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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,  
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL  
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the Special Rapporteur on torture and other cruel, inhuman  
or degrading treatment or punishment, Manfred Nowak**

**Addendum**

**SUMMARY OF INFORMATION, INCLUDING INDIVIDUAL CASES,  
TRANSMITTED TO GOVERNMENTS AND REPLIES RECEIVED\***

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## Introduction

1. This addendum to the report of the Special Rapporteur contains, on a country-by-country basis, summaries of reliable and credible allegations of torture and other cruel, inhuman or degrading treatment or punishment that were brought to the attention of the Special Rapporteur, and were transmitted to the Governments concerned. It also contains replies from Governments. This addendum does not illustrate the state of torture and other cruel, inhuman or degrading treatment or punishment throughout the world, but rather reflects the state of information brought to the attention of the Special Rapporteur.
2. The Special Rapporteur would like to recall that in transmitting these allegations to Governments, he does not make any judgement concerning the merits of the cases, nor does he support the opinion and activities of the persons on behalf of whom he intervenes. The prohibition of torture and other cruel, inhuman or degrading treatment or punishment is a non derogable right, and every human being is legally and morally entitled to protection. When the Special Rapporteur receives reliable and credible information that gives grounds to fear that a person may be at risk of torture or other forms of ill-treatment, he may transmit an urgent appeal to the Government concerned. The communications sent by the Special Rapporteur have a humanitarian and preventive purpose, and do not require the exhaustion of domestic remedies. Governments are requested to clarify the substance of the allegations, take steps to protect the person's rights, and are urged to investigate the allegations and prosecute and impose appropriate sanctions on any persons guilty of torture and other cruel, inhuman or degrading treatment or punishment.
3. During the period 16 December 2007-14 December 2008, the Special Rapporteur sent 77 letters of allegations of torture to 48 Governments and 155 urgent appeals to 49 Governments on behalf of persons who might be at risk of torture or other forms of ill-treatment. Government responses received up to 31 December 2008 have been included. The responses received after that date will be duly reflected in a future communications report.
4. The Special Rapporteur appreciates the timely responses received from Governments to the letters and urgent appeals transmitted. He regrets that many Governments fail to respond, or do so selectively, and that responses to older cases remain outstanding in large part.
5. Owing to restrictions on the length of documents, the Special Rapporteur has been obliged to reduce considerably details of communications sent and received, with attention given to information relating specifically to allegations of torture and other cruel, inhuman or degrading treatment or punishment. As a result, requests from Governments to publish their replies in their totality could not be acceded to. Moreover, attention is given to information in Government replies specifically relating to the allegations, particularly information on the following:
  - (a) What steps were taken to ascertain the veracity of the facts alleged?
  - (b) Has a complaint been lodged by or on behalf of the alleged victim?

(c) The details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to the case.

(d) Full details of any prosecutions which have been undertaken (e.g. penal, disciplinary or administrative sanctions imposed on the alleged perpetrator(s)).

(e) What compensation and rehabilitation have been provided to the victim or the family of the victim?

### Abbreviations

|       |   |
|-------|---|
| TOR   | Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment                                   |
| FRDX  | Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression                          |
| HRD   | Special Representative of the Secretary-General on the situation of human rights defenders                                    |
| SUMX  | Special Rapporteur on extrajudicial, summary or arbitrary executions  |
| IND   | Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people                             |
| WGAD  | Working Group on Arbitrary Detention  |
| HLTH  | Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health |
| IJL   | Special Rapporteur on the independence of judges and lawyers  |
| FOOD  | Special Rapporteur on the right to food   |
| RINT  | Special Rapporteur on freedom of religion or belief   |
| VAW   | Special Rapporteur on violence against women, its causes and consequences   |
| MIG   | Special Rapporteur on the human rights of migrants  |
| EDU   | Special Rapporteur on the right to education  |
| MIN   | Independent Expert on minority issues   |
| LIB   | Independent expert on the situation of human rights in Liberia  |
| SALE  | Special Rapporteur on the sale of children, child prostitution and child pornography  |
| MMR   | Special Rapporteur on the situation of human rights in Myanmar  |
| HOUS  | Special Rapporteur on adequate housing  |
| TERR  | Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism        |
| SUDAN | Special Rapporteur on the situation of human rights in the Sudan  |
| AL    | Allegation letter   |
| JAL   | Joint allegation letter   |
| UA    | Urgent appeal   |
| JUA   | Joint urgent appeal   |

### Summary of allegations transmitted and replies received

| Para. | Country | Date                       | Type | Mandate      | Allegations transmitted   | Government response  |
|-------|---------|----------------------------|------|--------------|---|--|
| 1.    | Algeria | 23/07/08                   | JUA  | WGAD;<br>TOR | <b>Abderrahmane Mehalli</b> (A/HRC/7/3/Add.1, para. 2). Nous voudrions vous remercier pour votre réponse datée du 26 juin 2007.<br>M. Abderrahmane Mehalli, qui avait été détenu à la prison de Serkadji depuis décembre 2006, aurait récemment été transféré à la prison d'El Harrach. Des agents du Département pour la Sécurité et le Renseignement (DRS) seraient venus à la prison à plusieurs reprises. A chaque fois, ils auraient d'abord déshabillé M. Mehalli avant de l'abuser sexuellement. |  |
| 2.    |         | Follow-up to earlier cases |      |              | <b>Fethi Hamaddouche</b> (A/HRC/7/3/Add.1, para. 4)   | Par lettre datée du 02/01/08, le Gouvernement a indiqué que Monsieur Hamaddouche Fethi a été interpellé par les officiers de police judiciaire militaire dans le cadre d'une affaire d'appartenance à une organisation terroriste. Après sa garde à vue, l'intéressé a été assigné à résidence en vertu d'une décision du Ministre de l'Intérieur et des Collectivités locales.  |
| 3.    |         |                            |      |              | <b>M. X.</b> (A/HRC/7/3/Add.1, para. 5)   | Par lettre datée du 22/04/08, le Gouvernement a indiqué que trois ressortissants algériens aux initiales « V », « I » et « X » ont été effectivement expulsés de Grande Bretagne respectivement les 16 et 17 juin 2006 et le 06 juin 2007.<br><br>A leur arrivée sur le territoire national, ces trois personnes ont été interpellées par les services de police pour examen de situation. Après leur audition, elles ont été relâchées. |

| Para. | Country | Date     | Type | Mandate     | Allegations transmitted   | Government response  |
|-------|---------|----------|------|-------------|---|--|
| 4.    |         |          |      |             | <b>M. Kamal Akkache</b> (A/HRC/7/3/Add.1, para. 8)  | Par lettre datée du 24/04/08, le Gouvernement a indiqué que M. Kamel Akkache a été interpellé le 11 septembre 2007 par suite d'une enquête des services de la police judiciaire militaire, menée dans le cadre d'une affaire de démantèlement d'une organisation terroriste.<br><br>A la suite de sa garde à vue, l'intéressé a été mis en liberté puis assigné à résidence par décision du Ministère de l'Intérieur et des Collectivités Locales, en date du 23 septembre 2007. |
| 5.    |         | 10/09/08 | JUA  | IJL;<br>TOR | <b>M. Mohamed Rahmouni</b> (A/HRC/7/2, para. 28)<br>Mohamed Rahmouni, qui aurait été arrêté le 18 Juillet 2007 à Bourouba (Alger), serait accusé d'avoir participé aux attentats des 11 avril et 11 juillet 2007. Il serait inculpé «de complot ayant pour but de porter atteinte à l'autorité du commandant militaire [...]» (article 284 du Code de justice militaire), un crime qui porte la peine de mort. M. Rahmouni se trouverait momentanément à la prison militaire de Blida. Depuis son arrestation, M. Rahmouni n'aurait pas pu voir son avocat. Le 27 août 2008, son avocat se serait rendu pour la 4ème fois à la prison de Blida pour rendre visite à son client. Selon une note qui aurait été laissée par le Président du tribunal militaire, il serait interdit de voir son client. Cette interdiction se fonderait sur l'article 18 du Code de justice militaire qui dispose que dans les affaires relatives aux infractions spéciales, le défenseur choisi par |  |

| Para. | Country   | Date     | Type | Mandate | Allegations transmitted   | Government response |
|-------|-----------|----------|------|---------|---|---------------------|
|       |           |          |      |         | l'inculpé ne peut assister, défendre ou représenter ce dernier, tant au cours de l'instruction qu'à l'audience, que s'il y a été autorisé par le Président du tribunal militaire permanent saisi; dans le cas contraire, le défenseur est désigné par le président. Le Président du tribunal n'aurait pas motivé son refus. En outre, il n'aurait non plus désigné un avocat pour défendre M. Rahmouni. De plus, l'avocat n'aurait toujours pas pu accéder au dossier de son client. M. Rahmouni aurait fait l'objet des mauvais traitements en prison, dont témoigneraient plusieurs blessures.  |                     |
| 6.    | Australia | 14/08/08 | AL   | TOR     | <b>Transportation of prisoners.</b> In a number of instances in Western Australia, aboriginal prisoners in particular, have been subjected to cruel treatment while being transported between remote regions of the country. On 1 January 2008, eight prisoners were being transported from Broome to Roebourne and made to sit in an unairconditioned van for four hours. On 27 January, Ian Ward died while being transported 350 km through the desert, transported in a dark, sealed compartment with no fresh air or airconditioning in temperatures of around 43°C. This follows a report by the Inspector of Custodial Services (See Report No. 43, Thematic Review of Custodial Transport Services in Western Australia, May 2007. See also, media release, "As a New Contractor Takes Over, Custodial Transport Services Continue to Give Cause for Concern", 27 July 2007), which highlighted a number of concerns in relation to |                     |

| Para. | Country    | Date     | Type | Mandate              | Allegations transmitted   | Government response |
|-------|------------|----------|------|----------------------|---|---------------------|
|       |            |          |      |                      | passenger safety and the reliability of the vehicle fleet. Little information has been made public concerning the follow-up to the report.  |                     |
| 7.    | Azerbaijan | 24/06/08 | JAL  | FRDX;<br>HRD;<br>TOR | <p><b>Emin Huseynov</b>, Chairperson of the <i>Institute for Reporters' Freedom and Safety (IRFS)</i>, and Messrs <b>Rasim Aliyev</b> and <b>Mirrehim Hasanov</b>, researchers for the organization. The IRFS is a non-governmental journalists' organization promoting freedom of expression. At midday on 12 June 2008, Emin Huseynov was observing and filming a protest outside the Presidential Administration Building in Baku. He was approached by a number of men in civilian clothes who detained him and brought him into the building. He was then interrogated for two hours by men in military uniforms as to the reasons for filming, and regarding the work carried out by the IRFS and the origin of the organization's funding. Upon his release, Mr.Huseynov's confiscated documents and camera were returned to him. However, all of his photographs had been removed and he was threatened with arrest if he returned to that area. No explanation was given for his detention. On 14 June 2008, Mr.Huseynov was again detained, along with Mr.Rasim Aliyev and Mr.Mirrehim Hasanov, following a raid by police of an event to mark the 80<sup>th</sup> birthday of Che Guevara, which the three men were monitoring. These three men, together with others detained at the event, were taken to Nasimi District Police Department 22, where Mr.Huseynov protested against the</p> |                     |

| Para. | Country | Date     | Type | Mandate                               | Allegations transmitted   | Government response |
|-------|---------|----------|------|---------------------------------------|---|---------------------|
|       |         |          |      |                                       | <p>photographing and fingerprinting of all those detained. Mr.Huseynov was then separated from all of the detainees and brought to another room with four police officers present. One of them told him, “I’ll arrest you, I’ll kill, I’ll bury you”. He was hit on the back of the neck several times with the handle of a gun, and asked that an ambulance be called, as he was having difficulty walking. Shortly thereafter, Mr.Huseynov was taken out of the room and the police department. Mr. Huseynov subsequently lost consciousness and was hospitalized at the Central Emergency Medical Assistance Hospital where he was diagnosed with head and brain trauma, but has since regained consciousness. Messrs. Aliyev and Hasamov were released approximately seven hours later.</p> |                     |
| 8.    |         | 26/08/08 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>IJL;<br>TOR | <p><b>Novruzali Mammadov</b>, Head of the Talysh Cultural Centre, and his son, Mr. <b>E. Mammadov</b>. Mr. Novruzali Mammadov is a defender of the cultural rights of the Talysh people in the south of Azerbaijan. On 2 February 2007, Mr. Novruzali Mammadov was called to the Ministry of Internal Affairs, where he was interrogated about his participation at a science conference in Iran in 2004 and beaten. He was released but detained again on the following day. He was sentenced to 15 days’ imprisonment for failing to cooperate with police officers. This sentence was passed despite the fact that Mr. Novrulazi Mammadov was already over 65 and, according to Article 30 of the Administrative Code, citizens of that age</p>  |                     |

| Para. | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
|-------|---------|------|------|---------|---|---------------------|
|       |         |      |      |         | <p>cannot be sentenced to punishment such as custodial placement. Mr. Novrulazi spent 15 days in the Investigation Isolation Centre of the Ministry of Internal Affairs and was physically and psychologically pressurized to confess to espionage. He did not have access to legal support and his whereabouts were unknown to his relatives. On 17 February 2007, he was accused under Article 274 of the Criminal Code of high treason and espionage. He has been in detention since then. On 24 June 2008, Mr. Novruzali Mammadov was sentenced to ten years' imprisonment following a closed trial. The charges were related to the gathering of information necessary to establish an administrative autonomy in Azerbaijani territories with dense Talysh population and the damaging of Azerbaijan's image abroad through sending appeals to international organizations about human rights violations against Talysh people. His lawyer was reportedly not present when the verdict was announced in an empty room. During his trial Mr. Novruzali Mammadov pleaded not guilty and testified that he had been subjected to physical and psychological torture while in detention. The forms of torture to which he was allegedly subjected include beating, deprivation of food and water, interrogation at night, and threats against his family. He is currently awaiting the hearing of his appeal in detention at a pretrial prison. Following the sentencing of Mr. Novruzali Mammadov, a number of clarifications were</p> |                     |

| Para. | Country | Date     | Type | Mandate      | Allegations transmitted   | Government response |
|-------|---------|----------|------|--------------|---|---------------------|
|       |         |          |      |              | made with respect to the sentence. However, these clarifications were reportedly based on confessions of a journalist which may have been obtained through torture and ill-treatment. Both Furthermore, on 16 July 2008, Mr. Emil Mammadov, the son of Mr. Navrulazi Mammadov, was detained for illegal possession of drugs. On 19 July 2008, he was sentenced to three months' pretrial detention before investigations began. However, because of a medical condition, Mr. Emil Mammadov always carried prescription drugs and no information has been given by police in relation to the drugs found on his person. He is currently detained in the investigatory jail of the Ministry of Justice without access to his family or legal representation, and potentially without access to the necessary medical care. Mr. Emil Mammadov and his now deceased brother had reportedly been abducted and subjected to physical and psychological ill-treatment in the past. |                     |
| 9.    |         | 27/08/08 | JUA  | FRDX;<br>TOR | <b>Sakit Zahidov</b> , poet and journalist at the daily newspaper, <i>Azadlig</i> . On 19 August 2008, Mr. Sakit Zahidov was visited by his lawyer at Prison No. 14, located 75 km. from Baku. He was informed his lawyer that his life was in grave danger. One of his fellow inmates was allegedly provided with scissors and ordered to kill him. Reports claim that prison authorities may have instigated the order. Mr. Zahidov immediately reported the incident to the penitentiary and requested a transfer to a different prison. A   |                     |

| Para. | Country | Date     | Type | Mandate                                | Allegations transmitted   | Government response  |
|-------|---------|----------|------|--|---|--|
|       |         |          |      |  | representative of the prison service met with Mr. Zahidov and told him that his request will be positively resolved. According to reports, the prison authorities have consistently refused to move Mr. Sakit Zahidov to the prison's medical department, despite his heart and stomach ailments, except when he was on hunger strike in July and again in October 2007. Mr. Sakit Zahidov was arrested on 23 June 2006, on allegedly fabricated charges of possession of illegal narcotics with the intent to distribute. He was sentenced to three years in prison on 4 October 2006.   |  |
| 10.   | Bahrain | 10/01/08 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>SUMX;<br>TOR | <b>Ali Jassim Meki</b> , a human rights defender associated with the HAQ Movement of Liberties and Democracy, the following members of the Unemployment Committee, <b>Shaker Mohammed Abdul-Hussein Abdul-Aal, Abdullah Mohsen Abdulah Saleh, Maytham Bader Jassim al-Sheikh, Majid Salman Ibrahim al-Haddad, Ahmad Jaffar Mohammed Ali, Hassan Abdalnabi</b> (subject of a previously transmitted communication, E/CN.4/2006/55/Add.1, para. 39), <b>Nader Ali Ahmad al-Salatna, Hassan Abdelnabi Hassan</b> , and <b>Naji Ali Fateel</b> , a member of the Bahrain Youth Society for Human Rights, <b>Mohammed Abdullah al Sengais</b> , head of the Committee to Combat High Prices, and <b>Ebrahim Mohamed Amin-al-Arab</b> , founding member of the Martyrs and Victims of Torture Committee. The men are being held at the Criminal Investigations Department in Adliya. On | By letter dated 26/02/08, the Government informed that the rioting that occurred on 17 December 2007 coincided with the Kingdom's celebrations for the glorious national holiday and endangered the lives and property of people celebrating the holiday. Some civil society associations and members of the Chamber of Deputies alleged that the police used excessive force in dealing with these events, and some claimed that the persons detained were tortured. The Minister for Internal Affairs explained the position of the Government to the Chamber of Deputies on 15 January 2008 in reply to a member's question about the necessary guarantees to safeguard human rights. The Minister assured those present that the general policy of the Ministry was based on respect for human rights. In addition, Ministry officials indicated |

| Para. | Country | Date | Type | Mandate | Allegations transmitted   | Government response  |
|-------|---------|------|------|---------|---|--|
|       |         |      |      |         | <p>17 December 2007, a demonstration was held in the Sanabis area, organized to commemorate victims of torture. The demonstration was violently dispersed by members of the riot police and of the special security force. Tear gas and rubber bullets were employed by security forces and some participants were beaten. After the demonstration, Mr. Ali Jassim Meki returned to his home, where his condition rapidly deteriorated. He died some hours later on his way to hospital. The report of the autopsy conducted by government-assigned doctors stated that he died of natural causes. Mr. Ali Jassim Meki's family requested a second opinion by an independent specialist, but was reportedly informed that there was none available in the country. The human rights defenders were arrested between 21 and 28 December. All of them have been accused of having taken part in an "illegal gathering and rioting" and "theft of a weapon and ammunition, and possession of a weapon and ammunition without permission". For the first ten days of their detention they were denied access to their lawyers, and interrogations carried out inside the detention chambers and at the Public Prosecutor's office were conducted without the presence of a lawyer. The Public Prosecutor refused to pass a copy of the case files, detailing the charges, to a group of lawyers defending the activists. Some of the human rights</p> | <p>that the police had not used excessive force against the rioters and that the detainees had been taken to a forensic medical examiner, who had confirmed that none of them had been tortured and that all the measures taken with respect to them were in accordance with the law.</p> <p>The assertions in regard to the death of Mr. Ali Jasim Mohamed Maki, and the events that preceded and followed it are not accurate: the demonstrators not only gathered illegally but were also carrying iron spits and Molotov cocktails. They set a police car on fire and stole guns from it, and they also attempted to kill police officers, as some of the accused persons admitted when questioned by the Department of Public Prosecutions. No complaints have been lodged with the Department of Public Prosecutions concerning the persons named in the urgent appeal. When questioned by the Department of Public Prosecutions, the persons who had been arrested and placed in preventive detention said nothing about having been attacked. Nevertheless, the Department ordered that they be examined by the forensic medical examiner to determine whether they had any injuries, and the forensic report confirmed the absence of any injuries.</p> |

| Para. | Country | Date | Type | Mandate | Allegations transmitted  | Government response   |
|-------|---------|------|------|---------|--|---|
|       |         |      |      |         | defenders have been ill-treated and possibly tortured while in detention. Visitors from human rights organizations have been refused access. | <p>Regarding the death of Mr. Ali Jasim Mohamed Maki, on 17 December 2007 the competent security department was informed by the International Hospital of Bahrain that an individual had died there and that his body had been transferred to the morgue of Salmaniya hospital. Upon receipt of the report, the Department of Public Prosecutions examined the body and found no signs of injury. The Department of Public Prosecutions decided to form a tripartite commission chaired by the Department's senior forensic pathologist, with two doctors from Salmaniya hospital as members, in order to ascertain the cause of death. After confirming that the body bore no injuries, the commission conducted an autopsy and found that the cause of death was sudden circulatory arrest. None of the relatives of the deceased asked the Department of Public Prosecutions for a second opinion from an independent specialist. The autopsy was conducted in the presence of relatives of the deceased.</p> <p>The Department of Public Prosecutions brought 15 accused persons - not human rights defenders - before the High Criminal Court on charges of unlawful assembly, setting a police car on fire, using force and violence against police officers, stealing firearms and parts thereof from cars, and concealing and possessing weapons without a licence. The</p> |

| Para. | Country | Date | Type | Mandate | Allegations transmitted | Government response  |
|-------|---------|------|------|---------|-------------------------|--|
|       |         |      |      |         |                         | <p>Department also brought two other accused persons before the Criminal Court, on charges of attempting to kill a police officer and attempting to set fire to a police car. The foregoing decisions by the Department of Public Prosecutions were based on a large amount of evidence in the form of confessions by several of the accused and testimony of several police officers, in addition to the results of the examinations, technical reports and pictures taken of the accused persons holding a gathering, setting fire to a police car and stealing weapons from it. All but one of the accused decided during questioning to forfeit the right to have a lawyer present; the lawyer of the one who did decide to ask for a lawyer was allowed to attend the examination proceeding. The Department of Public Prosecutions ordered that all the necessary facilities be provided to allow any family members or lawyers of the accused persons to visit them in their places of detention if they so wished.</p> |

| Para. | Country | Date     | Type | Mandate                       | Allegations transmitted  | Government response |
|-------|---------|----------|------|-------------------------------|--|---------------------|
| 11.   |         | 18/01/08 | JUA  | FRDX;<br>RINT;<br>HRD;<br>TOR | <p><b>Naji Ali Fateel, Mohammed Abdullah al Sengais, Maytham Bader Jassim al-Sheikh, Ahmad Jaffar Mohammed Ali, Hassan Abdalnabi, Hassan Abdelnabi Hassan, and Abdullah Mohsen Abdulah Saleh, and Ebrahim Mohamed Amin-al-Arab</b> (subjects of a previously transmitted communication, see para. 10). They are still held in CID detention. They did not have access to their lawyers for approximately ten days after they were detained. Some of the detainees were continually handcuffed for one to two weeks, including while they ate and slept. They were refused access to washing facilities and were forced to lie on a cold floor and beaten and kicked as soon as they fell asleep. Some were forced to stand for three days. They were not permitted to speak to the other detainees and remained blindfolded for most of the time. The detainees were also not allowed to pray. Witnesses have seen bruising and marks apparently stemming from beatings received by the men during their detention. One detainee was buried up to his neck and had a gun pointed at him. Threats were also made regarding the detainees' families. One of the detainees had a stick put in his anus, resulting in rectal perforation. <b>Shaker Mohammed Abdul-Hussein Abdul-Aal, Majid Salman Ibrahim al-Haddad, and Nader Ali Ahmad al-Salatna</b> were released on 16 January 2008.</p> |                     |

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| 12.   |         | 20/02/08 | JUA  | HRD;<br>TOR | <p><b>Mohammed Abdullah al Sengais, Maytham Bader Jassim al-Sheikh, Ahmad Jaffar Mohammed Ali, Hassan Abdulnabi, Hassan Abdelnabi Hassan, and Abdullah Mohsen Abdulah Saleh, Ebrahim Mohamed Amin-al-Arab</b> (subjects of a previously transmitted communication, see para. 10). They are still held in CID detention. On 10 February, Mr. Mohammed Abdullah al Sengais was handcuffed and dragged from his cell to the yard where he was beaten with an iron rod and sexually assaulted by two security agents named “Moftah” and “Parvis” in the presence of Sergeant Adnan Bahar. He is suffering from back pain as a result of the assault. He is detained in a cell measuring 1 x 2 metres, which is both dirty and infested with insects. Mr. al Sengais previously complained of severe headaches and was referred to a psychiatric hospital for treatment on 24 February, but due to the postponement of the detainees’ court-hearing, this was rescheduled for 28 February. Najji Ali Fateel and Hassan Abdulnabi Hassan were subjected to beatings when they protested the treatment of Mr. al Sengais. The three men are forced to share their cells with people suffering from hepatitis, who are spitting blood in their presence. CID officials threatened that they will sexually assault Mr. Hassan Abdulnabi Hassan’s wife. One of the detainees was sodomised with a wooden stick and subjected to electrocution on different parts of his</p> | <p>By letter dated 16/06/08, the Government informed that the allegations received are inaccurate. The individuals in question were arrested and detained in connection with criminal inquiries pursuant to specific articles of Bahrain’s criminal law.</p> <p>The investigations relate to a violent gathering on 20 December 2007, during which participants assaulted police officers, set fire to a police vehicle, and stole a weapon belonging to police officers. Following investigations, including eyewitness accounts, technical reports and analysis of pictures taken at the gathering, those responsible were identified, arrested, and brought before the Public Prosecution for questioning on suspicion of offences including attempted murder, assault, illegal assembly, carrying of weapons (including iron bars and Molotov cocktails), setting fire to a police vehicle and theft of a police firearm from that vehicle. The individuals in questions are suspected of offences which cannot in any way be linked to, or justified by reference to, activities as human rights defenders. Regardless of this self-claimed status, Bahrain’s Constitution and law apply in the usual manner to these individuals, who are entitled to all the rights and procedures set out therein. They have, for</p> |

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|       |         |      |      |         | body, including his genitals. A court hearing was scheduled for 4 February, at the High Criminal Court but was adjourned until 24 February. | <p>example, been accorded all their rights of visitation and legal representation, in accordance with the law.</p> <p>While no allegation of assault or mistreatment was made by these individuals when they first appeared before the Public Prosecution, medical examinations were nevertheless ordered at that time, which subsequently confirmed that none of the detainees had sustained any injuries.</p> <p>The allegation of torture or mistreatment of Mr. Sengais, Naji Ali Fateel, Hassan Abdulnabi Hassan, and/or Maytham Bader Jassim Al-Sheikh have been found by investigations to be completely without foundation. These investigations have included medical examinations, which concluded that no evidence could be found of any mistreatment or abuse.</p> <p>With regard to Mr. Al-Sengais, he appears to have been examined and treated at hospital on 30 December 2005 for an earlier head injury unconnected to his arrest or detention, and it is believed that this injury may be behind his current condition.</p> <p>All those in custody are held in adequately-sized cells, which are cleaned daily and have been accorded all their standard legal and procedural rights throughout their time in detention. Further, all prisoners are examined</p> |

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|       |         |          |      |                      |  | <p>medically before being placed in custody, and, should any be found to be suffering from a contagious disease, they are isolated from other prisoners in individual cells.</p> <p>The Ministry of Interior has received no complaints or allegations of torture or mistreatment by or on behalf of the individuals in question.</p> <p>However, during appearances in court, allegations of torture were made by lawyers on behalf of some of the defendants. The Court agreed to establish an investigation into these allegations, including convening a medical panel to conduct a medical examination of the individuals in question.</p>  |
| 13.   |         | 24/04/08 | JUA  | TOR;<br>FRDX;<br>IJL | <p><b>Arrest of 47 persons over the past four weeks and the continued detention of 26: A. H. A. H. A.,</b> aged 17; <b>Sayyed Hadi Hameed Adnan Alawi,</b> aged 28; <b>Mohammed Abbas Mohammed Ali,</b> aged 29; <b>Saleh Ali Mohammed Ali Alseeb,</b> aged 30; <b>Hassan Kadhem Ebrahim Ahmed,</b> aged 30; <b>Ha'med Ebrahim Fardan,</b> aged 27; <b>Ali Mohammed Habib Ashoor,</b> aged 31; <b>Ahmed Ali Hassan,</b> aged 35; <b>Mohammed Makki Mansoor,</b> aged 27; <b>Fadhel Abbass Mohammed Ashoor,</b> aged 25; <b>Kumail Ahmed Ali Abu-Sharaf; Jassim Mohammed Habeeb,</b> aged 29; <b>Fadhel Abbass Ali Ahmed,</b> aged 28; <b>Hussain Abbass Ali Ahmed,</b> aged 24; <b>Sayyed-Sadiq Ebraheem Jumma' Ma'jed,</b> aged 26; <b>Sayyed-Ahmed Hameed Adnan Alawi,</b></p> | <p>By letter dated 14/08/08, the Government informed that the Department of Public Prosecutions undertook an investigation and referred the accused persons to the Criminal High Court. In so doing, a great deal of evidence was submitted, including confessions by a number of the accused; confessions in which some of the accused implicated others in the same investigation; the testimony of police officers who had witnessed the incidents and others who had been present at the scene; and forensic evidence, reports and photographs of the accused committing the offence. None of the persons who were arrested and detained made any statement when questioned by the Department of Public Prosecutions about</p> |

| Para. | Country | Date | Type | Mandate | Allegations transmitted   | Government response   |
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|       |         |      |      |         | <p>aged 23; <b>Sayyed-Jawad Hameed Adnan Alawi</b>, aged 30; <b>Sayyed-Omran Hameed Adnan Alawi</b>, aged 24; <b>Sadeq Jawad al-Fardan</b>, aged 27; <b>Qasim Mohammed Khaleel Ebraheem</b>, 22; <b>Hussain Abdul-Kareem Makki Eyd</b>, 24; <b>Habeeb Mohammed Habeeb Ashoor</b>, aged 20; <b>Habeeb Ahmed Habeeb Mohammed Abbass</b>, aged 22; <b>Hussain Ali Dhaif</b>, aged 28; <b>Hussain Mohammed Khatam Hussain Mohammed</b>, aged 28; and <b>Ebraheem Saleh Ebraheem Jaffer</b>, aged 22. Forty-seven people from the villages of Karzakkan, Demistan, Sadad and Malekkyia were arrested between 27 March and 15 April 2008, mostly during house raids by Special Security Forces, allegedly with the support of the secret intelligence and armed militia. In one case, the person wanted by the security forces was absent, and his brother, <b>Jassim Mohammed Habeeb</b>, was arrested instead and taken to Hamad Town Police Station. He is still in detention despite his brother surrendering himself at the police station. Others were arrested after they presented themselves to the Hamad Town Police Station in response to official summonses. Of the 47 arrested people, 26 are still in detention, including one minor, A. H. A. H. A. The detainees are being held in the premises of the Criminal Investigations Bureau (CIB) in Adleyya, Manama. Since their arrests, they have not had access to lawyers and no visits were allowed. Some of the detainees were taken before the Public Prosecutor to have their detention</p> | <p>having been assaulted. The Department of Public Prosecutions nevertheless ordered a medical examination of the accused in order to clarify whether or not they had sustained any injuries. The medical reports found no evidence of any injuries. The Department of Public Prosecutions, at the very outset of the investigation, gave orders that the accused and their defence counsel should be provided with every assistance to facilitate the presentation of a defence in the framework of the law. Nothing was done which vitiates the legal procedures followed by the Department of Public Prosecutions.</p> |

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|       |         |          |      |                                       | extended. In addition, <b>Shaker Mohammed Abdul-Hussein Abdul-Aal</b> , aged 26, from Hamala (subject of a previously transmitted communication, see para. 10), was summoned on 15 April 2008 to Hamad Town Police Station, from where he was transferred to an unknown place. Since then, his whereabouts are unknown. Mr. Abdul-Hussein Abdul-Aal had briefly been detained on 2 February 2007 for delivering a speech criticizing the government, arrested again on 21 December 2007, along with other members of the Committee for the Unemployed, in relation to the December protests, and released a month later. Allegations were received that he was subjected to torture including being blindfolded and handcuffed for several days, hung by the arms for two days and exposed to electric shocks during his detention. The arrests were triggered by two violent incidents: the burning on 6 March 2008 of a farm belonging to a former high government official and the killing on 9 April of a member of the Special Security Forces. |   |
| 14.   |         | 30/05/08 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>IJL;<br>TOR | <b>Shaker Mohammed Abdul-Hussein Abdul-Aal</b> , aged 26, <b>Sadeq Jawad Ahmed Al-Fardan</b> , aged 27, and <b>Hasan Kathom Ebrahim Ahmed</b> , aged 30, members of the Unemployment Committee; <b>Ali Mohamed Habib Ashoor</b> , aged 31, and <b>Habib Mohamed Habib Ashoor</b> , aged 20, of the Committee for Detainees; <b>Fadhel Abbas Mohamed Ashoor</b> , aged 25, of the Committee Against High Prices; and <b>Sayed</b>   | By letter dated 14/08/08, the Government informed that the Department of Public Prosecutions launched an investigation and referred the persons to the High Criminal Court. It submitted a range of evidence, the most important being: confessions by a number of the accused; confessions implicating some of the other defendants; witness statements from policemen and others; |

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|       |            |          |      |                      | <p><b>Omran Hameed Adnan</b>, aged 24, of the Committee Against One Percent. We acknowledge the receipt of the reply of your Government dated 26 February 2008. Since their arrest in early April 2008, Messrs Shaker Mohammed Abdul-Hussein Abdul-Aal, Sadeq Jawad Ahmed Al-Fardan, Hasan Kathom Ebrahim Ahmed, Ali Mohamed Habib Ashoor, Habib Mohamed Habib Ashoor, Adhel Abbas Mohamed Ashoor and Sayed Omran Hameed Adnan have reportedly been tortured, beaten, held in solitary confinement and deprived of food and sleep. A form of torture known as Falaqah has been applied on them, whereby a hard stick is inserted between the detainee's cuffed hands and tied legs, and then used to suspend the detainee in the air for hours with his legs facing upwards and his blind-folded head facing downwards. The detainee's feet are then beaten until he makes a confession or loses consciousness. The men are reportedly held without charge or access to lawyers and access to families had been restricted.</p> | <p>forensic evidence and reports; and photographs showing the accused committing the offences. Although the persons who were arrested and detained did not complain to the Department of Public Prosecutions when interviewed about any assault, the Department ordered that they should be examined by a police doctor to ascertain whether they had sustained any injuries as a result of any assault. The medical reports found no sign of injuries. From the outset of the investigation into these incidents, the Department of Public Prosecutions ordered that the detainees should be provided with full legal guarantees, in order to enable the accused to present their legal defence in the presence of their defence counsel and in the framework established by law and to ensure that nothing would mar the integrity of the legal procedures followed by the Department of Public Prosecutions. The acts perpetrated by the accused are beyond the scope of freedom of opinion and freedom of expression and constitute offences punishable by law under the Criminal Code.</p> |
| 15.   | Bangladesh | 08/02/08 | JUA  | FRDX;<br>HRD;<br>TOR | <p><b>Jahangir Alam Akash</b>, coordinator of the Task Force against Torture in Rajshahi, regional coordinator of the Bangladesh Institute of Human Rights (BIHR), bureau chief of a private news television channel, CSB News, and a journalist for the Daily Sangbad, a Dhaka-based national newspaper (subject of a previously transmitted communication, A/HRC/7/3/Add.1, para. 21). On</p>   | <p>By letter dated 29/05/08, the Government informed that Mr. Akash is a yellow journalist and was engaged in many illegal activities by using his journalist profession as a shield. No complaint has been lodged either by Mr. Akash or on his behalf to the police or a court. The results of an investigation showed that there was no physical and mental torture</p>  |

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|       |         |          |      |              | 8 November 2007, a magistrate ordered that the first case against Mr. Alam Akash be dismissed. However, following the intervention of the Ministry of Home Affairs, a new case was opened on 25 November 2007. On 2 January 2008, the High Court ruled that it stayed this case for three months as the legality of that action was in question. A warrant for the re-arrest of Mr. Alam Akash was issued on 7 January 2008.  | was made against him. What has been done is clearly in conformity with law. No human rights violation has occurred in connection with his arrest. |
| 16.   |         | 26/05/08 | JAL  | SUMX;<br>TOR | <b>Kamal Uddin</b> , age 28, resident of North Birinchi under Ward No.5 of Feni Pouroshobha. On 20 January 2008 Bangladesh Rifles (BDR) soldiers burst into the house of Mr.Kamal Uddin while he had dinner with guests including Mr.Abul Khayer, his wife and their three-year-old son. The BDR soldiers took Mr. Kamal Uddin and Mr. Abul Khayer to the courtyard. They asked Mr. Kamal Uddin where the heroin was kept and began to kick, punch and beat him with iron rods while they forced Mr. Abul Khayer to lie down, kicked him on his thighs with boots and hit his cheeks with rifle butts. Some BDR officers then proceeded to search the house. They also called a magistrate, who joined the operation. The BDR beat Mr. Kamal Uddin severely for two and half hours and, when he screamed, put a shawl in his mouth to silence him. Moreover, a BDR soldier forced him to drink a putty powder solution. At approximately 2.30 a.m. on 21 January 2008, Mr. Kamal Uddin, Mr. Abdul Khayer, his wife and child were taken to the police station. At 7 a.m. of that same day the family of Mr. Kamal |   |

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|       |         |      |      |         | <p>Uddin was informed that he and Mr. Abul Khayer had been transferred to Sadar hospital, while Mr. Khayer's wife and son were kept in police custody. At the hospital they found Mr. Kamal Uddin's body lying on the floor of Ward No. 4 with signs of beatings on the back, chest, lower abdomen, hands and feet along with deep wounds made with iron rods on the right thigh where the skin was scraped. He also had wounds on his hands. After completion of the death certificate, police took Mr. Kamal Uddin's body to his house for the burial ceremony. The burial was carried out in the presence of the police. According to the authorities, when the BDR personnel tried to arrest Mr. Kamal Uddin, he tried to run away and injured himself by running into a tree. Furthermore they indicated that he died because he had drunk too much alcohol. However, the magistrate who was present during parts of the operation stated that Mr. Kamal Uddin was slapped in order to make him talk. On 28 January 2008, a petition (number 26/2008, filed under sections 302/34 of the Penal Code concerning the death in custody) was submitted to the Court of Chief Judicial Magistrate of Feni, following which Mr. Kamal Uddin's wife was asked to withdraw the case and to find a compromise with the accused, which she reportedly refused. The Chief Judicial Magistrate recorded the evidence given by five witnesses and</p> |                     |

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|       |         |          |      |             | ordered the Officer-in-Charge of Feni Model Police Station to file a First Information Report and investigate the case.   |                     |
| 17.   |         | 06/10/08 | JUA  | HRD;<br>TOR | <b>Rang Lai Mro</b> (subject of a previously transmitted communication, A/HRC/6/15/Add.1, para. 25-32). Following his arrest on 23 February 2007, he was sentenced to 17 years' imprisonment for possessing a pistol without a license. Mr. Rang Lai Mro is currently not being allowed access to adequate medical treatment for a serious heart condition which allegedly puts him at risk of a further heart attack at any time. Following his arrest, doctors at Bandarban General Hospital confirmed that he had suffered a heart attack. In October 2007, he was again treated in the hospital and doctors stated that he needed to be transferred to a hospital with better equipment. However, he was returned to Chittagong District Jail; his health continues to deteriorate, and he has not been allowed access to adequate medical treatment, despite the fact that many other prisoners have been transferred to hospitals for specialist attention this year in Bangladesh. |                     |
| 18.   |         | 12/11/08 | AL   | TOR         | <b>Mohammed Masudur Rahman</b> , a bus driver, Mirpur, Dhaka. On 23 January 2007 at around 11.30 a.m., he was dragged off his bus by a traffic police sergeant (Nazmul Ahsan) and several other officers of Farmget Traffic Police Box. On the street, the officers started beating him with batons and roller sticks and kicked him. Mr. Rahman received treatment at Al-Razi Hospital. He was   |                     |

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|       |         |      |      |         | <p>later taken to Tejgaon Police Station.</p> <p><b>Sree Ratan Shaha</b>, labourer, Namajgar village, Dalpatti, Bogra district. On the night of 25 January 2007, he was arrested at his home on suspicion of theft by the Kotwali police led by Sub Inspector (SI) Abdul Karim. He was taken to the police station in Upashahar area, where a policeman tied him with a rope, slapped him, kicked him with his police boots and beat him with a baton to make him confess to the theft. At around 11.30 a.m. on January 26, Mr. Shaha was taken to Kotwali Police Station. Several policemen hung him from a ceiling fan, beat him and threatened to kill him if he did not confess. It is reported that the perpetrators have been reassigned to different police stations and no legal actions have been carried out.</p> <p><b>Rongon Bishwas Halder</b>, a rental motorbike driver, Khulna. On 8 March 2007 around mid-day, at Boyalia Kheyaghat he was approached by three officers of Raruli Police Camp, Payikgachha, who allegedly demanded he pay an illegal 100 Taka levy placed on all rental motorbike drivers. When Mr. Halder refused to pay, the police kicked him, struck him with their batons and a rifle butt, and slapped him in his face. He was taken to the Raruli Police Camp where he was beaten. He was later taken by his relatives to Khulna Sadar Hospital, and was discharged on 9 March.</p> |                     |

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|       |         |          |      |             | <p><b>Mohammed Aminul Islam Shahin</b>, Pingalakathi village, Barisal District. On 9 November 2007, at 12.15 a.m., he was arrested near his neighbour's house by a group of seven police officers from Gaurnadi Police Station. The police beat him with fists, rifle butts and batons. Mr. Shahin fell to the ground, and the police kicked him in the chest with their boots and stabbed him with their bayonets. The barrel of a rifle was put into his mouth and he was threatened that his death would be made to appear as a crossfire-killing. The police took Mr. Shahin to the Gournadi Upazilla Health Complex, and forced the on-duty medical doctors to record him as a victim of a road traffic accident. He was transferred to the Sher-e-Bangla Medical College Hospital, where he remained until 12 November. He was later transferred to the National Institute of Kidney Disease and Urology for treatment until 24 November. On 25 November, he received treatment at the Bangladesh Rehabilitation Centre for Trauma Victims.</p> |   |
| 19.   | Belarus | 28/04/08 | JAL  | IJL;<br>TOR | <p><b>Vladimir Anatolevich Russkin</b>, aged 37, citizen of Belarus, currently held at Novopolock correctional colony No. 10. On 5 January 2007, he was arrested by ten officers from the Belarusian Committee for State Security (KGB) at Varshavsky. Following his arrest he was severely beaten, his face was shoved into the dirt; he was handcuffed behind his back and blind-folded. He was then pushed into a car, with his face down and officers held him down with</p>  | <p>By letter dated 24/06/08, the Government informed that on 14 September 2007 the Military Division of the Supreme Court of the Republic of Belarus convicted Vladimir Anatolyevich Russkin, born on 26 March 1971, resident of Kobrin in Brest province and national of Belarus, of two offences committed as a foreign citizen: espionage with the intention of prejudicing the security and defensive capability of Belarus</p> |

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|       |         |      |      |         | <p>their feet on his back. At the KGB detention centre in Minsk he was put in a small room of 2 square metres, which resembled a grave, with no natural daylight and no ventilation. A small lamp remained switched on all the time. When he attempted to cover his eyes in order to be able to get some sleep, the guards came to prevent him from doing so. He could not leave the cell to go to the toilet and had to eat the low-quality food that he received in the same place where he relieved himself. At one instance several buckets with concentrated chlorine were put into the room and, although he was asking for help, they were not removed until he lost consciousness. He was repeatedly interrogated, at any time of the day, sometimes for long periods. After ten days at the KGB he was transferred to Minsk's pre-trial detention centre (SIZO), which was overcrowded (40 persons in 12 square metres) and where officers beat those who did not immediately follow all orders. The food was of a poor quality and access to sanitary facilities was restricted. Together with about 19 persons, he was put in an 8-seater minibus and taken to a train station. There, while being beaten by officers, they were moved into a railway wagon with dogs barking at them. For 12 hours they remained there without being given any water or being allowed to use a toilet. Novopolock correctional colony No. 10 is equally overcrowded (1 square metre per prisoner). The building where Mr. Russkin is staying has the capacity to house up to</p> | <p>(high treason), and setting up the collection and transfer of other information on behalf of a foreign intelligence service for use to the detriment of the interests of Belarus, committed by a foreign national (organization of espionage).</p> <p>V.A. Russkin was sentenced to ten years' imprisonment to be served in a penal colony under a strengthened regime and deprivation of the military rank of reserve senior lieutenant.</p> <p>V.A. Russkin began serving his term on 14 September 2007. The period spent by V.A. Russkin in police custody and detention between 5 January and 14 September 2007 will be deducted from the prison term.</p> <p>Three policemen were sentenced in this same case. The sentence entered into force as soon as it was handed down, as regular appeals or appeals in cassation may not be lodged against sentences of the Supreme Court. The law does offer an opportunity to appeal against sentences of the Supreme Court under the supervisory procedure, but the convicted person V.A. Russkin and his defence lawyer E.S. Chizhevskaya did not lodge such an appeal.</p> <p>During the preliminary criminal investigation the lawyer defended the accused V.A. Russkin.</p> <p>The rights of suspects and accused persons, including the right to a defence, the right to</p> |

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|       |         |      |      |         | <p>170 persons, but up to 700 are detained there. Hygiene and sanitation is insufficient, prisoners are allowed to shower only once per week, there is no hot water available in the living quarters. The food is of poor quality. For minor offences, persons are severely punished by being put in overcrowded cells with even worse conditions and with no possibility to appeal this decision. People are forced to work for 8 hours, 6 days a week for three Euros per month. If they refuse, they are subjected to punishment, such as denial of family visits, prolongation of prison terms (up to 10 additional years) and prolonged stays in punishment cells. On 14 September 2007, Mr. Russkin was convicted by the Military Chamber of the Belarus Supreme Court to ten years' imprisonment for treason under article 356 of the Belarus Criminal Code and espionage under article 358. He did not have access to a lawyer of his choice at any stage of the criminal process including during the trial. The State provided a lawyer. All petitions Mr. Russkin filed with the courts were reportedly ignored. The trial protocol was falsified. The investigation and trial were biased and there was not enough time for the accused to study the case files. Mr. Russkin was not given the opportunity to call his own witnesses and to question witnesses of the prosecution. Finally, he was not given the opportunity to appeal the court's decision.</p> | <p>lodge challenges and petitions and the right to lodge complaints against the actions and decisions of the authorities leading the criminal proceedings, were explained to V.A. Russkin, as his signing of the relevant records attests.</p> <p>He made statements acknowledging his guilt from the outset of the initial questioning and throughout the preliminary investigation. The accused was questioned during working hours only in the presence of a lawyer and for no longer than the standard period established under criminal procedure law.</p> <p>V.A. Russkin was in a remand centre of the Belarus State Security Committee (KGB) from 6 January to 20 September 2007. Russkin bore no signs of bodily harm when he entered the centre. After completing the registration forms, Russkin was placed in a four-person cell measuring 10.5 square metres (article 13 of the Detention Procedures and Conditions Act sets the minimum prison cell living space at 2.5 square metres per person). KGB detention centres have no cells measuring 2 square metres.</p> <p>Russkin's cell had individual sleeping quarters, bedding and tableware. The cell was equipped with sanitary facilities, to which access was not restricted.</p> |

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|       |         |      |      |         |                         | <p>Russkin was served three meals a day and given the opportunity for walks in the prison yard and eight hours of sleep. He was allowed to receive and send an unlimited number of letters and telegrams. The prisoner did not receive any short-term visits, since none of his close relatives and family members submitted any applications in writing to the remand centre administration. No parcels of any kind were sent to Russkin.</p> <p>The doctor on duty found no signs of bodily harm to Russkin during examinations when he entered and left the remand centre. Throughout the entire investigation Russkin did not file any complaint against the actions of the investigators or administration of the centre, nor did he register any complaint about the prison conditions with the procurator during his monthly inspections.</p> <p>As the record shows, the accused and his lawyer familiarized themselves with the facts of the case from 27 to 30 July 2007 by personally reading and reviewing the material evidence.</p> <p>The criminal proceedings against Russkin and other persons took place in strict accordance with the requirements of the Code of Criminal Procedure, which set out the conditions and procedures for conducting court proceedings. Russkin did not object to Chizhevskaya's participation in the trial as his defence lawyer</p> |

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|       |         |      |      |         |                         | <p>and expressed his trust in her. During the court examination Russkin and the other accused were questioned about the charges against them. Moreover, witnesses were questioned and documents and material evidence were examined. The court examined the circumstances of the case in a comprehensive, full and objective manner. Furthermore, the accused Russkin did not submit any request for the questioning of additional witnesses and did not make any statement that improper methods were used against him during the pretrial investigation. The record of the trial covers the entire court proceedings.</p> <p>On 26 September 2007 Russkin was transferred from the remand centre to serve his sentence in penal colony No. 10 in Navapolatsk in Vitsebsk province.</p> <p>The number of persons held in the section where the convict Russkin is living may not exceed 18. Today, 16 convicts aside from him are living in this section. The convicts take baths once a week. There was no interruption in the supply of hot water in penal colony No. 10 between 2007 and 2008. A qualified nutritionist ensures that the meals of the prisoners are balanced. The relevant authorities have received no complaints or claims from the prisoners about the food.</p> |

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|       |         |          |      |                           |   | No prisoners were found to be detained beyond the sentences handed down to them during the monitoring of the conditions of detention. |
| 20.   |         | 18/11/08 | JUA  | FRDX,<br>HRD,<br>IJL, TOR | <p><b>Yana Paliakova</b> was attacked on 9 October 2008 by an unidentified man as she entered her house in Salihorsk. She was hit on the head and back. The attacker also told her that “if she didn’t shut up, this would be her last warning”. As a result of the attack, she was diagnosed in hospital with a concussion.</p> <p>Following the medical check-up Ms. Paliakova went to the Salihorsk police station to file a complaint. When she felt ill at the station and tried to go outside, a policeman grabbed her by her sweater and pushed her to the floor, causing a bruise on her hip.</p> <p>Ms. Paliakova previously lodged a complaint against the Salihorsk police station on 1 September 2008, concerning physical assault by the police that took place the previous day. Ms. Paliakova was stopped by the district policeman Mr.Pugachev and two other men, and taken to the regional office of Internal Affairs where she had been hit on her arms and legs. Although Ms. Paliakova lodged repeated complaints regarding this incident with the Public Prosecutor’s office and the District Prosecutor’s Office, no inquiry has yet been launched.</p> |   |

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|       |         |          |      |              | Ms. Paliakova defended several victims of excessive violence of the police, and one of the cases resulted in the dismissal of a policeman.  |  |
| 21.   | Bolivia | 03/07/08 | JAL  | SUMX;<br>TOR | <p><b>La cuestión de compensación a las víctimas de tortura y otras violaciones de los derechos humanos.</b> En marzo de 2004, el Gobierno de Bolivia aprobó la Ley 2640 sobre Resarcimiento Excepcional a Víctimas de la Violencia Política en Periodos de Gobiernos Inconstitucionales (“la Ley”), por medio de la cual se compensaría a víctimas directas y a sus familiares, en caso de fallecimiento de la víctima, por hechos ocurridos entre 1964 y 1982. Los hechos resarcibles son la muerte, desaparición forzada, tortura, detención arbitraria, exilio, lesiones y persecución. La Ley creó también la Comisión Nacional para el Resarcimiento a Víctimas de la Violencia Política (“CONREVIP”), la cual comenzó a trabajar en mayo de 2007 y es presidida por el Ministerio de Justicia. Sin embargo, la CONREVIP no cuenta con el apoyo institucional ni con los recursos económicos suficientes para poder ocuparse de la calificación de todos los expedientes, lo que restringe su trabajo. De las 7.911 solicitudes presentadas, 6.221 han sido depuradas y podrían ser procedentes. No obstante, con fecha de 25 de marzo, solamente 80 personas habían sido notificadas, siendo ellas familiares de las víctimas de muerte y desaparición forzada. De cualquier forma, los plazos establecidos para emitir resoluciones y ejecutar el resarcimiento vencieron a finales de 2007. A la fecha, no se ha procedido a</p> | <p>Mediante carta de fecha 25/09/08, el Gobierno indicó que la Comisión Nacional para el Resarcimiento a Víctimas de Violencia en su artículo 12 establece la composición de la CONREVIP que está conformado por un representante del Ministerio de Justicia que a su vez ejerce la Presidencia de la misma, un representante del Ministerio de Hacienda, dos representantes de las Comisiones de Derechos Humanos del Poder Legislativo, un representante de la Conferencia Episcopal de Bolivia y un representante de la Central Obrera de Bolivia, quienes pronunciarán resolución expresa y motivada, acordada mediante el voto de por lo menos dos tercios de sus miembros. Asimismo el art.12 inc. 1) del Decreto Supremo Nro 28015 establece que las sesiones serán validas con la mayoría de sus miembros y adoptaran sus decisiones con la mayoría de los miembros presentes en cada sesión. En este sentido el funcionamiento y las decisiones de la CONREVIP no sólo dependen del Ministerio de Justicia, al ser el CONREVIP un órgano colegiado.</p> <p>En este marco legal, la CONREVIP en cumplimiento a la ley Nª 2640 de creación del CONREVIP y su Decreto Reglamentario N° 28015, se inició el procedimiento</p> |

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|       |         |      |      |         | <p>los pagos u otros beneficios establecidos en la Ley. Uno de los principales obstáculos para el resarcimiento de las víctimas es que, de acuerdo con la Ley, el Estado sólo dispone del 20% del monto total requerido para el pago del resarcimiento, por lo que el 80% deberá ser cubierto por donaciones del sector privado o extranjero y de organismos internacionales.</p> | <p>administrativo el 1° de marzo de 2005, con la recepción de solicitudes provisionales de eventuales beneficiarios del resarcimiento excepcional. Posteriormente en fecha 22 de noviembre de 2005 se prosiguió con la recepción de solicitudes definitivas además de la prueba correspondiente, habiendo registrado un total de 6727 solicitudes. En fecha 9 de Diciembre de 2005 se promulgó la Ley 3275, por la que se abre un nuevo plazo para el registro de solicitudes que abarca el periodo de 12 de enero al 7 de abril de 2006; por lo que adicionalmente se recibieron 1236 solicitudes sumando un total de 7963 solicitudes.</p> <p>Asimismo de 7963 solicitudes, se depuraron 1860 solicitudes por doble registro, falta de declaración jurada y falta de presentación de documentos, quedando registrados oficialmente 6221 solicitudes (enero - noviembre 2007). La clasificación finalizada de los expedientes por Hechos Resarcibles corresponde al siguiente detalle: Desaparición Forzada: 63 solicitudes, Muerte: 233 solicitudes, Exilio: 1451 solicitudes, Detención: 3521 solicitudes, Persecución: 816 solicitudes, Tortura: 17 solicitudes, Lesiones: 120 solicitudes, siendo un total de 6221 expedientes en total. Esta clasificación</p> |

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|       |         |      |      |         |                         | <p>por los hechos resarcibles de persecución, detención y exilio, son múltiples es decir que en cada solicitud existe más de un hecho resarcible solicitado.</p> <p>Mediante Resolución Ministerial 026/08, de fecha 5 de marzo del presente se delega a diferentes reparticiones del Ministerio de Justicia a nivel nacional la facultad de notificar con las Resoluciones a las víctimas solicitantes.</p> <p>A partir del 5 de noviembre la Comisión Nacional tiene 60 días hábiles para emitir resoluciones expresas y motivadas para cada caso. (Al efecto, es importante resaltar que hasta el 30 de enero de 2008), se emitieron aproximadamente el 20% de Resoluciones expresas y motivadas de los diferentes hechos resarcibles y se han recibido 152 solicitudes de reconsideración de los diferentes hechos resarcibles.</p> <p>El Ministerio de Justicia ha realizado todas las acciones necesarias tendientes al cumplimiento de la ley 2640, pese a que no se ha cumplido con el 100% del trabajo el mismo se debe a la falta de mayor cantidad de recursos humanos en el equipo de apoyo técnico y a la imposibilidad del trabajo a tiempo completo de la mayoría de los miembros que conforman la CONREVIP, pese a ello se sigue adelante con</p> |

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|       |         |      |      |         |                         | <p>este trabajo para lo cual se ha tomado medidas internas tendientes a la agilización del proceso de calificación.</p> <p>Se debe aclarar que el resarcimiento económico se hará efectivo una vez emitidas las Resoluciones finales que determinen si es procedente la solicitud de resarcimiento excepcional, elaborándose un Decreto Supremo que determine la lista oficial de beneficiarios y el monto que recibirán las víctimas, hecho que es valorado en consideración al grado de violencia política sufrida por la víctima, los hechos resarcibles solicitados y las agravantes si fuera el caso, por lo que se requiere agotar todas las vías administrativas (Resolución de primera instancia y reconsideración) para establecer la lista oficial de los beneficiarios y el monto individual de resarcimiento.</p> <p>En cumplimiento de lo establecido por el art. 16 de la Ley 2640, se ha elaborado un proyecto para gestionar financiamiento que garantice el 80% del pago a los beneficiarios de la Ley, asimismo desde el mes de agosto del 2006 se ha gestionado la Cooperación Internacional. La última versión de este proyecto ha sido modificada y se encuentra en la Mesa de Negociaciones ante el Viceministerio de Inversión Pública y</p> |

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|       |         |      |      |         |                         | <p>Financiamiento Externo (VIPFE), a objeto de insistir en la gestión del financiamiento de la cooperación externa.</p> <p>En este sentido de acuerdo a lo manifestado por el Ministerio de Justicia, se tiene que habría realizado todas las acciones necesarias para la culminación del trabajo, pero factores como la falta de una mayor cantidad de recursos humanos y el trabajo a medio tiempo de la mayoría de los miembros de la Comisión, ha redundado en que no se haya podido culminar el proceso de calificación de los expedientes, por lo que son constantes las reuniones del Ministerio de Justicia con los 5 miembros de la Comisión para agilizar el trabajo de calificación y revisión de los expedientes.</p> <p>Por otra parte el Ministerio de Justicia ha informado que viene gestionando el apoyo necesario de instituciones nacionales e internacionales para lograr el financiamiento de los recursos faltantes para el resarcimiento económico a las víctimas de violencia política, así como de recursos materiales con la finalidad de concluir la calificación de los diversos hechos resarcibles a la brevedad posible.</p> <p>En relación a, si se ha presentado alguna queja sobre el resarcimiento a las víctimas de violencia política, el Ministerio de Justicia indicó que al presente se tiene una denuncia</p> |

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|       |         |          |      |             |   | interpuesta ante la Fiscalía General de la República de Bolivia por Jorge Aguilar Anrez y Nerhedine Nassif Renjjife Torriani, por la presunta comisión de los delitos de Incumplimiento de deberes, desobediencia a la autoridad y uso indebido del 20% destinado por la Ley 2640, denuncia falsa y temeraria que ha sido respondida ante la Fiscalía General, remitiendo la información correspondiente y la certificación presupuestaria del 20% de recursos que se encuentra inscrito en el Ministerio de Hacienda como fondos asignados para la ley N° 2640, y que se adjunta para fines consiguientes. |
| 22.   | Brazil  | 10/01/08 | JAL  | HRD;<br>TOR | <b>Carlos Abel</b> , and the human rights organization Grupo Tortura Nunca Mais of Rio de Janeiro (GTNM). GTNM was created by former political prisoners who were tortured during the military regime and by family members of political activists killed or disappeared during the military regime. During its twenty years of existence, GTNM has raised awareness and publicly denounced cases of torture perpetrated by State agents. In May 2002, GTNM published on its website the complaint of Carlos Abel, who alleged having been tortured by the federal police in 1996, one year before the entry into force of Law No. 9,455 which introduced the crime of torture in the law. The case was dismissed without any analysis of the merits, and justified by the interpretation that the public prosecutor does not have investigative powers and therefore |   |

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|       |          |          |      |             | could not investigate the case of Carlos Abel. On 3 August 2005, the organization GTNM was sentenced to a fine of 40,000 reales for defamation for having published the allegations, including the names of the alleged perpetrators. Concern is expressed that the allegations of torture have not been investigated and the alleged perpetrators remain unpunished while a human rights organization has been sentenced for its work against impunity for the crime of torture.   |  |
| 23.   |          | 21/01/08 | JAL  | TOR;<br>VAW | <b>L. A. B.</b> , a 15-year-old girl. In October 2007, L.A.B. was arrested on suspicion of petty theft and placed in pretrial detention in the city of Abaetetuba, Pará State. For a period of 26 days she was held in a police cell with about 20 adult male prisoners. L.A.B. was reportedly raped by several inmates during this time.   |  |
| 24.   | Bulgaria | 24/04/08 | JUA  | IJL;<br>TOR | <b>Said Kadzoev</b> , aged 29, a Russian national of Chechen origin. He arrived in Bulgaria in October 2006 to ask for asylum. At the border, the Bulgarian border guards detained him and issued an order of deportation because he only had Chechen identity papers and no internationally-recognized Russian documentation. Since 1 November 2006 he has been held in the Special Centre for the Temporary Accommodation of Foreigners (SCTAF) in the village of Busmantsi, near Sofia. He was in solitary confinement from 28 May 2007 until 2 April 2008 and repeatedly subjected to beatings by the staff of SCTAF. During this period, Said Kadzoev developed gallstones. The doctor who | Par lettre datée du 15/05/08, le Gouvernement a répondu que tous les droits de procédure de M. Said Kadzoev ont été garantis conformément aux standards internationaux applicables.<br><br>Les autorités compétentes bulgares sont en train d'enquêter sur les faits relatifs à ce cas précis, y compris sur les allégations de M. Kadzoev d'avoir été victime de violation et de ne pas avoir pu bénéficier d'une aide médicale. La Bulgarie informera ultérieurement des résultats de l'enquête. |

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|       |          |          |      |                               | <p>saw him indicated that he needed an operation to remove the gallstones, however, he was only given painkillers. Mr. Kadzoev's asylum application was registered on 31 May 2007 by the Bulgarian State Agency of Refugees and was rejected on 4 June. The Sofia Court rejected his appeal in October 2007. A complaint was filed with the European Court of Human Rights in December 2007. The deportation order against him was confirmed by the Yambol Regional Court on 15 March 2008 and on 17 April, the Supreme Administrative Court upheld this decision. His lawyers do not have access to the documents filed on him by the Bulgarian authorities. Said Kadzoev alleges that he was previously detained and tortured by Russian police. According to his testimony, in October 2002, he was detained for five months by the Federal Security Bureau in Moscow, where he was tortured in order to force him to "confess" to participating in a terrorist attack on a Russian military air base, which he denied. During those months, Said Kadzoev was held incommunicado and officially reported as having "disappeared". Furthermore, after a conflict with the Chechen local authorities, his house was burned down in August 2006.</p> | <p>Les ONG concernées bulgares ont été mises au courant du cas de M. Said Kadzoev.</p> <p>En 2007 M. Kadzoev a soumis une plainte à la Commission pour la protection contre la discrimination contenant des allégations que le Chef du Centre spécial d'accommodation temporaire des étrangers - Bousmantzi a violé les dispositions de la Loi sur la protection contre la discrimination de la République de Bulgarie. Après avoir examiné attentivement tous les faits liés à ce cas, la Commission n'a pas donné suite à la plainte puisqu'elle n'a pas établi l'existence de discrimination sur la base de la nationalité/décision du 22 avril 2008.</p> |
| 25.   | Cambodia | 20/03/08 | JUA  | WGAD;<br>HOUS;<br>IJL;<br>TOR | <p><b>Pring Pov</b>, aged 40, a police officer in the town of Kep. On 19 February 2008, he was arrested without a warrant by his superior, the Police Commissioner of Kep, and charged with "disobeying orders from his superiors". This</p>   |  |

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|       |         |      |      |         | <p>stemmed from his refusal to vacate his land without compensation for the benefit of a senior government official. The arrest was carried out on the order of the National Police Commissioner.</p> <p>After his arrest, Mr. Pov was transferred to the Police Discipline Unit located in Samaki village, Trapeang Krasaing commune, Russey Keo district, where he has been detained ever since. When his wife visited him on 20 February, he had open wounds on his wrists and ankles because he was shackled all night, as well as bruises on his chest.</p> <p>Despite his worsening mental and physical condition, a visit by a medical doctor was denied, even after his wife brought a doctor to the detention facility herself.</p> <p>The legally permitted period of police custody of 72 hours, within which a detainee must be brought before a court to be charged, in accordance with article 96 of the Code of Criminal Procedure, has been exceeded. Mr. Pov was denied his right to access to legal counsel within the first 24 hours after his arrest in violation of article 92 of the Code. Medical treatment of prisoners in police custody is left to the discretionary power of the prosecutor and the custody officer, according to article 99 of the Code. It is reported that the Cambodian police have no jurisdiction over land disputes. Only the municipal or provincial National Cadastral Commissions for unregistered land, the courts of</p> |                     |

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|       |         |          |      |             | law for registered land, and the National Authority for the Resolution of Land Disputes for unclear or politically related disputes are competent in such matters. Concerns were expressed for the state of health of Mr. Pring Pov.  |   |
| 26.   | Canada  | 14/03/08 | JAL  | TOR;<br>VAW | Ms. <b>A. C.</b> , a 20-year-old university student. Ms. C. claims that she continues to be a victim of “ritual abuse-torture” (sic), both within her family and by a group of persons unknown to her. Her father, W. C., and mother, J. C., abused her physically and sexually at home. Her father brought her to “ritual abuse-torture” meetings, where members of the group abused and tortured her, both alone and in front of others. Amongst the perpetrators were her grandparents, D. and D. W., and other persons, some of who were members of a local Mormon church her family used to go to. During one of the meetings Ms. C. was required to attend, she was forced to prematurely give birth to her baby, whose body was used as an object of the group’s rituals. The alleged abuse took place in various places around Calgary and in Toronto. Ms. C. attempted to report her abuse to the police in Toronto and in Calgary between 2002-2007 but she was never believed and no report was taken. The police told her there would probably be no evidence, or treated her as if she was crazy. She also tried to talk to nurses and doctors in the places she was hospitalized several times between 2001 and 2005 for depression and suicidal tendencies. No action, investigations, or protection measures were taken | <p>By letter dated 29/07/08, the Government responded that the matters raised by the Special Rapporteurs are not only within the competence of the Canadian government but also that of two provinces, the Province of Alberta; and the Province of Ontario.</p> <p>The Special Rapporteur’s letter of request contains almost no details concerning the allegations made by the complainant. This lack of specific information makes it difficult to find information relevant to her allegations: While the letter of request indicates that the complainant approached the police in Toronto (Ontario) and Calgary (Alberta) between 2002 and 2007, it does not indicate the facilities in which she was hospitalized or otherwise sought medical treatment nor does it indicate where she was taken into foster care or the authorities through which she was placed into foster care. Without these details, it is difficult to focus the necessary inquiries, which slows down the work.</p> <p>An initial search by the Canadian government for details concerning Ms.C. or her case yielded no information. That is, her allegations are not notorious or otherwise in the public</p> |

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|       |         |      |      |         | <p>by any authorities. As a child, she ran away from home a number of times, was placed in foster care, but was always returned to her family, where she continued to be abused. In 1993, the final report of the Canadian Panel on Violence Against Women, (Changing the landscape; Catalogue No. SW45-1/1993; Ottawa: Minister of Supply and Services Canada), informed the Government that action needed to be taken to protect women and children from “ritual abuse and torture”, which according to the panel’s report, was occurring in every region of Canada. The panel also referred to Ms. C’s case, among others. No action has been taken to address the alleged abuses.</p> | <p>domain. They do not appear in any search of public records such as the popular press, the internet or databases of court cases. There does not appear to have been any public inquiry or any court case involving the allegations contained in the complaint. What is significant in this is that the information concerning the allegations raised by Ms. C. cannot be confirmed by Canada without a search for protected personal information contained in government records or the records of other public or private entities or persons.</p> <p>Privacy and the protection of the personal information of individuals are values of significant importance in Canada. Legislation exists at the federal and provincial levels of government that place requirements on government to respect the privacy of individuals and to protect personal information in their possession. Some of these laws make it impossible to gather and divulge personal information without the written consent of the individual.</p> <p>The allegations of a lack of appropriate response from the police and medical and other professionals into ritual abuse or other forms of violence against women require an investigation into matters which lie at the core of personal information. The laws of both Alberta and Ontario are such that written</p> |

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|       |         |          |      |                       |   | <p>consent is required from the complainant before relevant information can be collected and shared.</p> <p>Canada, therefore, asks that the Special Rapporteur attempt to obtain the express signed consent of the complainant in respect of information held by relevant entities or persons. Canada must rely on the complainant and the Special Rapporteur to ensure that all relevant entities are identified by the complainant and that her consent for the release and sharing of relevant information in the possession of each such entity is given (the respective consent forms were attached to the letter).</p> <p>If and when the signed consent forms are received by Canada, an investigation into the allegations of the complainant can begin in earnest and will assist in the collection of information and response to the Special Rapporteur in a further submission.</p> |
| 27.   | Chad    | 03/07/08 | JUA  | WGAD;<br>FRDX;<br>TOR | <p><b>Ibni Oumar Mahamat Saleh</b>, professeur d'université et secrétaire général du Parti pour les libertés et le développement (PLD) et porte-parole de la principale coalition d'opposition tchadienne, la « Coordination des partis politiques pour la défense de la Constitution » (CPDC).</p> <p>M. Ibni Oumar Mahamat Saleh aurait été arrêté le 3 février 2008 par les services de sécurité tchadiens à N'Djamena. Depuis ce jour, le lieu de détention/séjour de M. Ibni Oumar Mahamat</p> |  |

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|       |         |          |      |                     | Saleh demeure inconnu, malgré les nombreuses interventions par la société civile demandant les autorités à révéler son lieu de séjour.  |  |
| 28.   | Chile   | 05/03/08 | JAL  | HRD;<br>IND;<br>TOR | <p><b>Juan y Jorge Huenchullán Cayul</b>, de la comunidad de Temucuicui, y por otros miembros de comunidades mapuches del sur del país. El pasado 2 de febrero de 2008, aproximadamente a las 22.00 horas, el Sr. Juan Huenchullán Cayul se encontraba en la plaza de la ciudad de Ercilla, región de la Araucanía, cuando se dirigía a su residencia familiar, en la comunidad de Temucuicui, a 12 km de aquella localidad. En ese momento, el Sr. Huenchullán supuestamente fue interceptado por carabineros pertenecientes a las Fuerzas Especiales de la Prefectura de Malleco, quienes lo identificaron como miembro de la comunidad de Temucuicui. Sin mediar ningún acto de provocación por su parte, dichos carabineros supuestamente comenzaron a golpear e insultar al Sr. Huenchullán. Al percatarse de la situación, distintos miembros de comunidades mapuches presentes en la plaza de Ercilla, incluyendo algunos miembros de la comunidad de Temucuicui, intentaron intervenir para impedir que el Sr. Huenchullán fuera golpeado por los carabineros, produciéndose un forcejeo. Como resultado de dicho altercado, fueron detenidos, además del Sr. Huenchullán, el Sr. <b>Miguel Ángel Villanueva Nahuel</b>, de la comunidad Coñomil Epuleo; los Sres. <b>Luis Arzola Ancaluán</b> y <b>Henry Queipul Morales</b>, de la comunidad de Temucuicui; el Sr. <b>Víctor Hugo Calhueque</b></p> | <p>Mediante carta de fecha 05/03/08, el Gobierno indicó que el día 3 de febrero de 2008, en el marco de la celebración del aniversario de la Comuna de Ercilla, Provincia de Malleco, un grupo de individuos en manifiesto estado de ebriedad, se encontraban efectuando desórdenes en la vía pública, alternado el normal desarrollo de las actividades conmemorativas, razón por la cual, el personal de carabineros de dotación de la tenencia Ercilla, de la segunda comisaría de Collipulli, dependiente de la Prefectura de Malleco No. 21, procedió a su fiscalización con la finalidad de conducir a los infractores hasta la unidad policial, oportunidad en que alrededor de 30 personas, entre hombres y mujeres, todos adultos, trataron de impedir el procedimiento policial, agrediendo al personal mediante golpes de puños, pies y lanzamiento de elementos contundentes (piedras), a raíz de lo cual resultaron lesionados cuatro carabineros con diferentes heridas.</p> <p>Con ocasión de tal agresión, fueron detenidos por el delito de maltrato de obra carabineros de servicio Luis Hernán Arzola Acaluan, Víctor Ignacio Colihuinca Huenuman, Miguel Ángel Villanueva Nahuel, Juan Ignacio Huenchullán Cayul y Henry Eliseo Queipul Morales,</p> |

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|       |         |      |      |         | <p><b>Millanado</b>, de la comunidad Huañaco Millao; y el Sr. <b>Víctor Colihuanca</b>, de la comunidad Ankapi Ñancuhew. Asimismo, como resultado del altercado, resultó herido el Sr. <b>Mihael Carbone Queipul</b>, quien sufrió un profundo corte en su cráneo a consecuencia del culatazo que le propinó un carabinero con su arma de servicio. A consecuencia de dicha herida, el Sr. Carbone fue trasladado hasta el consultorio de Ercilla, donde recibió varios puntos de sutura. Según las alegaciones, al desplazarse posteriormente a la Tenencia de Carabineros para denunciar su lesión, el Sr. Mihael Carbone fue detenido y nuevamente golpeado. Todos los detenidos fueron posteriormente trasladados hasta la comisaría de Collipulli. Los Sres. Jorge Huenchullán Cayul, Víctor Calhueque Millanao, Henry Queipul Morales y Marcelo Villanueva Nahuel supuestamente fueron amarrados a un poste ubicado en un pasillo de la comisaría, permaneciendo toda la noche en dicho estado. Alrededor de las dos de la madrugada, el <i>werken</i> (autoridad tradicional) de la comunidad de Temucuíci, Sr. <b>Jorge Huenchullán Cayul</b>, acompañado del Sr. <b>Marcelo Villanueva Nahuel</b>, hermano de uno de los supuestamente detenidos, se trasladó a la Tenencia de Carabineros de la ciudad de Ercilla para averiguar el estado de todos los detenidos. Mientras esperaban ser atendidos, los Sres. Huenchullán y Villanueva supuestamente fueron arrestados por efectivos de las Fuerzas Especiales. Durante su traslado a la</p> | <p>registrando éste último una orden de detención pendiente por ocultamiento de identidad, en la causa No. 388, RUC 600326306-K, seguida ante el juzgado de garantía de Collipulli. Dichas personas quedaron a disposición de la fiscalía militar Malleco/Angol, mediante el parte policial No. 01 del 03/02/08, de la segunda comisaría Collipulli.</p> <p>Posteriormente, siendo las 2:45 horas de la madrugada del mismo día, en los instantes que se trasladaba por medida de seguridad a los aludidos detenidos, desde la tenencia Ercilla hasta la segunda comisaría Collipulli, aproximadamente unas 50 personas se apostaron en el perímetro de la citada tenencia. Desde allí arrojaron piedras contra el cuartel policial, resultando cuatro vidrios de su frontis quebrados, así como un vidrio lateral delantero derecho, también quebrado del automóvil particular patente UK-1642, que se encontraba a disposición del juzgado de garantía de Lautaro.</p> <p>Como consecuencia del atentado al cuartel policial, personal de carabineros, ante la flagrancia del ilícito, se detuvo a Jorge Alvaro Huenchullán Cayul, Víctor Hugo Calhueque Railao, Marcelo Alejandro Villanueva Nahuel y Mijael Incola Carvones Queipul, registrando éste último antecedentes por el delito de desórdenes públicos graves, robo en lugar no habitado, amenazas y atentado contra la</p> |

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|       |         |      |      |         | <p>comisaría de Collipulli, los Sres. Huenchullán y Villanueva fueron víctimas de golpes propinados por los carabineros que los acompañaban e insultados con epítetos racistas. Según las alegaciones, en el momento de su ingreso en una celda de la comisaría de Collipulli, el Sr. Jorge Huenchullán fue rociado en la cara con gas lacrimógeno, siendo objeto de burlas por parte del personal de carabineros. Los detenidos permanecieron supuestamente más de 13 horas en dependencias policiales. Durante su interrogatorio, los detenidos fueron objeto de golpes por parte de los carabineros. El día 3 de febrero de 2007, alrededor de las 15.00 horas, los detenidos fueron trasladados hasta el Tribunal de Garantías de Collipulli para la realización del control de detención. El Tribunal abrió un proceso ante la justicia militar en contra de los detenidos, imputándoles un delito de atentado en contra de los carabineros y poniéndoles en libertad con medidas cautelares. El Sr. Henry Queipul Morales, por su parte, fue trasladado a la cárcel de Angol, debido a una supuesta orden de detención pendiente en su contra. Se alega que los sucesos descritos son parte de un patrón más amplio de discriminación y malos tratos contra miembros de las comunidades mapuches por parte de las fuerzas de seguridad.</p> | <p>autoridad.</p> <p>Por su parte, en lo que respecta a las lesiones sufridas por Mijael Incola Carvones Queipul, esto es hematoma occipital, herida cortante occipital, de carácter leve. Según el diagnóstico del médico de turno del Hospital Regional de Collipulli, esta tiene su origen y consecuencia en la necesidad del personal de carabineros de emplear la fuerza racional y necesaria para repelar la agresión ilegítima de que era objeto y lograr la aprehensión de los autores de los ilícitos en cuestión.</p> <p>En lo referente a las afirmaciones de que los imputados fueron golpeados, amenazados e insultados con epítetos racistas, ello carece de veracidad y no se ajustan en caso alguno a la realidad de lo sucedido, al igual que acontece con el hecho de que el comunero Juan Huenchullan haya sido rociado en la cara con un gas lacrimógeno, toda vez que el personal institucional carece de este elemento disuasivo individual.</p> <p>Respecto a que los detenidos Jorge Huenchullan Cayul, Victor Calhueque Milanao, Henry Queipul Morales y Marcelo Villanueva Nahuel habrían sido amarrados a un poste en el pasillo de la comisaría, permaneciendo toda la noche en ese estado, conforme lo señala la comunicación, ello no fue así, por la circunstancia de que los detenidos fueron ingresados al interior de la</p> |

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|       |         |          |      |             |   | <p>sala de imputados de la unidad, manteniéndose en su interior hasta el momento de ser trasladados a la audiencia del control de detención, sin existir durante la permanencia interrogatorio ni menos golpes de parte del personal de carabineros.</p> <p>Finalmente, cabe hacer presente que los procedimientos policiales a que dieron lugar los sucesos antes descritos, conforme a los resuelto por el juzgado de garantía de Collipulli, en la audiencia de control de detención de rigor se ajustaron a derecho, siendo formalizados los detenidos por el delito de desórdenes públicos graves, imponiéndoseles medidas cautelares.</p> |
| 29.   |         | 14/04/08 | JUA  | HRD;<br>TOR | <p><b>Waikilaf Manuel Cadin Calfunao</b>, estudiante y miembro de la comunidad mapuche “Juan Pallalef”, ubicada en la comuna de Cunco en la IX región de Chile. El 3 de abril de 2008, el Sr. Waikilaf Manuel Cadin Calfunao se encontraba sentado en la entrada de la sede de la administración regional, en Temuco, después de que se terminara una marcha conmemorativa a los tres meses del asesinato de otro estudiante mapuche, el Sr. Matías Catrileo Quezada. Según se informa, seis agentes policiales uniformados detuvieron al susodicho, supuestamente ejerciendo una fuerza excesiva y sin informarle de sus derechos.</p> <p>Asimismo, durante el arresto, el Sr. Cadin Calfunao fue golpeado y amenazado con un arma</p> |   |

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|       |         |      |      |         | <p>de grueso calibre. A continuación, llegaron varios agentes de la unidad antidisturbios de la policía, quienes trasladaron al susodicho a la segunda comisaría urbana de Temuco. Se ha informado que, durante la detención se utilizó un perro que atacó al Sr. Waikilaf Cadin Calfunao provocándole heridas en el cráneo.</p> <p>En la comisaría, un agente policial afirmó que el incidente surgió de un control de identidad y que al oponerse, el susodicho fue detenido para verificar con la fiscal de turno cuál sería su situación. Adicionalmente, un funcionario de carabineros interrogó a tres personas que fueron a la Comisaría para informarse sobre el estado de los detenidos que él mismo había sido el autor de la golpiza y que “si querían lo denunciaron a las Naciones Unidas o a quienes quisieran”, además, otro funcionario habría amenazado al Sr. Waikilaf Cadin Calfunao, diciéndole que “mejor ándate del país, si no te vamos a tener toda tu vida preso”. El 5 de abril de 2008, el susodicho fue llevado al Hospital “Hernán Henríquez” de Temuco a fin de examinar las lesiones sufridas durante su arresto y detención. Además se le examinó estando él esposado así impidiendo una examen integral de su estado físico.</p> |                     |

