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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, Juan E.
Méndez**

Addendum

**Summary of information, including individual cases, transmitted to
Governments and replies received***

* The present document is being circulated in the languages of submission only as it greatly exceeds the page limitations limits currently imposed by the relevant General Assembly resolutions.

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List of abbreviations

TOR	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
CAM	Special Rapporteur on the situation of human rights in Cambodia
EDU	Special Rapporteur on the right to education
FRDX	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
HLTH	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
HOUS	Special Rapporteur on adequate housing
HRD	Special Rapporteur on human rights defenders
IJL	Special Rapporteur on the independence of judges and lawyers
IND	Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people
MERC	The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
MIG	Special Rapporteur on the human rights of migrants
MIN	Independent Expert on minority issues
MMR	Special Rapporteur on the situation of human rights in Myanmar
OPT	Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967
RACE	Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance
RINT	Special Rapporteur on freedom of religion or belief
SALE	Special Rapporteur on the sale of children, child prostitution and child pornography
SUMX	Special Rapporteur on extrajudicial, summary or arbitrary executions
TERR	Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
VAW	Special Rapporteur on violence against women, its causes and consequences
WGAD	Working Group on Arbitrary Detention
WGEID	Working Group on Enforced or Involuntary Disappearances
AL	Allegation letter
JAL	Joint allegation letter
UA	Urgent appeal
JUA	Joint urgent appeal

I. 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 21 December 2009 to 1 December 2010, the Special Rapporteur sent a total of 203 communications, consisting of 66 letters of allegations of torture to 34 Governments and 137 urgent appeals to 53 Governments on behalf of persons who might be at risk of torture or other forms of ill-treatment. Government responses received up to 30 January 2011 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?

II. Summary of allegations transmitted and replies received

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
1.	Algeria	19/04/10	JUA	TOR; VAW	<p>Aux cours des dernières semaines, de nombreuses femmes vivant seules et travaillant dans les bases pétrolifères de Hassi-Messaoud auraient été l'objet d'agressions régulières perpétrées durant la nuit. Leurs maisons et appartements auraient été saccagés et pillés par des hommes armés de gourdins, de haches, de couteaux, leurs têtes encagoulées ou même, à visages découverts. Les informations reçues indiquent que, dans plusieurs cas, des policiers auraient refusé d'enregistrer leurs plaintes et auraient eu une attitude teintée d'indifférence à leur égard. Des informations reçues indiquent aussi qu'une femme a été brûlée vive et se trouve actuellement dans le coma à l'hôpital de Ouargla.</p> <p>Les informations reçues indiquent que ces actes sont récurrents et similaires aux événements du 13 juillet 2001 quand plusieurs centaines d'hommes s'en sont pris violemment à un groupe de 39 femmes qui auraient choisi de vivre seules après que l'imam de la mosquée locale les aurait qualifiées de prostituées. Ces hommes auraient soumis presque toutes ces femmes à des violences physiques et sexuelles et pillé leur logement. Seules 3 personnes parmi les accusés auraient réellement purgé leurs peines tandis que les autres auraient été condamnés par contumace ou innocents. Aucun n'aurait été condamné pour viol.</p>	
2.		24/08/10	JAL	WGAD; FRDX; HRD; TOR	<p>Concernant l'interdiction imposée aux mères de WGEIDaru(e)s de se réunir pacifiquement et la répression brutale d'une manifestation pacifique.</p> <p>Dans la matinée du 4 août 2010, un large</p>	<p>Par lettre datée du 1/12/2010, le Gouvernement algérien a indiqué que lors du rassemblement du 11 août 2010, quatre personnes virulentes ont été interpellées par les forces de police pour les vérifications d'usages, sans pour autant faire l'objet de</p>

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					<p>groupe de gendarmes et de policiers auraient barré l'accès à la place Addis Abeba à Alger, siège de la Commission nationale consultative de promotion et de protection des droits de l'homme, dans le but d'empêcher des mères de WGEIDaru(e)s de se rassembler pacifiquement devant cette instance, comme elles le font tous les mercredis depuis le 2 août 1998.</p> <p>Une semaine plus tard, le 11 août 2010, une quarantaine de mères de WGEIDaru(e)s et de sympathisants auraient tenté de se réunir à nouveau. Des policiers et gendarmes auraient alors fait usage de la force pour réprimer cette manifestation. M. Slimane Hamitouche aurait été jeté à terre par plusieurs policiers et aurait reçu de leur part des coups de poings à la tête et des coups de pieds. Mme Nassera Dutour aurait également été frappée par plusieurs policiers et souffrirait aujourd'hui de courbatures et d'hématomes sur les bras et les jambes. Me Amine Sidhoum, qui venait au secours de Mme Nassera Dutour, aurait été projetée à terre avec force et rouée de coups. Mmes El Boathie et Lekhal auraient été trainées par terre par leur foulard. Cette dernière, asthmatique et souffrant de problèmes de thyroïde, se serait évanouie et aurait été transportée à l'hôpital. M. Ferhati Hacène se serait également évanoui lors de cette répression brutale et aurait eu de violents maux de tête le lendemain. D'autres avocats présents, ainsi que des militants de la Ligue algérienne des droits de l'homme, auraient été bousculés. Plusieurs personnes, dont un père de WGEIDaru de 82 ans, auraient été détenues pendant près d'une heure dans un camion où ils avaient des difficultés à respirer du fait de la chaleur étouffante.</p> <p>Le 18 août 2010, une nouvelle tentative de rassemblement par un groupe de mères de</p>	<p>violences. Il s'agit des nommés Melis Arab, Amine Kellou, Imad Boubekeri et Moh Slimane Hamitouche. Ce dernier, qui a été également interpellé au cours des rassemblements des 4 et 18 août, pour son comportement récalcitrant et hostile envers les agents de l'ordre public, n'a fait l'objet d'aucune violence, avant d'être relaxé sur instruction de M. le Procureur de la République de céans, préalablement avisé par les services de police.</p> <p>Les services de la sûreté n'ont, à aucun moment, réprimé les regroupements des mères des WGEIDarus. L'intervention des policiers qui ont participé aux services de l'ordre, s'est limitée à l'application des moyens légaux en leur qualité de force publique investie des missions de rétablissement d l'ordre dans la cadre de la loi en vigueur. Ils se sont acquittés de leur travail avec une certaine fermeté, mais en faisant preuve de beaucoup de doigté et de tact surtout à l'égard des femmes et des personnes âgées.</p> <p>Aussi, le fait de faire appel au personnel féminin et leurs équipes relevant des services de la sécurité publique et non pas des éléments des unités républicaines de sécurité, habituellement équipés de moyens d'intervention, dénote la vigilance des services de la sûreté et l'assouplissement des mesures d'intervention entreprises envers les protestataires, préférant la canalisation du groupe, que de recourir à d'autres moyens, en raison de la maîtrise de la situation au regard du nombre réduit de personnes. Le résultat qu'il n'ait été enregistré aucun dépôt de plaintes ou d'évacuation en direction d'hôpitaux en raison de l'absence de tout cas de blessure en témoigne.</p>

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					WGEIDaru(e)s et de sympathisants aurait eu lieu, en vain, la police contraignant les participants à monter dans un bus afin qu'ils quittent le lieu de rassemblement.	<p>Il est à signaler que les personnes ayant introduit lesdites allégations, à savoir Nacera Dutour, El Boathie Lekhal, Amine Sidhoum et Ferhati Hacène, considérées comme membres actifs du pseudo association « SOS WGEIDarus », entité qui n'a aucune existence juridique, veulent nuire à la réputation des services de sécurité d'une part, et tenter de faire entendre leur « cause » en déclin depuis la promulgation des WGEIDositions de la Charte pour la paix et la Réconciliation nationale.</p> <p>La Gendarmerie nationale n'a mis en place aucun WGEIDositif, durant les manifestations des familles de WGEIDarus devant le siège de la Commission Nationale Consultative de Promotion et de Protection des Droits de l'Homme, les 4, 11 et 18 août 2010. Ce que confirme également la Direction général de la Sûreté Nationale, qui indique qu'il s'agit de surcroît d'un secteur intra-muros, du ressort exclusif des attributions des services de police.</p> <p>De ce qui précède, il ressort que ces allégations démontrent l'échec et le discrédit des instigateurs de cette démarche inopportune, ayant pour objectif de nuire la réputation des services de sécurité d'une part, et de tenter de faire entendre leur « voix » en déclin et ayant perdu toute crédibilité et ce, depuis la promulgation des WGEIDositions de la Charte pour la paix et la Réconciliation nationale.</p>
3.	Azerbaijan	Follow-up from earlier cases			Mr. Novruzali Khanmamed oglu Mammadov (A/HRC/13/39/Add.1 para 6)	By letter dated 6/10/2009, the Government indicated that while serving his sentence, Mr. Mammadov enjoyed fully and without restriction the rights and freedoms set out in the legislation of Azerbaijan and in the international instruments to which it is a party. Given the great importance Azerbaijan

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						<p>attaches to fulfilling the requirements of the International Covenant on Civil and Political Rights and of other fundamental international instruments in this area, particularly those that uphold the right to freedom of opinion and expression, and in view of Mr. Mammadov's work as a scientist, he was held in appropriate conditions while serving his sentence in penitentiary institutions.</p> <p>The investigation found that, in June 2008, Mr. Mammadov underwent a comprehensive medical examination on first entering prison, as is mandatory for all detainees in accordance with the relevant order of the Ministry of Justice. Instrumental, laboratory and X-ray tests, as well as a medical history, revealed that he was already suffering from several chronic illnesses prior to his arrest.</p> <p>Mr. Mammadov remained under medical observation for the duration of his sentence. He received outpatient and inpatient treatment under the constant supervision of the medical service and was offered consultations with a cardiologist, a surgeon, a neuropathologist and other specialists. He underwent all the necessary clinical, instrumental and laboratory tests including an electrocardiogram, ultrasound tests and so forth.</p> <p>In order to ensure that Mr. Mammadov had access to specialized tests and hospital treatment, he was offered hospitalization on more than one occasion, but each time he declined in writing. In July 2009, Mr. Mammadov was again offered hospitalization, and this time he accepted; as is routine, he was transferred to the medical treatment facility of the penitentiary service of the Ministry of Justice.</p>

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						<p>Based on his medical complaints and history, the patient underwent clinical, laboratory and instrumental tests in the neurology department of the medical treatment facility. In order to provide more specialized medical care, make an accurate diagnosis and exclude any other illnesses, highly qualified doctors were brought in from the Ministry of Health, including some employed in Azerbaijan's leading specialist clinics. Mr. Mammadov was examined by the most senior doctors with advanced research degrees in urology, cardiology, endocrinology, ophthalmology and internal medicine, and neurosurgery, and was treated in accordance with their prescriptions.</p> <p>As stated in the appeal, Mr. Mammadov was diagnosed with a number of illnesses, but not those referred to in that document. The patient was diagnosed with osteochondrosis of the vertebrae of the neck and spine, arthritis and a small cyst in the right shoulder joint, chronic hypertension, residual signs of bronchitis, an enlarged prostate gland and slight visual impairment; a number of nodules were detected in the thyroid gland.</p> <p>With regard to the detection of prostate cancer, which is mentioned in the appeal, it should be noted that a medical examination by an urologist did not reveal any oncological disease. Mr. Mammadov received appropriate treatment for his enlarged prostate at the initial stage and was under constant medical supervision. The cataract was also present at the initial stage, but surgery was not required, and the patient was given the necessary medication.</p> <p>Mr. Mammadov was already suffering from the aforementioned conditions prior to his arrest; they were of a chronic nature, but,</p>

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						<p>because they were still in the early stages, any adverse effects had gone unnoticed. His illnesses were not life-threatening and did not require bed rest, he was not advised by medical staff to restrict his physical activity, and he moved around without assistance; he complained chiefly of pain in his right shoulder, which showed signs of plexitis.</p> <p>Mr. Mammadov was given the treatment prescribed by the consultants and attending doctors, which included antihypertensive, anti-aggregant and thyrostatic drugs, analgesics, and non-steroidal anti-inflammatory. With treatment, the patient's condition stabilized, arterial pressure returned to normal, thyroid gland function improved, dieresis was restored, and shoulder pain was reduced significantly.</p> <p>On 17 August 2009 at around 3 p.m., Mr. Mammadov's condition suddenly deteriorated. The patient WGEIDlayed symptoms of an acute brain infarct, notably, headaches, nausea, signs of acute tachycardia and arrhythmia, a sudden drop in blood pressure and a pulse discernible only at the main arteries. The symptoms of brain ischemia gradually became more pronounced prior to the onset of paroxysmal tachycardia.</p> <p>In view of the seriousness of his condition and in order to save his life, Mr. Mammadov was given specialist emergency care, including by a top civilian resuscitation specialist from the cardiology research institute of the Ministry of Health, who was brought in specially. Unfortunately, despite intensive medical intervention, all attempts to save Mr. Mammadov failed. As a result of progressive cardiovascular failure, his heart stopped at approximately 6.10 p.m., and he</p>

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						<p>died.</p> <p>All the clinical signs and forensic test results indicate that Mr. Mammadov died of an acute brain infarct. The cause of death was confirmed by a commission of experts appointed to verify objectively the circumstances surrounding the death. The commission of experts concluded that “the diagnosis given to Mr. Mammadov based on the results of clinical, laboratory and instrumental tests was correct, the treatment administered was adequate, prompt and consistent, and the death is not causally linked to the tests and treatment”.</p> <p>Following Mr. Mammadov’s sudden death, the procuratorial authorities and the appropriate departments of the Ministry conducted a thorough investigation, which confirmed the circumstances set out above. Based on the results of the investigation, the Office of the Public Prosecutor for the Nizaminsk district of Baku declined to institute criminal proceedings, as no offence had been committed.</p> <p>Mr. Mammadov’s close relatives filed a civil claim with the Nasiminsk court in Baku for compensation for moral harm on the grounds that his death had been caused by a lack of prompt medical treatment. A preliminary court hearing took place on 29 September 2009, and the case is to be considered on 15 October.</p> <p>It should be noted that all prisoners in Azerbaijan receive appropriate medical attention and support, regardless of nationality, race or social class or the gravity of their crimes. The State strives constantly to bring the work of the penitentiary system into line with international standards. In recent</p>

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						<p>years, legislation has been refined and effective measures have been implemented to safeguard the rights of all prisoners. In order to create more humane detention conditions, the law now enshrines, for the first time, the right of prisoners to lodge complaints against decisions by the administration; prisoners' right to receive an education and psychological assistance has been expanded; censorship of correspondence has been abolished; the deductions from prisoners' wages have been reduced; the level of funding and the number of visits and telephone calls granted have been increased; and additional benefits for prisoners have been introduced.</p> <p>As part of the modernization of the infrastructure of the penitentiary system, the funding allocated to the penitentiary service from the State budget has been increased several times over. Last year, a new mixed-regime prison that meets modern standards was opened for use in the Autonomous Republic of Naxçivan, while 2009 saw the opening of the Baku Remand Centre, which meets the highest international human rights standards and provides all the necessary conditions for the detention of accused persons with respect for their honour and dignity. Similar facilities are currently being built in the regions, in order to provide prisoners with expert medical care, education, socially useful jobs, sporting activities, sufficient time outdoors, and so on.</p> <p>Regular reports by authoritative international organizations such as the World Health Organization (WHO) and the International Committee of the Red Cross (ICRC) have highlighted the marked improvement in medical care for prisoners.</p>

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4.	Bahrain	21/05/10	JUA	WGAD; TOR	<p>Concerning the physical and psychological integrity of Mr. Husain Ali Al-Sahlawi, Mr. Ali Ebrahim Al-Jufairy, Mr. Abdalla Hasan Abdalla, Mr. Sadeq Ali Al-Motawa and Mr. Hasan Ali Abdallah Darweesh who were allegedly injured by members of the Bahrain Special Forces in the context of public demonstrations.</p> <p>Between March and May 2010, the concerned individuals were injured by live ammunition (lead-based buck shots and rubber bullets) and ill-treated by the Bahrain Special Forces in the context of recent public protests.</p>	<p>In order to provide prisoners with medical care that meets current standards and ensure the independence of medical specialists, medical services have been separated from the penitentiary service and reorganized under a central medical authority set up within the Ministry of Justice. The two hospitals under the Ministry of Justice that provide medical care for prisoners are equipped with state-of-the-art medical equipment and sufficient supplies of medication. Prisoners therefore receive medical care of the highest quality. This was confirmed by the conclusions of the representative of the Public Affairs Committee responsible for oversight of penitentiary institutions, which comprises the country's most prominent and independent human rights defenders.</p> <p>It should be stressed that every death that occurs in a penitentiary institution is regarded as a critical event requiring careful investigation by the central medical authority of the Ministry of Justice and civilian specialists in order to establish whether the correct medical treatment was administered.</p>

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					<p>Four of the individuals are reportedly detained in different police stations facing charges of illegal gathering. Moreover, these four individuals have allegedly not received and are being denied adequate medical treatment further to instructions that would have been provided by security authorities. A fifth individual is currently at the Intensive Unit Care of the Bahrain Defence Force Hospital under custody of the security authorities and facing charges of attacking a Special Force vehicle.</p> <p>Below are short descriptions of the allegations received on the four cases mentioned:</p> <ul style="list-style-type: none"> - Husain Ali Al-Sahlawi, 25 years-old, from Al-Sehla village, was injured by buck shots on 14 March 2010 in the context of public protest in the village of Kazakan. Mr. Al-Sahlawi was seized by the Bahrain Special Forces at the Salmaneya State Hospital in Manama and reportedly removed from the centre on 22 March before receiving adequate medical attention. According to the information received, Mr. Al-Sahlawi would be currently detained in the Southern Governorate police station and would still have about 70 splinters of buck shots in his body. - Ali Ebrahim Al-Jufairy, 19 years-old, from Al-Jufair village, was injured by rubber bullets on 28 March 2010 in the context of public protest in the village of Sanabis and collectively beaten by members of the Bahrain Special Forces. The whereabouts of Mr. Al-Jufairy were reportedly unknown for a few days until his disappearance was made public and his family was able to locate him. According to the information received, Mr. Al-Jufairy would be currently detained in Nuaim police station in Manama and has allegedly not received adequate medical attention to remove 	

