

The Wire

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AI Index: NWS 21/011/2005

[Page 1]

‘They come in shooting’

Confrontational policing fuels violence in Brazil’s shanty towns

On the night of 31 March 2005 a group of men, some masked and hooded, drove through Rio de Janeiro’s Baixada Fluminense district. They fired at random as they went, sometimes stopping and getting out of their cars to execute victims at close range. Fourteen-year-old schoolboy Douglas Brasil de Paula was playing pinball when he was shot dead; Elizabeth Soares de Oliveira was killed while she worked in her husband’s bar; João da Costa Magalhães was sitting on the doorstep of his house when the gunmen fired on him; Rafael da Silva Couto, a 17-year-old, was gunned down as he cycled along the Via Dutra.

By 11pm 29 people lay dead. Ten police officers and one former police officer have been implicated in the murders, in what appears to be the result of a violent turf war. “The Baixada,” explained a police colonel to the Brazilian newspaper *O Dia*, “has medieval qualities. The local aristocracy wants to wall off its enclaves, using the police as its exclusive protection force.”

This was the worst massacre in Rio de Janeiro’s history, but it was not a new or isolated phenomenon. For the millions of Brazilians who live in *favelas* (shanty towns), violence is an inescapable part of daily life. They are caught between drug gangs, police and vigilante “death squads”, in parts of the city in which the rule of law does not apply. Last year, the police killed over 1,500 people in Rio de Janeiro and São Paulo, the overwhelming majority in poor neighbourhoods that have been effectively abandoned by the state. A policy of military-style incursions into the *favelas* has not only failed to curb violence, it has endangered the lives of some of the most vulnerable people in society. In a widely used expression, violent targeting of socially excluded areas has “criminalized poverty”.

The government of President Luiz Inácio Lula da Silva acknowledged the urgent need for reform when it set out a National Public Security Plan in 2003. The plan included guidelines explicitly linking human rights with efficient policing. Little attempt, however, has been made to implement it, and in April this year the Federal budget for public security was slashed from Cr\$412 million to Cr\$170 million (approximately US\$180m-75m).

The government’s extremely promising drive towards disarmament has also unfortunately stalled. In December 2003, the government passed into law the Disarmament Statute, a major step towards controlling the use of guns in Brazil. But the 23 October referendum on a total ban on the sale of guns in Brazil was heavily defeated, losing by a large margin in all 26 states, as well as in the Federal District itself. Many analysts have attributed the result to the people’s sense of despair about the public security situation and lack of faith in the police’s ability to protect them.

At the margins, though, some more inclusive policing projects have made headway. Diadema, a 350,000-strong community in the industrial belt of São Paulo, is one example of a well-planned, integrated social project that has succeeded in dramatically reducing levels of violence. The judiciary, the Public Prosecutor's Office, as well as the municipal guard and the military police, worked closely on crime hotspots, regulating licensing hours of bars and introducing night patrols. The council also invested in education, sports, leisure and cultural programmes, aimed particularly at the young. Over a four-year period, homicide rates have fallen by 47 per cent.

AI is calling on the Brazilian government to adopt a National Action Plan for the reduction of criminal violence. This plan should include the introduction of human rights-based policing, a programme to reduce and prevent police killings and a commitment to control arms transfers through the Arms Trade Treaty – a measure more vital than ever in the wake of the referendum result.

See: Brazil: *'They come in shooting'* – *Policing socially excluded communities in Brazil* (AMR 19/025/2005).

Migrants rights denied in Spain and Morocco

'You are nothing but Negroes. You must not ask questions.'

C.M., from Mali, told AI that this is what a law enforcement official in Melilla, Spain, said to him

P.J., a man in his twenties, fled extreme poverty in Cameroon and made his way to Morocco hoping for a better life in Europe. He has made three attempts to enter the Spanish enclave of Melilla. On his second attempt the Spanish Guardia Civil beat him and shot at him with rubber bullets at close range before turning him back. On the third attempt, he and other migrants were forcibly taken back to Morocco, and transported to a deserted border area between Morocco and Algeria near the Moroccan town of Oujda.

