gang, Valery Harbaty (Valerii Gorbati). Syarhey Marozaw and Ihar Danchanka had reportedly applied to

President Lukashenka for clemency. On 27 November AI called on President Lukashenka to grant clemency and to call for a moratorium. The following day, Terry Davies, the Secretary General of the Council of Europe, called on President Lukashenka to stop the executions.

Alyaksandr Syarheychyk was reportedly executed in November, but the exact date and place of burial were not known. Alyaksandr Syarheychyk had been sentenced to the death penalty on 22 May for six murders, and other crimes.

CENTRAL ASIA

European Union strategy for Central Asia

At the end of March Foreign Ministers of the five Central Asian Republics -- Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan -- met in Astana, Kazakhstan, with the Foreign Minister of Germany, the holder of the six-month rotating European Union (EU) Presidency, and other high-ranking EU officials, to discuss the EU's efforts to strengthen its relations with the region. As the EU was developing a new long-term strategy for its relations with Central Asia - which it hoped to finalize and adopt by the end of June - and more attention was being focused on the region, AI encouraged the EU to make human rights and the rule of law key components in its strategy and political engagement with the Central Asian governments. The organization urged the EU to impress upon the governments of Central Asia the need to undertake concrete steps to implement and enforce legislative measures that would provide effective and durable guarantees for the protection of the human rights and the dignity of all the people of Central Asia. AI called on the EU and the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan to make respect and observance of human rights and human dignity the cornerstone of their engagement.

Human Rights Concerns

Ahead of the meeting in Astana AI issued a summary of its most pressing human rights concerns in Central Asia with a particular focus on the plight of human rights defenders in Uzbekistan. (see AI Index: EUR 04/001/2007 and EUR 62/002/2007).

Rule of Law and Impunity

AI remained concerned that despite professed efforts by governments in Central Asia to fulfil their human rights obligations and actual efforts by some states to remedy the worst abuses, grave human rights violations routinely continued to be committed with virtual impunity. Very few law enforcement officers were brought to trial and held accountable for violations they had committed and yet thousands of people routinely alleged that they had been arbitrarily detained and tortured or ill-treated in custody in order to extract a confession. Corruption in law enforcement and the judiciary contributed largely to a climate of impunity in the region. This climate of impunity led to a lack of public confidence in the criminal justice system. People did not lodge complaints as they felt that they would not obtain justice, nor get compensation. Many were not willing to testify against police officers out of fear of reprisals against themselves or their relatives and associates.

Beatings by law enforcement officers, especially in temporary pre-charge detention centres and in the streets, were still considered routine. Torture or other ill-treatment in detention continued to be widespread throughout the region and systematic in Uzbekistan. Evidence based on confessions extracted under torture were still routinely admitted in court

In 2006 the UN Special Rapporteur on torture reiterated his concerns about the apparent widespread use of torture in Uzbekistan.

Human rights violations as a consequence of counter-terrorism measures

The fight against terrorism and issues of national security were frequently quoted as crucial in securing stability, but only too frequently used as a cloak to clamp down on dissent, consolidate power and target vulnerable groups or groups perceived as a threat to national or regional security, such as banned Islamic groups and opposition political movements. Asylum-seekers and refugees were frequently extradited to China and Uzbekistan, where they were at grave risk of torture, as part of the "war on terror" and counter-terrorism agreements in blatant contravention of international refugee and human rights law.

Although the presumption of innocence was enshrined in law, it was violated on a regular basis, especially in the context of national security and "the war on terror", with suspects branded guilty in public before the start of their trials. Most of the trials in Uzbekistan of people charged with terrorism in 2005 and 2006 were closed or even held in secret, with no advance notice of the start date, no access to relatives or lawyers of the defendants' choice, no publication of the verdict after the sentencing, and no indication as to where the defendants were being held. Defendants in criminal cases in Uzbekistan and other republics were usually held in a cage during the trial, which might impact on the presumption of their innocence.

Human Rights Defenders and Freedom of Expression

Although provided for in law, in practice freedom of speech and of the press was severely restricted in Central Asia with few independent media outlets operating freely and governments controlling access to the internet. Libel and slander remained criminal offences and government officials, national and local, used criminal libel suits in order to restrict criticism and limit freedom of expression. Journalists and human rights activists were frequently charged with libel and some went to prison

for publishing articles on corruption allegations or reports of torture or ill-treatment by police officers.

In Turkmenistan and Uzbekistan freedom for the independent media, both local and international, remained severely restricted. All domestic media in Turkmenistan were state-controlled and the authorities routinely blocked websites that publicized "unwanted" information, and were known to pay intimidating house calls on individuals whom they had identified as visiting such sites. Foreign journalists, photographers and human rights monitors had in many cases been refused access to Turkmenistan to prevent them from gathering information about the repressive regime. Turkmenistani civil society activists who cooperated with foreign journalists risked imprisonment after unfair trials and torture or other ill-treatment. They also risked being labelled as "traitors" by the authorities. Uzbekistan exercised virtual control over the media and the internet, controlling output by local media organizations as well as transmissions into the country from abroad and limiting access and free movement of foreign correspondents.

Repressive actions to silence human rights activists and journalists were particularly harsh in Turkmenistan and Uzbekistan and showed no sign of abating. In Uzbekistan the imprisonment, ill-treatment and harassment of individual human rights defenders accelerated as a consequence of protests over the killings of hundreds of unarmed men, women and children in Andizhan on 13 May 2005. The authorities continued to reject calls for an independent, international investigation into the Andizhan killings.

Death penalty

A new constitution enshrining abolition was adopted in November 2006 in Kyrgyzstan and in June its President signed into law amendments to the criminal and criminal procedural codes replacing the death penalty with life imprisonment. Kazakhstan and Tajikistan had moratoria on executions in place although the death penalty remained on the statute books. Uzbekistan

refused to impose a moratorium on executions despite a presidential decree introducing the abolition of the death penalty from 2008. Secrecy remained an issue in all the countries, with relatives not given the body of the executed person or told the burial site and statistics on the death penalty not published. AI continued campaigning for Central Asia to become a death-penalty-free zone.

Comments on and Recommendations for the EU Central Asia strategy

Institutionalized human rights dialogues

The April draft EU strategy for Central Asia set out a human rights dialogue with each Central Asian country as a key component of respect for human rights. In written comments to the EU Presidency in May AI welcomed the initiative to establish human rights dialogues with the Central Asian states, in particular the proposal that they should take place on a regular basis and should be result-oriented. The organization also noted as a positive step that these human rights dialogues would take place within the framework of existing EU Guidelines on Human Rights Dialogues.

However, the organization was concerned that the draft strategy did not make reference to benchmarking, an instrument AI considered essential. The organization recommended that the EU develop specific benchmarks which would need to be met within given timeframes. There were concerns that without doing so the EU would not be able to measure real progress made by the Central Asian governments in the field of human rights and the rule of law. Concrete proof, not oral statements by governments, should be the measure of whether positive steps towards ending human rights violations had been taken.

AI also welcomed the fact that these dialogues would enable the EU to raise concerns about the human rights situation in the countries and to seek clarification and improvements. The draft strategy made clear that the human rights dialogues

were also a forum to discuss issues of mutual interest. However, the organization was concerned that the absence of any real shared interest in addressing human rights in some instances would make it unlikely for these dialogues to succeed. Whereas Kazakhstan, Kyrgyzstan and Tajikistan had achieved some progress in the field of human rights and the rule of law and showed willingness to address human rights issues, there was a lack of political willingness to effectively address serious and long-standing human rights violations in Turkmenistan and Uzbekistan. This would make it difficult to raise certain human rights concerns and get a firm commitment from these countries to address shortcomings and improve the human rights situation. AI therefore urged the EU to ensure that human rights would always be and without compromise, an issue of priority in every political meeting at all levels as stated in the EU Guidelines on Human Rights Dialogues.

Against this background AI pointed out the need to develop detailed country-related strategies and programmes which took the specificity of the human rights situation in each country into account.

The organization welcomed the proposal in the draft strategy that the EU Special Representative for Central Asia be given a supervisory role in monitoring the implementation of the strategy. The organization hoped that this office would be provided with sufficient resources to monitor the human rights situation in the Central Asian states and that his reports would be made available to other interested parties, such as non-governmental organizations working to improve the human rights situation in Central Asia, and that his office would be open to consultation and cooperation with such groups.

The organization also welcomed the commitment by the EU to open Commission delegations in all five Central Asian countries. AI expected these delegations to have a strong human rights mandate which would enable them to strongly and

effectively support Central Asian authorities in their reforms in the field of human rights and the rule of law.

Benchmarking: AI's recommendations

Benchmarks needed to be developed separately for each of the five countries as the human rights situation in each country is different. Such benchmarks should be created on the basis of the EU Guidelines on Human Rights. AI welcomed the fact that the draft strategy made reference to these guidelines as the basis for the human rights dialogues, but recommended that those specific guidelines relevant to the region were spelt out in the strategy. In AI's opinion the most relevant were the:

- * EU Guidelines on Human Rights Defenders;
- * EU Guidelines on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- * EU Guidelines on the Death Penalty.

AI urged the EU to call for the implementation of those international human rights conventions which have already been ratified by the Central Asian states, and to ratify and implement other core international human rights conventions and optional protocols. These included the 1951 Refugee Convention, which has not been signed and ratified by Uzbekistan, or the First Optional Protocol to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP CAT), which none of the Central Asian states was party to.

Based on AI's assessment of the specific human rights situation in each country, the organization strongly recommended that the benchmarks which needed to be developed before the start of the human rights dialogues should include the following areas of concern where relevant:

- * immediate and unconditional release of prisoners of conscience;
- * protection of human rights defenders, civil society activists and independent journalists;

- * guaranteeing freedom of expression;
- * effectively combating torture and ill-treatment, including addressing impunity of law enforcement personnel;
- * guaranteeing fair trial standards;
- * providing unfettered access to the International Committee of the Red Cross to all detention facilities and allowing public monitoring of all detention facilities;
- * abolition of the death penalty or immediate introduction of a moratorium on executions pending abolition.

Adoption of the strategy

At the end of June following its General Affairs and External Relations Council (GAERC) meeting the EU adopted a Central Asia strategy. The EU Council Conclusions stated that the strategy would serve as an overall framework for EU relations with Central Asia. Human rights, the rule of law, good governance and democracy were to form the basis of these relations. The strategy was said to define the EU's priorities for its cooperation with the region as a whole, but implementation would be tailored to specific requirements and performance of each Central Asian state. The strategy established Human Rights Dialogues with all five republics. The EU also stated its intention to develop relations with the regional countries in education, economic development, trade and investment, energy and transport, environmental policies, migration and inter-cultural dialogue.

The European Council asked the Council and the Commission to submit a first progress report on the Central Asian strategy's implementation in a year by the middle of 2008. [Please see note below]

Prior to the June meeting AI had written a letter to the German Foreign Minister in his capacity as President of the Council of Ministers of the EU to remind him of the organization's major recommendations for the Central Asia strategy and to strongly

recommend that the benchmarks which needed to be developed before the start of each of the human rights dialogues should include AI's most pressing concerns where relevant, e.g. fair trial standards, release of prisoners of conscience, combating torture, addressing impunity and abolition of the death penalty.

CROATIA

General and political developments

Croatia continued to pursue full integration into the European Union (EU). In November, the EU Commission issued its progress report on Croatia which noted that there remained widespread impunity for war crimes committed against Croatian Serbs and that many crimes committed by members of Croatian forces remained unprosecuted "often due to a combination of a lack of evidence, unwillingness of witnesses to come forward and less than proactive approach of police and prosecutors". The report also highlighted a number of obstacles to the sustainable return of Croatian Serbs including with regard to their access to housing.

Following parliamentary elections in November, the ruling conservative party Croatian Democratic Union (Hrvatska demokratska zajednica - HDZ) was confirmed as the first party in the Croatian parliament. The HDZ was closely followed by the centre-left Social Democratic Party of Croatia (Socijaldemokratska partija Hrvatske). Both parties needed the support of junior coalition parties to form a government. Coalition talks were ongoing at the end of 2007.

In December the Organization for Security and Co-operation in Europe (OSCE) Permanent Council decided to close the OSCE Mission to Croatia. It was decided to maintain an OSCE office in Zagreb to carry out activities related to war crimes trials and to report on the implementation of the government's "housing care" programmes (see below).

War crimes and crimes against humanity (update to AI Index: EUR 01/010/2007)

International prosecutions

International prosecutions continued at the International Criminal Tribunal for the former Yugoslavia (Tribunal). In June, Milan Martić, who held various leadership positions in the self-proclaimed Serbian Autonomous District (Srpska autonomna oblast) and Republic of Serbian Krajina (Republika Srpska Krajina) was found guilty of various counts of crimes against humanity and war crimes committed against non-Serbs in areas under Croatian Serb control. He was sentenced to 35 year's imprisonment. The Tribunal found that Milan Martić took part in a joint criminal enterprise whose purpose was "the establishment of an ethnically Serb territory through the displacement of the Croat and other non-Serb population".

In September, former Yugoslav People's Army (Jugoslovenska narodna armija - JNA) officers Mile Mrkšić and Veselin Šljivančanin were sentenced to 20 and five year's imprisonment respectively for their roles in war crimes committed in 1991 in Ovčara, near Vukovar. Mile Mrkšić was found guilty of murder, for having aided and abetted the murder of 194 non-Serbs who had been removed from the Vukovar Hospital, and of the torture and cruel treatment of prisoners of war in Ovčara. Veselin Šljivančanin was found guilty of torture, for having aided and abetted the torture of prisoners of war. A third co-defendant, Miroslav Radić, was acquitted of all charges. The verdict in this case provoked strong negative reactions in Croatia including by the Prime Minister and the President, for its perceived leniency. Appeals against the two guilty verdicts were filed by the prosecution and the accused.

Domestic investigations and prosecutions

A considerable number of trials for war crimes continued or started before Croatian courts and the Croatian judiciary continued to actively investigate and prosecute war-time human rights violations. However, in the vast majority of cases, criminal

proceedings were related to cases where the victims were ethnic Croats. The practice of holding trials *in absentia* continued, usually against Croatian Serb accused. There continued to be widespread impunity for crimes allegedly committed by members of the Croatian Army and Croatian police forces, despite some steps taken with a view to investigating and prosecuting cases of war crimes against Croatian Serbs.

The trial at the Zagreb County Court against Rahim Ademi and Mirko Norac continued. This case had been transferred by the Tribunal to Croatia in November 2005. The accused are former Croatian Army commanders and are suspected of having committed war crimes, including murders, inhuman treatment and plunder and wanton destruction of property, against Croatian Serb civilians and prisoners of war during military operations in the so-called "Medak pocket" in 1993. The OSCE Mission to Croatia, which was monitoring proceedings, reported that in September and October 26 prosecution witnesses, including 10 "endangered" witnesses, failed to testify during the trial. The vast majority of these witnesses reside or are believed to reside in Serbia.

Proceedings continued against Branimir Glavaš for his alleged involvement in war crimes committed against Croatian Serb civilians in and around Osijek. Branimir Glavaš had formerly been a local leader of the HDZ in the Osijek region and, between 1990 and 1992, was secretary of the Osijek Municipal Secretariat for National Defence. Branimir Glavaš and six other indictees are charged with the unlawful arrest, torture and killing of Croatian Serb civilians in Osijek in 1991. He is also charged with having failed in 1991 to prevent his subordinates from detaining, ill-treating and killing civilians and with having directly participated in some of the crimes, in his capacity as local military leader. Proceedings against Branimir Glavaš were transferred to Zagreb, following requests by the Chief State Prosecutor, aimed inter alia at reducing pressure on witnesses. The trial before the Zagreb County Court started in October. Following elections in November

(see above), Branimir Glavaš was re-elected as a member of Parliament with the Croatian Democratic Alliance of Slavonija and Baranja (Hrvatski demokratski savez Slavonije i Baranje).

In December, following a retrial at the Varaždin County Court, four former Croatian police officers were sentenced to between three and four years' imprisonment for their roles in the murder of six captured JNA soldiers in 1991 near Bjelovar. Two previous acquittals had been quashed by the Croatian Supreme Court.

Despite significant developments, most notably with regard to crimes committed against Croatian Serbs in Osijek, elsewhere in Croatia no meaningful steps were taken to tackle impunity for crimes allegedly committed by members of the Croatian Army and police forces. No progress was made in the investigation of such crimes in Sisak, for example, where according to local organizations more than 100 people, mostly Croatian Serbs, were allegedly murdered in 1991-92 by Croatian forces.

In October, Željko Peratovic, a freelance journalist who has reported extensively on war crimes in Croatia, was detained on suspicion of having revealed state secrets on his internet blog. He was released on the following day after having been questioned by the police.

Missing persons and enforced disappearances (update to AI Index: EUR 01/010/2007)

Approximately 2,000 persons were officially recorded as missing; many of them were believed to be victims of enforced disappearances. Impunity for these crimes, especially with regard to those allegedly committed by the Croatian Army and Croatian police forces, remained widespread.

In public statements, the Croatian authorities continued to distinguish between approximately 1,100 missing persons, mostly from the first phase of the 1991-95 war and a remaining 900 persons, mostly

Croatian Serbs, who went missing during military operations "Storm" and "Flash" in 1995.

In October, at a regional conference hosted in Croatia by the International Commission for Missing Persons (ICMP), representatives of associations of relatives of missing persons called inter alia for improved cooperation between Croatian authorities and the ICMP in the field of DNA identification and for a full exchange of information and documentation between Serbia and Croatia, with a view to clarifying the fate and whereabouts of the missing.

Right to return (update to AI Index: EUR 01/010/2007)

At least 300,000 Croatian Serbs left Croatia during the 1991-95 war, of whom only approximately 130,000 are officially recorded as having returned, a figure widely considered to be an overestimation of the real numbers of those who have returned. In 2007, approximately 2,100 refugees were registered by the UN's refugee agency, UNHCR, as having returned to Croatia.

Croatian Serbs continued to be victims of discrimination in access to employment and in realising other economic and social rights. Many Croatian Serbs could not return because they had lost their rights to socially-owned apartments. Implementation of existing programmes to provide "housing care" to former tenants and occupants remained slow.

Among those who had formerly lived in private properties, and who have formally repossessed their homes, some could not return because their homes had been made uninhabitable by looting and devastation.

Discrimination against Roma

Members of Romani communities in Croatia lacked full access to primary education, especially in geographical areas not covered by existing governmental and other

programmes to promote the inclusion of Roma in education.

Some reports pointed to the continuing existence of "Roma only" classes in certain primary schools and Romani children still experienced discriminatory treatment because of teachers' negative stereotyping and low expectations. Romani children with little or no command of the Croatian language faced extreme difficulties when they started school. The languages spoken by Roma in Croatia were not used in schools, unlike other minority languages. The majority of Romani children remained excluded from pre-school programmes

Violence against women

Croatia was reported as being increasingly a country of destination for women and girls victims of trafficking for the purpose of sexual exploitation. It remained a country of transit for trafficking victims. In September Croatia ratified the Council of Europe Convention on Action against Trafficking in Human Beings. In December the Croatian government adopted a 2008 operational plan to fight human trafficking encompassing inter alia measures to facilitate the granting of temporary residence to foreign victims of trafficking and foreseeing the definition of a protocol of cooperation between the Ministry of Interior, the Ministry of Health and Social Care and non-governmental organizations to provide assistance and protection to victims.

Lesbian, gay, bisexual and transgender rights

In July, participants in a Lesbian, Gay, Bisexual and Transgender (LGBT) Pride march, the Zagreb Pride, were attacked physically and verbally by counter-demonstrators. Reportedly, as a result of the attacks two participants required hospitalization, while 12 others suffered minor injuries. In some cases, police

authorities reportedly failed to adequately respond to homophobic attacks.

Hate crime charges were brought against one of the suspected attackers, including for allegedly having attempted to throw a Molotov cocktail against participants in the Zagreb Pride. The trial against the suspect started at the Zagreb Municipal Court in December.

CZECH REPUBLIC

International scrutiny

In August, the UN Human Rights Committee (HRC) issued its Concluding Observations on the Czech Republic on measures taken to implement its obligation under the International Covenant on Civil and Political Rights. Among other things the HRC expressed concerns and made recommendations on the issues of discrimination, education of Roma children and renditions (see below).

In July, the Committee for the Prevention of Torture (CPT) published its report to the government of the Czech Republic from its visit in 2006. The CPT raised concerns about detained persons who cannot notify to a close relative or third party of their choice of their situation from the very outset of their deprivation of liberty by the police, nor have access to a lawyer. According to the CPT, "the existing system for notifying persons deprived of their liberty of their rights is neither effective nor sufficient." The CPT was particularly concerned about allegations of juveniles being denied the right of access to a lawyer while being interrogated by an investigator. The CPT highlighted a reported positive initiative undertaken by the Brno municipal police service to issue guidelines concerning the rights of notification of custody and of access to a lawyer, which followed recommendations by the Public Defender of Rights (Ombudsperson). On people detained in custody, the CPT also expressed concerns about persons deprived of liberty who have been denied substantial food and access to drinking water.

On prisons, the CPT expressed concerns about the inability of prison officers to identify perpetrators of violent acts against other prisoners and to recognise when vulnerable prisoners might have suffered such acts. It called on the Czech authorities to make clear to all prison officers that "deliberately placing a vulnerable prisoner in a cell where he is at risk of being physically and/or sexually abused is tantamount to inhuman and degrading treatment, and will be dealt with accordingly."

Discrimination against Roma

Roma continued to suffer discrimination at the hands of both public officials and private individuals, including in the areas of housing, education, health care and employment.

The Council of Europe Commissioner for Human Rights, Thomas Hammarberg, and the UN Rapporteur for Housing Rights Milun Kothari issued a joint statement in October noting that the Czech Republic was in violation of the right to housing, where Roma were concerned. They also criticized local public offices for supporting escalating intolerance of Roma and pointed out that forced evictions of Roma from city centres to isolated areas had become part of public policy. In November, it was announced that a governmental Agency for Removing Social Segregation in Roma Localities would start working in 12 localities in January 2008.

In August, the UN Human Rights Committee (HRC) expressed regret that the Czech Republic had failed to adopt an anti-discrimination bill. The adoption of this bill was also an obligation in respect to EU membership.

Education

Although the HRC acknowledged that the Czech Republic had phased out placing Roma children in "special schools" for children with learning difficulties, concerns remained that a disproportionately large number of Roma children were segregated into Roma-only classes in mainstream

schools, where they followed different curriculums to the majority of the population. In addition, the curriculums lacked sensitivity to the cultural identity and circumstances of Roma children. The HRC also expressed concern at reports that high numbers of Roma children were being removed from their families and placed in social care institutions.

In November, the Grand Chamber of the European Court of Human Rights (hereinafter the Court) concluded, in a landmark case, that the Czech Republic had discriminated against Romani children by placing them in special schools for children with learning difficulties solely on the basis of their Roma origin (see AI Index: EUR 71/002/2007). The ruling, made by the Court's Grand Chamber, is final.

Eighteen Romani people from Ostrava had taken their case to the Court on grounds of discrimination and violations of their right to education. The applicants alleged that their placement in special schools between 1996 and 1999 had been as a result of unreliable tests, that their parents had not been sufficiently informed of the consequences of giving consent to such a placement, and that the system had amounted to a general practice resulting in discrimination against Roma and their segregated education. The Court noted that the Roma "have become a specific type of disadvantaged and vulnerable minority" which requires "special protection" including in the sphere of education. While the system of special schools in the Czech Republic had not been introduced solely to cater for Roma children, the Court found that, in practice, disproportionate numbers of Roma children had been placed in special schools, where they followed a more basic curriculum and were isolated from other children. The Czech authorities themselves have accepted that in 1999 between 80 and 90 percent of children attending special schools were of Romani origin and that in 2004 "large numbers" of Roma children were still being placed in special schools.

The applicants maintained they had been treated less favourably than non-Roma

children in a comparable situation, by being placed in special schools without objective and reasonable justification. They supported their claim on statistical data based on information that showed that more than half the pupils in special schools in Ostrava were from the Roma community. The Court considered such evidence as "sufficiently reliable and significant to give rise to a strong presumption of indirect discrimination", shifting then the burden of proof to the Government to prove that there was no discrimination.

The Court recognized that other European States had had similar difficulties to the Czech Republic by providing schooling for Roma children. While noting that there have been changes to the Czech law and that other efforts have been made to address the education needs of Roma, the Court found that the difference in treatment was not objectively and reasonably justified. Hence, the Grand Chamber found that there had been a violation of Article 14 (prohibition of discrimination) of the European Convention on Human Rights, read in conjunction with Article 2 of Protocol No. 1 (on the right to education) to the Convention.

Following the ruling, the European Commission called on the Czech Republic to take concrete measures on the ground to "bridge segregation" and to end discrimination against Roma children.

Hate speech

Hate speech and intolerance, including by some public authorities, continued.

In October, the police shelved a criminal complaint filed in April by Roma rights activists against the Deputy Prime Minister and Christian Democrat leader Jiří Čunek after he had reportedly said that "in order to be entitled to state subsidies like Romanies, other people would need to get a suntan, behave in a disorderly way and light fires on town squares before politicians would regard them as badly off." In response, several Romani non-governmental organizations filed a constitutional complaint against the police

decision. Jiří Čunek resigned in November, following allegations of corruption.

Forced sterilization

In October, the Regional Court in Ostrava awarded compensation of 500,000 *koruny* (approx. €19,900) to a 30-year-old Romani woman, Iveta Červeňáková, for having been sterilized against her will 10 years earlier. The award for damages was made against Ostrava City Hospital. The court ruled that the woman, whom doctors sterilized without her proper consent, was entitled to an apology and compensation for the physical and psychological harm caused to her. The hospital claims it has the patient's written consent on file and is considering appealing to the High Court in Olomouc.

In December, the Government Council for Human Rights approved a proposal recommending the government "to acknowledge that some sterilizations had been carried out in violation of the law, to express its regret and pledge to take steps to prevent reoccurrence of such cases." The Council also recommended that the government establish an inter-ministerial working commission to re-examine past sterilization practices since 2006.

Police ill-treatment

The CPT raised concerns about allegations of ill-treatment, including by juveniles, which consisted of being punched, kicked and struck with various objects and excessive use of force by police officers.

The case of Yekta Uzunoglu (Update to AI Index: EUR 01/001/2007)

In July, the Prague City Court of Appeals acquitted Yekta Uzunoglu, a German citizen of Kurdish origin convicted of the blackmail and torture of a foreigner. Yekta Uzunoglu alleged that he had been subjected to torture and ill-treatment when he was arrested by police in 1994. Amnesty International urged the authorities to

investigate alleged procedural violations of Yekta Uzunoglu's right to a fair trial.

Romani boy ill-treated in Brno (Update to AI Index: POL 10/001/2006)

In November, the Supreme Court upheld the sentence of two years in prison against a police officer who beat a Romani boy in 2006. Both were given a two-year sentence but only one had lodged an appeal. The latter and another colleague had detained a 14-year-old Romani boy in Brno, driven him to the outskirts of the city, beaten him, put an unloaded gun in his mouth and pulled the trigger. Both police officers denied the incident, but forensic analysis provided proof that the boy's claims were valid..

Mental health

The HRC concluded that mental health care in the country was inhuman and degrading, and called for far-reaching reforms. The Committee expressed concerns about the persistent use of enclosed cage beds in psychiatric institutions. Another concern was the forcible detention of those with mere "signs of mental illness" and inadequate control by courts of the process by which individuals were committed to psychiatric institutions.

Renditions

The HRC expressed concern at reports that Czech airports had been used as transit points for rendition flights to countries where detainees were at risk of torture or ill-treatment. The HRC requested an investigation of possible transits through Czech airports. The government denied any knowledge of such incidents.

ESTONIA

Minority rights

Discriminatory practices, including barriers to employment, continued towards the country's linguistic minority, affecting some

420,000 people, approximately 30 per cent of the population (see for example: AI Index: EUR/002/2006). In his Memorandum to the Estonian government on 11 July, the Council of Europe Commissioner for Human Rights recommended that "increased importance should be given to awareness-raising measures targeting non-citizens about the possibilities of learning the Estonian language and the benefits associated with it." The Commissioner highlighted that the Advisory Committee of the Framework Convention on National Minorities and the European Commission against Racism and Intolerance had expressed concern regarding discriminatory Estonian language proficiency requirements in employment. In several cases the Language Inspectorate's sanctions towards persons found not to have sufficient Estonian language skills were disproportionate.

Detention conditions

In July, as part of the same Memorandum which looked at a ranged of human rights issues in Estonia, the Council of Europe Commissioner for Human Rights stated that the deplorable living conditions in detention facilities amounted to inhuman and degrading treatment. These conditions included detainees staying in their cells 24 hours a day, only being allowed to leave the cell once a week to take a shower, sleeping on a thin mattress on a wooden platform on the floor and having limited access to fresh air and daylight.

Regarding conditions in places of detention, the Commissioner raised concerns that detainees at Tallinn prison had complained that they did not have access to hot water, that they had to pay for their own toiletries and that they were only provided with one roll of toilet paper a month.

Scrutiny by UN Committee Against Torture

On 22 November, the UN Committee against Torture published its Concluding

Observations on Estonia, following a regular review of the state's implementation of the Convention against Torture. The Committee recommended that Estonia consider establishing a national institution for the promotion and protection of human rights, in accordance with the Paris Principles (General Assembly resolution A/RES/48/134 of 4 March 1994) and provide it with the adequate resources to carry out its mandate. The Committee further recommended that Estonia should reinforce its legislation and adopt other effective measures, in order to adequately prevent, combat and punish human trafficking, especially that of women and children, and should promptly investigate, prosecute and punish all perpetrators of such crimes.

On the topic of statelessness, the Committee stated that Estonia should adopt all adequate legal and practical measures to simplify and facilitate the naturalization and integration of stateless persons and non-citizens. The Committee also recommended that the Estonian authorities adopt the necessary measures to guarantee that stateless persons and non-citizens were informed of their rights in a language they understood and had access to the legal fundamental legal safeguards from the moment they were deprived of their liberty without any discrimination. The Committee encouraged Estonia to consider ratifying the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Regarding domestic violence, the Committee remained concerned about the incidence of such violence and the absence of specific legal measures to prevent and combat it.

The Committee encouraged Estonia to adopt a specific type of criminal offence for domestic violence, and provide protection for victims and their access to medical and legal services, including counselling services. Estonia was further urged to promptly investigate, prosecute and punish all perpetrators of such violence and ensure adequate training to sensitize law

enforcement personnel on domestic violence, including sexual violence and violence against children.

FRANCE

Asylum and immigration

In July Amnesty International wrote to the Minister of Foreign Affairs to express concern at the deportation of individuals from France to countries where they may face a serious risk of torture or other serious human rights violations, in violation of the internationally recognized principle of non-refoulement (see case of Adel Tebourski and case of Houssine Tarkhani, AI Index EUR 01/010/2007).

A new law on immigration, integration and asylum entered into force on 21 November (see AI Index: EUR 01/010/2007). It restricts the right to family reunification and introduces DNA testing to verify family relationships. It was widely criticized on human rights grounds, including by the National Ethics Advisory Committee (Comité Consultatif National d'Ethique).

Ill-treatment by police

In August, Amnesty International wrote to the Minister of the Interior to highlight the organisation's ongoing concerns regarding allegations of police ill-treatment and subsequent impunity, and bringing attention once again to the issues raised in the 2005 Amnesty International report France: the search for justice (AI Index: EUR 21/001/2005). Amnesty International's investigations lead it to conclude that the existing complaints investigation mechanisms and criminal courts are still failing to deal with complaints of human rights violations perpetrated by law enforcement officials with the thoroughness, promptness or impartiality which international law requires.

The case of Albertine Sow: update to AI Index EUR 01/001/2007

In August, Albertine Sow lodged a complaint with the National Commission on

Ethics and Security (Commission Nationale de Déontologie de la Sécurité, CNDS) relating to an incident in August 2006 when she was allegedly ill-treated by police officers while six months pregnant. A criminal complaint by her against the police officers had been closed without investigation by the public prosecutor in November 2006, despite numerous witness testimonies and medical reports supporting her complaint.

Amnesty International has received no response from the Paris Public Prosecutor (Parquet du Procureur de la République Tribunal Grande Instance de Paris) to its letter expressing concern at the early closure ("classement sans suite") of the criminal complaint alleging police ill-treatment presented by Albertine Sow on 21 September 2006. On 27 November 2006 the case was closed without further investigation by the prosecutor on the grounds that there was no evidence of a crime ("l'examen de cette procédure n'a pas permis de caractériser suffisamment l'infraction"). In Amnesty International's opinion this action represented an example of effective impunity for police officials due to the absence of a thorough and effective investigation as required under international law. Amnesty International requested an explanation of the reasoning for the prosecutor's decision to close the case without further investigation and asked to know what steps were taken to investigate the complaint presented by Albertine Sow, including a list of witnesses called to testify and what physical evidence (including, for example, medical reports) were examined, but at the time of publication, no response has been received. Amnesty International had also received no response from the Minister of the Interior to its requests that an internal police investigation into this incident be launched

The case of Gwenaël Rihet

In September the investigating judge closed the investigation into the complaint of police ill-treatment submitted by Gwenaël Rihet in January 2005, on the grounds of lack of evidence. Gwenaël Rihet,

a journalist, was allegedly assaulted by a police officer on 15 May 2004 while filming a demonstration at the Cannes Film Festival. The incident was recorded on video but the judge refused to view it, stating that she had read a transcript of the video written by the National Police Service Inspectorate (L'inspection générale de la police nationale, IGPN). The transcript stated that the video showed no evidence of wrongdoing by the accused police officer. A video containing footage from a town security camera, also believed to have recorded the incident, was lost by the investigating judge's office. Gwenaël Rihet's lawyer submitted an appeal against the closure of the investigation, which was pending at the end of the year.

'War on terror'

Trial of former Guantánamo detainees (update to AI Index: EUR 01/010/2007.)

On 19 December, five French citizens previously detained in US custody at Guantánamo Bay before being returned to France in 2004 and 2005 were convicted in the Paris criminal court (tribunal correctionnel de Paris) of criminal association in relation to a terrorist enterprise (association de malfaiteurs, en relation avec une entreprise terroriste). They were sentenced to a year's imprisonment (taken as time served) plus a suspended sentence of between three and four years. One man was acquitted. The defendants had appeared before the Criminal Court of Paris in July 2006 but the case was suspended when the judge ordered additional information to be provided concerning visits of officers from the French secret services and Ministry of Foreign Affairs to Guantánamo in 2002 and 2004, where they allegedly interviewed the six detainees. Previously classified documents received by the judge reportedly confirmed that the detainees were indeed interviewed by French officers. The defendants' lawyers[m] argued that their clients were appearing in the French court on the basis of testimony extracted from them in Guantánamo, outside any legal

jurisdiction and while they were illegally detained, and that, as a result, the French criminal proceedings must be declared void. Four of the men had submitted appeals at the end of the year.

Legal developments

A new law (loi no. 2007-1545 du 30 octobre 2007 instituant un Contrôleur general des lieux de privation de liberté) was passed on 30 October creating an independent body to inspect places of detention, as required by the UN Optional Protocol to the Convention against Torture. The body can visit all places of detention on French territory, including prisons, migration detention centres, border detention facilities, and secure psychiatric hospital wards. However, the law does not grant the body power to visit places of detention under French jurisdiction that are not on French territory, and allows detention centre authorities to refuse and postpone visits on numerous grounds.

Death penalty

On 2 October France acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. On 10 October France ratified Protocol 13 of the European Convention on Human Rights, concerning the abolition of the death penalty in all circumstances.

GEORGIA

International scrutiny

UN Human Rights Committee

On 15 and 16 October the UN Human Rights Committee (HRC) examined Georgia's third periodic report setting out the country's compliance with human rights enshrined in the International Covenant on Civil and Political Rights (ICCPR).