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					<p>the remaining splinters of buck shots in his body. Mr. Al-Jufairy has reportedly had no access to his lawyer since he was found in detention.</p> <p>- Abdalla Hasan Abdalla, 19 years-old, from Malikeyya village, injured by buck shots on 13 April 2010 while waiting at a bakery in Malikeyya village. Mr. Abdalla was initially taken to a private hospital that reportedly refused to admit him without the permission of the security authorities. He was then admitted at Samaneya State Hospital in Manama. According to the information received, Mr. Abdalla received initial treatment but on 17 April he was forcibly removed from the medical centre before receiving adequate attention. According to reports received, Mr. Al-Sahlawi would be currently detained in the Southern Governorate police station and would still have splinters of buck shots in his body.</p> <p>- Sadeq Ali Al-Motawa, 18 years-old, from Malikeyya village, injured by buck shots on 13 April 2010 while leaving a community centre in the village of Malikeyya. Mr. Al-Motawa was taken to Samaneya State Hospital in Manama but was reportedly not treated until the security authorities were informed and granted their permission. After receiving initial treatment, Mr. Al-Motawa went home and the following day he received a summon to present himself in the Southern Governorate police station. According to the information received, Mr. Al-Motawa would be in detention since then with no access to adequate medical treatment to remove the remaining splinters of buck shots in his body.</p> <p>- Mr. Hasan Ali Abdallah Darweesh, 19 years-old, from Karzakan village, injured by buck shots on 17 May when leaving his mother's house in Karzakan. Mr. Darweesh reportedly</p>	

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					<p>encountered the Bahrain Special Forces who were patrolling in the village. According to the information received, when he tried to run he received 12 shots from the Special Forces after which he was collectively beaten by the officers until he lost conscience. Mr. Darweesh is reportedly at the intensive care unit of the Bahrain Defence Force Hospital recovering from critical injuries caused by the penetration of 3 splinters in his head. Since his admission to the hospital, Mr. Darweesh is guarded by the security authorities and his family has had no access to him.</p> <p>Serious concern is expressed about the physical and mental integrity of Mr. Husain Ali Al-Sahlawi, Mr. Ali Ebrahim Al-Jufairy, Mr. Abdalla Hasan Abdalla, Mr. Sadeq Ali Al-Motawa and Mr. Hasan Ali Abdallah Darweesh all of whom were reportedly injured with live ammunition used by the Bahrain Special Forces in the context of public demonstrations. Further, serious concern is expressed about the allegations that the individuals concerned have not received and are currently being denied adequate medical treatment after the injuries sustained.</p>	
5.		20/08/10	JUA	WGAD; HRD; FRDX; TOR; TERR	<p>Concerning the situation of Dr. Abduljalil Al Singace, Director and Spokeperson of the Human Rights Bureau of the Haq Movement for Civil Liberties and Democracy, Mr. Abdul Ghani Al Kanja, Spokesperson of the National Committee for Martyrs and Victims of Torture, Mr. Jaffar Al-Hessabi, a Bahraini human right activist who has been living in the United Kingdom (UK) for 15 years where he has advocated for the release of political prisoners, Mr. Mohammed Saeed, a board member of the non-Governmental organization Bahrain Centre for Human Rights, as well as Sheikh Mohammed Al-Moqdad, Sheikh Saeed Al-</p>	<p>By a letter dated 12/10/2010, the Government indicated that the eight suspects were arrested because evidence emerged that they are allied in a structured network aimed at compromising national security and abusing the country's stability. Namely, this network aims to overthrow and change the political system of the country, dissolve the constitution and obstruct the enforcement of its provisions, inciting and planning terrorist acts, inciting hatred and contempt against the regime, threatening public order and endangering the safety and security of the Kingdom.</p>

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					<p>Nori, Sheikh Mirza Al-Mahroos and Sheikh Abdulhadi Al-Mukhuder, four religious and political activists.</p> <p>On 13 August 2010, Mr. Abduljalil Al Singace was reportedly arrested at Bahrain International Airport on his way back from the UK with his family, following his participation on 5 August in a seminar on the human rights situation in Bahrain held at the House of Lords, during which he denounced the alleged deterioration of the human rights and environmental situation in the country. During his stay in the UK, Mr. Al Singace took the opportunity to meet with a number of international human rights organizations. According to reports, Mr. Al Singace, who is disabled and requires the use of a wheelchair, was forcefully apprehended by the authorities. On the same day, a peaceful demonstration in solidarity took place in front of Mr. Al Singace's house, and was violently repressed by security forces using tear-gas, sound bombs and rubber bullets. Several demonstrators were injured in the course of the operation.</p> <p>On 15 August 2010, security forces raided Mr. Abdul Ghani Al Kanja's home, arrested him and confiscated his computer and mobile phones.</p> <p>It is reported that Messrs Al Singace and Al Kanja are accused of "forming an organized network aiming at weakening the security and the stability of the country" under the Anti-Terrorism Law and the Criminal Code. According to Mr Al Singace's lawyer who spoke to the Public Prosecution Office, case numbers are yet to be assigned and Mr. Abduljalil Al Singace will face charges of sedition and making unauthorised contact with foreign bodies. Both Messrs Al Singace and Al Kanja are reportedly denied access to their</p>	<p>This network has spread disorder in the country by recruiting youths and juveniles and inciting them to compose sabotage groups to commit acts of riot, violence and vandalism, disturbance of civil peace, attacking security personnel, nationals and foreigners residing in Bahrain, terrorizing them and damaging their private properties.</p> <p>All such acts are punishable crimes pursuant to Law No.58 of 2006 with respect to Protecting the Community from Terrorist Acts. The suspects were arrested under this law and not under Bahrain's Code of Criminal Procedure which provides that suspects must be brought before the Public Prosecution within 48 hours of arrest. According to Article 27 of Law No. 58 of 2006, Judicial Officers are granted the right, subject to the emergence of sufficient evidence, to issue a protective custody order for a period not exceeding five days, and if necessary, permission may be obtained from the Public Prosecution to extend the custody to a period not exceeding 10 days. Such permission is strictly granted if the Judicial Officer provides sufficient evidence that the extension of the custody is essential for the continuation of the investigations. Following this period of 10 days, the suspects were duly referred to the Public Prosecution.</p> <p>As a principal division of the judicial authority, the Public Prosecution have commenced and handled criminal proceedings. Working in its capacity as an investigation and indictment authority, and, following intensive investigations by prosecutors into the clandestine terror network, the eight suspects were laid with 12 charges under the Penal Code No. 15 of 1976, Law No. 58 of 2006 with respect to</p>

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					<p>lawyer and to their families. Their whereabouts remain unknown as of today.</p> <p>On 16 August 2010, Mr. Jaffar Al-Hessabi was arrested at Bahrain International Airport on his way back from Iran, following his participation in peaceful protests in London.</p> <p>On 17 August 2010, Mr. Mohammed Saeed was arrested at his home.</p> <p>Finally, between 15 and 17 August 2010, Messrs Sheikh Mohammed Al-Moqdad, Sheikh Saeed Al-Nori, Sheikh Mirza Al-Mahroos and Sheikh Abdulhadi Al-Mukhuder were arrested following their recent participation in peaceful protests calling for the release of political prisoners.</p> <p>Serious concerns are expressed that the arrest and detention of Messrs Abduljalil Al Singace, Abdul Ghani Al Kanja, Jaffar Al-Hessabi, Mohammed Saeed, Sheikh Mohammed Al-Moqdad, Sheikh Saeed Al-Nori, Sheikh Mirza Al-Mahroos and Sheikh Abdulhadi Al-Mukhuder, and the charges brought against some of them, may be linked to their peaceful activities in defence of human rights, while exercising their right to freedom of opinion and expression. In view of the incommunicado detention of Messrs Abduljalil Al Singace and Abdul Ghani Al Kanja, and possibly of Messrs Jaffar Al-Hessabi, Mohammed Saeed, Sheikh Mohammed Al-Moqdad, Sheikh Saeed Al-Nori, Sheikh Mirza Al-Mahroos and Sheikh Abdulhadi Al-Mukhuder, further concerns are expressed for their physical and psychological integrity, most notably for Abduljalil Al Singace who is disabled and needs assistance to walk. Finally, concern is expressed about the excessive use of force against participants of the peaceful protest in front of Mr. Abduljalil Al Singace's house.</p>	<p>Protecting the Community from Terrorist Acts and Law No. 4 of 2001 with respect to Countering Money Laundering and Financing of Terrorism. The charges include:</p> <ul style="list-style-type: none"> - Founding, organising and managing an outlawed organisation with the aim of violating the law and disrupting provisions of the constitution and to prevent public authorities from exercising their duties, using terrorism; - Creation and establishment of an organization with the objective of overthrowing the regime, changing the statutes and using illegal violent means such as arson and vandalism; - Taking part in acts of sabotage, destruction and arson with terrorist attempt; - Raising funds for an organization that is involved in terrorist acts inside the country, willingly and knowingly; - Disseminating hatred and mockery of the political system through public speeches and the internet; - Agreeing and inciting to destroy public property; - Spreading provocative propaganda, news and false statements to destabilize public security and cause damages to public interests; - Publicly instigating sectarian hatred which disturbs civil peace; - Inciting others through public speeches and the Internet to disregard the law; - Inciting participation in public congregations with the purpose of committing arson, vandalism, and confronting the

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						<p>security authorities; and</p> <p>- Unlawfully using force and violence to compel a public servant to abstain from his duty.</p> <p>It is clear that all charges are on terror crimes, use of force and instigation to it. In this regard, it should be mentioned that all guarantees relevant to the suspects' rights have been respected during the investigations.</p> <p>In response to the information received by the Working Group with regard to the reasons for the suspects' arrest, the Government would like to emphasize that the arrests were based purely on security measures, and were not motivated by nor linked to their peaceful activities in defence of human rights, but had been in the light of the existence of confirmed information, investigations and evidence that they are part of a structured network aimed at compromising national security and abusing the country's stability.</p> <p>The suspects, along with all citizens of Bahrain, preserve their right to work legitimately and peacefully in defence of human rights, as enshrined by the Declaration on Human Rights Defenders. They also preserve the right of freedom of expression and opinion, as enshrined in the Constitution of Bahrain which provides that everyone has the right to express his opinion and publish it by word of mouth or in writing under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused. Legal action is only exercised against those who deviate from the scope of the legitimate and peaceful work in the defence of human rights and</p>

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						<p>freedom of expression and recourse to the execution of acts amounting to the abuse of law.</p> <p>Following the arrest of the eight suspects, they have all confessed that they were indeed involved in forming sabotage groups and instructed them to carry out rioting, arson, vandalism and attacking security men. Abduljalil Al-Singace confessed that he supported the groups financially to purchase necessary equipment and materials to undertake such sinful acts. He also admitted in details that he, along with the other seven suspects, incited openly and secretly to spread chaos in the country and to carry out sabotage acts, along with fund raising from citizens and businessmen under the guise of religion, charity and support for the families of prisoners and alleged martyrs and victims of torture.</p> <p>Further, security authorities have arrested individuals who carried out arsons and rioting in varying incidents and in various areas, all of whom have confessed that Abduljalil Al-Singace was their main supporter and inciter for those acts.</p> <p>In relation to the Working Group's concern regarding whether the acts shall be criminalised as terrorist, the first two conditions (means used and intent) put forward by the group will be demonstrated. Firstly, with respect to the means used. The sabotage groups have been committing acts of violence, rioting, vandalizing private and public properties, carrying out arsons, blocking highways and crippling all forms of life activities. These groups have added violence to their acts by using Molotov bombs, homemade bombs and sharpened iron bars. Molotov bombs are considered as</p>

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						<p>improvised incendiary weapons and are primarily intended to set targets ablaze and destroy them. In fact, two police were killed in two separate horrific attacks by Molotov bombs: a policeman, and an innocent Pakistani passer-by, father of five.</p> <p>Secondly, concerning the intent behind the aforementioned attacks, it may be seen from these acts of violence that the sabotage groups are aiming at the destruction of public order. They intend to cause fear among the general population and they chose to undertake their terrorist acts at night to spread even greater terror in the hearts of the general public. Some of the suspects have confessed that this intent was present while inciting the sabotage groups to commit acts of destruction to public order.</p> <p>Hence, having seen that the means used by the sabotage groups can be described as deadly and of serious violence against members of the general population; and, having regard that the intent is to cause fear among the population along with destructing public order, one may fairly deduce that the bold presence of these two conditions cumulatively fulfil these acts to be criminalised as terrorist.</p> <p>Last but not least, elucidation shall duly be made on the allegations on the violent repression by security forces of the peaceful protest in front of Abduljalil Al-Singace's house. Principally, the Government has taken all necessary steps to ensure the right of peaceful assembly. Acting in accordance with Article 21 of the International Covenant on Civil and Political Rights, the Government recognizes that no restrictions may be placed on this right other than those imposed in conformity with the law and which are</p>

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						<p>necessary in the interest of national security of public safety, public order or the protection of the rights and freedoms of others. In this connection, participants in the protest in front of Al-Singace's house have resorted to violence for realization of the purpose for which they have assembled (release Al-Singace), causing their peaceful demonstration to be deemed as a riot. Security forces have exercised their authority granted by Article 180 of the Penal Code and ordered the demonstrators to WGEIDerse. Should the order come to no avail, security forces shall be empowered to take the necessary measures for WGEIDersing those who have not complied with the order by arresting them and may use force within reasonable limits against any person resisting said order. They may not use firearms except in extreme necessity or when someone's life is in danger. The demonstrators have continued rioting despite receiving orders from security forces to WGEIDerse. Having ignored such orders, and, having regard to the interest of public order, security forces were compelled to use force to confront and terminate the mounting violence and WGEIDerse the rioters. In this connection, security forces have exerted force in accordance with the provisions of the public security forces law. Namely, Article 13 has regulated the use of force in WGEIDersing demonstrators and rioters. Force is only exerted following the failure of non-violent means, warning of resorting to the use of force and being the only remaining means of separation. Along with resorting to force in order to obstruct an assault or resistance from demonstrators or rioters.</p> <p>In this connection, mention shall be duly made that these rioters and protesters, who</p>

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						<p>were initially incited by the suspects, have been camouflaging their acts of violence by labelling them as human rights activism or peaceful demonstrations or protests. It goes without saying that committing acts of riot, violence and vandalism under the disguise of promoting and protecting human rights reflects nothing but a solid violation of Article 3 of the Universal Declaration of Human Rights which stipulates that everyone has the right to life, liberty, and security of person. The Government of Bahrain is bound to protect individuals and groups against the abuse of these fundamental rights.</p> <p>The Government of Bahrain reaffirms its adherence to the provisions stipulated in the UN body of Principles for the Protection of all Persons under any form of Detention or Imprisonment. All persons under any form of detention are treated in a humane manner with respect for their physical and psychological integrity and inherent dignity of the human person. Most notably, with regard to the disability of Abduljalil Al-Singace, he has been provided with a wheelchair and is always assisted when walking. Any arrest, detention or imprisonment is only carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose. Convinced that the adoption of this Body of Principles would make an important contribution to the protection of human rights, Bahrain has prohibited by law any act contrary to the rights and duties contained therein.</p> <p>It is also worth stressing that the recent arrests have no relation whatsoever with the parliamentary elections scheduled to take place on 23 October next. All suspects do not</p>

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						<p>recognize these elections. They never participated in them, and not only did they boycott the elections, but they called for a boycott ever since the re-birth of parliamentary elections in 2002.</p> <p>In conclusion, the Government of Bahrain reaffirms its guarantee to provide all necessary measures to ensure that all suspects are not deprived arbitrarily of their liberty and are entitled in full equality to fair proceedings before an independent and impartial tribunal. Bahrain also reaffirms its respect to the observance of the purposes and principles of; inter alia, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Bahrain recognizes the relation between peace and security and the enjoyment of human rights and fundamental freedoms, and is mindful that the absence of peace and security does not excuse non-compliance. Bahrain also acknowledges the important role of the Human Rights Council in the contribution to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, and fully supports its efforts in promoting universal respect for human rights along with its determination to examine thoroughly all the cases brought to its attention</p>
6.		15/09/10	JUA	WGAD; WGEID; FRDX; HRD; TOR	Concerning the situation of Dr. Abduljalil Al Singace, Director and Spokesperson of the Human Rights Bureau of the Haq Movement for Civil Liberties and Democracy, Mr. Abdul Ghani Al Kanja, Spokesperson of the National Committee for Martyrs and Victims of Torture, Mr. Jaffar Al-Hessabi, a Bahraini human right activist who has been living in the United Kingdom (UK) for 15 years where he has advocated for the release of political prisoners,	<p>By a letter dated 12/10/2010, the Government indicated that the situation regarding Dr. Abduljalil Al-Singace, Mr. Abdulghani Al-Khanjar, Mr. Jaffar Al-Hessabi and Mr. Mohammed Saeed (hereinafter the suspects):</p> <p>As mentioned in a previous correspondence, these suspects were arrested in the light of the existence of confirmed information, investigations and evidence that they are part of a structured terrorism network aimed at</p>

