

## **Unfit for human habitation**

### **Brutal conditions for people with mental disabilities in Bulgaria**

*"This place is not for human beings. You should close it down. People die here."* These are the words of R.H., who lives in a social care home for adults in Dragash Voyvoda, Bulgaria.

Most social care homes in Bulgaria are unsuitable for the care of people with mental disabilities and many are not fit for human habitation. High death rates testify to the lack of sufficient food, warmth or medical care. Medications used in psychiatry are widely and inappropriately administered to subdue behaviour and have no therapeutic value.

Women with mental disabilities in the social care home in Razdol endure dreadful living conditions, gross neglect and systematic abuse. The buildings are derelict, filthy and dangerous, with no central heating. In winter, residents – some barefoot – walk on icy paths between the buildings, one of which contains a recently constructed bathroom. One dormitory, measuring 10m x 10m, contains 33 beds. The orderly explained that only two beds had sheets because: "The women are ill and they would only soil the sheets." A small wood-burning stove was not lit for most of the day.

With no rehabilitation programs or therapy, residents wander aimlessly around the grounds or lie in bed in their rooms. One woman, who complained that orderlies beat residents, was too fearful to identify the place in which she said residents were locked up.

The home's location, 20km from the main road in a mountain area, puts lives at risk. During winter months, when snow makes the roads impassable to vehicles, it can take staff three hours to walk to work. Between January and June 2002, seven residents died. None of the deaths was examined in a post-mortem.

In Radovets, residents have been detained in a tiny enclosed space under the stairs as punishment. One resident, Petko K, said that he had been held there for two weeks and then kept for 10 days in a seclusion room.

Another home, in Samuil, which was without running water for more than seven months, has only one toilet in the building for over 100 women residents – six holes in the ground in an outhouse, some 150 metres away. It was impossible to avoid stepping deep into excrement, which extended on to the path outside.

Children who live all their lives in social welfare establishments receive practically no therapy or rehabilitation. Those with the most severe disabilities may be left all day in their beds, without any toys or organized activities.

At the home in Dzhurkovo, where six children and an 18-year-old died from hypothermia and malnutrition in February 1997, there have been some improvements in material conditions. However, lack of specialist therapeutic or educational training seriously impairs the children's development. In October 2001, the most severely disabled children lay on beds with only plastic sheeting. Flies swarmed about one boy's bed. The children had no toys. Children of five and six years old with Down's syndrome had been so neglected that they could not stand unsupported. One girl had chewed through the wooden frame of her cot.

Government plans to reform the current mental health care system need to be adjusted to take into account the situation in social care homes which are currently not considered to be part of the system. One social care home was closed down in June, because the conditions were considered inadequate, and the closure of another is imminent. In August, the Ministry of Education and Science issued instructions that "children with moderate and severe mental retardation and autism" are entitled to be educated within the system. Officially, these children will no longer be treated as uneducable.

There is a pressing need to improve the life-threatening conditions in social care homes for adults. Without immediate and continuous therapy and rehabilitation, the lives of mentally disabled children will be irreparably damaged. AI is calling on the international community to support a comprehensive program of reform for Bulgaria's mental health care services. For further information see: *Bulgaria:*

## **Killings in Papua by Indonesian police**

*“When we heard Brimob (Police Mobile Brigade) yelling, we ran out of the house. I was scared, so I ran to the mountains to hide. As I was running the Brimob officers started shooting. I was hit in my left thumb. At that time I did not realize what had happened, that I had been shot. I just kept running.”*

This is the testimony of a 15-year-old girl. She spent the night alone hiding in the forest before returning home the following day. Her seven-year-old brother who followed her into the forest never returned.

The Brimob officers arrived on 27 June 2001 at her village in Wasior Sub-district, Manokwari District, Papua Province, Indonesia. They were looking for Daniel Yairus Ramar as part of an operation to capture those suspected of attacks on two logging companies in the area. Nine people, including five members of Brimob, had been killed.

Daniel Yairus Ramar was later captured on 11 July 2001. He died in custody at Manokwari Police Resort around 10 days later, apparently as a result of torture.