AI had submitted a briefing to the HRC ahead of the consideration of Georgia's state report, detailing the organization's

concerns about the failure of the government to ensure the protection of certain rights enshrined in the ICCPR, such as the rights to life, freedom from torture and other ill-treatment, security of the person, fair trial and redress for violations of such rights (AI Index: EUR 56/008/2007).

On 30 October the HRC published its concluding observations welcoming legislative and institutional changes that Georgia had taken in recent years aimed at strengthening the rule of law. At the same time the HRC highlighted a number of concerns and issued a list of recommendations to the authorities of Georgia. The HRC expressed, among other things, its concern about "the still substantial number of women in Georgia who are subject to violence, in particular to domestic violence". It urged Georgia to promptly investigate women's complaints about violence and bring the perpetrators to justice; and to compile and publish comprehensive statistics on reports, investigations and prosecutions of domestic violence against women. The HRC also urged Georgia to establish "a sufficient number of appropriate shelters across the country".

While the HRC acknowledged the "significant reduction in allegations of [torture and other ill-treatment] of persons in custody", it expressed its regret about the persistence of reports involving police abuse, in particular during the arrest of suspects. It also raised concern about deaths allegedly resulting from the use of excessive force by police and prison officials. In order to eradicate torture, ill-treatment and excessive use of force, the HRC called on Georgia to "take firm measures", including by ensuring prompt and impartial investigations of allegations, by publishing the results of such investigations, and by bringing the perpetrators to justice. The HRC also called on Georgia to ensure that victims of torture, ill-treatment or excessive use of force have access to appropriate reparation including compensation.

In addition, the HRC urged Georgia to establish "independent and competent

national mechanisms for the prevention of torture", in line with the country's obligations as a party to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), and to draft and implement a "comprehensive action plan against torture and other ill-treatment for the future years".

The HRC also recorded its concerns about "the persistence of adverse conditions in a number of prisons", "interference with the independence of the judiciary", "cases of [reported] forced eviction from collective centres" of internally displaced persons "without a court decision or agreement of the persons concerned, and without proper compensation and support by governmental agencies". It also expressed concerns about "obstacles faced by minorities in the enjoyment of their cultural rights" and "the low level of political representation of minorities."

European Committee for the Prevention of Torture

On 25 October the report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its third visit to Georgia, which took place in March and April 2007, was published. The CPT noted progress in preventing ill-treatment of people in police custody. However, it also stated that instances of ill-treatment of detainees persisted and conditions in many detention facilities were poor. In one severely overcrowded facility in Tbilisi, the CPT determined that "the conditions of detention [...] amount to inhuman and degrading treatment".

Among other issues, the CPT called on the Georgian authorities to provide a lasting solution to prison overcrowding, implement social rehabilitation and purposeful activities for prisoners, and address continuing instances of ill-treatment of detainees by ensuring fundamental rights for all detainees, as well as effective investigations into allegations of abuse.

Joint NGO call for action to end torture

In a joint statement issued on 25 October - to coincide with the publication of the CPT report --AI, Human Rights Watch and Penal Reform International called on the Georgian government to "act now to end torture and ill-treatment in detention centers" (AI Index: EUR 56/007/2007).

The organizations also reminded the government of the 27 March 2006 disturbance in Tbilisi investigation-isolation prison no. 5, where, according to witnesses, law enforcement officers had used regular automatic weapons and ammunition as well as rubber bullets against prisoners, and made no attempts to use non-violent means of control. At least seven detainees were killed and at least 17 others suffered serious injuries. Three months later the authorities opened an investigation into whether government agents had used excessive force in putting down the disturbance, and in October 2006 the Prosecutor General's Office instigated an investigation into the deaths of seven inmates. The three non-governmental organizations (NGOs) expressed concern that the authorities had not made public the results of the investigations. (For background information see AI Index: EUR 56/008/2007).

Police abuses

AI was particularly concerned about numerous reports that police used excessive force when dispersing demonstrators in November (see below).

In the period under review eight police officers were sentenced to prison terms of between two to 11 years for beating or otherwise ill-treating suspects or detainees. The charges brought against them included "torture" (Article 144(1), part 2 of the Criminal Code of Georgia) and "exceeding official authority" (Article 333, part 3 of the Criminal Code). This brought the number of police officers sentenced to imprisonment for abusing detainees to 39 since 2004.

At the same time, impunity persisted amid allegations that investigations were often not prompt, thorough or impartial.

As a party to the Optional Protocol to the Convention against Torture, Georgia was required to establish an independent mechanism to monitor all detention facilities by July 2007. However, no such mechanism had been established by the end of the period under review.

By the end of 2007 no victim of torture or other ill-treatment had ever received compensation in Georgia. Limited changes in the legislation on compensation made early in 2007 did not bring it into line with international standards as it failed to give all victims of abuse an enforceable right to adequate compensation. According to domestic law, the conviction of a perpetrator was a necessary pre-condition for the granting of compensation to the victim.

AI continued to call on the Georgian authorities to oblige law enforcement officials to wear visible and unique traceable identification tags at all times when conducting arrests, when visiting places of detention and deprivation of liberty as well as during meetings with detainees and prisoners, as a safeguard against torture and other ill-treatment. However, no such measures were introduced and AI continued to receive reports about masked police beating detainees and demonstrators.

Excessive force reportedly used to disperse demonstrators

Mass demonstrations in November called for the resignation of President Mikheil Saakashvili, parliamentary elections, changes to the election rules, and the release of a prisoner named Irakli Batiashvili (see AI Index: EUR 01/010/2007). On 7 and 8 November police reportedly used excessive force in dispersing demonstrators.

On 7 November police officers, many of whom were masked, were said to have used truncheons, rubber bullets, tear gas

and water cannons to break up three rallies in Tbilisi. Eye-witnesses reported that police beat and kicked demonstrators. According to official statistics, over 550 demonstrators and 34 police officers were hospitalized to treat their injuries.

In his account of events Sozar Subari, the Ombudsman of Georgia, reported that around 5pm on 7 November he witnessed police beating fleeing demonstrators who had gathered near a church in the centre of Tbilisi. The demonstrators then started to throw stones at the police but stopped at his request. However, a special police unit then arrived and began to beat the demonstrators without warning. When the Ombudsman remonstrated with police officers who were beating a person already on the ground and not putting up any resistance, he himself was kicked by officers wearing heavy boots, beaten, and verbally abused by police. One of his staff members, Daniel Mgliashvili, was also hit over the head when he urged police to refrain from assaulting the Ombudsman.

In the evening of 7 November hundreds of police officers raided the private *Imedi* television station detaining over 300 staff members, destroying equipment and archives and forcing the station off the air. Later that evening the government declared a state of emergency, restricting the rights to receive and disseminate information, to freedom of assembly, and to strike. The state of emergency was lifted on 16 November.

According to official figures, 75 people were arrested on charges of petty hooliganism and resisting police orders following the 7 November protests. Local NGOs alleged that several people were arrested on questionable charges before and after the 7 November events.

On 8 November, in the western city of Batumi, police reportedly violently dispersed a student protest against police abuse in Tbilisi the previous day.

International organizations and individual governments condemned the use of excessive force by police. For example,

Louise Arbour, the UN High Commissioner for Human Rights, was reported on 8 November as saying that she was "particularly worried" about reports of disproportionate use of force and the beating of demonstrators. The same day Miklos Haraszti, the Representative on Freedom of the Media of the Organization on Security and Co-operation in Europe, urged the authorities of Georgia to "allow the resumption of Imedi and Kavkasia television stations". He also expressed concern "about violence against journalists during a rally in Tbilisi".

The case of Vakhtang Guchua and Zaal Akobia (update to AI Index: EUR 01/001/2007)

According to information provided by the Human Rights Protection Unit of the Prosecutor General's Office of Georgia, Badri Sordia, a former officer of the Special Operative Department of the Ministry of Internal Affairs, was sentenced to 11 years' imprisonment by Zugdidi District Court in May 2007 on charges of "exceeding official authority" (Article 333, part 3, of the Criminal Code) and "compulsion to provide evidence" (Article 335, part 2, of the Criminal Code). The first charge related to the beatings of Vakhtang Guchua and Zaal Akobia on 18 April 2005. On 12 September 2007 the representative of the Ombudsman's Office in Zugdidi informed AI that Badri Sordia's appeal against the sentence was pending with Kutaisi Appeal Court.

Vakhtang Guchua and Zaal Akobia told AI during a visit to investigation-isolation prison no. 4 in the western town of Zugdidi in May 2005 that they had been ill-treated by at least a dozen special police officers, some of whom were wearing masks, on the day of their arrest. In October 2005 Zugdidi District Prosecutor's Office opened an investigation regarding the alleged ill-treatment of the two young men and in November 2005 Badri Sordia was charged with "exceeding official authority".

The Human Rights Protection Unit of the Prosecutor General's Office informed AI in November 2005 that "Sordia along with

three other police officials [...] abused [Zaal Akobia] physically in order to extract from him [a] confession" and that the preliminary investigation to identify the "three police officials and the others who participated in the beating of Guchua" was ongoing. As of September, no other officers allegedly implicated in the ill-treatment had reportedly been identified and charged. An official at the Ombudsman's Office told AI in September 2007 that "no real action has been taken to identify [...] the men in masks".

Violence against women in the family

In a joint statement issued by AI and eight NGOs in Georgia on 7 June, the organizations called on the authorities to promptly approve and swiftly implement the Action Plan on Measures to Prevent and Combat Domestic Violence (Action Plan on Domestic Violence), a step that was long overdue (AI Index: EUR 56/006/2007).¹ Lawmakers had ruled that the Action Plan on Domestic Violence should be approved by the government no later than four months after the Law of Georgia on Combating Domestic Violence, Prevention of and Support to Its Victims (Law on Domestic Violence) had come into force on 9 June 2006.

On 30 July the government approved by Decree No. 406 the Action Plan on Domestic Violence (covering 2007-2008). This stipulated, among other things, that the Ministry of Labour, Health and Social Affairs and other relevant government agencies should elaborate standards for shelters for victims of domestic violence and rehabilitation centres for perpetrators;

¹ The organizations are: Caucasus Women's Research and Consulting Network, Centre For Protection Of Constitutional Rights, Georgian Association for Psychosocial Aid "Ndoba", Georgian Young Lawyers Association, Sakhli – Advice Center for Women, Union "Saphari", Women's Centre, Women's Information Center.

that relevant government agencies and NGOs should train staff of the Ministry of Internal Affairs, prosecutors, judges, health workers and those working in the field of education on international standards regarding domestic violence; that NGOs should engage in public awareness raising campaigns; that two hotlines should be established by the Ministry of Internal Affairs and the Ministry of Labour, Health and Social Affairs, respectively; and that financial proposals should be made to ensure that sufficient funds be earmarked in the state budget to implement activities outlined in the Action Plan on Domestic Violence.

However, AI believed that further measures were needed to effectively combat domestic violence and protect its victims. AI was particularly concerned that the Action Plan on Domestic Violence appeared to further delay the setting up of urgently needed shelters.

Fair trial violations alleged in the case of Igor Giorgadze affiliates

On 24 August Tbilisi City Court convicted 13 representatives of small political groups affiliated with the opposition Justice Party, led by Igor Giorgadze, ex-chief of State Security, who is wanted by the Georgian authorities on suspicion of involvement in the 1995 assassination attempt against former President Eduard Shevardnadze.² Twelve defendants were sentenced to prison terms ranging from three years and six months to eight years and six months and one defendant was given a suspended

² The 13 defendants were: Guram Papukashvili, Teimuraz Zhorzholiani, Maia Topuria, Vakhtang Talakhadze, Varlam Galdava, Ramaz Samnidze, Maia Nikoleishvili, Zaza Davitaia, Giorgi Akhobadze, Revaz Bulia, Yakob Kvinikadze, Giorgi Metreveli, Kakha Kantaria. An arrest warrant was also issued for Gela Archuadze, who was reportedly hiding from the authorities.

prison sentence of two years. The charges included "conspiracy or uprising to overthrow the constitutional order by force" and "high treason". Two defendants were additionally charged with offences concerning the "illegal purchase and storage of firearms, explosives or ammunition".

The trial against the defendants, who had been detained in September 2006, started in Tbilisi City Court on 26 March. The judge ordered the entire trial to be closed to the public, for the stated purpose of protecting the identity of witnesses for reasons of their security and because the trial would deal with classified documents. There were allegations that a key reason to close the trial was to limit public scrutiny of the evidence.

The lawyers of some of the defendants claimed that in the proceedings evidence emerged of the alleged planting of evidence; of changing the date of the alleged conspiracy meeting after evidence had emerged that some defendants had an alibi for the date that they had initially been arrested for; the possible coercion of at least one prosecution witness; and alleged unreliable evidence of prosecution witnesses.

Internationally unrecognized territory of Abkhazia

Death penalty

Abkhazia retained the death penalty in law. In one positive move, parliament in January 2007 had converted a *de facto* moratorium on executions – in place since 1993 – into a *de jure* moratorium on executions during peacetime. However, according to media reports, death sentences could still be handed down for "particularly grave crimes against life, the foundations of the constitutional order, against the security of the state, and crimes against military service".

At that point at least two men were reported to be on death row. In the period under review the Presidium of the Supreme

Court of Abkhazia commuted the death sentence on one of them, Astamur Tarba, to 13 years' imprisonment. On 19 December the Plenum of the Supreme Court turned down a protest lodged by the Prosecutor General's Office against the length of the sentence. Astamur Tarba had been sentenced to death for premeditated, aggravated murder by the Supreme Court in 2000.

At least one other prisoner was known to remain on death row. He was Mr Khaghba (first name not known), who had also been convicted for premeditated, aggravated murder.

GERMANY

Ill-treatment, including in the context of renditions

Murat Kurnaz (see also AI Index: AMR 51/191/2006)

In August, the Tübingen state prosecutor re-opened investigations into allegations that German-born Turkish citizen Murat Kurnaz was tortured and otherwise ill-treated by German Special Forces Command officers while in US custody in Afghanistan in 2002. The re-opening of the investigation was prompted by the emergence of three new witnesses. Before his release in 2006, Murat Kurnaz had been detained for four years in total, mostly in Guantánamo Bay.

Muhammad Zammar (see also AI Index: MDE 24/020/2007)

In late 2007, the parliamentary committee looking into Germany's role in human rights violations committed as a result of its counter-terrorist activities began investigating the case of German national Muhammad Zammar. During the hearings, it emerged that the Federal Criminal Police Office had informed the US authorities of Muhammad Zammar's travel dates for his trip to Morocco in November 2001 from where he was illegally transferred to Syria.

In November 2002, Muhammad Zammar was interrogated for three days by German

intelligence and law enforcement officials whilst in Syrian detention. Upon return to Germany, the officers did not disclose information to the German authorities about his whereabouts.

In December 2001, he had been handed over by Moroccan officials to Syria and placed in incommunicado detention, where he was reportedly subjected to torture and ill-treatment. He remained in detention at the end of 2007.

Khaled el-Masri (see also AI Index: EUR 23/001/2007)

In September, the German government announced that it would not pursue the extradition of 13 US citizens, including at least 10 US Central Intelligence Agency operatives, suspected of illegally detaining a Lebanese-born German national, Khaled el-Masri.

Khaled el-Masri was arrested and unlawfully detained while in Macedonia in December 2003. He was handed over to US agents and secretly flown to Afghanistan as part of the US programme of renditions. Following five months of alleged ill-treatment, he was flown to Albania and released after the US authorities apparently realized they had the wrong man.

Extradition warrants for the 13 US citizens were issued by a Munich prosecutor in May. In April, the Federal Constitutional Court found the prosecutor decision to tap Khaled el-Masri's lawyer's phone to be illegal.

On counter-terrorism, the Council of Europe's Commissioner for Human Rights recommended in July that Germany develop specific guidelines for intelligence services regarding the questioning of detainees abroad; ensure that evidence obtained under inhuman or degrading treatment or torture is not admissible in court; and fully investigate alleged cases of renditions on German territory and adopt effective measures to prevent future unlawful renditions.

Allegations of police ill-treatment

Cases relating to allegations of police ill-treatment continued in the period under review. While some persons who alleged that they had been ill-treated had received compensation, some cases were still pending in court.

The case of Mrs. S.³

Mrs S., a German resident of Nigerian origin, was allegedly kicked and subjected to racial abuse by police officers in early August. According to her account, Mrs S., a shop owner, was talking to three black customers outside her shop after closing time. Four plain clothes police officers approached them and asked them for identification documents. Mrs S. then allegedly asked if the policemen would approach a group of white people with a similar request. The discussion became heated and the policemen eventually kicked a man until he bled and put handcuffs on him. As Mrs S. tried to intervene, a policeman allegedly put her in a headlock, hand-cuffed her and she was subsequently kicked and fell to the ground. The police officers then allegedly kneeled on top of her for approximately 10 minutes. She was later taken to a police station where she was strip-searched in the presence of male police officers. When Mrs S. filed a complaint against her treatment, a police officer allegedly told her "If you are dissatisfied with this behaviour, you can just leave Germany." Mrs S. filed a complaint regarding the incident to the Public Attorney's Office Ellwangen, while the police officers filed a complaint against Mrs S. for resistance to state authority. Both cases were pending at the end of the year.

The case of Mr S.D

On 18 December, Mr S.D., a German citizen of Turkish origin, was awarded €3,500 compensation from Berlin City authorities by the Berlin District Court (Landgericht Berlin) for ill-treatment by police officers in

May 2000. The Berlin City authorities have appealed against the decision.

In May 2000, four police officers arrived at S.D.'s flat, reportedly following a complaint from a local resident regarding the noise level there. While at the house, they broke and took samples from suspected marijuana plants. As they left, S. D. reportedly demanded some form of written documentation confirming the fact that his flat had been searched. The police officer agreed to this request and together they walked towards the police car parked on the street outside S.D.'s house. According to S.D., on the way to the police car, one police officer violently grabbed hold of S.D.'s arm. The police officers then handcuffed him and threw him to the ground with such force that he temporarily lost consciousness. He also sustained facial injuries. While on the ground, S.D. was reportedly kicked several times by two different police officers. He was then pushed into the police car where he was again kicked and punched. The ill-treatment resulted in concussion, a broken nose, a deep cut to his lower forehead and nose, as well as multiple large-scale bruising to his arms and neck. S.D. made a complaint and one of the police officers was found guilty of bodily harm, sentenced to a suspended seven-month prison term, and was disallowed from holding public office for two years. This sentence was later overturned following an appeal.

The case of Mr P. W.

In July 2007, criminal proceedings were opened against two police officers for reportedly knocking Mr P. W. unconscious with a truncheon in 2004 while he was seated in his car after having stopping him on suspicion that he was driving under the influence of alcohol. Following a complaint by P.W., a court concluded that a police officer had hit Mr P.W. with the truncheon on his arm. The police officer was fined €2,500. The other officer was found not guilty, as it was not possible to prove that he used disproportionate force.

³ Initials are used to protect the identity of those concerned

Diplomatic Assurances

The case of Hasan Atmaca

On 3 October, the European Court of Human Rights told the German government not to extradite Hasan Atmaca to Turkey until further notice. On entering Germany in February 2005, Hasan Atmaca was arrested by the German authorities on suspicion of belonging to a criminal organization. The Turkish authorities requested his extradition to Turkey to stand trial on charges of membership of the Kurdistan Workers' Party (PKK).

In May 2006, the German government sought diplomatic assurances from the Turkish authorities that Hasan Atmaca would be detained in a high security prison meeting international standards and that German authorities could visit him. The Turkish authorities pledged that these assurances would be favourably assessed.

On 31 May 2007, the Darmstadt Administrative Court instructed the German Federal Office for Migration and Refugees to declare Hasan Atmaca a refugee and stated that he could not be deported to Turkey as this might constitute *refoulement* (forcible return to countries where a person may be at risk of serious human rights violations)

Under Section 4 of the German Asylum Procedures Act, receiving refugee status does not impede the German authorities from extraditing a person, in contravention with international standards.

Other cases

In July, an Under Secretary of State travelled to Tunisia to request similar diplomatic assurances from the Tunisian Minister of Interior over two Tunisian nationals suspected of having links to terrorist organizations. The German authorities then issued deportation orders for the two Tunisian nationals who later contested this decision in court. The judicial reviews were still pending at the end of the year.

Migrant and refugee rights

New legislation implementing 11 European Union (EU) directives in the field of asylum failed to provide adequate protection in cases of people fleeing violence. This meant that, for example, asylum-seekers from central and southern Iraq who were not members of a targeted minority often did not receive adequate protection.

On 11 July, the Council of Europe Commissioner for Human Rights issued a report on his 2006 visit to Germany. Regarding asylum and immigration, the Commissioner called on Germany to introduce protections for refugees who experience persecution because of outward manifestations of religion or sexual orientation.

GREECE

Denial of refugee protection

During the period under review there were almost daily reports of individuals attempting to enter Greece by sea. Many drowned or suffered human rights violations in the process. In October, the office of the UN High Commissioner for Refugees stated that the number of asylum-seekers and migrants – including Iraqis, Afghans and Somalis – arriving in Greece by sea was up “dramatically” in 2007 compared to previous years. The Greek coast guard reported that it had intercepted, arrested or rescued 4,500 people from January-October, compared to 3,000 per year every year since 2002. The police reported 5,000 arrests on the Aegean islands of Samos, Chios and Mytilene alone by October.

As a result of this increase, island detention centres were reported to be overcrowded to the extent of posing a health hazard to detainees. In December, a new detention centre was opened on Samos.

In October, the non-governmental organizations Pro-Asyl and the Group of Lawyers for the Rights of Refugees and Migrants, Athens, published a report entitled “*The truth may be bitter, but it*

must be told": The Situation of Refugees in the Aegean and the Practices of the Greek Coast Guard, alleging systematic violations by law enforcement officials in the Aegean in terms of ill-treatment of migrants, denial of access to Greek land and to the asylum procedure. Such allegations were consistent with reports received by AI during the period under review.

For example, a lawyer reported to Amnesty International that during a visit to the detention centre on Samos he met four Afghan men who alleged they had been subject to violations by the Greek coast guard in the Aegean Sea between Samos and Turkey in November. The men stated that the boat in which they had been attempting to reach Greece was intercepted by armed officers of the Greek coast guard. They said that the officers took their clothes, money and a mobile telephone, tied their hands behind their backs and beat one of them. They then reportedly shone torches in their eyes, put them in a dinghy which the men said was punctured, and left them around 200-300m from the Turkish coast gesturing for them to make their way to Turkey.

In December Amnesty International wrote to the Minister of Merchant Marine expressing concerns about the allegations made in the report by Pro-Asyl and the Group of Lawyers for the Rights of Refugees and Migrants, Athens, and seeking clarification as to how Greece's international legal obligations would be upheld in its activities as part of the European Union border management agency, FRONTEX, and in its collaboration with Turkey on migration issues. No response to this letter had been received by the end of the period under review.

Amnesty International was particularly concerned regarding the situation of Iraqis in Greece. In August, Amnesty International Greece was one of 16 organizations to publish concerns that the readmission protocol between Greece and Turkey, which had not previously been applied to Iraqis, was being used to return them to Turkey even though they were often deported from

there to Iraq where they were at risk of serious human rights abuses.

The long-awaited new asylum legislation came into force in November. The law covers the asylum procedure, the rights to work, education and health care for asylum-seekers, reception centres and vulnerable groups such as unaccompanied minors and survivors of torture.

Torture, ill-treatment and impunity

The European Court of Human Rights found Greece in violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) in judgments published in July (Celniku) and December (Petropoulou-Tsakiris). Amnesty International and the International Helsinki Federation for Human Rights had highlighted both these cases in the 2002 report, Greece: In the shadow of impunity (AI Index: EUR 25/022/2002).

In the Celniku case, which concerned the fatal shooting of an Albanian national by a police officer in Athens, the Court found Greece in violation of Article 2 (right to life), stating that "although the death of the victim was not in itself attributable to the Greek authorities, the way in which the police operation was conducted showed that the police had not taken appropriate care to ensure that any risk to the lives of Mr Celniku and the other persons present at the scene of the incident was kept to a minimum. They had therefore been negligent in their course of action." The Court found that the police officer concerned "had acted hastily, which he would probably not have done had he received the proper training". It also expressed concerns regarding the independence and thoroughness of the inquiry into the death of Gentjan Celniku.

In the Petropoulou-Tsakiris case, which concerned a Romani woman who alleged that she had suffered a miscarriage following ill-treatment by police, the Court found Greece in violation of Article 3 of the ECHR (prohibition of torture) in that the

authorities failed to conduct an effective investigation into the incident. They found a corresponding violation of Article 14 (prohibition of discrimination) regarding "the failure of the authorities to investigate possible racial motives for the applicant's ill-treatment, combined with their attitude during the investigation". In its assessment of the case, the Court stated that "[r]acial violence is a particular affront to human dignity and, in view of its perilous consequences, requires from the authorities special vigilance and a vigorous reaction" and recalled that, "when investigating violent incidents, State authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events".

Amnesty International continued to receive reports of ill-treatment by police, which appeared to be particularly directed towards members of marginalized groups, such as migrants, asylum-seekers, Roma and people with disabilities.

In July, a police officer was arrested in connection with video footage of two youths from marginalized groups being beaten and being forced to beat each other that had appeared on Youtube (see AI Index: EUR 25/007/2007). He was also reportedly suspected of involvement with at least one other incident of ill-treatment which also emerged on Youtube.

Trafficking

Following a change in government and in light of the fact that Amnesty International had not received any substantive response from the authorities regarding its concerns on trafficking published earlier in the year (see Greece: Uphold the rights of women and girls trafficked for sexual exploitation (AI Index: EUR 25/002/2007)), the organization wrote in December to the newly appointed head of the Inter-Ministerial Committee on Trafficking in Human Beings reiterating its concerns that

gaps in law and practice resulted in a failure to uphold the rights of trafficked individuals.

Amnesty International was concerned that in practice, detained trafficked women were given the choice of making a statement about their traffickers and gaining release, or being deported, without access to the reflection period stipulated in international and Greek law. Furthermore, women who agreed to make statements faced remaining in detention for periods of up to a week pending a prosecutorial decision as to their status based on their testimony.

Amnesty International continued to be concerned about the lack of objective criteria available to police officers on which to base their evaluation as to whether or not a woman may have been trafficked. Amnesty International engaged with Greek organizations working with trafficked women to develop such criteria.

Roma

Violations against the Romani community such as forced evictions continued to be reported by the local human rights organization, the Greek Helsinki Monitor.

In July the European Roma Rights Centre (ERRC) expressed concern about the eviction of over 200 Albanian Romani families from their two settlements in Athens. The evictions reportedly took place as part of a "cleansing" operation in advance of the building of a football stadium. The ERRC was concerned that in none of the cases were even the most rudimentary domestic or international legal standards concerning forced evictions applied. They took place despite the long-term intervention of the Ombudsman, who in October again wrote to the government urging an end to forced evictions.

In October, Amnesty International Greece delivered to the authorities a petition of 56,000 signatures collected globally, calling for action to be taken to end discrimination against Roma.

Counter-terrorism (update to AI Index: EUR 25/001/2007)

In July, the investigation into alleged abductions of Pakistanis by agents of the Greek intelligence services in the aftermath of the London bombings of 7 July 2005 was reopened. One Indian and six Pakistani nationals had alleged that in July 2005 they had been abducted by agents of the Hellenic Intelligence Service. Two of these agents were charged in connection with the alleged abductions in May 2006 but no evidence had by then come to light in the cases of six other agents initially suspected of involvement in the abductions. The eight agents had been the subject of further investigations.

Racist attacks

On at least five occasions in July, October and December, members of the Pakistani community in Athens were reportedly attacked by unknown assailants in what appeared to be an emerging pattern of racism. Amnesty International was concerned at reports that the authorities failed to carry out prompt, impartial, independent and thorough investigations into the allegations.

Deaths in custody

In August, *Eleftherotypia* newspaper reported that there had been 30 deaths in custody in the first six months of 2007. Others were reported during the period under review. Although some of the deaths were drug-related or self-inflicted there were also cases in which the circumstances of death were disputed.

Prison conditions

In November it was reported that the Minister of Justice announced plans to open six new prisons during 2008 in an attempt to alleviate long-held concerns about overcrowding. He also reportedly stated that Korydallos prison, about which AI and

other human rights bodies such as the European Committee for the Prevention of Torture have repeatedly expressed concern, would be closed down, with prisoners to be transferred elsewhere starting with women prisoners in January 2008.

Conscientious Objection

No progress was made in reforming law to ensure that civilian service for those who object to military service on grounds of conscience was not of discriminatory or punitive length.

HUNGARY

Violence against women

In August, the UN Committee on the Elimination of Discrimination against Women (CEDAW) raised concerns about the prevalence of violence against women in Hungary, including domestic violence. The Committee expressed concerns about "the lack of a specific law on domestic violence against women which provides for effective protection of victims, including restraining orders, and their access to legal aid." The Committee was also concerned that the "introduction of restraining orders had not been effective in providing protection to women victims of domestic violence." Furthermore, the Committee reiterated its concern that "the definition of rape is based on the use of force, rather than lack of consent."

In addition, the Committee expressed concerns that the planned restructuring of the Department for Gender Equality, as a department in the main Department of Equal Opportunities in the Ministry of Social Affairs and Labour, could "reduce its importance and have negative implications for its ability to carry out its many tasks." The Committee was concerned that "the Department for Gender Equality may lack sufficient authority, decision-making power and financial and human resources to coordinate effectively the Government's work to promote gender equality and the full implementation of the Convention,

including coordination and cooperation with all other gender equality and human rights mechanisms at the national and local levels.”

The Committee remained concerned about the persistence of trafficking in women and girls in Hungary.

Discrimination – Roma

CEDAW's report highlighted the prevalence of violence against Roma women and girls, including harassment and abuse at school, and noted the gaps in Roma women's formal education and the high rates of dropout among Roma girls. The Committee expressed concern about the multiple and intersecting forms of discrimination based on sex, ethnic or cultural background and socio-economic status which Roma women and girls face. It called for a holistic approach to eliminating these forms of discrimination, for moves to accelerate the achievement of de facto equality, and recommended that the Hungarian Government take concrete measures to change stereotypical attitudes towards Roma women.

Hate speech

In December, two human rights non-governmental organizations (NGOs) -- the European Roma Rights Centre (ERRC) and the Legal Defence Bureau for National and Ethnic Minorities (Nemzeti és Etnikai Kisebbségi Jogvédő Iroda, NEKI) submitted a joint complaint to the Prosecutor General and Chief of Police of Hungary asking them to investigate the alleged racist, anti-Romani activities of a far-right grouping called Hungarian Guard (Magyar Gárda), established in August with the stated purpose of "protecting Hungarian culture and the Hungarian nation." The joint complaint by ERRC and NEKI were sent in the aftermath of previous anti-Romani activities by the Hungarian Guard in Tatárszentgyörgy and statements made by the group's representatives calling for the segregation of Roma.

Failure to protect peaceful LGBT demonstrators

Police forces failed to protect lesbian, gay, bisexual and transgender (LGBT) participants from attacks by counter-demonstrators during and after the Budapest Pride March on 7 July. According to reports received by Amnesty International, LGBT individuals, who participated in the Pride March and events following it, were subjected to violence and harassment by counter-demonstrators, who threw eggs, bottles and Molotov cocktails at them, and threatened their security and physical integrity. Several individuals were reportedly injured. Such incidents reportedly could have been prevented were appropriate action to have been taken to protect the physical integrity and security of those participating in the events as well as their rights to freedom of assembly, association and expression by the police officers deployed at the scene. Criminal procedures against eight alleged perpetrators were initiated, and remained pending at the end of the year.

More incidents were reported following the party at Buddha Beach club, when a closure of the site by the police, separating participants from counter-demonstrators, was lifted. Groups of counter-demonstrators who were still in the area allegedly attacked participants trying to leave, and 11 cases of individuals being beaten up were reported. Although the police were still present at the site, they allegedly failed to protect people leaving or to respond to calls for assistance.

Additionally, police reportedly officers refused to assist and protect participants during and after the march in a number of different instances. There were also allegations of discriminatory and victim-blaming statements made by police officers when responding to requests for help.

Same-sex partnership bill

In December, parliament passed a bill which will allow same-sex couples to

register civil partnerships starting from 2009. The law gives the same rights to registered partners as to spouses, except for adoption.

Police accountability

In July, József Bencze, the National Police Chief, announced the introduction of a 13-point code of ethics covering basic rules of conduct for officers, lawful use of force, anti-discrimination and public trust.

Ratifications

In October, Hungary signed the Council of Europe Convention on Action against Trafficking in Human Beings. Hungary also signed the Council of Europe Convention on the Prevention of Terrorism.

ITALY

'War on terror'

Legislation aimed at countering terrorism

Italy retained legislation (the so-called Pisanu Law) on urgent measures to combat terrorism which provides for expulsion orders of both regular and irregular migrants without effective protection against forcible return to countries where they may be at risk of serious human rights violations. The law did not require the person deported to have been convicted of or charged with a crime connected to terrorism. The expulsion could be ordered by the Minister of Interior or, under his/her delegation, by a Prefect (*Prefetto*). The Law did not provide for judicial confirmation or authorization of the expulsion decision and of its implementation. A decision to expel under the law may be appealed before a judge, but the appeal did not suspend the deportation.

The case of Nassim Saadi (see also IOR 30/016/2007)

On 11 July, the European Court of Human Rights considered the case of Saadi vs. Italy. Nassim Saadi claimed, among other

things, that an order to deport him from Italy to Tunisia, under the Pisanu law, violated the Italian Government's obligations under the European Convention on Human Rights. Nassim Saadi, a Tunisian national residing lawfully in Italy, was convicted in May 2005 and sentenced to a term of imprisonment of four years and six months for criminal conspiracy and forgery. In the same trial he was found not guilty of association with international terrorism. Appeals by both Nassim Saadi and the prosecutor were pending in the Italian courts at the end of 2007. However, in August 2006, while the appeal was pending, the Minister of Interior ordered Nassim Saadi's deportation to Tunisia under the Pisanu law. In May 2007, the Italian authorities requested diplomatic assurances from Tunisia that Nassim Saadi would not be subjected to torture and ill-treatment. Such assurances were reportedly given in July 2007. At the end of the period under review, the European Court of Human Rights had not pronounced its decision in the case.

The case of Abu Omar (see also EUR 30/006/2006)

In October, a Milan court looking into the rendition of Abu Omar in 2003 decided to postpone the trial of US and Italian security service operatives reported to have carried out Abu Omar's rendition until March 2008 as it awaited a review of the Constitutional Court. The Italian government had appealed to the Constitutional Court on grounds of 'conflict of powers', claiming that the judiciary had taken on powers it was not constitutionally allowed to. If the Constitutional Court were to agree with the government, that effectively would mean that some of the evidence used in the trial would be covered by 'state secrecy'. The trial had originally been postponed for the same reason in June 2007. The trial had not resumed by the end of the period under review.

Abu Omar, of Egyptian nationality and resident in Italy, was abducted from a street in Milan in February 2003 and sent to Egypt as part of the US-led programme of

secret detention and renditions. On arrival in Egypt Abu Omar was immediately detained and allegedly subjected to torture; he was released on 11 February 2007 without charge. A Milan court issued extradition requests against 26 US citizens suspected of being involved in the rendition in July 2006 and in February 2007 it issued indictments against them. By the end of the period under review the Italian Minister of Justice Clemente Mastella had still failed to forward to the US authorities the extradition requests for the 26 US citizens.

Police and security forces

Italy continued to lack an effective police accountability mechanism.

