



Chechen refugees at risk in Russia

Chechens are at risk of grave human rights violations in the ongoing conflict in Chechnya. At the same time Chechen refugees are being returned from Europe to the Russian Federation where their lives and security are at risk.

For example, in late 2001 Chechen villagers were tortured, raped and ill-treated by Russian soldiers during raids on their villages, according to victims and eyewitnesses. Several people who were detained "disappeared". Some were killed; the fate of others remains unknown.

Russian human rights organizations report that houses in Chechnya were shelled and that villages were blocked off for several days by Russian armed forces. Soldiers arbitrarily detained people, and destroyed and looted houses. There were also many reports of human rights abuses by Chechen fighters against members of the pro-Moscow administration.

Meanwhile, Chechens who have fled in fear of their lives are not receiving the protection they need and deserve.

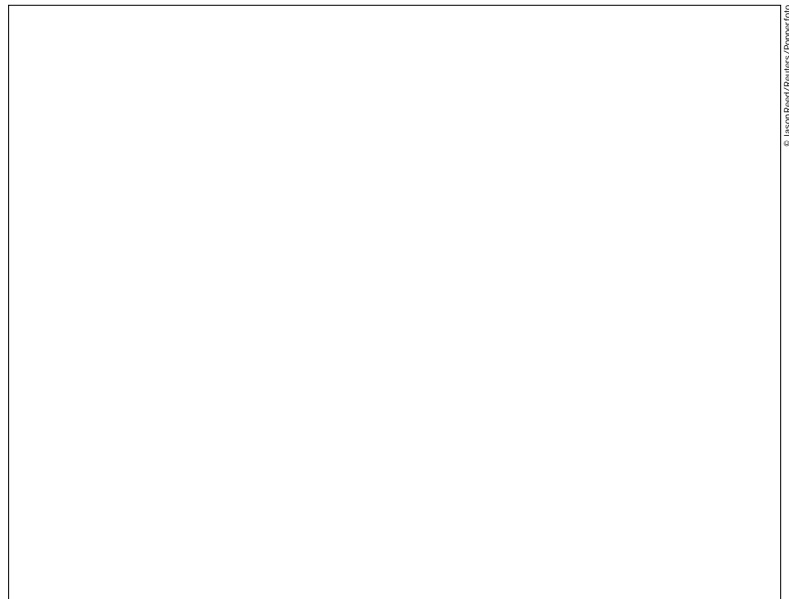
Many Chechen refugees have had their applications for asylum in European Union member states refused on the basis of an "internal flight alternative" inside Russia, whereby Chechen refugees can relocate to other regions in the Russian Federation. The German authorities say that Chechens are sent back to Moscow, not to Chechnya, and therefore are not at risk.

However, Chechen refugees are at risk when returned to Russia. On 31 January a Chechen man sent back from Germany had his money, jacket and suitcase taken from him by immigration officials upon his arrival as a bribe because he did not have a proper passport. A few days later he was forced to go into hiding after police came looking for him. His wife and four-week-old son, who were still in Germany, feared they too would be returned to Russia so hid from the authorities.

The Office of the UN High Commissioner for Refugees says that many ethnic Chechens have great difficulty gaining status as an Internally Displaced Person inside the Russian Federation. Reportedly, the authorities deny there is any need to flee the Chechen republic and therefore do not offer Chechen refugees any assistance.

AI and Russian human rights organizations have received numerous reports that law enforcement officials in the Russian Federation are carrying out unlawful identity checks and arbitrarily detaining Chechens and asylum-seekers. Reportedly, law enforcement officials plant weapons or drugs on the detainees to justify arresting them, or demand bribes in exchange for their release.

For further information see AI report: *Russian Federation: Failure to protect or punish - human right violations and impunity in Chechnya*. (AI Index: EUR 46/004/2002), published in January 2002.



A 12-year-old soldier in the Karen rebel army fighting Myanmar's military government poses with his gun, January 2000.