It is estimated that more than 140 people were detained, tortured or otherwise ill-treated during the operation. One person died in police custody while at least seven people are believed to have been extrajudicially executed. Twenty-seven people were sentenced to terms of imprisonment after unfair trials. Hundreds of people from villages in the area were forced to flee their homes by the operation and dozens of houses were destroyed.

So far, the authorities have not carried out an investigation into the shooting of the 15-year-old girl, the whereabouts of her younger brother, the death in custody of Daniel Yairus Ramar, or any of the other reports of human rights violations which took place in Wasior.

The pattern is a familiar one in Papua, where allegations of human rights violations are rarely investigated. Since authority for the territory was transferred to Indonesia in 1963, there have been hundreds, possibly thousands, of cases of extrajudicial executions, “disappearances”, arbitrary detentions and other human rights violations perpetrated by the Indonesian security forces. Many of these have been carried out in the context of operations against the armed independence movement, Organisasi Papua Merdeka, Free Papua Movement.

The failure to hold accountable perpetrators of human rights violations is not unique to Papua, but reflects the situation throughout Indonesia. A weak judicial system combined with a lack of political will means that thousands of human rights cases are unresolved. The failure so far of Indonesia's ad hoc Human Rights Court on East Timor, established in 1999 to carry out credible prosecutions against those suspected of gross human rights violations and crimes against humanity in East Timor, has only further exposed the weakness of the Indonesian judicial system and has further entrenched impunity.

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## **Beatings and fatal shootings by Greek police and border guards**

### **Police and other law enforcement officials responsible for ill-treatment and fatal shootings are virtually never brought to justice**

Two young Romani men arrested at night on the streets of Mesolonghi are beaten with a truncheon and allegedly threatened with rape. After three and a half years, one police officer faces trial: he is acquitted. A 40-year-old man is stopped for a minor traffic offence in Rhodes. He is allegedly kicked till his arm is broken and threatened with a gun. He is refused access to relatives, a lawyer or a doctor. A 16-year-old Albanian boy without proper documents is beaten and kicked by police; his spleen is ruptured and has to be removed.

These are examples of a pattern of ill-treatment by Greek police officers which is sometimes so severe that it amounts to torture. Verbal abuse to intimidate and humiliate detainees is common; at times such abuse is racist or includes sexual threats. The victims include children.

Abuses by law enforcement officials do not stop at beatings. A young Romani man was shot dead through the back of his head when he failed to stop his car for a police patrol. The police officer who killed him was charged with “reckless homicide”; however, he was released on bail after five days in custody and returned to service, provoking riots in the Romani community. An elderly Albanian farm labourer has stated that he was shot in the back by border guards. He had to have a kidney removed. Other shootings by law enforcement officials indicate excessive use of force or criminal incompetence in the use of firearms.

#### Racism

Members of ethnic minorities and immigrants are particularly at risk of abuse, although members of the majority Greek population are not spared. Xenophobia and racial profiling have played a part in the abuses suffered by minority groups. These include Roma and foreign nationals, who are often undocumented immigrants from Albania, as well as immigrants and asylum-seekers from the Middle East, Asia and Africa. The marginalized and insecure status of many members of these groups, as well as financial constraints and language obstacles, ensure that few file formal complaints.

#### Impunity

Even when victims do file complaints, many cases do not get to trial, or do so only after prolonged delays. Convictions are rare, and have nearly always resulted in nominal sentences for the perpetrators of these abuses.

The Greek authorities often claim that Greece has a particular sensitivity to human rights issues. Greece has ratified international human rights treaties, and significant constitutional and legal provisions designed to protect human rights are in place. Within the past five years an Ombudsman’s Office and a National Commission for Human Rights have been established.

However, more needs to be done to implement safeguards and overcome impunity. AI has published a detailed report\* (and a shorter summary report) with recommendations for the measures necessary to end torture and ill-treatment, to prevent the unlawful or excessive use of firearms by law enforcement officials, and to ensure that victims obtain redress and reparation.

\**Greece: In the Shadow of Impunity – Ill-treatment and the Misuse of Firearms* (AI Index: EUR 25/022/2002)

### **Children targeted by both Israelis and Palestinians**

The Israeli Defence Forces (IDF) dropped a one-ton bomb on a densely populated neighbourhood of Gaza city, just before midnight on 22 July. Nine children, most of them under the age of 10, were among the 17 killed. Dina Matar was just two months old and Ayman Matar 18 months. More than 70 other people were wounded. Leading *Hamas* activist Salah Shehadeh, who was among those killed, was accused by the Israeli authorities of organizing attacks against Israelis. Given the location of the target, in a densely populated residential area, and the method of attack chosen, the authorities must have known that civilians, including children, would be killed. The following day Israel’s Prime Minister, Ariel Sharon, called the attack “one of the most successful operations”.