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| 30.   | China<br>(People's<br>Republic of ) | 28/12/07 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | Ms. <b>Liu Jie</b> , human rights defender and veteran rural campaigner (subject of a previously transmitted communication, A/HRC/7/14/Add.1, para. 118). On 26 October 2007, Liu Jie's husband was told by officers at the Bei'an City Nongken Detention Center, where Liu Jie was detained, that she would be released on that day. However, when he went to the detention center that afternoon, he was told that it had been decided to send Liu Jie to Re-education through Labor (RTL). She is serving her 18-month RTL term in Qiqihaer, Heilongjiang Province, where she has to work 14 hours a day, six days a week. According to a doctor who examined her on 20 December 2007, Ms. Liu Jie will go blind if she does not receive proper eye treatment immediately. She must be sent to Beijing for treatment. Her family has requested RTL authorities to grant her bail for medical treatment. The eye injuries are said to be linked to beatings by personnel of Heilongjiang Provincial Nongken (Military Farm Bureau) Public Security Bureau, Beian Sub-division. In March 2002, in one such beating, she suffered permanent injury to her eye, and drastically reduced vision. In detention, she was again beaten and suffered further injuries to her eyes. Her lawyers have also filed a request for an administrative review of the decision to send her to the RTL camp. The authorities have not responded to either of these requests. | By letter dated 6/03/08, the Government informed that because Liu Jie had caused a public nuisance and disturbed the peace, Jie was ordered to serve a term of one year and six months' labour re education, to run from 13 October 2007 to 12 April 2009. On 14 November 2007, Liu was sent by the public security bureau in the city of Bei'an to the labour re-education facility in the city of Qiqihar to serve her term of labour re education. After entering the facility, Liu had problems with her vision in both eyes. On 15 November 2007, the doctor at the re education facility first took Liu to the hospital and then to the eye, ear, nose and throat hospital in Qiqihar to be examined. The results of the examination were as follows: "1. Ametropia and vitreous opacity in the right eye; 2. traumatic cataract in the left eye (aphacia); 3. high degree myopia in the right eye." As Liu was not prepared to cooperate, it was not possible for any further examinations to be carried out. On 20 December 2007, the hospital at the labour re-education facility once again sent Liu for an examination by eye specialists at Qiqihar hospital No. 1. The results of the consultation were as follows: "The left eye has undergone cataract surgery; high degree myopia in the right eye; pathological retinal degeneration." The consultant suggested that Liu see an optometrist to have glasses prescribed, but she |

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|       |         |      |      |         |                         | <p>refused. At that time Liu asked the doctor about the possibility of a lens implant in her left eye, and whether implanting a lens could have other consequences for her eyes. The doctor told her that whether she had this done sooner or later would not affect the consequences, but that it would be better to have it done sooner. The doctor did not on any account say that, if she did not receive urgent treatment, she could lose the vision in her eye or that Heilongjiang province did not have adequate facilities to treat Liu's eye injury and that she must be sent to Beijing for treatment, and other such allegations. In mid January 2008, Liu's husband came to the labour re education facility to demand that Liu be allowed to see a doctor outside the facility immediately. As Liu herself was not cooperating in having examinations, it was impossible to determine whether or not, in accordance with the stipulations of the law, her medical condition warranted her being allowed to leave the facility for medical treatment. Following Liu's admission to the facility, she has not been beaten, subjected to punishment or to any form of ill treatment. Liu's eye problems are not growing worse.</p> |

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|       |         |          |      |                      |  | In view of Liu's state of health, the re-education facility is particularly attentive to her. Liu is only required to perform light manual duties that are well within her grasp and she has not been placed on any fixed work schedule or duty roster.  |
| 31.   |         | 04/01/08 | JUA  | WGAD;<br>HRD;<br>TOR | <b>Hu Jia</b> , a pro-democracy campaigner and HIV-AIDS activist, co-founder of the Beijing Aizhixing Institute of Health Education, and an outspoken advocate for those affected by HIV/AIDS (subject of a previously transmitted communication, A/HRC/7/28/Add.1, para. 330). On 27 December 2007, he was arrested on suspicion of "inciting subversion of state power". Approximately 20 policemen came to his home, where he and his wife and child had been under house arrest. The police surrounded the house, disconnected the telephone, and confiscated their mobile phone, before taking Mr. Hu Jia into custody. Several policemen remained at the house in order to prevent his wife from reporting his arrest. Mr. Hu Jia's current whereabouts are unknown. | By letter dated 06/03/08, the Government informed that on 27 December 2007, the Beijing city public security authorities took Hu Jia into criminal custody for the purposes of investigation, and on 29 January 2008, the procurator's office authorized his arrest. Following preliminary enquiries, Hu Jia fully acknowledged the facts of the violations of the law alleged in the charges against him by the public security authorities, accepted that his conduct had been in breach of the law and expressed the hope that he would be treated with leniency. On 18 February, Hu Jia's case was referred to the Beijing procurator's office for examination and prosecution. The case is currently still under consideration and investigation. In the course of applying measures of restraint against Hu Jia, the Beijing public security authorities have abided strictly by the relevant provisions of the Criminal Code and the Code of Criminal Procedure and have taken practical steps to |

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|       |         |          |      |                              |  | guarantee Hu Jia's exercise of his rights as a person suspected of a criminal offence. Hu Jia's appointed legal counsel and members of his family have had meetings with him and he is currently in excellent physical health. |
| 32.   |         | 26/02/08 | UA   | TOR                          | <b>Tsering Dhondup</b> (also called <b>Kanuyin</b> ), a 27-year-old Tibetan refugee, Qinghai Province. On 23 February 2008, he was arrested by the Nepal Police in a late-night raid on the Tibetan Refugee Reception Centre, Kathmandu. Around 10.30 p.m. between 50 and 60 police officers, some in plain clothes, entered and searched the men's dormitories where the refugees were sleeping until they located Mr. Tsering Dhondup. He was handcuffed and taken to Hanuman Dhoka Police Station, where he was held for the night. On the next day, he was transferred to the Immigration Office. It was reported that, on 25 February, he was handed over to the Chinese authorities at the Tibet-Nepal border at 4.15 p.m. Tsering Dhondup is alleged to be involved in the killing of a Chinese state official. | A reply was received from the Government on 10/04/08, but could not be translated in time for inclusion in this report.  |
| 33.   |         | 05/03/08 | JAL  | HOUS;<br>HRD;<br>IJL;<br>TOR | <b>Zheng Enchong</b> (subject of previously transmitted communications, e.g. A/HRC/7/3/Add.1, para. 43). On 16 and 17 February 2008, he was assaulted by police officers who were following him and his wife, Ms. Jiang Meili. Later on 17 February, he was summoned to the police station and detained for over 12 hours, during which time he was beaten by unidentified men. The police questioned Mr. Zheng Enchong about legal aid he recently  | A reply was received from the Government on 24/04/08, but could not be translated in time for inclusion in this report.  |

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|       |         |          |      |   | provided to petitioners and victims of land grabs. The questions also focused on an interview Mr. Zheng Enchong had given to the Epoch Times on 12 February. On 19 February, the interview was published and, on the following day, Mr. Zheng was arrested. In detention, he was beaten by an unidentified person, sustained injuries, and was released that evening.   |   |
| 34.   |         | 06/03/08 | JUA  | FRDX;<br>HRD;<br>TOR                    | Ms. <b>Wang Guilan</b> , a human rights activist and organizer of an open letter calling for the improvement in the human rights situation in China, from Hubei Province. On 28 February 2008, following the publication of the open letter with signatures of over 12,000 petitioners, Ms. Wang Guilan was arrested in Beijing by Public Security Bureau personnel of her home province. Her current whereabouts are unknown. A number of other petitioners involved in the public letter were also detained by police.  | A reply was received from the Government on 24/04/08, but could not be translated in time for inclusion in this report.   |
| 35.   |         | 20/03/08 | JUA  | FRDX;<br>RINT;<br>SUMEX;<br>TOR;<br>HRD | Reports of <b>violence during demonstrations in the Tibet Autonomous Region and surrounding areas</b> in China, killings of an unconfirmed number of people and arrests of hundreds of demonstrators. On 10 March 2008, demonstrations led by monks were organised demanding greater freedom of religion and the release of monks detained since October 2007. It is reported that 300 monks from Drepung Monastery, near Lhasa, proceeded with a peaceful march towards the Potala Palace when they were stopped by the police. It is believed that around 60 monks suspected to be the leaders of the | By letter dated 21/03/08, the Government informed that during the past several days, a small group of mobs have set fire at more than 500 locations in Lhasa and other places, ransacked shops, banks, schools and hospitals, smashed and burned vehicles, thus causing heavy losses and seriously disturbing social order in the city. Eighteen innocent civilians were burned or stabbed to death while 382 were injured. Two hundred-forty-two policemen and armed police were injured, 23 of them seriously, including one death. The Government has taken lawful measures to |

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|       |         |      |      |         | <p>protest were arrested by the Public Security Bureau (PSB). Sixteen people, including 15 visiting students monks in Sera Monastery, identified as L., aged 15, Lobsang Thukjey, aged 19, Tsultrim Palden, aged 20, Lobsher, aged 20, Phurdan, aged 22, Thubdron, aged 24, Lodroe, aged 30, and Lobsang Ngodrub, aged 29, from Onpo Monastery, Sichuan Province; Zoepa, aged 30, from Mangye Monastery; Trulku Tenpa Rigsang, aged 26, Gelek Pel, aged 32, and S., aged 17 from Lungkar Monastery, Qinghai Province; Pema Karwang, aged 30 and Thubwang, aged 30, from Darthang Monastery; and Tsegyam, aged 22, from Kashi Monastery led a march on Barkhor Street in Lhasa, distributing pamphlets and raising Tibetan flags. It is reported that they were arrested by the People's Armed Police. Additional contingents of armed forces were then stationed in the area, and the police blocked roads and encircled Drepung and Sera monasteries around Lhasa to prevent further protests from taking place. On the same day, about 350 people, including 137 monks from Lhutsang Monastery in the Tibetan area of Amdo in Mangra County, organized a protest in front of the Mangra County Assembly Hall where a government-sponsored show was taking place. The protest was stopped by the People's Armed Police. A number of arrests took place during the disruption of the protest, but no information on the whereabouts of the arrested monks has been received. Reports indicate that on 11 March,</p> | <p>restore law and order. It is committed to the promotion and protection of human rights, including the right of peaceful demonstrations and freedom of expression. However, what the mobs have done in the riots is nothing but criminal acts trampling on basic human rights and values. Every responsible Government is obliged to take necessary measures to protect the lives and property of its people according to law. The Dalai clique is trying to take advantage of the riots for political gains. In fact, ample evidence had indicated that the riots were instigated and organized by them. They have kept making trouble in order to sabotage the Olympic Games, which are held in China but belong to the world. It is against the interests of the world community for the Dalai clique to undermine the Games, and they are doomed to failure. The Government is keeping a close watch on them, and have watched closely if there are other political forces behind those riots.</p> |

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|       |         |      |      |         | <p>500 to 600 monks from the Sera Monastery called for the release of the monks arrested the day before and began a march towards Lhasa, but were met on the way by approximately 2,000 armed police. The crowd was reportedly dispersed with tear-gas. A number of monks were detained and then released. On 11 March, the police surrounded and sealed off Ditsa Monastery in Hualong County in Qinghai Province after the monks held a protest.</p> <p>On 14 March, violent incidents were reported in Lhasa as tension escalated between hundreds of demonstrators and police forces. Gunfire was heard in the streets, and shops and cars were set on fire. Allegations that a significant number of Tibetans and Han and Hui Chinese have been killed during the demonstrations have been received. Monks from Ganden and Reting monasteries joined the demonstrations, and the two monasteries were later sealed off by police. A number of monks from Sera Monastery started a hunger strike to protest against the sealing off of monasteries and the detention of monks.</p> <p>Reports indicate that, in particular since 14 March, the wave of demonstrations by monks and lay people has spread in the whole Tibet Autonomous Region and in neighbouring provinces. These demonstrations have reportedly sometimes been violently repressed, in many cases leading to arrests of demonstrators. Allegations were received that since 14 March,</p> |                     |

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|       |         |      |      |         | <p>the People’s Liberation Army has been patrolling the streets of Lhasa. On 15 March, shooting was reported inside the compound of Tashi Lhunpo Monastery in Shigatse, and at least 40 lay people demonstrating around the monastery were arrested. The next day, monks trying to escape the Kirti Monastery in Amdo in the Sichuan Province, which had been sealed off by the military, have allegedly been shot at; tear-gas was reportedly used on the demonstrators supporting the monks outside the monastery, and many demonstrators were severely beaten by the police. The police is then alleged to have shot into the crowd, killing and injuring a considerable but unconfirmed number of people. On 17 March, students of Marthang Nationality Middle School in Hongyuan xian County, Aba Prefecture, Sichuan Province, aged between 14 and 20, started a protest inside the school. PSB officials blocked the entrance and beat the students while they were trying to come out of the school. Approximately 40 students are said to have been arrested. Around 700 students then staged a demonstration outside the Hongyuan xian County PSB office to protest against the detention of fellow students. Since 10 March, it is reported that raids in the homes of people formerly imprisoned for their political opinions have taken place. Since 15 March, house-to-house searches are allegedly being carried out in Lhasa, with CDs and printed material being confiscated, and people being taken in custody. It is reported that</p> |                     |

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|       |         |          |      |                      | on 15 March, at least 600 people had been arrested in Lhasa, either as a result of a house search or during demonstrations. Three hundred additional people were reportedly arrested on 16 March.  |   |
| 36.   |         | 31/03/08 | JUA  | FRDX;<br>HRD;<br>TOR | <b>Yang Chunlin</b> , a farmers' representative and land-rights activist in Heilongjiang Province. On 24 March 2008, Mr. Yang Chunlin was sentenced to five years' imprisonment and two years' deprivation of political rights for "inciting subversion of state power", following a trial which lasted approximately 20 minutes. The court police hit Mr. Yang Chunlin several times with electric batons when he attempted to speak with his family attending the hearing in Jiamusi City Intermediate People's Court, Heilongjiang Province. While in detention, Mr. Yang Chunlin was subjected to torture and coerced to confess. The authorities denied Mr. Yang Chunlin access to his family and restricted access to his legal counsel. Yang's conviction was related to his collecting more than 10,000 signatures endorsing the open letter, "We Want Human Rights, not the Olympics". Concern is expressed for Mr. Yang Chunlin's physical and psychological integrity in detention. | A reply was received from the Government on 01/07/08, but could not be translated in time for inclusion in this report. |

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| 37.   |         | 09/04/08 | JUA  | HRD;<br>FRDX;<br>MIN;<br>RINT;<br>SUMEX;<br>WGAD;<br>TOR | <b>Killings, injuries and arrests of protestors in Gan Zi Xian, Sichuan Province, and the arrests of over 570 Tibetan monks, including children, in Aba Xian and in Ruangui/Zoige Xian the Tibetan Autonomous Region</b> (see para. 35). On 3 April 2008, at least eight protestors were killed and several injured when security forces opened fire during a peaceful protest in Zithang Township in Gan Zi Xian, Sichuan Province, calling for the release of two monks previously arrested. Several protestors were also arrested. On 28 and 29 March 2008, over 570 Tibetan monks, including some children, were arrested following raids by security forces of the Chinese People's Armed Police and the Public Security Bureau on monasteries in Aba Xian and in Ruangui/Zoige Xian in the Tibetan Autonomous Region. Arrests were made of those suspected of participating in protests and those suspected of communicating with the exiled Tibetan communities. Serious concerns are expressed over the aforementioned arrests and detention of, and the excessive use of force against, the above-mentioned persons, including reportedly peaceful protestors. | A reply was received from the Government on 21/05/08, but could not be translated in time for inclusion in this report.  |
| 38.   |         | 24/04/08 | JUA  | FRDX;<br>HRD;<br>IJL;<br>TOR                             | Ms. <b>Zheng Mingfang</b> , a human rights defender and petitioner in Ji County, Tianjin. On 29 February 2008, the Tianjin police arrested Ms. Zheng Mingfang at her home. She has been held incommunicado since the arrest. Her family has not received any formal detention order and their requests to contact and meet with her have  | By letter dated 13/06/08, the Government indicated that on 1 March 2008, she concocted a terrorist message, claiming that a man driving a vehicle supposedly filled with explosive was going to blow up a State gymnasium. Since the story she made up and spread caused a disturbance and seriously |

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|       |         |      |      |         | <p>been repeatedly denied by the police. In addition, she has not been allowed to meet with a lawyer. Ms. Zheng Mingfang has been sentenced to two years of reeducation through labor (RTL) and is currently being held at the Xian district centre in Tianjin, east of Beijing. Ms. Zheng Mingfang's health has deteriorated and she is beginning to lose her sight. Ms. Zheng Mingfang's husband's mobile phone and computer equipment were confiscated after her arrest. On 4 April, the Tianjin police warned Ms. Zheng Mingfang's family not to communicate with foreigners. The husband was told that, if he did not comply, Ms. Zheng Mingfang would not be released. Her sister was ordered to turn off her mobile phone and keep away from journalists.</p> | <p>disrupted public order, the Tianjin public security authorities, acting in accordance with the relevant Chinese regulations on re-education through labour, applied re-education through labour to Zheng on 1 April 2008. Re-education through labour in China is conducted on basis of the decision on the matter approved in 1957 by the Standing Committee of the National People's Congress and other such laws and regulations. It is not a criminal punishment but an administrative one. Under the regulations, re-education through labour is applicable only to people aged 16 years and older who have disrupted the social order in large or medium-sized cities and refused to mend their ways, or who have committed petty offences not meriting a criminal penalty, and who meet the conditions laid down in the regulations. There is a strict legal procedure for ordering re-education through labour, and a statutory supervision system. Persons wishing to challenge a re-education order can appeal to the re-education through labour management committee or, under the terms of the Administrative Proceedings Act, to the people's courts. Apart from being required to comply with disciplinary measures under the re-education through labour regulations which restrict some of their rights, individuals subject to re-education retain the wide range of civil rights afforded to them by the Constitution and</p> |

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|       |         |          |      |                               |   | laws, including permission to see family members while undergoing re-education and freedom of correspondence, rest on holidays and so forth. |
| 39.   |         | 07/05/08 | JUA  | TOR;<br>FRDX;<br>TOR;<br>VAW  | Ms. <b>Jamyang Kyi</b> , aged 42, a well-known Tibetan writer and musician, and a writer of women's issues in Tibet. On 1 April 2008, she was taken away by plain-clothed state security officers from her office at the Qinghai Provincial Television Station in Xining City. She was initially held at the Xining City Public Security Office, but on 4 or 5 April she was taken to an undisclosed location. No formal charges against her have been made public. Ms. Jamyang Kyi kept in contact with her family via mobile phone until 7 April. Since then her phone has been turned off. During two searches of her home, police officers are reported to have confiscated her personal computer and other personal items. |  |
| 40.   |         | 22/05/08 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | <b>Qi Chonghuai</b> and Mr. <b>He Yanjie</b> , journalists who have frequently reported on cases related to corruption and social justice. On 13 May 2008, Mr. Qi Chonghuai and Mr. He Yanjie were sentenced to four years imprisonment for "extortion and black mail" by the Tengzhou City Court, Shandong Province. Two court policemen reportedly hit Mr. Qi Chonghuai's head against the floor several times during the trial. He was also dragged out of the courtroom when he tried to comfort his wife during a break in the trial. Mr. Qi Chonghuai and Mr. He Yanjie were arrested on 25 June 2007 by Tengzhou police  | A reply was received from the Government on 07/08/08, but could not be translated in time for inclusion in this report.                      |

| Para. | Country | Date     | Type | Mandate              | Allegations transmitted   | Government response |
|-------|---------|----------|------|----------------------|---|---------------------|
|       |         |          |      |                      | officers, following a publication of an article alleging official corruption in the Tengzhou Communist Party. They were formally charged with “extortion and blackmail” on 2 August 2007. Both men are currently held at the Detention Center of Tengzhou City. Mr. Qi Chonghuai was allegedly held incommunicado during the first two months of his detention and has been repeatedly assaulted and threatened by security guards throughout his eleven-month pre-trial detention.   |                     |
| 41.   |         | 06/06/08 | JUA  | FRDX;<br>HRD;<br>TOR | Several nuns and monks from the Kardze County, Kardze “Tibet Autonomous Prefecture”, the Sichuan Province in Tibet Autonomous Region, including three nuns from Dragkar nunnery; Ven. <b>Sangye Lhamo</b> , aged 26, from Kyakyatengsang family of Dungra Village, Serchuteng Township, Ven. <b>Tsewang Kando</b> , aged 38, from Dungra Village, Serchuteng Township and Ven. <b>Yeshi Lhadon</b> , aged 24, from Tsozhi village, Mrs. <b>Rigden Lhamo</b> , student, aged 21, from Lhakey Village, Thingkha Township, four nuns from Nyimo Gaysey Nunnery in Lhopa Township, Tehor Kardze County; <b>Bhumo Tengha; Rinchen Jamatsang, Jamgha Dolma</b> and <b>Pema</b> , two nuns from the Dargay Hardu Nunnery in Kardze County; Ven. <b>Jampa Lhamo</b> , aged 30, from Sadul Village and Ven. <b>Rinzin Wangdon</b> , aged 23, from Lharinyan Village as well as twelve monks from the Dingri Shelkar Choedhe Monastery, Dingri County, Shigatse Prefecture, namely; Ven. <b>Khenrab Tharchin</b> , aged 32, |                     |

| Para. | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
|-------|---------|------|------|---------|--|---------------------|
|       |         |      |      |         | <p>Drushe Village, Shelkar Township, Ven. <b>Tsewang Tenzin</b>, Phelbar Village, Shelkar Township, Dingri County, Ven. <b>Tenzin Gayphel</b>, Lingshar Village, Gaymar Townsip, Dingri County, Ven. <b>Khenrab Tashi</b>, Mashak Village, Shelkar Township, Dingri County, Ven. <b>Topgyal</b>, Drushe Village, Shelkar Township, Dingri County, Ven. <b>Tenzin Tsering</b>, Bichu Village, Gyatso Township, Dingri County, Ven. <b>Lobsang Jigme</b>, Norgay nomadic area, Shelkar Township, Dingri County, Ven. <b>Khenrab Nyima</b>, Shelkar Township, Dingri County, Ven. <b>Dhondup</b>, Che Village, Tsakhor Township, Dingri County, Ven. <b>Tenpa</b>, Lolo Langga, Shelkar Township, Dingri County, Ven. <b>Samten</b>, Shollingshar, Shelkar Township, Dingri County, and Ven. <b>Choedhen</b>, Shollingshar, Shelkar Township, Dingri County. On 28 May 2008 at around 9am, following a reportedly peaceful protest in Kardze County main marked square, the three nuns, Ven. Sangye Lhamo, Ven. Tsewang Kando and Ven. Yeshe Lhadon, were arrested and detained by Kardze County Public Security Bureau officials. The nuns had been calling for the immediate release of political prisoners in the Tibet Autonomous Region, expressed their support to the Dalai Lama and called for the independence of Tibet. On the same day, the student Mrs. Rigden Lhamo was arrested by the county Public Security Bureau officials after having initiated a reportedly peaceful protest at the headquarters of the Kardze County Government by unfurling the Tibetan flag</p> |                     |

| Para. | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
|-------|---------|------|------|---------|--|---------------------|
|       |         |      |      |         | <p>and calling for a free Tibet. The security forces allegedly opened fire towards Mrs. Rigden Lhamo. There is however no confirmed information on whether Mrs. Rigden Lhamo was injured as a result of the reported shooting. On 22 May 2008, the four nuns Bhumo Tengha (from Lunang Village), Rinchen Jamatsang, Jamgha Dolma and Pema of Nyimo Gaysey Nunnery in Lhopa Township, Tehor Kardze County, were beaten with batons, kicked and punched by officers from the local Public Security Bureau before they were arrested. It appears that this took place after the nuns had carried out a reportedly peaceful protest at the Kardze County government headquarters, whereby the nuns had protested against the recent reported crackdown on peaceful Tibetan protesters and the detention of Tibetans in Chinese prisons. The nuns had also distributed leaflets calling for the independence of Tibet. On 19 May 2008, during a reported night raid by Chinese people's Armed police (PAP) forces and Public Security Bureau (PSB) officials, twelve monks from the Dingri Shelkar Choedhe Monastery, Dingri County, Shigatse Prefecture were arrested, reportedly for opposing the "Patriotic re-education" campaign. Upon request to the Public Security Bureau of the whereabouts of their family members, the monks' families were apparently questioned about their source of information and told that their attitude could damage the image of the government. According to the information received, the abovementioned</p> |                     |

| Para. | Country | Date     | Type | Mandate              | Allegations transmitted  | Government response |
|-------|---------|----------|------|----------------------|--|---------------------|
|       |         |          |      |                      | persons are still being detained incommunicado at undisclosed places, without charge or access to lawyers and families.  |                     |
| 42.   |         | 06/06/08 | JUA  | FRDX;<br>HRD;<br>TOR | Ms. <b>Ren Shangyan</b> , Assistant Director of the <i>China Justice Advocacy Web (Zhonghua Shenzheng Wang)</i> , a website which frequently has reported on cases related to alleged corruption and social justice. On 16 May 2008, Ms. Ren Shangyan was arrested by several Shuangyashan Public Security Bureau (SPSB) officers in Shuangyashan City, Heilongjiang Province. Her current whereabouts are unknown, and her family has not been informed by the police of her detention. Shortly before her arrest, Ms. Ren Shangyan had been investigating accusations against the Vice-Chief of the Anti-Corruption Bureau under the Procuratorate of Lingdong District, Shuangyashan City. In March 2008, after the China Justice Advocacy Web initiated to investigate the case, the website was temporarily closed by the internet police. In 2007, the website was repeatedly blocked following various reports on corruption cases in Shanghai. |                     |
| 43.   |         | 16/06/08 | JAL  | FRDX;<br>HRD;<br>TOR | Ms. <b>Liu Jia</b> , a human rights defender and democracy activist (see para. 30). Prior to her arrest on 11 October 2007, Ms. Liu Jia had been coordinating the presentation of a public letter, signed by over 12,000 petitioners, calling on Chinese Communist Party leaders to enact political and legal reforms. She was subsequently ordered to be detained at a Re-education through Labour (RTL) camp for 18 months on charges of   |                     |

| Para. | Country | Date     | Type | Mandate             | Allegations transmitted   | Government response   |
|-------|---------|----------|------|---------------------|---|---|
|       |         |          |      |                     | “disturbing social order”. There are also concerns for Ms. Liu Jia’s health, particularly her vision, addressed in the aforementioned communications and in the Government’s response of 6 March 2008. On 22 May 2008, Ms. Liu Jia was transferred from Qiqihar RTL camp to Harbin Drug Rehabilitation Center. At the Center, Ms. Liu Jia was forced to sit on a “Tiger Bench”, for five consecutive days. This involves the person being forced to sit upright on a long bench, with her hands tied behind the back. The thighs are fastened with a rope to the bench while the feet are raised off the floor by bricks placed under the feet, placing extreme strain on the knees and causing pain. This practice aims at instilling discipline among those detained. |   |
| 44.   |         | 17/07/08 | JUA  | HRD;<br>TOR;<br>VAW | Ms. <b>Mao Hengfeng</b> , a reproductive rights and housing rights activist who has petitioned against family planning policies and forced evictions since 1989. We acknowledge receipt of the response from your Government on 15 January 2008 (see para. 52). On 3 June 2008, Ms. Mao Hengfeng was taken to a prison hospital against her will. She was stripped naked by twelve female prisoners chosen by prison authorities, tied to a bed and left there until she was returned to Shanghai Women’s Prison on 16 June 2008. She was injected with twelve kinds of unknown medication which reportedly gave her headaches and burning pains. Blood was extracted from her against her will. In her struggle to stop this from happening she lost a large           | A reply was received from the Government on 02/09/08, but could not be translated in time for inclusion in this report. |

| Para. | Country | Date     | Type | Mandate                                | Allegations transmitted  | Government response   |
|-------|---------|----------|------|--|--|---|
|       |         |          |      |  | amount of blood. Despite temperatures being very high she was covered with a blanket and her mouth and nose were at times covered with clothes to stop her from breathing. She was beaten and had her breast, mouth and genitals pinched by prisoners and guards. During her time in the prison hospital she was not allowed to wash. After she returned to Shanghai Women's Prison, a shutter was put up on the only window in her cell to block out light.   |   |
| 45.   |         | 28/07/08 | JUA  | HOUS;<br>WGAD;<br>FRDX;<br>HRD;<br>TOR | <b>Ye Guozhu.</b> On 22 July 2008, Mr. Ye Guozhu was taken away from Chaobai Prison in Tianjin by officers of the Beijing Public Security Bureau (PSB), Xuanwu Sub-division, where he was serving a prison sentence that was due to come to an end on 26 July 2008. His brother received a call from the prison authorities at around 4 pm on 22 July, explaining that it would not be necessary for him to come and pick up his brother on 26 July. Mr. Ye's brother immediately called the police in Xuanwu, who initially denied any knowledge of Mr. Ye Guozhu's whereabouts, however, later admitted that Mr. Ye had been transferred from Chaobai Prison. The authorities refused to disclose Mr. Ye's place and envisaged duration of detention. Mr. Ye Guozhu was active in assisting petitioners to file complaints with the central government against forced evictions. After he had applied for permission, in August 2004, to organize the so called "September 18 10,000 People March" he was sentenced by | A reply was received from the Government on 17/11/08, but could not be translated in time for inclusion in this report. |

| Para. | Country | Date     | Type | Mandate                       | Allegations transmitted  | Government response   |
|-------|---------|----------|------|-------------------------------|--|---|
|       |         |          |      |                               | the Beijing Intermediate People's Court to four years in prison for "disturbing the social order". He was reportedly ill-treated while in detention.   |   |
| 46.   |         | 29/07/08 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | <b>Xie Changfa</b> , a human rights defender from Changsa, Hunan Province, and <b>Mr. Lü Honglai</b> , a human rights defender from Tianjin. Mr. Xie Changfa was arrested and detained on 25 June 2008 by the Yuhua branch office of the Changsa Public Security Bureau (PSB). The ground for his detention was "suspicion of subverting state power". According to unconfirmed reports, Mr. Xie Changfa might be currently detained at the detention centre in Changsa City. Mr. Lü Honglai was arrested and detained on 9 July 2008. The wife of Mr. Lü Honglai was informed by the Tianjin Municipal State Security Bureau that her husband was under investigation. The current place of detention of Mr. Lü Honglai is unknown. When his wife inquired about his whereabouts, authorities refused to provide information. Mr. Xie Changfa was formerly a cadre at the Changsha steel factory and the Changsha city government, and also served as a township head in Liuyang County. He was arrested several times before and served two years' "re-education through labour" for his 1989 activities in support of democracy. Mr. Lü Honglai served a four-year prison term beginning in 1981 for his editorship of a magazine during the so-called "Democracy Wall period" between 1979 and 1981. | A reply was received from the Government on 03/09/08, but could not be translated in time for inclusion in this report. |

| Para. | Country | Date     | Type | Mandate               | Allegations transmitted  | Government response   |
|-------|---------|----------|------|-----------------------|--|---|
| 47.   |         | 30/07/08 | JUA  | FRDX;<br>HRD;<br>TOR  | Ms. <b>Ni Yulan</b> , a housing rights activist and lawyer. Ms. Ni Yulan has been active for several years in assisting victims of forced evictions in Beijing. Ms. Ni Yulan was previously sentenced to one year of imprisonment for “obstructing official business” after she had sought redress for being beaten by Beijing police on 27 September 2002 while she was trying to film the forced demolition of a Beijing home. That beating left her disabled and in need of crutches for walking. On 15 April 2008, demolition workers and policemen knocked down a wall of Ms. Ni Yulan’s home, following which Ms. Ni Yulan allegedly hit one member of the demolition crew. She was then detained for a short while on 15 April 2008 and re-arrested by the Xicheng District sub-division of the Beijing Security Bureau on 29 April 2008 on charges of “obstructing official business”. While in custody at the Xinjekou Police Station, she was reportedly beaten and mistreated, which resulted in her losing consciousness for two days. Also, her crutches had been taken away from her, and she was forced by the police to crawl when she needed to use the bathroom. | A reply was received from the Government on 30/09/08, but could not be translated in time for inclusion in this report. |
| 48.   |         | 30/07/08 | JAL  | SUMX;<br>TERR;<br>TOR | In January 2007, security forces arrested a group of 17 Uighur men, members of the East Turkistan Islamic Movement (ETIM), in Akto county, Xinjiang Province. The names of two of the men were <b>Mukhtar Setiwaldi</b> and <b>Abduweli Imin</b> . The men were subsequently charged with separatist activities, organizing and leading a  |   |

| Para. | Country | Date     | Type | Mandate              | Allegations transmitted  | Government response  |
|-------|---------|----------|------|----------------------|--|--|
|       |         |          |      |                      | <p>terrorist organization, and the illegal production of explosives. At a trial held in November 2007 they were found guilty.</p> <p>Mukhtar Setiwaldi, Abduweli Imin and two or three other members of the group received death sentences, while the others were sentenced to terms of imprisonment. Some reports indicate that two of the defendants were executed immediately after the trial.</p> <p>On 9 July 2008, the local government authorities brought thousands of students and workers to a public square in Yengishahar. Three men were brought before the crowd, death sentences were read out loud (indicating that the men were among those arrested in Akto in January 2007) and then the three men were executed by a firing squad. Some reports maintain that Mukhtar Setiwaldi and Abduweli Imin were among those executed on 9 July 2008, while others state that they had already been executed in November 2007.</p> |  |
| 49.   |         | 27/08/08 | JUA  | FRDX;<br>HRD;<br>TOR | <p>Ms. <b>Liu Jie</b>, veteran rural campaigner advocating the rights to complain and to seek justice (see paras. 30 and 34). On 15 August 2008, Mrs. Liu Jie, whose health is still very poor, was reportedly assaulted by a guard at the Harbin Drug Rehabilitation Centre (i.e. RTL camp) where she is currently detained, when she argued with him about the alleged mistreatment of a fellow detainee. During the assault, Mrs. Liu Jie shoved the guard forward in an act of self-defence. She</p>   | <p>A reply was received from the Government on 17/11/08, but could not be translated in time for inclusion in this report.</p> |

| Para. | Country | Date     | Type | Mandate                       | Allegations transmitted   | Government response   |
|-------|---------|----------|------|-------------------------------|---|---|
|       |         |          |      |                               | was then accused of attacking the staff of the RTL camp and, as punishment, was forced to sit on a “tiger bench”. The practice consists of forcing the victim to sit upright on a long bench, with her hands tied behind her back; her thighs are fastened with a rope to the bench while her feet are raised off the floor by bricks placed under her feet. Extreme strain is put on the knees of the victim. Such practice, which amounts to torture, causes great pain.  |   |
| 50.   |         | 01/09/08 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | Ms. <b>Wang Guilan</b> , a human rights activist from Enshi City, Hubei Province (see para. 34). We acknowledge receipt of the response of Your Excellency’s Government on 28 April 2008. On 29 July 2008, Ms. Wang Guilan was criminally detained on suspicion of “disturbing social order” after she had allegedly given a phone interview to a foreign journalist. She is now held at the Enshi City Detention Centre. On 28 August, Chinese authorities decided to send Ms. Wang Guilan to a “Re-education through Labour” (RTL) camp for fifteen months, without trial or having been presented to a judge. Prior to her arrest, Ms. Wang Guilan had been held incommunicado at an unknown location since 17 April, reportedly to prevent her from “making trouble”. | A reply was received from the Government on 17/11/08, but could not be translated in time for inclusion in this report. |
| 51.   |         | 24/11/08 | JUA  | IJL;<br>SUMEX;<br>TOR         | <b>Wo Weihan</b> may be at imminent risk of execution. He was sentenced to death in May 2007 for spying following a closed trial in Beijing. His appeal was rejected on 29 February 2008.   |   |

| Para. | Country | Date                       | Type | Mandate | Allegations transmitted  | Government response  |
|-------|---------|----------------------------|------|---------|--|--|
|       |         |                            |      |         | <p>Mr. Weihan had been detained in Beijing on 19 January 2005, but was not formally arrested until 5 May. Mr. Weihan, who reportedly had not had any health problems prior to his detention, suffered a brain hemorrhage in a detention centre on 6 February 2005, following which he was allowed to recuperate at home for six weeks. In March 2005, he was taken to Beijing Municipal Bo Ren Hospital (a prison hospital) where he has been held since.</p> <p>Reports indicate that Mr. Weihan was held incommunicado during the first ten months of his detention and only then allowed regular meetings with his lawyers. It is further alleged that he confessed to the charges while in detention.</p> <p>Concern has been expressed that Wo Weihan may have confessed to the spying charges under torture, in the absence of a lawyer.</p> |  |
| 52.   |         | Follow-up to earlier cases |      |         | <b>Mao Hengfeng</b> (A/HRC/7/3/Add.1, para. 49)  | By letter dated 15/01/08, the Government informed that after being taken into custody, Mao Hengfeng was placed in a cell with two other offenders and was not placed in solitary confinement. Mao has never been beaten by any other female prisoners, nor has she been in any fights with other women inmates or suffered any “cuts and bruises”. The results of the physical examination carried out on Mao’s admission to the detention facility demonstrated that she suffered from high blood pressure, but other indications were normal. After undergoing treatment for her |

| Para. | Country | Date | Type | Mandate | Allegations transmitted                         | Government response  |
|-------|---------|------|------|---------|---|--|
|       |         |      |      |         |   | condition at the hospital, her blood pressure has now returned to normal. Her most recent full medical exam was carried out by the hospital in early December 2007. While undergoing treatment, Mao was never subjected to any forced medication. The allegations in the communication that Mao has been subjected to ill-treatment are not supported. Prison officers treat prisoners in accordance with the law and Mao enjoys her rights on the same footing as the other prisoners: her right to health, her right to appeal and all other legitimate rights of which she has not been stripped are protected by law. Since her admission to the detention facility, she has received monthly visits from family members, including her husband and daughter. To date, Mao herself has submitted no written complaints, nor has she sought a meeting with her lawyers. |
| 53.   |         |      |      |         | <b>Zheng Dajing</b> (A/HRC/7/3/Add.1, para. 47) | By letter dated 15/01/08, the Government informed that Mr. Zheng Dajing refused to accept the Shiyao City People's High Court judgment of 9 December 2005 and on many occasions travelled to Beijing to lodge appeals. On 14 June 2007, Mr. Zheng Dajing and other complainants gathered at the Supreme Court to submit complaints, and were involved in clashes with the security personnel. The public security authorities investigated his conduct on suspicion that the irregular manner in which he had lodged his complaints had disrupted law  |

| Para. | Country  | Date     | Type | Mandate                       | Allegations transmitted   | Government response  |
|-------|----------|----------|------|-------------------------------|---|--|
|       |          |          |      |                               |   | and order, but he was neither taken into criminal custody nor placed under arrest. Nor was there any instance of him being subjected to beatings or ill-treatment.   |
| 54.   |          |          |      |                               | <b>C. K., T. K., D. T., and G.</b> (A/HRC/7/3/Add.1, para. 48)  | By letter dated 13/02/08, the Government informed that on 4 September 2007, slogans advocating division of the State appeared in Bora village in Xiahe county, Gannan prefecture, Gansu province. Following an investigation by the public security authorities, it was ascertained that these separatist slogans had been painted by seven juveniles from the villages of Yaliji and Amqog [Amchok] in Xiahe county. Acting in accordance with the law, the public security authorities proceeded to question these seven juveniles in the presence of their guardians and they all freely acknowledged their wrongful actions. Taking into consideration the tender age of the seven culprits and their inability to distinguish clearly between right and wrong, the public security authorities, acting again in accordance with the law, duly admonished them and then ordered their guardians and parents to take the children properly in hand. There was no instance of arbitrary detention and arrest or of their being beaten and sustaining injuries while held in custody. |
| 55.   | Colombia | 18/08/08 | JAL  | FRDX;<br>HRD;<br>SUMX;<br>TOR | <b>Sr Guillermo Rivera Fúquene</b> , anterior Presidente del <i>Sindicato de Servidores Públicos de Bogotá (SINSRVPUB)</i> . El 22 de abril de 2008, aproximadamente a las 6.30 a.m., el Sr Guillermo | Mediante carta de fecha 22/08/08, el Gobierno indicó que el Gobierno Nacional, a través del Ministerio del Interior y de Justicia, los presidentes de la Central Unitaria de   |

| Para. | Country | Date | Type | Mandate | Allegations transmitted   | Government response   |
|-------|---------|------|------|---------|---|---|
|       |         |      |      |         | <p>Rivera Fúquene fue detenido por una patrulla de la Policía Nacional. El 24 de abril se encontró un cadáver, sin documentos de identidad y con signos de tortura, en un botadero de escombros. El 15 de julio de 2008, fue enterrado este cadáver como persona sin identificación conocida (NN). Sin embargo, en una exhumación posterior ordenada por la Fiscal 49 de Ibagué, se identificó el cuerpo como el del Sr Guillermo Rivera Fúquene. Fueron descubiertos signos de ahorcamiento, golpes en la cara y contusiones en varias partes del cuerpo. Se afirma también que 32 sindicalistas fueron asesinados durante 2008 en Colombia.</p> | <p>Trabajadores y Confederación de Trabajadores de Colombia, y el Secretario General de la Confederación General del Trabajo, la Fiscalía General, el DAS y la Policía Nacional:</p> <ul style="list-style-type: none"> <li>• Lamentan profundamente el crimen contra el líder sindical Guillermo Rivera Fúquene, rechazan los ataques de que han sido víctimas los sindicalistas y expresan el repudio a todo acto que restrinja la libertad de asociación sindical</li> <li>• Se reforzará el grupo de fiscales especializados para combatir las bandas criminales y en especial los casos de crímenes contra sindicalistas</li> <li>• Se incrementará la prevención de nuevos crímenes contra sindicalistas, cualquiera que sea la naturaleza o su origen</li> <li>• Adelantará una campaña por todos los medios de comunicación, defendiendo este derecho establecido en la Constitución Nacional y ratificado en los convenios con la OIT</li> </ul> |

| Para. | Country | Date | Type | Mandate | Allegations transmitted | Government response   |
|-------|---------|------|------|---------|-------------------------|---|
|       |         |      |      |         |                         | <ul style="list-style-type: none"> <li>• Se convocará a una reunión de empresarios, dirigentes sindicales y Gobierno para establecer un mecanismo conjunto que evite el constreñimiento a la libertad sindical y se castigue a los infractores de este derecho</li> <li>• Habrá un inventario real de los casos de ataques contra sindicalistas, para que las autoridades judiciales determinen sus verdaderos móviles</li> <li>• Se hará más eficaz el mecanismo de alerta temprana y se reforzará el protocolo de prevención para identificar los casos críticos</li> <li>• Los comandantes de Policía Departamentales están obligados a rendir informes mensuales al DAS, la Fiscalía, el Gobierno y los dirigentes sindicales sobre la situación de riesgo y protección de los sindicalistas en sus jurisdicciones</li> <li>• El Director de Derechos Humanos del Ministerio del Interior y de Justicia mantendrá contacto permanente con los máximos dirigentes de las confederaciones sindicales para efectos de perfeccionar cada vez más los mecanismos de protección de los sindicalistas</li> </ul> |

| Para. | Country | Date                       | Type | Mandate | Allegations transmitted               | Government response  |
|-------|---------|----------------------------|------|---------|---------------------------------------|--|
|       |         |                            |      |         |                                       | <ul style="list-style-type: none"> <li>• Se creará el mecanismo de la Red Virtual para los sindicalistas, para atender alertas en tiempo real, tal como opera el mismo sistema para los alcaldes y concejales</li> <li>• El Gobierno Nacional ofrece recompensas por informaciones que conduzcan a la captura de los condenados por crímenes contra sindicalistas y que no han sido capturados</li> </ul>  |
| 56.   |         | Follow-up to earlier cases |      |         | D. V. P. (A/HRC/4/33/Add.1, para. 49) | <p>Mediante carta de fecha 28/08/08, el Gobierno indicó que la Fiscalía General de la Nación comunicó que se abrió una indagación penal en febrero de 2007, por el presunto delito de abuso de autoridad, en el que se incorpora la denuncia penal que por estos hechos interpusiera el apoderado judicial en representación del señor I. V. A., padre del joven V. P.</p> <p>Dentro de la indagación se elaboró el programa metodológico el 5 de octubre de 2007, que consiste en la sesión de trabajo del Fiscal con los integrantes de la Policía Judicial, para la definición de los objetivos que orientarán las posibles hipótesis delictivas, los criterios de evaluación de la información dentro de la investigación y la realización de práctica de pruebas, para esclarecer los hechos.</p> |

| Para. | Country        | Date     | Type | Mandate | Allegations transmitted  | Government response  |
|-------|----------------|----------|------|---------|--|--|
|       |                |          |      |         |  | De esta manera, se ordenó a la Policía Judicial establecer las circunstancias de tiempo, modo y lugar en que habrían ocurrido los presuntos hechos. Actualmente, la Procuraduría Delegada Disciplinaria está en conocimiento de varias actuaciones adelantadas contra dos Subintendentes de la Policía Nacional implicados en la investigación. La Fiscalía competente está pendiente de la recepción de la entrevista de la abogada de las víctimas de los presuntos hechos.  |
| 57.   | Czech Republic | 04/02/08 | AL   | TOR     | Ms. <b>Vera Musilová</b> . She was kept in a cage bed in Bohnice Hospital in Prague for an extensive period of time, and died there as a result of suffocating in her own faeces on 14 April 2006. The case was investigated by various institutions, including the investigation commission of the Ministry of Health, the Public Defender of Rights and law enforcement authorities. The report of the Deputy Public Defender identified a number of violations, including her placement in the cage bed, which was found to be an unnecessary measure of restraint as she was held there every day for a prolonged period. Bohnice Hospital also failed to monitor Mrs. Musilová's worsening state of health and to offer any treatment other than tranquilizers. In contrast, the Ministry of Health and law enforcement authorities found no shortcomings in the care and treatment of Mrs. Musilová. In more general terms, cage beds (which include beds covered by nets) are used in psychiatric hospitals (and psychiatric wards of | By letter dated 04/02/08, the Government agreed that the summary, although brief, accurately expresses what happened in Bohnice Psychiatric Hospital in April 2006.<br><br>The only inaccuracy may be found in the technical term "cage bed". The beds used in psychiatric hospitals in the Czech Republic are referred to as "net beds" as the protective mesh is made of a fabric net.<br><br>Regarding the legal framework of the usage of net beds, the Special Rapporteur is rightly pointing at the unbinding character of the current "Guidelines on Restraint Use" (2005). The Guidelines are a methodological instruction issued within the scope of the Health Care Act (1966) that sets out the principles of health care and medical treatment. The Health Care Act clearly states that medical treatment can be provided without consent of a patient or its guardian only in a |

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|       |         |      |      |         | <p>general hospitals) under the authority of the Ministry of Health. The hospitals that use cage beds most are: Havlickuv Brod (Vysocina region), Kosmonosy (Central Bohemia region), Šternberk (Olomouc region), Dobrany (Plzen region), Opava (Moravkoslezský region), and Jihlava (Vysocina region). In social care institutions under the authority of the Ministry of Labour and Social Affairs, cage beds have officially been banned from 1 January 2007, but the ban has not been implemented. In some social care centres for minors, cage beds continue to be used, sometimes for prolonged periods. On 1 December 2004, the Ministry of Health issued “Methodical Guidelines on Restraint Use”. Under the guidelines, restraint use can be ordered only by doctors, only in exceptional circumstances, and for the shortest possible time. The guidelines fail to establish any independent monitoring mechanism to control and register restraint use. Whereas the Ministry of Health claims to carry out internal inspections of psychiatric institutions, reports about the frequency, methodology and results of these visits are not accessible to the public. Further, statistical documentation of restraint use is not collected by hospitals, and information on individual restraint use is inaccessible to outsiders. Often the access of patients themselves to their files is restricted. Czech psychiatric hospitals remain closed to independent human rights observers, with the exception of the Ombudsman Office, which is allowed to visit places of detention, but lacks the</p> | <p>few exceptional cases, such as a life-threatening situation where there is no possibility to obtain consent prior to treatment. The use of restraint falls under this general limitation of medical treatment. As the Ministry of Health is aware of the possible discrepancy in the legal application of the Guidelines, it included its provisions into a bill on health care that will replace the Health Care Act, making the provisions on the use of restraints binding. The bill will be introduced to the Czech Government in August 2008 and it is envisaged that it will enter into force in January 2009.</p> <p>Ms. Vera Musilová’s mother lodged a criminal complaint against personnel of the hospital on 16 April 2006. The prosecution was discontinued on 6 March 2007.</p> <p>Ms. Musilová’s mother also addressed herself to the Public Defender of Right and intends to lodge a civil complaint with the Prague Regional Court as well.</p> <p>Several investigations were conducted. An autopsy of the body showed that the reason of death was suffocation caused by a massive aspiration of excrements. The result was confirmed by another forensic expert. Police interviewed hospital staff about the circumstances of death. The results have shown that at 3:00 p.m., a nurse had noticed during a spot check that Ms. Musilová was</p> |

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|       |         |      |      |         | means to conduct regular monitoring of all psychiatric hospitals. In practice it has been found that many hospitals still have a large number of cage beds and continue to use them. | <p>eating her own faeces. She tried to stop her and called two colleagues. They tried to resuscitate her until 3:40 p.m. Ten minutes later, Ms. Musilová's mother was informed by phone of the death of her daughter. The law enforcement authorities found no shortcomings in Ms. Musilová's case or treatment.</p> <p>Consequently, the Ministry of Health undertook an inquiry into the medical care provided in this case, the use of means of restraint and lawfulness of the civil commitment with the medical care and the stay in the hospital itself. The Ministry did not find any violation. According to its statement, the medical care provided to the patient was correct, corresponded to the current knowledge of medical science, and was in accordance with the valid legislation. No fault or error on the part of the medical personnel occurred and, with regard to the poor state of health of the patient, the response to the situation was adequate.</p> <p>In opposition to this, the inquiry undertaken by the Deputy Public Defender of Rights found several violations. It included a misuse and overuse of means of restraint (net bed), bad communication between the Bohnice Hospital and Ms. Musilová and shaving of her head, which was carried out without her or her mother's permission.</p> |

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|       |                                       |          |      |                  |  | The above mentioned investigations did not identify any perpetrator, so no prosecution was undertaken and no sanction was imposed. Therefore, neither the victim nor her family were provided any compensation. |
| 58.   | Democratic People's Republic of Korea | 20/03/08 | JAL  | FOOD; SUMEX; TOR | Regarding the alleged public execution of 13 women and 2 men on a bridge located in Joowon-gu, Onsung County in North Hamgyung Province on 20 February 2008. According to information received, the authorities of the Democratic People's Republic of Korea had previously advised members of all public institutions, public enterprises, and neighborhood units to attend the execution. The people who were executed were reportedly accused of planning to cross over to a neighbouring country to receive economic assistance with the help of their relatives living abroad. Others were accused of helping people to cross or of providing coyote services to those who wanted to cross over. It has been alleged that this execution was designed to dissuade people from crossing illegally. Furthermore, there have been reports that the sentences for illegally crossing to the neighbouring country have increased since 1 March 2007, from a prison term of maximum 3 years to 5-7 years. |   |
| 59.   | Democratic Republic of the Congo      | 21/04/08 | JUA  | TOR; FRDX; IJL   | <b>Nsimba Embete Ponte</b> , directeur du journal " <i>L'Interprète</i> " à Kinshasa et son collaborateur <b>Davin Ntondo Nzovuangu</b> . M. Ponte aurait été arrêté le 7 mars 2008 par des hommes en civil armés et non identifiés. Il serait détenu depuis   |   |

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|       |         |          |      |         | <p>dans les cellules de l'Agence Nationale de Renseignement (ANR) à Kinshasa, sans avoir été inculpé. Depuis son arrestation, Mr. Ponte n'as eu accès ni à son avocat, ni aux visites de sa famille, ni à des soins médicaux. Les raisons de l'arrestation et de la détention de Mr. Ponte seraient liées à des articles qu'il aurait publiés dans son journal en février 2008, relatant la tentative d'assassinat présumée contre le chef de l'Etat, ainsi que l'état de santé de ce dernier, informations considérées comme "portant atteinte à la sureté de l'Etat" par l'administrateur de l'ANR. Quant à Davin Ntongo Nzovuangua, il aurait été arrêté le 29 mars 2008 et n'aurait pas été revu depuis.</p>  |                     |
| 60.   | Ecuador | 16/10/08 | UA   | TOR     | <p><b>José David Penafiel Minton, Paulina Penafiel, Fernanda Penafiel, Nicolas Klaus Graetzer, Peter Graetzer, Santiago Yepez Penafiel, Paulina Yepes, Alejandra Delgado, Zoila Marina Estrada Lopez, José Vicente Minday Carmen Edith Minda,</b> quienes temen por su seguridad física y temen ser torturados con el fin de extraerles información. Del 26 al 30 de septiembre de 2008 se llevaron a cabo acciones brutales de la policía durante las operaciones realizadas por las fuerzas de seguridad denominadas Grupo de Operaciones Especiales del Ecuador (GOE), de conformidad con las instrucciones impartidas por Carlos Bravo, titular de la Agencia de Garantía de Depósito (AGD). Estos hechos ocurrieron durante el proceso de incautamiento de la región ordenado por el</p> |                     |

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|       |         |          |      |                 | <p>Gobierno. En el curso de los encautamientos ilegales, fuerzas gubernamentales de seguridad presuntamente cometieron abusos y violaciones de derechos humanos en el Cantón Mejía, provincia de Pichincha. El martes, 30 de septiembre de 2008 a la una de la madrugada, el GOE irrumpió, sin orden judicial en la casa de Zoila Marina Estrada y Nicolás Klaus Graetzer. Rompieron las puertas de sus casas, llevaron a cabo interrogatorios con uso de fuerza, intimidaron a los trabajadores que estaban en el lugar y sobrevolaron con helicópteros las plantaciones con el fin de atemorizar a los residentes. Las víctimas fueron gravemente golpeadas y manoteadas por las fuerzas especiales. Según la información recibida, estas intervenciones continúan en toda la región. El Sr. Nicolas Klaus Graetzer y la Sra. Zoila Marina Estrada Lopez presentaron denuncias y peticiones de acción legal ante la Fiscalía, sin ningún resultado. Debido a que los señores Klaus Graetzer y Estrada Lopez han sido víctimas de tortura, existe temor fundado de las personas mencionadas arriba de ser víctimas de tortura también.</p> |   |
| 61.   | Egypt   | 28/03/08 | JUA  | HLTH, TOR, WGAD | <p><b>A. S. R., M. H. A., A. M. M., K. A. A. and A. H. A.</b>, who are the subjects of a criminal case before the Qasr al-Nil Court of Misdemeanors. On 24 October 2007, Mr. A. S. R. and Mr. M. H. A. were arrested during an altercation in Bab El-Louk in downtown Cairo. When Mr. R. explained to the arresting police officers that he</p>   | <p>By letter dated 06/10/08, the Government informed that two individuals, Mr. A. S. R. and Mr. M. H. A. were involved in a street fight in a crowded area in the center of midtown Cairo. A police officer near the scene of the fight intervened to separate the two men and to calm down the situation. Upon</p> |

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|       |         |      |      |         | <p>was HIV-positive, both were taken directly to the Morality Police Department in Mugamma' al-Tahrir, where they were detained, and later interrogated by an officer named M. O. A. The officers allegedly slapped Mr. R. in the face and beat Mr. A. They forced them to sign statements, the contents of which they were not allowed to read. During the four days they were detained in Mugamma' al-Tahrir, the two men were handcuffed to an iron desk and left to sleep on the floor. They were denied food and water and were required to pay for them later. A forensic anal examination was performed on both men in order to establish whether they had engaged in anal sexual intercourse. On 20 January 2008, Mr. A. M. M. was arrested on the street, Mr. K. A. A. at his apartment on the following day, and Mr. A. H. A. on 3 February 2008 at an unknown location. On 19 February 2008, Mr. M. was beaten by a police guard. The police guard handcuffed his wrists to opposite poles of the bed and chained one of his ankles to the bed's end to prevent him from moving. Allegedly, Mr. M. had been punched repeatedly in the face, head and body by the same officer.</p> <p>On or around 20 November 2007, Mr. <b>M. M. M.</b> and Mr. <b>E. H. M.</b> were arrested and held at the Appeals Jail in central Cairo, apparently in connection with the arrests of Mr. R. and Mr. A. Police arrested Mr. M. at his workplace. Both men were released on 26 February and</p> | <p>enquiring from the two men about the reasons for their altercation, Mr. H. claimed that Mr. R. had insisted upon him to resume their sexual relationship, something he did not wish to do in light of his knowledge that Mr. R. had contracted HIV/AIDS.</p> <p>The two individuals were taken to the police station in order to continue the investigation. Mr. R. confirmed that he was infected with HIV/AIDS which he believed to have contracted through homosexual intercourse with a number of individuals whom he named.</p> <p>According to procedure, the Public Prosecutor's Office (PPO) was notified and assumed the responsibility for further investigation into the case. The investigations indicated that the two individuals and the group they named habitually engage in male prostitution, and that one of them actually runs a brothel for male prostitution. Therefore, the Attorney General issued an order summoning the individuals named in the testimony of the two men and they were later charged with "habitual practices of debauchery". During the investigations, a number of them admitted to the charges pressed against them and confirmed that the others also participated with them in such practices.</p> |

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|       |         |      |      |         | <p>29 February, respectively, upon court orders as the maximum preventive detention period had expired. Another individual, Mr. <b>G. M.</b>, was arrested on an unknown date and later released. It is alleged that all men were forcibly tested for HIV without their consent. Mr. E. H. M., Mr. M. M. M. and Mr. G. M. tested negative and charges against them were dropped. Mr. A. S. R., Mr. M. H. A., Mr. A. M. M., and Mr. K. A. A. tested positive and are being held at Abbasiyya Fevers Hospital. They were chained to their beds until 25 February 2008 when the Ministry of Health intervened. Mr. A. H. A. is at present detained at Tora Prison. Reportedly, the five detainees were indicted on 4 March 2008 on charges of “habitual practice of debauchery” under article 9 (c) of Law 10/1961. Mr. A. S. R. and Mr. M. H. A. continued to be detained and were indicted after the lapse of the maximum 90-day period of preventive detention for misdemeanours. Allegedly, the lead prosecutor indicated to a defense counsel that the men should not be permitted to roam the streets freely as the Government considers them to present a danger to public health. The first trial hearing scheduled for 12 March was postponed to 19 March in order to provide the defense more time to prepare. Their verdict is expected for 9 April. Concerns are expressed for the physical and mental integrity of the men. Further, it is alleged that the five above-mentioned individuals might have been discriminatorily arrested and detained and that</p> | <p>Once the PPO investigations were completed, charges were brought against the aforementioned individuals, their cases were referred to the courts which ruled against the defendants in two of the cases. The defendants in both cases appealed the verdict, one was rejected while a decision on the second has not yet been issued.</p> <p>It is worth mentioning that the court verdict assigned the convicted individuals infected with HIV/AIDS to designated health centers and not to regular prisons in order to ensure they receive the necessary medical treatment while serving their sentences.</p> <p>The verdicts against the individuals named as defendants in these cases were not related to their “sexuality” or due to their “sexual orientation”. They were clearly based on violations of specific provisions of the Egyptian penal code, none of which explicitly or implicitly criminalizes homosexuality.</p> <p>The allegation that the defendants were tried simply for being HIV positive or for carrying the AIDS virus is also unfounded. As demonstrated above, the trial was for violating specific provisions of Egyptian law and not for health status of the defendants. The infected individuals were granted medical services throughout the process and continue to receive the necessary treatment while serving their</p> |

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|       |         |      |      |         | <p>their indictment might be solely connected to their reported HIV status.</p> | <p>sentences.</p> <p>All proceedings at every stage of this case were carried out under strict judicial supervision. More specifically, the investigations were done by an independent judicial authority. Moreover, the rights of the accused were fully respected and included, inter alia, their right to a fair hearing before a competent court, their right to present their defense and the right to legal representation throughout the investigations and the trial, and the right of appeal.</p> <p>Allegations of arbitrary detention and torture are also unsubstantiated as the entire process followed the designated legal course including the issuance of the required legal permits to summon the group based on a previously defined and criminalized act punishable by the law. The court rulings were based on articles of the Egyptian Penal Code.</p> <p>Allegations of inhuman treatment and torture are also groundless. Firstly, Egyptian law penalizes any mistreatment, including torture and inhuman practices, of individuals including detainees and prisoners.</p> <p>Furthermore, the PPO closely follows and investigates any claims of illegal practices by security personnel and/or any other executive body in Egypt. In case such claims prove to be substantiated, whoever commits such crimes is presented to court to be tried for his or her</p> |

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|       |         |          |      |                              |  | actions. The initial investigations of the PPO show that all of these claims were unsubstantiated and lacked concrete evidence needed to incriminate any offender of the law. |
| 62.   |         | 15/05/08 | JAL  | RINT;<br>TOR                 | <b>Joseph Ramsey Attar</b> , currently detained in Limantora prison, Cairo. Joseph Ramsey Attar fled from Egypt to Turkey in 2001 for fear of persecution due to the renunciation of his initial religion, Islam. He completed his conversion to Christianity in Turkey where he was baptized as a Roman Catholic. Approximately a year later, Mr. Attar went to Canada where he gained Canadian citizenship on 9 November 2006. When returning to Egypt for a family visit on 1 January 2007, Mr. Attar was arrested at Cairo international Airport and detained in an Egyptian Intelligence Service prison. Charged with espionage against the Egyptian state, he was convicted and sentenced to 15 years of imprisonment on 21 April 2007. During his pre-trial detention, Mr. Attar was held in solitary confinement and electrocuted, forced to drink his own urine and threatened to get injections with the HIV virus in order to make him confess. The case brought against him in the State Security Court was based on a confession signed by Mr. Attar after weeks of solitary confinement and ill-treatment. |   |
| 63.   |         | 16/05/08 | JAL  | FRDX;<br>HRD;<br>TOR;<br>VAW | Ms. <b>Magda Adly</b> , a medical professional with the El Nadim Centre for Psychological management and Rehabilitation of Victims of Violence, an organisation that assists victims of torture and  | By letter dated 25/07/08, the Government informed that the following actions were taken concerning this case:   |

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|       |         |          |      |         | <p>violence. On 30 April 2008, Ms. Magda Adly was physically assaulted by a police officer in a courtroom in the town Kafr El Dawwar, the district of Beheira. She suffered a broken shoulder, as well as injuries to the head. She lost consciousness for thirty minutes. The assault occurred after Ms. Magda Adly had testified in a case concerning members of a local family who allegedly had been subjected to torture by local police. On the morning of 30 April 2008, El Nadim Centre had released a statement calling for an investigation into the allegations of torture and other ill-treatment of members of that family by the local police in Kafr El Dawwar. After the assault, the police officer who attacked Ms. Magda Adly was taken into custody. He later stated that he had been following the orders of Chief intelligence officer of the Kafr El Dawwar police. During the hearing, the car of Ms. Mona Hamdy, another psychiatrist at the El Nadim Centre, which was parked outside the courtroom, was vandalized under circumstances that are not yet clear.</p> | <ul style="list-style-type: none"> <li>• Medical report No. 2811 on the victim, Magda Mohammed Adali Yusuf, was issued by the Kafr al Dawwar General Hospital, stating that the patient had bruising above her right eyebrow and had sustained a broken bone in the upper arm and contusions. She had received stitches in the emergency room, and the prognosis for her recovery was over 20 days</li> <li>• The car was examined by the Department of Public Prosecutions at the outset of the investigation, and an engineer from the Kafr al Dawwar transport unit was despatched to carry out a technical examination of the vehicle and check the damage</li> <li>• Dr. Magda Adali was taken to the Department of Forensic Medicine to sign a medical report indicating the date on which her injuries had occurred, what had caused them and how they had been inflicted, as well as the events leading up to the incident</li> </ul> |
| 64.   |         | 18/06/08 | UA   | TOR     | <p><b>Forcible return of about 700 Eritrean nationals from Egypt to Eritrea and of over 1,000 individuals in administrative detention, who might be at risk of forcible return.</b> More than 1,000 Eritrean asylum-seekers are being held in different police stations in Egypt, including near Aswan, Hurghada and Marsa Alam and in</p>  |   |

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|       |         |          |      |                      | Al-Qanater prison near the capital, Cairo for illegally residing in the country. Their forcible return might be imminent. Between 11 and 15 June 2008, in a large scale operation conducted by Egyptian authorities, about 700 Eritrean asylum-seekers had returned from Egypt to Eritrea without having had access to appropriate proceedings to review their claims. They were transported on special Egypt Air flights. Credible reports contain consistent allegations that in Eritrea returnees are routinely subject to prolonged incommunicado detention in poor conditions at unofficial places of detention and to torture. Against the background of consistent allegations that in Eritrea returnees are frequently subject to torture and ill-treatment by officials, serious concern for the physical and mental integrity of the Eritreans is expressed, should they be returned. |   |
| 65.   |         | 30/06/08 | JUA  | FRDX;<br>HRD;<br>TOR | <b>Kamal Murad</b> , a journalist for the newspaper <i>Al-Fajr</i> . He has reported on alleged cases of corruption and human rights violations committed by police officers in Egypt. On 17 June 2008, in Rahmaniya in the Buhaira Governate, Mr. Kamal Murad was arrested and detained after conducting interviews with peasants in Ezbat Mohram and taking photographs of police officers beating peasants, allegedly to force them to sign leases with a local businessman whose two sons are police officers. Mr. Murad's interview notes and the memory card from his mobile phone containing the photographs of the incident were  | A reply was received from the Government on 05/12/08, but could not be translated in time for inclusion in this report. |

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|       |         |          |      |                       | confiscated. While in detention, Mr. Murad was beaten and verbally abused by three police officers and who reportedly referred to him as “the one who sent the officer to jail for three years”. Kamal Murad had previously reported on a torture case which resulted in the conviction and three-year prison sentence of a police officer. Mr. Murad was charged with attacking police officers and inciting the peasants against security forces and released after several hours in detention. His confiscated property has not yet been returned to him.  |                     |
| 66.   |         | 18/08/08 | JUA  | WGAD;<br>HLTH;<br>TOR | <b>S. E. S., I. E. I., G. R. S., M. M. M., M. A. A., M. K. D., A. M. A., A. M. H. T., O. F. K., A. M. Y., M. A. A. and I. I. A.,</b> who currently have a hearing before the Qasr al-Nil Court of Misdemeanors. On 12 and 17 April 2008, the police arrested 12 men after a raid on a square close to the train station in Alexandria. After a hearing at a court of first instance, the men were charged and sentenced to two years in prison under article 9 (c) of Law 10/1961 for crimes relating to conduct of a homosexual nature. Two men were beaten by police while in custody in the Alexandria Security Directorate. One of the men, I. E. I., was allegedly beaten by a police officer, on the back with a water hose. On the 28 of July, on appeal, the judge of the Attarin Appellate Court of Misdemeanors adjourned the case until 11 August. Since then, the men have been detained in Gharbaniyat Jail. Whilst in prison, the 12 men were forcibly tested without consent for |                     |

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|       |         |                            |      |         | HIV at the Fevers Hospital by doctors from the Ministry of Health and Population. Four out of 12 men tested positive for HIV. The four men were first told their positive status after a disclosure by the judge in open court during the first-instance trial. They are being held in cells away from other prisoners. They have not received any treatment for their condition by medical staff, including any anti-retroviral drugs or counselling. It is reported that the 12 men were subjected to intrusive and abusive forensic anal examinations by doctors from the Forensic Medical Authority for the purpose of establishing whether or not the men had engaged in homosexual conduct. |   |
| 67.   |         | Follow-up to earlier cases |      |         | <b>George Ishaq, Amin Eskandar, Abd al Hadi Al-Mashad, Magdy Abdel Hamid, Kamal Abbass, Shaaban Abd Al-Rahim Al-Daba and Salah Adli</b> (E/CN.4/2006/6/Add.1, para. 62)   | By letter dated 23/11/05, the Government informed that the persons named in the complaint were among a group of 24 persons who were arrested while holding a demonstration in Tahrir Square on 30 July 2005 in which they attempted to antagonize the security forces and interrupted traffic in the area. They were taken to the Department of Public Prosecutions and the incident was recorded in higher State security case file No. 886 of 2005. They were questioned by the Department, which decided to release them on bail of 100 Egyptian pounds. The decision was promptly enforced. The above information shows that the security authorities abide by the law, since the persons |

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|       |                   |          |      |           |   | in question were arrested for committing acts that constitute criminal offences, and were taken to the Department of Public Prosecutions as is required by law. The Department is part of the judiciary and its members enjoy judicial immunity. The Department carried out its responsibilities by conducting an investigation according to the established legal procedures and by taking decisions thereon. The persons concerned were released on bail and the Department of Public Prosecutions is still completing its investigations into this matter. |
| 68.   | Equatorial Guinea | 02/04/08 | JUA  | TOR, WGAD | Sra. <b>Brígida Asongsua Elo</b> . La Sra. Asongsua Elo continúa en detención sin que se le hayan formulado cargos ni sometido a juicio en la Comisaría Central de Policía de Malabo. No se le ha comunicado aún los motivos de su detención. Se afirma que se le está negando el tratamiento médico que necesita. Esta persona sufre de hipertensión, y como consecuencia, de frecuentes mareos, desmayos y hemorragias en la nariz y la boca. El equipo médico del hospital donde fue temporalmente trasladada, recomendó su hospitalización para someterla a pruebas y tratamiento, pero las autoridades policiales no lo han permitido. Esta persona se encuentra reclusa en una celda colectiva junto a un grupo de 70 a 100 detenidos, en su mayoría varones. En la celda no hay instalaciones higiénicas, por lo que carece de privacidad. A finales de febrero o principios de marzo de 2008, el Presidente del Tribunal de Instrucción y Primera Instancia de Malabo dictó |   |

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|       |         |          |      |              | un orden judicial para que se la hiciera comparecer ante el tribunal para determinar si su arresto y reclusión eran legales. La Policía no ha acatado el orden judicial. Un recurso de habeas corpus interpuesto en su favor no ha sido resuelto.  |                     |
| 69.   |         | 23/04/08 | JAL  | SUMX;<br>TOR | <p>Sr. <b>Saturnino Ncogo Mbomyo</b>, en hechos ocurridos en la ciudad de Malabo. El 12 de marzo de 2008, miembros de la Policía se presentaron en el domicilio del Sr. Saturnino Ncogo Mbomyo, de nacionalidad guineana, de unos 45 años de edad, ubicado en el barrio Semu de la mencionada ciudad de Malabo, acusándolo de ocultar “cosas” en su domicilio. Según las denuncias, el interesado no reconoció que ocultara nada en su casa y por ello los policías procedieron a arrestarlo y a llevárselo a la Comisaría. Ahí lo interrogaron y le hicieron firmar una autorización de registro de su domicilio, a dónde mas tarde regresaron acompañados de varias autoridades para proceder a un registro legal de la casa. Los policías encontraron en el cielorraso (techo) de la vivienda del Sr. Saturnino Ncogo Mbomyo un paquete de droga conocida con el nombre de “Banga” (planta alucinógena local que se fuma) y un millón de Francos guineanos CFA (unos 1.525 €). Además, descubrieron una zona irregular en un rincón de su habitación, en cuyo suelo, al ser demolido con picos y mazas, habían armas bien conservadas en envoltorios que hubieran permitido su mantenimiento por mucho tiempo. Se ha dicho que la policía encontró tres fusiles de asalto tipo “Cetme”, un fusil con mira</p> |                     |

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|       |         |      |      |         | <p>telescópica y una pistola provista de silenciador, así como abundante munición. De acuerdo con las informaciones, mientras llevaban detenido al Sr. Saturnino Ncogo Mbomyo, le exigieron los nombres de sus cómplices, además su casa y sus negocios fueron precintados, y su mujer e hijos echados a la calle. Durante la tarde del mismo día se desencadenó una serie de arrestos y detenciones cuyo número exacto de detenidos se desconoce, pero que según fuentes fidedignas podrían oscilar en torno a la decena, incluyendo el Sr. Juan Micha, alias Opalon, quien luego fue liberado el 15 de marzo, y el Sr. Gerardo Angüe, alias Batería. También se encuentra detenido un señor de nombre Jesús cuyo apellido no se ha informado, alias Tite, quien tiene relaciones familiares directas con altos cargos del gobierno. Además se ha informado que otras personas están bajo órdenes de busca y captura. Al día siguiente, el 13 de marzo de 2008, la familia del Sr. Saturnino Ncogo Mbomyo fue informada de su fallecimiento y su cuerpo fue discretamente entregado a la familia el 16 de marzo, procediendo a ser enterrado el mismo día. Se ha informado que la versión que dieron las autoridades fue que el Sr. Saturnino Ncogo Mbomyo se había suicidado, sin embargo muy pocas personas, incluyendo su abogado, vieron el cadáver y se denunció que algunas de ellas manifestaron la existencia de una herida en la sien (hueso temporal de la cabeza) del Sr. Ncogo Mbomyo. Se ha informado que hasta la redacción</p> |                     |

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|       |          |          |      |             | de este comunicado, las autoridades siguen sin pronunciarse oficial y públicamente sobre lo ocurrido con el Sr. Saturnino Ncogo Mbomyo.  |                     |
| 70.   | Ethiopia | 05/03/08 | JAL  | TOR;<br>VAW | <p><b>H. M. H.</b>, a 12-year-old Djiboutian refugee. On 17 December 2007, she was abducted by a 23-year-old Ethiopian, and his family. A complaint for abduction and confinement was lodged by her father. Reportedly, the young man raped H. M. H. over a 17-day period. In order to shield him from a rape charge, his uncle, a police commander, and one of his assistants, charged H. M. H. with theft of a washing tub and detained her. She was forced to admit the theft, to state she had no family, to change her name and to state she was older than she actually was (i.e. over age 16). H. M. H. was detained at the Central Prison in Addis Ababa, together with adults. On 24 December, her father was finally informed of the situation, however, he was not allowed to visit his daughter before 26 January 2008. The Ethiopian Embassy in Paris, contacted by mail by some organizations supporting H. M. H.'s father, orally replied that the girl was 16 and that she was the wife of a young Ethiopian. H. M. H.'s birth certificate and health card issued by an Ethiopian hospital stated that she was born on 20 September 1995. Neighbours and her family also declared that she is not married. On 15 February 2008, H. M. H. was released, however, the investigation concerning her alleged theft is still ongoing.</p> |                     |

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| 71.   |         | 29/04/08 | UA   | TOR          | <b>40 youths detained at an Ethiopian military camp</b> in north Mogadishu (see para. 193). On 19 April 2008, Ethiopian forces raided Al-Hidya mosque in Mogadishu, seizing over 40 students, all under 18, who were undertaking religious studies at the mosque. The minors were then transferred to an Ethiopian military camp in north Mogadishu. Whereas some of the minors have been released, Ethiopian soldiers have indicated that they would release the others once they had been investigated and if they were not terrorists.  |                     |
| 72.   | Fiji    | 29/10/08 | JAL  | SUMX;<br>TOR | <b>Selesitino Kalounivale.</b> On 2 November 2000, some soldiers of the Counter Revolutionary Warfare (CRW) branch of the Fiji Military Forces were involved in a mutiny. That same day, Mr. Kalounivale was picked up by soldiers in the Tamavua area and taken to the army commander at the naval base. He was later taken away from the base by four or five soldiers in an army van. Witnesses heard swearing, hitting with rifle butts and kicking in the back of the vehicle, where he died. At around midnight, he was taken to the mortuary at CWM Hospital. Due to the curfew that was in force, no one except military, security personnel and authorized persons could go out that night. On 8 November 2000, a post mortem was conducted. The cause of death was found to be multiple blunt force injuries including head injuries with subdural haemorrhage.<br><br>In 2004, a civil court found that the military had caused Mr. Kalounivale's death and ordered the |                     |

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|       |         |          |      |             | military to pay \$24,000 as compensation. The military indicated that they would appeal the judgment and the victim's family has not yet received any money. It has been eight years since Mr. Kalounivale's death in custody and no criminal charges have been pressed against any person. It is unclear whether any criminal investigations were carried out by the police.   |                     |
| 73.   | France  | 18/06/08 | JAL  | IJL;<br>TOR | Suite à la communication (A/HRC/7/3/Add.1, para. 74 et a la réponse reproduite ci-dessous (para. 74)), su l'absence d'intervention de la justice vis-à-vis d'une plainte déposée par quatre organisations non gouvernementales contre l'ancien secrétaire d'Etat à la Défense des Etats-Unis, <b>Mr. Donald Rumsfeld</b> . En réponse nous voudrions vous rappeler quelques développements liés à la question de l'immunité. Vous faites référence au jugement Congo c. Belgique de la Cour Internationale de Justice (CIJ). En statuant que M. Yerodia, le Ministre des affaires étrangères à l'époque, jouissait de l'immunité devant les cours nationales pendant toute la durée de son mandat, la CIJ soulignait implicitement qu'il n'aurait pas joui de cette immunité s'il n'avait pas été ministre en exercice. De plus, la CIJ a souligné que cette immunité pénale ne signifiait pas que des auteurs présumés de violations graves ou crimes contre l'humanité pouvaient agir en toute impunité. Elle a aussi remarqué que, dans tous les cas, des ministres peuvent faire l'objet de procès devant des cours pénales internationales. Dans ce contexte, nous |                     |

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|       |         |      |      |         | <p>voudrions rappeler l'article 27 du Statut de Rome de la Cour Pénale Internationale, qui stipule que « Le présent Statut s'applique à tous de manière égale, sans aucune distinction fondée sur la qualité officielle. En particulier, la qualité officielle de chef d'État ou de gouvernement, de membre d'un gouvernement ou d'un parlement, de représentant élu ou d'agent d'un État, n'exonère en aucun cas de la responsabilité pénale au regard du présent Statut, pas plus qu'elle ne constitue en tant que telle un motif de réduction de la peine. Les immunités ou règles de procédure spéciales qui peuvent s'attacher à la qualité officielle d'une personne, en vertu du droit interne ou du droit international, n'empêchent pas la Cour d'exercer sa compétence à l'égard de cette personne. » Etant donné le fait que le Statut de Rome est un traité international, tous les Etats-membres, y compris la France, acceptent ce principe et renoncent à la possibilité d'invoquer l'immunité. Bien que la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants ne contienne pas de disposition explicite visant exceptions des règles relatives à l'immunité, il est clair que sa lecture doit s'inspirer d'autres instruments internationaux, y compris le Statut de Rome. De plus, il est difficile d'imaginer qu'un instrument comme la Convention contre la torture, dont le but est de pénaliser la torture et d'établir la juridiction universelle pour éviter que les auteurs des actes de torture échappent à la justice, soit</p> |                     |

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|       |         |      |      |         | <p>interprétée d'une façon qui conférerait des immunités importantes aux anciens représentants de l'Etat, y compris pour des actes de torture. Pour les raisons précitées, les règles traditionnelles d'immunité du droit coutumier doivent être interprétées d'une manière très restrictive. C'est cette approche qui a été privilégiée par la Chambre des Lords britannique quand elle a examinée le cas de Pinochet. La majorité a décidé que l'ancien chef d'Etat et Sénateur ne bénéficiait pas d'immunité et pouvait être extradé vers l'Espagne pour des poursuites liées aux actes de torture commis après l'entrée en vigueur de la Convention contre la torture en Espagne, au Chili et au Royaume Uni. En considérant le troisième rapport périodique du Royaume Uni en 1998, le Comité contre la torture a confirmé cette interprétation en recommandant « que l'affaire du sénateur chilien Pinochet soit déférée au parquet en vue de déterminer si un procès est réalisable, et, le cas échéant, que des poursuites criminelles soient engagées en Angleterre si la décision de ne pas l'extrader était prise. Ceci serait conforme aux obligations incombant à l'État partie en vertu des articles 4 à 7 de la Convention et de l'article 27 de la Convention de Vienne de 1969 sur le droit des traités. » Ce même Comité, dans le cas de Habré, l'ancien dictateur du Tchad, a constaté une violation par le Sénégal de ses obligations d'exercer la juridiction universelle sous les articles 5 and 7 de la Convention contre la</p> |                     |