Treaty bans child soldiers

A new international treaty prohibits the use of child soldiers. Now the struggle to protect children faces fresh challenges.

War inevitably devastates the lives of children, but not a single child should be engaged in the fighting. Children who become combatants before they gain emotional maturity can suffer devastating psychological damage.

Casualty rates among child soldiers are generally high because of their inexperience, lack of training and lower recovery rates from battlefield injuries. Many girl soldiers are expected to provide sexual services as well as to fight.

Despite this, more than 300,000 children under the age of 18 are fighting in conflicts around the world. Hundreds of thousands more are members of armed forces who could be sent into combat at any time. Many of these children have been forcibly recruited; others have felt they had no choice but to "volunteer"; some have joined up voluntarily.

Now a historic step has been taken to stop children taking part in armed conflict. On 12 February the Optional Protocol to the UN Convention on the Rights of the Child (Children's Convention) on the involvement of children in armed conflict came into force. The treaty, which bans participation of under-18s in armed conflicts, represents a significant advance in the protection of children's rights.

By the end of February, 99 countries had signed the Protocol and 16 had ratified it. The Coalition to Stop the Use of Child Soldiers, of which AI is a member, will continue its efforts to persuade all states to ratify the Protocol, but clearly now the emphasis is on implementation.

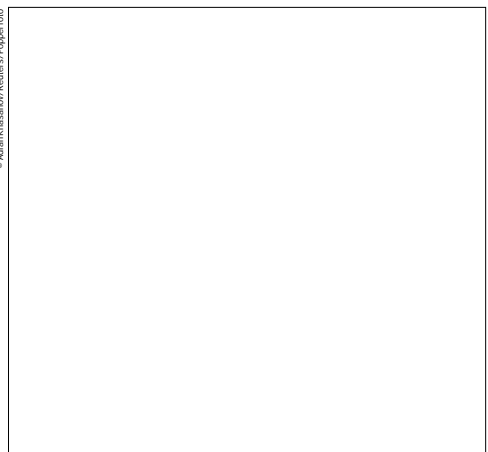
The new Protocol is monitored by the UN Committee on the Rights of the Child, a body of independent experts which also oversees the implementation of the Children's Convention through regular reports from states.

Activists committed to ending the use of child soldiers now face several new challenges. It is vital to ensure that former or potential child soldiers have viable and secure alternative ways to live.

What should happen to child soldiers who have committed war crimes? Are they victims, perpetrators or both? The possible trial of 15- to 18-year-olds by the Sierra Leone Special Court has opened an as yet unfinished debate about the accountability of child soldiers for their actions.

Many other juvenile justice issues are raised by the recruitment and deployment of children. Often military law, punishment and discipline are incompatible with the safeguards in the Children's Convention and other international standards on juvenile justice, which apply to all under-18s without exception.

Even before the events of 11 September 2001, many child soldiers were fighting with armed groups designated as "terrorists" by governments. Special legal provisions were applied to these groups which restricted safeguards during detention or trial, or permitted trial by military courts. This trend has been exacerbated in the international rush to legislate against "terrorism", with little or no attention given to the possible



"People live here" is written on the gate of a house in Grozny, where a Chechen child peers through a hole made by a shell fragment.

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Spiralling human rights crisis in Nepal

© Reuters

Bijay Raj Acharya was blindfolded. His hands and legs were tied. Then he was given electric shocks.

A publisher of children's literature and political works, he had been arrested the previous day — 9 January 2002 — at his home in Kathmandu by a joint team of army and police. He was first taken to a police station, and then to Balaju army barracks where he was tortured. In mid-February he was still being held at a police station.

Bijay Ray Acharya is one of more than 5,000 people who have been arrested on suspicion of links with the Communist Party of Nepal (CPN-Maoist) since a state of emergency was declared on 26 November 2001. Few have been charged or brought to court and many are held incommunicado at risk of torture.

The mass arrests and many reports of human rights violations by the police and army reflect the latest escalation in a conflict that has dominated Nepal for more than six years.