At least 12 people have been killed and dozens injured in recent months while trying to enter the Spanish enclaves of Ceuta and Melilla from Morocco. When they tried to scale the heavily fortified razor wire fence which separates the two countries, they were confronted by both Spanish and Moroccan law enforcement officials who used disproportionate force including lethal weapons to prevent them entering the enclaves. Many of those seriously injured inside Spanish territory were pushed back through fence doors without any legal opportunity to challenge this decision or access to medical assistance.

Hundreds of people from sub-Saharan Africa, including asylum-seekers, have been rounded up by Moroccan forces in recent months. Some have been placed in detention, others have been either deported to Algeria or taken to remote desert regions along the border with Algeria and Mauritania and left with little or no food or water and no means of transport. AI spoke to one migrant who described seeing a compatriot die of exhaustion as he walked through the desert back into Morocco. Others report having been beaten and robbed by the Moroccan security forces.

During a visit to the area in October AI took testimonies from people fleeing poverty and repression, mostly from central and West Africa, trying to get to Europe. Some of them are asylum-seekers with clear and established rights under the 1951 UN Refugee Convention, which both Spain and Morocco have ratified. AI is calling on the authorities of both countries to investigate independently the deaths and injuries that occurred at or near the Ceuta and Melilla fences, as well as others which may have occurred as the result of ill-treatment of migrants and asylum-seekers forcibly removed from the area by Moroccan forces. The onus of proof must lie with the authorities of both countries and not with the victims or the non-governmental organizations working on their behalf.

While AI recognizes that countries are entitled to protect their borders, migrants' rights must be protected. Migrants have clear human rights under international law, including the Migrant Workers Convention, which Morocco, but not Spain, has ratified.

18 December is International Migrants Day, see page 2.

[Page 2]

An uncertain future for Côte d'Ivoire

Côte d'Ivoire is facing its worst political crisis since the armed insurgency of September 2002, which led to the division of the country between north and south. Laurent Gbagbo's presidency officially ended on 30 October, but with no cooperation between the parties in the conflict, the presidential election planned for that day has been delayed indefinitely.

At the beginning of October 2005, the international community and in particular the African Union agreed that Laurent Gbagbo should remain president beyond 30 October. They proposed the appointment of a prime minister who would be "acceptable to all", with a view to advancing towards a presidential election. However, with political parties disagreeing on the effective powers of such a prime minister, and some refusing to recognize Laurent Gbagbo as President, no political resolution of the conflict seems in sight.

With the disarmament, demobilization and reintegration process in complete deadlock and violations of the ceasefire, notably in the west of the country, many fear a rapid deterioration of the situation.

There have been disturbing reports that the embargo on arms transfers imposed by the UN in November 2004 has been breached by both the government and the Forces nouvelles (FN), which controls the north of the country. The UN appears to have inadequate resources to effectively monitor the embargo.

The atmosphere in the country, which has experienced inter-ethnic clashes for more than a decade, is being inflamed by xenophobic rhetoric spread by some media and politicians. Foreign nationals living in Côte d'Ivoire – and more widely all Ivoirians originating from the north and of Muslim heritage – are accused of being responsible for the economic and subsequent political crisis experienced by the country.

The Jeunes Patriotes (Young Patriots), a loosely defined movement professing support for President Gbagbo, has employed xenophobic rhetoric and instigated repeated attacks on freedom of expression. Since September 2002 several journalists and media workers have been victims of physical and verbal attacks and intimidation, as well as destruction of their premises in Abidjan and also in Bouaké, the stronghold of the FN.

Confronted with this situation, the international community – which has already made significant efforts to resolve the Ivorian conflict and has deployed a 10,000-strong peacekeeping force – must increase its efforts to enforce and ensure implementation of UN Security Council resolutions so as to prevent a resumption of the conflict which would inevitably result in serious human rights abuses.

For more information see: *Côte d'Ivoire: Threats hang over the future* (AFR 31/013/2005).