A Palestinian suicide bomber blew himself up near a crowd of young people waiting to enter the Dolphinarium night club in Tel Aviv on 1 June 2001. Twelve of the 21 people killed were under 18, including Marina Berkovizki, who was celebrating her 17th birthday. Scores of other people were injured. The ‘Izz al-Din al-Qassam Brigades, the armed wing of the Palestinian Islamist group *Hamas*, claimed responsibility for the attack. By targeting the entrance to a discothèque on a Friday night, the attacker would have known that children would be among the victims.

Since the beginning of the *intifada*, the Palestinian uprising against Israeli occupation of the West Bank and Gaza Strip which broke out in September 2000, more than 250 Palestinian and 72 Israeli children have been killed.

Palestinian children have been killed by Israeli soldiers using excessive and disproportionate lethal force in response to protests, or as a result of shelling and bombardments of residential areas. Others were killed during IDF assassinations of Palestinian activists, or when their homes were demolished. Some died because they were denied access to medical care by the IDF. At least three were killed by armed Israeli settlers.

Israeli children have been killed by Palestinian armed groups, many in suicide bombings. Some have been shot dead by members of Palestinian armed groups or by individual Palestinians inside Israel, and

in settlements and on roads in the Occupied Territories.

No judicial investigation is known to have been carried out into any of the killings of children by Israeli soldiers, even in cases where Israeli government officials have stated publicly that investigations would be carried out.

The Palestinian Authority, for its part, has failed to take the necessary measures to prevent attacks on Israeli civilians by Palestinian armed groups. It has not brought to justice those responsible for unlawful killings.

All the parties involved in the conflict are disregarding the right to life of the most vulnerable members of the Israeli and Palestinian civilian population.

Respect for human life must be urgently restored. AI renews its calls on the international community to take steps to send international monitors to the area and to persuade the Israeli government to accept the presence of international observers. For further information see: *Israel and the Occupied Territories and the Palestinian Authority: Killing the future – Children in the line of fire* (AI Index: MDE 02/005/2002).

## **Secrecy surrounds death penalty in Tajikistan**

### **Tajikistan is violating internationally guaranteed human rights by secretly executing prisoners after unfair trials**

Davlatbi Nazrieva was seven months' pregnant with their third child when her husband, Dovud, was sentenced to death in May 2001, accused of attempting to assassinate the Mayor of Dushanbe. She says she was torn between hope and despair for her husband after his appeal was rejected in November 2001.

Her hopes rose when the UN Human Rights Committee asked the Tajik authorities to place a six-month stay on the execution of Dovud Nazriev, while it investigated his case.

But when she went to the prison on 25 June, she learned that Dovud Nazriev and his brother Sherali had been transferred to a prison in Qurgontoppa, south of the capital Dushanbe. The prison authorities had given her no notice of the transfer and she had not been able to say goodbye to her husband. She found out six weeks later, after frantic inquiries, that he had been

executed on 21 June, in defiance of the UN Human Rights Committee's request.

The trial of Dovud and Sherali Nazriev fell far below inter-nationally recognized standards of fairness. Both brothers claimed they had been tortured by investigators from the Interior Ministry's Sixth Directorate. Davlatbi Nazrieva says that on the day of the assassination attempt – 16 February 2001 – she was nursing him and her two children at home with influenza. His doctor, who had earlier provided evidence to this effect, claims that he withdrew it after he was put under pressure by investigators.

Official secrecy surrounds the death penalty in Tajikistan, but the picture that AI has been able to build suggests that the Nazrievs' case is quite typical. Prisoners are characteristically executed in secret after unfair trials, with no warning to their families.

According to the evidence gathered by AI, most, if not all of the prisoners sentenced to death in Tajikistan were tortured. Several different prisoners have given detailed accounts naming the same investigator, but no action has apparently been taken to examine the truth of these allegations. Testimony reportedly extracted under torture has been admitted as evidence and used to condemn prisoners to death.