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|       |         |                            |      |         | Torture, ce qui signifie implicitement qu'il considère qu'un ancien chef d'Etat ne jouit pas d'immunité diplomatique pour des actes de torture. Il est de notre responsabilité, en vertu du mandat qui nous a été confié par le Conseil des droits de l'homme et par les résolutions de l'Assemblée générale, de solliciter votre coopération pour assurer que les normes des droits de l'homme soient respectées et notamment les obligations liées à l'interdiction absolue de la torture. |  |
| 74.   |         | Follow-up to earlier cases |      |         | L'absence d'intervention de la justice vis-à-vis d'une plainte déposée par quatre organisations non gouvernementales contre l'ancien secrétaire d'Etat à la Défense des Etats-Unis, <b>Mr. Donald Rumsfeld</b> . (A/HRC/7/3/Add.1, para. 74).  | Par lettre datée du 07/03/08, le Gouvernement a indiqué qu'une plainte a été déposée le 25 octobre 2007 auprès du procureur de la République du Tribunal de Grande Instance de Paris contre M. Donald Rumsfeld, ancien Secrétaire d'Etat américain à la défense, par la Fédération internationale des droits de l'homme, la Ligue Française pour la Défense des Droits de l'Homme et du Citoyen, le «Center for Constitutional Rights» et le «European Center for Constitutional and Human Rights», du chef de complicité par instructions d'actes de torture et de barbarie.<br><br>A la suite du dépôt de cette plainte, le Procureur de la République du Tribunal de Grande Instance de Paris a saisi le 26 octobre 2007 la brigade criminelle d'une enquête, aux fins d'établir la réalité et la durée du séjour de Monsieur Rumsfeld à Paris, ainsi que le Ministère des affaires étrangères et |

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|       |         |                            |      |         |  | européennes afin de vérifier l'existence d'une éventuelle immunité diplomatique de l'intéressé.   |
| 75.   | Georgia | Follow-up to earlier cases |      |         | <b>Police actions in connection to mass protests in Tbilisi as well as the declaration of state of emergency and suspension of some fundamental rights</b> (A/HRC/7/3/Add.1, para. 77) | By letters dated 27/02/08 and 28/02/08, the Government responded that the incident on 7 November 2007 represented part of the chain of events that developed since the beginning of November 2007 in Georgia. The measures taken were aimed at restoring the public order and responding to the national security concerns in the country, while acting in accordance with the international norms and standards that govern the limitation of certain rights and freedoms as well as situation of national emergency. On 2 November 2007, according to the best estimates of both the Government and respected independent sources approximately 50,000 protestors gathered in front of the Parliament on Rustaveli Avenue. The organizers of the assembly had notified the Tbilisi Municipality regarding their plans to close the traffic on the Avenue as envisaged by Georgian legislation. In the following days, the number of protesters declined steadily, barely amounting to a thousand by 4 November 2007. By this point, the demonstrators were already in violation of the Law of Georgia on Assembly and Manifestation on numerous counts. For instance, the law prohibits intentional hindrance of the movement of public transport. In defiance of this law, opposition leaders kept |

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|       |         |      |      |         |                         | <p>Rustaveli Avenue blocked, although the number of protestors was small and did not require closing the avenue. Furthermore, the organizers had notified the Tbilisi Municipality that the demonstration would be held only on 2 November. When it became evident that the population was leaving Rustaveli Avenue, the organizers of the demonstration began to call for civil unrest and the violent overthrow of the Government. They called for attacks on government institutions. Implicit and explicit incitements to overthrow the Government were common at the rally. For five days the police refrained from interfering in the rally to avoid an escalation of the situation as well as not to hinder the full enjoyment of the rights of the protestors.</p> <p>During the morning of 7 November, the number of protestors declined to approximately 100 individuals. At 8 a.m., with only a few minor incidents with protestors, the area was cleaned up and traffic restored. At 9 a.m., Tbilisi Mayor informed the public that the government would no longer tolerate the unlawful blockage of Rustaveli Avenue and the setting up of tents. At the same time, the demonstrators were told that they could continue the demonstration in front of the Parliament and on the sidewalk. At 11 a.m., the opposition leaders started to escalate the</p> |

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|       |         |      |      |         |                         | <p>situation by drawing parallels with the revolutionary and tragic events of 9 April 1989 (when brutal actions by the Soviet army against the peaceful anti-soviet demonstrations on Rustaveli Avenue led to the death of 17 peaceful protestors, while thousands were injured). They called on people to come to the streets “to put an end to the Government” and instigated clashes with the police to block Rustaveli Avenue, but unarmed patrol police units were able to prevent it. After the third attempt, protestors succeeded and forced the police out. As a result, numerous police officers were injured and several police cars were crushed.</p> <p>Before bringing in the riot police, demonstrators had been warned through loudspeakers to dissolve peacefully, and that force would be used otherwise. The leaders defied this request and made further radical statements inciting the protestors to even greater violence. The police repeated the request to dissolve peacefully, and made a specific announcement for women, children and the elderly before the water cannon machine was deployed. The use of water cannons did not have any significant effect. However, some protesters left Rustaveli Avenue within ten minutes. At the same time, new demonstrators, incited by the calls of opposition leaders, approached the Avenue</p> |

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|       |         |      |      |         |                         | <p>from the other side. They started to throw stones at the police and smash police cars. As the use of water cannon proved ineffective, the police resorted to tear gas. Tear gas had a temporary but not immediate effect of incapacitating some of the protesters. Many left the Avenue, while some stayed, attacking policemen with stones and other objects.</p> <p>At this point, the policemen resorted to rubber bullets in order to prevent attacks from specific individuals and protect the parliament building, which was approached by the groups of protesters aiming to break in. The police managed to unblock Rustaveli Avenue only after the use of above special means.</p> <p>The Government of Georgia realizes that there are allegations of a limited number of cases where possibly excessive force has been used; however, such incidents were isolated cases and, if proven, would constitute clear violations of the respective orders. Alleged cases of excessive use of force could be partially attributed to the fact that additional police forces, other than riot police, were deployed to respond the situation adequately. Criminal police assisting the specifically trained riot police forces receive neither physical, nor physiological training for crowd control. Nevertheless, the police was acting in accordance with legislation and the order. A criminal investigation into each specific case,</p> |

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|       |         |      |      |         |                         | <p>where excessive force was allegedly used, is underway led by the office of the General Prosecutor. The Ministry of Internal Affairs has completed an internal administrative inquiry, as a result of which 11 police officers were dismissed due to non-compliance with ministerial instructions and confrontation with civilians. As a result of this internal analysis, the Ministry identified specific weaknesses, especially training-wise and has already initiated measures to improve the police' capacity. On 15 November 2007, the Tbilisi Main Division of Internal Affairs launched an investigation into the alleged infliction of physical injury upon the Public Defender of Georgia - Sozar Subari (criminal case No 10070583). The investigation was initiated in response to his TV interview where he alleged that law enforcement officers on Rustaveli Avenue physically insulted him on 7 November. The case was transferred to the Investigative Department of the Office of the Prosecutor General for further investigation.</p> <p>The organ conducting the investigation, on several occasions asked Mr. Subari to appear before it, in order to provide his testimony that would assist in establishing justice in relation to the case. Mr. Subari was interrogated on 24 November 2007, and a forensic medical exam was carried out. Currently all the necessary investigative measures are being</p> |

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|       |           |          |      |              |   | <p>taken in order to establish the truth and prosecute the offenders. On 10 November 2007 Zveli Tbilisi District Prosecution Office initiated a preliminary investigation into criminal case No. 06079035, on bodily injuries inflicted upon several persons as a result of the activities that took place on 7 November. In addition to the evidence gathered in the course of the investigation, the materials sent by the Office of the Public Defender of Georgia concerning bodily injuries of particular citizens were attached to the criminal case in question. The investigation ascertained that the Office of the Public Defender forwarded materials concerning 12 individuals. Five of them were treated at hospitals, seven were detained in temporary detention isolator n. 2 of the Tbilisi Main Unit of the Internal Affairs, four out of those seven are in prison n. 5 of the Penitentiary Department of the Ministry of Justice. One person who had been placed in pre-trial detention was released on bail, and two persons are held under administrative detention. With respect to 11 persons, forensic medical examinations were conducted. No examination could be conducted in relation to one person, due to his poor health.</p> |
| 76.   | Guatemala | 23/04/08 | JAL  | FRDX;<br>TOR | <b>Mario Morales, Oscar Benavente y Danilo de Jesús.</b> El 4 de abril de 2008, los Señores Morales, Benavente y de Jesús fueron agredidos por varios agentes de la Policía Municipal de Tránsito |  |

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|       |         |          |      |         | cuando daban cobertura al desalojo de vendedores ambulantes en los alrededores del Hospital Roosevelt, en la zona 11 de la ciudad capital. Los tres periodistas fueron golpeados por los agentes con el fin de impedir que captaran imágenes del momento en que agredían a un menor de edad.  |                     |
| 77.   | Guyana  | 12/02/08 | UA   | TOR     | <b>Alvin Wilson</b> , aged 53, a reservist corporal in the Guyana Defence Force, and security detail in charge of guarding the stock room at the headquarters of the Guyana Defence Force, and <b>Michael Dunn</b> . In repeated incidents in November and December 2007, at the Headquarters of the Guyana Defence Force at Camp Ayangana and at undisclosed locations along the East Coast of Demerara, several members of the Military Criminal Investigation Department (MCID), tortured the men. Alvin Wilson and Michael Dunn were forced to sit on a bench with their faces covered with wet bags and strings pulled tightly so that they had difficulty breathing. Water was poured into the bags and the men were instructed to breathe. Alvin Wilson and Michael Dunn were shocked by wires attached to their genitals, were pepper sprayed, whipped with metal pipes, and kicked. Alvin Wilson's dentures were struck out of his mouth. He suffered injuries which resulted in him urinating blood, as well as injuries to his back which prevents him from sitting upright, and compels him to wear a brace. Michael Dunn sustained wounds on his left heel. Alvin Wilson received medical attention after he reported his injuries to other military officers, but |                     |

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|       |         |          |      |             | the intervention was inadequate and significantly delayed. His attempts to make a formal report of the alleged torture were initially ignored. The acts of torture took place in the context of an investigation by the Guyana Defence Force into two incidents of disappearances of weapons in 2001 and in November 2007. In spite of promises by the President, Commander Best and the Minister of Home Affairs to conduct a thorough investigation and to establish a Board of Inquiry to look into the incident, no investigation has commenced.   |   |
| 78.   |         | 16/09/08 | JAL  | IJL;<br>TOR | <p><b>R. C.</b>, aged 10. On 1 January 2008, R. C. was arrested after being accused of having stolen 6,000 Guyanese dollars from a neighbour. He was taken to the Sisters Police Station in East Bank Berbice, where police officers beat him, flogged him with a belt, a broom and a tamarind whip, made him kneel half-naked and forced him to lift a stack of heavy books over his head. R. C. was held in custody for two days and hospitalized on the third day. He remained under police guard while in the hospital.</p> <p><b>Patrick Sumner</b>, and <b>Victor Jones</b>, aged 19. They were arrested by GPF and GDF officers in early September 2007 in connection with the 2006 murder of the Minister of Agriculture Satyadeow Sawh, Sawh's siblings and bodyguard. Mr. Sumner and Mr. Jones were taken to an unidentified military camp on the Linden-Soesdyke Highway and subjected to</p> | <p>By letter dated 29/12/08, the Government indicated that any victim and/or his/her relatives may approach any or all of the following entities to report, investigate and seek redress: The Police Service Commission, the Police Complaints Authority (with a mandate to investigate allegations of human rights abuses and infringements of police codes); the Office of Professional Responsibility, Guyana Police Force; the Heads of the Disciplined Forces (Guyana Defence Force, the Guyana Police Force, the Guyana Prison Service and the Guyana Fire Service); the Parliament and the Judiciary.</p> <p>The relevant agencies have conducted inquiries concerning this matter and determined that no report of allegations of torture or abuse of human rights were made to any of the designated complaint agencies by</p> |

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|       |         |          |      |              | <p>beatings. They had their feet bound, eyes blindfolded, and were thrown in a pool of water by members of the security service. At some point policemen threw gunpowder and a corrosive liquid on the detainees. They were released after three days and never charged for the crimes for lack of evidence.</p> <p><b>Damyoun Wordsworth</b>, aged 19, was approached by two policemen who took him to Blairmont Police Station on 15 September 2007. The two men were dressed in civilian clothing and did not identify themselves. Whilst at the police station, he was questioned over a theft. At all times, Mr. Wordsworth denied this allegation. He was suffocated with a plastic bag, which was placed over his head, on numerous occasions. He was hit with a lemonade bottle on his left hand and was handcuffed. A gun was held over his mouth and he was lashed with the gun across his left forehead. This led to bleeding on his forehead. He was taken to Fort Wellington Hospital, where he was provided with medication. However, once he returned to police custody, he did not receive any medicine. He was released on 17 September 2008 without having been charged with any criminal offences.</p> | any of the persons listed in the letter. The Government is therefore not in a position to verify or otherwise comment on the accuracy of the allegations made. |
| 79.   |         | 29/09/08 | JAL  | SUMX;<br>TOR | On 17 January 2008, <b>Ramesh ‘Kenny’ Sawh</b> , aged 19, was arrested and taken to Enmore police station in East Coast Demerara, apparently on charges of stealing a car battery. He died at the police jail on the same day. The police never   |  |

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|       |         |      |      |         | <p>informed his family as to how he had died, but allegedly told others that he committed suicide in jail by hanging himself by his jersey. A witness has reported that also on 17 January 2008, he heard someone screaming and asking for the beating to stop at Enmore police station. At the mortuary in Georgetown, members of the Sawh family were initially not allowed to see the body of the dead young man, but only his face. Allegedly there were no markings around the neck, but instead he had swollen lips and, as the family could see later, bruises on his body. In April 2008, after repeated pleas from the Sawh family and several letters by an attorney retained by the family, the Police Complaints Authority launched an investigation into the death of Ramesh 'Kenny' Sawh. Mr. Sawh had previously been repeatedly held at that police station without being officially charged and been ill-treated by police officers. On one occasion, during interrogation police officers placed a plastic bag over his head and beat him. On another, they soaked his head in water and continued beating him with a broom head.</p> <p><b>Edwin Niles</b>, aged 34, was serving a three year sentence for possession of marijuana in Camp Street prison in Georgetown. Approximately on 4 June 2008, during a routine search following a day of labour at an army base (Camp Ayanganna), the prison guards found ammunition in the pockets of Mr. Niles' pants. He was beaten</p> |                     |

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|       |         |      |      |         | <p>by the prison guards after the ammunition was discovered. The police subsequently took him to a Georgetown hospital; his (common law) wife was not allowed to visit him there. On Friday, 13 June 2008, Edwin Niles succumbed to his injuries in the hospital. The autopsy revealed that he died as a result of a blood clot in the lungs. Photographs taken during the post mortem examination showed that he had sustained extensive burns on his shoulders, back and buttocks. He also had a broken arm when he was brought to hospital. An investigation by the police pointed to four officers who could have been involved in the death of Edwin Niles. On 17 or 18 September 2008, the Director of Public Prosecutions recommended that two Assistant Superintendents of the Georgetown Prisons be charged with manslaughter for the killing of Edwin Niles. The two Assistant Superintendents have been released on bail.</p> <p>In a case that remains open after seven years, <b>Rocky Anthony Brunoanish</b>, aged 29, was taken into police custody on 6 June 2001 by two officers of the Guyana Police Force. On 9 June 2001, Mr. Brunoanish informed a visitor at the Aurora Police Station jail that he was being beaten by police. He died that very same day at the Aurora Police Station. On 10 June 2001, an autopsy performed on Mr. Brunoanish determined that the cause of death was cerebral haemorrhaging caused by a blunt trauma to the</p> |                     |

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|       |         |          |      |         | head. More than three years later, on 20 July 2004, the matter was reported to the Ombudsman, the Honourable Justice S.Y. Mohamed. No investigation has taken place since then, however, to clarify the circumstances of the death of Mr. Brunoanish.   |                     |
| 80.   | Hungary | 28/03/08 | AL   | TOR     | <b>Markus Binder</b> , aged 38, Austrian national. On the night of 29 September 2007, he was arrested in Budapest by two policemen and transferred to a large pre-trial detention centre in the centre of the city. He was interviewed by a bald officer, aged between 40 and 45 years, who was about 185 cm tall. Every time Mr. Binder tried to say something, the officer shouted at him and told him to shut up. The officer ordered him to stand about 20 cm from the wall and every time he moved, he hit him in the stomach or electro-shocked him in his knee. Mr. Binder was later moved to a cell with five beds and a table with chairs. During the night he had an epileptic seizure. The two men with whom he shared the cell called the guards and four came and took him to a padded room of about 1 m2. It had a plexiglass door and he could not lay down because the room was too small. In the centre of the ceiling there was a pipe, and directly beneath it on the floor was grating. Mr. Binder was sprayed with cold water from the pipe until he was almost submerged and could hardly breathe, at which point it stopped. When he screamed, the policemen entered and electro-shocked him in the knee. Drenched with water, two guards with black |                     |

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|       |         |          |      |              | <p>masks took him and put him on a small bus. They transferred him to what was believed to be a psychiatric clinic and handed him over to a medical doctor (about 50 years old, with beard, and short brown hair) who gave him an injection. He fell asleep immediately. When he awoke, Mr. Binder was allowed to shave in a washing room outside his cell. He kept the blade and, upon return in his room, cut into his throat because of the treatment he had received and because he had no idea what would happen to him.</p>  |                     |
| 81.   | India   | 01/02/08 | JAL  | SUMX;<br>TOR | <p><b>Raju Roy</b>, aged about 35. On 11 December 2007, he was arrested by plain-clothed personnel of the Railway Protection Force in Santragachi, Howrah. At the time of arrest the officers did not present an arrest warrant, or inform the family. The next day Mr. Roy's family was informed that he was seriously ill and was sent to the Howrah District Correctional Centre. When they went to visit him, Mr. Roy was unable to speak, stand on his feet or walk. On 14 December at 1.35 a.m., Mr. Roy died after being transferred to the Medical College and Hospital, Kolkata. On 17 December, representatives of the correctional centre asked the widow to sign a letter indicating that he had been unwell before his detention and that his death was not related to his detention, which she refused. On 19 December, the body with injuries and marks that might stem from torture or ill-treatment was handed over to Mr. Roy's family. The autopsy was conducted by</p> |                     |

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|       |         |          |      |              | a magistrate under the authority of the executive branch, who was not independent from the Railway Protection Force, and therefore lacks credibility.   |                     |
| 82.   |         | 31/03/08 | AL   | TOR          | <b>Motahir Ali Tapadar</b> , aged 38, Kalain village, Assam. On 20 September 2007, he was arrested in connection with a complaint against him by a neighbouring family. He was taken into custody at Kalain Patrol Post under Katigorah Police Station. On the evening of his arrest, Mr. Tapadar's wife went to visit him at the police post and arrived to find several police officers beating, abusing and humiliating her husband. When she protested, she was beaten and kicked as well. On the next morning, before being taken to court, Mr. Tapadar's wife sought his release, and the sub-inspector demanded Rupees (Rs.) 10,000. He threatened that he would kill him otherwise. The sub-inspector started to beat and kick Mr. Tapadar in full public view. When the latter's condition began to deteriorate, he was taken to the Kalain Primary Health Centre. Mr. Tapadar died at about 1.30 p.m. |                     |
| 83.   |         | 29/07/08 | JAL  | SUMX;<br>TOR | <b>S. M.</b> , aged about 14, resident in Delhi, Muslim. On 24 December 2007 S. M. had come from Delhi, where he lived, to Harharpur to celebrate Eid Festival with his family. When he returned from a meeting with his mother across the border at around 11.45 pm, he was killed by Border Security Force (BSF) officers near Madhupur Bridge, Police Station-Bagdah, District-North 24 Parganas. The assistant Commandant of BSF of   |                     |

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|       |         |      |      |         | <p>37 BD, B.S.F. explained the death of S. M. indicating that B.S.F jawans fired on a group of about five or six persons who crossed the border and did not obey their order to stop. However, while three deep penetrating injuries were noticed on S. M's chest, no bullet injury was detected on the dead body. The police of Bagdah Police Station launched an investigation into the unnatural death (case no 86/2007). However, according to the sub-inspector of Bagdah Police Station, a criminal case was also initiated against the deceased victim, S. M. (Bagdah Police Station case no 303; General Diary Entry no. 1661/07 dated 25 December 2007 under sections 143/186/353/447/506/427 of the Indian Penal Code on the basis of the complaint lodged by the Assistant Commandant). The case against S. M. is based on a complaint lodged by BSF and indicates that the body of the victim was recovered by the BSF on 24 December 2007 at about 11.45 p.m. and handed over to the police on 25 December 2007 at about 8.45 a.m., which clearly indicates that the body of the victim remained with the BSF for several hours. The complaint alleges that B.S.F. Jawan of 37 Battalion of C-Company constable, N.H. Boro (Constable no 05128115), when being attacked by four or five persons on the night of 24 December 2007, opened fire on them and later recovered a dead body from the place of the incident which was situated about 250 meters from the international border near Border Point</p> |                     |

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|       |         |          |      |                       | No. 49/2/s. Later the unknown body was identified as the body of S. M. by local people. The complaint lodged by the BSF also alleges that on the night of the incident a wire cutter, 100 Bangladesh taka and a Daw (Sharp cutting weapon) were recovered from the place of incident. S. M. was described as aged 20 in the complaint whereas the father of the deceased victim disclosed his age as 14. The charges against him related to offences like criminal trespass, preventing public officers from doing their duty and assaulting public officers, participating in an unlawful assembly, criminal intimidation etc. The relatives of the deceased have not received a post-mortem report yet. Given that the body was with the BSF from about midnight until almost 9 a.m. and the type of injuries on the dead body, it is feared that S. M. died following ill-treatment in custody. |                     |
| 84.   |         | 05/09/08 | JAL  | FRDX;<br>SUMX;<br>TOR | <b>Excessive use of force by the security forces in confronting demonstrations in Jammu and Kashmir.</b> Since June 2008, protests have increased in Jammu and Kashmir. The demonstrations began after a state government decision on 26 May 2008, to transfer 100 acres of land to a Hindu trust (the Amarnath Shrine Board) to build temporary shelters during an annual Hindu pilgrimage. Once the decision became public in June, Muslim Kashmiris started protesting against the land transfer. The decision to transfer the land was revoked on 1 July, fuelling counter protests from Hindu Kashmiris   |                     |

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|       |         |      |      |         | <p>calling for the reinstatement of the transfer. During these demonstrations in Jammu, Hindu protesters reportedly obstructed traffic on the Jammu-Panthankot National Highway, the main land route to the Kashmir region. The blockades allegedly led to shortages in essential food and medical supplies in the Kashmir valley. Protesters chanted anti-Indian slogans, burned Indian flags and effigies of Indian leaders, blocked highways and attacked the security forces with sticks and stones. On 11 August, approximately 100,000 Kashmiris marched toward the Line of Control in protest. Police, military and paramilitary forces responded with bamboo rods, tear gas, rubber bullets and live ammunition, resulting in the deaths of at least ten protestors. On 12 August, at least another 17 protestors and one news cameraman were shot by security forces. On 13 August, the Government allegedly issued an order authorizing state security forces to 'shoot on sight' in response to communal violence in the town of Kishtwar, Doda District. More protestors were shot by state forces in the following days. On 24 August, hundreds of protesters defied a Government imposed curfew and tried to march from Narbal to the Lal Chowk (Red Square) in Srinagar, where a rally was planned on the following day. The Central Reserve Police Force (CRPF) opened fire on the protesters, killing one person. At least eight protestors were killed on the following day, on 25 August, and three on 27 August. According to</p> |                     |

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|       |         |          |      |              | the allegations we have received, each of these 43 deaths was the result of excessive use of force by state security forces. At least 13 journalists were also reportedly beaten by CRPF officers in Srinagar, on 24 August, as they tried to reach their offices despite the curfew introduced earlier in the day.   |                     |
| 85.   |         | 16/09/08 | JAL  | SUMX;<br>TOR | <b>Neel Kumar Mondal</b> , a fisherman and labourer of Char Durgapur village in Murshidabad District, West Bengal. On 15 April 2008 at about 4 a.m., he was returning home after fishing from Ilsemarir damoud near the border between India and Bangladesh. Troops of BSF Battalion No.105, Company A, patrolling in the area arrested him on the suspicion of smuggling. They then beat him with iron rods and boots. One of the BSF soldiers fired at Neel Kumar Mondal and hit him on the back. Neel Kumar Mondal died on the spot. The BSF soldiers tied his legs with a rope and dragged the body to their out-post. Neighbors and family members of Neel Kumar Mondal who had heard about the incident were not allowed by the BSF to see his body at the outpost. At around 2 p.m. on the same day, the BSF delivered the corpse to Ranitala Police Station. On the basis of complaints filed by the BSF, the police registered case no. 45/08 against Neel Kumar Mondal, charging him under Penal Code sections 186 (obstructing a public servant in the discharge of public functions), 188 (disobedience to an order duly promulgated by a public servant), 353 (assault or criminal force to deter a public servant |                     |

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|       |         |      |      |         | <p>from the discharge of his duty) and 307 (attempted murder). The police at Ranitala Police Station refused to take any complaint against the BSF from Neel Kumar Mondal's family. On 16 April 2008, Ranitala Police Station delivered the body of Neel Kumar Mondal to Lalbagh Sub-Divisional Hospital in Murshidabad. The corpse was labeled as belonging to an "unidentified" man, although Neel Kumar Mondal's wife and family had identified the body at the Ranitala Police Station. The post mortem report of the Hospital referred to the case as an "unnatural death" case and recorded the deceased as an unidentified man. The family later on received the mortal remains of Neel Kumar Mondal from Ranitala Police Station. <b>Dwijen Mondal</b>. On 3 May 2008, he and another man went to the river Padma in Murshidabad district. Members of the BSF from Bannabad Camp, Battalion No.90, E Company, who were patrolling the river, apprehended Dwijen Mondal and took him to BSF Out-Post No.3, Point D. The following morning, on 4 May 2008, Dwijen Mondal's family was informed of his detention. His eldest son and two other men went to the BSF Camp. Dwijen Mondal was badly injured and could not sit properly as his legs were tied with chains. As to the causes of his injuries, Dwijen Mondal told his eldest son and the two men that he had been hung from a tree. A witness to Dwijen Mondal's apprehension by the BSF the previous day alleges that he heard someone</p> |                     |

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|       |         |      |      |         | <p>shouting orders in Hindi: “Shir me mar, shir me mar”, which means “strike on the head”. At the inquest (see below), it was noticed that there were black, swollen spots on the victim’s body, particularly the throat and neck. There were some bruise marks on the legs and some prominent dark spots on the back of the victim. A police officer present at the inquest was of the opinion that these were boot marks, while further broader black marks on the chest of the victim were attributed to the handle of a rifle. On that same morning, in the presence of his son, Dwijen Mondal fell to the ground and died after drinking some water. Around noon of 4 May 2008, police officers from Raninagar Police Station reached BSF Border Out-Post No.3. Their request to see the Entry Book of the Border Out-Post but was refused, and they did not receive answers to their questions from the BSF. Raninagar Police Station registered a case of unnatural death (Unnatural Death Case No.05/08). In the afternoon, inquest proceedings took place at Lalbagh Sub-Divisional Hospital. A relative of Dwijen Mondal was present. At 9.30 p.m. in the evening, a magistrate took the statements of family members. The family were not given copies of the First Information Report (FIR). The post-mortem was carried out on the 5 May 2008. The Disposal Order of Lalbagh Sub-Divisional Hospital does not mention the cause of death. Also, on the evening of 4 May, all the BSF men stationed at Bamnabad BSF Camp were transferred and new</p> |                     |

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|       |         |      |      |         | <p>BSF stationed at the camp. Senior BSF and police officers have been sending Dwijen Mondal's family 3,000 Indian Rupees (corresponding to 70 USD) and one sack of rice every month, and have pledged to give a job in the BSF to a son of the deceased. The victim's family have withdrawn their case against the BSF, allegedly under the influence of some local political leaders.</p> <p><b>Mofijul Seikh</b>, a 25-year-old share-cropper of Mohangunj village in Murshidabad District. He died on around 1 to 2 June 2008 in the vicinity of Border Out-Post No. 2 and 3 of the Mohangunj BSF Camp. A bullet fired by a BSF soldier (whose name is on record with the Special Rapporteur) entered his body from the back and exited from the chest. He died on the spot. As to the circumstances in which Mofijul Seikh was lethally shot by the BSF, two differing reports were received. According to one version, he was smuggling cattle from India into Pakistan and failed to stop when BSF soldiers appeared. The other version states that he was trying to prevent cattle smugglers from crossing his fields (to prevent damage to the crop) and was shot by BSF soldiers complicit with the cattle smugglers. The BSF informed the police and on 2 June 2008 the body of the deceased was taken to Raninagar Police Station. During that morning the widow of Mofijul Seikh went to Raninagar Police Station to lodge a written complaint against the BSF for killing her husband. The officer in charge of the</p> |                     |

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|       |         |      |      |         | <p>police station refused to accept the complaint. A few hours later, the BSF filed a case against the deceased with Raninagar Police Station (Case No. 118/08). A post mortem examination was carried out at Lalbagh Morgue.</p> <p><b>Sentu Mondal</b>, aged 19, resident of Chakmathura village in Murshidabad District. He was apprehended by BSF soldiers on 17 June 2008 around 11 p.m., as he was trying to smuggle cattle across the Indian-Bangladeshi border. The BSF soldiers took Sentu Mondal to Out-Post No. 1 of Udaynagar under Singhpara BSF Camp (BSF Battalion 90). There they beat him to death with their fists and rifle butts. Thereafter, BSF soldiers threw his body into the river Padma near Out-Post No. 1. On 19 June 2008, at about 4 p.m. in the evening, the lifeless body of Sentu Mondal surfaced in the river Padma near Out-Post No. 1. Police from Jalangi Police Station came to the spot and sent the body of the victim for autopsy to Berhampore General Hospital (post mortem report no. 562 dated 20 June 2008). Jalangi Police Station registered the death of Sentu Mondal as an unnatural death (Case no. 15/2008). Sentu Mondal's father alleges that the police have failed to take any action against the perpetrators.</p> <p><b>S. M.</b>, aged 15, from Rajanagar village, Mushidabad District. On 23 July 2008 around noon, he was sitting in front of his family's mud hut by the road side. A constable of BSF Battalion no. 90 approached S. M. and asked him in Hindi</p> |                     |

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|       |         |      |      |         | <p>about the whereabouts of certain fertilizer smugglers operating in the area. S. M. was unable to reply as he did not speak Hindi. The BSF constable grabbed him and began to beat him. Neighbors heard the cries and tried to intervene to protect S. M., but the BSF constable fired his gun at him. The bullet entered the victim through the left side of the chest and exited through his back. S. M. was rushed to Berhampore New General Hospital, but died there at 3 p.m., before reaching the operating theatre. The police at Raningar Police Station registered both a case against the BSF filed by S. M.'s mother (Case No. 151/08) and a case against S. M. filed by the filed by the Company Comander of G-Company, BSF Battalion 90. On the following day, 24 July 2008, the post mortem was conducted in the morgue in Berhampore New General Hospital. The post mortem report recorded unnatural death (case no. 521/08). The BSF constable who shot S. M. continues to serve and has not been reprimanded for his actions. <b>Md. Aptarul Hossain alias Aktarul Jamal</b> (alias Aktarul Jamal), aged about 21, resident of Baronoberia Biswas Para village, North 24 Parganas District. He was shot in his leg by a BSF constable on 15 February 2008. According to the case filed by the BSF against him (Gaighata Police Station Case no. 54/08), Md. Aptarul Hossain was caught by the BSF as he and two other men were smuggling across the Indian-Bangladeshi border and was shot in the leg as he and his accomplices</p> |                     |

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|       |         |      |      |         | <p>tried to attack the BSF constable. According to two eye-witnesses (names on record with the Special Rapporteur), however, Md. Aptarul Hossain was approached by a BSF soldier as he was cleaning rice crops in the paddy fields near Out Post no. 2. The BSF soldier asked Md. Aptarul Hossain whether his name was “Akbar”. Md. Aptarul Hossain denied and gave his name. The BSF soldier did not believe him and suddenly fired a round from his rifle at the victim’s left leg below the knee. It is also alleged that the documents filed by the BSF in connection with their complaint against Md. Aptarul Hossain (such as the reports concerning his arrest) contain such inconsistencies as to undermine the BSF version of the incident. Md. Aptarul Hossain is currently detained on remand at Dum Dum Central Correctional Home. When he was produced before the Bongaon Court on 24 June 2008, his left leg had lost flexibility due to the insufficient medical treatment given to his wound, which was swelling and releasing fluid. On 8 July 2008, Md. Aptarul Hossain was again produced before the Bongaon Magistrate’s Court. The wound was not covered by a bandage but tied with an unhygienic piece of cloth. Md. Aptarul Hossain informed the court that the treatment of his injury was not going well, but was cut short by the Public Prosecutor. Also counsel acting for Md. Aptarul Hossain has repeatedly drawn the court’s attention to the insufficiency of the medical treatment.</p> |                     |

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| 86.   |         | 07/10/08 | JUA  | FRDX;<br>HRD;<br>IJL;<br>TOR | <b>Kirity Roy</b> , lawyer and Secretary of Banglar Manabdhikar Suraksha Mancha (MASUM), and State Director of the National Project on Preventing TOR in India (NPPTI) (subject of previously transmitted communications, e.g. A/HRC/4/37/Add.1, paras. 314 and 315; A/HRC/7/28/Add.1, para. 1053, 1057). On 27 September 2008, at approximately 4 p.m., a group of Kolkata Police agents whose identities are known entered the offices of MASUM to search for Mr. Kirity Roy who was not there at the time. They then requested three documents relating to three alleged victims of police TOR who had sworn affidavits for the PTT.  |                     |
| 87.   |         | 03/11/08 | AL   | TOR                          | On 9 July 2008, Mr. <b>Brindaban Sumar</b> went to purchase some medicines. When he was returning home, Border Security Force (BSF) personnel forced him to load some confiscated goods in his vehicle. The BSF personnel later went to his home and inquired about the quantity of the goods. On 12 July, Mr. Sumar was in his garden when BSF personnel arrived and started to question him. They held him by his collar and started assaulting him with fists and blows. Mr. Sumar fell on the ground and the BSF personnel began to kick him. They then tried to drag Mr. Sumar towards the BSF Camp. The victim's son tried to inform other villagers about the incident, but he was forcibly restrained by BSF personnel. Mr. Sumar was taken to the Banagram Angrail Camp of the 126th Battalion E Company. Once there, he was hung upside down |                     |

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|       |         |                            |      |         | and brutally based on his legs, back and hip with batons. At the time of his release, Mr. Sumar signed a written document, the contents of which were not disclosed to him. On 12 July 2008, the victim's wife filed a complaint at the Gaighata Police Station (GDA No. 670), but the police reportedly did not take any steps. On 15 July 2008, a mass petition was filed before the Sub-Divisional Officer. On 16 July 2008, the victim filed a petition under section 156 (3) of the Criminal Procedure Code before the Additional Chief Judicial Magistrate. The petition was admitted and the Gaighata Police Station started case no. 276 under sections 342, 325, 326, 307, 379, 506 and 509 of the Indian Penal Code. All original documents regarding Mr. Sumar's medical treatment, as well as other documents were taken away by the police of Gaighata Police Station, allegedly for the purpose of the investigation. However, the police have failed to arrest the perpetrators. The victim had to go to the police station several times to request the initiation of the investigation. |  |
| 88.   |         | Follow-up to earlier cases |      |         | <b>M. M. B.</b> (A/HRC/7/3/Add.1, para. 84).   | By letter dated 28/04/08, the Government informed that he was arrested on 21 September 2007 on account of his complicity in a case of theft. All necessary legal formalities were observed in the registration of the case and the arrest of Mr. M. After his arrest, he was examined at N. R. S. Medical College Hospital and no signs of alleged torture were found in the medical |

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|       |         |      |      |         |   | examination report. Mr. M. was produced before the Additional Chief Judicial Magistrate within 24 hours of his arrest on 22 September. The court remanded him to police custody until 25 September. There was no allegation of torture made before the court. The court also dismissed the charge of illegal detention from 11 to 20 September. Mr. M. was again produced before the Magistrate on 25 September, who extended the remand until 28 September. The medical examination report during the period of remand did not establish any instance of torture. Mr. M. was released on bail on 28 September. The case is presently subjudice.  |
| 89.   |         |      |      |         | <b>Asha Begum</b> (A/HRC/7/3/Add.1, para. 82) | By letter dated 21/07/08, the Government informed that the woman was apprehended by a patrolling party of the Indian Border Security Force (BSF). They were brought to the outpost and a preliminary questioning was conducted in the presence of a female member of the Panchayat (local government). The women were then taken to the Government Hospital, Raninagar, where the Medical Officer carried out an examination and certified that “no external injury is seen”. The women were then taken to the police station of Raninagar to be kept in the women’s prison cell as there was no such facility available at the BSF outpost. A constable of the BSF was also kept on duty there. The next morning, Ms. Begum complained of sexual harassment by the BSF |

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|       |           |          |      |              |  | <p>patrolling party upon which they were immediately taken to the Government Hospital, Raninagar, where the Medical Officer re-issued a medical certificate saying that no external injuries were seen and also referred Ms. Begum to Sadar District Hospital, Berhampore, for further examination. He also endorsed that he had examined the same woman the evening before, at which time she did not complain of a sexual assault. The Medical Officer of Sadar District Hospital carried out an examination and categorically denied the possibility of sexual assault of Ms. Begum. The allegation leveled against the BSF ambush party appears to be false and fabricated. Medical examinations from different hospitals are testimony to the fact. Therefore no First Information Report was lodged by the police against the BSF party. On receipt of a notice from the National Human Rights Commission, a departmental Staff Court of Inquiry was ordered by the Headquarters of BSF, Kolkatta, which is underway.</p> |
| 90.   | Indonesia | 31/07/08 | JAL  | SUMX;<br>TOR | <p>Resumption of executions in Indonesia. It is our understanding that, bringing to an end an informal moratorium on executions which lasted since 2004, six persons were executed since 27 June 2008: on 27 June 2008, <b>Samuel Iwuchukwu Okoye</b> and <b>Hansen Anthoni Nwolisa</b>, two Nigerian citizens; on 10 July 2008, <b>Achmad Suradji</b>; on 18 July 2008,</p> | <p>By letter dated 17/10/08, the Government responded that Samuel Iwuchukwu Okobe and Hansen Anthony Nwolisa were arrested and charged with drug possession and convicted of drug trafficking in 2007. The death sentence was retained when their appeals at the various levels failed to acquit them of the charges</p>  |

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|       |         |      |      |         | <p><b>Tubagus Maulana Yusuf</b>; and on the following day, <b>Nyonya Sumiarsih</b> and her son <b>Sugeng</b>. The first two had been found guilty of drug trafficking, the remaining four of multiple murders. Two of those recently executed had been found guilty of drug trafficking. Samuel Iwuchukwu Okoye and Hansen Anthoni Nwolisa, the two Nigerians who were executed by firing squad near Pasir Putih prison on 27 June 2008, had reportedly attempted to smuggle 7 kg of heroin into Indonesia. More in general, according to detailed information provided by your Government to the Special Rapporteur on the question of torture in November 2007, there were (as of October 2007) 99 prisoners sentenced to death in Indonesia. Recent reports indicate that the number of prisoners on death row has since risen, possibly to 108 at present. Five had been sentenced to death on terrorism charges, 36 for murder and one on charges of robbery. The remaining 57 were sentenced to death on charges of illicit trafficking in narcotic drugs and psychotropic substances. On 26 June 2008 (the International Day against Drug Abuse and Trafficking), National Police Chief General Sutanto reportedly stated that the Government intends to speed up executions of persons sentenced to death for drug trafficking.</p> <p>We commend the recent decision of the Supreme Court of Indonesia to commute the death sentence in the cases of three Australian citizens convicted</p> | <p>against them.</p> <p>Achmad Suradj was sentenced to death in April 1997 by the Lubuk Pakam district court in Deli Serdanag, North Sumatra, for killing 42 women and girls in a series of ritual slayings. His appeals in higher courts and subsequent application for clemency were all rejected.</p> <p>Tubagus Maulana Yusuf was convicted of murdering eight persons in March 2007 and was sentenced to death. He did not appeal the conviction, nor did he make any requests for clemency.</p> <p>Nyonya Sumiarsih and her son, Sugeng, were sentenced to death in 1989 for the murder of a family of five in Surabaya. Their last appeal for clemency was rejected in 2003.</p> <p>It should be clearly understood that Indonesia has an independent judiciary which has been functioning effectively for several years. There are several stages which must be respected before any execution may be carried out in Indonesia.</p> <p>Contrary to any negative inferences in the letter, Indonesia wishes to recall that it does not take lightly the commitments it has undertaken when ratifying the ICCPR. However, for heinous crimes, which have been judicially adjudicated, certain provisions of the national law impose the death penalty.</p> |

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|       |         |      |      |         | <p>of drugs smuggling, Matthew Norman, Thanh Duc Tan Nguyen and Si Yi Chen.</p> <p>According to the data your Government provided to the Special Rapporteur on the question of torture, while all the death row inmates convicted for non-drug related offences are Indonesian nationals, of the 57 awaiting execution on drugs trafficking charges 43 are foreigners. Half of these foreigners (21) are citizens of African countries. While it seems clear that foreigners play a significant role in smuggling drugs into Indonesia, the fact that four out of five prisoners awaiting execution on drugs trafficking charges are foreigners raises certain questions in terms of possible discrimination in relation to both criminal enforcement and sentencing in drug-related cases. It would be important to know if there are four times more foreigners than locals involved in the drug trade, if the police use the same approach in investigating and charging both locals and foreigners, and if the sentences handed down are equally harsh in relation to both foreigners and locals. In addition, foreigners in conflict with the law are particularly vulnerable and require special measures to ensure the fairness of the proceedings against them, including interpretation and consular assistance.</p> <p>When the Special Rapporteur on the question of torture visited Pasir Putih prison on 20 November 2007, he interviewed a number of prisoners sentenced to death. As reflected in</p> | <p>Furthermore, the provisions of the national legislation are not discriminatory in relation to foreigners as all are judged equally before the law. Therefore, the fact that Indonesia is a signatory of the ICCPR does not pre-empt decisions the Government may take as part of its sovereign and democratic legal process, within its borders and by applying its judicial norms.</p> <p>Once again, the death penalty in Indonesia is only imposed for crimes of a very serious nature. The law does not prohibit the death penalty. Furthermore, nobody was executed before the Government reassessed its position, and in 2007 the Constitutional court upheld the death penalty for serious drug offenses.</p> <p>In addition, it bears stating that the names mentioned in the Annex of the communication remain within the jurisdiction of the judiciary. It is up to the court and the constitution to determine how the provisions of national legislation apply to the mentioned individuals. To this effect, the Government of Indonesia is not at liberty to comment on the decisions that will be taken on their cases at this point in time.</p> |

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|       |         |          |      |              | <p>Appendix I to his report on the visit to Indonesia (A/HRC/7/3/Add.7), many of these prisoners alleged prolonged detention in police custody, ill-treatment to extort confessions, judicial indifference to allegations of ill-treatment, and, in some cases, violations of the right to be assisted by legal counsel. Relevant parts of the Appendix to the report on the visit to Indonesia are reproduced as Annex to this communication.</p> <p>While we do not wish to prejudge the truthfulness and accuracy of the allegations made by the detainees, which have, to our knowledge, neither been corroborated nor refuted, they would - even if only partially true - raise serious concerns with respect to the fairness of the proceedings in which these persons were sentenced to death.</p> <p>The Annex made reference to the report of the Special Rapporteur on the question of torture on his Indonesia visit (A/HRC/7/3/Add.7, Appendix 1, paras. 99, 101, 102, 105, 108, 109, 110, 111, 112, 113).</p> |   |
| 91.   |         | 14/08/08 | JAL  | FRDX;<br>TOR | <p><b>46 individuals including Simon Tutuop, Tadeus Weripang, Viktor Tutuop, Tomas Nimbitkendik, Benediktus Tutuop and Teles Piahar.</b> In the morning of 19 July 2008, at approximately 4.30 a.m., 46 Papuan nationals were arrested by police during a flag-raising ceremony outside a government archive office, in the city of Fakfak, western Papua. During the arrests, police officers reportedly beat and kicked the protesters, forcing the men to strip to their</p>  | <p>By letter dated 21/10/08, the Government indicated that on 19 July 2008, the six mentioned Papuans were involved in a flag-raising incident which took place outside an Indonesian government archive office in Fakfak, West Papua. The above individuals were among the 46 who were arrested for their participation in this illicit event which took place without authorization.</p> <p>As a result of their actions, Simon Tutuop,</p> |

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|       |         |          |      |         | <p>underwear in the street, before loading them onto trucks and taking them to Fakfak police station. Many of those arrested suffered bruising to their faces and bodies, with two complaining of serious eye injuries. Six of those arrested, including Mr. Simon Tuturop, Mr. Tadeus Weripang, Mr. Viktor Tuturop, Mr. Tomas Nimitkendik, Mr. Benediktus Tuturop and Mr. Teles Piahar, have been charged with subversion for threatening the state and by raising a 'separatist flag'. In accordance with Indonesia's criminal code subversion carries a maximum penalty of life imprisonment. On 23 July, five more activists were reportedly arrested while 37 from the original group of detainees were released. The police reportedly stated that it will investigate allegations related to detainees who suffered eye injuries, but has denied claims that any of the protesters were beaten or that they were subjected to humiliating treatment. In March 2008, nine Papuan activists were arrested and jailed for displaying the Papuan Morning Star flag. Their trial, on charges of subversion, is ongoing and the nine remain in detention.</p> | <p>58 years old, Tadeus Weripang, 52 years old, Victor Tuturop, 42 years old, Tomas Nimitkendik, 19 years old, Benediktus Tuturop, 35 years old and Telas Piahar, 20 years old, were all arrested and charged with subversion under section 110 of the Indonesian Criminal Code.</p> <p>Following further investigation, the others who were arrested at the same time as the six mentioned individuals have been released and the charges against most of them dropped. At the time, the other 37 detainees were to be sent home after meeting with and being briefed by the Faffak Regent.</p> <p>The flag that was raised bore the insignia and colours of the West Papuan Independence, which is known as a separatist symbol and banned. The six individuals were in violation of the law for attempting to cause a rebellion, and could also be charged with plotting a coup. Their case will be handled in application of the national judicial procedure.</p> |
| 92.   |         | 31/10/08 | AL   | TOR     | <p>On 22 January 2007, Mr. H. and his partner were assaulted by approximately 16 civilians while they were at their home. On 23 January, they were taken to the Bandaraya Aceh Sector Police at about 1:230 a.m., where they were severely beaten and sexually abused by police officers.</p> <p>When the investigation process was set in motion,</p>   | <p>By letter dated 15/12/08, the Government of Indonesia indicated that Mr. H., an NGO worker, was said to have a male lover who went by the name of Mr. F. On 22 January 2008, Mr. H and Mr. F were allegedly assaulted by about 16 civilians while they were at home together at the second floor of a coffee shop in Lamgalang Village,</p>  |

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|       |         |      |      |         | <p>the prosecutor treated the case as a minor offence. On 8 October 2008, the Bandaraya Aceh District Police summoned Mr. H. to give testimony at the Banda Aceh District Court. The trial against four police officers took place that same day. During the trial, the judge did not examine the perpetrated acts of torture but rather focused on the sexual orientation of Mr. H. He gave the impression that the accused should be allowed to beat and assault the victim on the grounds of his different sexual orientation. After Mr. H. gave his testimony, all of the accused accepted it without objection.</p> <p>The court sentenced the four defendants to three month imprisonment, six months probation and a fine of IDR 1.000 (0.1 USD) for “minor maltreatment”. Since the charge was a minor offense, the victim has no right to appeal. In its reasoning for the light punishment, the court stated that the police officers had committed a minor offence, had confessed their acts, both parties had forgiven each other and they were needed by their country.</p> | <p>regency of Banda Aceh, allegedly having intercourse. At the time, it was said that the assault was a direct result of the disapproval felt in their community for their sexual misconduct which contravened the local laws, traditions and religious values. The police came and allegedly asked them to sign a letter addressed to the Lamgalang Head of the Village informing him that they would not repeat their homosexual actions in the future in that village.</p> <p>On 23 January 2007, the two were arrested by the Banda Raya Aceh Sector Police at approximately 1:30 a.m. and were taken to the local police station in Banda Aceh. The arrest was linked to their public disorder. Following their arrest, there were allegations that they had been mistreated while in police custody. During his trial, Mr. H. was requested to give testimony before the Banda Aceh District Court on 8 October. As homosexuality is considered a crime in the legislation in Aceh, the judge advised him to “turn away” from this legal violation.</p> <p>Regarding the allegations of torture and mistreatment, it is illicit for authority figures to misuse their power to the detriment of detainees. As a result, four police officers were placed on trial, R. H, W. P, W. S. and A. They did not deny the accusation and later apologized to Mr. H. They were also sentenced</p> |

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|       |         |          |      |         |  | them to three years' imprisonment, with six months of probation and a fine of IDR 1.000. |
| 93.   |         | 03/11/08 | AL   | TOR     | <p>On 26 March 2008, Mr. <b>Adi Sahrianto</b>, a gatekeeper at Bulan Bintang village, Deli Serdang, Sumatra, was arrested by an officer from the North Sumatra Regional Police Station on suspicion of theft, and taken by car to the station. Around 10 p.m. Mr. Sahrianto's brother was informed by the police that his brother had been taken to the hospital in Medan. He was dead by the time his family arrived. Mr. Sahrianto's body reportedly had traces of burns, and visible injuries including bruises on his neck and back, and his head also had cuts. No autopsy report was provided to the family. It has been reported that no investigation into the alleged torture has been carried out.</p> <p>On 14 May 2008 around midnight, Mr. <b>Syamsul Hadi</b>, aged 34 from Semarang, was arrested at his friend's house by three officers of Semarang Police Office. Mr. Hadi was blindfolded, bound, taken away in a minivan and driven around the city. Mr. Hadi was later beaten, doused in gasoline, set alight at Lingkar Pegunungan Road, Kudus district, and left by the highway. Mr. Hadi has received treatment at Kudus Hospital.</p> <p>On 19 September 2008, Mr. <b>Ferdinand Pakage</b> was arrested in Wamena. On 20 September 2008 at 7 a.m., a prison officer at Abepura prison, hit Mr. Ferdinand Pakage with a metal key on the</p> |  |

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|       |         |          |      |                     | right side of his face, which started bleeding. Subsequently the Head of Prison registration centre took him to the office of the Head of Prison security, who also hit Mr. Ferdinand Pakage on his head and back with a rubber stick and kicked his knees and face with his army shoes.   |                     |
| 94.   |         | 06/11/08 | JUA  | HRD;<br>IJL;<br>TOR | <b>Sabar Olif Iwanggin</b> , assistant lawyer and human rights activist (noted in the report by the Special Rapporteur of his visit to Indonesia, A/HRC/7/3/Add.7, Appendix I, para. 75). On 18 October 2007, he was arrested in Jayapura by the Anti-Terror Special Force Unit of the National Police (Mabes Polri). Afterwards, he was transferred to Mabes Polri in Jakarta where he was held for interrogation until 1 November 2007. Subsequently he was brought back to Polda Papua. Sabar Olif Iwanggin is accused of forwarding a short message-service (sms) to his family and his friends defaming the Indonesian President Susilo Bambang Yudhoyono. Sabar Olif Iwanggin is being tried since 7 January 2008 before the State Court of Jayapura. He is charged for insulting the President, based on articles 134 and 160 of the Indonesian Criminal Code. According to article 134, deliberate insult against the President shall be punished by a maximum prison sentence of six years. Article 160 stipulates that any person who incites in public to commit a punishable act, a violent action against the public authority or any other disobedience shall be punished by a maximum prison sentence of six years or a maximum fine of three hundred |                     |

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|       |                            |          |      |           | <p>rupiahs. According to the information received, Sabar Olif Iwanggin's trial has violated the guarantees of the due process of law, as stipulated by Indonesia's Criminal Procedure Code and international human rights standards. It is alleged that Sabar Olif Iwanggin was arrested without an arrest warrant and that he was not accompanied by his lawyer during part of the interrogation. Moreover, he would have confessed to committing the offense as a result of psychological pressure exerted by police officers. It is also alleged that the prosecution presented nine witnesses of whom none was able to testify against Sabar Olif Iwanggin, which led the prosecution to ask for further witness examination, even though both, the examination of the witnesses as well as the examination of the defendant, had been closed. This would have breached the Indonesian Criminal Procedural Code (article 182). Furthermore, it is alleged that, although the prosecution did not prove that the sms of Sabar Olif Iwanggin lead to anarchic actions in the districts of Yahukimo and Boven Digul where several stores were destroyed and burned down in September 2007, Sabar Olif Iwanggin was charged with violating article 160 of the Penal Code. Finally, the judges allegedly shouted and blamed the accused during the trial.</p> |                     |
| 95.   | Iran (Islamic Republic of) | 27/12/07 | JUA  | SUMX; TOR | <p>A young man identified as <b>Behnood</b>, is at imminent risk of execution. He was convicted by a court in Tehran of murdering another boy during a street fight, when he was 17 years old.</p>   |                     |

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|       |         |          |      |                              | He will reportedly be executed in the coming days following the confirmation of the death sentence by the Supreme Court.   |                     |
| 96.   |         | 21/01/08 | JUA  | HRD;<br>TOR                  | <b>Emadeddin Baghi</b> , president of the Society for Defending Prisoners' Rights, a non-governmental human rights organization founded in 2003, and former editor of Jomhouriat, a daily newspaper, closed by the authorities in July 2004 (subject of a previously transmitted communication, A/HRC/7/14/Add.1, para. 312). Mr. Baghi reportedly suffered a heart attack in prison on 26 December 2007. He was briefly hospitalized for emergency treatment, but was then returned to prison, where he is said to be held incommunicado and in solitary confinement in section 209 of Tehran's Evin Prison.  |                     |
| 97.   |         | 23/01/08 | JUA  | WGAD;<br>HRD;<br>IJL;<br>TOR | <b>Sa'id Metinpour</b> (subject of a previously transmitted communication, A/HRC/7/3/Add.1, para. 95). Mr. Metinpour, who has been in detention for eight months, has had no access to a lawyer. He was transferred to Section 209 of Evin Prison in Tehran on 4 December 2007, where he was permitted his first family visit since his arrest. Before being transferred to Evin Prison Mr. Metinpour spent 205 days in solitary confinement. He also had objects, such as slippers and jugs, inserted into his mouth by officials. He is in urgent need of medical attention due to a dermatitis contracted during his detention. He has also reportedly undergone considerable weight and hair loss. |                     |

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| 98.   |         | 25/01/08 | JUA  | HLTH;<br>HRD;<br>TOR | <p><b>Mahmoud Salehi</b>, spokesperson for the Committee to Establish Trade Unions and former president of the Saqez Bakery Workers' Union. On 11 December 2007, he was admitted unconscious to Tohid Hospital in Sanandaj after collapsing in prison between 4 and 10 December 2007. Following his admission to hospital he received a brain scan, which revealed that blood vessels in his brain had been damaged. Mr. Salehi needs dialysis treatment which is unavailable in prison, suffers from a kidney stone in his one remaining kidney, and has grave intestinal oedema or swelling that may be connected to his renal disease. Despite his poor health, Mr. Salehi was returned to prison. Since his arrest in April 2007, Mr. Salehi's family and lawyer have reportedly been trying to either secure his temporary release on medical grounds, or to transfer him to Saqez Prison so that his specialist doctor would be able to see him. On 31 May 2007, Mr. Salehi's doctor stated that he cannot receive adequate treatment in prison. On 17 June 2007, Mr. Salehi was examined in the Tohid Hospital, and was returned to prison. It is reported that Mr. Salehi is denied his right to see his lawyer, and his family can only contact him by phone.</p> | <p>By letter dated 04/09/08, the Government responded that Mr. Mahmoud Salehi was charged with action against national security through organizational support for and connection with the terrorist group of Koumeleh and arrested in May 2004 in the city of Saghez. After a thorough examination of the charges and following the legal proceedings and a court hearing of his case, he was sentenced to one year of imprisonment and two years of probationary imprisonment. While he was serving his term as well as afterwards, he continued his activities and contacts with foreign circles, campaigning against the Islamic Republic of Iran. Following investigations and hearing his defence, the pertinent court issued a temporary arrest warrant, which was once reconfirmed, following an appeal by his defence lawyer. His case was opened again in Branch 1 of the Islamic Revolution Court of Sanandaj city on 3 April 2008. Mr. Salehi was released on bail on 6 April 2008 pending trial. The Government wishes to stress that the charges against Mr. Salehi had no connection whatsoever with his activities in defence of human rights. His trial was in accordance with the rule of law and merely in relation with his illegal activities. Mr. Salehi enjoyed all his legal rights before the court of justice. He also enjoyed all facilities as well as medical services offered by medical centres in and</p> |

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|       |         |          |      |                              |  | outside of the prison, as available to other prisoners and regularly received the prescribed medicines. Any allegation of ill treatment or lack of proper medical attention are therefore baseless and merely aim at ill-inteded objectives. |
| 99.   |         | 05/02/08 | JUA  | FRDX;<br>HRD;<br>IJL;<br>TOR | <b>Behrouz Seferi</b> , a human rights activist campaigning for language rights for Iran's Azerbaijani minority, and his wife, Ms. <b>Layla Heydari</b> . He has been detained without charge or trial since late May or early June 2007. He has not been allowed to consult a lawyer. Mr. Seferi was arrested shortly after demonstrations around the first anniversary of the publication of a cartoon in an Iranian newspaper which many Iranian Azerbaijanis found offensive. He was held in his home town of Zanjan until 4 December 2007, when, according to sources, he was moved to Evin Prison. Ms. Layla Heydari has been detained since 28 August 2007. She ran a shop selling Azerbaijani books, music and other cultural material until the authorities closed it down in 2006. She obeyed official warnings not to publicise her husband's arrest, but on 28 August 2007, she was summoned to visit her detained husband at the Ministry of Intelligence detention centre, and was arrested. On 4 December, she was also moved to Evin Prison. |  |
| 100.  |         | 13/02/08 | JUA  | SUMX;<br>TOR                 | Ms. <b>Zohreh</b> , aged 27, and Ms. <b>Azar Kabiri</b> , aged 28, sisters from Khademabad, near Karaj. On 5 February 2007, they were arrested in connection with allegations of adultery. On  |  |

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|       |         |          |      |                                       | 17 March 2007, they were prosecuted in court, found guilty, and sentenced to 99 lashes. This sentence was executed but for unknown reasons, both women were returned to prison. Another trial took place for the same charges and they were sentenced to death by stoning on 5 August 2007. The Supreme Court later confirmed the sentence. They are currently awaiting execution.   |                     |
| 101.  |         | 13/02/08 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>IJL;<br>TOR | <b>Amin Ghaza'i</b> , a 29-year-old writer, chief editor of an electronic journal called "ArtCult", and prominent member of an organisation called "Students for Freedom and Equality" ("Daneshjouyan-e Azadi Khah va Beraber Talab"). On 14 January 2008, he was arrested in Tehran at a meeting along with 14 other students. He is currently being held without charge or trial in solitary confinement in Section 209 of Evin Prison in Tehran and has been ill-treated. On 15 January 2008 the police searched Mr. Ghaza'i's home and confiscated his computer and papers. On 30 January 2008, Mr. Ghaza'i was allowed a three minute telephone conversation with his family in the presence of guards, during which he appeared to be intimidated. Apart from this phone call Mr. Ghaza'i has not been allowed access to his family or a lawyer. He suffers from a peptic ulcer, heart problems, and asthma. |                     |
| 102.  |         | 15/02/08 | JUA  | HRD;<br>TOR                           | <b>Ya'qub Mehrnehad</b> , the General Secretary of Youth Association of Justice Voice, and an activist working to defend the cultural and civil rights of Baluchi peoples in Zahedan, northern Iran. In early February 2008, Mr. Ya'qub  |                     |

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|       |         |          |      |                              | Mehrnehad was sentenced to death for an unknown offence, after a trial conducted behind closed doors. His appeal before the Supreme Court has been scheduled for 17 February, less than the minimum 20 days given in Iran for the preparation of appeals. He was arrested in early May 2007 along with five other members of the association after they attended a meeting in the Provincial Office of Culture and Islamic Guidance. The five other men were later released. Five months after his arrest, Mr. Ya'qub Mehrnehad was allowed visits from his lawyer and his family, who alleged that he had been tortured. He lost about 15 kg and was unable to keep his balance. His trial reportedly began on 25 December 2007 before a court in Zahedan, in Sistan-Baluchistan. |                     |
| 103.  |         | 29/02/08 | JUA  | SUMX;<br>TOR                 | <b>Mohammad Reza Haddadi</b> , currently detained in Adel Abad jail in the city of Shiraz, is at imminent risk of execution. On 6 January 2004, Mohammad Reza Haddadi was sentenced to death by the Criminal Court in Kazeroon for the kidnapping and murder of a taxi driver called Mohammed Bagher Rahmat. The events took place in August 2003, when Mr. Haddadi was only 15 years old. On 3 July 2005, the Supreme Court of Iran upheld the death sentence.  |                     |
| 104.  |         | 10/03/08 | JUA  | FRDX;<br>HRD;<br>IJL;<br>TOR | <b>Reza Daghestani</b> , an Azerbaijani rights activist, Oromiyeh. He established groups to organize peaceful demonstrations in the province of West Azerbaijan in connection with International Mother Tongue Day on 21 February. He was a  |                     |

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|       |         |          |      |                                       | <p>member of a group called Urmu Azerbaijan Sesi, which actively supported several would-be candidates from Oromiyeh, all of whom were disqualified, for standing for the Majles (parliament) elections to be held on 14 March. On 21 February 2008, he was arrested, his house was searched and his computer, CDs, papers and books were confiscated, along with printouts of his newsletters. Mr. Daghestani called his family on 22 February, saying he was being held in a detention centre belonging to the Ministry of Intelligence in Oromiyeh. He has had no access to a lawyer and his family. When his family tried to visit him on 25 February, they were told that visits would not be allowed until at least 10 March. It is feared that Mr. Daghestani may have been tortured to force him to provide information, as security forces searched his house a second time on 26 February and appeared to know where to find other papers and books.</p> |                     |
| 105.  |         | 15/04/08 | JUA  | FRDX;<br>HRD;<br>IJL;<br>TOR;<br>WGAD | <p><b>Behrooz Karimizadeh, Peyman Piran, Ali Kantouri and Majid Pourmajid</b>, four students and members of the organization “Students Seeking Freedom and Equality”. Three of the four students were arrested in December 2007, apparently to prevent demonstrations to commemorate the “Students Day” on 7 December 2007. Behrooz Karimizadeh was arrested on 2 December 2007 by Ministry of Information agents at the house of a friend in Tehran; Peyman Piran was arrested on 4 December 2007 by plainclothes agents from the</p>   |                     |

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|       |         |          |      |                      | <p>Ministry of Information as he was leaving Tehran University campus following a peaceful demonstration; and Ali Kantouri was arrested approximately two weeks later in the town of Ghazvin. Behrooz Karimizadeh and Peyman Piran are being detained in Units 209 and 305 in Evin prison in Tehran, and Ali Kantouri is detained in Ghezel Hesare near Tehran. Bail was refused for Mr. Kantouri, and a prohibitively high bail was set for Mr. Piran and Karimizadeh.</p> <p>Majid Pourmajid was arrested on 29 March 2008 in Tabriz; he was hospitalized three days after his arrest and transferred two days later from the hospital to an undisclosed location by the authorities. Since then his whereabouts are unknown. The four students are accused of taking part in “armed activities” and “forming groups against the State”. Their lawyers have not yet had access to their clients or their files. The detained students are reportedly being subjected to long periods of solitary confinement and physical and psychological ill-treatment. Approximately 40 students have been arrested since December 2007, and all except these four were later released, some of them alleging that they were ill-treated during their detention.</p> |                     |
| 106.  |         | 16/04/08 | JUA  | TOR;<br>FRDX;<br>TOR | <p><b>Ali Muhaqiq Nasab</b>, editor of the monthly Kabul-based magazine Haqq-e-Zan, or Women’s Rights (subject of a previously transmitted communication, E/CN.4/2006/95/Add.1, para. 6). On 4 March 2008, he was arrested by Iranian</p>  |                     |

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|       |         |          |      |                              | officials at his home in Qom. He was then transferred to a detention facility in Tehran, where he has been held without charge. At the time of his arrest, a computer, mobile phones and documents were confiscated. Mr. Nasab's wife was denied access to or any information about him.  |                     |
| 107.  |         | 23/05/08 | JUA  | FRDX;<br>HRD;<br>TOR;<br>VAW | Ms. <b>Nashrin Afzali</b> , Ms. <b>Nahid Jaafari</b> , Ms. <b>Zeynab Peyghambarzadeh</b> , Ms. <b>Rezvan Moghadam</b> and Ms. <b>Parvin Ardalan</b> , members of the One Million Signatures Petition Campaign. This Campaign seeks to abrogate legal provisions that have adverse effects on women's human rights. Ms. Ardalan, along with other members of the campaign, was the subject of an earlier communication (see A/HRC/4/33/Add.1, para. 100). On 19 April 2008, the 13 <sup>th</sup> Chamber of the Tehran Revolutionary Court sentenced Ms. Nasrin Afzali to six months' suspended imprisonment and ten lashes after having found her guilty of "disruption of public order" for having participated, on 4 March 2007, in a peaceful gathering in front of the Tehran Revolutionary Court to mark International Women's Day. On 21 April 2008, Ms. Nahid Jaafari received the same sentence, on the basis of the same charges. On 29 March 2008, Ms. Zeynab Peyghambarzadeh was sentenced to two years' suspended imprisonment for "acting against national security" by the 16 <sup>th</sup> Chamber of Tehran Revolutionary Court. On 28 April 2008, Ms. Rezvan Moghadam and Ms. Parvin Ardalan |                     |

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|       |         |          |      |                       | were notified that, subsequent to a hearing that took place on 4 February 2008, the Tehran Revolutionary Court had sentenced Ms. Moghadam to six months' suspended imprisonment and ten lashes and Ms. Ardalan to two years' imprisonment on charges of "acting against national security". On 4 March 2007, the Iranian authorities arrested at least 31 women's rights activists, including Ms. Afzali, Ms. Jaafari, M. Peyghambarzadeh, Ms. Moghadam and Ms. Ardalan, for staging a peaceful demonstration against the prosecution of six women's rights defenders charged with criminal offences against public order and security for having organized a peaceful demonstration in Haft-e Tir Square of Tehran on 12 June 2006.  |                     |
| 108.  |         | 18/07/08 | JUA  | SUMX;<br>TERR;<br>TOR | Regarding the death sentences reportedly imposed on three ethnic Kurds and alleged members of the armed group Kurdistan Workers Party (PKK), <b>Farzad Kamangar</b> (also known as Siamand), <b>Ali Heydariyan</b> and <b>Farhad Vakili</b> . The Supreme Court of Iran is reported to have recently confirmed the death sentences and the execution of Farzad Kamangar might be imminent. Farzad Kamangar, Ali Heydariyan and Farhad Vakili were arrested by Ministry of Intelligence officials in Tehran in July or August 2006. Farzad Kamangar was subsequently held incommunicado at a series of different locations, including in Kermanshah, Sanandaj and Tehran. In the course of his detention he was tortured, including by beating, flogging and electrocution. As a result of |                     |

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|       |         |          |      |                      | the treatment inflicted, he had to be transferred twice to prison clinics. On 27 May 2007, the spokesperson of the Judiciary announced that Farzad Kamangar had been charged with membership in a terrorist organization and with holding explosives. In February 2008, the 36th Revolutionary Court in Tehran found Farzad Kamangar, Ali Heydariyan and Farhad Vakili guilty on charges of “mohareb”, apparently in connection with their alleged membership in the PKK, and sentenced them to death. Ali Heydariyan and Farhad Vakili were also found guilty of forging documents and sentenced to ten years imprisonment, which they have to serve before any execution is undertaken. Recently (the exact date has not been reported to us), the Supreme Court confirmed the death sentences. It would appear from the information received, that the head of the Judiciary may already have issued the execution order for Farzad Kamangar. |                     |
| 109.  |         | 30/07/08 | JUA  | SUMX;<br>TOR;<br>VAW | Eight women and a man who have been sentenced to death by stoning for adultery: Ms. <b>Kobra Najjar</b> , Ms. <b>Iran Eskandari</b> , Ms. <b>Malek (Shamameh) Ghorbani</b> , Ms. <b>Zohreh Kabiri</b> and Ms. <b>Azar Kabiri</b> , Ms. <b>Ashraf Kolhari</b> , Ms. <b>Khaeirieh Valania</b> , Ms. <b>Leila Qomi</b> , and Mr. <b>Abdollah Farivar Moqaddam</b> . Several of them were the subjects of earlier communications (Mr. Abdollah Farivar Moqaddam: A/HRC/7/3/Add.1, para. 88; Ms. Zohreh Kabiri and Ms. Azar Kabiri (para. 100 above). Ms. Kobra Najjar was a victim of domestic   |                     |

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|       |         |      |      |         | <p>violence who was forced into prostitution by her husband in order to support his heroine addiction. He was murdered in 1995 by one of Kobra's clients who sympathized with her plight. Ms. Najjar has already served eight years in prison as an accessory to her husband's murder. The man who murdered her husband also served eight years in prison and is now free after paying <i>diyeh</i> (blood money) and undergoing 100 lashes. Ms. Najjar wrote to the Judicial Commission for Amnesty to ask for her sentence of execution by stoning to be commuted. However, her appeal for amnesty has been rejected and she has exhausted all domestic remedies. It is feared that her execution by stoning could happen any time. Ms. Iran Eskandari was sentenced to death by stoning for adultery, nine years of imprisonment and seventy-four lashes for aiding murder, hiding the body, and destroying the evidence, by Branch 1 of Lali General Court in 2005. In 2006 the Supreme Court confirmed the death sentence which is currently being reviewed by the Pardons Commission. Ms. Malek (Shamameh) Ghorbani was sentenced to death by stoning for adultery by Branch 12 of the Criminal Court of East Azerbaijan Province in 2006. Branch 27 of the Supreme Court has overruled the verdict because of irregularities in the investigation phase. She remains under criminal proceedings. Ms. Zohreh Kabiri and Ms. Azar Kabiri were arrested on 5 February 2007 in connection with allegations of illegitimate relations other than</p> |                     |

| Para. | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
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|       |         |      |      |         | <p>adultery. On 17 March 2007, they were prosecuted in court, found guilty, and sentenced to 99 lashes. This sentence was executed. Thereafter, both women were returned to prison and another trial took place for the same charges and they were sentenced to death by stoning on 5 August 2007. Branch 27 of the Supreme Court confirmed the death sentence in 2007. The file is now with the Head of the Judiciary. Ms. Ashraf Kolhari was sentenced to death by stoning for adultery and fifteen years of imprisonment for complicity in murder by Branch 1601 of Tehran General Court. In 2003 Branch 2 of the Supreme Court confirmed the judgment. The Pardons Commission, however, has returned the file to the trial court. Ms. Khaeirieh Valania was sentenced to death by stoning for adultery and eight years of imprisonment for complicity in murder. Her case is currently before the Head of the Judiciary. Ms. Leila Qomi was sentenced to death by stoning for adultery and fifteen years of imprisonment for complicity in murder by Branch 71 of the Criminal Court of Tehran. Branch 37 of the Supreme Court confirmed the judgment in 2007. Mr. Abdollah Farivar Moqaddam was arrested on 8 February 2005 and charged with committing adultery. He was convicted and sentenced to death on 21 December 2005 by the Second Branch of the</p> |                     |

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|       |         |          |      |                                       | Mazandaran penal court and the sentence was confirmed by Bureau 41 of the Supreme Court on 1 August 2006. The file is currently with the Pardons Commission.   |                     |
| 110.  |         | 31/07/08 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>IJL;<br>TOR | <b>Qulamriza Nejefi</b> , aged 36, <b>Hemid Valai</b> , aged 27, a university graduate of law and an associate of the Association of Southern Azerbaijani Academics, <b>Vedud Esemi</b> , aged 28, a geology student at the Open University in Rasht, former Secretary-General of the Islamic Student Society and Director of the students' publication "Seher", <b>Sejjad Radmehr</b> , aged 26, student of mechanical engineering, <b>Aydin Khajei</b> , aged 23, <b>Feraz Zehtab</b> , aged 23, both law students and members of the Islamic Student Society at Tabriz University, <b>Dariyush Hatemi</b> , aged 29, student, and <b>Shahrukh Hatemi</b> , aged 27, dentistry student in Turkey, all of them activists supporting cultural rights of Iranian Azerbaijanis. The above mentioned persons have been arrested and detained without indictment or trial since 5 June 2008 together with other individuals, whose identities are not yet known. They are being held in incommunicado detention without access to lawyers and have not been allowed visits by their relatives. Mr. Qulamriza Nejefi was arrested at his workplace in Tabriz on 5 June. One of the charges brought against him relates to a number of student publications issued under licence, which had been found during the searches of his workplace at the time of the arrest. Security agents, who then searched his home without a |                     |

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|       |         |      |      |         | <p>court warrant, confiscated his computer, books, CDs and posters. Mr. Nejefi's family was unaware of his whereabouts for 15 days when they learned that he had been transferred to Tabriz prison, where he is not allowed to receive visits from his relatives. It is believed that the shutting down of Mr. Nejefi's shop at the Rasta Bazaar in Tabriz despite a valid licence was effected by the Ministry of Information's Office in Tabriz.</p> <p>Mr. Hemid Valai was detained on 15 June 2008 at the Ministry of Information's interrogation unit in Tabriz after he had been summoned there. His current place of detention is unknown. When family members inquired about his whereabouts with Iranian judicial and security authorities they were threatened not to publicise the case.</p> <p>Mr. Valai has been active in defending and researching ethnic rights. His articles have been published in a host of Azerbaijani student publications as well as in the "Dilmaj", which has recently been banned by Iranian authorities. At the intervention of the Ministry of Information he was barred from membership of the bar of judiciary lawyers, despite fulfilling all professional requirements. Mr. Vedud Ezedi was arrested at his home in Rasht on 22 July 2008 by four security agents who confiscated his computer, CDs, books, handwritings, a photo album, a wedding video tape and a diary. It is feared that Mr. Ezedi has been transferred to Section 209 of the Evin Prison in Tehran, however, his family has not been able to establish</p> |                     |

| Para. | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
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|       |         |      |      |         | <p>his exact whereabouts. It is believed that Mr. Esemi's arrest is attributed to his wedding ceremony, where the colour decorations on his wedding cake coincided with the three colours contained in the national flag of Azerbaijan and where folk songs in Azerbaijani Turkic were sung. Mr. Esemi had been detained by the Ministry of Information in Tabriz and Ardebil before following his participation in the May 2006 demonstrations. He was released after three months and reportedly ill-treated while in detention. Mr. Sejjad Radmehr, Mr. Aydin Khajei, and Mr. Feraz Zehtab were arrested by security agents on 17 July at Tabriz University. All have been taken to a location undisclosed by the Iranian authorities and did not reveal their places of detention during one single short phone call they have been allowed to make to their families. It is believed that the men were arrested in connection with Mr. Radmehr's viva voce of his master thesis. He was only allowed to defend his thesis after staging a "sit-in" protest in the mosque of the University on 11 May 2008 and a hunger strike, and following a signature campaign at Tabriz and Urmiye Universities and the publication of open letters sent to Iranian President Mahmoud Ahmadinejad. Mr. Aydin Khajei and Mr. Feraz Zehtab supported Mr. Radmehr during the sit-in protests and had been banned from the University for one year before. Mr. Dariyush Hatemi and his brother, Mr. Shahrukh Hatemi, were also arrested by</p> |                     |

| Para. | Country | Date     | Type | Mandate      | Allegations transmitted   | Government response |
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|       |         |          |      |              | security agents on 17 June 2008 at their home in Tabriz. There is no confirmed information on their whereabouts and the charges brought against them are unknown.   |                     |
| 111.  |         | 13/08/08 | JUA  | SUMX;<br>TOR | Six persons allegedly at risk of execution of death sentences imposed for offences they committed as children: <b>Soghra Najafpoor</b> (f), <b>Behnood Shojaee</b> (m), <b>Mohammad Feda'i</b> (m), <b>Salah Taseb</b> (m), <b>Sa'eed Jazee</b> (m), and <b>Abu Moslem Sohrabi</b> (m). Soghra Najafpoor was the subject of earlier correspondence (A/HRC/7/3/Add.1, para. 109 and para. 120 below), while a previous communication we sent regarding the case of Behnood Shojaee (para. 96 above). We would also like to draw your attention to reports regarding executions of juvenile offenders which already took place in Iran during the first half of this year. <b>Javad Shoja'i</b> and <b>Mohammad Hassanzadeh</b> were reportedly aged 16 at the time of their offence. It is possible that also <b>Hasan Mozaffari</b> and <b>Rahman Shahidi</b> , reportedly executed on 22 July 2008, were below age 18 at the time of the rape they were sentenced to death for. Soghra Najafpoor was sentenced to death as qisas (retribution) on 9 November 1990 for a killing which took place when she was only 13 years old. She spent most of the following 17 years in prison. On two occasions, when she was 17 and 21, she was taken to be executed but the family of the victim changed their minds at the last minute. On 1 October 2007, Soghra Najafpoor was released on bail of 600 million |                     |

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|       |         |      |      |         | <p>Iranian rials. She returned to prison later that month to comply with a summons which followed a new demand by the family of the murder victim for her execution. On 23 October 2007, Soghra Najafpour's lawyer petitioned the Office of the Head of the Judiciary to reinvestigate her case. After renewed judicial proceedings she was again found guilty and sentenced to death as qisas. The guardian of the victim continues to reject all attempts to accept blood money (diyah) instead of execution. Behnood Shoojaee, now 20, was convicted by a court in Tehran of murdering another boy during a street fight when he was 17 years old. The death sentence was confirmed by the Supreme Court. He was scheduled to be executed on 11 June 2008, but was granted a one month reprieve on 10 June 2008. On or around 11 July 2008, the Head of Judiciary again postponed the execution to give the families more time to negotiate the payment of diyah. Mohammad Feda'i was found guilty of murder by Branch 71 of the Tehran Criminal Court on 12 March 2005 and was sentenced to death as qisas. Reportedly, the judges in his case found Mohammad Feda'i guilty, but stated in their written verdict that he had killed in self-defence and that he had not been adequately represented at his trial, as his first legal representative was not an accredited lawyer, and two lawyers hired later had only submitted one written defence statement to the court during his trial. The death sentence against Mohammad Feda'i was upheld by</p> |                     |

| Para. | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
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|       |         |      |      |         | <p>Branch 27 of the Supreme Court and confirmed by the Head of the Judiciary. Mohammad Feda'i was due to be executed a first time on 18 April 2007, but the execution was stayed on the basis of the inadequate legal representation during his trial. A subsequent request to the Attorney General for a retrial was rejected, and a new execution date was set for 11 June 2008. On 10 June 2008, the Head of Judiciary granted a one-month reprieve to give Mohammad Feda'i's family additional time to negotiate with the victim's family on the payment of diyah. On or around 11 July 2008, the Head of Judiciary granted a further one month stay of execution. In a letter made public on 7 June 2008, Mohammad Feda'i alleges that, during his detention before trial, official "beat and flogged him repeatedly ... hanged him from the ceiling [and] left him with no hope of living". As a result of that treatment, he signed (by way of a fingerprint) a confession statement. Salah Taseb, from Sanandaj, was convicted of murder and sentenced to death for a killing committed when he was aged 15. He recently turned 18 and was transferred from the juvenile prison to the adult prison in Sanandaj. Sa'eed Jazee was convicted of murder and sentenced to death for a killing committed in 2003 when he was aged 17. His execution was scheduled for 25 June 2008 but postponed for a month. Abu Moslem Sohrabi, was convicted and sentenced to death by Branch 3 of the Firoozabad Court in Fars Province for a killing he committed</p> |                     |

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|       |         |          |      |              | <p>in December 2001 at the age of 17. The death sentence was affirmed by Supreme Court Branch 33. Reportedly local authorities in Fars province intend to proceed with the execution although authorities in Tehran have ordered a renewed investigation of the case. We have also received reports concerning two executions of juvenile offenders which already took place during the first half of the year 2008: Javad Shoja'i was executed in Esfahan on 26 February 2008. He had been sentenced to death as qisas for a murder committed when he was 16. Mohammad Hassanzadeh was executed in Sanandaj prison on 10 June 2008. Reports indicate that at a press conference on 17 June 2008, a spokesperson for the Judiciary disputed that he had been under age 18 at the time of the offence. Mohammad Hassanzadeh's lawyer, however, researched his identity papers and determined that on the day of the killing he was aged 16 years, 11 months and 20 days. Finally, Hasan Mozaffari and Rahman Shahidi, as well as a third man identified as H.R., were executed in Bushehr on 22 July 2008. They had been found guilty of rape. They possibly were under age 18 at the time of the offence.</p> |                     |
| 112.  |         | 18/08/08 | JUA  | SUMX;<br>TOR | <p><b>Amir Amrollahi, Reza Hejazi and Kamal,</b> three young men allegedly at risk of execution for offences committed when they were minors. Amir Amrollahi fatally injured another boy in Shiraz province during a fight in November 2006, when he was aged 16. On 6 August 2007, Branch 5 of</p>   |                     |