Saddam Hussain stands trial

The long-awaited trial of deposed Iraqi president, Saddam Hussain, began on 19 October when he and seven other former government and Ba'ath Party officials appeared before the Supreme Iraqi Criminal Tribunal (formerly the Iraqi Special Tribunal) in Baghdad. All eight are charged in connection with the killings of 148 people in 1982 in reprisal for a failed attempt to assassinate Saddam Hussain at al-Dujail, a village north of Baghdad. The defendants are Taha Yassin Ramadhan, Iraq's former vice-president; Barzan Ibrahim al-Tikriti, Saddam Hussain's half-brother and former head of the intelligence service (Mukhabarat); the former chief judge of the Revolutionary Court, 'Awad Hamed Bandar al-Sa'doun; and four Ba'ath Party officials from al-Dujail. If convicted, all eight could face the death penalty.

Wesley Gryk, a UK-based human rights lawyer, attended the trial opening as an observer on behalf of AI. Observers from two other international organizations also attended. The opening session lasted some three hours, during which Saddam Hussain and his co-defendants entered not guilty pleas, and was then adjourned until 28 November. The case is being heard before a panel of five judges, only one of whom, the Iraqi Kurdish presiding judge, has been identified due to security fears. The trial opened under heavy security and with an effective bar on public access, although the proceedings were broadcast on local television.

Immediately following the trial opening, two defence lawyers were murdered in separate incidents, graphically underlining the need for tight security. Sa'doun al-Janabi, lawyer for the former chief judge of the Revolutionary Court, was kidnapped within 24 hours of the first session of the trial and found the following day with a bullet in his head. A second defence lawyer, Adel Mohammed Abbas, who represented former Vice-President Taha Yassin Ramadhan, was shot dead by unidentified gunmen on 8 November. Following this second killing, remaining lawyers called for the trial to be moved elsewhere due to the level of continuing insecurity in Iraq. They have even threatened to boycott the proceedings on 28 November.

Further charges may yet be brought against Saddam Hussein related to other gross abuses committed during his 24-year reign prior to his overthrow by US-led forces in 2003. These include the so-called Anfal (spoils) operation to suppress the Kurdish minority in northern Iraq in which 100,000 or more Kurds “disappeared” or were killed, around 4,000 Kurdish villages and towns were razed to the ground and the town of Halabja was attacked with chemical bombs, killing some 5,000 people.

See also *Iraq: Iraqi Special Tribunal – Fair trials not guarantee* (MDE 14/007/2005).

Indonesian prisoner of conscience campaigns for others from prison

Student activist Ignatius K. Mahendra Wardhana was released from prison on 17 August as part of the celebrations for Indonesian Independence Day. He was only 21 years old when he was sentenced to three years’ imprisonment in April 2003 for “insulting the President” during a peaceful demonstration against fuel price increases in Yogyakarta. His trial was reportedly marred by such intimidation that his lawyer was forced to resign. When he was sentenced Mahendra was not represented by a lawyer.

On his release Mahendra described how the conditions and the food were terrible, but also that prison was “a very lonely place”. He said that the letters he received from AI members were a great comfort. “We knew from the letters that many people were supporting us and that we were not forgotten,” he said.

Mahendra filled much of his time in prison by replying to AI members and reading the entire AI Fair Trials Manual (POL 30/02/98), which was smuggled in to him. An unstoppable activist, Mahendra thinks that it is very important to show solidarity with human rights defenders because they are struggling for a better world for everyone. Therefore, when Mahendra featured in AI UK’s Greeting Card Campaign last year, for him it was not sufficient just to receive letters, although he was extremely grateful for the letters he did receive. Undaunted by logistical difficulties, he requested a campaign brochure, wrote to other prisoners featured in the campaign and had the letters smuggled out of prison. He also sent the brochure to his student organization, which then set up a website for prisoners of conscience around the world.

Mahendra’s passion to struggle for a better world is undaunted by his time in prison. He celebrated his release by immediately leading a demonstration against the detention of peaceful activists, reasoning that “there is just so much work to be done.”

Mahendra has resumed his post as head of the regional Executive of the National Student’s League for Democracy. He sees an important role for AI in Indonesia. “There are many things that still need to be changed, especially in Indonesia,” he says. “That means that the duty to struggle for human rights is not over.” “The question,” he says, “is how we use our knowledge... to make a better world for other people. I think that is where the nobility of a man is judged.”