Relatives of death row prisoners suffer a form of mental cruelty. They are kept in a state of complete ignorance about the fate of the person they love, then forbidden to collect the body and belongings once the prisoner has been executed.

AI believes that the secrecy surrounding all aspects of the death penalty and the failures of its criminal justice system mean that Tajikistan is violating internationally guaranteed human rights.

AI has called for a moratorium on executions and the commutation of all death sentences, while inviting the highest Tajik authorities to support a public meeting in Dushanbe to examine ways of abolishing the death penalty.

See *Tajikistan: Deadly Secrets – the death penalty in law and practice* (AI Index: EUR 60/008/2002).

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## **WORLDWIDE APPEALS**

### **RUSSIAN FEDERATION**

#### **Two Chechen women ‘disappear’**

Masked Russian soldiers seized Aset Yakhiaeva and Milana Betirgirieva during a raid on a house in Serzhen Yurt in the early hours of 9 November 2001. The soldiers also threatened to rape and kill five girls who were sleeping in another room of the house. The two women were staying in the village to help with preparations for the wedding of a neighbour’s daughter. Neither has been seen since. Following the “disappearance” of the two women, some of the young girls fled to Ingushetia.

According to witnesses, the soldiers cut the electricity to the house. When the terrified girls began to cry, the soldiers threatened to shoot them if they did not keep quiet. The soldiers shone torches into the girls’ faces and discussed which were the prettier ones. They then threatened to rape them. One of the girls told AI that an officer entered the room and ordered the soldiers not to touch them. The soldiers then searched the house, demanding money and threatening to kill the girls.

After the soldiers left, the girls went to the room in which Aset Yakhiaeva and Milana Betirgirieva had been sleeping. The room was empty. In the street, the girls found some of the women’s clothes, including Milana Betirgirieva’s skirt and a blouse. There has been no further information as to the fate and whereabouts of the two women.

The manner in which Aset Yakhiaeva and Milana Betirgirieva were apparently taken away is consistent with other reported incidents where people have been detained by Russian forces.

Following appeals to the Russian authorities, AI was informed in March 2002 that the Chechen military procuracy would look into the case. However, there has been no further information about the fate of the two women.

/ Please write, urging the authorities to initiate immediately a criminal investigation into the “disappearance” of Aset Yakhiaeva and Milana Betirgirieva, and to bring those responsible to justice in a court of law.

Send appeals to: Chief Military Prosecutor of the Russian Federation, Col.Gen Yuriy Georgevich Dyomin, Pereulok Khul'zunova 14, Moscow 103160, Russian Federation. Fax: +7 095 247 50 19.

### **TOGO**

#### **Freedom of expression denied**

Claude Améganvi has been sentenced to four months’ imprisonment for “defamation of character”. He was acquitted on the charge of “offence against public order”. His lawyers will lodge an appeal. He was arrested by the security forces as he left a meeting with the Minister of the Interior, Security and Decentralisation on 6 August 2002.

Claude Améganvi called for the release of two teachers, Djoura Tiguéna and Takana Badjessa, who have been imprisoned in the north of the country. They have been sentenced for distributing leaflets for a political movement *Quelle solution pour le Togo?*, What solution for Togo? Claude Améganvi is the coordinator of the movement which was created to publicize, among other things, problems of impunity in Togo. The leaflets called for Togolese citizens to honour the memory of Tavio Amorin, an opposition politician who was extrajudicially executed 10 years ago. No one has ever been punished for his death.

Claude Améganvi is accused of writing an article, critical of the fortune allegedly amassed by President Eyadéma, that appeared in the newspaper *Nouvel Echo* and on a website, although the article was signed by someone else. AI is concerned at the wave of repression against politicians and journalists that is currently sweeping through Togo.

/ Please write, calling for the release of prisoners of conscience Claude Améganvi, Djoura Tiguéna and Takana Badjessa, and others detained for peacefully exercising their right to freedom of expression.