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|       |         |      |      |         | <p>Fars province criminal court sentenced him to death. The sentence was upheld by Branch 27 of Supreme Court on 11 October 2007. Recently (beginning of August 2008), the Head of the Judiciary approved the death sentence and judicial officials in Shiraz province have been asked to prepare Amir Amrollahi's execution. Reza Hejazi fatally injured another boy in Esfahan during a fight in 2004 (on 28/6/1382, according to the Iranian calendar). At the time of the offence he was aged 15, as he was born on 30/4/1367. On 14 November 2005, he was sentenced to death as qesas (retribution) by Branch 106 of the Esfahan General Court. The sentence was approved by Branch 28 of the Supreme Court on 6 June 2006, although under Iranian law he should have been tried in a juvenile court. The case was referred for mediation between Reza Hejazi and the victim's family, to try and arrange for the payment of diyeh, but it would appear that the negotiations have yielded no result. His execution was scheduled for this morning (19 August 2008), but appears to have been postponed. Kamal (further names not reported), a then 16 years old barber's assistant in Tehran, killed a man in the course of a fight on 10 April 2007. He was found guilty of murder and sentenced to death by a court in Tehran on 12 April 2008. The death sentence was approved by the Supreme Court at the beginning of August 2008, and the case is now before the Head of the Judiciary for final approval of the death sentence.</p> |                     |

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| 113.  |         | 18/08/08 | JAL  | FRDX;<br>HRD;<br>IJL;<br>SUMX;<br>TOR | <p><b>Ya'qub Mehrnehad</b>, a journalist and activist working in defense of the cultural and civil rights of Baluchi peoples in northern Iran.</p> <p>Mr. Mehrnehad was a civic activist and the General Secretary of the <i>Youth Association of Justice Voice</i> in Zahidan. Mr. Ya'qub Mehrnehad was the subject of a previously transmitted communication (see para. 102 above). Mr. Ya'qub Mehrnehad was executed on 4 August 2008 after his death sentence was approved by the Prosecutor-General of Iran. Mr. Mehrnehad was sentenced to death in February 2008, a fact which was confirmed at a press conference by a judiciary spokesman on 19 February 2008.</p> <p>Mr. Ya'qub Mehrnehad was arrested in early May 2007 along with five other members of the association after they attended a meeting in the provincial office of Culture and Islamic Guidance. The five other men were later released. Five months after his arrest, Mr. Ya'qub Mehrnehad was allowed visits from his lawyer and his family who alleged that he had been tortured, had lost about 15 kg and was unable to keep his balance. According to the Public and Revolution Prosecutor's Office in Zahedan, Mr. Mehrnehad was accused of being a member of Jondallah (also known as the Iranian Peoples' Resistance Movement) and considered having aided Mr. Abdolmalek Rigi, the head of a Baluchi armed group. Ya'qub Mehrnehad was charged with <i>Mohareb</i> (enmity with God) and <i>Mofsed fi'l arz</i> (corruption on earth).</p> |                     |

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| 114.  |         | 19/08/08 | JAL  | SUMX;<br>TOR | <b>Mahdi Hanafi</b> , student, Gohardasht, Karaj. On 4 April 2007 around 2 p.m., he was arrested on his way to a party and taken by the police to No. 17 Mehrvilla Police Station. His family was not informed of his arrest, and he was allegedly beaten during his detention by a police officer. At 5 p.m., he was taken to the Prosecutor, who ordered his release at 7.30 p.m. He was again taken to the police station, and told that the keys to his handcuffs and shackles were left there. After he returned home he reportedly felt dizzy and went to bed. Mr. Hanafi's family was unable to rouse him in the morning and he was taken to the hospital, where the doctor reported that he had suffered injuries to his brain. After 13 days, he was transferred to Shahid Madani Hospital. The doctors there confirmed the diagnosis. Mr. Hanafi died two months later without regaining consciousness. The Prosecutor of No. 31 Police Station came and photographed the body. However, no further action or investigations were carried out. |                     |
| 115.  |         | 27/08/08 | JUA  | SUMX;<br>TOR | <b>Bahman Soleimani</b> , a man allegedly at risk of execution for an offence committed when he was a minor. Mr. Bahman Soleimani was born in 1981. He killed his grandmother, allegedly unintentionally, 12 years ago when he was 15. He was initially sentenced to 5 years imprisonment, but the victim's family insisted on retribution in kind and he was sentenced to death as qesas. Bahman Soleimani is detained in Isfahan and his execution is imminent.  |                     |

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| 116.  |         | 23/09/08 | JUA  | WGAD;<br>EDU;<br>FRDX;<br>IJL;<br>MIG;<br>TOR | <b>Mehdi Zakerian</b> , a scholar of international relations and international law, chair of the International Studies Association of Iran (ISAI), also known by its French name and acronym Association iranienne des études internationales (AIEI), an independent body aimed at promoting the teaching, research and debate on international relations. He was arrested on or around 15 August 2008. The exact circumstances of his arrest and the place of detention where he is being held are not known. His family has been permitted to meet him only once, on 6 or 7 September, at Branch 12 of the Revolutionary Court in Tehran under the supervision of court officials. Since then Dr. Zakerian has not been in contact with them. It is unclear whether this meeting was meant as an official courtroom appearance, since Dr. Zakerian has been accused of offences relating to national security including espionage, but has not formally been charged. During the meeting Dr. Zakerian appeared to be weak. |                     |
| 117.  |         | 22/10/08 | JUA  | WGAD;<br>FRDX;<br>HLTH;<br>HRD;<br>TOR        | Ms. <b>Negin Sheikholeslami</b> , a human rights defender and journalist, founder of the Azar Mehr Women's Social and Cultural Society of Kurdistan, and associated with the Human Rights Organization of Kurdistan (HROK), which reports on human rights violations committed against ethnic Kurds in Iran. On 4 October 2008, Ms. Sheikholeslami was arrested in her home in Tehran allegedly by members of the Iranian security forces. Her place of detention was not  |                     |

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|       |         |                            |      |         | revealed to her husband until 9 October 2008. She is currently being held incommunicado in Section 209 of Evin Prison. Ms. Sheikholeslami underwent heart surgery a month before her arrest, and she is still in need of medical attention. Apart from recovering from the surgery, she also suffers from respiratory problems. |  |
| 118.  |         | Follow-up to earlier cases |      |         | <b>Sayed Hossein Kazemeyni Boroujerdi</b> (A/HRC/7/3/Add.1, paras. 87 and 105)  | By letter dated 14/02/08, the Government informed that the Special Court for the Clergy investigated the case and, on the basis of the existing evidence and repetition of offences, sentenced him to ten years of imprisonment. Any allegation that he has been sentenced to death is a distortion of reality and is categorically denied. In the Islamic Republic of Iran no one is put to trial because of his/her belief, and as it was described above, Mr. Kazemeini's trial was in accordance with the law and merely in relation with his illegal and violent activities. The allegation of his activities in supporting freedom of religion and separation between religion and politics is nothing but an instrument to cover his ill-intended activities, and to deceive international human rights bodies. He also enjoyed all his legal rights before the court of justice. |
| 119.  |         |                            |      |         | <b>Ronak Safazadeh</b> (A/HRC/7/3/Add.1, para. 108)   | By letter dated 13/02/08, the Government informed that presently, there are tens of women NGOs with different beliefs and social inclinations, who have played constructive roles in fulfillment of women's rights. It is  |

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|       |         |      |      |         |  | regrettable that some social groups, ignoring the delicacies of social works, by employing dishonest elements, have entered into illegal activities, e.g. being in contact with terrorist groups. Ms. Ronak Safazadeh is an example of someone who used the umbrella of the right of social liberties in Iran for achieving her extremist inclinations. On the basis of investigations, she was arrested on charges of organizational relation with the terrorist group of PEJAK; membership in the group; participation in the PEJAK military training course; complicity in the explosion of Sanandaj city basij exhibition of cultural products; connection with elements engineering bomb explosions in cities; and provision of explosives for terrorist activities. She is still under arrest and her case is under investigation. She enjoys the right of access to lawyer in the court of justice. Her detention has no relation whatsoever with her social or alleged women's rights activities. Any allegations of maltreatment or lack of proper attention to her physical or psychological integrity are baseless and merely fabricated for ill-intended aims. |
| 120.  |         |      |      |         | <b>Soghra Najafpoor</b> (A/HRC/7/3/Add.1, para. 109) | By letter dated 12/02/08, the Government informed that the penalty for premeditated murder has two aspects: private and public. Since the first one relates to the denial of the rights of the guardians of the murder victim, it is given priority and is of higher importance.   |

| Para. | Country | Date | Type | Mandate | Allegations transmitted | Government response   |
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|       |         |      |      |         |                         | <p>In the judicial system of Muslim countries, including Iran, Qesas (lex talionis, or retribution in kind) is the verdict for premeditated murder. For that purpose, enforcement of Qesas depends upon the request by guardians of the murder victim, and the Government is solely mandated to carry out the verdict on behalf of the former. The second aspect is the responsibility of the Government for establishing and protecting security. To realize this responsibility, the lawmaker has anticipated 5-15 years imprisonment. In case the guardians of the murder victim claim Qesas through payment of Diyeh (blood money) to guardians of the murder victim by the convicted party), imprisonment shall be imposed. Sentences of Qesas are not open to pardon or amnesty by the State, in the absence of consent from the guardians of the murder victim. Meanwhile, the Government strives to apply mechanisms, such as the provision of financial assistance to the guardians, which might result in receiving the required consent from them. Ms. Soghra Najafpour was sued on the basis of a complaint filed by the guardians of the murder victim on charges of premeditated murder. Following judicial procedures and investigations in the presence of her lawyer, the court of first instance ascertained her guilt and sentence her to Qesas, through verdict No. 1122 dated 9 November 1990. Pursuant to appeal by the</p> |

| Para. | Country | Date | Type | Mandate | Allegations transmitted                         | Government response  |
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|       |         |      |      |         |   | convict and her lawyer, Branch 27 of the State Supreme Court confirmed the earlier verdict. With due regard to the insistence of guardians of the murder victim for carrying out the verdict, the state judicial system has been trying to resolve the dispute through conciliation. Therefore the case is in the conciliation procedure and enforcement of death penalty is not in the programme of work. Although there have been a few cases of murder under the age of 18, the pertinent authorities have been exerting utmost effort to decrease the number of executions of these verdicts, with the hope of ultimate conciliation.  |
| 121.  |         |      |      |         | <b>Behnam Zare</b> (A/HRC/7/3/Add.1, para. 107) | By letter dated 14/02/08, the Government informed that the penalty for premeditated murder has two aspects: private and public. Since the first one relates to the denial of the rights of the guardians of the murder victim, it is given priority and is of higher importance. In the judicial system of Muslim countries, including Iran, Qesas (lex talionis, or retribution in kind) is the verdict for premeditated murder. For that purpose, enforcement of Qesas depends upon the request by guardians of the murder victim, and the Government is solely mandated to carry out the verdict on behalf of the former. The second aspect is the responsibility of the Government for establishing and protecting security. To realize f this responsibility, the lawmaker has anticipated 5-15 years |

| Para. | Country | Date | Type | Mandate | Allegations transmitted | Government response   |
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|       |         |      |      |         |                         | <p>imprisonment. In case the guardians of the murder victim claim Qesas through payment of Diyeh (blood money) to guardians of the murder victim by the convicted party), imprisonment shall be imposed. Sentences of Qesas are not open to pardon or amnesty by the State, in the absence of consent from the guardians of the murder victim. Meanwhile, the Government strives to apply mechanisms, such as the provision of financial assistance to the guardians, which might result in receiving the required consent from them. Mr. Javad Zare'I, known as Behnam Zare, according to existing information, was 16 years old at the time of perpetrating the crime (21/04/05), which led to his arrest on 23/04/05. He confessed to committing the murder and, on that basis, the penal court of the Fars Province sentenced him to Qesas, through verdict of 23 June 2005. Pursuant to a request for appeal from the convict and her lawyer, Branch 33 of the State Supreme Court confirmed the earlier verdict on 14 May 2006. Then the guardians of the murder victim requested the execution of the verdict. But the judicial system, on the basis of human considerations, has fed the case into a conciliation process and is seriously pursuing the case with the hope of reaching a final settlement. Therefore, carrying out the penalty is not in the programme of work. Although there have been a few cases of murder under the age of 18, the pertinent</p> |

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|       |         |      |      |         |  | authorities have been exerting utmost effort to decrease the number of executions of these verdicts, with the hope of ultimate conciliation.  |
| 122.  |         |      |      |         | <b>Keyvan Rafiee</b> (A/HRC/7/3/Add.1, para. 96) | By letter dated 19/02/08, the Government informed that he was sued and charged with membership in the terrorist group of MKO-NCRI; distributing propaganda for the group; disturbing public order; and obtaining illegitimate money. Pursuant to the exhaustion of legal remedies, the Tehran Court of Revolution, taking into account the highest level of Islamic affection, sentenced him to one year's imprisonment, including the period of detention, through verdict No. 3975/86/13 dated 4/11/07. Consequently, he was released on 19/11/07. As stated, his arrest had no relation whatsoever with his participation in a student gathering (18Tir), and only the above-mentioned charges led to his arrest. Other allegations of his solitary confinement, being ill-treated, handcuffed and blind-folded and lack of access to medical treatment are fabricated and lies. Iran has been a major victim of terrorism in the world, and it is regrettable that terrorist groups such as MKO-NCRI, a fascist-oriented terrorist cult, are still hosted by some countries opposing Iran. Thousands of Iranians, including high-ranking authorities such as President Raja'ei, Prime Minister Bahonar, Martyred Beheshti, Head of the Judiciary, and |

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|       |         |                            |      |                              |  | 72 parliamentarians, as well as people from different walks of life, have been assassinated by the mentioned terrorist group.   |
| 123.  | Israel  | 04/12/08                   | JUA  | WGAD;<br>IJL;<br>OPT;<br>TOR | <b>Rami Ibrahim Mohammed Samarah</b> was arrested without a warrant by a member of the Israeli national security forces on 28 June 2007 at Zatarah checkpoint. He has been ordered to remain in detention for security reasons for 36 months and is currently held at Naqib and Majido prisons, between which he is regularly transferred back and forth. The authority ordering the detention has not been reported, and the legal basis for the detention is not known. Mr. Samarah has a lawyer, however, up to date no charges have been brought against him. During the investigation, Mr. Samarah was allegedly severely beaten. It is alleged that he is being detained in poor conditions. Before his arrest, his house was searched by Israeli soldiers who are said to have destroyed parts of the interior and his personal computer. In view of allegations of ill-treatment, concerns are expressed as regards Mr. Samarah's physical and mental integrity. |   |
| 124.  |         | Follow-up to earlier cases |      |                              | <b>Z. Z. I. A. D.</b> (E/CN.4/2006/6/Add.1, para. 124)   | By letter dated 20/03/07, the Government informed that on 15 May 2006, the Military Advocate General ordered the Criminal Investigations Division (CID) of the Military Police to investigate Z. Z. I. A. D.'s case. As part of the investigation, CID made several phone calls to his home, but were unable to establish contact with him directly. The phone was always answered by family members, who |

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|       |         |      |      |         |                         | <p>replied that he was not at home, but they would pass along the message that he was asked to contact CID. Nevertheless, he never called the Military Police. At one point, CID contacted the assistant of the Governor of Ramallah, who said that he was familiar with the complaint, and that he would contact Z. I. A. D.'s cousin to pass along the message that, if the family was still interested in investigating the case, they should contact CID. Otherwise, the assistant to the Governor said, that the complaint could be considered cancelled. Despite the lack of cooperation by Z. Z. I. A. D. and his family, CID has attempted to track the identity of the soldiers who arrested him. According to the records, he was brought to the Etzion Detention Centre on 17 August 2004. Unfortunately, CID were unable to ascertain the identities of the arresting soldiers since there is no file on his arrest, as the Centre only holds files of detainees arrested after November 2004. Nonetheless, the Centre does keep past copies of all detainee medical records, which had the results of Z. Z. I. A. D.'s physical examination upon his admission into the Centre. According to these records, he was healthy upon admission, and there were no medical grounds prohibiting his stay at the Centre. In light of the above facts, it was decided that the investigation into his case be closed.</p> |

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| 125.  | Italy   | 20/06/08 | JAL  | TERR;<br>TOR | <b>Sami Ben Khemais Essid</b> (hereafter, Mr. Essid), a Tunisian citizen, who was reportedly deported from Italy to Tunisia on 3 June 2008 and is being held in Mornaguia prison outside the capital city of Tunis. Mr. Essid had been scheduled to appear in a Milan courtroom on 3 June 2008 for a preliminary hearing on terrorism charges, but an expulsion order was issued on 31 May 2008 under the expedited procedure created by Law 155 of 31 July 2005. This law denies the right of suspensive appeal to those persons subject to removal on national security grounds. Having been convicted in February 2002 of membership in a terrorist organization and sentenced to six-and-a-half years in prison, Mr. Essid was indicted on new terrorism charges in 2005. He was remanded into pre-trial detention in June 2007 on the eve of his scheduled release from prison. It is reported that Mr. Essid had been held the maximum amount of time permitted in pre-trial detention for the charges against him and would have had to be released. However, according to our understanding, Italian law provides for the following alternatives to removal where such removal would violate international law: 1) compulsory residence (obbligo di soggiorno) and 2) special police supervision. Such measures could have potentially been pursued, especially in light of the ongoing criminal prosecution against Mr. Essid. The European Court of Human Rights (ECHR) communicated a request for interim measures in | By letter dated 28/08/08, the Government informed that Mr. Essid Sami Ben Khemais was indicted as a member of a terrorist cell, active in Milan and in Lombardy, between the end of the 1990s and 2001. He was sentenced, by the Milan Tribunal, to a six year and six month prison term, on the ground of his membership in a criminal organization aiming at terrorist activities. The pre-trial detention warrant was issued by the preliminary investigation magistrate (GIP) of Milan Tribunal. While Mr. Essid was serving his term, additional offences presumably committed by him came to light based on the testimony of another member of the same criminal cell. For these other offences, the GIP at the Milan Tribunal issued, in June 2007, additional detention warrants, affecting Mr. Essid and other individuals within the framework of the investigation “4457/06-No. 179/07”. Since the time limit of the above pre-trial detention warrant was expiring and, thus, Mr. Essid was about to be freed, the Ministry of Justice issued an expulsion order on the basis of Art. 13 of Legislative Decree No.286/98 and Art. 3 of Act No.155/2005 concerning the legislation on international terrorism, justified by the risk that Mr. Essid, once released, might be able to facilitate terrorist activities within the Italian territory. Meanwhile, the Police’s Immigration Unit in Milan requested the Tribunal in Milan |

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|       |         |      |      |         | <p>respect of Mr. Essid in March 2007, after he had alleged that his expulsion to Tunisia would expose him to treatment in violation of article 3 of the ECHR.</p> | <p>to issue an authorization (nulla osta) to proceed with the expulsion. In this regard, it must be recalled that such authorization may be denied on “the sole proceeding ground when there is the need to ascertain the liability of other members of the relevant criminal organization or of those defendants whose trial has been initiated”. Since this was not the case with Mr. Essid, the GIP at the Milan Tribunal released the requested authorization (nulla osta), on 1 June 2008. His repatriation took place on 3 June 2008.</p> <p>The expulsion order was in full compliance with Italian legislation and international agreements, after having received the authorization (nulla osta) of the Italian magistrate and establishing contact with the Tunisian authorities. The Tunisian Minister of Justice recently affirmed publicly that Mr. Essid was allowed to contact his defence counsel and that he would be tried publicly and fairly. With regard to other similar situations, and in accordance with Art. 13, para. 1, of Legislative Decree No.286/98 and Art. 3 of Act No.155/05, similar measures have been adopted by the Minister of Interior in relation to other Tunisian citizens. Nevertheless the relevant measures have not been executed yet, further to interim measures by the European Court of Human Rights.</p> |

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|       |            |          |      |              |   | <p>Italian authorities, particularly the Embassy in Tunis, are carefully and formally following the situation. During a meeting in Tunis on 24 July 2008, the Tunisian authorities stated that the detainee concerned has been allowed to meet his family (five times), his defense counsel (four times) and some physicians. Tunisian authorities have committed themselves to providing relevant documentation/information and to pursuing the dialogue with all relevant interested parties.</p> <p>Within the EU framework, Italy reiterated its firm commitment to the prohibition of torture, the necessity to respect human rights, refugee law and international humanitarian law while countering terrorism, as highlighted in the EU Council Conclusions of 11 December 2006.</p> |
| 126.  | Kazakhstan | 07/01/08 | JUA  | WGAD;<br>TOR | <p><b>Nurlan Ospanovitch Alimbekov</b>, a philosopher from South Kazakhstan. On 16 August 2007, he was arrested at his parent's house in Baldyberek village, Tole-Biraion, South Kazakhstan Oblast. Officers of the Shymkent Committee for National Security (KNS) Pre-trial detention centre beat him on his head, neck and body in order to force him to confess to the crime of "using the media to promote national and religious hatred and dissent". As a result, Mr. Alimbekov lost three teeth and suffered a broken rib. The Prosecutor recently ordered Mr. Alimbekov to be transferred</p> | <p>By letter dated 12/02/08, the Government informed that on 16 August 2007, in the village of Baldyberek, Tole Bi district, South Kazakhstan Province, officers of the local National Security Committee Department arrested Nurslan Ospanovich Alimbekov. In June 2007, O.S. Turekeshev, the director of a branch of the American organization Interlink Resources, Inc., Development Center, submitted a written statement to the National Security Committee Department for South Kazakhstan province to the effect that messages inciting ethnic and religious hatred</p>  |

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|       |         |      |      |         | <p>from pre-trial detention to forced treatment at a closed psychiatric institution. It is alleged that his psychiatric examination was flawed.</p> | <p>had been sent to the organization's e-mail address by a former student of its English language courses, N.O. Alimbekov; 23 messages were attached to the statement. The additional inquiries carried out provided objective corroboration of the facts alleged in the statement. It was established that, from May to July 2007, several messages had been sent by Alimbekov, via the Garant Internet club in Shymkent, from his own e-mail address, to the mailboxes of 16 legal and natural persons, including Interlink Resources, Inc., and the company PetroKazakhstan Oil Products. With the approval of the Procurator, these messages were removed from Alimbekov's e-mail account and it was arranged for them to undergo a forensic psychological and philological analysis. According to the expert finding of the South Kazakhstan Regional Scientific and Practical Laboratory of the Ministry of Justice's Centre for Forensic Analysis (No. 2009 of 29 June 2007), the materials submitted for examination contained incitement to ethnic and religious hatred and division. On 16 August 2007, the investigation office of the National Security Committee Department for South Kazakhstan Province instituted criminal proceedings. On 18 August 2007, with the participation of defence counsel M. Bektasov, charges were brought and, with the approval of the Procurator, it was decided to place the</p> |

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|       |         |      |      |         |                         | <p>accused in pretrial detention. Although National Security Committee Department officers A. Omarov, K. Sairambaev and S. Mombekov announced themselves and showed their official identification, Alimbekov actively resisted arrest and was taken to the Department's premises by force. According to the findings of the provincial forensic medical office (Nos. 3483 and 3484 of 27 August 2007), officers A. Omarov and K. Sairambaev had sustained bruising and contusions. The detainee too was found to have bruises, one each on his upper lip and neck and three on his back (finding No. 3488 of 27 August 2007). Given the detainee's inappropriate behaviour during the pretrial investigation, and in order to ensure that the investigation was complete and objective, on 20 August 2007 it was arranged for him to undergo an outpatient forensic psychiatric evaluation. Alimbekov was found to have signs of "paranoid syndrome" (finding No. 547 of the psycho-neurological clinic of the Department of Health for South Kazakhstan province of 27 August 2007). To allow him to be examined by a medical commission, it was recommended that he should be admitted to the National Scientific and Practical Centre for Psychiatry, Psychotherapy and Narcology in Almaty for inpatient evaluation. With a view to studying Alimbekov's personality, testimonials were obtained from his former</p> |

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|       |         |      |      |         |                         | <p>employers. According to his former colleagues, Alimbekov did not enjoy the respect of other staff members and was argumentative and arrogant. He did not maintain close relations with his colleagues, nor did he participate in the life of the workplace. He was dismissed on account of complaints from students about his poor teaching and regular absences. In addition, Alimbekov's fellow students on the Interlink Resources, Inc., courses, who were interviewed as witnesses in the case, confirmed that his behaviour during classes had been inappropriate and aggressive and that he had insulted them. In response to an appeal filed by defence counsel M. Bektasov on 27 August 2007 requesting the modification of the preventive measure taken in respect of Alimbekov, the criminal case was referred to the Enbek District Court. After considering the request, the court left the preventive measure - pretrial detention - unchanged. This decision was in turn upheld by the South Kazakhstan Provincial Court on 6 September 2007. On 13 September 2007, it was decided that Alimbekov should undergo an inpatient forensic psychiatric evaluation, to be carried out at the National Scientific and Practical Centre for Psychiatry, Psychotherapy and Narcology in Almaty. The evaluation (No. 283 of 28 October 2007) confirmed the signs of "paranoid syndrome" previously identified in</p> |

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|       |         |      |      |         |                         | <p>Alimbekov. It was noted that the structure and duration of this disorder made it impossible to assess his mental state at the time of the acts charged. The Centre's specialists recommended the application of coercive measures of a medical character, specifically treatment in a special psychiatric hospital under intensive observation. On 18 October 2007, defence counsel M. Bektasov lodged a complaint with the Shymkent garrison's military prosecutor alleging assault and battery and use of physical force by officers of the National Security Committee Department for South Kazakhstan province against his client. Following an investigation conducted by the Military Investigation Department of the Ministry of Internal Affairs for Shymkent garrison, it was decided not to institute criminal proceedings against A. Omarov, K. Sairambaev and T. Mombekov on the grounds of lack of evidence that a crime had been committed. On 21 November 2007, pursuant to a decision of the First Deputy Procurator for South Kazakhstan province, B.T. Esenbekov, the preventive measure of pretrial detention applied in respect of Alimbekov was rescinded, and the safety measure provided for under article 507, section 2, paragraph 2, of the Code of Criminal Procedure of the Republic of Kazakhstan (confinement in a special medical institution providing psychiatric care) was</p> |

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|       |         |          |      |         |  | <p>applied. On 7 December 2007, the materials relating to the criminal case were referred to the Al-Farabi District Court in Shymkent, so that the issue of Alimbekov's confinement in a special medical institution providing psychiatric care could be resolved. On 17 January 2008, pursuant to a decision of the judicial authorities, Alimbekov was transferred to a medical institution in the settlement of Aktas, Talgar district, Almaty province. A final decision as to Alimbekov's guilt or innocence will be made by a court once the coercive measures of a medical character have been applied and the conclusions of the inpatient forensic psychiatric evaluation have been received. The materials relating to criminal case No. 075100004100050 have been sent to the Al-Farabi District Court in Shymkent.</p> |
| 127.  |         | 15/02/08 | AL   | TOR     | <p><b>Alexander Pavlovitch Gerasimov</b>, a 38-year-old construction worker, Kostanay. On 27 March 2007, he was arrested and taken to the Yuzhny Otdel [Southern Branch] of Kostanay Department of Internal Affairs. His arrest was not entered into the police log until the next morning, March 28, 2007. Mr. Gerasimov was questioned by five unidentified police officers in an office of the police station on suspicion of having murdered his neighbour. The police demanded that Mr. Gerasimov confess to the woman's murder, and when he refused to do so, the police put him in the corner of the office and punched</p> |  |

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|       |         |      |      |         | <p>him near his kidneys several times. He was also threatened with rape. The police tied his hands behind his back and put him on the floor with his face down. All five police interrogators got on top of Mr. Gerasimov, and one of them put a plastic bag on his head from behind and started strangling him. Periodically, he lost consciousness. Each time he regained consciousness, the abuse would start again. His nose and ears bled. After approximately one hour, Mr. Gerasimov lost consciousness again and does not remember anything else. He was told by his interrogators that his two stepsons, who were in the neighbouring offices, were also tortured. In addition to Mr. Gerasimov, his stepsons also filed allegations of torture but withdrew them later, saying they had made them up to take revenge against the police for illegally detaining them. On 28 March, Mr. Gerasimov's stepsons were released, and his interrogation continued. The investigator did not beat him, but told him that his wife and stepsons had testified against him in writing. Mr. Gerasimov did not confess to anything and was released without charges that same day around 6 p.m. Immediately after he returned home, he was taken to hospital in an ambulance. At the hospital, the doctors noted multiple contusions, a concussion of medium gravity and injuries to the right kidney and adrenal gland. Between 28 March and 10 April, he received treatment in the hospital for his injuries. While in the hospital, several complaints</p> |                     |

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|       |         |      |      |         | <p>were filed with Kostanay Central Department of Internal Affairs and the prosecutor's office about the alleged acts of torture. Around the same time he received calls on his cell phone asking him to withdraw his complaints or face "problems".</p> <p>Further, during his stay in the hospital, Mr. Gerasimov was visited by unknown persons in plain clothes who asked him how he was feeling, and who spoke to his doctors. After his discharge he continued to experience headaches and did not feel well. A forensic examination conducted on 23 April concluded that Mr. Gerasimov's injuries were of light severity and stated nothing about whether his injuries were consistent with his allegations. On 14 May, Mr. Gerasimov received a reply from the Yuzhny Otdel of Kostanay Department of Internal Affairs stating that no substantial grounds were found for initiating criminal proceedings based on his complaint. After intervention by a non-governmental organization, the prosecutor's office in Kostanay ordered that the inquiry into Mr. Gerasimov's complaint be re-opened in late spring. On 30 July, the case was referred to the Financial Police of Kostanay, which deals with crimes relating to abuse of authority. In August, he was referred to a psychiatric hospital for additional treatment. There, he was diagnosed and treated for post-traumatic stress disorder (PTSD) from 2 August to 3 September, and continues to take medication. He still experiences headaches and his PTSD complications (flashbacks, panic</p> |                     |

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|       |         |          |      |                      | attacks, low self-esteem, phobias) affect his normal ability to work and function. A psychologist's report of 7 August noted that Mr. Gerasimov complained of dizziness, frequent headaches, hand tremors, sleeping problems, and a feeling of uncontrolled fear. On 5 September, the preliminary inquiry by the Financial Police was concluded without any further investigations. After Mr. Gerasimov's lawyer filed a motion with the Prosecutor's office on 12 September, it again ordered that the investigation be re-opened. The case is currently again before the Financial Police.  |   |
| 128.  |         | 10/04/08 | JUA  | IJL;<br>TOR;<br>WGAD | <b>Ms. Tatiana Aleksandrovna Krainova</b> , aged 37, and her sister, <b>Ms. Olga Aleksandrovna Koroleva</b> , aged 38. Tatiana Krainova was ordered to report to the Committee for National Security (KNB) in Almaty on 29 September 2007 and has not been seen since then. On 2 November 2007 Olga Koroleva was also invited to the Committee for National Security and has not been seen since. On 10 December 2007, the family was orally notified that charges had been brought against the two women on 3 December 2007, however, without specifying to which offenses they related. Both women have been held in isolation at the KNB detention centre in Astana ever since and have not been allowed to meet with lawyers or receive any visits. Informally, family members residing outside Kazakhstan were informed that the two women would not be released until their father, Aleksandr Albertovich Krainov, currently residing in Vienna, Austria, and wanted by the | By letter dated 08/06/08, the Government informed that Ms. T. Krainova and Ms. O.A. Koroleva were prosecuted for illegally gathering information that constituted State secrets and for the serious consequences of their actions. On 25 March 2008, the military tribunal of Aqmola garrison found Ms. Krainova, Ms. Koroleva and others guilty of offences contrary to article 172, paragraph 4, of the Criminal Code of Kazakhstan. All of the guilty parties were sentenced to deprivation of liberty for a period of two years and six months. The sentence was appealed. At present, the question of whether the case should be referred to the criminal division of the armed forces military tribunal is being decided. During the pretrial investigation, Ms. Krainova and Ms. Koroleva were required to sign, as a preventive measure, an undertaking not to leave the area and a |

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|       |         |          |      |                      | KNB, returns to Kazakhstan. In view of the incommunicado detention of Tatiana Krainova and Olgo Koroleva, concern for their physical and mental integrity is expressed.  | pledge of good behaviour, in accordance with article 144 of the Code of Criminal Procedure. Ms. Krainova and Ms. Koroleva were granted the right to defence counsel. The aforementioned persons did not submit any complaints concerning unlawful actions on the part of the members of the investigative group of the Committee for National Security in connection with restrictions on their freedom of movement, nor did they make any complaints about their state of health. All defendants were guaranteed the participation of defence counsel at all stages of the proceedings. Owing to the fact that the investigation involved State secrets, the criminal proceedings were held in camera. However, the rights of all the parties to the proceedings were observed. |
| 129.  | Kenya   | 21/08/08 | JAL  | IJL;<br>TERR;<br>TOR | <b>Mohammed Abdulmalik</b> , aged 35, currently detained at the United States of America naval base of Guantanamo Bay (Cuba). On 13 February 2007, Mr. Abdulmalik was apprehended by the Anti-Terrorism Police Unit in a café in Mombasa, detained and held incommunicado in the Kilindini Port and Urban Police Stations before being transferred to Hardy, Ongata and Spring Valley Police Stations in Nairobi. He was held on suspicion of having been involved in the Paradise Hotel attack and the attempted attack on an Israeli Arkia Airlines plane in Mombasa in 2002. Mr. Abdulmalik was not charged with any offence, was denied the right to |  |

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|       |         |          |      |         | challenge his detention, to have access to a lawyer and to his family members, and was not brought before a judge. On 26 March 2007, it was announced by the United States Government that Mr. Abdulmalik was transferred to Guantanamo Bay. It is reported that no judicial proceedings were held in relation to the transfer of Mr. Abdulmalik from Kenyan to US custody.   |                     |
| 129.  | Kuwait  | 16/07/08 | AL   | TOR     | <b>Adel Aqel Salem Al-Dhafeery</b> , aged 27, resident at Al-Jahra, Al-Ouyoun, Block N° 4, Avenue 19, N°17. Mr. Al-Dhafeery was arrested on 22 May 2008 around 17:00h in the region of Al-Jahra when he was heading towards his home. His vehicle was violently stopped by a black police car. Numerous armed policemen wearing masks forced him to leave his car, hit him, blindfolded him and tied his hands and feet. They then took him to the premises of the State Security Service and placed him in a single cell. On that evening, he was interrogated, still blind-folded and with his hands and feet tied. He was also beaten in his cell during the night. When he was interrogated on the next evening, ice-cold water was shed over his body. He was again beaten on the soles of his feet. When his feet swelled, the State Security agents forced him to run in a long corridor, still blind-folded and with his hands and feet tied, until he was so exhausted that he was unable to run. One of the officers then ordered him to stay where he was, and to keep moving his legs. As soon as the movements slowed down, the officer beat Mr. Al-Dhafeery all |                     |

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|       |         |      |      |         | <p>over his body. He was also forced to stand for several hours. On the morning of 24 May 2008, the interrogation sessions were allegedly accompanied by threats that he would “disappear without anybody being informed” or to “mold in the central prison for years without any due process and without anybody knowing”. While the threats and insults continued for several hours, he was placed in an ice-cold room. On the same day at around 19:00h, Mr. Al-Dhafeery was presented to the Prosecutor General, who interrogated him. When Mr. Al-Dhafeery complained about the treatment he had been subjected to and showed him the traces, the prosecutor refused to register a complaint and to take these allegations into account. In spite of an explicit request by the victim, he also refused to order a medical check-up and prolonged the detention authorization for a 15-day period. When this period came to an end, Mr. Al-Dhafeery was released on bail. Following his release, Mr. Al-Dhafeery insisted that a medical certificate be issued to assess the traces of the ill-treatment that were still visible. He also received an attestation on a form of the General Directorate on Investigations of the Ministry of Interior, called Preliminary Medical Report N° 7672729 of the Surgery, Al-Jahoud Hospital, with the hand-written reference 6/40 and an illegible signature. The report is dated 22/06/1448</p> |                     |

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|       |            |          |      |                      | (corresponding to 26 June 2008) and states that Mr. Al-Dhafeery had acquired hematomas on his right foot and knee following an accident.  |                     |
| 131.  | Kyrgyzstan | 24/01/08 | JAL  | FRDX;<br>HRD;<br>TOR | <b>Maksim Kuleshov</b> , head of the “Mir-svet kultura” Association. On 16 January 2008, he stood alone in front of the Mayor’s Office and Bishkek City Council and held a up a sign referring to the mayor of Bishkek, which stated “Dusik, you are not right!” Police officers arrested Mr. Kuleshov and transferred him to Police Station No. 9. Witnesses reported seeing three policemen beat Mr. Kuleshov. One officer hit him twice in the abdomen, and the others beat him on his head and feet. The policemen also took Mr. Kuleshov’s personal belongings, including his clothes and mobile phone. Mr. Kuleshov had requested a lawyer at the police station but his request was rejected, as was a request to see a doctor while he was in detention. Later Mr. Kuleshov appeared before the Leninsky Rayon Court, where a lawyer assigned to him stated that the charges against him were based on explanatory notes without signatures and names. The charges were in Kyrgyz, which Mr. Kuleshov, an ethnic-Russian, does not speak, and no interpreter was present. |                     |

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| 132.  |         | 23/04/08 | JUA  | TOR;<br>IJL;<br>VAW | Ms. <b>O. K. A.</b> , aged 49, widowed, self-employed market-woman. Ms. A. has been recognized as certifiably insane by government authorities. On 18 February 2008, she went to the local authority (akimiat) in Kerben, in order to lodge a complaint because the electricity supply to her home had been cut. The representative refused to take her complaint arguing that she complained for no apparent reason, called her “crazy” and threatened to call the militia, but nevertheless asked her to report back on 20 February. When Ms. A. did so, she was arrested by three members of the militia. The three men violently dragged her into a car, which caused her pain in her shoulders and armpits, and transferred her to the police station in Kerben. At the police station, an investigator threatened that she would be detained for many years if she did not sign a number of documents. Ms. A. signed 5 or 6 documents written in Russian, which she hardly understands since she is ethnic Kyrgyz and has difficulty reading and writing. Afterwards, Ms. A. was detained in a cell at the police station and raped by two police officers on guard during that night. One of the officers beat her, forced her onto the bed, removed her pants and tights and raped her. Later, another police officer entered the cell and also raped her. The two officers beat Ms. A. again, hit her head against a wall and told her not to talk to anyone about the incident. She lost consciousness several times. The officers drenched her with cold water from a plastic bottle. Ms. A. attempted to | By letter dated 04/08/08, the Government indicated that on 20 February 2008, Ms. K. O. filed a complaint against Ms. O. A. with the Aksyisky district internal affairs office, accusing her of hooliganism committed against the complainant and her sister, Ms. N. M. The investigation found that there were grounds for the complaint. On 20 February 2008, the internal affairs office’s investigation service instituted criminal proceedings dealing with hooliganism. On the same day, Ms. A. was arrested for the acts in question, and taken into police custody at the Aksyisky district internal affairs office. On 22 February 2008, Ms. A., in the presence of a counsel and of a human rights defender Ms. S. V., was charged with the offence, and the Aksyisky district court issued a pretrial restraining order authorizing her detention. On 25 February 2008, the investigator called for a psychiatric report to be done, on an inpatient basis, to determine whether Ms. A. was fit to stand trial. (In 2002, Ms. A. had previously been convicted for acts of hooliganism and had undergone compulsory treatment at a psychiatric hospital). On 14 March 2008, experts at the national psychiatric hospital in the settlement of Kyzyi-Zhar-12 issued finding No. 11, according to which Ms. A. was suffering from a psychological disorder, “epileptic dementia”, and was thus incapable of understanding and controlling her actions. She was found to be |

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|       |         |      |      |         | <p>commit suicide with 20 tablets of Carbamazepine, an anticonvulsant and mood stabilising drug used primarily in the treatment of epilepsy and bipolar disorder. She was unconscious when she was admitted to a hospital in Kerben, and regained consciousness two days later on 22 February. At the hospital she was handcuffed to her bed and guarded by policemen, making it impossible for her to go to the bathroom, which caused her much distress because of her cystitis. One of the police guards threatened her again not to report the rape. On 22 February, she was summoned to the city court of Kerben on charges of hooliganism, and the presiding judge did not ask any questions or listen to her complaints. After the trial she was returned to the hospital. On 25 February, she filed a complaint with the Deputy Prosecutor of Kerben, who came to the hospital following the intervention of a human rights defender. Ms. A. remained at the hospital until 26 February when she was transferred to the Legal Examination Unit of the National Psychiatric Hospital in Kyzylzhar, escorted by three guards, one of whom had raped her at the police station. Ms. A. currently remains in custody at the National Psychiatric Hospital. On 17 March, a lawyer acting on her behalf contacted the Deputy Prosecutor in Kerben, but has not been granted a meeting. A complaint was submitted to the Prosecutor's Generals Office in Bishkek on 25 March.</p> | <p>unfit to plead her case, and it was recommended that she undergo compulsory treatment at a psychiatric hospital and be kept under routine observation. On 27 March 2008, following the investigation, the criminal case was referred to the Aksyisky district court with a view to the application of compulsory medical measures. The court issued a decision finding Ms. A. guilty of the offence in question, and the criminal case against her was closed. She was sent to the psychiatric hospital in the settlement of Kyzyl-Zhar for compulsory treatment, with routine observation.</p> <p>As for the question of measures taken against the staff of the Aksyisky district internal affairs office, on 23 February 2008 the head of the human rights NGO filed a complaint alleging that Ms. A. had been raped on the night of 21 February 2008 while in custody at the Aksyisky district internal affairs office. The case in question was investigated by the Aksyisky district deputy procurator, Mr. E. M., who on 25 February 2008 ordered a forensic medical examination to be carried out. On 26 February 2008, Ms. A., in the presence of the human rights defender, Ms. V., was unable to identify from among the staff of the Aksyisky district internal affairs office the persons who had allegedly raped her on the night of 21 February 2008. The forensic</p> |

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|       |         |          |      |         |   | <p>medical report concluded that Ms. A. had sustained minor facial injuries in the form of superficial scratches, with no short-term health effects, and which might have been caused by an impact with a wall or the corner of a bed, or possibly by a fall. No signs of sexual assault were found. In the light of the findings, the district procurator's office decided not to institute criminal proceedings. The material in question was examined by the Jalalabad provincial procurator's office, which found that the decision taken was justified. The allegation that Ms. A. was raped by staff of the Aksyisky district internal affairs office has thus been found to be unreliable. Furthermore, Ms. A. has not filed a statement with the national Procurator-General's Office. It should be noted that the entire investigation of Ms. A.'s case took place with the participation of defence counsel. The assertions that the investigator submitted for signature documents in Russian, without making them public, are untrue: the proceedings in the criminal case were conducted in the national language. There were no violations of the legislation on criminal procedure during the handling of the case, nor were there any violations of Ms. A.'s rights.</p> |
| 133.  |         | 14/05/08 | UA   | TOR     | <p><b>Erkin Kholikov</b>, Uzbek national, currently detained at Osh pre-trial detention facility (SIZO) n. 5. Mr.Kholikov was arrested on 21 August 2007 in Jalal-Abad. Three weeks after</p> |  |

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|       |         |          |      |         | <p>the arrest, the Uzbek authorities requested his extradition for alleged involvement in religious extremism and anti-constitutional activities, which has been granted by the Prosecutor General of the Republic of Kyrgyzstan in April 2008. On 6 March 2008, Jalal-Abad City Court sentenced Mr.Kholikov to four years of imprisonment under article 339 of the Criminal Code and illegal border crossing under article 346 of the Criminal Code. On 30 April 2008, Mr.Kholikov's lawyer attempted to register Mr.Kholikov with Kyrgyzstan's State Commission for Migration. However, the Commission refused to do so. An appeal against the refusal is scheduled for 22 May 2008. Given reliable reports that on 12 May 2008 Uzbek officials attempted to bring Erkin Kholikov from the SIZO to Uzbekistan, concern is expressed that his hand-over to Uzbek authorities might be imminent.</p> |                     |
| 134.  |         | 20/08/08 | AL   | TOR     | <p><b>Gairat Torakeldiev</b>, aged 22, Bazarkorgon village, Bazarkorgon District. On 25 May 2006, he was called to serve in military unit 2022 of the frontier service of the National Security Service, in Kok Tash village, Batken Oblast. In early July he began to experience harassment, intimidation and beatings at the hands of personnel of his unit allegedly because of his Uzbek ethnicity. He was told by Commander Abdulaev that Uzbeks could not become soldiers. He was subjected to beatings all over his body, including his head and groin, and reportedly suffered broken ribs after being struck with a billiard cue. He received treatment</p>   |                     |

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|       |         |      |      |         | <p>at the military hospital in Osh as well as the local hospital in Bazarkorgon. Appeals for investigation were sent to the Military Prosecutor's Office and the Minister of Defence.</p> <p>Similar allegations were received in relation to <b>Kamalov Erkin Egamberdievich</b>, aged 21, Cholok-Terek village, Suzak District. Between 27 September and 1 November 2006, he was subjected to harassment and beatings by personnel of military unit 9284, Gulcha village, Osh Oblast. An ethnic-Uzbek, Mr. Egamberdievich was forced to sing insulting songs, and was subjected to beatings all over his body, had cigarettes stubbed out on his arms, legs and lips, and had needles inserted in his palms. He reportedly suffered a broken nose, bruises, and cigarette burns. He suffers from symptoms of post-traumatic stress. He escaped from the unit on 1 November, and between 6 to 18 November he received treatment at the regional hospital. Appeals were made to the Military Prosecutor's Office.</p> <p>Ms. <b>Ibragimova Rukia Abdumomunova</b>, aged 23, Kuznechnaya St, Jalalabad. On 11 July 2006, she was arrested and detained in the Municipal Department of Internal Affairs (GOVD) and transferred to the temporary detention cell (IVS). An officer from Jalabad GOVD, allegedly beat her in detention with his hands all over her body, struck her head against the wall, and kicked her, including in her</p> |                     |

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|       |         |      |      |         | <p>stomach. She was also threatened with being disrobed and raped. She was beaten in order to obtain information about her husband's suspected terrorist activities. Ms. Abdumomunova sustained bruises, and was denied medical treatment at the time. On the third day of her arrest, she was appointed a lawyer by a policeman from GOVD without her consent. On 8 August, she was taken to the Kyzyl-Djar Psychiatric Hospital for examination and remained there until 20 September, before being returned to the IVS. On 26 August she suffered a miscarriage and later went on to develop a uterine cyst.</p> <p>Ms. Abdumomunova reportedly suffers symptoms of post-traumatic stress following her beatings. Appeals were made to the Jalabad Oblast prosecutor's office to investigate the allegations, however, no response has been received to date.</p> <p><b>Tahir Kimsanbaevich Adashev</b>, aged 35, Abduraimova village, Bazarkorgon District. On 20 September 2006, he was arrested by ROVD officers and detained for 10 days in the IVS of the Department of Internal Affairs of Bazarkorgon District. When his brother visited him one month later on 29 November, Mr. Adashev reported that he was tortured by UVD officers of Jalalabad Oblast in order to confess to a murder. A gas mask was placed over Mr. Adashev's head with the valve closed, and he was beaten with a baton all over his body. The perpetrators told him that it was better to confess than to become an invalid. He was beaten until he</p> |                     |

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|       |         |          |      |             | eventually confessed. Mr. Adashev was not examined by a medical doctor and no treatment was rendered. Appeals for investigation were sent to the district prosecutor, the Prosecutor General. It is reported that Mr. Adashev was sentenced at first instance to 17 years' imprisonment and his appeal is pending.   |                     |
| 135.  |         | 07/10/08 | JUA  | TOR;<br>VAW | Ms. <b>N. T.</b> , aged 18, resident in Talas. She was arrested at her home on 22 July 2008 by members of the Talas police on suspicion of theft. At the Talas Police Department, although she admitted having stolen a mobile phone, members of the police attempted to force her to confess to other thefts, which she denied. Ms. T. was undressed by a female police officer in front of male officers, who then severely beat her on the head, stomach and kidney. They also insulted her and threatened her with rape. On 26 July, a human rights defender submitted a written complaint on Ms. T.'s behalf to the Office of the Prosecutor, asking for a medical examination and for an investigation into the harm Ms. T. had allegedly suffered. The resulting medical report confirmed the beatings she had suffered. Despite the complaint, the medical evidence and the fact that Ms. T. identified one of the policemen who mistreated her, no investigation has so far been ordered into these events. At the time of writing, Ms. T. remained in pre-trial detention in a cell at the Talas Police Department, awaiting trial in connection with the theft of the mobile phone. |                     |

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| 136.  |                                  | Follow-up to earlier cases |      |                 | <b>Yakub Tashbayev, Rasul Pirmatov, Jahongir Maksudov and Odiljan Rahimov</b> (A/HRC/4/33/Add.1, paras. 126 and 128, E/CN.4/2006/6/Add.1, para. 135)   | See para. 261 below.   |
| 137.  | Lao People's Democratic Republic | 08/09/08                   | JUA  | WGAD; RINT; TOR | Pastor <b>Sompong Supatto</b> , and two secondary school students, <b>B. C.</b> and <b>K. C.</b> On 3 August 2008 between 10 and 11 a.m., they were arrested in the village of Boukham by members of the district police of Ad-Sapangthong District, Savannakhet Province, and transferred to Ad-Sapangthong District Police Station. At the station they were handcuffed as well as restrained with wooden stocks and were told, "This is the consequence of not signing documents to renounce your faith. We have already given you three opportunities to sign these documents but you have refused." The three were told that they would be released if they signed the documents, renouncing their Christian faith. On 2 September, B. C.'s legs became infected because of the wooden stocks, rendering him unable to walk. He is therefore in urgent need of medical treatment. | By letter dated 22/09/08, the Government informed that they carried out a careful investigation with the Local Authority, the District Police of Ad-saphangthong District, Savanhakhet Province, and found that the information was completely false and groundless. The Local Authority detained the three persons from 20 to 22 July for carrying out activities which violated the order and security of the district. However, no torture or ill-treatment was inflicted upon them. After the investigations were conducted, they were released and returned to their parents. |
| 138.  | Latvia                           | Follow-up to earlier cases |      |                 | <b>Vasiliy Grilyanov</b> (A/HRC/7/3/Add.1, para. 128)  | By letter dated 10/03/08, the Government informed that an individual by the name "Vasiliy Grilyan" was not recognized by the competent authorities. However the correct name of the alleged applicant might possibly be "Vasilijs Grigjans", who was detained in the Riga Central Prison between 30 October 2006 and 13 April 2007 in cell No. 215 (from 1 November 2006 to 3 January 2007; and from 15 January to April 2007). On the latter day,   |

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|       |         |                            |      |         |  | pursuant to the judgment of the Riga Regional Court, the security measure previously applied with regard to Mr. Grigjans was altered and he was immediately released from detention.   |
| 139.  | Lebanon | Follow-up to earlier cases |      |         | <b>Mahmoud Abou Rafeh</b> (A/HRC/7/3/Add.1, para. 133) | Par lettre datée du 07/01/08, le Gouvernement a présenté des informations générales, avant d'apporter des réponses concernant le cas précis. Le Code pénal libanais contient un article explicite sur le crime de torture, et les tribunaux libanais n'hésitent pas à l'appliquer chaque fois que les conditions prévues par cet article sont réunies. Les aveux extorqués sous la torture ne sont pas utilisés comme preuves devant les tribunaux. Le Ministère de la défense n'a procédé à aucune arrestation ni détention secrète ou arbitraire, et les procédures générales appliquées dans ce ministère sont les mêmes que celles en vigueur dans tous les cas et lieux de garde à vue ou d'enquête. La justice n'ouvre une enquête concernant des violences psychiques ou physiques qui auraient été exercées pour extorquer des informations ou des aveux que sur dépôt d'une plainte par la victime. La justice n'a pas manqué d'ouvrir une enquête pour établir la véracité des griefs visant des organes de sécurité chaque fois qu'une personne interrogée par ces organes a déclaré avoir été soumise à de telles pratiques, et elle a toujours laissé l'affaire suivre son cours jusqu'au bout sur le plan juridique. |

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|       |         |      |      |         |                         | <p>La prison du Ministère de la défense est légale et son existence est nécessaire pour certains cas graves, aux fins d'assurer la sécurité des personnes placées en garde à vue et de prévenir leur fuite. Les personnes détenues dans la prison du Ministère de la défense sont régulièrement soumises à un examen médical effectué par le médecin de la prison; Les avocats et familles des détenus peuvent leur rendre visite.</p> <p>En ce qui concerne le cas du dénommé Mahmoud Rafeh, son arrestation et interrogatoire ont été effectués sur la base d'une commission rogatoire délivrée en date du 26 mai 2007 par le juge d'instruction militaire aux organes de la sécurité, dont la Direction des renseignements de l'armée libanaise, suite à la décision du juge d'enquêter sur l'assassinat des frères Majzoub dans la ville de Tyr. L'arrestation a eu lieu le 7 juin 2006. Pour les besoins de l'enquête, l'arrestation n'a été rendue publique qu'après que l'enquête préliminaire eut été achevée. Mahmoud Rafeh a fait une déposition de son plein gré devant le corps d'instruction de la Direction des renseignements. Durant l'enquête préliminaire, les enquêteurs ont entendu le défendeur et de nombreux témoins, et ont saisi un grand nombre de preuves. Après les investigations préliminaires, le juge d'instruction militaire a donné l'ordre d'arrêter</p> |

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|       |         |      |      |         |                         | <p>le défendeur Mahmoud Rafeh, de le déférer devant lui, et a demandé le dossier de l'enquête, qu'il reçut le 14 juin 2006. Le juge d'instruction militaire a soumis le dossier au Commissaire du Gouvernement et l'a prié de formuler ses demandes concernant ce dossier. Le 14 juin 2006, le Commissaire du Gouvernement a demandé au juge d'instruction militaire de procéder à l'interrogatoire de Mahmoud Rafeh et de délivrer un mandat d'arrêt à son encontre. Avant de commencer l'interrogatoire, le juge d'instruction militaire a indiqué Mahmoud Rafeh de son droit de mandater un avocat pour assurer sa défense, mais le défendeur a déclaré qu'il ne souhaitait pas faire appel à un avocat, et qu'il était en bonne santé sur le plan psychique et physique. Au cours de l'interrogatoire, il a confirmé les propos qu'il avait tenus durant l'enquête préliminaire, avouant de son plein gré les crimes qui lui étaient imputés. Le juge d'instruction militaire a délivré un mandat d'arrêt en bonne et due forme contre le dénommé Rafeh le 14 juin 2006. Après cela, le dénommé Rafeh n'a plus été soumis à aucun interrogatoire à l'intérieur de la prison, et il est traité comme n'importe quel autre prisonnier de justice.</p> <p>Le fait que Mahmoud Rafeh soit détenu à la prison du Ministère de la défense constitue une garantie pour sa sécurité personnelle, compte</p> |

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|       |         |      |      |         |                         | <p>tenu de la nature du crime qu'il a commis et étant entendu que cette prison est un établissement pénitentiaire officiel.</p> <p>Depuis qu'il a été déféré devant le juge compétent, le défendeur Mahmoud Rafeh n'a présenté aucune plainte devant la justice compétente en ce qui concerne des actes de torture qu'il aurait subis, ce qu'il serait autorisé à faire par la loi. Cette affaire relève expressément de la compétence de la justice militaire, étant donné les accusations portées contre le défendeur, qui relèvent de la trahison, de l'espionnage et du terrorisme. Nous rappelons que la justice militaire est une justice spéciale, comme il a été indiquée précédemment. Au cours des perquisitions qui ont été opérées au domicile de l'inculpé, des armes de guerre avec leurs munitions, du matériel de guerre, des dispositifs électroniques, des équipements comportant des caches secrètes et des documents falsifiés ont été saisis. Ont également été saisis au domicile de l'associé de Mahmoud Rafeh du matériel électronique, des équipements comportant des caches secrètes, des plans et des photos aériennes, y compris les coordonnées du domicile des deux personnes perfidement assassinées, Mahmoud et Nidal al-Majzoub, de la place de parking situé près de leur domicile et d'une antenne d'un parti politique à Tyr.</p> <p>Les locaux de garde à vue du Ministère de la</p> |

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|       |         |      |      |         |                         | <p>défense nationale offrent des conditions sanitaires tout à fait satisfaisantes. Le détenu Rafeh effectue une promenade quotidienne en plein air et sous le rayons du soleil, en toute liberté. En outre, on lui fait parvenir, à sa demande, des livres religieux et sur des sujets de société ainsi que des revues culturelles. Le détenu Mahmoud Rafeh reçoit périodiquement la visite de des parents. Il est soumis chaque jour à un examen médical pratiqué par le médecin de la prison. Il a été soigné à maintes reprises par le dentiste et il jouit d'une bonne santé. Il ne souffre actuellement d'aucun problème de santé et ne prend aucun médicament.</p> <p>Le Comité de la Croix-Rouge libanaise est autorisé à se rendre dans tous les lieux de détention du pays, y compris du Ministère de la défense, qui est un établissement pénitentiaire comme les autres, si ce n'est que la sécurité y est renforcée, comme indiqué précédemment. En date du 11 avril 2007, une délégation du CICR s'est rendue à la prison du Ministère de la défense, en application du Protocole signé le 20 février 2007 concernant les visites effectuées par les délégués du CICR dans les prisons libanaises. La délégation s'est rendue dans les différentes parties de la prison, auprès de tous les détenus, et a eu un entretien personnel avec le détenu Rafeh dans sa cellule qui a duré un certain temps.</p> |

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| 140.  | Libyan Arab Jamahiriya | 04/02/08 | JUA  | FRDX;<br>TOR | <b>Fathi al-Jahmi</b> (subject of a previously transmitted communication, E/CN.4/2005/62/Add.1, para. 890, 891). He is detained at an undisclosed location, believed to be an Internal Security Agency facility on the outskirts of Tripoli. He is in urgent need of medical attention. It is reported that he is emaciated, lacks the strength to speak, and his legs are swollen. Mr. Al-Jahmi has been allowed only sporadic visits from his family. In 2007 he received no visits at all. He is not allowed to receive mail, books or newspapers. According to reports, the Foreign Ministry stated in July 2006 that he was being tried on charges of “exchanging information with employees of a foreign state causing harm to the interests of the country and providing them with information with the aim of their states attacking [Libya]” and “scheming with a foreign state in peacetime”. The Foreign Ministry said that Fathi al-Jahmi had access to a lawyer, but did not disclose where he was being tried. In March 2005, a report by Physicians for Human Rights and the International Federation of Health and Human Rights Organisations concluded after an examination of Fathi al-Jahmi that he received only “sporadic and inadequate medical treatment”, despite “suffering from several chronic conditions (diabetes, hypertension, coronary artery disease) that are independently life-threatening and difficult to control”. |                     |

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| 141.  | Malaysia | 22/02/08 | JAL  | FRDX;<br>HRD;<br>TOR | <p><b>Salleh Puteh, Muhammad Haji Yaakub, Ms. Mariel Fong, Ms. Hasnah Hashim, Mohd. Asri Ahmad, Mohd. al-Farook, Daud Samad, Raja Salim</b> (also known as Raja Daud Raja Abdullah), <b>Khairul Anuar Safsie, Khairul Amirin Safsie, Ahmad Asmadi Adnan, Haji Abdul Hamid Baharuddin, Rawandi Repini, Sufian Manas, Haji Sulaiman Ahmad, Mohd. Harif Fathilah, Azhar Yusuf, Zamrol Majid, Shaharul Anuar Abdul Ghani, Mohd. Abdul Rahman Ariffin, Mohd. Salim Yesman, Abdul Rahman Mat Lodin, Khairul Salleh Ahmad, Nasrullah bin Ahmad, Taib Abdullah, Ishak Othman, Mohd. Shafie Ismail, Mohd. Nazreen bin Mohd Nasir, Mohd Abi Salam bin Ariffin, Mohd. Zad, Yahya Mohd. Noh, Mohammad bin Rifin, Nawi Abdullah, and Fauzi Awang Chik.</b> All of the aforementioned individuals are human rights activists. On 10 November 2007, a peaceful protest was organized by the Gabungan Pilihanraya Bersih dan Adil, or Coalition for Clean and Fair Elections (BERSIH), a coalition of over eighty civil society groups in Malaysia. The protest took place in Dataran Merdeka, in Kuala Lumpur, and aimed at calling for free and fair elections. A total of 4,000 police personnel were deployed to deal with the protestors, including the Federal Reserve Unit, as well as members of police forces from Sentul, Dang Wangi, and Brickfields districts in Kuala Lumpur. The officers were armed with shields, batons and some with firearms. Police attempted to prevent</p> | <p>By letter dated 06/10/08, the Government informed that the right to physical and mental integrity of all persons is guaranteed by the Constitution, which also provides that no person shall be deprived of his life or personal liberty, save in accordance with the law.</p> <p>Although Malaysia is not a party to the International Covenant on Civil and Political Rights 1966, it fully appreciates that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment as provided under Article 7 of the said Covenant. Malaysia also adheres to the philosophy and norms set out in the Universal Declaration of Human Rights 1948 and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (“UN Basic Principles”), which are not legally binding on States. Malaysia also asserts that the provisions of the Constitution and its legislative framework generally conform to the applicable international human rights law in this matter. In respect of the UN Basic Principles, the Government finds it important to reiterate that law enforcement officials, in carrying out their duty, may use force and firearms if other means remain ineffective or without any promise of achieving the intended result. In the context of the cases mentioned in the communication, the Government of Malaysia stresses that the</p> |

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|       |         |          |      |         | <p>the protest from taking place by setting up road blocks in order to monitor all of the vehicles entering the area from outside Kuala Lumpur. Police also blocked off several of the roads which lead to Dataran Merdeka, as well as suspending train services and refusing members of the public entry to the venue of the protest. Tear gas, water cannons, and sprayed water laced with harmful chemicals were used by police in order to disperse the crowd even before the protest had begun. The 34 above mentioned protestors were arrested and detained at IPK Jalan Hang Tuah and were released by 11 p.m. on the same day. The Chief of the National Police, Mr. Musa Hassan, threatened to charge all parents who took their children to the protest with “placing their children’s safety at risk”. Of those arrested, five protestors are said to have sustained injuries: Mohd. Asri Ahmad, Mohd al-Farook, Haji Abdul Hamid Baharuddin, Khairul Salleh Ahmad, and Nasrullah bin Ahmad. In addition, another protestor, Aleyasak Hamid, who was not arrested is said to have suffered a broken leg due to being stepped on by a police officer. He was sent to the General Hospital, Kuala Lumpur, for treatment.</p> | <p>exercise of power by the Malaysian Police is reasonable and necessary for the protection of national security and public order and for the purpose of ensuring protection for everyone. The actions surrounding the case are therefore compatible with international norms and standards, and common in almost all jurisdictions worldwide. In view of the above, the Government reiterates its observation that the summary of the facts is not entirely accurate and not reflective of the actual situation prevailing during the protest. The concern with respect to the allegation of excessive use of force employed by members of the Police against peaceful protestors, as well as the arrests of the protestors, are therefore unfounded and baseless. The actions undertaken by the relevant authorities in Malaysia, including the Police force, are within the confines of the international human rights regime and national laws. All actions taken by the Malaysia Police are reasonable and necessary for the protection of national security and public order, in accordance with the constitutional and legislative framework of Malaysia and in line with international law. As such, the issue regarding the deprivation of the right to physical and mental integrity does not arise.</p> |
| 142.  |         | 03/04/08 | AL   | TOR     | <p><b>Goh Yan Peaw</b>, Segamat. On 9 January 2008, he was arrested with his wife and brother by the police at their house in Segamat. They were held</p>   |  |

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|       |         |          |      |                                       | <p>under the Emergency Ordinance for illegal possession of drugs, bomb material and fireworks. On 10 January, Mr. Goh Yan Peaw was sent to Johor Police Headquarters for investigation. On 16 January, the three were brought to the magistrate's court in Segamat, which granted the police a remand order of seven days for Mr. Goh Yan Peaw and his brother. Mr. Goh Yan Peaw's wife was released without charge, and his brother was released on bail after the expiration of the remand order on 23 January. On 19 January at about 4 a.m., Mr. Goh Yan Peaw was brought to Segamat Police Lock-up. He was later found unconscious in his cell, and died at the hospital. The police told his family that he had died from a fall in the toilet. Mr. Goh Yan Peaw's wife, who last met her husband when they were brought to the magistrate's court for their remand hearing, reported that she found her husband to have lost considerable weight, his face was pale, his lips were purple in colour, and his eyes appeared swollen. According to Mr. Goh Yan Peaw's medical certificate, dated 1 December 2007, Mr. Goh Yan Peaw was in good health.</p> |  |
| 143.  |         | 21/04/08 | JUA  | FRDX;<br>RINT;<br>HRD;<br>IJL;<br>TOR | <p><b>P. Uthayakumar</b>, Legal Adviser of the Hindu Human Rights Action Force (HINDRAF),<br/><b>M. Manoharan</b>, counsel of HINDRAF,<br/><b>R. Kenghadharan</b>, counsel of HINDRAF,<br/><b>V. Ganabatirau</b> and <b>T. Vasanthakumar</b>, members of HINDRAF. Since their arrest on 13 December 2007 under Section 8 (1) of the Internal Security Act for allegedly carrying out</p>  | <p>By letter dated 19/12/08, the Government informed that HINDRAF remains a non-registered society, which in itself is a contravention of the Societies Act 1966 [Act 335]. It has been actively promoting ethnic Indian issues to an extent that has incited racial and religious hatred of the predominantly Hindu ethnic Indian community</p> |

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|       |         |      |      |         | <p>activities that threatened national security, the five persons have been kept in solitary confinement for more than 16 hours a day, and have been exposed to light continuously in order to disorient them and prevent them from sleeping. Mr. P. Uthayakumar and Mr. M. Manoharan are diabetic and access to appropriate medication has been denied. On 7 April 2008, Mr. P. Uthayakumar collapsed in his cell and was taken to a doctor who diagnosed a heart condition. Although they have access to their lawyers, it is reported that discussions between the men and their lawyers have been monitored by guards. Finally, they are denied their right to worship; they do not have access to temples and prayer rooms, and no time to worship has been allocated to them.</p> | <p>against Malay-Muslims. This is evidenced when P. Uthayakumar, M. Manoharan, R. Kenghadharan, V, Ganabatirau and T. Vasanthakumar [“HINDRAF 5”] through HINDRAF, have resorted to various tactics that include holding public rallies, gatherings and forums.</p> <p>Leading up to the month of November 2007, the HINDRAF 5 have attended and made speeches at a number of HINDRAF-organized forums and gatherings at various public venues. During those rallies (which were not blocked or forced to disperse by authorities and police), inflammatory sentiments were widely circulated.</p> <p>The HINDRAF 5 were arrested on 13 December 2007 by Special Branch officers. The cumulative actions taken by the HINDRAF 5 in aggressively inciting feelings of ill-will amongst the races in Malaysia with deeply hurtful racial and religious rhetoric and sowing hatred towards the government have resulted in their detention, on the grounds that they were a threat to public order and national security. The HINDRAF 5 were admitted to the Detention Protection Centre Kamunting, Taiping, Perak from 13 December 2007. In the early admittance, they were placed in the orientation block to pursue orientation programme for 3 months. In this orientation block, they have been placed in a different cell</p> |

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|       |         |      |      |         |                         | <p>where each cell is equipped with a bed and toilet that can also be used to bathe. Throughout this orientation programme they were confined in their respective cells for 12 hours. They may, at any time, request the wardens to switch their lights on or off. Each cell is also equipped with a bed lamp.</p> <p>However, they did not complete the 3 months orientation programme. On 10 January 2008, Mr. Uthayakumar was placed in the normal detention block. He was placed in a block where each inmate is placed in a different cell. However, these cells are not locked during the night to enable the inmates to move freely to the general area and toilets. Inmates are free to choose whether to have the lights on or off.</p> <p>As for Mr. M. Manoharan, Mr. R. Kenghadharan, Mr. V. Ganabatirau and Mr. T. Vasanthakumar, they were transferred to normal detention block from 7 February 2005. All four of them were placed in the same dormitory. Inmates are free to choose whether to have the lights on or off.</p> <p>Mr. P. Uthayakumar is a diabetic, however, Mr. M. Manoharan is not. Nonetheless, Mr. P. Uthayakumar was never denied his medications. Even at his early stage of admission to the Detention Protection Centre Kamunting, he was allowed to receive his medications, which were supplied by his family. There was only one instance which he</p> |

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|       |         |      |      |         |                         | <p>was not allowed to receive diabetics medication from his family as the government hospital at Taiping had supplied similar medication to him. Mr. P. Uthayakumar protested on this matter and, for this reason, he was allowed to receive his regular medication.</p> <p>The allegation that Mr. P. Uthayakumar collapsed in his cell on 7 April 2008 due to heart problems is also untrue. By 7 April 2008, he was taken to undergo a follow-up medical examination at a government clinic in Taiping. During his medical examination, he did not show any kind of symptoms. However, the sugar reading in his blood taken from the previous week showed a reading of 18.8 mmol/l. For this reason, Mr. P. Uthayakumar himself applied to be admitted to be warded at the Taiping hospital in order to stabilize his blood sugar rate.</p> <p>In accordance with the existing procedure, the prison officers would stay in the meeting room during the meeting between the detainee and his lawyer. However, the prison officers did not record what was said during the meeting. However, due to protests by Mr. P. Uthayakumar, a directive was issued on 12 May 2008 requiring meeting surveillance to be carried out at a range where the conversation could be seen and heard, but the prison officers were not necessarily required to sit together with the detainee and his lawyer.</p> |

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|       |         |      |      |         |                         | <p>Pursuant to that directive, surveillance has been carried out from outside the meeting room. All detainees including the HINDRAF 5 are allowed to pray and practice their respective religion. A religious teacher is also available every week for each religion.</p> <p>The Internal Security Act 1960 (Act 82) provides for the rights of HINDRAF 5 to make representation in front of the Advisory Board which is also perceived as judiciary inquiry, Section 11 of Act 82 provides as follows:</p> <p>(1) A copy of every order made by the Minister under section 8 (1) shall as soon as may be after the making thereof be served on the person to whom it relates, and every such person shall be entitled to make representations against the order to an Advisory Board.</p> <p>(2) For the purpose of enabling a person to make representation under subsection (1) he shall, at the time of the service on him of the order:</p> <p>(a) Be informed of his right to make representations to an Advisory Board under subsection (1); and</p> <p>(b) Be furnished by the Minister with a statement in writing:</p> <p>(i) Of the grounds on which the order is made;</p> |

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|       |         |      |      |         |                         | <p>(ii) Of the allegations of fact on which the order is based; and</p> <p>(iii) Of such other particular, if any, as he may in the opinion of the Minister reasonably require in order to make his representations against the order to the Advisory Board;</p> <p>(iv) The Yang di-Pertua Agong may make rules as to the manner in which representations may be made under this section and for regulating the procedure of Advisory Boards.</p> <p>By virtue of these rights, on 12 and 14 February 2008, the Advisory Board had convened a sitting to hear the representations by HINDRAF 5 based on the Rule 10 of the Rules of Internal Security (advisory board's procedures) 1972. When the sitting was held, the Advisory Board had complied with the above rules strictly where HINDRAF 5 were permitted to be represented by between 5 and 7 lawyers of their own choice and to call for witnesses to support their defence. Apart from that, on 1 July 2008, the Advisory Board reviewed the detention order made on HINDRAF 5. The representations or judicial enquiry relating to HINDRAF 5 and other detention orders will be a continuing process until a different order is made by the</p> |

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|       |         |                            |      |         |  | Minister. The HINDRAF 5 filed an application for a Writ of Habeas Corpus to the High Court 5, Kuala Lumpur. However, the High Court 5 rejected the HINDRAF 5's application on the ground that all the procedures have been complied with and the HINDRAF 5 were detained on the basis of legitimate executive power as provided under Section 8, Act 82. The HINDRAF 5 was not satisfied with this decision and appealed to the Federal Court. However, the Federal Court maintained the High Court decision and rejected the appeal of the HINDRAF 5. For its part, the Malaysian Human Rights Commission (SUHAKAM) has visited the accused three times, on 26 January, 4 February and 22 April 2008.                  |
| 144.  |         | Follow-up to earlier cases |      |         | <b>Practice of caning</b> (A/HRC/7/3/Add.1, para. 141) | By letter dated 22/02/08, the Government informed that the sentence of caning, which is known as whipping in Malaysia, is imposed either as a supplementary or alternative to the punishment of imprisonment or fine for certain criminal offences. The punishment of whipping may also be imposed in cases where a person is found guilty of repeat offences. Whipping is only executed against male prisoners. There has been no execution of whipping of women prisoners or young prisoners under the age of 18. In most cases the sentence is not mandatory but is imposed at the discretion of the court taking into consideration matters such as the gravity of the offence and whether the offender is a repeat |

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|       |         |      |      |         |                         | <p>offender. A mandatory sentence of whipping is only imposed for grave crimes and crimes which involve infliction of injuries to the victim or victims. A number of safeguards contained in sections 286-290 of the Criminal Procedure Code (CPC) are to be adhered to, such as: prohibition of the sentence upon females, males sentenced to death, and males considered to be more than 50 years of age, except those convicted of certain sexual offences; court instruction as to place and time of execution; where imprisonment is also imposed, expiration of at least seven days from the date of sentence; the sentence shall specify the number of strokes, and even in relation to multiple offences, shall not exceed 24 for an adult offender, or ten for a youthful offender (from 18 to less than 21 years of age), for whom whipping shall be inflicted in the way of school discipline with a light rattan; the part of the body subjected to whipping is designated by the Government; and the whipping is conducted under the supervision of a doctor. A male child under 18 may be subject to whipping up to ten strokes under section 91 of the Child Act 2001. The whipping will take place with a light cane within the court premises, and in the presence of a parent or guardian, if the child so wishes. Safeguards provided for under article 92 of the Act include: supervision of the whipping by a medical doctor; manner of whipping; whipping</p> |

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|       |            |          |      |                      |   | <p>on any part of the body except the face, head, stomach, chest or private parts; and the child shall wear clothes. In fulfilling the obligations under the Convention on the Rights of the Child, the Government is in the process of amending the Child Act to abolish the punishment of whipping of children.</p> <p>With respect to illegal entry into Malaysia, any person found guilty of having committed any of the offences of illegal entry, unlawful return after removal, and section forgery or alteration of endorsement or document may be subject to whipping. As a large number of illegal immigrants enter Malaysia on a daily basis, it is impossible to determine who among them is entering for economic purposes or otherwise. These provisions were introduced into the Act to deter the influx of illegal immigrants into Malaysia. The punishment of whipping on drug-related offences is also a form of deterrent for those contemplating committing a similar offence. This is to control the trafficking of certain dangerous drugs in Malaysia. The Government provided relevant legislation, annexed to its response.</p> |
| 145.  | Mauritania | 28/07/08 | JUA  | IJL;<br>TERR;<br>TOR | M. <b>Abdelkrim Ben Fraj Bouraoui</b> aurait été arrêté à Nouakchott par les services de la sûreté de l'Etat (Amn Eddaoula) le 18 janvier 2008. Il aurait été détenu en garde à vue pendant un mois. Présenté devant le procureur de la république du Tribunal de Nouakchott le 18 février 2008, il |  |

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|       |         |      |      |         | <p>aurait été libéré sans avoir fait l'objet de poursuites judiciaires. Le 3 mai 2008, M. Bouraoui aurait été de nouveau arrêté par des agents des services de sûreté de l'Etat avec de nombreuses autres personnes, près d'une centaine, dans une opération présentée officiellement par les autorités comme rentrant dans le cadre de la lutte antiterroriste suite à l'attentat perpétré contre l'ambassade d'Israël le 2 février 2008. Il aurait été détenu au secret pendant 25 jours dans une petite cellule de 1 mètre sur 2 mètres, insalubre et sans ouverture, dans laquelle régnait une chaleur suffocante. M. Bouraoui aurait été déshabillé, battu, privé de faire ses besoins naturels ainsi que de sommeil pendant plusieurs jours consécutifs. Il aurait également été attaché par des menottes derrière le dos et suspendu. Présenté le 28 mai 2008 devant le juge d'instruction de la 3ème chambre du tribunal de 1ère Instance de Nouakchott, M. Bouraoui aurait présenté des traces évidentes de tortures. Accusé dans l'affaire de l'attentat contre l'ambassade d'Israël survenu le 2 février 2008, alors qu'à cette date il se trouvait détenu dans les locaux des services de sûreté de l'Etat depuis plus de 15 jours, le juge d'instruction M. Ould Yemeh devant l'inconsistance de l'accusation décida de le placer sous contrôle judiciaire. Sur opposition du parquet, M. Bouraoui n'aurait pas été libéré et aurait été conduit dans une caserne militaire relevant de l'état major de l'armée où il serait détenu à ce</p> |                     |

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|       |         |          |      |             | jour. Au vu de sa détention à un lieu non prévu à cet effet et les allégations des mauvais traitements, des craintes sont exprimées pour l'intégrité physique et mentale de M. Bouraoui.  |                     |
| 146.  | Mexico  | 28/01/08 | JAL  | TOR;<br>VAW | Sra. <b>Ana María Velasco Rodríguez</b> y las demás mujeres supuestamente víctimas de violencia sexual por parte de agentes de policía durante los incidentes en San Salvador Atenco el 3 y 4 de mayo de 2006 (A/HRC/7/3/Add.1, párr. 144). Los hechos ocurridos en San Salvador Atenco fueron objeto de una comunicación el 18 de diciembre de 2006 por parte del Relator Especial sobre la tortura y la Relatora Especial sobre la violencia contra la mujer. El Gobierno de su Excelencia respondió a dicha comunicación a través de una carta con fecha de 17 de mayo de 2007, en la cual se da noticia de la existencia de investigaciones en curso en relación a los casos de denuncias de abusos o violaciones de derechos humanos por parte de las autoridades. Según la información adicional recibida, el día 3 de mayo del 2006, la Sra. A. M. V. R. fue detenida por la Policía en San Salvador Atenco, Estado de México. La Sra. A. M. V. R. habría sido transportada en un camión, junto con otros detenidos, al penal de "Santiaguito". En el trayecto, varios policías habrían comenzado a tocarle los senos y a introducirle los dedos en la vagina. Se informa que dos de los policías la habrían forzado a practicarles sexo oral y a tragar su semen, mientras el resto continuaban tocándola e insultándola. A pesar de que fue obligada a |                     |

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|       |         |          |      |                      | <p>mantener la cabeza agachada, ella habría logrado reconocer a uno de los oficiales que supuestamente la obligó a realizarle sexo oral. El 28 de agosto de 2006, habría sido dictado el auto de formal prisión en contra de dicho policía por el delito de “actos libidinosos” en contra de A. M. V. R. Sin embargo, se alega que este delito no refleja la magnitud ni la gravedad de las violaciones sufridas por la Sra. A. M. V. R., ya que contempla una pena menor a la prevista para el delito de violación sexual. También se informa que el delito de “actos libidinosos” no es considerado como grave, por lo tanto el policía se encontraría en libertad bajo caución. Según las alegaciones, al menos 17 mujeres habrían sido sometidas a abusos sexuales como los sufridos por la Sra. A. M. V. R. durante los incidentes en Salvador de Atenco. Sin embargo, ningún agente policial habría sido consignado por el delito de violación sexual. Hasta la fecha, sólo un policía ha sido formalmente acusado por abusos sexuales cometidos el 3 y 4 de mayo en San Salvador Atenco.</p> |  |
| 147.  |         | 14/04/08 | JUA  | IJL;<br>WGAD;<br>TOR | <p>El Sr. <b>Miguel Ángel Tornez Hernández</b> fue arrestado el 2 de abril de 2008 cuando se presentó voluntariamente a los locales de la Policía Judicial del Estado de Guerrero en el Municipio de Ayutla de los Libres para aclarar su participación en un caso de asesinato y robo de cuatro agentes policiales y un funcionario público. El Sr. Tornez habría sido detenido sin cargos, interrogado con los ojos vendados y</p>  | <p>Mediante carta de fecha 31/07/08, el Gobierno indicó que de acuerdo al informe presentado por el Coordinador de Zona de la Policía Ministerial de Ayutla de los Libres, Guerrero, el 3 de abril de 2008 el señor Tornez se presentó de manera voluntaria a rendir su declaración en calidad de testigo ocular. Debido a que se requerían de mayores</p> |