Mahendra extends his sincere thanks for the solidarity given to him by AI members around the world.

Protecting the rights of migrant workers

This year, AI is marking International Migrants Day, 18 December, by urging States to ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (the Migrant Workers Convention) which recently came into force. The Convention is an essential tool of protection of the rights of all migrants. Only 34 states have so far ratified it.

An estimated 90 million migrants live and work outside their country of origin, having left their homes in search of security and a sustainable livelihood. From Burmese agricultural workers in Thailand to Indian domestic workers in Kuwait, migrant workers all over the world face exploitation and abuse.

Many migrant workers lack permission to remain legally in the host country and are therefore likely to end up in so-called “3-D jobs” – dirty, degrading and dangerous. They face ill-treatment by employers, and are often forced to work in demeaning and unsanitary conditions, while the state turns a blind eye. If they come to the attention of the authorities, they risk being arbitrarily detained and expelled from their country of employment without a chance to appeal.

So why have only a handful of countries ratified the Convention?

Decision-makers might not be informed about the content of the Convention, they misunderstand its implications or are simply indifferent to the issue. Protecting the rights of migrant workers, particularly those who lack permission to remain legally in the host country, is low on most states’ political agenda. Many are reluctant to create a legislative framework to protect them, or to have to report to the international community.

The Convention does not create new rights for migrants but aims at guaranteeing equality of treatment and working conditions for migrants and nationals. It provides a more precise interpretation of the human rights of migrants, emphasizing the principle that all migrants, regardless of their status, are entitled to enjoy their fundamental human rights.

Ratification is an important affirmation of a state’s commitment to respect, protect and promote the human rights of everyone on its territory. States that do not do so are denying the universality of human rights, sending a message that, for migrant workers, human rights stop at the border.

ACT NOW!

Call for ratification and implementation of the Migrant Workers Convention now!
Go to www.amnesty.org/refugees to take part in our international webaction from 16 December.

[Page 3]

Former president of Chad arrested in Senegal

Hissène Habré, former President of Chad, was arrested in Dakar on 15 November 2005, after the Belgian authorities issued an international arrest warrant requesting his extradition from Senegal, where he is in exile. Hissène Habré has been charged by a Belgian Court with crimes against humanity, including torture, committed in Chad during his presidency. The Senegalese justice will now decide whether or not to extradite him.

Hissène Habré's administration (1982-1990) was responsible for thousands of extrajudicial executions, "disappearances", arbitrary detentions and acts of torture. Many of the violations were carried out by members of the Directorate for Documentation and Security (DDS) a unit that was used to terrorize the Chadian population at home and abroad. Many of the thousands of political prisoners who "disappeared" after their arrest are thought to have died in the DDS headquarters – killed by torture, starvation or extrajudicial execution.

Legal documents show that Hissène Habré, who created the DDS four months after coming to power, was directly responsible for its operation. Under international law, military and civilian superiors can be held criminally responsible for crimes committed by their subordinates if they knew or should have known about the crimes and did not take steps to prevent or repress them or to ensure that they were investigated and prosecuted.

Attempts to prosecute him in Senegalese courts in 2001 failed because Senegal had failed to fulfil its obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to enact a law authorizing prosecution for torture committed in another country. The victims and their families then asked Belgium to investigate on behalf of the international community. Now that an international arrest warrant and extradition request has been issued by Belgium, Senegal is required by the Convention against Torture to surrender Hissène Habré.

Please write, urging the government of Senegal to fulfil President Abdoulaye Wade's promise to comply with the request and extradite Hissène Habré to Belgium without delay.

Send appeals to: Monsieur Abdoulaye Wade, Président de la République, La Présidence, Avenue Roume, BP 168, Dakar, Senegal.
Fax: +221 823 17 02.

