

Public

amnesty international

EUROPE AND CENTRAL ASIA Summary of Amnesty International's Concerns in the Region January – June 2006



December 2006
AI Index: EUR 01/017/2006

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

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Europe and Central Asia

Summary of Amnesty International's Concerns in the Region

January – June 2006

FOREWORD

This bulletin contains information about Amnesty International's main concerns in Europe and Central Asia between January to June 2006. 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
AI Index EUR 01/012/2005	Concerns in Europe and Central Asia: January - June 2005
AI Index EUR 01/007/2006	Concerns in Europe and Central Asia: July - December 2005

ALBANIA

Background

On 12 June Albania and the European Union (EU) signed a Stabilisation and Association Agreement, a significant step in the process of Albania's gradual integration with the European Union.

Allegations of Torture and ill-treatment

There were further allegations that police officers had tortured or ill-treated people during or following arrest, in order to force them to confess to crimes or reveal information related to a crime.

In March the president of Gjirokastër Court of First Instance complained, at a meeting with the local chief of police, that some defendants brought before the court to be remanded in custody bore clear signs of physical ill-treatment. He cited a case which had occurred two days previously, in which the defendant had told the court that he had been beaten by eight police officers. He commented: "This is a scandal, a flagrant violation of the law and international human rights treaties."

Dorian Leci was arrested on 2 March in Tirana on a charge of drug-dealing. He subsequently filed a complaint that he had been ill-treated by police at a Tirana police station. His lawyer told journalists: "...my client was hit on the head with a pistol butt, and kicked and beaten about the body. He has two broken teeth and is not in a good state psychologically". He alleged that Dorian Leci was kept at the police station for five days so that marks of his ill-treatment would have disappeared before he was sent to a remand centre (where defendants, in principle, receive a medical examination on entry). Dorian Leci's brother, Bledar Leci, alleged that he, too, had been beaten by police officers of the Anti-Drugs sector several days later, when he went to collect some of his brother's belongings which had been seized by police at the time of his arrest.

Ardian Kraja alleged that on the evening of 1 April he was taken to Shkodër police station and questioned by the chief of crime police in Shkodër about a murder that he had allegedly witnessed. Ardian Kraja claimed that when he denied any knowledge of the murder, the police officer punched and struck him in the face and stomach and forced him to sign a statement incriminating a third person of murder. He was then allowed to go home.

In June Amarildo Përfundi, aged 17, committed suicide at home a few days after being questioned about a theft for six hours by Korça police. His family alleged that he had been physically and psychologically ill-treated by police while in custody and that he killed himself for fear that he might be again taken for questioning and beaten. The People's Advocate (Ombudsperson) reportedly concluded that police officers had psychologically and physically ill-treated Amarildo Përfundi and had questioned him without a parent or a lawyer being present – in violation of Albanian law. He recommended that two or more police officers be prosecuted. Police authorities denied that the boy had been ill-treated, emphasising that an examination of his corpse had not detected marks of ill-treatment. A criminal investigation was opened.

Police officers are rarely prosecuted in connection with complaints of torture or ill-treatment. In the few cases in which they have been prosecuted, they have almost always been charged with "arbitrary acts" or lesser offences, generally punished by non-custodial sentences (fines), rather than under Article 86 of the Criminal Code dealing with "torture and other ill-treatment". Amnesty International knows of no recent case in which a police officer was convicted under Article 86.

Conditions of detention

Despite an EU-supported programme of prison reform and some improvements to detention conditions, these were still generally very poor and characterized by over-crowding, poor hygiene and sanitation,

inadequate diet and health care. They could often be considered as inhuman and degrading. Contrary to Albanian law and international standards, minors were still sometimes held together with adult detainees and remand and convicted prisoners shared cells. Mentally-ill prisoners were often held in prisons instead of being sent for compulsory medical treatment in specialised institutions in accordance with court decisions. According to a March press report, Tirana prison hospital, where physically and mentally ill prisoners are treated, lacked appropriate medications and bedding, offered a poor diet and had no premises where occupants could take outdoor exercise.

Detainees held in remand cells in police stations suffered particularly harsh conditions, and there were frequent complaints. In June there was severe overcrowding in Durrës police station remand cells; detainees reportedly included 62 convicted prisoners and 34 minors. Because of lack of space, remand and convicted prisoners, and minors, were not always held separately. Relatives of detainees complained that there were no working showers and little possibility for detainees to exercise in open air.

There has been little progress in implementing a government decision dating from May 2003 to transfer responsibility for remand centres from the Ministry of the Interior to the Ministry of Justice. Even where this has been done (as in Vlora), conditions have hardly improved. In May there were reportedly 98 detainees (30 of them convicted prisoners) in Vlora remand centre, which has capacity for only 43 persons.

Violence against women

Trafficking of women and children for forced prostitution, cheap labour and criminal activity

Albania continues to be a source country for the trafficking of women for forced prostitution and children for use as cheap

labour, beggars, thieves or drug couriers, although the authorities appear to have limited its use as a transit country. In January Zane Korra was arrested in Saranda on a charge of trafficking two 12-year-old children to Greece as drug couriers. The children had reportedly been arrested by Greek police two months earlier while crossing the border with a bag of cannabis.

In February Albania and Greece signed an agreement, subsequently ratified by parliament, dealing with the protection, repatriation and rehabilitation of trafficked children.

There were a number of reports of trials and convictions of defendants on charges of having trafficked women to Greece or Italy for forced prostitution. However, despite the existence of a witness protection law, prosecutors complained that when cases were sent for trial, the victims of trafficking tended to withdraw their testimony under pressure from traffickers or their own families.

Violence in the family

Domestic violence is not specifically prohibited in the Criminal Code, although it is generally recognized that such violence, particularly against women and children, is widespread, and that most incidents are not reported. However, in January the parliamentary legislative committee met to discuss a law "On measures against violence in family relations" drafted by a group of domestic non-governmental organizations. This law aimed both to prevent such violence and to introduce procedures to give victims of domestic violence effective protection, as envisaged in the 2003 Family Code. By the end of June the law had not yet been submitted to parliament for adoption.

Refugees

In May the Albanian authorities, at the request of the USA, allowed five Chinese citizens, from China's north-western Xinjiang Uighur Autonomous Region,

members of the mainly Muslim Uighur minority, to enter Albania. There they applied for asylum on the grounds that they faced persecution if they were to be returned to China. The Chinese authorities claimed that the men were terrorists and members of an illegal "East Turkistan" pro-Uighur independence movement and requested their extradition.

The five men had been captured in late 2001 in Pakistan and/or Afghanistan, where they were turned over to the USA authorities, and held for six months in Kandahar. They were then sent to the USA detention centre in Guantánamo in Cuba, where they were held until May 2006, although in March 2005 the US authorities had determined that they were not 'enemy combatants' and should be released. The US authorities, while recognizing the risk the men faced if returned to China, refused to resettle them in the USA and sought to place them in a third country. Albania was the only country which agreed to accept them.

Report

In March Amnesty International published a report - *Albania: Violence against Women in the Family: "It's not her shame"* (AI Index: EUR 11/002/2006).

ARMENIA

Presidential influence over the ombudsperson's office

On 4 January the ombudsperson, Larisa Alaverdian, was removed from her post by presidential decree and her duties entrusted to an interim three-member commission. Larisa Alaverdian alleged that her removal and replacement were unconstitutional because a presidential prerogative either to dismiss the ombudsperson or to replace that post by another body was not envisioned in Armenian law. The Law on the Ombudsperson stipulates that the ombudsperson's term should expire 30 days after the adoption of new amendments to the Armenian Constitution. A number of

amendments to the Constitution were adopted following their approval in a disputed referendum on 27 November 2005. According to the newly amended Constitution it is the National Assembly which elects the ombudsperson, who must be an independent and prestigious public figure. It was therefore expected that the National assembly would elect a new ombudsperson when it reconvened in February. The presidential decree was enforced in ways not envisaged in Armenian law: the ombudsperson's office was sealed and the staff forced to take leave without pay. The interim three-member commission appointed by President Kocharian to replace the ombudsperson consisted of two officials drawn from government office, one of whom was a member of the presidential staff, and one from the Constitutional Court. Following the appointment of this commission, Armenian human rights activists expressed concern that officials drawn from within the executive could not function with the same autonomy envisaged for the post of ombudsperson.

Armenian human rights activists supported Larisa Alaverdian's claims in a public statement condemning the interruption of the ombudsperson's activities before the election of a replacement by the National Assembly. She appealed to the Constitutional Court on 5 January to overturn President Kocharian's decision. Her appeal was rejected on the grounds that she no longer occupied the post of ombudsperson and could therefore not appeal to the Constitutional Court (the extension of the right of appeal to the Constitutional Court to the office of the ombudsperson was one of the amendments introduced into the Constitution in 2005). Her application to present a report of her activities in 2005 to the National Assembly, as required by law, was rejected by the Constitutional Court the same grounds.

Larisa Alaverdian alleged that efforts by government agencies to impede her work as ombudsperson and to remove her from the post were related to her criticism of the government's restriction of the rights to freedoms of assembly, movement and

expression during protests mounted by the opposition in 2004. Her annual report in 2005 also contained allegations that opposition protesters had been tortured in police stations in the aftermath of those protests. Another report in 2005 had made extensive allegations of the violation of property rights, including forced evictions, of residents in central Yerevan, the capital city.

Armen Harutiunian, the presidential nominee to succeed Larisa Alaverdian, was elected ombudsperson by the National Assembly on 17 February.

Corruption in the judiciary

On 10 March the Council of Europe's Group of States against Corruption (GRECO) published a report on Armenia, noting the growth of corruption across a range of institutions including the judiciary.

Freedom of expression again restricted

Although multiple independent media outlets exist in Armenia, the government continued to restrict full freedom of expression in the media through the abuse of regulatory and inspection powers, as well as extra-legal pressures. In the Syunik region of southern Armenia the newspaper Syunyats Yerkir ('Land of Syunik') was forced to halt publication after its electricity supply was cut off allegedly on the orders of Arayik Grigorian, director of the local branch of the Armenian Electricity Network. Editors of the newspaper claimed that the newspaper was being punished for publishing an article alleging corruption in the local electricity network. On 26 June, Arman Babajanian, editor of the independent daily newspaper Zhamanak Yerevan ('Yerevan Times'), was arrested on charges of evading military service in 2002. He claimed his arrest was politically motivated and connected to criticism of the government in the newspaper; the case was still pending at the end of the period under review.

Conscientious objection (update to AI Index: EUR 01/005/2004)

In defiance of its obligations to respect the right to freedom of thought, conscience and religion and despite the introduction of an alternative civilian service to military service in national legislation in July 2004, Armenia continued to imprison conscientious objectors. According to reports, 48 conscientious objectors, including 28 Jehovah's Witnesses, were being held in prison or pre-trial detention during the period under review. Reports also suggested that some conscripts continued to be forced to carry out their military service in Nagorny Karabakh, the territory disputed with neighbouring Azerbaijan.

In January an amendment to the Armenian Criminal Code was adopted declaring desertion from the alternative civilian service as a crime punishable by imprisonment. Following this amendment 19 men, all Jehovah's Witnesses, filed a petition with the European Court of Human Rights on 31 May challenging the amendment's retrospective application. The 19 men had all opted for the alternative (labour) service as provided for in Armenian law, believing it to be a genuinely civilian service. However, they then abandoned the alternative service when they found it to be under military supervision and control, and therefore contrary to their beliefs. Fifteen of the 19 applicants had been arrested in August 2005 and sentenced to between two and three and a half years' imprisonment for desertion from military units. Although their convictions were later overturned and all were subsequently released from prison, the courts refused to formally acquit the men. Criminal proceedings against the men were still pending at the end of the period under review.

Lawyer released but charges not dropped (update to AI Index: POL 10/001/2006)

Human rights lawyer Vahe Grigorian, whose law firm had helped families in central

Yerevan to lodge petitions with the European Court of Human Rights against forced relocation resulting from government-sponsored redevelopment, and who had been held in pre-trial detention since 2005, was released on bail on 15 February. He had been held on charges of fraud which he alleged were unfounded and politically motivated. Criminal proceedings against Vahe Grigorian were still pending at the end of the period under review.

Non-governmental organizations accused of espionage

In early February staff of the Helsinki Committee of Armenia and representatives of the Yerevan Press Club alleged that three pro-governmental television channels, Armenia, TV 5 and ArmNews, had sought to discredit their organizations by portraying them as involved with espionage and 'anti-state activities'. They claimed that these alleged attempts at defamation were related to their having publicized violations of human rights in Armenia.

Optional Protocol to the UN Convention against Torture ratified

On 31 May the National Assembly voted in favour of Armenia becoming a party to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Armenia officially became a party to this treaty, which aims at preventing torture and other ill-treatment, in September 2006. The Ministry of Internal Affairs announced plans to establish a civil society monitoring board as an inspection mechanism for police detention centres, while the Ministries of Defence and Health agreed to discuss possible mechanisms for the inspection of military detention centres and psychiatric institutions respectively.

AZERBAIJAN

May election re-runs

On 25 January the Parliamentary Assembly of the Council of Europe (PACE) in Resolution 1480 laid out five areas requiring improvement in the repeat elections scheduled for 13 May in 10 constituencies where results of the 6 November 2005 parliamentary election had been annulled on account of fraud. In the elections eight seats were won by the ruling Yeni Azerbaijan Party or nominally 'independent' candidates affiliated to it; turnout was reported to be low at 36 per cent. International observers from the Organization for Security and Cooperation in Europe (OSCE) concluded that while the repeat elections had indicated progress in some areas, including a more inclusive representation of candidates, unimpeded campaigning and increased domestic observation, continued interference from local authorities in the electoral process was still in evidence. On 26 January PACE adopted Resolution 1505, in which it was noted that while progress in the conduct of voting was observed, control over and interference in the electoral process by third parties, including local government bodies, remained a source of concern.

Some human rights activists who participated in protests following the October 2003 presidential election and have been charged with public disorder offences continued to live in exile in neighbouring states. Following a request for extradition from the Azerbaijani government Azer Samedov, director of the Caucasus Centre of Freedom of Faith and Conscience, applied for political asylum in Georgia (see AI Index: EUR 56/006/2006). His case was still outstanding at the end of the period under review.

Freedom of expression under attack

Freedom of expression in Azerbaijan became an increasing source of concern during the period under review, with a sharp increase in violent attacks and intimidation aimed at opposition and independent journalists. On 6 March a correspondent for the opposition newspaper Azadlıq ('Freedom'), Fikret Hüseynli, was abducted, beaten and left for dead on the

outskirts of Baku. He was allegedly tied up, had his fingers broken and was stabbed in the neck. On 18 May Baxaddin Xaziyev, editor-in-chief of the opposition daily Bizim Yol ('Our Way'), was abducted by unidentified assailants and taken to a remote location in the outskirts of Baku. He was threatened and verbally abused, then his assailants ran a car over his legs. Baxaddin Xaziyev was later hospitalized with serious injuries including a broken left leg. Articles alleging corruption in the oil and fishing industries had featured in Bizim Yol the day before the attack; the newspaper had also run a series of articles on corruption in the preceding weeks. The newspaper's office and other staff had also received threatening phone calls in the preceding period. Bizim Yol's website was also the target of frequent external disabling, which the newspaper lacked the financial and technical support to counteract. According to journalists and human rights activists no serious investigation of these crimes had been undertaken by the end of the period under review. Similarly, the murder of independent journalist Elmar Hüseynov, killed in March 2005, remained unpunished.

On 23 June Sakit Mirza Zahidov, a well-known journalist and satirist for Azadlıq, was arrested by Interior Ministry personnel belonging to its anti-narcotics department (see AI Index: EUR 55/003/2006). A statement issued by the Ministry alleged that 10 grams of heroin had been found on Sakit Zahidov's person and confiscated following his arrest. His lawyer, Elchin Gambarov, was only given access to Sakit Mirza Zahidov on 29 June. According to his lawyer, Sakit Mirza Zahidov was forced into the back of a Jeep where he was pinned down and a packet of narcotics inserted into his pocket. Sakit Mirza Zahidov was still being held in pre-trial detention at the end of the period under review.

Fair trial concerns (update to AI Index: EUR 55/002/2006)

In February an activist of the Azerbaijan Democratic Party (ADP) was sentenced to

two years' imprisonment on charges of narcotics possession that ADP leaders and human rights activists claimed were false. Opposition parties also alleged that some seven activists arrested before and after the November 2005 poll continued to be held in pre-trial detention.

The trial of three members of the Yeni Fikir ('New Idea') youth movement arrested in August and September 2005 began on 31 March at the Court of Grave Crimes in Baku. Ruslan Bashirli, Said Nuri and Ramin Tagiyev were accused of actions aimed at the violent overthrow of the Azerbaijani government (Article 278 of the Azerbaijani Criminal Code) and in a second charge, of illegal entrepreneurship (Article 192). The prosecution alleged that Yeni Fikir members had participated in seminars organized by the National Democratic Institute, where strategies for regime change were allegedly discussed, and also met with Armenian secret service agents in Tbilisi and received money from them in order to finance a coup d'état. The accused admitted that a meeting had taken place in Tbilisi, but said that they believed they were meeting with Georgian civil society activists and the money received from them to be intended for democratization activities in Azerbaijan.

The second charge of illegal entrepreneurship was linked to accusations of receipt by Yeni Fikir of a substantial payment from an unspecified Western embassy in Baku; this charge was later dropped in the apparent absence of substantiating evidence. The trial was initially closed to journalists and human rights activists but access was later granted in April following pressure from the international community. Only witnesses for the prosecution were brought, and in contravention of Azerbaijani law, no jury was appointed as required in cases of crimes punishable by life imprisonment. After the defendants refused to appoint lawyers in order to conduct their own defence, the court appointed lawyers to represent them. These lawyers were allegedly not familiar with the materials of

the case, to the extent of reportedly not knowing their clients' names.

Among the evidence brought by the prosecution at the trial was video footage of Ruslan Bashirli, head of Yeni Fikir, meeting Georgian citizens in Tbilisi and allegedly receiving money from them. The defence lawyer later appointed by the Yeni Fikir members, Osman Kazimov, claimed this video footage had been cut up to 24 times in order to distort Ruslan Bashirli's words in such a way as to incriminate him with collaboration with Armenian secret service agents. According to reports, Ruslan Bashirli continued to suffer from medical problems associated with concussion sustained since his arrest and with a kidney problem pre-dating it. He reportedly lost consciousness while under interrogation on 2 March; in June he allegedly received medical treatment for both problems. Allegations that he had been tortured following his arrest in August 2005 remained without investigation. Another member of Yeni Fikir, Said Nuri, was released on bail but not allowed to leave Baku. This prevented him from receiving treatment for a thalassaemia condition; he was also allegedly refused certified evidence of his condition in order to receive treatment in the Russian Federation. The trial was still underway at the end of the period under review.

Former ministers Ali Insanov and Farhad Aliyev, arrested in October 2005, remained in pre-trial detention; Farhad Aliyev's deteriorating health and the reported refusal of the authorities to allow him access to specialized medical care continued to be a source of concern. Natiq Efendiyev, a deputy chairman of the opposition Democratic Party of Azerbaijan arrested in October 2005, remained in pre-trial detention. Allegations that he had been tortured in November 2005 remained without investigation. Another opposition party activist, Qadir Mūsayev, the director of the Azerbaijan National Democratic Party's local chapter in the southern region of Bilasuvar, was sentenced on 2 May to seven years' imprisonment on charges of distributing narcotics. Human rights

activists believed narcotics had been planted on Qadir Mūsayev in order to incriminate him.

Conscientious objection denied

In defiance of its obligations as a Council of Europe member, Azerbaijan had still failed to adopt a law on an alternative civilian service to military service during the period under review. On 28 April a Jehovah's Witness conscientious objector was arrested for draft evasion, despite his stated willingness to perform alternative service (see AI Index: EUR 55/001/2006). He also referred to a constitutional amendment introduced in August 2002 affirming the right to alternative service for all those whose convictions or beliefs prevent them from taking up arms. He was released by a court decision on 26 May and kept under house arrest until his trial began on 30 June.

BELGIUM

'War on terror'

In March press reports alleged that there had been at least two secret flights by the US Central Intelligence Agency (CIA) that landed briefly at Deurne airport in Antwerp on 17 and 20 July 2002. It is not known whether the planes were transporting detainees. These reports were in contrast to the public statement by Transport Minister Renaat Landuyt in December 2005 that no CIA flight had transited through a Belgian airport in the previous five years.

Prisons and other places of detention

Following a strike in April at the Forest prison, the trade union General Confederation of Public Services (CGSP) issued an open letter to the Minister of Justice denouncing prison overcrowding, lack of resources and under-training of prison staff. The CGSP demanded prompt renovation of buildings which it considered to breach health, hygiene and safety requirements, and better training for staff as it regarded the current six-weeks basic training as "wholly insufficient".

As of May, there were 9,695 prisoners held in prisons designed for a maximum capacity of 8,311, a new high following an overall decrease in the previous year. One third of prisoners were on remand. Juvenile offenders are currently held in general prisons, but the new law on youth assistance includes plans for the construction of a special prison for juveniles with a capacity of 200 places.

Implementation of new measures allowing foreign prisoners to serve their sentence in their home country has been slow due to the need to gain the approval of the country of origin in each case. The first two prisoners to be transferred were a Moldavian and a Romanian.

The report of the Council of Europe's Committee for the Prevention of Torture (CPT) regarding its visit to Belgium in April 2005 noted that there was still cause for concern in relation to the protection of fundamental rights against ill-treatment, adding that the CPT had received a number of allegations of ill-treatment during police custody. The report further condemned the over-crowding of the psychiatric unit at Namur prison, the cage-like cells at the law courts in Liège, and the conditions at the INADS detention centre, a temporary holding centre at Bruxelles-Nationale airport (these had also been the subject of criticism following the CPT's 2001 visit).

Racism and discrimination

An instruction from the Ministry of the Interior issued in March directed police to record crimes motivated by racism. The Centre for Equal Opportunities revealed that the number of complaints of racism it received remained stable at approximately 1,000 per year, although it also noted that many attacks were never reported.

In April the president of Belgium's National Front party, Daniel Féret, was found guilty of inciting racial hatred and sentenced to 10 years' exclusion from holding political office and 250 hours of community service. Daniel Féret was convicted for distributing election materials which likened immigrants to criminals, savages and terrorists. The

National Front's website manager was also convicted. However, the court did not order the dissolution of the National Front party – as had been requested by the public prosecutor – due to lack of evidence linking it to the offending texts. Daniel Féret refused to fulfil the community service order (which was to be conducted in an integration service for foreigners), stating that he would appeal against the decision.

On 11 May an 18-year old resident of Antwerp with alleged far-right links shot and killed a pregnant black woman and the white child in her care, and seriously wounded a Turkish woman. He openly stated that he had been targeting foreigners. On 6 May a black French citizen was beaten up by skinheads in Bruges and left in a coma.

Following the murders in Antwerp, a petition was presented to the Council of State by members of the commission on electoral expenditure requesting the curtailment of public funding to the Vlaams Belang party. This was the first application of the law passed in October 2005 which allows for such a petition to be presented, cutting funds for three months to one year, against a party whose principles violate the European Convention on Human Rights. The Council of State has six months to take its decision.

LGBT issues

On 17 May Belgium marked its annual Day Against Homophobia. A report by the Centre for Equal Opportunities and the Fight Against Racism (CECLR) published at the end of May highlighted that the number of complaints it had received regarding discrimination on the grounds of sexual orientation had remained stable at approximately 74 per year. Physical and verbal attacks continued to be the most common form of discrimination. A Europe-wide survey conducted by a Belgian organization revealed that 70 per cent of Belgian homosexuals had suffered discrimination due to their sexuality at some point in their life. It also noted that the tendency to suicide was higher among

young homosexuals than among heterosexuals of the same age. A new measure to be introduced in the second half of 2006 would permit "homophobia" to be officially recorded as the motive for a crime in police records.

In April the Senate voted in favour of the bill on adoption by homosexuals, approved by Parliament in December 2005, and which granted homosexual couples the same adoption rights as heterosexuals.

Asylum and migration

The number of asylum applications continued to show a significant decline, with May 2006 producing the lowest number of applications since 1997. At the time of writing, only 15 per cent of asylum seekers successfully gain refugee status. However, the number of asylum seekers receiving recognition from the General Commission for Refugees and Stateless Persons (CGRA – the appeal body for asylum decisions) showed a continual increase.

Claude Lelièvre, the Commissioner on Children's Rights, visited the family wing of the asylum detention centre in Vottem at the end of March. He criticised the practice of detaining minors and recommended that legislation be introduced to ensure that unaccompanied minors and irregular migrants with children were not detained in closed centres, stating that these were unsuitable environments for children. The growing number of children being detained has been criticised by numerous non-governmental organizations, trade unions and political parties.

The first half of 2006 saw a large number of churches and public buildings occupied by undocumented migrants and failed asylum seekers hoping to avoid deportation and also aiming to draw public attention to their situation. By the end of April, 19 churches were simultaneously occupied by protestors, some of whom were on hunger strike demanding a meeting with the Minister of the Interior. Organizations of the "sans-papiers"(undocumented migrants) also demanded regularisation of their situation,

an end to expulsions and closure of secure detention centres. At the end of May, there were hunger strikes in four centres for asylum seekers – Borechem, Kapellen, Saint-Trond and Petit Chateau.

Reforms to the asylum law were proposed which would ensure cases were dealt with within 12 months of the claim, including appeals. The independent CGRA would deal with all applications in place of the Office for Foreigners. Failed asylum seekers would have the right to appeal to a newly created body and a further administrative appeal to the Council of State. Furthermore, the reforms would provide for subsidiary protection for those not covered by the 1951 Refugee Convention but who risked serious violations of their rights if they returned to their country of origin. The reforms would also create special leave to remain for seriously ill patients who would not receive adequate medical care in their country of origin.

Critics of the reform proposals to the asylum law noted that they did not address the problems of undocumented migrants and that the continuing lack of resources would hinder the processing of the backlog of asylum claims.

Domestic violence

In February, ministers of federal, regional and community level adopted a definition of domestic violence. This definition was to provide a common reference point for public powers at all levels and it was hoped that it would facilitate accurate statistical recording, which would in turn help to combat the phenomenon. The definition is broad enough to include unmarried couples, homosexual couples, and couples who do not cohabit, as well as more traditionally recognised partnerships. It includes physical, verbal, psychological, sexual and economic forms of aggression.

In March, the Minister of Justice issued a circular to police and magistrates with instructions on how to manage cases of domestic violence. The so-called "Zero tolerance decree" requires all calls to be

recorded, video recording of hearings, and the possibility of removing the aggressor from the family home as a preventative measure.

International law

On 17 March Belgium acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, following its ratification in September 2000.

Arms control

In February Belgium became the first country to adopt a law prohibiting the production, storage, possession or marketing of fragmentation bombs ('daisy cutters'). However, a second bill was introduced at the same time which would exclude from this prohibition munitions designed to destroy armoured vehicles (which cannot be activated by a person alone). Belgium also became the first country to ban cluster bombs when Parliament adopted a law banning their production, stockpiling, transportation and trade on 8 June. In 1995, Belgium had been the first country to prohibit anti-personnel landmines.

Extradition request for Hissène Habré (see AI Index: EUR 01/001/2004)

Attempts to extradite former president of Chad Hissène Habré to stand trial for torture under Belgium's universal jurisdiction laws came to an end at the end of June. Following pressure from the UN Nations Committee Against Torture for Senegal to extradite Hissène Habré or put him on trial, Senegal's president Abdoulaye Wade declared that a special court would be set up to try him for abuses committed during his regime. The Belgian government had previously declared that it would bring a case against Senegal to the International Court of Justice if it did not comply with its obligation to ensure a fair trial for those accused of torture.

BOSNIA-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 January Christian Schwarz-Schilling took office as the new High Representative, replacing Paddy Ashdown. In June the PIC Steering Board agreed to begin preparations to close down the Office of the High Representative (OHR) in June 2007. It was expected that the engagement of the international community in BiH would continue with the strengthening of the office of the European Union (EU) Special Representative.

Approximately 6,500 troops of the EU-led peacekeeping force EUFOR remained in BiH mandated to ensure the implementation of the Dayton Peace Agreement and to contribute to a safe and secure environment in BiH. In addition to EUFOR, about 150 North Atlantic Treaty Organisation (NATO) troops remained in the territory of BiH, reportedly to provide support to the International Criminal Tribunal for the former Yugoslavia (Tribunal) with regard to the detention of persons indicted for war crimes, to combat terrorism and to assist the BiH authorities in defence reform.

In April a package of constitutional amendments, aimed at strengthening state institutions, was rejected by the lower house of the BiH Parliament. The amendments had been previously agreed

by major political parties following lengthy negotiations.

War crimes and crimes against humanity (update to AI Index:EUR 01/007/2006)

International investigations and prosecutions

The Tribunal continued to try alleged perpetrators of war crimes and crimes against humanity committed during the violent collapse of Yugoslavia. A total of six publicly indicted suspects remained at large at the end of June. Under the terms of the "completion strategy", laid down in UN Security Council Resolutions 1503 and 1534, the Tribunal had completed all investigations and indictments for war crimes, crimes against humanity and genocide at the end of 2004 and is expected to complete all trials including appeals, by 2010. As a result of the tight deadlines imposed by the "completion strategy", the Tribunal continued with its policy of referring cases involving lower level perpetrators to national jurisdictions in the former Yugoslavia. In May the case of Željko Mejačić, Momčilo Gruban, Dušan Knežević, and Dušan Fuštar was transferred to BiH. The accused are charged with crimes against humanity and war crimes, for their alleged role in persecutions, murder, inhuman acts and cruel treatment, committed in the Omarska and Keraterm detention camps, run by the Bosnian Serb authorities.

In March former Serbian President Slobodan Milošević was found dead in his cell at the Tribunal Detention Unit, after having suffered a heart attack. He had been on trial charged with war crimes and crimes against humanity for his alleged involvement in the wars in Croatia, BiH and Kosovo. Slobodan Milošević was also accused of having planned, instigated, ordered, committed or otherwise aided and abetted genocide, in connection with his alleged role in the war in BiH.

Also in March, Enver Hadžihasanović and Amir Kubura, former Army of Bosnia and Herzegovina (Armija Bosne i Hercegovine, ABiH) commanders were sentenced to five and two-and-a-half years' imprisonment, respectively, for failing to prevent or punish crimes committed against non-Bosniaks (Bosnian Muslims) by volunteer foreign fighters. With regard to the criminal responsibility of Enver Hadžihasanović, these crimes included murder and cruel treatment. Amir Kubura was convicted of having failed to prevent or punish the plunder of a number of villages in central BiH.

In May Ivica Rajić, a former commander of the Croatian Defence Council (Hrvatsko vijeće obrane, HVO), the Bosnian Croat armed forces, was sentenced to 12 years' imprisonment for his involvement in an attack against the village of Stupni Do, in central BiH, when the Tribunal found that forces under the command of Ivica Rajić wilfully killed at least 37 persons. Ivica Rajić had pleaded guilty to counts of wilful killing, inhuman treatment, appropriation of property and extensive destruction not justified by military necessity and carried out unlawfully and wantonly.

In June Dragan Zelenović, former sub-commander of the RS military police and paramilitary leader in Foča, was transferred to the Tribunal's custody. He had been arrested in the Russian Federation in 2005. Dragan Zelenović is indicted on charges of torture and rape as war crimes and crimes against humanity against the non-Serb population in the city and municipality of Foča. The indictment alleges that Dragan Zelenović raped, sexually assaulted and participated in the gang-rape of detained women.

Also in June Naser Orić, former commander of the Srebrenica Armed Forces Staff, was found guilty of having failed to prevent murders and the cruel treatment of Bosnian Serb prisoners in late 1992 and 1993. He was sentenced to two years' imprisonment. Cooperation between the RS authorities and the Tribunal remained inadequate. So far not a single person indicted by the Tribunal

has been arrested by the RS police and no progress was made by the RS in locating former Bosnian Serb leader Radovan Karadžić. Radovan Karadžić faces charges, including of genocide, for his alleged role in crimes committed against the non-Serb population, including the mass executions of thousands of Bosniaks in Srebrenica in 1995. In June, in her address to the UN Security Council, the Tribunal Prosecutor noted that cooperation by the RS had in fact decreased, for political reasons and as a result of the reshuffling of personnel in the police.

Domestic investigations and prosecutions

Progress was made in the domestic prosecution of war crimes, including in proceedings at the War Crimes Chamber (WCC) within the BiH State Court, although efforts to bring perpetrators to justice remained insufficient given the scale of the crimes committed and the potentially huge number of crimes to be investigated and prosecuted. In June the BiH Council of Minister appointed a state commission to "investigate the truth on the suffering" of Serbs and other non-Bosniaks in Sarajevo in the period between 1992 and 1995.

The WCC, set up to try particularly sensitive cases or cases referred by the Tribunal, issued its first convictions in the period under review. There continued to be concerns over the lack of financial and other resources needed to ensure the long-term sustainability of the War Crimes Chamber and to enable it to carry out its activities effectively.

In April the retrial at the BiH State Court of Abduladhim Maktouf, a BiH citizen of Iraqi origin, ended with a conviction for war crimes against civilians, for his role in the abduction of two non-Bosniak civilians in 1993. A first-instance guilty verdict had been quashed in November 2005.

Also in April, after proceedings at the WCC, former member of Bosnian Serb forces Neđo Samardžić was found guilty of unlawful imprisonment, rape, and of aiding

and abetting sexual slavery committed against non-Serb victims in the Foča area. He was sentenced to 13 years and four months' imprisonment.

In May Dragoje Paunović, a former local commander of Bosnian Serb forces, was sentenced to 20 years' imprisonment for crimes against humanity committed in 1992 in the Rogatica Municipality and in eastern Bosnia. He was found guilty of the persecution of Bosniak civilians, for his command and individual responsibility in killings and other inhuman acts.

Also in May, the trial started at the WCC of 11 former members of the RS police forces or of the VRS, charged with genocide for their suspected involvement in the Srebrenica massacre in 1995.

Local police forces arrested a number of suspects acting on arrest warrants issued by entity courts. Some war crimes trials of low-level perpetrators were also held in local entity courts, including in the RS. Courts at the entity level 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 including as a result of a failure to implement existing witness protection legislation.

In March, the Livno Cantonal Court sentenced Pero Radić, a former VRS member, to eight years' imprisonment for the murder of a captured HVO soldier. The Mostar County Court sentenced five former ABiH members to between one and half and seven years' imprisonment for war crimes against Bosnian Croat prisoners of war. Also in March, Milanko Vujanović was sentenced to 20 years' imprisonment after proceedings at the Banja Luka District Court. He was found guilty of having participated in the killing of five Bosniak civilians in 1992, while he was serving in the VRS.

In May, the Banja Luka District Court sentenced three former guards of the

Manjača detention camp, run by the Bosnian Serb authorities, to imprisonment of between 10 and 14 years, for their role in the murder of two Bosniak detainees and the torture and ill-treatment of other prisoners. Three other suspects were acquitted.

Unresolved 'disappearances' and Srebrenica commission (update to AI Index: EUR 01/007/2006)

According to estimates of the International Commission on Missing Persons (ICMP), over 15,000 persons who went missing during the 1992-1995 war were still unaccounted for. Many of the missing were victims of "disappearances"; the perpetrators continued to enjoy impunity.

In March the BiH Council of Ministers appointed the directors of the Missing Persons Institute (MPI). The transfer of competencies from the two entities' missing persons commissions to the MPI was still underway.

Also in March, the exhumation began of a mass grave in Snagovo, a village north of Srebrenica containing the 36 bodies believed to be those of Bosniaks killed by members of Bosnian Serb forces in 1992. In June the exhumation began of a mass grave in the vicinity of the Buk-Bijela hydroelectric plant, near Foča, believed to contain the mortal remains of Bosniaks and Bosnian Croats.

In January the OHR ordered the RS authorities to form a commission (Palić Commission), implementing a 2001 decision by the BiH Human Rights Chamber on the "disappearance" of Avdo Palić. The Human Rights Chamber had ordered the RS to carry out a full investigation into the "disappearance" of Avdo Palić, with a view to bringing the perpetrators to justice, to release Avdo Palić, if still alive, or otherwise, to make available his mortal remains to the family and to make all information and findings relating to his fate and whereabouts to the family. 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.

In April the Palić Commission presented a report to the OHR, which claimed to reveal the location of the mortal remains of Avdo Palić and to detail his fate. The report was also forwarded to the BiH Prosecutor. However, the information contained in the report proved to be insufficient to carry out the exhumation of the body. At the end of the period under review no progress had been made in clarifying the fate and whereabouts of Avdo Palić or in the investigation of his "disappearance".

Right to return in safety and with dignity (update to AI Index: EUR 01/007/2006)

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 (IDPs) were estimated to have returned to their homes. Progress in the return of those still displaced was limited. The office of the UN High Commissioner for Refugees in BiH registered approximately 2,500 returns between January and June. Of these, approximately 2,100 were returns in a minority situation.

Cases of violence and harassment by non-state actors (private individuals) against returnees and minorities were reported. These included threats, harassment, damage to property and religious buildings and violent attacks. In February, a Bosnian Croat 78-year-old returnee was beaten to death in Bugojno. Three suspects were reportedly subsequently arrested by local police and confessed their role in the crime. In May an elderly returnee was murdered in her house in the outskirts of Sanski Most. An investigation into the case was reportedly ongoing.

Lack of access to employment continued to be a major obstacle to the sustainable return of refugees and IDPs. Employment opportunities were scarce 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'

The six men of Algerian origin who in 2002 were unlawfully transferred by the FBIH authorities to US custody and detained in Guantánamo Bay, Cuba, remained in detention.

In April, following a complaint submitted by the wife of one of the detainees, Hadj Boudellaa, the Human Rights Commission within the BiH Constitutional Court concluded that the BiH authorities had failed to implement a 2002 decision of the BiH Human Rights Chamber with regard to Hadj Boudellaa. The Commission said that the authorities had failed to use diplomatic channels to protect the rights of the detainee, provide him with consular support and take all necessary steps to ensure that he would not be subjected to the death penalty, including by asking the USA for guarantees to that effect.