Send appeals to: Son Excellence, Monsieur le Général Gnassingbé Eyadéma, Président de la République, Palais présidentiel, Avenue de la Marina, Lomé, Togo. Fax: + 228 221 18 97 / 221 32 04 (Specify: “À l'attention du Président de la République”). E-mail: [presidence@republicoftogo.com](mailto:presidence@republicoftogo.com)

## **ERITREA**

### **Veteran arrested in clampdown on dissent**

Idris Aba'ere has been held in secret, incommunicado detention since his arrest in October 2001. He is severely disabled and there are fears for his safety and his health.

His arrest was part of the clampdown on dissent which has seen the incommunicado detention without charge or trial of dozens of government critics since September 2001.

Among other detainees are 11 of the "Group of 15" (G15) National Assembly members arrested for voicing their opposition to government policies, as well as leading independent journalists, civil servants, government journalists and business people.

The government has not publicly acknowledged the arrest of Idris Aba'ere, which AI believes was due to his support for the G15 and their calls for democratic reform.

A veteran of Eritrea's liberation struggle with Ethiopia, Idris Aba'ere joined the Eritrean People's Liberation Front (EPLF) in 1973. After Eritrea gained independence in 1993, he took up a number of senior positions in the civil service including that of Senior Director in the Department of Labour and Social Affairs.

He has also published a novel about the liberation struggle and a political commentary. Aged 57, Idris Aba'ere is married and has one child.

For further information see Eritrea: Arbitrary detention of government critics and journalists (AI Index: AFR 64/009/2002).

/ Please write, calling for the immediate and unconditional release of Idris Aba'ere and all other prisoners of conscience. Express concern about the arbitrary detention of government critics in Eritrea, which is in contravention of the Eritrean constitution and international human rights standards ratified by the government.

Send appeals to: Issayas Afewerki, President of Eritrea, Office of the President, PO Box 257, Asmara, Eritrea.

## **IRAN**

### **Student leader forced to 'confess' on television**

Ali Afshari, 29, former political secretary of the student group *Daftar-e Tahkim-e Vahdat* (Office for Strengthening Unity, OSU) spoke to reporters in February 2002 during a temporary release from prison. He said that he had been forced by Revolutionary Guards to make a false confession which had been broadcast on state television in May 2001. At the time he was being interrogated at a military detention centre where he was held, frequently in solitary confinement, for almost a year.

He said, "I resisted physical pressure for 40 days, but then I cracked. I am ashamed and apologize to the Iranian people for not being able to resist...The team of investigators told me what to say, and I had to repeat that in front of the television cameras." He is currently held in Evin Prison.

Ali Afshari was arrested in April 2000 for taking part in a cultural conference in Berlin which was denounced as "anti-revolutionary" by the state media and members of the judiciary. He was released on bail but was arrested again in December 2001 because of statements he made at a students' meeting in November 2001, where he reportedly called for reforms to the system of government in Iran. He was held incommunicado at a secret location for several weeks.

In January 2001, an appeal court sentenced him to one year's imprisonment for "spreading propaganda" against the Islamic Republic of Iran in connection with his participation at the Berlin conference and for establishing an OSU "anti-crisis centre" during student unrest in July 1999.

In May 2002, Ali Afshari was sentenced to an additional one year's imprisonment on charges of "disseminating falsehood" and "making false accusations" in connection with statements published in newspapers in October 1999; in August 2002 his release was postponed for a further three months after he sang the nationalist hymn "Oh, Iran!".

Scores of students (including Akbar Mohammadi and Ahmad Batebi) arrested in connection with unrest in July continue to be detained. Some have been secretly tried, others are held without charge or trial. Some have reportedly been tortured.

/ Please write, calling for the immediate and unconditional release of Ali Afshari and all other students who are not charged with any recognizably criminal offences.

Send appeals to: His Excellency Ayatollah Sayed 'Ali Khamenei, The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran. Fax: +98 21 649 5880 (ask for fax to be forwarded to Ayatollah Khamenei).

## **UPDATES**

### **Israel /Occupied Territories**

On 3 September 2002, the Israeli High Court of Justice issued a ruling allowing the forcible transfer of Intisar 'Ajuri and her brother Kifah from their home town of Nablus (in the West Bank) to the Gaza Strip for a period of two years. The decision by the High Court of Justice was the last step in the appeal procedure available to them. They have never been charged and no proceedings have been initiated to bring them to trial. The Israeli government claims that it cannot try them because this would expose the source of the evidence against them. They were forcibly transferred to the Gaza Strip on 4 September. It is impossible for Palestinians to travel between the West Bank and the Gaza Strip. Therefore Intisar and Kifah are cut off from their family, and they have no home or any means of subsistence in the Gaza Strip.