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					<p>and Mr. Mohammed Saeed, a board member of the non-Governmental organization Bahrain Centre for Human Rights. The persons mentioned were all arrested between 13 and 17 August 2010, and their whereabouts remain unknown.</p> <p>The situation of the persons named above was the subject of a communication sent on 20 August 2010, to your Government by the Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.</p> <p>According to the information received, the persons mentioned above, Dr. Abduljalil Al Singace (arrested on 13 August), Mr. Abdul Ghani Al Kanja (arrested on 15 August), Mr. Jaffar Al-Hessabi (arrested on 16 August) and Mr. Mohammed Saeed (arrested on 17 August) are being held incommunicado in an undisclosed place of detention since the day of their arrest.</p> <p>In this connection, reports have been received indicating that Dr. Abduljalil Alsingace has been subject to physical and psychological abuse as a result of which he almost lost his hearing ability and has injuries in his back and other parts of his body. According to the information received, on 27 August 2010, Dr. Abduljalil Alsingace appeared before the Public Prosecutor. Dr. Abduljalil Alsingace has reportedly been kept in solitary confinement since his detention and his</p>	<p>compromising national security and abusing the country's stability through terrorism and violence.</p> <p>Investigations thus far have found the network to be responsible for inciting and planning terrorist acts, inciting hatred and contempt against the Government, threatening public order and endangering the safety and security of the Kingdom. The aim of the network is to overthrow and change the political regime of the country, dissolve the constitution and obstruct the enforcement of its provisions.</p> <p>The network has spread disorder in the country by recruiting youths and juveniles and inciting them to commit acts of riot, violence and vandalism, disturbance of civil peace, attacking security personnel, nationals and foreigners residing in Bahrain, terrorizing them and damaging their private properties.</p> <p>All such acts are punishable crimes pursuant to Law No. 58 of 2006 with respect to Protecting the Community from Terrorist Acts. This law grants Judicial Officers the right, subject to the emergence of sufficient evidence, to issue a proactive custody order for a period not exceeding five days. If necessary, permission may then be obtained from the Public Prosecution to extend the custody to a period not exceeding ten days. Such permission is strictly granted, and only if the Judicial Officer provides sufficient evidence that the extension of the custody is essential for the continuation of the investigations. Given the nature of their suspected crimes, the suspects were arrested under this Law No. 58 of 2006 with respect to Protecting the Community from Terrorist Acts, and not under Bahrain's Code of</p>

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					<p>prescription glasses have been confiscated. His wheelchair and crutches have been taken from him and thus he has been forced to pull himself in the cell with his arms. Dr. Alsingace depends almost completely on the wheelchair for his movement since he was diagnosed with polio when he was two years old resulting in complete paralysis in one leg and partial paralysis in the other. As part of the torture he reported, Dr. Alsingace was kept standing on his partially paralyzed leg for two consecutive days. Moreover, Dr. Alsingace was allegedly beaten on his fingers with a rigid object and slapped on both ears until he could barely hear from them. His nipples and earlobes were allegedly pulled with tongs. Dr. Alsingace was reportedly forced to listen to the sound of the electricity machines to scare him and was threatened with rape against him and his female family members. Dr. Alsingace was also reportedly beaten with a rigid object on his back during the interrogation period in order to force him to sign papers of unknown content.</p> <p>The information received also includes allegations of torture and ill-treatment of the other detainees who have reportedly been handcuffed; blindfolded; held in solitary cells; denied food and water for long periods; hung by their hands, their legs tied and their bodies; beaten until swollen and bruised; deprived of sleep; and forced to listen to the screams of others being tortured. In this connection, we have received reports indicating the transfer of some activists and human rights defenders to hospitals as a result of mistreatment, including that of Mr. Abdul Ghani Al Kanja.</p> <p>Furthermore, according to the reports received, on 6 September 2010, the Bahraini authorities published a ministerial order announcing the dissolution of the Board of Directors of the</p>	<p>Criminal Procedure which provides that suspects must be brought before the Public Prosecution within 48 hours of arrest.</p> <p>Following the ten days elapse, all of the suspects were duly referred to the Public Prosecution. As a principal division of the judicial authority, the Public Prosecution has commenced and handled criminal proceedings. Working in its capacity as an investigation and indictment authority, and following intensive investigations by prosecutors into the clandestine terror network, the suspects were charged under the Penal Code No. 15 of 1976, Law No. 58 of 2006 with respect to Protection the Community from Terrorist Acts Law No. 4 of 2001 with respect to Countering Money Laundering and Financing of Terrorism.</p> <p>It is worth mentioning that the suspects have labelled their acts of violence as human rights activism or peaceful demonstrations or protests. It goes without saying that inciting to acts of riot, violence and vandalism under the disguise of promoting and protecting human rights reflects nothing but a solid violation of article 3 of the Universal Declaration of Human Rights which stipulates that everyone has the right to life, liberty and security of person. The Government of Bahrain is bound to protect individuals and groups against the abuse of these fundamental rights.</p> <p>With regard to the concern expressed by the Working Groups with respect to the physical and mental integrity of the suspects and that they may have suffered torture and ill-treatment, it is certainly worth stressing that the Government of Bahrain fully reaffirms its adherence to the provisions stipulated in the UN Body of Principles for the Protection of</p>

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					<p>Bahrain Human Rights Society (BHRS) and appointed an employee of the Ministry of Social Affairs to administer the society until the holding of a general assembly. The grounds reportedly provided were the organization's lack of neutrality towards Bahraini society and the publication of articles issued by illegal entities on its website. This order reportedly follows a statement by the Ministry of Social Development published on 2 September 2010, in local newspapers in which it announced that it will take legal and administrative action against human rights organizations which, according to the Ministry, defend a specific category of citizens and neglect the others.</p> <p>According to the information received, on 28 August 2010, the BHRS organized a press conference with other NGOs and in the presence of family members of detainees, including the human rights defenders mentioned above. During the press conference, BHRS denounced the conditions of detention and the lack of access to the detainees by their lawyers and families and called for respect for the right of due process and a fair trial.</p> <p>Concern is expressed about the physical and mental integrity of Dr. Abduljalil Al Singace, Mr. Abdul Ghani Al Kanja, Mr. Jaffar Al-Hessabi, and Mr. Mohammed Saeed and allegations received that all of them are being held incommunicado in a secret place of detention since their arrest and that their fate and whereabouts remain unknown. In this connection, concern is expressed about reports received indicating that Dr. Abduljalil Al Singace and the other detainees may have suffered torture and ill-treatment during their detention as a result of which some of the human rights defenders mentioned may have been transferred to hospitals.</p>	<p>all Persons under any form of Detention or Imprisonment. All persons under any form of detention are treated in a humane manner and with respect for their physical and mental integrity and inherent dignity of the human person. Any arrest, detention or imprisonment, is only carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose. Convinced that the adoption of this Body of Principles would make an important contribution to the protection of human rights, Bahrain has prohibited by law any act contrary to the rights and duties contained therein.</p> <p>Bahrain strictly refuses any recourse to torture. Any alleged incident of torture may not be overseen. It is unanimously agreed in Bahrain and amongst security authorities that torture is an unacceptable approach in handling any case or event, be it criminal or political. Bahrain has codified strict measures to penalize civil servants or officers should they conduct such unlawful acts. The suspects were all referred to forensic doctors and apparently, no complaint has been officially lodged by or on behalf of the alleged victims of torture.</p> <p>It is apparent that the information sent to the respected Working Groups is defamatory by all means. It has been noticed that most of the light was shed on Dr. Abduljalil Al-Singace and the alleged torture and ill-treatment he and the others are facing. It is recognized that Dr. Al-Singace requires extra care due to his partial paralysis in his legs. He is provided with a wheelchair and crutches and is always assisted when walking. He holds his prescription glasses and he is currently enjoying reading a book he requested titled</p>

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					<p>Moreover, concern is expressed at allegations that the dissolution of the Board of Directors of the Bahrain Human Rights Society may be related to the activities of the organization in defense of human rights in the country, in particular denouncing the conditions of detention of the above-mentioned persons, the lack of access to the detainees by their lawyers and families and the right to due process and a fair trial.</p>	<p>Mafateeh Al-Jenan. The suspects have the right to obtain within the limits of available responses, education, cultural and informational material. They also preserve their right to be visited by and to correspond with family members and friends, and visits are indeed ongoing. The suspects are allowed to exercise and play sports together.</p> <p>In addressing the Working Groups` appeal to seek clarification of the circumstances regarding the cases of the suspects, the below is a brief account of where they stand:</p> <p>Dr. Abduljalil Al-Singace:</p> <p>He was arrested on 13 August 2010 and referred to the Public Prosecution on 26 August 2010. A warrant has been issued by the Public Prosecution to remand him in custody for 60 days. He has a defence team of five lawyers. He was laid by the following charges:</p> <ul style="list-style-type: none"> - Founding, organizing and managing an outlawed organization with the aim of violating the law and disrupting provisions of the constitution and to prevent public authorities from exercising their duties using terrorism; - Inciting to acts of sabotage, destruction, and arson; - Disseminating hatred and mockery of the political regime; - Publicly instigating sectarian hatred which disturbs civil peace; - Spreading provocative propaganda, news, and false statements to destabilize public security and cause damages and cause damages to public interests; - Raising funds for an organisation that is

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						<p>involved in terrorist acts inside the country, willingly and knowingly.</p> <p>Mr. Abdulghani Al-Khanjar</p> <p>He was arrested on 15 August 2010 and referred to the Public Prosecution on 28 August 2010. A warrant has been issued by the Public Prosecution to remand him in custody for 60 days. He has a defence team of 7 lawyers. He was laid by the following charges.</p> <ul style="list-style-type: none"> - Founding, organizing and managing an outlawed organization with the aim of violating the law and disruptions provisions of the constitution and to prevent public authorities from exercising their duties using terrorism; - Inciting to acts of sabotage, destruction, and arson; - Disseminating hatred and mockery of the political regime; - Publicly instigating sectarian hatred which disturbs civil peace. <p>Mr. Mohammed Saeed</p> <p>He was arrested on 17 August 2010 and referred to the Public Prosecution on 31 August 2010. A warrant had been issued by the Public Prosecution to remand him in custody for 60 days. He has a defence team of 2 lawyers. Mr. Saeed was laid by the following charges:</p> <ul style="list-style-type: none"> - Founding, organizing and managing an outlawed organization with the aim of violating the law and disrupting provisions of the constitution and to prevent public authorities from exercising their duties using terrorism;

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						<p>- Disseminating hatred and mockery of the political regime;</p> <p>- Publicly instigating sectarian hatred which disturbs civil peace.</p> <p>- Spreading provocative propaganda, news and false statements to destabilise public security and cause damages to public interests.</p> <p>Mr. Maffar Al-Hessabi</p> <p>He was arrested on 16 August 2010 and referred to the Public Prosecution on 31 August 2010. A warrant has been issued by the Public Prosecution to remand him in custody for 60 days. He is represented by a single lawyer. He was laid by the following charges:</p> <p>- Founding, organizing and managing an outlawed organization with the aim of violating the law and disrupting provisions of the constitution and to prevent public authorities from exercising their duties using terrorism;</p> <p>- Disseminating hatred and mockery of the political regime;</p> <p>- Publicly instigating sectarian hatred which disturbs civil peace.</p> <p>- Spreading provocative propaganda, news and false statements to destabilise public security and cause damages to public interests.</p> <p>The above suspects are all charged with criminal offences. They preserve their right to be presumed innocent and are treated as such until proved guilty according to law in a public trial at which they have had all the guarantees necessary for their defence. In this connection, Bahrain assures its commitment</p>

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						<p>to preserving the suspects` right in full equality to fair proceedings before an independent and impartial tribunal to determine the criminal charges against them. The law guarantees the independence of the judiciary and the probity and impartiality of judges. In this context attention shall be drawn to article 104 of the Constitution.</p> <p>The suspects have exercised their constitutional and legal rights and are all legally represented and their court hearing will be held publicly. If the suspect does not have a legal counsel, he is entitled to have a legal counsel assigned to him by the court and under its expense. Judgments may be challenged before the Courts of Appeal and the compliance of the judgments of the foregoing courts with the law is examined by the Courts of Cassation.</p> <p>Secondly, the dissolution of the Board of Directors of the Bahrain Human Rights Society (hereinafter BHRS)</p> <p>The BHRS has been working in the field of promoting and protecting human rights in Bahrain since 2001. The society has contributed to the development of human rights for almost ten years and is regarded as one of the most prominent societies working in this field. Having respected the work of the BHRS for man years, the Government of Bahrain regrets the accusation that the dissolution of the Board of Directors of the BHRS was related to the activities of the organization in defence o human rights in the country. The dissolution was based purely on administrative and legal measures. It was not motivated by BHRS` s activities in defence of human rights, but was a result of committing habitually administrative and legal violations. The BHRS have carried out unlawful</p>

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						<p>activities and cooperated with illegal bodies, along with engaging itself in political affairs away from human rights perception.</p> <p>The BHRS refrained from condemning acts of violence and terrorism which aimed at compromising national security and abusing the country's stability, and at compromising national security and abusing the country's stability, and to justify such acts in contravention of the very basis of its articles of association, related to defence of human rights without discrimination, favouritism or biasness for any party. The society coordinated with some outlawed bodies known for their incitement to violence, terrorism and hatred of the regime within the framework of the so-called alliance for truth and equality. It was also apparent that BHRS combined political work with human rights-related activities, which resulted in lack of impartiality, professionalism and independence. BHRS's website contained several violations and acts in contravention to Legislative Decree No. 21 of 1989 with respect to social and cultural clubs and associations. As a social society, it was supposed to refrain from engaging in political activities as stipulated in article 18, which provides that the society may neither engage itself in politics nor enter into any financial speculations.</p> <p>Further, the society has published unlawful materials on its website and having carried out activities which are harmful to security, civil peace and stability of the country, it has thus violated article 3 of the abovementioned law, which stipulates "Every society established in violation of the public order or public norms or for any unlawful purpose or reason or with a view to damaging peace of</p>

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						<p>the state or form of the Government or its social order shall be null and void". The BHRS also submitted false complaints to different human rights organizations and have spread provocative propaganda, news and false statements to destabilize public security and cause damage to public interests, along with filling false complaints to the Special Rapporteur on the promotion and protection of the right of opinion and expression and Special Rapporteur on the situation of human rights defenders, claiming that the Government had banned the BHRS from organizing a workshop related to human rights.</p> <p>With regards to the dissolution of the Board of Directors of the BHRS, the ministerial order was a result of a proliferation of violations committed continuously by the society. Legislative Decree No. 21 of 1989 with respect to social and cultural clubs and associations governs the BHRS. Violations of provisions of this law include:</p> <ul style="list-style-type: none"> - Article 16: BHRS failed to produce its annual budget and did not send its fiscal statements for auditing; - Article 32: BHRS failed to call for new elections for the Board of Directors; - Article 33: BHRS failed to notify the Ministry of Social Affairs prior to convening a General Assembly meeting; - Article 39: BHRS has no viable Board of Directors; and - Article 46 BHRS failed to provide the Ministry of Social Affairs with decisions taken by the Board of Directors. <p>With regard to the press conference of 28 August 2010, organised by the BHRS in the</p>

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						<p>presence of the family members of the suspects including those of the abovementioned, the BHRS has exercised its constitutional and legal rights to strive for the protection of human rights. The Government of Bahrain considers such actions as an obligation and a duty to respect to protect and to fulfil human rights. The authorities of Bahrain have this conference and refrained from interfering with or curtailing the enjoyment of human rights for both BHRS and family members of the suspects. Bahrain is also bound to protect individuals and groups against human rights abuses, and it is grateful to human rights NGOs such as BHRS for being whistleblowers and drawing the Government's attention to any human rights violations. Bahrain is also committed to fulfil human rights and it believes that the enjoyment of these rights are best achieved through the facilitation of human rights NGOs, hence it welcomes the organization of such conferences.</p> <p>What was unfortunate in this press conference was an incident that was drawn to the attention of the Minister of Social Affairs by four journalists and three of the attendees. In the course of the press conference, the BHRS humiliated the journalists, sworn at them and ordered them to leave the hall. One reason for this was a question asked by one of the journalists of the BHRS regarding the refrain of the society from condemning the assassination attempt of their fellow journalist Mohannad Abu Zaltoon, Managing Editor of Al Watan Newspaper on 25 August 2010.</p> <p>The journalists have sent separate letters to the Minister of Social Affairs condemning the unfortunate incident of the press conference. The journalists have argued that such attitude</p>

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						<p>by the BHRS is an unacceptable violation of the fundamental principles set forth in article 19 of the International Covenant on Civil and Political Rights.</p> <p>The BHRS, along with all other NGOs in Bahrain, reserve their rights of the legitimate and peaceful work in the defence of human rights as enshrined in the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms. They also preserve the right of freedom of expression and opinion, as enshrined in the Constitution of Bahrain. Legal action is only exercised against those who deviate from the scope of the legitimate and peaceful work in the defence of human rights and freedom of expression and recourse to the execution of acts amounting to the abuse of law.</p> <p>In conclusion, the Government of Bahrain reaffirms its guarantee to provide all necessary measures to ensure that all suspects are not deprived arbitrarily of their liberty and are entitled in full equality to fair proceedings before an independent and impartial tribunal. Bahrain acknowledges the significant role of the Human Rights Council in the contribution to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals and fully supports its efforts in promoting universal respect for human rights with its determination to examine thoroughly all the cases brought to its attention.</p>
7.	Bangladesh	05/03/10	AL	TOR	On 12 January 2010, Mr. Saidul Islam Alamgir, a journalist, received a phone call from the Officer-in-charge of the district police station, asking him to go to the station at 9:00	By letter dated 08/07/2010, the Government indicated that on the basis of the allegation received, the concerned authorities appointed the Superintendent of Police (S.P.), Rangpur