In June, the Rapporteur appointed by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, in its report on alleged secret detentions and unlawful inter-state transfers of detainees, noted that the case of the six men transferred from BiH to Guantánamo Bay was "a well documented example of the abduction of European citizens and residents by the American authorities with the active collusion of the authorities of a Council of Europe member state". The report called for a credible diplomatic intervention by the BiH authorities with the USA to secure the rapid repatriation of the detainees.

Accountability of peacekeeping forces

In January members of EUFOR, during an operation carried out in the village of Bjelogorci, near Rogatica, to arrest war crimes suspect Dragomir Abazović, shot and fatally wounded Rada Abazović, the wife of the suspect, and seriously wounded the couple's 11-year-old son. Dragomir Abazović also suffered serious gunshot wounds at his head. According to EUFOR, the incident took place during a gun battle between the family of the suspect and the troops, while the wounds suffered by Dragomir Abazović were self-inflicted during the arrest. His arrest warrant had been issued by the Sarajevo Cantonal Court, on suspicion that he committed war crimes in the Rogatica area. In February the WCC terminated the detention of Dragomir Abazović. Investigations into the incident were opened by EUFOR and by the East Sarajevo Prosecutor. The results of such investigations were not known at the end of the period under review.

In May AI wrote to a number of NATO countries outlining the organization's concerns at the failure to promptly, thoroughly and impartially investigate the incident in which Jeremija and Aleksandar Starovlah had been seriously wounded by peacekeeping forces. Orthodox priest Jeremija Starovlah and his son Aleksandar Starovlah had been wounded on the night of 31 March to 1 April 2004 when approximately 40 troops of the NATO-led Stabilisation Force (SFOR) conducted a raid in Pale in a Serbian Orthodox church and in the nearby priest's residence, reportedly in an attempt to apprehend Radovan Karadžić. By the end of the period under review AI had received no reply addressing the concerns raised in the letters.

Lack of access to education for Romani children

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 (see also below). Moreover, Romani language, culture and traditions were not included in a systematic way in school curricula. 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.

A Council for National Minorities of Bosnia and Herzegovina tasked with overseeing the implementation of the Action Plan on the Educational Needs of Roma and Members of Other National Minorities, was formally created in April, but was not yet operational at the end of the period under review.

UN Committee on the Elimination of Racial Discrimination

In April the UN Committee on the Elimination of Racial Discrimination (CERD) issued its concluding observations after considering BiH's initial to sixth reports, submitted in one document, on measures to give effect to the rights enshrined in the International Convention on the Elimination Of all Forms of Racial Discrimination.

CERD *inter alia* expressed concern at the fact that the claims for compensation of many workers who during the armed conflict were dismissed from their jobs and/or placed on so-called "waiting lists" because of their ethnicity have not yet been resolved, or have not resulted in the payment of any compensation. CERD urged BiH to ensure that the claims are resolved expeditiously and that the recommendations of the entity and cantonal commissions dealing with such claims are implemented promptly and in good faith.

CERD was also gravely concerned about the extremely low rates of primary and secondary school attendance by Romani children and urged BiH to implement effectively the recommendations contained in the Action Plan on Educational Needs of Roma and Other National Minorities, and to combat discrimination against Romani children and children belonging to other ethnic minority groups by teachers, school authorities, and classmates and their families.

UN Committee on the Elimination of Discrimination against Women

In June the UN Committee on the Elimination of Discrimination against Women (CEDAW) considered BiH's combined initial, second and third periodic report on measures taken to implement the Convention on the Elimination of All Forms of Discrimination against Women.

The Committee *inter alia* expressed concern at the fact that the implementation of existing legislation on domestic violence is hampered by the lack of necessary by-laws and structures. CEDAW called on BiH to ensure implementation of domestic violence legislation. In addition, it recommended that measures be undertaken to empower women to report incidences of domestic violence and to ensure, through training programmes, that public officials, especially law enforcement personnel, the judiciary, health-care providers, social workers and teachers, were fully familiar with applicable legal provisions, were sensitized to all forms of violence against women and were skilled to respond to them in an adequate manner.

CEDAW was also concerned that trafficking in women remained a problem in BiH as a country of origin, transit and destination. CEDAW was further concerned that existing protection measures do not apply to women nationals of BiH who have been trafficked internally and women who have been trafficked for purposes other than prostitution. CEDAW urged BiH to intensify its efforts to combat trafficking in women and girls. In particular, it recommended that protection be extended to also cover women who have been trafficked internally and women who have been trafficked for purposes other than prostitution. Moreover, CEDAW called for the strengthening of measures aimed at improving the economic situation of women and raising awareness to reduce their vulnerability to traffickers, as well as enhancing social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking.

Moreover, CEDAW expressed concern at the situation of victims of sexual violence occurred during the 1992-1995 war, who may suffer from additional disadvantages as female heads of households and IDPs. CEDAW urged BiH to explicitly recognize and adequately protect women who were civilian victims of sexual violence during the armed conflict through a state law as well as through the allocation of financial resources for adequate social provisions for them.

BULGARIA

General and political background

In March, the Commissioner for Human Rights of the Council of Europe, on his Follow-up report on Bulgaria, recommended the government implement reforms of the justice system, in particular by improving its structure and its efficiency; make further efforts to eliminate corruption; strengthen the status, selection, training and pay of judges; adopt new Codes of Administrative and Civil Procedure as a priority; and allow detained suspects unrestricted access to legal counsel. Concerns remained about the inappropriate use of firearms by law enforcement officials.

In May, the European Commission (EC) recommended that January 2007 be maintained as the date of European Union (EU) accession for Bulgaria, but only if a series of deficits "of serious concern" was remedied. EC President José Manuel Durão Barroso noted that the authorities had to first and foremost tackle corruption, including that at a high level in order to dissipate any "ambiguities as to the independence of the judiciary". Other concerns remained regarding the fight against organised crime and money laundering. The final decision on the date of accession was postponed until September.

Institution of the Ombudsperson

In March, parliament amended the Constitution to incorporate the Ombudsperson institution. Among the amendments was a new provision which entitles the institution to initiate cases before the Constitutional Court if it considers that a law concerning citizens' rights and freedoms is unconstitutional.

Allegations of ill-treatment by law enforcement officials

AI continued to receive reports of ill-treatment by law enforcement officials. In May, for example, the Bulgarian Commission for Protection Against Discrimination initiated an investigation in the case of three police officers in the capital, Sofia, who allegedly ill-treated a gay man during his arrest in October 2005 because of his sexual orientation and ethnic origin (known to AI, but withheld to protect his confidentiality). The Commission concluded that during his illegal 12-hour detention the man was denied access to his relatives, medical assistance and food.

The case of Angel Dimitrov [update to AI Index: POL 01/001/2006]

Businessman Angel (also referred to as Anguel) Dimitrov died in November 2005 during a police operation in the town of Blagoevgrad, according to police from a heart attack during his arrest...Following public protests by his family, who claimed that the police were responsible for his death, an inquest was opened. In December 2005 the findings of an autopsy revealed that Angel Dimitrov had died from a haemorrhage caused by a blow to the head. Although the Interior Ministry publicly accepted responsibility for his death and the Blagoevgrad police chief resigned, the Prosecutor's Office announced that there was insufficient evidence to bring a prosecution.

In January 2006 a lawyer acting on behalf of the victim's family filed a complaint against an order issued by the Sofia District Military Prosecutor calling for a halt to criminal proceedings in the case. Later that

month the Sofia Military Court overturned the prosecutor's order and returned the case for further investigation. In March the Ombudsperson, Ginyo Ganev, said that the police had violated Bulgarian and international legislation during the arrest of Angel Dimitrov, concluding that they had used excessive force

The case of Zahari Stefanov

In February, the European Court of Human Rights found that Bulgaria had violated Zahari Stefanov's rights to life and to be free from torture and arbitrary detention (the case of *Ognyanova and Choban v. Bulgaria*, see also AI Index: POL 10/02/94, where he is referred to as Zaharie Stefanov). Zahari Stefanov, aged 23 and of Romani origin, had died in June 1993 in Kazanluk police station.. An official enquiry at the time concluded that he had jumped of his own accord out of a third-floor room where he was being questioned, and that all his injuries were caused by the fall.

Police ill-treatment of gay man

In May the Bulgarian Commission for the Protection against Discrimination initiated an investigation in the case of three police officers who allegedly ill-treated a gay man in October 2005 because of his sexual orientation and ethnic origin. The Commission concluded that during his illegal 12-hour detention, the man was denied food and access to his relatives and medical assistance.

Racism and discrimination

In February, non governmental organizations (NGOs) and private individuals filed a civil lawsuit in Sofia City Court against the leader of the far-right Attack (*Ataka*) party, Volen Siderov. They alleged that he incited others, through television broadcasts, publications and public statements, to harass and discriminate against people from ethnic, religious and sexual minorities.

The Romani community

In March, the Council of Europe's Commissioner for Human Rights recommended that the government implement its national plan of 2003-2004 for integrating Roma and establishing a coordinated policy for all minorities.

Evictions of Roma

Also in March the government approved a national programme for improving Romani housing conditions, but discrimination in housing persisted.

In April, for example, residents of the capital, Sofia, demanded the removal of a Romani neighbourhood located in the city's Zaharna Fabrika district. The mayor of Sofia said the city prosecutor would aid the municipality in finding a legal way for the Roma residents of Zaharna Fabrika to be moved, promising funds from for temporary shelters.

In June two international human rights organisations, the Centre on Housing Rights and Evictions and the European Roma Rights Centre, appealed to the authorities to stop the planned eviction of Roma in Dobri Zhelyazkov and in Batalova vodenitza in Sofia. The district authorities required 16 Romani families to leave their homes within 10 days or the municipality would issue an order for their summary eviction, despite the fact that the communities had lived on this land for several generations. The authorities did not provide reasonable justification, adequate notice, consultation with those affected, compensation, alternative housing or social support for the families. The municipality finally said that legal owners would be compensated according to the law, and others would be accommodated in freight containers adapted to make them habitable and placed on municipal land.

Concerns about mental health care

Concerns about mental health care persisted. In March the Council of Europe's

Commissioner for Human Rights recommended the provision of decent living conditions for people with mental disabilities who lived in social care centres and psychiatric hospitals that had not yet been refurbished. He also called for increased funds to feed people confined in institutions, and a system to ensure judicial review of decisions to confine such people.

In June, the human rights NGO Bulgarian Helsinki Committee in its report entitled *Human Rights in Bulgarian closed institutions* reported that the sanitary facilities in psychiatric hospitals and social care centres were still "in the poorest condition", and that the procedures for placements of patients for compulsory and involuntary treatment, provided under the Health Law of January 2005, had not been implemented correctly.

CROATIA

General and political developments

The government of Ivo Sanader continue to pursue Croatia's full European integration. The first European Union (EU) accession conference with Croatia was held on 12 June, which saw the opening and provisional finalisation of the science and research negotiating chapter, the first of 35 chapters of the *acquis communautaire* which will be the subject of detailed negotiations between the EU and Croatia.

In June the Croatian Parliament passed amendments to the Criminal Code eliminating imprisonment as a sanction for libel. Libel remains a criminal offence punished with a fine. Under the new provisions, failure to pay the fine does not result in imprisonment.

War crimes and crimes against humanity (update to AI Index: EUR 01/007/2006)

International prosecutions

In March Milan Babić was found dead, after having committed suicide, in the Detention Unit of the International Criminal Tribunal for the former Yugoslavia (Tribunal). He was detained at the Tribunal as a witness in the trial Milan Martić. Milan Martić is accused of war crimes and crimes against humanity for his role during the 1991-95 war in various leadership positions in the self-proclaimed Serbian Autonomous District (Srpska autonomna oblast, SAO) and Republic of Serbian Krajina (Republika Srpska krajina, RSK). Milan Babić had served as RSK President and had been sentenced by the Tribunal to 13 years' imprisonment for crimes committed against the non-Serbian population.

Also in March, the Tribunal found Ivica Marijačić and Markica Rebić guilty of contempt of the Tribunal for having revealed the identity of a protected witness, who had testified in 1997 during the trial against former Croatian Army Colonel Tihomir Blaškić. When the identity of the witness was revealed, Ivica Marijačić was the editor in chief of the Croatian newspaper *Hrvatski list*. Markica Rebić formerly served as the head of the Croatian Security Information Service (*Sigurnosno izveštajna služba*) and was found as having disclosed a copy of the closed session testimony to *Hrvatski list*.

On 11 March, former President of the Federal Republic of Yugoslavia, Slobodan Milošević, was found dead in his cell at the Tribunal Detention Unit. An inquest of the Dutch authorities into the death concluded that Slobodan Milošević had died of natural causes. He was accused of war crimes and crimes against humanity for his alleged involvement in the wars in Croatia, Bosnia and Herzegovina (BiH) and Kosovo.

In April the Trial Chamber declared former Yugoslav People's Army (Jugoslovenska narodna armija, JNA) commander Vladimir Kovačević unfit to stand trial, as a result of mental health problems. He is accused of war crimes, including murder, cruel treatment and attacks on civilians, committed during the attack against the Croatian city of Dubrovnik.

On 30 January Milan Bulić was sentenced by the special War Crimes Panel within the Belgrade District Court to eight years' imprisonment for participating in war crimes against Croatian civilians in 1991 at the Ovčara farm in Croatia. In 1991, after Vukovar fell to the JNA and Serbian forces, non-Serbs were removed from the Vukovar hospital and subsequently executed at the Ovčara farm.

Domestic investigations and prosecutions

Trials for war crimes and crimes against humanity continued or started before local courts, often *in absentia*; the vast majority of such trials were against Croatian Serb defendants. 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 retrial at the Split County Court of eight former members of the Croatian Military Police, accused of having tortured and murdered non-Croat detainees in Split's Lora military prison in 1992, ended in March with a guilty verdict for all the accused. Sentences ranged between six and eight year's imprisonment. Four of the accused were tried *in absentia* and remained at large at the end of the period under review. An initial trial held in 2002 had ended with the acquittal verdict of all suspects; the verdict was subsequently overturned by the Croatian Supreme Court. Proceedings continued against 27 Croatian Serbs, Roma and Ruthenians, 18 of whom are being tried *in absentia*, at the Vukovar County Court, in what is reportedly the biggest war crimes trial ever held in Croatia. The defendants, who face charges of genocide, are suspected of having committed crimes against the civilian population of the village of Mikluševci, near Vukovar in 1991 and 1992. The trial had initially started in 2004 on the basis of an indictment issued in 1996 against 35 suspects and was suspended upon request of the prosecutor, after it was ascertained

that eight of those indicted had meanwhile died.

The retrial continued at the Karlovac County Court of a former member of the Croatian special police on charges of having shot dead 13 disarmed JNA reservists in 1991 in Karlovac, by firing bursts from his machine gun. Two earlier acquittals of the suspect had been overturned by the Croatian Supreme Court.

In May Petar Mamula, former member of Croatian Serb forces, was sentenced to four years and 10 months' imprisonment for war crimes against the civilian population after proceedings at the Osijek County Court. Five co-defendants were acquitted. Also in May, the Zadar County Court sentenced Neven Pupovac, a former member of a Croatian Serb paramilitary formation, to six years' imprisonment for war crimes against the civilian population in the Zadar region. On 29 May the Karlovac County Court sentenced Milan Čačić, a former member of Croatian Serb forces, to five years and six months of imprisonment for war crimes, including the beating and the intimidation of non-Serbs in the Slunj area. In the same month, two new indictments were issued by the Vukovar County Prosecutor against a total of 52 suspects, for their alleged involvement in war crimes committed against non-Serbs in the Vukovar area.

In June Munib Suljić, a former member of a Croatian police unit was arrested in the Netherlands by the Dutch police acting on the basis of an international arrest warrant. He had been convicted in 2005 by the Zagreb County Court for the murder of a man in 1991 and had gone into hiding when the verdict was issued. He was extradited to Croatia at the end of the month. Also in June, the trial started at the Osijek County Court of two suspects accused of having committed war crimes, including murders, against Croatian Serbs in Osijek.

In May, acting on a request by the Croatian State Prosecutor, the Croatian Parliament voted to lift the immunity of Branimir Glavaš, in connection with an investigation into war crimes, including murders,

committed against Croatian Serb civilians in 1991. Branimir Glavaš had formerly been a local leader of the ruling Croatian Democratic Union (Hrvatska demokratska zajednica, HDZ) Party in the Osijek region. He was expelled from the HDZ in 2005, although he remained an important political figure in the Osijek-Baranja County. The Croatian Supreme Court, following a request by the Croatian State Prosecutor, decided the transfer of proceedings in this case from Osijek to Zagreb. The Croatian State Prosecutor had requested the transfer citing pressure on witnesses and the overall atmosphere in Osijek as obstacles to the impartial conduct of proceedings.

Missing persons and 'disappearances' (update to AI Index: EUR 01/007/2006)

In various statements, the Croatian Government Bureau for Detained and Missing Persons continued to claim that it was still searching for approximately 1,100 missing persons, mostly from the first phase of the 1991-95 war. This figure does not include people, mostly Croatian Serbs, who went missing during military operations "Storm" and "Flash" in 1995. However, in a step forward, in early 2006 the Croatian authorities presented a unified list of approximately 2,500 missing persons, divided in three components: missing from 1991-92; missing from operations "Flash" and "Storm"; and citizens of Serbia and Montenegro who went missing in Croatia.

Many of those reported as missing are believed to be victims of "disappearances". Impunity for these crimes, especially with regard to those allegedly committed by the Croatian Army and Croatian police forces remained widespread.

Right to return (update to AI Index: EUE 01/007/2006)

Approximately 300,000 Croatian Serbs left Croatia during the 1991-95 war, of whom only approximately 120,000 are officially registered as having returned. This figure is widely considered to be an overestimation

of the real numbers of those who have returned and remained in Croatia.

Croatian Serbs continued to be victims of discrimination in access to employment and in realising other economic and social rights. Many Croatian Serbs, especially those who formerly lived in urban areas, could not return because they had lost their tenancy rights to socially-owned apartments.

In March the Grand Chamber of the European Court of Human Rights delivered a judgement in which it determined that it was unable to decide on the merits of the application in the *Blečić v. Croatia* case, as it fell outside the temporal jurisdiction of the Court. The *Blečić v. Croatia* case related to the termination of the applicant's occupancy rights to her flat in Zadar during the war. AI considered the *Blečić v. Croatia* case to be illustrative of the adverse human rights consequences of a pattern of discriminatory terminations of occupancy rights to socially owned flats during and after the war.

Cases of violence and harassment by non-state actors against Croatian Serbs continued to be reported. These have included racist graffiti, assaults, threats, and damage to property. The Serbian Democratic Forum (Srpski demokratski forum), a non-governmental organization, reported 10 incidents between January and early June which saw targeted Croatian Serb returnees in the Zadar area. In April an explosive device was thrown into the orchard of a Croatian Serb returnee in the village of Gaj, near Gospić. The Croatian police identified a suspect but the Gospić Public Prosecutor reportedly decided not to pursue the case due to lack of evidence.

The perpetrators of the murder in May 2005 of an elderly Croatian Serb man in Karin, near Zadar, were still at large at the end of the period under review. No progress was made in the investigation into the deaths, in October and November 2005, of two Croatian Serb returnees who were killed by explosive devices in a wood in the village of Jagma, in the Lipik municipality. The incidents raised particular concern since

they occurred, under similar circumstances, in an area that was not considered affected by mines.

CYPRUS

Detention and welfare of migrants and asylum-seekers

In June AI wrote to the authorities expressing concern regarding the length of detention of migrants, some of whom were failed asylum-seekers, in the special 'Wing 10' of the central prison in Nicosia. On 4 May a group of detainees had protested about the long periods of detention imposed by the authorities for residing or working without authorization in the country. The detainees claimed that some people were held for over a year. According to a newspaper report, an Indian national had been held in the custody ward of the Limassol police station for 15 months, even though his deportation could not be executed. Following this protest, groups of asylum-seekers held demonstrations in Eleftheria Square in Nicosia between 8 and 19 May. The demonstrators claimed that they were denied the right to work and at the same time were denied access to health and social benefits while their asylum applications were being processed. According to information that appeared in the media, there were an estimated 12,000 asylum-seekers in Cyprus in May, of whom only 300 have a right to work, while only 350 receive government support.

AI enquired about the number of persons currently detained in the special 'Wing 10' of Nicosia prison, and of migrants detained in police stations around the country, as well as the lengths of such detention, and whether any of these detainees had filed asylum applications. It also requested information regarding the allegations of the lack of government support and the steps taken to ensure that the rights of asylum-seekers were protected while their claims were being examined.

AI also expressed concern regarding the unlawful detention of migrants in Limassol.

In one case, a Sri Lankan national had been detained for two and a half months, even though her sentence for working without proper authorization had been six weeks. In another case, a Filipino national was arrested for working without authorization in a location other than the one her employer had stated on the permit, after she filed a complaint for breach of contract because she was forced to work at the second location.

Police ill-treatment (update to EUR 01/007/2006)

The criminal investigation into the ill-treatment of Marcos Papageorgiou and Yiannos Nicolaou, both 27, in December 2005 by members of the special police Mobile Immediate Response Unit (MMAD) continued. AI wrote to the authorities in April regarding these events, after the release to the public of a video sequence shot on the night of the incident in which police officers could be seen to be punching, kicking, and swearing at the two men, who were on the pavement, with their hands cuffed behind their back.

AI expressed concerns about the independence and impartiality of the internal police investigation into the incident, and urged the authorities to undertake a second investigation to establish whether the internal one was flawed. The organization also made recommendations on the policy of law enforcement officials regarding identification and requested information about the remit of the newly-established Independent Authority for investigating allegations and complaints against the police. In this regard AI also urged the authorities to ensure that the Independent Authority be provided with the necessary resources to thoroughly investigate all complaints received, including complaints of ill-treatment that took place prior to its establishment, but which surfaced following the release of the footage documenting the ill-treatment of Marcos Papageorgiou and Yiannos Nicolaou. In an answer received in May, the Minister of Public Order stated

that the police officers who had ill-treated the two men had filed civil actions against them without the approval or knowledge of the Chief of Police, and that the two men had been charged at the police station with public insult, resisting lawful arrest, assaulting a police officer, and driving under the influence of alcohol. The minister also mentioned that the Chief of Police had issued circulars regarding the treatment of detainees, drawing attention to the need to respect human rights and making clear that breach of rules would lead directly to disciplinary procedures. However, the minister also explained that the officers involved in the incident had not been suspended as this would be deemed an administrative rather than a punitive measure, and as such had not taken place because the Independent Criminal Investigation Committee looking into the incident had not requested it. The minister also explained that the current identification procedures implemented by the police were satisfactory and concluded that the ill-treatment of the two men was an exceptional incident. He also informed AI that the Independent Authority investigating complaints against the police had been set up in February and had assumed its duties, but did not specify whether it would be investigating all complaints received following this incident or not.

Discrimination against women

In May the Committee on the Elimination of Discrimination against Women (CEDAW) considered Cyprus' third, fourth, and fifth periodic reports at its 35th session. The CEDAW commended the State party for addressing discrimination against women through a number of laws passed, institutions set up, and action plans developed between 1997 and 2003. However, the CEDAW also expressed concerns on a number of issues, including the lack of training for the judiciary on gender issues, the lack of research and data on the extent and causes of violence against women, the persistence of trafficking and sexual exploitation of women, and the discrimination against women

migrants especially regarding contracts and working conditions. On the last two areas of concern, the CEDAW requested that the issuing of new work visas to replace the 'artistes' visas be closely monitored, as well as the conditions of contract, salaries, and conditions of work for women migrants, and that integration measures be adopted and measures put in place to enhance access to justice for migrant women. The CEDAW also encouraged Cyprus to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Conscientious Objection

An amendment to the law regulating alternative civilian service for conscientious objectors had still not passed through parliament. In March, the Democratic Rally (DISY) party called for reforms to the organization of the military that included lowering army service to 14 months and long-term plans for replacing the current system of conscription with a professional army.

Czech Republic

Failure to pass anti-discrimination bill

On 26 January, the Senate returned to the Chamber of Deputies an anti-discrimination bill which it regarded as too vague and because it would have introduced affirmative action to assist disadvantaged groups. The aim of the proposed law was to ensure equal treatment and access to education, employment, health care, social benefits and housing regardless of race, gender, age or sexual orientation. The passing of such a law was intended to fulfil obligations following the Czech Republic's accession to the European Union in 2004.

In March, reporting on his January visit to the Czech Republic, the Council of Europe's Commissioner for Human Rights Álvaro Gil-Robles expressed regret that an anti-discrimination bill had not been passed, and also that the Czech Republic had yet to

ratify Protocol 12 to the European Convention on Human Rights (ECHR) on the elimination of discrimination.

Discrimination against Roma

In February the Council of Europe's Commissioner for Human Rights presented his "*Final report on the human rights situation of the Roma, Sinti and Travellers in Europe*", finding that Roma face discrimination in access to housing, education and employment. The Commissioner reported that severe unemployment and the consequential poverty and indebtedness have made Roma communities specifically vulnerable to usury practices. The Commissioner also expressed concern at unjustified placing of Romani children in "special" schools.

In March, on his conclusions on the human rights concerns in the Czech Republic, the Commissioner noted that initiatives taken have had a limited effect in reducing social exclusion of large sectors of the Romani population. The Commissioner considered that both regional and local authorities should be more closely involved in the implementation of policies against social exclusion, and invited the government to establish effective instruments of co-operation, co-ordination and supervision to that end. Concerns remained on access to education, in spite of efforts to increase the number of preparatory classes and assistant teachers for Roma pupils, and the Commissioner called the Czech authorities to make greater resources available for the provision of pre-school education, language training and school assistant training in order to ensure the success of efforts to fully integrate Roma pupils into the regular school system.

On 7 February, the European Court of Human Rights (ECtHR) rejected a complaint of discrimination in education brought by 18 Romani people from Ostrava who had been placed in special elementary schools for children with learning difficulties. The ECtHR concluded that the Czech Republic had not breached the prohibition on discrimination and the right to education in

the ECHR (Article 14) its Protocol 1 (Article 2). The ECtHR said that it could assess only individual complaints and not their social context. The decision was appealed on 8 May and at the end of the period under review was pending before the Great Chamber of the ECtHR.

In May, a report of the European Monitoring Centre on Racism and Xenophobia (EUMC) Roma and travellers in public education, expressed serious concerns about the segregation in primary education of Romani children and their over-representation in special schools. Although recognizing improvements, like the decision in January to introduce a new monitoring system for the collection of anonymous data on the Roma community, the EUMC considered that more active policies on the part of the state were needed.

Allegations of police ill-treatment

Reports continued of police ill-treatment, particularly against Roma.

The case of Kateřina Jacques

At a demonstration on 1 May in Prague against the far-right National Resistance Movement, a police officer reportedly severely beat Kateřina Jacques, a Green Party candidate in the June general election and a senior official from the government's Office for Human Rights and Equal Opportunities Section. The policeman allegedly threw her to the ground, kicked her and beat her with a truncheon before handcuffing her and taking away for questioning at the police station. There he allegedly continued to ill-treat her. The officer was later suspended pending an investigation into the incident by the Police Inspectorate. The National Police Chief Vladislav Husák subsequently acknowledged that the police action against Kateřina Jacques was inappropriate. The Prime Minister at that time, Jiří Paroubek said that the police officer's intervention was inexcusable and that the officer should leave the police.

Attacks against Roma

Roma continued to be the target of reported attacks by both law enforcement officials and private individuals (non-state actors). The Council of Europe's Commissioner for Human Rights expressed concerns in its February report about a number of allegations of police violence towards this community and cases of inaction by the police force related to crimes committed against Roma.

Fair trial rights denied

On 28 February, the ECtHR found that the Czech government had violated the right to fair trial by allowing witnesses to remain anonymous in breach of cross-examination requirements under the ECHR. The response related to an appeal lodged on 2 September 1999 by Hasan Krasniki, who had been convicted in 1997 on charges of the production and possession of narcotics through the testimony of two anonymous witnesses. The ECtHR found that, while the use of anonymous witnesses could be compatible with the ECHR, in this case it was not. The reliability of anonymous witnesses should be tested and the conviction should not rely exclusively or determinedly on anonymous statements. Czech law has since been amended.

Same sex partnership

In March a law was passed that allowed same-sex couples to register their partnership after the Chamber of Deputies overrode President Václav Klaus's veto of the legislation. The law accorded some of the same rights and obligations as married couples have, including the rights to raise children, to inherit property and to information on the health of the partner, and the mutual obligation to pay maintenance. It did not provide the right to adopt children.

Detention of irregular migrants and asylum seekers

In his March report the Council of Europe's Commissioner for Human Rights continued to urge the Czech authorities to abolish the strict detention regime and to further reduce the maximum detention period for irregular migrants, particularly for minors aged between 15 and 18. The Commissioner welcomed the efforts made to improve the material situation in centres hosting asylum-seekers and the creation of new centres for unaccompanied minors, refugees and families. He noted that the running of detention centres had been transferred from the police to a specialised agency, and that children under 15 were not sent to detention centres and attended ordinary schools.

Violence against women

In his February and March reports the Council of Europe's Commissioner for Human rights also addressed a number of issues relating to violence against women. With regard to trafficking in human beings, he welcomed the changes introduced in the criminal code to broaden the definition of trafficking and the establishment of a protection programme. On victims of domestic violence, the Commissioners noted a new provision in the criminal code for a specific criminal offence of domestic violence and for severe sanctions against perpetrators of this offence. He welcomed the introduction of interdisciplinary teams in the detection and prosecution of domestic violence and the creation of special police units, but also called on the authorities to strive to meet the demand for additional space in shelters.

The Commissioner also noted that the Czech Republic should compensate women who had been sterilized without informed consent. The Ombudsman of the Czech Republic had investigated some 80 complaints against hospitals that had allegedly sterilized women without their informed consent. In his final report on this issue, in December 2005, the Ombudsman found that in most cases women were not able to give informed consent because they did not understand the procedure, because of lack of time (sometimes the procedure

was carried out within a few minutes of their agreeing to it, or after labour had started) or because of misleading information on the part of the hospital personnel about the nature and consequences of the sterilization procedure. A number of these cases were transferred to the state attorney and the police for investigation (see AI Index: POL 10/001/2006)

FRANCE

Violence against women

On 23 March Parliament adopted new legal measures to help combat domestic violence and abuse. The new provisions included raising the legal age for marriage from 16 to 18 years for girls and regarding violence or rape committed by intimate or ex-intimate partners as an "aggravating factor" to the crime. Further measures were introduced regarding forced marriages, genital mutilation, sex tourism and child pornography. The inclusion of the new crime of marital rape created controversy between the Senate and Parliament as the Senate considered that rape occurring within an intimate personal relationship should not be treated differently to other forms of rape.

Despite these legal developments, the most recent statistics available for France indicate that every four days a woman is killed by her partner or ex-partner, with one in six women experiencing some form of domestic violence.

Many domestic violence cases fail due to lack of evidence and thus result in an acquittal of the accused or dismissal of the case. In this event, women who report abuse risk automatic prosecution under article 226-10 of the penal code for making "false accusations" (*dénonciation calomnieuse*) as it is assumed at law that the dismissal of a case "necessarily" indicates the falsity of the charges made. Such an assumption creates a "presumption of guilt" on women attempting to bring

cases of domestic violence to court. Campaigns to amend this provision are being conducted by women's organizations in France.

In February Amnesty published a report on domestic violence in France - *Violence against women: a matter for the State* (AI DOC: EUR 21/001/2006). The report highlights various manifestations of violence in France, namely domestic violence; the specific obstacles encountered by foreign women; the question of forced marriage, and the trafficking of women for the purpose of prostitution. Though not exhaustive, these examples reveal that violence is often hidden, long-term and sustained by a system of control. Furthermore, while legal tools do exist, women often have little knowledge of their rights. Professionals, whether they be police, public prosecutors, social workers or doctors, are generally not properly equipped to provide them with appropriate support.

Racist attacks

The annual report published in March by the National Consultative Human Rights Committee (CNCDH) detailed a 48 per cent decrease in anti-semitic attacks in 2005 (compared to the previous year) and a 38 per cent decrease in other racially-motivated assaults. However, racist, anti-Semitic and Islamophobic attacks continued to be a problem.

In February a young Jewish man, Ilan Halimi, was kidnapped in Paris by a gang and held for ransom for three weeks before being tortured to death. The event sparked protests against anti-semitism and racism involving tens of thousands of demonstrators. The suspected gang leader said they had chosen Ilan Halimi because he was Jewish and therefore assumed to be rich. This was the most serious of reported anti-semitic attacks during the period under review, but not an isolated incident – numerous assaults and profanations of cemeteries were also recorded in the press. In March a comedian was convicted and fined for "incitement to racial hatred" for

anti-semitic remarks made in an interview with a French newspaper in February 2004.

Islamophobic and anti-Arab attacks were also reported, including the murder of an Algerian man, Chaib Zehaf, outside a bar in Lyon on 4 March. The deceased man's family and their lawyer have repeatedly highlighted what they believe to be the racist motive of the murder. The case is being brought to trial. The government is investigating at least 26 websites with anti-Islamic content which may be linked to Islamophobic attacks.

Immigration – La Loi Sarkozy

On 17 May Parliament adopted a controversial immigration bill proposed by the Minister of the Interior, Nicolas Sarkozy. On 16 June the Senate approved the bill on a first reading. It was then to be examined by a mixed party commission before being presented for final adoption by Parliament on 1 July. This bill sparked strong opposition from various political groups as well as religious and civil associations, with more than 11,000 demonstrators protesting in Paris on 13 May (the weekend prior to the vote) and two further demonstrations in Marseille and Toulouse.

For migrants entering the country specifically to work, the bill will grant different forms of residence permits according to the length of contract and level of professional skill. A special three-year permit will be created for "highly qualified" immigrants whose skills are particularly sought-after in France. For others, residence permits will be strictly limited to the duration of their work contract. There were fears that this would place immigrants at risk of abuse by employers due to their total dependency on maintaining employment to avoid expulsion.

Foreign residents convicted of "acts of intimidation or threats" or "rebellion" against public officials (police) may have their 10-year residence permit removed and replaced with a one-year permit which must be renewed annually. The charge of "rebellion" is a broad one commonly cited in

cases of controversial arrest or as a counter-charge to accusations of police misconduct.

The bill also extends the period before family reunification applications can be presented and introduces "integration contracts" for anyone applying for a temporary residence permit. Those applying for a 10-year residence card must fulfill "integration" conditions relating to respect of 'Republican values' and language proficiency. Automatic regularization of status for irregular migrants after 10 years' residency in France is repealed. Regularization will now take place on a case-by-case basis.

Immigration detention centres:

In March, members of the European Parliament (MEPs) returning from visits to immigration detention centres around Europe particularly condemned two centres in France: one at Mesnil-Amelot near Roissy airport and the other under the Palais de Justice in Paris. The head of mission, Giusto Catania (MEP Italy) described the general conditions as "shocking" and "unimaginable in Europe". The MEPs, together with the Human Rights Commissioner for the Council of Europe, Alvaro Gil-Robles, welcomed the scheduled closure of the Palais de Justice centre set for June 2006.

Report of the Council of Europe Commissioner on Human Rights

The report of the visit to France by the Human Rights Commissioner for the Council of Europe from 5 to 21 September 2005 was published on 15 February. With respect to asylum and immigration, the report noted the falling number of asylum applications and low rate of recognition (19 per cent in 2005), with the Commissioner expressing regret that the "zones d'attente" (airport waiting areas) were considered by the authorities not to constitute part of French territory. He also expressed concern at the lack of translation assistance provided to non-Francophone applicants

now required to present their application in French and the proposed reduction to 21 days of the maximum period to present an asylum request and 15 days (currently one month) to appeal against a decision.

Regarding police ill-treatment, the Commissioner expressed concern at the rising number of complaints of police violence in recent years, noting that the vast majority of complaints were made by French citizens of foreign origin or foreigners. He recommended that all police in contact with the public should be identifiable at all times by way of some form of identification tag to avoid impunity. Whilst recognizing the crucial role of the Commission Nationale de Déontologie de la Sécurité (CNDS, the French police ombudsman) the Commissioner recommended that its mandate be expanded and its budget increased to ensure it is able to fulfill its task adequately.

One of the most prominent aspects of the report was its assessment of prison conditions which were considered to be at the "limit of human dignity" due to chronic over-crowding which led to the violation of prisoners' fundamental rights. The report also expressed concern at the use of isolation regimes without time limit for convicted prisoners. On 15 February the minister of justice announced a reform of the isolation regime due to take place in the first half of the year.

Police accountability

Lawyers for the surviving victim of accidental electrocution at Clichy-sous-bois on 27 October 2005 presented a request to the Minister of the Interior in April to recognize the state's negligence in the events. Three boys were accidentally electrocuted when being chased by police, and two died, leading to the widespread riots of November 2005 (see AI Index: POL 10/001/2006). The lawyers claimed that the police failed to act to protect the three boys from harm despite knowing the danger they were in as they hid in the electrical power centre.

On 9 February a book entitled *Place Beauvau: the hidden face of the police* (Place Beauvau : la face cachée de la police) was published in France, alleging acts of torture committed by police officers investigating the 1995 Islamist terrorist attacks which killed eight people and wounded more than 170 (see AI DOC: POL 10/002/1996). The book contained testimony from former detainees as well as anonymous police sources. In response to these allegations, an inquiry was immediately launched by the Minister of the Interior, to be carried out by the Inspection General de la Police Nationale (IGPN – an internal investigative body of the police). On 17 March the inquiry's preliminary report was published. It affirmed accusations that detainees were struck by police officers but found insufficient evidence to support, or in some cases totally rejected, allegations of torture. The Minister of the Interior passed the files on to the Public Prosecutor (Procureur de la République).