Police ill-treatment during G8 summit in 2001 (see also EUR 30/003/2007)

In July, a civil court ordered the Ministry of Interior to pay Simona Zabetta €18,000 for the damages she incurred during the G8 demonstrations in 2001. Simona Zabetta was demonstrating peacefully with the Lilliput network in piazza Manin in central Genova when law enforcement officials beat her over the head and on her hands, leaving her partially disabled for life. At the time of the beating, she was sitting down on the pavement with her hands raised in the air. Also in July, Rita Sieni was awarded €24,300 for the damages she had incurred during the same demonstrations in 2001. Rita Sieni had participated in a peaceful demonstration when law enforcement official had launched tear gas against the group she was walking with. As she tried to run away from the teargas, a group of law enforcement officials started beating her violently with truncheons all over her body. A liquid was also sprayed into her eyes which temporarily blinded her. The beatings left her with a fractured lower jaw and head damages.

In July, Italian media sources published tapes of law enforcement officials discussing the unrest during the G8 demonstrations in 2001. The recordings are of telephone conversations during the

march. In one conversation, shortly after the death of demonstrator Carlo Giuliani, one law enforcement official tells another law enforcement official, referring to the demonstrators: "1-0 to us I guess...I hope they all die". On 14 December, 24 demonstrators went on trial for devastations and causing other forms of damage to private and public property. The demonstrators were sentenced to a combined total of 110 years in prison. Meanwhile, by the end of 2007 no individual law enforcement official had been sentenced for crimes allegedly committed during the G8 demonstrations. On 30 October, the parliament's Constitutional Affairs commission voted not to establish a parliamentary inquiry into the G8 events.

The case of Federico Aldrovandi (see also EUR 30/003/2007)

On 19 October, the trial against four police officers accused of voluntary manslaughter of Federico Aldrovandi began. Federico Aldrovandi died on 25 September 2005 after being stopped by four police officers in Ferrara. During the pre-trial investigations blood samples taken at the place of Federico Aldrovandi's death disappeared and then re-emerged, and records of phone calls to emergency services the night of Federico Aldrovandi's death were tampered with.

Discrimination – Roma

On 2 November, an urgent Decree Law came into force which made it possible for the Italian authorities to expel European Union (EU) citizens based on concerns for public security. The Decree law did not comply with EU Directive 2004/38/EC on the freedom of movement within the EU and seemed to be directed at Romanian citizens of Romani origin as a reaction to the suspected murder in Rome of an Italian woman by a man described as a Roma from Romania. Within two weeks after the Decree Law came into force 177 persons had been expelled.

Throughout the period under review, the Italian authorities engaged in large-scale

evictions of Roma communities which contravened international human rights standards. These forced evictions involved the total destruction of Roma settlements without notice, without consultation and without due process of law. Some evictions reportedly took place in particularly bad weather (which resulted, in the case of the mass forced eviction from a Roma settlement near Tor di Quinto in Rome, in large numbers of people being left in heavy rain at 4 am after their settlement had been destroyed), and without assurances of adequate alternative accommodation in clear contravention of international human rights law, including Article 11 of the International Covenant on Social, Economic and Cultural Rights (ICESCR), and Article 31 of the Revised European Social Charter to which Italy is a party, as well as General Comment 7 of the UN Committee on Economic, Social and Cultural rights regarding the right to adequate housing.

In September 2007, a number of attacks were carried out against a Roma settlement in Ponte Mammolo, via Tiburtina, in Rome. This included at least two Molotov cocktails being thrown at the settlement and a group of up to 40 masked persons carrying truncheons, stones and bottles attacking the settlement. A Roma settlement in Appignano in central Italy was repeatedly attacked in April and May 2007, including being partially burnt down. On 3 November, three Romani persons of Romanian origin were reportedly attacked in a parking lot in Rome by a group of approximately 10 persons. On 5 November, an explosive was thrown at and exploded in front of a shop selling Romanian goods in Rome.

KAZAKSTAN

International obligations

In September Kazakstan signed the Optional Protocol to the Convention against Torture, allowing unannounced and independent monitoring of all detention facilities. However, by the end of the year no system to conduct regular and ad hoc monitoring had been set in place.

Refugees and Asylum-seekers

The authorities continued to cooperate with Uzbekistan, Russia and China in the name of regional security and the fight against terrorism, in disregard of their obligations under international human rights and refugee law. Refugees were not effectively protected and continued to be at risk of *refoulement* or abductions. The situation of refugees and asylum-seekers from the Commonwealth of Independent States (CIS), in particular of religious asylum-seekers from Uzbekistan, together with that of Uighur asylum-seekers from the Xianjiang Autonomous Republic of China (XUAR), remained very difficult. There was no national state status determination process in place and no system for giving protection to refugees and asylum-seekers. The government did not acknowledge the right of asylum-seekers from the CIS and XUAR to seek international protection in Kazakstan. The office of the UN High Commissioner for Refugees (UNHCR) in Kazakstan was tasked with assessing this category of asylum-seekers and determining their status. Those afforded UN mandate refugee status were put forward for resettlement to a third country. Those not given mandate refugee status found themselves with no access to protection and at risk of being forcibly returned to Uzbekistan or China or abducted by members of the Uzbekistani or Chinese security services. Officers of the Uzbekistani and Chinese security services were believed to be operating relatively freely on Kazakstani territory.

Kazakstani migration police were cooperating with their Uzbekistani counterparts and transmitted information on asylum-seekers and refugees to them, including addresses and contact numbers, finger prints, photographs. Uzbekistani authorities then exerted pressure on relatives in Uzbekistan to get the refugees to return voluntarily, in some cases even paying for a relative to travel to Kazakstan to trace the refugees and convince them to return.

Ulugbek Khaidarov, an independent journalist and human rights defender from Uzbekistan who had fled to Kazakhstan after being released from prison in November 2006, reported that members of the Uzbekistani security services had made an unsuccessful attempt to abduct him in October in Shimkent, southern Kazakhstan. Ulugbek Khaidarov and his wife were recognized as refugees by the UNHCR and were awaiting resettlement.

In August the national security service of Kazakhstan confirmed that they had detained more than 50 members of banned Islamist parties or Islamic groups and returned them to Uzbekistan.

Amnesty International feared that Khurshid Shamsuddinov, an asylum-seeker from Uzbekistan accused of membership of a banned Islamic movement, was forcibly disappeared in November. He went missing after leaving his residence in Almaty. In December the Uzbekistani news agency Press-uz.info stated that he had not been abducted but had gone to Moldova where he was detained and deported to Turkey. However, by the end of the year no independent reports of his whereabouts in Turkey had emerged, nor was it clear how he could have gone to Moldova. According to other Uzbekistani refugees and asylum-seekers who shared a flat with him, Khurshid Shamsuddinov did not have the necessary documentation to allow him to travel to Moldova, nor did he have sufficient money to pay for a ticket. When he left the flat on the day of his he went missing he did not carry any suitcase, or personal items and he did not wear any warm outer clothes. In October he had reportedly received warnings from relatives in Uzbekistan that the Uzbekistani authorities were seeking his arrest and subsequent extradition.

Death penalty

In May the scope of the application of the death penalty permitted by the constitution was reduced from 10 "exceptionally grave" crimes to one - that of terrorism leading to

loss of life. A moratorium on executions remained in force and no death sentences were passed during the year. All 31 prisoners on death row had their sentences commuted to life imprisonment.

House Demolitions

In June local authorities authorized the destruction of 12 homes belonging to members of the Hare Krishna community of Sri Vrindavan Dham located in the village of Seleksia outside Almaty. The authorities claimed that Hare Krishna members had illegally acquired the 16-acre land on which the community had built or renovated 66 homes when properties were privatized in the 1990s, a charge the Hare Krishna community has denied. The Hare Krishna Community believed that they had been targeted for their religious beliefs. Although some observers believed that economic motives were driving the destruction of the houses, they did not exclude religious discrimination. Only the homes in the village belonging to members of the Hare Krishna Community were targeted and destroyed. In November 2006 the authorities had already destroyed 13 homes belonging to Hare Krishna members in the village despite international protests following a court decision to transfer the land ownership from the Hare Krishna community to the local district authority.

KYRGYZSTAN

Refugees from Uzbekistan at Risk

Refugees and asylum-seekers from Uzbekistan continued to be at risk of *refoulement* or abduction by officers of the Uzbekistani security service (SNB), operating sometimes in cooperation with their Kyrgyzstani counterparts. They faced incommunicado detention, torture or other-ill-treatment as well as long prison terms following an unfair trial in Uzbekistan. There were also reports that Kyrgyzstani security officers detained asylum-seekers and sold them to Uzbekistani border guards.

In March four asylum-seekers who were abducted in Kyrgyzstan by Uzbekistani SNB officers in 2006 were sentenced to prison terms of up to 16 years by a court in Namangan, Uzbekistan. Uzbekistani refused asylum-seeker Otabek Muminov was secretly deported from Kyrgyzstan in June, a month after the authorities received an extradition request from Uzbekistan. Otabek Muminov, accused of being a member of the banned Hizb-ut-Tahrir party, had fled Uzbekistan in 2001. He had been detained in Osh in 2006 and sentenced to three years' imprisonment in April 2007 for inciting religious hatred and illegally crossing the border. His family had reportedly been given guarantees that he would not be extradited.

Journalist shot dead

Alisher Saipov, a 26-year-old independent journalist and editor, was shot dead at point blank range by an unidentified assailant in Osh in October. A Kyrgyzstani national of Uzbek origin, he was the editor of a new Uzbek-language newspaper *Siyosat* (Politics), which covered issues, including human rights, relevant to Kyrgyzstan and also neighbouring Uzbekistan. *Siyosat* was said to have gained widespread popularity quickly, especially in Uzbekistan, where independently-published information was difficult to obtain. Alisher Saipov also worked as a correspondent for Voice of America and contributed to independent websites covering Central Asia. He often covered sensitive subjects such as the fallout from the May 2005 killings in Andizhan, Uzbekistan; the treatment of Uzbek refugees in Kyrgyzstan; the activities of Uzbekistani security services on Kyrgyzstani territory; anti-terror cooperation between Uzbekistani and Kyrgyzstani security forces as well as the activities of banned Islamic groups and parties such as the Islamic Movement of Uzbekistan and Hizb-ut-Tahrir. He had reportedly received anonymous threats and parts of the Uzbekistani media had conducted a campaign denouncing his

reporting as an attack on the Uzbekistani state. No one had been arrested in connection with his murder by the end of the year.

Torture or other ill-treatment

Human rights defenders expressed concern that torture or other ill-treatment in places of detention continued to be widespread and that very few law enforcement officers were brought to trial and held accountable for violations they committed. Two police officers accused of having tortured a detainee to death in 2006 were acquitted in August by a district court in Naryn. The case had reportedly only come to trial because of sustained pressure from human rights defenders. In September the Naryn regional court overturned the original verdict and sent the case for further investigation. The police officers appealed the regional court's decision, however, the Supreme Court rejected their appeal and ordered a fresh investigation into the allegations of torture.

In August Aziza Abdirasulova, the chairwoman of the Kylym Shamy (Torch of the Century) human rights group, reported that at least 10 cases of torture had come to her attention, including three deaths in police custody. While investigating reports that a suspect in pre-trial detention in Naryn died following a severe beating by a police officer in July, she met four young detainees aged 14 and 15 who complained about ill-treatment. They claimed that police officers had kicked and beaten them and had placed gas masks on their heads and turned the air supply off in order to force them to admit to a crime they had not committed.

Freedom of assembly

Human rights defenders expressed concern over increasing restrictions being placed on the rights to freedom of assembly and expression by the authorities, including limiting the locations where protest demonstrations could be held in the capital,

Bishkek. Dozens of protesters were charged with public disorder offences and at least 15 were convicted. Several demonstrations organized by human rights defenders, youth and civil society activists and political opposition parties were dispersed by police and officers of the Kyrgyzstani security service and participants were detained.

Felix Kulov, the former prime minister and leader of an opposition party, was detained for questioning by police in April and again in August. He was charged with instigating mass public disorder in relation to the April clashes between opposition supporters and security forces, which the opposition claimed had been provoked by the authorities. Two aides of Felix Kulov were also detained and charged with causing public unrest. They were sentenced to four years in prison in August. They claimed that the charges were politically-motivated. In July police officers dispersed a demonstration by the non-governmental organization Democracy and confiscated banners and flags from participants. Human rights defender Tursun Islam, who had organized the peaceful rally in defence of human rights, was briefly detained. His son remained in custody for three days.

Death penalty

In May President Kurmanbek Bakiyev signed a package of laws aimed at humanizing the criminal justice system. Although the death penalty was replaced with life imprisonment for ordinary crimes, it remained unclear whether the new provisions applied to crimes committed in wartime. The cases of all 174 prisoners sentenced to death were to be reviewed by the Supreme Court within six months. However, the outcomes of the reviews were still pending at the end of December.

LITHUANIA

Rights of LGBT people

On 24 October, the city council of the capital, Vilnius, refused to grant permission

for a public event which would have seen the hoisting of a 30 metre rainbow flag, a symbol of the lesbian, gay, bisexual and transgender (LGBT) rights movement, in front of approximately 200 LGBT activists in the Town Hall Square.

The Lithuanian parliament was considering legislation that would ban the "propagation of homosexuality" to children. The legislative change regarded an amendment to the existing Law on the Protection of Minors against Detrimental Effect of Public Information. The law covers issues such as portrayal of physical or psychological violence or vandalism; display of a dead or cruelly mutilated body of a person and information that arouses fear or horror, encourages self-mutilation or suicide. The proposed amendment would put information about homosexuality on a par with these issues. The authors of the proposed amendment wrote in an explanatory note that "the propagation of a non-traditional sexual orientation and exposure to information containing positive coverage of homosexual relations may therefore cause negative consequences for the physical, mental and, first and foremost, moral development of minors." No amendments had come into force by the end of the period under review.

MACEDONIA

General and political Developments

Reforms set out in a Stabilization and Association Agreement with the European Union (EU) were delayed or were not implemented. In its November 2007 report the European Commission noted limited progress in the field of human rights and called for "significant additional efforts" to be made, including in relation to the police and judiciary.

On 25 September a verbal dispute in the parliament during a debate on the amendments to the electoral code between the leader of the Party for Democratic Prosperity (PDP) and members of the Democratic Union for Integration (DUI) in the parliament degenerated into a fist-fight

between ethnic Albanian parties. A reporter from A1 Television was slapped in the face by security officials from the DUI and a crew from TV ALSAT was detained while filming the police outside the building (see below).

In August parliament waived the immunity from prosecution of former prime minister and defence minister Vlado Buckovski in connection with charges related to an arms deal in 2001, although he was not detained.

In November the Council of Europe reported on their investigation opened in May into the allegedly suspicious death of former President Boris Trajkovski, in a plane crash together with eight members of his staff, over Mostar in Bosnia and Herzegovina in February 2004. They concluded that the crash was most likely accidental but that further enquiries were needed in relation to "worrying inconsistencies".

Impunity for War Crimes

The trial of former Minister of Internal Affairs Ljube Boškovski continued before the International Criminal Tribunal for former Yugoslavia (Tribunal). He had been indicted in 2005 for violations of the laws and customs of war, including for his failure to investigate, prevent or punish his co-defendant, Johan Tarčulovski, an Escort Inspector in the President's Security Unit. The latter was indicted for the detention and cruel treatment of ethnic Albanians in the village of Ljuboten in August 2001 when seven ethnic Albanian men died and over 100 more were detained and subjected to torture and ill-treatment.

In December Albanian political parties expressed their opposition in parliament to the return to Macedonia of four cases over which the Tribunal had seized primacy, but for which the Tribunal had not issued indictments. The DUI and the Democratic Party of Albanians, (DPA) considered the return of the cases to be in violation of an Amnesty Law adopted in March 2001, which had applied to all those involved in the

2001 armed conflict except for those accused of war crimes under the jurisdiction of the Tribunal.

No further progress was reported on the whereabouts of three ethnic Albanians – Sultan Memeti, Hajredin Halimi and Ruzdi Veliu – alleged to have been "disappeared" by the Macedonian authorities during the 2001 internal conflict.

Armed opposition groups

On 7 August government buildings were attacked by two grenades fired from a rocket-propelled launcher; to date no suspects have been identified. On 2 September Xhemail Iseni (a.k.a. Jamie Shea), was arrested after having escaped from Idrizovo prison on 21 August, while attending his mother's funeral. Xhemail Iseni had been sentenced to seven years' imprisonment for planting a bomb on the Skopje –Belgrade railway. The director of Idrizovo prison was dismissed for his faulty judgment in granting Xhemail Iseni leave of absence with only two guards to accompany him.

The security situation deteriorated: armed opposition groups effectively controlled areas near the border with Kosovo. On 10 September ethnic Albanian police commander Fatmir Halili was killed and two police officers wounded in Vaksince on the Kosovo border during the course of an attempted arrest; two ethnic Albanians, Skender Halili and Xheladin Hiseni, were killed.

Amnesty International expressed concerns in November at the possible excessive use of force by the Macedonian special forces in operation "Mountain Storm", which aimed to capture members of armed opposition groups, including several men who in August had escaped from Dubrava prison in Kosovo, and who had been hiding in the area close to the border with Kosovo. One escapee, Xhavit Morina, former commander of an armed opposition group known as the Albanian National Army, had already been killed by persons unknown near Tetovo on 1

November. During the operation in Brodec village six people were killed and 13 arrested. Witnesses reported to the Macedonian Helsinki Committee that the detained men were beaten while handcuffed and lying on the ground; five of the men were hospitalized for several days after reportedly resisting arrest. An internal investigation by the Ministry of Interior concluded: "the use of firearms by police officers was appropriate, proportionate, justified and necessary", and that the detainees had been injured while resisting arrest.

Counter-terrorism

No action was taken by the authorities to bring to justice members of the security forces alleged to have participated between December 2003 and January 2004 in the arrest and unlawful detention of German citizen Khaled El-Masri before transferring him to the US authorities (see AI Index: EUR 01/007/2006). The government also failed to cooperate with the Council of Europe in establishing the truth about his rendition.

Torture, ill-treatment and possible extra-judicial execution

The European Committee for the Prevention of Torture visited Macedonia in October. The non governmental organization (NGO) the Macedonian Helsinki Committee reported continued allegations of ill-treatment by the police, but also informed Amnesty International that following a decision by the European Court of Human Rights in the case of Perushan Jarushar (see AI Index AI Index: EUR 01/010/2007), there had been some improvement in disciplinary procedures conducted by the Internal Control and Professional Standards Sector of the Ministry of the Interior. Complaints against the special "Alfa" police continued and were seldom sustained. In cases where persons who had been ill-treated by the police sought reparations including compensation, NGOs reported that police

officers summoned as witnesses often failed to appear in court

On 26 September, the day after the parliamentary incident (see above), Igor Ljubovcevski, a TV ALSAT cameraman, was beaten and his camera broken by police on the road to Tetovo, after he had filmed them as they stopped a vehicle containing two DUI members of parliament. He was reportedly taken to hospital in Skopje with two broken ribs and bruising on his back and chest. The Organization for Security and Co-operation in Europe and the Journalists' Association of Macedonia condemned this and other attacks by the police on journalists. The Ombudsperson opened an inquiry, and the Minister of Interior an internal investigation, although neither reported their conclusions before the end of the year.

In October and November the Ombudsperson undertook visits to prisons in Macedonia to inform prisoners of their rights; post-boxes in which complaints could be sent to the Ombudsperson's Office were installed in all Punitive-Correctional Institutions.

No further progress was reported in an investigation into the death in custody of Sabri Asani - an ethnic Albanian arrested in 2000 in connection with the killing of three police officers on 1 January 2000 (see AI Index: EUR 65/03/00).

Discrimination against minorities

Some provisions of the Ohrid Agreement (which concluded the 2001 internal conflict, and which primarily aimed to end discrimination against the ethnic Albanian community) still remained to be implemented. The authorities also failed to implement recommendations made in 2006 and earlier in the year by UN treaty body committees which had urged the adoption of temporary special measures to address discrimination against ethnic minorities and ethnic minority women in particular.

In July a report by the NGO DecadeWatch on progress made by nine countries

participating in the Decade of Roma Inclusion ranked Macedonia in seventh place, noting that where measures had been taken towards implementation of Macedonia's Action Plan for the Decade, they had largely been carried out by Romani and other domestic NGOs in conjunction with international NGOs, and with international funding. Following a report issued by Amnesty International in December on discrimination against Romani women and girls, including in access to education, employment and health-care (see AI Index: 65/004/2007), the Ministry of Education reported that measures introduced earlier in the year to ensure free transport to school for all primary school children would be extended to secondary school pupils.

Also in December the authorities began to consider the introduction of anti-discrimination legislation. Muslim women in predominantly ethnic Albanian-inhabited Tetovo demanded a change in the law to allow them to wear the headscarf in photographs for travel documents.

Refugees from Kosovo

Some 1,860 refugees remained in Macedonia. The majority were Roma and Ashkalia refugees from Kosovo who had been granted temporary "asylum for humanitarian protection", or those whose applications for asylum had been rejected in procedures which in many cases were flawed by a failure to consider the circumstances of individual applications for asylum. The state failed to guarantee these refugees access to social and economic rights. Many feared forcible deportation.

Discrimination, including violence against women

Although legislation in force reflected measures set out in the Council of Europe's Convention on Action against Trafficking in Human Beings, Macedonia had failed to ratify the Convention by the end of the year. Measures to give effect to the 2006 Law on Equality between Men and Women,

including the recruitment of lawyers and other staff required to implement the legislation, were not in place by December

MOLDOVA

Torture and Ill-treatment

On 23 October, AI launched a report on torture and ill-treatment in police detention. The report concluded that torture and other ill-treatment was widespread and systemic in Moldova, and failure to carry out effective and impartial investigations into torture allegations created a climate of impunity. Limited resources for police work combined with pressure to send as many cases as possible to court created an environment which fostered the use of violence to extract confessions. There were inadequate safeguards for detainees who often spent long periods in inadequate conditions in police detention. (for more information see *Moldova, Police torture and ill-treatment: 'Its just normal.'*, AI Index: EUR59/002/2007)

In October the European Court of Human Rights found that Vitalii Colibaba had been ill-treated by police officers in April 2006 and that the state had failed to conduct an effective investigation into the allegations. The Court also found that the state had failed to facilitate access to the Court because the Prosecutor General had written to the bar association on 26 June 2006 naming Vitalii Colibaba's lawyer and one other lawyer, and stating that both could face criminal prosecution for providing information about torture cases to international organizations.

On 1 November, three policemen accused of torturing Viorica Plate (this case featured in the October report) at Botanica police station in Chişinău on 19 May were sentenced. Two of the police officers concerned were sentenced to six years' imprisonment and a third was given a suspended sentence. All three police officers appealed against the sentence. At the hearing in November, the judge reportedly issued an order for the two police officers sentenced to imprisonment

to be detained, but no action has been taken to act on this order. Since the verdict the perpetrators have attempted to pressurize Viorica Plate, and witnesses to make them change their statements. Viorica Plate told AI that she was arrested at her home in Orhei on 19 May and accused of stealing US\$7,000 from her ex-husband. Three police officers reportedly threw her onto a sofa in her flat, twisted her arms, handcuffed her and then drove her to Botanica police station. She stated that at the police station officers put a gas mask over her head, and beat her on the soles of her feet while closing the air vent on the gas mask causing her to lose consciousness. They then suspended her from a hat stand hung between two chairs and continued to beat her on the soles of her feet. Eventually she managed to take a knife from a desk and cut her wrist, at which point an ambulance was called and she was taken to the hospital. Viorica Plate complained to the Prosecutor General's office and an investigation was opened, but the police officers were not suspended and she reported that in June they threatened to detain her again.

On 7 November, the preliminary report of the Committee for the Prevention of Torture's (CPT) visit to Moldova in September 2007 was published. According to the CPT, approximately a third of the people interviewed during the visit made credible allegations of torture and other ill-treatment. In most cases the ill-treatment was inflicted by operational police officers, during the first few hours of detention in the course of interrogations, and usually in the investigators' offices.

Reform of the Criminal Justice System

In July, Parliament approved a new legal aid law which guarantees legal aid for all defendants who cannot pay for legal counsel, prompt access to counsel for all detained defendants, and up to one hour of primary legal aid for any person in need of legal advice. The new legal aid system will be implemented gradually over the next

five years. The new law sets up a National Legal Aid Council to manage the system and to ensure quality of legal services.

Independence of the Judiciary

On 24 December, the Supreme Court overturned a previous decision by the Supreme Court to acquit Iaroslav Sarupici of murder. Iaroslav Sarupici was accused of murder in 2003 and secretly transported from Ukraine to Moldova without any extradition procedures. He was allegedly tortured to extract a confession while he was detained at the temporary isolation facility (IDP) in Chişinău. On three occasions in the course of the legal proceedings the judge stated that "the case is under the direct supervision of the President" and "I am regularly called to report on this case". Iaroslav Sarupici was convicted of murder in September 2003, but on 1 March the Supreme Court overturned the conviction of Iaroslav Sarupici and other defendants in the case and noted the numerous violations of law and procedure. The court also enabled Iaroslav Sarupici's lawyer to request Parliament to consider the questions of removing the President from office on the basis that he had interfered in the judicial process. Iaroslav Sarupici has applied to the European Court of Human Rights.

Prison Conditions

On 26 November, eight HIV-positive prisoners detained at remand prison no. 13 in the capital, Chişinău, slit their wrists in protest at the conditions in which they were held. All eight were held in overcrowded conditions in a cell measuring 20 m². Some HIV-positive prisoners also suffered from multi-drug resistant tuberculosis which put the other prisoners at high risk of contracting the disease. Prison special forces reportedly quelled the protest with rubber batons and several prisoners were injured. Four of the prisoners were subsequently placed together in a

punishment cell in the basement, which could have further damaged their health.

Freedom of expression

In a resolution passed in October, the Parliamentary Assembly of the Council of Europe called on the Moldovan authorities to "strengthen all the necessary guarantees to ensure the respect of freedom of expression as defined in Article 10 of the European Convention on Human Rights".

International Justice

On 2 October, the Constitutional Court ruled that Moldova could ratify the Rome Statute of the International Criminal Court without requiring a change in the constitution thus opening the way for ratification. Moldova signed the Rome Statute in 2000, but it was not until 2006 that the Ministry of Justice drafted the ratification law and July 2007 that the government asked the Constitutional Court to decide whether the Rome Statute contradicted the constitution.

Self-proclaimed Transnistrian Moldavian Republic (Transnistria)

In an interview with *Radio Free Europe* in November President Vladimir Voronin stated that a draft plan for the future status of Transnistria had been agreed upon. The draft plan which has been put forward by President Voronin has yet to be discussed with the authorities of Transnistria.

MONTENEGRO

General and political developments

A new Constitution was adopted in October, which failed to fully satisfy the previous recommendations of the Council of Europe's Venice Commission on compatibility with rights set out in the European Convention on Human Rights (ECHR). In December the

Venice Commission expressed continued concerns about certain provisions including on the independence of the judiciary, access to a legal remedy at the European Court of Human Rights and the restrictive definition of minorities.

Also in October Montenegro signed a Stabilization and Association Agreement with the European Union. In December the European Council urged that the new Constitution be implemented in accordance with European standards, and that reforms were needed to strengthen the rule of law and combat corruption and organized crime. Also in December Montenegro concluded an agreement with the USA on the destruction of small arms and light weapons as part of NATO's Partnership for Peace programme.

Impunity for war crimes, including the right to redress and reparation for the families of the "disappeared" (update to AI Index: EUR 66/001/2006).

In July the Senior State Prosecutor filed a request with the High Court to open an investigation against six persons suspected of war crimes against Croatian civilians and prisoners of war at the Morinj detention centre in early 1991-2; no progress was reported by the end of the year. In August Montenegro concluded an agreement with Croatia on reparations in relation to military attacks launched on Dubrovnik in 1991 from Montenegrin territory.

By the end of the period under review no progress had been made in bringing to justice six former police officers suspected in February 2006 of the arrest and subsequent enforced disappearance of 83 Bosniak civilians, who were "deported" from Montenegro to territory under Bosnian Serb control in the Republic of Bosnia and Herzegovina in May 1992. At the end of August the State Prosecutor's Office denied media reports that charges had been laid against Ulcinj police chief Sreten Glendža in connection with the deportations, although earlier in the month the prosecutor had requested evidence be gathered in his case.

In September, the former President of the then republic of Montenegro, Momir Bulatović, was questioned by the Podgorica High Court Judge; he had twice failed to appear in response to a summons from the investigative judge.

Civil proceedings continued against the state of Montenegro in connection with the enforced disappearances. By the end of the year, in 25 of out 38 first instance decisions Montenegro was found responsible for the deaths of the "deported" Bosniak civilians; compensation was awarded to family members for the emotional suffering caused by the death of their relative. The court rejected all claims for the violation of the relatives' rights under Article 3 of the ECHR for the pain and suffering caused by the authorities' failure to provide information as to the fate and whereabouts of their relatives. The state appealed each decision.

Unfair trial (update to AI Index EUR 01/010/2007).

Proceedings continued against 17 ethnic Albanian men arrested during the Orlov let (Eagle's flight) operation in September 2006 and indicted for preparing to endanger the constitutional order and security of Montenegro. Relatives expressed concerns for the deteriorating health of some the detained men and at the length of proceedings. Amnesty International considered that the trial was not conducted in accordance with the criminal procedure code, or fair trial standards, including in the use of unlawfully seized evidence and the use of testimonies which defendants stated had been extracted under duress (see below).

Torture and ill-treatment (Update to AI Index: EUR 01/010/2007).

Torture and ill-treatment continued, including during arrest and detention: the non-governmental Youth Initiative for Human Rights documented some 23 cases

between September and October 2007 alone. Victims were often charged with obstruction of police officers, while police officers were rarely charged

A criminal investigation by the state prosecutor continued into allegations of torture and ill-treatment brought by seven of the men detained during the Orlov let arrest operation (above). By November four police officers were reportedly under investigation, although the men's lawyers had not been informed of this development.

No progress was reported in an investigation into allegations that in 2005 special police officers had beaten detainees held in the detention unit at Spuz prison.

Possible extrajudicial executions and political killings (Update to AI Index: EUR 01/001/2007); freedom of expression

The trial continued of 10 defendants indicted in August 2006 on suspicion of the murder in August 2005 of former Montenegrin police chief Slavoljub Šćekić. In November the judge (whose identity is protected) reportedly refused to grant permission for protected witnesses to testify via video link. Komnen Radović, a journalist at the Montenegrin daily *Vijesti* was reportedly attacked in the street by the defendant's lawyer Zoran Vukčević, who was apparently unhappy with the newspaper's reporting of the trial. Zoran Vukčević was charged with "physical attack and threatening behaviour".

On 1 September, Zeljko Ivanović, director of *Vijesti* was attacked; three "minor criminals" were subsequently arrested and indicted, although eye witnesses stated in proceedings that the defendants did not resemble the assailants. Zeljko Ivanović alleged this was an attempt to cover up a politically motivated attack related to the independence of the media. Proceedings for defamation were brought against Zeljko Ivanović and a former editor for defamation by former prime minister Milo Djukanović, requesting 1 million euros in compensation

for remarks made by Zeljko Ivanović following the attack, which described it as a "greeting card" from the family of Milo Djukanović.

On 1 November, Tufik Softić, head of a local radio station in Berane, was hospitalized after being beaten with baseball bats by two unknown assailants. He had previously reported threats to his life. Although two suspects were arrested they were shortly released and investigations continued at the end of the year.

No one was brought to justice for the murder of Dusko Jovanović, editor of *Dan* in May 2004. An appeal by the prosecution against the decision to acquit the sole suspect Damir Mandić had not been heard by the end of the year.

The parliamentary committee on defence and security in December questioned police director Veselin Veljović in relation to the failure to date of the police investigation into the murder in October 2006 of Srdjan Vojičić, driver of novelist Jevrem Brković.

Human Rights Defender at Risk

No progress was made in an investigation into alleged threatening telephone calls made in May to Aleksandar Zeković, a member of the Council for the Civilian Control of Police related to his reporting on cases of enforced disappearances (above).

Roma refugees from Kosovo

In July an estimated 16,000 predominantly Roma refugees from Kosovo were concerned that they might be forcibly returned to Kosovo in violation of recommendations by the UN's refugee agency (UNHCR), when a Memorandum of Understanding between the Kosovo and the Montenegrin authorities was due to cease. These refugees considered by the Montenegrin authorities – despite the country's independence – to be internally displaced persons, remained at risk of forcible return at the end of the year. Some

1,870 still awaited decisions on displaced person status. A further **!The Formula Not In Table** refugees from Bosnia and Herzegovina or Croatia also remained in Montenegro. The Council of Europe, on Montenegro's accession, had required the authorities to issue personal documentation to displaced persons and refugees; ensure their access to social, economic, and political rights and prevent those without documentation from becoming stateless.

Trafficking in human beings

The Council of Europe called for increased efforts in the provision of assistance and protection to victims of trafficking, in accordance with the Convention on Action against Trafficking in Human Beings, which Montenegro signed but did not ratify. In October the government and non governmental organizations signed a Memorandum on Cooperation for Combating Trafficking in Human Beings.

POLAND

Background

Early parliamentary elections were held in October after Parliament (*Sejm*) voted to dissolve itself on 7 September following the governing coalition's loss of its majority after the withdrawal of one of its junior parties. An initial refusal for the elections to be monitored by the Organisation for Security and Co-operation in Europe was later reversed. The turnout was the highest since the first post-Communist elections in 1991. A former opposition party, Civic Platform (*Platforma Obywatelska*, PO), won the elections and formed a new government in November together with the Polish Peasants' Party (*Polskie Stronnictwo Ludowe*, PSL).

International scrutiny

In July, the UN Committee against Torture (CAT) issued its Concluding Observations on the measures taken by Poland to implement its obligations under the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee regretted the absence of a specific offence of torture and the absence of a definition of trafficking in human beings in Polish legislation, despite previous recommendations. The Committee also expressed its concern at the length of pre-trial detention, which can last up to two years, and at the fact that there is no a time limit for pre-trial detention upon the commencement of the court proceedings. Additionally, the Committee regretted the lack of an appropriate system of legal aid in Poland and restrictions that might be imposed on fundamental legal safeguards for persons detained by the police, particularly on the right of access to a lawyer. The Committee also expressed concerns about reported excessive use of force by law enforcement officials.

In September, Poland officially announced that it would join the UK and opt out of the European Union's (EU) Charter of Fundamental Rights, which was proclaimed in December 2000. Despite initial statements by officials from the new government officials that they would withdraw opposition to this charter, the previous administration's policy of rejecting its incorporation was retained.

Renditions and secret detention centres (update to AI Index: EUR 01/001/2007)

International bodies continued to raise concerns about Poland's alleged involvement in the USA's programme of secret detentions and renditions (the illegal transfer of people between states outside of any judicial process), and its inadequate responses to their investigations.

Poland continued to deny any involvement with secret detention centres, even after the endorsement by the Parliamentary Assembly of the Council of Europe (PACE) of a resolution which stated that "it is now established with a high degree of probability that secret detention centres operated by the US Central Intelligence

Agency (CIA), forming part of the High Value Detainee program, existed for some years in Poland and Romania." As a result of these conclusions, the EU's Justice, Freedom and Security Commissioner Franco Frattini wrote to the government in July to highlight its obligations under the European Convention on Human Rights to establish whether the allegations were true. He had warned in 2005 that member states could face penalties – including suspension of EU voting rights – if they were found to have taken part in the secret CIA prison system. Poland failed to reply to the Commissioner's letter by the end of the period under review.

The CAT also expressed its concern at the persistent allegations of Poland's involvement in extraordinary renditions and the existence in the territory of Poland of secret detention facilities for aliens suspected of terrorist activities. The Polish authorities continued to deny the allegations.