In February 1996 the CPN-Maoist launched a "people's war" against what it saw as longstanding political, social and economic grievances in the country. Since then, the Maoists have deliberately and unlawfully killed at least 440 civilians, according to government officials. Other abuses include execution-style killings of police officers taken captive, hostage-taking, torture and the imposition of cruel, inhuman and degrading punishments, including "death sentences" by

"people's courts" established in districts controlled by the Maoists.

In the same period the security forces have committed widespread and grave human rights violations, including unlawful killings, "disappearances", long-term unacknowledged detention, torture and ill-treatment. More than 1,350 suspected Maoists and dozens of civilians have been killed by the police and army, many in disputed circumstances suggesting unlawful killings.

In most cases the bodies of those killed are disposed of on the spot by the police or army by burial or burning. At least 130 people have "disappeared" in custody. The almost total lack of accountability for alleged unlawful killings and other human rights violations committed by the security forces has created a climate of impunity.

When peace talks aimed at ending the "people's war" broke down on

23 November 2001, the Maoists attacked police and army posts in 42 districts. The authorities responded by declaring a state of emergency, deploying the army and passing new "anti-terrorist" legislation which gives the security forces even wider powers of arrest. Sections of the Constitution were suspended, ending the guarantees for fundamental human rights such as the rights to freedom of assembly and expression, and to constitutional remedy.

Nepal, a land once renowned for its peace and tolerance, is now racked by violence and intolerance. Unless both sides to the conflict begin to respect basic human rights, there is little hope for a peaceful resolution.

For further information, see AI's report, *Nepal: A spiralling human rights crisis* (AI Index: 31/016/2002), April 2002.

A Nepalese riot policeman holds a colleague as he shoots rubber bullets at demonstrators near the royal palace in Kathmandu on 4 June 2001.

Journalist's unsolved political murder casts a long shadow over Haiti

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"I have no weapon but my journalist's trade, my microphone, and my unshakeable faith as a militant for change"

From a radio broadcast by Jean Dominique, October 1999

In one of the most high-profile acts of political violence in recent Haitian history, on 3 April 2000 prominent radio journalist and long-time democracy and human rights activist Jean Dominique was shot dead by an unknown assailant outside the courtyard of his radio station, *Radio Haiti Inter*. Station guard Jean Claude Louissaint was killed with him.

Jean Dominique had been an outspoken advocate for change for 40 years. He had survived many trials under the dictators who ruled Haiti almost continuously until 1994, when an international intervention restored the elected government of President Aristide (ousted in a coup in 1991). The fact that someone of Jean Dominique's democratic credentials could be gunned down in a period of democracy was a serious blow, and calls for those responsible to be brought to justice have reached an unprecedented level.

Two years after the murders, the case has led to widespread questioning of the state of human rights in Haiti. The families of the victims continue to be denied their right to an effective judicial remedy, as the investigation into the killings confronts a series of obstacles.

These obstacles are symptomatic of the failure to respect human rights in Haiti today. They include: the lack of independence of the police force and the judiciary; the failure of the police and judiciary to confront ruling party activists responsible for political violence; violence by armed groups acting under the protection of elected officials; repression of freedom of speech; threats and attacks on journalists; and impunity.

The conduct of Haiti's government and officials in this case is critical. Only full and impartial justice can demonstrate a willingness on the part of the authorities to confront barriers to respect for human rights in Haiti. Failure to deliver justice, on the other hand, will do irretrievable harm to the aspirations of the many Haitians committed to an end to impunity and the rule of law in Haiti.

See AI's report, *Haiti: "I have no weapon but my journalist's trade" – human rights and the Jean Dominique investigation* (AI Index: AMR 36/001/2002).

Detainees held in US military custody soon after their arrival at Camp X-ray, Guantanamo Bay, Cuba, following their transfer from Afghanistan.