The annual report of the Commission nationale de déontologie de la sécurité (CNDS, the French police ombudsman) noted a ten per cent increase in complaints against the police and a 14.55 per cent increase in 2005 of the number of sanctions imposed against police officers following disciplinary proceedings. The number of complaints about police violence decreased by 5.6 per cent, equivalent to approximately one complaint for every 6,000 police interventions. The Commission highlighted its particular concern regarding misconduct in relation to treatment of minors, asylum-seekers and irregular migrants.

Impunity for police abuses – the case of Brice Petit (Update to AI Index: POL 10/001/2006)

The case of Brice Petit, charged with insulting a police officer and defamation following his intervention in the arrest of a stranger in Montpellier, finally concluded. The original tribunal on 31 August 2004 at Montpellier magistrates court convicted

Brice Petit for defamation but acquitted him of the other charges on the benefit of the doubt (the only evidence being the word of the police officers against that of the accused and numerous civilian witnesses). The public prosecutor had appealed this decision but the Court of Appeal in Montpellier confirmed the acquittal on 2 March. Brice Petit had made a complaint against the police for their treatment during his arrest but in March the investigating judge closed the case without action. Whilst accepting the credibility of Brice Petit's statement the investigating judge declared that "someone with such idealistic principles would have found the harsh reality of arrest a major shock".

Counter-terrorism

Rendition flights

In a report published in April entitled *USA: Below the radar: Secret flights to torture and 'disappearance'* (AI Index: AMR 51/051/2006) AI investigated the practice of "renditions" - the illegal transfer of people between states outside of any judicial process by the US Central Intelligence Agency (CIA). The report noted information on a total of six flights suspected to have made stop-overs at French airports. A preliminary governmental enquiry on this matter was opened following a complaint lodged by two non-governmental organizations in December 2005, but a full judicial investigation had not been established by the end of the period under review.

The case of M'hamed Benyamina

M'hamed Benyamina, an Algerian national resident in France since 1997, was arrested by Algerian security forces during a visit to Algeria in September 2005, allegedly at the request of the French authorities in relation to his suspected involvement in terrorist activities. A lawyer acting on his behalf in France lodged a complaint in December with the Tribunal de Grande Instance in Paris claiming that M'hamed Benyamina

was being detained arbitrarily in Algeria at the request of the French authorities.

In February Amnesty International sent a letter to the French Minister of the Interior, raising concerns regarding the circumstances of M'hamed Benyamina's incommunicado detention particularly in light of on-going evidence of torture and "disappearance" of suspects held by the Algerian Security Forces. That month, M'hamed Benyamina was charged with "belonging to a terrorist organisation operation abroad" and "joining a terrorist group operating in Algeria". At his trial he was not assisted by a lawyer. He complained to the judge of having been ill-treated while in detention but no investigation appears to have been launched into these allegations.

Following his trial and continued detention in Algeria, media reports indicate that M'hamed Benyamina is now wanted by judicial authorities in France in connection with alleged plans to commit violent attacks on targets in France. AI made an urgent appeal to the Algerian authorities on behalf of M'hamed Benyamina on 3 April expressing concern for his physical integrity and requesting them to communicate his location and the charges against him to his family.

Death penalty

In response to a decision by the Constitutional Council on 13 October 2005 that France's ratification of the International Covenant on Civil and Political Rights (ICCPR) required a constitutional amendment, on 3 January President Jacques Chirac announced his intention to amend the Constitution to reflect the prohibition of the death penalty in all circumstances. Such a measure would also enable France to become party to the Second Optional Protocol to the ICCPR, aimed at total abolition of the death penalty. Although capital punishment was abolished from French domestic law in 1981 this action was easily reversible through legislation. Abolishment of the death

penalty from the Constitution would make such a measure permanent and ensure French law was in line with its international obligations.

In January, following a 2005 decision by the Constitutional Council that France's ratification of the International Covenant on Civil and Political Rights required a constitutional reform, President Jacques Chirac announced his intention to amend the Constitution to reflect the prohibition of the death penalty in all circumstances. Such a measure would also enable France to become party to the Covenant's Second Optional Protocol, aimed at total abolition of the death penalty.

GEORGIA

UN Committee against Torture

On 3 and 4 May the UN Committee against Torture (CAT) examined Georgia's third periodic report on the implementation of the country's obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. On 19 May it issued its conclusions and recommendations.

The findings of the CAT echoed concerns expressed by AI regarding the persistence of impunity in relation to the use of excessive force and torture or other ill-treatment by law enforcement officials; the anonymity of special unit police who are often masked when conducting arrests and do not wear identification tags; and the absence of legislation providing for prompt and adequate reparation. The CAT also expressed concern about the use of diplomatic assurances in adjudicating requests for refoulement, extradition or expulsion; about the high number of sudden deaths in custody, and about the absence of detailed information on independent investigations into such deaths. Among other issues, the CAT called on the Georgian authorities to "introduce regular monitoring by an independent oversight body" to look into human rights violations in the police force and the penitentiary

system; that Georgia "strengthen its investigative capacity" in order to ensure that all allegations of torture or other ill-treatment are investigated promptly and thoroughly; that all detainees are promptly informed of their rights to counsel and to be examined by a medical doctor of their own choice; and that Georgia develop and implement a methodology to evaluate the impact of training programmes for law enforcement and penitentiary officials on the reduction of torture or other ill-treatment.

AI had submitted its own report to the CAT members detailing its concerns about continuing allegations of torture or other ill-treatment in police custody and the continuing risk that refugees might be refouled to countries where they would be at risk of torture (AI Index: EUR 56/005/2006). In addition to a number of recommendations also made by the CAT, AI has further called on the Georgian authorities to:

- Promptly draft and implement a comprehensive, coherent action plan against torture that is resourced accordingly to build on the two-year Plan of Action against Torture in Georgia that expired with no new action plan in place in December 2005.
- Ensure that additional efforts are made to end torture or other ill-treatment in the regions of Georgia outside Tbilisi including by increasing monitoring of detention facilities.
- Ensure that law enforcement officers who are placed under investigation for serious human rights violations are suspended from their duties pending the outcome of the disciplinary and judicial proceedings against them.
- Ensure that judges and procurators routinely ask persons brought from police custody whether they were tortured or ill-treated during arrest or detention in police custody.

- Ensure that all questioning of an individual by a police officer is audio/video recorded and that all police authorities are supplied with the equipment necessary for this purpose.

Allegations of excessive use of force in pre-trial detention and prisons

AI received allegations that the authorities used excessive force against inmates of investigation-isolation facilities and prisons on several occasions in the period under review and that at least seven detainees died as a result. AI was seriously concerned that the authorities failed to open prompt, thorough and impartial investigations into the allegations.

Reportedly, on 26 January a senior official at the Ministry of Justice and some 30 members of the ministry's special forces conducted a search for contraband at Batumi prison. There were allegations that they forced all prisoners outside into the yard and made them run between lines of officers who beat them with truncheons. The prisoners were reportedly forced to stay in the yard for at least two hours in extremely cold temperatures, wearing only their underwear.

Early on 30 January special forces of the Ministry of Justice entered prison no. 1 in Rustavi to conduct a search. Reportedly, a large number of prisoners were beaten by special forces officers after some of the inmates resisted. Special forces reportedly also fired submachine-guns and rubber bullets into the air. To AI's knowledge, by the end of the period under review no investigations had been opened into the allegations of excessive force with regard to the incidents in Batumi prison and prison no. 1 in Rustavi.

The most serious incident, involving loss of life, took place early on 27 March when special forces reportedly used excessive force against defendants held in investigation-isolation prison no. 5 in Tbilisi. At least seven inmates were killed and many others wounded. According to the

authorities, special forces entered the prison to suppress an armed riot and attempted break-out that ringleaders had allegedly organized in advance. The Justice Minister of Georgia stated at a press briefing later that day that the special forces had several times in vain urged the inmates to stop the riot before they "launched the special operation, which lasted for two hours".

According to local human rights organizations, however, the special forces operation was carried out to put down a spontaneous protest by detainees against physical and verbal abuse of inmates in the nearby central prison hospital by a senior official of the Ministry of Justice and special forces earlier that night. Reportedly, the special forces that entered investigation-isolation prison no. 5 did not seek first to use alternative non-violent means to establish control of the prison, but instead fired automatic weapons and rubber bullets into the air, and beat detainees with truncheons.

Later in the day on 27 March senior government officials, including President Mikhail Saakashvili, rejected allegations that excessive force had been used and affirmed that security forces had acted appropriately. According to a report by the US-funded Radio Liberty, on 28 March members of the pro-government majority in parliament, accusing opposition politicians of "patronizing criminals", rejected a proposal to set up a parliamentary inquiry into the 27 March events. According to some reports, the General Procuracy opened an investigation specifically looking into the allegations of excessive use of force by security personnel some three months later. According to other sources, no investigative activities had been conducted by the end of the period under review.

The Ombudsman of Georgia and local non-governmental organizations (NGOs) raised concern at the lack of adequate medical treatment of those injured as a result of the events in the prison hospital and in investigation-isolation prison no. 5 on 27

March. For example, according to a statement issued by the Ombudsman's Office on 7 April, six men who allegedly sustained injuries as a result of beatings by officials in the prison hospital were transferred to investigation-isolation prison no. 7 in Tbilisi later that night without an authorization by prison doctors and were only given access to medical personnel after the Ombudsman's intervention. According to information from the NGO Empathy, received by AI on 9 April, many detainees who had sustained bullet wounds on 27 March and were subsequently transferred to investigation-isolation prison no. 6 in Rustavi were left without immediate medical treatment and the wounds of some of them started to fester.

Interior Ministry officials stand trial for killing of Sandro Girgvliani

At the end of the period under review the trial began of four Interior Ministry officials charged with killing a young man named Sandro Girgvliani. Three other senior Interior Ministry officials were suspended during the investigation, amid allegations that those who carried out the crimes had done so at the instigation of others.

Late on 27 January three officers of the Interior Ministry reportedly took Sandro Girgvliani, aged 28, and his friend Levan Bukhaidze to the settlement of Okrokana near Tbilisi. The three officers and another man who reportedly joined them later were said to have beaten and otherwise ill-treated the two young men severely. Levan Bukhaidze was abandoned by the men and managed to get back to Tbilisi. Sandro Girgvliani was said to have died as a result of injuries he sustained and was found near a local cemetery the next day. Reportedly, a forensic medical expert found 12 stabs on his neck and two dozen cuts on his left arm. A television report on Imedi TV in early February alleged that four senior officials of the Interior Ministry may have ordered the killing. According to non-governmental sources, the abduction and beating of the two young men were connected to a quarrel earlier that evening in Chardin Bar in

central Tbilisi where Sandro Girgvliani, Levan Bukhaidze, several senior officials of the Interior Ministry and the Interior Minister's wife had spent the evening. According to official sources, the quarrel between Sandro Girgvliani and Levan Bukhaidze on the one hand and Interior Ministry officers on the other started outside the bar, not in the presence of senior staff of the Ministry or the Minister's wife.

On 6 March the Interior Minister announced at a press conference that "we have solved the murder of Girgvliani" and that four suspects, all employees of the Department of Constitutional Security at the Interior Ministry, had been arrested on suspicion of killing Sandro Girgvliani. However, several local human rights organizations and opposition politicians urged that the investigation should continue to identify those who they alleged had ordered the crime.

On 13 March Sozar Subari, the Ombudsman of Georgia, was reported by Black Sea Press as saying that all senior government officials who, in the eyes of the public, have come under suspicion of involvement in the crime, should promptly leave their posts. The same day three senior Interior Ministry officials who had – among others – been accused by human rights activists, opposition politicians and journalists of having ordered Sandro Girgvliani's murder, were suspended from their duties for the duration of the investigation.

At a news briefing on 2 May Tbilisi city procurator Giorgi Ghviniashvili stated that "the fact that the arrested individuals [...] committed the crime is confirmed by numerous pieces of evidence, including their confessions [...] Most importantly, they were identified by victim Levan Bukhaidze." He added that "so far, we have no evidence pointing to anyone who gave the order to carry out the crime".

Shalva Shavgulidze, the lawyer working on Sandro Girgvliani's case, was reported by Black Sea Press on 19 May as saying that he believed the investigation was being

delayed on purpose and that it was not being conducted objectively. The trial of the four Interior Ministry employees charged with "deliberate infliction of grave injuries, resulting in death" started on 27 June.

Possible prisoners of conscience arrested for 30 days following picket

On 29 June five activists of the NGO Equality Institute – Irakli Kakabadze, Lasha Chkhartishvili, Zurab Rtveliashvili, Dzhaba Dzhishkariani and David Dalakishvili – were detained by court guards when they protested in front of Tbilisi appeal court. The five were demanding the release of the journalists Shalva Ramishvili and David Kokhleidze, who were being tried in the court building, charged with "extortion". Eka Tkeshelashvili, the chairwoman of the court, said at a press briefing later the same day that "the chair of the court has the right to deprive [people] of liberty if [they express] contempt of court and if the order is gravely violated". Later that day Eka Tkeshelashvili sentenced the five men to 30 days' imprisonment under Article 208, part 6 of the Criminal Procedure Code of Georgia ("violating court order"), the maximum sentence provided for by this article. Reportedly, the sentence was imposed without an oral hearing and the verdict was not subject to appeal. After their arrest, Irakli Kakabadze, who suffers from a severe form of diabetes, was transferred to a hospital in Saburtalo district in Tbilisi, while the other four were taken to an investigation-isolation prison in Tbilisi.

AI was seriously concerned at allegations that the men were targeted to punish them for exercising their right to freedom of expression. Although independent sources report that the protest took place in front of the court building, Article 208 of the Criminal Procedure Code which was used to imprison the men only applies to violations of order in the courtroom or inside the court building. During the protest Irakli Kakabadze used a megaphone demanding the two journalists' release. While AI acknowledges that the noise generated by

the megaphone could have disrupted the court proceedings, the organization was seriously concerned that the court's reaction was not proportionate to the action of the protesters. According to the human rights group Georgian Young Lawyers Association, Irakli Kakabadze only used the megaphone for two minutes. Reportedly, the other four protesters did not use a megaphone at all.

Law on domestic violence adopted

In a positive move, on 25 May, the Georgian Parliament adopted the Law of Georgia on Combating Domestic Violence, Prevention of and Support to Its Victims, which had been drafted following extensive consultation with NGOs. The stated aims of the law included, among other things, to ensure "cooperation between various institutions in order to prevent domestic violence from occurring" and to provide "access to justice to victims of domestic violence". The law introduced for the first time a definition of domestic violence into Georgian legislation. In addition, it provided a legal basis for the issuance of protection and restraint orders. It also stipulated that a special plan outlining measures and activities necessary to implement the law should be approved by the government within four months of the law's publication.

Much will depend on the implementation of the law, which AI will monitor. A major drawback of the law, however, was that while stipulating that temporary shelters for victims of domestic violence and rehabilitation centres for batterers should be set up, the implementation of this provision was postponed until 2008.

By the end of the period under review there were no state-run shelters in Georgia and the government did not provide financial or other assistance to NGOs willing to set up shelters. The only shelter in Georgia specializing in providing safe shelter and services to victims of domestic violence and human trafficking that was functioning at the end of the period under review was run by the NGO Anti-Violence Network of Georgia and located in a three-bedroom flat

in Tbilisi that accommodates 10 people. According to local NGOs the demand for space in a shelter was much higher than the places available, and more shelters were urgently needed.

Concerns in the disputed regions of Abkhazia and South Ossetia

Civil society activists reprimanded for contacts with Georgians

In June the mother of civil society activist Alan Dzhusoity was dismissed from her job as head mistress of school no. 6 in Tskhinval (referred to by the Georgians as Tskhinvali) in South Ossetia. It was believed that her dismissal was an attempt by the authorities of South Ossetia to put pressure on her son to end his contacts with Georgian NGOs. Alan Dzhusoity and his NGO colleagues Alan Parastayev and Timur Tskhovrebov had repeatedly been reprimanded by the authorities for their contacts with Georgian NGOs and their visits to Georgia.

On 21 June, several days after Alan Dzhusoity's mother was dismissed from her job, the three men traveled to Tbilisi from Tskhinval (Tskhinvali) in South Ossetia to take part in the recording of a TV discussion at Studio Re, an NGO video production studio, on the topic of Georgian-Ossetian relations. During the discussion the three activists spoke out in favour of an independent South Ossetia. They also stated that they did not want South Ossetians and Georgians to be enemies but that peace could only be restored if Georgia acknowledged that the South Ossetian population had a right to self-determination. Shortly after their visit to Tbilisi, President Eduard Kokoity called the three men and other civil society activists to his office. Reportedly, the three men did not attend the meeting but the other activists that were present were warned against any contact with Georgians.

The death penalty (update to AI Indexes: EUR 04/002/2004 and EUR 01/007/2006)

On 28 June the Parliamentary Assembly of the Council of Europe (PACE) adopted Recommendation 1760 (2006) entitled Position of the Parliamentary Assembly as regards the Council of Europe member and observer states which have not abolished the death penalty. With regard to the internationally unrecognized territories of Abkhazia and South Ossetia PACE stated that "the death penalty should be abolished in these territories and [...] the sentences of all prisoners currently on death row in Abkhazia [...] should be immediately commuted to terms of imprisonment in order to put an end to the cruel and inhuman treatment of those who have been kept on death row for years in a state of uncertainty as to their ultimate fate".

GREECE

Counter-terrorism (update to EUR 01/007/2006)

On 11 May two agents of the Hellenic Intelligence Service (EYP) were charged with kidnapping one Indian and six Pakistani nationals in Athens in July 2005, and further investigations were ordered against them. No evidence was discovered in the cases of another six agents initially suspected of having been involved in the abductions, although the on-going investigation also involved them. AI wrote to the authorities in January and May expressing concerns at the alleged abductions, seeking assurances that should human rights abuses be found to have been committed, all those reasonably expected of being responsible would be brought to justice and reparations offered to the victims. AI also sought clarification about the measures taken to ensure that the human rights of the 2,172 migrants who were interrogated in July and August 2005, including six individuals who were deported, were respected. The Minister of Public Order responded to these enquiries in June, informing AI of the progress of the case and emphasizing that "the Hellenic Intelligence Service and the Governmental Agencies had no participation in the case". It was also claimed that the rights of those

interrogated and deported had been fully respected, although no details were provided on the measures taken to ensure this.

Denial of refugee protection

AI learnt that following the publication of its report *Greece – Out of the Spotlight: the Rights of Foreigners and Minorities are Still a Grey Area* (AI Index: EUR 25/016/2005) in October 2005, the local authorities on Chios island removed the metal container in which migrants had been detained. In a letter to the authorities in May 2005, which remained unanswered, AI had asked the government to stop using the container to detain migrants and to carry out investigations in order to establish whether containers were being used elsewhere to detain people. AI had also requested information on the whereabouts of the former detainees and the government's intention to pay reparations. Although they removed the container, the local authorities on Chios also banned access by a local activist group to the detention centre for migrants on the island – the group used to provide material assistance to detainees, as well as assistance with the filing of asylum applications and Greek language lessons.

According to statistics published by the Office of the United Nations High Commissioner for Refugees (UNHCR), the rate of refugee recognition had increased to 1.13 per cent, with a total of 37 cases receiving refugee protection out of a total 3,431 applications for asylum examined in the first half of 2006 (in another 13 cases, protection was granted for humanitarian reasons). However, AI remained concerned that some of the people who had applied for asylum were encouraged to withdraw their applications in order to qualify for residence and work permits under a new law that came into force in August 2005, regulating the entry, residence, and integration of non-European Union (EU) nationals in the country. According to information received by AI, many of the applicants withdrew their applications in the hope of legalizing their status in Greece

faster than was the case with asylum applications, where it may take up to two to three years for an application to be examined. However, the lack of staff has slowed both processes.

Arbitrary arrests

During a protest on 5 May organized by the Athens-based non governmental organization (NGO) Support to Refugees and Migrants Network -- as part of the events around the 2006 European Social Forum (ESF) held in Athens at that time -- police used excessive force in attacking demonstrators and detained about 30 persons, including members of the European parliament, university professors, lawyers, political party members, organizers of the 2006 ESF, and journalists. The protestors were demanding a stop to ill-treatment practices towards migrants. Police officers based at the police station where the protest took place had allegedly ill-treated a number of Afghan nationals in December 2004, and the case is still under investigation (see AI Index: EUR 25/016/2004). Four of the protestors who were attacked and detained were meeting with the superintendent of the police station – the arrests took place during this meeting. AI issued a statement on 5 May expressing concern about the excessive use of force used by the police against the protestors and fear that the arrests may have been arbitrary.

Conscientious objection to military service

In May AI published a report *Greece: High time to comply fully with European standards on conscientious objection* (AI Index: EUR 25/003/2006) in which it assessed the provisions and application of law 3421/2005 on military service, which came into force in November 2005. Under the law, alternative civilian service remains punitive, and its administration, as well as the process of determining conscientious objector status, is under military authorities. Cases against conscientious objectors which had been opened under the previous law

remained open under this new law. AI called on the authorities to amend the law and ensure that it complies with European law and international standards. Apart from reducing the length and making the administration of the alternative civilian service independent from military authorities, AI also recommended that the right to conscientious objection becomes applicable at all times, including in time of war; that the right to claim conscientious objector status is available both before and after entering the armed forces; that conscientious objectors recover their civil and political rights (for example to travel abroad); and that information regarding the right to conscientious objection is made more widely available.

Trafficking in human beings

On 27 February Albania and Greece signed an agreement on the protection, including repatriation, rehabilitation and care, of Albanian children trafficked into Greece. The agreement came after reports about the disappearance, between 1998 and 2002, of 502 children, mostly Albanian Roma, from a state institution that had been charged with their protection. By the end of the period under review, however, the agreement had still to be ratified by the Greek parliament.

The agreement established two government agencies in both countries, which would work in communication with NGOs working in the sector. The agreement set out procedures for the provision of food, shelter, and medical and psychosocial support; the appointment of temporary guardians; arrangements for voluntary return; the integration process upon their return; and the prohibition of detention and criminal prosecution of children.

The agreement did not, however, specify conditions on voluntary return of children, including the process of determining whether the return was indeed voluntary. Nor did it specify provisions for the protection of children during the criminal

investigation process or for cases of children trafficked by their parents.

Also in February, Bulgarian police arrested six persons suspected of trafficking 13 expectant mothers into Greece where they were paid money to give their babies up, reportedly against their will, or were forced to do so in exchange for loans they had been unable to repay in their country.

On 6 April reports appeared in the media concerning the alleged rape of a 29-year-old Bulgarian national while she was detained in a police station in Rhodes. She was initially charged with illegal entry and detained pending deportation, even though there were suspicions that she was a victim of trafficking – two men who had arranged her transfer from Crete to Rhodes were subsequently charged with trafficking and pimping. The woman alleged that, while she was being detained, one officer took her to his house and raped her while another officer raped her upon return to the police station. A criminal investigation was opened, and the two officers have been charged with rape, while the guard on duty at the police station at the time and the station commander have been charged with neglect of duty.

Later that month the EU Council of Ministers agreed on an integrated plan proposed by the Greek Minister of Public Order to combat trafficking in human beings. The plan covers coordination activities in home security between all countries of South Eastern Europe and the Balkans.

Discrimination

In a report published by the Ombudsman's Office in March, on the application of Law 3304/2005 against discrimination, a series of violations were noted, including: the refusal to transfer drivers' licences issued in countries of the former Soviet Union to naturalized Greeks despite the fact that this was possible for Greeks born in Greece; police discrimination against Albanian nationals and members of the Muslim minority in Rodopi; and discrimination in

the workplace against disabled individuals. The report also highlighted problems of discrimination faced by Romani individuals with respect to housing. In particular, it was stated that "the unacceptable and, in certain cases, demeaning to human dignity, phenomenon of the, mainly indirect, discriminatory treatment of members of this population is often linked to institutional practices of discrimination". The report also noted problems in the scope of application of the anti-discrimination law because of the requirement for a victim to grant formal power of attorney to civil society organizations representing them in order for the complaint to be dealt with, and lack of public awareness about the law.

Failure to conduct thorough, prompt and impartial investigation

In January, AI learnt that on 31 December 2005 Dimitrios Souras, a 21-year-old Greek national serving his military service in the border district of Evros, was found dead near the military post where he was serving in the region of Pythion. AI received a statement from Dimitrios Souras' parents, raising concerns about the circumstances that led to their son's death. The complainants sent photographs of their son's body, which showed extensive bruising on the face and the arms, inconsistent with the findings of the expert who performed the initial autopsy on behalf of the military authorities on 5 January indicating that "the body bore no marks indicating that a crime may have been committed". That autopsy also concluded that "the death was due to severe damage to the head as a result of being shot at close range." The expert had allegedly instructed Dimitrios Souras' parents that their son's body would be delivered to them in a sealed coffin, which they were not to open. This raised their suspicions that their son may not have committed suicide, prompting them to open the coffin and photograph the injuries visible on the body. In a complaint filed with the Prosecutor on 10 January, Dimitrios Souras' parents demanded that their son's body be exhumed and a second autopsy be

performed by an independent forensic expert. Following this complaint, three forensic experts from the Athens Forensics Department carried out a second autopsy on 13 January. Because of damage caused during the first autopsy, the second autopsy was inconclusive on whether the fatal gunshot wound was inflicted at close range as well as on its precise location. It did, however, establish that the bruising was sustained while Dimitrios Souras was alive and shortly before he died. The forensic experts also stated that the initial autopsy had not tested for traces of gunpowder. By the end of the period under review, neither Dimitrios Souras' parents nor the lawyers acting on their behalf had received answers to their questions regarding the discrepancies between the findings of the first and second autopsies, or to their requests for information about the investigation regarding their son's death and for the photographs relating to the second autopsy to be given to them.

Freedom of conscience and religion (update to EUR 25/001/2006)

On 14 March the Appeals Court acquitted Professor Takis Alexiou, founder of the Greek Rumi Committee and President (1994-1996) of the Panhellenic Historical & Philosophical Society (PANIFE). He had been sentenced on 1 July 2005, by the court of first instance in Rhodes, to a 25-month prison term in spite of the Court Prosecutor's own request for his acquittal. Charges had been brought against Professor Alexiou in a case involving allegedly defamatory actions following a divorce involving other people who were members of PANIFE. Professor Takis Alexiou appeared to have been charged on the basis of his leadership of the Greek Rumi Committee and PANIFE.

HUNGARY

Policing concerns

UN Committee on the Rights of the Child

The UN Committee on the Rights of the Child (CRC) considered Hungary's second periodic report under the Convention on the Rights of the Child at its session in January. In its Concluding Observations made public in March, the CRC expressed its concerns, *inter alia*, about information indicating that children continued to be victims of arbitrary detentions, police brutality and ill-treatment in detention facilities. The CRC recommended that the Hungarian authorities investigate thoroughly all allegations of torture and ill-treatment; ensure that perpetrators are brought to justice; and provide adequate reparations, rehabilitation and recovery programmes for victims of such abuses.

Committee for the Prevention of Torture

In June, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published a report on its last visit to Hungary, held in March and April 2004.

The CPT reported that it had received some allegations of physical ill-treatment by the police at the time of apprehension, in the form of kicks, punches, and tight handcuffing (while recognizing that the majority of the persons interviewed who were, or had recently been, detained by the police, signalled that they had been correctly treated, both at the time of their apprehension and during questioning). The CPT called on the authorities to remind police officers that the ill-treatment of detainees (whether of a physical or verbal nature) is not acceptable and should be the subject of severe sanctions, and that no more force than is strictly necessary should be used when affecting an apprehension. The report also noted the need to remind law enforcement officials that once an apprehended person had been brought

under control, there could never be any justification for their being struck.

The CPT raised concerns that, at the time of their visit, it remained exceptional for persons to benefit from the presence of a lawyer at any stage of police custody, reporting that in many cases lawyers appointed *ex officio* had no contact with detained persons until the first court hearing or did not even appear in court. The CPT called on the authorities to create a fully fledged and properly funded system of legal aid for persons in police custody who were not in a position to pay for a lawyer, and for this to be applicable from the very outset of police custody.

With regard to access to health care, the CPT expressed serious concerns about the presence of police officers during the medical examination of detainees, remarking that there could be no justification for police officers being "systematically" present during such examinations, and also about the fact that all medical examinations of persons in police custody were performed by police-appointed doctors. The CPT reiterated its recommendation that the right of detained persons to be examined by an external doctor be formally guaranteed and to ensure that if a detainee presents injuries and makes allegations of ill-treatment, he or she should be seen by an outside medical expert and the case referred to a prosecutor.

Discrimination against Roma

Discrimination continued to deprive the Romani community of a range of rights, including to education, housing and employment.

In its Concluding Observations issued in March (see above), the CRC raised concerns about the prevalence of discriminatory and xenophobic attitudes, especially towards the Roma population, with Romani children in particular stigmatized, excluded and impoverished in relation to the rest of the population because of their ethnicity. Such

discrimination was most notable in housing, jobs, and access to health, adoption and educational services. The Committee expressed concern at the arbitrary segregation of Romani children in special institutions or classes.

Also in March the Council of Europe's Commissioner for Human Rights, in his Follow-up report on Hungary, called for provisions to be developed that would help Roma obtain decent housing, firmly punish discriminatory or anti-Roma behaviour, and end the over representation of Romani children in special classes or home education.

Court rules Miskolc municipality upheld segregation of Roma children

In June 2006, the Debrecen Appeals Court overruled a first instance judgment and found that the Miskolc municipality, by integrating seven schools without simultaneously redrawing their catchment areas, had perpetuated the segregation of Roma children, violating their right to equal treatment.

In June 2005, the non-governmental organisation Chance for Children Foundation (*Esélyt a Hátrányos Helyzetű Gyerekeknek Alapítvány, CFCF*) filed a lawsuit against the local council of Miskolc, alleging the practice of school segregation of Romani children citywide. In November 2005, the Borsod-Abaúj-Zemplén County Court, sitting at first instance, dismissed the lawsuit. While the court acknowledged the fact that Roma children were over-represented in some of the merged schools, it rejected the suit stating that CFCF had failed to show that disparities were directly based on race and resulted from intentional action by the local council; that the local council could not be held responsible for residential segregation and the social disadvantages of Roma which underpinned disparities in the present case; and that the council was not liable for the failure of individual schools to implement their pedagogical plan in light of the obligation of equal treatment.

Violence against women

In his March report, the Council of Europe's Commissioner for Human Rights noted that Hungary did not yet have a network of shelters for women suffering domestic violence which was adequate to the problem. The Commissioner also called on the government and parliament to enact as soon as possible legislation creating a specific offence of domestic violence.

In June, the UN Committee on the Elimination of Discrimination against Women (CEDAW) made available Hungary's sixth periodic report on measures taken to implement the Convention on the Elimination of Discrimination against Women. The Hungarian government noted measures including the Act on Equal Treatment and the Promotion of Equal Opportunities, which entered into force in 2003, and new powers under the Criminal Procedure Code to issue restraint orders against the perpetrators of family violence which were set to come into force in July. However, women's and human rights organizations continued to criticize restrictions that would allow restraint orders to be issued only when a criminal prosecution has been initiated.

KAZAKSTAN

Human rights violations in the "war on terror"

AI was concerned that Kazakstan continued to cooperate with Uzbekistan and China in the name of regional security and the "war on terror" in flagrant disregard of their obligations under international law, including the UN 1951 Refugee Convention, the UN Convention against Torture and the International Covenant on Civil and Political Rights, which prohibit the forcible return of anyone to a country or territory where they would be at risk of serious human rights violations.

Forcible returns to China

Thirty-five-year old Yusuf Kadir Tohti (also known as Erdagan) and 30-year-old Abdukadir Sidik, two Uighur men originally from China's Xinjiang Uighur Autonomous Region (XUAR), were being held in incommunicado detention in China at the end of June after having been forcibly returned from Kazakhstan on 10 May. They were at risk of serious human rights violations, including torture or other ill-treatment, and possibly the death penalty, should their "crimes" be deemed to be "serious". The Kazakstani authorities deported the two men from Almaty, in the south of Kazakhstan, to Urumqi, XUAR, following "a decision by the specialized administrative court of Almaty for violation of rules of stay in Kazakhstan".

Yusuf Kadir Tohti reportedly fled China for Kazakhstan in 1996, and became a religious teacher. The Chinese authorities reportedly accused him of "separatism" and asked for his extradition. He was detained in Almaty by Kazakstani law enforcement officers on 8 March. Abdukadir Sidik was detained on the same day. He had fled the XUAR in 1999 after he publicly protested against the Chinese authorities' policy on minorities, particularly their enforcement of the family planning policy which limited the number of children that Uighurs could have. He had also protested against harsh working conditions during mandatory state labour which reportedly lasts 45 days for men. He was reportedly detained for two months in connection with his political activities and views. After his release Abdukadir Sidik reportedly filed a complaint against a local official. After he submitted his complaint, the official reportedly came to his house, beat him and threatened him with further punishment. It was after this that Abdukadir Sidik, reportedly fearing for his safety, fled China and was detained by Kazakstani border officials when crossing the border. He was charged by the Kazakstani authorities with illegally crossing the border and sentenced to six months' imprisonment. According to Abdukadir Sidik he actually spent 18 months in detention, and in a letter written from prison before he was forcibly returned, Abdukadir Sidik reported that he was interrogated and

threatened by Chinese police officers while in detention in Kazakhstan.

Extradition request from Uzbekistan

Gabdurafikh Temirbaev, a refugee from Uzbekistan, was detained by officers from the Kazakhstan Committee for National Security (KNS) on 24 June at the house of an acquaintance in Almaty. He was in imminent danger of forcible return to Uzbekistan, where he was at great risk of serious human rights violations, such as incommunicado detention, torture or other ill-treatment and long term imprisonment in cruel, inhuman and degrading conditions or even the death penalty after an unfair trial. Sources believed that he was being held at KNS detention facilities in Almaty. However, the authorities had not confirmed his place of detention, nor granted him access to his family or a representative of the office of the United Nations High Commissioner for Refugees (UNHCR) in Kazakhstan by the end of the period under review. Gabdurafikh Temirbaev had been recognized as a refugee by the UNHCR in June after a thorough status determination procedure. This procedure included a confirmation from Kazakstani authorities that no criminal charges or cases had been filed against him. Gabdurafikh Temirbaev was detained by KNS officers reportedly following an extradition request received by the Kazakstani authorities from their Uzbekistani counterparts. According to some sources Gabdurafikh Temirbaev was being sought for membership of banned religious groups. His family denied this and insisted that he was a pious Muslim and not a member of a banned religious or terrorist group. Gabdurafikh Temirbaev has reportedly been in Kazakhstan since 1999 when he fled persecution for his religious beliefs in Uzbekistan.

Forcible return of nine Uzbekistani men (update to AI Index: EUR 01/007/2006)

In a reply to appeals by AI members in January the Kazakstani authorities denied that they had detained nine Uzbekistani nationals, including four registered asylum-

seekers, and instead claimed that they had been detained by Uzbekistani law enforcement officers on Uzbekistani territory across the border during an operation conducted between 28 November and 2 December 2005.

However, according to reliable sources, Rukhiddin Fahrudinov, Abdurahman Ibragimov, Tohir Abdusamatov, Sharofuddin Latipov, Nozim Rahmanov, Alisher Mirzaholov, Abdurauf Holmuratov, Shoirmat Shorahmedov and Alizhon Mirganiev were forcibly returned from Kazakhstan to Uzbekistan early in the morning of 29 November 2005, in contravention of Kazakhstan's obligations under international law. They had been detained by KNS officers in the city of Shymkent, in the south of Kazakhstan on 24 and 27 November, and had been held incommunicado until they were returned to Uzbekistan.

According to reports only two of the returned men were initially given access to lawyers in Uzbekistan while the others were held incommunicado. Two men were sentenced to six years in prison following a closed trial in Tashkent, the capital of Uzbekistan, on 12 April. A criminal investigation into the charges against Rukhiddin Fahrudinov, a former independent imam (religious leader) of a mosque in Tashkent, was reportedly closed in May and the files handed over to court. His trial was expected to start in July.

On 19 March the UNHCR office in Kazakhstan resettled independent imam Obidkhon Nazarov and his family to an undisclosed European location. He had been in hiding in Kazakhstan since being forced to flee Uzbekistan in 1998. UNHCR recognized him as a refugee when he applied to their Kazakhstan office for protection in November 2005 after Kazakhstan had forcibly returned the nine Uzbekistani nationals above accused by Uzbekistan of being members of banned Islamic organizations. Some of the deported men were believed to have been followers of imam Nazarov. He himself had been sought by the Uzbekistani authorities

for allegedly wanting to overthrow the constitutional order of Uzbekistan.

**Release of Galimzhan Zhakianov
 (Update to AI Index: EUR
 01/007/2006)**

On 14 January Galimzhan Zhakianov, one of the leaders of the former opposition Democratic Choice of Kazakhstan party, was given parole by a local court in Pavlodar and released from prison following an appeal hearing. The court had ruled in December 2005 that Galimzhan Zhakianov should be released on parole having served half his sentence. However, the local prosecutor had appealed the court's decision.

Galimzhan Zhakianov had been sentenced to seven years' imprisonment in 2002 for "abuse of office" and financial crimes, but the real reason for his imprisonment appeared to be his peaceful opposition activities.

Fair Trial Concerns

The bodies of Altinbek Sarsenbaev (a former information minister and ex-ambassador to Russia before resigning to join the opposition party, Naghiz Ak Jol, in 2003) and of his bodyguard and driver were discovered on the outskirts of Almaty on 12 February. They had been shot in the back; Altinbek Sarsenbaev had also been shot in the head. Opposition leaders alleged that the murder was politically motivated because Altinbek Sarsenbaev had been very outspoken, particularly on official corruption. On 29 June, Yerzhan Utembaev, the main defendant on trial for the murder of Altinbek Sarsenbaev, retracted his confession in court. Yerzhan Utembaev, the former head of the Senate's secretariat, claimed that he had been put under severe psychological pressure in pre-trial detention to admit to having ordered and organized the murder of the former government minister and opposition politician. On 28 June, another defendant, Rustam Ibrahimov, a former member of an elite special unit of the KNS, who was accused of

having carried out the murder, stated in court that the charges against him had been fabricated and that he had been coerced into signing a confession. The trial started on 14 June in the city of Taldi-Korgan, some 250km north of Almaty. Supporters of Altinbek Sarsenbaev expressed concern that the location of the trial made it difficult for many observers, including Altinbek Sarsenbaev's elderly parents, to attend.