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					<p>p.m. that evening. Mr. Alamgir arrived at the station at 10:00 p.m., but the Officer-in-charge was not there. On his way back home, Mr. Alamgir was stopped at the Jahaj Company intersection by two officers in a police van. He was pushed into the back, where other officers beat him with guns, sticks, boots and fists. Mr. Alamgir's nephew was reportedly also in the vehicle and he appeared to be injured. Mr. Alamgir was driven around the town of Rangpur for almost two hours, while the officers continued to beat him. A constable reportedly pressed his throat so that he would not scream and tried to rip out his tongue, while other officers pushed a stick into his right eye. Due to the beatings and other ill-treatment, he sustained severe injuries to his eye, thighs, right hand and leg, waist and shoulders.</p> <p>At the Kotowali police station, Mr. Alamgir was held in an overcrowded cell with approximately 35 other detainees. At 3:30 a.m., he was informed by an officer that two charges were being prepared against him. One hour later, another officer showed him the two complaints for theft and looting. In the cases, the police reportedly claimed that Mr. Alamgir had been arrested at the scene of the crime.</p> <p>Mr. Alamgir's friends, including other journalists, went to the police station at approximately 3:00 a.m., and they were verbally abused and threatened by the police. Due to his injuries and the lack of food, Mr. Alamgir collapsed in his cell the following afternoon. After repeated requests from his journalist friends, he was allowed to leave the cell to be cleaned and fed by his colleagues. At approximately 3:30 p.m., he was taken to the Rangpur Medical College Hospital by the police. Thirty minutes later, he was taken to the</p>	<p>District, Mr. Saleh Mohammed Tanvir to inquire into the matter.</p> <p>The Superintendent of Police (S.P.) of Rangpur district took interview of the Officer-in-Charge of Kotwali (Rangpur Sadar) police station and others. The S.P. also analyzed relevant records and files. Upon the inquiry, it was found that on 12.1.2010 at 9.00 pm. Mr. Saidul Islam Alamgir inspired his companions to create a chaos during raffle draw, which happened in the trade fair at Zilla School field. Then Alamgir lead 30 to 35 miscreants to set fire to the office room destroy the stalls and looted the goods. Upon receipt of the complaint Sub-Inspector of Police, Mr. Abdur filed a case about this event in the kotwali (Rangpur Sadar) police station under section 143/323/435/379/427/332/353 of Bangladesh Penal Code. The case number is 37 and is dated 13.1.2010. Consequently the police arrested Mr. Saidul Islam Alamgir and his companions. Some of them were hurt during the arrest when they tried to flee away. Police handed them over to the Court after arrest. There is no evidence of torture to Mr. Saidul Islam Alamgir and his companions.</p> <p>Meanwhile, Mr. M.A. Moyeen Khan, S/o Haji M.A. Matin Khan, 17 Naya Polton, Dhaka organizer of the trade fair and the Chairman of Benaroshi, Moslin and Zamdani Private Ltd. Filed a case under section 143/323/385/379/506/114 of Bangladesh Penal Code. According to the case filed Mr. Saidul Islam Alamgir and his companions approximately 10-12 in number tried to enter into the circus pandel of the same fair without ticket on 10.1.2010 at 8.50 p.m. The gate keepers did not allow them to enter into the pandel and this is why they were pushed and</p>

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					Judicial Magistrate's Court in Rangpur. He was not presented before the magistrate, as he was held in a cell at the court. The magistrate ordered his detention at the Rangpur Central Jail, without observing the detainee's condition. This decision was overturned on 14 January and Mr. Alamgir was released on bail, after his friends informed the court of the alleged torture he had sustained.	<p>pulled by Mr. Alamgir and his accompanies. They also stole many articles and demanded extortion. Now investigation of the two cases is going on. Officer-in-Charge and Investigating Officer have been directed for further investigation and make authentic report in this regard.</p> <p>During the inquiry of the Superintendent of Police, it was found that the statement on Mr. Alamgir is being detained at Kotwali (Rangpur Sadar) Police Station on 12.1.2010 at 10.00 p.m. is not true.</p> <p>It may be noted that in the above case, actions were taken in accordance with the law of the land and without any political considerations whatsoever. Both the print and electronic media in Bangladesh enjoy full freedom and media in Bangladesh continues to represent widely diverse and divergent opinions and points of view.</p>
8.		19/04/10	AL	TOR	On 30 October 2009, Mr. Parvez Zacaria was at Alarm Auto Engineering Works when he was approached by two police officers who asked him to accompany them to the police station. The officers took him to the Joydevpur Police Station, where Mr. Parvez was locked up in a room on the second floor. He was handcuffed, gagged, and his legs were tied up with a cotton towel while he was beaten with canes by three officers. He was also beaten with an iron rod on his legs, and pins were inserted into each tow. Mr. Parvez was thrown on the floor and two officers stood on high thighs and continued to beat him. He was also reportedly subjected to electric shocks on his hands and legs. Mr. Parvez was released a few hours later, after his father, a police officer, arrived at the station. Upon release, Mr. Parvez was taken to the hospital for treatment.	<p>By letter dated 24/11/2010, the Government of Bangladesh indicated that after extensive investigations, the witnesses of the case did not disclose sufficient grounds to prove the allegation brought by the complainant..</p> <p>The father of the victim Mr. Fayequjjaman, who himself is a Sub-Inspector of Police of Sadar Court, Narayangonj, stated that the incident took place on 30.10.2009 with his son and other three Probationer Police Officers was a minor misunderstanding only. He also mentioned that his brother-in-law exaggerated the factsto draw more attention from the authority concerned. He also mentioned that as a police Officer and father of Pervez Zakaria he understood the sagacity. Accordingly, he submitted a written letter to the Superintendent of Police of Gajipur District. Violation of Human Rights</p>

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					Complaints were filed with the Police Superintendent at Gazipur Police Station, with the Divisional Commissioner of Police, The Minister for Home Affairs and the Home Secretary. Mr. Parvez' family reported that they were threatened by the police in order to force an amicable solution.	<p>regarding this incident was not raised by the victim neither by the witnesses of the case during investigation. The Superintendent of Police of Gajipur district also held an investigation on the same complaint, but could not establish the allegation of human rights violation. During inquiry, it also transpired that the victim of the incident is an accused of three criminal cases of Joydevpur Police Station bearing case Nos. 55(8)08; 52(9)08 and 23 (1)09. The cases are under trial. The observations on the questions raised in the communication of the Special Rapporteur are as follows:</p> <p>i) The facts noted in the complaint of the case could not be substantiated as fully accurate;</p> <p>ii) Superintendent of Police, Gajipur district directed Mr. Md. Gias Uddin Miah, Assistant Superintendent of Police, Headquarters, Gajipur to inquire in to the matter. He carried out the inquiry and submitted a report on 11.03.2010. Also Mr. Abul Kalam Azad, Inspector of Police, Police Headquarters, Dhaka held a separate inquiry on the same complaint and reported on 16.03.2010. Both the officers could not establish the allegation because of insufficient evidence.</p> <p>iii) The alleged perpetrators were three probationer Police Officers. No further action could be taken against them except disciplinary sanction action containing verbal caution, which was issued against them because the complaint was withdrawn through a letter submitted on 05.02.2010 and no violation of human rights could be traced against them.</p> <p>iv) As the incident was resolved and no fault was proved during investigation so the</p>

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9.		17/06/10	JUA	FRDX; HRD; TOR	<p>Concerning the detention and reported ill-treatment of Mr. Mahmudur Rahman, editor of the Amar Desh. The Amar Desh, a Bangladeshi daily newspaper that regularly reports on corruption cases, was closed down the day before the detention of Mr. Rahman.</p> <p>On 2 June 2010, at 4:00 am, agents of the Tejgaon police station entered the Amar Desh offices, arrested Mr. Rahman and took him to the Dhaka Cantonment Police Station (CPS) for interrogation. The day before, on 1 June 2010, the Tejgaon Thana Officer-in-Charge had raided the press office of Amar Desh and declared its closure.</p> <p>On the same day of his arrest, Mr. Rahman was reportedly charged under Sections 419, 420 and 500 of the Penal Code for “cheating by personation”, “dishonestly inducing delivery of property” and “defamation”. Moreover, the Tejgaon Police Station filed another case against Mr. Rahman (Case No. 2(6)2010), as well as against the Amar Desh Deputy Editor, Mr. Syed Abdal Ahmed; the Assistant Editor, Mr. Sanjeeb Chowdhury; the City Editor, Mr. Jahed Chowdhury; the reporter, Alauddin Arif; and the office assistant Saiful Islam for, inter alia, “obstructing Government officials to perform their duties” during Mr. Rahman’s arrest, under Sections 143, 342, 332, 353, 186, 506, 114 of the Penal Code.</p> <p>On 6 June, while he was in custody, another case (Case No.5 (6) 2010) was filed against Mr. Rahman at the Kowali police station for, inter alia, “obstructing Government officials to perform their duties”, under Sections 143, 186, 332, 353, 225B/34 of the Penal Code.</p>	<p>victim and his relatives did not receive any compensation from Police authority of Gajipur District.</p> <p>In a letter dated 18/06/2010, the Government the Government responded to the urgent appeal sent on 17/06/2010 in order to assure that the contents of the communication had been duly noted and forwarded to the relevant authorities in Bangladesh for necessary enquiry and actions. In a further letter dated 5/07/2010, the Permanent Mission of Bangladesh provided an interim response as received from the capital on the allegations.</p> <p>The Government reiterates its commitment to freedom of expression and its faith in a free media. The declaration of the daily newspaper in Bangladesh named “Amar Desh” was cancelled by the District Magistrate of Dhaka in accordance with Articles 5 and 7 (part 3) of the Printing Presses and Publications (Declaration and Registration) Act, 1973, on the basis of a complaint lodged by Mr. Md. Hashmat Ali.</p> <p>Mr. Md. Hashmat Ali resigned as the publisher of the newspaper “Amar Desh” on 11 October 2009. Since Mr. Ali’s name continued to appear in the printer’s line of the newspaper, he filed a written complaint with the office of the Deputy Commissioner, Dhaka. The Deputy Commissioner notified the acting Editor of the daily in order to take necessary action in this regard. Since no action was taken, the Deputy Commissioner’s officer on 15 March 2010 issued a “show cause notice” on the acting Editor asking him to explain why appropriate action would not be taken against the daily for using Mr. Hashmat Ali’s name as the publisher, even after his resignation and complaint.</p>

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					<p>On 7 June, on the basis of the two latter cases, Mr. Rahman was placed under a four-day detention period. On 8 June 2010, the Magistrates Court No. 7 issued another four-day detention period in Uttara Model Police Station against Mr. Rahman for “printing banned leaflets” under Section 6(1) of the Anti Terrorism Act 2009, as well as an additional four-day detention period for “conspiring against the State” on the basis of a case lodged under Sections 121A (“waging war or attempting to wage war against the State”), 124A (“sedition”) and 114 (“abettor present when offence is committed”) of the Penal Code.</p> <p>According to the information received, on 10 June 2010, Mr. Rahman reported that five or six men entered his cell, removed his clothes and then proceeded to hit him very hard with their elbows in his chest and back whereupon he lost consciousness. When he awoke, he found himself lying in the room of the Second Officer of the CPS.</p> <p>On 12 June 2010, Mr. Rahman was brought before the Magistrates Court on the basis of Case No. 2(6)2010. He then reported that he has been subjected to acts of inhuman and degrading treatment while in detention. He was allegedly unable to stand on the dock and the Magistrate invited him to sit. The Magistrates Court ordered that Mr. Rahman be sent to jail and undergo a full medical check-up on the basis of jail regulations. The Magistrate also allowed Mr. Rahman's lawyers to meet him for half an hour.</p> <p>On the same day, the police of the Detective Branch of Dhaka Metropolitan area submitted an application seeking a four-day remand to question Mr. Rahman regarding the case filed at the Uttara police station under the 2009</p>	<p>Mr. Hashmat Ali on 1 June 2010 filed a case with the Tejgaon Industrial Area Police Station against Mr. Mahmudur Rahman, acting Editor of “Amar Desh” for illegally using his name as publisher of the daily.</p> <p>Following the cancellation of the declaration, a writ petition was filed by the daily “Amar Desh” with the High Court. On 10 June 2010, the High Court stayed for three months the order closing the daily. Following an appeal against the stay order, the Appellate Division, on 15 June 2010, issued an order staying * High Court’s order for four weeks. Meanwhile, the daily “Amar Desh” published regularly from 11 to 15 June 2010. The matter is currently pending before the court.</p> <p>It may be noted that in the above case, actions were taken in accordance with the law of the land and without any political considerations whatsoever. Both the print and electronic media in Bangladesh enjoy full freedom and media in Bangladesh continues to represent widely diverse and divergent opinions and points of view.</p>

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					<p>Anti-Terrorism Act. The remand was granted by the Magistrates Court. Mr. Rahman was reportedly taken to the Detective Branch offices in Dhaka on 12 June without any medical check-up being performed.</p> <p>As a result of the above, Mr. Rahman has been on remand since 2 June 2010.</p> <p>Concern is expressed that the arrest and charges against Mr. Rahman, and various staff working at the Amar Desh's daily newspaper, might be related to their activities as journalists and in defense of human rights. Further concern is expressed about the physical and mental integrity of Mr. Rahman and the allegations that he might have been subject to ill-treatment during his detention.</p>	
10.		25/08/10	UA	TOR	<p>Concerning the allegations of ill-treatment by the police following the arrest of several garment workers and labour rights activists.</p> <p>The police have acknowledged the detention of 21 garment workers and labour rights activists, following violent street protests relating to minimum wage in and around Dhaka.</p> <p>However, the number of people in detention is believed to be much higher, as the authorities have indicated that cases are being prepared to charge thousands of people with vandalism, arson and looting. Out of the 21, at least six female garment workers who were detained in early August, including a pregnant woman, were beaten by the police during interrogation. It is believed that one of the detainees is in urgent need of medical care as a result, but it has so far been refused. Mr. Montu Ghose, a legal advisor to the Garment Workers' Trade Union Centre, who was detained in late July, has also reportedly been ill-treated in police custody, including through sleep deprivation. He requires medical attention for a stroke he</p>	

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					<p>suffered several months before, but is not believed to be receiving any. Other workers and activists have gone into hiding and their families have received death threats from the security forces.</p> <p>Concern is expressed for the physical and psychological integrity of all those in detention following the street protests.</p>	
11.	Belarus	Follow-up to earlier cases.			<p>Arrest and ill-treatment of several protesters at Kastychnitskaya Square. A/HRC/13/39/Add.1 para. 16</p>	<p>By letter dated 11/02/2010, the Government indicated the following:</p> <ol style="list-style-type: none"> 1. Many of the facts mentioned did indeed take place, but the information given is one-sided and completely ignores the premeditated illegal nature of the actions of the participants in the unauthorized events. 2. The State guarantees the freedom to hold assemblies, meetings, street processions, demonstrations and pickets that do not disturb law and order or violate the rights of other citizens. This right is embodied in article 35 of the Constitution, and procedure for its implementation is governed by the Mass Events Act. To ensure the full realization of citizens' rights and freedoms, and to uphold public morals, order and security, the organizers of any mass event are legally bound to apply to the local authorities and to obtain the appropriate authorization for the event to take place. <p>If the organizers do not have the appropriate authorization, the internal affairs agencies are legally empowered to halt the mass event.</p> <ol style="list-style-type: none"> 3. The organizers of the events on Oktyabrskaya Square in Minsk on 9 and 16 September 2009 did not submit any application in respect of the events to the Minsk Municipal Executive Committee, nor did they have any authorization for them. The

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						<p>organizers were thus in serious breach of the law.</p> <p>The unauthorized events were held at a place where such events are banned under Minsk Municipal Executive Committee decision No. 1302 of 3 December 1998 prohibiting assemblies, meetings, street processions, demonstrations and pickets on Oktyabrskaya Square, Minsk.</p> <p>The events were held less than 200 metres from underground pedestrian crossings, and the Oktyabrskaya and Kupalovskaya metro stations, which is also against the law.</p> <p>On the basis of these circumstances, the internal affairs agencies took the necessary measures to stop the unauthorized mass events.</p> <p>4. The illegal actions of the participants in the unauthorized event of 9 September 2009 were halted by militia officers. Twenty-seven individuals were detained for hearings. Twenty reports of administrative offences under articles 23.4, 23.34 and 17.1 of the Code of Administrative Procedure and Enforcement were drawn up in respect of 19 hearings of participants in the unauthorized events. Eighteen administrative cases were submitted for the consideration of the court, and two were submitted to the Commission on Juvenile Affairs in the place of residence of the offender.</p> <p>Seventeen citizens were held in the offenders' confinement centre of the Minsk Municipal Executive Committee Central Department of Internal Affairs, in line with established procedure, until their administrative offence cases were brought to court. The remaining detainees were released after identification.</p>

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						<p>Three of the detainees made complaints about their state of health: M.P. Sergiyets (abrasion on right eyebrow, nausea, bleeding, dizziness and pain around the heart), A.A. Senchilo (dizziness), and A.V. Koipish (toothache, weakness, periodic loss of consciousness).</p> <p>They were all examined by emergency service medical staff and given the necessary qualified medical assistance. As there was no contraindication to their being held in a special militia facility or need for them to be hospitalized, they were taken to the above-mentioned offenders' confinement centre. No other detainees complained about their health to the staff of the centre, as is borne out by their signatures on the relevant documents.</p> <p>D. Borodko and V. Ivashkevich, who were at the Minsk Central District Internal Affairs Authority and the offenders' confinement centre, did not request any medical assistance.</p> <p>The militia officers of the Minsk Municipal Executive Committee State Internal Affairs Department special regiment and the Minsk Central District Internal Affairs Authority did not use any special means or physical force on the detainees, nor did they apply psychological pressure.</p> <p>On 10 September 2009, the Minsk Central District Court heard administrative offence cases against A. Rodachinskaya, V. Ivashkevich, D. Bondarenko, V. Lemesh, A. Senchilo, D. Dashkevich, D. Karpovich, D. Borodko and M. Sergiyets.</p> <p>An investigation of the cases by the Supreme Court supported the Central District Court's deliberations, in accordance with established legal procedure. All those involved were given the opportunity to provide a full explanation of the alleged administrative</p>

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						<p>offence, including with the participation of defence lawyers. D. Karpovich and V. Ivashkevich made use of their legal right to have a defence lawyer at the court hearing.</p> <p>The administrative offence cases were considered in open court sessions.</p> <p>The Minsk Central District Court imposed fines of between 5 and 25 base units. There is no doubt as to the legality, validity or fairness of the court's decision, under which the above-mentioned individuals were sentenced to fines.</p> <p>The law of procedure guarantees the constitutional right to appeal against court decisions in administrative offence cases. Of all those brought before the court for administrative offences, only S. Karpovich made use of that right. Minsk Municipal Court considered and dismissed S. Karpovich's appeal against the court's decision.</p> <p>The court's decisions to impose a fine as an administrative penalty were complied with voluntarily by D. Borodko, D. Bondarenko, A. Senchilo, A. Rodachinskaya and D. Karpovich.</p> <p>The Minsk District Administration Commission for Juvenile Affairs issued a warning to the minor I.V. Mikhailov and halted the administrative procedure against R.A. Tereshkov under article 9.6, paragraph 10 (1), of the Code of Administrative Procedure and Enforcement.</p> <p>5. At 6 p.m. on 16 September 2009, a group of 47 citizens organized an unauthorized event on Oktyabrskaya Square in Minsk. They did not respond to repeated warnings by militia officers who, in order to halt the</p>