In September, the European Committee for the Prevention of Torture denounced in its annual General Report the use of secret detention centres located in European countries and renditions in the fight against terrorism for "the purposes of detention and interrogation outside the normal criminal justice system."

Refugees and asylum-seekers

There were allegations that asylum-seekers in some detention centres received inadequate medical assistance. The CAT raised concerns also about conditions in transit zones and deportation detention centres where foreign nationals awaiting deportation were held.

Amnesty International expressed its concerns in July to the Polish authorities about the alleged lack of medical care for and subsequent death of Isa Abubakarow, a male Chechen national from the Russian Federation, who had resided in Poland for a period of 14 years before travelling to Belgium in January 2006, where he requested asylum. While in Belgium, he

was diagnosed with a serious illness. In spite of this, Isa Abubakarow was returned to Poland from Belgium on 19 June 2006 under the so-called Dublin II Regulation which establishes criteria and mechanisms for determining which EU state will examine an asylum application. A Belgian doctor had provided him with a week's supply of medication but upon arrival at Okęcie airport, this medication was allegedly confiscated by Polish authorities. Isa Abubakarow was sent to the refugee detention centre of Lesznowola until the end of July 2006. While there it is alleged that he did not receive medical attention appropriate to his condition. Isa Abubakarow subsequently died in October 2006.

Despite requests, the authorities failed to answer questions about the death of Isa Abubakarow. Amnesty International is not in a position to determine the causes of his death. However, the organization has been informed, *inter alia* by the Belgian immigration authorities, that the Office of the Commissioner for Civil Rights Protection (the Polish Ombudsperson) conducted a first inquiry following allegations that a lack of medical care may have contributed to Isa Abubakarow's final illness. The Commissioner filed a complaint with the Regional Prosecutor of Grójec on the basis of that inquiry. The complaint concerned the reception conditions and lack of medical treatment for persons detained in the Lesznowola centre. The investigation was still ongoing at the end of period of review.

Discrimination - sexual orientation

Freedom of expression and hate speech

In September, the European Court of Human Rights dismissed an appeal by Poland against its original ruling in May in favour of lesbian, gay, bisexual and transgendered (LGBT) rights activists from Poland. The activists had successfully challenged a ban on the LGBT Equality Parade in Warsaw in June 2005 by the then Mayor of Warsaw and current President, Lech Kaczyński. The Court upheld its

original and unanimous decision that the ban was illegal and discriminatory.

The CAT also expressed concern on reports of intolerance and hatred towards minorities and other vulnerable groups in Poland, including alleged manifestations of hate speech and intolerance against homosexuals and lesbians.

Death penalty

On 26 September, the Committee of Ministers of the Council of Europe decided to establish a European Day against the Death Penalty to be celebrated on 10 October every year. They also stated that they hoped that the EU would join the initiative as soon as possible, although on 18 September Poland had blocked an attempt by the EU to do so. This position was reversed by the new government in Poland, which announced its support for the initiative in December.

PORTUGAL

Police ill-treatment and excessive use of force and firearms

Amnesty International continued to have concerns regarding allegations of ill-treatment and excessive use of force and firearms by Portuguese law enforcement officers. The organization noted the pattern of apparent impunity resulting from the failure to hold officers to account through effective disciplinary and/or criminal investigations, and that as a result, justice for victims is denied.

Joao Pedro Vaz Silva

According to João Vaz Silva, on 3 May 2005 at around 5am he was leaving the Agricultural Fair of Beja (Ovibeja) with some friends. He claims he was pushed onto his back by a group of public security police (Policia de Seguranca Pública, PSP) officers who were trying to make people leave the venue. He complained to one officer (whose full name is known to Amnesty International) about the

unnecessary use of force, which led to an argument. As a result, the police officer asked for João Vaz Silva's identity card, which he did not have with him.

The discussion continued and the police officer decided to take João Vaz Silva to the Beja police station for identification. Before doing so, he allegedly punched João Vaz Silva in the stomach. Another police officer came to handcuff him and in the process João Vaz Silva fell to the ground. While on the ground he was kicked two or three times in the stomach and head by the police officers. He was then handcuffed and the assault continued with more kicks to his stomach and head. During the arrest, and while João Vaz Silva was being taken by car to the police station, he alleges he was punched in the stomach, slapped, and roughly handled.

At the police station, Joao Vaz Silva claims he was violently pushed into a cell, making him fall to the floor. He says he asked to make a phone call and to see a doctor but was not able to do so. After approximately one hour he was allowed to make a phone call, but when he began speaking to his girlfriend and told her about the assault he had suffered, police officers interrupted his calls, beat him on the legs with a truncheon, and threatened him. He was later allowed to call his girlfriend again and told her what had happened. He was taken to the hospital in Beja by police officers. Medical reports indicated he was assisted at 6.13am on 3 May and was discharged at 7am and then returned to the police station. At 10.30am, with his parents, girlfriend and lawyer present at the police station, he began to feel unwell and was immediately sent back to the hospital. He was attended to at 11.35am and discharged at 2.35pm. Both medical reports indicate injuries to the head and abdomen.

On 28 October 2005 João Vaz Silva lodged a complaint against the police officers and an enquiry was opened by the Public Prosecutor of Beja. However, the investigation was subsequently closed on 27 June 2006 and no action was taken against the police. According to the Public

Prosecutor's report "the eyewitnesses couldn't identify the police officers who João Vaz Silva accused of beating him" and there was lack of evidence to accuse the only police officer who had been personally identified.

After receiving the results of the prosecutor's investigation on 30 September 2006, João Vaz Silva appealed to the Office of the Public Prosecutor (Procuradoria Geral da República) and to the President of the Republic who replied on 14 October 2006 saying that his letter had been forwarded to the Ministry of the Interior. On 13 November 2006, Joao Vaz Silva received a letter from the police inspectorate (Inspeção-Geral da Administração Interna, IGAI) saying that his case would be sent to the police national directorate (Direcção Nacional) for investigation. No further information was available at the time of publication.

Victor Hugo

On 3 October 2006, during a police chase involving a car carrying four men in the city of Porto (Matosinhos), Victor Hugo was killed and another man (Bruno Costa) gravely injured when a Republican National Guard (Guarda Nacional Republicana, GNR) officer fired five shots at the vehicle, allegedly aiming for the tyres. In April 2007 the police inspectorate (Inspeção-Geral da Administração Interna, IGAI) produced its findings into the case in which it concluded that the actions of the police involved had been excessive and recommended that a disciplinary procedure be opened. No further information was available at the time of publication.

The case of Albino Libânio (update to AI Index: EUR 01/010/2007).

In July Amnesty International wrote to the Minister of Justice regarding the apparent impunity in the case of Albino Libânio, following the acquittal in May 2007 of all seven defendants in a criminal case brought against prison officers accused of assaulting Albino Libânio in Lisbon prison in 2003. The organization expressed its concern that the court was unable to establish the

identity of those responsible for the assault on Albino Libânio despite the evidence presented by the prosecution and the prison service inspectorate's report and noted that in his appeal, Albino Libânio's lawyer claimed that the court did not conduct basic investigations which would have provided the information necessary to secure a conviction, for example the register of the cell count of the day in question (which would have shown whether Albino Libânio was absent), or the register of guards on duty at the time of the incident.

In its response (received in October), the Ministry of Justice informed Amnesty International that one of the prison guards involved had been suspended from duty for the maximum period permitted at law and that internal prison procedures had been reviewed in order to avoid a possible repetition of such an incident (although no detail was provided on these changes). The internal disciplinary board (Serviço de Auditoria e Inspeção) had instigated disciplinary proceedings against eight of the officers, recommending dismissal for seven of them, but was awaiting the final outcome of the judicial proceedings before further action is taken.

Migration

A new immigration law, which entered into force on 4 July, introduced certain legal rights for migrants awaiting decision on their expulsion from or admission into Portuguese territory, with particular emphasis on the rights of unaccompanied minors. The law also specifies that facilitating illegal migration in a manner that endangers the life of the migrant or constitutes inhuman or degrading treatment can be punished by two to eight years' imprisonment. Victims of trafficking are no longer classified as illegal immigrants.

Violence against women

The third National Plan Against Domestic Violence entered into force in June. One of its key provisions is guaranteed free access to health care for victims of domestic violence. In July the government stated that 39 women had been killed by their husband or partner during 2006.

ROMANIA

Renditions and secret detention centres (update to AI Index: EUR 01/001/2007)

International bodies continued to raise concerns about Romania's alleged involvement in the USA's programme of secret detentions and renditions (the illegal transfer of people between states outside of any judicial process), and its inadequate responses to their investigations.

Romania continued to deny any involvement with secret detention centres, even after the endorsement by the Parliamentary Assembly of the Council of Europe (PACE) of a resolution which stated that "it is now established with a high degree of probability that secret detention centres operated by the US Central Intelligence Agency (CIA), forming part of the High Value Detainee program, existed for some years in Poland and Romania." As a result of these conclusions, the European Union (EU) Justice, Freedom and Security Commissioner Franco Frattini wrote to the government in July to highlight its obligations under the European Convention on Human Rights to establish whether the allegations were true. He had warned in 2005 that member states could face penalties – including suspension of EU voting rights – if they were found to have taken part in the secret CIA prison system. In November, Romania replied denying allegations that secret CIA prisons had operated on its soil and reiterated that a committee of inquiry set up by the government had already concluded that the allegations were unfounded.

In September, the European Committee for the Prevention of Torture denounced in its annual General Report the use of secret detention centres located in European countries and renditions in the fight against terrorism for "the purposes of detention and interrogation outside the normal criminal justice system."

Discrimination - Roma

Hate speech and intolerance by the media and some public authorities continued.

There were tensions with Italy over Italy's declared intention to expel Roma of Romanian nationality. In November, the Minister of Foreign Affairs Adrian Cioroianu said in a televised debate that he had considered "buying a piece of land in the Egyptian desert to send there all the people who tarnish the country's image". Adrian Cioroianu later apologized publicly but refused to resign. The Prime Minister "deplored" his minister's comments but took no further action. Several human rights organizations subsequently issued open letters demanding Adrian Cioroianu's resignation, and a Roma non-governmental organization (NGO), Romani-CRISS, filed a complaint with the National Council for Combating Discrimination.

According to the report *Image of the Romani minority in the national and local press (Imaginea minorităţii rome in presa naţională şi locală)* published by Romani-CRISS, 41 per cent of the articles in eight national newspapers and 45 per cent in six local newspapers presented a negative image of Roma during the period studied (October 2006-August 2007), while only 14 per cent of national and 10 per cent of local press presented a positive image.

Police and security forces

Unlawful killings by Romanian members of UNMIK Civilian Police (Update AI Index: EUR 01/001/2007)

In July, the UN Interim Administration Mission in Kosovo (UNMIK) reported that it was unable to identify which members of the Romanian Formed Police Unit stationed in Kosovo had been responsible of the deaths of two men during a demonstration in February in the capital, Pristina. (See Serbia/Kosovo entry.) In part, they could not identify the officers because they had been repatriated to Romania. The same month saw the publication of the *Second Report of the Special Prosecutor to the [Special Representative of the UN's Secretary General] regarding the death and serious wounding of protestors during the 10 February 2007 demonstration in Pristine* (dated 29 June 2007 and known as the Dean Report, after Special Prosecutor Robert Dean).

Amnesty International urged the Romanian Ministry of Interior to return the officers to Kosovo, or failing that to make them available to UNMIK investigators who might travel to Romania (see AI Index: EUR 70/010/2007). The organization noted the concerns expressed in the Dean report with respect to the use of rubber bullets and on the disparity between Romanian domestic law and international law and standards on the use of firearms

Amnesty International has expressed its concerns about the practice of the unlawful use of firearms by law enforcement officials in Romania for over a decade (see for example *Romania: Excessive use of firearms by law enforcement officials and the need for legal reform*, AI Index: EUR 39/003/2000, *Romania: Further reports of unlawful use of firearms by law enforcement officials*, AI Index: EUR 39/006/2003, *Romania: Continuing reports of unlawful use of firearms by law enforcement officials*, AI Index: EUR 39/001/2005, *Bulgaria and Romania: Amnesty International's Human Rights Concerns in the EU Accession Countries*, AI

Index: EUR 02/001/2005). The organization is concerned that the Romanian authorities have failed to effectively address the long-standing problem of the use of firearms, including less-lethal weapons, by police officers in disputed circumstances, including through impartial and thorough investigations. To Amnesty International's knowledge, at the time of writing there were neither official statistics on the number of incidents in which police officers resorted to firearms nor publicly available information about investigations into cases which resulted in death or injury.

Amnesty International is concerned that Romanian law still allows for the use of firearms, including less-than-lethal weapons such as rubber bullets, in circumstances that are not considered legitimate under international and European standards.

Romanian Law No. 218/2002 on the Function and Organization of the Romanian Police fails explicitly to bring the law into harmony with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and Articles 6, 7 and 9 of the International Covenant for Civil and Political Rights. The law merely stipulates that firearms may be used "in accordance with the law". It is assumed that this refers to Law 17/1996 On the Use of Firearms and Ammunition, Article 47 of which lists no less than 10 situations under which firearms may be used. These include the use of firearms against persons "posing a threat to a guarded objective/target"; against "persons who illegally enter or exit guarded areas or premises"; and against "groups of persons or persons who unlawfully try to enter the premises of public authorities and institutions". Such situations clearly fall outside those permitted under the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

In addition, Amnesty International noted that the above-mentioned investigation by Robert Dean has established (see section 3) that the rubber bullets used on 10 February 2007 were manufactured in 1991, with an estimated shelf-life of three years. The Dean report concludes with concern that

the bullets used were therefore 13 years out of date, and notes in the Appendix to the report (Second Report, Supplemental Research) that while UNMIK maintain overall responsibility for the preparedness and suitability of any weapons to be deployed by UNMIK police, responsibility to ensure that they were fit and suitable for the use lay with the Romanian authorities. Rubber bullets recovered from the site of the demonstration on 10 February were found to have cracks in the rubber with parts of the rubber casing missing or perished, so as to leave the steel core visible. This may well have resulted in a non-lethal projectile becoming, due to degradation, one with lethal force.

The Romanian Ministry of Interior notified Amnesty International in July 2007 that the officers remained available to provide support to the authorities investigating the case, but considered that there was "no legal/judicial ground for the eleven Romanian gendarmes to return to Kosovo", as there was no pending criminal trial in Kosovo and the officers had provided information to the investigation. However, the authorities also informed Amnesty International that a penal investigation had been opened and was being conducted by a military prosecutor in Romania.

European Court ruling on police ill-treatment (Update on AI Index: EUR 39/014/1997)

In July, the European Court of Human Rights issued its judgment in the case of Belmondo Cobzaru, a Romani man beaten in custody by police officers in Mangalia in 1997. The Court ruled that State authorities failed to conduct a proper investigation into the applicant's allegations of ill-treatment and that Romania was in breach of the prohibition of inhuman and degrading treatment, the right to an effective remedy, and the prohibition of discrimination.

Mental health care (update to AI Index: POL 10/001/2006)

In October, the Centre for Legal Resources (Centrul de Resurse Juridice, CRJ) filed a complaint with the Prosecutor's Office of the Supreme Court against its decision to close the investigation into deaths at the Poiana Mare psychiatric hospital, where 17 patients died in 2004 due to malnutrition or hypothermia.

RUSSIAN FEDERATION

Freedom of expression

Press freedom

The Samara regional office of the newspaper *Novaya Gazeta* was closed in November after police confiscated computers and allegedly interfered in other ways in the work of the independent newspaper. A first raid had been conducted on the office in May by police from the department for combating economic crime, after which the chief editor of the regional issue of *Novaya Gazeta*, Sergei Kurt-Adzhiev, was charged with illegal use of computer software. He told AI that in the following months he learned from contacts in Samara that the police had warned business companies not to advertise in *Novaya Gazeta*. He expressed concern about procedural violations during the investigation and feared that he was being targeted for his independent writing and for his connections with the political opposition in Samara.

During a similar raid on 30 August, computers in the office of *Novaya Gazeta* in Nizhnii Novgorod were confiscated. The editor-in-chief, Zakhar (Evgenii) Prilepin was charged with use of unlicensed computer software, too. In both cases the investigations were ongoing at the end of the year.

Investigation into the murder of human rights journalist Anna Politkovskaya (update to AI Index: EUR 01/001/2007)

In late August the Office of the Prosecutor General announced that a number of suspects had been detained in connection

with investigation into the murder of Anna Politkovskaya. The names of these suspects and their alleged affiliations with law enforcement agencies were then leaked to some newspapers, which published this information, causing concern among former colleagues of Anna Politkovskaya that other people involved in the murder would be able to evade prosecution. In October, around the time of the anniversary of her murder, the Office of the Prosecutor General reportedly announced that nine people had been charged in connection with the murder (see also AI Index: EUR 46/042/2007).

Violations of the right to freedom of assembly

On 24 and 25 November, police detained scores of people before, during and after so-called marches of dissent in several Russian cities, beating and kicking them in the process.

Garry Kasparov, one of the leaders of the Russian opposition movement, was arrested on 24 November and sentenced to five days' administrative detention for allegedly leading an unsanctioned demonstration and resisting police arrest in Moscow, after a public opposition demonstration. AI considered him to be a prisoner of conscience and called for his immediate release.

In St. Petersburg, Russian human rights defender Ella Poliakova, head of the Soldiers' Mothers Committee of St. Petersburg, was detained together with several other people on 25 November for 12 hours after she had attended a press conference of the opposition party Yabloko. She was walking quietly with other people along a street carrying flowers but nevertheless all of them were accused of participating in and holding a meeting not in line with the law on demonstrations of the Russian Federation.

Restrictions on freedom of association

Citizen's Watch

The St Petersburg organization Citizens' Watch (Grazhdanskii Kontrol) was ordered

on 23 July to provide copies of all outgoing correspondence during the period 4 July 2004 to 4 July 2007. Although the organization did provide this information, it also filed a complaint that this demand from the Federal Registration Service (FRS) was unjustified and a violation of the right of individuals with whom they were in contact to engage in private correspondence.

Following a review of the organization's activities, the FRS issued a warning accusing the organization of undertaking activities which were not in line with its stated aims, and of failing to pay taxes, which the organization disputed. By the end of the period under review, the warning had been withdrawn but the organization's president, Boris Pustyntsev was still awaiting a court decision about whether the FRS had the right to demand access to the organization's correspondence.

Voice

Voice (Golos) is a non-governmental organization (NGO) which focuses on observing elections, informing society about election procedures and the protection of the active voting right as well as the right to be eligible. On 14 September Ludmila Kuzmina, the head of the Samara regional and Volga Federal district branches of Voice, was informed that a review of the NGOs' activities would be conducted, covering the time from 20 September 2004 to 20 September 2007. Among other things, Voice was asked to provide information about all events organized by the NGO and its branches (the inter-regional branch of Voice was only registered in 2007), financial plans as well as information about all financial expenses and income. In its reports about the review, sent on 19 and 22 October, the FRS noted a number of "gross violations" of the laws of the Russian Federation and on this basis requested a court to order the closure of the regional NGO and a six-month suspension of the activities of the inter-regional NGO.

On 19 November a hearing regarding the closure of the regional NGO

started at the Samara Regional Court, and concluded on 21 December. The court rejected the request for the closure of Voice.

Regarding the inter-regional NGO Voice, Ludmila Kuzmina received a report about the findings of the FRS, sent on 19 October, a Friday, but delivered on 27 October, giving the NGO until 6pm on Monday 22 October to address the violations of the law found during the review. On 22 October, the FRS ordered the suspension of the work of the inter-regional NGO for six months for failure to address violations. Voice filed a complaint against this decision, pointing out that the NGO should have been given a reasonable timeframe in line with the law in order to address any violations. In addition, the FRS on 6 November sent another letter to Ludmila Kuzmina, raising further concerns about the violations of the law by Voice and giving a month to deal with these. Ludmila Kuzmina rejected these findings and pointed out in a letter to the FRS that all violations of the law identified during the review should be listed in one document. The FRS reportedly had not replied to this at the end of the period under review.

Youth Human Rights Movement

Members of the international NGO Youth Human Rights Movement (YHRM, Molodezhnoe Pravozaashchitnoe Dvizhenie) learned in August that two months earlier a district court in the city of Nizhnii Novgorod had ordered that it be taken off the FRS register of NGOs. The reason, they were told, was because they had failed to provide reports about the activities of the NGO to the regional department of the FRS. According to YHRM members, the regional FRS branch therefore claimed that the organization was inactive and should be removed from the register. Information about legal procedures against the NGO was sent to an address which was three years out of date, so its representatives were unaware of the threat to remove it from the register. During this period the NGO, which had been an inter-regional organization, had been re-registered as an international organization and was

therefore required by law to submit documents to the federal office of the FRS. As the order to close the international NGO was issued in absentia, the organization asked the court to extend the appeal period, since it had complied with the law in providing all the required documents about its activities to the FRS federal office in Moscow. After a worldwide solidarity campaign organized by the YHRM, the FRS of Nizhnii Novgorod Region in September wrote to tell members that there had never been any objections to the international NGO and that they had only initiated closure proceedings of the inter-regional NGO. The YHRM believes that there was confusion by the FRS itself as to which NGO it was attempting to close down. According to the YHRM, in November the FRS revoked its proceedings to close the organization down.

Human rights defenders

Alina Zhukova

Alina Zhukova, the daughter of human rights defender Alvira Zhukova from Ufa, Bashkortostan, was released on 14 September, after the Supreme Court of Bashkortostan on 6 September reduced her sentence of imprisonment from seven years to 11 months, which equalled the period she had already spent in detention. Alina Zhukova had been accused of drug dealing and had been detained on 12 October 2006, two days after her mother told a press conference about her concerns regarding the human rights of detainees in a prison colony in Bashkortostan. Lawyers and human rights defenders who took up the defence of Alina Zhukova had repeatedly expressed fear that the young woman had been targeted solely because of the human rights work of her mother and had considered the case against her to be fabricated. Reportedly, an acquaintance of Alina Zhukova admitted that he had been pressured by law enforcement officials to give "evidence" against Alina Zhukova.

Dmitrii Kraiukhin

On 1 December, Dmitrii Kraiukhin, a human rights defender from Orel, who had planned to monitor the Russian Parliamentary elections in Orel on 2 December, was knocked down outside of the office of his organization United Europe by an unknown assailant. The assailant then called the police who on arrival charged Dmitrii Kraiukhin with using swearwords on the street (hooliganism). He was fined 1,000 Roubles (around 30 Euros). Following his monitoring of the election process at one of the city's polling stations, another case under the administrative code of the Russian Federation was opened against him and he was accused of repeated interference with the work of the electoral commission. Dmitrii Kraiukhin claimed that he had pointed out to the election commission that a number of election bulletins may have been interfered with. After that he was told to leave the polling station.

Attack on civil society activist and journalist Natalia Petrova

Russian journalist and civil society activist Natalia Petrova was allegedly beaten up on 6 September by police in Kazan, Tatarstan. Reportedly, she had failed to answer a summons to appear in court, in criminal proceedings against her for slander. She told AI she had not been aware of these court orders as she had been out of town for a prolonged period. She was stopped outside of the school of her children by men who ordered her to come with her. She claimed that these men did not identify themselves as police. She managed to run away but a few hours later, police came to the apartment where she lived with her parents and children, where reportedly a quarrel broke out between her and the police which ended with the police using violence against her, her children and her parents. Reportedly, Natalia Petrova lost consciousness, and suffered a concussion as well as an injury to her arm. At least one of her daughters suffered from shock. Investigations instigated by Natalia Petrova and her family were closed by the

prosecutor's office for failure to identify a crime. In late October, after Natalia Petrova had turned to the media with an account of the events, the police opened criminal investigations against her and her family for using violence against law enforcement officials. On 2 December, her parents were detained for about 10 hours by police who accused them as well of participation in the attack on law enforcement officials. In December the case was closed for failure to identify a crime.

Detention of AI researcher in Nizhnii Novgorod

On 5 October, a researcher for AI travelled to Nizhnii Novgorod in order to meet with local human rights defenders and to attend a conference organized by NGO Foundation for the Support of Tolerance in Nizhnii Novgorod, in memory of Anna Politkovskaya. However, the researcher, was detained for a document check and was released after four hours, having been fined for allegedly not having the correct documentation to work in Nizhnii Novgorod, in violation of the administrative code. The researcher refused to pay the fine and lodged an appeal. On 15 November the Nizhegorodskii district court ruled that the researcher had not violated the administrative code, that her paperwork had been in order, and that she had had every right to travel to Nizhnii Novgorod in the course of her official duties.

Alleged torture in police detention

Valerii Donstov

Valerii Donstov, aged 50, from the village of Opalikha in Nizhnii Novgorod Region, was reportedly severely beaten in detention to "confess" to the murder of his son. According to Valerii Donstov, on the morning of 22 July, he had woken up to find the lifeless body of his son, Mikhail Dontsov, aged 26 in the family flat. He called an ambulance and the emergency services confirmed that his son was dead. Mikhail Dontsov had left a note, saying he

wanted to end his life and that nobody else was to blame for this.

The body was taken to the morgue in order to establish the cause of death, where it was found that he died of a trauma to his head. On 23 July, police and an investigator from the prosecutor's office came to see Valerii Dontsov at home. The police conducted a search of the flat and took Valerii Dontsov to the police station for questioning. At the police station four policemen demanded that he admit to killing his son.

Valerii Donstov stated that he was beaten with fists and batons on his back, his head, his legs and the front of his torso throughout the day. The next morning he was taken to see an investigator at the Office of the Prosecutor, where he signed a statement, admitting that he had killed his son. He was placed in a temporary isolation cell (IVS) at the Kstovo District Police Station where he remained for another day.

On 26 July he was brought before a judge, who considered there was no reason to justify the detention of Valerii Dontsov during the investigation as there was no risk that he would go into hiding. In addition, Valerii Dontsov is a disabled person suffering from poor health, which is a factor to be taken into consideration in deciding on pre-trial measures. He was released and returned home. He did not seek medical treatment but the next day his condition worsened and he called the emergency service, which took him to a hospital where he remained for a week and where injuries to his neck, his face and his legs were recorded.

Valerii Dontsov turned to the NGO Nizhnii Novgorod Committee against torture for help, and having received legal assistance he withdrew his "confession". On 21 October a local television programme reported on his situation. Shortly afterwards, the Office of the Prosecutor in Kstovo ordered his detention, as it was alleged he may attempt to hide from law enforcement officials.

Fair trial concerns

Mikhail Trepashkin (update to AI Indexes: EUR 01/007/2006, EUR 01/017/2006 and 01/010/2007)

On 30 November lawyer and former security service officer Mikhail Trepashkin was released from prison. He had been sentenced in 2004 for revealing state secrets and unlawful possession of ammunition. He was transferred in March from an open prison colony to a stricter regime for allegedly violating prison rules, but his lawyers and human rights defenders believed this to be a punishment for his complaints against the prison authorities. He complained that he had been repeatedly denied adequate medical treatment, including during the last months of his detention.

Mikhail Khodorkovskii and Platon Lebedev (update to AI Indexes: EUR 01/002/2005, EUR 01/012/2005, EUR 01/017/2006 and 01/010/2007)

By 25 October, Mikhail Khodorkovskii had served half of his eight-year sentence, having been in detention, including pre-trial detention, for four years. Under Russian law, he would therefore have qualified for parole. However, earlier in October, the administration of the pre-trial detention centre in Chita issued Mikhail Khodorkovskii with a formal reprimand, for allegedly not holding his hands behind his back, in accordance with prison regulations, when returning to his cell from exercise. Mikhail Khodorkovskii's lawyers viewed this disciplinary measure as a pretext to prevent consideration of any parole request by Mikhail Khodorkovskii, as it disqualified him from parole.

On 25 October, the European Court of Human Rights found that Russia had violated Platon Lebedev's right to liberty and security (Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms) on five counts during the pre-trial phase of the first criminal proceedings against him.

AI issued a report: Russian Federation: *New trial of Mikhail Khodorkovskii and Platon Lebedev must meet international fair trial standards (AI Index: EUR 46/052/2007)*, highlighting the organization's concerns about the ongoing failure of the Office of the Prosecutor General to respect the right of the two men to a fair trial in accordance with international standards.

Racism

Violent racist attacks occurred with alarming regularity, mostly concentrated in big cities such as Moscow, St Petersburg and Nizhnii Novgorod, where the majority of foreigners and ethnic minorities lived. Three members of ethnic minority groups -- an Armenian, an ethnic Uzbek and an ethnic Yakutian -- were stabbed to death in the weekend of 20 to 21 October in Moscow alone. Two men of non-slavic appearance -- natives of Uzbekistan and Tajikistan -- were also attacked and were hospitalized for treatment for serious injuries. While exact figures for numbers of attacks and racist incidents were hard to verify, the non-governmental SOVA Information and Analytical Centre reported at the end of the year that at least 61 people were killed and at least 369 were injured in racially motivated attacks during 2007, an increase on 2006. Anti-Semitic attacks and desecration of Jewish cemeteries were also reported. The real level of such violence remained hidden due to chronic underreporting. The authorities made increased efforts to recognize the issue of racism and prosecute racist attacks. However, the official reaction to the problem remained far from adequate, and convictions for racist attacks, while increasing, were still too few and far between. Sova reported that there had been nine guilty verdicts passed for violent racist attacks during the period under review.

In October AI issued *Russian Federation Update Briefing: What progress has been made since May 2006 to tackle violent racism?* (see AI Index: EUR 46/047/2007).

Forcible return

Individuals who were detained under deportation or extradition proceedings, were denied access to a meaningful asylum procedure and were vulnerable to arbitrary actions by law enforcement agencies. In the period under review, AI was aware of one case of forcible return to Uzbekistan and one case of attempted forcible return of an asylum-seeker to North Korea, where they faced a high risk of serious human rights violations including torture, in violation of the principle of *non-refoulement*.

Attempted forcible return of North Korean asylum-seeker Dzhong Kun Chol

On 2 November Dzhong Kun Chol, a refugee from North Korea, who had been recognized as a mandate refugee by the UN's refugee agency (UNHCR), was detained outside the Federal Migration Service in Moscow region and taken by people he believed to belong to the North Korean Secret Service to the Far East of the Russian Federation, where he managed to escape. He found shelter in the Primorskii Region near Vladivostok where he was met on 15 November by a lawyer from the human rights organization Citizen's Assistance and the regional Primorskii and federal ombudsperson for human rights, who ensured that he was taken to a safe place. If returned to North Korea AI was concerned that Dzhong Kun Chol would have faced torture and ill-treatment and would have faced long-term imprisonment for having sought refugee status.

Refoulement of Abdugani Kamaliev

Abdugani Kamaliev (born Abdugani Tursinov, in 1958) was deported to Uzbekistan in December 2007. The authorities in Tiumen deported him in disregard of the high risk he would face torture, other ill-treatment or other serious human rights violations in Uzbekistan thus violating the prohibition of refoulement, and despite the European Court of Human Rights issuing interim measures under Rule 39 to stay the deportation over 24 hours previously. AI was moreover concerned that he was detained and deported after an

unfair procedure. He was detained for six days without being given the opportunity to notify or have notified his family, or to contact his lawyer. Moreover he was not represented by his lawyer at the hearing of his appeal against the decision to deport him, nor was he himself brought before the court for the appeal hearing.

North Caucasus

AI issued a report *Russian Federation: Human rights defenders at risk in the North Caucasus* (AI Index: EUR 46/053/2007) in November.

Ingushetia

The security situation in Ingushetia deteriorated yet further with armed groups launching numerous attacks, often fatal, against members of law enforcement agencies. Unknown gunmen committed numerous attacks against civilians: members of ethnic Russian families were killed and a bomb exploded at a funeral held for one of the victims, injuring several people; others including members of a Roma family, two Korean men and a Dagestani family were also killed during attacks. Law enforcement officials reportedly conducted document checks and detentions in Ingushetia without identifying themselves, and in some cases wearing masks. Detainees were tortured and ill-treated in order to extract "confessions" or information. In an apparently punitive raid on the village of Ali Yurt in July villagers were reportedly rounded up and beaten, while seven men were detained and taken to the building of the Federal Security Services in Magas where some were reportedly ill-treated. At least four men were shot dead by law enforcement officers in the republic; while the authorities stated that they had put up armed resistance, witnesses to the killings claim that the men were summarily executed. The four men were named as Islam Belokiev, shot dead on 30 August in Nazran, Apti Dolakov, shot dead on 2 September in Karabulak, and brothers Said-Magomed Galaev and Ruslan Khasanovich Galaev shot dead on 27

September in Malgobek. Enforced disappearances and abductions were reported during the period under review, and at least three people subjected to enforced disappearance or abduction during the year remained missing at the end of the year. People mounted demonstrations in Ingushetia against disappearances and other arbitrary actions by law enforcement agencies. In November, *Gazeta* reported the Minister of Internal Affairs, Rashid Nurgaliev, as admitting the situation in the North Caucasus remained difficult and tense.

Killing of six-year-old Rakhim Amriev

Relatives of a six-year-old boy, shot dead by law enforcement officials during a raid on the family home in Chemulga, Sunzhensky district on 9 November, claimed he had been killed deliberately. Six-year-old Rakhim Amriev was killed during a security operation, the stated aim of which was to find suspected members of armed groups. The home of the Amriev family was surrounded at 6:30am by a variety of military vehicles. Reportedly, over 40 law enforcement officers were involved, some wearing masks. Shots were fired in and around the house and when the shooting ended, Rakhim Amriev was found dead of a gunshot wound to his head. AI received differing reports about whether the young boy was deliberately targeted. His relatives insisted that the killing was deliberate.

A criminal case was opened into the killing of Rakhim Amriev and the military prosecutor's office was still investigating the case at the end of the year. In a response to a letter from AI, the Ministry of Internal Affairs of Ingushetia stated in December that the necessary steps to investigate the incident were being carried out.

Death in custody of Murad Bogatyrev

Murad Abdul-Kadyrovich Bogatyrev died in police custody in the town of Malgobek, following alleged torture in September. Twenty-seven-year-old Murad Bogatyrev had reportedly been detained at home in the village of Verkhie Achaluki at 5am on 8 September by armed and masked Russian

and Ingush law enforcement officials. A few hours later he died in police custody at Malgobek district police station, allegedly as a result of having been tortured and ill-treated. Murad Bogatyrev's wife was told by police officers that he had died of a heart attack. His relatives collected his body from the morgue on 8 September. The same day they photographed and videoed the body, at home. AI has seen a copy of the video, which appears to show large areas of bruising to the feet and legs, and bruises on the head.

According to his death certificate and an autopsy report Murad Bogatyrev died from serious coronary failure and ischemic heart disease. The death certificate also recorded the following injuries to the body: "fractures of the breastbone and ribs at the cartilage. Extensive bruising of the extremities." While AI understood that "fractures of the breastbone and ribs" could be caused by attempts to resuscitate Murad Bogatyrev, the other injuries described on the death certificate were not commensurate with this. In addition, Murad Bogatyrev's relatives stated that he had not previously sought any medical help for any heart-related condition, and had no existing bruises or wounds. His family insisted that he sustained the injuries described above in detention and died as a result of alleged torture.

In October, the Office of the Prosecutor of Ingushetia reportedly opened a criminal investigation under Article 286 of the Russian Criminal Code (exceeding official authority). According to human rights activists, the Prosecutor of Ingushetia told them in a meeting on 30 October that there were already grounds to say that Murad Bogatyrev had received injuries of a moderate degree, and of illegal actions by law enforcement officials. The fact that a criminal investigation had been opened into the case was confirmed in a letter to AI from the Ministry of Internal Affairs of Ingushetia, in December.