There was also concern that the defendants had been presumed guilty from the moment of their detention on 22 February. Indeed, the Minister of Internal Affairs described Yerzhan Utambaev in a press conference on 27 February as having ordered the murder for personal reasons. On 1 March President Nursultan Nazarbaev told a joint session of parliament that Yerzhan Utambaev had already confessed to law enforcement officers and that he had received a personal letter from Yerzhan Utambaev in which the latter admitted his guilt.

KYRGYZSTAN

Extradition requests and threat of forcible return (update to AI Index: EUR 01/007/2006)

Zhakhongir Maksudov, Odilzhon Rakhimov, Yakub Toshboev and Rasulzhon Pirmatov, four refugees from Uzbekistan, in detention in Kyrgyzstan since June 2005, were in imminent danger of being forcibly returned to Uzbekistan having exhausted all available legal procedures. AI was concerned that if returned to Uzbekistan, the men were at risk of serious human rights violations, including incommunicado detention, torture and other ill-treatment, a flagrantly unfair trial followed by either long prison sentences or even the death penalty. The four were part of a group of more than 500 asylum-seekers who fled the city of Andizhan in eastern Uzbekistan on 13 May 2005 after security forces fired on thousands of mainly unarmed demonstrators. The asylum-seekers sought international protection and safety in

neighbouring Kyrgyzstan and most were subsequently recognized by the office of the United Nations High Commissioner for Refugees (UNHCR) and eventually the Kyrgyzstani authorities as refugees.

However, following an extradition request from Uzbekistan, the four men named above were transferred from a refugee camp at Besh Kana to a prison in Osh in June 2005 before their refugee status determination by UNHCR could be completed. The four men have been in detention ever since. The Uzbekistani authorities claimed that one of the four had been convicted of narcotics offences and that the other three were being sought in connection with the violent death of the city prosecutor in Andizhan on 13 May 2005, a charge they denied. UNHCR eventually recognized all four men as refugees under their mandate, a decision contested through the courts by the Kyrgyzstan Department of Migration Services (DMS). In December 2005 the men appealed a lower court's decision to extradite them to Uzbekistan.

In February and May the Supreme Court of Kyrgyzstan rejected the appeals of three of the men - Zhakhongir Maksudov, Odilzhon Rakhimov and Yakub Toshboev - against the DMS's refusal to grant them refugee status. A fourth appeal by Rasulzhon Pirmatov remained pending. On 13 June the Supreme Court finally examined the appeal of the fourth man and upheld the earlier decision by the DMS not to recognize him as a refugee. This decision and those in the other three cases could not be appealed. According to the men's legal team a decision on whether or not to extradite the four refugees to Uzbekistan was expected to be taken by the General Prosecutor's Office within 10 days of the Supreme Court decision on Rasulzhon Pirmatov's status entering into legal force.

In a statement on 14 June, the UNHCR reiterated that the agency had found permanent resettlement places for all four men in different countries and urged the government of Kyrgyzstan to transfer them into the agency's care for immediate

resettlement. Kyrgyzstan is obliged under international law, including the 1951 Refugee Convention and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to uphold the principle of *non-refoulement*, which prohibits the forcible return of persons to any country where they would be at risk of serious human rights violations, including torture and other ill-treatment.

In March AI learned that a fifth Uzbekistani asylum-seeker, Faioz Todzhihalilov, had been held in detention in Osh together with the four refugees since September 2005. His application for refugee status was in the process of being reviewed by the UNHCR and Kyrgyzstani authorities. He reportedly fled to Kyrgyzstan later than the main group of refugees fearing for his safety, as a relative of one of the 23 entrepreneurs accused of being members of Akramia whose trial was said to have triggered the Andizhan events. Allegedly, the Uzbekistani authorities also wanted him in connection with the killing of the Andizhan city prosecutor.

In an interview given to *Radio Liberty* at the end of May, Faioz Todzhihalilov said: "After May 13 [2005], it became clear that the [authorities] would bring accusations against me because I was a relative of [one of the defendants.] Even if I had 50, 100, or 1,000 witnesses to testify [that I did not take part in the unrest], they would not have believed me."

The death penalty (update to AI Index: EUR 01/007/2006)

Conditions on death row

In March a group of 20 prisoners on death row in Bishkek's pre-trial detention centre No.1 (SIZO 1) wrote an open letter to President Kurmanbek Bakiev asking him to set up a commission to re-examine their criminal cases and review their convictions which they felt were unsafe. The letter claimed that many prisoners on death row had been tortured in order to confess to fabricated charges and were sentenced to

death after unfair trials. Alleged torture methods included putting gas masks on detainees and turning the air supply off, and breaking fingers and toes.

Many had been waiting on death row since the introduction of a moratorium on executions in 1998 in a state of continued uncertainty as to their ultimate fate, a situation that AI believed to amount to cruel, inhuman and degrading treatment. The Ombudsman, Kyrgyzstani and international non-governmental organizations (NGOs) and some government and prison officials agreed that conditions on death row were harsh: in SIZO 1, 136 death row inmates were housed underground in cells said to be damp and with no window. Because of overcrowding the cells originally designed to hold two inmates had to accommodate three, with one man sleeping on the floor. The inmates were reportedly allowed only one hour of exercise in a roofless cell on the top of the SIZO building every other day. In a newspaper interview in January, the former head of the prison system said that 73 death row inmates had died since the introduction of the moratorium, the majority of them from tuberculosis (which was said to be rife throughout the prison system), harsh prison conditions and suicide.

Death sentence upheld

On 22 June the Supreme Court turned down the appeal against his death sentence by Uzbekistani national Otabek Akhadov. The decision by the Supreme Court was final and could not be further appealed. According to Otabek Akhadov's lawyer the Supreme Court failed to take into account evidence provided by the defence, including a medical certificate, that he had been tortured in pre-trial detention in order to confess to a murder. Otabek Akhadov's conviction was reportedly based solely on his written "confession". The appeal hearing apparently lasted only 40 minutes.

On 31 December 2001, Otabek Akhadov and three other men, all of Uighur origin, were found guilty of the assassination of

the head of the Uighur Society in Kyrgyzstan on 28 March 2000 and of a "terrorist act against the state delegation of Xinjiang Uighur Autonomous Region of China (XUAR) on 25 May 2000". The case against them was believed by unofficial sources to be politically motivated. The four men were also believed to have been convicted for their ethnic origin and alleged membership of a "separatist" Uighur organization, the Eastern Turkestan Liberation Front. One of them was already serving a 14-year prison sentence at the time when the crimes were committed.

On 27 March 2006 Husein Dzhelil, also known as Huseyin Celil, a 37-year old Canadian citizen and ethnic Uighur from XUAR, was detained in Uzbekistan for his alleged involvement in these crimes (for more details, please see the entry on Uzbekistan).

Human Rights Defenders

Human rights activist attacked

On 12 April Edil Baisalov, the leader of the independent human rights organization Coalition for Democracy and Civil Society, was attacked by an unidentified assailant as he was leaving the office of his NGO in the centre of Bishkek. Edil Baisalov was crossing the road to get into his car when he was struck in the back of the head with a blunt object, which he thought might have been a rock thrown by a young man. He was hospitalized suffering from concussion and a cut to the back of the head. Supporters claimed that the attack was in retaliation for Edil Baisalov's outspoken public campaign against corruption and alleged collusion between the state and organized crime and was meant to intimidate him and deter him from further protests. On 8 April he had been amongst the organizers of a 2,000-strong peaceful demonstration against corruption and organized crime in Bishkek. He was preparing another demonstration for 28 April.

The 8 April demonstration took place a day before a by-election saw Rysbek Akmatbaev, a suspected criminal leader, elected to take up the parliamentary seat of his brother, Tynychbek, the head of the parliamentary legal affairs committee, who was killed during prison riots in September 2005. Edil Baisalov had publicly protested the decision by the Supreme Court to allow Rysbek Akmatbaev to stand as a candidate in the by-election despite having been disbarred by the Central Electoral Commission on 30 March for having a criminal record. Rysbek Akmatbaev denied any involvement in the attack on Edil Baisalov. On 10 May newly-elected Rysbek Akmatbaev was killed by unknown men who reportedly fired dozens of rounds of gunshots at him from a car when he stepped out of a mosque after evening prayers.

Human rights organizations harassed for taking up cases of custodial violence against women

In June two human rights NGOs from Jalalabad Region, Spravedlivost (Justice) and Vozdukh (Breath of Air), both part of the Jalalabad Regional Human Rights Network, complained that their members were threatened by regional law enforcement officers after they publicized allegations of torture and other ill-treatment of women in two separate cases. The two NGOs also assisted the women in raising their allegations with the relevant authorities.

Following an article in the February issue of Spravedlivost's human rights bulletin which detailed the alleged ill-treatment of a pregnant woman in January by an officer of the Dzhilabad Department of Internal Affairs (UVD), the officer accused the woman and Spravedlivost of slander and filed a criminal suit against both for defamation. The woman, who had been summoned to the UVD on 14 January to be questioned as a witness in a case of theft, told human rights defenders that she was accused by the officer who conducted the interview of being a thief. He also

reportedly called her a prostitute, grabbed her arm and pushed and threatened her. When she questioned his behaviour he allegedly hit her in the chest. The woman, who was pregnant, started bleeding and told the officer that she was afraid of losing her baby. According to her, he did not offer any assistance but continued to threaten her. She eventually managed to summon help. She was taken to the maternity hospital and kept under observation for 10 days. The woman reported the ill-treatment to the regional prosecutor's office, but no action against the UVD officer was taken. On 20 June the trial of the woman and human rights activists of Spravedlivost on charges of slander started in Jalalabad town court. During a break in court proceedings, supporters of the UVD officer reportedly insulted the woman, now eight months pregnant, and threatened her. Police officers, present at court, reportedly did not interfere to stop the abuse. When trial proceedings resumed the judge allowed her to leave the courtroom after supporters of the officer continued to verbally threaten and insult her. On 21 June the judge postponed the trial indefinitely after the pregnant defendant was taken ill. She was reportedly hospitalized the same day.

On 16 June law enforcement officers detained a 26-year-old woman at her home in Bazar-Kurgan and took her to a pre-trial detention centre in the city of Nooken. The officers reportedly did not present an arrest warrant and beat the woman. Her family were denied access to her and claimed that they were threatened by guards at the detention centre. The woman had a prior conviction and had been detained twice before, in 2003 and 2005. On both occasions she had raised serious allegations of torture or other ill-treatment in detention. Azimzhan Askarov, a human rights defender from the NGO Vozdukh, who had taken up the case of the woman after she was first released from detention in 2003, agreed after her latest detention to be appointed her legal representative, as she had not been given access to a lawyer. He was reportedly personally threatened by an UVD officer, whom the woman had accused

of having tortured her in 2005. Vozdukh was also threatened with criminal prosecution for slander by the same officer because the NGO had widely publicized the torture allegations of the woman and had helped her to lodge complaints.

According to information published by Vozdukh in 2003 the then 23-year-old woman had been arbitrarily detained for eight months in a temporary detention facility (izoliator vremmenogo zaderzhania, IVZ) in Bazar-Kurgan district on minor theft charges. She alleged that she was beaten during interrogation and in the IVZ. She was made to sleep on the concrete floor of an overcrowded underground cell and did not receive enough food. She also claimed that she and her female co-defendants were sold by guards to male detainees who raped them. When she reportedly became pregnant and went into premature labour, she was taken to hospital, handcuffed to the bed and forced to give birth in the presence of a male IVZ guard. The baby died two days later and she was returned to the IVZ cell. After she was given a one-year suspended sentence and released, she approached Vozdukh for assistance in lodging a complaint. The NGO took up her case and as a result some of the IVZ guards were brought to trial and two UVD officers had disciplinary charges brought against them.

In September 2005 the woman was detained again on charges of theft and placed in the same IVZ for several days. The UVD officer, who interrogated her without a lawyer, reportedly insulted and threatened her because she had sought the help of Vozdukh in 2003. She also claimed that she had been tortured and otherwise ill-treated, including by the UVD officer. According to Vozdukh signs of torture and other ill-treatment were clearly visible on the woman's body when she came to the NGO's office after her release: she appeared to have been beaten severely and needles seemed to have been inserted under her fingernails. Vozdukh documented her ill-treatment and lodged a complaint with the local prosecutor's office who reportedly launched an investigation

into the allegations made against the UVD officer. Vozdukh reported that the woman and her family had complained in 2006 that UVD officers were putting pressure on them to withdraw the torture allegations against their fellow officer.

The woman remained in detention at the end of June.

MACEDONIA

General and political background

Legal reforms continued, as required by the Stabilization and Association Agreement with the European Union (EU). Between 5 and 10 May, the parliament passed legislation including a Law on the Courts, introducing a new Administrative Court to reduce the workload of the Supreme Court and a Law on the Judicial Council, establishing an independent body to elect and dismiss judges. The parliament also voted to abolish compulsory military service, with the aim of establishing a professionalized military from 2007. An amendment to the criminal code was proposed by the government to decriminalize defamation, removing penal sanctions for this offence. In March the Macedonian Helsinki Committee criticized the draft Law on the Police for failing to provide independent oversight or effective accountability mechanisms, and noted that the "Alpha" special police units were not included in the law.

Parliamentary elections

In advance of parliamentary elections to be held on 5 July, political rivalry between members of the two largest ethnic Albanian parties, the Democratic Party of Albanians (DPA, Partia Demokratike Shqiptare) and the Democratic Union for Integration (DUI, Demokratska Unija za Integracija) (which then formed part of the coalition government), resulted in violence on several occasions. EU officials expressed concerns that such violence might jeopardize Macedonia's accession to the EU.

On 15 June the DUI's Saraj office was attacked, allegedly by local DPA members, who drove a bulldozer into the building. On 18 June, the car of the DPA mayor of Saraj, Imer Selmani, was attacked by gunfire; he escaped unharmed; over the following days two grenades were reportedly thrown at the DUI offices in Saraj. On 17 June a hand grenade was thrown at the DUI office in Struga; the office in Tetovo was also attacked. Late on 23 June Abdulhalim Kasami, a member of the DUI was shot and wounded in front of his house in Tetovo. On 24 June in Rasce, firearms were used when fighting broke out between two groups of rival supporters, resulting in the wounding of one member of the DUI and the injury of two others. Criminal investigations were opened.

Impunity for War Crimes

On 3 May the defence team for former Minister of Internal Affairs Ljube Boshkovski again requested his provisional release from the custody of the International Criminal Tribunal for the former Yugoslavia (Tribunal). He had been indicted in 2005, along with Johan Tarchulovski, for command responsibility for the attack on 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. Four other cases over which the Tribunal had seized primacy, but for which they had not issued indictments, remained to be returned to the Macedonian authorities for prosecution.

In April the Ministry of Internal Affairs informed AI that it had issued a search warrant to establish the whereabouts of three ethnic Albanians – Sultan Memeti, Hajredin Halimi and Ruzdi Velu – who "disappeared" during the 2001 internal conflict. This was confirmed by the Minister of Internal Affairs on 26 May in a meeting with relatives of the abducted, when he reportedly stated that an investigation into the cases of the six "disappeared" Albanians was underway. He also confirmed that the case of the 12 Macedonian citizens abducted by armed ethnic Albanians in 2001 would be heard by the Macedonian

authorities as soon as it had been returned by the Tribunal.

Prisoner of Conscience Zoran Vraniskovski [Update to AI Index: EUR 01/007/2005].

On 3 March Zoran Vraniskovski, the bishop of the autocephalus Ohrid Archbishopric – considered by AI to be a prisoner of conscience – was released from prison, following an order by the Supreme Court.

Discrimination against minorities including Roma

The DPA continued to allege discrimination against ethnic Albanians by the police and in failures to implement the Ohrid Agreement, including in ensuring the employment of ethnic Albanians by municipal authorities. In their consideration of Macedonia's report to the Committee on the Elimination of Discrimination against Women (CEDAW, see below), the Committee urged the authorities to implement effective measures to eliminate discrimination against rural women and ethnic minority women, and in particular Roma and Albanian women, "to enhance their enjoyment of human rights through all available means, including temporary special measures".

Concerns were expressed by non-governmental organizations about continued discrimination against predominantly Roma refugees from Kosovo who had been denied asylum or continued to await a determination of their status. Several groups of refugees were threatened with refoulement by the authorities who continued to seek agreement with the Kosovo authorities on their forcible return. Romani women, believed to have been raped by members of the Kosova Liberation Army were not provided with assistance or support. The CEDAW had observed that although refugee women were able to separately file applications for asylum, a gender-sensitive approach had not been adopted by the authorities.

Torture and ill-treatment

In January the Council of Europe Directorate of Legal Affairs published a report on the prison system which had noted in 2005 severe overcrowding in Idrizovo and Skopje prisons and continuing staff shortages, resulting in a failure inter alia to deliver adequate health care to detainees or to provide them with educational or other activities. Between 15 and 26 May the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment carried out a country visit, reportedly inspecting 12 police stations, six places of detention, a psychiatric hospital and institutions for people with mental disabilities.

Trajan Berikov

Mass demonstrations were held by the Roma community across Macedonia following the "disappearance" of Trajan Bekirov, who was last seen near the river Vardar on 10 May, while being chased by members of a special police unit who suspected the 17-year old Romani boy and his friend of theft. The whereabouts of the boy remained unknown until his body was found on 27 May – in a search organized by his relatives – in the river Vardar. Despite suspicions that he had been ill-treated by the police, the child appears to have jumped into the river while in flight from the police. Questions remained about the authorities' failure to search for his body or to conduct a proper investigation into his disappearance. The Institute of Forensic Medicine also failed to provide Trajan Bekirov's parents with an autopsy report until international pressure was brought to bear; the Institute had also sought to prevent a second independent autopsy from being conducted.

War on Terror

Rendition of Khaled El Masri (Update to AI Index: EUR 01/0072006)

The Parliamentary Assembly of the Council of Europe (PACE) continued to question

Macedonia about the involvement of officials, including from the security and intelligence services, in the unlawful arrest and detention of a German citizen of Lebanese descent, Khaled el Masri. He had allegedly been held by the authorities in a Skopje hotel for 23 days in 2003, before being rendered to the US authorities and flown from Skopje to Bagram airbase in Afghanistan. The PACE regretted that the Macedonian authorities had not shown the political will to conduct an investigation into the allegations.

Members of the European Parliament's Temporary Committee also conducted further investigations, including in meetings with government officials in Macedonia between 27-29 April. The Committee reported in June that they had been met with a "wall of silence" and noted inconsistencies in the account given by the Macedonian authorities, who continued to deny their involvement.

AI considered that the Macedonian authorities had violated Khaled el-Masri's rights to liberty and freedom from arbitrary detention, and their obligation to refrain from torture and other ill-treatment. Further in concealing Khaled el-Masri's whereabouts, the Macedonian authorities placed him outside the protection of the law, which possibly constituted an act of enforced disappearance.

Raymonda Malecka and Bujar Malecka

In March Albanians Raymonda Malecka and her father Bujar Malecka were released from prison, and expelled from Macedonia. They had been sentenced in November 2005 in a retrial at Skopje District court to five years' imprisonment on terrorism charges, despite a ruling by the Supreme Court, following an initial trial in May 2005, that the charges against them, related to their possession of video footage they had taken of members of an armed ethnic Albanian group, were without foundation.

Violence against women

In February the Committee on the Elimination of Discrimination against Women (CEDAW) in their Concluding Observations on Macedonia's combined initial, second and third reports emphasized that legislation failed to include a definition of discrimination against women or the principle of equality of men and women.

While welcoming amendments made in 2004 to the Law of [the] Family codifying domestic violence as a separate crime in the criminal code, CEDAW remained concerned about the high prevalence of violence against women, including domestic violence, and the persistence of trafficking in women and girls despite the formulation of a National Programme to Combat Human Trafficking and Illegal Migration for 2006-2008.

MOLDOVA

Torture and Ill-treatment

In February, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published the report of its visit to Moldova in September 2004. The CPT found that torture and ill-treatment was still widespread and that important safeguards for the prevention of torture were not observed. Detainees were not informed of their rights, not always given access to a lawyer, or doctor, and their families or a third party were sometimes not informed of their arrest.

On 4 April the European Court of Human Rights ruled in the case of Corsacov v. Moldova that Moldova had violated Article 3 of the European Convention on Human Rights and Fundamental Freedoms (ECHR) because the applicant had been tortured by police officers. Mihai Corsacov was arrested by police officers on 9 July 1998 under suspicion of theft, and was punched and beaten during arrest and later at the police station. At the police station he was allegedly also suspended from a bar and

beaten. The following day he was allegedly taken to a forest where a police officer put a gun to his head and threatened to kill him if he did not confess. The Court also decided that the General Prosecutor's Office had failed to conduct an effective investigation into the torture allegations and, by refusing to open a case against the police officers concerned, had deprived the applicant of an effective remedy against the ill-treatment he had suffered.

The case of Vitalii Colibaba (Kolibaba)

Vitalii Colibaba was arrested at his home on 21 April, accused of injuring a policeman during a drunken brawl the night before, and taken to Buiucani district police station. He was reportedly tortured by three police officers at Buiucani police station to force him to confess. He alleged that they tied his arms to his legs, stuck a crowbar under his elbows and suspended him from the crowbar for 40 minutes. The officers allegedly beat him about the head and neck with a stool while he was suspended, until he passed out from the pain. After he was taken back to his cell, Vitalii Colibaba tried to commit suicide by cutting his wrists. An ambulance was called and his wounds were stitched, but the medics left him in the police station. On 27 April, six days after he had been arrested, Vitalii Colibaba was allowed to see a lawyer for the first time. The lawyer immediately wrote a complaint to the Procuracy. When the police officers who had allegedly tortured him found out that he had complained they reportedly beat him again. This time the three police officers beat him on the head with a plastic bottle full of water, so as to leave no marks, and punched him in the kidney area. On 29 April, police took Vitalii Colibaba for a forensic medical examination. The examination was carried out in the presence of the three officers who had allegedly tortured him and the forensic expert reportedly only looked at his hands and reported that there was no evidence of torture. The lawyer reported that he could see marks on Vitalii Colibaba's arms that were consistent with his allegations that he had been suspended from a crowbar. On 15 May, following an urgent intervention by AI,

he was released on bail. At the time of writing the charges against Vitalii Colibaba were still pending.

Update: Case of Sergei Gurgurov (see AI Index: EUR 59/006/2005 and EUR 59/007/2005)

Sergei Gurgurov was allegedly tortured by officers from Ryshkan district in Chişinău in October 2005 and subsequently released on bail. On 18 January the Prosecutor's office refused to start a criminal case against the police officers concerned. Sergei Gurgurov was arrested again on 18 April and accused of violating his bail conditions. He had been undergoing medical treatment for the injuries he sustained from the torture and ill-treatment during his previous period of detention. Police claimed that Sergei Gurgurov violated his bail conditions because he did not present himself at the police station when summoned. His lawyer contacted the police station at the time to explain that he could not go because he was undergoing medical treatment in hospital. The arrest order was drawn up by the district court in February, without Sergei Gurgurov or his lawyer being informed, but police did not act on the order until two months later. The police have claimed that Sergei Gurgurov was intending to leave the country; his lawyer denied that he had any intention of doing so because he was in the process of receiving medical treatment. Police reportedly threatened Sergei Gurgurov during his detention, and told him to withdraw the torture allegations he made following his first arrest. Sergei Gurgurov was released on bail on 12 May following urgent intervention by AI. The Chişinău appeal court ruled that his detention had been illegal and that there had been no valid grounds to detain him a second time.

Harassment of lawyers

On 28 June, Ana Ursachi and Roman Zadoinov, two Moldovan lawyers who had worked closely with AI on the cases of Vitalii Colibaba and Sergei Gurgurov, above, were informed that they faced criminal

prosecution for spreading false information about human rights violations in Moldova. In a letter to the national Bar Association of Moldova, dated 26 June, the Prosecutor General's Office stated that the two lawyers could face prosecution under Article 335 of the Criminal Code for "misuse of official position" which carries a maximum prison sentence of five years or a fine. AI was concerned that the letter to the Bar Association of Moldova was a deliberate attempt to intimidate Ana Ursachi and Roman Zadoinov, and to prevent lawyers in Moldova from making public information about human rights violations.

The publicity that followed AI's actions on the two alleged torture cases above was clearly a cause of sensitivity to the General Prosecutor's Office. In a letter to AI on 9 March, concerning the case of Sergei Gurgurov, the General Prosecutor's Office stated that the version of events given by AI "does not correspond to the reality, generates image crisis for our state".

Inhuman conditions in pre-trial detention centres

In the report published in February, the CPT described conditions in places of detention run by the Ministry of the Interior as "disastrous", and stated that in many cases the conditions amounted to inhuman or degrading treatment. In January, AI wrote to the Minister of the Interior concerning conditions in the pre-trial detention centre in Orhei. According to information received by AI, cells at the police Commissariat in Orhei were in the basement, and measured approximately 3 m by 4.5 m. The cells were intended to hold four detainees, but usually held seven or more. Ventilation was poor and the cells were infested with fleas and lice. Many of the detainees suffered from skin diseases, but were rarely given access to a doctor. Detainees did not have access to a flushing toilet, and were provided with a bucket for use in the cell in full view of the other detainees. Detainees were reportedly forced to sleep in turns, on a platform 1.5 m by 3 m which was made of limestone bricks. They were not provided

with blankets or sheets, and there was no mattress.

Abolition of the death penalty

On 29 June the Moldovan parliament voted unanimously to amend Clause 3 of Article 24 of the Constitution, which provided for the death penalty in exceptional cases, thus abolishing the death penalty in law.

Violence against women

On 28 February, Moldova ratified the optional protocol to Convention on the Elimination of all Forms of Discrimination Against Women, and on 19 May the country ratified the Council of Europe's Convention against Trafficking in Human Beings, thereby becoming the first country to do so. Moldova continued to be a major source country for women and girls trafficked for sexual exploitation and forced labour. The US State Department's annual Trafficking in Persons Report, which was published in June, found that Moldova's efforts to protect and reintegrate trafficking victims remained weak and that the witness protection law was inadequately implemented.

Self-proclaimed Dnestr Moldavian Republic (update to AI Index: EUR 01/03/00)

Tudor Petrov-Popa and Andrei Ivanțoc were still in detention in Tiraspol at the end of June, despite a July 2004 judgment by the European Court of Human Rights which found their detention to be arbitrary and in breach of the ECHR. They were members of the "Tiraspol Six", who were sentenced to prison terms in 1993 for "terrorist acts", including the murder of two DMR officials. The four men convicted with them were released in 1994, 2001 and 2004. On 11 May the Committee of Ministers of the Council of Europe adopted a fourth interim resolution in the case, asking for execution of the judgment of the European Court of Human Rights. The resolution asked Moldova to continue its efforts to secure the release of the two men and requested the

Russian Federation to comply with the judgment.

POLAND

Background

Being in a minority government since the parliamentary elections of September 2005, the Law and Justice Party (Prawo i Sprawiedliwość, PiS), formed a coalition government in May with the League of Polish Families (Liga Polskich Rodzin, LPR) and Self-Defense (Samoobrona) party.

Alleged secret detention centres and "rendition" flights

In March, the Secretary General of the Council of Europe Terry Davis released his opinion on the alleged secret detention centres in member states set up as part of the USA's programme of secret detentions and "renditions" - the illegal transfer of people between states outside of any judicial process. He expressed concern at Poland's lack of response to questions of whether officials had been involved in the detentions or renditions or whether any official investigation was underway or had been completed.

On June, the Rapporteur on secret detentions of the Parliamentary Assembly of the Council of Europe, Dick Marty, reported on what he described as global "spider's web" of detentions and transfers by the US Central Intelligence Agency (CIA) and alleged collusion in this system by 14 Council of Europe member states. He singled out Poland as having harboured secret detention centres, and reported that the Polish authorities were unable, despite repeated requests, to provide him with information from their own national aviation records to confirm any CIA-connected flights into Poland.

The Rapporteur remarked that the absence of flight records from a country such as Poland was unusual, considering that a number of neighbouring countries, including Romania, Bulgaria and the Czech Republic,

had had no such problems in retrieving official data for the period since 2001. In fact, the submissions of these countries, along with data from Eurocontrol (the European Organisation for the Safety of Air Navigation), confirmed numerous flights into and out of Polish airports by the CIA-linked planes that were the subject of his report.

Police ill-treatment and violation of rights during time of detention

In March, the Council of Europe's Committee for the Prevention of Torture (CPT) published its report on the last visit to Poland held in October 2004.

Allegations of ill-treatment

The CPT expressed its concern on allegations of physical ill-treatment by the police at the time of apprehension, including slaps, kicks, punches, blows with a truncheon and tight handcuffing for prolonged periods of time. The CPT also expressed its concerns about allegations concerning the time of questioning by police officers when the detainees would have been punched or slapped, threatened with violence or verbally abused.

The CPT recommended that the Polish authorities remind police officers, through appropriate means and at regular intervals, that the ill-treatment of detainees (whether of a physical or verbal nature) is not acceptable and should be the subject of severe sanctions and that no more force than is strictly necessary should be used when effecting an apprehension. The report also noted that, once an apprehended person has been brought under control, there can never be any justification for their being struck.

The CPT remained concerned about the fact that complaints of police ill-treatment had been ignored by prosecutors or judges before whom they had been brought shortly after apprehension. The CPT received allegations by persons who were detained by the police that their complaints of police

ill-treatment were ignored by prosecutors or judges before whom they had been brought shortly after apprehension. The CPT called upon the Polish authorities to take effective steps to ensure that, whenever a person brought before a judge/prosecutor alleges ill-treatment by the police, the judge/prosecutor immediately requests a forensic medical examination, irrespective of whether the person concerned bears visible injuries. Further, even in the absence of an express allegation of ill-treatment, a forensic medical examination should be requested whenever there are other grounds to believe that the person could have been the victim of ill-treatment.

The CPT expressed also concerns at the length of time during which means of restraint were being applied to prisoners placed in a security cell at the prisons visited.

Violation of the right to be medically examined by a doctor

The CPT expressed concerns about the right of persons in police custody to be medically examined by a doctor of their own choice not being formally guaranteed and in practice being "clearly non-existent". The confidentiality of medical information was not respected, to the extent that the medical examination of detained persons was conducted in the presence of police officers in common bases. Furthermore, the register of medical examinations was not kept separately from other registers and could be accessed by police staff.

Violations of the rights of people under the age of 18

On police and border guard establishments, the CPT noted that children could be held at the establishments visited for periods considerably exceeding the 17 days provided for in Poland's 1982 Juveniles Act, in some cases, for up to three months. Moreover, those establishments were not adapted for prolonged stays.

The CPT remained concerned on allegations made by juvenile detainees of physical ill-treatment and threats in order to obtain confessions.

The CPT expressed concerns on the number of juveniles being questioned and made to sign statements admitting to criminal offences without the benefit of the presence of a trusted person. The Polish Commissioner for Civil Rights Protection confirmed this information, indicating that his office received complaints from parents that the police did not respect their duties set out in the Juveniles Act. Moreover, and being the same case for adults, the law does not provide for the appointment of an ex officio lawyer before the stage of court proceedings.

Discrimination on grounds of sexual orientation

Homophobic statements by leading public officials

Openly homophobic statements made by prominent politicians and public officials, including an encouragement to use violence against peaceful lesbian, gay, bisexual and transgender (LGBT) rights demonstrators, worsened the climate of discrimination and intolerance.

Wojciech Wierzejski, a member of parliament for the League of Polish Families (Liga Polskich Rodzin, LPR) on 11 May 2006, allegedly encouraged the use of force against participants in the annual Equality March in Warsaw in June. He reportedly said, "If deviants begin to demonstrate, they should be hit with batons". Commenting on the possible attendance of politicians from Western Europe at the march, he is reported as saying "they are not serious politicians, but just gays and a couple of baton strikes will deter them from coming again. Gays are cowards by definition". On 12 May, Wojciech Wierzejski is said to have written a letter addressed to the Minister of Interior and Administration Ludwik Dorn and the Minister of Justice Zbigniew Ziobro urging

that law enforcement authorities check what he called "legal and illegal sources of financing" of organizations of homosexual activists, and demanded the State Prosecutor's intervention. The letter also accused LGBT organizations of being involved with paedophiles and the illegal drug-trade, and stated that Wojciech Wierzejski wished to check whether LGBT organizations "penetrate Polish schools". Following his demand the State Prosecutor ordered all prosecutors, in a letter issued on 30 May, to check very carefully the ways of financing of LGBT organizations, their alleged connections to criminal movements and their presence in schools.

On 21 May, Roman Giertych, Deputy Prime Minister, Minister of Education and also leader of the LPR said on TVN (a Polish private TV channel) that "LGBT organizations are sending transsexuals to kindergartens and asking children to change their sex."

Actions by the Ministry of Education

On 19 May, Mirosław Orzechowski, Deputy Minister of Education and member of the LPR, stated that an international project that was organized by several LGBT rights non-governmental organizations (NGOs) and financially supported by the European Commission Youth Programme, would lead to the "depravity of young people". The Deputy Minister also said that "the rules and priorities of the programme under which such projects get money, need to be changed in order to prevent such organizations from receiving money in the future".

On 8 June, Roman Giertych, as Minister of Education, dismissed Mirosław Sielatycki, the director of the National In-Service Teacher Training Centre (Centralnego Ośrodka Doskonalenia Nauczycieli, CODN). The reason the minister gave for the dismissal was that "a lot of books there were encouraging teachers to organize meetings with LGBT non-governmental organizations such as Campaign Against Homophobia [Kampania Przeciw Homofobii, KPH] or Lambda".

The dismissed director of the CODN said that the only book he was aware of in the context of Minister Giertych's accusations was a Council of Europe anti-discrimination handbook and a manual on human rights for young people. Reacting to these events, the Secretary General of the Council of Europe Terry Davis, claimed that the handbook reflects basic European values, including the culture of tolerance, and stated that "if the teaching material is optional, the values and principles contained therein are certainly not." He also expressed concern about "some politics promoting homophobia ...and homophobic behaviours being accepted by the Government".

Freedom of assembly

Incidents continued to be reported in which demonstrators from the LGBT community and other activists were attacked by private individuals, including counter-demonstrators, together with allegations that the police failed to ensure that the LGBT demonstrators were able to exercise their right to peaceful assembly.

On 28 April, a Tolerance March in the city of Kraków was attacked by members of a counter-demonstration called the Tradition March. The Tolerance March was organized to promote tolerance within Polish society and more than 1,000 people reportedly took part. Despite the presence of the police, the participants were reportedly harassed and intimidated by members of a right-wing grouping known as All Polish Youth (Młodzież Wszechpolska).

On 17 May, in Toruń, KPH organized a public meeting in the Market Square linked to the International Day Against Homophobia. On the same day, Socialist Youth (the youth wing of the Socialist Party) organized a demonstration through the town against the new Education Minister Roman Giertych. Members of National Rebirth of Poland (Narodowe Odrodzenie Polski, NOP), a nationalist organization, held a counter-demonstration at the same place and time as the KPH. NOP members chanted slogans, including "gas the queers"

(pedały do gazu), "come closer" (chodźcie bliżej) or "there will be a baton for each queer face" (znajdzie się kij na pedalski ryj). Also on the same day, a concert in Warsaw against homophobia and neo-fascism was disrupted by alleged extremists who were covering their faces.

Court rulings on demonstrations

In January, Poland's Constitutional Court confirmed the ruling of the Warsaw Court in September 2005 that the banning of the Equality March in Warsaw in June 2005 by the then Major and now President, Lech Kaczyński was unlawful, and declared that demonstrators need only to inform city officials that a public demonstration would be taking place.

In May, the Poland's Supreme Administrative Court (Naczelny Sąd Administracyjny) in Warsaw upheld the decision of the Regional Administrative Court (Wojewodzki Sąd Administracyjny) in Poznań on the case of an LGBT march banned in November 2005 by the Major of Poznań. The court ruled in its final decision that the threat from a counter-demonstration could not be a reason for banning the demonstration.

These rulings clarified the legal situation around the Equality March in Warsaw arranged for 10 June, which the Warsaw City Council of Warsaw finally authorized on 1 June. Owing to threats of counter-demonstrations, the organizers of the Equality March agreed a different itinerary with the Warsaw City Council. The counter-demonstrations were cancelled on 9 June, following a request from the Deputy Prime Minister Roman Giertych to the organizers asking them not to attend. Despite the cancellation, some people staged an unauthorized counter-demonstration, which the police separated from the Equality March. The police provided extra forces to guarantee the security of the Equality March demonstration and ensured that the participants' right to peaceful assembly. The demonstration passed with only minor incidents reported.

Refugees

The majority of asylum-seekers from the Chechen Republic in Russia were being denied refugee status, and were granted "tolerated stay" permits only. According to data published by the office of the UN High Commissioner for Refugees (UNHCR) in May, almost half of the school age children seeking asylum did not go to schools at all. It also stated that persons who were granted the right to "tolerated stay" permits were in a particularly difficult situation because they lose the right to social assistance provided to asylum-seekers and they do not receive the integration package, that refugees are entitled to. With no possibility for legal transfer to other countries, or for safe return home, those persons often find themselves in a very difficult situation with respect to finding employment or housing.

The number of asylum-seekers sent back to Poland from other European Union (EU) states increased following application of the so-called Dublin II Regulation which provides the legal basis for establishing the criteria and mechanisms for determining which EU state will examine an asylum application.

In its March report (see above) the CPT expressed its concerns that facilities for holding persons awaiting deportation seen during the 2004 visit did not meet the standards required for such prolonged periods of detention. The provision of health care and psychological and psychiatric support to foreign nationals could not be considered as adequate. Furthermore, staff assigned to work with foreign nationals received little specialised training and there was little communication between staff and detainees, not least because of language barriers.