AI believes that prisoners captured during the conflict in Afghanistan should be considered prisoners of war. If there is any dispute about their status, the US authorities must allow a "competent tribunal" to decide, as required by the Third Geneva Convention. AI has repeatedly called for these detainees to be treated in accordance with international human rights law and standards and international humanitarian law. In March AI sent a detailed memorandum to President George W. Bush spelling out its concerns.

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involvement of children, who are entitled to special protection.

Girls and women are a minority in armed forces and armed groups, and their involvement has in the past generally been overlooked. Although there is now greater recognition of the part they play, it is often considered only in terms of sexual exploitation. This is vitally important, but not the only issue. Girls and women face discrimination at all stages – including during demobilisation.

Research on why girls volunteer for armed groups appears to show that many have suffered physical or sexual abuse at home. If substantiated, this provides a direct link to the general issue of violence against girls and the need to address it.

One completely unexplored area is whether such a link also applies to female volunteers for government armed forces. The whole issue of why adolescents (male and female) volunteer for armed forces or armed groups needs further study.

The entry into force of the new Protocol is a major step forward. As part of the Coalition to Stop the Use of Child Soldiers, more than 20 AI sections worldwide are continuing to campaign. They are lobbying their own and other governments and raising awareness through activities including petitions, festivals, seminars and musicals.

Action is still needed to obtain further signatures and ratifications of the Protocol; to press governments to make 18 the minimum voluntary recruitment age into government armed forces; to ensure that states implement the Protocol's provisions into national legislation; to persuade states which continue to recruit under-18s to review their system of military law, punishment and discipline to ensure that it is compatible with the Children's Convention and other international juvenile justice standards; and to check that legislation to counter "terrorism" acknowledges that some suspects may be under-18s and provides appropriate protection for them.

REMEMBER...AI members should not take up cases from their own countries

worldwide appeals

MALAYSIA

Prisoners of conscience held for a year without charge or trial

A year after being arrested in April 2001, six government critics continue to be held without charge or trial. Tian Chua, Mohamad Ezam Mohd Nor, Haji Saari Sungib, Hishamuddin Rais, Lokman Noor Adam and Badrul Amin Bahron are held under the Internal Security Act, a draconian law often used to stifle legitimate dissent. Most of them are leading activists with the opposition party *Keadilan*, which is headed by the wife of Anwar Ibrahim, the former Deputy Prime Minister and current prisoner of conscience. The authorities claimed that the six activists had threatened national security by plotting to overthrow the government by militant means, a claim which has never been substantiated. Following their arrest they were kept in solitary confinement in tiny windowless cells, denied access to lawyers for two months, subjected to intensive interrogation and only eventually allowed brief family visits in the presence of police officers. AI fears that during this period, they were subjected to intense psychological pressure, amounting to torture. According to their sworn affidavits, the police interrogated them mainly about the internal organization of *Keadilan* without mentioning any alleged plots to use violence. Some of

the detainees were also reportedly subjected to aggressive and intrusive questioning about their private lives.

In June 2001 the Minister of Home Affairs ordered them to be detained without trial for two years at Kamunting Detention Camp. The detention order may be renewed indefinitely without reference to the courts.

Badrul Amin Bahron, was released in November 2001, but rearrested in January 2002, allegedly for breaking the terms of an order which severely restricted his rights to freedom of movement, association and assembly. On the anniversary of their arrest the six are reported to be planning a hunger strike in protest at their continuing detention.

➔ Please write, calling for the immediate and unconditional release of the six prisoners of conscience.

Send appeals to: Minister of Home Affairs, Dato' Abdullah Haji Ahmad Badawi, Ministry of Home Affairs (Menteri Dalam Negeri), Aras 13, Block D1, Parcel D, Pusat Pentadbiran Kerajaan Persekutuan, 65202 Putrajaya, Selangor, Malaysia. Fax: +60 3 8886 8014.



Clockwise from top left: Haji Saari Sungib, Tian Chua, Badrul Amin Bahron, Mohamad Ezam Mohd Nor, Hishamuddin Rais, Lokman Noor Adam.