Worldwide Appeals

Egypt

Academic detained for challenging mainstream religious views

"I demand his release," said Um Saleh, wife of Mitwalli Ibrahim Mitwalli Saleh. Speaking to AI in July 2005, she explained how her husband had been on hunger

strike since June in protest against his continued detention in Wadi El-Natroun prison about 100 km northwest of Cairo. “Mitwalli was not seen by any doctor although he is diabetic and is suffering from high blood pressure,” she said. “For 20 days the prison authorities did not inform the Public Prosecutor about his hunger strike.” His health deteriorated so rapidly that he was transferred to the prison hospital. He is now held at the Al-Wadi al-Gadid prison in southern Egypt.

Mitwalli Ibrahim Mitwalli Saleh, father of three, was arrested on 18 May 2003 at his home in Giza by State Security Intelligence officers following the discovery of his unpublished religious study. The study challenges Islamic scholarly views on apostasy and marriage between Muslim women and non-Muslim men. With degrees in Islamic law and Arabic language, Mitwalli Ibrahim Mitwalli Saleh used the disciplines of linguistics and Islamic jurisprudence (fiqh) to refute two opinions common among mainstream Muslim scholars: that it is a religious duty to kill “apostates” who reject Islam, and that a Muslim woman may not marry a non-Muslim man.

Two months after his arrest he was charged with “contempt of the Islamic religion”, a criminal offence under Egypt’s Penal Code carrying a prison sentence of six months to five years.

On 29 October 2003 the prosecution decided to drop the charges and release Mitwalli Ibrahim Mitwalli Saleh. However, the Interior Ministry placed him under administrative detention. Since then, the (Emergency) Supreme State Security Court has ruled seven times in his favour, ordering his release, but none of these decisions has been implemented.

Please write, calling for the immediate and unconditional release of Mitwalli Ibrahim Mitwalli Saleh, who is detained solely on account of his religious beliefs.

Send appeals to: General Habib Ibrahim El Adly, Minister of the Interior, Ministry of the Interior, Al-Sheikh Riham Street, Bab al-Louk, Cairo, Egypt. Fax: +20 2 579 2031. Email: moi@idsc.gov.eg or moi2@idsc.gov.eg or moi1@idsc.gov.eg

Equatorial Guinea

‘Disappearance’ after unfair trial

Navy Commandant Juan Ondó Abaga, Lieutenant Colonel Florencio Elá Bibang and Felipe Esono Ntumu “Pancho”, a soldier, have reportedly “disappeared” while in custody.

The three men, tried by a military court in Bata, Equatorial Guinea in September, were sentenced in their absence to 30 years in prison. They were among a group of some 70 people tried at the same time in an unfair trial for an alleged attempted coup in October 2004. When announcing the sentences the state-controlled Radio Nacional said that the three men and others also tried in their absence were not in the country.

However, Juan Ondó Abaga was allegedly abducted from Benin in February 2005 by security personnel from Equatorial Guinea. In July 2005, Florencio Elá Bibang, Felipe Esono Ntumu “Pancho” and another man, Antimo Edú, were also reportedly abducted

from a prison in Abuja, Nigeria, with the apparent connivance of the prison authorities. The three had been arrested in late April in Lagos, Nigeria. AI members wrote to the Nigerian authorities urging them to protect the men and not to forcibly return them to Equatorial Guinea.

All four men are believed to have been taken to Black Beach prison in the capital of Equatorial Guinea, Malabo, where they have been held incommunicado and reportedly been severely tortured since their abduction. Florencio Elá Bibang is known to be seriously ill with hepatitis C and may not be receiving the medical attention he needs.

Please write, calling on the authorities to say immediately where Colonel Juan Ondó Abaga, Lieutenant Colonel Florencio Elá Bibang, Felipe Esono Ntumu “Pancho” and Antimo Edú are being held. Call for all allegations of torture and ill-treatment to be independently investigated.

Send appeals to: President General Teodoro Obvian Nuera Mbasogo, Presidente de la República, Gabinete del Presidente de la República, Malabo, Equatorial Guinea. Fax: + 240 09 3313/3334.

Viet Nam

Cyber-dissident imprisoned

Dr Pham Hong Son, a businessman and qualified medical doctor, was arrested in March 2002 for writing and posting articles about democracy and human rights on the Internet. Fifteen months later he was charged with spying at a closed trial lasting only half a day. He was sentenced to 13 years’ imprisonment plus three years’ house arrest on release; this sentence was reduced to five years’ imprisonment on appeal in August.