The CPT recommended that persons detained for an extended period under aliens legislation should be accommodated in centres specifically designed for that purpose, offering material conditions and a regime appropriate for their legal situation, and staffed by suitably-qualified personnel.

PORTUGAL

Policing concerns

Incidents of police ill-treatment and fatal shootings continued to be reported, with one person dying as a result of lethal force by police during the period under review. Inadequate training has been blamed for the fatal shootings, and representatives of both police professional associations (Associação Sócio-Profissional da Polícia de Segurança Pública and Associação dos Profissionais da Guarda) have urged better training for officers.

In April an officer in Porto was suspended from public duty after being filmed assaulting a man vandalising a traffic sign. An internal police investigation was opened.

Prisons

The conditions inside Portuguese prisons continued to be of concern, with numerous allegations of physical abuse of inmates by prison guards. According to information reported by the Directorate General of Prison Services in May, 70 per cent of prisons were operating over their capacity limit and three of them (Portimão, Angra do Heroísmo and Guimarães) contained more than double the designated number of prisoners.

Overcrowding reduced the resources available for each prisoner and exacerbated poor hygiene conditions and the transmission of infectious diseases. In 2005, 93 prisoners died in prison. Forty-three of the deaths were the result of illness, 25 of which were HIV/AIDS related. Nine deaths were the result of suicide and two were recorded as homicide, one of which was attributed to police officers during an attempted escape. The cause of death in the remaining cases was not recorded. The death in Porto prison in December 2005 of three prisoners, all of whom were participating in a methadone distribution programme, remained without explanation after the Institute of Legal Medicine failed to establish the cause of death despite repeated blood tests on the

victims. Speaking in parliament in April, the Ombudsperson (Provedor de Justiça) highlighted the failure to address the use of drugs and transmission of infectious diseases in prison over the past decade. An estimated 30 per cent of the prison population is infected with hepatitis B or C, approximately 14 per cent are co-infected with AIDS and 46 per cent use drugs inside prison.

In April the Minister of Justice, Alberto Costa, publicly spoke of the possibility of expanding the joint public-private partnership model of prison management, following the perceived success of the pilot project in the Special Prison Establishment of Santa Cruz do Bispo. In June the minister announced the government's plans to close 22 prisons while enlarging others to increase total capacity to 2,500 places (currently around 1,200). Most of the prisons are scheduled to be closed over the next three years, raising concerns about the impact on conditions in those prisons which remain.

Domestic violence

In February the Portuguese Association of Victim Support (Associação Portuguesa de Apoio à Vítima, APAV) reported that 89 per cent of cases presented to them over the previous year related to domestic violence but many of these were never reported to the police. Furthermore, deaths in the context of domestic violence are not recorded separately by authorities, but rather are incorporated into crimes against physical integrity. This under-reporting not only hampers justice in individual cases but impedes effective efforts to tackle the problem across society by hiding the full extent and nature of the problem. In 2005, 33 women were killed by their husband or a close relative.

Proposed reforms to the penal code presented in April broadened the definition of domestic violence to include ill-treatment between boyfriends and girlfriends and ex-partners in both heterosexual and homosexual couples, as well as abuse of children and grandparents. If acts of

violence occur within the family home, this will be considered an aggravating factor. In 60 per cent of reported cases of domestic violence, the victim and aggressor are married.

Racism

Incidents of racism continued to be reported nationwide, although Portugal still does not officially record racism as a factor in violent crimes. In March the Commission for Equality and Against Racial Discrimination (Comissão para a Igualdade e Contra a Discriminação Racial, CICDR) reported that in the previous six years it had received 190 complaints of which only two have so far resulted in a fine (60 cases are still pending). Lack of resources meant that cases could take two or three years to resolve and many were archived due to lack of sufficient evidence, thus contributing to a climate of impunity for acts of racism. Legislation is being considered that would allow the Commission to accelerate its processes.

There are an estimated 40,000 Portuguese Roma living in the country in addition to an unknown number of Roma of non-Portuguese nationality. A study released on 7 April by the High Commissioner for Ethnic Minorities (Alto-Comissariado para as Minorias Étnicas) found that street vending continued to be the principal mode of income amongst those interviewed. Many live in precarious social conditions.

Asylum

Figures released by the office of the UN High Commissioner for Refugees (UNHCR) in March indicated that the number of asylum petitions in Portugal had remained constant over the previous year, in contrast to the general decrease across Europe. In both 2004 and 2005 there were 110 requests for asylum. This is, however, less than half the number of applications made in 2001 – a total of 250 requests. The majority of applicants in 2005 came from Colombia. Asylum applications were also made by nationals of Angola, Russia, DRC,

India, Guinea-Bissau, Georgia, Nepal and Cuba.

Migrants

Statistics from the Aliens and Borders Service (Serviço de Estrangeiros e Fronteiras, SEF) indicated that 784 illegal immigrants were expelled from Portugal in 2005, over 270 more than were expelled the previous year. The number of immigrants leaving “voluntarily” after receiving notification from the SEF to leave the territory had almost doubled in comparison with 2005. By accepting to leave “voluntarily” without opening up an administrative expulsion procedure, illegal migrants have their travel expenses paid for them by the state and benefit from the provision allowing them to return to Portugal after one year – this is not the case for those forcibly deported.

A new law on nationality was passed in April, automatically attributing Portuguese nationality to children born in Portugal to parents who were also born in the country, and to children of immigrants legally resident for at least five years. Candidates seeking to be naturalised as Portuguese citizens must pass a “culture test”.

Reporting in February, APAV noted a slight increase in the number of non-nationals using its services during 2005. At the end of 2005 a specific unit was established within APAV to assist immigrant victims. The vulnerability of victims who are unable to speak Portuguese and are unaware of how to pursue their complaints was of particular concern. Furthermore, irregular migrants are often afraid to report their situation to the police for fear of expulsion, putting them at particular risk of abuse especially in the work place (for example excessive work hours and low pay).

Arms control

The assistant Secretary of State for Internal Administration, José Magalhães, announced in March that the government was preparing a public campaign in conjunction

with the National Peace and Justice Commission for an amnesty on illegal weapons that are turned in to the authorities. In 2005, national police forces seized a total of 3,567 illegal weapons.

ROMANIA

General background

In May, the European Commission (EC) recommended that January 2007 be maintained as the date of Romania's accession to the European Union (EU) only if serious deficiencies were remedied. The EC President José Manuel Durão Barroso noted that Romania needed to strengthen anti-corruption measures and consolidate reform of its legal system.

Unlike the previous year, the authorities did not obstruct a parade called the Gayfest, organized by the lesbian, gay, bisexual and transgender community, from going ahead on 25 May in the capital, Bucharest (see AI Index: POL 10/001/2006). However the march was attacked by counter-demonstrators, who threw eggs, stones and plastic bottles at the marchers. Police intervened to protect the marchers, and some counter-demonstrators were injured when they clashed with the police, who reportedly fired tear gas and used batons.

Discrimination

Members of Roma community continued to be discriminated against in all areas, including access to education and the labour market, public places and decent housing.

In February, the European Commission against Racism and Intolerance (ECRI) published its third report on Romania, noting *inter alia* the scarce application or knowledge of anti-discrimination legislation by both general public and officials. ECRI expressed concerns about publication by the media of derogatory articles on minorities, particularly on the Roma, with total impunity and without incurring the

appropriate penalties. ECRI recommended that the authorities fully apply the Criminal Code provisions on racial hatred and intolerance, and train judges, prosecutors, lawyers and members of law enforcement agencies and border police in combating discrimination.

The law to prevent and punish all forms of discrimination was amended in June to meet provisions in the EU's Racial Equality Directive in relation to the independence of the National Council for Combating Discrimination (*Consiliul Național pentru Combaterea Discriminării*, CNCD). It included the prohibition of discrimination on grounds of any exclusion, difference, restriction or preference based on race, ethnicity, age, sex, sexual preferences, belief, language, religion, HIV infection or any other criteria which aims to restrain, remove the recognition, use or enforcement of human rights and liberties.

Racism against Roma

In January, the CNCD ruled that an anti-Roma speech made by Corneliu Vadim Tudor, the leader of the Greater Romania Party (*Partidul România Mare*), was in breach of Romanian anti-discrimination law. The speech referred to an incident in 1993 in the village of Hădăreni, during which three Romani men were killed and 18 Romani houses were destroyed when police failed to protect the community. Corneliu Vadim Tudor stated that during these violent incidents the Romanians were just defending their "honour" against the "gypsy rapists and thieves" who wanted to "slaughter" them. No sanctions were initiated against him owing to parliamentary immunity.

Update on the Hădăreni case [see AI Index: POL 10/02/94]

The Romanian authorities failed to implement the July 2005 judgement of the European Court of Human Rights in the Hădăreni case, which had been brought by 25 Roma from the village following the violent events there in 1993 (see above).

The community development strategy, initiated by the government in accordance with its obligations arising from the friendly settlement in the case, was reportedly shelved. The legal suits concerning the damages due to the victims of the attacks were still pending in national courts. A significant number of the perpetrators of the attacks, including law enforcement officials, remained unpunished.

Alleged secret detention centres and "renditions" flights

In June, the Rapporteur on secret detentions for the Parliamentary Assembly of the Council of Europe reported on a global "spider's web" of detentions and transfers by the US Central Intelligence Agency (CIA) and alleged collusion by member states. He found that the Romanian authorities showed a lack of transparency and genuine willingness to cooperate with the investigation into whether the USA had secret detention centres in Romania.

Concerns on mental health care

In May, an international human rights and advocacy organization Mental Disability Rights International (MDRI) published a report on the rights of children with disabilities. In spite of governmental claims that the placement of babies in institutions was ended according to new legislation that bans placement of babies in institutions, the MDRI found children languishing in medical facilities which were poorly staffed. Many of them were unidentified, thousands according to UNICEF statistics of 2005. Some children were found in adult psychiatric facilities, tied down with bed sheets, their arms and legs twisted and left to atrophy and kept in permanent restraints.

Deaths at Poiana Mare (update to AI Index: EUR 39/002/2004 and EUR 01/012/2005)

In January, the European Committee for the Prevention of Torture (CPT) published a report on its last visit to Romania in June

2004. The CPT raised concerns about the death of many patients, due to malnutrition and/or hypothermia, at Poiana Mare psychiatric hospital, an establishment already strongly criticized in the past in respect of the patients' living conditions, food and heating in particular. The CPT expressed its concerns about the absence of adequate material and human resources to ensure the proper treatment of patients. It also called on the authorities to ensure that no patients were ill-treated.

Following the deaths of 17 people at the Poiana Mare psychiatric hospital in 2004, and domestic and international pressure relating to the case, the Ministry of Health decided in November 2005 to close down the hospital. In February the Ministry of Justice closed down the ward for high security patients and transferred them to another institution, the psychiatric and high security hospital in Sapoca, Buzau County. However, at the end of the period under review 413 patients remained in Poiana Mare.

Violence against women

Domestic violence

In June, the UN Committee on the Elimination of Discrimination against Women published its concluding comments on Romania's sixth periodic report on measures taken to implement the Convention on the Elimination of Discrimination against Women. The Committee expressed concerns *inter alia* about the limited availability of protection and support services for victims of domestic violence, in particular in rural areas. The Committee was also concerned about the limited information on the prevalence of domestic violence given by Romania, and that Law on preventing and combating domestic violence did not address other forms of violence against women.

The Committee called on the authorities to enhance the effective enforcement of its domestic violence legislation and to ensure that all women who were victims of violence had access to immediate means of

redress and protection, including protection orders, access to a sufficient number of safe shelters funded by the Government within a sufficiently wide geographical distribution, and to legal aid. The Committee recommended the provision of sufficient funding for such efforts, and also the establishment of a free hotline operating 24 hours a day seven days a week.

Trafficking

While commending the efforts undertaken by Romania to address the issue of human trafficking, the Committee remained concerned about the magnitude of this issue in the country, noting that Romania remained a country of origin, transit, and destination for trafficked women and girls. The Committee urged the authorities to increase its efforts to prevent human trafficking by addressing its root causes, in particular women's economic insecurity. It recommended eliminating women's vulnerability to traffickers and putting in place services for the rehabilitation and reintegration of victims of trafficking.

Concerns on penal code amendments

In June, the Open Society Foundation, the Centre for Legal Resources and Transparency International-Romania and the Romanian Helsinki Committee-APADOR expressed their concern regarding amendments in the Penal Procedure Code, allowing prosecutors to intercept electronic mail and tap phones for 48 hours without a judicial warrant plus an extension of another 48 hours before informing the judge. The amendments also prosecutors to undermine client-lawyer confidentiality through phone tapping.

RUSSIAN FEDERATION

Russia and the Council of Europe

In May Russia assumed the Chairmanship of the Council of Europe's Committee of Ministers, the organization's decision-making body. Together with the

Parliamentary Assembly of the Council of Europe (PACE), the Committee of Ministers is guardian of the Council's fundamental values and monitors member states' compliance with their undertakings. AI, along with other international and Russian non-governmental organizations (NGOs) addressed the Secretary General of the Council of Europe as well as President Vladimir Putin, urging that Russia exhibit exemplary cooperation with the bodies of the Council of Europe and respect for its obligations as a member state as it takes on this role. Moreover, a country that has been a member state for a decade should have made considerable progress toward fulfilling its obligations to the organization. Outstanding obligations include ratification of Protocol 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms which provides for the abolition of the death penalty in time of peace, and addressing impunity in Chechnya. To AI's knowledge, no significant steps had been taken during the period under review to fulfil the obligations (see AI Index: EUR 46/028/2006).

Earlier in January, PACE had adopted a strongly-worded resolution and recommendation on Chechnya. The resolution highlighted problems of ineffectual investigations leading to impunity, condemned reprisals against applicants to the European Court of Human Rights, and expressed fear that the excessively harsh manner in which the security forces acted in the region in no way contributed to restoring law and order. On the contrary, it produced more desperation, violence and thus instability. The resolution also stated that the recently adopted law on the legal status of civil society organizations fell short of the standards of the Council of Europe (see below). The recommendation urged the Committee of Ministers of the Council of Europe to "confront its responsibilities in the face of one of the most serious human rights issues in any of the Council of Europe's member states".

The Russian authorities' commitment to cooperation with the Council of Europe

bodies was found lacking at the beginning of May, when during a visit to Chechnya a delegation from the Committee for the Prevention of Torture was denied immediate access to the village of Tsenteroi, where the delegation had grounds for believing that one or more facilities that could be used as unofficial places of detention were located.

Counter-terrorism operations in the North Caucasus

Chechnya

In Chechnya, federal forces, Chechen police and Chechen security forces continued to fight Chechen armed opposition groups, who mounted attacks on police officers and convoys of federal servicemen, and planted car bombs. The Ministry of Defence announced in June that 36 members of the armed forces had been killed to date in 2006 in Chechnya, according to the news agency Interfax. On 17 June the Chechen separatist leader, Abdul-Khalim Sadulaev, was killed in Argun, Chechnya, during fighting with police and security forces. Abdul-Khalim Sadulaev had taken over as separatist leader following the killing of Aslan Maskhadov in March 2005.

Efforts to show that the situation was "back to normal" in Chechnya continued, with large reconstruction projects in the centre of the capital, Grozny, and other places. In April Ramzan Kadyrov, Prime Minister of Chechnya, demanded that the temporary accommodation centres (TACs) for internally displaced people in Chechnya be closed in the near future, reportedly calling them "a nest of criminality, drug addiction and prostitution". According to reports, officials started to make regular visits to the TACs; individuals listed as living in the TACs but not found to be there at the time of the official visit – day or night – were removed from the official register of inhabitants of the TAC, meaning individuals not wishing to lose their place were obliged not to leave the accommodation. Conditions in the TACs were reported to be poor. At least two temporary accommodations

centres were reported to have been closed during the period under review – in Argun and Gudermes, where 4,500 people had been living.

Organizations monitoring the situation were concerned at the humanitarian situation that would result from closure of the TACs, as there was not adequate alternative housing available in the region, and as the levels of compensation being received for destroyed housing were not sufficient for rebuilding. According to the NGO Memorial, at the end of the period under review around 37,000 people continued to live in TACs, out of an overall figure of 250,000 people living inside Chechnya who have been displaced by the conflict.

Security forces operating in Chechnya continued to arbitrarily detain people and reports of torture in detention were frequent. There were new reports of "disappearances" of people detained in Chechnya.

Alleged arbitrary detention and torture of Mekhti Mukhaev and Isa Gamaev (see AI Index: EUR 46/008/2006)

In January AI learnt of the detention and alleged torture in Chechnya of Mekhti Mukhaev and Isa Gamaev. Both men were detained without access to their family or a lawyer of their choice, transferred from detention facility to detention facility and tortured, in order to force them to "confess" and incriminate other individuals through their testimony. Isa Gamaev was detained on 10 December 2005 in the city of Nalchik, Kabardino-Balkaria; Mekhti Mukhaev, a widower and father of five from the Itum-Kali region of the Chechen Republic, was reportedly arrested on 30 December 2005 in the town of Gikalo, near Grozny.

Reported "disappearance" of Bulat Chilaev and Aslan Israilov (see AI Index: EUR 46/015/2006 and EUR 46/033/2006)

Bulat Chilaev, a driver for the Russian non-governmental human rights and humanitarian organization Grazhdanskoe

Sodeistvie (Civic Assistance Committee), and Aslan Israilov were arbitrarily detained on 9 April in Chechnya by security forces personnel and subsequently "disappeared".

When AI spoke to colleagues of Bulat Chilaev in June, they were told that about 10 people witnessed the detention of Bulat Chilaev and Aslan Israilov, of whom at least three had also given a statement to the procuracy. These statements had included details on the registration numbers of the cars, and had also referred to a military identity tag, with the number 142733, found next to where the two men had been dragged out of the car. When the head of Grazhdanskoe Sodeistvie met with the President of Chechnya, Alu Alkhanov, and the Chechen Procurator in May to discuss "disappearances" and abductions in Chechnya, the Chechen Procurator reportedly stated that his office had so far been unable to question the owner of the identity tag, giving the reason, according to the NGO report, that since he was a member of the battalion Zapad (West) he had many duties to perform – in other words, he was busy. According to an official letter from the military procuracy to the head of Grazhdanskoe Sodeistvie in June, the owner of the identity tag was subsequently questioned and stated that it was possible he had lost the tag at about 10am on 9 April at the crossroads with the Kavkaz highway, in the Suzhenskii district of Chechnya. He stated that he only noticed it was missing on returning to his battalion's base, and filed a report. Bulat Chilaev and Aslan Israilov had been arbitrarily detained at the same crossroads at about 1pm.

Khamzat Tushaev "disappears" in compound of official buildings in Chechnya

According to information available to AI, Khamzat Tushaev (born 1959) was last seen entering a compound of official buildings in the Staropromyslovskii district of Grozny on 8 June. The day before, his wife had received a telephone call from a man introducing himself as being from the

procuracy, asking Khamzat Tushaev to go to the offices of the Leninskii district procuracy for questioning on 8 June, in connection with a criminal investigation into alleged participation in an illegal armed group (Article 208 of the Russian Criminal Code). He and his wife arrived at the compound where the Leninskii district procuracy is based at 10am. His name was officially logged at the main entrance, and he was let into the compound, while his wife waited for him outside. At 5.30pm, his wife, worried that her husband had not yet returned, asked the guard to phone the procuracy; reportedly, procuracy staff told the guard at the main entrance that Khamzat Tushaev had not arrived at their offices for questioning. His wife was unable to ascertain what happened to her husband. Khamzat Tushaev had suffered from psychological problems since 1996. He was detained in 2003 and was held for eight days in a detention facility at the Operational-Search Bureau of the Main Department of the Ministry of Internal Affairs of Russia responsible for the Southern Federal Region (ORB-2) in Grozny, where he was reportedly ill-treated. From there he was transferred to detention in Shali police station, charged with participation in an illegal armed group, and released. He has been summoned for questioning periodically.

Human rights abuses in Ingushetia and other North Caucasus regions

Armed groups carried out attacks in Ingushetia, including what appeared to be targeted assassinations. It was reported that on 17 May the acting deputy minister of the Ministry of Internal Affairs of Ingushetia, Dzhabrail Kostoev, was killed, together with two of his guards and four passers-by, in an explosion when he was travelling by car into Nazran. On 9 June the Commander of Ingush special police unit (OMON), Musa Nalgiev, was killed, together with a guard, his driver and three of his children, when the car they were travelling in was shot at in Karabulak. Also on 9 June the deputy head of Suzhenskii district,

Galina Gubina, was shot dead near her home at 9am.

Special operation in Nesterovskaia, Ingushetia – reported extra-judicial execution of Rezvan Khaykharoev and detention and alleged torture of Akhiat Khaykharoev

On the morning of 31 May, law enforcement officers, reported to be members of the seventh brigade of the police special assignment unit of the Chechen Ministry of Internal Affairs, as well as Ingush police and Russian federal law enforcement officers, surrounded a house in the village of Nesterovskaia, in the Suzhenskii district of Ingushetia. Two suspected members of an illegal armed group who were on the run and had fled inside the house put up resistance against the Chechen security forces, shooting one officer who reportedly later died from his injuries. Young women were trapped inside the house, unable to leave for about 40 minutes, lying on the floor trying to avoid the bullets.

During the fighting, Rezvan Khaykharoev (born 1987) was reportedly detained and extra-judicially executed. Reportedly, Rezvan Khaykharoev had not been armed and had been hiding in the back garden when the Chechen security forces detained him. They put him in a closed car boot for two hours, before taking him out of the car boot, beating him and shooting him in the back of the head, in front of many neighbours and Ingush police officers. His body was first kicked into a ditch, and then another round of bullets fired into his body. The department for investigating particularly important cases at the office of the Procurator of the Republic of Ingushetia was reported to be investigating the killing at the end of the period under review.

Reportedly, Akhiat Khaykharoev, a relative of Rezvan who was visiting the family at the time of the operation, was also detained. His family maintain he was there by chance, having brought back belongings of an elderly relative who had passed away a few days earlier. He had just arrived at the

house and had been persuaded to stay and have breakfast with the family when fighting started between the suspected opposition fighters who had fled inside the house, and the security forces. Akhiat Khaykharoev was ordered to come outside of the house, and Ingush police detained him and put him into a military jeep. His relatives were not informed where he was taken but subsequently found out that he had initially been taken to Suzhenskoe district police station in Ingushetia, at about 10am, and then after a couple of hours been handed over to Chechen security services and taken to Chechnya. In Chechnya he was taken to Achkhoy-Martan district police station and held there in the temporary detention facility (IVS). His family were not informed of this transfer but found out that he was being held there, and hired a lawyer. After a week, Akhiat Khaykharoev was transferred to Grozny without his lawyer or his family being informed, and was held there, it is thought in the pre-trial detention facility (SIZO), for about one week, before being brought back to Achkhoy-Martan IVS on 22 June, where he was believed still to be held at the end of the period under review, charged with a terrorism-related offence. Reportedly he was severely beaten in detention to force him to "confess" to a crime and his health was suffering, also owing to a pre-existent kidney condition. Conditions in the IVS were reportedly cramped, three or four men sharing a small cell; detainees sit and lie on the floor as there is no furniture.

Alleged torture of Akramat Gambotov

Akramat Gambotov was allegedly repeatedly beaten and tortured in detention in Vladikavkaz, North Ossetia during the period under review. Akramat Gambotov is ethnic Ingush; he and his family were displaced from the Prigorodnii district in North Ossetia following the conflict there in 1992. He had been detained on 21 October 2005 in Ingushetia and transferred to Vladikavkaz, where he was charged with terrorism-related crimes of "banditism" and possession of a firearm (Articles 209 part 2 and 222 of the Russian Criminal Code).

According to information available to AI, during the period under review Akramat Gambotov was transferred on more than one occasion, without his lawyer being informed, to the premises of the Department for the Fight against Organized Crime (UBOP) in Vladikavkaz, North Ossetia, on the orders of the investigator in charge of his case. While at UBOP, law enforcement officers allegedly subjected him to physical violence and humiliation in order to "prepare him" to subsequently sign testimony in the presence of a lawyer. Allegedly, the investigator from the procuracy in charge of the case was present at the torture.

For example, Akramat Gambotov was taken to UBOP for the whole day on 20 January. There he was allegedly beaten, tortured and humiliated. When he was brought back to the SIZO in Vladikavkaz that evening, the duty guard at the SIZO allegedly was very reluctant to accept him due to his physical condition. On 26 January, Akramat Gambotov was again taken to the UBOP where he was again allegedly tortured, allegedly to "prepare" him for an official interrogation session to be held the next day.

In January, Akramat Gambotov's lawyer lodged a formal complaint about the treatment of his client and appealed for a medical examination of his client with his participation to take place. By the end of the period under review, according to the information available to AI, no medical examination had taken place and no formal investigation of the allegations of torture had been undertaken. Akramat Gambotov remained in detention.

Armed raid in Kabardino-Balkaria (update to AI Index: EUR 01/007/2006)

On 17 March President Putin signed an order removing Khachim Shogenov from the post of Minister of Internal Affairs of Kabardino-Balkaria. During the tenure of Khachim Shogenov, the Ministry of Internal Affairs had allegedly been responsible for

harassment, arbitrary detention and torture of many practising Muslims, which has been cited as a reason for the armed attack on Nalchik in October 2005. Yuri Tomchak was appointed as replacement.

Torture of Rasul Kudaev and health concerns (update to AI Index: EUR 01/007/2006 and see also AI Index: EUR 46/003/2006)

Former Guantánamo prisoner Rasul Kudaev remained in detention in Nalchik, capital of Kabardino-Balkaria, charged with terrorism-related offences. By the end of the period under review, his mother had still not been able to visit him, as the investigator in charge of the case considered that such a visit could prejudice the ongoing investigation. Concerns about his health and about inadequate health provision remained. On 13 January a judicial collegium on criminal law at the Supreme Court of Kabardino-Balkaria turned down an appeal by Rasul Kudaev's previous lawyer, Irina Kommissarova, concerning her removal from work on the case. She had been removed from the case in November 2005 after she had submitted an official complaint detailing the alleged torture and other ill-treatment of Rasul Kudaev. The Office of the Procurator in Kabardino-Balkaria summoned her for questioning concerning this official complaint but the following day the investigator in charge of the case at the Procurator's Office had formally removed her from the case, stating that the lawyer had been questioned as a "witness" to the case and that therefore she could no longer act as a defence lawyer. The Nalchik City Court had ruled on 18 November 2005 that despite the fact the investigator had not acted in accordance with the Russian Criminal Procedure Code, Irina Kommissarova could not be reinstated.

In January the Ministry of Internal Affairs for Kabardino-Balkaria, under Khachim Shogenov, brought a civil suit against journalist Anna Politkovskaia, the newspaper *Novaia Gazeta* (The New Newspaper) and lawyer Irina Kommissarova, for defamation. Anna Politkovskaia had

written an article printed in *Novaia Gazeta* on 21 November 2005 alleging that torture was the main method of investigation of the October 2005 armed attack on Nalchik, stating that torture was continuing and citing Irina Kommissarova as one of her sources. The civil suit stated that the allegations made by Irina Kommissarova that Rasul Kudaev had been tortured were untrue and damaging to the Ministry's professional reputation. The suit also argued that Irina Kommissarova was biased towards ensuring that individuals including her client, who were guilty of the armed attack on Nalchik, should escape just punishment. It was notable that the suit was issued before anyone had been convicted of any crime in relation to the October 2005 armed attack on Nalchik. A court ruled in June that the suit could not be heard because its signatory had not had the authority to bring the suit, and by the end of the period under review, the Ministry of Internal Affairs (now under a different Minister) had not reissued the suit.

Threat of forcible return to Uzbekistan (update to AI Index: EUR 01/007/2006, see also AI Index: EUR 46/027/2005, 46/028/2005, EUR 46/040/2005)

The Federal Migration Service of the Russian Federation issued a decision rejecting the applications for refugee status of the 13 men on 17 January. The 13 men appealed this decision through the courts – but both courts of first and second instance turned down the appeals of all 13 men during hearings in June and July. The refusals to grant refugee status had been taken despite a finding by the United Nations High Commissioner for Refugees (UNHCR), as reported by the Russian human rights organizations Memorial and Civic Assistance Committee, that the men fell under the competence of UNHCR as 'mandate refugees' and were thus in need of international protection. Under the 1951 Convention relating to the Status of Refugees, to which Russia is a party, the deportation of individuals in need of international protection is prohibited. The

men remained in detention, awaiting news of a decision by the Office of the General Procurator of the Russian Federation in response to the Uzbekistani authorities' request to extradite the men.

Impunity

Trial into the killing of six civilians (update to AI Index: EUR 01/005/2004, EUR 46/027/2004, EUR 01/002/2005, EUR 01/012/2005, EUR 01/007/2006)

On 6 April the Constitutional Court of the Russian Federation passed a ruling that paved the way for the four members of a special military unit to be re-tried, this time without a jury, for the murder of six unarmed civilians in January 2002. The ruling was in response to applications by the President of Chechnya, Alu Alkhanov, a relative of one of the six killed civilians, and the North Caucasus district military court. The applications questioned the constitutionality of two issues: holding jury trials into crimes committed by military personnel in Chechnya when the jury cannot include representatives from Chechnya; and unequal access to justice for military personnel and civilians, as only military personnel accused of committing serious crimes on the territory of Chechnya are able to have a jury trial (under current Russian law, the jury trial system will only be introduced in Chechnya on 1 January 2007; meanwhile the jurisdiction of military courts is organized in a different way to that of civilian courts and therefore jury trials are available to military personnel). The Constitutional Court confirmed that when a military court was due to hear a serious crime, and it was not possible to compose a jury with participants from the territory where the crime was committed, then the case should be heard without a jury. The ruling meant that hearings into the murder of the six civilians would be heard by a court made up of three professional judges and was set to start in July.

Said Alaskhanov, Abdul-Wakhab Satabaev, Shakhban Bakhaev, Khamzat Tuburov,

Zainap Dzhavatkhanova and Dzhamlail Musaev, six civilians from Chechnya, died on 11 January 2002 after being shot by members of a special unit of the Russian Military Intelligence (GRU). In May 2005 Captain Eduard Ulman, Lieutenant Aleksander Kalaganskii, Sergeant Vladimir Voevodin and Major Aleksei Perelevskii had been found not guilty of any crime by a jury in a second trial in Rostov-on-Don, despite having admitted to killing the civilians. The defence of all four soldiers that they had been following orders was accepted by the jury.

Two more under investigation in the Zelimkhan Murdalov case (update to AI Index: EUR 46/027/2002, EUR 01/005/2004, EUR 01/002/2005, EUR 01/012/2005 and AI Index: EUR 01/007/2006)

In February a commander and a lower-ranking officer who had served in Chechnya with the combined police troops of the Khanty-Mansiisk Autonomous District were placed on the federal wanted list. They had been identified during the 2005 court hearings against their subordinate, officer Sergei Lapin, as involved in the torture and "disappearance" of Zelimkhan Murdalov, and a criminal investigation had been opened against them by the Office of the Procurator of the Chechen Republic in November 2005 for "exceeding official authority" with aggravating circumstances, and "grievous bodily harm with aggravating circumstances". Neither man had been arrested by the end of the period under review.

In May, the Ministry of Internal Affairs Operative Group of the Oktiabrskii district in Grozny was disbanded, and its premises, which had previously been a school for deaf children, was left empty. From 2000 to 2003, the school, made up of a three-storey building with basement, and a two-storey sports hall, had been the headquarters of the Oktiabrskii Temporary Department of Internal Affairs, or VOVD. VOVDs were a Ministry of Internal Affairs structure staffed by the police officers

drawn from across Russia, acting in parallel to the local police departments, staffed by Chechens. The Oktiabrskii VOVD was staffed by the combined police troops of the Khanty-Mansiisk Autonomous District from 2000 to 2001. The Oktiabrskii VOVD had operated an IVS. Zelimkhan Murdalov, Alaudin Sadykov, and many others were detained, tortured and in many cases "disappeared" from this VOVD.

Staff from the Memorial Human Rights Centre, journalists, Astemir Murdalov (father of Zelimkhan Murdalov), Alaudin Sadykov and others visited the building and its basement at the end of May, to take photographs and video footage before they were subsequently demolished. Memorial Human Rights Centre then released photographs and texts of prisoner and guard graffiti from the inside of the detention facility uncovered on the site. Alaudin Sadykov, whose ear was cut off during his time in detention in the VOVD in the spring of 2000, showed Memorial staff and journalists the cells in the basement where he and others had been held and tortured. According to Memorial, the graffiti showed that detainees had been detained for longer than the period permitted under Russian criminal procedure, and also that detainees had been held there after the VOVD had officially closed down in 2003.

Two Russian servicemen convicted for shooting civilians in Staraiia Sunzha

On 6 April Russian soldier Aleksei Krivoshonok was convicted by the North Caucasus district military court of the murder of three civilians and sentenced to 18 years' imprisonment in a strict regime prison colony. On 16 May the Grozny garrison military court found Pavel Zinchuk guilty of inflicting serious bodily harm and intentional damage to property and sentenced him to seven years' imprisonment. Aleksei Krivoshonok was found to have shot three unarmed civilians as they lay on the ground during a document check near Staraiia Sunzha in Chechnya on 16 November 2005; he was drunk at the time. Pavel Zinchuk was found

to have shot a fourth man in the leg and beat a fifth man during the same incident.

Arbitrary detention and threats against a woman searching for her "disappeared" son

In June, AI delegates in the region spoke to a mother searching for her son who "disappeared" in Chechnya in 2002. The mother was detained last year in Chechnya by armed Chechen men in military uniform, possibly in order to intimidate her into stopping her search. She said that she had been detained early in the morning at her home and had been transferred to a cell in the basement of a building. According to the information received by AI, she was threatened and shouted and sworn at in detention. It was cold and she was not given anything to eat or drink. Her detention was not registered and relatives who looked for her there were told that she was not being held there. She was released in the late afternoon that same day. The mother said that the procuracy in Chechnya has told her many times not to continue with the search for her son. Due to fears for her security, it is not possible to make public details that would allow her to be identified.

Beslan hostage-taking (update to AI Index: EUR 01/002/2005 and EUR 01/012/2005)

On 26 May the Supreme Court of North Ossetia found Nurbashi Kulaev guilty of murder, banditry and "terrorism" in relation to the hostage-taking at the Beslan school in September 2004 and sentenced him to life imprisonment. He appealed the verdict. The Procurator had demanded the death penalty for Nurbashi Kulaev despite a 1999 ruling by the Russian Constitutional Court that all death sentences were unconstitutional until there was nationwide jury service. Nurbashi Kulaev was the only person to date to have faced criminal charges in connection with the hostage-taking.

Torture and ill-treatment in police custody

The torture of Aslan Umakhanov in Yekaterinburg

Aslan Umakhanov, an ethnic Chechen lawyer born and brought up in Yekaterinburg, was reportedly beaten and tortured in police custody in Yekaterinburg in March and April. On 29 March police detained him in the entrance of his apartment block, allegedly beat him, and drove him to the regional UBOP, where he was allegedly beaten again, before being taken to the district procuracy. His brother looked for him for several hours before finding him by chance in the Kirov District Procuracy. His cheek bones were cut and bruised. On 31 March Aslan Umakhanov appeared before Judge Novoselev at Kirov District Court. The area around his eyes was deeply bruised and he asked the judge to look at him because he had been beaten about the face and his torso near the area of his kidneys. The judge did not stop proceedings or order an investigation, but prolonged his detention by two months. He was sent to the SIZO in Yekaterinburg, which refused to accept him because of the signs he had been ill-treated. He was taken back to the IVS at Frunze Street where a medical record was made of his injuries, on the basis of which the SIZO admitted him. On 12 April, Aslan Umakhanov was made to kneel in a vehicle and was driven from the SIZO to the UBOP headquarters in Yekaterinburg for questioning, and put in a room with three officials. Prison transport records show that he was absent from the SIZO from 9am to 4pm. He gave the following account of his treatment during those hours. He was severely beaten by the officials, sometimes with their fists and sometimes with plastic bottles full of water. At one point the men put a book on his head and then beat his head through the book. When he started shouting, they took a blanket from a cupboard in the office and wrapped it round his head. They also plugged two electric cables into an electric socket in the wall and electrocuted him in the heels and in the area near his kidneys.

They also allegedly subjected him to racist abuse.

After roughly six hours, he agreed to sign a confession. Using a rope from the cupboard they tied a 32kg bodybuilding weight to his left hand which dragged his body and head down level with the table. In that position he wrote a confession under their dictation. Later he was made to read it out before a video camera, with several repetitions until they were satisfied. Aslan Umakhanov remained in detention at the end of the period under review, charged with Article 126 part 2 a and z of the Russian Criminal Code ("kidnap by a group with the motivation to make money"). On return to the SIZO, a routine medical examination recorded contusions and abrasions on both forearms. Reportedly, following the alleged torture and up to the end of the period under review, he suffered from pain in the groin and kidney areas, and passed blood in his urine. However, according to the information available to AI, he was being denied any medical attention in the SIZO and a detailed official medical examination to record his condition.

European Court rules Aleksei Mikheev was tortured (update to AI Index: EUR 46/027/2002 and EUR 01/007/2006; see also AI Index: EUR 46/004/2006)

On 27 January the European Court of Human Rights ruled that the Russian authorities had subjected Aleksei Mikheev to torture in police detention in September 1998, and had denied him access to legal remedies. Therefore the Court found violations of Article 3 (prohibition of torture) and Article 13 (right to an effective remedy) of the European Convention on Human Rights. Aleksei Mikheev told AI that the most important aspect for him was that this decision may help to prevent torture in police detention in the future. He told AI: "I hope that nobody else will have to go through what I have been through."