Reported enforced disappearance of Ibragim Gazdiev

Ibragim Gazdiev, who is an ethnic Ingush, was reportedly seized by armed men in camouflage, at 12.54pm on 8 August in Karabulak, in Ingushetia. He has not been seen or heard from since. The armed men were allegedly law enforcement officials from the Federal Security Service (FSB). According to unofficial information, Ibragim Gazdiev was transferred to a place of incommunicado detention in Ingushetia or in a neighbouring North Caucasus republic. The authorities, however, denied that Ibragim Gazdiev was detained and AI feared that he was in real danger of being tortured or killed. The prosecutor's office opened a criminal investigation into the case (see also *AI Index: EUR 46/037/2007*).

Detention of human rights defender and journalists

During the night of 23 to 24 November, Oleg Orlov, head of the Russian NGO Human Rights Centre Memorial, and three journalists from the Russian TV station *REN TV*, Artem Vysotskii, Karen Sakhinov and Stanislav Goriachikh, were abducted from a hotel in Nazran, Ingushetia, by armed masked men in camouflage. The armed men put plastic bags over the four men's heads, threatened to shoot them and drove them to an unknown place, where they beat them and abandoned them in a field after two hours. The four men walked barefoot to the nearest police station in the village of Nesterovskaia, where they sought assistance.

Russian news agency *Interfax* quoted sources within the police stating that the abduction was carried out by "the military". Criminal investigations were opened by the investigation committee of the Office of the Prosecutor in Ingushetia under several different articles of the Russian Criminal Code. However, by the end of the period under review, the criminal case did not include "abduction" (Article 126) or "threat to kill or cause serious damage to health" (Article 119).

Human rights defenders in Nazran believed this was an attempt to prevent the media from monitoring and reporting about a

demonstration that was planned to take place in Nazran on 24 November. The demonstrators gathered to protest against the local authorities and repressive actions by law enforcement officials, including enforced disappearances, unlawful killings, torture and ill-treatment. However police broke up the demonstration by force, on the grounds that it was "unsanctioned". According to participants, members of a special police unit (OMON) shot above the heads of the demonstrators and beat several of them with batons; reportedly some demonstrators threw stones and eggs at the police (see also *AI Index: EUR 46/055/2007*).

Uruskhan Ziazikov released

Uruskhan Ziazikov (born 1928), the elderly uncle of Ingushetia's President, Murat Ziazikov, was released in October. He had been abducted in March, reportedly by an armed group which claimed responsibility.

*North Ossetia**Irina Kodzaeva*

Irina Kodzaeva, a lawyer from North Ossetia, was prevented on 28 August from meeting with one of her clients. Nazir Shamsudinovich Muzhakhoev had been transferred from a pre-trial detention centre in Vladikavkaz, North Ossetia, to a temporary holding facility of the Ministry of Interior of North Ossetia, in order for him to be questioned again on charges of being involved in acts of "terrorism". At the Ministry of Interior building Irina Kodzaeva was told by investigators that her client had decided to terminate his agreement with her as his legal representative and therefore could not meet with him. Irina Kodzaeva feared that this was not the case as the investigators did not show her any document confirming this decision by her client. She also had strong reason to fear that her client would be subjected to torture and ill-treatment, as other clients of hers had been subjected to torture and ill-treatment under similar circumstances. However, when she tried to enter the part of the building of the Ministry of Interior where she assumed her client was being held, she says she was struck on her head

by one of the investigators and shoved away from the door. She hit her head on the doorframe and it was later found that she had suffered concussion.

Irina Kodzaeva subsequently filed a request that the prosecutor's office open criminal proceedings against the investigator. However, the prosecutor's office declined to do so on the grounds that it could not be established that a crime had been committed. At the same time, the investigator submitted a complaint against her to the prosecutor's office, alleging that she had assaulted the investigator. The prosecutor's office concluded that there was enough evidence that a criminal case against her for obstructing and using violence against law enforcement officials could be opened but at the end of the period under review, no further action had been taken (see also *AI Index: EUR 46/055/2007*).

The Chechen Republic

AI continued to receive reports of torture in custody by police and other security structures, as well as of arbitrary detentions and abductions. It was difficult to collect and publish detailed information due to fear of reprisals against the individuals, should they speak out. The existence of an unofficial detention facility in the village of Goity, Urus-Martan district, Chechen Republic, was reported, where allegedly people were held after being arbitrarily detained in Ingushetia and Chechnya by law enforcement officials.

A visit to Chechnya planned for October by AI delegates was postponed at short notice at the request of the authorities.

Vagap Tutakov

Vagap Tutakov, a former representative of a previous Chechen parliament to the Parliamentary Assembly of the Council of Europe, was arbitrarily detained on September 12 in the Urus-Martan district of Chechnya by armed men in camouflaged uniforms. The armed men forced Vagap Tutakov to get into their car

and drove off in the direction of Gudermes. He was released on 22 September.

Forced evictions of internally displaced persons

At least seven temporary accommodation centres were closed in Grozny. Some individuals were reportedly forced to leave without a guaranteed safe and sustainable return to their homes, without adequate alternative housing offered, and without due process being followed. Reportedly some individuals were forced to sign statements that they left voluntarily. For example, individuals living at the temporary accommodation centre in the village of Michurina, were reportedly forcibly evicted from 23 to 25 December by representatives of the local administration, accompanied by armed guards. Reportedly, there had been no prior consultation and some of the inhabitants were not provided with alternative accommodation.

Impunity in Chechnya

Media reported that on 13 November the Deputy Health Minister, Zaur Musluev, announced that the Republican forensic service had been completely restored, that a new building had been built and fully equipped, and that under the auspices of the service it was planned to open a forensic laboratory for the identification of bodies. AI welcomed any progress towards the start of thorough, independent and impartial investigations into all sites of mass graves in Chechnya in line with UN guidelines on the disinterment and analysis of skeletal remains. Given the widespread human rights violations that have taken place over recent years in Chechnya, AI believed that those in charge of the disinterment and investigation of these grave sites must operate with the clear mandate of investigating human rights violations, including enforced disappearances, torture and extra-judicial executions that have taken place during the two Chechen conflicts.

Re-conviction for torture in the Zelimkhan Murdalov enforced disappearance case (update to AI Indexes: EUR 46/027/2002, EUR 01/005/2004,

EUR 01/002/2005, EUR 01/012/2005, EUR 01/007/2006 and EUR 01/017/2006)

On 30 July, a re-trial began in the Chechen capital Grozny of Sergei Lapin, member of an OMON unit, charged with torturing Zelimkhan Murdalov. The Oktiabrskiy district court found Sergei Lapin guilty on 27 November and sentenced him to 10 and a half years' imprisonment. He had been previously convicted in 2005 but had appealed. Zelimkhan Murdalov was detained in January 2001 in Grozny and subsequently disappeared from police custody. His fate and whereabouts remained unknown.

Conviction of two members of the federal forces for murder of Chechen civilians

On 27 December, the North Caucasus military district court sentenced Evgenii Khudiakov and Sergei Arakcheev to 17 and 15 years' imprisonment respectively for the murder of three Chechen civilians in January 2003. According to the prosecution, the two officers from the Ministry of Internal Affairs internal troops had stopped a truck travelling near Grozny airport, made the unarmed passengers lie face down on the ground, and shot them. The court found that the officers had been drunk when they had committed the crime. The verdict against Evgenii Khudiakov was read out *in absentia* as he had failed to appear in court. The two men had previously been twice acquitted but each time the verdict had been overturned.

European Court finds Russia responsible for disappearance of Ruslan Alikhadzhiev

On 5 July in the case of *Alikhadzhiyeva v. Russia*, the European Court of Human Rights held that Ruslan Alikhadzhiev (or Alikhadzhiyev), speaker of the Chechen parliament during the late 1990s, had been detained in the Chechen Republic in May 2000 by Russian state agents. However, the Russian authorities had not made public his fate or whereabouts. The European Court held that Ruslan Alikhadzhiev therefore was to be presumed dead following unacknowledged detention, and that liability for his presumed death was attributable to the Russian government.

European Court decision into killings at Novie Aldi, February 2000

On 26 July, the European Court of Human Rights passed a stern judgement finding Russia responsible for numerous extra-judicial executions of civilians on 5 February 2000, in the village of Novie Aldi. In the case of *Musayev and others v Russia*, the European Court held that the applicants' relatives had been killed by servicemen in violation of Article 2 and that there had been a wholly inadequate investigation. In the judgment, the Court stated that "notwithstanding the domestic and international public outcry caused by the cold-blooded execution of more than 50 civilians, almost six years after the tragic events in Novye Aldy no meaningful result whatsoever has been achieved in the task of identifying and prosecuting the individuals who had committed the crimes" and added "[i]n the court's view, the astonishing ineffectiveness of the prosecuting authorities in this case can only be qualified as acquiescence in the events."

Dagestan

Investigation into enforced disappearances and abductions (update to AI Index: EUR 01/010/2007)

AI received a reply from the Office of the Prosecutor of Dagestan, in response to a letter raising concerns. The response, dated 17 September, recognized that there was a problem of abductions in the region and stated that so far in 2007 law enforcement agencies in the republic had received 10 statements concerning the abduction of 10 people. The writers of the statement considered men in camouflage uniform or members of law enforcement agencies were involved. The letter confirmed that a number of criminal investigations had been opened, including into the abduction of Isa Isaev, who went missing on 26 April. During the course of the investigation, the Department of the Federal Security Service for Dagestan, and the Ministry of Internal Affairs of Dagestan confirmed that there were no operative-search measures in place concerning Isa Isaev, and that he was not being detained in Chechnya. AI was concerned that individuals searching for

their missing relatives could face reprisals for their efforts.

Kabardino-Balkaria

Trial against 59 suspects

In October in Nalchik, capital of Kabardino-Balkaria, the trial began against 59 suspects accused of an armed attack on Nalchik in October 2005 in which over 100 people died. Many of the detainees, including former Guantánamo detainee Rasul Kudaev, alleged they were tortured into giving confessions.

AI was concerned that both the treatment of the accused and their lawyers, and the conduct of the preliminary hearings on 11 and 25 October, were not consistent with international human rights standards. In particular, AI was concerned that the accused were denied access to their counsel during the two preliminary hearings on 11 and 25 October. According to the information available to AI, all of the defence lawyers were prevented during both hearings from conferring with their clients. Reportedly, police officers in the courtroom told defence lawyers that the judge had given them instructions not to allow the defendants to confer with their defence lawyers in the court building. These instructions were confirmed by the court clerk on 25 October. Reportedly, the judge stated that permission for the defendants to confer with their lawyers would be considered on an individual basis. The judge refused to explain or clarify the legal basis for the ruling.

Following a meeting on 14 November between the defence lawyers and the Chair of the Supreme Court of Kabardino-Balkaria, at the next preliminary hearing held on 15 November the defendants were able to confer freely with their defence lawyers. In a letter to the authorities, AI welcomed the improvement on 15 November and urged the authorities to continue to ensure that the right of the defendants in this case to confer in private with their defence lawyers was respected.

Investigations into the alleged torture of one of the defendants, former Guantánamo

detainee Rasul Kudaev, were still not opened despite repeated petitions to the courts and the prosecutor's office. AI received troubling information about inadequate health care, and ill-treatment of Rasul Kudaev and other detainees at the pre-trial detention centre in Nalchik, in August. AI urgently appealed to the authorities to ensure that Rasul Kudaev received all necessary medical care, and to investigate the allegations of ill-treatment of the detainees (see *AI Index: EUR 46/035/2007*).

SERBIA

General and political developments

Negotiations with the European Union (EU) on Serbia's Stabilization and Association Agreement (SAA) continued having resumed in June, after their suspension following Serbia's failure to cooperate with the International Criminal Tribunal for the former Yugoslavia (Tribunal). The SAA was initialled on 7 November, although concerns remained about Serbia's failure to arrest and surrender suspects indicted by the Tribunal.

Elections held in Kosovo in November were won by the Democratic Party of Kosovo, led by Hashim Thaçi, former political leader of the Kosova Liberation Army (KLA).

Final status of Kosovo

Kosovo remained part of Serbia, administered under UN Security Council (SC) Resolution 1244/99 by the UN Interim Administration Mission in Kosovo (UNMIK). Permanent members of the UN SC failed to reach agreement on a resolution on the future status of Kosovo in July. The UN Secretary General charged a Troika, representing the EU, Russia and the USA, to facilitate continued talks between the Serbian authorities and the Kosovo Albanians. No agreement on a final settlement was reached by December, although Hashim Thaçi, the new prime minister, was dissuaded by the EU and US

from making an immediate and unilateral declaration of independence.

Impunity for war crimes: proceedings at the Tribunal (Update to AI Index: EUR 01/001/2007).

While noting some improvement in other aspects of Serbia's cooperation with the Tribunal, the Chief Prosecutor continued to express concerns at the lack of cooperation by the Serbian authorities in failing to surrender four remaining suspects indicted by the Tribunal including former Bosnian Serb general Ratko Mladić and former Bosnian Serb leader Radovan Karadžić.

Proceedings continued against Ramush Haradinaj, former KLA leader and former Prime Minister of Kosovo, indicted with Idriz Balaj and Lahi Brahimaj for crimes against humanity and violations of the law or customs of war in Kosovo. Charges related to the period of internal armed conflict between March and September 1998 when Ramush Haradinaj was Commander of the Dukagjin Operational Zone, and include the torture, deportation or forcible transfer of Serbs, Roma, Egyptian and Albanian civilians, murder and rape. By November three prosecution witnesses had been indicted by the Tribunal for contempt of court because of their refusal to testify; concerns were expressed about the failure of witness protection in this particular case.

Proceedings continued against six senior political, police and military officials jointly indicted for crimes against humanity and violations of the laws and customs of war in Kosovo in 1999. They include former deputy Serbian president Milan Milutinović, former deputy prime minister Nikola Šainović, former General Chief of Staff Dragoljub Odjanić, former police colonel general Sreten Lukić, former Yugoslav Army colonel generals Nebojša Pavković and Vladimir Lazarević. They had been charged with a joint criminal enterprise with the aim of ensuring Serbian control over Kosovo and charged with for the deportations, forcible transfer, murder and persecution of

ethnic Albanians between January and June 1999.

In September the trial concluded of three Yugoslav People's Army officers known as the "Vukovar Three", indicted for command responsibility in relation to the killing of 194 mainly Croatian prisoners of war and civilians at Ovčara farm in Croatia (see Croatia entry). For the continuing retrial of lower ranking officers indicted for their participation in the same crime, see below.

Also in September, the Appeals Chamber upheld the conviction in 2005 of Haradin Balaj, sentenced to 13 years' imprisonment for the murder of at least 22 Serbs and Albanians, their illegal imprisonment, torture and inhuman treatment. The acquittal of two other former KLA members was upheld.

The trial of Vojislav Šešelj recommenced (after the defendant's hunger strike) in November. Despite his detention since 2003 Vojislav Šešelj remained the leader of the Serbian Radical Party. He had been indicted for crimes against humanity and violations of the laws or customs of war, including for the persecution and forcible deportation of non-Serbs in both Croatia and Bosnia and Herzegovina (BiH) between August 1991 and September 1993.

Serbia

Domestic war crimes trials, including enforced disappearances

A retrial continued of 14 low-ranking volunteer soldiers charged with the murder of Croatian prisoners of war and civilians at Ovčara farm in 1991 (see "Vukovar Three", above).

Seven years after investigations opened, indictments had still not been issued in connection with the transfer to Serbia in 1999 of the bodies of at least 800 ethnic Albanians in refrigerated trucks. The trial continued of eight former police officers indicted on 25 April 2006 for the murder of 48 ethnic Albanian civilians in Suva Reka in Kosovo in March 1999; their bodies had

been found at Ministry of Interior property at Batajnica in Serbia.

Proceedings continued against serving police officers Sreten Popović and Miloš Stojanović, indicted for the murder of the three Albanian-American Bytići brothers in Kosovo in July 1999; the trial was reportedly marred by interruptions and abuse from police "observers".

Torture and ill-treatment

Although there was an apparent decline in the number of reported cases of alleged torture and ill-treatment, non-governmental organizations (NGOs) continued to receive such complaints. In two cases reported in October in Leskovac and Kruševac, police officers were reportedly suspended pending criminal investigations, but there was a general lack of will to address such complaints, which prompted some NGOs to suggest that collusion between the police and judiciary was assisting impunity.

The Niš District Prosecutor had reportedly made no progress in relation to 31 criminal complaints brought on behalf of prisoners at Niš prison in November 2006 by the Leskovac Committee for Human Rights. Prisoners had alleged that Ministry of Interior police officers, brought in to contain what was described as a rebellion, had used excessive force.

Impunity persisted in relation to previous allegations of torture and ill-treatment, including in relation to arrests in 2003 during Operation Sabre which followed the murder of former prime minister Zoran Đinđić.

In November, the international NGO Mental Disability Rights International (MDRI) concluded in a report on psychiatric institutions in Serbia that "placement in a Serbian institution [is] life threatening for both children and adults". The authorities later in November published their own report dismissing the MDRI's findings.

Discrimination against minorities

Cases of ethnically and religiously motivated attacks continued, including

against Albanians, Croats, Bosniaks, Hungarians, Roma, Ruthenians and Vlachs, ranging from attacks with explosive devices, hate-speech and verbal abuse by fans at football matches. Law enforcement officers often failed to bring perpetrators to justice.

In November the NGO Youth Initiative for Human Rights applied to the European Court of Human Rights on behalf of Života Milanović, a member of the Hindu religious community in Jagodina, who had been assaulted five times since 2001, including being stabbed in the stomach, arms and legs on 29 June. The application alleged Serbia's failure to protect his right to life, provide a efficient legal remedy and ensure freedom from torture and discrimination.

Roma NGOs reported that although at least one attack a day took place on members of Roma communities, and that such attacks were increasingly being reported to the police, impunity persisted for the perpetrators. In December, in response to protests by local residents to a plan to build 10 apartments for socially vulnerable persons including Roma, the mayor of the town of Topola in central Serbia stated on his website that these new buildings on the edge of the town would be surrounded by a wire fence to prevent Romani persons from coming into the town centre. In Belgrade the authorities refused to make public possible sites for the relocation of 237 Romani families living under a bridge due for reconstruction, fearing similar discriminatory reaction.

The Sandžak

Political disputes and violent clashes, including shootings, between rival political groupings and faith communities within the Bosniak community continued in Novi Pazar. In November Serbian human rights organizations expressed concerns at increasing anti-Islamic statements in the media which masked continued discrimination against the Bosniak community, including a failure to implement provisions of the Council of Europe's Framework Convention on the Protection of National Minorities.

At least nine men arrested earlier in the year, and believed to be of the Wahhabi faith, were indicted in September for conspiring against Serbia's security and constitutional order. One suspect, Nedžad Memić, remained at large until 28 December, when he was arrested in France, where he sought international protection.

Bekto Memić, aged 68 and in poor health, was arrested on 17 March in connection with the search for his son, Nedžad Memić. He was released seven days later, then re-arrested on 13 April at a clinic in Novi Pazar while receiving treatment. Family members reported that he was ill-treated en route to the hospital wing of Belgrade central prison, where he was held at the end of the year on charges of alleged terrorism and the unlawful possession of weapons.

Human Rights Defenders (HRDs)

In July Maja Stojanović, convicted in November 2005 for displaying posters calling for Ratko Mladić to be arrested and surrendered to the Tribunal, was required by Niš District court to serve 10 days imprisonment following her refusal to pay a fine imposed by the court (see AI Index: EUR 70/011/2007). Amnesty International considered her a potential prisoner of conscience, and appealed against her detention. Following an expression of support in her case by President Boris Tadić, NGOs paid the fine on her behalf. In September the Special Representative of the UN Secretary-General on the situation of Human Rights Defenders paid a visit to Serbia, with a special emphasis on women HRDs and defenders of sexual minorities.

Violence against women

During November and December the Autonomous Women's Centre in Belgrade launched a national campaign to encourage the public to report of cases of domestic violence and called on national and municipal public services to protect and prevent such violence. They reported that in Serbia one woman was killed each week by a partner or ex-partner.

Trafficking of persons, including women for the purposes of forced prostitution, continued. NGOs reported on cases of several persons who had apparently disappeared and who were believed to have been trafficked. In July in Novi Sad eight persons including several members of the same family were convicted and sentenced for the trafficking of girls into forced prostitution, and for procurement. In December a Bosnian Serb was convicted of trafficking and sentenced to five years' imprisonment for the trafficking of girls from Niš in Serbia to Banja Luka in BiH, where they believed they would be employed as waitresses.

Kosovo

Impunity for the international community

UNMIK failed to implement measures ensuring access to redress and reparations for violations of rights by members of the international community. The Human Rights Advisory Panel (HRAP), which had been introduced into law in March 2006 to provide remedies for acts and omissions by UNMIK, was not convened by the Special Representative of the UN Secretary General until November, despite the appointment of the panel in February.

The appointment of a new Ombudsperson was postponed in October after Amnesty International and other national and international NGOs had expressed concerns that the process by which the new Ombudsperson was to be appointed by the Kosovo Assembly had failed to adhere to procedures set down in law, that candidates failed to meet the criteria for the post, and at allegations of political interference in the selection process (see AI Index: EUR 70/013/2007). In November, the UNMIK Office of Legal Affairs informed the NGO Human Rights Watch that the Acting Ombudsperson did have jurisdiction over acts of omissions by UNMIK. The Acting Ombudsperson had requested clarification on his role since February 2006, when an UNMIK regulation was considered, including

by the UN Human Rights Committee to have withdrawn his jurisdiction.

On 18 August seven men convicted of serious crimes, including members of the armed opposition groups known as the Albanian National Army, escaped from Dubrava prison reportedly with the assistance of prison guards, after accomplices fired rockets and bullets from outside the prison. They were either recaptured or killed by the Macedonian authorities in October (see Macedonia entry).

Unlawful killings [Update to AI Index: EUR 01/001/2007]

No criminal investigation was opened by the UNMIK Department of Justice following their final report in June into the unlawful killing in February of Mon Balaj and Arben Xheladini and the serious injury of Zenel Zeneli during a demonstration called by the NGO Vetëvendosje (Self Determination) in February (see AI Index: EUR 70/002/2007). In July the Romanian authorities reported that they had opened an investigation into allegations made by UNMIK that Mon Balaj and Arben Xheladini had been killed by members of the Romanian Formed Police Unit, who had discharged apparently out-of-date rubber bullets, which killed and injured the men. In December the HRAP announced that they would consider an application by the families of Mon Balaj and Arben Xheladini who had requested that a criminal investigation be opened into the unlawful killings.

Failures within the command and control system, identified in the June report, resulted in the introduction of new procedures for public order policing, but no investigations were opened to establish whether senior officers bore criminal responsibility for the deaths.

Fair trial standards

There were concerns that the trial of Albin Kurti, leader of Vetëvendosje charged in connection with his organization of and participation in the demonstration of 10 February, was not conducted in accordance

with law applicable in Kosovo or international standards for fair trial. Amnesty International attended proceedings in December: the organization considered that the prosecution appeared to be politicized and proceedings before a panel of international judges demonstrated a lack of independence by the judiciary (see AI Index: EUR 70/014/2007). Albin Kurti remained under house arrest at the end of the year.

Impunity for war crimes, including enforced disappearances and abductions

UNMIK failed to report to the Human Rights Committee, as required in 2006, on measures taken to address impunity for war crimes including enforced disappearances. A lack of prompt and effective investigations, the absence of witness protection, a backlog of appeal cases and a declining number of international judiciary and prosecutors to consider cases of war crimes, contributed to continuing impunity for these crimes.

Impunity remained in over 3,000 cases of enforced disappearances and abductions. Relatives of the missing complained at being repeatedly interviewed when new UNMIK police contingents took over cases; prosecutors complained that witnesses refused to come forward.

Some 1,998 missing persons remained unaccounted for at the end of the year, including 1,300 Albanians, 500 Serbs and 200 members of other minorities. Exhumations of mortal remains were conducted by the Office of Missing Persons and Forensics within the Department of Justice; more than 400 exhumed bodies remained unidentified.

Minority rights

Serbs and Roma continued to experience both real and perceived restrictions on their freedom of movement.

Most attacks involved the stoning of buses carrying Serb passengers by Albanian youths. In some cases, grenades or other explosive devices were thrown at buses or houses. Roma reportedly informed the

NATO-led Kosovo Force (KFOR) that they no longer reported such incidents. Orthodox churches continued to be looted or vandalized. A bus carrying Albanians through the Serb-dominated north was attacked in September, and in November a mixed ethnicity women's centre in north Mitrovica/ë was attacked. Although there were relatively few reported incidents in this period, security concerns were heightened in the context of the failure of talks on the status of Kosovo.

Perpetrators of inter-ethnic attacks were only occasionally brought to justice. Some 600 to 700 cases remained unresolved from the inter-ethnic violence of March 2004, although progress was made in a few long-standing cases. In October an ethnic Albanian was arrested on suspicion of involvement of the murder of 14 Serb men in a field near Staro Gračko in July 1999. In October proceedings opened against Florim Ejupi, indicted for the bombing of the Niš Express bus near Podujevo/ë in February 2001, in which 12 Serbs were killed and 22 severely injured.

The right to return

Some Roma who had lived in lead contaminated camps were among 280 individuals who returned to new accommodation in the Roma neighbourhood of south Mitrovica/ë; the majority were unable to return until further funding for rebuilding was raised. Serbs displaced in March 2004 felt unable to return to their homes, and remained in temporary accommodation. In Leposavić/Leposaviq in northern Kosovo Romani families were expected to live without access to basic amenities and under threat of eviction. There was little coordination by the government of return and reintegration agreements, although some municipal authorities assisted voluntary return. Some EU and Council of Europe member states planned to forcibly return to Kosovo persons from minority communities, before conditions for their return in safety and security were established.

Violence against women

Trafficking of women into forced prostitution continued, the majority were internally trafficked or trafficked from Albania. Despite frequent reports of arrests for trafficking in persons there were few prosecutions. The authorities also failed to implement an administrative directive giving effect to provisions in the 2001 trafficking regulation, providing assistance and support to trafficked persons.

In July the Organization for Security and Co-operation in Europe reported on the failure of the judiciary to fully implement UNMIK [Regulation No. 2003/12](#), "On Protection against Domestic Violence", including in relation to protection orders, which were not decided within the time specified by law, and so failed to protect women from violence. The Prosecutor's Office also failed to show due diligence in ensuring the prosecution *ex officio* of criminal offences relating to domestic violence, as required by law.

SLOVAK REPUBLIC

Discrimination against Roma

Many Roma continued to be caught in a cycle of marginalization and poverty. In November, the European Commission called on Slovakia to take concrete measures on the ground to "bridge segregation" and to end discrimination against Roma children in education. Several Slovak Members of the European Parliament also urged their government to deal with segregation of Roma in housing and schooling, which they referred to as a "time bomb".

Education

Huge numbers of Romani children were still being placed unnecessarily in special schools and classes for children with mental disabilities and learning difficulties, where they followed a reduced curriculum which gave little possibility for reintegrating into mainstream schools or advancing to secondary education. Others were segregated in Roma-only mainstream schools across the country. Poor housing

conditions, physical and cultural isolation, poverty and lack of transport continued to hinder Romani children's ability to attend school. The persistent segregation of Romani children in the education system violated their right to an education free from discrimination, and their future employment prospects remained blighted by the failure of the government to provide them with adequate education. These were the main findings of AI's research on this issue, published on 15 November in a report entitled *Still separate, still unequal – Violations of the Right to Education of Romani Children in Slovakia* (AI Index: EUR 72/001/2007).

The right to education is linked to other important human rights, such as the right to adequate housing. Just as the Roma in Slovakia suffer segregation in education, they also very often live in settlements, little more than shacks, which are set apart from town centres. While transport is sometimes available, many Roma cannot pay. Certain primary schools also require contributions from the parents, which are also beyond the means of many Roma. In many cases the combined effect of the lack of regular transport, whether free or with charge, to town and city centres, poverty, and fear of discrimination mean that Romani children struggle to attend school. When they do, the entire notion and practice of "Roma-only" classes suggests they are not worth educating to the standard of the majority population, and only increases their sense of linguistic, cultural, and economic isolation.

The government of Slovakia insists that segregation in education is not official government policy. However, human rights bodies have consistently expressed concern regarding the large proportion of Romani children in eastern Slovakia subjected to persistent forms of segregation and isolation. In some parts of eastern Slovakia, 100 per cent of schools are reportedly segregated, while independent studies suggest that as many as 80 per cent of children placed in special schools in Slovakia are Roma.

According to Slovak law, special schools and classes are designed for children with special educational needs, including physical, mental and learning disabilities, but also for children who have "difficulty in communicating", "social development problems" or who come from "socially disadvantaged backgrounds." These criteria are reportedly opaque, and as Amnesty International and others have documented, leave significant scope for discrimination and segregation. In particular, to come from a "socially disadvantaged background" is widely interpreted as being synonymous with coming from a Roma background.

Placement in special schools is very often a one-way street; children who may have been mis-assessed and wrongly assigned to these schools have very remote possibilities of going back into mainstream schools or of advancing beyond compulsory education. In addition, Romani parents are pressured to accept segregation as normal and even beneficial for their children, sometimes through financial incentives to send their children to special schools or special classes.

Negative attitudes to Roma are pervasive even among the school officials and teachers where Roma children attend school. This discrimination percolates through many layers of Slovak society, and affects the laws, norms and everyday practices surrounding education, and in particular pre-school education.

Moreover, there is no mention of the right to be educated in Romani. Education officials and Romani parents have told Amnesty International again and again that Romani children were often placed in special schools and special classes solely because they could not speak Slovak. The provision of teaching materials in Roma is poor to non-existent; an appreciation of Romani language and culture, alongside education at all levels in the majority language, would help create mutual understanding and teach children to value all cultures. At the same time, providing for Roma-speaking children should not be an excuse for, or lead to, segregation in Roma-only classes.

The government of Slovakia has adopted a number of measures with the aim of improving Romani children's access to education. However, the special measures have not been systematically adopted, nor are there adequate means of monitoring and accountability in place. For instance, measures initiated in schools by non-governmental organizations and subsequently adopted by the Ministry of Education include preparatory (zero grade) classes in primary schools for children from a "socially disadvantaged" background, and the employment of teaching assistants to help children with language or social difficulties. Nonetheless, while both measures have been judged by schools and parents alike to be successful in helping Roma children, funding for both is completely discretionary, and not widely taken up. Schools have also suffered from a shortage of qualified teaching assistants, due to the lack of funding and training.

Romani children should not be placed in special or segregated schools or classes simply because they are Roma or because they are socially disadvantaged. In line with its obligations under international human rights law, the government should ensure that all Romani children benefit from special measures before and during education; no child should be excluded from quality mainstream education because of ethnicity, poverty, distance or cost.

Housing - Forced evictions

Roma continued to suffer forced evictions.

In September, reportedly more than 200 Roma were forcibly evicted from their houses in Nové Zámky, moved to neighbouring villages and allocated inadequate housing. The Plenipotentiary for Romani communities of the Slovak government criticized the increasing policy of evictions by several municipalities and said that those acts were "illegal."

In December, Slovakia was named by the Geneva-based Centre on Housing Rights and Evictions (COHRE) one of three "Housing Rights Violators for 2007", for persistently violating the right to adequate

housing of Roma and to protect them from discrimination and consequently deprived them of their housing and associated rights.

Attacks against foreigners and minorities

Attacks against foreigners and members of national minorities continued to be reported.

In November, three men reportedly attacked and shouted Nazi slogans at a 16-year-old half-Cuban half-Slovak girl and told her to "get out of Slovakia". The girl suffered head and spinal injuries. Two attackers were detained and charged with causing bodily harm and advocating incitement to hatred.

Attack on a Hungarian student (update to AI Index: POL 10/001/2007 and AI Index: EUR 01/010/2007)

In November Hedviga Malinová, a Slovak student of Hungarian origin, filed a complaint with the European Court of Human Rights claiming that she had been subjected to inhumane and humiliating treatment by the Slovak authorities following her allegations of an ethnically motivated assault on her in 2006.

Hedviga Malinová had alleged she was assaulted by two men in the town of Nitre on 25 August 2006, after she was heard speaking Hungarian. The police decided to halt their investigations into the allegations on 11 September 2006. At a press conference the following day, the Prime Minister and the Minister of the Interior made public statements about the alleged assault of Hedviga Malinová denying that it took place.

A police investigation in October 2006 concluded that Hedviga Malinová fabricated her account, and in May 2007 criminal proceedings were opened against her for alleged perjury. In July that year, the Police Chief admitted that Hedviga Malinová had been assaulted but "not as she described." In September 2007, the Prosecutor General admitted that some evidence from the investigation was lost in

"procedural errors by the police and prosecutor's office."

Amnesty International was concerned about reports which indicated, if confirmed, a failure by the authorities, to date, to ensure a thorough and impartial investigation into the allegations. The organization has urged the Slovak authorities to clarify the specific steps taken to investigate the alleged assault of Hedviga Malinová, and the grounds on which the police decision to halt the investigation of her alleged assault was confirmed, as well as to ensure an independent, impartial and thorough investigation of allegations which call into question aspects of the investigation, prior to the decision of the Nitra Country Prosecutor affirming the decision to close the investigation. Amnesty International also sought clarification on what steps were taken to respect Hedviga Malinová's rights - as an injured party -- to be informed of the scope, timing and progress of the investigation, the disposition of the case, and to allow her views and concerns to be presented. By the end of the year, no substantive response from the Slovak authorities had been received.

'War on Terror' (update to AI Index: EUR 01/010/2007)

The authorities failed to reject the use of so called 'diplomatic assurances' from states not to torture people subject to an extradition procedure.

During the period under review Amnesty International approached the Slovak authorities twice regarding Algerian national Mustapha Labsi, who remained in custody awaiting his deportation to Algeria. The forcible return of Mustapha Labsi to Algeria where he faced a risk of serious human rights violations, even on the basis of "diplomatic assurances", would violate the Slovakia's obligations under international human rights law.

On 1 November the UN Human Rights Committee had raised concerns about reports of cases of torture or inhuman and

degrading treatment carried out in Algeria. However, in the same month, the Bratislava regional court ruled that the extradition of Mustapha Labsi was admissible. Accused of terrorist activities in France and the UK, Mustapha Labsi, had been held in custody in Slovakia since May 2007 on the basis of an extradition request by Algeria. The Slovak Prosecutor's Office told the court and media that it had assurances from the Algerian authorities that Mustapha Labsi would not face torture or the death sentence. In September, the Migration Office of Slovakia had refused Mustapha Labsi's request for asylum and for subsidiary protection.

Amnesty International urged the Slovak authorities not to accept inherently unreliable diplomatic assurances from Algeria, and under no circumstances permit the extradition of Mustapha Labsi to Algeria. By the end of the year, no substantive response from the Slovak authorities had been received and the appeal against his extradition was pending at the Supreme Court.

SLOVENIA

The "erased" (update to AI Index: EUR 001/010/2007)

The Slovenian authorities failed to restore the status of permanent residents of a group of people known as the "erased" and to ensure that they have full access to economic and social rights. The authorities failed to explicitly and publicly recognize the discriminatory nature of the "erasure", and those affected by it continued to be denied access to full reparation, including compensation.

The "erased" include at least 18,305 individuals unlawfully removed from the Slovenian registry of permanent residents in 1992. They were mainly people from other former Yugoslav republics, many of them Roma, who had been living in Slovenia and had not acquired Slovenian citizenship after Slovenia became independent. While some were forcibly expelled, many lost their jobs and/or could

no longer be legally employed. They have had no, or limited, access to comprehensive healthcare after 1992, in some cases with serious consequences for their health. Of those "erased" in 1992, thousands remained without Slovenian citizenship or a permanent residence permit.