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						<p>illegal event, then detained 36 citizens whom they brought for hearings at the Minsk Central District Internal Affairs Department.</p> <p>After identification and preventive measures, the detainees were released within the legal time limit without any administrative offence report being made.</p> <p>The information concerning O. Korban, A. Sergeyenko, A. Stepanenko, N. Statkevich and Y. Misinkevich, in respect of the events of 16 September 2009 referred to by the Special Rapporteur, was not put before the court.</p> <p>6. The Minsk Procurator's Office registered some statements by citizens concerning illegal actions by members of the internal affairs agencies during the unauthorized events on Oktyabrskaya Square, Minsk on 9 and 16 September 2009.</p> <p>Such statements were received from A.A. Senchilo, M.R. Sergiyets, A.A. Rodachinskaya, D.S. Korsak, N.V. Sergeyenko, A.V. Bryuno, Y.V. Misyukevich, D.V. Nekhay and A.N. Stepanenko. A similar statement was also received from O.N. Gulak, president of the Belarusian Helsinki Committee national human rights defence association.</p> <p>Inquiries were carried out into all the cases referred to, and it was decided on the basis of the results not to bring criminal cases.</p> <p>The allegations were fully examined and are refuted by all the information collected. There is no basis for any change to the decision not to bring proceedings. The legality of the decisions has been verified by the Minsk Procurator's Office.</p> <p>The actions of members of the Minsk</p>

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						<p>Municipal Executive Committee State Internal Affairs Department were justified and in accordance with legal requirements.</p> <p>The use of force against participants in the event, who failed to obey officers of the internal affairs agencies and seriously violated law and order, during transport in the special vehicle for the subsequent proceedings in the regional units of the internal affairs agencies was recognized as legal. Overstepping of authority by members of the Minsk Municipal Executive Committee State Internal Affairs Department is not tolerated.</p> <p>During the inquiry, no reliable witnesses were produced to confirm the illegal use of physical force or special measures by members of the Minsk Municipal Executive Committee State Internal Affairs Department in official vehicles. The actions of the members of that Department and the Minsk Central District Internal Affairs Department did not constitute a crime.</p> <p>Hence the facts described by the above-mentioned individuals in their statements are not objectively confirmed.</p>
12.					Reportedly imminent execution of Mr.Andrei Zhuk. (A/HRC/13/39.Add.1, Para. 15)	<p>By letter dated 18/12/2009, the Government indicated that Mr. Zhuk was convicted by the Minsk Regional Court on 17 July 2009 under article 139, paragraph 2 (1), 2 (12) and 2 (15); article 205, paragraph 2; article 207, paragraph 3; article 294, paragraph 3; and article 328, paragraph 1, of the Criminal Code of Belarus, and sentenced to the ultimate sanction of the law – the death penalty with confiscation of property.</p> <p>On 27 October 2009 the criminal division of the Supreme Court of Belarus issued a decision confirming the sentence handed</p>

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						<p>down to Mr. Zhuk by the criminal division of the Minsk Regional Court on 17 July 2009, and his cassational appeal was denied.</p> <p>Mr. Zhuk received a written copy of that decision in prison (5 November 2009). The manner in which an appeal for clemency should be formulated was explained to him.</p> <p>Pursuant to article 174, paragraph 2 (1), of the Penal Enforcement Code, Mr. Zhuk as the convicted party submitted an appeal for clemency on 13 November 2009, which was transmitted on the same day to the Presidential Pardons Commission.</p> <p>Until that appeal is considered by the President, Mr. Zhuk's sentence will be suspended pursuant to paragraph 7 of the Regulations on granting clemency for convicts and on reducing the criminal responsibility of persons cooperating in uncovering crime and in mitigating its effects.</p> <p>2. Mr. Zhuk has been found guilty of committing a series of crimes.</p> <p>Between 15 January and 23 February 2009 he and convict I.S. Sorokin broke into number 31 Sadovaya Street in the village of Zazhevichi in the Soligorsk district of Minsk Region, where they stole an IZ-12 hunting shotgun, 30 cartridges, a cartridge belt and a hunting knife belonging to Mr. N.I. Dubovski, resulting in a loss of property worth 239,800 Belarusian roubles (around 85 US dollars).</p> <p>Mr. Zhuk used the hunting gun to make a sawn-off shotgun.</p> <p>On 27 February 2009 at about 7.30 p.m., with the assistance of convict Mr. V.N. Moroz, Mr. Zhuk and Mr. Sorokin carried out an armed assault on Mr. G.A. Zubets and Ms.</p>

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						<p>S.N. Lapsueva, staff of the agricultural production cooperative Bolshevik-Agro, in the village of Krivichi, in the Soligorsk district of Minsk Region, and absconded with the cooperative's payroll funds in a Chevrolet Niva car with car plate number 78-44 AX-5.</p> <p>During the armed assault, Mr. Zhuk, with the help of Mr. Sorokin, who held the victims down, killed Mr. Zubets, shooting him in the head with the sawn-off shotgun, and Ms. Lapsueva with two shots, one to the shoulder and one to the head. After killing their victims, they took 62,468,810 Belarusian roubles in large bills (around US\$ 26,000) and fled to Slutsk, where they divided the money between them.</p> <p>On his arrest on 1 March 2009, Mr. Zhuk was in possession of narcotics: 0.7 ml of methadone, equal to 0.001 grams of dry substance, which he had purchased for personal use.</p> <p>Mr. Zhuk's guilt for the crimes for which he has been convicted is proven by the case file and is supported by all the evidence, which was appropriately investigated, evaluated and taken into consideration by the court during sentencing.</p> <p>Mr. Zhuk pleaded guilty on all counts and confirmed that he had killed Mr. Zubets and Ms. Lapsueva with shots to the head using the sawn-off shotgun.</p> <p>Mr. Zhuk, Mr. Sorokin and Mr. Moroz fled to the town of Slutsk, where they divided the money between them. Mr. Zhuk and Mr. Sorokin received 22 million roubles each, and Mr. Moroz received 16 million roubles.</p> <p>Mr. Sorokin, as a defendant, gave a similar statement and confirmed that Mr. Zhuk shot</p>

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						<p>the victims dead with a sawn-off shotgun.</p> <p>Mr. Moroz, as a defendant, confirmed that on 27 February 2009 he had assisted Mr. Zhuk and Mr. Sorokin in an armed assault on the staff of the agricultural production cooperative Bolshevik-Agro who were carrying the payroll money.</p> <p>Searches of the accused persons' homes conducted on 1 March 2009 resulted in the discovery and seizure of the following sums of money:</p> <p>In Mr. Zhuk's possession – 15,950,000 roubles;</p> <p>In Mr. Moroz's possession – 11,302,200 roubles;</p> <p>In Mr. Sorokin's possession – 17,400,000 roubles, in bank packaging bearing the name of the open joint stock company Belagroprombank, dated 27 February 2009 and with the reference number MFO 153001917.</p> <p>Bank worker Mr. S.A. Tyabus has testified as a witness, confirming that on 27 February 2009 money in such packets had been given to Ms. Lapsueva, who was killed by Mr. Zhuk during the armed assault.</p> <p>The court conducted a thorough psychological assessment of Mr. Zhuk.</p> <p>The forensic psychologists concluded that the accused, Mr. Zhuk, was and remains of sound mind.</p> <p>At the time the crime was committed he was not manifesting any signs of temporary psychological disorder, and the court considered him to be fully aware of his criminal conduct.</p>

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						<p>In carrying out multiple killings, Mr. Zhuk was fulfilling the role allocated to him as part of a criminal plan. His actions constitute criminal behaviour in all respects.</p> <p>Since Mr. Zhuk as accused had two prior convictions for wilful commission of crimes, and as he once again wilfully committed a criminal offence, the court had sound grounds to conclude that the accused was a recidivist under article 43, paragraph 1, of the Criminal Code.</p> <p>When sentencing Mr. Zhuk, the court of first instance proceeded on the basis of individualization of the penalty, taking into account the nature and degree of public danger of the crimes committed, Mr. Zhuk's role in those crimes, the motives and aims of the criminal conduct, information about his personality, the nature of the harm inflicted, and extenuating and aggravating circumstances.</p> <p>The court considered Mr. Zhuk's open remorse for committing the crimes, his active assistance in their disclosure by helping to locate evidence and the weapons used in the crime, his partial redress of the wrong done, and the fact that he has a young child as extenuating circumstances.</p> <p>The court, however, also noted the fact that Mr. Zhuk committed a crime, wilfully taking the lives of two people, among the aggravating circumstances, which also included the fact that he was under the influence of alcohol when the crime was committed.</p> <p>As the organizer of and most active participant in the crimes, Mr. Zhuk acted in cold blood and in a particularly insidious</p>

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						<p>manner when committing them.</p> <p>Taking into account the particularly dangerous nature of the crimes Mr. Zhuk committed and the exceptional danger he poses to society, the court was justified in handing down the highest possible sentence – the death penalty.</p> <p>In handing down this type of sentence, the court took account of the provisions of Part III, article 6, paragraph 2, of the International Covenant on Civil and Political Rights.</p> <p>The Supreme Court of Belarus considers the sentence to be fair and in line with the degree of danger to society posed by the crimes committed and the information regarding the defendant's personality.</p> <p>There is no doubt about the legality and grounds for the sentence handed down to Mr. Zhuk.</p> <p>3. Belarus recognizes the supremacy of the universally accepted principles of international law and ensures its legislation is in line with those principles (article 8 of the Constitution).</p> <p>Article 6 of the International Covenant on Civil and Political Rights (hereinafter, "the Covenant"), which Belarus has ratified, provides, inter alia, that every human being has the inalienable right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. In countries which have not abolished the death penalty, a sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime. Anyone sentenced to death shall have the right to seek a pardon or commutation of the sentence. Amnesty,</p>

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						<p>pardon or commutation of the sentence of death may be granted in all cases. Article 6 of the Covenant stipulates, however, that, “Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.”</p> <p>Pursuant to article 24 of the Constitution, each person shall have the right to life. The death penalty, until it is abolished, may be used in accordance with the law as the ultimate sanction for particularly serious crimes, and only by sentence of a court.</p> <p>Pursuant to article 59, paragraph 1, of the Criminal Code, the death penalty (shooting) may be applied as the ultimate sanction for certain particularly serious crimes involving premeditated deprivation of life among the aggravating circumstances (until such time as the death penalty is abolished).</p> <p>In accordance with the provisions of article 174 of the Penal Enforcement Code, after the sentence has entered into force, persons sentenced to death have the following rights:</p> <ul style="list-style-type: none"> • To submit, in the established legal order, a petition for clemency • To have consultations with a lawyer and any persons with the right to provide legal assistance, without restrictions to length and number • To receive and send letters without restrictions • To have one short meeting per month with close relatives • To receive one parcel or delivery every three months, in accordance with the regulations set by the prison administration

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13.	Brazil	06/04/10	JAL	HLTH; TOR; Water	Concerning the conditions of detention at the Provisional Detention Centre in Cariacica (Centro de Detenção Provisória de Cariacica). On 4 February 2010, the Provisional Detention Centre in Cariacica held 498 individuals, while its capacity is 240. The names of remandees	<ul style="list-style-type: none"> • To obtain over the course of a month, food products by cashless settlement, and other essential items by cash from their personal accounts, including by postal order, in an amount set for persons held in high security prisons • To officialize, in accordance with the law, the necessary civil and legal and marital and family relationships • To meet with members of the clergy • To receive essential medical care <p>Pursuant to the provisions of article 175 of the Penal Enforcement Code, when a death sentence comes into force it is carried out upon receipt of an official communication certifying that complaints submitted in accordance with supervisory procedures and petitions for clemency have been denied. The death penalty is carried out in private, by shooting. A death penalty is carried out in the presence of the procurator, a representative of the facility in which the sentence is being implemented and a physician. The prison administration is obliged to inform the court that handed down the sentence that it has been carried out, and the court notifies a member of the sentenced person's immediate family.</p> <p>Respect for the law in force in Belarus when the death sentence is carried out is guaranteed by the presence of the procurator.</p> <p>By letter dated 20/08/2010, The Government indicated that the Brazilian State views with concern the situation of the espirito Santo State Prison System, toda pervaded by systemic problems, whose solutions are difficult and costly. This scenario has prompted action from a number of Brazilian</p>

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					<p>are unknown, but those convicted are: Orlando Santos Xavier, Uemerson João Batista Klein, Diego Alexandre da Silva Fagundes, Adeilton Araújo de Souza, Adonias Francelini Dias, Antonio Fabia da Silva, Raikas Onose da Cunha, Rodrigo Zani Pinheiro, Ozéias Sabino de Souza, Fabricio José Ambuzeiro, Eliezer Alves de Araújo, Oziel Passos da Silva, Adoterivo Vieira Sabarense, Edi Angelis Ferreira dos Santos, Adriono Gonçalves Hoffman, Bruno da Conceição, Fabio Machado de Souza, Gabriel Barbosa da Silva, Jefferson Ruy Moura, Fernando Gonçalves Fernandes, Osmar Oliveira da Silva, Jonas Teixeira dos Santos, Jhonny Lopes da Silva, Carlos Gabriel Silva da Conceição, Flavio Ribeiro do Nascimento, Ronaldo Roberto dos Reis, Edson Luiz Miranda da Silva, Tiago Ramos Santana, Osvaldo Junior Santos da Cruz, Wesley Alves Pereira, Welerson Braga Martins, Pablo Porfirio dos Santos, Allessandro Santos Ribeiro, Carlos Alexandre do Carmo da Silva, Danies Jardins das neves, Maxwel Rodrigues Bento, Alessandro da Conceição Jesus, Alipio Rodrigues Junior, Anderson Vieiro dos Santos, Carlos Alberto Santos da Silva, Rafael da Conceição Tavares, Valmi/Valdeci de Lanis Santana, Ralph Cardoso Pereira Maritello Machado, Wellington de lima ou Eliomar Leal Rodrigues, Fabio Machado de Souza, Bruno da Conceição Santos, Thiago Batista da Fonseca, Leonardo Barreto Nascimento, Antônio Fabio da Silva Dias, Joseimar Alves Correa, Rafael dos Santos Sampaio, Cristiano de Freitas Santos, Jailton de Souza Santos, Fernando da Silva Prati, João Carlos Barbosa de Oliveira, Everton Lima Oliveira, Jose Luiz de Oliveira Tavares, Osiel Passos da Silva, Algemiro Penha Cardozo Souza, Sidney Rocha da Silva, Renato Amorim Santos, Claudiomar Pereira, Sivaldo Lisboa da Silva, Eder Santos, Jardson</p>	<p>State bodies involving investigations of the nature and extent of complaints regarding the operation of espirito Santo's prison system, and spurred, in response, the adoption of measures to overcome the problems identified. Through these efforts, the Brazilian State has sought to fulfil the fundamental rights and guarantees provided for in national law as well as the commitments undertaken by the country in the field of International Human Rights Law.</p> <p>Of the various Brazilian State bodies engaged on the issue the Council for the defense of the Human Person (Conselho de Defesa dos Direitos da Pessoa Humana –CDDPH), National Justice Council (Conselho Nacional de Justica-CNJ) and the National Council for Crime and Prison Policy (Conselho Nacional de Politica Criminal e Penitenciaria-CNPCP) have closely followed the matter . A Special Committee was revived and a monitoring, Follow-up, Enhancement, and inspection Group was established through Joint Regulatory Act 1 of 4 April 2010 of the Espirito Santo State Office of Attorney general and Espirito Santo Court of Justice to oversee the state's prison system and the execution of socio-education sentences. And both bodies have undertaken on site visits and made recommendations on measures needed to address the concerned raised in the letter.</p> <p>The Government provided an extensive overview of the state of prison system, including figures, data, evaluations and measure that have been undertaken since 2003 to address the challenges addressed in the letter.</p>

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					<p>Dias da Silva, Julia Gonçalves Menarte, Jocimar Rodrigues Pereira, Nailton Jose Chagas and Edvaldo Santos de Santana.</p> <p>The above-mentioned individuals, as well as those remandees whose names are not known are currently being held in 24 import-export type containers, measuring 28.2 squared meters, which have been converted into cells by opening three very small barred windows on each side. Between 20 and 30 people are held in each container, with no distinction between remandees and convicted detainees. These types of containers were also used at the Provisional Detention Centre in Novo Horizonte in 2009. However, this detention facility has since been closed down.</p> <p>The sleeping arrangements and bedding at the Provisional Detention Centre in Cariacica are insufficient, resulting in regular injuries due to detainees falling from improvised hammocks, which are necessary due to the overcrowding. In addition, there is no sewage system surrounding the containers, but only holes in the containers which lead urine and excrement to outside buckets. The water supply for drinking and washing is also inadequate, as detainees only have access to water for a few minutes every couple of hours. Furthermore, detainees are locked up throughout the day, even during the summer months, facing extremely hot temperatures. Finally, information was received regarding insufficient medical attention, despite reports of many illnesses among the detainees. A recent outbreak of scabies forced the authorities to burn all mattresses and uniforms. Additionally, on 4 February 2010, a man called “Adoterivo”, who suffered from hypertension, reportedly died due to the lack of medical attention and the poor conditions in the containers.</p>	

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14.		20/05/10	AL	TOR	<p>In addition to the physical conditions at the Provisional Detention Centre in Cariacica, it is alleged that detainees have been regularly threatened or subjected to violence, including with rubber and lead bullets, as well as pepper and tear gas</p> <p>Concerning the arrest of Mr. Diego Moreira Franco in Belo-Horizonte city in the region of Minas Gerais (Brazil).</p> <p>According to the information received on 10 August 2009, Mr. Moreira Franco was arrested by the federal police in the context of an operation against drug dealers. Mr. Moreira Franco would have been severely beaten by the police at the moment of his arrest, at the police station as well as during the interrogation in order to force him to sign a confession. The beating reportedly caused damage in his shoulder, inguinal region, lower back and his teeth. In this connection, two police reports dated 11 August and 3 December 2009 would have confirmed the existence of the mentioned injuries. Mr. Moreira Franco would be in detention since October 2009 and would be awaiting sentence.</p> <p>Concerned is expressed about the physical and mental integrity of Mr. Moreira Franco. In this connection, concern is expressed about the excessive use of force by the federal police at the moment of arrest as well as during the interrogation. Further concern is expressed at the allegations that Mr. Moreira Franco may have signed a statement as a result of torture or ill-treatment.</p>	
15.	Cameroon	08/04/10	JUA	WGAD; VAW; TOR	<p>Concernant la situation de Mme Maximilienne Ngo Mbe, Secrétaire Générale de l'association Solidarité pour la promotion des droits de l'homme et des peuples (PRODHOP) et Directrice Exécutive du Réseau des défenseurs</p>	