Police brutality in the Republic of Bashkortostan (update to AI Index: EUR

01/001/2005, EUR 01/012/2005 and EUR 01/007/2006)

Court hearings continued against eight police officers charged in connection with a police operation in Blagoveshchensk, Republic of Bashkortostan, in December 2004 that resulted in the arbitrary detention, beating and torture of over 1,000 people. Up until March, hearings were mired in delays, partly due to the non-appearance of lawyers for the defendants. On 14 March, the Blagoveshchensk City court ruled to return the case to the procurator for additional investigation, with the aim to divide the case into smaller cases, ostensibly in order to reduce the possibility for further delays. However, the lawyer representing many of the victims, as well as lawyers acting on behalf of the lower-ranking defendants, appealed this decision on the grounds that it violated procedure. They were also concerned that such a division of the case would result in only the lower-ranking officials being successfully prosecuted, with the more senior defendants evading prosecution. The Supreme Court of Bashkortostan upheld the 14 March ruling on 25 April, and it was reconfirmed by the presidium of the Supreme Court on 19 July. At the end of the period under review, a further appeal had been lodged against the 14 March decision.

The case of Mikhail Trepashkin (update to AI Index: EUR 01/007/2006; see AI Index: EUR 46/063/2005)

In March, AI issued a document Russian Federation: Amnesty International's concerns and recommendations in the case of Mikhail Trepashkin (AI Index: EUR 46/012/2006); the document highlighted the concern that there were serious grounds to consider his prosecution was politically motivated. Mikhail Trepashkin continued to be denied adequate medical treatment in the prison colony in which he was being held and was reportedly subjected to cruel, inhuman and degrading treatment by the prison administration as part of a wider effort to intimidate him into

withdrawing his complaints against the Russian authorities relating to his criminal conviction and his treatment while a prisoner.

The case of Mikhail Khodorkovskii (update to AI Index: EUR 01/002/2005 and EUR 01/012/2005)

AI raised concerns with the Russian authorities following reports that former YUKOS associate Mikhail Khodorkovskii was placed in a punishment cell (ShIZO) on 24 January for 15 days, for having had in his cell a copy of publicly-available Ministry of Justice decrees relating to prisoner conduct. According to his lawyers this document is not normally restricted material. A response from the Office of the Procurator of Chita region stated that Mikhail Khodorkovskii's appeal against this treatment had been upheld by the Krasnokamensk city court on 18 April, the court finding that the punishment had been illegal. According to his lawyers, Mikhail Khodorkovskii was again placed in a punishment cell on 17 March for seven days, for drinking tea in an unauthorised place (he had missed supper due to a meeting with his lawyers, who had not been permitted to meet with him during working hours of the prison, and he had therefore made some tea in his cell). In December 2004 he had been reprimanded for "leaving his work station without permission"; this reprimand was overturned by a Krasnokamensk court on 9 February. His lawyers feared that any accumulation of disciplinary points against him could result in loss of privileges such as restriction in conjugal visits, number of parcels, inability to purchase foods to supplement the prison diet, and harsher living conditions; they appealed each disciplinary finding against him.

Freedom of association and assembly

NGO law (update to AI Index: EUR 01/007/2006, see also AI Index: EUR 46/001/2006 and EUR 46/055/2005)

President Putin signed into law the controversial amendments to laws

governing civil society organizations in Russia on 10 January. The law was published by the official government newspaper Rossiiskaia Gazeta (The Russian Newspaper) on 17 January and came into force on 17 April. The law, entitled "On Introducing Amendments to Certain Legislative Acts of the Russian Federation", made amendments to three main laws – the law on closed administrative-territorial entities, the law on public organizations, and the law on non-commercial organizations. Civil society organizations across the board were affected by these changes. On 15 April Prime Minister Mikhail Fradkov issued the first set of secondary legislation (the implementing regulations) of the law, outlining in more detail the reporting requirements for civil society organizations.

Although described by the President as aiming to bring order rather than restrictions into the activities of NGOs, AI believed that the law's provisions and the implementing regulations instead undermined their work. They gave the authorities increased powers of scrutiny of the funding and activities of Russian and foreign NGOs; were unduly burdensome, diverting resources from substantive programmes; used a regulatory framework that could be arbitrarily applied; had key provisions which lacked a precise legal definition; and imposed sanctions that were disproportionate.

Violent dispersal of demonstration in Dagestan

There were reports that in April, OMON officers dispersed a demonstration by between 500 and 600 men, women and children, in Dagestan, using excessive force, killing one person and injuring others. According to the information available to AI, on 25 April the demonstrators had attempted to gather in a park in the village of Usukhchai, in the Dokuzparinskii district of Dagestan, a mountainous area bordering Azerbaijan. According to this information, the organizers had informed the authorities of the time and place of the planned

demonstration, held to protest against alleged corruption by the local authorities. However, at Usukhchai, police officers blocked the way to the demonstrators, and beat some of them. Following negotiations with the authorities, the demonstrators then moved to the village of Miskindzha 4km away, apparently at the request of the police. There they held a peaceful demonstration, but blocked a main transport route. At this stage OMON officers used tear gas and rubber bullets to disperse the demonstration, firing tear gas canisters directly into the crowd without giving a warning shot, and allegedly beating demonstrators. Some demonstrators threw rocks and sticks in response. According to the reports, one demonstrator, Murad Nagmetov (born 1971) was killed, and at least two other people received serious injuries in the chest area due to the firing of the gas canisters and were hospitalized. OMON officers also fired Kalashnikov guns into the air. Around 60 people were detained during the demonstration and were kept in police custody for 24 hours or more, in overcrowded cells or in the open air. They were reportedly not given anything to eat or drink and many reported being beaten. Others received light injuries from shrapnel and from being beaten. According to the Office of the Procuracy of Dagestan, two criminal investigations were opened, one into the killing of Murad Nagmetov, and a second relating to violence used against the police officers by demonstrators and the organizers of the demonstration. According to the procuracy, the legality of the use of firearms by the police officers during the demonstration would be examined during the investigation into the death of Murad Nagmetov. The procuracy also opened a criminal investigation into the alleged corruption by the local authorities.

Discrimination against members of LGBT community: homophobic attacks and ban on gay pride march in Moscow

According to reports, on the night of 30 April, hundreds of protestors provoked disorder at the "Renaissance Event Club" in

Moscow, which had organized an "Open Party" for lesbian, gay, bisexual and transgender (LGBT) people. The protestors blocked the entrance to the club, shouting abuse and physically assaulting – with bottles, rocks and eggs – people attending the event. Reportedly, law enforcement officers present during the disturbances initially did not take measures to intervene to prevent or stop this disruption, and reportedly only after midnight did they attempt to protect from the hostile crowd some of members of the LGBT community who were already in the club. Elsewhere on the same night a women's art club "TemAtik", where the opening ceremony of a gay festival called "Rainbow without borders" was planned, was set on fire by arsonists. The following day an attempt to hold a gay event at the club "Three Monkeys" was allegedly disrupted by at least 100 activists from the "Russian All-national Union" group, reportedly at the forefront of the violent anti-gay campaign. Police reportedly detained 39 individuals for minor hooliganism offences.

In February, Moscow authorities made it clear they intended to refuse permission to organizers of Moscow's first gay pride parade, planned for May. The march was intended to be part of the "Moscow Pride 2006" festival. *Interfax* quoted a spokesperson of Moscow Mayor Yuri Luzhkov on 16 February as stating that "the Moscow government is not even going to consider allowing a gay parade," and that plans for the gay pride parade "have evoked outrage in society, in particular, among religious leaders." He reportedly added that "Moscow Mayor Yury Luzhkov was firm that the city government will not allow a gay parade in any form, open or disguised, and any attempts to organize an unsanctioned action will be resolutely quashed." The Supreme Mufti of the Central Spiritual Directorate of Muslims in Russia, Talgat Tadzhuiddin, was reported in March to have stated that if the gays go out into the streets "they only ought to be bashed". The head of the Moscow office of the Union of Orthodox Christians, Kirill Frolov, was also quoted as saying "we protest against the holding of the 27 May gay

festival...[h]omosexuals want to march along Chistoprudnii avenue to the Kirill and Mefodia statue...[t]he Union of Orthodox Christians won't allow this."

On 15 May organizers of the march officially informed the Moscow authorities of their intention to hold a gay-pride march with 2,000 participants through central Moscow. Under Russian law, the Moscow authorities had the right to suggest a change of time or route for the event, but did not have the right to forbid people from exercising their right to peacefully demonstrate. However on 18 May the authorities issued an official response, stating that they "did not agree" with the planned march, citing the number of letters they had received from different parts of the general public objecting to the march and citing security concerns should the march go ahead. The organizers appealed this decision at Tverskoi district court; the court upheld the decision of the authorities on 26 May. On 27 May the organizers announced they had decided not to go ahead with a full-scale march. Instead the organizers invited individuals to come and lay flowers at the tomb of the unknown soldier near the Kremlin in Moscow, and later participate in an authorized demonstration organized by another organization near the Moscow city hall. However, at both venues LGBT activists were met by counter-protestors shouting homophobic abuse and in some cases violently attacking the LGBT demonstrators. A number of LGBT activists, including the German parliamentarian Volker Beck, as well as some journalists, were injured by counter-demonstrators. The police, including officers from the special police unit (OMON), reportedly failed adequately to protect the LGBT activists and failed to differentiate between peaceful and violent protestors, detaining individuals from both groups in order to break up the action. Many of the detentions were carried out in a rough manner, with police officers dragging demonstrators to waiting buses. In some cases LGBT activists and counter-demonstrators were placed in the same police vehicles.

Freedom of expression – possible prisoner of conscience

Stanislav Dmitrievskii and the Russian-Chechen Friendship Society (update to AI Index: EUR 46/059/2004, EUR 01/002/2005, EUR 01/012/2005 and EUR 01/007/2005, see also AI Index: EUR 46/053/2005 and EUR 46/006/2006)

On 3 February Stanislav Dmitrievskii was convicted on "race hate" charges, for publishing non-violent articles by Chechen separatist leaders. The Sovietskii district court in Nizhnii Novgorod imposed a two-year suspended sentence and a four-year probationary period on Stanislav Dmitrievskii. During this four-year period, Stanislav Dmitrievskii would have to inform the authorities as to any change of residence or travel plans, and would have to report regularly to the local authorities. Any violation of these conditions or a further criminal conviction could result in him being imprisoned for two years. AI considered that the conviction of Stanislav Dmitrievskii was a blow to independent civil society in Russia and would have a stifling effect on the right to freedom of expression.

Racism

During the period under review a number of racially-motivated attacks, including murders, took place. These included the murder of Lamsar Samba Sell, a student from Senegal, shot dead in the early morning of 7 April in St Petersburg, and an attack on Liana Sisoko, a nine-year-old girl whose mother is Russian and father is from Mali, stabbed three times on 25 March by two youths near the lift in her block of flats in St Petersburg. She was hospitalized with serious injuries. According to reports, the attackers painted a swastika and the words "skinheads... we did it" near the scene of the attack. Human rights defenders working against racism were also under threat; for example, leaflets inciting violence against Boris Kreindl and his family were distributed in the city of Tomsk where he lives and works. Boris Kreindl had been working to defend the rights of a community of Romani

people in the neighbouring region of Novosibirsk (see AI Index: EUR 46/011/2006).

AI issued a report on racist attacks in Russia in May. *Russian Federation: Violent racism out of control* (AI Index: EUR 46/022/2006) highlighted the failures of the Russian authorities to act with due diligence to prevent racially-motivated attacks, and to investigate and prosecute the vast majority of such attacks effectively. While there has recently been a small increase in prosecutions recognizing racial hatred and local initiatives such as to increase policing, the authorities have not been doing enough to convincingly challenge racist and xenophobic ideas and ideologies, let alone implement a comprehensive programme to combat them.

The case of Khursheda Sultonova (update to AI Index: EUR 01/005/2004 and EUR 01/007/2006)

A jury passed a verdict of not guilty on the main defendant in relation to the murder charge on 22 March, finding him and six other defendants guilty of "hooliganism" only. The racial motivation of the crime was left unrecognized in the convictions. A seventh defendant was found not guilty of all charges. On 30 March those defendants convicted of "hooliganism" were given sentences ranging from 18 months' to five and a half years' imprisonment. Many of the details of the court case were not public, as the case was heard in closed session due to the fact that some of the defendants were minors. The procurator appealed the verdict. Khursheda Sultonova – a nine-year-old girl of Tajik ethnicity – had been living with her family in St Petersburg when she was murdered in a racist attack on 9 February 2004. She, her father and 11-year-old cousin were attacked by a gang of youths carrying knuckledusters, chains, sticks and knives near their home. The attackers are reported to have shouted racist slogans, such as "Russia for Russians" as they attacked the family. Khursheda Sultonova died at the scene of the attack from excessive blood loss – she had been

stabbed nine times in the chest, stomach and arms.

SERBIA AND MONTENEGRO (INCLUDING KOSOVO)

General and political developments

On 2 May European Union (EU) Commissioner for Enlargement Olli Rehn announced the suspension of negotiations between the EU and Serbia and Montenegro (SCG) on the Stabilization and Association Agreement (SAA), following the failure of the SCG authorities to arrest suspects – and in particular Ratko Mladić – indicted by the International Criminal Tribunal for the former Yugoslavia (Tribunal). Milorad Labus, then-deputy Prime Minister of Serbia, resigned.

A referendum took place in Montenegro on 21 May on the republic's independence from Serbia, observed by the EU and the Council of Europe; 55.5 per cent of those who voted were in favour of independence, narrowly passing the margin set by the Venice Commission, an advisory body of the Council of Europe. A few examples of malpractice were reported, but the elections mostly passed without incident. Montenegro formally declared independence on 3 June, and was recognized by the EU on 12 June. On 28 June the UN General Assembly recognized Montenegro as its 192nd member state. The seat formerly occupied by Serbia and Montenegro passed to Serbia.

The EU Commissioner for Enlargement announced on 23 May the preparation of a separate mandate to negotiate an SAA with Montenegro. On 14 June Montenegro formally requested accession to the Council of Europe and on 24 June the Parliamentary Assembly of the Council of Europe (PACE) instructed its monitoring committee to contribute to negotiations on the commitments Montenegro would enter into on accession.

Following independence, both Serbia and Montenegro appointed ministers to replace the previous state level functions including defence and foreign relations. Neither made ministerial appointments to replace the former state level Minister for Minority Communities and Human Rights.

In Kosovo the period was dominated by talks on the final status of the province (which remains part of Serbia), which were taking place in Vienna under the leadership of Martti Ahtishari, Special Envoy of the UN Secretary-General for the future status process for Kosovo (UNOSEK), Delegations met on 20 to 21 February, 17 March, 3 April and 4 and 5 May, but with the exception of an agreement on the protection of culturally significant historic sites, little progress was made, including on the decentralization of authority to Serbian authorities in municipalities where Serbs are in the majority. Ethnic minorities and women were largely excluded from the process. Members of the non-violent ethnic Albanian organization Vetëvendosje! (Self Determination) continued to demonstrate against the UN Interim Mission in Kosovo (UNMIK) and the final status talks.

The first session of the talks had been postponed following the death on 22 January of President Ibrahim Rugova. He was succeeded on 10 February by Fatmir Sejdiu. In a government reshuffle former Kosova Liberation Army chief of staff and commander of the Kosova Protection Corps, Agim Çeku, was elected Prime Minister of Kosovo on 10 March; ministers were also appointed to the newly created Ministries of Interior and Justice.

On 1 June the Special Representative of the UN Secretary General (SRSG) Søren Jessen-Peterson announced that UNMIK had begun preparations to leave Kosovo; on 12 June the SRSG announced his resignation and left Kosovo at the end of the month. He was temporarily replaced by the former Kosovo Force (KFOR) chief of staff Steven Schook, deputy SRSG since 20 April.

War crimes: International Criminal Tribunal for the former Yugoslavia (Tribunal) (Update to AI Index: EUR 01/007/2006)

In February, Carla del Ponte, Chief Prosecutor to the Tribunal, called for the suspension of the SAA negotiations, on the grounds that Serbia had failed to arrest former Bosnian Serb General Ratko Mladić. By early May, some 10 persons, including the former General's security chief -- retired Bosnian Serb Army General Jovo Djogo -- and other members of both the Bosnian Serb and Yugoslav armies had been reportedly arrested on suspicion of assisting the former general to evade arrest. In May Carla del Ponte informed the UN Security Council that although Serbia's cooperation with the Tribunal remained "difficult and frustrating", there were encouraging improvements in access to archives and documents. She expressed serious concerns at the lack of cooperation by UNMIK, "a sister organ of the Tribunal", including in the lack of access to documents and for UNMIK's encouragement "of a climate which deters witnesses from talking to my investigators when it comes to the Albanian perpetrators".

In January Bosnian Serb Milan Lukić was arrested in Argentina. He had been indicted with his cousin, Sredoje Lukić, for crimes against humanity and violations of the laws or customs of war and charged with the persecution and murder of Bosniaks and other non-Serbs in Višegrad in Bosnia and Herzegovina (BiH) between June 1992 and November 1994; he was transferred to the custody of the Tribunal on 21 January (see also domestic war crimes trials, below).

On 12 January, the Tribunal amended the indictments against Jovica Stanišić and Franki Simatović, to include the murder of Bosniak civilians by the Scorpions military unit (see also domestic war crimes trials, below).

Former Serbian President Slobodan Milošević was found dead in his cell at Scheveningen on 11 March, having suffered a heart attack. He had been on trial for war

crimes and crimes against humanity in Kosovo and Croatia, and for genocide, war crimes and crimes against humanity in Bosnia and Herzegovina. On 21 June, the indictments of political and military officials -- Milan Milutinović, Nikola Sainović, Dragoljub Ojdanić, (co-indicted with Slobodan Milosevic for Kosovo) and of Sreten Lukić, Nebojsa Pavković and Vladmimir Lazarević -- were joined. Proceedings opened on 10 July.

On 10 March Tribunal Appeals Chamber placed further limitations on the conditions under which former Kosovo Prime Minister Ramush Haradinaj might engage in domestic politics. He was indicted for crimes against humanity and war crimes on 24 February 2005 and has been on provisional release from the Tribunal since June 2005. He was re-elected leader of the political party Alliance for the Future of Kosovo on 20 May.

On 27 February, the International Court of Justice opened public hearings in genocide charges filed by Bosnia and Herzegovina against Serbia and Montenegro.

Serbia and Montenegro

Domestic War Crimes Trials (Update to AI Index: EUR 01/007/2006).

On 30 January Milan Bulić was sentenced by the special War Crimes Panel within the Belgrade District Court to eight years' imprisonment for participating in war crimes against Croatian civilians in 1991 at Ovčara farm in Croatia. Fourteen other defendants had been convicted and sentenced in December 2005. The trial continued of five former members of the paramilitary unit known as the Scorpions. They were charged, along with three others, with war crimes against the civilian population for the killing of six Bosniak civilians on 16 or 17 July 1995 at Godinjske bare near Trnovo in BiH. The trial opened on 20 December 2005. Proceedings also continued in the trial of six Bosnian Serb members of the Žute Ose (Yellow Wasps) Unit of the Zvornik Territorial Defence, accused of having killed at least 19 Muslim

civilians and expelled 1,822 others from a village near Zvornik in BiH. Investigations in this case had been conducted by the Tribunal; this was the first case to have been handed over to the Serbian authorities for prosecution.

The trial continued at the same court of Anton Lekaj, charged with war crimes against the civilian population, including the rape of a minor Roma female at the Hotel Pastrik in Prizren in Kosovo and the beating and other ill-treatment of male Roma detainees, and the murder of three Romani men. Proceedings had opened on 18 November 2005. The SRSG challenged the Serbian court's jurisdiction over this case in April 2006. An Interpol warrant issued at the request of Serbia for the arrest of Agim Ceku on suspicion of war crimes was withdrawn in March at the request of the SRSG.

On 25 April 2006 the indictment was confirmed in the case of eight former police officials suspected of war crimes against the civilian population, for the murder of some 46 civilians at Suva Reka in Kosovo in 1999.

On 18 May the Serbian Supreme Court confirmed the verdict handed down by the Belgrade District Court on 23 May 2005, confirming the conviction and sentencing of four members of the Bosnian Serb paramilitary group, the Ostvenici (Avengers). Milan Lukić (see also entry for Bosnia and Herzegovina), Oliver Krsmanović (both of whom were convicted and sentenced in absentia), Dragutin Dragičević and Đorđe Šević had been tried for the abduction and murder of 16 Bosniak passengers from a bus on the border between Montenegro and the-then Republic of Bosnia and Herzegovina (BiH) in October 1992. The 16 Bosniaks were murdered on the banks of the river Drina in Višegrad; their bodies have never been found: AI considers them to have "disappeared".

Possible extrajudicial executions and political killings (Update to AI Index: EUR 01/007/2006).

On 18 April, a suspect in the murder of former chief of the Montenegrin police, Slavoljub Šćekić was arrested in Serbia and transferred to Montenegro, but reportedly later released without charge. On 1 May Vojislav Jekić was arrested; he was witness in the investigation into the murder of Željko "Arkan" Raznatović, a former paramilitary leader who was killed on 15 January 2000 in Belgrade. The Serbian Supreme Court ordered another retrial in the Ibarska highway case, (the attempted murder of SGC Minister of Foreign Affairs Vuk Drašković, and the killing of four others) citing serious violations of procedure. Mirolad "Legia" Ulemek and former chief of the secret police Radomir Marković, had previously been convicted and sentenced to ten and 15 years imprisonment in June 2005.

Zoran "Vuk" Vokojević, a key witness in the trial of Mirolad "Legia" Ulemek and others for the murder of former Serbian Prime Minister Zoran Đinđić was found dead on 3 June at the side of a road in Belgrade, his wrists handcuffed behind his back; six of the 13 suspects indicted for the murder are still at large.

"Disappearances" (Update to AI Index: EUR 01/007/2006).

On 24 May Serbian gendarmerie officer Aleksandar Nikolić was reportedly arrested by Serbian police in Novi Sad on suspicion of involvement in the transfer of the bodies of the Albanian-American brothers Agron, Mehmet and Yili Bytici (Bytyqi) from Prokuplje in Kosovo to Petrovo Selo in 1999, where their bodies were found in a mass grave in 2001. The Bytici brothers were members of the Atlantic Brigade, which fought alongside the Kosovo Liberation Army (KLA). They had reportedly been captured as prisoners of war and killed in July 1999.

No further indictments were made public in investigations into the transfer from Kosovo to Batajnica in Serbia of bodies of ethnic Albanians killed in 1999, or those transferred to Surdulica in southern Serbia,

where their bodies are believed to have been burned in the Mačkatica smelting plant. On 30 June, the last known remains of more than 700 ethnic Albanians exhumed from mass graves in Serbia were returned to Kosovo. Human rights non-governmental organizations (NGOs) in February called for a parliamentary inquiry on Mačkatica and the mass graves, alleging that officials were involved in a cover-up.

In Montenegro, the authorities on 6 February indicted six former police officers suspected of responsibility for the arrest and subsequent "disappearance" of some 83 Bosniak civilians, apparently "deported" from Montenegro to the then-Republic of Bosnia and Herzegovina in 1992. The State Prosecutor rescinded his previous decision to stay cases in which the relatives of the "disappeared" and three survivors had petitioned for redress and reparations from the authorities. On 28 June 2006, the first judgement was handed down in the case of the family of Sanin Krdžalija, deported to Foča in BiH, in 1992. The court acknowledged that Sanin Krdžalija had been unlawfully deported in violation of the 1951 Convention on Refugees, and awarded his mother and daughter damages for the emotional pain caused by his death. However the judge rejected the applications for reparations on behalf of the mother and daughter of Sanin Krdžalija under Article 3 of the European Convention on Human Rights, lodged by them on the grounds that they had suffered inhuman and degrading treatment as a result of the failure of the authorities to open an investigation into the "disappearance" of their relative over a period of 14 years.

Torture and ill-treatment (Update to AI Index: EUR 01/007/2006).

The new Serbian Criminal Code which entered into force on 1 January 2006, introduced a specific criminal offence of torture. Although for the most part the definition met that set out in Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention), AI was

concerned that some provisions may be inadequate; for example, the definition, while appearing to be exhaustive, did not explicitly include mental suffering, nor the prohibition of exceptional circumstances as a justification for torture or the prohibition of the defence of superior orders from a superior officer or public authority.

On 18 May, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published its report on visits to Serbia and Montenegro in 2005. In both republics its delegates had received numerous allegations of torture and other ill-treatment from persons recently detained by the police. The majority of these allegations related to incidents which occurred at the time of arrest and, in particular, during the first hours of detention at police stations, apparently with a view to extracting a confession.

Reported violations included slaps, punches, kicks and blows with batons, baseball bats and other instruments. In Serbia detained persons were allegedly handcuffed to radiators in painful positions. The CPT noted that allegations were received of incidents that amounted to torture, including allegations of the use of "falaka" (beating on the soles of the feet) and – in Montenegro – a mock execution in which a gun was placed in a detainee's mouth. The CPT also reported that non-standard items associated with reports of ill-treatment were found in police stations in both Serbia and Montenegro, including baseball bats, metal bars, wooden stick and in one case, garden tools. The CPT concluded, with reference to Serbia that "[T]he number and severity of allegations of police ill-treatment received and documented by the delegation calls for urgent action by the national authorities."

Discrimination against Roma (Update to AI Index: EUR 70/005/2005).

On 6 February Šabac Municipal Court found Bogdan Vaslijević guilty in the first judgement on charges of "violating the

equality of citizens". On 8 July 2000 he had prevented three Roma persons from entering a swimming pool in "Krsmanovača" Sports Centre in Šabac; he was sentenced to three month's imprisonment, suspended for a year. On 17 March the UN Committee on the Elimination of Racial Discrimination found against SCG in their failure to provide an effective remedy under Article 6 of the Convention on the Elimination of Racial Discrimination in the case of a Romani man, Dragan Durmić, who had been refused entry into a Belgrade discotheque in March 2000.

On 9 March, the Humanitarian Law Centre (HLC), a non-governmental organization (NGO), submitted to the Niš Municipal/Court a motion for reparations in the case of a 15-year old Romani boy Dragiša Ajdarević, who had been beaten and subject to racist abuse by two "skinheads", Oliver Mirković and Nataša Marković, on 8 April 2000. They had been convicted of provoking national, racial, and religious hatred, discontent, and intolerance and sentenced to six months imprisonment, suspended for two years.

Internally Displaced Persons and Refugees

On Montenegro's independence from Serbia, some 16,545 internally displaced persons -- mainly ethnic Serbs or members of the Roma community displaced from Kosovo -- became refugees. Amnesty International urged the authorities to provide them with continued international protection, and noted that they have been unable to gain access neither to political and civil rights, and nor to economic and social rights – as civil registration and citizenship had not been granted to displaced persons from Kosovo

Violence against women

Violence against women, including domestic violence and trafficking for the purposes of forced prostitution remained widespread. In Serbia, on 10 January, the Ministry for Labour, Employment and Social policy

published a draft strategy on combating violence against women. The Montenegrin authorities also circulated to NGOs for consultation a draft law on Protection from Family Violence.

Kosovo

Concern was expressed at the promulgation of an UNMIK regulation which effectively withdrew the jurisdiction of the Ombudsperson's Office over UNMIK. AI considered that the Human Rights Advisory Panel, introduced as an alternative mechanism on 23 March, failed to provide an impartial body which would guarantee access to redress and reparations for persons whose rights had been violated by UNMIK. The opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities following the submission of a report by UNMIK in 2005 was made public on 2 March, but measures to implement its far-reaching recommendations had not been taken by the end of the period under review. The Committee noted that "the implementation of practically all of the principles of the framework convention is made extremely difficult by the fact that inter-ethnic violence has seriously eroded trust between communities". The rate of return of displaced persons remained low, although it was reported in June that some 400 Serbs had agreed to return to Babush village near Ferizaj/Urosevac.

War Crimes (Update to AI Index: EUR 01/007/2006).

Xhemal Gahiti was arrested in Germany and charged by domestic prosecutors with abduction and the torture, abuse and killing of detainees at the Llapusnik camp run by the KLA in Drenovac between June and October 1998. UNMIK requested his extradition to Kosovo. Proceedings continued at Gnjilane/Gjilan District Court against six members of the KLA, indicted for war crimes, including the abduction and murder of other ethnic Albanians detained at a KLA camp in Drenovac in 1998. No prosecutions for the abduction of members

of minority communities took place in domestic courts.

Inter-ethnic violence (Update to AI Index: EUR 01/007/2006).

The period under review began and ended with attacks which were suspected of being ethnically motivated. There was some progress in tackling impunity, although perpetrators were only occasionally brought to justice. Four Albanian youths were arrested on 6 February, a few hours after they had attacked two Serbian youths in Suvi Do/Subodoll. On 28 March a 19-year-old Serb man was stabbed and seriously injured in north Mitrovicë/a; three Albanian youths were arrested within 24 hours, two of whom were charged.

While UNMIK claimed that the numbers of ethnically motivated crimes had declined since the previous year, rival claims were made by Serbian sources alleging for example, that 31 incidents, which they claimed to be ethnically motivated, had taken place between that between 1 and 11 May. AI is unable to verify whether the allegations were founded.

The majority of incidents reported throughout the period involved the stoning of buses carrying Serb passengers by Albanian youth, although in some cases explosive devices were thrown. Houses were also attacked with grenades or other devices. Orthodox churches were subject to looting and vandalism.

On 11 May two Serb men were seriously injured in an armed attack on a petrol station at Grbovac/Grabovac; the car in which the secretary of the Diocese of Raška and Prizren was travelling was shot at in Rudare on 7 May. On 1 June a Serbian youth was shot dead on the road between Zvečan and Zitkovac, and on 20 June a 68-year-old man who had returned the previous year to Klinë/a was reportedly shot dead in his own house. On 30 June three Albanians were arrested for assault on Serb Kosovo Police Service (KPS) officers in north Mitrovica/ë. Also in June,

two Romani families reportedly left the village of Zhiti/Zitinje after an incident in which an ethnic Albanian was later arrested. The three predominantly Serbian northern municipalities, led by deputies from Zvečan municipality, declared a "state of emergency" on 2 June following a succession of attacks on life and property which they considered to be ethnically motivated, announcing a boycott of the UNMIK police and the Kosovo Police Service (KPS), and calling for police to be brought in from Serbia. Additional international police were deployed and ethnic Albanian KPS officers withdrawn.

Excessive use of force

On 2 January a KPS officer, while he was on duty, shot and killed a male suspect detained at Peja/Peć police station; it was believed that the families were involved in a blood feud.

On 25 May 2006 some 33 women and three men were admitted to hospital in Prizren for treatment for injuries sustained after UNMIK police beat and used tear gas against women and children in the village of Krusha e Vogël/Mala Kruša; in addition some 20 children were treated for exposure to tear gas. The women had surrounded a convoy of UNMIK police vehicles which had arrived unannounced in the village to escort defence lawyers from the Tribunal acting for Dragoljub Ojdanić, who is accused, inter alia, of responsibility for the murder of more than 100 men and boys in Krusha e Vogël/Mala Kruša in 1999. Villagers recognising two women passengers in the police convoy had believed that their former Serb neighbours were returning to their village.

UNMIK launched an official inquiry which found that the police had used reasonable means to enable to evacuation of the convoy, but acknowledged that this "could have been avoided if only adequate preparation ... had taken place".

On some occasions UNMIK and KPS police used unreasonable force during non-violent

demonstrations against UNMIK by the NGO Ventëvendosje!

The right to health (Update to UA 204/05, AI Index: EUR 70/012/2005)

The majority of Roma, Ashkali and Egyptian (RAE) families who had been living on lead contaminated sites near Mitrovicë/a voluntarily moved to a former KFOR base camp nearby at Osterode at the beginning of the year. Some Roma remained at one of the contaminated sites until it was destroyed by fire. There was a lack of meaningful consultation with the communities prior to their relocation, in contravention of the UN Guiding Principles on Internal Displacement; the RAE community was also largely excluded from negotiations on the rebuilding of their former homes in the Roma mahala (neighbourhood) in south Mitrovicë/a.

Representatives of the RAE community feared that furniture and fittings which they had brought from their previous homes might be contaminated. Tests conducted after the move found that individuals, including some 33 children continued to have levels of lead in their blood above acceptable limits; some medical treatment was provided.

In February 2006, the European Court of Human Rights decided that it did not have competence to rule on a petition submitted on behalf of RAE living in lead-contaminated camps in Mitrovica/ë in relation to violations of their rights under the ECHR, on the grounds that UNMIK was not a party to the convention.

Discrimination on the grounds of sexuality/sexual preference

Late on 31 December 2005 two gay men, G.P. and L.B.,¹ were assaulted in a village outside Pristina. Members of the KPS who attended the scene took the two men to hospital for treatment for their injuries and

¹ Their names are known to AI but withheld to protect their identity.

asked them to file a complaint, but on discovering their sexual orientation, subjected them to insulting and degrading abuse, informing them that homosexuality was unlawful in Kosovo. In early 2006, following a complaint to the UNMIK Police commissioner, a senior police officer was apparently transferred to another post, and all KPS officers were reportedly given training, including that homosexuality was no longer a criminal offence in Kosovo, to ensure that on the applicable law.

Trafficking in Human Beings (Update to AI Index: EUR 01/007/2006).

Trafficking in persons for the purposes of forced prostitution continued to be widespread in Kosovo, and little was done to implement the Kosovo Action Plan of Trafficking, published in 2005. AI was concerned that faced with inaction by the authorities on 1 January residents in Ferizaj/Urosevac – close to the US KFOR Bondsteel military base – reportedly took matters into their own hands to close down bars in which trafficked women were alleged to be working as prostitutes. No arrests or injuries were reported. One man was arrested in May and five other people were arrested in June on suspicion of involvement in trafficking for the purposes of forced prostitution. UNMIK Police Daily Press reports suggested that women likely to have been trafficked were arrested and deported for unlawfully entering Kosovo, in violation of the Convention on Action against Trafficking in Human Beings.

SLOVAKIA

Political background

In parliamentary elections on 17 June, the Direction-Social Democracy (Smer-Sociálna Demokracia, Smer) party won the most votes. To secure a ruling majority, it formed a coalition with the Slovak National Party (Slovenská Národná Strana, SNS) and the People's Party-Movement for a Democratic Slovakia (Ľudová strana - Hnutí za Demokratické Slovensko, LS-HZDS). As both coalition partners, particularly the

SNS, were deemed by the Party of European Socialists (PES) in the European Parliament to have promoted ethnic or racial prejudices and hatred, Smer's membership of PES was suspended.

Office of the Ombudsperson

On 3 February, the Slovak Constitution was amended to increase the competences of the Public Defender of Rights (Ombudsperson), including the right to submit a proposal to initiate a case before the Constitutional Court where laws and regulations threaten human rights and basic freedoms. Another amendment specified the duty of all public security forces to cooperate with the Public Defender.

Exclusion of Roma

In February the Commissioner for Human Rights of the Council of Europe, Álvaro Gil-Robles, presented his final report on the human rights situation of the Roma, Sinti and Travellers in Europe. The report described how Roma faced discrimination in access to housing, education and employment in Slovakia. The Commissioner also expressed concern that Romani children were unjustifiably placed in special schools. He recommended that the government of Slovakia establish mechanisms to enable women who had been sterilized without informed consent to obtain compensation.

In March, in a follow-up report on Slovakia, the Commissioner expressed his concerns about the existence of pockets of severe poverty. Housing remained an ongoing concern, with a large number of Roma living in settlements lacking basic amenities such as water, sanitation and electricity. Access to education was still a serious challenge, with the number of Roma continuing their education into secondary school remaining low.

Concerns in relation to education were also expressed in May by the European Monitoring Centre on Racism and

Xenophobia (EUMC), which issued a report entitled *Roma and travellers in public education*. The EUMC expressed serious concerns about the segregation in primary education of Romani children, and their over-representation in special schools.

In June, the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities published its second opinion on Slovakia. Although recognizing improvements in inter-community relations and intercultural understanding, it found that prejudices and intolerance against certain groups persisted and hostile attitudes towards the Roma needed to be addressed. The Advisory Committee noted that severe disadvantages persisted in different areas, such as education, employment, housing and health care. The involvement of Roma in public affairs also remained insufficient.

International scrutiny

On 2 February, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its last visit to Slovakia held in February and March 2005. The CPT noted allegations of ill-treatment by law enforcement officials during the time arrest and on police custody, finding that the amount of information indicative of ill-treatment of persons deprived of their liberty by law enforcement agencies, including special operations units officers wearing balaclavas, remained noteworthy. Although the majority of the allegations of ill-treatment received by the CPT were related to the time of arrest, there were also allegations relating to the subsequent period of police custody, including the time of police questioning. The kind of ill-treatment alleged consisted of slaps, punches and kicks, or blows with hard objects such as batons; furthermore, some persons alleged that they had been struck with pistol-butts, flashlights, or plastic bottles filled with water. In a notable proportion of the cases, the alleged victims of ill-treatment were Roma.

The CPT reiterated that, whenever the competent authorities receive a complaint

of ill-treatment by the police, they should immediately request a forensic medical examination of the person concerned and take the indispensable steps to ensure that the allegations are properly investigated, irrespectively of whether the person concerned bears visible injuries. Even in the absence of an express allegation of ill-treatment, a forensic medical examination should be requested whenever there are other grounds to believe that a person could have been victim of ill-treatment. The CPT recommended that priority be given to police training, emphasizing high-risk situations, such as the apprehension and interrogation of suspects, and for measures to enable persons who alleged ill-treatment, or their lawyer or doctor, to request a forensic medical examination.

The CPT's delegation found that the rights of notification of custody and of access to a lawyer were often not fully effective in practice. The CPT was concerned that the above-mentioned rights were not always respected particularly as regards persons under the age of 18. The CPT expressed its concern about juveniles questioned by police officers in the absence of their parents/legal guardians, lawyers, or social workers.

The CPT also reported that at the time of its visit the use of net-beds remained widespread in Slovakia, recommending that the authorities commission comprehensive scientific research on the use made of net-beds in psychiatric establishments and on possible alternative methods of managing the patients concerned (see also AI Index: EUR 01/002/2005).