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|       |         |      |      |         | <p>habría sufrido agresiones verbales y amenazas, así como descargas eléctricas y golpes con el puño, principalmente en la cabeza, para obligarle a confesar su participación en dichos crímenes. Posteriormente, un juez autorizó su puesta en “arraigo” en el estado de Guerrero. El 5 de abril de 2008 fue trasladado a otro centro de arraigo gestionado por la Procuraduría General de la República en la Ciudad de México, sin que su familia fuese informada de dicho traslado. Sus posibilidades de comunicarse con sus familiares o con el mundo exterior habrían sido seriamente limitadas por estas medidas. Se informa también que no se ha permitido que el Sr. Tornez Hernández sea representado por abogados de una organización local no-gubernamental de derechos humanos y que en su lugar se le ha designado un abogado de oficio. Los malos tratos habrían sido confirmados por un tribunal local al momento de resolver en vista urgente una diligencia de exhibición de persona. La Comisión Estatal de Derechos humanos ha confirmado también los malos tratos con base en un informe médico. Se informa asimismo que el día anterior al arresto de esta persona, su madre, su tía, sus dos hermanas y tres de los hijos de éstas, de corta edad, fueron también arrestadas en el domicilio del Sr. Tornez Hernández y conducidas a la comisaría local. Una de las hermanas del Sr. Tornez Hernández, la Sra. Yesenia Tornez Hernández, fue interrogada bajo tortura para obligarla a declarar dónde se encontraba su hermano. Cinco agentes de la</p> | <p>elementos para comprobar su presunta responsabilidad y por considerar que existía el temor fundado de que el señor Tornez se ausentara o se ocultara antes de que las investigaciones concluyeran, el 4 de abril de 2008, el Ministerio Público solicitó al Juez Penal del Distrito Judicial de Allende, una orden de arraigo por el término de 30 días; medida que fue ampliada por 30 días más.</p> <p>Las diligencias practicadas por el Ministerio Público dentro de la averiguación previa, fueron las siguientes: levantamiento e identificación de cadáveres, certificación de la causa de muerte, inspección ocular y recolección de objetos hallados en el lugar de los hechos. La averiguación previa y las quejas aún se encuentran en la etapa de análisis.</p> <p>El 2 de abril de 2008, representantes de una organización civil solicitaron ante la Comisión de Defensa de los Derechos Humanos del Estado de Guerrero (CDDH Gro.), su intervención por presuntos actos de tortura en contra de Yesenia Tornez Hernández, cometidos por elementos de la policía ministerial del estado de Guerrero.</p> <p>El representante de la CDDH Gro., en compañía de un perito médico de la citada institución se trasladaron al domicilio de la señora Tornez para ofrecerle asesoría, documentar el hecho para dar inicio a un expediente de queja y dar fe de las lesiones</p> |

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|       |         |      |      |         | <p>Policía Investigadora Ministerial (PIM) la ataron a una silla, la golpearon y le vendaron los ojos, colocándole una bolsa en la cabeza. Tanto ella como los otros familiares del Sr. Tornez Hernández fueron liberados al final del día. Se ha expresado temor que los malos tratos sufridos por el Sr. Tornez Hernández puedan repetirse y que esta persona, dado el grado de imposibilidad de comunicación con el mundo exterior que le afecta y las dificultades para preparar su defensa, sea sujeto de un proceso judicial que no reúna las condiciones necesarias del debido proceso legal ni las garantías judiciales suficientes. El Sr. Tornez Hernández no ha sido todavía formalmente acusado. La PGR sin embargo investiga el asesinato de los agentes policiales y del funcionario público; el robo de 600,000 pesos (aproximadamente 57,000 dólares de los Estados Unidos) de los fondos federales de ayuda que estaban siendo distribuidos y el robo de las armas de los agentes policiales. Según el Sr. Tornez Hernández, si bien estuvo en el lugar del crimen, fue porque había sido secuestrado por los delincuentes, quienes le obligaron a sacarlos del lugar en su vehículo. Al estropearse la camioneta, fue golpeado por los delincuentes y arrojado a un barranco, pero pudo salir por sus propios medios, a pesar de estar herido.</p> | <p>que supuestamente presentaba.</p> <p>Ella manifestó que no era su deseo presentar una queja y solicitó en cambio la intervención de la institución a favor de su hermano Miguel Ángel Tornez, por considerar que podían existir posibles actos de tortura y detención arbitraria.</p> <p>Los representantes de la CDDH Gro. brindaron apoyo al señor Miguel Tornez Mayo (padre) para que promoviera recurso extraordinario de exhibición de persona ante el Juez Mixto de Primera Instancia del Distrito Judicial de Allende.</p> <p>Los representantes de la CDDH Gro., el Juez Mixto, familiares de Tornez y representantes de una organización civil, se trasladaron a la Coordinación de Zona de la Policía Ministerial de Ayutla de los Libres, para solicitar que presentaran de inmediato al señor Tornez.</p> <p>El Coordinador de la Policía Ministerial presentó al señor Tornez, aclarando que su presencia se debía únicamente a que debía rendir su declaración y no se encontraba detenido.</p> <p>Contrariamente a lo señalado, el señor Tornez manifestó ante el Juez Mixto haber sido víctima de actos de tortura por parte de elementos de la Policía Ministerial. Se le elaboró un examen para certificar su estado de salud, en el que se concluyó que habían signos</p> |

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|       |         |      |      |         |                         | <p>de tortura psíquica con multitraumas físicos. Con los elementos recabados la CDDH Gro. inició el expediente de queja CODDEHUM-VG/065/2008-V. El 7 de abril de 2008, una asociación civil recibió dos quejas más presentadas por las señoras Yesenia y María del Socorro Tornez Hernández, Juana y Mercedes Hernández Garibay, Ninfa Sánchez Sierra y Dorotea Hernández Garibay mediante las cuales denuncian al coordinador y elementos de la Policía Ministerial del estado, por presuntas violaciones a sus derechos humanos consistentes en amenazas, allanamiento de morada, detención arbitraria, tortura perpetrada en contra de Yesenia Tornez, dando inicio a dos expedientes.</p> <p>Debido a los hechos denunciados, el 8 de abril de 2008, la CDDH Gro. solicitó al Procurador General de Justicia y al Secretario de Seguridad Pública y Protección Civil del estado de Guerrero la adopción de medidas cautelares en favor de Miguel Ángel, Yesenia y María del Socorro Tornez Hernández, Juana y Mercedes Hernández Garibay, Ninfa Sánchez Sierra y Dorotea Hernández Garibay, a fin de que las policías ministerial y preventiva del estado se abstengan de incurrir en actos de tortura, hostigamiento, amenazas e intimidación. El 15 de abril de 2008, las medidas fueron adoptadas por ambas</p> |

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|       |         |          |      |                       |   | <p>autoridades.</p> <p>En el mes de abril de 2008, la Comisión Nacional de los Derechos Humanos inició un expediente de queja a del señor Tornez.</p> |
| 148.  |         | 01/07/08 | JUA  | WGAD;<br>FRDX;<br>TOR | <p><b>José Domingo Menendez Velasco</b>, ciudad de Tuxtla Gutiérrez, Estado de Chiapas, México. El Sr. José Domingo Menendez Velasco fue detenido el 25 de junio de 2008, a las 12h30 horas, por cerca de cien agentes identificados como miembros de la Policía sectorial que salían del Palacio del Gobierno, y fue subido a una camioneta con rumbo desconocido. Estos hechos se produjeron unos minutos después de que cuatro elementos de la Policía judicial habían salido del Palacio del Gobierno para dirigirse hacia los habitantes de Villa de Rosa reunidos en este lugar desde el 24 de junio de 2008. Las denuncias agregan que las autoridades no les proporcionaron ni a los familiares ni a los compañeros la información precisa sobre el paradero del Sr. Menendez Velasco. Según las informaciones, un equipo de abogados se trasladó inmediatamente hacia la Procuraduría para interponer un juicio de amparo a favor del Sr. Menendez Velasco. El 26 de mayo de 2008, los habitantes del municipio de Villa de la Rosa, Chiapas, iniciaron un plantón indefinido en la presidencia municipal junto con comisariatos ejidales, organizaciones sociales y comunidades, ante las actitudes represivas. Los integrantes del Frente de Lucha Popular en Resistencia “10 de</p> |   |

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|       |         |          |      |         | <p>julio” del municipio de Villa de la Rosa se trasladaron el día 24 de junio a la capital del Estado ante la falta de resultado del conflicto y se concentraron ante el Palacio de Gobierno de la ciudad de Tuxtla Gutiérrez para lograr alcanzar el dialogo ante la problemática vivida en su municipio.</p>  |                     |
| 149.  |         | 24/09/08 | AL   | TOR     | <p>El Sr. <b>Enrique Gómez Hernández</b>, indígena tsotsil, se encuentra actualmente preso en el Centro Estatal para la Resinserción Social de Sentenciados No. 5 (CERSS No. 5), en San Cristobal de las Casas, Chiapas.</p> <p>Al momento de su ingreso a ese penal, fue golpeado en varias partes del cuerpo por 5 o 6 custodios, quienes vestían ropa deportiva. Le hicieron correr descalzo por el patio de piedras, y si se detenía, era golpeado por uno de los custodios con un palo. Después de hacerlo correr, le echaron agua fría, le taparon la cara y le rociaron gas lacrimógeno por el cuerpo. Fue golpeado nuevamente, y cuando cayó al suelo, le patearon la espalda y las piernas. Los custodios lo amenazaron con más golpes y con amarrarlo a una de las mallas del penal si presentaba una queja con algún organismo de derechos humanos. Debido al dolor que presentaba, fue llevado a los servicios médicos del centro de detención, pero debido a que se encontraban presentes sus golpeadores, negó que éstos le hubieran pegado. Un médico independiente se presentó en el centro de detención para investigar al Sr. Gómez y</p> |                     |

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|       |         |                            |      |         | <p>hacerle la valoración médica de acuerdo con el Protocolo de Estambul, pero el director del penal obstaculizó su ingreso.</p> <p>El Sr. Gómez se fugó de la cárcel en diciembre del 2004 y fue reaprendido el 20 de junio de 2008. El día de su traslado al CERSS No. 5, el Departamento de Medicina Legal de la Dirección de Servicios de Técnica Forense y Criminalística del Ministerio de Justicia del Estado indicó que no presentaba huellas de lesiones recientes externas visibles, mientras que la nota médica de ingreso dice que presenta disuria (micción difícil, dolorosa e incompleta de la orina) y hematuria macroscópica (orina con sangre), ya que en el momento de su reaprensión fue golpeado.</p> <p>Las denuncias agregan que el Sr. Gómez se encuentra en el área de la prisión conocida como Celdas de Observación y Conducta, en donde se encuentra amenazado por otros presos y personal de custodia de ese centro penitenciario.</p> |   |
| 150.  |         | Follow-up to earlier cases |      |         | <b>Giovanni Alcaraz Vielman</b> (A/HRC/7/3/Add.1, para. 151).  | Mediante carta de fecha 14/01/08, el Gobierno indicó que el 19 de Julio de 2004, la Procuraduría General de Justicia Militar remitió a la Policía Judicial Federal Militar, un escrito del juez 5º Militar adscrito a la I Región Militar, mediante el cual libró orden de aprehensión en contra del cadete de primera Giovanni Alcaraz Vielman, como probable responsable del delito de insubordinación con vías de de hecho causando la muerte al |

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|       |         |      |      |         |                         | <p>superior.</p> <p>De conformidad con lo establecido en el convenio de colaboración celebrado entre las Procuradurías Generales de la República, General de Justicia Militar, del Distrito Federal y de los estados, se estableció una coordinación con la Procuraduría General de la República y la Agencia Federal de Investigaciones para lograr la ejecución de la orden de aprehensión.</p> <p>Como resultado, a las 20:35 hrs. del 23 de octubre de 2007, agentes federales de investigación entregaron a los agentes de la policía judicial federal militar comisionados para cumplimentar dicha orden de aprehensión, el señor Alcaraz Vielman en las oficinas de la Policía Judicial Federal Militar con objeto de ponerlo a disposición del juez militar. Una vez que se identificaron plenamente los agentes de la policía judicial federal militar ante el señor Alcaraz Vielman, le mostraron la orden de aprehensión librada en su contra. Pposteriormente fue trasladado a la enfermería militar del Campo Militar número 1-A, D.F., a efecto de que se certificara su estado de salud y después fue internado en la prisión militar.</p> <p>Durante el tiempo en que quedó a disposición de los agentes policíacos, el señor Alcaraz Vielman no se le recabó ningún tipo de declaración o interrogatorio, y por lo que</p> |

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|       |          |          |      |              |  | <p>respeta a la actuación de personal militar, sólo se limitó a cumplir la orden de aprensión en contra del entonces cadete de primera Giovanni Alcaraz Vielman.</p> <p>Se presentó una queja en la Comisión Nacional de Derechos Humanos, la cual inició el expediente de queja 2007/4609-2-SQ. La investigación del caso está a cargo de la Segunda Visitaduría General de dicha institución.</p>   |
| 151.  | Mongolia | 19/08/08 | JAL  | FRDX;<br>TOR | <p><b>State of emergency</b> which was implemented by the Government on 1 July 2008, and the killings of Mr. <b>Dorjsuren Enkhbayar</b>, Mr. <b>Munkh-Erdene Renchindagva</b>, Mr. <b>Batsaikhan Togtokh</b> and Mr. <b>Enkhbaatar Tseregjav</b>. On 1 July 2008, approximately 700 people were arrested and many others injured during post-election protests in Ulaanbaatar. A four-day state of emergency was declared by the Government when rioting erupted in the capital sparked by allegations of election fraud. The protests police used tear gas, rubber bullets and water cannons to disperse the crowds. A number of individuals reportedly lost their sight or suffered serious eye injuries as a result. When the state of emergency was declared sufficient measures had not been taken to inform citizens of the curfew, and those individuals who were on the streets at the time were arrested. In the early hours of the morning of 2 July, Mr. Dorjsuren Enkhbayar, Mr. Munkherdene Renchindagva,</p> | <p>By letter dated 13/10/08, the Government informed that on 1st July, they received a call indicating that a group of people was organizing an unauthorized demonstration, and that the demonstrators were attacking the Mongolian People's Revolutionary Party Headquarters, causing unrest and damaging property. A police regiment was sent there for the purpose of securing the safety of the people involved and enforcing public order. They threw bricks, "Molotov cocktails" and iron sticks, wounding several officers. They vandalized property and set fire to the building. In order to stop this unrest and prevent the broadening of its scope and further damages, the President of Mongolia declared a State of emergency for four days in Ulaanbaatar city, which authorized the police to forcefully disperse the people, adhering to the requirements of the relevant laws and regulations. The police was equipped with</p> |

| Para. | Country | Date | Type | Mandate | Allegations transmitted   | Government response  |
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|       |         |      |      |         | <p>Mr. Enkhbaatar Tserenjav and Mr. Batsaikhan Togtokh were shot dead in a central street in Ulaanbaatar, at a short distance from where the main protests were taking place. Reports claim that their injuries show that they had been severely beaten before being shot. An official police investigation has reportedly been launched into the incident. However the results have yet to be made public. Numerous complaints have also been made regarding alleged mistreatment of those detained for questioning after the protests, including women and children, many of whom were subjected to beatings, detained in cramped cells without food and water, and forced to sign statements implicating themselves in violent activities during the protests. According to the Mongolian Criminal Procedures Code individuals can be detained without charges for a period of up to 72 hours. The majority of those who were detained were released within 72 hours. However legal counsel was not made available during detention. Reports also claim that following the protests, new arrests may have been made based on the identification of individuals through video footage recorded during the demonstrations. Since 4 July, silent protests have been held on a daily basis in Sukhbaatar Square by citizens collecting signatures for the release of approximately 200 individuals who remain in detention. To date there are no reports of any security incidents; however, two of the organizers of the protests have been summoned by the authorities to make</p> | <p>shields and truncheons, used tear gas and fired rubber bullets completely in accordance with the regulations. During these events, persons suspected of criminal activities, those without proper identification during curfew hours, and those possessing criminally acquired items were detained at the Metropolitan Police Department Custody Center. In order to conduct the investigations of the detainees speedily and not to cause any hindrance to their dependants, the police established a special working group for their investigation, organized food supply and medical services. Thus, 231 people underwent medical check-ups, first aid was delivered to 39 persons and five persons were hospitalized. As the custody center became overpopulated, the rooms there were aired every two hours. During this time, representatives from the prosecutor's office of the capital city and Chingeltei District, Mongolian Attorney's Association, the National Human Rights Commission, journalists, reporters and members of Parliament visited the Custody center and met the detainees in person.</p> <p>As a result of the criminal investigations, 731 persons were detained in accordance with administrative regulations, 157 persons were left in custody as suspects, and 574 persons were released on bail. During the unrest, a total of 532 police were attacked; 471 of them</p> |

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|       |         |          |      |                       | an appearance at Sukhbaatar District Court. They were held in preventive detention for 14 days and face charges of disrupting the peace.  | sustained injuries of various severity. However, only 5 persons among the demonstrators were wounded.<br><br>As for the death of 4 demonstrators during the unrest, the Investigation Unit of the State Prosecutor's office, by instructions from the National Security Council of Mongolia, interrogated 106 officers of the Patrol Unit of the General Police Authority and detained 10 officers as suspects. |
| 152.  |         | 26/08/08 | JUA  | WGAD;<br>FRDX;<br>TOR | <b>Magnai Otgonjargal</b> , born on 11 January 1982, Mongolian citizen, Deputy Chairman of the Civic Movement Party, usually residing at Sukhbaatar District, 3 Horoo, 5 Horoolol, Bldg. 43, Apt. 39. Mr. Magnai Otgonjargal was arrested on 7 July 2008 at the National Criminal Investigation Authority's head office by a senior criminal investigator based on a warrant issued by the Capital City Prosecution Office, pursuant to sections 68.1, 68.7 and 69.1 of the Criminal Procedure Code. He is currently being detained at the detention centre at Gants Hudag, Unit 0461 of the Judicial Decision Enforcement Agency. His detention was authorized by the Sukhbaatar District Judge in order to prevent possible obstruction of a criminal investigation. The decision is currently on appeal before the Chief Judge of Chingeltei District Court. At the time of arrest Mr. Magnai Otgonjargal was still a candidate for the Parliamentary elections, enjoying immunity under article 35.2 of the State |   |

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|       |         |      |      |         | <p>Great Hural Election Law. His arrest was carried out without the necessary notification and permission of the Songino-Khairhan District Election Committee. After 14 days of detention a criminal offence case in terms of Articles 177 (banditry - armed, intended, planned) and 179 (encouraging, guiding others to an unlawful act) of the Criminal Code of Mongolia was filed against Mr. Magnai Otgonjargal. The opening of a criminal investigation against him has been challenged before the criminal investigator in charge of this case and all appeals level prosecutors. Mr. Magnai Otgonjargal suffers from chronic bronchial asthma. Sections 68.2 and 68.9 of the Criminal Procedure Code provide that “it is prohibited to detain or apply restraint methods on persons with serious medical conditions” as specified in Joint Ministerial Order of Ministry of Justice and Home Affairs and Ministry of Health #313/316 dated 31 December 2002. Due to the poor standard air and lighting in the cell Mr. Magnai Otgonjargal’s chronic bronchial asthma deteriorated to a 57 percent loss of lung breathing capacity. His lawyers, family and civil society activists appealed to all relevant levels of the justice system, the Human Rights Commission and other decision-makers without result. For several days he has not been provided with the food that he has purchased from an external food caterer on the pretext that the person responsible for delivering the food has too many people to serve and did not make it to his cell. It</p> |                     |

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|       |         |          |      |                              | is reported that he has now gone on hunger strike.   |  |
| 153.  | Morocco | 07/03/08 | JUA  | FRDX;<br>HRD;<br>IJL;<br>TOR | <p><b>Yahya Mohamed el Hafed Aaza</b>, un membre de l'Association Marocaine des Droits de l'Homme (AMDH) et membre de l'Assemblée Constitutive du Collectif des Défenseurs Sahraouis des Droits de l'Homme (CODESA). Le 29 février 2008, M. Yahya Mohamed el Hafed Aaza aurait été arrêté alors qu'il travaillait dans son magasin de Tan-Tan, dans le sud du pays. Cette arrestation serait liée à des manifestations pro-indépendance qui se seraient déroulées le 27 février dans la ville. M. Yahya Mohamed el Hafed Aaza serait détenu au poste de police de Tan-Tan pour interrogation, mais il n'aurait pas encore été inculpé et il n'aurait pas eu accès à son avocat ainsi qu'à sa famille. M. Yahya Mohamed el Hafed Aaza aurait par le passé déjà été arrêté par les services de renseignement de l'armée marocaine en 2004 et 2006, et qu'en 2005, ces mêmes services l'auraient kidnappé et retenu pendant deux semaines, au cours desquelles il aurait été soumis à la torture.</p> | <p>Par lettre date du 20/06/08, le Gouvernement a indiqué que le 26 février 2008, une quarantaine de jeunes cagoulés ont organisé un attroupement armé au quartier Ain Errahma au centre ville de Tan Tan, et ont installé des obstacles entravant la circulation sur la voie publique et se sont attaqués, par des jets de pierres, aux forces de l'ordre blessant, ainsi, grièvement, au niveau du crâne, le gardien de la paix Abdelaziz Meski qui a succombé à ses blessures à l'hôpital, le 3 mars 2008.</p> <p>L'enquête menée, dans ce cadre, a permis l'arrestation des dénommés Lahcen Lafkir, Najem Bouba, Mohamed Salmi, Meyara Moujahid, Mahmoud Barkaoui et Yahya Aaza.</p> <p>Le dénommé Lahcen Lafkir a déclaré que Yahya Mohamed El Hafed Aaza était le commanditaire principal desdits troubles de l'ordre public. Ce dernier avait demandé, à Lahcen Lafkir, Meyara Moujahid et Najem Bouba, à travers Mahmoud Barkaoui, d'organiser un rassemblement sur la voie publique en vue de porter atteinte à la sécurité dans la région, en récompense d'une somme d'argent. Ceci a été confirmé par Meyara Moujahid et Najem Bouba lors des interrogatoires.</p> <p>Pour sa part, Yahya Mohamed El Hafed Aaya a déclaré qu'il recevait des sommes d'argent du Omar Boulsane, soi-disant représentant du</p> |

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|       |         |          |      |             |  | <p>« polsario » à Las Palmas en Espagne, pour financer ses activités visant à perpétrer des actes portant atteinte à l'ordre public.</p> <p>Le 4 mars 2008, les mis en cause ont été traduits devant la cour d'appel d'Agadir pour attroupement armé sur la voie publique et violence à l'encontre d'un fonctionnaire de police dans l'exercice de ses fonctions ayant entraîné la mort. Il convient de préciser que l'interpellation et la mise en garde à vue de l'intéressé ont été effectuées dans le respect total des procédures et lois en vigueur. Compte tenu de ce qui précède, les personnes ayant fait l'objet de ces deux appels urgents ont été interpellés, non pas pour leurs activités de défense des droits de l'Homme, lors d'une manifestation dite pacifique, mais principalement pour des actes criminels ayant causé la mort d'un policier en exercice de sa fonction.</p> |
| 154.  |         | 23/04/08 | JUA  | HRD;<br>TOR | <p><b>Enaâma Asfari</b>, co-président du Comité pour le respect des libertés et des droits humains au Sahara occidental (CORELSO). Dans la soirée du 13 avril 2008, M. Enaâma Asfari aurait été arrêté et agressé physiquement par cinq agents de police en civil à Marrakech. M. Asfari aurait ensuite été emmené, les yeux bandés et menotté, vers une destination inconnue, où il aurait été dévêtu, attaché à un arbre et battu. M. Asfari aurait perdu connaissance des suites de ses blessures et conduit à l'hôpital. Le 14 avril au matin,</p> | <p>Par lettre datée du 20/06/08, le Gouvernement a indiqué que dans la soirée du 15 avril 2008, le dénommé Enaâma Asfari, qui était en état d'ivresse, a eu une altercation avec une jeune femme enceinte, en lui assénant un violent coup au visage qui lui a causé une hémorragie nasale, puis un autre coup au niveau du ventre ayant nécessité son évacuation à l'hôpital en présence de trois témoins oculaires. Le coupable a causé également beaucoup de dégâts matériels au véhicule des agents de</p>  |

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|       |         |      |      |         | <p>M. Asfari aurait été conduit au poste de police à la place Jamaa Elafna et aurait été interrogé sur ses activités de militant des droits de l'homme. Dans la matinée du 15 avril, M. Asfari aurait été présenté devant le Procureur général de Marrakech, qui aurait décidé de le traduire devant une cour de première instance le même jour pour conduite en état d'ivresse, tabassage et blessure, et possession d'une arme blanche. La cour aurait alors décidé de reporter son audience au 17 avril pour permettre à M. Asfari de trouver un avocat. Le 17 avril, son audience aurait été reportée au 21 avril. Lors de l'audience du 21 avril, M. Asfari aurait déclaré qu'au moment de son arrestation, il était suivi depuis 3 jours par les services de police. Il aurait également montré à la cour les traces des violences dont il aurait été l'objet avant et pendant sa détention. Il aurait également déclaré être victime d'un coup monté, expliquant que tous les premiers interrogatoires conduits par la police auraient porté exclusivement sur ses activités de défense des droits de l'homme en relation avec la situation du Sahara occidental. La cour aurait ensuite appelé à la barre la plaignante et un des témoins. La plaignante aurait déclaré que M. Asfari l'avait frappée d'un coup de poing à l'œil gauche, alors que le témoin aurait déclaré que ce dernier l'avait frappé d'un coup de tête. Ces contradictions auraient conduit la cour à reporter l'examen des faits au 28 avril 2008. Les observateurs internationaux présents à l'audience auraient constaté qu'aucune arme n'avait été</p> | <p>police qui ont réussi, après son arrestation, à lui enlever une arme blanche en sa possession. Sur instruction du parquet, le mis en cause a été mis en garde à vue et a été présenté à la justice, le 28 avril 2008, qui l'a condamné à 2 mois de prison ferme et 3700 Dhs d'amende pour « coups et blessures, ivresse manifeste, conduite en état d'ivresse et dégâts matériels causés à un bien d'utilité publique ». Ces actes sont sanctionnés par les dispositions de l'Article 6 de la décision 24-1-1953 et les Articles 303 bis, 400 et 595 du Code Pénal marocain. Ont été présents à cette audience, en tant qu'observateurs, un juge italien, une avocate française, l'épouse de l'intéressé, et deux autres personnes représentant des ONGs en matière des droits de l'Homme. Concernant les allégations de mauvais traitements qui auraient été perpétrés à l'intéressé durant son arrestation, elles sont dénuées de tout fondement et demeurent de simples allégations. D'ailleurs, le procureur du Roi près du tribunal de 1<sup>ère</sup> instance de Marrakech a adressé, le 21 avril 2008, une correspondance au procureur général dans laquelle il précise que l'accusé ne portait aucune trace de torture durant son audience.</p> |

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|       |         |          |      |                       | saisie; que l'état d'ivresse allégué n'aurait fait l'objet d'aucun constat ou contrôle médical ; que la plaignante et le témoin à charge seraient en désaccord sur le déroulement des faits et qu'aucune enquête n'aurait été menée sur les brutalités dont M. Asfari aurait été victime. Depuis le 15 avril, M. Asfari serait détenu à la prison de Boulemdarez à Marrakech. Sa famille n'aurait pas été indiquée officiellement de son arrestation, ni du lieu de sa détention.  |  |
| 155.  |         | 29/07/08 | JUA  | WGAD;<br>TERR;<br>TOR | <b>Abdelkrim Hakkou</b> , âgé de 30 ans, ressortissant marocain. Le 16 mai 2008, sur le chemin à son lieu de travail, M. Hakkou aurait été arrêté sans mandat d'arrêt et détenu au secret par les forces de sécurité marocaines. M. Hakkou aurait déjà été arrêté et détenu au secret en juillet 2005. A cette occasion, il serait resté en détention pendant cinq mois jusqu'à sa comparution devant la justice, qui l'a innocenté. Le 20 mai 2008, la disparition de M. Hakkou aurait été signalée au commissariat de police qui aurait nié l'arrestation et déclaré qu'il ne faisait pas l'objet de recherche. Le 29 mai 2008, le procureur général du tribunal d'appel de Meknès aurait été saisi. Le Ministre de la justice, le Ministre de l'intérieur et la primature, ainsi que le directeur général de la sûreté nationale auraient également été saisis. Le 30 mai 2008, une plainte a été déposée auprès du Ministre de la justice qui a répondu qu'il ne disposait d'aucune information. Le commissariat de police, le procureur général du tribunal d'appel de Meknès, le Ministre de la justice, le Ministre | Par lettre datée du 06/08/08, le Gouvernement a indiqué que dans le cadre du démantèlement d'une cellule terroriste liée à Al Qaida, la police judiciaire a procédé, le 1 <sup>er</sup> juillet 2008, à l'arrestation de 35 personnes dans plusieurs villes du Royaume dont le dénommé Abdelkrim Hakkou.<br><br>Cette cellule est impliquée dans le recrutement, l'encadrement et la formation des volontaires, candidats aux opérations kamikazes, soit pour les envoyer en Irak soit pour rejoindre les campements militaires liés au réseau « Al Qaida dans le Maghreb islamique » et revenir ensuite au Maroc pour y mener des attentats terroristes contre les intérêts nationaux. Après deux prorogations de la période de sa garde à vue, M. Hakkou a été présenté au Procureur Général du Roi près la Court d'appel de Rabat le 11 juillet 2008. Sa famille a été notifiée de cette procédure.<br><br>Il convient de signaler que la durée de la garde |

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|       |         |      |      |         | <p>de l'intérieur et la primature, ainsi que le directeur général de la sûreté nationale, ont été contactés sur le cas de disparition de M. Hakkou. Le 3 juillet 2008, les autorités marocaines auraient annoncé à la presse qu'ils avaient procédé, le 1er juillet, à l'arrestation de 35 personnes dans le cadre d'une enquête sur le démantèlement d'un réseau terroriste lié à Al Qaida Maghreb. Le 3 juillet, un avocat désigné par la famille Hakkou aurait contacté le Procureur Général pour lui demander une réponse écrite sur la détention effective, le statut judiciaire de M. Hakkou, l'autorisation de rendre visite à son client et la consultation de son dossier. Le 11 juillet, M. Hakkou aurait été présenté au juge d'instruction de la Cour d'Appel de Salé en présence de son avocat qui aurait pu consulter son dossier, puis M. Hakkou aurait été conduit à la prison Zaki de Salé. C'est à cette date que la famille Hakkou aurait finalement eu confirmation de la détention de M. Hakkou par les autorités marocaines. Lors d'entretiens, M. Hakkou aurait alors pu confirmer qu'il a été détenu au centre de détention secret de la DST (Défense et surveillance du territoire) à Temara pendant 47 jours durant lesquels il aurait fait l'objet d'actes de mauvais traitement notamment la privation de sommeil, de coups de bâton au corps et à la tête, de tentatives de viol par les enquêteurs, et ceci dans le but de lui extorquer des aveux. Il aurait été transféré par la suite à la brigade nationale de police judiciaire de</p> | <p>à vue pour les crimes liés au terrorisme est de 96 heures, renouvelables deux fois, sur autorisation écrite du Procureur général du Roi (Article 66 de code pénal). Par ailleurs, l'avocat de l'intéressé pouvait prendre attache avec ce dernier dès la première heure de la prorogation de la période de sa garde à vue. Il était également possible à l'inculpé de demander à l'officier de police judiciaire de contacter son avocat durant la période de prorogation selon la loi en vigueur.</p> |

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|       |         |                            |      |         | Casablanca, où des agents de police auraient tenté, sans succès, de lui faire signer un procès verbal contenant des aveux. Les agents auraient alors menacé de le renvoyer au centre de détention secret à Temara. M. Hakkou serait actuellement toujours détenu à la prison de Zaki à Salé; et à ce jour, aucune poursuite judiciaires à son encontre n'aurait commencé. |  |
| 156.  |         | Follow-up to earlier cases |      |         | <b>Rachid et Oulhadj Mohamed; Addouch Hamid, Ait Lbacha Youssef, Ait-Lkaid Idir, Chami Mohamed, Hija Younes, Nouri Mohamed, Oussay Mustapha, Ouddi Amer, Taghlaoui Amer et Zaddou Mohamed;</b> (A/HRC/7/3/Add.1, para. 156).  | <p>Par lettre datée du 20/06/08, le Gouvernement a indiqué que le 10 mai 2007, des étudiants membres du « Mouvement Culturel Amazigh » se sont affrontés avec des étudiants se réclamant du Nahj Addimoqrati Al Qaidi de « l'extrême gauche », dans l'enceinte de l'Université Moulay Ismail de Meknès. Ayant subi des blessures suite à ce affrontements, l'étudiant Mostapha Oussayi, membre du « Mouvement Culturel Amazigh » a décidé, lors d'une réunion tenue à son domicile avec d'autres membres, de se venger des étudiants du Nahj Addimoqrati Al Qaidi.</p> <p>Lors de cette réunion, l'acquisition et la distribution d'armes blanches ainsi que la répartition des tâches pour l'accomplissement des faits envisagés a été décidé. Ainsi, il a été demandé aux étudiants Ouadi Omar, Taghlaoui Omar, Ait Al Qaid Idrir et Zeddou Mohamed d'attendre que d'autres étudiants du Mouvement puissent provoquer des affrontements avec les étudiants du Nahj Addimoqrati, pour passer à l'attaque et</p> |

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|       |         |      |      |         |                         | <p>exécuter leurs actes de vengeance.</p> <p>Lors de ces affrontements, les deux groupes antagonistes se sont échangés des jet de pierres qui ont occasionné la chute de l'étudiant Sassioui Tahar, membre tu Nahj Addimoqrati Al Qaidi, qui a été attaqué avec des armes blanches, par les étudiants Mostapha Ouassai, Hamid Attouche, Mohamed Annouari, Youssef Ait Lbacha, Younès Hajji Mohamed Chami.</p> <p>Constatant les graves conséquences de leur attaque, ceux-ci se sont enfuis laissant la victime gisant dans le sang au milieu d'un groupe de personnes dont quatre témoins oculaires. La victime n'a pas pu, malheureusement, être sauvée en dépit de tous les efforts déployés.</p> <p>Sur le lieu du crime, Il a été procédé à l'arrestation de Moutapha Zemzoumi, Hafid Inou, Khalid Elmahi, Moussa Ikourachen et Jalal Merouani, membres du Nahj Addimoqrati Al Qaidi en possession d'armes blanches.</p> <p>Les enquêtes diligentées, basées, entre autres, sur les déclarations des quatre témoins présents lors de ces affrontements, ont abouti à l'arrestation des dénommés:</p> <ul style="list-style-type: none"> <li>• Moustapha Oussay, Hamid Addouch, Mohamed Nouri, Youssef Ait-Lbacha, Younes Hija, Mohamed Chami, du « Mouvement Culturel Amazigh », qui</li> </ul> |

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|       |         |      |      |         |                         | <p>ont été poursuivis pour formation d'une bande criminelle et pour homicide volontaire avec préméditation</p> <ul style="list-style-type: none"> <li>• Ouddi Amer, Taghlaoui Amer, Idir Ait-Lkaid et Mohammed Zeddou, du « Mouvement Culturel Amazigh », ont été, de leur part, poursuivis pour appartenance à une bande criminelle et la participation à un homicide volontaire avec préméditation</li> <li>• Moutapha Zemzoumi, Hafid Inou, Khalid Elmahi, Moussa Ikourachen et Jalal Merouani, du « Mouvement Bassiste » ont été poursuivis pour possession d'armes blanches dans des circonstances pouvant constituer un danger à la sécurité d'autrui</li> </ul> <p>En date du 13 mai 2007, des affrontements ont eu lieu entre un group d'étudiants appartenant au Nahj Addimoqrati Al Qaidi et un autre groupe d'Amazighs qui ont occasionné la mort de l'étudiant Abderahmane Hasnaoui. Lors de ces événements, l'étudiant Rachid Kadiri qui a été transféré à l'Hôpital de Meknès en raison de la gravité de ses blessures, n'a pas pu être sauvé et est décédé par la suite. Des dizaines d'autres étudiants ont été blessés à des degrés divers.</p> <p>Suite à ces affrontements, un groupe d'étudiants a été arrêté et déféré devant le Juge</p> |

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|       |         |      |      |         |                         | <p>d'Instruction qui a décidé de les poursuivre pour crime, suite à des coups et blessures, et pour homicide involontaire.</p> <p>Sur la base des enquêtes diligentées à ce sujet, en particulier les déclarations du gardien de l'Université qui a assisté à ces affrontements, des étudiants ont été arrêtés, et ont été poursuivis pour coups et blessures ayant entraîné la mort sans préméditation.</p> <p>En date du 25 octobre 2007, la chambre criminelle a décidé de poursuivre les dénommés:</p> <ul style="list-style-type: none"> <li>• Sekkou Mohamed et Soulimane Ouali pour coups et blessures ayant entraîné la mort sans préméditation et les a condamné à 5 ans de prison ferme</li> <li>• Abdelaziz Saidi, Mohamed Oulhaj, Rachid Hachami et Noureddine Azakou pour participation à une bagarre ayant entraîné la mort et les a condamné à 2 ans de prison ferme</li> </ul> <p>Cette décision a été contestée en appel.</p> <p>En date du 11 décembre 2007, la Chambre criminelle de la Cour d'Appel a confirmé le jugement du Tribunal de Première instance en réduisant les peines pour:</p> <ul style="list-style-type: none"> <li>• Sekkou Mohamed et Soulimane Ouali à deux ans de prison ferme</li> </ul> |

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|-------|---------|----------|------|---------------------|---|--|
|       |         |          |      |                     |   | <ul style="list-style-type: none"> <li>• Noureddine Azakou à un an de prison ferme</li> <li>• Mohamed Oulhaj, Rachid Hachami à sept mois de prison ferme</li> <li>• Libération des autres inculpés</li> </ul> <p>Par la suite, le Procureur Général a formulé le recours en cassation.</p> <p>Concernant les allégations faisant état de mauvais traitement à l'égard des étudiants arrêtés suite aux événements de Meknès, après leur comparution devant le Procureur Général, aucune trace de torture ou de mauvais traitement n'a été signalée sur les étudiants arrêtés suite aux événements de Meknès. De même, aucune plainte de torture ou de mauvais traitement n'a été déposée. Il parait clairement et sans aucune ambiguïté que les étudiantes en question ont été incarcérées non pas pour leur origine amazighe mais en raison de leur haine à l'égard des étudiants appartenant au Courant Démocratique qui les a poussés à commettre un double meurtre. La législation marocaine sanctionne ce genre d'actes produits par la haine.</p> |
| 157.  | Myanmar | 19/02/08 | JUA  | IJL;<br>MMR;<br>TOR | Ms. <b>Khin Sanda Win</b> , a 21-year-old university student. On 29 September 2007, a group of men in plain clothes stopped Ms. Win and searched her bag, tied her hands behind her back and took her to the Yangon Town Hall. She was detained with ten unknown men and photographed |  |

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|       |         |      |      |         | <p>alongside various weapons. The plain-clothed men forced the detainees to sign confessions that the weapons had been found in their possession. Ms. Win refused to sign and was subsequently struck on the head with a bamboo rod. That night Ms. Win was sent to Kyaikkasan Interrogation Camp, where she was kept without charge or warrant until 7 October. She was transferred to Insein Prison and held there until 25 October. On 25 October, she was sent to the Hlaing Township Peace and Development Council office where she was told to sign a pledge that she would not take part in any anti-state activities, after which she was released. During the 26 days of her detention, she was denied access to a lawyer and not allowed to contact her family. On 1 November, two police officers from Kyauktada Township Station came to her house and informed her that she would be charged with illegal possession of arms as per section 19 (e) of the Arms Act, although the “arms” they claimed to have found were a slingshot and some pellets, which are not listed under the act. When Ms. Win went to court the next day, the charge put against her was acting “to endanger human life or the personal safety of others” under section 336/511 of the Penal Code. She was granted bail for five million kyat, an amount that exceeds what a judge can legally order in such a case. On 12 November, the judge unilaterally revoked the bail on the grounds that Ms. Win constituted a threat to security forces personnel because the charge against her relates to</p> |                     |

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|       |         |          |      |                                       | the disturbances of September 2007. Since then, she has been held in Insein Prison in solitary confinement.  |                     |
| 158.  |         | 22/04/08 | JUA  | FRDX;<br>HLTH;<br>HRD;<br>MMR;<br>TOR | <b>Paw U Tun (alias Min Ko Naing)</b> (subject of previously transmitted communications, A/HRC/7/24, para. 30, A/HRC/4/33/Add.1, para. 153). Since late March 2008, he has reportedly been suffering from a severe eye infection. Mr. Paw U Tun requested to visit an ophthalmologist, but the prison authorities refused this request, claiming that an eye doctor would not be available before May 2008. According to reports, his eye condition prevents him from eating and sleeping because of the acute pain.   |                     |
| 159.  |         | 09/09/08 | JUA  | FRDX;<br>MMR;<br>TOR                  | <b>Win Tin</b> (subject of previously transmitted communications, E/CN.4/2001/66; E/CN.4/2003/68/Add.1, paras. 984-985; E/CN.4/2006/6/Add.1, para. 165; and A/HRC/4/28/Add.1, para. 32). Since June 2008, Mr. Win Tin's health has been progressively deteriorating. He suffers from heart disease and spondylitis (a condition which causes inflammation of the joints of the spine), and in recent months Mr. Win Tin has been experiencing severe asthma attacks and lung problems. In late June 2008, a family member who visited Mr. Win Tin in prison reportedly found him thin and weak. His current health problems are also preventing him from eating and sleeping properly. Mr. Win Tin is allowed to see a doctor on a regular basis and has been prescribed medication, however the treatment he is receiving has apparently done |                     |

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|       |         |          |      |                                      | <p>little to prevent further deterioration of his condition. Since October 1997, Mr. Win Tin has been treated repeatedly in the prison hospital, most recently in January 2008 when he underwent a hernia operation. Mr. Win Tin's poor health has been exacerbated by his alleged ill treatment in prison, which has included TOR, inadequate access to medical treatment and detention in a cell designed for military dogs, with concrete floors and without bedding. He has for long periods of time been deprived of food and water and has spent much of his prison term in solitary confinement. In July 2005, Mr. Win was informed by prison authorities that he would be released, together with more than 100 political prisoners in Insein Prison. The majority of the group was freed, but Mr. Win Tin and around a dozen other detainees were returned to their cells. Mr. Win Tin was apparently due for early release in 2006. His release date is now understood to be planned for June 2009.</p> |                     |
| 160.  |         | 12/11/08 | JUA  | FRDX;<br>HRD;<br>IJL;<br>MMR;<br>TOR | <p>Mr. <b>Zaw Min</b>, a human rights defender, was reportedly physically and psychologically tortured during his detention in Insein Prison between August and October 2007. After his release, Mr. Zaw Min documented human rights abuses which he had witnessed in prison.</p> <p>In late November 2007, Mr. Zaw Min was detained under section 505 of the Myanmar Penal Code for sending false information abroad. Before his case was brought to court, on</p>   |                     |

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|       |         |                            |      |         | 26 March 2008, he was reportedly detained illegally by military intelligence. All witnesses in the trial were Special Branch police officers whose identities are known to us. One of these witnesses told the court that he got information about Mr. Zaw Min's activities when interrogating him. It is suspected that torture may have been used during these interrogations. No independent witnesses appeared in court. |  |
| 161.  |         | Follow-up to earlier cases |      |         | <b>Aung Zaw Oo</b> (A/HRC/7/3/Add.1, para. 163)  | By letter dated 14/02/08, the Government informed that he had illegal contact with Forum for Democracy in Burma, which is an unlawful anti-government organization based in Thailand. It was found that he had received financial assistance from that organization and attended training organized by them. He illegally left Myanmar for Thailand, and then returned illegally to Myanmar. It was found that he provided distorted information to foreign news agencies with the intention to destroy the interests of the Myanmar people. He was therefore arrested on 3 December 2007 and legal proceedings have been instituted under section 17(1) of the Unlawful Associations Act 1908, section 13(1) of Immigration (Emergency Provisions) Act 1947 and section 505(b) of the Penal Code. |
| 162.  | Nepal   | 29/02/08                   | AL   | TOR     | <b>Tsering Dhundup</b> (also called <b>Kanuyin</b> ), aged 27, Tibetan national, Qinghai Province. On 23 February 2008, he was arrested by the Nepal Police in a late-night raid on the Tibetan Refugee Reception Centre, Kathmandu. Around 10.30 p.m.   |  |

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|       |         |          |      |         | between 50 and 60 police officers, some in plain clothes, entered and searched the male dormitories where the refugees were sleeping until they located Mr. Tsering Dhundup. He was handcuffed and taken to Hanuman Dhoka Police Station, where he was held for one night. On the next day he was transferred to the Immigration Office. It was reported that on 25 February he was handed over to the Chinese authorities at the Tibet-Nepal border at 4.15 p.m. Tsering Dhundup is alleged to have been involved in the killing of a Chinese official. It is reported that Mr. Tsering Dhundup was returned to China without any judicial decision or appeal thereof, and concern is expressed that he may be subject to torture or ill-treatment.             |                     |
| 163.  |         | 29/04/08 | UA   | TOR     | <b>Umesh Lama</b> , aged 28, residing at New Baneshwor, in Kathmandu district, currently hospitalized at Bir Hospital under police supervision. Around 4 p.m. on 1 April 2008, he was arrested by about seven plain-clothed police officers of Metropolitan Police Range, Hanuman Dhoka, Kathmandu, at Kamalpokhari, Kathmandu district. After the arrest he was transferred to Hanuman Dhoka, where he was taken to the top floor of the building. There, about five plain-clothed officers, including the police inspector, the police sub-inspector, and an assistant sub inspector, beat Umesh Lama with sticks and boots. They stamped on his chest and abdomen with their boots. They cut the skin of his fingers and other parts of his body with a razor |                     |

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|       |         |      |      |         | <p>blade. After about five hours he lost consciousness. Subsequently he was transferred to Metropolitan Police Sector, Budanilkantha, Kathmandu. No medical treatment was provided. From 2 April, when relatives attempted to visit him, the police denied that he was in detention. Only on 8 April was the family allowed to meet him. Because of his severe injuries, his family asked the police that he be taken to the hospital, but the officers declined. On 9 April, Mr. Lama was finally taken to Om Hospital and Research Center, Chabahil, and further referred to Bir Hospital, when his health deteriorated. The 9 April report issued by the doctor at Bir Hospital stated that Mr. Lama had fever for seven days, he suffered from abdominal pain and vomiting, and the colouring of his skin and eyes was yellowish. He was therefore taken to the police hospital and found to have jaundice. The doctor's examination also indicated that he had several marks and that his legs and fingers were swollen. In accordance with a referral by Bir Hospital, following a diagnosis of a severe kidney problem, since 12 April Mr. Lama has regularly been taken to the National Kidney Centre, Balaju Kathmandu. He returns to Bir Hospital every day after treatment. The victim's family submitted an application requesting medical support as they have no means to cover the medical expenses. The deputy superintendent of police assured them that the police would take care of it. The family was offered money by some policemen but it has</p> |                     |

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|       |         |          |      |         | received phone calls asking it to withdraw the application. On 15 April, relatives of Umesh Lama filed a writ of habeas corpus in Appellate Court Patan, Lalitpur. The police informed the court that they had remanded him as absentee as he was hospitalized, but police records show that they had submitted the case for remand on the same day, 15 April. The writ is still pending before the court. The police's Human Rights Cell reported that on 21 April, they requested officers of Hanuman Dhoka to issue a detailed report on the incident.  |                     |
| 164.  |         | 17/11/08 | AL   | TOR     | Ms. S. K., aged 19, Ms. M. K. urisi, aged 13, and Ms. G. K., aged 13, Birendranagar-6, Surkhet District. Around 10.30 a.m. on 14 May 2008, they were brought to the Surkhet District Police Office, accused of theft. Around 11 a.m., three police officers kicked and struck S. K. with a plastic pipe on her back, hands and legs for 30 minutes in order to obtain a confession. She was then taken to another room where the policemen continued to beat her with a pipe, a stick, rested her bound feet on a chair and beat the soles of her feet for about 10 minutes, inserted a pin into a toenail, and shocked her right hand. The beatings continued until 9 p.m, and resumed between 10 and 11 p.m. at which time she was released without charge. The officers also slapped and beat M. and G. K., and released them around 6 p.m. |                     |

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|       |          |          |      |              | <b>Shekhar Gurung</b> , aged 35, Ward No. 32, Maitidevi. On 31 May 2008, he was arrested by officers of the Singhadarbar Metropolitan Police at the Helambu Restaurant on suspicion of hooliganism, and taken to the police station. Five policemen (a sub-inspector, an assistant sub-inspector, and three constables) beat him on the soles of his feet, ankles, behind the knees, and on his thighs with batons. He was also beaten with a bamboo stick on the side of his stomach. He was treated on 10 June for his injuries and later detained at Hanuman Dhoka District Police Office. |   |
| 165.  | Pakistan | 07/03/08 | JUA  | SUMX;<br>TOR | <b>Zahid Masih</b> , a member of the Regiment/Unit 4 Commando Battalion (Special Service Group) Chirat. Mr. Zahid Masih was sentenced to death by hanging by a military court on 10 March 2006 for sodomy and murder of a nine-year-old boy on 1 March 2005. He was held in incommunicado military pre-trial detention and allegedly subjected to torture in order to force him to confess. His appeal of clemency to the President was turned down, and he is scheduled to be executed on 12 March 2008.   |   |
| 166.  |          | 12/03/08 | JUA  | TOR;<br>VAW  | Ms. <b>S. N.</b> and her husband, in Lahore, Pakistan. In July 2004, the husband had been kidnapped and detained in Faisalabad by the 'Bajwa gang', and some police officers. Upon receipt of Rupees (Rs.) 2.2 million, he was released. Both complained to the police about the kidnapping but instead of opening a case, the police officers arrested the husband, illegally detained him and   | By letter dated 24/06/08, the Government informed that the husband of Ms. S. N. was an employee of the Excise Department, and involved in the registration of stolen vehicles. He was suspected in relation to a number of criminal cases and was taken into custody, more than one year ago, but escaped. He has been declared a fugitive. During the judicial |

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|       |         |      |      |         | <p>asked him for Rs. 1.4 million. When they demanded an additional Rs. 5 millions, Ms. S. N. filed a writ at the Lahore High Court for her husband's release, but without success. It is alleged that the Chief Justice of Lahore High Court is a close relative of the policeman who refused to act on the complaint. Ms. S. N. also complained to the national accountability bureau, but the officers there refused to register her case. All of Ms. S. N.'s property was confiscated. The husband was finally released. In April 2005, Ms. S. N. went to Parliament to make a complaint but she was taken to jail. She was subsequently released on bail, and a few days later kidnapped by four persons outside her house in Johar Town, Lahore. She was taken to an unknown place and allegedly raped and ill-treated by the policeman who had refused to register her complaint in the presence of several other persons. On 2 September 2005, Ms. S. N. recorded her statement before the inquiry committee at the Office of the Human Rights Commission of Pakistan (HRCP). On that occasion, Ms. S. N. presented some evidence, such as her clothes, which the perpetrators had torn apart, several marks on her body and eye witnesses who saw her injured after she had been ill-treated. Subsequently, Ms. S. N.'s lawyer filed a writ petition at the judicial tribunal in the Supreme Court of Pakistan, which ordered the police to register Ms. S. N.'s First Information Report. The police only registered it three months later and</p> | <p>inquiry, sufficient evidence was provided to show that he is still alive and was in contact with his wife, and a few other individuals, during the last year. The allegation that Ms. S. N.'s husband has been killed is therefore incorrect. Ms. S. N. also filed a petition before the High Court, Lahore. The court dismissed the petition on 13 July 2005. Neither Ms. S. N. nor her husband have ever appeared before any court or tribunal after leveling the allegations of atrocities, high handedness and gang rape committed by police officials. Ms. S. N. regularly met with the process server on each hearing date of the tribunal but did not appear before it. On 30 August 2005, it was reported in the media that Ms. S. N. was abducted by the police in the first week of May 2005 and raped. She never leveled such allegations during the hearing before the High Court. Both, she and her husband made the allegations before the media but avoided the proceedings of the tribunal. These allegations have not been proved. Among the recommendations of the tribunal, Ms. S. N. should be prosecuted for publishing accusations of <i>Zina</i> without proof and thereby harming the reputation of the accused; and her husband should be subjected to disciplinary sanctions and a high-level inquiry into his corruption activities.</p> |

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|       |         |      |      |         | <p>offered no protection to Ms. S. N. At that point, judicial proceedings on the case began at the trial court. On 17 October 2005, the Supreme Court ordered the immediate arrest of the policemen mentioned above on charges of abduction, torture and rape. On 24 November 2005, the district and sessions court in Lahore granted bail to the perpetrators. The victim's lawyer wrote many letters to the Government requesting protection for Ms. S. N., but no protection was made available and she and her children have been regularly ill-treated or attacked by members of the police. The same group of persons also prevented her from physically reaching the Court in January 2007, so that in March 2007 the case was dismissed. On 7 May 2007, Ms. S. N. was going to her lawyer's office to prepare an appeal to be lodged at the High Court but some police officers, under the orders of Punjab Chief Minister Pervaiz Elahi, kidnapped her in front of her lawyer's office and kept her in an unknown location for approximately six months. During that period, Ms. S. N. was filmed and photographed naked, was buried in a grave, and was allegedly raped by the policeman who had refused to register her complaint, his two sons-in-law, a Federal Minister and a Provincial Minister, both close relatives of Punjab Chief Minister Pervaiz Elahi. S. N. was finally released and is currently in hiding. She fears being taken and ill-treated by the police if she tries to contact her lawyer again.</p> |                     |

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| 167.  |         | 07/04/08 | AL   | TOR     | <p><b>M. S. R.</b>, a 13-year-old fifth grade student at the Government Primary School Saifal Lark, Ubavro village, Karachi. On 21 February 2008 around 10 a.m., he was beaten by his teacher. S.'s father rushed his son to the nearby Dharki Hospital after being informed about his injuries. The boy was transferred to Rahim Yar Khan Hospital due to his injuries and died shortly after. The family demanded that the police and the authorities concerned take strict action against the teacher involved in S.'s death. The family also requested the Sindh High Court chief justice and the provincial ombudsman to take suo motu notice of the case and provide justice to the victim's family. No action has been taken so far neither by the police, nor by the education department. It is reported that the teacher has a past record of inflicting corporal punishment on students, and had previously broken the arm of a student. Despite an increasing number of cases of corporal punishment in schools the authorities concerned have so far ignored the implementation of the ban on corporal punishment in schools.</p> <p><b>Soomar Kalhoro</b>, a 33-year-old labourer, Abran village, Naushahro Feroze, Nawabshah, Sindh. On 25 February 2008, he was arrested and detained at Naushahro Feroze Police Station for three days on suspicion of theft. During this period he was beaten and tortured with petrol and chillies by the investigation police. He was examined at a hospital in Naushahro Feroze, but</p> |                     |

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|       |         |          |      |                      | due to his poor condition and the nature of his injuries on his head, legs, arms, backside, and knees, he was referred to the NMC Hospital in Nawabshah. No action has reportedly been taken against the perpetrators.  |                     |
| 168.  |         | 17/06/08 | JAL  | FRDX;<br>HRD;<br>TOR | <b>Abdul Wahab Baloch</b> , Chief organiser of the <i>Baloch Rights Council</i> and well known peace activist, and Mr. <b>Gulam Mohammad Baloch</b> , President of the <i>Balochistan National Movement</i> . Both organisations are based in Karachi, Pakistan. In the afternoon of 28 May 2008, Mr. Abdul Wahab Baloch and Mr. Gulam Mohammad Baloch were arrested while returning from a peaceful demonstration in Karachi. The protest had been organized by the Baloch National Front, to mark the tenth anniversary of nuclear tests carried out by Pakistan in the southern province of Chaghi, Balochistan in 1998, and to call for respect for basic human rights for the local population. Both, Mr. Wahab Baloch and Mr. Mohammad Baloch, were speakers at the event. After the demonstration, Mr. Wahab Baloch and Mr. Mohammad Baloch went to the Human Rights Commission of Pakistan in Karachi, where they were due to attend a meeting to discuss the issue of disappearances in Balochistan. Before reaching the Commission, they were arrested by a number of individuals who covered their heads before forcing them into heavy duty jeeps. Mr. Mohammad Baloch and Mr. Wahab Baloch were taken to the Central Crime Investigation unit in Karachi, where they |                     |

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|       |         |      |      |         | <p>were detained overnight. In the early hours of the following morning, Mr. Mohammad Baloch was relocated to Frere Police station where he was detained for a number of hours before being released on bail later that day. He was charged with delivering a provocative speech. Mr. Wahab Baloch was beaten repeatedly with fists, boots and sticks during the night of 28 May, whilst being interrogated about bombings in Balochistan. On the morning of 29 May, Mr. Wahab Baloch was transferred to an unknown location in an unregistered vehicle linked to several cases of missing persons. Later that same day he was injected with an unknown drug which invoked feelings of numbness, and subsequently fell unconscious for a number of hours. On 31 May, Mr. Wahab Baloch was again transferred to another location, where he was interrogated about the Watan Brigade, an unknown militant organization. During his detention Mr. Wahab Baloch was moved on a number of occasions, subjected to ill-treatment, held in solitary confinement in small dark cells and severely beaten. His whereabouts were not known until 2 June 2008, when he was transported by jeep to Kala Pull Bridge in Karachi and thrown out of the vehicle. He did not sustain any injuries on this occasion and was able to then make his way home.</p> |                     |

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|-------|---------|----------|------|----------------------|---|---------------------|
| 169.  |         | 08/09/08 | JAL  | SUMX;<br>TOR;<br>VAW | <p>Ms. <b>Fatima</b>, aged 45; <b>Jannat Bibi</b>, aged 38; and three children, aged between 16 and 18 years old, <b>F.</b>, <b>H.</b> and <b>R.</b>, belonging to the Umrani tribe, Baba Kot village, 80 kilometers from Usta Mohammad City, Jafferabad District, Balochistan Province. On 14 July 2008, Ms. Fatima, Jannat Bibi, and F., H. and R., were about to leave for a civil court so that the three girls could marry the men of their choice. Their decision to be married in court was the result of several days of discussions with the elders of the tribe, who refused them permission to marry. As the news of their plans leaked out, seven men abducted the five women at gun point. In a Land Cruiser bearing a registration number plate of the Balochistan government, they were taken to a deserted area, Nau Abadi, in the vicinity of Baba Kot. Upon arrival the men took the three children out of the jeep and beat them before shooting them, leaving them with serious injuries. The men buried the girls in a wide ditch and covered them with earth and stones. When the two older women tried to intervene, the attackers pushed them into the ditch as well and buried them alive. The incident was debated in the Senate, the National Assembly and the Provincial Assembly of Sindh. In the Senate, Senator Israrullah Zehri tried to defend the burials stating that the killings were part of tribal traditions and that the incident should not be mentioned in the Upper House. No action has been taken to conduct criminal investigations into the matter.</p> |                     |

| Para. | Country | Date                       | Type | Mandate | Allegations transmitted  | Government response   |
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| 170.  |         | 21/11/08                   | AL   | TOR     | On 22 January 2007, Mr. <b>H. B. M.</b> was arrested for not possessing a national identity card by the market police near Resham Gali market, Larkana, Larkana District, and taken to Market Police Station. Late in the night of 25 January 2007, the Station Head Officer came in drunk to the police station and ordered police officers to fasten the victim with ropes and chains. The Station Head Officer then allegedly severed Mr. H. B. M.'s penis with a sharp-edged knife. Early the following morning, Mr. H. B. M. was found unconscious lying in the police lock-up in a pool of blood. The police took him to Chandka Medical College and Hospital for treatment. The police allegedly registered an attempted suicide case, filed a First Information Report No. 17/2007 against Mr. H. B. M., and claimed that he was mentally ill. It is alleged that Federal Minister Ghous Bux Mahar called a meeting between the victim and the alleged perpetrators at his residence on 12 March to persuade Mr. H. B. M. to withdraw his complaint against the police officers in exchange for a cash settlement. |   |
| 171.  |         | Follow-up to earlier cases |      |         | Mr. <b>Ghulam Nabi</b> , (A/HRC/7/3/Add.1, para. 175)  | By letter dated 28/08/08, the Government responded that Mr. Ghulam Nabi has no initiated any proceedings for legal remedy in relation to torture allegations. Such proceedings normally include a First Information Report, a writ petition or a complaint with the Court Administration. |

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|       |             |          |      |                              |  | The details provided in the letter of the Special Rapporteur are therefore presumably based on press reports and have not been substantiated.  |
| 172.  | Philippines | 21/02/08 | JUA  | HRD;<br>SUMX;<br>TOR;<br>VAW | Ms. <b>S. C.</b> , Ms. <b>K. E.</b> , and Mr. <b>Manuel Merino</b> (subjects of a previously transmitted communication, A/HRC/7/28/Add.1, para. 1618). Ms. C. and Ms. E. are currently detained at Camp Tecson barracks in San Miguel, Bulacan. Ms. C., in addition to being forced to do the laundry for the camp every day, was sexually assaulted by several soldiers. One of them is a suspect in the killing of human rights defender and community leader, Eddie Gumanoy, in April 2003. He is believed to be identifiable by the tattoo “24th IB” on his shoulder. Previously the three persons were held at the 24th Infantry Batallion (IB) camp in Limay, Bataan. There Ms. C. was tied to a bench while her feet were raised and soldiers poured water over her and electrocuted her. When she admitted that Ms. E. helped her write a letter to her mother-in-law, Ms. E. was taken outside by soldiers and raped with wooden sticks. Ms. C. and Ms. E. have not been seen since June 2007. On 21 November 2007, Ms. C.’s mother-in-law testified that she received death threats from soldiers who visited her home and interrogated her. Manuel Merino was killed on the basis of an order issued by a retired Major General that he be burned to death. | By letters dated 9/10/07, 8/11/07 and 26/02/08, the Government informed that, according to a witness, the three persons were abducted by six unidentified men believed to military elements. The abduction took place in Puork 6, Barangay San Miguel, Hagonoy, Bulacan on 26 June 2006 at about 2 a.m. At about 3.20 p.m., the incident was reported to the Hagonoy, Bulacan Police Station, and initial investigations were carried out. On 17 July 2006, a writ of habeas corpus was filed by relatives of Ms. C. and Ms. E. before the Supreme Court against four members of the military. This was dismissed on 29 May 2007 because the evidence that the missing persons were in their custody was not strong enough. Attempts by the Provincial Intelligence and Investigation Branch of Bulacan poice Provincial Office to contact the family of S. C. were unsuccessful. The press in Calumpit, Bulacan reported that Ms. C. had been seen on 2 and 4 June 2007. On 25 September 2007, a case conference was conducted at the Task Force Usig Secretariat and directed the investigators to exert more efforts. |

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| 173.  |         | 30/04/08 | JAL  | FRDX;<br>HRD;<br>TOR | <p><b>Violent dispersal of a demonstration.</b> On 6 March at about 3 p.m., approximately 500 protestors from the region of Southern Tagalog, arrived in front of the Department of Labour and Employment (DOLE) in Intramuros in Manila, after a four-day march. The march was organized by a group of labour organisations, the Pagkakaisa ng Manggagawa sa Timog Katagalugan-Kilusang Mayo Uno (PAMANTIK-KMU), the Anakpawis (Toiling Masses) and the Bagong Alyansang Makabayan (BAYAN-Southern Tagalog), in order to protest against delays by the DOLE in addressing pending labour cases. The Labour Secretary refused to meet with representatives of the protestors, so they decided to stay in front of the building and voice their grievances. At around 7 p.m., two fire trucks from the Manila Fire Station were positioned close to the protestors, while forces from the Manila Police District (MPD) were stationed in front of the DOLE building. The protestors requested the MPD that they be allowed to stay until the next day. At 8.45 p.m., the chief superintendent ordered his policemen to disperse the protest. The police used water cannons, truncheons, clubs and bladed weapons against the protesters. Six persons - <b>Marlon V. Torres, Nestor A. Villanueva, Philip S. Nardo, Jason A. Hega, Emmanuel J. Dioneda and Jay D. Aban</b>, were arrested by the police, taken to the Manila Hospital and then to the Manila Police District at the United Nations</p> |                     |

| Para. | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
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|       |         |      |      |         | <p>Avenue. On 7 March they were transferred to the Regional Trial Court in Manila, where they were charged with “tumults and other disturbance of public order” and “direct assaults to persons in authority” under Batas Pambansa (BP 880) or the Public Assembly Act of 1985 and the Revised Penal Code. They were then released “for further investigation” by the prosecutor. <b>Marlon V. Torres</b>, 35, Public Information Officer for PAMANTIK-KMU, a resident of Jude St, Cabuyao, Laguna, suffered injuries to his head and a fractured right arm, as stated in the Medical Certificate from the Opital ng Maynila; <b>Nestor A. Villanueva</b>, 50, a member of Samahang ng Magsasaka sa Buntog (SAMANA-PUMALAG), sustained a fractured finger and head injuries; <b>Jason A. Hega</b>, 26, a member of KASAMA-TK-KMP and a political party Anakpawis, sustained bruises on various parts of his body, and cuts and abrasions to his upper buttock; <b>Philip S. Nardo</b>, 23, a member of a political party Anakbayan (Youth of the Nation) in Cavite, a resident of Barangay (village) Fatima, Santos, Dasmariñas, Cavite, suffered injuries to his head and left leg; <b>Emmanuel J. Dioneda</b>, 43, director for the Labor Education Advocacy Development and Services and Research Institute (LEADER), a resident of No. 992 P Vallejo, Sta. Rosa, Laguna; <b>Jay D. Aban</b>, 28, a resident of No. 1039 Guevarra Street, Sta. Cruz Manila; <b>Leo Fuentes</b>, 20, a student of the University of the Philippines Los Banos (UPLB) and</p> |                     |

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|       |         |      |      |         | <p>chairperson of the University Student Council (USC), suffered a contusion and a swollen right arm; <b>Joseph Doinarsi</b>, 27, a member of ANAKPUSO, a resident of San Pedro, Laguna, suffered eye injuries; <b>Rolando Gonzales</b>, 36, a member of ANAKPUSO, a resident of San Pedro, Laguna, was struck on the head and back; <b>Joe Francisco</b>, 26, a member of ANAKPUSO, a resident of San Pedro, Laguna, sustained a swollen right arm; <b>Luis Arikaya</b>, 41, a member of Kalipunan ng Damayang Mahihirap (Kadamay), a resident of Sta. Rosa, Laguna, suffered injuries to his left shoulder; <b>Jhun Torres</b>, 19, a member of Kadamay, a resident of Sta. Rosa, Laguna, suffered cuts, and injuries to his left hand and right knee; <b>Tirso Bautista</b>, 35, a member of Kadamay, a resident of Sta. Rosa, Laguna, sustained injuries to his abdomen; <b>Jay Fabella</b>, 41, a staff member of Cabuyao Workers Alliance (Cawal), had contusions to his head, abdomen, arm and leg; <b>Lucesio Baril</b>, 46, a worker for Toyota Motor Philippines, a member of the Toyota Motor Philippines Corporation Workers Association (TMPCWA), Kadamay National Office, was hit on his chest, mouth, right shoulder and the forehead, and his left little finger was cut off by a sharp weapon; <b>Virgilio C. Clandog</b>, 33, a worker for Toyota Motor Philippines and a member of the TMPCWA, had injuries to his head, left-hand finger and knee; <b>Neil Nacario</b>, 28, a worker for Hanjin Garments, a member of Aniban ng</p> |                     |

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|       |         |      |      |         | <p>Manggagawang Inaapi sa Hanjin (AMIHAN), a member of Cawal, suffered abrasions to his right elbow and left hand; <b>Rommel Mariano</b>, 40, a worker for Toyota Motors Philippines, a member of the TMPCWA, suffered injuries to his left hand, head and back; <b>Federico Torres</b>, 33, a worker for Toyota Motor Philippines, a member of the board of the TMPCWA-PAMANTIK, suffered injuries to his left palm, pelvis, right knee and fingers; <b>Francisco Jose</b>, 26, a member of the Pamprobinsyang Ugnayan ng mga Magsasaka sa Laguna (PUMALAG), was hit on his right hand and elbow; <b>Rolando Gonzales</b>, 36, a member of the Pumalag, was injured on his left hand, and the left portion of his back; <b>Ronald Balcunit</b>, 19, a member of the Solidarity of Cavite Workers (SCW), suffered injuries to his lips, left leg, right-hand fingers, and hearing in his right ear; <b>Reden Busadre</b>, 33, a member of the National Coalition for the Protection of Workers Rights Southern Tagalog (NCPWR-ST), suffered injuries to his back and right-hand fingers; <b>Mark Anthony Baculo</b>, 22, a member of the Southern Tagalog Cultural Network (STCN), a resident of No. 409 Jude Street, Barangay Sala, Cabuyao, Laguna, suffered injuries to his left hand and back; <b>Noel Sanchez</b>, 41, a chief steward of the Union of Filipino Employees Drug Food Alliance-Kilusang Mayo Uno (UFE-DFA-KMU), coordinator for the Cawal, suffered abdominal injuries; <b>Noel Alemania</b>, 43, acting president of the UFE-DFA-KMU, deputy secretary general of</p> |                     |

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|       |         |      |      |         | <p>the PAMANTIK- KMU, suffered injuries on his back, left leg and stomach; <b>E. D. Cubelo</b>, 36, a worker at the Toyota Motor Philippines, president of the TMPCWA, suffered contusions on his back; <b>Wenacito Urgel</b>, 35, a worker of the Toyota Motor Philippines, vice president of the TMPCWA, suffered injuries on his left arm, right elbow, left leg, and abdomen; <b>Roderick Vidal</b>, 25, a worker for the Toyota Motor Philippines, a member of the TMPCWA, suffered a broken index finger; <b>Rowell Delgado</b>, 24, a worker for Toyota Motor Philippines, a member of the TMPCWA, suffered abrasions to his body; <b>Rolando Mingo</b>, 52, chairman of the Southern Tagalog Region Transport Sector Organization (STARTER) and Vice- Chairman ng Pinag-isang Lakas ng Transport Organization (PISTON), sustained injuries on his head, right leg and right wrist; <b>Romeo Legaspi</b>, 46, chairman of the Pamantik, chairman of a political party Anakpawis in Southern Tagalog, president of the Organized Labor Association in Line Industries and Agriculture (OLALIA-KMU), president of the Lakas ng Manggagawa Nagkakaisa ng Honda Cars Phils (LMNH-OLALIA-KMU), suffered bruises on his forehead and chest; <b>J.M. Pamulaklakin</b>, 24, a resident of Los Banos, Laguna; <b>Edgardo Laresma</b>, 28, a member of the ROTOR- STARTER; <b>Jerold Rosales</b>, 26, a staff</p> |                     |

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|       |         |          |      |             | of the LEADER; <b>Riza</b> ; and <b>Janet Barrientos</b> , 44, member of the Gabriela Women's Party (GWP-ST), sustained bruises and a swollen left arm.  |                     |
| 174.  |         | 21/11/08 | JUA  | TOR,<br>VAW | <p><b>P. I.</b> has three children. A fourth child, her eldest daughter <b>E.</b>, died on 16 July 1994, when she was 18 months old, as a result of profuse bleeding arising from the forcible perpetration of female genital mutilation (FGM) on her. <b>P.</b>'s husband's family had insisted on carrying out FGM on <b>E.</b> On at least three occasions, members of the extended family tried to kidnap the two remaining girls, <b>N.</b>, and <b>J.</b> On the last occasion, Mrs. <b>I.</b>'s husband was injured when he struggled with relatives to prevent them from taking her children. It was after this incident that Mrs. <b>I.</b> and her husband decided that she and the children should leave Nigeria for their safety. As a result, <b>P. I.</b>, together with her two daughters, claimed asylum in Ireland in January 2005 on the basis that she feared for the safety of her two younger daughters.</p> <p><b>P. I.</b>'s application for asylum was rejected by both the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal. Deportation orders were issued for her and her two daughters in November 2005. Upon her arrest for deportation, a solicitor brought an application for judicial review in the high court, challenging the Minister for Justice's refusal to allow Mrs. <b>I.</b> to remain in Ireland on humanitarian grounds.</p> |                     |

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|       |         |      |      |         | <p>These proceedings were concluded on 30 January 2008, resulting in a refusal to accept P.'s application for judicial review.</p> <p>Mrs. I. then applied for subsidiary protection, which was refused by the Minister for Justice. This refusal was again challenged for judicial review, which was granted on 19 March 2008. An injunction on their deportation orders was also placed until 12 November 2008, pending a full hearing of her judicial review. The case was due to be heard in the high court on 6 November 2008. As a case with similar points of law was recently decided in the high court and appealed to the Supreme Court, it was agreed that P.'s case should await the outcome of the Supreme Court decision. However, at the time of writing P. had still not been given a definite date for the judicial review and the State has explicitly refused to agree to extend the stay on their deportation orders until the hearing. In light of this, an application was made to the European Court of Human Rights under Article 34 to review the case of Mrs. I. The Court has apparently agreed to hear the case.</p> <p>It is alleged that the case was never subject to effective judicial scrutiny and that at no point in the appeal or judicial review of the asylum decision was a fresh or comprehensive review of the facts undertaken. Mrs. I. and her two daughters are facing deportation back to Nigeria.</p> |                     |

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| 175.  | Republic of Korea | 28/07/08 | JAL  | FRDX;<br>HRD;<br>IJL;<br>TOR | Ongoing candlelit protests and the following human rights defenders and lawyers: Ms. <b>Jae-Jung Lee</b> , Ms. <b>Young-Gu Kang</b> , Mr. <b>Joon-Hyeong</b> , Ms. <b>Jae-Jeong Lee</b> and Mr. <b>Gwang-Joong Kim</b> , members of <i>Lawyers for a Democratic Society (MINBYUN)</i> ; Mr. <b>Jin-Geol Ahn</b> , member of <i>People's Solidarity for Participatory Democracy</i> and team manager with the <i>People's Association for Measures against Mad Cow Disease</i> (an organization made up of 1700 south Korean NGO's); Ms. <b>Hee Sook Yoon</b> , Vice-Chairperson of the <i>Korea Youth Movement Council</i> and Ms. <b>Nae Rae Lee</b> , a 21 year old student. In May 2008, candlelit vigils began against the Government's decision to resume US beef imports, amid public concerns related to health and food-safety. Since they began, the protests have taken place every night in major cities across South Korea. The protest movement, which started as a way of demanding that beef imports from the United States to the Republic of South Korea be re-negotiated, has since become a stage for a broad range of political grievances, from high fuel prices to health care privatization and the cost of education. Since 4 May, over 1,000 protesters have reportedly been arrested and there have been numerous complaints related to the excessive use of force by riot police and violations of the right to assemble during the candlelight vigil. Reports claim that on 31 May and 1 June, police used fire extinguishers and water cannons fired at close range against largely | By letter dated 15/10/08, the Government indicated that the four NGOs mentioned in the letter alleged that the Government restricted their right to freedom of opinion and expression and to freedom of assembly and demonstration during the candlelight demonstrations. Their allegations are based on incorrect and misleading facts. The Government protects the right to freedom of opinion and expression and the right to freedom of lawful and peaceful assembly and demonstration. In order to protect public order and the rights of other citizens, however, a minimum of measures against unlawful violent demonstrations as well as abusive exercise of the right to freedom of opinion and expression are necessary in accordance with international human rights laws and domestic laws. Articles 19 (3) and 22 of the International Covenant on Civil and Political Rights prescribe that the exercise of rights may be subject to certain restriction for respect of the rights or reputation of others and for the protection of public order. |

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|       |         |      |      |         | <p>peaceful demonstrators, causing serious injuries such as blindness, broken bones and concussions. On 17 July 2008, riot police reportedly dispersed thousands of citizens who were participating in candlelit protests, with water canons containing florescent material, apparently to identify protesters for arrest. Furthermore, in the morning of 26 June 2008, Mr. Joon-Hyeong Lee was monitoring one of the protests on behalf of MINBYUN's Human Rights Infringement Monitoring Team in Seoul. At the time, Mr. Lee was reportedly wearing a jacket which clearly indicated that he was attending the protest in his capacity as a monitor. At approximately 1 a.m., police officers purportedly attempted to disperse the crowd with water canons and a short time later used their shields to force an end to the protest. One of the police officers reportedly struck Mr. Lee on the head with his shield, causing him to fall to the ground unconscious. Mr. Lee was transferred to Seoul National University Hospital, where he was treated for a fractured skull and internal bleeding. In the evening of 25 June 2008, Ms. Jae-Jung Lee and Ms. Young-Gu Kang were involved in monitoring one of the candlelit protests, when they intercepted police reportedly arresting individuals who had failed to comply with demands to disperse. Ms. Lee and Ms. Kang were subsequently arrested by the police and taken to Ganbug Police Station in Seoul, where they were detained for 24 hours. Earlier the same day, at</p> |                     |

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|       |         |      |      |         | <p>approximately 4 p.m. Mr. Jin Geol Ahn and Ms. Hee Sook Yun were arrested for allegedly “obstructing police in the course of duty”. At the time, Mr. Jin Geol Ahn and Ms. Hee Sook Yun were participating in a demonstration outside Kyong-bok Palace in Seoul, when police reportedly began to arrest protesters on the spot. When Mr. Jin Geol Ahn attempted to prevent the arrest of a minor, a number of police officers reportedly seized him from behind, while one of them forced him to the ground by the neck. Mr. Geol Ahn reportedly suffered bruising as a result of the incident and was taken to Jong-ro police Station along with 30 others. According to reports, MINBYUN lawyers Ms. Jae-Jeong Lee and Mr. Gwang-Joong Kim were arrested on 1 June 2008 and detained for 6 hours by police officers. Mr. Kim’s arm was reportedly twisted during the interrogation, while Ms. Lee was apparently struck in the chest with a shield. On the same day, Ms. Na Rae Lee, who was participating in a candlelit protest, fell in front of a police convoy vehicle. A riot police officer who was close to Ms. Lee at the time reportedly began to kick Ms. Lee in the head while she was still on the ground. Ms. Lee managed to seek temporary cover under the vehicle, but was forced to roll out again because of the engine. She was reportedly treated for concussion in the local hospital. The assault on Ms. Lee was captured on video and has been aired on Munhwa Broadcasting Corporation (MBC), one of South Korea’s main TV stations.</p> |                     |

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| 176.  | Russian Federation | 17/12/07 | JUA  | RINT;<br>TOR | <b>Mukhammadsolikh Abutov</b> , aged 38, an Uzbek national from Karakalpakstan and former Islamic teacher, residing in Krasnogorsk since February 2007. On 13 June 2007, he received a call from an unknown Uzbek who wanted to meet him. When he left the house, four men in civilian clothes, who were members of the National Security Service of Uzbekistan, were waiting for him on the street. They forcibly took him to the Krasnogorsk Department of the Ministry of Internal Affairs for the purpose of processing his return to Uzbekistan. However, the Uzbek officers had no arrest warrant for Mr. Abutov and he was not listed on any international arrest warrants. The Uzbek officers quickly produced an Uzbek arrest warrant, dated 26 February 2007, in connection with setting up a religious extremist organization, and on 26 June 2007, the City Court of Krasnogorsk ruled that Mr. Abutov should be detained for the purpose of his extradition to Uzbekistan. Mr. Abutov's lawyer appealed, but the appeal court dismissed his complaint. On 27 June 2007, Abutov was transferred to the 50/10 probationary ward in Mozjaisk. Mr. Abutov remains in an overcrowded cell. He has chronic liver disease but has only been seen by a doctor once, in July, following several requests. He has asked for further medical attention but to no avail. At the end of June 2007, Mr. Abutov sent an asylum application requesting to be recognized as a refugee on the territory of the Russian Federation to the department of the Moscow | By letter dated 28/02/08, the Government informed that Mr. Mukhammadsolikh Matyakubovich Abutov, a national of the Republic of Uzbekistan, was detained by law enforcement agents on 13 June 2007 on the basis of article 61 of the Commonwealth of Independent States (CIS) Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Matters, of 22 January 1993 ("the Minsk Convention") and conveyed to the headquarters of the Ministry for Internal Affairs for Krasnogorsk municipal district, Moscow region. The inquiry about Mr. Abutov's detention is based on a decision issued on 26 February 2007 in relation to Criminal Case No. 197-07 by the Public Prosecutor of the Surkhandarya region of the Republic of Uzbekistan, stating that he was under international investigation and should be held in custody under a pretrial restraining order. Mr. Abutov is accused of having committed crimes against the constitutional order of the Republic, production or dissemination of material constituting a threat to public security and public order, and establishment, leadership or membership of religious extremist, fundamentalist or other prohibited organizations. On 13 June 2007, Mr. Abutov was taken into police custody at the Krasnogorsk headquarters of the Ministry for Internal Affairs on the basis of an investigation |