Please continue to send appeals urging that if Intisar and Kifah 'Ajuri have committed a recognizably criminal offence they should be charged and brought to trial in accordance with internationally accepted standards for fair trial. Otherwise they should be immediately allowed to return to their home town. For latest information see: [www.amnesty.org/Crisis in Israel/OT](http://www.amnesty.org/Crisis%20in%20Israel/OT)

### **Trinidad and Tobago**

“We are grateful to you and those of you at Amnesty for your assistance - we will continue to monitor these proceedings and I will update you.”

These are the words of the lawyer representing the family of Anton Cooper who was found dead in his prison cell in June 2001. After appeals for an investigation into his death three prison guards were arrested. This marks one step forward in bringing to justice those responsible for Anton Cooper's death. See Worldwide appeal August 2002.

### **Libya**

Human rights in Libya took a positive step forward in August with the announcement of the release of tens of political prisoners, including some prisoners of conscience who had been imprisoned for nearly three decades for their peaceful involvement with the prohibited Islamic Liberation Party.

AI welcomed the releases but remains concerned for many long-term political prisoners who continue to suffer in Libyan prisons.

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### **Diamonds cost lives**

Every day blood is being spilled in the diamond fields of the Democratic Republic of Congo (DRC), and nobody in the international community is talking about it. In the capital Kinshasa, the government is able to announce, unchallenged, its commitment to an international diamond certification system (agreed through the Kimberly Process) aimed at breaking the links between the diamond trade and human rights violations, while in Mbuji-Mayi, the hub of the country's diamond trade, serious abuses directly connected to the diamond trade are occurring on a daily basis, largely unchecked.

#### **Illegal mining**

Mukeba Muchuba was well aware of the serious risks he was taking when he broke into one of the richest diamond concessions in DRC in order to mine illegally for diamonds. A few months previously,

one of his best friends, Kabongo, had been shot dead after illegally entering the same concession, located on the outskirts of Mbuji-Mayi.

Mukeba Muchuba, aged 18, was one of 10 illegal miners who entered the concession known as the *polygone* on 16 September 2001. Shortly after their arrival, a group of guards appeared and opened fire on them without warning. The others managed to escape unharmed, but Mukeba Muchuba was shot in the head and his power of speech has been impaired.

Every day, hundreds of unemployed Congolese take similar risks in the diamond fields of Mbuji-Mayi. And every day, dozens of gunshots ring out as guards employed by MIBA — the largely state-owned mining company which runs the concessions — seek to deter the illegal miners. MIBA guards receive no formal training in law enforcement and frequently use excessive force to keep unauthorized miners out.

No precise statistics have been compiled on the numbers of illegal miners wounded or killed, but AI conservatively estimates that dozens are shot dead every year by MIBA guards. Many more, probably several hundred a year, sustain gunshot wounds. No effort is made to provide any medical treatment to those who are injured. Illegal miners who are arrested are held without charge in unofficial detention centres within the diamond concessions, where the cramped and insanitary conditions amount to cruel and inhuman treatment. Some may eventually face unfair trials before a military tribunal.

MIBA officials seek to downplay the scale of the problem, claiming that only very occasionally is there an “accident” in which an illegal miner is injured or killed, and that guards only use firearms in self-defence. All the available evidence contradicts such claims. In a minority of cases, the victims may be armed or have an armed escort, and therefore pose a genuine threat to guards. But the vast majority of victims are not armed and the use of firearms against them cannot be justified. Shooting them dead, in such circumstances, amounts to extrajudicially executing them.

#### Justice

Despite this, not a single MIBA guard is known to have been brought to justice for killing or injuring an illegal miner. MIBA officials conceded to AI that when an illegal miner is killed, the company does not investigate the death, while justice officials admitted that of the five deaths they claimed had occurred in the diamond concessions over the previous two months, in only one instance was any investigation under way. In other words, MIBA guards are acting, and are killing, with complete impunity.