SLOVENIA

Access to education for Romani children

The Slovenian authorities failed to fully integrate Romani children in the Slovenian educational system and tolerated in some cases the creation of special classes for Romani children, where often a reduced or simplified curriculum is taught.

A policy allowing for the creation of different groups and classes on the basis of the pupils' knowledge and performance in school has led to the development of the so-called "Bršljin model", which is being implemented at the Bršljin School in Novo Mesto. This model provides for the creation of separate groups of children experiencing difficulties in certain subjects. Teachers in Bršljin admit that such groups are composed mostly, and in some cases only, of Romani pupils. This model had been criticized in Slovenia by education experts for being de facto a continuation of the old segregation approach.

A follow-up report by the Council of Europe Commissioner for Human Rights, adopted in March, noted that "[i]t is of concern that the model currently implemented in Brsljin represents a step back from the already achieved levels of integration and falls short of the impressive ambitions contained in the national strategy [for the Education of Roma in the Republic of Slovenia]". The Commissioner recommended that the implementation of the Bršljin model be revised, in consultation with experts on education and Romani representatives. At the end of the period under review, the Bršljin model was still being evaluated by the Slovenian educational authorities, with a view to deciding on its further implementation, including in other Slovenian schools.

The "erased" (update to AI Index: EUR 001/007/2006)

The Slovenian authorities failed to restore the status of the "erased" and to ensure that they have full access to economic and social rights, including their right to employment, pension, and health care.

In 1992 at least 18,305 individuals were unlawfully removed from the Slovenian registry of permanent residents. They were mainly people from other former Yugoslav republics who had been living in Slovenia and had not acquired Slovenian citizenship after Slovenia became independent. Of those "erased" in 1992, some 12,000 had

their permanent residence status restored, but only with effect from 1999 or later. Some 6,000 people remain without Slovenian citizenship or a permanent residence permit. Many of them live "illegally" as foreigners or stateless persons in Slovenia; others were forced to leave the country as a result of the "erasure".

In 1999 and again in April 2003 the Slovenian Constitutional Court had recognized the unlawfulness of the removal from the registry of permanent residents of the individuals concerned and ordered the Slovenian authorities to retroactively restore their permanent resident status. The Slovenian Constitutional Court had recognized that this measure constituted a violation of the principle of equality and, in those cases where the individuals concerned had to leave Slovenia, it gave rise to a violation of their rights to a family life and to freedom of movement.

Following the 2003 Constitutional Court decision, the Slovenian Ministry of Interior had initially issued approximately 4,100 decrees retroactively restoring the status of permanent residents of the individuals concerned. However, the Slovenian authorities had stopped issuing such decrees in July 2004 and no new steps have been taken to implement the Constitutional Court decision and to restore the rights of the "erased". Moreover, those affected by the "erasure" continue to be denied access to full reparation, including compensation.

In June 11 "erased" people filed an application with the European Court of Human Rights claiming that the "erasure" resulted in violations of a number of rights enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols. These include the right to private and family life, the right to be free from inhuman or degrading treatment or punishment, the right to liberty of movement, and the right to be free from discrimination. The application also included a request for interim measures to be taken in the cases of three applicants who are alleged to be at serious risk as a result of

their lack of access to healthcare resulting from the "erasure".

Proceedings against human rights defenders

In May the trial for slander at the Ljubljana District Court against Neva Miklavčič-Predan, President of the Slovenia Helsinki Monitor, a non-governmental organization, ended with a "not guilty" verdict. Proceedings had started after Neva Miklavčič-Predan had made statements alleging that war crimes were committed by Slovenian forces during the 10-day war between Slovenian forces and the Yugoslav People's Army (Jugoslovenska Narodna Armija, JNA), which followed Slovenia's independence declaration in 1991. Her statements were made inter alia with reference to existing video footage possibly pointing to the deliberate shooting of surrendering JNA soldiers at the Holmec border crossing. If convicted, Neva Miklavčič-Predan would have risked a prison sentence. Reportedly, the Prosecutor announced her intention to appeal against the acquittal.

SPAIN

Allegations of police torture and ill-treatment

There continued to be reports of torture and ill-treatment by law enforcement officers, aggravated by a lack of systematic and independent investigations into such incidents. In January, for example, police officers were involved in the violent break-up of a traditional street party in the town of Arenys de Mar in Catalonia, in the north-east of the country. The party was interrupted by the Mossos d'Esquadra, a contingent from the Catalanian autonomous police force. According to reports, they used excessive force in attempting to disperse the gathering, beating people on the head and body with batons, and charging at the group, resulting in injuries to several people. Joan Munich, one of the revellers, received at least one blow to the head and fell to the

ground, temporarily losing consciousness. When he regained consciousness he was arrested and later convicted of assaulting a police officer, and given a one-year suspended prison sentence and a fine. Two of his companions were convicted for disobeying a police order and fined. All three appealed but were unsuccessful. Seven other men present at the incident filed complaints against the police but these cases also failed.

According to a study published in April by SOS Racismo, a national anti-racism organization, state law enforcement officers were responsible for one in three reported incidents of racist violence. In May the non-governmental organization (NGO) the Committee for the Prevention of Torture (Coordinadora para la prevención de la tortura) released its report for 2005 in which it claimed that 309 people had presented complaints for torture during the year (an increase of 12 per cent on the previous year). Nineteen per cent of those making a complaint were immigrants and 11 per cent were people who had been in incommunicado detention. Between 2001 and 2005 a total of 2,227 investigations were opened by the State Prosecutor (Fiscalía General del Estado) for torture, degrading treatment or failure to prevent torture. In 2005 some 122 police officers and prison guards were convicted in judicial proceedings for ill-treatment or torture. In total, the report estimates an average of approximately 600 victims of police abuse per year, just less than two per day. Furthermore, the NGO Torture Documentation Centre (Centro de Documentación contra la tortura) reported in April that nine people had died up to that point in the year in police custody or during arrest. Eleven deaths from non-natural causes were reported in eight prisons.

In April, Spain ratified the Optional Protocol to the UN Convention against Torture, which it had signed in 2005.

Update on the death in custody of Juan Mar Martínez Galdeano (See AI Index: POL 10/001/2006)

In February, eight of the nine police officers involved in the ill-treatment and death in custody of Juan Martínez Galdeano in July 2005 were suspended from duty. Charges against one of the officers were dropped and the others were charged with serious assault, injury and negligent manslaughter. The Office of the Public Prosecutor requested a sentence of 10 years' imprisonment for the senior officer present and eight years' imprisonment for the others. According to the autopsy and later medical reports, Juan Martínez Galdeano's death was caused by a combination of the cocaine he had consumed, aggravated by the violent beating and restraint techniques exercised on him by the police officers.

Migration and asylum

Figures from the first two months of the year showed a decrease in asylum applications compared to the same period in 2005. Just over half of these applications were rejected in the asylum adjudication procedure. Figures reported in June showed that in the whole of 2005 there was a total of 5,254 asylum requests in Spain of which just 201 were successful.

By the end of May approximately 8,000 undocumented migrants and asylum seekers had arrived in the Canary Islands, a figure more than five times higher than that of the same period in the previous year and including many unaccompanied minors. This greatly surpassed the region's reception and detention facilities, leading to severe overcrowding. Only 6 per cent of irregular migrants in the Canary Islands were returned to their country of origin. Where it was not possible for migrants to be returned due to the lack of re-admission agreements between Spain and the country of origin, they were transferred to the Spanish mainland (an estimated 5,200 individual cases during the first six months of 2006). Despite the fact that they could not be expelled, irregular migrants were issued with expulsion orders which prevented them from regularising their situation in Spain, thus trapping them in a

situation of irregularity which in turn made them vulnerable to possible abuses of human rights. The European Union (EU) responded to the massive influx by proposing a joint sea and air patrol composed of personnel and equipment from eight EU countries, co-ordinated by the EU border control agency Frontex. The patrol would operate in the area around the Canary Islands, Mauritania, Morocco, Senegal and Cape Verde.

ETA permanent ceasefire

On 22 March the armed group Euskadi Ta Askatasuna (ETA) declared a 'permanent ceasefire'. ETA had been responsible for the deaths of more than 800 people including police officers, soldiers, and civilians during its campaign for independence over almost four decades. In this context AI addressed the Spanish Prime Minister, José Luis Rodríguez Zapatero, on a series of human rights concerns that the organization believed was vital for the future of the peace process. AI also called on ETA to put an end to ongoing human rights abuses.

In its approaches AI called inter alia for the truth to be established on all the human rights violations and abuses committed in the past. These should include allegations of killings/extra-judicial executions of people believed to be members of ETA by members of the illegal group entitled Grupos Antiterroristas de Liberación, (GAL) and the possible collusion by the state, as well as other human rights violations including torture and ill-treatment. ETA should provide to whatever mechanism that might be established to deal with the past with all the information available to establish the truth of the abuses committed in the past.

AI also warned against a resort to amnesties or clemency measures which would undermine the rights of victims to truth, justice and reparation.

Violence against women

Violence against women continued to be a serious problem. Between January and March, 21 women were killed by their current or former partners. This was the highest rate since records began in 1999. Statistics for 2005 showed that approximately 80 per cent of victims of domestic violence had not reported the abuse.

Since the coming into force of the law on gender-based violence in January 2005, complaints regarding such crimes increased by 18 per cent. Furthermore, the number of women withdrawing their accusations after a case had been opened has decreased. However, the new courts dedicated to dealing with such cases had insufficient resources to deal with the number of cases received. More than 20 per cent of the protection orders requested by victims were rejected by the judicial authorities. Rehabilitation programmes for those convicted of domestic violence did not meet demand and 1,700 convicted abusers were waiting for a place on such a programme. There was a continuing lack of crisis centres for victims in many regions. Irregular migrant women remained at risk of expulsion if they reported domestic violence because by so doing they would bring the attention of the authorities to their presence in Spain.

"War on Terror" - CIA flights

An a report released on 5 April, USA : Below the radar : Secret flights to torture and 'disappearance' (AI Index: AMR 51/051/2006), AI noted that planes chartered by the US Central Intelligence Agency (CIA) were reported to have made 24 stop-overs in Spain since 11 September 2001. The airports concerned were Palma de Mallorca, Ibiza, Santa Cruz de Tenerife - Los Rodeos, Barcelona - El Prat and Málaga. A flight arriving at Palma de Mallorca on 9 March 2004 from the military airport of Mitiga in Libya left three days later for Iraq and not for Sweden as had previously been reported by the Ministry of Foreign Affairs.

Lesbian, Gay, Bisexual and Transgender issues (update to AI Index: EUR 01/012/2005)

In the first year of implementation of the law on same sex marriage there were 4,500 marriages. There were also 50 cases of child adoption by same sex couples, and three divorces. In June the Council of Ministers approved a bill allowing transsexuals to change their name and gender on official documents without undergoing gender reassignment surgery.

Universal Jurisdiction

On 10 January the National High Court (Audiencia Nacional) declared the Spanish judiciary competent to investigate a charge of genocide against the Chinese government in relation to Tibet, by applying the principle of universal jurisdiction of international crimes against humanity.

TURKEY

Background

Restrictions on freedom of expression

Unnecessary restrictions on the right to freedom of expression remained a prominent concern. In spite of the fact that novelist Orhan Pamuk's case was dismissed in January a steady flow of prosecutions was brought under Article 301 of the Turkish Penal Code (TPC) against a number of individuals who peacefully expressed their dissenting opinion in a way deemed to "denigrate Turkishness" or state institutions. The October 2005 six-month suspended prison sentence imposed on journalist Hrant Dink under this article was upheld in July by the General Penal Board of the Court of Cassation. AI has previously documented its concerns about this vaguely-worded article and continued to call for its immediate abolition, rejecting the argument often advanced in this period by the Minister of Justice and other authorities that arbitrary prosecutions would be prevented

in due course with the emergence of case-law on the article.

A number of other laws were used to prosecute individuals in a way that AI considered an unnecessary restriction on freedom of expression. In May Milli Gazete journalist Mehmet Şevket Eygi was sentenced to one year's imprisonment for "inciting enmity among the population" under Article 216 of the TPC for an article he wrote entitled No Energy or Patriotism left [Gayret ve Hamiyet Kalmadı]. The conviction came in spite of the prosecutor in the case calling for Mehmet Şevket Eygi's acquittal. Also in May, İbrahim Kaboğlu and Baskin Oran, respectively former head and committee member of the Human Rights Advisory Board (HRAB) under the auspices of the Prime Minister's Office, were acquitted on charges under the same article. They had been prosecuted in relation to the publication of a report on minority and cultural rights authored by Baskin Oran, which suggested *inter alia* "people from Turkey" in place of "Turks" as a more appropriate designation for citizens of Turkey. Despite the acquittal, AI considered that this prosecution illustrated the failure of certain elements of the Turkish prosecution authorities to internalize international law and standards relating to freedom of expression.

This same failure was demonstrated in a number of cases brought under Article 288 of the Turkish Penal Code. In February, prominent journalists Murat Belge, İsmet Berkan, Hasan Cemal, Erol Katırcioğlu and Haluk Şahin were charged with "attempting to influence the judicial process" under this article in connection with newspaper articles they wrote about a judicial decision to ban a conference on the situation of Armenians during the Ottoman Empire. In June a case was opened against writer Murat Yetkin on the same charge after he wrote a column in Radikal newspaper entitled Turkey will also be tried [Türkiye de yargılanacak] in which he criticized the prosecution of novelist Orhan Pamuk under Article 301.

Cases were brought against Perihan Mağden and Birgül Özbarış for allegedly "alienating people from military service" under Article 318 of the TPC after writing articles on conscientious objection in Yeni Aktüel and Özgür Gündem respectively. The latter faced seven charges and potentially a prison sentence totalling 21 years.

Law 5816 on crimes against the memory of Atatürk continued to be used to bring prosecutions despite a ruling from the European Court of Human Rights in February that found that the law had been used in violation of Article 10 of the European Convention on the Protection of Human Rights and Fundamental Freedoms in the case *Odabaşı and Kocak v. Turkey*.

In a positive step for the promotion of greater freedom of expression in the context of minority cultural rights, private television broadcasts in Kurdish began on 23 March on the channels Gün TV and Söz TV based in Diyarbakır. However, time limitations and particular restrictions of content on non-Turkish language private television and radio broadcasts continued as for state broadcasts, and all television broadcasts were obliged to carry Turkish subtitles. The Higher Board for Radio and Television (RTUK) subsequently further amended the regulation on broadcasts in languages other than Turkish, so that music programmes and films broadcast (for example, in Kurdish languages) were no longer counted within the four-hour per week television broadcasting limit and five-hour per week radio broadcasting limit for languages other than Turkish.

On May 2, İbrahim Güçlü, Zeynel Abidin Özalp, and Ahmet Sedat Oğur were detained in Diyarbakır after they held a press conference announcing that they were about to stage a walk to the border with Iraq in protest at the Turkish military build-up close to the border and at the Turkish state's policies towards the Kurdish population. The three men were charged under the Law to Fight Terrorism with "making propaganda for the PKK (Kurdistan Workers' Party)" and faced a possible prison sentence of between one and three years. İbrahim Güçlü and the other two

were widely known as strong critics of the PKK. The three men were initially remanded to pre-trial detention but bailed at the first hearing of their trial which took place on June 8 at Diyarbakır Heavy Penal Court No 6.

Bombings, armed attacks on civilian targets, assassinations

A rising number of armed clashes between the Turkish Armed Forces and the Kurdistan Workers' Party (PKK) in the southeastern and eastern provinces of the country formed the backdrop to the rather bleak picture of human rights which emerged in the first half of 2006. A rising number of bombings – in some cases claimed by armed oppositionist groups and in others committed by perpetrators whose identity was unclear – also continued in 2006. Most bombings during this period caused material damage, some caused civilian deaths and many injuries.

On 9 February a bomb exploded in an internet café in the Bayrampaşa district of Istanbul killing the café owner, Zafer Işık, and injuring 15 people, seven of them police officers. The attack was claimed by the Kurdistan Freedom Falcons (Teyrebazen Azadiye Kurdistan, TAK), a group alleged to be closely connected to the PKK and which claimed a number of other bombings in this period.

On 9 March a suicide bombing in Van perpetrated by a PKK member resulted in two civilian deaths and the death of the bomber.

Several bombings causing material damage in cities were claimed by the Marxist Leninist Communist Party (MLKP). There were also a number of bombings causing material damage whose perpetrators were unknown.

On 11 February former PKK executive, Kani Yılmaz (Faysal Dunlayıcı), one of the founders with Osman Öcalan of the Patriotic Democratic Party of Kurdistan (PWD), and Sabri Tori (Serdar Kaya), another member of the PWD and formerly a PKK member,

were assassinated in a car bomb in Suleymaniye in northern Iraq. This continued the pattern of assassinations allegedly perpetrated by the PKK against those associated with the PWD, a party established in opposition to the PKK in northern Iraq.

On 5 February Andrea Santano, a priest at the Santa Maria Catholic Church in Trabzon was killed. The alleged perpetrator, a juvenile, O.A., reportedly testified that he had killed Andrea Santano in revenge for the cartoons of the Prophet Muhammad published in foreign newspapers (originating in Denmark). The trial of O.A. began on 14 June.

On 17 May, in an armed attack on judges at the Council of State (the higher administrative court of appeal) Mustafa Yücel Özbilgin, a judge in the Second Chamber of the Council of State was killed, and four other judges were wounded. The gunman, a lawyer, was arrested near the scene. The attack was alleged to have been perpetrated "in revenge" for a controversial decision by the chamber in October 2005 that upheld the city governor's refusal to promote a teacher seen wearing a headscarf while off-duty. The investigation examined evidence that the attack was part of a broader conspiracy.

Diyarbakır protests of March 2006

The funerals of four members of the PKK (killed, along with 10 others, in a military operation on 24-25 March in the Şenyayla region between Muş, Bingöl and Diyarbakır) became the context for protests which escalated to violent rioting and spread to other cities in the southeast region.

After the funeral ceremonies held on 28 March, at which clashes broke out between protesters and police, resulting in mass injuries of both protesters and police, and damage to property, violent protests again began on 29 March. Three people (one of them a child aged nine) were allegedly fired on by the security forces and killed. Their funerals provided the context for further demonstrations and further fatal shootings

of a child aged six and a minor allegedly by members of the security services. In all there were 10 deaths of demonstrators and onlookers (four of the deaths were of minors) in Diyarbakır in the course of the demonstrations, with the autopsies revealing fatal shooting in eight out of 10 cases as the cause of death. There were also two fatal shootings of demonstrators in Kızıltepe, and in Batman a three-year-old boy was reportedly hit by a stray bullet while playing on a rooftop. On 2 April there were demonstrations in Istanbul and one group of demonstrators reportedly set a public bus on fire: a woman passenger and the two sisters waiting at a bus stop where the bus crashed were killed. Coinciding with the protests, on 31 March, members of the Kurdistan Freedom Falcons (TAK) planted a bomb in a rubbish bin in the Kocamustafapaşa neighbourhood of Istanbul, killing a street seller and heavily wounding three others.

There were mass arrests in all cities during the demonstrations. In Diyarbakır, the Bar Association reported that lawyers for the legal aid service were called out to deal with 543 detentions (199 of them under 18 years); 91 minors and 278 adults were formerly arrested and remanded to pre-trial detention. There were also reports of unofficial detentions. There were widespread allegations of torture or other ill-treatment in police custody. On the basis of reports by the legal aid service of the Bar, the human rights organization Mazlum Der reported that 95 per cent of detainees were tortured or otherwise ill-treated during apprehension and detention. AI raised concerns about violations allegedly committed by the security forces in the course of efforts to police violent demonstrations, and allegations of torture or other ill-treatment made by detainees, in a letter to the Turkish government (see AI Index: EUR44/05/2006).

An AI delegate interviewed some of the minors detained, arrested and bailed pending trial in Diyarbakır. Their allegations of ill-treatment amounting to torture at the Çarşı Police Station in central Diyarbakır were consistent and credible: two 14-year-

old boys apprehended in different parts of the city and reportedly unknown to one another separately described being held in a confined space where they were stripped naked for some time then allowed to put their underpants back on. They both reported that they were made to pour cold water over each other or had cold water poured over them when they refused, were threatened with rape and otherwise verbally threatened throughout, were made to lie on the concrete floor, had their hands tied tightly behind their backs with plastic masking tape and were made to kneel in this position for long periods, while being regularly beaten (with fists, truncheons and iron bars) and kicked by police officers at every stage. Lawyers reported that minors were not taken to the children's department of the police at another location as the regulations require, but were instead held for around nine hours at the Çarşı Police Station before being transferred to the children's department. Here the boys reported being lined up and slapped once again.

Lawyers at the Diyarbakır Bar Association also reported procedural irregularities at many stages during the apprehension and detention process, with prosecutors themselves also reportedly complaining that police apprehension records lacked detail, were worded in a generic way and did not provide a basis for formal arrest later on. The apprehension records reportedly demonstrated little difference between those detained and freed and those detained and then arrested.

The adults detained (and some minors) were reportedly mainly sent to the Anti-Terror Department of the Police in Diyarbakır and held en masse in a sports hall. Lawyers reported to AI allegations of physical ill-treatment, repeated beatings of adults and minors held there, and of their being made to sing the national anthem. Because of the large number of detentions, doctors were brought directly to the sports hall to perform the obligatory medical examination of all detainees (this is against normal regulations which state that detainees must be brought to a hospital or clinic). Lawyers also reported that as they

arrived to meet with clients assigned to them by the Bar legal aid service, they were subjected to verbal threats, intimidation and were kept waiting by members of the security forces. One lawyer reported that he was punched by a police officer at the entrance to the Anti-Terror Department.

Following the Diyarbakir incidents, 35 investigations into allegations of torture or other ill-treatment were initiated by prosecutors. Seventy-two complaints of torture or other ill-treatment were the subject of an administrative investigation by the inspectorate of the Ministry of the Interior.

Many local officials from the Democratic Society Party (DTP) in cities such as Batman, Siirt and Kızıltepe were detained and then remanded to pre-trial detention after the demonstrations, charged under anti-terrorism legislation. Osman Baydemir, DTP mayor of Diyarbakir, has been charged for selected sentences from a speech he made to the crowd during the protests. The indictment focuses on comments such as, "our pain at losing 14 has now risen to 16" (a reference to the 14 PKK members killed in Şenyayla, and to the two civilians killed during the demonstrations). The Diyarbakir governor was beside Osman Baydemir during this speech and together they reportedly made efforts to persuade the crowd to disperse and go home.

There were allegations that the Diyarbakir protests had been partially organized by the PKK and that shopkeepers, in particular, had been instructed to keep their businesses closed and shutters down.

Demonstrators who allegedly participated in the violent riots were later charged with "attempting to damage the integrity of the country and state" (article 302 of the TPC); "membership of an illegal organization"; making propaganda for an illegal organization"; "aiding an illegal organization"; "possessing explosives". The indictments seen by AI were all prepared to a standard form, repeating the same formulations – a history of the PKK and an

account of the riots – and did not include specific allegations about the persons indicted. Instead they included this formulation:

However, although it cannot be stated clearly which incident the suspects participated in, to which workplace they incurred what damage, which members of the security forces they attacked, or which public building they burnt... the suspects were immediately apprehended by the security forces at places where the incidents occurred and were detained...and although it is not possible to determine how directly they participated in the crimes attributed, their joining in the demonstration in question and contribution to the funeral ceremony under the instruction of the organization [PKK] helped and facilitated the committing of the crimes in question....

Violations committed by members of the security forces and the climate of impunity

Torture and ill-treatment continued to be reported. In general, however, there was a decrease in reports of torture or ill-treatment of individuals detained on suspicion of committing terrorist offences. The important exception to this trend was the mass allegations of torture made following the detentions and arrests during the Diyarbakir protests, as discussed in the previous section.

The deteriorating security situation and the passing of draconian anti-terrorism legislation in the western European context – in particular by the UK – inspired a revised Law to Fight Terrorism which was widely criticized by human rights defenders and bar associations in Turkey, and by AI (see Turkey: Briefing on the wide-ranging, restrictive and arbitrary draft revisions to the Law to Fight Terrorism, AI Index EUR:

44/09/2006). The law was passed by the Turkish Parliament on 29 June.

In light of the apparent breakdown of correct detention procedures in Diyarbakır and the evidence of widespread misconduct and violations by law enforcement officials – in a context of mass detentions which would undoubtedly present a challenge to any police force – AI was particularly concerned at a new provision introduced in the revised Law to Fight Terrorism. Article 9 of the new law permits access to legal counsel for those detained under suspicion of committing terrorist offences to be delayed for a period of 24 hours, at the request of a prosecutor and on the decision of a judge. Lawyers in Turkey judged that this 24-hour postponement would be likely to become standard practice in the detention of terror suspects. The Diyarbakır case revealed again quite starkly that most allegations of torture or other ill-treatment relate to the first hours of detention. In a country with a very recent history of widespread and systematic torture, changes in the law which introduced the right to immediate access to legal counsel for all detainees was an especially important breakthrough and has apparently contributed to the decrease in torture allegations. AI will therefore continue to press for a repeal of a law allowing for any postponement of access to legal counsel (as outlined in AI Index: EUR 44/009/2006).

AI previously raised concerns that individuals detained for ordinary crimes (in particular theft and public order offences, and involvement in organized criminal gangs) continue to be at particular risk of torture or other ill-treatment. Since detainees from these groups are less likely to lodge complaints and some are drawn from particularly vulnerable groups (minors), comprehensive research on this area is lacking.

AI was also concerned about the continuing lack of effective and transparent monitoring of places of detention and the lack of consistent and regular scrutiny of the implementation of detention procedures. Fatal shootings of civilians by members of the security forces continued to be a

problem in Turkey. Generally explained by the security forces as resulting from "failure to obey a warning to stop", such killings often demonstrate disproportionate use of force and in some cases may amount to extra-judicial executions. AI raised particular concern about a provision in the revised Law to Fight Terrorism which fails to make explicit the clear stipulation in international standards that the use of force must be strictly necessary and proportional to the aim, and that the use of lethal force is only permissible when "strictly unavoidable to protect life" (Principle 9, UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials). AI feared that Article 15 of the new law which permits the "direct and unhesitating" use of firearms to "render the danger ineffective" may contribute further to unwillingness to pursue thorough and impartial investigations into shootings by members of the security forces.

Aytekin Arnavutoğlu (aged 23) was shot dead on the night of 11 May. Travelling with two other men in a car in the Unkapanı district of Istanbul, Aytekin Arnavutoğlu died when a plain-clothed police officer in another car allegedly shot repeatedly at their car. The full circumstances were disputed. A police officer, who was released from custody on 12 May, has been charged with unintentionally "exceeding the legitimate use of force and causing death". The persisting failure to bring law enforcement officials who commit human rights violations to justice also signaled the lack of genuine advance in this area. Investigations into human rights violations by law enforcement officials continued to be marked by deeply flawed procedures and supported suggestions of an unwillingness on the part of the judiciary to bring perpetrators to justice. An overwhelming climate of impunity persisted.

The case of five male teenagers (E.B, N.Ç, M.K., Ç S and İ.Z.) who were detained on 2 October 2005 during the opening of a shopping centre in the Black Sea town of Ordu and were allegedly tortured (see: AI Index: EUR 01/007/2006, and POL 10/001/2006) concluded with a decision by

the prosecutor not to pursue an investigation (Ordu Public Prosecutor's decision no. 2005/2386). A lawyer for three of the teenagers appealed against this decision, but the prosecutor for the higher court rejected the appeal and upheld the decision not to investigate (decision of Giresün Public Prosecutor dated 27 February).

On 13 February it was reported that the Istanbul Forensic Institute had announced that the DNA tests of 11 bodies found buried in a mass grave in the Kepre hamlet near Alaca village in the Kulp district of Diyarbakır, which was discovered by villagers in November 2004, belonged to villagers who had "disappeared" after being detained in October 1993. The villagers were detained during operations carried out by the 1st and 2nd battalions of the Bolu Commando Regiment and subsequently "disappeared". The case brought by lawyers for the families of the "disappeared" was the subject of a European Court of Human Rights judgment in May 2001 in which Turkey was found in violation of Articles 2, 3, 5.1 and 13 (Akdeniz and Others v. Turkey 23954/94[2001] ECHR 353). The Turkish authorities previously maintained that the 11 missing men had been abducted by the PKK. Lawyers in Diyarbakır lodged a new complaint with the public prosecutor on the basis that the discovery of the bodies in the place where the men were detained necessitated an investigation to determine whether they were killed while in custody. The decision of the military prosecutor as to whether an investigation would be opened was pending.

Şemdinli bookshop bombing investigation, indictment and trial

Concerns about the investigation into the bombing of a bookshop in the southeastern town of Şemdinli, in Hakkari province, on 9 November 2005, and the subsequent trial of three suspects (two of them members of gendarmerie intelligence) were raised by AI (AI Index: EUR 44/06/2006).

On 9 November 2005, in the town of Şemdinli in Hakkari province, southeast Turkey, a bookshop was bombed, killing one man and injuring others (see AI Index: EUR 44/033/2005). After their apprehension at the scene of the crime, it was revealed that two of the suspects were gendarmerie intelligence officers (JİT) and the alleged bomber a PKK informant (a former PKK member who was then working for gendarmerie intelligence). In early March, all three were charged in the Van Heavy Penal Court No. 3 on suspicion of "undertaking activities aimed at destroying the unity of the state and the territorial integrity of the country" (Article 302 of the TPC) and "forming a gang to do this" (Article 316), articles which fall under the Law to Fight Terrorism (3713), and faced a sentence, if convicted, of aggravated life imprisonment. The first hearing against them took place on 4 May. On 19 June, with unprecedented speed, the case against the non-commissioned officers Ali Kaya and Özcan İldeniz was concluded and the court sentenced them to 39 years and five months' imprisonment each for "establishing a gang", killing and injuring. The file of the third defendant, Veysel Ateş, was separated out and his trial continued.

The first hearing against a gendarmerie sergeant who was being tried separately in the Hakkari Heavy Penal Court, accused of having used excessive force resulting in death when he allegedly opened fire on the assembled crowd during the Şemdinli prosecutor's scene-of-crime investigation some hours after the bombing, took place on 18 January. He was bailed. After the hearing on 18 May, the case was transferred to Malatya, on the grounds of security considerations.

The sentencing of two gendarmerie intelligence officers was an unprecedented step in the Turkish context and was welcomed by lawyers and human rights defenders in Turkey. It nevertheless remained a point of concern to human rights defenders and AI that the court had failed to examine chain-of-command involvement in the bombing and that the failure to broaden the investigation had

limited the incident to appearing to be no more than the work of a single undisciplined three-man unit.

Interference in the prosecution and dismissal of the prosecutor

Events prior to the trial of the intelligence officers were particularly disturbing and demonstrated the willingness of senior government, state and military authorities to interfere flagrantly in the prosecution. After the 92-page indictment prepared by Prosecutor Ferhat Sarıkaya had been submitted to the panel of judges at the Van Heavy Penal Court for their approval in early March 2006, the content of the indictment became a subject of intense discussion between the government and the military, with the General Chief of Staff seeking extraordinary meetings with the Prime Minister and the President. AI considered that on the basis of these actions and public statements made by different parties, the content of the indictment was deemed unacceptable to some senior authorities even before the court – invested with the authority to accept or reject it – had made its decision. AI considered that the merits or deficiencies of an indictment prepared by a prosecutor should be a matter for the court alone to decide, and that the actions of the General Chief of Staff constituted a direct interference in the proper role of the prosecution and undermined the independence of the judiciary.

In the indictment the Van prosecutor also recommended that allegations of the alleged involvement in the Şemdinli case of the Head of the Army and three local senior members of security forces in the region (the Commander of the Hakkari Province Gendarmerie, the Commander of the Hakkari Mountain Commando Brigade and the Commander of the Van Law and Order Corps) be further investigated by the military prosecutor since, according to Turkish law, these issues fell outside the remit of a civilian prosecutor in the civilian Heavy Penal Court and were a matter for the military court. This exposed once more

the parallel system of justice in Turkey in relation to serious human rights violations allegedly committed by military personnel, whereby it is senior military authorities who give permission for investigation and prosecution by military prosecutors and military courts. (AI noted that the trial of the two accused gendarmerie intelligence officers in a civilian Heavy Penal Court was an exceptional case). AI considers that allegations of serious human rights violations – including killings, torture, "disappearances" – by members of the security forces should be investigated by civilian prosecutors, and trials against them should take place in civilian courts.

The impact of this parallel system of justice in the case of the Şemdinli bombing has been to prevent investigation of the local chain of command within the security forces in Hakkari and Van provinces – irrespective of the allegations made against the Head of the Army – since the General Chief of Staff did not authorize an investigation by the military prosecutor into whether or not they could be held responsible for the incidents in their capacity as senior personnel. By limiting the avenues of investigation to just two members of the security forces (plus an informer), the risk remained that a number of crucial questions would remain unanswered. Investigation of whether there was a chain of command responsible for the incident would answer the questions of whether the Şemdinli bombing was part of a wider conspiracy or even an official policy to carry out such bombings as part of a counter-terrorism operation.

Following a complaint from the General Chief of Staff, two inspectors from the Ministry of Justice were dispatched to Van to interview Prosecutor Ferhat Sarıkaya. Following their recommendation that Ferhat Sarıkaya be disciplined, the High Commission of Judges and Public Prosecutors, charged with determining the appropriate penalty, took the decision on 20 April to dismiss Ferhat Sarıkaya permanently from office for having acted in a way that harmed his profession (Article 69 of the Law on Judges and Public Prosecutors). An appeal against the

decision would be heard by the same body and there was no recourse to appeal through a court of law against the decision.

Failure of the Parliamentary Investigative Commission

Other areas of concern related to the Parliamentary Investigative Commission into the Şemdinli incidents. During its investigation, the Commission conducted a series of interviews which were made public and received wide and detailed coverage in the press from January onwards. AI was concerned that the press coverage of these interviews may have contributed to undermining the results of such an investigation. In at least one case, an individual whose remarks were reported was subsequently removed from office. The Commission should have taken steps to ensure that statements were made to the Commission in confidence pending the release of the Commission's findings. Rather than adopting such a course, circulated and published statements prompted senior figures in the government, state and military in turn to comment publicly and interfere in the course of the Commission's investigation, potentially discouraging some of those subsequently interviewed from making frank statements to the Commission.

For example, there were detailed reports of remarks by Sabri Uzun, Head of the Intelligence Department of the General Direction of Security of the Police, suggesting that the local gendarmerie in Hakkari were responsible for bombings in the region. It was alleged that the complaint of senior military authorities to the government about Sabri Uzun's remarks prompted his removal from office on 22 March.

In April the Parliamentary Investigative Commission on Şemdinli reported that it had failed to reach conclusions on the Şemdinli incidents, stating that "some information needed to elucidate the incidents was not made available to it by the [Hakkari] Provincial Gendarmerie

Command on the grounds that it pertained to state secrets; that not all the incidents were perpetrated by the PKK, that the footprints of a dog and a horse were mixed up [a saying indicating in this context that the evidence was confusing], that for this reason it had not been possible to assess where the incidents led". The commission therefore left conclusions to the verdict of the court and did not publish a final report. It was notable that the relationship between the Commission's work and the criminal investigation was never properly established from the outset and the two were conducted simultaneously. Prosecutor Ferhat Sarıkaya charged with the criminal investigation obtained one of the interviews conducted by the Parliamentary Investigative Commission and included it in the final indictment: the Commission had interviewed a Diyarbakır businessman who made allegations about the past activities of one of the defendants and the Head of the Land Forces of the Army. The inclusion of this material in the indictment became a particular area of controversy.

Prosecutions of those who "knowingly support" illegal armed political organizations (the combined use of Articles 314/2 and 220/7 of the 2005 Turkish Penal Code)

A trend emerged whereby individuals accused of non-violent activities – frequently expressions of opinion – were prosecuted under articles of the TPC which, when combined, resulted in a punishment equal to the charge of membership of an illegal organization. Article 220/7, "knowingly and willingly supporting an [armed opposition] organization", stipulates punishment "as a member of an organization" and thus indicates another article of the Penal Code, Article 314/2, for which the prison sentence is set at between five and 10 years. Prosecutions under Articles 220/7 and 314/2 constitute a significant percentage of prosecutions.

There was strong pressure against officials of the DTP throughout the first half of 2006, with numerous prosecutions for

"membership of the PKK", for "making propaganda for the PKK", or, thirdly – and of relevance here – for "knowingly and intentionally supporting the PKK", though not by offering material support.

For example, on 13 June legal proceedings were begun against 56 DTP mayors who signed a letter (dated 27 December 2005) to the Danish Prime Minister, Anders Fogh Rasmussen, arguing that on grounds of it being a popular transmitter of Kurdish language and cultural life, the Denmark-based satellite television channel Roj TV should not be closed down by the Danish authorities at the request of the Turkish government. The letter explicitly avoided comment on the political line promoted by the television channel and the content of its broadcasts, but rather dwelt on the need for greater freedom of expression in Turkey. The DTP mayors were being prosecuted under Articles 220/7, 314/2 and 314/3.

TURKMENISTAN

International scrutiny

UN Committee on the Elimination of Discrimination against Women

On 17 May the UN Committee on the Elimination of Discrimination against Women (CEDAW) considered Turkmenistan's combined initial and second state report on its obligations under the Convention on the Elimination of All Forms of Discrimination against Women. CEDAW raised concern about the "lack of precise and reliable statistical data" provided by the government, making it difficult "to assess accurately the actual situation of women in regard to all areas covered by the Convention". It pointed out that the lack of examples of any court cases that invoked the Convention in the 10 years since its ratification was "indicative of the lack of knowledge about the Convention in the State party and the lack of its enforcement". Other concerns included the lack of awareness of the State party of "the urgency of the existence of violence against women" leading to a lack of specific

legislation, including with regard to domestic violence; the "lack of information regarding the extent of trafficking in women and measures taken to address that issue"; and "the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society".