The actions prompting his arrest included translating an article entitled “What is Democracy?” from the website of the US Embassy in Viet Nam, and writing an article entitled “Hopeful Signs for Democracy in Viet Nam” which he sent to both friends and senior party officials.

The official indictment against Dr Pham Hong Son states that he had contacts with a number of dissidents in Viet Nam and within the Vietnamese community in exile overseas through email correspondence, and that he distributed information to “falsely accuse the State of violating human rights”.

Since his imprisonment, Dr Pham Hong Son has suffered serious health problems for which he has not received appropriate medical care. He is currently detained at the remote prison camp of Yen Dinh in Thanh Hoa province, making family visits difficult.

Please write, calling for the immediate and unconditional release of Dr Pham Hong Son as a prisoner of conscience; and that pending his release he should be held in conditions meeting international human rights standards and be given access to appropriate medical care.

Send appeals to: Prime Minister Phan Van Khai, Office of the Prime Minister, Hoang Hoa Tham, Ha Noi, Viet Nam. Fax: +844 823 4137. Email: bc.mfa@mfa.gov.vn

Updates

Mongolian prisoner very weak

Hada, imprisoned in China in 1995 for his peaceful promotion of human rights and Mongolian culture, is still very weak and his family fear he may not survive until the end of his sentence in 2010. Injuries he sustained from the torture and ill-treatment have not healed properly.

He is not allowed to talk to other inmates or to exercise in the open air. His family visits are restricted and he is not allowed to receive phone calls from them. His family has reportedly had to close down the bookstore they used to run because of continuous harassment from the police. However, Hada is now reportedly allowed to read and at times keep a diary. Previously it was reported that he was not allowed to either read or write. Please continue to send appeals. See *Worldwide Appeals* November 1997.

Chinese dissident freed

Wang Wanxing was released on 16 August after 13 years of forced confinement in a mental asylum. He had been held at Beijing's notorious Ankang psychiatric hospital since June 1992 for displaying a banner in Tiananmen Square commemorating the anniversary of the pro-democracy protests of June 1989.

While at Ankang, Wang Wanxing was forced to take chlorpromazine, an anti-psychotic drug, three times a day. In the last five years of his incarceration he was kept in a ward with 50 to 70 violent, psychotically disturbed inmates. However, his status as a prominent political detainee spared him even worse treatment.

Wang Wanxing's medical notes continue to state that he is suffering from "dangerous" psychiatric conditions associated with his political activism, including "litigation mania" and "a conspicuously enhanced pathological will". At his request, he is now undergoing an independent psychiatric medical evaluation. The results will test assertions that he was "dangerously psychiatrically disturbed", which kept him incarcerated for over a decade.

See *Worldwide Appeal* February 2001.

ICC issues first arrest warrants

The International Criminal Court (ICC) has issued arrest warrants for five senior leaders of the Lord's Resistance Army, charged with crimes against humanity and war crimes committed in Uganda. These are the first arrest warrants to be issued by the ICC and mark an important step towards establishing global standards of justice. AI is calling on all states to cooperate in arresting and surrendering the five men.

On 28 October the ICC reached another historic landmark when Mexico became the 100th state to ratify the Rome Statute of the International Criminal Court.

World Day against the Death Penalty

Some 40 AI sections and structures participated in the third World Day against the Death Penalty on 10 October. This year's message was "Africa on the road to abolition" because recent developments show that there is a real opportunity for progress towards abolition in the region: Senegal and Liberia both recently abolished the death penalty.

AI members in Jalpaiguri, West Bengal, India held a candlelight vigil (*see picture*).

[Page 4]

Cruel. Inhuman. Degrades us all. Stop torture and ill-treatment in the 'war on terror'

Human rights are under threat. The absolute ban on torture and other cruel, inhuman and degrading treatment is being undermined. Governments are not only using torture and ill-treatment, they are making the case that this is justifiable and necessary in the "war on terror".

This is a crisis in the struggle to eliminate torture and other ill-treatment. AI is therefore redoubling its efforts to campaign against such treatment.