The DRC government must act now to bring an end to the abuses associated with its diamond trade. AI is pressing for the prosecution of any MIBA guard suspected of shooting dead, or injuring, suspected illegal miners. All guards should receive appropriate training in law enforcement before taking up their posts. When suspected illegal miners are apprehended, they should be immediately transferred to an officially recognized place of detention and enjoy their full legal rights, including the right to a fair trial if they are to be prosecuted.

## **USA manoeuvres to weaken International Criminal Court**

The USA opposes the International Criminal Court (ICC) and in May it launched a series of initiatives which, if successful, would undermine the new system of international justice. The USA has tried to ensure that US nationals are exempt from ICC jurisdiction over genocide, crimes against humanity and war crimes. AI members around the world are campaigning against these efforts to evade the ICC, which would disable the fight against impunity for the worst crimes in the world.

#### Long-term US opposition

Since the adoption of the Rome Statute (establishing the ICC) in 1998, the USA has claimed that it could be used to bring politically motivated prosecutions against US nationals. These claims have no merit, because the substantial safeguards and fair trial guarantees contained in the Rome Statute will prevent such a situation.

US opposition dates back to the 1998 Rome Conference when the USA lobbied strongly for permanent members of the UN Security Council to have complete control over the cases that the ICC would investigate and prosecute. Instead, the Rome Statute provides for an independent prosecutor who can initiate investigations and prosecutions, subject to careful judicial review by a Pre-trial Chamber.

The USA has not ratified the Rome Statute, but the ICC will have jurisdiction over US nationals accused of committing genocide, crimes against humanity and war crimes on the territory of states that

have ratified.

Under the Clinton administration, the USA sought to include an exemption for US nationals in supplementary documents such as the rules of procedure and evidence. These initiatives were rejected. On 31 December 2000, following a long campaign by US non-governmental organizations including AIUSA, President Clinton signed the Rome Statute. However, he stated that it was not the intention to proceed with ratification, but to use the US's signature as a basis for ensuring that US concerns were addressed.

#### Seeking impunity for US nationals

The Bush administration openly supported the American Service Members Protection Act, which limits cooperation with the ICC, allows the US to deny military aid to states that have ratified the Rome Statute and provides that the US may use "all necessary means" to return anyone detained by the ICC to the USA.

On 6 May 2002, the USA repudiated its own signature of the Rome Statute, so that it was no longer legally bound under international law not to undermine the Rome Statute.

The USA then placed demands on the UN Security Council during the renewal of the Bosnia and Herzegovina peace-keeping mission. It demanded an exemption from ICC jurisdiction for UN peace-keepers from states which are not party to the Rome Statute. When the 14 other members of the Security Council refused, the USA vetoed an extension of the peace-keeping mission. Despite calls from more than 100 countries not to give in to the US demands, on 12 July 2002 the Security Council adopted Resolution 1422. This requests the ICC to defer for 12 months any investigation or prosecution of people from a non-state party involved in operations established or authorized by the UN. The Security Council intends to renew this resolution every year.

#### Bilateral impunity agreements

The UN Security Council resolution is only part of the USA's current strategy. The USA is now approaching governments around the world asking them to enter into bilateral agreements not to surrender or transfer US nationals to the ICC. It has already signed such bilateral agreements with East Timor, Israel, Romania and Tajikistan. The USA is exerting extreme pressure on states to meet their demands, in many cases threatening to withdraw military aid.

The USA claims that these agreements are legal and in conformity with the Rome Statute. This contention is without merit and states that enter into such agreements are in breach of their obligations under international law. See: *International Criminal Court: US efforts to obtain impunity for genocide, crimes against humanity and war crimes* (AI Index: IOR 40/025/2002).

The strongest response to US concerns will be an ICC that functions fairly and effectively. AI is confident that the ICC will meet these standards. AI supporters can write to their governments urging them not to enter into impunity agreements with the USA: see [www.amnesty.org/icc](http://www.amnesty.org/icc)

## REPORTS AND BRIEFINGS

TURKEY: Systematic torture continues in 2002 (AI Index: EUR 44/040/2002)

BELARUS: Without trace – uncovering the fate of Belarus' "disappeared" (AI Index: EUR 49/013/2002)

UNITED KINGDOM: Rights denied – the UK's response to 11 September 2001 (AI Index: EUR 45/016/2002)