In order to comply with its obligations as a state party to the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW recommended that Turkmenistan "put in place expeditiously a comprehensive system of data collection in all areas covered by the Convention so as to assess the actual situation of women and to track trends over time" and to include in its next report to CEDAW "statistical data and analysis, disaggregated by sex and by rural and urban areas, in regard to the provisions of the Convention, indicating the impact of measures taken and of results achieved in the practical realization of women's de facto equality". It also urged Turkmenistan to promptly take measures to "eliminate discrimination against women and ensure de jure (formal) and de facto (substantive) equality between women and men", and that the authorities "provide an enabling environment for the establishment and active involvement of women's and human rights organizations to promote implementation of the Convention".

UN Committee on the Rights of the Child

In May the UN Committee on the Rights of the Child (CRC) considered Turkmenistan's initial report on the country's obligations under the Convention on the Rights of the Child, submitted with a delay of almost 10 years. On 2 June the CRC issued its concluding observations, raising concern about "the absence of data in the State party's report on most of the issues covered by the Convention". In addition, it deplored the lack of "a specialized body responsible for the independent monitoring of the implementation of the Convention", considering the "ineffectiveness and lack of independence" of the National Institute for Democracy and Human Rights. Among other issues, the CRC voiced concern that

children of dissidents "are often victims of discriminatory and punitive practices"; that torture and ill-treatment of detainees, including children, is widespread; that severe limitations to the rights to freedom of expression and religion also affected children; and that children of ethnic minorities were often subject to discrimination. The CRC also deplored the "serious obstacles" facing civil society organizations in carrying out their work.

The CRC underlined the crucial role of civil society in contributing to the full implementation of Turkmenistan's obligations under the Convention on the Rights of the Child and recommended Turkmenistan to remove "restrictions to the functioning of independent civil society organizations". It also recommended the authorities to "investigate thoroughly all allegations of torture and ill-treatment committed in particular within the juvenile justice administration by public officials [...] and [to] ensure that perpetrators are rapidly brought to justice"; "to ensure the right of the child to access to information and material from a diversity of national and international sources"; and to "respect the right of the child to freedom of religion".

Human rights concerns raised by the chairman-in-office of the Organization for Security and Co-operation in Europe

Belgian Foreign Minister Karel de Gucht, chairman-in-office of the Organization for Security and Co-operation in Europe (OSCE), visited Ashgabat on 29 March. According to an OSCE press release issued the same day, Karel de Gucht called on the authorities to "devote increased attention to the Human Dimension". Reportedly, he addressed issues such as democratization, free and fair elections and corruption during his meetings with government officials. In addition, he raised with President Saparmurad Niyazov the cases of four individuals who had been subjected to human rights violations. According to the OSCE press release, the President "gave a

firm commitment to seriously examine these cases and solve them".

Shortly after his visit a dissident and the relative of an imprisoned opposition politician, whose cases Karel de Gucht had raised with the President and who had repeatedly been barred from leaving Turkmenistan, were able to leave the country.

One of them, the writer and journalist Rakhim Esenov, had been held in the Ministry of National Security (MNS) for about two weeks in 2004, until he was released following international pressure. He had been targeted solely to punish him for exercising his right to freedom of expression. Following his release he was placed under travel restrictions. The charges against him were not dropped but the authorities did not carry out any further investigation into the case. Rakhim Esenov repeatedly urged the General Procuracy and the MNS to close the criminal case and allow him to travel to Moscow for specialized medical treatment in a cardiology hospital. He never received a reply and in March 2005 an MNS official reportedly confiscated a flight ticket to Moscow that he had bought, threatening to arrest him if he did not hand it in (for further information see AI Index: EUR 01/012/2005).

To AI's knowledge, at the time of writing there have been no changes in the circumstances of the other two cases raised by Karel de Gucht. Mukhametkuli Aymuradov, for example, remained imprisoned in the maximum security prison in the town of Turkmenbashi (formerly Krasnovodsk), which is known for its particularly harsh prison conditions (for further information, see AI Index: EUR 61/006/2005).

Mukhametkuli Aymuradov was convicted in 1995 of anti-state crimes, including "attempted terrorism", and sentenced to 12 years' imprisonment after a reportedly unfair trial. There were reports that the case against him was fabricated solely to punish him for his association with exiled

opponents of the government. In December 1998 he was sentenced to an additional 18 years' imprisonment in connection with an alleged prison escape attempt. AI urged his release on the grounds that repeated calls for a fair retrial have gone unheeded, and that there does not appear to be a prospect of Mukhametkuli Aymuradov being given a fair trial. In addition, AI was seriously concerned about his health. He has not been receiving appropriate medical attention for health problems which have included a gastric ulcer, cholecystitis, a heart attack and recurring inflammation of the kidneys and the bladder.

A press conference held on 29 March to inform journalists of the outcomes of the OSCE delegation's visit to Turkmenistan was only attended by correspondents of foreign news agencies. According to the human rights group Turkmenistan Initiative, journalists of Turkmenistani media outlets were warned by the MNS not to attend the press conference. The editor-in-chief of the state-controlled newspaper *Neutral Turkmenistan*, who had reportedly been contacted by an officer of the MNS, announced at a staff meeting that anybody who attended the press conference would be dismissed without notice.

**The clampdown on dissent continues
(update to AI Index: EUR
01/007/2006)**

In the period under review the clampdown on dissent intensified. People continued to be targeted because of their family relationship with dissidents. In a new development the authorities particularly targeted human rights defenders, portraying activities conducted as part of their human rights work as "treason" and "espionage". Human rights violations which dissidents and their relatives were subjected to included arbitrary detention; torture or other ill-treatment; forcible confinement in a psychiatric hospital; severe restrictions on the freedom of movement; forced eviction from their homes; and dismissal from workplaces.

*Prisoner of conscience Kakabay
Tedzhenov forcibly confined in psychiatric
hospital*

On 4 January Kakabay Tedzhenov was reportedly taken to a psychiatric hospital in the city of Turkmenabad (formerly Chardzhou) in the eastern Lebap region by law enforcement officers. Later he was transferred to the psychiatric hospital in Garashsyzyk district (formerly Boyunuzyn district) in the same region. When Kakabay Tedzhenov arrived at the psychiatric hospital in Garashsyzyk district he was reportedly placed in a cell together with people convicted of serious crimes, including murder, for a week. At the end of February or the beginning of March he was transferred to a special section of the hospital for patients without relatives to care for them or whose relatives have disowned them. Later in March Kakabay Tedzhenov was reportedly transferred to the urology department of Lebap regional hospital for medical treatment. AI learnt at the time of writing that Kakabay Tedzhenov was subsequently returned to the psychiatric hospital.

Following public appeals by non-governmental organizations on behalf of Kakabay Tedzhenov, the delegation of Turkmenistan to the OSCE claimed in a statement sent to all OSCE participating states on 24 February that Kakabay Tedzhenov "has never been detained and he is not confined in any medical institution". This statement was not in accord with the information received by AI. Since Kakabay Tedzhenov was removed from his home in January his daughter Olga Tedzhenova, who lives in Russia, has been trying to establish his whereabouts, including by asking the authorities in Dzheykhun district, where Kakabay Tedzhenov lived. She told AI: "I called the police in my father's town many times but nobody gave me any definite information about his situation. I cannot ask relatives or friends to inquire about him because I don't want to put them at risk."

In recent years Kakabay Tedzhenov had sent several complaints to the authorities of Turkmenistan, including to the administration of his home town and of Lebap region, regarding concerns about communal services in his district. On 7 June 2005 he sent telegrams to the President and the Procurator General of Turkmenistan protesting at government policies. In September 2005 he sent to contacts abroad his Statement about human rights violations in Turkmenistan which included calls on the authorities of Turkmenistan to allow freedom of expression, and called on the international community to impose sanctions against Turkmenistan. In the statement he criticized President Saparmurat Niyazov for his neglect of issues of vital interest to the citizens of Turkmenistan such as "mass unemployment and the low standard of living [noting that] heads of city and regional administrations build monuments in honour of the President in huge quantities while in Dzheykhun district people have lived in unheated apartments for twenty years."

AI believes that the 69-year-old dissident has been targeted solely to punish him for exercising his right to freedom of expression, in particular for protesting against government policies, and regards him as a prisoner of conscience who should be released immediately and unconditionally.

Journalists Dzhumadurdy Ovezov and Meretmuhammet Khommadov arbitrarily detained

Dzhumadurdy Ovezov and Meretmuhammet Khommadov from the Mary region of southeastern Turkmenistan, who worked as correspondents of the US-funded Radio Liberty, were held in incommunicado detention from 7 to 17 March. Meret Khommadov told the Turkmen Service of Radio Liberty on 22 March that on the day of their arrest they were taken to the administration of the city of Mary. He reported: "There were a lot of [village elders] there who talked to us. They were shouting, calling us traitors. They were very

aggressive toward us. They promised to evict us from the village and not let us live there. Then [the village elders] made accusations against us, using harsh language and sentenced us to 15 days of community service."

AI believed that the two were detained as a punishment for peacefully exercising their right to freedom of expression, and in order to prevent them from passing on information about Turkmenistan to other countries. Before they were released, security officers reportedly forced Dzhumadurdy Ovezov and Meretmuhammet Khommadov to sign papers "confessing" their guilt. In addition, they were threatened that if they continued to cooperate with Radio Liberty the authorities would also target the two men's family members. Following their release they were placed under close surveillance by security officers.

Radio Liberty journalists have on many occasions been deliberately targeted by the authorities in the past for their reporting. Methods to silence them have included arbitrary detention, torture or other ill-treatment, and dismissal of family members from their workplaces (for further information, see AI Index: EUR 61/003/2005).

Human rights defenders and their families targeted

AI was deeply concerned about the detention of four human rights defenders and three of their relatives. AI believed that they were being detained solely as members, or relatives of members, of the non-governmental human rights organization Turkmenistan Helsinki Foundation (THF). Prior to the recent clampdown, the authorities had already tried to silence the THF (for further information, see AI Index: EUR 61/007/2005).

THF members Annakurban Amanklychev, Ogulsapar Muradova (who is also a correspondent for the US-funded Radio

Liberty), Sapardurdy Khadzhiyev and Elena Ovezova, and Ogulsapar Muradova's three adult children Sana, Maral and Berdy, were taken into custody between 16 and 19 June. The officers detaining them did not show arrest warrants. There were credible allegations that some of the detainees were subjected to torture or other ill-treatment in custody. At the end of the period under review, the detainees remained in incommunicado detention. The detainees reportedly received food only once a day and the relatives of the detainees were not allowed to pass on food parcels and water to them.

On 19 June the Minister of National Security of Turkmenistan was broadcast on national television as stating at a meeting of law enforcement bodies that Annakurban Amanklychev had been engaged in "subversive activities" and had planned a revolution in Turkmenistan. The accusations mainly related to attendance of human rights courses in Poland and Ukraine; the gathering and passing on of human rights-related information to the director of the THF in Bulgaria; and cooperation with foreign journalists from the British Broadcasting Corporation (BBC) and the French media production company Galaxie Presse. At the same meeting President Saparmurad Niyazov was reported as saying: "Let people condemn the traitors. The entire population is proud of their motherland, whereas they are trying to harm it." In addition, the Minister of National Security alleged that when secret service agents and police inspected Annakurban Amanklychev's car on the day of his arrest they found weapons and ammunition. However, according to eyewitnesses, five secret service agents planted an unidentified package in his car so as to fabricate a case against the dissident (for further information, see AI Index: EUR 61/005/2006).

Prisoner of conscience Gurbandurdy Durdykuliev released (update to AI Index: EUR 61/006/2005)

Gurbandurdy Durdykuliev was discharged from a psychiatric hospital on 12 April, a week after sustained lobbying by AI members in the USA had led to 54 members of the US Senate and House of Representatives sending a petition to President Saparmurad Niyazov urging his release. Gurbandurdy Durdykuliev had been forcibly confined in psychiatric hospitals for over two years, to punish him for peacefully exercising his right to freedom of expression.

Number of people barred from leaving Turkmenistan dramatically increased

According to an unofficial source, the number of names on the "Black list" of people barred from leaving Turkmenistan rose dramatically in the first six months of 2006, and by the end of the period included some 19,000 people, about 8,000 more than in 2005. The categories of people on the "Black list" ranged from those perceived to be critical of the authorities, such as dissidents and civil society activists, and their relatives; to relatives of people imprisoned in connection with the 2002 alleged assassination attempt on President Niyazov; to relatives and friends of government officials who have been imprisoned in recent years. In addition to those included on the "Black list", some 4,000 government officials continued to be barred from leaving Turkmenistan without special permission and categorically barred from leaving the country together with their close relatives. Restrictions on the freedom of movement were part of the government's policy to silence any kind of dissent and put pressure on dissidents and potential dissidents, including by targeting their relatives.

A typical case was that of Ovez Annaev who was prevented from leaving the country for medical treatment. On 2 May Ovez Annaev, the brother-in-law of Khudayberdy Orazov, leader of the opposition movement Watan (Fatherland) in exile, boarded a plane to Moscow from Ashgabat. He had been advised by doctors to go to Moscow for

specialist medical treatment of a gastric ulcer. However, shortly before departure MNS officers forced him to leave the plane. They reportedly threatened him that if he complained to international organizations or embassies, "we will put you in prison". Ovez Annaev and his wife Svetlana Orazova had previously been barred from travel abroad and taken off a plane at least once. Khudayberdy Orazov told AI on 26 June: "This time it was different. Before Ovez Annaev bought tickets for the flight he sent letters to the relevant authorities and actually received permission to fly to Moscow for his medical treatment. Also, this was the first time that he was threatened with imprisonment."

AI believes that Ovez Annaev was targeted by the authorities because of his family relationship with Khudayberdy Orazov, whom the authorities have labelled a "traitor" and accused of having played a key role in the alleged assassination attempt on President Saparmurad Niyazov in November 2002. Many of Khudayberdy Orazov's relatives have been targeted in recent years. Svetlana Orazova, for example, informed AI that "while until 2003 law enforcement officers occasionally called us for questioning, since May 2003 my family has been barred from leaving Turkmenistan and since 2004 from leaving Ashgabat". In January 2005, when Khudayberdy Orazov's mother Sona Orazova died, some 30 relatives – including Sona Orazova's husband Artyk Orazov – who were travelling by bus from Dashoguz region were prevented by officers at a police check-point from entering Ashgabat to attend the funeral. Reportedly, law enforcement officers had cordoned off the house in Ashgabat where a funeral ceremony was taking place and two MNS officers reportedly filmed the mourners and took down the passport details of each of them.

UZBEKISTAN

The anniversary of the May 2005 Andizhan events (update to AI Index: EUR 01/007/2006)

In May on the eve of the first anniversary of the Andizhan events AI published a report entitled: *Uzbekistan: Andizhan – Impunity must not prevail* (AI Index: EUR 62/010/2006) summarizing the organization's continuing concerns in relation to the aftermath of the Andizhan events since the publication of its September 2005 report *Uzbekistan: Lifting the siege on the truth about Andizhan* (AI Index: EUR 62/021/2005).

As the first anniversary of the Andizhan killings approached it became increasingly clear that the siege on the truth about Andizhan had not been lifted. On the contrary, positions appeared to have become more entrenched in what the authorities and the official media in Uzbekistan described as an "information war". In the build-up to the Andizhan anniversary parliamentarians called on journalists and politicians to start a media campaign to "repel information attacks" by "foreign political forces and media outlets". On 15 March the World Bank announced that it was suspending new lending to Uzbekistan. This announcement provoked an angry reaction and strong words from President Islam Karimov who accused the bank of taking part in a "shameless information war" against Uzbekistan. The authorities in Uzbekistan continued to reject calls from many inter-governmental bodies and international human rights mechanisms for an independent, international investigation into the circumstances surrounding the events of 12-13 May 2005. On 20 March at a joint press conference during the state visit of President Nursultan Nazarbaev of Kazakstan, President Karimov accused Western countries of trying to discredit Uzbekistan and, according to *Reuters* news agency, warned them not to interfere in the affairs of the country, "under the pretext of furthering freedom, democracy, and do not create precedents of

telling us what to do, whom to befriend and how to orient ourselves”.

Increasing restrictions on freedom of expression

Under Uzbekistani law, to work without accreditation is an offence punishable by a fine or imprisonment. New regulations adopted at the end of February made it illegal for Uzbekistani citizens to work for or contribute to publications by foreign media outlets unless they were accredited journalists. Foreign journalists would have their accreditation withdrawn if their reporting was found to be “interfering in domestic affairs” and “insulting the honour and dignity of citizens of Uzbekistan”. On 16 March the Ministry of Foreign Affairs revoked the accreditation of a local correspondent of the German radio and television station *Deutsche Welle* for allegedly filing a false report about a fatal bus accident in Bukhara region.

Pressure on international media and non-governmental organizations (NGOs)

In February Freedom House and the Eurasia Foundation were ordered to close their operations in Uzbekistan by a court in Tashkent. Freedom House apparently fell foul of Uzbekistani legislation by allowing unregistered local human rights NGOs free access to computers and the internet. On 27 April a court in Tashkent ordered the closure of the office of the American Bar Association's Central European and Eurasian Law Initiative (ABA/CEELI). The Justice Ministry had filed a motion with the court citing numerous alleged infringements by ABA/CEELI of Uzbekistani legislation, such as providing legal services to unregistered NGOs. ABA/CEELI had been running very successful training programmes for lawyers throughout Uzbekistan for a number of years. Other mostly US-based or US-funded international humanitarian or development aid organizations or charities also had their accreditation withdrawn and were forced to close their operations in Uzbekistan, among

them Counterpart International, which had been providing medical aid to large sections of the population for 10 years and the Eurasia Foundation, which had promoted free media and democratic institutions.

Convictions of human rights activists

Prominent human rights defender, Saidzhakhon Zainabitdinov, was sentenced to seven years in prison by a court in Tashkent on 5 January, after a closed trial. His whereabouts remained unknown. Saidzhakhon Zainabitdinov, the chairperson of the independent human rights group Appelliatsia (Appeal), based in the city of Andizhan, was detained on 21 May 2005. A closed hearing on his case, at which relatives and a lawyer hired by his family were not present, reportedly began in Tashkent on 4 January. His 75-year-old mother was told that she could attend the hearing, but was unable to do so as she was not told where it would take place. Saidzhakhon Zainabitdinov was convicted on several charges, including “slander” and “spreading information with the aim of causing panic”. The court verdict and sentence were not officially disclosed until February. AI continued to call for his immediate and unconditional release, as a prisoner of conscience.

His son, Ilhom, was detained in May, reportedly for having forged official documents. Supporters of the family and human rights activists claimed that his detention was the result of Ilhom Zainabitdinov meeting with contacts of his father, mainly human rights activists and independent journalists. Human rights activists reported that following his father's detention, Ilhom Zainabitdinov had been questioned on several occasions after having met with human rights activists and foreign journalists. He was allegedly also beaten following one of these meetings. He was believed to remain in custody at the end of June.

In February, Nosir Zokirov, a correspondent for Radio Free Europe/Radio Liberty's (RFE/RL) Uzbek Service based in Namangan, was released from prison. He had been

sentenced to six months' imprisonment in August 2005 for allegedly insulting a security officer. Reportedly, he was tried without the presence of a defence counsel or the examination of witnesses and was sent directly to prison following his conviction under Article 140 of the criminal code for insulting a member of the security forces.

Mutabar Tadzhibaeva, chairwoman of the human rights organization Plamennie Serdtsa (Fiery Hearts Club), based in Ferghana City, and one of the founders of the national civil society movement Za Pravoe Obchshestvo (For a Just Society), was sentenced to eight years in prison on economic and political charges by a court in Tashkent on 6 March. Her appeal against the verdict was turned down on 30 May. Mutabar Tadzhibaeva was detained in the Women's Prison in Tashkent. According to the prison authorities she was transferred to the psychiatric wing of the prison in July for 10 days because she was suffering from severe stress following the appeal hearing. Her family and supporters, however, alleged that this transfer was to punish her for speaking out from prison. Her family and lawyers also complained of their visits being obstructed by prison officials and of their parcels not being passed on. AI continued to call for her immediate and unconditional release.

Mutabar Tadzhibaeva had been detained on 7 October 2005 on the eve of an international conference on human rights defenders in Dublin, Ireland, which she was due to attend. Mutabar Tadzhibaeva had come under increasing pressure from the authorities for her human rights activities. On 22 September 2005, she gave an interview to *Radio Ozodlik* in which she spoke out about the government's crackdown on human rights activities since the Andizhan events and the trial of the first 15 defendants charged with having organized the events. Several of the 15 defendants had accused her of being involved in the uprising. She was also mentioned by name in the indictments of the 15 defendants.

On 12 January Dilmurod Muhiddinov, a human rights activist from Andizhan, was sentenced to five years in prison on charges of "attempting to overthrow the constitutional order". He had been detained the previous year for being in possession of a statement on the Andizhan events published by the secular opposition party Birlik.

Extradition requests by the Uzbekistani authorities

The Uzbekistani authorities continued to actively – and often successfully – seek the extradition in the name of national security and the "war on terror" of members or suspected members of banned Islamic parties or movements, such as Hizb-ut-Tahrir and Akramia, whom they accused of participation in the Andizhan events, from neighbouring countries as well as the Russian Federation and Ukraine. Most of the men forcibly returned to Uzbekistan continued to be held in incommunicado detention, thus increasing their risk of being tortured or otherwise ill-treated. AI was concerned that the governments of the Russia, Ukraine, Kazakstan and Kyrgyzstan were cooperating with Uzbekistan in the name of regional security and the "war on terror" in disregard of their obligations under international human rights and refugee law not to return anyone to a country or territory where they would be at risk of serious human rights violations, including torture.

Russian Federation

Russian law enforcement officers detained 14 ethnic Uzbek men in Ivanovo in Russia on 18 June 2005 after the Uzbekistani authorities had requested their extradition for involvement in the Andizhan events, supporting Akramia, and financing "terrorist" activities. All the men had denied the accusations. A Russian citizen among them said he had visited Uzbekistan in May only to renew his Uzbekistani passport, and was released on 11 October 2005. He subsequently left Russia, out of fear of being abducted by Uzbekistani security

services, for Ukraine where he applied to the office of the United Nations High Commissioner for Human Rights (UNHCR) for protection and refugee status. The other 13 - a Kyrgyzstani national and 12 Uzbekistani nationals - had applied for asylum in the Russia in August 2005. However, the Russian Federal Migration Service issued a decision rejecting the applications for refugee status of the 13 men on 17 January. The 13 men appealed this decision through the courts but courts of both first and second instance turned down the appeals of some of the 13 men during hearings in June. Other appeals were due to be heard in July. All 13 men remained in custody.

Bairamali Yusupov, an Uzbekistani national who had applied for asylum in Russia, was facing extradition to Uzbekistan at the end of April. On 20 April a regional court in the Siberian town of Tiumen rejected his appeal against the Russian General Prosecutor's decision to extradite him. The court's rejection was based on a statement by Russia's Federal Security Service (FSB) that Bairamali Yusupov's civil rights would be protected in Uzbekistan. A letter by the FSB claimed that Uzbekistan had abolished the death penalty and had ended the practice of political persecution; therefore threats to his life if returned did not exist. Bairamali Yusupov, who had lived and worked in Russia since 2003, was wanted by the Uzbekistani authorities for "attempting to overthrow the constitutional order". Bairamali Yusupov had reportedly been expelled from university in Samarkand for his independent Muslim religious convictions in 2000. He had been questioned several times by law enforcement officers about his alleged involvement in extremist Islamic organizations and had decided to leave Uzbekistan after he was allegedly beaten by security service agents who tried to force him to confess that he planned to set up a theocratic state. He was still in detention at the end of June.

Ukraine

Ten asylum-seekers from Uzbekistan, who had been seeking international protection in Ukraine, were forcibly returned to Uzbekistan by Ukrainian authorities during the night of 14-15 February 2006. They were believed to be still held in incommunicado detention at the end of June. Despite considerable efforts it was not possible to establish their whereabouts in Uzbekistan. The Uzbekistani authorities had reportedly issued extradition warrants for 11 men on the grounds that they allegedly participated in the Andizhan events. On 7 February the Security Service of Ukraine allegedly detained the 11 men in two different locations in Crimea based on the extradition warrants. They were reportedly transferred to a Ministry of Interior detention facility in Simferopol, Ukraine, and 10 of them were forcibly returned to Uzbekistan on the night of 14-15 February. The remaining man was reportedly allowed to stay as he had relatives in Ukraine (for more details, please see entry on Ukraine).

Kazakstan

Nine Uzbekistani nationals, including four registered asylum-seekers, were forcibly returned from Kazakstan to Uzbekistan on 29 November 2005 after they were detained by officers of the Committee for National Security (KNS) four days earlier. According to reports only two of the returned men were initially given access to lawyers while the others were held incommunicado. They were Alizhon Mirganiev, who was being held at the Ministry of Internal Affairs pre-trial detention centre in the capital, Tashkent, and Sharofuddin Latipov, who was being held at the National Security Service building in Tashkent.

Rukhiddin Fakhrudinov, the former independent imam (religious leader) of the Khodzha Nuriddin mosque in Tashkent, who had been in hiding since 1998, was reportedly transferred into the custody of the Uzbekistani National Security Service in

January 2006. Rukhiddin Fakhruddinov's indictment reportedly stated that a criminal investigation had been opened into his case on 7 March and completed on 12 May. He was charged with 10 articles of the criminal code, including terrorism (Article 155), attempt to overthrow the constitutional order (Article 159), illegal exit from the country (Article 223), distribution of materials containing a threat to national security (Article 244-1) and formation of or participation in religious, "extremist", "separatist", "fundamentalist" or other banned organizations (Article 244-2). His lawyer, who was eventually given access to her client, said that he pleaded not guilty to the charges of terrorism, "extremism" and attempting to overthrow the constitutional order. According to his father he admitted that he had taught the Koran to children while he was an imam at the mosque and that he had illegally crossed the border with forged papers when he was forced to leave Uzbekistan. His trial was due to start in July.

On 12 April Sharafuddin Latipov and Nozim Rakhmonov were sentenced to six years in prison by a court in Tashkent after a closed trial. It was not clear whether any of the remaining six men had been put on trial by the end of June. Some of the men were believed to have been followers of independent imam Obidkhon Nazarov, in hiding since 1998 (for more details see the entry on Kazakstan).

UNHCR

On 20 March the Uzbekistani authorities gave the office of the United Nations High Commissioner for Refugees (UNHCR) in Uzbekistan four weeks to leave the country, noting that the UNHCR had "fully implemented its tasks and there are no evident reasons for its further presence in Uzbekistan". In April the UNHCR complied with the request expressing serious concern about the fate of around 2,000 refugees from Afghanistan whom the organization had been assisting. The Uzbekistani authorities had criticized the UNHCR in August 2005 for evacuating 439 Uzbekistani refugees from Kyrgyzstan to Romania and

had accused the agency of violating the 1951 Refugee Convention. Uzbekistan is not a signatory to the Refugee Convention.

Arbitrary detentions of human rights defenders

Azam Farmonov and Alisher Karamatov, two members of the unregistered independent Human Rights Society of Uzbekistan (HRSU) from Sirdaria region, were arbitrarily detained on 29 April in the city of Gulistan. Azam Farmonov is the head of the HRSU Sirdaria regional branch and the son-in-law of Tolib Yakubov, the head of HRSU. Alisher Karamatov is the head of the HRSU Mirzaabad district branch. Both men had been defending the rights of local farmers who had accused some district farming officials of malpractice, extortion and corruption. Azam Farmonov and Alisher Karamatov alleged that after they started investigating the farmers' allegations and confronted local officials with their findings pressure, including physical pressure, was put on some of the farmers to withdraw their allegations against the officials and instead to accuse the human rights activists of exerting pressure on the farmers to implicate local officials in malpractice. The HRSU activists were charged with extortion under Article 165 of the criminal code.

According to Tolib Yakubov law enforcement officers carried out several raids on his son-in-law's house on 29 April without proper search warrants. Some 30 plain-clothes and uniformed law enforcement officers confiscated computer equipment and publications and roughly handled Azam Farmonov's heavily pregnant wife, who reportedly needed to be hospitalized after the officers left. Azam Farmonov and Alisher Karamatov were detained in different locations in Gulistan and taken to the pre-trial detention centre in the town of Khavast. They were kept incommunicado for at least a week and alleged that they had been beaten and tortured during that time, including by having a gas mask put over their head and the air supply turned off and being beaten

on their legs and heels with truncheons, in order to force them sign confessions. They were charged with extortion on 16 May. According to Tolib Yakubov, who registered as legal representative of the two defendants with Yangier city court on 7 June, no prior notice of the start of the men's trial was given. On 12 June, just four days after he had started looking into the case materials, Tolib Yakubov was asked to present the men's defence in court. His request for more time to acquaint himself with the materials was declined. Consequently Azam Farmonov and Alisher Karamatov were sentenced on 15 June to nine years in prison in the absence of a defence lawyer or a legal representative. Their appeals against their sentences were pending at the end of June.

On 16 June Yadgar Turlibekov, a 69-year-old independent journalist and head of the HRSU Kashkadaria regional branch, was arbitrarily detained at his home in Karshi by police officers and members of the security service. Some 30 officers, some of whom were armed, reportedly conducted a search of Yadgar Turlibekov's house and confiscated computer equipment, hard disks, case files and human rights literature. Yadgar Turlibekov was taken to the Karshi City Department of Internal Affairs for questioning. His family and supporters were not allowed access. Human rights activists believed that his arbitrary detention was linked to his human rights activities; Yadgar Turlibekov had been monitoring the rights of farmers and traders in Kashkadaria region, as well as taking up the cases and attending the trials of independent Muslims and suspected members of banned Islamic groups or parties, such as Hizb-ut-Tahrir. A spokeswoman for the General Prosecutor's office told RFE/RL's Uzbek Service on 20 June that Yadgar Turlibekov had not been detained but had been "invited for a conversation". She explained that the "invitation" might have been proffered as a result of him having spoken out publicly. At the end of June Yadgar Turlibekov was transferred to the pre-trial detention centre in the city of Bukhara, 170km from Karshi, a move some human rights activists

believed to be an attempt to isolate him from popular support in Karshi. On 30 June his lawyer was told that Yadgar Turlibekov was charged with four articles of the criminal code including encroachment on the president of Uzbekistan, slander and distribution of materials constituting a threat to national security. The main reason for his detention and the criminal investigation reportedly was a five-page printed tract in Uzbek, critical of the socio-political situation in Uzbekistan, written by Yadgar Turlibekov and distributed at a local market in Karshi.

His family, who had not been allowed to visit him by the end of June, expressed concern for his health and well-being.

Fair trial and health concerns: the case of the leader of the political opposition coalition Sunshine Uzbekistan

On 6 March a court in Tashkent sentenced Sanzhar Umarov, the leader of the secular opposition political coalition Sunshine Uzbekistan, to ten and a half years in prison on charges of fraud, embezzlement, money laundering, and tax evasion. He had been detained in October 2005 upon his return from a trip to the USA. He was accused of setting up a criminal group with the intention of committing economic and financial crimes and defrauding the Uzbekistani state. Sanzhar Umarov, a reportedly successful and wealthy businessman with assets abroad, especially in the USA as well as Uzbekistan, denied the charges. According to his lawyer he testified in court that he believed that the case against him had been fabricated by business rivals who wanted to discredit him and his brother and control their assets. Supporters and coalition activists claimed that the charges were politically motivated because the Sunshine Coalition, a moderate secular opposition grouping with a reformist economic agenda set up in April 2005, had become more openly critical of the Uzbekistani authorities following the Andizhan events, joining calls for an independent international investigation into

the killings in Andizhan. Sanzhar Umarov was reportedly also seen as a potential rival to President Islam Karimov in the 2007 presidential elections.

Although open to independent observers, security around the trial was reportedly very tight with armed soldiers surrounding the court building. Sanzhar Umarov himself was detained in a metal cage in the court room. His lawyer and human rights observers claimed that the prosecution failed to prove the charges against him and did not provide convincing evidence.

On 13 April an appeal court in Tashkent reduced his sentence to seven-and-a-half years. Human rights activists who were at the appeal hearing expressed concern for the health of Sanzhar Umarov, who appeared listless, confused and distressed, in marked contrast to earlier court appearances. His lawyer complained that his health had been deteriorating but that he had not received appropriate medical treatment. In May he was transferred to a prison colony in Bukhara. On 8 June his sister was told by prison guards in Bukhara that Sanzhar Umarov had been sentenced to 16 days' solitary confinement in a punishment cell on 1 June. They refused to accept the food parcel she had brought and she was not allowed to see him. An appeal against Sanzhar Umarov's sentence was pending with the Supreme Court.

On 23 May the coordinator of Sunshine Uzbekistan, Nodira Khidoiatova, was released from the court-room after an appeal hearing commuted her 10-year prison sentence to a seven-year suspended one. Friends and relatives had reportedly paid 120 million soms (approximately US\$ 100,000) in compensation to the Uzbekistani state to secure her release. However, under the terms of her suspended sentence Nodira Khidoiatova still owed another 150 million soms to the state and was confined to Tashkent for the duration of the sentence. Nodira Khidoiatova had been sentenced on 1 March after being convicted of tax fraud, embezzlement and participation in a criminal group. She

denied all charges which her supporters claimed were politically motivated.

Extradition requests to the Uzbekistani authorities

Husein Dzhelil, also known as Huseyin Celil, a 37-year old Canadian citizen and ethnic Uighur from the Xinjiang Uighur Autonomous Region (XUAR) in northwest China, was transferred from a detention facility near Tashkent to an unknown location sometime between 6 and 8 June. It was feared that he might be forcibly returned to Kyrgyzstan or to China. If returned to China, AI believed that he would be at risk of further torture or ill-treatment and possibly the death penalty if his "crimes" were deemed to be "serious".

Husein Dzhelil was visiting his wife's family in Uzbekistan when he was arrested on 27 March. He was detained in Tashkent when he tried to get an extension to his visa. The authorities did not tell his family, who are also Canadian citizens, why they had detained him. Representatives of the Canadian government were allowed to meet him for the first time on 14 April for 20 minutes. They were reportedly only granted a further two visits, with the last meeting taking place on 8 May. His lawyer was reportedly denied access to him as were his relatives who were only allowed to pass on food, clothes and money. AI learned that he was held in Kuluk detention facility near Tashkent from the end of April or beginning of May. When his father-in-law went to deliver a food parcel on 9 June, the prison guards reportedly told him that officers from the National Security Service had taken Husein Dzhelil to an unknown location. His whereabouts had not been established by the end of June.

Husein Dzhelil reportedly fled China in the mid-1990s after being detained in connection with his political activities there, which included advocating the rights of Uighurs. He apparently travelled first to Kyrgyzstan before eventually going to Turkey in January 1999 where he and his wife sought asylum through the office of

the UNHCR. They were recognized as refugees and resettled to Canada in October 2001.

On 31 December 2001, four men were found guilty in connection with the crimes Husein Dzhelil is accused of by a court in Bishkek, the capital of Kyrgyzstan. According to the Embassy of Uzbekistan in London, Husein Dzhelil was being sought by the Kyrgyzstani authorities for alleged involvement in the assassination of the head of the Uighur Society in Kyrgyzstan on 28 March 2000 and for a "terrorist act against the state delegation of Xinjiang Uighur Autonomous Region of China on 25 May 2000". Husein Dzhelil's wife claimed that he was in Turkey at the time of these crimes.

Death penalty

Tuberculosis on death row

On 1 March Aleksei Buriachek, a prisoner on death row in Tashkent prison, died from tuberculosis (TB). The prison authorities released his body to his mother for burial on 4 March.

Aleksei Buriachek, born 1976, was sentenced to death by Tashkent city court in January 2003. He was convicted of the July 2002 murder of a woman and her daughter. He was reportedly beaten by police after his detention to force him to "confess" to the murders. He lost his eyesight in prison and had been blind since October 2003. The appeal board of Tashkent city court endorsed the death sentence in March 2004. The (UN) Human Rights Committee requested the authorities of Uzbekistan to stay his execution while the Committee was considering allegation of violations of the International Covenant on Civil and Political Rights. AI had called as a matter of urgency for Aleksei Buriachek's death sentence to be commuted and for allegations of torture to be investigated.

In the light of Aleksei Buriachek's death from TB, AI was concerned for the health of Iskandar Khudaiberganov, who continued to

be held on death row in Tashkent prison, as well as that of fellow inmates and prison staff at risk of TB, and called for appropriate medical treatment and improved prison conditions. Iskandar Khudaiberganov was diagnosed with TB in 2004 and reportedly was receiving inadequate treatment.

According to the NGO Mothers Against the Death Penalty and Torture at least 25 people were being held on death row in Tashkent, of whom 20 were reportedly suffering from TB. A doctor was employed in the prison but reportedly few medicines, including appropriate treatment for TB, were available. Prisoners get a chest X-ray once a year. Cells on death row are reportedly located in the basement and consist of either four or six square metres, occupied by one or usually two death row prisoners. Wooden bunks can be lowered for sleeping. There is a pipe with drinking water and a pan or a hole under one of the bunks that serves as a toilet. The ventilation system does not work. Reportedly there is little to no natural light. Starting from 2005 and largely in response to international pressure, the authorities allowed prisoners indoor walks of 20-30 minutes daily in summer and twice or three times a week in winter. Family is allowed to meet with prisoners once a month. The food is said to be of low quality and families are not allowed to deliver food to death row prisoners. The morning meal reportedly consists of bread and boiled water, lunch consists of soup or cabbage and the evening meal of porridge. Those suffering from TB may receive some additional food. Poor prison conditions including poor diet may lower the immune system, which in turn may contribute to making a prisoner more susceptible to developing active TB.

Decree to establish working group on abolition

On 29 June President Islam Karimov signed a decree establishing a working group on the abolition of the death penalty. The working group was tasked among other things with preparing draft legislation on

amendments to the criminal and criminal procedural codes - replacing the death penalty with life imprisonment - and a schedule for submission of these amendments to parliament. The presidential decree of 1 August 2005 on abolition of the death penalty was due to enter into force on 1 January 2008. However, parliament would need to approve legislation on the abolition of the death penalty before that date.