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|       |         |      |      |         | <p>regional department of the Federal Migration Service. In September 2007, a representative of the Migration service visited him for an interview. Currently, the Moscow Regional department of the Migration Department is reportedly considering his asylum application on its merits. At present, the extradition case is under consideration by the office of the General Prosecutor of the Russian Federation. In July 1996, Mr. Abutov had been sentenced to seven years in prison on charges of deliberate destruction and damage to property, for burning down the home of the imam of the Turtkul mosque. In detention he was subject to regular beatings by the guards and some of the prisoners working for them. He was put in solitary confinement for long periods. In winter he was subjected to extreme cold, and he was not given enough to eat. His access to toilets was restricted, his sleeping quarters were overcrowded, he had to perform hard labour, which included carrying very heavy loads, and he was subjected to regular punishment for following his religious rituals (i.e. sleep deprivation, mocking of his religious convictions, placed with persons seriously ill with tuberculosis). The overall conditions of imprisonment led him to attempt suicide twice. In 2000 his term of imprisonment was extended by three years for “contemptuous violation of the prison regime”. In total he spent eight and a half years in prison. In May 2004, Mr. Abutov was released and he regularly went to Kazakhstan for</p> | <p>order under Case No. 1488 of 15 May 2007. Before being placed in custody, he was examined by a doctor from Krasnogorsk City Hospital No. 1. No physical injuries of any kind were found and no urgent medical attention was required. On 14 June 2007, Mr. Abutov complained of pain in the lumbar region and also informed the management of the detention unit that he would refuse food, on the grounds that his detention was unlawful. The same day, Mr. Abutov was examined by the police medical officer. As a result of the examination, symptomatic anti-inflammatory treatment was carried out to deal with chronic pyelonephritis. X-rays conducted on 18 June 2007 revealed no pathological change. Medical staff concluded that Mr. Abutov’s state of health was currently satisfactory and he did not require medical assistance. The management of the detention unit and a representative of the Krasnogorsk public prosecutor’s office held discussions with Mr. Abutov, in which it was established that there were no grounds for his planned hunger strike. The detained man therefore abandoned his hunger strike and, from 14 June 2007, received the regulatory three meals a day. For the whole period of his detention, Mr. Abutov was not held in solitary confinement, his cell measured 4 square metres as required by the regulations, and no physical force was used against him. In the</p> |

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|       |         |      |      |         | work. His family was frequently harassed by plain-clothed officers asking for his whereabouts during his absences, and fearing that he would be sent back to prison, he decided to flee to the Russian Federation. | course of the daily checks of the detention unit carried out by staff of the Krasnogorsk municipal public prosecutor's office, no complaints about the conditions or actions of police officers were received from Mr. Abutov. On 14 June 2007, Mr. Abutov was questioned by the Krasnogorsk First Deputy Public Prosecutor, who, on 15 June 2007, concluded that, in accordance with the Minsk Convention and the legislation of the Russian Federation, Mr. Abutov should be handed over to the law enforcement agencies of the Republic of Uzbekistan. On 25 June 2007, the Krasnogorsk public prosecutor's office issued a decision that an application should be made to the courts so that Mr. Abutov should be held in custody under a pretrial restraining order. On 26 June 2007, Judge E.V. Isaeva of the Krasnogorsk municipal court ordered Mr. Abutov to be held in custody in pretrial detention. On 2 July 2007, Mr. Abutov was transferred to Federal State Pretrial Detention Centre 50/10 of the federal headquarters of the Russian Federal Corrections Service for the Moscow region. On 29 June 2007, the Moscow region public prosecutor's office received representations from Mr. Abutov's lawyer requesting an investigation into the lawfulness of the actions of the staff of the headquarters of the Ministry for Internal Affairs for the Krasnogorsk municipal district, |

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|       |         |          |      |              |  | <p>Moscow region. An official investigation established that the activities of the police officers were lawful; no breaches of the law were found. On 12 September 2007, the Moscow regional department of the Russian Federal Migration Service received an application from Mr. Abutov to be recognized as a refugee on the territory of the Russian Federation, on the grounds that he feared political and religious persecution in the Republic of Uzbekistan. On 31 January 2008, the Migration Service decided to refuse Mr. Abutov's recognition as a refugee, on the grounds that he did not meet the criteria established in the definition of a refugee. Notification of the decision was sent to Mr. Abutov on 31 January 2008, together with an explanation of the appeal procedure. Mr. Abutov has the right to appeal against the decision of the Migration Service. Under article 10 of the Federal Refugees Act, this currently precludes the possibility of him being returned against his will to the territory of his State of nationality.</p> |
| 177.  |         | 25/01/08 | JUA  | HLTH;<br>TOR | <p><b>Vasily Aleksanyan</b>, aged 36. On 5 April 2006, he was arrested and is currently held at the investigation isolator (SIZO) of Matrosskaïa Tichina in Moscow. He is suffering from HIV/AIDS, for which prison doctors prescribed urgent therapy and medication 14 months ago, but he has not received any treatment to date. When he was transferred to a prison hospital in</p> | <p>By letter dated 12/03/08, the Government informed that in accordance with the Federal legislation in force and the instructions of the Procurator General of the Russian Federation, the procuratorial authorities systematically monitor the lawfulness of the custody of persons suspected of or charged with offences. Several such checks have been conducted in</p>   |

| Para. | Country | Date | Type | Mandate | Allegations transmitted   | Government response   |
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|       |         |      |      |         | <p>November 2007, he contracted tuberculosis. As a result of his illness and the lack of treatment, he has become almost blind. Repeated requests by the European Court of Human Rights to transfer Mr. Aleksanyan to a clinic where proper treatment could be administered have been ignored and he remains at the detention facility.</p> | <p>respect of Mr. Aleksanyan, including at the request of the European Court of Human Rights, the Russian Human Rights Commissioner, as well as in response to articles in the press. As a result of these checks, it was established that Mr. Aleksanyan is charged with offences under article 160, paragraphs 3 (a) and 3 (b), article 174, paragraph 3, and article 198, paragraph 2, of the Criminal Code of the Russian Federation. On 7 April 2006, the Basmany district court in Moscow decided to apply the preventive measure of remand in custody. From 7 April 2006 to 26 October 2007, he was held in the Federal Penal Correction Service's remand centre IZ-99/1. According to information provided by the Federal Penal Correction Service, on 7 April 2006, he underwent a routine preliminary medical examination but categorically refused to submit to blood tests. Mr. Aleksanyan was placed under clinical observation in the medical wing of facility IZ-99/1, since he was suffering from a number of chronic diseases. In accordance with the therapeutic standards for such diseases, on 15 September 2006, following diagnosis, he was prescribed treatment, which he refused, as is noted in his medical records. The reports that Mr. Aleksanyan contracted tuberculosis while in the remand centre's hospital are unfounded. According to information provided by the</p> |

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|       |         |      |      |         |                         | <p>Federal Penal Correction Service, a medical examination and laboratory tests conducted by specialists showed that he was not suffering from any infectious lung disease. The allegation that, as a result of illness and the lack of essential treatment, Mr. Aleksanyan went blind is also unfounded. As stated in conclusion No. 509 of the Moscow Health Department's Forensic Medical Office, the myopia in Mr. Aleksanyan's left eye was diagnosed in childhood. The deterioration in Mr. Aleksanyan's eyesight began in 1977 and was not caused by conditions in custody. The assertion that many requests have been made by the European Court of Human Rights for Mr. Aleksanyan's transfer to a specialized clinic where he would be able to receive the appropriate medical care is also incorrect. The European Court of Human Rights applied Rule 39 of the Rules of the Court only once in respect of Application No. 46468/06. In the light of Mr. Aleksanyan's concerns about his state of health, the Court invited the Government of the Russian Federation to immediately secure the treatment of the applicant in a specialized hospital. The Court's decision was transmitted to the Federal Penal Correction Service on 30 November 2007. However, owing to the deterioration of Mr. Aleksanyan's health, on 26 October 2007, his treating physicians had decided that he should be transferred for inpatient treatment to</p> |

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|       |         |      |      |         |                         | <p>the infectious diseases unit at remand centre No. 1 (IZ-77/1) of the Federal Penal Correction Service's department for Moscow, which has the clearance and the conditions and facilities necessary for the inpatient treatment of persons suffering from such illnesses. Mr. Aleksanyan continued to refuse the therapy prescribed by the specialists of the infectious diseases unit at facility IZ-77/1. Pursuant to the Russian Legislation on Public Health No. 5487-1 of 22 July 1993, citizens or their legal representatives have the right to refuse medical intervention or request that it be discontinued. Specialists from the State health-care system have held a total of nine consultations and panel meetings. The most recent panel meeting, involving specialists from the Moscow Health Department, took place on 20 December 2007; Mr. Aleksanyan consented to undergo laboratory and instrumental tests, and recommendations for further tests were made. The panel of specialists noted that Mr. Aleksanyan continued to refuse the recommended medication. While being held in facility IZ-77/1, Mr. Aleksanyan submitted three applications through the facility's administration: a request to the Investigative Committee of the Russian Federation Procurator's Office to provide a copy of the Moscow municipal court's decision of 15 November 2007; a cassational appeal to the</p> |

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|       |         |      |      |         |                         | <p>Supreme Court of the Russian Federation against the Moscow municipal court's decision of 15 November 2007; and a cassational appeal to the Moscow municipal court against the Basmanny district court's decision of 19 December 2008. On 23 January 2008, the criminal case against Mr. Aleksanyan was referred to the Simonov district court in Moscow. On 24 January 2008, the court decided to schedule a pretrial hearing for 30 January 2008; at the same time, it sent a letter to Mr. F.G. Tagiev, the director of facility IZ-77/1, enquiring about Mr. Aleksanyan's state of health and his fitness to participate in judicial proceedings. On 28 January 2008, the court received a reply signed by the director of facility IZ-77/1, stating that Mr. Aleksanyan was undergoing medical tests, was suffering from a number of illnesses and, consequently, had been in the infectious diseases unit since 26 October 2006; he had been diagnosed with HIV infection and had a fever of unknown origin. From the time of his admission until 20 December 2007, he had refused to undergo any medical examination or test in the infectious diseases unit. In Mr. Tagiev's opinion, the question of Mr. Aleksanyan's fitness to participate in proceedings must be decided following a preliminary medical examination on the day of the hearing. On 30 January 2008, the Office of the Procurator-General of the</p> |

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|       |         |      |      |         |                         | <p>Russian Federation carried out a check of the conditions in which Mr. Aleksanyan was being held in the general hospital at remand centre No. 1 in Moscow. It was found that he was in a private room measuring 17 m2, which meets all international standards and regulations. The room had a television, fridge and all the necessary facilities, including a shower with hot and cold water. The room temperature was in line with the relevant standards and regulations. No violations of the legislation governing conditions for the custody of persons suspected of or charged with offences were found. As part of the check carried out on 30 January 2008, Mr. Aleksanyan was examined by medical staff who declared him fit to participate in judicial proceedings. At the pretrial hearing, held on 30 January 2008 with the participation of a procurator from the Office for the conduct of prosecutions of the Central Department responsible for the participation of procurators in the hearing of criminal cases attached to the Office of the Procurator-General of the Russian Federation, the defence counsel and the defendant himself, the court was provided with a medical certificate issued by the duty doctor at facility IZ-77/1 on 30 January 2008, which described Mr. Aleksanyan as fit enough to participate in the proceedings. At the pretrial hearing, the defence counsel requested the modification of the preventive measure</p> |

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|       |         |      |      |         |                         | <p>imposed against Mr. Aleksanyan and the suspension of the criminal case on the ground that he was seriously ill; however, no medical documentation was submitted to the court by the defence. When Mr. Aleksanyan complained of a deterioration in his health in the course of the pretrial hearing, the court called the ambulance service. Following the examination of the defendant by Mr. A.V. Kabanov, the ambulance doctor, recommended that the hearing not continue, the court declared an adjournment until 31 January 2008. On 31 January 2008, when Mr. Aleksanyan was brought to court, medical certificates were produced, issued by the duty doctor and physician at facility IZ-77/1, and describing Mr. Aleksanyan as fit enough to participate in the proceedings. On 31 January 2008, the court withdrew to prepare its decision on the outcome of the pretrial hearing and to rule on the requests made by the defence. On 1 February 2008, when Mr. Aleksanyan was brought to court, a medical certificate was produced stating that he was fit to participate in the proceedings. The court handed down its decision on the outcome of the pretrial hearing, scheduling a further hearing for 5 February 2008. On the same day, following Mr. Aleksanyan's announcement that he was suffering from cancer, the court sent a letter to the director of facility IZ-77/1, requesting him to confirm the</p> |

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|       |         |      |      |         |                         | <p>above diagnosis. On 4 February 2008, Mr. Aleksanyan was transferred to a specialized health institution, the Botkin Municipal Hospital, for tests and consultations with specialists. According to information provided by the Federal Penal Correction Service, a panel of specialists comprising the director of the Municipal Haematology Centre and a candidate of medical sciences, drew the following conclusion: "On the basis of Mr. Aleksanyan's clinical profile and the histological and immunohistochemical results of a lymph node biopsy, a diagnosis of stage 3B T-cell lymphoma associated with HIV infection has been established. Polychemotherapy in combination with anti retroviral therapy as an inpatient in a haematology unit is indicated." On the same day, a joint consultation took place with the Deputy Director of the Federal Aids Prevention Centre and the Director of the Centre for the Treatment of Tuberculosis in HIV-Infected Persons, who drew the following conclusions: "Treatment for T-cell lymphoma must be prescribed by a haematologist. A programme of anti retroviral therapy will be drawn up after the results of laboratory tests have been received and cytostatic therapy has been prescribed, for which a further consultation will be carried out by an infectious diseases specialist." This information was transmitted to the</p> |

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|       |         |      |      |         |                         | <p>Simonov district court in the southern administrative area of Moscow. The hearing was held on 5 February 2008 with the participation of a procurator from the Office for the conduct of prosecutions of the Central Department responsible for the participation of procurators in the hearing of criminal cases attached to the Office of the Procurator-General of the Russian Federation, the defendant, his defence counsel and the aggrieved parties. When Mr. Aleksanyan was brought to court, a medical certificate was produced, issued the same day by a doctor at facility IZ-77/1 and describing Mr. Aleksanyan as fit enough to participate in the proceedings. On 5 February 2008, at the hearing, Mr. Aleksanyan consented to the recommended treatment. In addition, his lawyers requested that the preventive measure should be modified so that he could follow the recommended course of treatment. On 6 February 2008, the court decided to suspend the criminal case until Mr. Aleksanyan had completed the recommended course of treatment. The preventive measure of remand in custody remained in place. In accordance with the court's decision of 6 February 2008 and the specialists' recommendations, on 8 February 2008, Mr. Aleksanyan was transferred to Moscow municipal clinic No. 60 for the necessary treatment and has remained there to this date. During the investigation into</p> |

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|       |         |          |      |              |  | the criminal case and his remand in custody, Mr. Aleksanyan was not subjected to any humiliating or degrading acts or to treatment that endangered his life or health. Under the circumstances, no follow-up action by the Office of the Procurator-General is warranted. In the course of the internal investigation conducted, it was established that Mr. Aleksanyan's allegations regarding the institutions and authorities of the Penal Correction System were unfounded. No disciplinary, criminal or administrative sanctions were taken against the staff of the Penal Correction Service.   |
| 178.  |         | 04/06/08 | JUA  | WGAD;<br>TOR | <b>Isa Khalitov.</b> On 27 May 2008, at approximately 10:00 p.m., Mr. Isa Khalitov was taken away by armed personnel in camouflage gear, near the village of Goragorsk in the Chechen Republic. Mr. Isa Khalitov is believed to have been detained by officers from a police department known as ORB-2, based in Grozny. His current location and reasons for arrest are not known. A criminal investigation has reportedly been opened into his disappearance. On 27 May 2008 in the morning, Mr. Isa Khalitov's father, Mr. Lechi Khalitov had been arrested by ORB-2 officials. He was released on 28 May 2008. | By letter dated 04/08/08, the Government informed that the Nadterechny district procurator's office in the Chechen Republic received a complaint by Mr. Khalitov's family concerning his unlawful detention on 27 May 2008 near the village of Goragorsk in Nadterechny District in the Chechen Republic. During the investigation conducted by the Naursk interdistrict investigative department of the investigative committee attached to the Office of the Procurator of the Russian Federation for the Chechen Republic, Mr. Khalitov stated that, on 27 May 2008, he and K. Mitaev were driving home from Cherkessk in the Karachai-Cherkes Republic. In the village of Goragorsk in Nadterechny district of the Chechen Republic, they were stopped by militia officers and were requested |

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|       |         |          |      |                      |   | <p>to proceed to the local militia office since it was suspected that they were driving a stolen car. Mr. Khalitov explained how he had acquired the car, after which the militia officers apologized and released him. Mr. Khalitov was worried that he might be summoned to appear before a law enforcement agency and, without informing his relatives, immediately left for Nalchik in a car headed in that direction. In Nalchik, he stayed with his aunt, whom he requested not to inform anyone of his whereabouts. At present, Mr. Khalitov is at home. During his entire absence, he acted and moved about of his own free will. The complainant wrote a statement in which he requested the termination of the investigation into the complaint, since he no longer had any grievances. Mr. Khalitov himself submitted a similar statement. During the investigation it was established that the family had every reason to believe Mr. Khalitov had been the victim of a crime, since no information concerning his whereabouts was available. As a result of the investigation it was established that the case did not involve an offence covered by article 126 (Abduction), paragraph 1, of the Criminal Code of the Russian Federation, since evidence of such an offence was not objectively confirmed.</p> |
| 179.  |         | 29/07/08 | JUA  | FRDX;<br>HRD;<br>TOR | <b>Zurab Tsetchoev</b> , member of the “Mashr” human rights group, an organization which provides support to relatives of people who have | A reply was received from the Government on 21/10/08, but could not be translated in time for inclusion in this report.  |

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|       |         |      |      |         | <p>suffered involuntary disappearances and ill-treatment at the hands of unidentified security servicemen in Ingushetia. On 25 July 2008, at approximately 6 a.m., several vehicles, including three “Gazelle” minibuses and three vehicles for armed troops, stopped before Mr. Zurab Tsetchoev’s house. Around 50 security officers approached the gate. When Mr. Tsetchoev opened the door, they held him at gunpoint and forced him to lay face-down on the ground. Some servicemen went into the house without showing any identification or search warrant. They searched the house, confiscated one computer and two mobile phones and drove Mr. Zurab Tsetchoev away in one of the minibuses. Subsequently, Mr. Zurab Tsetchoev was interrogated for about five hours. He was accused of sending lists containing the personal addresses of law enforcers to the website <i>Ingushetiya Ru</i>. When he denied sending these lists, he was beaten and asked to give the names of the persons who had sent them. At approximately 12.10 p.m., Mr. Zurab Tsetchoev was left on a road in Ingushetia. He was picked up by colleagues and taken to hospital where he was treated for a broken leg, as well as bruising to both of his kidneys and both of his arms. During Mr. Zurab Tsetchoev’s detention, his whereabouts were not known. The Ministry of Internal Affairs and the Prosecutor’s Office denied any knowledge about Mr. Zurab Tsetchoev’s detention or the grounds on which he had been detained.</p> |                     |

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| 180.  |         | 03/10/08                   | JUA  | WGAD;<br>TOR | <p><b>Abdumutallib Karimov</b>, Uzbek citizen, and asylum seeker. On 11 June 2008, was arrested in Yoshkar-Ola in connection with an extradition request by Uzbekistan and is currently detained in SIZO-1 of Yoshkar-Oly. On 1 August, the Mary El Department of the Federal Migration Service (FMS) rejected Mr. Karimov's motion to have his asylum request considered on its merits. He appealed against this decision to the next instance, the FMS, and has not yet received a response. However, in spite of the lack of response from the FMS and without taking into account the three month period provided by law for a judicial appeal against a negative asylum decision, Mr. Karimov learned on 25 September that the Deputy Prosecutor General had signed an extradition decision on 18 September. Mr. Karimov had witnessed the shootings in Andijan of 13 May 2005, and escaped shortly after to the Russian Federation, where he settled in Yoshkar-Ola.</p> |   |
| 181.  |         | Follow-up to earlier cases |      |              | <p><b>Oleg Orlov, Artem Vysotskii, Karen Sakhinov and Stanislav Goriachikh</b> (A/HRC/7/3/Add.1, para. 184)</p>  | <p>By letter dated 16/01/08, the Government informed that on 24 November 2007, they were abducted from the Hotel Assa in the town of Nazran by unidentified armed individuals and driven away in a white Gazel car with no registration plates. They were subsequently released near the village of Nesterovskaya. All four citizens had been assaulted by the criminals. In connection with this incident, on 24 November 2007, the Nazran unit of the investigative office of the Investigative</p> |

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|       |              |          |      |                       |   | Committee within the Office of the Procurator of the Russian Federation for the Republic of Ingushetia opened criminal case No. 200707560126 on the basis of evidence of the offenses of unlawful entry into a residence involving the use or threat of force, obstruction of the lawful professional activities of journalists through coercion to disseminate or refrain from disseminating information, and robbery committed by a group of persons by prior conspiracy and involving the use of force such as not to endanger life or health or the threat of such force. A temporary response unit of the Ministry of Internal Affairs of the Russian Federation in the Republic of Ingushetia is conducting complex inquiries with a view to identifying and apprehending the individuals involved in committing the crime. The investigation of the case is continuing under the supervision of the Ministry of Internal Affairs of the Russian Federation and the Office of the Procurator-General of the Russian Federation. |
| 182.  | Saudi Arabia | 08/01/08 | JUA  | WGAD;<br>FRDX;<br>TOR | <b>Fouad Ahmad al-Farhan</b> , owner of a small IT company, and an Internet “blogger”. On 10 December 2007, he was arrested by security agents at his office and taken to his home, which was subsequently searched. It is believed that he is held in connection with his criticism of Government policies. The Ministry of Interior acknowledged his detention on 31 December 2007, but the exact reasons for his |   |

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|       |         |          |      |                             | <p>arrest have not been specified. Mr. Fouad Ahmad al-Farhan is currently being held in incommunicado detention at Dhaban Prison in Jeddah. Prior to his arrest he was warned by an official from the Ministry of the Interior that he was at risk of being interrogated, believed to be in connection with his writings on prisoners in his web journal.</p>  |                     |
| 183.  |         | 01/04/08 | JUA  | EDU;<br>IJL;<br>MIG;<br>TOR | <p><b>Mahmoud Badr Hozbor</b>, born in Al-Ghoutah al-Sharquia in Syria and resident of Sekaka (Al-Jouf). On 3 July 2003, he was arrested by the security services (Al-Mabahit al-Aama) when he was on his way to Syria together with his wife and four children. He was ordered to stop his car, forced to get out, beaten and taken to an unknown place. He was held in solitary confinement for several months. During this period, Mr. Hozbor was repeatedly beaten on different parts of his body, suspended from his wrists, deprived of sleep and threatened with being killed. For six months after his arrest, in spite of many attempts to find out, his family had no information about his whereabouts from the Saudi authorities. They later learned that he was held at the prison of Al-Hayr, not far from Riyadh. One night, Mr. Hozbor was taken out of his cell and taken to an office where several persons were present for what appeared to be a trial. One of them, to whom he mentioned that he had been ill-treated, told him to shut up and said that he would merit hanging. This person, presumably the judge, sentenced him to 18 months' imprisonment. After</p> |                     |

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|       |         |          |      |         | sentencing, he was transferred to the detention centre in Al-Jouf. No one has been able to visit Mr. Hozbor. He has not had access to any lawyer. Despite the fact that his prison term ended on 3 January 2005, Mr. Hozbor has not been released. It is reported that he was again transferred to another unknown location. Since Mr. Hozbor's arrest, his four children have not been allowed to attend school, and the family has been deprived of access to certain basic services.  |  |
| 184.  |         | 08/05/08 | JUA  | TOR     | <b>Muhammad 'Ali Abu Raziza</b> , professor of psychology at the University of Um al-Qura in Mecca, and Mr. <b>Khalid al-Zahrani</b> , a biochemistry lecturer. After a meeting with a young woman in a coffee shop, Mr. Muhammad 'Ali Abu Raziza was arrested for being alone in the company of an unrelated member of the opposite sex by officials from the Committee for the Propagation of Virtue and Prevention of Vice. On 3 March 2008, he was sentenced to eight months' imprisonment and 150 lashes by a Criminal Court in Mecca. The sentence was upheld on appeal by the Court of Cassation at the end of April. He is at imminent risk of flogging. In a separate case, in November 2007, Mr. Khalid al-Zahrani and an unnamed female academic, were sentenced to flogging and imprisonment by a court in the town of Al-Mandaq in the Al-Baha region of western Saudi Arabia for having a relationship. Mr. Khalid al-Zahrani was sentenced to 600 lashes and eight months' imprisonment, while the unnamed female academic received a | By letter dated 28/10/08, the Government informed that under the terms of Shari'a Court judgment No. 95/3 of 24/3/1429 AH (1 April 2008), which was duly ratified, Mr. Muhammad Ali Abu Raziza was sentenced to eight months' imprisonment, from which the time that he had already spent in detention was to be deducted, and 150 lashes.<br><br>The case file of Mr. Khalid al-Zahrani has been referred to the Court of Cassation. The measures taken in these two cases are fully in accordance with the provisions of the Code of Criminal Procedure. |

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|       |         |          |      |                                       | sentence of 350 lashes and a four-month prison sentence. Their cases are currently under review by the Court of Cassation.   |                     |
| 185.  |         | 27/05/08 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>IJL;<br>TOR | <b>Matrouk al-Faleh</b> , an academic and human rights defender in Saudi Arabia. He was the subject of previous correspondence (E/CN.4/2005/62/Add.1, paras 1439-1441). On 19 May 2008, officers from the secret police arrested Mr. Matrouk al-Faleh on the premises of King Saud University in Riyadh, where he teaches. Whereas his family was informed of his arrest later that same day, Mr. Matrouk al-Faleh has not been given access to a lawyer or allowed any visit since then. Mr. Matrouk al-Faleh's family has not been informed of the reasons for his detention or what the charges are, and his whereabouts are currently unknown. Two days before his arrest, on 17 May 2008, Mr. Matrouk al-Faleh had publicly criticized the harsh prison conditions in the overcrowded Buraida General Prison, where two other Saudi human rights defenders, Mr. Abdullah al-Hamid and Mr. 'Isa al-Hamid, are serving prison sentences. Mr. Abdullah al-Hamid and Mr. 'Isa al-Hamid were found guilty of "incitement to protest", charges that were brought against them after they had supported and taken part in a reportedly peaceful demonstration outside the Buraida General Prison. The demonstrators called for their relatives' rights to being promptly informed about the charges brought against them and to a fair trial to be respected or, alternatively, to release them. |                     |

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|       |         |          |      |                      | Mr. Al-Faleh's statement criticized the restrictive procedures in relation to visits, the unhygienic conditions, the overcrowding, and the bad quality of medical services in the prison. His statement was later reproduced on <a href="http://www.member-alhewar.info">http://www.member-alhewar.info</a> , a Saudi website. According to the information received, on 19 May 2008, access to this site was blocked for persons in Saudi Arabia. Mr. Matrouk al-Faleh had previously been arrested in March 2004 after calling for political reform, and was sentenced to six years' imprisonment in May 2005 on charges that included "sowing dissent and disobeying the ruler". He was released after having been granted a royal pardon by His Majesty King Abdullah on 8 August 2005. Since his release he has reportedly not been permitted to travel abroad. |  |
| 186.  |         | 22/07/08 | JUA  | FRDX;<br>IJL;<br>TOR | <b>Saleh Awad Saleh Al Hweiti</b> , aged 62, born in Riyadh, where he studied and lived, stateless and therefore without any identity documents, a poet critical of the Government, who denounced poverty and the marginalisation of « Bidune ». His poems have been published and broadcast on several saudi and international web-sites and radio programmes. Mr. Saleh Al Hweiti was arrested on 27 October 2004. For one month his whereabouts were unknown. Then it turned out that, following an allegedly unfair trial, he had been sentenced to 21 months of imprisonment for defamation of Government officials and was held in Al Alichia prison not far from Riyadh. During   | By letter dated 25/11/08, the Government responded that the competent authorities in the Kingdom of Saudi Arabia have indicated that Awad Saleh Al-Hweiti was detained on 30 April 2003 on the basis of a security related charge (relevant to terrorism activities) and subsequently released on 23 April 2007. New accusations made against him then necessitated his detention on 29 April 2007 for the purpose of questioning. Since his detention he has been treated in accordance with the judicial regulations in the Kingdom, which respect human rights and comply with the International Covenants and other conventions. |

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|       |         |          |      |              | <p>the interrogations leading to the verdict, he had repeatedly been beaten. Mr. Saleh Al Hweiti was then transferred to Al Hayr, from where he should have been released on 27 September 2005. Although his family intervened on his behalf, he was released only 18 months later, on 5 April 2007 in Tabuk. Since he has no identity documents, the secret service ordered him to stay in the city and wait for clarification of his administrative situation. Six days later he was called in by the security services who arrested him again. He was then held secretly in different prisons until 20 January 2008, when he was allowed to make a phone call from Ta'ef prison. On 1 July 2008, he was again allowed to call from a prison in Jeddah. He has not yet been brought before a judicial authority and has routinely been subjected to beatings and other forms of ill-treatment during interrogations. As a result several of his face bones are fractured.</p> |                     |
| 187.  |         | 13/08/08 | JUA  | SUMX;<br>TOR | <p><b>Ali Hassan 'Issa al-Buri, Qassim Bin Rida Bin Sulayman al Mahdi and Khalid Bin Muhammad 'Issa al-Qadih</b>, who have reportedly been sentenced to death and are at imminent risk of execution. Ali Hassan 'Issa al-Buri, Qassim Bin Rida Bin Sulayman al Mahdi and Khalid Bin Muhammad 'Issa al-Qadih, were arrested in 2004 on charges of drug smuggling. Qassim Bin Rida Bin Sulayman al Mahdi and Khalid Bin Muhammad 'Issa al-Qadih were sentenced to death, and Ali Hassan 'Issa al-Buri was sentenced to 20 years of imprisonment and</p>   |                     |

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|       |         |          |      |                              | 5,000 lashes. However, it is reported that during their interrogation they were held incommunicado and that their confessions, on which their convictions are based, were extracted under torture. In addition, allegedly, they were convicted following a trial during which they were not legally represented. The Court of Cassation reviewed the case and requested a reduction in the men's sentence. Despite this ruling the Lower Court reportedly maintained the death penalty for Qassim Bin Rida Bin Sulayman al Mahdi and Khalid Bin Muhammad 'Issa al-Qadih and increased Ali Hassan 'Issa al-Buri's sentence by sentencing him to death.   |                     |
| 188.  |         | 14/08/08 | JUA  | IJL;<br>MIG;<br>SUMX;<br>TOR | Sentences imposed against seven Filipino migrant workers found guilty of a triple murder. Three of them were sentenced to death and four to eight years' imprisonment and one thousand lashes each. <b>Edison Gonzales, Rolando Manaloto Gonzales, Eduardo Arcilla, Victoriano Alfonso, Efren Francisco Dimaun, Omar Basillo and Joel Sinamban</b> were arrested in April 2006 on charges of having murdered three other Filipino nationals. The seven men were tried by a General Court in Jeddah and sentenced in July 2007. Eduardo Arcilla, Edison Gonzales and Rolando Manaloto Gonzales were sentenced to death. Victoriano Alfonso, Efren Francisco Dimaun, Omar Basillo, and Joel Sinamban were sentenced to eight years' imprisonment and one thousand lashes each. The seven men were held incommunicado and were not given access to |                     |

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|       |         |          |      |              | lawyers until April 2008, i.e. eight months after their conviction and sentencing in first instance. Allegedly, they were also tortured during interrogation, including by being beaten on the soles of their feet, in order to force them to confess to the murders. The seven men are currently held at Briman Prison in Jeddah. It would appear that their appeals are still pending before the second instance court.   |                     |
| 189.  |         | 15/08/08 | JUA  | SUMX;<br>TOR | Sentences imposed against seven persons, including four who were children at the time of the offences, found guilty of theft, robbery and assault. Five of them were sentenced to death and two to flogging and imprisonment. <b>Sultan Bin Khalid Mahmud al-Maskati, Yusef Bin Hassan Bin Salman al-Muwallad, Qassim Bin ‘Ali Bin Ibrahim Al Nakhli, Sultan Bin Sulayman Bin Muslim al Muwallad, ‘Issa bin Muhammad ‘Umar Muhammad, Bilal Bin Muslih Bin Jabir al Muwallad and Ahmad Hamid Muhammad Sabir</b> were arrested in 2004 and charged with theft, robbery and assault. Bilal Bin Muslih Bin Jabir al-Muwallad and Ahmad Hamid Muhammad Sabir were aged 15 and 13 respectively at the time of the offences. Sultan Bin Sulayman Bin Muslim al-Muwallad and ‘Issa bin Muhammad ‘Umar Muhammad were both aged 17 when the offences were committed. ‘Issa bin Muhammad ‘Umar Muhammad and Ahmad Hamid Muhammad Sabir are citizens of Chad, the other five of the Kingdom of Saudi Arabia. Following their arrest, they were held |                     |

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|       |         |          |      |                      | incommunicado at police stations in the city of Madina. There they were allegedly beaten in an attempt to make them confess. In February 2008 the General Court in Madina sentenced Sultan Bin Khalid Mahmud al-Maskati, Yusef Bin Hassan Bin Salman al-Muwallad, Qassim Bin 'Ali Bin Ibrahim Al-Nakhli, Sultan Bin Sulayman Bin Muslim al-Muwallad and 'Issa bin Muhammad 'Umar Muhammad to death. The two youngest ones, Bilal Bin Muslih Bin Jabir al-Muwallad and Ahmad Hamid Muhammad Sabir, were sentenced to "severe flogging" and a term of imprisonment. In July 2008, the Court of Cassation in Mecca upheld the sentences. The cases are currently before the Supreme Judicial Council. Allegedly, the seven convicts and their relatives might not be informed of the outcome of review by the Supreme Judicial Council and of the date set for the execution of the sentences until the day that the executions and floggings are to be carried out. |   |
| 190.  |         | 21/08/08 | JUA  | IJL;<br>SUMX;<br>TOR | <b>Sentences imposed against three foreign nationals.</b> The three were charged with the murder of a boy who died in a fight in January 2007. Following their arrest, they were held incommunicado for approximately one and a half months. They were allegedly beaten in an attempt to make them confess. In March 2008, two of them were sentenced to death. Their trial had taken place over nine sessions, but their lawyer was allowed to attend only the last one or two, and was allegedly not allowed to challenge   | By letter dated 27/11/08, the Government informed that Jeddah police transmitted the suit of these persons to the Commission for Investigation and General Prosecution (Mecca Branch), regarding a mass quarrel resulting in the assassination of a Syrian citizen. The inquiry and the interrogations made with these persons revealed their involvement in the incident, so they were indicted on charges of intentional assassination, after beating him until he died. A charge was also raised against |

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|       |         |      |      |         | <p>the evidence brought against his clients. The Court of Cassation subsequently reviewed the case and sent it back to the General Court with recommendations to review the sentence. On 9 August 2008, the General Court rejected the recommendations of the Court of Cassation and/or sentenced the two men to death again. The case is now again before the Court of Cassation. If upheld, the death sentences would be submitted to the Supreme Judicial Council for approval. The third subject was sentenced to 200 lashes and one year's imprisonment by a Summary Court in April 2008. In his case, the Court of Cassation recommended that the case be re-tried by a General Court, which has the power to pass the death sentence against him. His case is now awaiting retrial at a General Court.</p> | <p>another man for taking part in the assault and for making improper advances to a girl, uttering vulgar and dirty words and for his complicity and incitement of the quarrel. The lawsuit was transmitted to the General Court in Jeddah in order to be examined with regard to public and private rights. A legal judgment of 4 March 2008 comprised a death sentence against two men, which was transmitted to the Court of Cassation. A legal judgment against a minor was issued, comprising of one year imprisonment and 200 lashes.</p> <p>The two adults were held incommunicado, without any violation of their rights to contact their lawyers, in the interest of the investigation, for a period not exceeding 60 days. They were not subjected to torture and their confessions and avowals were registered and checked up in the presence of their lawyer and endorsed by the General Court in Jeddah.</p> <p>The governing rules in the Kingdom of Saudi Arabia is the Sharia which prohibits torture and the extraction of any confession under torture. The Sharia proscribes harming any person held in custody either physically or morally, and forbids torture or degrading treatment.</p> <p>During the first hearing with each of the accused and before starting the interrogation, a reading of the guarantees took place, regarding</p> |

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|       |          |                            |      |         |  | their right to call upon the assistance of a lawyer. They appointed a lawyer who was present at the hearing and examined the entire procedure.   |
| 191.  |          | Follow-up to earlier cases |      |         | <b>Saad Ben Zair</b> (A/HRC/7/3/Add.1, para. 197)  | By letter dated 22/01/08, the Government informed that he was detained under the provisions of article 35 of the Code of Criminal Procedure, and in accordance with an arrest warrant issued by the competent authority, for involvement in the crime of conspiring to blow up the Abqaiq refinery. The investigating authority deemed it advisable to extend his detention, in accordance with article 114 of the same Code, and with Royal Order No. 7560/MB of 5/6/142 AH, providing for extension of the period of detention by up to one year in crimes involving terrorism and State security, in the interests of the investigation, and in the light of his association with other parties in this case. He is being well treated in conformity with the safeguards provided for in article 2 of the Code of Criminal Procedure, which prohibits torture or degrading treatment, and in accordance with his rights guaranteed by the Prison and Detention Regulations, and the International Convention against Torture. |
| 192.  | Slovakia | 04/02/08                   | AL   | TOR     | <b>Cage beds</b> are widely used in all Slovak psychiatric hospitals, and psychiatric wards of general hospitals. Depending on the institution, there are, however, large differences in the number of beds and the frequency with which | By letter dated 08/04/08 the Government replied that the Slovak Republic considers torture and other cruel, inhuman or degrading treatment or punishment one of the most serious violations of human rights and  |

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|       |         |      |      |         | <p>they are used. The ones which use cage beds most often are: Pezinok (Bratislava region), the University Hospital (Miczkieviczova Street, Bratislava), Ružinov (Bratislava), Sokolovce (Trnava region) and Hronovce (Nitra region). The use of physical restraints in psychiatric institutions is governed by guidelines prepared by the Health Ministry in April 2004. The guidelines do not constitute a legal act and provide no enforceable rights to victims. They also do not require specific registers of restraint use, independent monitoring, or any other method of supervision. These guidelines allow the use of cage beds “as a measure of protection for acute patients, mostly adults and elderly in deliria”, and also “for the agitated states of patients with mental retardation”. Further, the guidelines require that a doctor order the use of the beds “if the pharmacotherapy is not effective or has little effect.” The guidelines do not specify what is meant by the “necessary time” for which cage beds can be used. Moreover, deviation from these guidelines appears to occur frequently. The use of cage beds during the night is still frequent. They are often used to confine even non-violent patients. Some patients are forced to stay in a cage bed for up to 3-4 weeks.</p> | <p>fundamental freedoms and takes all necessary steps in terms of prevention. The Slovak legislation distinguishes between the terms “cage bed” and “net bed”. The use of cage-beds as means of restraint in healthcare facilities is prohibited. Based on a 2005 recommendation of the Committee for the Prevention of Torture of the Council of Europe (CPT), the Ministry of Health issued methodological guidelines for all relevant healthcare facilities outlining the criteria for indication and use of means of restraint in medical facilities and specifying the record-keeping requirements. The means of restraint, which can be used in healthcare facilities, are net-beds, belts and isolation rooms. These guidelines stipulate that the means of restraint may only be used in case of immediate danger to the life or health of the patient or his/her surroundings due to the patient’s agitation or aggressiveness that cannot be controlled by other means. The attending physician is obliged to record the use of the means of restraint, specifying the date, type of restraint, its reason, duration, and the checks on the patient’s vital functions and overall condition by a nurse. The nurse also keeps a record on restraints in a nursing file. The commencement and the termination of restraint, its type, and the data on the patient’s condition are recorded. The use of the means of restraint must be recorded in a special</p> |

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|       |         |      |      |         |                         | <p>logbook kept at each nursing station. Each entry must include: the serial number in the year concerned, the patient's name and surname, the number of the patient's file, the date and time of restraint (from-to), the type of the means of restraint used, the physician's and nurse's names and surnames, and the signature of the nurse who made the entry. The logbook shall be produced upon request for control purposes - to a superior, to the head of the internal control unit, or to an official performing an inspection under a mandate from the Ministry of Health of the Slovak Republic.</p> <p>Information concerning social services homes under the competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic is added as well. Based on the finding of the CPT, a new Section 18a was inserted into amended Act n. 195/1998 Coll. on Social Assistance, reading as follows: "No physical or other means of restraint may be used when providing care in social services homes to persons with mental or behavioural disorders, not even at an acute stage of the disorder." Under Section 69 a) of the Social Assistance Act, the state performs supervision over the provision of social services, in particular as regards the respect for fundamental human rights of citizens in the provision of social services in the</p> |

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|       |         |          |      |         |   | establishments run by the Ministry of Labour, Social Affairs and Family of the Slovak Republic. Since no complaints about the use of net beds have been filed, no investigation has been carried out on the use of net-beds in healthcare establishments of the Slovak Republic. Notwithstanding, any involuntary hospitalization in a psychiatric establishment (which is most often connected with placement in a protective net-bed) is subject to a specific examination by an independent judge of the competent district court within five working days. Pursuant to Section 18 of Act 153/2001 Coll. on Prosecution as amended, the competent prosecutor makes quarterly inspections of these hospitalizations and oversees the legality of the treatment of patients at psychiatric departments. The prosecutor produces a written report on the results of the inspection for the management of the establishment. |
| 193.  | Somalia | 29/04/08 | UA   | TOR     | <b>About 40 youths detained at an Ethiopian military camp</b> in north Mogadishu. On 19 April 2008, Ethiopian forces raided Al-Hidya mosque in Mogadishu, seizing over 40 students, all under 18, who were undertaking religious studies at the mosque. The minors were then transferred to an Ethiopian military camp in north Mogadishu. Whereas some of the minors have been released, Ethiopian soldiers have indicated that they would release the others once they had been investigated and if they were not terrorists. |   |

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| 194.  |         | 06/11/08 | JAL  | SOM;<br>SUMX;<br>TOR;<br>VAW | <p>Ms. <b>Aisha Ibrahim Dhuhulow</b> was found guilty of adultery, an act considered against Islamic law, by the Kismayo Sharia court, and sentenced to death by stoning.</p> <p>On 27 October 2008, on one of the main squares of Kismayo, she had her hands and feet tied together, was then buried up to her neck and stoned to death by around 50 men, while thousands of persons watched. She was pulled out three times to see whether she was dead. When a relative and others ran towards her, guards opened fire, killing a child. Since then, Islamist leaders have promised to punish the guard who had shot the child.</p> <p>Allegedly, the accusation against Ms. Aisha Ibrahim Dhuhulow of adultery was only made as she attempted to report to the al-Shahab militia controlling Kismayo that she had been raped by three men. None of the men she accused of rape were arrested.</p> |                     |
| 195.  | Spain   | 27/03/08 | UA   | TOR                          | <p><b>Murad Gasayev</b>, de nacionalidad Rusa y origen étnico Checheno, quien, de acuerdo con información recibida, se encuentra actualmente detenido en la prisión Mansilla de las Mulas en León. El Sr. Gasayev fue detenido en Agosto de 2004 en Ingushetia con relación a un ataque contra un edificio gubernamental por parte de un grupo armado de esa misma localidad sucedido en junio de 2004. Durante tres días el Sr. Gasayev fue maltratado durante el interrogatorio acerca de los ataques de Junio, posteriormente fue puesto en</p>  |                     |

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|       |           |          |      |              | <p>libertad sin que se le levantaran cargos de manera formal. Después de lo sucedido el Sr. Gasayev se refugió en España donde se encuentra actualmente a la espera de ser deportado a Rusia. El 8 de Febrero de 2008, la Audiencia Nacional sentenció que el Sr. Gasayev podrá ser deportado de una manera segura con base en las garantías diplomáticas recibidas de parte de Rusia. Rusia aseguró que el Sr. Gasayev no será sujeto a la pena capital o a la cadena perpetua sin posibilidad de libertad condicional, también aseguró que las condiciones de detención no serán inhumanas ni degradantes y que serán compatibles con el artículo 3ro de la Convención Europea de Derechos Humanos. Además Rusia garantizó que miembros del Comité de la Naciones Unidas contra la Tortura podrán visitar el Sr. Gasayev y conversar con él en privado. La decisión con respecto a la deportación del Sr. Gasayev queda ahora en manos del Consejo de Ministros, última autoridad en cuestiones de deportación.</p> |                     |
| 196.  | Sri Lanka | 09/04/08 | JUA  | WGAD;<br>TOR | <p><b>Peer Adumai Mohamed Rafeek.</b> On 20 March 2008, at around 9:30 pm, seven plain-clothes officers, one of whom later identified himself as belonging to the Headquarters of the Criminal Investigation Division (CID) in Colombo, and an eighth official wearing the uniform of the Special Task Force (STF), all armed, entered the home of Mr. Peer Adumai Mohamed Rafeek. Without providing specific reasons for his arrest, they took Mr. Rafeek in a white van to the Slave Island</p>   |                     |

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|       |         |          |      |             | Police Station for questioning. His wife was invited to come to the police station the following morning. When she arrived there on 21 March, she was told by police officers that they were unaware of the arrest of her husband or of his case. Mr. Rafeek's wife has informed the Human Rights Commission, the Presidential Commission and the C.I.D. Police Headquarters about the incident; however, Mr. Rafeek's whereabouts remain unknown. In view of Mr. Rafeek's reported incommunicado detention at an unknown place of detention, grave concerns are expressed for his physical and mental integrity.  |  |
| 197.  |         | 19/06/08 | JUA  | IJL;<br>TOR | <b>Gunasundaram Jayasundaram</b> , a dual Sri Lankan-Irish citizen, usually residing in Singapore. On 4 September 2007, he was arrested by Terrorist Investigation Division (TID) officers at the airport upon arrival from Singapore. He was arrested without a warrant and on the orders of the Secretary of Defence. Mr. Jayasundaram has been allowed access to his lawyers twice, in October and December 2007, despite numerous written requests to the authorities for access to legal counsel. The Honorary Consul of the Republic of Ireland in Colombo has been allowed to visit him once, on 14 December 2007. On 29 October 2007, a writ of habeas corpus was filed by his lawyer and four court hearings have taken place since then: on 23 January, 5 and 26 March, and 11 June 2008. No decision has yet been taken by the court, and Mr. Jayasundaram has never been presented before the court in | By letter dated 23/07/08, the Government informed that he was arrested on 5 September 2007 upon his arrival in Sri Lanka at the Colombo International Airport on suspicion of his involvement in LTTE terrorist activities. Preliminary inquiries have revealed that he was actively engaged in LTTE activities and, on the direction of the LTTE hierarchy, has acted as its representative, raised funds for the LTTE, and purchased communications equipment from foreign sources on its behalf. Because the investigations are not complete, further information pertaining to the pending investigations cannot be revealed at this stage. Mr. Jayasundaram is currently held on a Detention Order under the provisions of Regulation 19 (1) of the Emergency Regulations at Boossa Detention Camp. He is |

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|       |         |          |      |         | <p>persona. The next hearing is scheduled for 27 June 2008. No charges have been brought against Mr. Jayasundaram and no trial date has been scheduled yet. Mr. Jayasundaram has recently been transferred from the detention facilities of TID to Boossa Prison, where he spent 16 days in solitary confinement. One of his relatives was allowed to visit him on 13 June. Mr. Jayasundaram suffers from high blood pressure and has run a fever for about four days, which has caused muscle spasms, making movements in his cell difficult. He has to sleep on the floor, is not provided with any reading material, and has not been allowed to buy any food in the canteen.</p> | <p>periodically examined by a Judicial Medical Officer to review his health and visits are permitted on a regular and periodic basis to the next of kin. He was also visited by the International Committee of the Red Cross, and the representatives of the Honorary Consulate for Ireland in Sri Lanka. The right to be assisted by a lawyer of his choice at a criminal trial against him at all stages of criminal proceedings is a right guaranteed to all persons subject to criminal trials in Sri Lanka. Further, such trials can be observed by any member of the public. Inquiries are being continued to obtain requisite documentary material corresponding to the purchases and relevant to his complicity in other issues related to LTTE activities, including fundraising and procurement. The Terrorist Investigation Division of the Sri Lanka police proposes to conclude these inquiries expeditiously and seek the advice of the Attorney General to consider the possibility of criminal charges, in accordance with the law.</p> |
| 198.  |         | 19/09/08 | AL   | TOR     | <p><b>M.A. Prasantha Ruwan Kumara</b>, a 35-year-old lance corporal (S/404896) of the Sri Lanka Army, Horamula, Demuwatha, Rakwana, Ratnapura District. On 9 October 2007, around 9 p.m. he was travelling by motorcycle to a garage when he was stopped for a traffic infraction by five police officers from Rakwana Police Station. When he refused to pay a bribe to the policemen, they pulled him off his motorcycle and beat and kicked</p>   |   |

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|       |         |      |      |         | <p>him. En route to the Rakwana Police Station he was beaten again. During his detention at the police station he was denied food, water, and was unable to inform his family. Following an appearance at the Rakwana Magistrate Court he was released on bail and sought treatment at Ratnapura Hospital for his injuries.</p> <p><b>Ediriweera Arukpatabadige Sugath Rohana Jayasuriya</b>, aged 31, Polgaha Welana, Dembarawewa, Tissamaharama. On 29 December 2007, at a road-side hotel, he was slapped, struck on his head with a T-56 rifle and beaten unconscious by officers of Tissamaharama Police Station. He was taken to the hospital for treatment and returned to Tissamaharama Police Station.</p> <p><b>A. V. A. U. C.</b>, aged 16, Migahajadura, Sooriyawewa Town. On 20 January 2008, around 2.30 p.m. he presented himself at Sooriyawewa Police Station pursuant to a summons. He was taken into a room and was beaten with a wooden stick about the shoulders in order to obtain a confession relating to a theft and damage to school property. Later another officer joined in and beat and slapped him. His friends (<b>N., L. and C. M.</b>) were rounded up by the police and beaten in front of villagers with a wooden pole. On 23 January, the boys were remanded to Hambanthota Prison. The next day at the prison <b>A. V. A. U. C.</b> was beaten with hosepipes and held under a table in the guard's room. The boys were</p> |                     |

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|       |         |      |      |         | <p>released on bail on 25 January.</p> <p><b>Dodampe Gamage Asantha Aravinda</b> and <b>K.J. Thusara Chaminda</b>. On 28 February in the vicinity of Pitabaddara, were involved in an accident with a truck as they were riding on their motorcycle. The truck driver together with officers of Pitabaddara Police Station beat the men. The truck driver threw acid in Mr. Aravinda's face resulting in blindness in his left eye. They were taken to Pitabaddara Police Station where they continued to be beaten by officers and the truck driver, and alcohol was poured on Mr. Aravinda's acid burns. The two men were treated at Matara Hospital, and Mr. Aravinda also received treatment at the Colombo Eye Hospital.</p> <p><b>Milton Alovicious Basil Perera</b>, Albert Mawatha, Thudella, Ja-ela. On 6 March 2008, he was arrested and taken to Kandana Police Station. While recording a statement, an officer struck him over his right eye and his face. He was told not to file a complaint and released upon the arrival of the Officer-in-Charge. Mr. Perera was treated at Ragama Hospital for his injuries.</p> <p><b>Nanda Kumar</b>, a 32-year-old security guard, and his brother <b>Ramesh Kumar</b>, a 28-year-old three-wheeler driver, Wijesirigama, Digana, Rajawella. On 17 April 2008, Nanda Kumar was arrested by officers of Kandy Police Station. At the station, he was stripped naked and beaten while suspended upside-down by about five</p> |                     |

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|       |         |      |      |         | <p>officers. On 19 April, Ramesh Kumar was arrested. In detention, eight officers stripped him naked, and beat him on the soles of his feet as well as his ears with an iron bar. The officers further humiliated him by fondling his genitals.</p> <p><b>Malik Roshan Wijyaratne</b>, aged 22, Ihalagama-Kakirawa. On 2 May 2008, at around 3 p.m. he appeared at Kekirawa Police Station pursuant to a summons. He was slapped by a sub-inspector (SI) and questioned about a theft. The SI and a sergeant took him to a room inside the station where his hands and legs were tied using his shirt. A pole was inserted between his bound hands and legs and the pole was suspended between two chairs. In this position the officers beat the soles of his feet, as well as his body. He fell to the floor when his bindings loosened and he lost consciousness. Petrol was poured on his face to revive him. The officers forced him to jump, and run around the room as they struck him with his own belt. The officers forced Mr. Wijayartane to sign a statement. He was released around 4.30 p.m., and later sought treatment for his injuries at Dambulla Hospital.</p> <p><b>Solomons Caspas Poul</b>, aged 33, Ambakotte, Kengalle, Kandy. On 31 May 2008, he was arrested by officers of Nawalapitiya Police Station and beaten with batons. On 1 June, he was transferred to Theldeniya Police Station. On 3 June, about six officers tied his legs and suspended him from a ceiling. For about two</p> |                     |

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|       |         |      |      |         | <p>hours he was beaten all over his body, including the soles of his feet.</p> <p><b>Shanthigara Suresh Kumar</b>, a 29-year-old teacher at Trinity College Kandy. On 11 March 2008, around 2.30 p.m. he presented himself at Kandy Police Station pursuant to a police request. He was arrested and placed in a police cell. During interrogations on 30 and 31 March he was stripped naked, hung from the ceiling and was beaten by six officers. He was also kicked, burned with cigarette butts on his head, subjected to chili smoke and electric shocks. He was told to implicate the school principal in terrorist activities and to commit suicide. On 31 March he was remanded to Bogambara Prison and was released on bail on 18 July.</p> <p><b>Sarath Kumar Naidos</b>, a 38-year-old construction worker, Moragodawatee, Kaspave, Piliyandale. On 5 July 2008, he was arrested and taken to Moratuwa Police Station on suspicion of theft. Repeatedly until 13 July, he was beaten by an officer named Damith in order to demand the whereabouts of missing property.</p> <p><b>Channa Duminda</b>, a three-wheeler driver. On 23 July 2008, in the late morning, as he was travelling towards the Main Road, he was confronted by a sub-inspector and officer of Ja-Ela Police Station. He was ordered to get out of the three-wheeler and was struck on the legs by an iron bar. As he fell to the ground he was beaten</p> |                     |

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|       |         |          |      |         | on the hips and knees. Other police officers joined in the beating. He was taken away to Ekala Industrial Zone where he was beaten again in front of witnesses, including his family, near Lordstar Industries, Gallawatta. He was later taken to Ja-Ela Police Station, where he continued to be beaten. He received treatment at Ragama Hospital for his injuries. On 24 July, Mr. Duminda was remanded into custody until 30 July and ordered to be held under medical supervision at the prison hospital.   |                     |
| 199.  |         | 23/09/08 | AL   | TOR     | <p><b>H. T. N.</b>, an 11-year-old student of St. Lukes Maha Viduhala, Ratnapura. On 6 May 2008, he was beaten by a teacher upon returning to class from the toilet. The teacher who is known for beating his students with a wooden pole, beat the boy on the back with the pole, as well as his palms when he tried to defend himself. The teacher took a bottle of ointment and instructed another student to apply it to his palms. H. T. N. was later treated at Ratnapura Hospital by his family. This was the second occasion where he was beaten by the same teacher. Despite a complaint filed at Ratnapura Police Station on 9 May 2008, no action has been taken.</p> <p><b>D. K. A.</b>, a 13-year-old student of Ambalanthota Maha Viduhala. On 13 February 2008, on the way to his classroom, he was repeatedly struck on the head with a cane by the school principal. Later when he returned home he complained to his mother of a headache and fainted. He was taken</p> |                     |

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|       |         |          |      |              | to Ambalanthota General Hospital where he received medical treatment for four days. A complaint by his mother to the principal was dismissed by him, and she subsequently filed a complaint at Ambalanthota Police. The police originally tried to persuade the family to drop the complaint. Later inquiries carried out by them have led nowhere. When the boy returned to the school, the principal instructed the other children to ignore him or otherwise face beatings themselves. The family has faced harassment by the principal and his associates.  |                     |
| 200.  |         | 30/10/08 | JAL  | SUMX;<br>TOR | <p>Mr. <b>Seynool Miswar</b> died in Negombo prison on 3 July 2008 shortly after 4 p.m. Around 3 p.m. on that day, Seynool Miswar had told his brother, Mr. Seynool Arbdeen Seynool Aswar, who was visiting him in prison, that prison officers had threatened to assault him unless he paid Rs. 25,000 (approximately USD 232). An hour later, Seynool Miswar was seen holding his chest and abdomen in pain and told another prison, Mr. Seyedu Mohmad Ubeyda, that he had been assaulted by three prison guards. Soon thereafter, Seynool Miswar fell dead on the floor.</p> <p>In the subsequent investigation, <b>Abhu Ubeyda</b> testified to officers from the Crime Section of the Negombo Police Station. Two prison guards were taken into remand custody. Back in Negombo prison after he made his statement to the police, Abhu Ubeyda was approached by two inmates who pretended to hit him and pushed him to the</p> |                     |

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|       |         |      |      |         | <p>floor. He was admitted to the prison hospital. When he was discharged from the hospital, the Chief Jailor of the prison called him to his office, asked questions about the incident, and informed him that he had been released on bail. The Chief Jailor also told him “we will come and see you at home. I will give you Rs. 150,000 if you do not mention my name in the incident”. Abhu Ubeyda did not accept this offer. On 17 July 2008, at around 9:45 p.m., four men in helmets came to his house, tied him to the window grille and beat him with a pole for some time. They warned him not to testify before the court in the case Seynool Miswar. Abhu Ubeyda recognized two of the aggressors as prison guards.</p> <p><b>Mr. Siyaguna Kosgodage Anton Sugath Nishantha Fernando</b> was the complainant in a fundamental rights case before the Supreme Court of Sri Lanka (Case No. SCFR. 446/07), in which he alleged that he had been tortured by policemen at Negombo Police Station, as well as in a bribery case in the High Court. He was killed by unidentified gunmen on 20 September 2008. Nishantha Fernando had repeatedly complained to the Inspector General of Police, the Attorney General, the National Police Commission (NPC) and the Human Rights Commission of Sri Lanka, about the constant threats of assassination he and his family had been receiving. On 23 June 2008 four men, believed by him to be hired by the police, arrived at his house and told him to</p> |                     |

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|       |         |      |      |         | <p>withdraw the case before the Supreme Court. They stated that if within 24 hours he did not do so, he and his family would be killed. Nishantha Fernando and his family went into hiding and informed the relevant authorities of the threat. He returned to his home after a period in hiding shortly before his death on 20 September 2008. The police officers named as perpetrators of torture in his fundamental rights case remain on patrol in the area.</p> <p>Mr. <b>Lalith Rajapakse</b>, a torture victim, is the complainant in a fundamental rights application before the Supreme Court (filed six years ago, in 2002) and the main witness in a torture case (Act No. 22 of 1994) against a Sub Inspector of Police from Kandana Police Station filed by the Attorney General's Department. On 25 May 2008, at around midnight, three persons, two of them armed with pistols, arrived near his house. Lalith Rajapakse saw them approaching and fled. When he thereafter made a complaint to the Human Rights Commission about the incident, he learned that officers of Kandana Police Station had been spreading the rumour that he was a notorious criminal, although the Wattala magistrate's court had already acquitted him in three criminal cases brought against him by the Kandana Police after he complained of being tortured. This - allegedly completely unsubstantiated - labeling as "notorious criminal", combined with the nightly visit by armed men,</p> |                     |

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|       |         |          |      |                      | <p>raises concerns that Lalith Rajapakse might be at risk of becoming the victim of a fabricated “shoot-out” with the police or killing while escaping arrest.</p> <p>On 9 October 2008, the High Court trying the criminal case against the policeman accused of subjecting Lalith Rajapakse to torture acquitted the defendant. It would appear that the judge, who reportedly is the same judge who acquitted the defendant in the case regarding the torture of Gerald Mervin Perera, found that the evidence was insufficient to establish that Mr. Lalith Rajapakse had been tortured. This conclusion was reached in spite of medical evidence allegedly indicating that Lalith Rajapakse (who spent 16 days in hospital at the time of the alleged torture incident in 1992) had injuries on the soles of his feet and a cerebral contusion which had caused edema to the brain.</p> |                     |
| 201.  | Sudan   | 18/01/08 | JUA  | IJL;<br>TOR;<br>WGAD | <p><b>Marhui Gbryrham, Fitouy Fshai Yingbr Mikael, Dislby Tsfa Brhan Hagoss and Ablom Tfisty Gbry Slasy</b>, all of whom are Eritrean nationals, and <b>Haroun Idriss, Abdala Suliman, Badreldin Ali, Mohamed Amin Nardi, Ibrahim Atbana, and Argana Sifim</b>, all of whom are Ethiopian nationals. The Eritreans are currently detained by the security forces at Port Sudan State Prison in Eastern Sudan after apparently evading compulsory military service in Eritrea. They were arrested around 2 November 2007 at the Sudanese border and are held without charge pursuant to the</p>   |                     |

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|       |         |      |      |         | <p>National Security Forces Act of 1999. Lawyers have been denied access to them. The Ethiopians have been detained at Dabak Prison in Khartoum since 21 December 2007 under the National Security Forces Act. They were arrested in their homes in July 2007 together with three other individuals, Adam Pasilio, Minika Hailo, and Faisal Mohamed Osman. These three were deported to Ethiopia on 27 September 2007 following a ruling by the Khartoum North Criminal Court after they had confessed to residing illegally in Sudan. They have since then been detained by Ethiopian authorities at an unknown location. The Ethiopians have been able to meet with at least one family member, however, they have been refused access to legal representation. Some of them have enjoyed refugee status in Sudan since 2004 and were granted permission to remain in the country, which was renewed periodically. All of the Ethiopians arrested are Muslims belonging to the Oromo ethnic group. Mr. Idriss suffers from irritable bowel syndrome, Mr. Suliman from diabetes mellitus, Mr. Ali from rheumatism, and Mr. Amin Nardi from diabetes mellitus, hypertension and a skin allergy. The fact that the ten individuals have been detained under the National Security Forces Act and that deportations have already taken place indicate a high risk that removal to their respective countries of origin is imminent.</p> |                     |

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| 202.  |         | 03/04/08 | JUA  | SUMEX;<br>TOR | <b>Al-Tayeb Abdel Aziz, Ishaq Mohammed Sanousi, Abdel Hay Omar, Mustafa Adam, Mohammed Birgid, Hassan Adam Fadel, Adam Ibrahim, Jamaledin Isa, Abdel Magid Ali Abdel Magid and Saibr Hassan</b> , who reportedly have been sentenced to death by the Khartoum-North Court of Appeal for the murder of Mohammed Taha, Editor of Al-Wifaq newspaper, in September 2006. Al-Tayeb Abdel Aziz was only 15 years old at the time of the murder. All those sentenced to death said they were tortured in order to confess to the crime and had been forced to sign confessions, which were later produced in court. They retracted their confessions in court, but the Appeal Court accepted the confessions as evidence against them. The case has been brought before the Supreme Court, where a panel of three judges will hear the appeal. A further appeal is possible to the Constitutional Court, whose final decision has to be ratified by the president. |                     |
| 203.  |         | 30/04/08 | JUA  | FRDX;<br>TOR  | <b>Daoud Ahmed Altahier</b> (chairperson of the Wadey Hauer University Students' Association); <b>Mohmed Ali Hmado; Esmail Ebaid Abakr; Adem Babkr Naiel; Ahmed Abdien Hamad Younies; Alfadel Omer Shamo</b> , student of Al-Delng University; <b>Mubark Bakhiet Ebrahim</b> , student of Al-Delng University; <b>Mahmud Naiel Mohamed</b> ; and <b>K. A. M.</b> , a 16-year-old high school student in al-Delng. These nine Darfuris, all members of the Sudan Liberation Movement, were arrested in a house in   |                     |

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|       |         |      |      |         | <p>the Hay al-Buga area of the town of El-Obeid in Northern Kordofan State on 23 February 2008. The arrests took place in the context of violence following the elections for the Kordofan University Students Union, between Darfuri students, who claimed that the elections were rigged, and students affiliated with the ruling National Congress Party. The nine were initially kept in the custody of the Security Agents Office for approximately 35 hours, and were then transferred to Shortat al-Qism al-Awsat Police Station. While in custody, Esmail Ebaid Abakr lost his eyesight for several days following severe beatings by officers, and Daoud Ahmed Altahier bore marks where he had been hung by a rope. Alfadel Omer Shamo, Mubark Bakhiet Ebrahim, Mahmud Naiel Mohamed and Khalid Ahmed Mansor were released without charges on 26 February, while the other five men were released on 4 March and charged with illegal possession of weapons, rioting and penalty of rioting under articles 67 and 68 of the 1991 Criminal Act. The court dismissed the first charge at a hearing on 14 March, and a second hearing scheduled to take place on 24 April to decide on the second charges was postponed to 22 May. If found guilty under articles 67 and 68 of the Criminal Act, they face imprisonment of up to six months, a fine or up to 20 lashes.</p> |                     |

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| 204.  |         | 20/05/08 | JUA  | WGAD;<br>IJL;<br>TOR | <b>Mustafa Nasir Al Din Tambor</b> , aged 27, student, <b>Gamar Eldin Abaker Abu Alkhairat</b> , aged 27, student, <b>Al Sadiq Abdalla Bashir</b> , contractor, and <b>Arbab Hussein Abudl Mula Ibrahim</b> , aged 40, staff member of International Medical Corps. The four men were arrested by National Intelligence and Security Services officers between 13 and 15 April in Zalingei, West Darfur. Al Sadiq Abdalla Bashir was arrested on 13 April 2008 and Gamar Eldin Abaker and Mustafa Nasir Al Din Tambor were arrested on 15 April 2008 at the market in Zalingei. During the arrest Gamar Eldin was beaten with wooden sticks. Arbab Hussein was arrested at his home. They have all remained in the custody of the National Intelligence and Security Services in Zalingei since then. Arbab Hussein has not received any visits, while the other three men have seen their relatives twice. Witnesses report that the men might have suffered ill-treatment. No charges have been laid against any of the above mentioned individuals and none of them has been allowed to see a lawyer. |                     |
| 205.  |         | 22/05/08 | JUA  | HRD;<br>TOR          | <b>Hassan Eltaib Yassin</b> , a human rights defender operating in Port Sudan, and Mr. <b>Faries Abd Alhay Mohmed Ali</b> , student of al-Bahr al-Ahmar University and member of a student political body called the Democratic Front, in Port Sudan. In the evening of 13 May 2008, members of the National Security and Intelligence Service (NISS) twice visited the house of Mr. Hassan Eltaib Yassin in Port Sudan, with the intention of   |                     |

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|       |         |          |      |                                       | arresting him. However, Mr.Hassan Eltaib Yassin was not present at these times. It is alleged that these two attempts to arrest him are linked to his activities in assisting students who were arrested and detained by the NISS after clashes between students at the al-Bahr al-Ahmar University in Port Sudan on 11 May 2008, such as Faries Abd Alhay Mohmed Ali, who was arrested at the gates of the Port Sudan Hospital when he was taking wounded students for treatment. During his detention Mr.Faries Abd Alhay Mohmed Ali was beaten with water pipes and kicked with boots by members of NISS. He was released on 12 May after being warned that, should he be detained again, it would be for a much longer period.   |                     |
| 206.  |         | 27/05/08 | JUA  | WGAD;<br>IJL;<br>MIN;<br>RACE;<br>TOR | <b>More than 230 individuals</b> of mainly Darfuri origin, including Mr. <b>Adam Ali Shurtai</b> , aged 25, from the Fur ethnic tribe, Mr. <b>Al Nour Adam Ali</b> , aged 35, Fur, Mr. <b>Mohmed Adam Yagoub</b> , aged 24, from the Zaghawa ethnic tribe, Mr. <b>Yagoub Ahmed Ali</b> , aged 30, Zaghawa, Mr. <b>Mohamed Mohamadain Alnour</b> , aged 35, Fur, Mr. <b>Ibrahim Mohamed Adam</b> , aged 22, Mr. <b>Suleiman Ishag Ahmed</b> , aged 23, Mr. <b>Abaker Haroun Ali</b> , aged 25, Mr. <b>Abdelrahman Ahmed Jabir</b> , aged 36, Fur, Mr. <b>Adam Abdelrahman Fadil</b> , student, Mr. <b>Mubarak Ahmed Bakhat</b> , student, Mr. <b>Ahmed Orshi</b> , student, Mr. <b>Abdelshakur Hashim Derar</b> , aged 35, lawyer and member of the Darfur Bar Association, Mr. <b>Al Ghali Yahya Shegifat</b> , aged 32, journalist and President of the |                     |

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|       |         |      |      |         | <p>Association of Darfur Journalists, Mr. <b>Abakar Bakheet</b>, Mr. <b>Abaker Abbas Hussein</b>, Mr. <b>Abaker Boura Nourain Kirsho</b>, Mr. <b>Abbas Ali Musa</b>, Mr. <b>Abdallah Adam Kiter</b>, Mr. <b>Abdallah Adam Nahar</b>, Mr. <b>Abdallah Ali Hassan Kendek</b>, Mr. <b>Abdallah Gabar Dousa</b>, Mr. <b>Abdallah Guma Adam Ghani</b>, Mr. <b>Abdallah Hassan Jalaludin</b>, Mr. <b>Abdallah Mohamed Hussein</b>, Mr. <b>Abdallah Saleh Adam Ghani</b>, Mr. <b>Abdelaziz Osman Sam</b>, Mr. <b>Abdelhaleem Abdallah Husein</b>, Mr. <b>Abdelkarim Adam Ibrahim</b>, Mr. <b>Abdelmajeed Mohamed Ahmed</b>, Mr. <b>Abdelmajeed Mohamed Ishag</b>, Mr. <b>Abdelmajeed Mohamed Yagoub</b>, Mr. <b>Abdelmajeed Yahya Ahmed Minnawi</b>, Mr. <b>Abdelnaser Mohamadain Garannabi</b>, Mr. <b>Abdelrahim Mohamed Adam</b>, Mr. <b>Abdelrahman Biringi</b>, Mr. <b>Abdelrahman Imam Ghaid</b>, Mr. <b>Abdelrahman Mohamed Jabir</b>, Mr. <b>Abdelrahman Mohamed Khalil</b>, Mr. <b>Abdelrazeg Ismaiel Hamad</b>, Mr. <b>Abdelwahab Mohamed Ahmed</b>, Mr. <b>Aboud Ibrahim Mohamed</b>, Mr. <b>Aboud Mohamed Adam Ghani</b>, Mr. <b>Abubakr Khayati</b>, Mr. <b>Adam Abdallah Abakar</b>, Mr. <b>Adam Abdelrahman Satour</b>, Mr. <b>Adam Al Tahir Bakheet</b>, Mr. <b>Adam Bakheet Mohamad</b>, Mr. <b>Adam Dawood Gerda</b>, Mr. <b>Adam El Thom Guma</b>, Mr. <b>Adam Fadol</b>, Mr. <b>Adam Guma Seneen</b>, Mr. <b>Adam Ibrahim Abdelmajeed</b>, Mr. <b>Adam Ishag Abdou</b>, Mr. <b>Adam Saleh Adam Ghani</b>, Mr. <b>Adam Siliman</b>, Mr. <b>Adam Yagoub Haroun</b>,</p> |                     |

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|       |         |      |      |         | <p>Mr. <b>Adam Yousif Husein</b>, Mr. <b>Adel Eisa Ibrahim</b>, Mr. <b>Ahmad Ali</b>, Mr. <b>Ahmed Abdelkarim</b>, Mr. <b>Ahmed Dawood Gerda</b>, Mr. <b>Ahmed Hussein</b>, Mr. <b>Ahmed Mohamed Mujair</b>, Mr. <b>Ahmed Sharaf Al Deen Mohamed Ahmed</b>, Mr. <b>Ahmed Tougut</b>, Mr. <b>Ahmed Yahya Abdualla</b>, Mr. <b>Al Bakr Abdelrahman</b>, Mr. <b>Al Bakr Mohamed Guma</b>, Mr. <b>Ali Abakar Eisa</b>, Mr. <b>Ali Hamed Douda</b>, Mr. <b>Ali Haroun Abakar</b>, Mr. <b>Alqeen Yousif Guma Alqeen</b>, Mr. <b>Alsadig Ali Kambo</b>, Mr. <b>Anwar Musfafa</b>, Mr. <b>Anwar Yagoub Rahma</b>, Mr. <b>Assadig Yousif Mursal</b>, Mr. <b>Azhari Mohamed Idris</b>, Mr. <b>Azzain Ishag Suleiman</b>, Mr. <b>Azzain Yousif Suleiman</b>, Mr. <b>Bahar Aldeen Adam Ali</b>, Mr. <b>Bahar Aldeen Barood</b>, Mr. <b>Bahar Aldeen Dawood Ismaiel</b>, Mr. <b>Bahar Mohamed Ali</b>, Mr. <b>Bakhet Hendega</b>, Mr. <b>Bakhet Salim</b>, Mr. <b>Bakri Bashir</b>, Mr. <b>Barood Adam Jaro</b>, Mr. <b>Busharra Adam Dawood</b>, Mr. <b>Dawood Salih</b>, Mr. <b>Derrar Nour Al Deen Mohamed</b>, Dr. <b>Musa Targouni</b>, Mr. <b>Draig Ibrahim</b>, Mr. <b>Eisa Abdallah Mohamed</b>, Mr. <b>Eisa Abdelkarim Ghani</b>, Mr. <b>Eisa Suleiman Salih</b>, Mr. <b>El Thom Duda Khamis</b>, Mr. <b>Fadlallah Al Hadi Fadlallah</b>, Mr. <b>Faghareldin Haroun Abdelrahman</b>, Mr. <b>Faisal Hassan Wadi</b>, Mr. <b>Faisal Ismail Rahma</b>, Ms. <b>Fatma Hari</b>, Ms. <b>Fatma Sabir Bint Gasda</b>, Mr. <b>Gamal Ahmed Haroun</b>, Mr. <b>Gamal Mohamad Ibrahim</b>, Mr. <b>Guma Mango Adam Ghani</b>, Mr. <b>Guma Sharif Jar al Nabi</b>, Mr. <b>Habib</b></p> |                     |

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|       |         |      |      |         | <p><b>Mursal Ahmad, Mr. Hafiz Abdelkarim Idris, Mr. Hamid Gourni, Mr. Hamid Hassan, Mr. Hamid Idris Abdelrasoul, Mr. Hamsa Nasreddin Khamis, Mr. Haroun Ali Mukhtar, Mr. Haroun Salih, Mr. Harry Ishag, Mr. Harry Mahmoud Ibrahim, Mr. Harry Mustafa, Mr. Hassan Bargo, Mr. Hassan El Thom Guma, Mr. Hassan Fadil, Mr. Hassan Mohamed Saboon, Mr. Higazi Abdallah Hamad, Ms. Hilal Suleiman Osman, Mr. Hussein Musa, Mr. Hussein Suleiman Abdelrahman, Mr. Ibrahim Abdelrahman Ibrahim, Mr. Ibrahim Dawood Ali, Mr. Ibrahim Gibril Sabon (Tager), Mr. Ibrahim Idris Osman, Mr. Ibrahim Mohamadain Garannabi, Mr. Ibrahim Mohamed Idris, Mr. Ibrahim Musa Ibrahim, Mr. Ibrahim Mustafa Haggar, Mr. Ibrahim Tahir Guma, Ms. Idris Musa Altag, Ms. Idris Salim, Mr. Ismail Adam Mohamed Bakhit, Mr. Ismail Mohamadain Bakhat, Mr. Ismail Salim, Mr. Izzedin Abdollah Garannabi, Mr. Jaafar Abaker Mohamed Osman, Mr. Jabir Yousif Al Tahir, Mr. Kamal Dawood Yousif, Mr. Khalid Mohamed Ahmed, Mr. Khalil Abdelhalim, Mr. Khamees Mohamadain Bakhat, Mr. Mahdi Ahmed Ishag, Mr. Malik Ali Haroun, Mr. Mansour Ibrahim Mohamadain, Mr. Mansour Ibrahim Mohamadain Adam Sebi, Mr. Moatasim Khatir Bakhat, Mr. Moatasim Mahmood Omer, Mr. Moawia Mustafa Shareef,</b></p> |                     |

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|       |         |      |      |         | <p>Mr. Mohamed Abakar Hagar, Mr. Mohamed Abaker Neeyam Ali, Mr. Mohamed Abdalla Gibreel, Mr. Mohamed Abdelgadir, Mr. Mohamed Abdelrahman Ferdi, Mr. Mohamed Abdollatif, Mr. Mohamed Adam, Mr. Mohamed Ahmed Alkalas, Mr. Mohamed Ahmed Haroun, Mr. Mohamed Ahmed Muaz, Mr. Mohamed Bahar Aldeen, Mr. Mohamed Bashar Ahmed Rajab, Mr. Mohamed Bashir, Mr. Mohamed Dawood, Mr. Mohamed Hasaballah Osman, Mr. Mohamed Mahmoud Abdelrahman, Mr. Mohamed Mansour Keter, Mr. Mohamed Musa Abdallah, Mr. Mohamed Musa Ibrahim, Mr. Mohamed Mustafa, Mr. Mohamed Omer Bahr Al Deen, Mr. Mohamed Osman Adam, Mr. Mohamed Sabir, Mr. Mohamed Saleh Musa, Mr. Mohamed Sharif, Mr. Mohamed Suleiman Ahmed, Mr. Mohamed Yagoub Musa, Mr. Mostafa Musa Ali, Mr. Mubarak Hassan Arkou Ghani, Mr. Mubarak Mandy Bakheet, Mr. Mursal Mohamed Ahmed, Mr. Murtada Abdalla Musa, Mr. Musa Mohamad, Mr. Musa Tougut, Mr. Mustafa Haroun Mustafa, Mr. Nasr Abdelah Ali, Mr. Nasr Mohamed Ishag, Mr. Neel Taj Eldeen, Mr. Nour Eldeen Adam Ali, Mr. Nour Eldeen Ahmed Mohamadain, Mr. Nour Eldeen Idris, Mr. Nour Eldeen Mohamed Mahmoud, Mr. Nour Idris Ibrahim, Mr. Nouredin Salim, Mr. Omar Abdellatif Mohamed Madani, Mr. Omar Mohamed Abdallah, Mr. Omar</p> |                     |

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|       |         |      |      |         | <p><b>Saleh, Mr. Omar Yassin Ibrahim, Mr. Osman Hamadi Batali, Mr. Osman Ishag Khamees, Mr. Osman Mohamed Musa, Mr. Osman Salih Ibrahim, Mr. Saif Eldeen Mohamed Mahmoud, Mr. Saif Eldeen Osman Idris, Mr. Saleh Al Nour, Mr. Saleh Gabgab, Mr. Sharif Adam, Mr. Sharif Omda, Mr. Suleiman Abdallah Mustafa, Mr. Suleiman Dubo, Mr. Suleiman Mohamed Adam Yagoub, Mr. Taj Eldeen Mahmood Ibrahim, Mr. Taj Eldeen Yahia Tagabo, Mr. Taj Harry Khamis, Mr. Tibin Hussein Osman, Mr. Tigani Bashir, Mr. Turabi Abakar Gerou, Mr. Walid Ahmed Abdallah, Mr. Yagoub Basher Hagar, Mr. Yasin Ali Adam Sabon, Mr. Younus Mohamed Sharif, Mr. Yousif Adam Nahar, and Mr. Yousif Mohamed Hamed;</b> as well as the following affiliates of the unregistered “Popular Congress Party”: Mr. <b>Khatir Jaly Fourawi</b>, Mr. <b>Ahmed Altahir Hamdon</b>, Mr. <b>Barood Sandal Rajab</b>, and Mr. <b>Ibrahim Abd Elrhman</b>.</p> <p>In connection with an armed attack by fighters of the “Justice and Equality Movement”, an armed opposition group based in the Darfur provinces, on the outskirts of Khartoum on 10 May 2008, more than 200 people, including the above-mentioned civilians, have been arrested by the Sudanese Police and officers of the National Intelligence and Security Services (NISS) between 9 and 23 May. It appears that the arrests in the vast majority target Darfuri individuals, specifically members of the Zaghawa ethnic tribe,</p> |                     |