ALGERIA

Human rights activist given prison sentence

Mohamed Smain, a human rights activist, was sentenced in February to one year in prison and fined. This sends a clear signal that there is a heavy price to pay in Algeria for raising legitimate questions about the state's involvement in serious human rights violations.

Mohamed Smain was convicted of defaming Mohamed "El Hadj" Fergane, a former mayor and local chief of a state-armed militia, and eight of his militia companions. Mohamed Smain was accused of falsely linking Mohamed Fergane and his companions to the abduction, torture, killing and "disappearance" of dozens of citizens in the province of Relizane and the disposal of bodies of victims in mass graves in the area.

In his defence, Mohamed Smain stated that he was merely reporting the statements of dozens of families of the "disappeared" who had said they had seen Mohamed Fergane and his companions abduct their relatives. During the trial, several witnesses identified Mohamed Fergane and other plaintiffs as the men they had seen forcibly taking family members from their homes.

The plaintiffs called former members of armed groups, who had reportedly surrendered themselves to the authorities, to give evidence. Some claimed that these armed groups, rather than Mohamed Fergane and his companions, had been involved in the crimes being described.

Whoever the perpetrators are – whether members of state-armed militias or armed groups – it is disturbing that the crimes have never been fully investigated like the vast majority of serious human rights abuses in Algeria during the last decade. While the perpetrators of these human rights abuses continue to enjoy impunity, the man seeking justice for the silent victims is severely punished. Mohamed Smain is currently free pending an appeal but for most of the time since the case was brought against him he has faced arbitrary restrictions which limit his ability to carry out human rights activities.



➔ Please write, calling on the Algerian authorities to ensure that Mohamed Smain is able to carry out his human rights activities without hindrance. Urge the authorities to carry out immediate, full and impartial investigations into all allegations of involvement of state agents in human rights abuses and to make the results of these investigations public.

Send appeals to: M. Ahmed Ouyahia, Ministre de la Justice, Ministère de la Justice, 8 Place Bir Hakem, El Biar, Alger, Algeria. Fax: +213 21 92 21 95, telex: 61498

USA – UPDATE



Thomas Miller-El (Worldwide Appeal December 2001) has been given an indefinite stay of execution. He was scheduled to be executed on 21 February but the US Supreme Court announced, on 15 February, that it would hear his appeal later this year. No further appeals are needed. His defence

lawyer passes on his thanks to all who sent appeals.

He was convicted in Dallas County in 1986 of the murder of a white man during a robbery. His appeal to the US Supreme Court centered on evidence that the prosecutors at his trial acted with intentional racial discrimination in dismissing blacks from his jury.

USA – UPDATE



Alexander Williams had his death sentence commuted to life imprisonment without parole on 25 February by the Georgia Board of Pardons and Paroles. He was facing execution for a murder he committed when he was only 17. International law forbids the execution of people who were under 18 at the time of the crime. He suffers from serious mental illness and has been forcibly medicated while on death row.

The case generated huge international concern and pressure on the Board to grant clemency. AI remains concerned that Alexander Williams' sentence violates the UN Convention on the Rights of the Child, as juvenile offenders may not be sentenced to life imprisonment without possibility of release. No further appeals are requested. Alexander Williams' defence team passes on thanks to all who sent appeals.

GREECE

Alleged ill-treatment of a 16-year-old Rom

Georgios Panayiotopoulos was arrested on the night of 31 October to 1 November 2001 with his father and three other people, all Roma, when police officers stopped their car at traffic lights in the centre of Zacharo, near Pyrgos. In the car the officers found a revolver and two hunting rifles, only one of which was licensed. The five Roma were taken to the police station, where they explained that the weapons were family trophies, and that they were on their way to celebrate a betrothal.