In October the government presented to parliament a draft constitutional law, which was intended to resolve the status of the "erased". AI called for the withdrawal of the draft law which, as it was presented to parliament, continued to violate the human rights of the "erased" and further aggravated their disadvantaged position. The draft law maintained discriminatory treatment of the "erased", provided new legal grounds for more discriminatory actions by the authorities, including the possibility to revise decisions on individual cases where permanent residency has been restored, and failed to retroactively restore the status of permanent residents of all the "erased". The draft also disclaimed responsibility by state bodies for the "erasure" and explicitly excluded the possibility of compensation for the human rights violations suffered by the "erased".

Discrimination against Roma (update to AI Index: EUR 001/010/2007)

The authorities failed to fully integrate Romani children in education and tolerated in certain primary schools the creation of special groups for Romani children, where in some cases a reduced curriculum was taught.

The so-called "Bršljin model", used at the Bršljin elementary school in the city of Novo Mesto, provided for the creation of separate groups for pupils who do not perform sufficiently well in certain subjects. These are intended as "catch-up groups" and, at least in theory, would allow for pupils to return to mainstream groups. Teachers in Bršljin admitted that such groups were composed mostly, and sometimes exclusively, of Roma.

The Slovenian authorities continued to claim that evaluation of the "Bršljin model" has shown that such a model does not result in the segregation of Romani children and that it simply involves the temporary placement of pupils in groups for those children who do not perform sufficiently well in certain subjects. However, at the end of the period under review, AI had not received further details on the evaluation and its outcome. AI was informed that the "Bršljin model" was still being developed with a view to ensuring that the placement in "catch-up" groups would be temporary in nature.

In addition, little progress was made in integrating Romani languages and culture in school curricula and teaching materials in a comprehensive way. Educational activities focused on Romani culture were mostly left to the initiative of individual teachers and schools.

SPAIN

Torture, ill-treatment and excessive use of force and firearms

On 14 November AI issued its latest report on torture and other ill-treatment in Spain, *Adding Insult to Injury: the effective impunity of law enforcement officials in cases of torture and other ill-treatment* (EUR 41/006/2007). For many years, Amnesty International, together with other international and national non-governmental organisations (NGOs), and a range of UN and Council of Europe human rights bodies have expressed serious concerns regarding torture or other cruel, inhuman or degrading treatment committed by law enforcement officials in Spain and the effective impunity many enjoy in relation to these acts. As part of its ongoing research Amnesty International investigated cases in which people reported they had been hit, kicked, punched and verbally abused by police officers, including while handcuffed, both in the street and while in police custody. People detained by police have claimed they have been threatened with a gun or knife, whipped on

the soles of their feet, and received death threats from police officers.

Allegations of ill-treatment by police officers continue in Spain. This situation is a result of multiple failings by the Spanish authorities to comply with their international legal obligations which require them to take a range of measures to prevent ill-treatment – for example, through the prompt, independent, impartial and thorough investigation of any case where ill-treatment is suspected to have occurred.

Many of the investigations into complaints of ill-treatment that Amnesty International researched suffer from an apparent lack of impartiality and objectivity. Criminal investigations into cases of alleged ill-treatment are handled by investigating judges with the assistance of judicial police. In some cases an officer from the same force as those alleged to have been responsible was assigned to investigate the allegations against them.

Police trade union representatives interviewed by Amnesty International considered that police officers would not attempt to cover up wrong-doing by colleagues, but some of them also reported that ill-treatment was tolerated to a certain degree as a result of a misguided “*esprit de corps*.”

Amnesty International found that investigations of ill-treatment frequently follow the same pattern: non-existent or inadequate internal investigations and prompt provisional discharge⁴ of any judicial complaint on the basis of a lack of evidence, even when medical or other credible evidence exists to support the allegations. When cases do come to trial,

⁴ A case can be provisionally discharged (“*archivado*”) at the investigating stage if the prosecuting authorities decide to take no further action upon it. This decision can be appealed and so is a “provisional” rather than “final” measure. However, the case will remain effectively closed unless positive action is taken to re-open it, e.g. via an appeal from the complainant.

they often end in acquittal due to the non-identification of the officers responsible, or in nominal sentences. It is not unusual for the proceedings to continue for several years, following repeated closure of the case by the investigating judge. Victims frequently complained to Amnesty International that investigating judges and prosecutors relied too heavily on statements by police while victims or witnesses’ testimony was sidelined. Very often police officers lodge counter-complaints designed to discredit the victim’s testimony.

Complainants encounter a series of obstacles in trying to obtain justice for torture and ill-treatment, and these are examined in detail in the report. Among them are a lack of independent investigations or a failure to investigate at all; incomplete or inaccurate medical reports on the injuries received; claims by the court of insufficient evidence to prosecute a claim; the intimidation of complainants by police officers; and an overall lack of impartiality, promptness and thoroughness in investigations. All of these contribute to the impunity of police officers, and a sense of powerlessness and futility among those who try to obtain justice. In the rare cases that a court rules that torture and ill-treatment has occurred, the sentences imposed have been lenient. In one case, an officer convicted of torture was later promoted to regional chief of police.

In its report Amnesty International made a number of recommendations to the Spanish authorities which the organization believes would help to prevent ill-treatment and end impunity for law enforcement officials responsible for such acts.

Courage Washington

On 19 July a Ghanaian man, Courage Washington, was seriously injured in a shooting incident at Madrid’s Barajas airport. According to information available to Amnesty International, Courage Washington, believed to be originally from Ghana, had effectively been living inside Barajas airport for approximately 18

months at that point. He was well known to the staff of the airport and had frequent contact with the social services department of the Community of Madrid. It is understood that he has mental health difficulties and does not speak or understand Spanish. At approximately 8pm on 19 July, two police officers from the Hortaleza-Barajas police station, in civilian dress, approached Courage Washington and asked him for his identity papers. It is alleged that Courage Washington produced a toy gun from his pocket and the police officers shot him five times, including in the arm, thorax and abdomen. Witness statements contradict the claim that warning shots were fired into the air and, according to some witnesses, several shots were fired at Courage Washington after he had fallen to the ground and been effectively overpowered. Amnesty International understands that he underwent two surgical operations in the Ramón y Cajal hospital as a result of these injuries and was later discharged.

A criminal investigation was subsequently launched against Courage Washington for assault on a public agent. His lawyer has made a complaint against the police. Both cases are currently in the investigation phase.

Amnesty International called on the Ministry of the Interior to ensure that investigations into the incident were prompt, thorough and impartial and that the results were made public, with any person reasonably regarded as responsible for excessive use of force being brought to justice and sanctioned appropriately. In its response, the Ministry of the Interior stated that an internal disciplinary investigation had been opened and that it had passed on information to the relevant investigating court in Madrid.

Mohammed Mrabet Fahsi

In October Amnesty International wrote to the Prime Minister, Minister of Interior, Public Prosecutor, and General Council of the Judiciary, concerning the allegations of torture and other ill-treatment made by Mohammed Mrabet Fahsi and three other

men arrested on 10 January 2006 as part of the same police operation. Furthermore, Amnesty International was concerned that although these allegations were made to the investigating judge, neither he nor the public prosecutor opened an investigation into them.

According to the information received by Amnesty International Mohammed Mrabet Fahsi and the other men were arrested separately by hooded Civil Guard officers at their homes, at approximately 2am on 10 January 2006. The men have made allegations that they were subjected to torture and other ill-treatment while in incommunicado detention, including forced exercise and being forced to remain standing to the point of exhaustion, sleep deprivation, exposure to severe cold, blindfolding, hallucinogenic drugs, humiliation of a sexual nature, beatings, threats of violence, threats (including threats of sexual violence) against family members, racist and islamophobic verbal abuse, insults and intimidation, and being forbidden to wash.

Following their appearance before the investigating judge the detainees were remanded into pre-trial detention. Two men were released on bail in November 2006 pending the conclusion of the judicial investigation, and a third was released on bail in July 2006. Mohammed Mrabet Fahsi, was still in pre-trial detention at the end of the period under review. On 23 October the investigating judge issued an indictment (*auto de procesamiento sumario*) against these four men and 18 others on charges of membership of a terrorist group and collaboration with a terrorist group, but at the end of the year no further action had been taken by the prosecutor to bring the case to trial.

Amnesty International has repeatedly voiced its concerns regarding the incommunicado detention regime in Spain, as the organization believes it to be beyond question that incommunicado detention facilitates torture and other ill-treatment. Without visits by lawyers, independent medical professionals, family or others to

provide scrutiny of the detainee's health and conditions, such human rights violations are far more likely to occur.

According to lawyers acting for the detainees, allegations of ill-treatment have been made during declarations before the investigating judge, including at a bail hearing for Mohammed Mrabet Fahsi and another detainee on 8 January 2007, and in written submissions to the court. However, according to the lawyers, at the time of writing judicial investigation into the allegations of torture or other ill-treatment of these men had been opened, contrary to Article 269 of the Spanish Law of Criminal Procedure (Ley de Enjuiciamiento Criminal).

The failure to launch an independent, impartial and thorough investigation into allegations of torture or other ill-treatment constitutes a violation of Spain's obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).

In its response in November the Ministry of the Interior informed Amnesty International that the internal affairs unit had begun an investigation into the incident. No further information had been received by the end of the year.

Migration

In September Amnesty International wrote to the Ministry of the Interior regarding the draft protocol under elaboration on the safe repatriation of detainees, including irregular migrants. The organization noted that whilst enforcing the deportation from the state territory of a person who is unwilling to leave is an inherently difficult task, it is also, as a consequence, an operation which entails an elevated risk of human rights violations in the form of ill-treatment. As a result, Amnesty International raised concerns that the draft protocol "Rules on

security in the repatriation and transfer of detainees by sea or air, protocol for action" (Normas de seguridad en las repatriaciones y en el traslado de detenidos por vía aérea y/o marítima, Protocolo de actuación) as of 20 July 2007 did not adequately reflect and uphold the international human rights standards necessary to guard against such treatment. Specifically, AI raised concerns that the draft protocol is not in line with the relevant regional standards, including the Recommendation concerning the rights of aliens wishing to enter a Council of Europe member State and the enforcement of expulsion orders, 19 September 2001, by the Council of Europe Commissioner for Human Rights; the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) 13th General Report covering the period 1 January 2002 to 31 July 2003 (CPT/Inf (2003) 35), section on "Deportation of Foreign Nationals by Air"; and Recommendation 1547(2002), January 2002, of the Parliamentary Assembly of the Council of Europe (PACE).

In light of these standards, Amnesty International is concerned by the presence of "reinforced tape" ("cinta reforzada") "immobilising belts and clothes" (cinturones y prendas inmovilizadoras) and "protective helmets" ("cascos de autoprotección") on the list of materials approved for use in expulsions (para.3.8). The organization believes that the use of such items may not only violate the international prohibition of cruel, inhuman or degrading treatment but also create a risk of asphyxia or other serious physical harm to the subject.

Amnesty International recommended that, in order to avoid the possibility of ill-treatment, persons subject to expulsion orders should be informed of the means of restraint stipulated within national law, and the possibility to submit a complaint regarding any violation of their rights which take place during expulsion, for example to the Spanish embassy or consulate in their country of destination. Such complaints should be investigated in a prompt, thorough, independent, and impartial manner by the appropriate authorities and

disciplinary and/or criminal sanctions imposed upon any person found to be responsible for a breach of the law or professional regulations. All persons who have been the subject of an abandoned deportation attempt should undergo a medical exam immediately upon return to detention in order to record any injuries (which can also guard against any false allegations of ill-treatment). The establishment of independent monitoring systems and the use of audiovisual recording of procedures are also recommended, in addition to the supervisory role fulfilled by the judicial system and existing internal disciplinary procedures.

Prior to expulsion all deportees should undergo a full medical examination to ensure they are fit to travel and particularly in cases where the use of force or restraints is anticipated. In any case where the examining doctor considers that an individual is not fit for travel at that time, the expulsion should be deferred.

As a matter of priority state officials involved in the expulsion procedures should be reminded that the use of force and means of restraint should be no more than that which is reasonably necessary and must be proportionate at all times. Staff should receive clear instruction on what techniques of force and restraint are and are not permitted and should receive special training in minimising the risk of violence, stress and conflict management, and other matters relevant to their role in forcible expulsions.

In all cases, Amnesty International considers it of fundamental importance that, in line with the human rights standards previously cited, the draft protocol cite the right of individuals to challenge an expulsion order before the appropriate authorities, and that this right once exercised should have a suspensive effect on the execution of an expulsion order until a final decision is taken. All persons awaiting expulsion should be fully informed regarding the possibility of making an appeal, the appropriate measures to take,

and the possible legal consequences. In all cases it must be recalled that the state has an obligation under international law not to forcibly return an individual to a country where there are grounds to believe they would be at risk of torture or other serious human rights violations.

Law on Aliens

In November the Constitutional Court ruled unconstitutional provisions in the 2000 Law on Aliens that restrict migrants' rights of association, access to basic education and free legal assistance.

Counter terrorism and 'War on Terror'

On 19 December the National Criminal Court issued its sentence in relation to the so-called "Macroproceso 18/98" trial, in which 47 people were convicted of various degrees of collaboration with the Basque armed group Euskadi Ta Askatasuna (ETA) as a result of their work with various Basque nationalist organisations. The sentence stated that the organisations constituted a part of ETA and/or received instructions from it. Appeals against the sentence were pending at the end of the year. Several of those convicted have publicly stated their opposition to ETA and the use of violence for political ends.

On 19 December, three former UK residents detained at Guantánamo Bay were released and returned to the UK. Two of the men, Jamil El Banna and Omar Deghayes, appeared in court in the UK on 20 December in a preliminary hearing in connection with an extradition request issued by Spain on terrorism-related charges. The men have opposed the request and a decision was pending at the end of the year.

Update to 11-March trial (see AI Index EUR 01/010/2007)

Following the trial of 28 people accused of involvement in the 11 March 2004 bomb attacks on commuter trains in Madrid, in October the national criminal court

(Audiencia Nacional) convicted 21 of them and acquitted seven. Three men were sentenced to a total of 42,000 years' imprisonment.

Impunity

In November parliament passed a law concerning the victims of Francoism and the 1936-39 civil war. Despite some positive features, the law fell short of international standards on the rights to a remedy and reparations for the victims of gross human rights violations.

TAJIKISTAN

Freedom of religion

Members of religious minorities and human rights defenders were concerned that decisions taken by the authorities restricted freedom of religion and belief. During the second half of the year unregistered mosques were closed down or demolished in the capital, Dushanbe. Urban re-development plans in Dushanbe were reportedly also threatening the city's Jewish synagogue and several Christian churches. A proposed new religion law raised fears that unregistered religious activity would be banned. The draft law proposed stringent registration requirements which would make it very difficult for religious minorities to apply or re-apply for legal status. It also proposed to limit the number of registered places of worship and to ban missionary activity. Pending the adoption of the new law the government was not accepting new applications for legal status.

In October the government revoked the legal status of the Jehovah's Witnesses and banned all activities by the religious minority across the country. The Jehovah's Witnesses were first registered in 1994. Officials told representatives that the decision was based on Jehovah's Witnesses' refusal to perform military service and their proselytizing activities. Two Protestant groups were also suspended for three months. All three organizations appealed

against the decisions. The appeals were still pending at the end of the year.

In November the UN Special Rapporteur on freedom of religion or belief, Asma Jahangir, published a report on her visit to Tajikistan earlier in the year. The report's conclusions emphasized the "need to devise educational policies aimed at strengthening the promotion and protection of human rights and eradicating prejudices, which are incompatible with the freedom of religion or belief". The conclusions also stressed that registration procedures for religious groups should be straightforward and that "[r]egistration should not be a precondition for practising one's religion". The Special Rapporteur recommended that Tajikistan ensure that "any measure taken to combat acts of terrorism complies with [its] obligations under international law, in particular international human rights law, refugee law and humanitarian law." She stressed that "an independent, neutral and impartial judiciary and prompt access to a lawyer [were] vital to safeguarding also the freedom of religion or belief of all individuals and religious communities".

Freedom of Expression and Association

According to human rights organizations the government further restricted freedom of expression and assembly. Slander remained a criminal offence and insulting the president carried a sentence of up to five years' imprisonment. In August, President Imomali Rahmon signed into law amendments to the criminal code which punished the publication of false information, slander and libel on the internet by up to two years' imprisonment.

A new law on public associations approved by parliament in May stipulated that all new non-governmental organizations (NGOs), including media associations, must register with the Ministry of Justice. NGOs complained that the new regulations were excessively complicated and time-consuming. A decree signed by the President also required all existing NGOs to

re-register with the Ministry of Justice by the end of the year. Human rights defenders reported that NGOs who received some funding from western donors and those engaged in democracy-building or human rights activities faced difficulties with their re-registration.

Detentions & convictions of alleged members of banned Islamist groups

The Supreme Court banned 10 organizations as terrorist, including the Islamic Party of Turkestan, also known as the Islamic Movement of Uzbekistan (IMU), and Free Tajikistan (Tojikistoni Ozod), an Uzbekistan-based political party which the authorities considered a threat to Tajikistan's national security.

Dozens of members and suspected members of banned Islamic groups, including the IMU, were detained in the context of national security. Detainees alleged that they were tortured or otherwise ill-treated. At least 20 alleged IMU members were sentenced to long prison terms after unfair trials. There was no presumption of innocence, with suspects branded guilty in public before the start of trials.

Returned Guantanamo detainees imprisoned

In August two men, who had been transferred to Tajikistan in March after spending six years in US custody at Guantanamo Bay, were sentenced to 17 years in prison by a court in Dushanbe. They were convicted of illegally crossing the border into Afghanistan in 2001 and fighting against the US and Allied Forces in the ranks of the IMU. Earlier in March, a court in southern Tajikistan had sentenced another former Guantanamo detainee to 23 years in prison for his part in a bomb attack in Tajikistan in 2000. He had reportedly been captured by US forces in Afghanistan.

TURKEY

Political Overview

On 22 July parliamentary elections were held resulting in the ruling Justice and Development Party (AKP) being returned to form a new government. In addition to the main opposition Republican People's Party (CHP), the Nationalist Action Party (MHP) also passed the 10% threshold in the election required to enter parliament. A number of independent candidates were also elected to parliament, 19 of whom later formed a group as the pro-Kurdish Democratic Society Party (DTP). Abdullah Gül was elected by the new parliament as President of Turkey and was sworn into office in August. In September the government appointed a commission to draft major constitutional amendments. In November the Constitutional Court began proceedings to ban the DTP on grounds of "separatism".

Armed clashes and attacks on civilians

Armed clashes between the Kurdistan Workers' Party (PKK) and the Turkish armed forces continued at a high level during the period under review. In October eight members of the Turkish armed forces were captured by the PKK and taken to northern Iraq. After approximately two weeks they were released and returned to Turkey. On return to Turkey they were arrested and remained in detention awaiting trial in a military court on charges ranging from "destroying the unity and integrity of the state" and disobeying orders. In December the Turkish armed forces launched aerial attacks and military incursions using ground forces into northern Iraq against suspected PKK bases. There were reports of limited casualties and of thousands of people forced to flee their homes in the wake of the attacks. Armed clashes within Turkey led to human rights violations.

For example, Amnesty International sought further information on İhsan Tekeş, an alleged member of the PKK who was reportedly captured by the Turkish armed forces on 19 September during clashes between the armed forces and the PKK (see AI Index: EUR 44/018/2007). The website of the Head of the Turkish Armed Forces stated that one militant had been captured during the course of operations. A village guard who claimed to have taken part in the operation (village guards are a militia funded by the state to fight the PKK) reportedly told the mother of İhsan Tekeş that he witnessed her son being captured alive. In December the Ministry of the Interior issued a reply to a request for information from the mother of İhsan Tekeş stating that he was not in detention. Amnesty International was concerned that İhsan Tekeş may have been subjected to enforced disappearance, incommunicado detention or extra-judicial execution.

The three security zones previously declared in June (see AI Index: EUR 01/010/2007) were renewed in September and their number was increased to six in December. Strict security measures were applied to the zones including denial of access. People living in the surrounding area complained of not knowing what area was covered by the zones. Inhabitants of Çekmekare settlement in the Pervari district in Siirt reported to a human rights commission formed of members of non-governmental organizations (NGOs) Mazlumder and the Human Rights Association that they had been threatened by members of the security forces in order that they would evacuate the settlement. They also claimed that an essential supply road linking Pervari to the settlement had been blocked on the directions of soldiers in order to prevent them remaining at the settlement.

Attacks by unknown individuals or groups resulted in deaths and injury of civilians. In September an attack on a minibus in the Şırnak province of south-eastern Turkey killed 12 people and in October two bombs in İzmir exploded on the same day killing one and injuring others.

In October as the intensity of armed clashes increased still further and in the wake of an attack in which 12 soldiers were killed, Turkish citizens of Kurdish origin were attacked. In Bursa places of work were attacked and members of the public threatened and subjected to violence by groups shouting nationalist slogans. Offices of the Pro-Kurdish Democratic Society Party (DTP) were attacked in various cities across the country (see also freedom of association below).

Torture and other ill-treatment

Cases of torture and other ill-treatment continued to be reported. In July lawyer Muammer Öz was allegedly ill-treated by police officers in the Moda district of Istanbul. He told Amnesty International that police officers beat him with batons and their fists and told him that they would never be punished. A medical examination conducted in the presence of police did not record the fact that his nose was broken although this was documented by a subsequent independent medical report. Muammer Öz issued a criminal complaint with the assistance of Istanbul bar association. Initially the Istanbul Governor's office refused permission for either an administrative or criminal investigation into the conduct of the police officers and a statement released by the Istanbul Security Directorate stated that Muammer Öz had sustained his injuries when he fell during an attempt to escape from the police. Despite this a case was eventually opened against the police officers involved. Counter-charges were brought against Muammer Öz for resisting and insulting the police.

Abdurrahman Aslan was allegedly subjected to torture. In November he was detained with İbrahim Aslan and Mehmet Askara after police raided a house in the city of Siirt and reportedly recovered weapons and explosives. According to their lawyer, the three were held at the anti-terror department of police headquarters in Siirt. Abdurrahman Aslan also alleges that he was subjected to torture in an underground

cell which had previously been taken out of use due to the number of instances of torture being committed there. Police reportedly subjected Abdurrahman Aslan to severe beatings, compressed his testicles and tied string to his testicles and penis before leading him around the cell by the string as if it was a lead in order that he would "confess to the crimes that he had committed". An official medical report documented signs of swelling of his testicles and marks on his testicles and penis. A lawyer representing Abdurrahman Aslan filed a notice of criminal charges against police officers in relation to the claims and an investigation was continuing at the end of the period under review.

Impunity

The investigation and prosecution of law enforcement officers accused of human rights violations remained inadequate. As a result, justice for the victims of human rights violations was delayed or denied, as documented in a report issued during the period under review (see *Turkey: The Entrenched Culture of Impunity Must End*, AI Index: EUR 44/008/2007).

In October 19-year-old Ferhat Gerçek was shot by police in Istanbul after a dispute involving youths throwing stones and police firing shots. It was reported that the dispute started when a group selling the legal *Yürüyüş* (March) magazine were requested by the police to provide their identity cards. Ferhat Gerçek was shot in the back leaving him permanently paralyzed. Police officers present claimed to have fired warning shots in self-defence. Statements were taken from Ferhat Gerçek as a "suspect" and from the police officers as "victims". The t-shirt worn by Ferhat Gerçek at the time of the shooting was lost by police officers. No police officer was suspended following the incident and an investigation was continuing at the end of the year.

Convictions were not secured in the case of 10 police officers prosecuted over allegations that they tortured two women,

"Y" and "Ç", during their detention in Istanbul in 2002. The women reportedly suffered torture including beatings, being stripped naked and then sprayed with cold water from a high pressure hose, and attempted rape (see AI Index: EUR 44/56/2002). The verdict was announced after a new medical report requested by the defendants reportedly failed to find definite evidence that the crime of torture had been committed. Reacting to the verdict, the lawyer representing the women said "if you issue an acquittal in the face of clear evidence that means that you don't want to believe it"⁵.

On 14 December the first hearing was held at a military court in the re-trial of two gendarmerie officers and a PKK informer accused of the bombing of a bookshop in the south-eastern town of Şemdinli in 2005 (see AI Index: EUR 44/020/2007). All three men were released at the hearing and the two gendarmerie officers were allowed to resume their duties. The events provided further evidence to the belief that a military court would not provide a thorough and impartial investigation into the bombing and that there had been a cover-up. Amnesty International called for an independent commission of enquiry to carry out a full and impartial investigation into the events surrounding the Şemdinli bombing and for suspects to be tried in a civilian court.

The trial of 18 people accused of involvement in the murder of Turkish-Armenian journalist Hrant Dink began on 2 July. According to the indictment one of those on trial was a police informer who had repeatedly told the authorities of the plan to assassinate Hrant Dink in the months leading up to his death (See AI Index: EUR 44/012/2007). Amnesty International remained concerned that the culpability of the state was not investigated and called for all those involved in planning and carrying out the fatal attack and those

⁵ *Radikal*, "Önce rapor değisti sonra beraat geldi" 30 November 2007

who failed to prevent it to be brought to justice.

In December the trial began of five youths accused of involvement in the murders of three men who worked for *Zirve* Christian publishing house in Malatya (see AI Index: EUR 44/006/2007). In a disturbing parallel with the Hrant Dink murder it emerged that the defendants had corresponded with individuals within state institutions prior to the murders. Telephone records showed that in the six months preceding the murders the defendants had been in regular contact with someone from the Ankara headquarters of the Special Police Unit, a public prosecutor, a member of the military and a local councillor for the Nationalist Action Party (MHP).

Death in Custody (Update to AI Index: EUR 44/008/2007)

In a landmark ruling in the battle against impunity the Court of Cassation confirmed the sentences of four police officers accused of the death in custody of Birtan Altınbaş in 1991. The judgment issued in October came after a trial lasting nine years and characterized by countless delays.

Freedom of expression

Prosecutions limiting the expression of non-violent opinions continued. In October Hrant Dink's son, Arat Dink, and co-defendant Sarkis Seropyan were convicted under Article 301 of the Turkish Penal Code that criminalizes "denigration of Turkishness" and each received a one-year suspended sentence. In November the government announced plans to reform Article 301 but the reported proposed amendments still represented an unacceptable limitation to the right of freedom of expression. Prosecutions continued to be brought under the article. In November Amnesty International sent trial observers to hearings in two trials under Article 301. The editor of Doz publishing house, Ali Rıza Vural, was

prosecuted for publishing a book entitled *Barzani and the Kurdish National Liberation Movement* and journalists İrfan Uçar and Hasan Bayar were prosecuted after a complaint from the Ministry of Justice regarding the publication in *Gündem* newspaper of an article critical of Article 301 itself. Amnesty International continued its campaign for the article's abolition.

Other articles continued to be applied in ways that violate the right to free expression. Article 216 of the Penal Code, which criminalizes "inciting enmity or hatred among the population", was applied in an arbitrary and overly restrictive manner. In November Eren Keskin was sentenced to one year in prison under the article for her use of the word "Kurdistan". The sentence was later commuted to a fine of 3,300 liras (approximately €1,900) Also in November, Gülçihan Şimşek, a DTP member and local mayor in the city of Van, received a one-year prison sentence for referring to PKK leader Abdullah Öcalan as "Mr" in a prosecution brought under Article 7 (2) of the anti-terrorism law that criminalizes "making propaganda for a terrorist organization or for its aims".

Refugees and asylum-seekers

Refugees were denied access to a fair and effective national asylum procedure. The Turkish authorities forcibly returned refugees and asylum-seekers to countries where they were at risk of serious human rights violations, in violation of international law. In October, Ayoub Parniyani, recognized as a refugee by the UN's refugee agency, UNHCR, together with his wife Aysha Khaeirzade and their son Komaz Parniyani, all Iranian nationals, were forcibly returned to northern Iraq. They had been granted refugee status by the Ankara office of UNHCR in December 2003. They represented part of a group of around 1,200 Iranian Kurdish refugees who had claimed asylum in northern Iraq and fled to Turkey between 2001 and 2003. The Turkish authorities have refused the group exit permission to be resettled in a third

country (see AI Index: EUR 44/019/2007). The deportation of the family follows that of five recognized Iranian refugees who were forcibly returned to northern Iraq in August. According to the UNHCR the five were detained for a month after being returned. The incidents illustrated a pattern of forced returns from Turkey of refugees recognized under UNHCR's mandate.

In July 135 Iraqis were returned to Iraq after being refused the right to seek asylum. At the time of writing Amnesty International opposes all returns to Iraq due to the extreme violence and instability as well as widespread human rights abuses in the country.⁶ Many Iraqi civilians have been killed by armed groups, coalition forces or armed criminal gangs in different parts of the country, including the north.

Conscientious objection

No progress was made on granting the right to conscientious objection to military service during the period under review and no civilian alternative to military service was available. A lawyer representing conscientious objectors reported to Amnesty International that conscientious objectors and their families and supporters were subjected to harassment by the authorities.

In July persistent conscientious objector Osman Murat Ülke was summoned to present himself to serve the remainder of a sentence for a previous conviction related to his refusal, on the grounds of conscience, to perform military service. In seeking to punish him, Turkey remained in defiance of the 2006 judgment of the European Court of Human Rights in the *Ülke* case, which required Turkey to implement legislation to prevent the repeated prosecution of conscientious objectors.

On 4 October Enver Aydemir was brought before a military court for refusing to

⁶ See Amnesty International's report *Millions in flight: the Iraqi refugee crisis* (AI Index: MDE 14/041/2007, 24 September 2007).

perform military service. He was released by the court on the condition that he presents himself to the military authorities to perform military service. Enver Aydemir claimed to have been physically ill-treated and forced to wear military uniform by a group of 10 soldiers while in detention prior to the hearing (see AI Index: EUR 44/017/2007).

Killings in disputed circumstances

Amnesty International was concerned by reports of killings of civilians by security forces which often demonstrated a disproportionate use of force and in some cases may have amounted to extrajudicial executions. Investigations were compromised by being carried out in secret and without notification to the families, and because in a number of cases evidence was lost by law enforcement officials.

In August Nigerian asylum-seeker Festus Okey died after being shot with a police handgun while being held in police detention in Istanbul. It was apparent that no recording was made during the course of the questioning and important evidence, namely the shirt worn by Festus Okey at the time of the shooting, was also apparently lost by police officers. A police officer was charged with intentional killing.

In September, Bülent Karataş was shot dead by military police in the Hozat province of Tunceli. The killing of Bülent Karataş was particularly disturbing given that the account given by Rıza Çiçek, who was severely wounded in the incident, differed greatly from that offered by the military police. Rıza Çiçek claimed that the two men were first told by the military police officers to remove their clothes before shots were fired. An investigation was being conducted in secret at the end of the period under review.

Also of grave concern was the shooting of Ejder Demir on 13 September in Van's Özalp province. According to research conducted by NGOs Mazlumder and the Human Rights Association, Ejder Demir had

received threats to his life by military police in the days before the incident took place. Testimony given by villagers alleged that on 13 September a group of military police, in plain clothes and in a civilian vehicle, entered the village of Yukarı Koçkiran looking for Ejder Demir. Claims that Ejder Demir was shot in the back were corroborated by the autopsy report. Furthermore, according to the statements, villagers were prevented from assisting Ejder Demir by military police officers firing randomly into the air.

TURKMENISTAN

Interdepartmental Commission of Human Rights set up

On 24 August President Gurbanguly Berdimukhamedov decreed the establishment of the Interdepartmental Commission of Human Rights. The Commission was tasked with "[coordinating] the activities of ministries, state committees, local executive authorities, businesses, institutions and organizations [...] regarding the implementation of international legal obligations of Turkmenistan in the area of human rights". The Commission was also tasked with drafting a National Human Rights Programme, preparing reports to UN treaty bodies (several of which were long overdue), and monitoring the compatibility of domestic legislation with international human rights standards. According to AI's information about the decree, the Commission consisted of Rashid Meredov, the Foreign Minister, as chairperson; Shirin Akhmedova, Director of the Turkmen National Institute of Democracy and Human Rights, as deputy chairperson; and another 13 members including government officials, the chairperson of the Committee for the Protection of Human Rights and Freedoms, and organizations that were believed to be closely affiliated with the government.

Releasing prisoners and lifting suspended sentences (update to AI Indexes: EUR 61/004/2007, EUR 01/010/2007, EUR 61/012/2007)

As in previous years several prisoners whose cases had been raised by the international community were released or had their suspended sentences cancelled in presidential pardons. They included the following cases:

- Former Mufti **Nasrullah ibn Ibadullah** was sentenced to 22 years' imprisonment on treason charges in a secret trial in March 2004, accused of involvement in the alleged assassination attempt on the late President Saparmurad Niyazov in November 2002. There were allegations that the charges against Nasrullah ibn Ibadullah were fabricated and that he was targeted for expressing dissent. On 9 August the state media published a presidential pardon ordering the release of Nasrullah ibn Ibadullah along with 10 other prisoners, following recommendations by the State commission to review citizens' complaints regarding the activities of law enforcement agencies (Citizens' Complaint Commission).
- Environmental activist **Andrei Zatoka** was detained by local police at the airport at his home town of Dashoguz, near the border with Uzbekistan, for an alleged breach of public order in December 2006. Subsequently he faced four charges, including unlawful acquisition or possession of weapons or explosives, and unlawful circulation of potent or poisonous substances. There were allegations that he was targeted to punish him for his peaceful work as an environmental activist. In January 2007, Dashoguz City Court convicted Andrei Zatoka and handed down a suspended sentence of three years' imprisonment. In October his suspended sentence was lifted as a result of a presidential pardon that included some 9,000 prisoners.

- Former director of the Government Association *Turkmenatlary* (Turkmen Horses) **Geldy Kyarizov** was sentenced to six years' imprisonment in an unfair trial in April 2002 on charges of abuse of office and negligence. The charges were allegedly brought because he had fallen out of favour with the former President and was caught up in a clampdown that saw scores of officials imprisoned. Geldy Kyarizov was included in the October pardon and released from prison.
- Baptist pastor **Vyacheslav Kalataevsky** was released in the context of the October pardon (see below).
- Conscientious objectors **Nuryagdy Gairov, Suleiman Udaev** and **Aleksandr Zuev** had their suspended sentences cancelled in the October pardon (see below).

Prisoners

Prisoners of conscience Annakurban Amanklychev and Sapardurdy Khadzhiiev continued to be imprisoned (update to AI Index: EUR 61/004/2007)

During the period under review AI received reports confirming that Annakurban Amanklychev and Sapardurdy Khadzhiiev, activists of the human rights group Turkmenistan Helsinki Foundation, continued to serve their prison sentences. They were believed to be imprisoned in the Caspian port town of Turkmenbashi (formerly Krasnovodsk). Reportedly, in December their relatives were for the first time allowed to pass on food parcels to them.

The men had been convicted of illegal acquisition, possession or sale of ammunition or firearms and sentenced to seven years' imprisonment after an unfair trial in August 2006. The charges appeared to be fabricated and related to their activities as human rights defenders.

There were allegations that they and Ogulsapar Muradova, their co-defendant, were ill-treated in detention. Ogulsapar Muradova, also a human rights defender and a journalist with the US-funded Radio Liberty, died in custody in disputed circumstances in September 2006.

In its report entitled *Human Rights Defenders in the OSCE Region: Our Collective Conscience* the Organization for Security and Co-operation in Europe (OSCE) published comments by the government of Turkmenistan on the cases of Annakurban Amanklychev, Sapardurdy Khadzhiiev and Ogulsapar Muradova. The authorities reportedly referred to their previous statement in the Permanent Council of the OSCE stating that "Ms. Muradova was provided with legal representation at all times and had been advised of her right to appeal, that her relatives had been notified of her death, that it had been announced that an autopsy would be carried out, and that she had been in poor health. The Government maintains she was neither a journalist nor a human rights defender, and rejects any suggestion that her death was other than as a result of natural causes." The authorities reportedly also disputed that Annakurban Amanklychev was a human rights defender and that he and Sapardurdy Khadzhiiev did not have regular access to counsel.