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|       |         |      |      |         | <p>dwelling mainly in the Umbadda district of Omdurman. While around 500 individuals, including Mr. Amin Mahmoud Osman, member of the Fur ethnic tribe and brother of human rights defender and parliamentarian Mr. Salih Mahmoud Osman, may, according to unconfirmed reports, be in the process of being released, more than 230 are still believed to be detained incommunicado at undisclosed places of detention without charge or access to lawyers and families. It is believed that some of them are detained at NISS detention facilities in Khartoum and at Kober Prison in the Sudanese capital. However, their exact whereabouts remain unknown. The above-mentioned members of the unregistered “Popular Congress Party” have also been arrested following the attacks. Their current whereabouts are unknown. The party’s leader, Mr. Hassan Al Turabi, and Mr. Al-Nagi Abdullah (also known as Al-Nagi Dahab), Mr. Abubkr Abdalrazeg, Mr. Albusairy, Mr. Hassen Gubara, Mr. Tageldien Banaga, Dr. Bashir Adam Rahman, Mr. Hassan Satti, and around ten other members have since been released. The majority of arrests are believed to have been carried out on the basis of the provisions of the National Security Forces Act (NSFA), which allows for detention without charge for up to nine months. During the first six months, the detainee is denied applications for review of the legality of detention. The NSFA reportedly does not provide legal safeguards to</p> |                     |

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|       |         |          |      |                                       | the detained individuals and effectively provides for immunity from prosecution for officials who resort to ill-treatment in detention.  |                     |
| 207.  |         | 11/08/08 | JUA  | IJL;<br>SUD;<br>SUMX;<br>TERR;<br>TOR | Death sentences imposed against 30 men convicted on charges connected to the attack on Omdurman on 10 May 2008 led by the Justice and Equality Movement. <b>Kamal Mohamed Sabun, Musa Hamid Osman Katar, Yunis Abdallah Al Nedif Bahar El Deen</b> , a national of Chad, <b>Musa Adam Hassan Omar, Bahar El Deen Beshir Idriss, Bushara Abdullah Eissa, Ibrahim Al Nur Zakaria, Shumu Osman Ishaq Gibril, Fadul Hussain Rezeg Allah, Mohamed Arabi Ismail Ahmed, Mahmoud Abaker Mursal Yahia, Bushara Eissa Mohamed Salih, Mohamed Adam Abdallah Mohamed, Mohamed Hashim Ali Abdu, Haitham Adam Ali Adam, Awad Mohamed Hussein, Adam Abdallah, Haroun Abdelgadir, Mohamed Mansour Eissa, Osman Rabeh Mursal, Adam Mohamed Eissa Adam, Ibrahim Abaker Hashim, Mohamed Sharif Abdallah Suleiman, Mahmoud Adam, Adam Al Nour Abdelrahman Osman, Bashir Adam Mohamed Saleh, Abubaker Ibrahim Breima, Abdallah Adam Ibrahim Al Duma, Ibrahim Ali Rashid, Bashir Adam Sanusi Hashim and Mustafa Adam Sabun</b> were arrested in the days following the Justice and Equality Movement (JEM) attack on Omdurman on 10 May 2008. Following their apprehension, they were held without access to the outside world for over one month and were |                     |

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|       |         |      |      |         | <p>not given access to lawyers until after the trial proceedings opened. As of 18 June 2008, these 30 men and other defendants were presented before newly created counter-terrorism courts in greater Khartoum. Five special courts were created in early June in response to the attack on Omdurman and these 30 men and other defendants were brought before three of these special courts. Observers noticed that the defendants looked tired and appeared to be in pain. The defendants complained that they were subjected to torture or ill-treatment, but the court did not investigate these allegations and refused to grant requests by the defendants' lawyers for independent medical examinations. On 29 and 31 July 2008, the courts announced their verdicts. They sentenced the 30 above-named defendants to death, acquitted one, and ordered the transfer of four minors to a detention facility where more than 90 children captured after the attacks are being held. One of those sentenced to death, M. A. Z., is reportedly a minor of 16 years of age, but his age was not determined by a medical examination. The 30 defendants were found guilty of a range of criminal charges defined in the 1991 Criminal Act, the 2001 Counter-Terrorism Act and the 1986 Arms, Ammunitions and Explosives Act. The charges included terrorist acts, participation in a terrorist criminal organization (respectively sections 5 and 6 of the Counter-Terrorism Act), as well as criminal conspiracy, waging war against the state</p> |                     |

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|       |         |          |      |                     | and sedition (respectively sections 24, 51 and 63 of the Criminal Act). In reaching their verdicts, the courts relied on confessions by the defendants as the primary evidence, which the defendants said they were forced to make under torture and ill-treatment and which they retracted in court. The court made reference to the Sudanese Evidence Act which permits the admission to judicial proceedings of statements obtained by unlawful means. The court also relied on the testimonies by children who have been detained since the attacks and who stated in court that they recognized the defendants as having been among the attackers. We understand that judgments in respect of 28 further defendants are expected to be announced shortly, and that charges may be brought against others currently held without charge or trial. |                     |
| 208.  |         | 22/08/08 | JAL  | MIG;<br>TOR;<br>VAW | On 23 June 2008 at about 9:00, a Criminal Investigation Department Officer (CID) accompanied by two Southern Sudan Police Service (SSPS) officers arrested five Ugandan female traders at a Ugandan Bar in Malakal (Upper Nile State) and took them for interrogation to Malakal Police Station. Six other Ugandan women were arrested in another bar in Malakal. At the time of the arrest, none of the eleven women were informed about the reasons for their arrest. The eleven Ugandan women were detained at the Malakal police station and only released at 16:30 on 23 June 2008. While in detention, the women were severely beaten by CID and SSPS   |                     |

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|       |         |      |      |         | <p>officers and suffered visible physical injuries, which were seen by UNMIS Human Rights Officers. Police officers accused the women of engaging in prostitution, while at the same time allegedly trying to force them to have sex with the officers. Before their release, the women were threatened and warned not to report this incident to anybody. The Director of the CID in Malakal told UNMIS Human Rights officers that the eleven women had been arrested because they were reportedly engaging in immoral activities. He denied allegations that police officers had physically abused the women in the process of interrogation or tried to force them to have sex with police officers.</p> <p>We would also like to bring to Your Government's attention the alleged gang rape of <b>Ms. A. N.</b>, aged 40, <b>Ms. I. U.</b>, aged 21, <b>Ms. A. B.</b>, aged 19, <b>Ms. S. L.</b>, aged 40, four Ugandan nationals, by Southern Sudan Police Service (SSPS) officers in Bor, Jonglei State. According to information received, three armed SSPS Officers forced open the door of A. N.'s market shop at around 21:30 on 26 June 2008. Ms. A. N.'s housemate S. L. was present in the shop at the time. The policemen brought along I. U. and A. B. When A. N. asked the policemen what they wanted, she was chained to a chair. The policemen held the four women captive in the shop and took turns raping them. S. L. had her arm broken during the attack. It is also alleged</p> |                     |

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|       |         |          |      |                               | that the SSPS Officers stole a mobile phone and 1,400 SDG from the women. The policemen left the shop at 22:30, leaving A. N. chained to the chair. When A. N. and S. L. went to Bor Police Station to report the crime on 27 June 2008, the SSPS Officers present refused to file a case. Only the woman with the broken arm was provided with a “form 8”, on which doctors can note results of a medical forensic examination. Two of the rapists were reportedly present at Bor Police Station when the women attempted to report the crime. When the women pointed out the alleged rapists to the duty officer at the Police Station, he refused to take action.   |                     |
| 209.  |         | 24/09/08 | JUA  | IJL;<br>SUMX;<br>TERR;<br>TOR | <b>Death sentences imposed by counter-terrorism courts. Abdelaziz Al Nour Aousher Fedail, A., Al Taib Abdelkarim Idris Adam, Bashir Adam Aousher Fedail, Hamid Hassan Hamid Ahmed, Malik Adam Ahmed Mohamed, Mohamed Bahar Ali Hamadeen, and Tag Al Deen Mahmoud Abdurahman Ali.</b> On 17 August 2008, they were found guilty by a counter-terrorism court in Khartoum of a range of offences under the 1991 Criminal Act, the 1986 Arms, Ammunitions and Explosives Act and the 2001 Counter-Terrorism Act. They were sentenced to death. On 20 August, a counter-terrorism court in Omdurman sentenced another twelve men to death on similar charges: <b>Azrag Daldoum Adam, Yahia Fadel Abaker Adam, Musa Abdallah Ali Shugar, Mohamed Abaker Naser Hussein, Ibrahim Saleh Ali,</b> |                     |

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|       |         |      |      |         | <p><b>Idriss Omar Mohamed Ahmed, Mahjoub Suleiman Adam, Naser Jibreel Adam, Abdallah Mursal Tour, Adam Ibrahim Nur Mohamed, James Bol Francis, and Adam Suleiman Abaker.</b> The court also acquitted four defendants and referred four others to be tried by juvenile courts. The defendants were arrested in the days following the Justice and Equality Movement (JEM) attack on Omdurman on 10 May 2008. They were held without access to the outside world by the National Intelligence and Security Service (NISS), and were not given access to lawyers until after the trial proceedings opened. In reaching their verdicts, the Khartoum and Omdurman counter-terrorism courts appear to have relied primarily on confessions by the defendants as evidence. Most of the defendants said they were forced to make these confessions under torture and ill-treatment and retracted them in court. No investigations were opened to investigate these allegations. One of the defendants sentenced to death by the Khartoum counter-terrorism court on 17 August 2008 is a child. A. is 17 years old and the court accepted his birth certificate as valid documentation of his age. It found, however, that since A. was found guilty of hiraba, or brigandage (Article 167 of the Criminal Act), a hudud offence, he could nevertheless be sentenced to death. Article 27 (2) of the Sudanese Criminal Act allows the death penalty to be applied for hudud crimes regardless of age.</p> |                     |

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| 210.  |         | 07/10/08 | JAL  | HOUS;<br>SUMX;<br>VAW;<br>TOR | <p>Attacks against the civilian population of the villages Logurony and Ioli in Eastern Equatoria State by the Sudan People's Liberation Army, which resulted in the <b>killing and beating of civilians and destruction of dwellings and livelihoods</b> on 4 June 2008 and in the following days. The villages of Logurony and Ioli, located near Hiyala, in Torit county, Eastern Equatoria State, Southern Sudan, have a history of occasionally tense relationships, due primarily to cattle raiding incidents. In early June 2008, the Governor of Eastern Equatoria State dispatched the Sudan People's Liberation Army (SPLA) to the two villages, apparently with orders to carry out arrests and disarm the population. On 4 June 2008 at around 4 a.m. in the morning, SPLA forces surrounded Logurony. While it was still completely dark, they started shooting, at first aiming in the air. The villagers, who were on high alert due to an expected attack from Ioli, returned fire. Only when it became light, they realized that they had killed SPLA soldiers. Fearing retaliation by the SPLA, they fled into the bush. SPLA soldiers shot at Logurony villagers, reportedly killing four: Tome Marcello, the headmaster of the primary school; Ogesa Orlando, a police officer; Oreste Ogubung, and Origo Agala. They also started burning down the village. Two elderly people, Ojeno Itak and his wife Amisia Itak, died in their dwelling during the fire. On 21 June 2008, another elderly woman, Anisa Anohira Oteng, succumbed to the burn injuries sustained at the</p> |                     |

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|       |         |      |      |         | <p>hospital to which she had been taken by SPLA soldiers. Also on 4 June 2008, SPLA forces (reportedly counting 300 men) surrounded Iloli. The soldiers took the inhabitants outside the village and then started burning down the village, which killed one woman, Abung Elizabeth. The SPLA also arrested five men and tied their hands behind their backs. When news of the SPLA members killed in Logurony reached Iloli, the SPLA Operational Commander came to Iloli and allegedly ordered the soldiers to execute those arrested. The five men were led back to Iloli. Three men, named Bertino Odiongo, Angelo Otuno Ogede and Francesco Asai Omudek, were executed on the spot in front of the remaining village community. One of those arrested was injured but managed to escape. As the fifth man was beaten by the soldiers and chased away, the population started running towards the bush. The SPLA opened fire on them, injuring another man. The bodies of two children, aged 5 and 6 (R. J. and O. L.), were found in the bush surrounding the village on 9 June 2008, as were the mortal remains of a woman suffering from epilepsy, Kelenga Obong, who probably did not survive the stress resulting from her flight. Iloli village was burned to the ground. Soldiers gathered the remaining Iloli and Logurony villagers, approximately one thousand persons, and brought them to the SPLA barracks in Ramshel. There they spent the remainder of the day under the trees. Women were reportedly beaten with sticks.</p> |                     |

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|       |         |      |      |         | <p>In the evening of 4 June 2008 they were released, apparently on orders of the Torit County Commissioner. Twelve male villagers, five from Logurony and seven from Iloli, remained in SPLA detention until 7 June 2008 (one of them seven days longer). Some were allegedly held in a tukul, while others were kept in a hole in the ground. All were beaten on their head and stomach with gun barrels and other wooden and iron objects. Two Logurony detainees sustained severe head injuries, while another had whipping marks on his buttocks. These men did not report the ill-treatment to the police as they feared re-arrest by the SPLA. On 10 June 2008, a young man from Hiyala was arrested on suspicion of involvement in the shooting that led to the death of SPLA soldiers. He was taken to the SPLA barracks and severely beaten. He was released following a meeting between the Hiyala Head Chief and the SPLA, and had to be taken to Hiyala Hospital for medical treatment. SPLA retaliation against the civilian population of Logurony, Iloli and Hiyala continued in the days following 4 June 2008. On 6 June 2008, SPLA men shot at Hiyala villagers who were working in the field. A man and a woman were killed (Oronjo Safarino and Odiongo Salvatore), and another woman injured. On 7 June 2008, Omudek Alajut, a man from Iloli, returned to the village, was apprehended by SPLA soldiers, tied up and executed on the spot. On 10 June 2008, Omunong Ohisa Erinaldo and Oreste Ohuro, two Logurony villagers, were</p> |                     |

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|       |         |          |      |                                | found shot dead near Hiyala village square. These events resulted in major displacement from Ioli and Logurony villages. Approximately 2,800 inhabitants of Logurony and approximately 1,500 of Ioli were displaced. Their dwellings were destroyed and they lacked the materials to rebuild them. Moreover, on 4 June 2008, the SPLA seized the cattle belonging to the Ioli and Logurony villages, on which the population relied for their livelihood. Additionally, SPLA soldiers destroyed or took away the solar panels operating the Ioli water boreholes. Government representatives from Eastern Equatoria State have visited the area and submitted reports to both the President and Vice-President of the Government of Southern Sudan. The Eastern Equatoria State authorities and the Ministry of SPLA Affairs have announced that a high-level Committee will be investigating the incidents. |                     |
| 211.  |         | 10/10/08 | JAL  | IJL;<br>SUMX;<br>TOR;<br>SUDAN | <b>The use of the death penalty.</b> According to the information received, most of the condemned prisoners do not have legal counsel, and even more did not have legal counsel during the trial in which they were sentenced to death. In Juba Central Prison, for instance, it would appear that the following prisoners sentenced to death are not assisted by legal counsel (and most probably were not assisted during their trial): Balla Kamal Tahir, Gabriel Nyara Pio, Moses Ohiti Lowa, Charles Lokudu Remeo, Mauro Ohisa Ogotow, Mario Oburau Okoloputa, Peter Jutti Budenga, Thiplious Tongun Wusang, Abdauraman Marino Lwarene,   |                     |

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|       |         |      |      |         | <p>Sejeriwa Poni Tombe, Bol Makol Malual, Gabriel Sule Jada, Joseph Ladu Kamuka, Simplisio Ataka Adelio, Tadeo Lodu wani, Bulli Jelly Kewyi, Emanuel Gift Repent, Simon Mayuong Akoon, and Lojere Lorot Loseriko. Most tragically, it would appear that Joseph Jelly Morgo, who was reportedly executed in Juba Central Prison on 27 June 2008, did not have legal counsel.</p> <p>Wilson Elisa Basangi, who was found guilty of murder and sentenced to death by the Western Equatoria State High Court in Yambio on 30 November 2007 and is currently detained in Yambio Central Prison, was reportedly not assisted by legal counsel at his trial and was not informed on his constitutional right to obtain legal aid. He is currently, at the appeals stage, assisted pro bono by an advocate in private practice.</p> <p>In Upper Nile State, Nig Mashar, Khamis Joseph Lugi, Mohamed Adeng, Wier Quench Kwangang, Abiel Otuang, Mohamed Saleh Hassan and Tut Dol Rut were all allegedly not assisted by legal counsel at the time of the trial in which they were sentenced to death. Two of them are reported to now have retained advocates against a fee, while the other five have been able to secure assistance pro bono by an advocate in private practice for the appeals stage through the intervention of the UNMIS Human Rights Section.</p> <p>There are reportedly eight prisoners sentenced to death in Bentiu Central Prison in Unity State. Allegedly, none of them was represented by a</p> |                     |

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|       |         |      |      |         | <p>lawyer at the time of trial. Two of them appear to have secured the assistance of an advocate for the appeals proceedings. In Bor, Jonglei State, there is one condemned prisoner. He was not assisted by a lawyer at the time of his trial.</p> <p>In Wau, a prisoner named Jacob Makoi Majok was reportedly executed in Wau Central Prison on 24 July 2008. The nine remaining condemned prisoners include two women, Nyanthuoi Ater Matim and Akoi Bol Manding Lual and seven men: Guriguri Andrea Akot, James Nyon Koch (aged 72), Wol Akolino Akoi, Issaa Abdul Hamid, Alfred Share Guer, Lawrence Wol Mayen, and Marial Mol Kon. Issaa Abdul Hamid, who was sentenced to death in August 2007, was reportedly temporarily assisted by an advocate, but as he had no money to pay him, the advocate did not assist him throughout the trial. None of the other condemned prisoners were assisted by legal counsel at any time of the proceedings in their case.</p> <p>Our information indicates that in Aweil Central Prison, three prisoners are sentenced to death: Malik Ayi, Dut Ahoey, and Makol Malong. Neither were they assisted by legal counsel at any time of the proceedings in their case, nor were they informed or otherwise aware of their right to be assisted.</p> <p>In Rumbek Central Prison as well, there are three condemned prisoners: Chagao Mwopor Akech, Majur Manyur Mayom, and Chol Kor Dit Majok.</p> |                     |

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|       |         |          |      |                      | None of them was assisted by legal counsel at any time of the proceedings in their case.   |                     |
| 212.  |         | 28/11/08 | JUA  | FRDX,<br>HRD,<br>TOR | <p>On 24 November 2008 at around noon, <b>Abdel Monim Elgak</b> and <b>Osman Ali Hummaida</b>, human rights defenders, were arrested by officers of the National Intelligence and Security Services (NISS) outside the offices of the Sudanese non-governmental organization SIHA in Khartoum 3. On the same day, <b>Amir Mohamed Suliman</b>, another human rights defender, was also arrested by NISS officers. All three men were taken to the political department of the NISS in Bahri (Khartoum North) for interrogation and were reportedly questioned on their human rights activities, in particular suspected cooperation with the International Criminal Court (ICC), which is currently investigating a request by the prosecutor for an arrest warrant against the Sudanese President on charges of war crimes, crimes against humanity and genocide.</p> <p>Messrs. Amir Mohamed Suliman and Abdel Monim Elgak were released without charge in the evening of 24 November and early hours of 25 November respectively. On 25 November, Abdel Monim Elgak made a statement to a Sudanese online news outlet in which he criticized the arrests as a means to seek to intimidate Sudanese human rights defenders. That day, the NISS summoned him once more and detained him until the early hours of 26 November. About two hours after his release</p> |                     |

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|       |         |      |      |         | <p>he was again arrested and detained until the early hours of the following day. Amir Mohamed Suliman and Abdel Monim Elgak were both summoned to return to the NISS office on 27 November at 11 a.m. to hand over bags and computers which NISS officers said they needed to examine. Amir Mohamed Suliman turned in the equipment and was allowed to leave.</p> <p>Mr. Osman Ali Hummaida remained in detention without charge and without contact with the outside world until 1 a.m. on 28 November, at which point he was released without charge. The day after his arrest, members of his family brought clothes and medicine for his asthma and high blood pressure to the office of the NISS but were not allowed to see him.</p> <p>On 25 and 26 November, both Abdel Monim Elgak and Osman Ali Hummaida were reportedly subjected to different forms of torture and other ill-treatment in order to force them to hand over their computers and other belongings which the NISS officers sought to confiscate. They were asked repeatedly whether they had cooperated with the ICC prosecutor and told to disclose details of the information passed on to the prosecutor's office. Abdel Monim Elgak was reportedly so severely beaten on various parts of his body, including his head, and subjected to other forms of ill-treatment that he required medical treatment following his release. In an apparent effort to force Osman Ali Hummaida to</p> |                     |

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|       |         |          |      |              | <p>turn over his electronic equipment, he was reportedly made to witness Abdel Monim El Gak being beaten and ill-treated so severely that he vomited.</p> <p>Osman Ali Hummaida was reportedly also subjected to beatings with black plastic pipes on his shins and feet, humiliated and subjected to serious threats, such as the threat of rape. He was detained in different detention facilities of the NISS in Khartoum, blindfolded during transports between detention facilities and subjected to sleep deprivation and 18-hour long interrogations. During the fourth day of his detention he was reportedly twice hospitalized in the Amal hospital belonging to the NISS because his blood pressure had increased so severely that it required to be treated. Doctors in the hospital reportedly did not respond to his complaints that he had been subjected to beatings and sleep deprivation in NISS detention.</p> |                     |
| 213.  | Sweden  | 16/01/08 | JAL  | TERR;<br>TOR | <p><b>Adel Abdul Hakim</b>, an ethnic Uyghur from China, who, we understand, is already physically present in Sweden. In relation to the specific case of Mr. Hakim and to the resettlement of other Guantanamo Bay detainees, in appropriate cases, the Special Rapporteurs would like to encourage the practice of other countries to facilitate resettlement, including by being a receiver country in order to create a resettlement framework in conformity with human rights. To further encourage and support the process of</p>   |                     |

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|       |         |          |      |              | third-party resettlement in cases of detainees for whom no criminal charges were initiated, and particularly where there is a real risk of torture, or of any form of cruel, inhuman or degrading treatment if returned to the country of origin, the Special Rapporteurs would like to draw the Government's attention to reports by the Special Rapporteur on human rights and counter-terrorism on refugees and asylum in the context of countering terrorism (A/62/263, paras. 54-64 and 83), a mission report to the USA (A/6/17/Add.3, paras. 16-17 and 57), and a report of the Special Rapporteur on torture on his country visit to China (E/CN.4/2006/6/Add.6).  |   |
| 214.  |         | 29/02/08 | JUA  | WGAD;<br>TOR | <b>J. M. B.</b> , aged 24, currently detained at the detention centre in Österåker. He was born and raised in Saudi Arabia to Eritrean parents, who are still living there. It is unknown what nationality or citizenship he holds, however, he has no right of entry to Saudi Arabia. Mr. J. M. B. entered Sweden in August 2002 and sought asylum. He is a member of a political organisation and has participated in several demonstrations in Sweden against the policy of the Eritrean Government. It is believed that Mr. J. M. B. was being photographed by personnel of the Eritrean embassy in Stockholm while demonstrating. He has also been interviewed on Swedish television. His application for asylum was rejected on 23 December 2003. His appeal against this decision was dismissed on 27 October 2004 so | <p>By letter dated 04/04/2008, the Government indicated that the Swedish Migration Board and the Migration Courts handle applications for asylum and residence permits independently from the Government. Thus, the Government cannot intervene in the case concerning Mr.B. The Ministry accordingly has provided the Migration Board with a copy of the letter.</p> <p>Under Swedish law, persons who are not convention refugees may also qualify for protection. This category is described in the law as 'persons in need of protection' (skyddsbehovande) and include, inter alia, those who have left their native country and have a well-grounded fear of suffering the death penalty or being subjected to corporal</p> |

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|       |         |      |      |         | <p>that he has been liable for removal from Sweden. His appeal was dismissed on the grounds that by his own account he had never been to Eritrea. Hence he would be of no interest to the Eritreans authorities if deported and therefore his physical or mental integrity would not be at risk. In 2008, Swedish authorities have already attempted twice to deport Mr. J. M. B. to Eritrea. The deportation of 23 January 2008 failed since the pilot of the plane refused to take Mr. J. M. B. on board as he was protesting loudly for fear of being removed to Eritrea. On 13 February 2008 he was flown to Eritrea on a chartered flight, however, Eritrean authorities did not recognise his identity documents and refused entry. Mr. J. M. B. returned to Sweden the following day. Swedish authorities are at present trying to obtain the necessary documentation from the Eritrean embassy. Given these circumstances it is believed that Mr. J. M. B.'s removal from Sweden is imminent. The enforced removal attempt of 13 February 2008 and especially his return to Sweden the next day featured prominently in the Swedish media, making him a public figure also well known to Eritrean authorities. A rule 39 application before the European Court of Human Rights was rejected mid-February 2008 and a complementary submission rejected on 28 February 2008. The currently applicable advice from the Office of the United Nations High Commissioner for Refugees to all Governments is to "refrain from all forced returns</p> | <p>punishment, torture or other inhuman or degrading treatment or punishment. The correspondence between national legislation and article 3 of the Convention against Torture is emphasized as a result.</p> <p>If a residence permit cannot be awarded on other grounds, a permit may be granted to an alien if, on an overall assessment of the alien's situation, circumstances so exceptionally distressing are found that he or she should be allowed to stay in Sweden. If an application for a residence permit is rejected, a refusal-of-entry or expulsion order shall be issued at the same time. When a question of refusal of entry or expulsion is examined, account shall be taken of whether the alien cannot be sent to a certain country. A refusal of entry and expulsion of an alien may thus never be enforced to a country where there is fair reason to assume that the alien would be in danger of suffering the death penalty or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment. Nor may it, in principle, be enforced if the alien risks being subjected to persecution in that country.</p> <p>If new circumstances come to light that mean that there is such an impediment to enforcement as described above, or there is reason to assume that the intended country of return will not be willing to accept the alien or</p> |

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|       |         |      |      |         | <p>of rejected asylum-seekers to Eritrea and grant them complementary forms of protection instead”.</p> | <p>there are medical or other special grounds why the order should not be enforced, the Migration Board may grant a permanent residence permit if the impediment is of a lasting nature, or order a stay of enforcement. Under certain conditions, when an alien invokes new circumstances, the Migration Board shall re-examine the matter of a residence permit and issue an order staying the enforcement case.</p> <p>The Board may however turn over a refusal-of-entry or expulsion case to the police authority for enforcement if the alien concerned has gone into hiding or if it can be assumed that force will be needed to enforce the decision. The use of coercive measures shall be strictly limited to what is necessary and proportionate. The authority responsible for the implementation shall take due account of humanitarian considerations and respect for the personal integrity.</p> <p>Under the Aliens Act, an alien who has attained the age of 18 may be detained if, inter alia, the purpose is to enforce a refusal-of-entry or expulsion order and if there is reason on account of the alien’s personal situation or the other circumstances to assume that the alien may otherwise go into hiding or pursue criminal activities in Sweden. In such cases, the alien may be detained for not more than two months unless there are exceptional</p> |

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|       |         |      |      |         |                         | <p>grounds for a longer period. The detention order shall be re-examined within two months from the date on which enforcement of the order began. If the alien is retained in detention, the order shall be re-examined regularly within the same intervals and shall be preceded by an oral hearing. A detention order shall be set aside immediately if there are no longer any grounds for the order.</p> <p>A detention order made by a police authority or the Swedish Migration Board may be appealed to a migration court without limitation to a certain period of time. A decision of a migration court on detention may be appealed to the Migration Court of Appeal, also without limitation to a certain period of time. In cases concerning enforcement of a refusal-of-entry or expulsion order, where the alien has been held in detention for more than three days, a public counsel shall be appointed concerning the question of detention, unless it must be assumed that there is no need for counsel.</p> <p>The information concerning Mr. B's personal circumstances is confidential, due to the fear that he might be at risk of being seriously harmed, should the information be disclosed. Hence, the Ministry is prohibited from commenting on the whether the facts concerning the authorities' handling of his</p> |

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|       |                      |          |      |                               |   | case, as related in the letter of 29 February 2008, are accurate, or indicate the basis for any legal actions against him.                                 |
| 215.  | Syrian Arab Republic | 08/01/08 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | <b>Fayez Sara</b> , a contributor to several newspapers, including the Lebanese daily Assafir and the pan-Arab daily Al-Hayat, and a member of the network called “Committees for the Revival of the Civil Society (CRCS)”, which engages in human rights and political discussions. On 3 January 2008, Mr. Sara was arrested by the security forces after appearing in response to a summons. His detention is believed to be related to his participation in a meeting of the National Council of the network “Damascus Declaration for Democratic National Change” held on 1 December 2007, which called for democratic change and political openness in Syria, and statements related thereto made by Mr. Sara during a TV programme on 1 January 2008. Moreover, Mr. Sara is the eighth signatory of the “Damascus Declaration” to be detained by the authorities without any specific reasons given. He is being held incommunicado without charge and access to legal counsel or his family at the detention facilities of the State Security Branch in Damascus. Mr. Sara is suffering from a malfunctioning thyroid gland which requires constant observation and medical treatment. | Please see below.  |
| 216.  |                      | 04/02/08 | JUA  | FRDX;<br>HRD;<br>TOR          | <b>Marwan al-'Ush</b> , a geology engineer, <b>Riad Seif</b> , former member of the Syrian Parliament and ‘Damascus Spring’ figurehead, <b>Mohammed Haj Darwish</b> , a member of the Human Rights  | By letter dated 01/07/08, the Government informed that Ms. Fida’ al-Hurani, Mr. Marwan al-Ush, Mr. Walid al-Bunni, Mr. Jabir al-Shufi, Mr. Akram al-Bunni, |

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|       |         |      |      |         | <p>Association in Syria and a founding member of the Committees for Revitalizing Civil Society in Syria, <b>Ahmad Tohme</b>, a dentist, <b>Fayez Sarah</b> (the latter was the subject of a previously transmitted communication, see above para. 215), <b>Walid al-Bunni</b>, <b>Jaber al-Shoufi</b>, a member of the executive board of the Committees for the Defence of Freedoms and Human Rights in Syria, <b>Akram al-Bunni</b>, a member and founder of the Committee for the Revitalization of Civil Society in Syria and <b>Ali al-Abdullah</b>, founder-member and member respectively of the Committee for the Revitalisation of Civil Society in Syria, Ms. <b>Fida al-Hurani</b>, recently elected President of the National Council of the Damascus Declaration, and <b>Yasser Tayser Aleiti</b>, an intellectual. On 15 January, Marwan al-'Ush was arrested by State Security officials. Since then, Riad Seif has also been detained. The aforementioned persons attended a meeting of 163 activists in Damascus on 1 December 2007, organized by the Damascus Declaration for Democratic and National Change to address the issue of political reform in Syria. The meeting resulted in the creation of the National Council of the Damascus Declaration, a collective movement of political activists and human rights defenders calling for the establishment of a democratic system that respects citizens' rights, ensures freedom of speech and association, and ends discrimination based on religious or political beliefs. On 27 January 2008, Walid al-Bunni, Yasser al-'Eiti,</p> | <p>Mr. Ali al-Abdullah and Mr. Yassir Taysir al-Ayti, clearly sought to exploit and hide behind the principles of democracy and human rights in order to engage in activities prohibited in the Syrian Arab Republic under ordinary law, which was established in 1949 and has been updated on a number of occasions to bring it into line with changes at the national and the international levels. Interviews with these persons confirmed that they had violated the regulations and laws in force in the Syrian Arab Republic. The facts were confirmed in writing in their confessions, during the police inquiry and also during the examination conducted by the investigating judge in the presence of their defence lawyers. The Damascus Public Prosecutor instituted proceedings against them under ordinary law. With regard to the findings of the investigation, the transcripts of the interviews with these persons confirm that they committed the offence of membership in an unauthorized association, the object of which is to alter the character of the State, and that they had issued a statement which aimed to incite sectarian and racial conflict and spread false information. They did so under the cover of disseminating democratic ideas, whereas in fact they violated articles 206, 285, 286 and 327 of the Criminal Code of 1949, as amended. On the basis of the above, the investigating judge in Damascus took the</p> |

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|       |         |          |      |                           | <p>Fida' al-Horani, Akram al-Bunni, Ahmad To'meh, Jabr al-Shoufi, Ali al-'Abdullah, Fayez Sarah, and Marwan al-'Ush were transferred to 'Adra Prison in Damascus. Ms. Fida'a al-Horani was transferred to the women's prison in Douma, on the outskirts of Damascus. Riad Seif was transferred to 'Adra Prison following his appearance before the investigating judge on 29 January. The detainees have reportedly been detained on charges including "weakening national sentiments", "broadcasting false or exaggerated news which would affect the morale of the country", and joining an "organization formed with the purpose of changing the financial or social status of the state". All those detained are reported to have been ill-treated while in the custody of State Security officials at their base in Damascus. Ali al-'Abdullah is alleged to have been so severely beaten that he sustained a serious injury to his oesophagus and it is not known if he has received medical treatment. Furthermore, Riad Seif is reported to be suffering from advanced prostate cancer and urgently requires specialist treatment only available outside Syria.</p> | <p>decision to refer the case to the judge to indict them for the aforementioned crimes. The judge read out the charges against them. The indictment judge referred the case to the Damascus Criminal Court for trial. Since the decision of the judge is subject to appeal, their defence counsel appealed and the case is under consideration before the Trial Division of the Court of Cassation. The legal basis for their continued detention is the aforementioned indictment decision. Syrian law provides, in such cases, that the concerned individuals must be remanded in custody and brought to trial before a criminal court in the first instance. That court then considers whether to release them.</p> |
| 217.  |         | 25/02/08 | JUA  | WGAD; FRDX; HRD; IJL; TOR | <p>Ms. 'Aisha Afandi, aged 48, and Ms. <b>Kawthar Taifour</b>, aged 50, both members of the Kurdish minority, and members of an organization called "Democratic Union Party (PYD)". Ms. Aisha Afandi's husband, Saleh Muslim, is a leading member of the "PYD". On 28 November 2007, the two women were arrested by members of State Security Services. Ms. 'Aisha Afandi was</p>   |   |

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|       |         |          |      |                      | <p>arrested at 4 a.m. at her home in 'Ein al-'Arab (Qoubani). The place and exact time of the arrest of Ms. Kawthar Taifour is not known. Both women are believed to be currently held in incommunicado detention at the women's wing of Al-Maslamieh Prison in Aleppo. Neither have access to legal counsel or contact with their families. They are being held together with convicted criminals and pre-trial detainees. The authorities have not yet disclosed the reason for their arrest and detention. It is believed that these measures might be linked to non-violent demonstrations by members of the Kurdish minority on 2 November 2007 in the cities of Qamishli and 'Ein al-'Arab (Qoubani). Ms. Afandi suffers from a brain cyst which affects blood flow to the brain and which can cause loss of consciousness, especially in stressful situations.</p> |   |
| 218.  |         | 04/03/08 | JUA  | WGAD;<br>HRD;<br>TOR | <p><b>Jean Rassoul</b>, a member of the Committee of the Cereal Trade Union Branch in Tal Ziwan. On 26 February 2008, he was on his way to work when he was arrested without warrant by a State Security patrol. He was then taken to an unknown location. No information is currently available as to his place of detention.</p>  | <p>By letters dated 12/03/08 and 3/06/08, the Government informed that Mr. Rassoul was arrested for inciting racist acts likely to cause strife among citizens and to expose national security to the risk of the disintegration of national unity and civil war. The laws in force in the Syrian Arab Republic do not punish people for exercising their right to freedom of expression; the Constitution guarantees the rights and freedoms of all citizens, while the Criminal Code stipulates that any State employee who arrests or detains a person in circumstances not sanctioned by law shall be</p> |

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|       |         |          |      |                      |  | <p>punished by a term of imprisonment with hard labour. The Code also states that any warden or guard of a prison, a disciplinary institution or a correctional facility and any official performing such functions who admits a prisoner to a facility without a court order or continues to hold a prisoner after the end of the legally prescribed term shall be liable to a penalty of from one to three years' imprisonment. We should point out that the practice in the Syrian Arab Republic is consistent with its laws and does not allow anyone to be subjected to physical or mental torture or humiliating treatment. Anyone who subjects a person to unlawful beating with a view to extracting a confession to, or information about a crime shall be punished by a term of three months to three years' imprisonment. Prosecutions have been initiated against a number of persons for breaching these provisions, either on the basis of a complaint from an aggrieved party or through proceedings initiated by the Department of Public Prosecutions.</p> |
| 219   |         | 22/04/08 | JUA  | FRDX;<br>HRD;<br>TOR | <p><b>Karam Ibrahim Yousef</b>, a writer and human rights defender from the Kurdish community in Syria. On 20 March 2008, he was shot in the head by Syrian security forces whilst he was photographing the national Kurdish celebrations of their traditional new year in the city of Qamishli. Due to his injuries he had to be hospitalized. His health condition remains critical.</p> |   |

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|       |         |                            |      |                                      | Karam Ibrahim Yousef has been interrogated repeatedly by the authorities, but no charges have been brought against him.  |  |
| 220.  |         | 23/04/08                   | JUA  | TOR;<br>FRDX;<br>HRD;<br>IJL;<br>TOR | <b>Mohammed Badih al-Bab</b> , a member of the National Organisation for Human Rights in Syria. On 2 March 2008, he was arrested by military security forces in Damascus and his whereabouts are unknown. He has been denied access to a lawyer and is not allowed any visitors. No charges have yet been brought against him. The reasons for his arrest remain unclear, but it appears to be in relation to articles he has recently written, in which he criticized the Minister for Information, Mr. Mohsen Bilal. In 2000, Mr. Mohammed Badih al-Bab had been sentenced to 15 years' imprisonment. He had been released in 2005 following a presidential amnesty. |  |
| 221.  |         | 16/07/08                   | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR        | <b>Hammam Haddad</b> , a university student, author of a magazine and writer of internet articles. On 5 May 2008, Mr. Hammam Haddad was arrested at his home in Damascus by state security forces. Although no reason was given for his arrest it is believed that it was carried out to prevent him from giving further publicity to cases of human rights violations in the Syrian Arab Republic in his publications. Mr.Haddad's current whereabouts are unknown.   | A reply was received from the Government on 10/09/08, but could not be translated in time for inclusion in this report.  |
| 222.  |         | Follow-up to earlier cases |      |                                      | <b>Abdul Moez Salem</b> (A/HRC/7/3/Add.1, para. 221)   | By letter dated 27/02/08, the Government indicated that Mr. Abd al-Mu`azz Salim was taken into custody on 23 December 2006 and charged with membership in Al-Qaida. He was, in fact, a member of the organization, |

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|       |          |          |      |             |   | having participated with a number of others in unlawful terrorist activities. Five days later, on 28 December 2006, while the investigation was still under way, Mr. Salim, who had been subjected to no form of physical or mental coercion, hanged himself. He was rushed to the Military Hospital where all the requisite emergency procedures were carried out, but to no avail. He died. His body was delivered to his family for burial. Attached to this note you will find details of the investigation conducted by the Office of the Military Prosecutor, which examined the circumstances and the cause of death and which confirms that the allegations received by the two Special Rapporteurs are untrue. The Government can confirm that Mr. Salim was not subjected to torture. Everything possible was done to protect his physical and psychological welfare. |
| 223.  | Thailand | 15/02/08 | JUA  | HRD;<br>TOR | <b>Kuyi Etae, Amisi Manak, Abdullah Doloh, Ishmael Tae, Ahama Bodong, Sobri Kasor, and Abdolasis Arong</b> , university students, and volunteers at the Legal and Human Rights Training Project of the Students Federation of Thailand (SFT), which address violence in the southern provinces, and the Working Group on Justice for Peace (WGJP), which conducts training programmes on issues like the imposition of martial law, the Internal Security Law, and the rights of villagers in southern provinces. On 27 January 2008, a group of plain-clothed men from the 11th Special Branch Forces arrested the | By letter dated 3 October 2008, the Government reported that on 27 January 2008, officers of Yala Task Force 11 conducted a search at a rented house in Muang District, Yala Province, which was suspected of being an assembly place of perpetrators of violence. Five persons, namely Mr. Kuyi Etae, Mr. Amisi Manak, Mr. Abdullah Doloh, Mr. Ishmael Tae and Mr. Ahama Bodong, were found in the house together with a computer containing security-related information.   |

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|       |         |      |      |         | <p>first five individuals in the university dormitory and seized a desktop computer, a laptop, seven mobile phones and one camera. The five men were sent to Inkayutaburiharn Army Camp. Before being sent to the camp, they were beaten all over their bodies with a metal bar wrapped with cloth and were forced to stand out in the sun for several hours. While in detention they were blindfolded with their arms tied behind their back, kicked all over their bodies, including in their faces, by soldiers wearing combat boots, punched in their stomachs and faces, slapped in their faces, had their heads covered with a sack, and were hit on their backs. On 28 January, soldiers from the 11th Special Branch Camp arrested Sobri Kasor and Abdulasis Arong at Yala Rajabhat University. The two men were then taken to the 11th Special Branch Camp. Kuyi Etae, Amisi Manak, Abdullah Doloh, Ishmael Tae and Ahama Bodong were released on 5 February but Sobri Kasor and Abdolasis Arong remain in detention at the 11th Special Branch Camp. It is not known whether any charges have been brought against any of the men.</p> | <p>Mr. Doloh admitted that all the documents and information contained in the computer belonged to him. Accordingly, the officers confiscated one desktop computer, one laptop computer, seven mobile phones, and one camera for further investigation and invited those five persons to the Inkayuthboriharn Army Camp for further inquiry. For security reasons, the proceedings of search, invitation, confiscation, detention and inquiry were conducted in accordance with the Martial Law Act, B. E. 2457 (1914). Before being sent to the camp and while in detention, none of the five were beaten or tortured. This was confirmed by the reports of of-site search/on-site confiscation and the invitation for further inquiry with the signatures of all five men, certifying that the officers performed their duties under the law and did not threaten, coerce, promise, harm them physically or mentally, destroy or take their belongings for personal material gains in anyway.</p> <p>On 4 February 2008, all men were released without charge and their computers and camera returned to them. Upon their request, they were delivered to the Yala Central Mosque. Furthermore, the Yala Task Force 11 officers invited a group of professors from the Yala Rajabhat University, the village chief,</p> |

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|       |         |          |      |         |  | <p>villagers from Muang District, and police officers to be present as witnesses of the release.</p> <p>Mr. Sobri Kasor and Mr. Abdolasis Arong are not bona fide human rights defenders seeking to address the violence and protect the rights of villagers in the Southern Border Provinces of Thailand. Two men are currently being prosecuted for committing serious crimes ranging from theft and robbery to felony murders. While in detention at the Yala Provincial Penitentiary, they are assured of receiving just treatment and all the guarantees necessary for their defence.</p> <p>According to information from the Ministry of Justice, no complaint has been lodged by or on behalf of these five men. If they would like to receive assistance such as legal advice, witness protection or financial assistance for those under criminal proceedings, they can submit such requests under the Victim Compensation and Remuneration and Defendant Expense in Criminal Justice Proceedings Act of B. E. 2544 (2001), or lodge a complaint regarding official misconduct at the Ministry of Justice and its provincial offices across the country.</p> |
| 224.  |         | 01/04/08 | UA   | TOR     | <b>Yapa Kaseng</b> , an imam, Ban Kor Tor, Rueso district, Narathiwat. On 19 March 2008, he and his two sons, Anand and Aaming, were arrested during a village raid before the morning prayer. | By letter dated 09/04/08, the Government expressed its regret for the death of Yapha Kaseng. It informed that he had been arrested on 19 March 2008 due to suspicion of  |

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|       |         |      |      |         | <p>The police officers did not produce any arrest warrants before taking the men away. They were taken to Special Taskforce 39 camp, Wat Suan Tham, Rueso District. The men were detained inside a truck with two small windows together with four men from nearby villages. The daughter and wife of Mr. Kaseng tried to visit the detainees on that day, but they were only allowed to see them through the truck's window. The women tried to communicate with them by shouting to them from the neighbouring bus station. On 21 March, one of Mr. Kaseng's sons shouted back, "Father is dead." The body was taken to Rueso Hospital, where a medical examination, including an x-ray, revealed broken ribs and teeth. No proper autopsy was conducted. A villager took photos at the hospital which showed bruises on his eyes, mouth and face, and burn marks all over his body. When his body was taken away by officials for burial, the villagers intervened and took the body from the vehicle and carried it back to the village about 20 minutes away by foot. It is reported that 600 people had gathered at the hospital and accompanied the body to the burial.</p> <p>On 21 March, the sons of Mr. Kaseng were transferred to Inkayuth camp. The daughter and mother went to visit them and were informed that Mr. Kaseng was interrogated overnight three times for hour long sessions. The sons saw him being hit and kicked on his way to the interrogation. When he returned from the second</p> | <p>involvement in militant activities. According to the Government, the Royal Thai Army (RTA) spokesperson confirmed that the Commander-in-Chief of the Fourth Army Region set up a committee to investigate the death of Mr. Kaseng and gave assurances that the investigation would be conducted in a fair and transparent manner. The RTA also met with and assisted the relatives of Mr. Kaseng to pay for his funeral. The Government assured the Special Rapporteur that, should it be established that the death of Mr. Kaseng was a result of mistreatment by the authorities, those responsible would be held accountable without exception. During his visit to the Southern Border Provinces on 22 March 2008, General Anuphong Phaochinda, Commander-in-Chief of the RTA, met with the commander of Narathiwas Civilian-Police-Military (CPM) Task Force and other local commanders, and raised this issue. He stated that the investigation must bring about the truth and clarify the case. Those found to be responsible would first be transferred out of the area and will be prosecuted in accordance with the Thai law and there will be no reduction of punishment for actions taken outside the bounds of the law. The Government reiterated that it will not tolerate any abuse of authority by state personnel. However, while the distress of the families of the deceased is understandable and deserves the greatest</p> |

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|       |         |      |      |         | <p>interrogation, Mr. Kaseng was very weak and could barely walk. The soldiers tossed him into the truck. After the third interrogation, he could no longer walk and the soldiers dragged him by his feet back into the truck. One of the sons put Mr. Kaseng's head in his lap, pleading to the soldiers to send him to the hospital. Yapa Kaseng died shortly thereafter. The family lodged a complaint at Rueso Police Station and the case was reported in the news. The family said that he was strong and had not been sick for years. The military argued in a press release that Mr. Kaseng was sick and his ribs were broken when the doctors tried to resuscitate him at the hospital. The soldiers also claimed that he was no longer an imam, but rather an insurgent. However, his family pointed out that he continued to receive his monthly salary of 500 baht from the government office for his work. The family has been threatened since reporting the case.</p> <p>Self-proclaimed Peace Ambassador, Suriya Tawanchai, a Buddhist singer from Isaan, went to see the family to convince them to drop the case, as did the chief of the Narathiwat Special Taskforce. The army paid the family 20,000 baht for the loss. The two sons were released on 27 March 2008. Their village is still surrounded by soldiers. Allegations were also received concerning <b>Sukri Salae</b>. He was also detained in the truck at Special Taskforce 39 camp. On 18 March, he was working with his father-in-law in the rubber field, when a group of 30 soldiers</p> | <p>sympathy, the causes of Mr. Kaseng's death should first be confirmed by the investigating committee.</p> |

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|       |         |          |      |         | shot at them. Sukri lay on the ground while his father ran away and was shot dead 600 meters away. Mr. Salae was arrested and brought to the camp. He was interrogated and tortured overnight on 18 March and again on 19 and 20 March. On 21 March, following the imam's death, he was taken to Rueso Police Station and then to Tanyong army camp in Narathiwat. When his mother visited him, she saw that his face was bruised and red, but she could not talk to him as soldiers were present. When she wanted to sleep in front of the camp, the soldiers said that her son would be tortured more if she stayed. She was not allowed to see him on the second day. She learned that the soldiers used needles to pierce his body and under his fingernails. Mr. Salae has not been taken to a hospital for an examination. He remains imprisoned at Tanyong army camp. |   |
| 225.  |         | 27/06/08 | UA   | TOR     | <b>Forcible return of Lao Hmong from Thailand to Laos.</b> 837 ethnic Lao Hmongs were forcibly returned to Laos by Thai governmental authorities on 22 June 2008. This followed a protest march held on 20 June against an agreement between the Thai and Lao Governments to send them back to Laos, in which they had participated. No independent monitoring of the process and no duly completed status determination process or individual verification of the voluntary nature of return were allowed. The exact number of Hmong who are still in Thailand but have not returned to the camp is unclear, as are their whereabouts.  | By letter dated 03/07/08, the Government reported that, since December 2003, many groups of Hmongs from the Lao PDR have been crossing the border into Thailand. The Government considers these Laotian Hmongs "illegal immigrants", subject to judicial process in accordance with the Immigration Act of 1979. At the same time, Thailand has provided them with shelter at the temporary shelter area in Petchaboon Province as well as assistance and care on a humanitarian basis. The Government has placed a high priority on resolving the issue of more than 7,000 Laotian Hmongs in Pethaboon. Although the |

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|       |         |      |      |         |                         | <p>Government believes that the vast majority of this group is composed of economic migrants who have violated the Thai immigration law and must be repatriated to the Lao PDR with the cooperation of the latter, the Government is setting up a screening mechanism to properly verify the nationality of these Hmongs and to screen for persons with genuine fear of persecution. Those who have violated the immigration law for economic reasons will be repatriated to the Lao PDR in accordance with Thai law. The Government respects the principle of non-refoulement and has treated these illegal immigrants and displaced persons on the basis of humanitarian principles. In addition, Thailand continues to cooperate with the relevant international humanitarian organizations, UN special agencies, as well as international humanitarian NGOs, on a case-by-case basis, in promoting and protecting these illegal immigrants' rights. On 20 June 2008, a large number of Laotian Hmongs destroyed the fence encompassing their temporary shelter area in Petchaboon Province and walked out in protest, with the intent of travelling all the way to the UNHCR office in Bangkok. The Thai officials exercised the utmost restraint, and allowed the protesters to continue their walk. After long hours of negotiations between the Laotian Hmongs and the Thai side and after many hardcore protesters threatened other Laotian Hmongs</p> |

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|       |         |          |      |             |   | not to return to the shelter area, most Laotian Hmongs realized that there was no use to continue protesting. At that time, the Thai side offered the protestors to return to the shelter area without any form of punishment; return to Laos and receive financial assistance for re-integration from the Thai Government as had been the case for prior groups of voluntary returnees; or acquiesce to being dealt with in accordance with Thai immigration law. More than 800 Laotian Hmongs chose to return to Laos. The rest chose to return to the temporary shelter. All clearly expressed the wish to return of their own accord after negotiations with the Thai officials proved that their demands could not be met. The Thai side thereafter facilitated their return in accordance with the Immigration Act in a dignified and humane manner. The formal return ceremony was attended by Thai and Laotian media and the entire process was witnessed by Thai diplomatic officials who served as additional witnesses to the transparency and smooth conduct of the entire return process. Such return on a large scale was impossible to be forcibly conducted, especially in front of so many witnesses and without physical means. |
| 226.  |         | 18/07/08 | JUA  | IND;<br>TOR | <b>Alleged forcible return on 11 July 2008 of 391 Hmong individuals to the Lao People's Democratic Republic</b> , some of whom may be considered refugees. This situation was subject of a previously transmitted communication and | By letter dated 07/08/08, the Government informed that the return process and handover ceremony of the 391 Laotian Hmongs to the Lao People's Democratic Republic was officially held on 10 July 2008. The ceremony   |

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|       |         |      |      |         | <p>response (see para. 225). New information indicates that a further 391 Lao Hmong were returned to the Lao People's Democratic Republic from a camp in northern Thailand on 11 July 2008, some of them against their will. We also have learned that the procedures in place to assess the cases of Hmong in Thailand might not be in conformity with requirements under international law and that there is no independent monitoring of the return process.</p> | <p>was not only monitored by the Thai and Laotian Ministries of Foreign Affairs, but it was also covered by both the Thai and Laotian media, who were able to interview some Laotian Hmongs and take footage of the crossing into Laos and the handover ceremony. The Government has formally established a domestic status determination process or screening mechanism for the Laotian Hmongs. The process not only involves interviews at the local level, but also contains safeguards with further consideration at the national level. The return of the group of 391 Laotian Hmongs was undertaken in response to an expression of their wish to return home to Laos. That wish was expressed freely and without any form of coercion, prompting the Thai side to respond swiftly and accommodate their wish by facilitating their smooth return to Laos. The Thai authorities informed the Laotian Hmongs that they had the opportunity to change their minds at all times. Had any person decided not to return Laos that time, the Thai authorities would have accommodated that decision. Besides, all of them signed the affidavit document confirming their voluntary decision to return to Laos. In keeping with the Thai humanitarian tradition, each and every member of the group was screened and determined to be economic migrant whose illegal entry into Thailand was in violation of Thai immigration laws. Therefore, in keeping with the sovereign</p> |

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|       |         |                            |      |         |  | right and prerogative of each country, exercised all over the world in a similar manner, the return to Laos was conducted in cooperation with the Laotian authorities. There was also a member of the first group of 11 returnees who greeted this group of Laotian Hmongs on their return.  |
| 227.  |         | Follow-up to earlier cases |      |         | <b>Sukri Ar-dam</b> (A/HRC/7/3/Add.1, para. 224) | <p>By letter dated 25/06/08, the Government informed that, on 14 April 2007, four days after the arrest of Mr. Sukri Ar-dam, his family members visited him at the Inkayuth army camp. Camp officials took him to the visiting area where his family was able to see him and talk to him via internal telephone. His family was thus assured that Mr. Sukri Ar-dam was actually detained in the camp and was still in normal condition.</p> <p>On 21 April 2007, his family revisited Mr. Sukri Ar-dam at the camp. His family believed that Mr. Sukri Ar-dam had been assaulted because he had a bruise on his upper lip. On 23 April 2007, his family lodged a complaint with the National Commission on Human Rights, following which a member of the Commission together with one medical doctor came to see Mr. Sukri Ar-dam at the camp and provided him with the services of a lawyer.</p> <p>On 6 May 2007, four days after Mr. Surki Ar-dam was transferred from the Inkayuth army camp to Kokpo District Police Station,</p> |

| Para. | Country | Date | Type | Mandate | Allegations transmitted | Government response   |
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|       |         |      |      |         |                         | <p>the police undertook on inquiry before Mr. Sukri Ar-dam's lawyer and his elder sister. During the inquiry, neither Mr. Sukri Ar-dam nor his family members availed themselves of the opportunity to lodge a complaint with the police concerning the alleged assault while being detained in the army camp. The inquiring officer did not also note any evidence of injury on Mr. Sukri Ar-dam.</p> <p>On 8 May 2007, Mr. Sukri Ar-dam was transferred to Pattani Provincial Penitentiary, where he underwent a physical examination, in accordance with the regulation of the Department of Corrections that every new detainee must be physically examined upon arrival. The technical nurse of the Pattani Provincial Penitentiary who conducted the physical examination of Mr. Sukri Ar-dam confirmed that he did not see any scars nor marks of severe injury on his body. No medical treatment was requested by Mr. Sukri Ar-dam at any stage.</p> <p>In the meantime, the National Commission on Human Rights continued to pursue the case on behalf of Mr. Sukri Ar-dam's family, and a complaint was filed with the commander of Inkayuth army camp to investigate the alleged assault. In response to that complaint, the camp set up an investigation committee on 14 May 2007. The committee found that a certain official did slap Mr. Sukri Ar-dam once</p> |

| Para. | Country | Date | Type | Mandate | Allegations transmitted | Government response  |
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|       |         |      |      |         |                         | <p>on his mouth because he got into temper after being heavily insulted by the latter. That official was given a warning notice in response to his misconduct, which was in contravention of the established procedures, and was subsequently punished by being transferred out of the area. This disciplinary punishment represented the official accountability and awareness that the right of any person in detention must be equally respected without discrimination. It also reflected the camp's adherence to its own rules and regulations that take into account the rights as well as cultural sensitivity of every detainee.</p> <p>The Royal Thai Government would like to emphasize that just treatment will continue to be accorded to Mr. Sukri Ar-dam who is now being detained in the Pattani Provincial Penitentiary. The Department of Corrections has issued an order to all provincial penitentiaries to place utmost importance to the right and welfare of every person in detention in compliance with human rights principles, the laws on correction, the United Nations minimum standards on the treatment of persons in detention and the obligations under the International Covenant on Civil and Political Rights.</p> <p>It is important to note that Mr. Sukri Ar-dam has been indicted for committing serious crimes and for behaviour which is allegedly</p> |

| Para. | Country | Date     | Type | Mandate     | Allegations transmitted   | Government response  |
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|       |         |          |      |             |   | detrimental to public peace and security. The allegations have been preliminary supported by oral material as well as forensic evidence which instituted the basis for the Court's decision not to grant bail. Mr. Sukri Ar-dam will certainly be provided with all the guarantees necessary for his defense as well as an independent and impartial judicial process. |
| 228.  | Tunisia | 06/03/08 | JAL  | HRD;<br>TOR | Mmes <b>Fatma Ksila</b> et <b>Samia Abbou</b> , respectivement secrétaire générale du Comité pour le respect des libertés et des droits de l'Homme en Tunisie (CRLDHT) et membre de l' <i>Association de lutte contre la torture en Tunisie (ALTT)</i> . Mmes Ksila et Abbou s'occupent de la collecte de témoignages de victimes de torture en vue de la rédaction d'un rapport conjoint CRLDHT/ALTT sur le recours à la torture et aux mauvais traitements en Tunisie dans le cadre d'affaires jugées sur la base de la loi anti-terroriste. Le 14 février 2008, Mme Ksila aurait été empêchée d'accéder au domicile de Mme Fatma Tlili par des policiers en civil qui l'auraient insultée. Mme Tlili aurait annoncé la veille son intention d'entamer une grève de la faim en solidarité avec son fils Abderrahmane, lui-même en grève de la faim depuis le 15 janvier 2008 afin de dénoncer les mauvaises conditions dans lesquelles il serait détenu et les mauvais traitements dont il ferait l'objet à la prison de Mornaguia, dans la banlieue de Tunis. Le 15 février, Mme Ksila aurait été empêchée par des policiers en civil de se rendre au cabinet de |  |

| Para. | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
|-------|---------|------|------|---------|---|---------------------|
|       |         |      |      |         | <p>Me Radhia Nasraoui, présidente de l'ALTT afin de rencontrer des familles de prisonniers pour recueillir leur témoignage. Les policiers auraient insulté Mme Ksila. Le 16 février, Mmes Ksila et Abbou auraient dû rencontrer les familles des membres du groupe Soliman condamnés à perpétuité et à de lourdes peines de prison, à Sidi Bouzid. Quelques minutes après leur arrivée au domicile de l'une de ces familles, de nombreux policiers auraient envahi la rue, conduits par le chef de la police du district de Sidi Bouzid. Mmes Ksila et Abbou aurait alors été contraintes de quitter la ville, et la police les aurait suivies jusqu'à la sortie de l'agglomération. Enfin, le 18 février, après s'être rendues chez les parents de M. Imed Ben Amer, condamné à la peine capitale dans l'affaire du groupe de Soliman, à Sousse, Mmes Ksila et Abbou auraient été physiquement agressées, traînées par terre et rouées de coups par de nombreux policiers en civil, qui auraient également proféré à leur encontre des injures obscènes. Mme Ksila aurait alors perdu connaissance. La police aurait ensuite complètement vidé les sacs à main des deux femmes, confisquant de l'argent liquide, un appareil photo et un magnétophone appartenant à Mme Ksila. Mmes Ksila et Abbou auraient ensuite été contraintes de prendre une voiture de location à huit places, dont six occupées par des agents de la police politique en civil, à destination de Tunis. Une fois arrivées, Mmes Fatma Ksila et Samia Abbou se seraient rendues au cabinet de</p> |                     |

| Para. | Country | Date     | Type | Mandate                               | Allegations transmitted  | Government response  |
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|       |         |          |      |                                       | Me Mohamed Abbou. Ce dernier aurait alors également fait l'objet d'insultes et de provocations, puis menacé d'agression.   |  |
| 229.  |         | 16/04/08 | JUA  | FRDX,<br>HRD,<br>IJL,<br>TOR,<br>WGAD | <b>Adnane Haji</b> , secrétaire général du Syndicat de l'enseignement de base de Redeyef, <b>Foued Khenaiissi</b> , membre de l'Union locale du travail de Redeyef, <b>Taeïb Ben Othmane</b> , membre du Syndicat de l'enseignement de base de Redeyef, et <b>Boujomâa Chraïti</b> , secrétaire général du Syndicat de la santé de Redeyef. Le 7 avril 2008, MM. Haji, Khenaiissi, Ben Othmane et Chraïti auraient été violemment interpellés par la police, au lendemain de leur participation à une réunion, à Tunis, portant sur la question du chômage des travailleurs du bassin minier de Gafsa, dans le sud-ouest de la Tunisie. Cette réunion serait intervenue dans un contexte où, depuis le début du mois de janvier 2008, un mouvement de protestation aurait vu le jour dans la région de Gafsa et environ 30 syndicalistes, étudiants et chômeurs auraient été arrêtés depuis le 6 avril 2008. M. Haji, qui souffre d'une insuffisance rénale, ainsi que MM. Khenaiissi, Ben Othmane et Chraïti auraient été frappés avant d'être arrêtés. Ils auraient ensuite été transférés au commissariat de Gasfa et l'accès à leurs avocats leur aurait été refusé. |  |
| 230.  |         | 16/04/08 | JAL  | HRD;<br>TOR                           | Mme <b>Sihem Bensedrine</b> , porte-parole et fondatrice du <i>Conseil national pour les libertés en Tunisie</i> , secrétaire générale de l'Observatoire pour la Liberté de la presse, d'édition et de création en Tunisie et lauréate du Prix de la Paix 2008   | Par lettre datée du 13/06/08, le Gouvernement a indiqué que les investigations diligentées au sujet du mauvais traitement que les intéressés auraient subi, ont révélé qu'ils sont arrivés au port de La Goulette le 3 mars 2008 à bord d'un |

| Para. | Country | Date     | Type | Mandate                      | Allegations transmitted  | Government response  |
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|       |         |          |      |                              | <p>décerné par la Fondation danoise pour la paix, ainsi que M. <b>Omar Mestiri</b>, directeur de la rédaction du journal en ligne <i>Kalima</i>. Dans la matinée du 3 mars 2008, Mme Bensedrine et M. Mestiri, à leur retour à Tunis en provenance d'Europe par le port de La Goulette, auraient été soumis à une fouille corporelle, retenus à la douane durant six heures et physiquement agressés par des agents de la police. Ils auraient ensuite été conduits dans le bureau de la douane et, une fois à l'intérieur, auraient été frappés. Mme Bensedrine souffrirait notamment de plusieurs hématomes sur le corps et d'entorses au poignet gauche et au coude. Leurs vêtements et leurs sacs auraient également été déchirés au cours de l'agression et leurs téléphones portables et leurs cartes bancaires, ainsi que plusieurs documents n'existant qu'en un seul exemplaire, auraient été confisqués par ces mêmes agents. Enfin, ces derniers auraient également copié les disques durs des ordinateurs portables de Mme Bensedrine et M. Mestiri.</p> | <p>bateau Italien en provenance de Gênes, qui transportait également une automobile d'immatriculation étrangère appartenant au couple, et remplie de marchandises diverses en grandes quantités. Conformément aux procédures douanières, le véhicule est passé devant le détecteur des substances interdites, qui aussitôt émis un signal, à plusieurs reprises, contraignant l'agent de douane à inviter le conducteur à faire descendre les effets pour inspection. Une fois l'inspection terminée, les effets ont été remis dans le véhicule. Aucun effet n'a été saisi. Mme. Ben Sedrine s'est illustrée, lors de cette banale procédure douanière d'inspection de marchandises, par un comportement agressif et violent, vociférant continuellement des propos haineux à l'encontre du douanier et portant sans cesse des coups au tableau de bord de leur voiture. Mme. Ben Sedrine et son époux n'ont subi aucun mauvais traitement, encore moins aucune violence. D'ailleurs, aucune plainte pour mauvais traitement n'a été déposée, à ce jour, dans aucune juridiction en Tunisie par les deux époux. Ce qui dénote le manque de crédibilité des allégations de Mme. Ben Sedrine destinées manifestement à manipuler l'opinion publique.</p> |
| 231.  |         | 06/06/08 | JUA  | FRDX;<br>HRD;<br>IJL;<br>TOR | <p><b>Slim Boukhdir</b>, âgé de 39 ans, correspondant du journal panarabe basé à Londres <i>Al Quds Al Arabi</i> et du site internet de la chaîne de télévision satellitaire <i>Al-Arabiya</i>. Il publie aussi des articles</p>   |  |

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|       |         |          |      |                      | sur plusieurs sites Internet dont <i>Tunisnews</i> et <i>Kantara</i> . Depuis son incarcération à la prison de Sfax, M. Boukhdir aurait contracté la gale en raison de conditions de détention précaires, notamment l'insalubrité de sa cellule et la privation de douche depuis un mois et demi, et les soins fournis par les autorités pénitentiaires s'avèreraient insuffisants. Par ailleurs, il est allégué que les provisions que l'épouse de M. Boukhdir lui apporterait seraient confisquées par les autorités pénitentiaires. Enfin, l'avocat de M. Boukhdir et la famille ne seraient plus autorisés à lui rendre visite depuis mi-avril 2008.   |                     |
| 232.  |         | 08/07/08 | JUA  | WGAD;<br>IJL;<br>TOR | <b>Ziad Fakraoui.</b> M. Ziad Fakraoui a été l'objet des communications antérieures (E/CN.4/2006/6/Add.1, para. 496; A/HRC/7/3/Add.1, para. 229) appel urgent envoyé par le Rapporteur spécial sur l'indépendance des juges et des avocats et le Rapporteur spécial sur la torture, le 19 août 2005; ainsi que d'une lettre d'allégation envoyée par le Rapporteur spécial sur la torture, le 14 mai 2007. Aucune réponse à ces communications n'a été reçue. Le 25 juin 2008, M. Ziad Fakraoui aurait été arrêté par des agents de sécurité en civil et aurait été emmené au Ministère de l'Intérieur. La famille de M. Ziad Fakraoui serait sans nouvelles de lui. L'arrestation de M. Ziad Fakraoui ferait suite à la publication récente d'un rapport de l'organisation non-gouvernementale Amnesty International intitulé « Au nom de la sécurité: abus routiniers en Tunisie » (In the Name of |                     |

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|       |         |          |      |                                      | Security: Routine Abuses in Tunisia). Ce rapport évoquerait notamment le cas de M. Ziad Fakraoui, détenu de 2005 à 2007, qui aurait subi des actes de torture le laissant sexuellement impuissant. En mars 2007, M. Ziad Fakraoui aurait indiqué un juge de ces actes de torture et aurait demandé qu'un médecin l'examine et que les responsables soient traduits en justice. Or, le juge aurait refusé que les allégations de M. Ziad Fakraoui soient enregistrées par le greffier et les plaintes subséquentes des avocats de M. Ziad Fakraoui déposées devant le Procureur public en avril 2007 n'auraient pas été instruites. M. Ziad Fakraoui aurait alors entamé une grève de la faim qui aurait duré deux mois au cours desquels ses avocats et les membres de sa famille n'auraient pu lui rendre visite à de nombreuses reprises. En décembre 2007, M. Ziad Fakraoui aurait été condamné à 12 ans d'emprisonnement pour appartenance à une mouvance terroriste et incitation au terrorisme. La sentence aurait été réduite en appel, et M. Ziad Fakraoui aurait été libéré le 24 mai 2008 après avoir purgé sa peine. |                     |
| 233.  |         | 27/08/08 | JAL  | FRDX;<br>HRD;<br>IJL;<br>TOR;<br>VAW | Mme <b>Z. D.</b> , membre de l'Association de lutte contre la torture en Tunisie, de la section de Kairouan de la Ligue tunisienne des droits de l'Homme et du Forum démocratique pour le travail et les libertés; M. <b>Abdelaziz Ahmadi</b> , enseignant; M. <b>Mammar Amidi</b> , instituteur; M. <b>Fawzi Al Mas</b> , technicien; M. <b>Abdessalem Dhaouadi</b> , enseignant; M. <b>Kamel Ben Othmane</b> , enseignant et M. <b>Nizar Chebil</b> , ouvrier.  |                     |

| Para. | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
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|       |         |      |      |         | <p>Mme Z. D. a fait l'objet d'une communication transmise antérieurement (E/CN.4/2006/6/Add.1, para. 499). Le 27 juillet 2008, Mme Z. D., MM. Abdelaziz Ahmadi, Mammam Amidi, Fawzi Al Mas, Abdessalem Dhaouadi, Kamel Ben Othmane et Nizar Chebil auraient participé à Redeyef à une manifestation présentée comme pacifique dont le but était de dénoncer des actes de répression, notamment des arrestations, de la part des forces de l'ordre à l'encontre des habitants du bassin minier de Redeyev.</p> <p>Mme Z. D. aurait pris la parole au cours de cette manifestation. Le 14 août 2008, Mme Z. D. aurait été condamnée par le Tribunal de première instance de Gafsa à huit mois de prison ferme pour «insubordination, troubles de l'ordre public, entraves à un fonctionnaire dans l'exercice de ses fonctions, détérioration des biens d'autrui et atteinte aux bonnes mœurs». MM. Abdelaziz Ahmadi, Mammam Amidi, Fawzi Al Mas, Abdessalem Dhaouadi, Kamel Ben Othmane et Nizar Chebil auraient, quant à eux, été condamnés pour les mêmes charges à six mois de prison ferme. Des accusations de harcèlement sexuel et de menace de viol auraient été formulées au cours du procès par Mme Z. D. à l'encontre du chef du district policier de Gafsa, mais celles-ci n'auraient pas été retenues. De même, MM. Abdelaziz Ahmadi, Mammam Amidi, Fawzi Al Mas, Abdessalem Dhaouadi, Kamel Ben Othmane et</p> |                     |

| Para. | Country | Date     | Type | Mandate                              | Allegations transmitted   | Government response |
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|       |         |          |      |                                      | Nizar Chebi auraient accusé ce même chef de leur avoir extorqués des aveux sous la torture, ce qui n'aurait également pas été pris en compte par le tribunal.   |                     |
| 234.  |         | 03/09/08 | JAL  | FRDX;<br>HRD;<br>IJL;<br>TOR;<br>VAW | <p>Mme <b>Z. D.</b>, membre de l'Association de lutte contre la torture en Tunisie, de la section de Kairouan de la Ligue tunisienne des droits de l'Homme et du Forum démocratique pour le travail et les libertés; M. <b>Abdelaziz Ahmadi</b>, enseignant; M. <b>Mammar Amidi</b>, instituteur; M. <b>Fawzi Al Mas</b>, technicien; M. <b>Abdessalem Dhaouadi</b>, enseignant; M. <b>Kamel Ben Othmane</b>, enseignant et M. <b>Nizar Chebil</b>, ouvrier.</p> <p>Mme Z. D. a fait l'objet d'une communication transmise antérieurement (para. 232 ci-dessus). Le 27 juillet 2008, Mme Z. D., MM. Abdelaziz Ahmadi, Mammar Amidi, Fawzi Al Mas, Abdessalem Dhaouadi, Kamel Ben Othmane et Nizar Chebil auraient participé à Redeyef à une manifestation présentée comme pacifique dont le but était de dénoncer des actes de répression, notamment des arrestations, de la part des forces de l'ordre à l'encontre des habitants du bassin minier de Redeyev. Mme Z. D. aurait pris la parole au cours de cette manifestation. Le 14 août 2008, Mme Z. D. aurait été condamnée par le Tribunal de première instance de Gafsa à huit mois de prison ferme pour « insubordination, troubles de l'ordre public, entraves à un fonctionnaire dans l'exercice de ses fonctions, détérioration des biens d'autrui et atteinte aux bonnes mœurs ». MM. Abdelaziz Ahmadi,</p> |                     |

| Para. | Country | Date     | Type | Mandate                       | Allegations transmitted  | Government response   |
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|       |         |          |      |                               | Mammar Amidi, Fawzi Al Mas, Abdessalem Dhaouadi, Kamel Ben Othmane et Nizar Chebil auraient, quant à eux, été condamnés pour les mêmes charges à six mois de prison ferme. Des accusations de harcèlement sexuel et de menace de viol auraient été formulées au cours du procès par Mme Z. D. à l'encontre du chef du district policier de Gafsa, mais celles-ci n'auraient pas été retenues. De même, MM. Abdelaziz Ahmadi, Mammar Amidi, Fawzi Al Mas, Abdessalem Dhaouadi, Kamel Ben Othmane et Nizar Chebi auraient accusé ce même chef de leur avoir extorqués des aveux sous la torture, ce qui n'aurait également pas été pris en compte par le tribunal. |   |
| 235.  |         | 05/09/08 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | M. <b>Tarek Soussi</b> , membre de l'Association internationale de soutien aux prisonniers politiques. Le 27 août 2008, une dizaine de policiers en civil auraient interpellé M. Soussi à son domicile à Bizerte et l'auraient conduit vers un lieu inconnu. L'arrestation de M. Soussi ferait suite à son intervention par téléphone sur la chaîne de télévision satellitaire Al-Jazira au cours de laquelle il avait dénoncé l'interpellation abusive de sept individus.   | Par lettre datée du 12/01/08, le Gouvernement a indiqué que les poursuites pénales engagées contre M. Tarek Soussi trouvent leur fondement dans un texte du droit tunisien qui interdit la diffusion de fausses nouvelles. Le procureur de la République a ordonné l'ouverture d'une enquête préliminaire à l'encontre de M. Soussi aux fins de procéder à tous les actes nécessaires à la manifestation de la vérité. Après clôture de l'enquête préliminaire, M. Soussi a été référé au parquet. Le procureur de la République a ordonné, au vu des éléments de l'enquête, l'ouverture d'une instruction préparatoire à l'encontre du prévenu du chef de diffusion de fausses nouvelles de nature à troubler l'ordre public |

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|       |         |                            |      |         |  | <p>conformément au Code de la presse.</p> <p>Le juge d'instruction, ayant estimé que les faits reprochés à M. Soussi sont suffisamment graves pour justifier son arrestation, a décidé, après interrogatoire du prévenu, de le mettre en détention préventive. M. Soussi a sollicité, par le biais de son avocat, sa remise en liberté provisoire. Le juge d'instruction a décidé de remettre l'inculpé en liberté jugeant ainsi que cette mesure n'est pas de nature à entraver le déroulement normal de l'instruction. Une fois la procédure achevée, le juge d'instruction a décidé de déférer M. Soussi devant la juridiction compétente pour répondre du chef de diffusion de fausses nouvelles de nature à troubler l'ordre public.</p> |
| 236.  |         | Follow-up to earlier cases |      |         | <b>Abdullah Bin Omar al Hajji et Lutfi Ben Swei Lagha</b> (A/HRC/7/3/Add.1, para. 230) | <p>Par lettre datée du 01/02/08, le Gouvernement a indiqué que M. Abdallah Hajji, précédemment détenu à Guantanamo et remis le 18 juin 2007 aux autorités judiciaires tunisiennes, était responsable des programmes militaires à l'étranger du « Front islamique tunisien », branche secrète du mouvement terroriste interdit « Ennabdha ». Ce groupe prônait, dans son texte fondateur de 1989, la guerre sainte, l'action armée et la violence révolutionnaire et s'employait à renverser le gouvernement en place par la violence. M. Hajji a eu, en outre, des activités d'entraînement au maniement des armes en Afghanistan. Il a été condamné par contumace</p>  |

| Para. | Country | Date | Type | Mandate | Allegations transmitted | Government response   |
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|       |         |      |      |         |                         | <p>par la justice tunisienne à dix ans d'emprisonnement pour appartenance à une organisation terroriste, et est recherché depuis lors pour purger sa peine.</p> <p>Dès sa remise à la justice tunisienne, la police judiciaire a établi un procès verbal constatant l'arrestation de l'intéressé avant de le déférer, conformément à la loi, devant le tribunal qui l'avait condamné. L'intéressé a fait opposition au jugement et a comparu le jour même, assisté de son avocat, devant la cour qui a décidé de reporter l'affaire au 26 septembre 2007, et d'émettre un mandat de dépôt contre lui. Le procès a été renvoyé au 31 octobre 2007, puis au 14 novembre 2007. Il a été condamné à sept ans d'emprisonnement pour appartenance en temps de paix à une organisation terroriste opérant à l'étranger. L'audience s'est déroulée en présence notamment de diplomates étrangers, d'un responsable de l'organisation « Reprieve » et de journalistes.</p> <p>L'intéressé s'est pourvu en cassation et l'affaire fut enrôlée sous le no. 29311/2007. En date du 2 juin 2008, le pourvoi fut rejeté quand au fond.</p> <p>Pour ce qui est des conditions de détention, M. Hajji est détenu dans des conditions normales et reçoit régulièrement la visite de sa famille et de son avocat. Il a également reçu la visite du Comité international de la Croix</p> |

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|       |         |      |      |         |                         | <p>Rouge. Il n'a subi, contrairement aux allégations qui vous sont parvenues, aucun mauvais traitement. Aucune menace n'a jamais été proférée contre sa personne ni contra sa famille.</p> <p>M. Lotfi Lagha, lui aussi ancien détenu de la prison de Guantanamo, a été incarcéré à la prison civile d'El Mornaguia le 21 juin 2007 en application d'un mandat de dépôt établi à son encontre par le juge d'instruction auprès du Tribunal de première instance de Tunis pour perpétration d'actes terroristes. Il a été ensuite déféré devant la Chambre d'accusation de la Cour d'Appel de Tunis pour constitution de bande de malfaiteurs ayant pour but de porter atteinte aux personnes et aux biens. Les autres chefs d'accusation retenus à son encontre par le Ministère public ont été classés.</p> <p>Comparu devant le tribunal le 24 octobre 2007, il a été condamné à trois ans d'emprisonnement.</p> <p>Pour ce qui est des conditions de détention de M. Lagha, il convient de préciser que l'intéressé bénéficie de toutes les garanties d'un traitement humain et conforme à la législation en vigueur. Il a également reçu la visite du Comité international de la Croix Rouge.</p> |

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| 237.  |         |      |      |         | <p><b>Sayfallah Ben Omar Ben Hassine</b><br/>(A/HRC/7/3/Add.1, para. 231)</p> | <p>Par lettre datée du 01/02/08, le Gouvernement a indiqué que M. Ben Hassine, incarcéré depuis le 3 mai 2003, a été condamné dans cinq affaires à 68 ans d'emprisonnement pour perpétration d'actes terroristes dans le cadre d'une organisation terroriste opérant à l'étranger.</p> <p>Pour ce qui est des conditions de détention de l'intéressé, M. Ben Hassine purge sa peine dans des conditions normales et bénéficie de toutes les garanties prévues par la législation régissant les prisons, y compris le droit au suivi médical régulier.</p> <p>L'intéressé a déclaré lors de son admission à la prison qu'il était atteint de paludisme. Il a subi alors au service des maladies transmissibles plusieurs examens médicaux ayant révélé sa guérison de cette maladie. Il a été ensuite examiné par des médecins spécialistes en allergologie, en orthopédie et en ophtalmologie. Des médicaments lui ont été prescrits et son état de santé est normale.</p> <p>L'intéressé a pris coutume de transgresser les règlements carcéraux et de s'adonner à une attitude provocatrice à l'égard des gardiens de la prison. Il s'est exposé, par son attitude récidiviste, à des sanctions disciplinaires prononcées à son encontre, à plusieurs reprises, par la commission de discipline de la prison, consistant dans le confinement en</p> |

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|       |         |          |      |                      |  | <p>cellule individuelle et l'interdiction des visites familiales pour une période ne dépassant pas quinze jours.</p> <p>Il convient de noter, à ce propos, que le confinement en cellule individuelle est une sanction disciplinaire exceptionnelle qui comporte la remise du détenu contrevenant dans une cellule individuelle équipée des installations sanitaires nécessaires et dotée de fenêtres permettant l'éclairage et l'aération nécessaire, pour une période qui ne doit guère dépasser dix jours. Pendant cette période, le détenu contrevenant continue à bénéficier de ses droits. Il demeure obligatoirement sous le contrôle du médecin qui peut, pour des raisons de santé, demander la remise de la sanction.</p> |
| 238.  | Turkey  | 27/08/08 | JAL  | HLTH;<br>IJL;<br>TOR | <p><b>Abdullah Öcalan</b> (subject of a previously transmitted communication, E/CN.4/2000/9, para. 1058-1059), currently detained in Imrali Island High Security Closed Prison, since 15 February 1999. The total isolation of Mr. Öcalan, the sole inmate at Imrali Island-for almost ten years, has resulted in severe deterioration of his mental health. Results of psychiatric examination have showed that this deterioration is linked with situations of chronic stress and prolonged social and emotional isolation, along with feelings of abandonment and disappointment. Mr. Öcalan inhabits a 12 square meter cell with a table, chair, bed, wash basin, toilet and a shower cabin. He is confined to his</p> | <p>By letter dated 27/20/08, the Government informed that the terrorist organization PKK/KONGRA-GEL had previously orchestrated campaigns aiming to place the convict Öcalan on the agenda of the international community. Various claims concerning his situation used during such smear campaigns were later proved to be groundless. In fact, the recent allegations constitute another attempt by the supporters of the terrorist organization PKK/KONGRA-GEL to bring this matter to the international agenda by exploiting the UN human rights mechanisms.</p>  |