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					<p>des droits humains de l'Afrique Centrale (REDHAC), M. Alex Gustave Azebaze, journaliste et membre du PRODHOP, et M. Simon Hervé Nko'o, journaliste au sein de l'hebdomadaire Bebela.</p> <p>Le 20 mars 2010, Mme Maximilienne Ngo Mbe aurait reçu une lettre anonyme la menaçant dans les termes suivants : « Vous avez intérêt à vous taire. Sinon, même votre travail va finir. Vous allez payer très cher par tous les moyens pour tous ce que vous faites pour salir l'image du Président de la République ». Par ailleurs, en août 2009, en l'absence de Mme Maximilienne Ngo Mbe, un inconnu se serait introduit dans son domicile et en février 2009, un de ses enfants aurait fait l'objet de menaces anonymes.</p> <p>M. Alex Gustave Azebaze serait poursuivi pour 'propagation de fausses nouvelles' et 'détention illégale des documents' suite à ses dénonciations relatives au procès pour corruption, présenté comme inéquitable, intenté contre d'anciens ministres et fonctionnaires arrêtés dans le cadre de l'Opération Epervier.</p> <p>Enfin, M. Simon Hervé Nko'o aurait été détenu incommunicado du 5 au 12 février 2010, prétendument pour avoir joué un rôle dans des enquêtes dans le cadre d'une affaire de détournement de fonds publics. M. Simon Hervé Nko'o aurait rapporté des actes de torture perpétrés à son encontre, en utilisant de l'eau, en le privant de sommeil et en l'exposant au froid pendant sa détention. Par ailleurs, il aurait été sévèrement battu sur la plante des pieds, comme l'attesterait un certificat médical.</p> <p>De sérieuses craintes sont exprimées quant au fait que les menaces contre Mme Maximilienne Ngo Mbe et sa famille, les poursuites contre M.</p>	

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					Alex Gustave Azebaze et la détention incommunicado de M. Simon Hervé Nko'o et les actes de torture qu'il aurait subis, soient liés à leurs activités de promotion et de protection des droits de l'homme, et ce dans l'exercice de leur droit à la liberté d'opinion et d'expression.	
16.		27/10/10	JUA	WGAD; HLTH; TOR	Concernant l'arrestation de M. B. A. et de M. M-H.B. pour supposée homosexualité. M. A. et M. B. auraient été arrêtés le 27 septembre 2010 par des officiers du 1er escadron de gendarmerie à Yaoundé, et seraient actuellement détenus à la prison de Kondengui. Ils auraient été arrêtés après que leurs maisons aient été fouillées. Lors de cette fouille, des boîtes de préservatifs et de lubrifiants auraient été trouvées. Les deux hommes auraient été détenus et le 4 octobre, auraient été forcés à subir un examen anal pour confirmer leur activité sexuelle. Il est aussi allégué que M. A. et M. B. ont été menottés pendant l'examen médical et n'ont pas été informés sur leur droit de garder le silence, ni d'avoir recours à une assistance juridique.	
17.	Canada	13/04/10	JAL	TERR ; TOR	Concerning Omar Khadr, a citizen of your country, who we understand is still detained at Guantánamo Bay. Omar Khadr was 15 years old when he was arrested and 16 years at the time he was transferred to Guantánamo Bay. Information received indicates that Mr. Khadr was subjected to prolonged and severe sleep deprivation by U.S. officials in order to enhance the extraction of information from him during interrogations conducted by Canadian officials in 2004 when he was 17 years old. Military commission proceedings against Mr. Khadr are scheduled to recommence in July 2010 at Guantánamo Bay. In a 29 January 2010 decision, Canada's Supreme Court reasoned that violations of Mr.	By a letter of 10/05/2010, the Government of Canada indicated that it had taken many steps to address the interests of Mr. Khadr in respect of his detention by the United States in Guantanamo Bay. Canadian government observers have been present at his hearings before the Military Commission in Guantanamo Bay and the Court of Military Commission Review in Washington, D.C. Furthermore, officials of Foreign Affairs and International Trade Canada have carried out regular visits with Mr. Khadr and will continue to do so. The visits allow access to Mr. khadr to assess his welfare and treatment, and to obtain information about his mental and physical condition.

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					<p>Khadr's rights under the Charter of Rights and Freedoms were ongoing as the information obtained by Canadian officials during the course of their interrogations, conducted when Mr. Khadr was a minor without access to legal counsel or habeas corpus and had been subjected to improper treatment by the U.S. authorities at the time of the interview in March 2004, may form part of the case currently being held. In light of this decision, we remain seriously concerned that Mr. Khadr will continued to be tried in military commission proceedings that do not adhere to international fair trial standards.</p> <p>In this connection, we would like to refer to the report on the Mission to the United States of America by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/6/17/Add.3) that highlighted serious situations of incompatibility between international human rights obligations and the counter-terrorism law and practice of the United States. Concerns highlighted in that report relate mainly to proceedings conducted by military commissions, which have not been fully addressed by the adoption of the 2009 U.S. Military Commissions Act, and the use of evidence obtained under torture or by coercion. Furthermore, we would like to refer to the report on the Situation of detainees at Guantánamo Bay prepared by five special procedures mandate holders (E/CN.4/2006/120) that revealed a series of human rights violations of the detainees and recommended that terrorism suspects be detained and tried in accordance with criminal procedure that respects safeguards enshrined in relevant international law.</p> <p>In view of Mr. Khadr's prolonged and abusive</p>	<p>Canada has consistently sought to ensure that Mr. Khadr receives the benefits of due process, including access to Canadian counsel of his choice. More examples of the Government of Canada's actions in respect of Mr. Khadr are outlined in the dissenting reasons of Justice Nadon of the Federal Court of Appeal (2009 FCA 246 at paragraph 88) which and can be viewed at http://decisions.fca-cf.gc.ca/en/2009fca246/2009fca246.html.</p> <p>Mr. Khadr was arrested in 2002 by U.S. Forces in the context of his alleged involvement in the armed conflict in Afghanistan following his alleged recruitment and use as combatant by al Qaeda, and was later transferred to Guantanamo Bay by the Americans. Mr. Khadr's presence in this conflict was not the result of actions by Canada and at no time since his arrest has he fallen under Canadian jurisdiction. Mr. Khadr has been detained by the United States, has remained under U.S. jurisdiction continuously since then, and now faces serious changes pursuant to U.S. legislation. Therefore, while your letter raises important issues, most of them would be more properly addressed to the Government of the United States.</p> <p>It is important to note that the Government of Canada at no time requested that the United States subject Mr. Khadr to any form of mistreatment. To the contrary, the Government of Canada has consistently asked the Government of the United States to ensure that Mr. Khadr be treated humanely and in a manner consistent with his age. With respect to the allegation of sleep deprivation, it is important to bear in mind the particular facts as to when and how the allegation was</p>

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					<p>detention at Guantánamo Bay, the perpetuated violation of his rights under domestic law and international human rights law, and given that he will most likely not be afforded with a trial according to international fair trial standards, we urge your Excellency's Government to take appropriate remedial action in accordance with the recent Supreme Court decision and international standards. Given the ongoing violation of Mr. Khadr's rights, we are of the opinion that repatriation to your country, where he would be either released or prosecuted by a court of law in accordance with international fair trial standards, would pose the most suitable and effective option. In our view, the sending of a diplomatic note to the Government of the United States formally seeking assurances that any evidence or statements shared with U.S. authorities as a result of the interviews of Mr. Khadr by Canadian agents and officials in 2003 and 2004 not be used against him by U.S. authorities in the context of proceedings before the Military Commission or elsewhere, does not constitute an effective remedy for the human rights violations he was subjected to.</p> <p>We wish to reiterate our deep interest that the violations of Mr. Omar Khadr's rights come promptly to an end and would like to highlight our availability for consultations on this matter.</p>	<p>brought to Canada's attention. In those circumstances, the decision of a Canadian official to proceed with the final interview did not amount to Canadian acquiescence in such treatment.</p> <p>On January 22, 2009, the Honourable Barack Obama, President of the United States, issued an Executive Order ordering that the Guantanamo Bay detention facilities be closed no later than one year from that date and that the status of each Guantanamo detainee be immediately reviewed. As a result of this review, on November 13, 2009, Mr. Eric Holder, Attorney General of the United States, announced that the United States will proceed to trial against Mr. Khadr by way of a military commission trial. This choice of mechanisms put in place to try detainees is a matter for the U.S. authorities.</p> <p>In your correspondence, you also refer to the decision of the Supreme Court of Canada in Mr. Khadr's appeal. I note that, in its ruling, the Supreme Court recognized the constitutional responsibility of the executive to make decisions on matters of foreign affairs, given the complex and ever-changing circumstances of diplomacy, and the need to take into account Canada's broader interests. In response to the Supreme Court's ruling, the Government of Canada delivered a diplomatic note to the Government of the United States on February 16, 2010, formally seeking assurances that any evidence or statements shared with U.S. authorities as a result of the interviews of Mr. Khadr by Canadian agents and officials in 2003 and 2004 not be used against him by U.S. authorities in the context of proceedings before the Military Commission or elsewhere.</p> <p>The Government of Canada is not prepared at</p>

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18.	Central African Republic	05/02/10	JUA	WGAD; TOR; VAW	<p>Concernant la situation d'A.N., une fille de 15 ans.</p> <p>En 2007, A.N. aurait été accusée de sorcellerie et aurait été enfermée dans la prison préfectorale de Mobaye. Encore mineure, elle partageait les mêmes cellules que des adultes. Elle aurait été accusée d'avoir ensorcelé (« likundu en sango ») Mme E. souffrant de maux de tête. Depuis lors, A.N. aurait été maintenue en prison sans condamnation. La raison de cette absence de condamnation serait l'absence d'un juge pour mineurs à Mobaye. Selon les informations reçues, l'article 162 du Code Pénal donne la possibilité juridique de porter plainte pour « likundu » et « talimbi ».</p> <p>En décembre 2008, un garçon de 12 ans s'est noyé dans le fleuve Oubangui à Mobaye. La croyance voulant que cette noyade ait été provoquée par des personnes transformées en serpents (métamorphose – « talimbi » en sango). A.N. aurait été frappée pour l'obliger à dénoncer ces personnes. Suite à ce traitement, elle a nommé les noms de deux jeunes, qui auraient été emprisonnés immédiatement.</p> <p>Le 29 juin 2009, le responsable de la prison aurait accusé A.N. d'être responsable de la maladie grave de sa femme (et finalement de sa mort). Il aurait donné l'ordre à deux prisonniers de mouiller les bras d'A.N. avec du pétrole et des les approcher du feu. Après ce traitement, A.N. serait restée une journée et une nuit dans sa cellule sans aucun soin. La mère d'A.N. aurait averti le Maire le lendemain. A.N. aurait ensuite été transférée à</p>	<p>this time to discuss with the Special Rapporteur the question of whether it should seek the repatriation of Mr. Khadr to Canada as this matter is again the subject of litigation before the courts.</p>

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					<p>l'hôpital de Mobaye.</p> <p>Son avocat, Maitre Mathias Morouba, aurait rendu visite à A.N. à l'hôpital. Il aurait aussi rencontré tous les responsables de la ville. Il aurait fait des démarches pour porter plainte contre les responsables des mauvais traitements infligés à A.N. Le 25 juillet 2009, l'avocat, accompagné de trois autres personnes, aurait organisé une réunion avec la population et les autorités de Mobaye sur le thème de sorcellerie (« likundu et talimbi »). Plus de 150 personnes auraient participé à cette rencontre et beaucoup de questions auraient été soulevées.</p> <p>Le président du Tribunal de Mobaye, M. Saint Paul Ndongo-Sindo, aurait réuni à son tour les gens de la ville de Mobaye début septembre 2009 pour proposer aux participants de créer des groupes de surveillance dans certains quartiers pour que chaque cas de « likundu » soit suivi et porté devant la justice.</p> <p>Quelques médecins étrangers ayant vu en photo les brûlures qu'A.N. a sur les bras, auraient estimé qu'elle resterait handicapée si une greffe de peau n'est pas effectuée. Selon les informations reçues, une telle opération ne serait pas possible sur place. Par conséquent, les médecins auraient conseillé d'envisager l'évacuation d'A.N. à l'étranger.</p>	
19.	Chile	15/10/10	JAL	FRDX; HRD; TOR	<p>En relación con la situación del Sr. Cristian García Quintul y otros activistas indígenas Mapuches de la municipalidad de Puerto Montt, Chile. El Sr. García Quintul es Presidente de la Asociación Newen Llifken, una organización indígena Mapuche.</p> <p>El 18 de septiembre de 2010, un contingente de Carabineros habría impedido manifestarse a un grupo de activistas Mapuche, entre ellos el Sr. García Quintul, y habría hecho uso excesivo de la fuerza con algunos activistas al llevar a cabo</p>	

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					<p>varias detenciones policiales. En este contexto, el Sr. García Quintul habría sido víctima del uso desmedido de la fuerza así como de amenazas y hostigamiento judicial por parte de oficiales Carabineros.</p> <p>Según se informa, aproximadamente a las 10:30 de la mañana del día 18 de septiembre, un contingente de Carabineros habría impedido el acceso a un grupo de activistas Mapuche, incluyendo miembros de organizaciones y comunidades diversas, que caminaban pacíficamente hacía la Plaza de Armas de Puerto Montt. Al llegar a la calle Quillota con Urmeneta, el grupo Mapuche habría sido interceptado por dicho contingente de Carabineros, el cual se encontraba en las inmediaciones de la Catedral. Cuando los dos grupos se habrían encontrado, se habría generado una discusión en la que miembros del grupo de activistas habrían preguntado por qué no se les dejaba pasar a la Plaza de Armas. Un oficial Carabinero de alto rango y a cargo del WGEID positivo policial habría justificado la prohibición, diciendo "...yo soy quién tiene la autoridad y decido si les doy o no acceso a la Plaza de Armas". Dada dicha respuesta, el Sr. Eric Vargas, un Lonko Mapuche, habría denunciado el supuesto abuso de autoridad y violación del derecho de reunión ante los medios de comunicación presentes.</p> <p>Según informes recibidos, posteriormente, dicho oficial Carabinero habría dado la autorización a viva voz de que el grupo de defensores podía pasar. No obstante, segundos más tarde, el mismo oficial habría dado orden a los funcionarios de las fuerzas especiales Carabineros de que detuvieran inmediatamente a todos los activistas y que les subieran al autobús policial. Seguidamente, se alega que varios Carabineros, incluyendo personal</p>	

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					<p>vestido de civil, habrían cogido violentamente al Sr. Cristian García Quintul, reduciéndole por la espalda e inmovilizándole, supuestamente con golpes de pies y puños en piernas, brazos y rodillas, los cuales le habrían causado lesiones de mediana gravedad. Además, se alega que le habrían tirado del pelo y las orejas y le habrían torcido las muñecas. Se alega asimismo que el Sr. García Quintul habría sido golpeado, insultado y amenazado de nuevo después de ser introducido en el vehículo policial.</p> <p>Seguidamente, según las alegaciones recibidas, los Sres. García Quintul y Vargas, junto con la Sra. Mónica García Quintul, hermana del Sr. García Quintul, habrían sido trasladados a la 2º Comisaría Policial de Puerto Montt sin serles leídos sus derechos ni ser informados de las razones de su detención. En dicha comisaría los oficiales les habrían quitado sus pertenencias y, después de llevarles al Hospital Base de Puerto Montt para constatar lesiones, les habrían metido en el calabozo.</p> <p>Aproximadamente a las 14:30 de ese mismo día, tras la intervención de su abogado, el Sr. Vargas y la Sra. García Quintul habrían sido puestos en libertad. No obstante, el Sr. García Quintul habría permanecido detenido acusado de agresión a un carabinero, por lo que más tarde le habrían trasladado al Recinto Penitenciario de Alto Bonito. Sin embargo, según las alegaciones recibidas, existirían varios documentos gráficos que mostrarían que habría sido muy difícil para el Sr. García Quintul agredir a un carabinero debido a la manera en que fue inmovilizado durante su arresto. Según se informa, durante su detención en la Comisaría y en el transcurso del camino hacía el Recinto Penitenciario el Sr. García Quintul habría recibido repetidas amenazas en las que se le habría indicado que él y su familia</p>	

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					<p>serían perseguidos y detenidos.</p> <p>Según la información recibida, el 19 de septiembre 2010, el Sr. García Quintul habría sido presentado ante el Fiscal Militar de Puerto Varas ya que se habría invocado en su contra la Ley de Justicia Militar. Seguidamente, dicho fiscal habría decidido dejar al Sr. García Quintul en libertad y habría dictado una orden para investigar los hechos de su actuación así como las circunstancias de su detención y el supuesto uso desmedido de la fuerza por parte de los Carabineros.</p> <p>Se han recibido alegaciones de que estos actos habrían tenido lugar en el contexto de una supuesta campaña de seguimiento y vigilancia policial del Sr. García Quintul y sus compañeros activistas Mapuche durante los días precedentes, mientras éstos habrían estado desarrollando varias actividades con el fin de lograr la atención pública sobre la situación de los presos Mapuche a la vez que un grupo de los mismos mantenía una huelga de hambre, la cual habría cesado el día 9 de octubre de 2010.</p> <p>Se expresa preocupación de que los actos descritos arriba pudieran estar relacionados con las actividades de promoción y protección de los derechos humanos por parte de los citados activistas Mapuches. Se expresa asimismo preocupación por la integridad física y psicológica del Sr. Cristian García Quintul y de su familia.</p>	
20.	China (People's Republic of)	11/02/10	JUA	IJL ; SUMX ; TOR	<p>Concerning the alleged violations of the right to a fair trial in the case of Mr. Gan Jinhua.</p> <p>Mr. Gan was detained on 12 November 2004 in Chencun town, Shunde District, Guangdong Province and charged with killing two persons in the course of a robbery. On 10 June 2005, the Foshan City Intermediate Court sentenced Gan Jinhua to death for robbery. Gan Jinhua</p>	