Former Speaker of Parliament and his wife continue to be imprisoned (update to AI Index: EUR 01/010/2007)

A non-governmental source reported that, at least until November, Ovezgeldy Ataev was serving his sentence in Ovdan-depe prison, which is located not far from the capital Ashgabat and known for its particularly harsh conditions. His wife was being detained in the women's labour colony in the town of Dashoguz at the end of the period under review.

Ovezgeldy Ataev had been dismissed from his post as Speaker of Parliament shortly after former President Saparmurad Niyazov died in December 2006 and was sentenced to four or five years' imprisonment in February 2007. Non-governmental sources

alleged that he was targeted as part of a power struggle following the late President's death. According to the Constitution, the Speaker of Parliament was the constitutionally designated successor to the President. Reportedly, Ovezgeldy Ataev's wife stood trial on similar accusations. The Turkmenistani authorities have often extended punishment to other family members. Ovezgeldy Ataev's wife may have been targeted in that context.

Closed trial of Akmurad Redzhepov and his son Nurmurad Redzhepov

The state *Turkmen TV* reported on 15 May that Akmurad Redzhepov, believed to have been one of the most influential officials in President Niyazov's government, was relieved of his duties "in connection with his transfer to another post". Émigré sources and independent Russian media reported that on 27 July Akmurad Redzhepov, who used to be the head of the Presidential Security Service and until April 2007 the head of the State Security Council, and his son Nurmurad Redzhepov, an official of the National Security Service, were sentenced to 20 and 13 years' imprisonment respectively on charges of corruption and abuse of office at a closed court hearing. The trial took place at the Supreme Court of Turkmenistan. State media published no information about their arrest or trial. Nurmurad Redzhepov was included in the Presidential pardon in October.

AI was concerned that their trial was held behind closed doors. According to Article 14(1) of the International Covenant on Civil and Political Rights, that Turkmenistan is a party to, "everyone shall be entitled to a fair and public hearing". Court hearings may only be closed to the press and the public in exceptional circumstances such as for reasons of morals, public order or national security in a democratic society. The Article also states that "any judgment rendered in a criminal case [...] shall be made public with rare exceptions, such as to protect the interests of juveniles".

"Enemies of the people" held incommunicado

Dozens of prisoners labelled as "enemies of the people" by the authorities continued to be denied any access to families, lawyers and independent bodies including the International Committee of the Red Cross. They were sentenced following unfair trials in connection with an alleged assassination attempt on the late President Niyazov in 2002. Many were reportedly tortured following their arrests. According to non-governmental sources, most were held in Ovadan-depe prison.

As in previous years their relatives were not allowed to pass food parcels to them or to exchange letters. Reportedly the relatives of several prisoners asked the new government for permission to send parcels and letters at least once a year, and for the names of those who had died in prison. They received no written reply but government officials reportedly told them that their requests were denied.

Reportedly, since 2002 at least eight prisoners had died as a result of torture, other ill-treatment, harsh prison conditions or lack of appropriate medical treatment.

Another report received in the period under review stated that all prisoners sentenced in connection with the November 2002 events underwent a medical examination. Several prisoners who were reportedly very ill were subsequently released.

Baptist leader Vyacheslav Kalataevsky targeted (update to AI Index: EUR 01/010/2007)

Vyacheslav Kalataevsky, a Baptist leader in the town of Turkmenbashi, was sentenced to three years' imprisonment in May for crossing the border illegally in 2001. The charge was reportedly brought to punish him for his religious activities. He was pardoned in October but subsequently the Migration Service of Turkmenistan denied him a residence permit. Vyacheslav Kalataevsky was born in the Turkmen

Soviet Socialist Republic but obtained Ukrainian citizenship while in Ukraine when the Soviet Union broke up. He had to leave Turkmenistan in December, leaving behind his parents, wife and children.

Conscientious objectors

From July to December at least six Jehovah's Witnesses stood trial for refusing to serve in the army on conscientious grounds.⁷ The courts handed down sentences ranging from 18 months' suspended to 18 months' imprisonment for "evasion of call-up to military service" under Article 219, part 1, of the Criminal Code of Turkmenistan. The Article carries a maximum penalty of two years' imprisonment. In Turkmenistan there is no civilian alternative for young men whose conscientiously-held beliefs preclude them from carrying out compulsory military service.

On appeal the courts commuted the prison sentences to suspended sentences. Three of the men were pardoned in October but conscientious objectors continued to be punished for their conscientious objection to serve in the army. On 18 December Niyazov District Court in Ashgabat gave Ashirgeldy Taganov a suspended sentence of 18 months and the suspended sentences of Bayram Ashirgeldiev and Begench Shakhmuradov, who had stood trial in July and September respectively, were upheld at the end of the period under review. Bayram Ashirgeldiev and Begench Shakhmuradov were subjected to restrictions imposed on their movements and the authorities refused to issue them with a document necessary to find employment. The same restrictions may also have been placed on Ashirgeldy Taganov.

At least three of the six men had previously served prison sentences to punish them for

⁷ *The names of the young men are: Bayram Ashirgeldiev, Nuryagdy Gairov, Begench Shakhmuradov, Ashirgeldy Taganov, Suleiman Udaev and Aleksandr Zuev.*

their conscientious objection to military service.

For example, Nuryagdy Gairov had been detained in December 1999 and sentenced in January 2000 to one year's imprisonment. Although he was included in a prisoners' pardon in April 2000 which made him eligible for early release, he was not released because he refused -- for religious reasons -- to swear an oath of allegiance to the President, which was required from all prisoners who were included in this and other prisoners' pardons. To punish him for refusing to swear the oath he was reportedly put in an isolation cell and beaten so severely that he fell unconscious. He was released in November 2000.

In another case, Begench Shakhmuradov was sentenced to one year's imprisonment on 10 February 2005. Along with three other conscientious objectors he was released on 16 April 2005. Their release was believed to be part of a government move to avoid being classified as a "country of particular concern" under the USA's International Religious Freedom Act, which can lead to the USA taking measures ranging from diplomatic protest to targeted trade sanctions. Begench Shakhmuradov reportedly contracted tuberculosis when serving the prison sentence.

Some conscientious objectors who stood trial in the period under review were reportedly told by the judge or officials of the military commission that they would be called up again and probably receive more severe sentences if they refused to serve in the army again.

AI does not question the right of governments to conscript individuals into the armed forces, nor does it agree or disagree with the motives of individual conscientious objectors, but it urges governments to ensure that all those liable to conscription are given the opportunity to perform an alternative civilian service to armed service on the grounds of their conscience or profound conviction. Whenever a person is detained or imprisoned solely because they have been refused their right to register a

conscientious objection or to perform a genuinely alternative service, AI will adopt that person as a prisoner of conscience and call for their immediate and unconditional release.

"Black list" of those barred from travel abroad remains in place (update to AI Index: EUR 01/017/2006)

There were reports that the number of people included in a "black list" barring them from travelling abroad was reduced under the government of President Berdymukhamedov, in particular with regard to relatives of people formerly and currently imprisoned for financial crimes. However, scores of people including those perceived to be critical of the authorities, members of religious minorities, their relatives, relatives of people convicted in connection with the 2002 alleged assassination attempt on the President, and relatives and friends of government officials imprisoned in recent years remained on the list and there were reports that new names had also been added since the new government came to power.

On 24 November, at Ashgabat airport, Svetlana Orazova and her three-year old daughter Alisa were prevented from boarding a plane to Moscow, by officers of the State Service of Turkmenistan on the Registration of Foreign Citizens. Reportedly, they were not given any explanation or compensation for the missed flight. Svetlana Orazova, a dual citizen of Turkmenistan and Russia, is the sister of Khudayberdy Orazov, an exiled opposition figure, who, in his absence, was given a sentence of life imprisonment on charges relating to the alleged assassination attempt on President Niyazov in November 2002.

On 26 November an official at the Ministry of National Security in Ashgabat reportedly told Svetlana Orazova that she would not be allowed to leave the country as long as her husband was outside Turkmenistan. After the authorities had repeatedly refused

to let her husband Ovez Annaev travel abroad he has eventually been given permission to fly to Moscow for medical treatment for heart disease on 28 May.

On 17 December Svetlana Orazova sent a letter to the State Service of Turkmenistan on the Registration of Foreign Citizens requesting information about the reasons for denying permission for her to travel to Moscow and the time frame of this measure and demanded that the authorities promptly grant her permission to travel abroad. She also sent complaints to the President and the Citizens' Complaint Commission. Svetlana Orazova had not received replies by the end of the period under review.

UKRAINE

Reform of the Criminal Justice system

In November, the National Commission for the Strengthening of Democracy and the Rule of Law, a body set up within the presidential secretariat in 2005 to monitor compliance with the Copenhagen criteria for future membership in the EU, approved a draft concept for reform of the criminal justice system which proposes far reaching changes aiming to humanize criminal legislation and restructure the whole system on the basis of human rights.

International Scrutiny of Human Rights

In September the Council of Europe Commissioner for Human Rights published a report on his visit to Ukraine in December 2006. The report makes wide-ranging recommendations including to address police violence through a comprehensive policy, to improve conditions in detention, to improve protection of minorities such as Roma and Crimean Tartars and to combat racism and xenophobia.

Torture and Ill-treatment

In December, Amnesty International wrote to the Prosecutor General's office concerning Eduard Furman, who was reportedly tortured at the offices of the State Security Services (SBU) in Dnipropetrovsk on 11 April. Police investigators allegedly beat him, pressed their fingers into his eye sockets and applied electricity to his testicles to try and force him to confess to having shot at and murdered three people in a jeep in Dnipropetrovsk in March. Several other people including Maksim Pugachev and Evgeniy Eremenko were also detained in connection with the same crime. Eduard Furman's family were allegedly not informed of his arrest and did not find out where he was until they hired a lawyer who located him on 24 April. Eduard Furman did not see the lawyer appointed by his family until 4 May, but then police investigators reportedly forced him to renounce the lawyer appointed by his family and to accept a lawyer appointed by the police investigators. Reportedly, no medical examinations were carried out despite the fact that Eduard Furman complained to a judge that he had been subjected to torture and ill-treatment. The Prosecutor General's Office has so far refused to open an investigation into the allegations.

Refugees and asylum-seekers

In a position paper published in October, the UNHCR advised states against returning third country asylum-seekers to Ukraine because of the risk that such people may not be readmitted, may not have access to a fair and efficient refugee status determination procedure, may not be treated in accordance with international refugee standards and may be returned to countries where they could face serious human rights violations.

The head of one of the departments of the SBU told AI representatives during a meeting on 29 September that Ukraine would return refugees when asked to do so by the Russian Federation. When

challenged that this would be in violation of Ukraine's obligations under international conventions including the Refugee Convention and the Convention against Torture, the official responded that it made no difference because "if we openly refuse Russia's request, they will remove the people regardless".

During this period AI campaigned on behalf of two individuals who were threatened with being sent back to countries where they could face severe human rights violations.

On 27 July the Prosecutor General's Office ordered the extradition of Lema Susarov, a Chechen refugee. Lema Susarov had been arrested on 16 June by officers of the SBU following an extradition request from Russia. Lema Susarov's lawyer unsuccessfully appealed against the decision to detain him. An appeal against the extradition order was pending at the Kyiv Administrative Court. Lema Susarov registered as an asylum-seeker with the Kyiv City Migration Service on 8 August, because he feared being subjected to torture and other severe human rights violations if he was returned to Russia.

On 25 June, Igor Koktysh was detained by Ukrainian police to await extradition to Belarus. Igor Koktysh left Belarus in October 2003, and moved to Ukraine. He was charged in Belarus with "premeditated, aggravated murder", which carries the death sentence. Igor Koktysh, who is a rock musician, was accused of having murdered the relative of a close friend in Baranovici in Belarus in January 2001; a charge which his family insisted was fabricated. On 7 December 2001, the Brest district court found him not guilty, and this decision was confirmed by the Supreme Court of Belarus on 1 February 2002. However, the Prosecutor General of Belarus appealed against the verdict on 11 April 2002 and the case was returned to court for a re-trial. AI called on the Ukrainian authorities not to return Igor Koktysh to Belarus where he was at risk of facing the death penalty.

Inhuman conditions in detention and during transport of prisoners

On 25 October, the European Court of Human Rights ruled that Ukraine had violated Article 3 in *Yakovenko v. Ukraine*. The court stated that Oleg Yakovenko had been held in conditions that were degrading, had been deprived of timely and appropriate medical assistance and had been subjected to inhuman treatment during some 64 transports between the Sevastopol investigation isolation facility (ITT) and Simferopol remand prison (SIZO) between 2003 and 2006.

Igor Koktysh was detained from 26 June to 5 July and from 2 August to 5 August in Sevastopol ITT. His lawyer reported that he was held in a cell that measured four by eight metres with up to 20 other people. The detainees slept in shifts on two wooden platforms and were not provided with bedding. The cell was poorly ventilated and most of the detainees smoked making the atmosphere unbearable for Igor Koktysh who suffers from asthma. He was transported between Simferopol remand prison, Sevastopol ITT and the district court in Balaklava in a metal truck designed to carry six prisoners, but which often carried up to 12 prisoners and their possessions. On sunny days the temperature in the truck reportedly reached 60 degrees centigrade.

Deaths in custody

In a press statement in November, the human rights ombudsperson, Nina Karpacheva, expressed concern about the number of deaths in custody in the 20 remand prisons in Ukraine. According to statistics gathered by the ombudsperson's office, between 2004 and 2007, 130 to 135 people died annually in detention in remand prisons. Up to November 2007, 96 people died in detention. Most deaths were due to inadequate medical care, many because of failure to diagnose pre-existing medical conditions, such as tuberculosis.

Racism

Asylum-seekers and foreigners living in Ukraine often suffered racist attacks by members of the public and were subjected to racist treatment at the hands of the police including frequent document checks. There were no government statistics on the number of racist crimes, and most racist attacks by members of the public were classified as hooliganism. In meetings with AI in September, representatives of the Ministry of Internal Affairs and the SBU denied the existence of racism in Ukraine. Two Bangladeshis, a Georgian, a Korean and an Iraqi asylum-seeker died in the course of the year as a result of violent attacks.

In November, the UN Committee on Economic, Social and Cultural Rights considered the fifth periodic report of Ukraine on its implementation of the International Covenant on Economic, Social and Cultural Rights. The Committee expressed concern about "reports of police abuse and denial of effective protection against acts of discrimination and violence against ethnic and religious minorities especially Roma, Crimean Tatars, Asian and African asylum seekers as well as Muslims and Jews."

The trial against three people accused of the murder of a Nigerian, Kunuon Mievi Godi, in Kyiv in October 2006 was ongoing at the end of the year. One was charged with murder and the other two were charged with "violation of citizens' equality based on their race".

UNITED KINGDOM

Terrorism measures (update to AI Index: EUR 01/010/2007)

New counter-terrorism legislation proposed

In December the government published detailed proposals for new legislation aimed at countering the threat of terrorism. The proposals included the creation of a power for the Home Secretary to extend yet further the maximum period for which

individuals suspected of involvement in terrorism-related offences could be detained without charge.

Under the new proposal, the permanent pre-charge detention limit would remain 14 days. The current temporary extension to 28 days, brought into force by the Terrorism Act 2006 and subject to annual renewal by Parliament, would remain. However, the Home Secretary would be given the power to make an order, following a joint request from the police and the Director for Public Prosecutions (DPP), extending the maximum period up to 42 days. This order would take immediate effect once made by the Home Secretary; it would be subject to retrospective approval by Parliament, but the timescales envisaged for this 'parliamentary oversight' would mean that in practice a person could be detained for the full 42 days before Parliament had a chance to vote on the extension of the maximum period. The order authorizing the extension of the maximum period up to 42 days would, if approved by Parliament, automatically lapse 60 days after it was made; if not approved by Parliament it would lapse automatically and immediately.

Under the proposal the existing system of judicial scrutiny for applications to extend detention beyond 14 days up to 28 days would apply also to applications for extensions beyond 28 days up to 42. Under both the current scheme and proposed plans, senior judges can approve an extension to detention if they consider that the extension is necessary to obtain or preserve relevant evidence, or pending the result of an examination or analysis of any relevant evidence, and that the investigation is being conducted "diligently and expeditiously". The person detained has a limited ability to challenge applications for extension to detention, in particular because the prosecuting authorities can apply to have material which is put before the judge making the decision withheld from the detainee and their lawyers, on the grounds, inter alia, that disclosing the information might lead to interference with the gathering of

information about the commission, preparation or instigation of an act of terrorism.

Parliamentary oversight of proposed new counter-terrorism measures

On 10 December the parliamentary Joint Committee on Human Rights (JCHR) produced a report on the proposed extension of pre-charge detention, Counter-Terrorism Policy and Human Rights: 42 days. In its report the JCHR noted that, contrary to what the government had previously indicated, there were "no additional judicial safeguards" in the new proposals, and reiterated that "[t]he existing judicial safeguards for extending even up to 28 days are inadequate because they do not provide a full adversarial hearing or an opportunity to challenge the basis on which someone is being detained". The JCHR concluded that the government had not "made out a case for extending pre-charge detention beyond the current limit of 28 days".

The following day – 11 December – another influential parliamentary committee, the Home Affairs Committee, published its report on the government's proposals, *The Government's Counter-Terrorism Proposals*. It too concluded that "[n]either the police nor the Government have made a convincing case for the need to extend the 28-day limit on pre-charge detention". It raised the prospect that, in the current circumstances, "it would be difficult to persuade the communities principally affected that the new powers would be used only to facilitate evidence gathering and not as a form of internment."

Lotfi Raissi (update to AI Index: EUR 01/010/2007)

On 30 November a judge in the High Court of England and Wales found that Mohammed Raissi, the brother of Lotfi Raissi, was entitled to compensation, in the form of damages for wrongful arrest and false imprisonment, in relation to his arrest by the Metropolitan Police on 21 September 2001. The judge found that Mohammed Raissi had been arrested simply because he

was the brother of Lotfi Raissi, and was believed to be close to his brother, and that "those grounds were not sufficient to justify the arrest". The judge ruled, however, that Lotfi Raissi's wife, who was also arrested, was not entitled to compensation, since it had been "reasonable to suspect that, if Lotfi was possibly involved [in terrorism-related offences], she too might be complicit in the offences".

On 21 September 2001 Lotfi Raissi, a 32-year-old Algerian pilot, had been arrested for his alleged participation in the attacks on 11 September 2001. He was subsequently detained in a cell at Belmarsh high security prison for 23 hours a day for almost five months, on the basis of an extradition request by the US authorities. In April 2002 a judge dismissed the case, saying that there had been "no evidence" whatsoever to support the allegation that he was involved in terrorism.

In February 2007, the High Court of England and Wales had endorsed the Home Secretary's refusal to make an award of compensation to Lotfi Raissi under an ex gratia scheme which exists to compensate victims of miscarriages of justice. At the end of the year, Lotfi Raissi's appeal against this High Court ruling was still pending.

Control orders (update to AI Index: EUR 01/010/2007)

On 31 October the highest court in the UK, the Appellate Committee of the House of Lords (the Law Lords), gave its decisions on four important test cases concerning the system of "control orders" created by the Prevention of Terrorism Act 2005 (PTA).

The Law Lords confirmed, by a majority of three to two, that the 18-hour curfew which the Home Secretary had attempted to impose on one group of individuals (those whose cases were considered under the name JJ and others) had amounted to a deprivation of liberty, in violation of Article 5 of the European Convention on Human Rights, and as such went beyond what the law allowed for.

Lord Bingham, one of the Law Lords hearing the appeals, noted in his judgment in JJ and others that the conditions imposed on these individuals were, in some ways, more severe than those under which a prisoner convicted of a criminal offence would be held in an 'open' (that is, low-security) prison: "Their lives were wholly regulated by the Home Office, as a prisoner's would be, although breaches were much more severely punishable. The [...] analogy with detention in an open prison was apt, save that the controlled persons did not enjoy the association with others and the access to entertainment facilities which a prisoner in an open prison would expect to enjoy." The Law Lords held, however, that less severe restrictions imposed by a control order on another man, known as E, did not amount a deprivation of liberty.

The Law Lords also reflected some of the concerns which have been raised about the procedure whereby the imposition of a control order is confirmed by the courts. They decided, by a majority of four to one, that the High Court should be asked to reconsider whether two individuals – referred to as MB and AF – were given a fair hearing under the procedure used to impose control orders upon them. They ruled that the courts should not uphold control orders in these cases or others "where to do so would be incompatible with the right of the controlled person to a fair trial". Both MB and AF were, in Lord Bingham's words, "confronted by a bare, unsubstantiated assertion which [they] could do no more than deny". The entire substance of the allegations against these two men was withheld from them, and from their lawyers of choice.

AI has long considered that the imposition of control orders – which requires the Secretary of State to have "reasonable grounds for suspecting that the individual is or has been involved in terrorism-related activity" – is tantamount to charging, trying and sentencing a person without the fair trial guarantees required in criminal cases by international human rights law. The Law Lords, however, rejected arguments

advanced along these lines, and held that the imposition of a control order was a matter of civil, not criminal law. The Law Lords nonetheless held that control order proceedings required "such measure of procedural protection as is commensurate with the gravity of the potential consequences" of the imposition of a control order.

In response to the decision of the Law Lords the Home Secretary Jacqui Smith said: "I am disappointed that they have found against the control orders containing 18-hour curfews, which I feel were required to protect national security. I believe that today's ruling could allow us to impose curfews of up to 16 hours, which I will now consider". In fact immediately following the decision of the Law Lords the Home Secretary modified the control order served on AF, one of the men whose cases had been considered, increasing the length of his curfew from 14 to 16 hours.

Mahmoud Abu Rideh (update to AI Index: EUR 01/010/2007)

In September, Mahmoud Abu Rideh was arrested on suspicion of breaching his control order, and was detained once more in Belmarsh high security prison. In December he was released on bail, pending prosecution on charges relating to alleged breaches of his control order.

Mahmoud Abu Rideh is a stateless Palestinian refugee and a torture survivor. He has lived in the UK since 1997.

Other criminal proceedings relating to breaches of control orders

In December a jury acquitted a UK national, Cerie Bullivant, of a number of charges relating to alleged breaches of the terms of his control order. The jury accepted evidence put forward to show that the obligations imposed by the control order had so affected his mental health that he could not face being subject to its obligations, and therefore had a "reasonable excuse" for failing to comply with them. Following his acquittal a new control order was served on him.

Deportations with assurances on "national security" grounds (update to AI Index: EUR 01/010/2007)

On 3 July a man referred to in legal proceedings in the UK only as 'A' was returned from the UK to Algeria.

'A' was one of the men arrested and detained by the UK authorities in December 2001, under the now lapsed Part 4 of the Anti-Terrorism, Crime and Security Act 2001. He was held without charge or trial for more than three years, and then subjected to severe restrictions on his liberty under a control order. In August 2005 he was among those re-arrested and detained under immigration powers, pending deportation to Algeria on national security grounds. During his detention 'A' was placed on 'suicide-watch', and given anti-depressant medication. In October 2005 'A' was again "released" from detention, and subjected to very strict bail conditions, amounting to house arrest (see AI Index: EUR 45/056/2005).

'A' appeared to have decided, like a number of Algerians before him, that there was no realistic prospect that the judicial process in the UK would afford him meaningful justice. It also appeared that 'A' considered that the impact of his strict bail conditions on his family was so extreme that they would be best helped by his agreeing 'voluntarily' to return to Algeria, despite the risk of torture or ill-treatment which he would face there, and despite the fact that he would be leaving his family behind him in the UK.

To the best of AI's knowledge 'A' was detained briefly following his return to Algeria, and then released.

Deportations with assurances on "national security" grounds: decisions in key test cases (update to AI Index: EUR 45/001/2007)

In July the Court of Appeal of England and Wales gave judgment in the appeals of three Algerian men against their deportation to Algeria on "national security" grounds. The cases were those of a man referred to in legal proceedings in the UK as

'BB', another referred to as 'U' and a third, Mustapha Taleb, who is no longer subject to an anonymity order, but was previously referred to as 'Y'.

The judgment of the Court of Appeal was in two parts: an open judgment, and a closed, i.e. secret, judgment not disclosed to the appellants, their lawyers of choice or the public.

The Special Immigration Appeals Commission (SIAC) had concluded, in separate judgments in 2006 and early 2007, that none of the men would be exposed to a real risk of torture or other ill-treatment or other grave human rights violations if returned, and that they could therefore lawfully be returned. These findings – and in particular, the SIAC's conclusions about the effectiveness of diplomatic assurances obtained by the UK authorities from their Algerian counterparts in sufficiently reducing the risk of torture or other ill-treatment the men would face if deported – were left unchallenged in the open judgment of the Court of Appeal.

The Court of Appeal ruled nonetheless that the SIAC should reconsider each of the three cases. In two of the three, 'BB' and 'U', the Court of Appeal reached this conclusion on grounds that were secret. In the third case, that of Mustapha Taleb, the Court of Appeal found, in an open judgment, that the SIAC had been wrong in concluding that he would benefit from a particular interpretation of Algerian law without having heard any evidence in support of that conclusion. Indeed, the UK authorities were later told, after the SIAC's decision, that the interpretation of Algerian law which the SIAC had accepted was not one that had been or was likely to be adopted in Algeria.

The Court of Appeal also upheld the SIAC's finding that it was appropriate to exclude those challenging their deportation and their lawyers of choice from the court, even when the court was considering the question of whether there were substantial grounds for believing that the individuals concerned would face a real risk of torture or other ill-treatment upon return.

In November the SIAC gave its decision on its re-consideration of the three cases, which had been returned to it by the Court of Appeal. In all three cases the SIAC re-affirmed its earlier decision that the men could safely and lawfully be returned to Algeria. The SIAC had again heard part of the cases in secret sessions.

In the case of the third man, Mustapha Taleb, the SIAC conceded, having re-considered his case in the light of the decision of the Court of Appeal, that there was "no doubt that he will be interrogated by the DRS [*Département du renseignement et de la sécurité* – Algeria's intelligence agency], and little doubt that he will be detained for the maximum period of 12 days *garde à vue* [that is, without charge, and without access to a lawyer] detention".

The DRS specializes in interrogating people thought to possess information about terrorism-related activities. Such interrogations are often carried out in secret locations. Those detained by the DRS are in effect held *incommunicado*. In AI's experience it is during *garde à vue* detention that detainees are most at risk of torture or other ill-treatment.

Nonetheless, the SIAC concluded, "for reasons which are more fully discussed in the closed judgment" – reasons, that is, which were largely unknown to Mustapha Taleb or his lawyers – that there were no grounds for finding that Mustapha Taleb would face a real risk of torture or other ill-treatment if returned.

Deportations with assurances on "national security" grounds: the cases of 'H' and Reda Dendani (update to AI Index: EUR 01/010/2007)

In November an individual who had been referred to as 'H' in deportation proceedings in the UK was reportedly convicted in Algeria for an offence related to 'involvement in terrorist activity', and sentenced to three years' imprisonment. Another individual, Reda Dendani, who had been referred to in deportation proceedings in the UK as 'Q', was reportedly convicted

on a similar charge later in November, and sentenced to eight years' imprisonment.

'H' and Reda Dendani were among the Algerian men whom the UK sought to deport on the grounds that they were a threat to national security. In January 2007, both men had decided to waive their right to continue to appeal against their deportation from the UK, and had signed documents on the understanding that they would benefit from amnesty measures once back in Algeria. They were given verbal assurances at the time from the Algerian authorities in London that they were not wanted in Algeria and that they would be likely to spend at most a few days in detention, as is customary in deportation cases.

In December, AI wrote a letter to the UK Foreign Secretary concerning the trials of these two men, asking for information on any steps taken by the UK government to give effect to a promise to monitor their return to Algeria, and in particular any steps taken to ensure the fairness of these criminal proceedings. (In February 2007 a Foreign Office minister had told a parliamentary committee that the government would continue to monitor their cases closely). As of the end of the year AI had received no response to this letter.

UK interventions in the European Court of Human Rights

In July the European Court of Human Rights heard the case of *Saadi v Italy*, concerning efforts by the Italian government to return an individual, Nassim Saadi, to Tunisia. The UK had intervened in the case to argue that the deportation should be allowed to go ahead. The UK's intervention sought to persuade the European Court to change its settled case-law to allow states to balance the alleged threat that an individual posed to national security against the risk of grave human rights violations, including torture or other ill-treatment, which the individual would face if deported. In effect the position argued for by the UK was that the prohibition on torture and ill-treatment should not be absolute for foreign nationals whom a state considers represent a threat

to national security and whom it seeks to deport. The UK had previously made interventions to the same effect in another case before the European Court, *Ramzy v Netherlands*. In the event the case of *Saadi* came before the Court to be decided before that of *Ramzy*. By the end of the year a decision in the case of *Saadi* was still awaited.

Renditions (update to AI Index: EUR 01/001/2007)

In July the report of an investigation by the Intelligence and Security Committee (ISC) into some of the allegations that have been made concerning UK involvement or complicity in the US-led programme of renditions and secret detention was made public, in a partially redacted form.

AI considered that the ISC's investigation into renditions was not sufficient to discharge the UK's obligations under international human rights law, including because the ISC is inadequately independent from the executive. Although made up of parliamentarians, the ISC reports directly to the Prime Minister, not to Parliament. It is the Prime Minister who decides whether to place before Parliament any ISC report, other than the ISC's Annual Report, which he is required to lay before Parliament. The Prime Minister also decides the extent to which the contents of any ISC report, including its Annual Report, should undergo redaction prior to publication.

The ISC report was critical of some aspects of the approach taken by the UK intelligence services to the US-led renditions programme, including of the failure to keep "proper searchable records" of requests to conduct rendition operations through UK airspace. However, the report failed to provide a complete and consistent account of the renditions programme, and of the extent of the UK's alleged involvement in it.

Reports continued to emerge during the year suggesting that UK territory, and in particular the island of Diego Garcia, part of the British Indian Ocean Territories, may have been used by planes which had been

involved in rendition flights. In October AI received a response from the UK Foreign Secretary to concerns raised about this possible use of Diego Garcia. The Foreign Secretary told AI that the UK authorities were "satisfied with [the] assurance" given by the US that they "do not use Diego Garcia for any rendition operations".

UK residents and nationals in Guantánamo (update to AI Index: EUR 01/010/2007)

The ISC report made partially public in July (see above) examined, among other cases, the alleged involvement of UK security services in the arrest, detention and subsequent rendition of Jamil El-Banna and Bisher Al-Rawi. The ISC report concluded that the UK security services "could not have foreseen" the risk that the information which they provided to their US counterparts, apparently accompanied by caveats to the effect that it should not be used as the basis for "overt, covert or executive action", could nonetheless have resulted in the detention and rendition of Jamil El-Banna and Bisher al-Rawi. The ISC based this conclusion in part on its understanding that this was "the first case in which the US agencies conducted a 'Rendition to Detention' of individuals entirely unrelated to the conflict in Afghanistan".

Critics of the ISC report, including AI, argued that, on the contrary, the UK security services could and should have been aware by late 2002 of the risk of such rendition, including because of the cases of six Algerian men transferred into US custody by the authorities of Bosnia and Herzegovina in January of that year. All six men were subsequently transferred to Guantánamo Bay, notwithstanding an order for their release issued by the Bosnian Supreme Court, and in violation of an order by the Bosnia-Herzegovina Human Rights Chamber that four of the men should not be transferred to the US. The cases of these men attracted significant attention at the time, including in AI public documents, and it is not credible to suppose that the UK

security services were unaware of them by November 2002.

In August the UK authorities wrote to their US counterparts to request the release from Guantánamo Bay and return to the UK of five former UK residents: Jamil El-Banna, Omar Deghayes, Shaker Aamer, Binyam Mohammed and Abdennour Sameur. No request was made on behalf of a sixth former UK resident, Ahmed Belbacha, an Algerian national who had reportedly been cleared for release and would face a real risk of torture or other ill-treatment if returned to Algeria.

In December three of these men – Jamil El-Banna, Omar Deghayes and Abdennour Sameur – were released and returned to the UK. All three were detained on arrival in the UK. Abdennour Sameur was subsequently released without charge. Jamil El-Banna and Omar Deghayes were released on bail pending a full hearing of a request for their extradition to Spain, following the issue of European Arrest Warrants in their names by a Spanish court. The extradition requests related to alleged involvement in terrorism-related offences. By the end of the year the two men remained on bail pending a full extradition hearing.

In December the Foreign Secretary told Parliament that the US government had "expressed significant additional security concerns" in relation to the other two men whose release and return had been sought, Shaker Aamer and Binyam Mohammed. He said that the US had "so far declined the request for the release and return of [Shaker] Aamer", and that the UK was "no longer in active discussions regarding his transfer to the UK"; and that the UK was "still discussing with the US the case of [Binyam] Mohammed", but that the US authorities were "not inclined to agree to his release and return". He also said that the request for the release and return of these men did not "constitute a commitment that they may remain permanently in the UK", and that their immigration status would be "reviewed following their return".

In September Tarek Dergoul, a UK national who had been detained in Guantánamo Bay, and was returned to the UK in 2004, brought a legal claim for damages against the UK authorities in relation to his treatment while in Guantánamo. Tarek Dergoul alleges that agents of the UK security services questioned him while he was in US custody both in Afghanistan and in Guantánamo – a claim which is accepted by the UK authorities – and that they were therefore complicit in his alleged ill-treatment at the hands of his US captors. By the end of the year the claim was awaiting a hearing in the High Court.

Rashid Rauf (update to AI Index: EUR 01/001/2007)

In November it was reported that a court in Pakistan had dropped charges against Rashid Rauf, a dual UK-Pakistani national, thereby clearing the way for his extradition to the UK. Rashid Rauf was arrested in Pakistan in August 2006 and has remained in detention there ever since. He was initially held on terrorism charges in Pakistan. These charges were later dropped and he had, since then, been detained on charges of impersonation and producing false identity papers.

In August 2006 AI wrote to the UK Home Secretary to express concerns over the arrest and detention of Rashid Rauf in Pakistan, and in particular concerns at the conditions of his detention, allegations of torture and severe ill-treatment, and the question of UK consular access. In September 2006 AI received a response, confirming that the UK had requested the extradition of Rashid Rauf, and had sought "non-consular" access to the place where he was detained in Pakistan, in order to "satisfy ourselves that Mr Rauf's detention has been handled in accordance with the procedures laid down in Pakistani law".

In December it was reported that Rashid Rauf had escaped from the custody of the Pakistani authorities whilst being transported to an extradition hearing. By the end of the period under review his whereabouts, and the circumstances of his alleged escape, remained unclear.

Babar Ahmad

In June 2007 Babar Ahmad made an application to the European Court of Human Rights, in relation to the request for his extradition made by the USA in 2004. The application followed the refusal by the Law Lords to give Babar Ahmad leave to appeal against a November 2006 decision of the High Court of England and Wales, which held that the extradition could lawfully go ahead.

Babar Ahmad and another UK national, Haroon Aswat, whose extradition on unrelated terrorism-related charges to the USA was also sought, contended that they would be at real risk of being designated enemy combatants at the conclusion of any criminal proceedings against them in the USA, and would then be at risk of being exposed to grave human rights violations, including torture or other ill-treatment and a flagrantly unfair trial before a military commission. The two men argued that the assurances given by the US to the UK in their cases – including assurances that they would be tried within the ordinary federal justice system, and not before a military commission – could not safely be relied on. By the end of the year the European Court had not made a decision on the admissibility of this complaint.