According to a statement by Georgios Panayiotopoulos, at the police station a further search took place and he was found to be in possession of a revolver. "... Then one of the officers, X [name withheld], struck the nape of my neck and he and the other officers began to swear at me...". He was separated from others and taken to a room: "X

showed me his service gun...[he] held the barrel to my temple, saying: 'Want me to show you how a gun kills?' He was then ordered to remove his socks. "As I bent down to carry out his order, the other officer...hit me with the butt of his gun in the small of my back, causing me a lot of pain. Then X told me to pull my trousers down... and to remove my underpants so that he could see if I had 'hidden anything'." Officer X reportedly hit him, threatened to assault him sexually and tried to kick him in the genitals until another police officer intervened.

All five Roma were then put in a cell without food, water or toilet facilities. At 6am their statements were taken. They were then transferred to Pyrgos police station; later the same day they were brought to court, and released with a summons to appear before the court the following day.

➔ Please write, expressing concern about the alleged ill-treatment of a minor, including threats of sexual assault; calling for the above allegations to be promptly, thoroughly and impartially investigated and for those responsible to be brought to justice.

Send appeals to the Greek authorities in Greek or in your own language: Prime Minister Kostas Simitis, Office of the Prime Minister, Megaron Maximou, 19 Herodou Atticou Avenue, 106 74 Athens, Greece. Fax: +30 1 671 5799

UZBEKISTAN – UPDATE

"It is a miracle that would not have happened without the work of Amnesty International."



Nikolay Ganiyev had his death sentence commuted by the Board of the Supreme Court on 14 February. He has nine years and six months left to serve in prison. Maksim Strakhov remains on death row and it is not known whether Nigmatullo Fayzullayev is still alive.

In a letter to AI, Nikolay Ganiyev's mother wrote: "Thanks to your work my son Nikolay is alive. Your work is without price. You helped save his life and gave him hope." Death penalty activist Tamara Chikunova told AI: "This is like a miracle. But it is a miracle that would not have happened without the work of Amnesty International."

Please continue to send appeals for Maksim Strakhov and Nigmatullo Fayzullayev (see Worldwide Appeal November 2001).

Israeli reservists and soldiers speak out against abuses

"We, whose eyes have seen the bloody toll this Occupation exacts from both sides. We, who sensed how the commands issued to us in the Territories destroy all the values we had absorbed while growing up in this country... We shall not continue to fight beyond the 1967 borders in order to dominate, expel, starve and humiliate an entire people."

This is from a declaration issued in January 2002 by 53 reserve officers of the Israeli Defence Forces (IDF). By March, more than 300 reservists and serving soldiers had signed the declaration, and it had over 2,000 Israeli supporters. Three of the signatories had been sentenced to terms in military prisons.

These members of the Israeli military confirm AI's description of human rights violations by Israeli forces – unlawful killings, as well as beatings, harassment and humiliation at checkpoints. They are not only refusing to commit further human rights violations, they are speaking openly, using the radio, TV, press and the Internet, of human rights violations committed by the IDF.

Serving soldiers are generally more circumspect, but in February one conscript told AI's delegates – who

included a military adviser – "Many of my colleagues would be willing to talk to AI".

AI and other international, Palestinian and Israeli organizations have repeatedly warned that Israeli soldiers were carrying out unlawful killings, when no lives were in danger, and were acting with impunity.

The Israeli Prime Minister's Office told AI: "The IDF has acted with the greatest possible restraint and is doing its utmost to prevent collateral civilian injury and loss of life." However, when AI delegates asked one conscript about the rules of engagement, he said: "There is warning shooting, there is punishment shooting. Any person that is considered a threat can be killed. Threat is a very fluid notion – as big as the ocean."

Further confirmation of AI's criticisms of human rights abuses by Israeli forces has come from the Or Commission of Inquiry, set up by the Israeli government in 2000 to investigate the killings of 13 Palestinian and one Jewish citizen of Israel during the first 10 days of the *intifada*. Witnesses before the Commission supported AI's findings that military rather than policing methods had been used and criticized the swift escalation to the use of bullets; the use of live ammunition; random shooting; and lethal force when no lives were in danger.

Mexican prisoner freed

General José Francisco Gallardo, a prisoner of conscience detained for more than eight years, was released in February after President Vicente Fox ordered that his sentence be reduced to time served.