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					<p>appealed; on 28 December 2005, the Guangdong Province Higher Court upheld his sentence. In April 2006, Gan Jinhua was granted a last-minute reprieve as the Guangdong Province Higher Court sent his case back for a retrial, but on 18 April 2008 Gan was again convicted and sentenced to death by the Foshan City Intermediate People's Court. Gan Jinhua appealed, but in December 2009 the Guangdong Higher People's Court upheld the ruling. Mr. Gan's case is currently before the Supreme People's Court for review of the death sentence.</p> <p>Mr. Gan was convicted and sentenced to death primarily on the strength of his confession. This confession was obtained after Mr. Gan had been prevented from sleeping for more than three days, interrogated over the course of more than one hundred hours, from 8 a.m. on 12 November to 11 p.m. on 16 November 2004, and threatened by the police while being questioned. As a result, there are glaring inconsistencies between Mr. Gan's confession and the other evidence in the case, amongst others with regard to the way the robber entered and left the crime scene and the weapon used for the killing. Other inconsistencies concern the record of Mr. Gan's interrogation on 15 November 2004. It states that it took place in the Shunde Detention Center, but Mr. Gan's wife, mother, and sister visited him that evening in the Chencun Police Station. Mr. Gan also stated that part of his statement was written by a policeman, who forced him to sign without allowing him to look at its content.</p> <p>In the course of Mr. Gan's final retrial, his wife, mother, and elder sister were prevented from testifying by the presiding judge, preventing Mr. Gan's lawyers from addressing</p>	

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					some central facts of the case.	
21.		23/03/10	UA	TOR	<p>Concerning Mr. Gao Zhisheng, a human rights lawyer who was the subject of several communications sent on 28 September 2007, 1 December 2006, 30 November 2006, 21 December 2005, 25 November 2005 and 12 February 2009.</p> <p>Mr. Gao Zhisheng was taken away from his home on 4 February 2009, and has been held at an unknown location since then. In your reply dated 1 April 2009, you indicated that Mr. Zhisheng was serving his probationary term in Beijing. In February 2010, however, the Chinese Embassy in the United States of America indicated that Mr. Zhisheng was working in Urumqi and had regular access to his family. The Foreign Ministry stated that “the relevant judicial authorities have decided this case” and Mr. Zhisheng, “according to Chinese law is where he should be.” However, his wife has indicated that she had not been able to contact him. According to recent statements made by the Minister of Foreign Affairs, Mr. Zhisheng had been sentenced to prison for subversion, although it is unclear if this concerns his 2006 conviction for incitement to subversion or if a new conviction has been handed down. Mr. Zhisheng was released shortly after his 2006 conviction after he confessed. However, he later indicated that the confession had been coerced under threats by the state security personnel.</p> <p>In view of the fact that Mr. Zhisheng’s fate and whereabouts remain unknown, concern is expressed for his physical and psychological integrity. Further concern is expressed that Mr. Zhisheng’s arrests in 2006 and 2009 may be directly related to his meeting with me during my country visit in 2005, despite the Government’s assurances that no persons who</p>	

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					had been in contact with me in relation to the mandate would for this reason suffer threats, harassment or punishment or be subjected to judicial proceedings.	
22.		23/03/10	JUA	TOR; WGAD; HOUS	<p>Concerning the detention physical and psychological integrity of Ms. Mao Hengfeng while in detention in an unknown location, a reproductive and housing rights activist who has petitioned against family planning policies and forced evictions since 1989. Ms. Mao Hengfeng has been the subject of seven communications from various mandate-holders, most recently on 7 July 2008.</p> <p>On 4 March 2010, the Shanghai Municipal Re-education through Labour Committee sentenced Mao Hengfeng to 18 months re-education through labour. At the time, Ms. Mao had been held at Yangpu Detention Center in Shanghai, but it is believed she may have been transferred to a labour camp. Ms. Mao's husband was not notified of any transfer, but his requests for visits have been denied. On 15 March, Ms. Mao's lawyers' request to visit her was also denied. Her current whereabouts are unknown.</p> <p>Concern is expressed for the physical and psychological integrity of Ms. Mao Hengfeng while in detention in an unknown location.</p>	
23.		16/04/10	JUA	HRD; FRDX; HLTH; TOR	<p>Concerning the state of health of Mr. H.J., a Beijing-based HIV/AIDS activist, co-founder and former director of the Beijing Aizhixing Institute for Health Education. Mr H.J. has been the subject of communications sent by several mandate holders on 27 December 2007, on 3 April 2008 and on 23 April 2008. The combined response of your Excellency's Government to these communications was received on 4 June 2008.</p>	A reply was received from the Government on 07/06/2010, but could not be translated in time for inclusion in this report.

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					<p>Mr. H.J. was sentenced to 3.5 years in prison in April 2008. He previously suffered from cirrhosis of the liver, and was transferred on 30 March 2010 from Beijing City Prison to Beijing City Hospital to undergo tests. Mr. H.J. has remained in Beijing City Hospital since then and allegedly his state of health is rapidly deteriorating. It is believed that the poor nourishment and bad conditions in prison contributed to his ailing health. Although the results of the medical tests have not yet been shared with members of his family, it is feared that Mr. H.J. may be suffering from liver cancer. Ms. Z.J., the wife of Mr. H.J., has formally requested the relevant prison authorities to release him on medical grounds.</p> <p>Concern is expressed that the living conditions and nourishment in prison may not be adequate given the rapidly deteriorating health situation of Mr. H.J. Further concern is expressed regarding the physical and psychological integrity of Mr. H.J.</p>	
24.		13/08/10	JUA	SUMX; TOR	<p>Concerning Mr. Fan Qihang.</p> <p>Mr. Fan Qihang was arrested on 26 June 2009 and was reportedly subjected to torture and ill-treatment in an unofficial place of detention. Mr. Fan was deprived of sleep, beaten and kicked, had his hands shackled behind his back and hung from iron bars for five days, and also had his hands and feet shackled behind his back and his body bent forward in a 90 degree angle for ten days. He was also forced to confess to various crimes, including “forming, leading or taking active part in organizations in the nature of criminal syndicate” and “intentional homicide”.</p> <p>Mr. Fan was not allowed to meet with his lawyer until November 2009, after he had been transferred to a detention centre. On 10</p>	

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					February 2010, he was sentenced to death, although none of the 187 witnesses lined up for the trial showed up. The Chongqing Municipal Higher People's Court upheld the death sentence on 31 May. His case is now being reviewed by the Supreme People's Court. During the meeting with Mr. Fan, his lawyer video-taped it and submitted the video recordings to the Supreme People's Court, but he has yet to receive a response.	
25.		17/08/10	JUA	TOR; VAW	Concerning Ms. Mao Hengfeng who has been the subject of several communications since 2004. She was the subject of a joint urgent appeal sent by the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on 23 April 2010. No reply has been received from your Excellency's Government as of today. Ms. Mao was also interviewed during the mission to China of the Special Rapporteur on torture (see E/CN.4/2006/6/Add.6, Appendix 3, para. 11). In March 2010, Ms. Mao Hengfeng was sentenced to 18 months re-education through labour for "disturbing social order". On 27 April, she was transferred to the Anhui Provincial Women's Re-Education through Labour Facility. On 21 July, her appeal was heard behind closed doors. During the hearing, Ms. Mao indicated that she had been beaten repeatedly since her transfer to the Anhui facility and showed the bruises to the authorities. According to her statement, she had been hit on the head with a chair, pulled by her arms and legs and thrown on the floor by	

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					<p>other inmates, after they were instructed to do so by the officers. She was also kept in unsanitary conditions, where she was prohibited from using the toilets or showers. As a result, she suffers from a skin infection. Ms. Mao's family has not been allowed to see her, but despite her appeal being heard behind closed doors, her husband was allowed to attend.</p> <p>In light of the allegations of ill-treatment and unsanitary conditions in detention, concern is expressed for the physical and psychological integrity of Ms. Mao Hengfeng.</p>	
26.		26/08/10	JAL	RINT; IJL; TOR	<p>Concerning Mr. Guo Xiaojun, a Falun Gong practitioner from Shanghai.</p> <p>Mr. Guo Xiaojun is a 40-year-old resident in Room 504, N° 1 Lane 880 Cangyuan road, Minhang District, Shanghai. He started practicing Falun Gong in 1997. Guo Xiaojun worked formerly as a lecturer in the Computer Science Department of Shanghai Jiaotong University, however, he was dismissed in 2001 after his arrest and conviction for having distributed literature about Falun Gong. On 16 December 2004, Guo Xiaojun was released from a labour camp.</p> <p>On 7 January 2010, Guo Xiaojun was re-arrested by the police of the Domestic Security Division, Baoshan District Public Security Bureau. Several policemen searched his home and confiscated his laptop computer, mobile phone, books and other personal belongings. Guo Xiaojun has since been detained in the Shanghai Baoshan District Detention Center.</p> <p>On 18 January 2010, the director of the Domestic Security Division, Mr. Qiu Feng, and another policeman whose family name is Peng took Guo Xiaojun into a special interrogation room in the Baoshan District Detention Center</p>	

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					<p>and interrogated him from 2:15 p.m. to 5:00 p.m. Subsequently, Guo Xiaojun was taken into another special interrogation room in the Detention Center and was interrogated non-stop by a team of policemen lead by Qiu Feng from 5:45 p.m. on 18 January 2010 to 2:30 p.m. the following day without being allowed to sleep. The police allegedly forced him to confess through sleep deprivation and by refusing to provide him with food. When Guo Xiaojun tried to support his head with his hands, Qiu Feng violently pushed away his hands. Furthermore, the police reportedly threatened to arrest his wife Xu Wenxin, who is also a Falun Gong practitioner, and to send their young child back to his hometown if Guo Xiaojun did not confess.</p> <p>In February 2010, his defense attorney, Mr. Liang Xiaojun, terminated the contract with Guo Xiaojun under the threats of the Beijing Judicial Bureau. One official of the Beijing Judicial Bureau had reportedly warned Liang Xiaojun that he could no longer practice as a lawyer if he continued to represent Guo Xiaojun.</p> <p>On 6 July 2010, the Shanghai Baoshan District Court tried Guo Xiaojun and sentenced him to four years' imprisonment. The basis of the conviction was Guo Xiaojun's confession obtained through threats and ill-treatment. Guo Xiaojun declared he would retract his confession and said that this confession was obtained through threats and torture, however, his speech was cut short by the judge. Guo Xiaojun has appealed against the court verdict. His wife also filed complaints with the police, the court and prosecutors, however, the authorities have reportedly not responded to those complaints.</p>	

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27.		26/08/10	AL	TOR	<p>Concerning Mr. Jeong Sang-un.</p> <p>Mr. Jeong Sang-un, aged 84, crossed the border from the Democratic People's Republic of Korea to China in September 2009. Shortly after arrival, he was detained by the Chinese authorities in Jilin Province, and kept in detention until he was forcibly returned to the Democratic People's Republic of Korea in February 2010. Once in the Democratic People's Republic of Korea, Mr. Jeong Sang-un was sent to Yodok prison camp in South Hamkyung Province, without having faced a trial.</p> <p>At the time when Mr. Jeong Sang-un was forcibly returned, he was in poor health and needed assistance to walk. The information received indicates that food and medication are insufficient at Yodok prison camp. It is also believed that torture is widespread, and that death in custody is common due to the hard and dangerous labour they are forced to perform, with very little rest.</p> <p>In light of the above, concern is expressed for the physical integrity of Mr. Jeong Sang-un.</p>	
28.		20/09/10	JAL	RINT; TOR	<p>Concerning the torture and ill-treatment in detention of Ms. Geng Li, Ms. Sun Jianqin and Ms. Liu Shuli, all Falun Gong practitioners.</p> <p>On 15 July 2009, Ms. Geng Li, Ms. Sun Jianqin and Ms. Liu Shuli were arrested at a market in Xiheying Town and taken to the local police station. Ms. Geng Li was handcuffed in the "carrying a sword in the back" position, paper was stuffed in her mouth and smoke blown in her face. The officers present took turns beating her, slapping her face and whipping her arms. Ms. Geng Li was also subjected to shocks with electric batons. She was kicked on her legs until she fell down.</p>	<p>A reply was received from the Government on 09/12/2010, but could not be translated in time for inclusion in this report.</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>She was then whipped on the knees with a rubber baton, and on her buttocks with a spiked baton. Afterwards, she was shackled to a chair and beaten on her legs, feet, shoulders and arms. She was later shackled to a special chair to confine detainees.</p> <p>Ms. Sun Jianqin was handcuffed to a radiator while the police slapped and punched her face, kicked her legs and subjected her to electric shocks. The following day, she was sent to a detention center in Zhanhjiakou City, Hebei Province. She was released three days later after her family paid 700 Yuan to the police.</p> <p>Ms. Liu Shuli was also beaten on her face. She was forced to kneel while she was beaten with a rubber baton, and subjected to electric shocks. The following day, she was examined at the hospital and later taken to the detention center in Zhangjiakou City. Five days later, she was transferred to the Nanyangzhuang Town Police Station where she was held until her family paid 1.000 Yuan to the police.</p>	
29.		04/11/10	JUA	HLTH; TOR	<p>Concerning the situation of Mr. Wei Danquan, aged 42, a detainee at the Jidong Prison in Tangshan City, the People's Republic of China.</p> <p>On 26 May 2008, Mr. Wei was arrested by Shanhaiguan police at his work place. In June 2008, Mr. Wei was sentenced to four years' imprisonment by a Shanhaiguan Court and was reportedly transferred to Jidong Prison in Tangshan City.</p> <p>On 8 October 2008, Mr. Wei's wife found him in critical health conditions when she visited him in prison. Mr. Wei had reportedly become very thin, pale and weak and was unable to lift up his head in the visiting room. It is reported that on 27 October 2008, Mr. Wei's health has deteriorated significantly. It is alleged that the</p>	<p>A reply was received from the Government on 07/12/2010, but could not be translated in time for inclusion in this report.</p>

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					<p>prison officials ignored Mr. Wei's family's request to release him for medical parole allegedly claiming that Mr. Wei's situation was not serious enough to qualify for medical parole.</p> <p>On 18 May 2010, one of Mr. Wei's relatives talked to physician in charge of the prison. It is reported that Mr. Wei's relative was told that an X-ray taken on 30 April 2010 had reportedly revealed that Mr. Wei had developed type III tuberculosis in the left upper lobe of his lung, and fluid had accumulated in the lung. Mr. Wei was extremely thin and lost consciousness several times. It is claimed that Mr. Wei had blood in his phlegm, and suffered from persistent cough and chest pain. It is reported that there are three holes in his lung and the lung membrane has become thicker and sticky causing him breathing difficulties.</p>	
30.		04/11/10	JUA	WGAD RINT; HLTH; TOR	<p>Concerning the situation of Mr. Qiao Yongfang, a practitioner of Falun Gong, who is currently detained in the Hohhot No 1 Men's Prison in the People's Republic of China.</p> <p>On 6 August 2010, Mr. Yongfang, aged 60, a Falun Gong practitioner, was sentenced by the Huimin District People's Court to three years' imprisonment on charges of "using a heretical organization to subvert the law". Mr. Yongfang was reportedly held in the Hohhot ("Huhehaote" in Chinese) No 1 Men's Prison. In September 2010, Mr. Yongfang was reported to have been transferred to a separate special unit within the prison referred to as a 'prison training team'. It is alleged that Falun Gong practitioners are often held in separate prison facilities where they are reportedly being tortured and ill-treated and forced to renounce their belief.</p> <p>It is reported that Mr. Yongfang is currently in</p>	A reply was received from the Government on 02/12/2010, but could not be translated in time for inclusion in this report.