Already the voices of activists are being heard. On 2 September two Russian former Guantánamo detainees who "disappeared" after being arrested in Moscow, were released. Thanking AI, the two said that they are convinced their release was due to the attention of the media and human rights organizations.

On 19-21 November AI and UK charity Reprieve hosted a conference on the global struggle against torture. It was the largest ever gathering of former "war on terror" detainees, their families, lawyers and human rights experts and activists, who came together to share experiences and expertise, form alliances for action and draw the attention of the media to the human price that is being paid for "security".

Security will not be best protected by subjecting detainees to torture and ill-treatment but by respecting everyone's human rights. All governments should publicly denounce such abuses in the strongest possible terms, and never allow them to happen at home or abroad.

Torture does not stop terror. Torture is terror.

For more information and to find out how you can join AI's campaign, go to www.amnesty.org/torture

Human rights under attack in the 'war on terror'

'Compromising human rights cannot serve the struggle against terrorism.'
UN Secretary-General Kofi Annan, March 2005

The UK authorities have mounted a sustained attack on human rights, the rule of law and the independence of the judiciary in the name of fighting terrorism.

They have rushed through anti-terrorism measures that undermine a wide range of human rights safeguards and have led to abuses. Under these laws, men labelled as “terrorist suspects” have been held for years in harsh conditions on the basis of secret accusations that they and their lawyers are not allowed to know, and therefore cannot refute.

When the highest court in the land ruled their detention unlawful, the government found new ways of restricting their liberty – first by imposing “control orders” to restrict their movement and activities, and later by imprisoning them under immigration law pending deportation on the grounds that they were a “threat to national security”.

At no point have any of these men been found guilty in the UK of a terrorism-related crime. Many of them, and their families, have suffered serious deterioration in their mental and physical health.

Making torture acceptable

The UK government has used the “war on terror” as an excuse to undermine the absolute ban on torture.

In August 2004 the Court of Appeal of England and Wales accepted the government’s arguments and ruled that “evidence” extracted through torture abroad would not only be admissible in proceedings in the UK, but also could be relied upon. The only caveat was that UK officials should not have connived or taken part in the torture. The judgement, which gives foreign torturers the UK’s stamp of approval, was appealed against and the Law Lords’ decision is pending. AI led a coalition of 14 organizations in making a joint submission to the Law Lords highlighting how the use of torture evidence in proceedings violates international human rights law.

There have been well-substantiated allegations that UK soldiers committed war crimes and other serious human rights violations in Iraq, including unlawful killings and torture. The UK government has tried to duck its responsibilities to investigate these allegations adequately, asserting that human rights law did not bind its armed forces in Iraq.

UK officials have allegedly taken part or been complicit in interrogations under torture or other ill-treatment of UK suspects in the custody of other countries, including the USA, Pakistan and Morocco. The UK has been also been accused of taking part in the illegal and often secret transfer of terror suspects to countries where torture is rife (“renditions”, see below).

The government is trying to circumvent human rights law prohibiting the deportation of people it considers a “threat to national security” to countries with a history of torture or other ill-treatment by making diplomatic agreements with these countries that the deportees will not be tortured. Such agreements cannot offer true protection, nor relieve the UK of its obligations.

New laws threaten human rights

Since the London bombings on 7 July 2005 a new Terrorism Bill has been proposed, containing sweeping provisions that undermine the rights to freedom of expression and association and the right to fair trial and liberty. AI is opposed to the government's intention to extend the already long period of 14 days of detention in police custody without charge before being brought before a judge, whether it is 90 days or 28 days.

New measures introduced or proposed by the UK authorities since September 2001 involve punishment – whether it be deprivation of liberty or deportation – of people whom the authorities have decided are a threat but against whom the authorities state there is insufficient evidence to present to a court. Such practices are neither fair, nor just, nor lawful.

AI's message is simple. Respect for human rights is the route to security, not an obstacle to it. The UK government must respond to attacks on human rights by defending human rights.

[Insert 1]

'I never thought the British Government would allow me to be slashed with a razor blade for a full year. I never thought they would let me be hauled to the Dark Prison in Kabul for further abuse before my trip to Guantánamo.'