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|       |         |      |      |         | <p>cell for 23 hours per day under round-the-clock video surveillance. Except for consultations, he has no access to the adjoining room. The exercise yard, which he can use for one hour per day is 45 square meters, covered by wire netting, and is surrounded by a 4 m high wall.</p> <p>He has no access to basic fitness or sports equipment. There is no availability of other types of activities, nor access to a television. Contact with prison staff is minimal and perfunctory. Visits by his lawyers are restricted to Wednesdays only and are recorded. Although he is allowed two visits per month (one separating panel visit and one table visit, each of one hour's duration on a Wednesday), it is reported that table visits are effectively denied because of the restricted class of visitors permitted. He does not have monitored access to a telephone. According to the European Committee for the Prevention of Torture, "there had been no favourable response from the Turkish authorities to the various recommendations made by the CPT as early as 1999, and subsequently expanded on, to alleviate the harmful effects of his detention" (Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 19 to 22 May 2007, CPT/Inf (2008) 13). According to the Special Rapporteurs, the weight of accumulated evidence to date points to the serious and adverse health</p> |                     |

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|       |              |          |      |                       | effects of the use of solitary confinement. The key adverse factor is that socially and psychologically meaningful contact is reduced to the absolute minimum, to the point that it is insufficient for most detainees to remain mentally well-functioning. Regardless of the specific circumstances of its use, effort is required to raise the level of social contacts for prisoners: prisoner - prison staff contact, allowing access to social activities with other prisoners, allowing more visits, and providing access to mental health services.   |                     |
| 239.  | Turkmenistan | 02/07/08 | JUA  | WGAD;<br>FRDX;<br>TOR | <p><b>Mr. Sazak Durdymuradov</b>, a contributing reporter for the Turkmen Service Radio Free Europe/Radio Liberty (RFE/RL), in Bakhaden. On 20 June 2008, Mr. Sazak Durdymuradov was forcibly removed from his home in Bakhaden by members of the National Security Ministry (MNB). He was then transferred to a local psychiatric hospital located between the cities of Bakhaden and Ashgabat, before being taken to an MNB station in Bakhaden where he was severely beaten with a pipe, subjected to electroshocks and forced to sign a letter which stated that he agreed to stop reporting for RFE/RL.</p> <p>Mr. Durdamuradov's wife managed to see him at the MNB station on 24 June 2008. He told her that he had been diagnosed with mental instability at the psychiatric hospital. Mr. Durdymuradov is reportedly in good health and had never previously suffered from a mental disease.</p> <p>Mr. Sazak Durdymuradov may then have been</p> |                     |

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|       |         |          |      |                     | relocated to a psychiatric hospital in the Lebap region, where critics of the Government are alleged to be forcibly abducted. However, Mr. Durdymuradov's whereabouts have not been confirmed. When contacted by RFE/RL staff MNB authorities denied knowledge of the case.  |                     |
| 240.  | Uganda  | 12/08/08 | JAL  | HRD;<br>IJL;<br>TOR | <p><b>U. M.</b>, aged 26, <b>O. P.</b>, <b>V. K.</b>, and <b>J. O.</b>, all members of Sexual Minorities Uganda (SMUG), a local organization advocating on behalf of Uganda's lesbian, gay, bisexual, and transgender (LGBT) people and on HIV/AIDS issues in Uganda; and <b>N. M.</b>, programme coordinator of Transgender, Intersex, Transsexual (TIT), an organization that supports the needs of transgender, transsexual, and intersex Ugandans. On 4 June 2008, police arrested U. M., O. P., and V. K. in Kampala, after a protest at the 2008 "HIV/AIDS Implementers Meeting". The activists were protesting against statements made by Kihumuro Apuuli, director general of the Uganda AIDS Commission, who on 2 June declared that "gays are one of the drivers of HIV in Uganda, but because of meagre resources we cannot direct our programmes at them at this time". Police took the three activists to the Jinja Road Police Station and detained them until 6 June. Authorities finally released the activists on bail after charging them with criminal trespass, under Section 302 of the Uganda Penal Code, despite the fact that sponsors of the Implementers Meeting had invited the activists to attend the conference. The defendants then</p> |                     |

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|       |         |      |      |         | <p>appeared before a Kampala court on 25 July, where several witnesses of the State (mainly police officers) and the defendants were cross-examined. The judge adjourned the hearing until 1 August. At previous hearings held on 9 and 10 July, the judge adjourned the case following the public prosecutor's request to give police additional time to locate new witnesses. After the court hearing, a patrol car stopped the taxi U. M. was riding in, and four men identifying themselves as police officers, three of them in uniforms and the fourth dressed in plain clothes, detained him and put him in the police's pickup truck. The police officers drove towards Jinja Road where a civilian car with tinted screens was waiting for them parked in front of Shoprite. Police officers forced U. M. into the other car with three other policemen; two wore suits and one wore a police uniform. The men drove around for about 30 minutes and took U. M. to an undisclosed location. Two female and one male police officer were waiting. The police confiscated U. M.'s mobile phone, which contained contact names and numbers of members of SMUG and other LGBT rights organizations. The police asked U. M. if he was N., and when he said that he was not, they asked for his name. The three police officers then pushed him through a dark corridor into a room where they made him sit on a chair. U. M., saw four other men around his age in the room. One had a broken leg and the other three appeared to</p> |                     |

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|       |         |      |      |         | <p>have been beaten. One of the women officers scraped his knuckles with a razor-like object. His abductors asked him questions in Luganda, a local language, about the activists' funders and supporters, and about his own role "among the homosexuals". They also demanded information about P. and N. They demanded the address of the SMUG office, as well as the residence and office of U. M.'s lawyer. Before dawn, they forced him to strip to his underwear, asked him if he was a man or a woman, and made him walk around the room in his underwear. In the room, there was a device above a cushioned bench into which a person's arms could be locked. As the device was lowered by a switch, the arms got stretched. U. M. was ordered by a policeman to lie on the bench face-up, threatened, and asked to provide information on the organization's sources of funds. U. M. said nothing and his arms were stretched, leaving him with intense pain. After about 15 minutes, the machine was turned off and he was asked how much he was paid to be a homosexual. When he did not answer, they left him sleeping on the bench. On the following day, 26 July, the police dropped U. M. off at Mulago round-about in central Kampala. On 28 July, activists accompanied U. M. to file an official complaint before the Uganda Human Rights Commission (UHRC). He also visited a doctor who documented the ill-treatment. On 29 July he went to the African Centre for Torture Victims</p> |                     |

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|       |         |                            |      |         | (ACTV) to receive psychological support. As of today, police have not detained the people responsible for M.'s torture. |   |
| 241.  | Ukraine | Follow-up to earlier cases |      |         | <b>Igor Koktysh</b> (A/HRC/7/3/Add.1, para. 184)  | By letter dated 21/01/08, the Government informed that the Belarusian citizen Igor Gennadievich Koktysh, is sought by the criminal investigation department of the internal affairs administration of the Brest province executive committee, for the commission of the offences of murder and robbery. He was also the subject of search operation No. 07128 of 6 August 2002; international search warrant No. 2002/499; criminal case No. 0102207001; and a preventive measure of arrest approved on 27 January 2001 by the procurator of Gantsevichi district in Brest province. Mr. Koktysh was detained on 25 June 2007 and placed in a temporary holding facility of the administration of the Ministry of Internal Affairs of Ukraine in Sevastopol. On the basis of the decision of 27 June 2007 by a judge of the Balaklava district court in Sevastopol the preventive measure of remand in custody was chosen for Mr. Koktysh. On 6 July 2007, Mr. Koktysh arrived at the Simferopol remand centre in the Autonomous Republic of Crimea. On 24 July 2007, the Office of the Procurator-General of Ukraine informed the Sevastopol procurator's office that the Office of the Procurator-General of Belarus had requested that Mr. Koktysh be handed over to |

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|       |         |      |      |         |                         | <p>the Belarusian law enforcement authorities for criminal prosecution.</p> <p>On 3 August 2007, the judge of the Balaklava district court in Sevastopol issued a decision on the remand in custody of Belarusian citizen Igor Koktysh in order to ensure his extradition to Belarusian law enforcement authorities. Mr. Koktysh was taken from the Simferopol remand centre to appear at the court hearing. During his detention at the Simferopol remand centre, Mr. Koktysh was twice taken to the temporary holding facility of the administration of the Ukrainian Ministry of Internal Affairs in Sevastopol.</p> <p>According to the register of communications and complaints of the Simferopol remand centre, since 6 July 2007 Mr. Koktysh has sent: a complaint against the Sevastopol court of appeals (ref. No. K-493); a petition to the Balaklava district court in Sevastopol (ref. No. K 496); and a complaint (ref. No. K-502) to the Office of the Procurator-General of Ukraine. With the consent of the Office of the Procurator-General of Ukraine (ref. No. 14/2-30255-07), a lawyer is currently representing the interests of Mr. Igor Koktysh in the European Court of Human Rights.</p> <p>At present, Mr. Koktysh is in the Simferopol remand centre in the Autonomous Republic of Crimea. According to information from the</p> |

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|       |         |      |      |         |                         | <p>Security Service of Ukraine, Belarusian citizen Igor Koktysh was not arrested by officials of the Security Service of Ukraine, no criminal proceedings have been instituted against him, there has been no criminal investigation, and no complaints from him or on his behalf have been received by the Security Service of Ukraine.</p> <p>The decision to extradite Belarusian citizen Mr. Koktysh falls within the competence of the Office of the Procurator-General of Ukraine. It has stated that it received a request from the Office of the Procurator-General of Belarus for the extradition of Mr. Koktysh for the purpose of criminal prosecution for murder, robbery and deliberate destruction of property.</p> <p>At the request of the Office of the Procurator-General of Ukraine, the Belarusian side gave guarantees that, if Mr. Koktysh is extradited, he will not be subject to capital punishment, and that the provisions of article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms will be observed. He will not be subjected to torture, inhuman or degrading treatment or punishment. He will also be guaranteed the right to a fair trial, and the criminal proceedings against him will not be discriminatory. If necessary, Mr. Koktysh will be offered the necessary medical treatment and medical assistance.</p> |

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|       |         |      |      |         |                         | <p>The Office of the Procurator-General of Ukraine has no information that unlawful investigative methods were used against Mr. Koktysh in Belarus.</p> <p>With regard to the communications sent by Mr. Koktysh's wife, Ms. Irina Tyutyunnik, and his parents to the Office of the Procurator-General of Ukraine concerning the illegal prosecution of Mr. Koktysh, it should be pointed out that the Office of the Procurator-General of Ukraine does not have the competence to consider the substance of such communications and were forwarded to the Office of the Procurator-General of Belarus. The Belarusian side has stated that the petitioners' arguments will be verified during the trial of the criminal case, and that the petitioners have been informed accordingly.</p> <p>Ukrainian law enforcement agencies have not conducted any investigation in connection with the criminal case against Mr. Koktysh, since this is the exclusive prerogative of the competent authorities of Belarus. On instructions from the Office of the Procurator-General of Ukraine, the existence of any circumstances that might make it impossible to extradite Mr. Koktysh was verified.</p> <p>Bearing in mind that Mr. Koktysh filed an application against Ukraine with the European Court of Human Rights, in order to</p> |

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|       |                      |          |      |         |   | halt the extradition procedure, the Office of the Procurator-General of Ukraine can guarantee that no decision concerning Belarus' extradition request will be taken until the European Court has considered the substance of Mr. Koktysh's application.   |
| 242.  | United Arab Emirates | 17/01/08 | UA   | TOR     | <b>Cherif Mohammed Haidara</b> (subject of a previously transmitted communication, A/HRC/7/3/Add.1, para. 241). On 10 January 2008, Mr. Haidara was called to one of the head offices in the Central Prison, where an officer informed him about the Special Rapporteur's communication on his allegations, dated 7 December 2007 (see above). When Mr. Haidara left the office, two police officers who had previously worked at the prison, awaited him and threatened to send him to a prison in Abu Dhabi's desert to be tortured if he did not withdraw his complaint. | By letter dated 18/03/08, the Government informed that the competent authorities in the United Arab Emirates have investigated the credibility of the information provided in relation to Mr. Haidara and found that he is being held in Dubai Central Prison, pursuant to a decision of the Dubai Court, on civil and criminal charges. Mr. Haidara has not lodged any complaint about being beaten or tortured with the Human Rights Department in Dubai, although ambassadors and consuls of accredited States frequently visit the prison as part of the Central Prison's visits programme, as do human rights officials as part of the visits programme of the Human Rights Department under the scheme for protection of prisoners' rights. Furthermore, Mr. Haidara receives regular treatment, free of charge, at Dubai Hospital for the illnesses from which he suffers, which include gastritis, oesophageal reflux and knee problems. He has not complained of any chronic or incurable diseases when attending government hospitals. His most recent medical examination did not show any sign of torture or beating. We enclose herewith a medical report dated |

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|       |  |                            |      |         |  | <p>21 January 2008, issued by the health-care section of the Department of Penitentiary and Correctional Institutions of the Dubai Police. According to the note of the Special Rapporteur on the question of torture, Mr. Haidara complained that he was threatened with torture, not that he suffered actual torture. Moreover, Mr. Haidara is still in the Dubai Central Prison and has not been transferred to a prison in Abu Dhabi, as stated in the aforementioned note. In this respect, we note that the Department of Health, in cooperation with the Central Prison administration, conducts periodic examinations of all prisoners in order to safeguard the health of prison inmates and provide them with health care and advice. Moreover, a medical professional within the prison provides day-to-day treatment for general conditions. Medical emergencies are transferred to the hospital.</p> |
| 243.  | United Kingdom of Great Britain and Northern Ireland | Follow-up to earlier cases |      |         | <b>A. J. K. and Iyyad Salem Hannoun</b> (E/CN.4/2005/62/Add.1, para. 1849) | <p>By letter dated 11/02/05, the Government informed that these allegations have been the subject of an official investigation, which has now been completed. The case papers are with the Army Prosecuting Authority, who are considering whether to bring prosecutions against a number of individuals suspected of involvement in the case.</p>  |

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| 244.  |                          |          |      |         | <b>Baha Dawood Salem al-Maliki, Kifah Taha Moussa, Baha Shehab, Dhaher ‘Abdallah ‘Ali, Mohand Dhaher ‘Ali, Jawad Kadhem, Radeef Taha Muslim, and Sattar</b> (Ibid, para. 1850).  | By letter dated 11/02/05, the Government informed that these allegations have been subject of an official investigation, which has now been completed. The Army Prosecuting Authority are considering whether to prosecute individuals suspected of involvement. Following a compensation claim, the Government has already made a goodwill payment of the family of Baha al-Maliki.  |
| 245.  |                          |          |      |         | <b>‘Abd al-Jabbar Moussa ‘Ali</b> (ibid, para. 1851)   | By letter dated 11/02/05, the Government informed that the Special Investigation Branch (SIB) of the Royal Military Police initiated an investigation in response to these allegations. Following these initial steps, the SIB investigators told the family that an autopsy was crucial for their investigation to continue. The family refused to have the body exhumed. The Government decided to close the investigation in February 2004 due to lack of corroborative evidence and the refusal of the family to permit an autopsy. It was suspected that Mr. Ali had died due to cardiac arrest. |
| 246.  | United States of America | 26/12/07 | UA   | TOR     | <b>Onsy Zakhary</b> , aged 63, an Egyptian national, Coptic Christian, currently detained at Plymouth County Correctional Facility, Massachusetts. Mr. Zakhary is at imminent risk of forcible return to Egypt. In 1968, while he was doing his military service, an Army Commander attempted to forcibly convert him to Islam and ordered his subordinates to beat Mr. Zakhary and subject him to other forms of ill-treatment when he refused. |   |

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|       |         |          |      |                      | Mr. Zakhary then escaped from the army and fled Egypt using false papers. He spent about 20 years in Italy before moving to the United States in 1997. Mr. Zakhary was ordered to be deported by the United States. He filed for asylum and relief from deportation based on U.S. laws and the Convention Against Torture, but was denied. In 2005, a Massachusetts court convicted Mr. Zakhary of assault with intent to rape a minor, and he served a sentence of five years. Mr. Zakhary would face criminal prosecution in Egypt for leaving the Egyptian army without permission, using false papers, and possibly also in connection with the alleged abuse of a minor, for which he was convicted in the U.S.   |                     |
| 247.  |         | 25/02/08 | JAL  | IJL;<br>TERR;<br>TOR | <b>Khalid Sheikh Mohammad, Mohammad al-Qahtani, Ramzi bin al-Shibh, Ali Abd al-Aziz Ali</b> (also known as <b>Ammar al-Baluchi</b> ), <b>Mustafa Ahmed al-Hawsawi</b> , and <b>Walid bin Attash</b> (also known as <b>Khallad</b> ), currently detained at the military detention facility at Guantanamo Bay. Pursuant to the Military Commissions Act of 2006 (MCA), all six will shortly be brought before military commissions on charges of conspiracy, murder in violation of the laws of war, attacking civilians, attacking civilian objects, intentionally causing serious bodily injury, destruction of property in violation of the laws of war, terrorism, and providing material support for terrorism. It is long overdue for Guantanamo Bay detainees allegedly responsible for or involved in the 9/11 attacks in |                     |

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|       |         |      |      |         | <p>the United States to be finally charged and prosecuted. However, the commissions established under the MCA lack the legal competence and procedural guarantees to conduct fair trials in accordance with international legal standards. This case highlights a number of concerns that have already been raised in the mission report of the Special Rapporteur on human rights and counter terrorism to the U.S. (A/HRC/6/17/Add.3) regarding the jurisdiction and composition of the military commissions, the use of evidence, the imposition of the death penalty for certain offences, and shortcomings in securing a fair trial. On the issue of the use of evidence, we are concerned about allegations that some, or even all, of the six detainees have been subjected to highly abusive interrogation techniques that may have amounted to torture, or to cruel, inhuman or degrading treatment, equally prohibited under the non-derogable guarantees provided by article 7 of the ICCPR and under article 15 of the Convention against Torture. The domestic law definition of torture for the purpose of the proceedings before the military commission is restricted, not catching all forms of coercion that amount to torture or cruel, inhuman or degrading treatment equally prohibited under the non-derogable terms of the above named articles. On 5 February 2008 Central Intelligence Agency Director-General Michael Hayden advised Congress that Mr. Khalid Sheikh Mohammad had been subjected to “waterboarding”. There is</p> |                     |

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|       |         |      |      |         | <p>reportedly other evidence contained in interrogation logs that may confirm that some, or perhaps all, of the six detainees were subjected to abusive interrogation techniques, including stress positions and sleep deprivation. The wording of the MCA allows testimony obtained through abusive interrogation techniques that were used prior to the Detainee Act of 2005 if such evidence is found to be “reliable” and its use “in the interests of justice”. This is contrary to the clear and well established principle of international law that excludes the use of evidence obtained by torture or cruel, inhuman or degrading treatment for the purpose of trying and punishing a person. Concern is expressed for the use of evidence based on classified information and by the admission of hearsay evidence in proceedings before military commissions, in the form of a written summary of the evidence, if the military judges consider it to be “reliable” and “probative”. The admissibility of such evidence presents serious problems with regard to the right to fair trial since the accused is not secured the possibility of cross-examination of witnesses, as foreseen under article 14, paragraph 3 (e) of the ICCPR. If hearsay evidence was obtained through torture or coercion in respect of other persons and the interrogation techniques applied were themselves classified, the defendant would not know whether the evidence was obtained by such methods and therefore should be subject to a legal challenge. Against this background, strong</p> |                     |

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|       |         |          |      |         | concern is expressed regarding the intention of the Government to request the death penalty regarding the six detainees on grounds of conspiracy and murder. The proceedings governed by the MCA seriously undermine the right to a fair trial provided under article 14 of the ICCPR. Furthermore, the right to appeal is limited to matters of law. Thus, in the context of fair trial concerns this means that the imposition of the death penalty, in the event of a conviction or convictions by the military commission in this case, is likely to be in violation of Article 6 of the ICCPR.  |                     |
| 248.  |         | 27/03/08 | UA   | TOR     | <b>Frank Igwebuikwe Enwonwu</b> , aged 58, a Nigerian national. Mr. Enwonwu faces imminent deportation to Nigeria. He is currently on supervised release from detention. He has exhausted all domestic legal remedies and the only obstacle to effectuating his deportation is that the Nigerian Embassy has yet to issue his travel documents. In 1986, the U.S. Drug Enforcement Administration (DEA) induced him to become an informant for them after he was found with five ounces of heroin at a Boston airport. In 1996, new legislation made all immigrants with convictions for certain crimes retroactively removable, no matter how much time had passed since the crime was committed. Mr. Enwonwu applied for protection under the Convention Against Torture (CAT) Act. An immigration judge found it was “more likely than not” that Mr. Enwonwu would be tortured by the |                     |

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|       |         |          |      |         | <p>drug traffickers he had exposed if returned to Nigeria. Accordingly, in 1999, the immigration judge granted Mr. Enwonwu CAT relief. The United States appealed to the Board of Immigration Appeals (BIA), but failed to serve proper notice on Mr. Enwonwu. The BIA later granted the appeal. When, in 2003, Mr. Enwonwu visited an immigration office in Boston to renew his work visa, he was taken into custody for removal to Nigeria. Mr. Enwonwu filed a habeas corpus petition alleging due process violations. A U.S. District Court Judge was preparing to grant him habeas relief and a stay of removal, also finding it “more likely than not” that Mr. Enwonwu would be subject to torture upon return to Nigeria, when the REAL ID Act stripped that court of jurisdiction to hear the habeas claims of non-citizens in removal proceedings with criminal convictions. If deported to Nigeria, Mr. Enwonwu would be imprisoned for five years in a Nigerian jail. The drug traffickers who work and live in Nigeria might seek retribution for Mr. Enwonwu’s cooperation with the U.S. Government.</p> |                     |
| 249.  |         | 21/08/08 | AL   | TOR     | <p><b>Correctional Emergency Response Teams (CERT)</b> in Georgia State prisons. Numerous instances have been documented between 2003 and 2006 relating to beatings meted out on inmates by CERT in Georgia prisons. The prisons identified include Valdosta State Prison, Rogers State Prison, Augusta State Medical Prison, Costal State Prison, Ray James Prison, Georgia State</p>   |                     |

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|-------|---------|------|------|---------|--|---------------------|
|       |         |      |      |         | <p>Prison, Telfair State Prison, Autry State Prison, Bostic State Prison, Calhoun State Prison, Georgia Diagnostic and Classification Prison, Lee State Prison, Macon State Prison, Pulaski State Prison, Rivers State Prison, Philips State Prison and Hayes State Prison. The CERT Teams, with the knowledge and acquiescence of the prison administrations, including medical staff, allegedly carry out severe summary punishment of physical beatings on inmates while they are restrained handcuffed behind their backs. The prisoners are kicked, slapped, as well as beaten with black leather gloves padded on the knuckles, which are issued by the Georgia Department of Corrections.</p> <p>In addition to the beatings, various techniques are also used as summary punishment. Known as the “Georgia motorcycle”, stripped inmates are strapped onto an iron bed or chair with four or five point restraints for 24 or more hours, often without food, water, or bathroom breaks. A football helmet is put on their heads to keep them from beating their unrestrained heads in frustration. Another technique, the “Georgia g-string”, consists of a chain run through the buttocks and crotch of a stripped inmate and tightly cinched up for varying lengths of time.</p> |                     |

| Para. | Country | Date                       | Type | Mandate      | Allegations transmitted   | Government response   |
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| 250.  |         | 12/12/08                   | JAL  | HLTH,<br>TOR | <p>Mr. <b>Coleman</b> was arrested on 4 October 2002 and incarcerated on 24 February 2005. He went on hunger strike in late 2007. As a result, he has lost weight (he is currently underweight for a healthy adult with his body type). Consequently, on the basis of a broad temporary court order granted in early 2008, which permits intravenous and nasal-gastric feeding, he has been force-fed. Between 22 September and 22 October 2008, Mr. Coleman was force-fed intravenously approximately ten times. On 23 October, employees of the Connecticut Department of Corrections (CDOC), including medical staff, placed Mr. Coleman in an isolated area, where they locked him down in four-point restraints and inserted a nasogastric feeding tube into his nose and down his throat.</p> <p>With Mr. Coleman's body weakened from a year-long hunger strike, the above described force-feeding procedure carries the following risks: major infection, pneumonia, or a collapsed lung. Immediately after the procedure, Mr. Coleman began sneezing up blood. He is suffering from the psychological impact of the force-feeding. Mr. Coleman is being monitored by CDOC medical staff.</p> |   |
| 251.  |         | Follow-up to earlier cases |      |              | <b>Abdul Ra'ouf Omar Mohammed Abu al-Qassim</b> (A/HRC/7/3/Add.1, para. 251)  | By letter dated 11/04/08, the Government responded that U.S. officials from all government agencies are prohibited from engaging in torture, at all times, and in all places. All U.S. officials, wherever they may |

| Para. | Country | Date | Type | Mandate | Allegations transmitted | Government response   |
|-------|---------|------|------|---------|-------------------------|---|
|       |         |      |      |         |                         | <p>be, are also prohibited from engaging in cruel, inhuman and degrading treatment or punishment against any person in U.S. custody, as defined by obligations under the Convention against Torture. More details are contained in a 2005 report to the Committee against Torture (CAT/C/48/Add.3). That report also reiterates that, as a matter of policy, the United States does not transfer persons to third countries where it determines that it is more likely than not that they would be tortured, even though, as a matter of law, the non-refoulement obligation under article 3 of the Convention Against Torture does not apply outside of the territory of a State Party and article 7 of the International Covenant on Civil and Political Rights does not contain a non-refoulement obligation. With regard to your questions concerning Mr. Qassim, the United States is not in a position to discuss specific bilateral arrangements with Libya or the transfer prospects for any particular detainee. We can confirm, however, that consistent with our humane treatment policy, the Department of State obtains appropriate diplomatic assurances from countries to which transfers are being considered. The credibility of diplomatic assurances is evaluated considering the identity, position, or other information regarding the official making the assurances, as well as relevant political, legal and diplomatic circumstances, in appropriate</p> |

| Para. | Country | Date | Type | Mandate | Allegations transmitted   | Government response   |
|-------|---------|------|------|---------|---|---|
|       |         |      |      |         |   | <p>cases the United States seeks access by governmental or non-governmental entities to verify the treatment of those who are transferred. The United States transfer procedures include appropriate post-transfer follow up. Where we receive credible reports that a country has abused a transferred detainee, we investigate those reports by engaging government representatives and other groups and individuals with relevant knowledge. These groups and individuals may include members of the NGO community, and representatives or associates of the individual in question. Any determination that a government failed to comply with its assurances would constitute a serious issue in the context of our bilateral relationship with that government and would, of course, have an adverse impact on the U.S.' ability to do future transfers.</p> |
| 252.  |         |      |      |         | <p><b>Walid Muhammad Shahir Muhammad Al-Qadasi</b> (E/CN.4/2006/6/Add.1, para. 527)</p> | <p>By letters dated 11/04/08 and 11/07/08, the Government responded that U.S. officials from all government agencies are prohibited from engaging in torture, at all times, and in all places. All U.S. officials, wherever they may be, are also prohibited from engaging in cruel, inhuman and degrading treatment or punishment against any person in U.S. custody, as defined by obligations under the Convention against Torture. More details are contained in a 2005 report to the Committee against Torture (CAT/C/48/Add.3).</p>   |

| Para. | Country | Date | Type | Mandate | Allegations transmitted   | Government response  |
|-------|---------|------|------|---------|---|--|
|       |         |      |      |         |   | That report also reiterates that, as a matter of policy, the United States does not transfer persons to third countries where it determines that it is more likely than not that they would be tortured, even though, as a matter of law, the non-refoulement obligation under article 3 of the Convention Against Torture does not apply outside of the territory of a State Party and article 7 of the International Covenant on Civil and Political Rights does not contain a non-refoulement obligation. In general, transfer procedures include appropriate post-transfer follow up. Where the U.S. receives credible reports that a country has abused a transferred detainee, these reports are investigated by engaging government representatives and other groups and individuals with relevant knowledge. These groups and individuals may include members of the NGO community, and representatives or associates of the individual in question. Any determination that a government failed to comply with its assurances would constitute a serious issue in the context of our bilateral relationship with that government and would, of course, have an adverse impact on the U.S.' ability to do future transfers. |
| 253.  |         |      |      |         | <b>Bensayah Belkacem, Hadj Boudellaa, Saber Lahmar, Mustafa Ait Idir, Boumediene Lakhdar and Mohamed Nechle</b><br>(A/HRC/7/3/Add.1, para. 248) | By letter dated 11/04/08, the Government responded that the United States detained these individuals under the laws of war as enemy combatants in the ongoing armed conflict with al-Qaida and the Taliban. Like all Guantanamo  |

| Para. | Country | Date | Type | Mandate | Allegations transmitted                          | Government response   |
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|       |         |      |      |         |  | <p>detainees, these individuals received a Combatant Status Review Tribunal (CSRT). The Tribunal determined that these Algerian nationals are enemy combatants and the detainees are entitled to challenge that determination in the U.S. federal courts. Each enemy combatant also receives an annual review to determine whether the United States needs to continue detention in order to manage the threat they pose. An Administrative Review Board (ARB) conducts this review, and to date, ARB's have determined all six detainees should remain in U.S. custody. U.S. officials from all government agencies are prohibited from engaging in torture, at all times, and in all places. All U.S. officials, wherever they may be, are also prohibited from engaging in cruel, inhuman and degrading treatment or punishment against any person in U.S. custody, as defined by obligations under the Convention against Torture. More details are contained in a 2005 report to the Committee against Torture (CAT/C/48/Add.3).</p> |
| 254.  |         |      |      |         | <b>Samil al-Haj</b> (A/HRC/7/3/Add.1, para. 254) | <p>By letter dated 17/07/08, the Government informed that he was transferred from Guantanamo Bay to his home country of Sudan in May 2008, and future questions regarding this individual should be referred to the Government of Sudan. Prior to his transfer, Mr. Al-Haj was detained by the Department of Defense at Guantanamo Bay because he was</p>   |

| Para. | Country | Date | Type | Mandate | Allegations transmitted | Government response   |
|-------|---------|------|------|---------|-------------------------|---|
|       |         |      |      |         |                         | <p>determined to be an enemy combatant. Under the law of war, countries may lawfully detain enemy combatants until the cessation of active hostilities. The Government would like to emphasize that Mr. Al-Haj was not detained because he worked as a cameraman for Al-Jazeera. Members of the media are not targeted as such by U.S. or allied forces. Commitment to freedom of the press and freedom of expression is embodied in the Constitution and is central to American values, and the U.S. will continue to promote those freedoms internationally. With respect to the allegations, the Government has no evidence to substantiate the claims that Mr. Al-Haj was mistreated in Guantanamo. The U.S. investigates claims of abuse, and where those allegations are deemed credible, those responsible are held accountable. U.S. officials from all government agencies are prohibited from engaging in torture, at all times, and in all places. All U.S. officials, wherever they may be, are also prohibited from engaging in cruel, inhuman, or degrading treatment or punishment against any person in U.S. custody, as defined by our obligations under the Convention against Torture. Further, the U.S. Supreme Court has held that Common Article 3 of the Geneva Conventions applies in our armed conflict with Al-Qaeda. The U.S. applies these protections to all detained unlawful enemy combatants.</p> |

| Para. | Country    | Date     | Type | Mandate               | Allegations transmitted   | Government response  |
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| 255.  | Uzbekistan | 12/02/08 | JUA  | WGAD;<br>RINT;<br>TOR | <b>Abdugani Tursinov Kamaliev</b> , aged 50, currently detained in the investigative prison (SIZO) of Namangansk. During his detention by Uzbek authorities, Mr. Kamaliev, has been suspended by his feet, beaten with steel rods, and had his teeth filed in order to obtain a confession. On 5 December 2007, he had been deported from Tumen in Russia to Tashkent. Mr. Kamaliev was charged with several crimes in Uzbekistan (art. 156, 159, 242-2 of the Criminal Code), which he was alleged to have “committed ... together with the adherents of religious extremist organisation ‘wahhabi’, A. Yuldashev amongst others”. | By letter dated 22/04/08, the Government informed that the arguments advanced about Mr. Tursinov having been subjected to torture and other unlawful methods of investigation for the purpose of obtaining a confession from him have not been corroborated. From the time of his arrest and throughout the subsequent period of his pretrial detention and the judicial examination of the case, Mr. Tursinov voluntarily and with exceptional consistency gave self-incriminatory evidence that was objectively confirmed by other proof collected. All legal proceedings with regard to Mr. Tursinov were carried out with the participation of his counsel, who made no complaints of unlawful techniques of investigation during the conduct of the trial or afterwards. By decision of the Namangan provincial criminal court dated 27 February 2008, Mr. Tursinov was convicted of multiple offences under articles 156 (3) (e) and 159 (3) (b) of the Uzbek Criminal Code and sentenced to serve 11 years under an ordinary penal regime. The verdict entered into force on 11 March 2008 but no appeal or application for cassation or judicial review was submitted by Mr. Tursinov or his counsel. The court correctly characterized Mr. Tursinov’s criminal activity, and the punishment imposed |

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|       |         |          |      |                     |   | in the light of circumstances that aggravated or mitigated his guilt was suited to the acts. No grounds have been found for objecting to the court's decision. |
| 256.  |         | 31/03/08 | JUA  | HRD, IJL, FRDX, TOR | <p><b>Yusuf Juma</b>, a prominent writer and pro-democracy activist, his two sons, <b>Bobur and Mashrab Juma</b>, and <b>Ruhiddin Kamilov</b>, their lawyer. Yusuf, Bobur and Mashrab Juma are detained in Otbozor Prison in the Bukhara region. They have been subject to verbal abuse and beatings on a daily basis by prison authorities since their arrest in mid-December 2007. Yusuf Juma was recently examined at Bukhara's Medical Law Centre after he fainted from the torture he was subjected to. He was found to be suffering from heart and respiratory problems and had injuries from the beatings. Yusuf and Bobur Juma are being denied access to food and prevented from writing letters and meeting with their lawyer. Mashrab Juma was detained on allegedly fabricated charges in the run-up to the re-election of President Karimov, and was sentenced to three years' imprisonment. Yusuf and Bobur Juma have been charged under two articles of the Criminal Code with "insulting" and "resisting representatives of power". Yusuf Juma has been openly critical of President Islam Karimov in his writings. Mr. Kamilov was threatened by the prison governor that he would soon be killed because he and Yusuf Juma were serving the interests of US imperialism. Concern is expressed for the physical and mental integrity</p> |  |

| Para. | Country | Date     | Type | Mandate | Allegations transmitted  | Government response   |
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|       |         |          |      |         | of Yusuf, Bobur and Mashrab Juma, and in relation to acts of intimidation against their lawyer, Mr. Kamilov.   |   |
| 257.  |         | 14/08/08 | UA   | TOR     | <b>Sanjar G. Umarov.</b> He was the subject of previous correspondence (see A/HRC/7/3/Add.1, para. 258). Mr. Umarov has suffered from dramatic weight loss (more than 30 kg). Also, his psychological condition has seriously deteriorated. He is withdrawn and does not react to questions. His body carries visible marks that appear to result from beatings. | <p>By letter dated 21/08/08, the Government indicated that on his admission to the remand centre and on his transfer to the penal colony, convict S.G. Umarov underwent a general examination carried out by medical staff.</p> <p>He has been held in prison No. 64/47 of the Central Penal Correction Department of the Ministry of Internal Affairs of Uzbekistan (in the town of Kiziltep, Navoi province) since 23 May 2006. While serving his sentence, Mr. Umarov has undergone thorough and comprehensive examinations and, in accordance with recommendations made by medical specialists, has received qualified medical care, both as an outpatient and in the prison clinic. He receives periodic check-ups from the prison doctors and is therefore under active observation. Several tests were conducted, such as a complex serologic reaction test, general and HIV blood test, general urine analysis, biochemical blood analysis, chest fluorography, electrocardiogram and Oesophageal gastroduodenoscopy. The results of all tests were normal. He also received outpatient care several times. Mr. Umarov is listed in the medical records with a diagnosis of ischaemic heart disease, stable angina and first degree</p> |

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|       |         |          |      |                                       |   | <p>hypertension.</p> <p>Doctors from the local clinics of the Ministry of Health of Uzbekistan have been enlisted to conduct the necessary consultations.</p> <p>The prison's medical staff deems Mr. Umarov's current state of health to be satisfactory. Pursuant to article 10 of the Uzbek Penal Enforcement Code, Mr. Umarov will be granted legal assistance on applying in writing to the prison administration.</p> <p>The rights of convicts, including Mr. S.G. Umarov, are guaranteed in accordance with the legislation in force in Uzbekistan.</p> |
| 258.  |         | 23/09/08 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>IJL;<br>TOR | <p><b>Akzam Turgunov</b>, executive director of Mazlum, a non-governmental organization dedicated to the defence of human rights, has worked as a public defender in cases involving human rights violations, and <b>Salijon Abdurahmanov</b> (subject of a previously transmitted communication, A/HRC/7/28/Add.1, paras. 1917-1921). On 11 July 2008, Mr. Turgunov was arrested in Manget, Karakalpakstan, on charges of extortion. While being held at a police detention centre in Nukus, he was taken to an investigator's office on 14 July, where boiling water was poured on his back. On 4 September, Mr. Turgunov's trial began at the Amudarya District Court in Nukus, and it resumed on 16 September. He may face up</p> | <p>A reply was received from the Government on 10/11/08, but could not be translated in time for inclusion in this report.</p>  |

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|       |         |          |      |                      | to 15 years' imprisonment. The next hearing will be scheduled once a medical report on his alleged ill-treatment is available. On 7 June 2008, Mr. Abdurahmanov was arrested, after drugs had reportedly been planted in his car. His trial before the Tahtakupir District Court commenced on 12 September. The hearing was not open to the public. The police officers and the sniffer-dog specialist who had reported finding illegal drugs in Mr. Abdurahmanov's car were not present at the trial. Mr. Abdurahmanov has now been charged with "selling drugs in large consignment", which could result in a sentence of up to 20 years' imprisonment. |   |
| 259.  |         | 27/10/08 | UA   | HRD;<br>TOR          | Mr. <b>Norboy Kholigitov</b> . On 18 October 2005, he was sentenced to ten years' imprisonment by the Samarkand Regional Criminal Court. He is now detained at Prison 64/49 in Karshi. He suffers from diabetes, but has not been allowed access to adequate medical treatment. Although he had not committed any disciplinary violation, he was recently given a warning by prison authorities, which means that he cannot benefit from any amnesty. Concern was expressed for Mr. Kholigitov's physical and psychological integrity.  |   |
| 260.  |         | 28/10/08 | JUA  | FRDX;<br>HRD;<br>TOR | <b>Salijon Abdurahmanov</b> and <b>Akzam Turgunov</b> (subject of previously transmitted communications, see above para. 258). On 10 October 2008, Mr. Abdurahmanov was sentenced to ten years' imprisonment by Nukus Court under charges of "selling drugs in large  | A reply was received from the Government on 10/11/08, but could not be translated in time for inclusion in this report. |

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|       |         |                            |      |         | consignment” (Article 25-273, Part 5 of the Uzbek Criminal Code). These charges were different from the original charges brought against Mr. Salijon Abdurahmonov according to your Government’s response to the communication sent by mandate-holders, received on 19 July 2008. In this response it was stated that “on 9 June 2008, Mr. Abdurakhmonov was indicted [...] under article 276, paragraph 2 (a) (Unlawful production, storage, purchase, carriage or transmission of narcotic or psychotropic substances in large quantities, without the purpose of sale) of the Criminal Code of Uzbekistan”. It is believed that the charges brought against Mr. Salijon Abdurahmanov may have been fabricated and that the evidence used against him may be based on the discovery of drugs which were planted in his car. The place where Mr. Abdurahmanov is currently detained is unknown. On 23 October 2008, Mr. Turgunov was sentenced to ten years’ imprisonment by a court in Manget, Karakalpakstan, on charges of extortion (Article 165, Part 3 of the Criminal Code of Uzbekistan). He is currently in detention in colony 64/9, Nukus. Mr. Turgunov has reportedly been subjected to ill-treatment while in detention since 11 July 2008. |   |
| 261.  |         | Follow-up to earlier cases |      |         | <b>Yakub Tashbayev, Rasul Pirmatov, Jahongir Maksudov and Odiljan Rahimov</b> (A/HRC/4/33/Add.1, paras. 126 and 128, E/CN.4/2006/6/Add.1, para. 135)  | By letter dated 09/01/08, the Government provided the following information on judgements pronounced by the Tashkent Regional Criminal Court on 13 August 2007. Rasulzhon Raimdzhonovich Pirmatov was |

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|-------|---------|------|------|---------|-------------------------|---|
|       |         |      |      |         |                         | <p>found guilty and sentenced to 20 years' deprivation of life, based on the partial cumulation of sentences, to be served in general-regime penal colonies.</p> <p>Zhakhongir Yuldashevich Maksudov was found guilty and sentenced to 11 years' deprivation of life, based on the partial cumulation of sentences, to be served in general-regime penal colonies.</p> <p>Odilzhon Mashrabzhanovich Rakhimov was found guilty and sentenced to 13 years' deprivation of life, based on the partial cumulation of sentences, to be served in general-regime penal colonies.</p> <p>Faebek Komilzhanovich Tadzikhhalilov was found guilty and sentenced to 3 years' punitive work, with 30 per cent deduction of earnings to be paid to the State. In accordance with article 61 of the Criminal Code, the sentence was deemed to have been served, the preventive measure was rescinded and Tadzikhhalilov was released from custody in the courtroom.</p> <p>During the course of the trial, the prisoners under sentence openly acknowledged their guilt, gave detailed evidence on the substance of the charges and replied to the questions put by the prosecutor, defence lawyers, victims and civil claimants. No appeal was made or objection lodged against the sentences, which</p> |

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|       |                                    |          |      |           |   | have entered into legal force and are currently being served. Ekub Tashbaev was found guilty by the Andijan Regional Criminal Court on 27 November 2006 and sentenced to 6 years' deprivation of liberty. This sentence was set aside by the Cassational College of the court on 25 October 2007 and, in accordance with article 60 of the Criminal Code relating to sentencing for multiple offences, he was finally sentenced to 17 years' deprivation of liberty. During the course of the trial proceedings, the convicted man, Ekub Tashbaev, partially admitted his guilt, gave evidence on the substance of the charges, replied to all the questions by the prosecutor and the defence and lodged no complaint against the court's decision. The sentence has entered into legal force and is currently being served. |
| 262.  | Venezuela (Bolivarian Republic of) | 27/06/08 | JUA  | WGAD; TOR | El Sr. <b>Yean Manuel Mijares</b> fue detenido el 23 de junio de 2008, a las 13.30 horas, por varios agentes uniformados de la Policía Metropolitana en su lugar de trabajo, un taller mecánico ubicado en la Calle Los Cedros con Caroní, Avenida principal de San Andrés del Valle, Caracas. Durante su arresto, fue herido en el brazo izquierdo con un objeto contundente. Luego de serle confiscados sus documentos de identidad personal, fue conducido a la Estación Policial de San Andrés de El Valle, donde fue esposado e interrogado por agente policiales quienes le habrían insultado y amenazado con trasladarle a | Mediante carta de fecha de 10/09/08, el Gobierno indicó que el 15 de agosto de 2006, Ligia Coromoto Vargas Sánchez, madre de Yean Manuel Mijares Vargas compareció ante el Ministerio Público, manifestando que cinco funcionarios adscritos a la Policía Metropolitana le habían causado lesiones y torturas a su hijo, el 7 de agosto de 2006, cuando fue detenido en su residencia por estar presuntamente incurso en los delitos de Porte ilícito de Arma de Fuego, Aprovechamiento de Cosas Provenientes del Delito y Aprovechamiento de Vehículo Proveniente de   |

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|       |         |      |      |         | <p>un centro penitenciario para ser objeto de violación sexual. Funcionarios de la estación policial habrían informado posteriormente que esta persona fue detenida porque se había recibido una llamada telefónica anónima denunciándole por venta de drogas. Ningún fiscal ha sido notificado de la detención, lo que constituiría una violación grave del procedimiento establecido por el Código Orgánico Procesal Penal. Se afirma que, en realidad, se trataría de una detención motivada por represalias y con el objeto de impedir la actuación de un procedimiento judicial por torturas. Esta persona denunció judicialmente haber sido torturado por cinco funcionarios del mismo cuerpo policial, la Policía Metropolitana, durante una detención anterior ocurrida en agosto de 2006. Su actual detención se produjo a pocos días de celebrarse la audiencia preliminar (acto durante el cual el Juez del Tribunal de control admitirá o rechazará la acusación por torturas). Se afirma además que los hechos se remontan a agosto de 2006, y que tuvieron lugar en la estación Policial de la Zona 10. El Sr. Mijares fue sujeto entonces a la colocación de un trozo de tela y de cinta adhesiva en los ojos, sufriendo golpes de pie, puños, y de un palo de madera envuelto en tela. Los golpes se dirigieron contra su cabeza, específicamente contra la región mastoidea izquierda; la cara (región orbitaria del ojo); el tórax delantero, en sus dos intercostales, en la región postcodo y ole craneana; el tórax posterior a nivel de la ínter escapular. Además le fue</p> | <p>Robo y Hurto, previstos y sancionados en el Código Penal y la Ley sobre Hurto y Robo de Vehículo Automotor.</p> <p>En fecha 8 de agosto de 2006, se celebró ante el Tribunal Décimo Octavo de Primera Instancia en Funciones de Control del Circuito Judicial Penal del Área Metropolitana de Caracas, la Audiencia de Presentación del Aprehendido, decretándose en dicho acto, la nulidad absoluta del procedimiento en cuestión. Igualmente, por no considerarse los hechos como flagrantes se acordó continuar las investigaciones por la vía del Procedimiento Ordinario. Por otra parte, en la respectiva Audiencia, fue desestimada la precalificación Fiscal por los delitos antes señalados, negándose además, la imposición de Medidas Cautelares Sustitutivas de Libertad y, en consecuencia, se decretó la libertad sin restricciones, ordenándose la apertura de una averiguación penal en virtud de las lesiones que presuntamente le ocasionaron los funcionarios al Sr. Mijares Vargas.</p> <p>En virtud de lo expuesto, fue comisionada para actuar en la presente causa la Fiscalía Octogésima Tercera del Ministerio Público de la Circunscripción Judicial del Área Metropolitana de Caracas, quien ordenó el inicio de la correspondiente investigación el 8 de agosto de 2006, realizando las diligencias útiles y necesarias, a los fines de establecer las</p> |

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|       |         |      |      |         | <p>colocada una bolsa plástica en la cara con una sustancia tóxica. Se afirma que al momento en el que le colocaron la bolsa con dicha sustancia, el Sr. Mijares se encontraba en posición decúbito abdominal, esposado con los brazos hacia el tórax posterior. Al momento en que uno de los funcionarios le presionaba con el dedo pulgar la región media del cuello, le indicaba que le avisase con los dedos con un toque entre las piernas cuando sintiese que ya no podía respirar. Le fue aplicada una sustancia tóxica en la lengua, lo que le produjo quemaduras de primer grado en los laterales de la lengua y en las fosas nasales. Sufrió además amenazas de muerte. Posteriormente fue trasladado hasta un lugar en Petare, cercano a unos edificios, donde un funcionario le colocó un arma de fuego dentro de la boca y le amenazó con ejecutarle. El 9 de mayo de 2008, el Sr. Mijares denunció formalmente ante la Fiscalía N° 83 a cinco funcionarios de la Policía Metropolitana, por torturas y privación ilegítima de libertad.</p> | <p>responsabilidades a que haya lugar, entre las cuales se mencionan: Reconocimiento Médico Legal practicado al ciudadano en cuestión, diversas citaciones libradas a testigos presenciales y referenciales del hecho. Asimismo, rindieron declaraciones los funcionarios policiales actuantes en el procedimiento donde resultara aprehendido el Sr. Mijares Vargas.</p> <p>Posteriormente, el 7 de mayo de 2008, la Fiscalía comisionada interpuso escrito acusatorio contra un policía por los delitos de Lesiones Intencionales Personales Leves, en Grado de Complicidad Correspectiva, así como el delito de Tortura y Privación Ilegítima de Libertad. Igualmente, resultaron acusados cuatro personas más por la comisión de los delitos de Lesiones Personales Intencionales Leves en Grado de Complicidad Correspectiva, Torturas, Violación de Domicilio y Privación Ilegítima de Libertad.</p> <p>La Fiscalía Comisionada recibió Boleta de Notificación procedente del Juzgado Cuadragésimo Cuarto de Primera Instancia en Funciones de Control de este Circuito Judicial Penal, fechada 18 de junio de 2008, mediante la cual participaban que ése Órgano Jurisdiccional acordó declinar el conocimiento de la causa seguida contra dos ciudadanos, al</p> |

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|       |         |          |      |             |   | Tribunal Trigésimo Octavo de Primera Instancia en Funciones de Control del Circuito Judicial Penal del Área Metropolitana de Caracas. |
| 263.  |         | 22/10/08 | JAL  | HRD;<br>TOR | Sras. <b>Kelys Amundaray, Maryluz Coromoto Guillén Rodríguez, y María de los Ángeles Peña Fonseca</b> , y el Sr. <b>Tomas Antonio Becerra Ramírez</b> , defensores de los derechos de los pueblos indígenas, en particular los derechos de la comunidad indígena Yukpa Chaktapa. Según nos informan, esta comunidad ha venido reclamando el proceso de demarcación de sus territorios ancestrales tal como lo establece la Constitución Política de Venezuela. El 23 de agosto de 2008, las Sras. Kelys Amundaray, Maryluz Coromoto Guillén Rodríguez, y María de los Ángeles Peña Fonseca, y el Sr. Tomas Antonio Becerra Ramírez viajaban en autobús con el objeto de participar en una acción humanitaria junto con otras personas para promocionar el respeto de los derechos de la comunidad Yukpa Chaktapa. Sin embargo, la Guardia Nacional y el Ejército les impidió el paso, los detuvo y condujo ante un tribunal. El Sr. Becerra Ramírez habría intentado impedir que un militar sujetara a una compañera que participaba en la acción humanitaria. Un teniente le agarró y le colocó una pistola en la cabeza. Un grupo de aproximadamente diez soldados le rodearon lanzándole al piso y propinándole golpes de pie. Fue trasladado a una unidad móvil militar donde le pegaron con cascos, rolos y botas. A causa de estos malos tratos, el Sr. Becerra |   |

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|       |         |          |      |                       | Ramírez sufrió hematomas en la espalda y en los brazos, así como varias cortaduras en la cabeza que ameritaron puntos de sutura, perdiendo el conocimiento. Permaneció en la unidad militar entre las ocho de la tarde y las tres de la mañana del día siguiente, siendo entonces trasladado a un hospital. En el hospital no le suturaron las cortaduras, limitándose a limpiarle la sangre. Tampoco le sometieron a exámenes médicos. Se informa que las personas que fueron detenidas se encuentran actualmente sujetos a un régimen de comparecencia, debiendo presentarse cada 45 días ante un tribunal, bajo cargos de lesiones personales, resistencia a la autoridad y daño a la propiedad pública.                       |   |
| 264.  | Yemen   | 10/04/08 | JUA  | FRDX;<br>WGAD;<br>TOR | <b>Yahya Ghaleb Ahmed, Ali Dahmas, Abdelhameed Taleb Muthana</b> , all three members of the Yemeni Socialist Party Central Committee in Dhaleh, <b>Hassan Baa'um</b> , member of the Political Bureau of the Yemeni Socialist Party, his son, <b>Salem Hassan Baa'um, Ahmed Omar bin Fareed, Ali Haitham Al-Ghareeb, Jamal Obadi, Hassan Zeid Yahya</b> , representative of Hizb al-Haq in Abyan, <b>Amer Al-Suri, Muhamad Aidarus Al-Nakhli, Muhamad Jazem, Nakhla Ali Omar, Said Ali Omar, Husine Fadhl Amzib, Ahmed Harmal, journalist, Jameel Qasem Muhamad, Muhamad Obadi Musa, Abdelqawi Najeeb, Abdelkarim Obayd Al-Tihami, Muhamad Ali Fatini, As'ad Muthana Saleh, Muhamad Najji Husein, Ali Muhamad Sweileh, Mohsen</b> | By letter dated 06/05/08 the Government responded that the persons mentioned in the UA were arrested based on instructions from the Office of the Attorney General and the cases filed against them have been forwarded to the Office of the Attorney General for legal action. |

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|       |         |      |      |         | <p><b>Hameli Saad, Fadhl Muhamad Muqbel, Khaled Muthana Obadi, Omar Ali Abdallah, Samed Ahmed Qasem, Abdallah Hamud, Muhamad Saleh Hamadi, Qaed Said, Muhamad Ali Said, Fawaz Ali, Akram Al-Qubbati, Najeeb Al-Mikhlafi, Mansour Abdelmula, Ahmed Al-Tamimi, Amin Ali Farhan, Fahd Al-Yusufi, Muhamad Al-Shamiri, Abdu Muhamad Al-Rasani, Amin Abdu Ali, Bashir Al-Raymi, and Omar Al-Murshidi.</b> The persons mentioned above and others, whose identity could not yet be ascertained, have been arrested by Yemeni security forces on 31 March and 1 April 2008 in the cities of Aden, al-Dhali', Abyan, and Taez, as well as in the region of Radfan, the main city of which is Habilayn. A number of the detainees are held incommunicado at unknown places of detention. Several of the arrests took place with unnecessary violence in the middle of the night at some of these persons' homes. The reasons for their arrests remain unclear. However, it is reported that the above-mentioned persons support the protests and activities of retired soldiers and would-be recruits from the Southern Governorates of Yemen who have raised concern about discrimination when seeking employment and with respect to salaries and pensions in comparison to retired soldiers from the North of the country. The situation of retired soldiers was the subject matter of previously transmitted communication (A/HRC/7/3/Add.1, para. 278).</p> |                     |

| Para. | Country | Date     | Type | Mandate              | Allegations transmitted  | Government response   |
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|       |         |          |      |                      | Mr. Akram Al-Qubbati, Mr. Najeeb Al-Mikhlaifi, Mr. Mansour Abdelmula, Mr. Ahmed Al-Tamimi, Mr. Amin Ali Farhan, Mr. Fahd Al-Yusufi, Mr. Muhamad Al-Shamiri, Mr. Abdu Muhamad Al-Rasani, Mr. Amin Abdu Ali, Mr. Bashir Al-Raymi, and Dr. Omar Al-Murshidi were arrested on 1 April in Taz in Ta'izz after a demonstration of solidarity with the arrests carried out on the previous day. They reportedly remain in detention. Some of the persons had been previously arrested in the months of August and September 2007 for taking part in protests at Liberty Square, Aden, and in al-Mukalla. In view of the reported incommunicado detention at unknown places of detention of some of the detainees, concerns are expressed that they might be at risk of ill-treatment. |   |
| 265.  |         | 14/08/08 | JUA  | FRDX;<br>HRD;<br>TOR | <b>Louay Abdulwahab Ali Al- Mouayyad</b> , aged 24, residing at Freedom Avenue, journalist and human rights defender, member of the "Organisation for democratic rights and liberties", executive director of the portal "Free Yémen". M. Louay Abdulwahab Ali Al-Mouayyad was arrested at his home on 20 June 2008 by several security services (Al Amn Assiyassi) officers in civil clothes accompanied by some militaries. They did not present any arrest warrant and did not explain the reasons for arrest. They then took him to an unknown place. That evening the family was advised to prepare his laptop and the medicine he needs. The family was also able to speak to Mr. Al-Mouayyad. Since then the family   | By letter dated 22/10/08, the Government indicated that Louay Abdulwahab Ali Al-Mouayyad had been released. |

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|       |          |                            |      |  | has not had any information about his whereabouts in spite of many attempts to find out where he is with the security services and the Prosecutor's office.   |   |
| 266.  |          | Follow-up to earlier cases |      |  | <b>Abdel Karim al-Khaiwani</b> (A/HRC/7/3/Add.1, para. 279)   | By letter dated 24/01/08, the Government indicated that the information they received on the abduction, detention, threatening, etc. of Mr. Al-Kahiwani is untrue. He has been arrested to be brought to justice.   |
| 267.  | Zimbabwe | 22/04/08                   | JUA  | HOUS;<br>FRDX;<br>SUMX;<br>TOR;<br>VAW | <b>Intimidation, violence and torture in the aftermath of recent elections.</b> Between 29 March and 14 April 2008, 160 cases of injury resulting from organized violence and torture have been treated by various doctors with many of the patients still remaining in hospital. One third of the patients were women. A fifth of the victims were members of the opposition Movement for Democratic Change (MDC) and another 20% were involved in the elections for the Zimbabwe Electoral Commission (ZEC). Nine patients sustained broken bones, typical of "defence injuries" resulting from the victim raising his or her hands and arms to protect the face and upper body from assault. This period saw at least two politically-motivated murders, 15 abductions of women, and 288 cases of homes destroyed through politically-motivated arson leaving 175 families and 14 persons displaced. The majority of persons displaced are said to be women and children. About 70 MDC members have been arrested in the last few days. The above-described violence has been perpetrated by | By letter dated 11/06/08, the Government responded that the President, the Cabinet of Ministers, Service Chiefs and various ruling party functionaries before, during and after the 29 March Harmonised Elections, have repeatedly publicly declared their disapproval for violence and warned all would-be-perpetrators of the full consequences of the law.<br><br>On the eve of the election, Police Commissioner General Augustine Chihuri, flanked by his fellow Service Chiefs, issued his most stern warning against violence. A copy of this statement has been provided to the Special Rapporteurs. This policy has been and continues to be enforced without discrimination, fear or favour.<br><br>The Government also informed that all cases that have been reported to the police are the subject of investigations as part of the due processes of the law. In Zimbabwe, a report by an aggrieved party or reasonable suspicion of a |

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|       |         |      |      |         | <p>police officers, soldiers and members of the ruling Zanu PF party as part of a retributive and reprisal campaign mainly in rural areas, where people have voted for opposition candidates. In many instances victims were told that they were being victimized because they support the opposition; they were accused of “celebrating the MDC victory”, “of selling the country to the whites” and/or “of being responsible for the rigging of elections in favour of the MDC”. Reports also indicate that the authorities are targeting the independent local and foreign media, attempting to impede reporting on the current situation and the aftermath of the election, by resorting increasingly to police harassment and the arrest and detention of journalists.</p> | <p>crime having been committed or about to be committed is a critical step in launching this due process of the law. Once reported, the Zimbabwean Republic Police (ZRP) would then exercise its mandate to docket, investigate and bring suspects before the courts of law for prosecution and, ultimately, judgment.</p> <p>Where no report has been made to the police, as appears to be the case regarding the 31 politically motivated murders claimed by the MDC-T as having occurred since 29 March 2008, the Police would find it impossible to take the initial steps to launch the due process described above, bearing in mind that, according to Zimbabwean law, a person is presumed innocent until proven guilty.</p> <p>The eight murders officially attributed to the two sides fall far below the 31 claimed by MDC-T. It is impossible to verify the MDC-T’s claims, particularly because it appears to be complaining to the press before reporting them to the police. Even then, of the six murders allegedly committed by ZANU-PF supporters, subject to ongoing investigations, at least two do not seem to have been politically motivated. One of these was the case of Clemence Dube, who MDC-T’s Antony Chamisa claimed to have been murdered in Shurugwi by a ZANU-PF supporter on 27 April 2008. According to</p> |

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|       |         |      |      |         |                         | <p>established facts, however, Dube died of immuno-suppression and tuberculosis at Mpilo Hospital, in Bulawayo, on 27 April 2008. Incidentally, on 11 April 2008, he had fought with a ZANU-PF supporter at a local township over money, but eye witnesses say the two later went their separate ways.</p> <p>In the other case, the alleged victim, a teacher in Muzarabani area, has turned out to be alive. He has actually denounced the MDC-T for using his name to justify “dubious statistics”. It seems, from these two cases alone, that the MDC-T is fabricating and exaggerating its tally of victims in order to give substance to its claims that there is a raging civil war in Zimbabwe. Some of the alleged crimes in the MDC-T’s tally, such as politically motivated rape, are completely alien and unheard of in Zimbabwe’s political culture. However, every complaint received will be investigated and pursued to its logical conclusion, with all perpetrators facing the full wrath of the law. It has never been Government’s policy to support or condone violence or impunity.</p> <p>It is unfortunate that, quite to the contrary of the objective reality on the ground, all the ‘evidence’ cited by the Rapporteurs paints the MDC-T as the victim and implicates ZANU-PF as the principal perpetrator of violence. During the ‘mass action’ called by the MDC-T on 15 March 2008, marauding</p> |

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|       |         |      |      |         |                         | <p>gangs of MDC-T DRCs (Democratic Resistance Committees) burnt to ashes one conventional 77-seater bus belonging to the Nyamweda Bus Company which was full of cross-border traders en route from Botswana, stoned another bus belonging to the state-owned Zimbabwe United Passenger Company (ZUPCO) and two private motor vehicles, and also committed a wide range of other crimes ranging from disrupting traffic through makeshift road blockades to attempted murder. Police arrested 76 activists who have all confessed to be hired members of the DRCs.</p> <p>As a result of the ongoing investigations pertaining to electoral fraud, close to 100 arrests have been made. Five of these have already been convicted for contravening Section 87 of the Electoral Act Chapter 2: 13 and sentenced to fines ranging between ZW\$12 billion and ZW\$30 billion. The remaining cases are either at various stages of investigation or before the courts.</p> <p>This is not victimization of 'human rights defenders' as the MDC-T claims. No one is above the law in Zimbabwe. Where a crime is suspected to have been committed, the perpetrator will be brought to justice regardless of his or her race, colour, religion or political affiliation. This principle demands that the law must be allowed to take its course. Much as</p> |

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|       |         |          |      |                               |  | <p>some quarters may advocate the invocation of the ‘responsibility to protect’ principle against Zimbabwe on the basis of the MDC-T’s litany of fabrications and exaggerations, it is equally important to understand that the Constitution of Zimbabwe demarcates the sovereign boundaries of responsibility within which the Government must protect its citizens.</p> <p>Regarding questions of compensation for alleged victims which are also raised in the communication, Government submits that the victims are receiving the usual basic assistance from the the Civil Protection Department and the resident humanitarian agencies in the country. However, contrary to the over 5,000 ‘IDPs’ that the MDC-T claims to have registered, the Government, with the support of non-partisan civil society, are attending to no more than 100 households comprising 700 people. There are no new cases. Besides, it is still too early to start talking about long-term resettlement support at this stage when the problem is still being quantified, the victims screened and registered according to their needs.</p> |
| 268.  |         | 16/05/08 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | Mr. <b>Lovemore Matombo</b> and Mr. <b>Wellington Chibebe</b> (or <b>Chibhebhe</b> ), respectively President and Secretary General of the Zimbabwe Congress of Trade Unions (ZCTU), and Mr. <b>Raymond Majongwe</b> , General Secretary of the Progressive Teachers’ Union of Zimbabwe | By letter dated 01/07/08, the Government informed that the correct facts are that Raymond Majongwe, Bwandarika, Janat Hillary, Takavarika Zhou, Benard Zhou, Leviciuos Ziunde, Harrison Mudzur, Oswald Madziva, and Linda Fumaphanda are indeed   |

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|       |         |      |      |         | <p>(PTUZ). Both Mr. Matombo and Mr. Chibebe were the subjects of a previously transmitted communication (A/HRC/4/33/Add.1, para. 340). On 8 May 2008, Mr. Lovemore Motombo and Mr. Wellington Chibebe were both arrested allegedly in connection with May Day speeches, during which they spoke about the political crisis due to the postponement of the announcement of the election results, and the ensuing wave of violent intimidation of opposition supporters. They were charged with “inciting people to rise against the Government and reporting falsehoods about people being killed”. On 6 May, heavily armed police personnel had come to their homes to search them. On 7 May, they voluntarily reported to the police station, but were not taken in before 8 May 2008. They are currently held at the Harare Remand Prison. They have applied for release on bail, but the High Court of Zimbabwe will not deliver its judgment on this application until 19 May 2008. On 16 May 2008, Mr. Raymond Majongwe was arrested by the police at the High Court of Zimbabwe in Harare while he was attending the bail hearing of Mr. Lovemore Matombo and Mr. Wellington Chibebe. This arrest is allegedly in connection with the work of PTUZ in documenting the harassment of teachers at their workplace within the context of the current political violence in the country.</p> | <p>members of the Progressive Teachers Association of Zimbabwe (PTUZ). On 19 February, PTUZ members went to ZANU PF Harare Provincial Headquarters whereupon they threw flyers within the party premises. The flyers contained abusive political messages and this did not go down well with the ZANU PF youths who were there. Subsequently a skirmish ensued between the youths and members of PTUZ led by Raymond Majongwe. The police got wind of the disturbances and, upon arrival at the party headquarters, arrested nine members of PTUZ and two ZANU PF youths. Observations made by the police during the time of arrest were that some of the members of PTUZ had sustained injuries as a result of the scuffle. All suspects were taken to the police station where the initial documentation was done and arrangements made for the injured to be taken to hospital. At no time were the suspects subjected to any form of ill-treatment. It was important for suspects to be taken to a government hospital first, to facilitate obtaining a medical report that would be acceptable in court, since the injuries were as a result of an assault that was subject to investigation. It is therefore not true that they were assaulted by unidentified youths. Two ZANU PF youths are facing assault charges. It is also not true that the injured were denied access to medical attention, as it is the police</p> |

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|       |         |          |      |                       |  | <p>who ferried the suspects in a police vehicle to a government hospital. It is unfair to suggest that the delay in attending to the suspects at the hospital is attributable to the police. We do not run hospitals but police stations. We did our part by taking them to the hospital. In Zimbabwe most of our operation vehicles are pick-ups and to infer that we should have used a more comfortable vehicle is also misplaced. It is a blatant lie that the accused were released without any charge. All were discharged from the Avenues Clinic and appeared in court on 5 March. Members of PTUZ were charged for contravening Chapter 46 of the Criminal Codification Reform Act Chapter 9.23, Criminal nuisance, and were released on 50 million Zimbabwe dollars bail each, while the two youth were also released on the same bail conditions. The matter is still pending at court.</p> |
| 269.  |         | 27/06/08 | JUA  | FRDX;<br>SUMX;<br>TOR | <p>Mr. <b>Michael Dubem</b> (Shurugwi district), died on 1 May 2008 after being assaulted by Zanu PF supporters, Mr. <b>Tapiwa Meda</b>, Mr. <b>Alex Chiriseri</b> and Mr. <b>Joseph Madzuramhende</b> (Centenary district), died on 5 May 2008 after being assaulted by a youth gang and a soldier, Mr. <b>Crispen Taero</b> (Mt Darwin district), died in April 2008 after having been attacked by members of the Central Intelligence Organization and Zanu PF supporters, Mr. <b>Biggie Zhuwawo</b> (Muzarabani district), died in April 2008 after being abducted by Zanu PF youths, Mr. <b>Crispen</b></p> |  |

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|       |         |      |      |         | <p><b>Chiutsi</b> (Guruve district), died in April 2008 after being attacked by Zanu PF youths, Ms. <b>Tatenda Chibika</b> (Mutoko district), died in April 2008 after being beaten by Zanu PF youths and war veterans, Mr. <b>Tapiwa Mbwanda</b> (Hurungwe district), died on 5 April 2008 after an attack by Zanu PF youths, Mr. <b>Marunde Tembo</b> (Mudzi district), died in April 2008 after being assaulted by Zanu PF youths, Mr. <b>Moses Bashitiayo</b> (Mutoko district), died in April 2008 after being attacked by soldiers and Zanu PF youths, <b>B. M.</b>, aged 4 (Murehwa district), burnt in April 2008 after the parents were assaulted and their house was set on fire by Zanu PF supporters, Mr. <b>Manyimo Tennyson</b> (Muzarabani districted), was ill-treated as a result of which he died at Bakasa Base on 24 April 2008, Mr. <b>Tabitha Marume</b> (Makoni west district), was shot by government agents on 1 April 2008, Mr. <b>Moses Makewa</b> (Wedza district), died on 1 April 2008 after being attacked by Zanu PF supporters, Mr. <b>Peter Tom Butao</b> (Mudzi North district), died on 29 April 2008 after being tortured by Zanu PF members, Mr. <b>Sage Muza</b> (Hoyuyu 2 Mutoko district), died on 8 May 2008 after an attack by Zanu PF supporters, Mr. <b>Manuel Nelson</b> (Hopley/Harare), died on 9 May 2008 after an attack by Zanu PF youths, Mr. <b>Godfrey Jemedze</b> (Mazowe district), died on 9 May 2008 after being attacked by Zanu PF supporters and members of the army, Mr. <b>Elias Madzivanzira</b> (Kahari, Shamva district), died on 11 May 2008</p> |                     |

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|       |         |      |      |         | <p>after an axe attack on him and his wife by Zanu PF supporters, <b>Temba Muronde</b> (Mudzi north), was abducted at Vhombozi river, taken to Magwada Base where he was given rat poison and pesticide and killed, with an axe after a week by Zanu PF youths and militia on 14 April 2008, Ms. <b>Ratidzai Dzenga</b> (pregnant) (Muzarabani district), died on 1 April 2008 after being heavily assaulted by Zanu PF youth, Mr. <b>Better Chokururama</b>, Mr. <b>Cain Nyevehe</b> and Mr. <b>Godrey Kauzani</b> (Murehwa district), died on 14 May 2008 after an attack by Zanu PF supporters, Mr. <b>Abia Chaparira</b> (Mt Darwin district), died on 11 May 2008 after being assaulted and tortured by Zanu PF youths and war veterans, Ms. <b>Gloria Mukaiwa</b> (Centenary district), died on 17 May 2008 after being assaulted by Zanu PF youths, Mr. <b>Tonderayi Ndira</b> (Harare), killed in May 2008 after having been abducted from his home by an armed Zanu PF gang, Mr. <b>Manyuke Nyamukapa</b> (Murehwa district), died on 20 May 2008 after being abducted by Zanu PF youths, Ms. <b>Rosemary Maramba</b> (UMP district), died on 20 May 2008 after being assaulted by Zanu PF supporters, Mr. <b>Action Nyadedzi</b> (UMP district), died on 20 May 2008 after being abducted by Zanu PF youths, Mr. <b>Chitsungo</b> (Headman) (UMP district), died on 20 May 2008 after being abducted by Zanu PF youths, Mr. <b>Taurai Matanda</b> (Buhera district), died on 24 May 2008 after being shot by a soldier, Mr. <b>Edson Zaya</b></p> |                     |

| Para. | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
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|       |         |      |      |         | <p>(Shamva district), died on 16 May 2008 after being assaulted by Zanu PF youths and war veterans, Mr. <b>Besta Bakari</b> (Shamva district), died on 16 May 2008 after being attacked by Zanu PF youths, Mr. <b>Phanuel Mubaira</b> (Mt Darwin district), died on 19 May 2008 after being abducted and ill-treated by Zanu PF, <b>Elias Madzivanzira</b> (Shamva district), was fatally assaulted with an axe by Zanu PF youths and war veterans on 11 May 2008, Ms. <b>Edna Lunga</b> (Kwekwe district), died on 11 April 2008 abducted and assaulted by Zanu PF youths, Mr. <b>Marera</b> (Mutoko district), died on 15 April 2008 after being abducted and beaten by Zanu PF youths and army members, Mr. <b>Wiseman Tapera</b> (Mutoko district), died on 08 April 2008 after being assaulted by Zanu PF youths and war veterans, Mr. <b>Lever Katsande</b> (Mudzi district), died on 27 April 2008 after being abducted and beaten by Zanu PF members, Ms. <b>Nancy Chidzidzi</b> and Mr. <b>Taurai Chihuri</b> (Mutoko district), died on 31 May 2008 after being shot by a government agent, Mr. <b>Mariseni Kasambarare</b> (UMP district) was killed on 13 May 2008 by Zanu PF supporters, Mr. <b>Norman Mabhoi</b> (UMP district), was killed on 28 May 2008 by Zanu PF supporters, Ms. <b>Patricia Matonganhau</b> (Mutoko district), was killed on 20 May 2008 by Zanu PF supporters, <b>Gibson Nyandoro</b> (Zvimba Norton), was abducted by war veterans and Zanu PF youths and later found dead close to Norton,</p> |                     |

| Para. | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
|-------|---------|------|------|---------|---|---------------------|
|       |         |      |      |         | <p>Mr. <b>Washington Nyangwa</b>, Mr. <b>Chrison Mbanu</b> (Zaka district), died on 4 June 2008 after an attack by soldiers on their MDC office at Jerera Growth point, Mr. <b>Owen Hativagone</b> (Marondera district), died on 16 May 2008 after being tortured for two days by Zanu PF supporters, Mr. <b>Blake Kanyemba</b> (Harare), died on 5 June 2008 after being attacked by Chipangano Zanu PF gang, Ms. <b>P. G.</b> (Dube) and her child <b>M.</b>, aged 6 (Harare), burned on 8 June 2008 when their house was set on fire by Zanu PF supporters, Mr. <b>Farai Gambe</b> (Rusape district), died on 15 June 2008 after being shot by a soldier close range, Mr. <b>Daniel Nhende</b> (Epworth district), died on 8 June 2008 after being abducted and assaulted by Zanu PF youths, Mr. <b>Delite Mushonga</b> (Epworth district), died on 11 June 2008 after being beaten up by Zanu PF youths, <b>Fushirayi Dofu</b> (Mazowe), was assaulted and so badly injured by local Zanu PF youths accompanied by members of the army in civilian clothes that he was admitted at Howard hospital, where he died on 10 May 2008, <b>Dumihhasani Hapazari</b> (Chiredzi) was abducted on 4 June by army members based in Chiredzi at buffalo range and found dead on 6 June 2008, <b>Kenedy Dube</b> (Mwenezi), kidnapped by a gang of Zanu PF supporters riding in Zanu vehicles and found dead on 14 June 2008, Ms. <b>Sophia Chingozho</b> (Buhera), was beaten by a Zanu Pf youth gang and war veterans in Buhera and died in the hospital, Ms. <b>Dadirayi Chipiro</b> (Mhondoro district) died on 8 June 2008 after</p> |                     |

| Para. | Country | Date     | Type | Mandate                              | Allegations transmitted  | Government response |
|-------|---------|----------|------|--------------------------------------|--|---------------------|
|       |         |          |      |                                      | being mutilated and burned by Zanu PF members, Mr. <b>Victor Mungazi</b> (Magunje district), died on 14 June 2008 after being abducted by Zanu PF youths, Mr. <b>Simba Chikova</b> (Zaka district), was tortured to death by Zanu PF youths on 13 June 2008, Mr. <b>Elliot Machipisa</b> (Hurungwe district), died on 17 June 2008 after being abducted by Zanu PF youths, Mr. <b>Morgan Chishamba</b> (Harare), died on 19 June 2008 after an attack by Zanu PF supporters, <b>Simba Magetsi</b> (Gokwe), was abducted by local war veterans and Zanu PF youths and found dead on 19 June 2008, Mr. <b>Yuana Jenti</b> , Mr. <b>Archford Chipiyo</b> , Mr. <b>Ngoni Knight</b> and Mr. <b>Tyson</b> (Chitungwiza district), died on 19 June 2008 after being abducted by Zanu PF youths and State agents. |                     |
| 270.  |         | 27/10/08 | JUA  | EDU;<br>FRDX;<br>HRD;<br>IJL;<br>TOR | On 14 October 2008, at approximately 2.15 p.m., over 500 demonstrators gathered outside August House to present a petition to the Government of Zimbabwe in defence of their right to education. The petition reportedly addressed sanitation problems in colleges, uninhabitable student residences, educational materials, access to education and quality of education, academic freedom and institutional autonomy, and the closures of schools in Zimbabwe. The demonstrations included a march which was disrupted four times by armed riot police from the Zimbabwe Republic Police (ZRP). The President of the Zimbabwe National Students Union (ZINASU), Mr. <b>Clever Bere</b> ; the Secretary General, Mr. <b>Lovemore Chinoputsa</b> ;   |                     |

| Para. | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
|-------|---------|------|------|---------|--|---------------------|
|       |         |      |      |         | <p>the Legal and Social Affairs Secretary, Mr. <b>Courage Ngwarai</b>; a General Councillor, Ms. <b>Edwina Burira</b>; and a Youth Forum member, Mr. <b>Tawanda Mutema</b>, were all arrested. Some demonstrators were also hospitalized because of police violence. The Gender and Human Rights Secretary, Ms. <b>Privilege Mutanga</b> was assaulted, sustaining head injuries and a swollen arm. Mr. <b>Obert Masaraura</b>, a General Councillor from Midlands State University, also sustained serious head injuries.</p> <p>On 16 October 2008, a different peaceful demonstration was organized by the “Women of Zimbabwe Arise” (WOZA) to call for food to be provided for all Zimbabweans. Police reportedly used force against demonstrators, including the co-leader of WOZA, Ms. <b>Magodonga Mahlangu</b>, with batons breaking one woman’s finger and causing bruises to another two women. Nine arrests were made in total. Seven protesters, who had been arrested before the demonstrations began, were released on the same day without charge after the intervention of a lawyer. However, on 17 October, Ms. <b>Jenni Williams</b>, the National Coordinator of WOZA, and Ms. Magodonga Mahlangu were remanded in custody until 21 October 2008. Neither of the women was present for the bail hearing because, according to the State, there was no transport available to take them there. They were charged</p> |                     |

| Para. | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
|-------|---------|------|------|---------|--|---------------------|
|       |         |      |      |         | with “disturbing the peace, security or order of the public” under Section 371(a) of the Criminal Law (Codification and Reform) Act. They are reportedly being held at Bulawayo Remand Prison. It is unclear whether they have had access to a lawyer. |                     |

## **Appendix**

### **MODEL QUESTIONNAIRE TO BE COMPLETED BY PERSONS ALLEGING TORTURE OR THEIR REPRESENTATIVES**

Information on the torture of a person should be transmitted to the Special Rapporteur in written form and sent to:

Special Rapporteur on Torture  
c/o Office of the High Commissioner for Human Rights  
United Nations Office at Geneva  
CH-1211 Geneva 10, Switzerland

E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)

Although it is important to provide as much detail as possible, the lack of a comprehensive accounting should not necessarily preclude the submission of reports. However, the Special Rapporteur can only deal with clearly identified individual cases containing the following minimum elements of information.

#### **I. Identity of the person(s) subjected to torture**

- A. Family Name.
- B. First and other names.
- C. Sex: Male Female.
- D. Birth date or age.
- E. Nationality.
- F. Occupation.
- G. Identity card number (if applicable).
- F. Activities (trade union, political, religious, humanitarian/solidarity, press, etc.).
- G. Residential and/or work address.

#### **II. Circumstances surrounding torture**

- A. Date and place of arrest and subsequent torture.
- B. Identity of force(s) carrying out the initial detention and/or torture (police, intelligence services, armed forces, paramilitary, prison officials, other).
- C. Were any person, such as a lawyer, relatives or friends, permitted to see the victim during detention? If so, how long after the arrest?

- D. Describe the methods of torture used.
- E. What injuries were sustained as a result of the torture?
- F. What was believed to be the purpose of the torture?
- G. Was the victim examined by a doctor at any point during or after his/her ordeal? If so, when? Was the examination performed by a prison or government doctor?
- H. Was appropriate treatment received for injuries sustained as a result of the torture?
- I. Was the medical examination performed in a manner which would enable the doctor to detect evidence of injuries sustained as a result of the torture? Were any medical reports or certificates issued? If so, what did the reports reveal?
- J. If the victim died in custody, was an autopsy or forensic examination performed and which were the results?

### **III. Remedial action**

Were any domestic remedies pursued by the victim or his/her family or representatives (complaints with the forces responsible, the judiciary, political organs, etc.)? If so, what was the result?

### **IV. Information concerning the author of the present report**

- A. Family Name.
- B. First Name.
- C. Relationship to victim.
- D. Organization represented, if any.
- E. Present full address.

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