He was arrested in 1993 in connection with the publication of an article in which he accused Mexico's armed forces of human rights violations and called for the appointment of a military ombudsman.

AI members have campaigned for his release over many years and it is this ongoing pressure on the authorities that has contributed to securing his release.

General Gallardo's family have expressed their gratitude for all our help: "We are all very happy that our father has been released and we are profoundly grateful to Amnesty International. Without your support

my father's release would not have been possible."

AI welcomes his release which complies with one of the key recommendations of the Inter-American Commission on Human Rights (IACHR) on the case. However, it

stops short of full justice. Now that General Gallardo is free, his name must be cleared and the remaining IACHR recommendations implemented – in particular that those responsible for his judicial persecution should be brought to justice.

State of emergency in Liberia curtails rights

The state of emergency imposed in Liberia on 8 February 2002 allows the government to curtail civil liberties even further than before and has given its security forces greater ability to operate with total impunity.

Recently, Liberian security forces have frequently raided local communities, busy shopping areas and camps for the internally displaced close to Monrovia in search of "dissidents". They have abducted young men and boys and forced them to fight against the armed opposition group, the Liberians United for Reconciliation and Democracy.

Many people have witnessed these actions by the security forces. Fearful of being abducted and forced to fight, many have fled. Some have gone

into hiding becoming internally displaced and some have fled the country becoming refugees.

All public mention or discussion of the state of emergency by members of civil society has led to intimidation and arrests by the government. It has become harder for Liberians and the international community to obtain objective information about what is happening in the country.

Although AI welcomes the public condemnations of the human rights situation by the international community, more concrete action is needed immediately. AI continues to call for the immediate deployment of international human rights monitors to report impartially on the human rights situation throughout Liberia.



"Whatever you think the impact of your work may be, it will be greater than you can imagine", said Faraj Ahmad Birqdar, a poet and journalist. He was one of two Syrian former prisoners of conscience who visited AI and thanked everyone who had contributed to their release. They are pictured right with AI's Secretary General Irene Khan (centre). Faraj Ahmad Birqdar was arrested in 1987, held incommunicado for nearly seven years, then sentenced to 15 years' imprisonment for belonging to a banned organization. He was tortured, yet expressed sympathy for some of his torturers, explaining that the horror of torture dehumanizes and oppresses not just the victims but also the perpetrators. Hassiba Abd al-Rahman, also a writer, was imprisoned several times, the last in 1993, because of her involvement in human rights

work. She spoke about the special difficulties women prisoners faced; the shame of captivity, and the terrible suffering of mothers and children forcibly separated.

AI march for women's rights

Students from the University of Natal in Durban, South Africa, take part in a protest rally organized by the AI university group. The rally was one of numerous events organized as part of the International Month of Student Action on Violence Against Women. Between 14 February and 8 March, tens of thousands of student activists in more than 30 countries campaigned on behalf of a 12-year-old girl reportedly raped by a public official still in office in Guatemala, women political detainees tortured in Lebanon, students raped by government security forces in Liberia, Turkish activists on trial simply for speaking out against rape in custody and women at risk of domestic abuse in Kenya. Other action highlights of the campaign included a performance of Eve Ensler's play *The Vagina Monologues* by students in Malaysia with a discussion of violence against women by a local women's rights activist to an audience of over 200, an awareness raising campaign in Togolese schools, and street actions in Venezuela.



Shibarghan prison, northern Afghanistan, February 2002.

Thousands of detainees and prisoners, mostly detained as part of the armed conflict in Afghanistan, are being held in dangerously poor conditions. Although the Afghan Interim Authority has formal responsibility for detention facilities, in practice they are being run by various authorities and there is no central administration of the prison system. AI believes that the USA has considerable influence over the running of detention facilities in Afghanistan and is responsible for the welfare of any prisoners they have handed over to the Afghan authorities. AI members are urging their governments to raise AI's concerns about the need for humane prison conditions in their contacts with both the Afghan and US authorities.

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