Babar Ahmad was arrested in London in August 2004, on the basis of an arrest warrant issued by a US judge. The US government made an official request for Babar Ahmad's extradition to the USA in October 2004, after a federal grand jury charged Babar Ahmad with four offences: conspiracy to provide material support to terrorists, providing material support to terrorists, conspiring to kill, kidnap, maim or injure persons or damage property in a foreign country, and money laundering. The indictment alleged, among other things, that Babar Ahmad provided, via websites, email and other means, advice and assistance, equipment, training, false documentation, funding, and other support designed to assist people involved in terrorism in Chechnya, Afghanistan and elsewhere. Babar Ahmad denied these

charges and has been fighting his extradition ever since.

Parole refused for Samar Alami (update to AI Index: EUR 45/016/2001)

In October the Home Secretary, on advice from the parole board, once again refused an application to be released from prison early from Samar Alami, a Lebanese-Palestinian woman, resident in the UK, who was sentenced in 1996 to 20 years' imprisonment after being convicted of conspiracy to cause explosions in 1994 at the Israeli Embassy and another building in London.

AI considered that Samar Alami's conviction was unsafe, and that she and her co-defendant, Jawad Botmeh, were denied the right to a fair trial, because they were denied full disclosure – both during and after the trial – of all information, including intelligence information, that may have been relevant to the investigation of the bombings. In the light of AI's concerns over the trial and conviction of Samar Alami the organization had written to the then Home Secretary in March 2006 to express support for her application for parole.

Police shootings and deaths in police custody

Jean Charles de Menezes (update to AI Index: EUR 01/010/2007)

In July the Law Lords refused an application from the family of Jean Charles de Menezes for permission to appeal against a December 2006 ruling by the High Court. The High Court had dismissed the challenge brought by the family to the decision of the Crown Prosecution Service that no individual police officers should be prosecuted for murder or other homicide offences in connection with the killing of Jean Charles de Menezes in London in July 2005.

In August the Independent Police Complaints Commission (IPCC) published the results of its investigation into complaints made by the family of Jean

Charles de Menezes that, after he was shot dead by Metropolitan Police Service (MPS) officers, the MPS either released inaccurate public statements concerning the circumstances of his death, or concurred with, or failed to correct, inaccurate information released by others. This was the second investigation carried out by the IPCC into this incident, and was therefore known as 'Stockwell Two'; the report of the first investigation, known as 'Stockwell One', into the shooting itself, was not made public until November (see below).

The 'Stockwell Two' report found no evidence of misconduct on the part of the Commissioner of the MPS, Sir Ian Blair. Specifically it found that he had not been made aware until the day after the shooting of Jean Charles de Menezes of suspicions, which had arisen at a senior level in the MPS within hours of his death, that the police had in fact shot dead a man entirely unconnected to the then-ongoing police counter-terrorism investigation.

The 'Stockwell Two' report did, however, uphold complaints relating to the conduct of another senior officer of the MPS, finding that he had failed to pass on promptly the information that the deceased was not one of the four individuals sought by the police in connection with the previous day's attempted attacks on the transport system in London.

In November a jury reached the verdict that the Office of the Commissioner of the MPS had been guilty of an offence under health and safety legislation, in relation to the policing operation which led to the killing of Jean Charles de Menezes. The Office of the Commissioner had pleaded not guilty to the charges.

The proceedings did not address the criminal liability of any individual for the death, but the corporate liability of the Office of the Commissioner under health and safety legislation. AI did not consider this prosecution sufficient for the UK to discharge its obligations under international human rights law to ensure full and public scrutiny of the actions of all state agents

and agencies involved in the events leading to the death of Jean Charles de Menezes.

Also in November, shortly after this verdict was returned, the IPCC published the 'Stockwell One' report into the circumstances leading to the killing of Jean Charles de Menezes. This report had been finalized in January 2006; however its publication had been delayed to allow for the completion of the health and safety prosecution.

The 'Stockwell One' report highlighted failures in procedures and communications that took place on 22 July 2005. The report called for a public debate over the police's policy for dealing with suspected suicide bombers, which is known as Operation KRATOS, and which authorizes, in circumstances where a suspect carrying a bomb has been identified and immediate action is absolutely necessary, a "critical head shot" to be fired without warning. The IPCC report revealed that some officers involved in the operation leading to the death of Jean Charles de Menezes believed at the time that it was a 'KRATOS' operation. The report found, nonetheless, that "neither those in command of [the operation] nor those on the ground assert that the shooting of Jean Charles de Menezes was the product of a formal 'KRATOS policy' decision".

In remarks made at the time the report was published the Chair of the IPCC was particularly critical of the attempt made by the Commissioner of the MPS to prevent the IPCC from carrying out from the outset the investigation into the incident. This attempt led to a delay of three days in the IPCC assuming control of the investigation. In response the Commissioner said that he "would not make the same decision again in similar circumstances", but defended the decision as having been made "with the best of motives", in the light of the then-ongoing counter-terrorism investigation.

In December the coroner hearing the inquest into the death of Jean Charles de Menezes held an initial pre-inquest hearing, to consider whether there was still a need for the inquest to go ahead. In September

2006 the coroner had agreed to a request from the Crown Prosecution Service to adjourn the inquest, pending the completion of judicial proceedings. AI called for the inquest to be resumed without further delay, and to be given a wide enough scope to ensure that critical information about the circumstances surrounding his death is made public. By the end of the period under review it appeared likely that the inquest would go ahead, but no decision had been made as to its scope.

Also in December the IPCC announced that no disciplinary action would be taken against four senior MPS officers as a result of the fatal shooting of Jean Charles de Menezes. The decision was based largely on the comment attached by the jury in the health and safety proceedings (see above) to the guilty verdict which they returned, to the effect that the verdict should not be taken to imply any "personal culpability" on the part of the senior officer in charge of the operation. In May 2007 the IPCC had already announced that 11 less senior officers involved in the operation that led to the shooting would not face any disciplinary action.

Azelle Rodney and coroners' inquests

In August a coroner announced he could not proceed with a full inquest into the death of Azelle Rodney. The reason given was reportedly that written statements given to the inquest by police officers had been subject to such extensive redaction that they would not allow the inquest to establish all the facts of Azelle Rodney's death.

In April 2005 the vehicle in which Azelle Rodney was travelling was intercepted by police who shot him in the ensuing operation. Reportedly the vehicle had been under surveillance by the police; it was believed that restrictions imposed by legislation governing disclosure of the results of such police surveillance operations – the Regulation of Investigatory Powers Act 2000 (RIPA) – were responsible for the extensive redaction of police

evidence to the coroner's inquest in this case.

Following the coroner's decision the government indicated that it would consider revising legislation to allow such evidence to be considered by a coroner's inquest. In December the draft Counter-Terrorism Bill (see above) was published. It appeared to aim to reform the relevant legislation to prevent the frustration by the requirements of the RIPA of inquests such as that into the death of Azelle Rodney. However the impact of the changes proposed would potentially extend further than inquests into deaths in similar circumstances to that of Azelle Rodney.

Sections 64 to 67 of the draft Bill as introduced would give powers for the Secretary of State to issue a certificate in relation to any coroner's inquest, stating that the inquest would involve "the consideration of material that should not be made public in the interests of national security, in the interests of the relationship between the United Kingdom and another country, or otherwise in the public interest". Any coroner's inquest which had been so certificated would then be required to be held without a jury. The Secretary of State would also have a power to require that the inquest be heard by a "specially appointed coroner" of her or his choice. These sections of the Counter-Terrorism Bill would then amend RIPA so that it would no longer be an offence to disclose evidence obtained by interception of communications to a 'certificated' inquest, provided that the coroner hearing the inquest was "satisfied that the exceptional circumstances of the case make the disclosure essential to enable the matters that are required to be ascertained by the inquest to be ascertained", and that the disclosure was made only to the coroner and, where the coroner so ordered, to the lawyer appointed to act as counsel to the inquest.

A number of organizations which had called for a reform in the law were disappointed by the changes proposed by this legislation. The lawyer for Azelle Rodney's mother, described them as a proposal to "remove

the vital democratic accountable layer of a jury and hide away from the bereaved family crucial evidence about the death", and said that his client was "very distressed that having expected a new law which would finally enable her to see and question the key evidence that led to the police shooting of her son, she will end up being worse off than before."

By the end of the year these proposals remained in draft form, and had not been passed into law by Parliament.

Roger Sylvester (update to AI Indexes: EUR 45/042/2000 and EUR 01/005/2004)

In August the IPCC announced that no police officers would face any disciplinary action over the death of Roger Sylvester, who died in 1999, shortly after being restrained by eight officers of the Metropolitan Police Service following his detention under the Mental Health Act.

The initial investigation into Roger Sylvester's death was carried out by Essex Police under the supervision of the now-defunct Police Complaints Authority (PCA). The IPCC took over the inquiry when it replaced the PCA.

An inquest jury in 2003 found that Roger Sylvester had been "unlawfully killed". This decision was overturned by the High Court in November 2004, on the grounds that the jury had not been given proper directions by the coroner as to what would amount to "unlawful killing". In 2005, the Crown Prosecution Service announced there was insufficient evidence to bring criminal charges against any of the eight officers involved.

In announcing the decision that there would be no disciplinary action against any of the officers, the IPCC expressed "regret [for] the length of time it has taken to complete the [...] disciplinary review."

UK armed forces

Al Jedda (update to AI Index: EUR 45/024/2005)

In October the Law Lords heard a case on the detention policy operated by UK armed

forces serving in Iraq. The case, *R (Hilal Abdul Razzaq Ali Al-Jedda) v Secretary of State for Defence*, concerned the legality of the detention without charge or trial by UK armed forces of Hilal Al-Jedda for more than three years in Basra, Iraq.

Hilal Al-Jedda was one of some 25,000 individuals interned – that is, detained indefinitely, without charge or trial – by the Multi-National Forces (MNF) in Iraq. At the time that the Law Lords heard the case there were, according to figures provided by the UK government, around 48 such so-called 'security internees' held by UK forces in Iraq. As of the end of the year there were, again according to government figures, only three 'security internees' still held by UK forces.

In the case of *Al-Jedda* the UK argued firstly that the acts of UK troops in Iraq, including the internment of Hilal Al-Jedda, should, as a matter of law, be attributable to the UN, not the UK, as a result of a series of UN Security Council Resolutions relating to the occupation of Iraq from 2003 onwards; and secondly that terms of the UN Security Council Resolutions under which the MNF in Iraq operates should in any case override the UK's obligations under the European Convention on Human Rights, and allow the UK to operate a system of internment which would otherwise be incompatible with its international obligations.

In December the Law Lords gave their decision. They rejected the argument advanced by the government that the acts of UK forces should not be attributed, in law, to the UK; but accepted the argument that a UN Security Council Resolution made under Chapter VII of the UN Charter could operate to allow the UK to use internment in Iraq. As a result the Law Lords held that the internment of Hilal Al-Jedda was not unlawful.

According to information received by AI, Hilal Al-Jedda was, in fact, released by the UK in late December, after the Divisional Internment Review Committee – a body made up of officers and staff of the UK armed forces – determined, in the course of

a periodic review, that his internment was no longer necessary for the purposes of security.

Baha Mousa (update to AI Index: EUR 45/005/2007)

By the end of the year, the Secretary of State for Defence had not announced whether he would instigate a full, independent and impartial investigation into the circumstances of the torture and death of Baha Mousa, without the case having to return to the High Court.

The lawyers acting for Baha Mousa's father had been invited in March 2007 to make submissions to the Secretary of State as to why such an investigation was needed. Throughout the period under review the lawyers sought disclosure from the Secretary of State of various documents used as evidence in the court martial arising from the death of Baha Mousa, in order to inform their submissions to the Secretary of State. These claims for disclosure were resisted by the Secretary of State, leading to litigation in the High Court and a repeated extension of the deadline for the Secretary of State to reach a decision.

In August AI received a letter from the Army Prosecuting Authority (APA), which is responsible for reviewing and prosecuting cases concerning individuals subject to military law who are accused of a criminal offence. The letter related to AI's correspondence with the Secretary of State for Defence concerning the case of Baha Mousa, and took issue with a number of the points raised by AI, in particular in relation to the failure to prosecute more of the individuals who were – as was established by the court martial – involved in inflicting unlawful violence on Baha Mousa and the other prisoners detained alongside him. AI considered that this failure reflected, among other things, inherent weaknesses in the procedures in place within the armed forces for investigation and evidence-gathering in relation to serious human rights violations; the APA contended that it was a result of a lack of evidence, and that this lack of evidence "had nothing to do

with any weakness in procedures". AI nonetheless considered that, until a full and independent investigation into all the circumstances of Baha Mousa's death had been conducted, it was premature to conclude that the failure to prosecute more of the individuals involved did not arise from weaknesses in army procedures.

Further allegations of unlawful killings in Iraq (update to AI Index: EUR 01/010/2007)

In July AI received a response from the Minister of State for the Armed Forces to a letter sent in May 2007, concerning the alleged shooting by UK forces of three Iraqis in Basra. The cases in question were those of Ali Salam 'Abdul Hassan al-Rukabi, an Iraqi student aged 18 who had been shot dead in April 2007, reportedly by UK troops, and two others killed at the same time, Mahmoud Ahmad Wahib, a policeman, and another civilian, Mahir Jasim Ghodhban. AI had received a copy of an Iraqi police report of the incident that referred to UK troops "opening fire indiscriminately at passers-by". The police report gave no details as to the exact place and manner in which Ali Salam 'Abdul Hassan al-Rukabi and the others were killed.

In their response the UK authorities confirmed that there was a "significant incident" in Basra at the time and date mentioned in AI's letter, and that "some of those involved may have been killed". The letter claimed that "a review was conducted immediately after the incident", and that the review concluded that all the shots fired by UK forces in this incident had been fired in line with the UK's Rules of Engagement. The letter also stated that "prior to the receipt of your [that is, AI's] letter, we were not aware of the existence of a police report" into the incident, and that the UK authorities would now be seeking a copy of that report, to establish whether further investigation was needed.

In November AI wrote again to the UK authorities in relation to this case, to ask, among other things, whether they had now seen and reviewed the Iraqi police report referred to, and, if so, whether there were

any plans for further investigations into these cases as a result of the contents of the report. By the end of the year no response had been received to this letter.

Appointment of complaints commissioner for armed forces (update to AI Index: EUR 45/008/2006)

In November the first Service Complaints Commissioner (SCC) was appointed, although the Commissioner was not scheduled to begin work until 1 January 2008.

The post was created by the Armed Forces Act 2006, in response to recommendations made by a report of a parliamentary committee into trainee welfare, and by a review conducted by Nicholas Blake QC into deaths of a number of trainee soldiers at Deepcut Barracks (the Blake review). AI and others had raised a number of concerns about the circumstances of the deaths at Deepcut (see AI Index: EUR 45/008/2006).

The Blake review recommended, as "an essential step in improving confidence, transparency and justice", the establishment of a Commissioner of Military Complaints, or Armed Forces Ombudsman, whose powers should include: the ability to receive unresolved complaints from soldiers, or their families; the ability to supervise the investigation of complaints made to the relevant authorities, and to satisfy himself that investigations had been thorough, fair and effective; the power to recommend that further steps be taken where necessary; the ability to supervise how the authorities respond to a complaint, including by being consulted where appropriate on decisions as to whether to bring disciplinary action; the power to intervene in the handling of a complaint where the Commissioner was not satisfied with the outcome; the power to institute legal proceedings to set aside legally flawed decisions not to prosecute; and a requirement to report annually, in public, to the Minister of State for the Armed Forces on issues relating to the welfare of all soldiers.

However, the powers of the SCC fall far short of those recommended in the Blake review. They appear to be limited to referring allegations received from Service personnel, family members or other third parties to the chain of command for action, with the SCC having a right to be kept informed as to the handling of the matter. The SCC will also examine the overall fairness and effectiveness of the military complaints system and report annually to Ministers. This report will be laid before Parliament. The SCC has no power to conduct investigations into complaints, nor to challenge their outcome.

Killings by, or with the alleged collusion of, the UK security forces in Northern Ireland (update to AI Index: EUR 01/001/2007)

Gervaise McKerr (update to AI Index: EUR 01/005/2004)

In October a coroner reopened inquests into a number of deaths which are alleged to have been the result of a 'shoot-to-kill' policy operated in Northern Ireland by the Royal Ulster Constabulary (RUC), which was responsible for policing in Northern Ireland until 2001. The deaths in question were those of Gervaise McKerr, Eugene Toman and Sean Burns, members of the Irish Republican Army (IRA), a paramilitary organization, who were shot dead by officers of the RUC in 1982.

The coroner has reportedly also indicated his intention to reopen inquests into a number of other deaths, including those of Seamus Grew and Roddy Carroll, members of the Irish National Liberation Army (INLA), another paramilitary organization, shot dead by officers of the RUC in 1982; Michael Tighe, a 17-year-old shot dead by RUC officers, also in 1982; and Pearse Jordan, a member of the IRA shot dead by RUC officers in 1992.

The inquests into the deaths of Gervaise McKerr, Eugene Toman and Sean Burns had been adjourned in September 1994, after the High Court of Northern Ireland set aside

a subpoena the coroner had served on the RUC for disclosure of the reports of the so-called 'Stalker/Sampson' inquiries.

John Stalker, then a senior UK police officer, was appointed in 1984 to examine apparent cover-ups in these and other cases where fatalities had occurred as the result of an alleged 'shoot to kill' policy on the part of the RUC. He re-examined the evidence in all the cases and believed that he had uncovered crucial new evidence. He alleged that he was obstructed from carrying out a full investigation, and before completion he was removed from duty. The inquiry was completed in 1987 by Colin Sampson, a UK Chief Constable. The findings of the Stalker/Sampson inquiries have never been published. The UK government has always denied the existence of any 'shoot-to-kill' policy.

In March 2007 the Law Lords ruled, in the case of *McCaughey*, that the Police Service of Northern Ireland (PSNI), which took over responsibility for policing in Northern Ireland from the RUC, had a statutory duty to provide the coroner hearing the inquest in that case with all the information they had concerning the death, subject to any relevant legal privilege or immunity. Relying on this decision the coroner hearing the inquests into the deaths of Gervaise McKerr and others reportedly stated that he could "see no reason why I should not now be provided with access to both [i.e. Stalker and Sampson] reports".

In December it was reported that the Chief Constable of the PSNI had agreed to give the coroner access to the Stalker / Sampson reports. The coroner would reportedly be required to travel to a secure location to read the reports, and would be prevented from sharing their contents with anyone else, including the relatives and legal representatives of the dead men, without the consent of the Chief Constable.

Billy Wright (update to AI Index: EUR 01/010/2007)

In September the chairman of the inquiry into the killing of Billy Wright, Lord MacLean, announced in the course of oral hearings

that he had written to the Secretary of State for Northern Ireland to notify him of an "impending application by the Ministry of Defence seeking a restriction notice under Section 19 of the Inquiries Act 2005". He described that as a "crucial development in the Inquiry which may have far-reaching consequences".

Section 19 of the Inquiries Act allows the Minister responsible for the Inquiry – in this case the Secretary of State for Northern Ireland – to impose, via a so-called restriction notice served on the chairman of the inquiry, such restrictions on the "disclosure or publication of any evidence or documents given, produced or provided to an inquiry" as the "Minister [...] considers to be conducive to the inquiry fulfilling its terms of reference or to be necessary in the public interest". The powers it gives to the Secretary of State have been a subject of concern for critics of the Inquiries Act, including AI.

Lord MacLean did not give details of the material in respect of which the Ministry of Defence would be seeking a restriction notice, describing it only as "certain material, which the Inquiry consider central to one part of its investigation, and which has implications for other parts of the evidence to be heard". By the end of the year it remained unclear whether such a restriction notice had, in fact, been sought, and what the outcome of that had been if so.

At the same hearing in September Lord MacLean criticized the PSNI for failing to fill "outstanding gaps [...] in the intelligence information that we think exists and is not being produced". In response the PSNI claimed that the failure to provide this information was due to difficulties posed by the "diverse and disparate" nature of the PSNI, and the need to search for documents "at 41 locations, because it is believed that some information may be available there".

In October the Billy Wright Inquiry Panel issued a statement indicating that it intended to publish an Interim Report in relation to problems with the PSNI's

provision of material to, and co-operation with, the Inquiry. It said that an internal review of documentation and disclosure carried out by the PSNI had failed to "provide any new or additional material of import", and had not "led to the production of specific intelligence documents that have been sought by the Inquiry". Hearings of the Inquiry were suspended pending the production of this interim report, which was intended to "give a context to the intelligence evidence that it is to be led in the Inquiry". In December the Inquiry Panel announced that, "in order to save time", it would instead produce, early in 2008, a so-called 'Position Paper' addressing these questions, and that hearings would then resume.

Patrick Finucane (update to AI Index: EUR 01/007/2006)

By the end of the year, the UK government had still not established any inquiry into the killing of human rights lawyer Patrick Finucane in February 1989 by Loyalist paramilitaries, concerning which substantial and credible allegations of state collusion have been made. AI continued to denounce the prospect of an inquiry into the Finucane case held under the Inquiries Act as a sham.

Prosecution relating to Omagh bombing (update to AI Index: EUR 45/015/1998)

In December, the verdict was delivered in the only criminal prosecution in the UK to date arising from the 1998 Omagh bombing, responsibility for which was claimed by a group calling itself the Real IRA. The only defendant in the trial, Sean Hoey, was acquitted of all 58 charges against him, including the charge of murdering the 29 people who died in the bombing. The judge hearing the case was critical of the police investigation into the bombing, and of the presentation of the prosecution case, in particular the use made of DNA evidence. The judge said that there had been "deliberate and calculated deception" in the evidence given by two police employees involved in the case, and referred their cases to the Police Ombudsman for Northern Ireland. Human Rights

Commissions both in Northern Ireland and in the Republic of Ireland re-iterated calls for an independent judicial inquiry into the Omagh bombing.

Roisin McAliskey (update to EUR 45/008/1997)

In November a court in Northern Ireland refused to uphold a renewed request from the German authorities for the extradition to Germany of Roisin McAliskey. Roisin McAliskey had been briefly detained and released on bail in May 2007, pursuant to a European Arrest Warrant issued by a court in Germany. The judge hearing the request for application ruled that it would be "oppressive because of the passage of time" to allow it to go ahead.

A previous request, made in 1996, for the extradition of Roisin McAliskey had been refused on health grounds. In 2000 the then Solicitor-General told Parliament that "the Crown Prosecution Service [...] has concluded that there is not a realistic prospect of convicting Miss McAliskey for any offence".

Trafficking in human beings

In December it was reported that victims of people trafficking in the UK could in future be eligible for compensation, following a decision by the Criminal Injuries Compensation Authority (CICA) – the body with responsibility for compensating victims of violent crime – to pay compensation for false imprisonment, and for forced prostitution during that time of false imprisonment, to four women who were trafficked to the UK for sexual exploitation. The women were believed to be the first trafficked women to receive compensation in the UK; according to reports, they had been subject to forced prostitution, multiple rapes and beatings while being held captive in the UK. Non-governmental organizations working with victims of trafficking welcomed the decision.

Racism and discrimination

In October statistics released by the Ministry of Justice indicated that members of Black communities in the UK were, in 2005-06, seven times more likely than their White counterparts to be stopped and searched by the police, three and a half times more likely to be arrested, and six times more likely to be in prison. Members of Asian communities were twice as likely to be stopped and searched as members of White communities. The main reason given for conducting a stop and search under these powers across all ethnic groups was reported to be suspicion of possession of drugs.

The statistics also showed a 12 per cent rise in the number of racially or religiously aggravated offences recorded by the police, from 37,028 in 2004-05 to 41,382 in 2005-06. Around 62 per cent of the racially or religiously aggravated offences recorded in 2005-06 were offences of harassment.

UZBEKISTAN

International scrutiny (update to EUR 01/001/2007)

The authorities continued to refuse to hold an independent, international investigation into the May 2005 mass killings in Andizhan, asserting instead that two rounds of expert talks held with representatives of the European Union (EU) in December 2006 and April 2007 had addressed all the relevant issues. Negotiations between the International Committee of the Red Cross (ICRC) and the Uzbekistani authorities continued throughout the period under review but by the end of December the ICRC had not been able to gain unfettered access to detention facilities.

In a reversal of its May position and despite opposition from some member states the EU's General Affairs and External Relations Council (GAERC) voted in October to suspend a visa ban on eight officials for six months. In May GAERC had decided to extend the visa ban on eight Uzbekistani officials which it had imposed in November 2005 in response to the Andizhan mass

killings, having removed four officials from the list. In its October Conclusions, GAERC called for the release of all jailed human rights defenders but failed to mention specifically the need for an independent, international investigation into the Andizhan events.

Freedom of expression and association: the situation of human rights defenders and independent journalists

The situation for human rights defenders and independent journalists continued to deteriorate and the authorities further restricted their freedom of speech, assembly and movement in the run-up to the December presidential elections. At least 14 human rights defenders continued to serve long prison terms in cruel, inhuman and degrading conditions having been convicted after unfair trials. Several of them were reportedly tortured or otherwise ill-treated in detention. Those human rights activists and journalists not forced into exile and not in detention were routinely monitored by uniformed or plain-clothes law enforcement officers; human rights defenders were called in for questioning to their local police stations, placed under house arrest or otherwise prevented from attending meetings with foreign diplomats or delegations or from taking part in peaceful demonstrations. Human rights defenders and journalists continued to report being threatened by members of the security services for carrying out legitimate activities. Several reported being assaulted and beaten and detained by law enforcement officers or people they suspected working for the security services. Relatives reported being threatened and harassed by security forces; some were detained and jailed in order to put pressure on human rights defenders.

In October Sid Yanishev, an independent journalist, was assaulted in a street in the capital, Tashkent, by two men, who reportedly told him they were officers from the National Security Service (NSS). He

was beaten in the face with a baton and kicked when he fell to the floor. The attack happened after he returned from Chirchik where he had reported on public demonstrations protesting bread shortages for the independent web-based Ferghana.ru news agency. Sid Yanishev believed that the attack was a direct result of his reporting.

Pressure on international media and non-governmental organizations (NGOs) continued in the period under review. In July the authorities refused to extend the visa and work permit of the country director of Human Rights Watch thereby effectively preventing the NGO from continuing its operations in Uzbekistan. Criminal prosecutions for tax evasion were brought against three local correspondents for the German international radio and television station Deutsche Welle who had been critical in their reporting on the situation in Uzbekistan. Faced with a possible prison sentence one of the correspondents fled the country.

In the run-up to the December presidential elections, won by incumbent Islam Karimov, access to independent information became increasingly difficult with independent or opposition-affiliated websites virtually blocked.

The case of Bakhtior Khamroev and his son Ikhtior (update to EUR 01/001/2007)

In November prison sources told Bakhtior Khamroev, the head of the Dzhizzakh section of the independent non-registered Human Rights Society of Uzbekistan (HRSU), that his 22-year-old son Ikhtior had been severely beaten in the prison colony where he was serving a three-year sentence for hooliganism after being convicted in an unfair trial in 2006. The same sources said that Ikhtior Khamroev had also received stab wounds to the abdomen, and that he was held in a punishment cell. They claimed that he stabbed himself in the abdomen in protest at the beating. The prison director refused

to allow his parents to visit him, and gave them no details of his situation. He spent 10 days in the punishment cell. Ikhtior Khamroev was believed to have been detained in 2006 because of the human rights activities of his father and may have been beaten to punish his father for anti-government statements made at an international conference on human rights defenders in Dublin, Ireland. Bakhrom Khamroev told human rights activists that the authorities had stepped up their surveillance of him and his family.

Mutabar Tadzhibaeva (update to EUR 01/001/2007)

Makhlio, the only daughter of Mutabar Tadzhibaeva, the imprisoned chairwoman of the human rights organization Utiuraklar (Fiery Hearts Club) was finally able to visit her mother in prison for the first time in November. She had repeatedly complained that she had been threatened by the authorities who told her not to travel to Tashkent to visit her mother. She said that her mother had lost a lot of weight and that her health had deteriorated. The authorities, however, denied that Mutabar Tadzhibaeva was ill and insisted that she was receiving regular medical check-ups. In November the Ministry of Internal Affairs published a list of the medical checks she had reportedly received in prison, including the nature of any health complaints and the treatments she had received. Foreign diplomatic sources confirmed that she had received medical treatment in August.

Mutabar Tadzhibaeva was sentenced to eight years in prison on economic and political charges in March 2006. Her appeal against the verdict was turned down in May 2006. She continued to maintain her innocence.

Dzhamshid Karimov (update to EUR 01001/2007)

In March the compulsory psychiatric treatment of independent journalist

Dzhamshid Karimov was reportedly extended for another six months. He was forcibly confined to a psychiatric hospital in Samarkand in September 2006. In August the international press freedom organization Reporters Sans Frontieres reported that he had managed to smuggle information out of the hospital claiming that his eyesight was deteriorating and that he suffered from memory loss. Although hospital staff apparently treated him well and tried to make him as comfortable as possible, he felt that he was effectively being kept imprisoned. He was also reported to have said that medical staff in the hospital had described his condition as "balanced and stable". Nevertheless he was not released in September, at the expiry of the reported extension to his compulsory treatment, and remained confined at the hospital at the end of the year [ok?] Access to Dzhamshid Karimov has been very limited.

Azam Farmonov and Alisher Karamatov (update to EUR 01/017/2006)

Prisoners of conscience Azam Farmonov and Alisher Karamatov, both members of the HRSU continued to serve long sentences having both been convicted after an unfair trial in June 2006 to nine years' imprisonment.

Azam Farmonov was serving his sentence in Yaslik prison camp and Alisher Karamatov in Karshi prison camp. In February Azam Farmonov reportedly told his relatives that conditions of detention in Yaslik had improved and that there were fewer routine beatings and less ill-treatment and torture, including of prisoners convicted of being members of banned Islamic organizations or movements. However, when his wife visited him in prison at the beginning of November, he reportedly told her that over the last six months he had been tortured, beaten and humiliated by prison guards. He had twice been put in punitive solitary confinement: from 23 May to 19 June and from 10 to 20

October. He added that when he was in the punishment cell in May he was beaten every day on his feet and his back with a club. As a result he was not able to move for 10 days. He described how he was handcuffed to the radiator for two days and severely beaten by five guards until he lost consciousness during his second time in the punishment cell. As a result, he had trouble walking and had discharge from his ears. His relatives believed that he was subjected to torture in order to make him give up his human rights activities, denounce Talib Yakubov, the Chairman of the HRSU, and to divorce his wife, the daughter of Talib Yakubov.

Alisher Karamatov's wife, who visited her husband in Karshi prison camp towards the end of the period under review, reported that she barely recognized him as he had lost nearly half of his weight: before his arrest he was a tall and athletic person weighing more than 90 kg, compared to 54 kg in detention. Alisher Karamatov complained of endless torture and humiliation that he had been subjected to. He also told her that sanitary and hygienic conditions were very poor. Alisher Karamatov's wife could clearly see that he had lice.

Yadgar Turlibekov (update to EUR 01/001/2007)

Yadgar Turlibekov, a 70-year-old independent journalist and head of the HRSU Kashkadaria regional branch was forced to leave Uzbekistan in September and seek international protection in neighbouring Kyrgyzstan. Yadgar Turlibekov had been sentenced for bribery under Article 165 of the Criminal Code to three-and-a-half years in prison in October 2006 after an unfair trial. He was released under a presidential amnesty in December 2006. He lost 20 kg during the six months he spent in detention and his health deteriorated. Following his release Yadgar Turlibekov had described the conditions of detention he had witnessed in the temporary, pre-trial and post-conviction

detention facilities he had been kept in, including his ill-treatment and the torture or other ill-treatment other inmates were subjected to. He came under increasing pressure from local authorities in Karshi where he and his family lived when he started resuming some of his human rights activities. He alleged that police officers started threatening him after he took up the case of a young woman who had been allegedly raped by the head of her local neighbourhood committee whom she had approached for help. Fearing for his safety Yadgar Turlibekov secretly left the country.

Torture or other ill-treatment

In November the UN Committee against Torture published its concluding observations and recommendations following examination of Uzbekistan's third periodic report setting out the country's compliance with the UN Convention against Torture. The Committee welcomed the introduction of habeas corpus and urged Uzbekistan to "apply a zero-tolerance approach to the continuing problem of torture, and to the practice of impunity". The Committee urged the authorities to "publicly and unambiguously condemn practices of torture in all its forms" and reiterated its concern at the "numerous ongoing and consistent allegations concerning routine torture and other cruel, inhuman or degrading treatment or punishment." It regretted the "failure to conduct prompt and impartial investigations into such allegations." The Committee urgently recommended that the authorities "take effective measures to [...] institute a full, effective, impartial inquiry into the May 2005 events" and that "[in] accordance with the recommendations of the High Commissioner for Human Rights and others, [...] credible, independent experts conduct this inquiry".

Requests for extradition of terrorism suspects

The Uzbekistani authorities continued to actively seek the extradition in the name of national security and the fight against

terrorism of members or suspected members of banned Islamic movements or Islamist parties, such as Hizb-ut-Tahrir, from neighbouring countries as well as the Russian Federation. Most of the men forcibly returned to Uzbekistan were held in incommunicado detention, thus increasing their risk of being tortured or otherwise ill-treated. Authorities in the Russian Federation ignored decisions by the European Court of Human Rights to halt deportations of Uzbekistani asylum-seekers pending examinations of their applications to the court. Russian officials also confirmed that officers of the Uzbekistani security forces had been operating on the territory of the Russian Federation.

In November Abdugani Kamaliev was forcibly deported to Uzbekistan just days after having been detained in the Russian Federation. The authorities disregarded an order by the European Court of Human Rights not to deport him pending examination of his appeal.

In December Russian human rights organizations received official confirmation that officers of the Uzbekistani security forces had detained asylum-seeker Mukhammadsalikh Abutov in the Russian Federation in July and handed him over to their Russian counterparts. An interstate warrant for his arrest was only issued after his detention and reportedly backdated by the Uzbekistani authorities. Mukhammadsalikh Abutov was still in detention in the Russian Federation at the end of the year. In October he described in a letter from prison how he had been tortured in prison in Uzbekistan to force him to confess to a crime he did not commit and to punish him for his membership of a banned Islamic movement.

Death penalty (update to EUR 01/001/2007)

A new law adopted by the Senate at the end of June amended the criminal, criminal procedural and criminal executive codes by replacing the death penalty with life or long-term imprisonment. The law was scheduled to come into effect from 1 January 2008, marking the formal abolition

of the death penalty in Uzbekistan. The authorities failed to introduce moratoriums on executions and death sentences pending full abolition.

Some local NGOs claimed there could be hundreds of prisoners under sentence of death held in conditions which amounted to cruel, inhuman and degrading treatment. According to the NGO Mothers Against the Death Penalty and Torture, 20 of at least 38 prisoners on death row in Tashkent prison (six of whom were sentenced to death in the first half of 2007), were reported to be infected with tuberculosis (TB) and were not receiving adequate medical treatment. There was no clarity as to how individual cases would be reviewed in light of the scheduled abolition of the death penalty, or about ongoing detention arrangements.

Iskandar Khudaiberganov, held on death row in Tashkent prison since November 2002, was diagnosed with TB in 2004. At no stage had he received adequate medical treatment for the disease. His family were able to provide him with some anti-TB drugs, but it was feared that he risked developing drug resistant strains of the disease. Iskandar Khudaiberganov's sister said that he was feeling depressed and had grown very thin. He had also expressed concern that he would be transferred to a newly-built prison in Yaslik, where he believed conditions could be worse than those in Tashkent prison. The UN Special Rapporteur on torture as well as human rights organizations, including Amnesty International, had previously expressed serious concern about the conditions of detention in the existing prison camp in Yaslik, as well as the location of the camp in remote, chemically or biologically contaminated areas of the country.