Benyam Mohammed al-Habashi, an Ethiopian asylum-seeker who had been given leave to stay in the UK, is held at Guantánamo Bay, Cuba. After being arrested in Pakistan he was forcibly transferred from Pakistan to Morocco, then to Afghanistan, and then Guantánamo. In each country he was tortured or ill-treated.

USA's global detention network

Since it declared a "war on terror" the USA and its allies have detained thousands of men, women and children during military and security operations in Iraq and Afghanistan. At least 13,000 people are currently held in US military detention centres in Afghanistan, Guantánamo Bay in Cuba, and Iraq, some transferred there from as far as Albania, Malaysia and Zambia.

But while Abu Ghraib prison in Iraq, Bagram air base in Afghanistan, and Guantánamo have become infamous across the world for the mental and physical abuse of detainees, they are just part of a global network of detention facilities, including secret prisons, which the USA is employing in its "war on terror". The USA has abducted suspects on foreign soil, or assumed custody of detainees from other countries, in transfers that completely bypass any legal process or human rights protection. Some of the victims have later turned up in Guantánamo, others, more disturbingly, have simply "disappeared".

It has been widely reported that the USA is holding two to three dozen "high-value" detainees at secret CIA-run facilities outside the USA. The USA admits that these men are in custody, but will not say where. However, the cases of Muhammad al-Assad and two other Yemenis, Salah Nasser Salim 'Ali and Faraj Ahmed Bashmilah

(see *the Wire*, August 2005), suggest a comprehensive and well-organized network of secret interrogation centres not reserved solely for high-value detainees.

The three men were held incommunicado for many months in at least four different secret facilities, probably in different countries, judging by the length of their transfer flights. Their accounts of the last facility make it clear that it was no makeshift military camp, rather a specially designed facility. The detention regime was clearly designed to induce maximum disorientation, dependence and stress in the detainees. The men's descriptions tally with a *Washington Post* report of the covert prison system run by the CIA, in which secret detention facilities in eight countries are referred to as "black sites".

The USA has also handed detainees over to countries known to practice torture systematically. It has been estimated that the CIA has flown hundreds of men to Egypt, Jordan, Morocco, Pakistan, Saudi Arabia and Syria. Known to the US administration as "extraordinary rendition", others describe this practice as "outsourcing torture".

The pattern of arbitrary detention, illegal arrests, secret transfers, incommunicado detention and extraordinary rendition violates the most fundamental rights of detainees: the right not to be arbitrarily arrested, the right of access to lawyers, families, doctors, the right to have families informed of arrest or place of detention, the right to be promptly brought before a judge or other judicial official, the right to challenge the lawfulness of detention and the right to be free from torture and cruel, inhuman or degrading treatment.

As pressures mount on the USA to reform Abu Ghraib, turn detention centres in Afghanistan over to the Afghan government, and close Guantánamo, there is a real risk that the US administration will increasingly resort to secret measures to pursue the "war on terror", measures which can only lead to further violations of human rights.

[Insert 2]

'I couldn't bear it any longer ... even if I was an animal I wouldn't put up with it'
Salah Nasser Salim 'Ali, speaking about his secret detention by the US authorities

[Insert 3]

Muhammad al-Assad, a Yemeni living in Tanzania, was arrested at his home in Dar-es-Salaam, on 26 December 2003. He was hooded, handcuffed and flown to an unknown destination. It was the beginning of a 16-month ordeal of imprisonment and interrogation, with no contact with the outside world and no idea where he was. Two further times he was hooded, handcuffed and flown to a new destination, only to be taken to another cell and subjected to further interrogation. His interrogators were English speakers.

He was held for a year in a secret facility where he was subjected to extreme sensory deprivation. His masked guards never spoke a word to him, but communicated their instructions in sign language. There was a constant low-level hum of white noise. Artificial light was kept on 24 hours a day.

Muhammad al-Assad's father was told by Tanzanian officials that his son had been turned over to US custody, and that no one knew where he was. His family heard nothing of him until he was flown to Yemen in May 2005, where he remains in custody without charge or trial.

At least they now know he is alive and are able to visit him in prison.