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31.		09/11/10	JUA	WGAD; FRDX; HRD; IJL TOR	<p>poor health conditions. He suffers from diabetes, for which he is allegedly not receiving adequate medical treatment. Mr. Yongfang's lawyers alleged that he had previously been tortured while in detention, and sustained injuries on his head, for which, it is alleged, he did not receive adequate medical treatment.</p> <p>Concern is expressed about the health of Mr. Yongfang. In view of allegation that Mr. Yongfang was transferred to a special unit within the prison, serious concern is expressed about his physical and mental integrity.</p> <p>Concerning the situation of Mr. Dhondup Wangchen, also known as Dunzhu Wangqing and Dangzhi Xiangqian, co-director of the film documentary "Leaving Fear Behind".</p> <p>From October 2007 to March 2008, Mr. Dhondup Wangchen interviewed about a hundred Tibetans living in the Tibetan Autonomous region, and made a film based on these interviews, without official authorisation from the authorities. The documentary was later smuggled abroad where it was edited and shared with foreign journalists during the 2008 Beijing Olympic Games.</p> <p>On 26 March 2008, Mr. Dhondup Wangchen was arrested in Tongde county, near Xining, in connection to riots which broke out in Lhasa and Tibetan-populated regions of China. He was first detained at the Ershilibu detention center in Xining, then transferred to a Government-run guesthouse nearby, possibly for interrogation, and finally taken to the No. 1 Detention Center in Xining. On 12 July 2008, while held in the guesthouse, he briefly ran away and told an acquaintance that one of his hands became numb due to severe torture. In addition, he said that he had been suffering</p>	<p>A reply was received from the Government on 21/12/2010, but could not be translated in time for inclusion in this report.</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>from hepatitis B, and was denied access to adequate medical treatment.</p> <p>In July 2009, Mr. Li Dunyong, the lawyer chosen by Mr. Dhondup Wangchen was reportedly arbitrarily replaced by the judicial authorities in Xining with a Government-appointed lawyer, without providing any justification. Mr. Li Dunyong was allowed to meet his client only once, in July 2009, who informed him that he had been severely tortured while in detention to extract a confession, and that he would plead not guilty during his trial.</p> <p>On 28 December 2009, the provincial court in Xining sentenced Mr. Dhondup Wangchen to six years imprisonment. The trial was reportedly held in secret. The Chinese authorities reportedly did not inform Mr. Dhondup Wangchen's relatives about the trial, nor about the verdict.</p> <p>According to information received, despite his fragile health condition, Mr. Dhondup Wangchen is forced to work 17 to 18 hours per day, sometimes during night shifts. He is also denied access to books sent to him in order to educate himself.</p> <p>Mr. Jigme Gyatso, monk, co-director of the documentary was arrested during the same period, and was released on bail on 15 October 2008. He was reportedly tortured while in detention.</p> <p>Serious concerns are expressed that the arrest and detention of Mr. Dhondup Wangchen and Mr. Jigme Gyatso, and the alleged acts of torture suffered in detention, are related to their peaceful activities in defence of human rights, while exercising their right to freedom of opinion and expression. Grave concerns are expressed for the physical and psychological</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
32.		Follow-up to earlier case			integrity of Mr. Dhondup Wangchen who remains detained. Ms. Li Feng and Mr. Yu Ming (A/HRC/13/39/Add.1 para 41)	<p>By letter dated 12/02/2010, the Chinese Government has looked into the matter carefully and wishes to make the following reply:</p> <p>Li Feng, male, born 10 October 1963, Han nationality, junior middle school educational level, peasant from Quti Village, Quizhou Town, Anguo City, Baoding Municipality, Hebei Province. Sentenced on 12 October 2003 by the Baoding Municipal Intermediate People's Court in Hebei Province to a term of 15 years' imprisonment (4 October 2002 to 3 October 2017) for having committed the crime of employing a cult to organize the sabotage of law enforcement.</p> <p>On 15 October 2003, Li was sent to Baoding prison to serve his sentence, and was transferred on 22 October to a prison on the northern outskirts of Shijiazhuang. Because Li suffered from hypertension and coronary heart disease, the prison authorities were seriously concerned regarding his continuing poor health, and had him promptly hospitalized for treatment (medical records attached). The major incidents are as follows:</p> <p>Hospitalization: Li Feng was hospitalized in prison infirmary for four days from 12 to 16 January 2006 and released after his hypertension and coronary heart disease conditions improved; he was again hospitalized in the prison infirmary for 46 days from 3 February to 13 March 2008 and again released after his hypertension and coronary heart disease condition improved. Li has again been hospitalized for treatment in the prison infirmary since 23 September 2009, with a preliminary diagnosis of</p>

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						<p>hypertension, gastritis and reflux oesophagitis, and is being treated with intravenous fluids and medications.</p> <p>Outpatient treatments: When Li suddenly fainted in January 2005, the prison promptly arranged to have him treated at the provincial people's hospital; because he was frequently vomiting, the prison arranged outpatient treatment for him on 10 November and 19 December 2008, during which his gastritis and reflux oesophagitis were revealed by a CT scan.</p> <p>On 3 March 2009, Li was admitted to the prison infirmary for dizziness, shortness of breath and coughing; he was diagnosed with hypertension, myocardial ischemia and an upper-respiratory infection, and was treated with oral medications.</p> <p>On 6 May 2009, he was admitted to the prison infirmary for intermittent pain in the left thorax. He was diagnosed with an obsolescent myocardial infarction and treated with oral medications.</p> <p>On 16 September 2009, he was admitted to the prison infirmary from recurrent chest constriction and shortness of breath; the diagnosis was hypertension and he was treated with oral medication.</p> <p>After his incarceration, Li has been visited by family members 30 times in the period from 29 October 2004 to date. From 2006 to the present, there have been six or seven visits per year. Currently, Li Feng's speech and thought processes are clear, he walks normally, and his health condition has stabilized. The assertions that Li Feng has been tortured and denied visits from family members are contrary to the facts.</p>

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						<p>Yu Ming, male, aged 37, Han nationality, senior middle-school educational level, worker in the Yinfu Company of Shenhe District, Shenyang.</p> <p>On 31 March 2006, Yu was approved for a two-year, six-month term of re-education through labour by the Beijing Municipal Re-education Through Labour Administrative Committee. On 26 June 2006, Yu applied to the Beijing Municipal People's Government for an administrative review of that decision; the Beijing Municipal People's Government accepted the case for investigation, and upheld the original decision with regard to the applicant's re-education through labour. Because his domicile of origin was Hebei Province, Yu was transferred into the re-education through labour camp at Masanjia in Hebei Province on 21 May 2007. Yu had engaged in a hunger strike for a time at the Tuanhe labour camp in Beijing, and continued to refuse to eat after being transferred to the Masanjia labour camp. On 28 May 2007, he was sent to the hospital at the re-education through labour centre in Liaoning Province for treatment; after a full physical examination, he was diagnosed with malnutrition, level-III dehydration and acute coronary syndrome. The hospital provided him with enhanced nutrition, fluid replacement and treatment of his symptoms. In 2008, having fully recovered and been released from the hospital, Yu was returned to the Masanjia camp after a hospital stay of a year and three months.</p> <p>On numerous occasions while in the hospital, Yu clandestinely contacted Wang Yu (a drug addict who had also been sentenced to re-education through labour and who had also been treated in the hospital) and others, and,</p>

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						<p>through a recently admitted fellow-cultist, provided Wang Yu with three saw blades after Wang had been released from the hospital. On 11 August 2008, Wang and Zui Dejun (sentenced to re-education through labour for employing cults, secret societies and superstitious activities to endanger society) escaped after sawing through the steel bars on a labour camp dormitory window. Yu also contacted his wife Ma Li, who provided Wang and Zui with a hiding place. In accordance with the provisions of article 24, paragraph 1 (1) (the re-education through labour terms of persons who escape or organize, incite or assist others to escape are to be extended by three months or more) and paragraph 2 (5) (the re-education through labour sentences of persons who conceal cash, weapons, ropes and other prohibited articles, and who refuse to surrender them, are to be extended by two to three months) of the Detailed Rules for Implementation of the Three Types of Administrative Model and of the Review and Reward System for Persons Undergoing Re-education Through Labour in Liaoning Province, their re-education through labour terms were extended by one year. Yu was released from re-education through labour on 2 September 2009.</p> <p>With regard to the allegation that Yu was sent to a brainwashing centre at Luotaishanzhuang in Fushun City, investigation indicates that apart from a period of treatment in the Shenyang Masanjia labour camp infirmary for the adverse health effects of his hunger strike, Yu remained in that camp from the time he was transferred there from the Beijing Tuanhe labour camp on 21 May 2007 until his release from re-education through labour on 2 September 2009; during that time he was mainly receiving training on [compliance</p>

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						<p>with] the legal system, and there is no evidence that he was ever sent to a brainwashing centre at Luotaishanzhuang in Fushun City.</p> <p>With regard to the issue of his family members allegedly being refused permission to visit him, investigation indicates that from May 2007 to his release from hospital and return to the labour camp in August 2008, he received visits from members of his family as normal; such visits were subsequently terminated, however, because members of his family had facilitated his escape.</p> <p>With regard to the issue of an alleged “suicide note”, the labour camp had arranged for more than a year of hospitalization and treatment for the effects of his refusal of food and water as well as for his acute coronary syndrome, and he was not returned to the camp until he had recovered. Yu wrote a statement of repentance on 1 October 2008. The allegation that he had been forced to write a “suicide note” while in the labour camp has no basis in fact.</p> <p>With regard to the issue of the alleged solitary confinement, investigation indicates that for structural reasons, even now there are no solitary-confinement facilities at the Masanjia labour camp, so the accusation that Yu was held in solitary confinement has no basis in fact. There is also no evidence of his ever having been subjected to corporal punishment or maltreatment.</p> <p>The Chinese Government respectfully requests that the foregoing be reproduced in its entirety in a relevant document of the United Nations.</p> <p>By letter dated 03/03/2010, the Government attached supplementary documentation on</p>

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33.					Mr. Xu Zhiyong, (A/HRC/13/39/Add.1 para 38.)	<p>Mr. LI Feng's medical case notes.</p> <p>By letter dated 28/12/2009, the Government indicated that discoveries made by the Beijing municipal tax authorities in the course of routine tax survey work led them to suspect "Gongmeng Company" of tax evasion. After repeated investigations, they determined that the company owed a total of 248,245.52 yuan remaining in unpaid corporate income tax, enterprise tax and urban maintenance and construction tax. On the basis of the provisions of the Corporate Income Tax Law of the People's Republic of China, the Law of the People's Republic of China on the Administration of Tax Collection, and the Supplementary Provisions of the Standing Committee of the National People's Congress Concerning the Imposition of Punishments in Respect of Offenses of Tax Evasion and Refusal to Pay Tax, the tax agency demanded, in strict accordance with the relevant procedure, that "Gongmeng Company" pay the overdue taxes by a set deadline, and fined the company in the amount of 1,241,227.60 yuan renminbi for tax evasion.</p> <p>"Gongmeng Company" refused to accept the administrative decision taken by the tax authorities, and applied for administrative reconsideration. The tax authorities held hearings on 24 and 30 July 2009, with the participation of relevant "Gongmeng Company" staff; after giving a full hearing to the views of the defendants, the tax authorities found that the charges of tax evasion had merit and upheld the decision to impose the penalty. Because the "Gongmeng Company" had failed to pay the taxes within the prescribed period, the tax agency referred the "Gongmeng Company" case to the public</p>

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						<p>security agency in accordance with the law for investigation as a case of suspected tax evasion. As the corporate representative and cashier respectively of the “Gongmeng Company”, Xu and Zhuang were lawfully subjected to coercive measures [arrest and detention] and investigation by the Beijing Municipal Public Security Bureau. After the “Gongmeng Company” repaid a portion of the taxes and fines in accordance with the repayment plan demanded by the tax authorities and undertook a commitment to repay the remainder, on 22 and 23 August the public security authorities completed legal procedures for the release of Xu and Zhuang on bail pending trial. Xu has expressed remorse for the tax evasion, and has written an “acknowledgement of the tax evasion by the Gongmeng Company”, expressing his willingness to assume corresponding legal responsibility.</p> <p>2. The “Gongmeng Law Research Centre” is an entity that the “Gongmeng Company” set up illegally and did not register with the Civil Affairs Department; it had presumptuously begun operating in the guise of a “private non-enterprise organization” in violation of the relevant legal provisions. Once the fact of that offence had been clearly confirmed with irrefutable evidence, the Beijing Municipal Civil Affairs Bureau proceeded to ban the “Gongmeng Law Research Centre”, lawfully seizing and confiscating the materials and objects used by the Centre for its illegal activities. Xu signed the return receipt of the written decision of the ban, and admitted that the organization had begun operating without being duly registered.</p> <p>3. China is a State ruled by law; the public security, taxation and civil affairs authorities</p>

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						<p>handle cases in accordance with the law. Coercive measures were lawfully applied to Xu and Zhuang in consequence of their tax evasion and thus have nothing to do with human rights issues. During the period in which they were subject to these coercive measures, all the rights and interests of Xu and Zhuang were guaranteed in accordance with the law.</p> <p>The Chinese Government respectfully requests that the foregoing be reproduced in its entirety in a relevant document of the United Nations.</p>
34.					Liwan Liang, (A/HRC/13/39/Add.1 para 42.)	A reply was received from the Government on 10/2/2010, but could not be translated in time for inclusion in this report.
35.					N.S. (A/HRC/13/39/Add.1 para 43)	A reply was received from the Government on 26/1/2010, but could not be translated in time for inclusion in this report.
36.	Colombia				Jonathan Ricaurte y Óscar Beltrán. (A/HRC/13/39/Add.1 para 55.)	<p>Por medio de carta de fecha 12/03/2010, el Gobierno informe que:</p> <ol style="list-style-type: none"> 1. Son exactos los hechos a los que se refieren las alegaciones? 2. De manera respetuosa, el Estado de Colombia estima pertinente resaltar que de conformidad con el Informe presentado por el Comandante Operativo de la XVIII Estación de la Policía, ubicada en el barrio “Centenario” de la localidad Rafael Uribe Uribe, el día 9 de febrero de 2008, los menores Ricaurte y Beltrán se encontraban reclusos en las celdas de la estación, junto con otras personas que se encontraban en el mismo lugar. 3. Posteriormente, una persona que había ingresado en estado de alcohóramiento a la mencionada Estación de Policial resultó

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						<p>quemada, presuntamente con la participación de ambos menores. Con el fin de averiguar sobre la ocurrencia de los hechos, uno de los miembros de la Policía retiró de la celda a los menores y habría procedido a golpearlos para que confesaran la autoría de los hechos.</p> <p>4. En el mismo informe se indica que ante la negativa de los menores de edad para aceptar la autoría de los hechos, uno de los auxiliares de la Policía presentes en la Estación, procedió a esposarlos a las rejas de la parte posterior de la celda, “(...) rociándoles gasolina en las manos y parte del cuerpo, procediendo a intimidarlos con prenderles fuego con un encendedor, el cual accionaba y apagaba produciéndose una llama en la humanidad de los dos menores, a lo que el auxiliar (...) procede a quitarles las esposas, procurando auxiliar a los menores, quienes sufrieron graves lesiones en varias partes del cuerpo (...)”.</p> <p>2. Fue presentada alguna queja?</p> <p>5. El Estado de Colombia se permite señalar que el día 9 de marzo de 2010, las respectivas madres de las víctimas presentaron denuncia penal con ocasión de los hechos en que resultaron heridos sus hijos Jonathan Ricuarte y Oscar Beltrán.</p> <p>3. Por favor, proporciona información detallada sobre las investigaciones iniciadas en relación con el caso, incluyendo los resultados de los exámenes médicos llevados a cabo. Si éstas no tuvieron lugar o no fueron concluidas, le rogamos que explique el porqué.</p> <p>6. Con fundamento en la denuncia penal referida en el numeral anterior, la Fiscalía 19 de la Unidad Nacional Contra el Terrorismo, asumió la investigación radicada bajo el</p>

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						<p>número 110016000015200900799, por los presuntos delitos de TORTURA y LESIONES PERSONALES en contra de Jonathan Ricuarte y Oscar Beltrán.</p> <p>7. En desarrollo de la citada investigación, el día 11 de febrero de 2009, k funcionarios del Instituto Nacional de Medicina Legal y Ciencias Forenses llevaron a cabo los correspondientes exámenes médicos a los menores de edad Ricuarte y Beltrán, cuyos resultados se transcriben de la siguiente manera:</p> <p>8. En cuanto al estado del menor Óscar Beltrán, se informa lo siguiente: “(...) Al parecer co gasolina, cuello Crimea, Alor local, lesiones ampollares, mano y antebrazo, lesiones ampollares calor local dorso y abdomen, lesiones ampollares eritematosas, quemaduras de cabeza y cuello segundo grado. Quemadura de muñeca y de la mano de segundo grado, quemadura de segundo grado cuerpo efectos adversos de psicodisiópticos, paciente de 14 años de edad quien sufre quemadura por llama al prenderse ropa por gasolina en recinto cerrado, quemadura por llama de gasolina del 9% co posible quemadura vía aérea. Se solicita UCI pediátrica, valorado por cirugía plástica bajo anestesia se realiza lavado y desbridamiento y curación con gases furocinada, en cara presenta quemadura de cejas, pestañas y blbrisas de fosas nasales, quemadura en pabellón auricular grado II con flíctenas rotas, quemaduras grado II superior del cuello, quemadura grado superior y profunda en cuadrante Interior derecho de abdomen que se continúa hacia lumbar con flictneas íntegras y rotas, quemadura II grado sup. y profunda en dorso de la mano extensión, eritema en rostro, se ordena remisión a Unidad de Quemados</p>

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						<p>(...) CONCLUSIÓN: Mecanismo Causal: Quemaduras por fuego, Incapacidad Médico Legal Provisional: Treinta y Cinco (35) días. Debe regresar a nuevo reconocimiento médico legal al término de la Incapacidad”, (sic)</p> <p>9. En Informe médico legal de Lesiones No Fatales elaborado por el Instituto Nacional de Medicina Legal y Ciencias Forenses del 13 de mayo de 2009, en donde se manifiesta lo siguiente: “(...) tiene incapacidad médico legal de 35 días (...) Conclusión: Mecanismo Causal: Quemadura de fuego. Incapacidad Médico Legal definitiva: treinta y cinco días (35). Secuelas Médico Legales: Deformidad Física que afecta el cuerpo, de carácter por definir (...)”</p> <p>10. En cuanto a la situación de Jonathan Ricuarte Cuéllar, el Instituto Nacional de Medicina Legal y Ciencias Forenses, Informó que luego del examen adelantado el día 9 de febrero de 2008, se determinó lo siguiente: “(...) presenta vendaje de gasa fijado con microporo en región frontal derecha, punta nasal, mejilla izquierda, mentón cuello y mano derecha, ilictenas expuestas en orejas, labios equimosis en tercio proximal plema derecha (...) conclusion: Mecanismo Causal:, quemadura por fuego, contundente. Incapacidad Médico Legal Provisional: quince (15) días, debe regresar a reconocimiento médico legal al término de la Incapacidad (...)”.</p> <p>11. Mediante informe del 24 de marzo de 2008 practicado al menor Ricuarte Cuellar, Medicina Legal informó que éste presenta “(...) Macula hiperpigmentada de 2.5 x 3 cm. en región melar izquierda. Macula hiperpigmentada de 1 x 1 cms en punta nasal. Cicatriz eritematoso de 6 x 4 cms. en dorso de</p>

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						<p>primer dedo mano derecha. Las cicatrices descritas alteran de manera importante la forma y la simetría del rostro y del cuerpo. Conclusión: Mecanismo causal: quemadura por fuego. Incapacidad Legal definitiva: quince (15) días. Secuelas Médico Legales: Deformidad Física que afecta al cuerpo, deformidad física que afecta al el rostro, de carácter a definir en nueva valoración en cinco meses”.</p> <p>12. De otro lado, en cuanto a los exámenes psiquiátricos, el Estado de Colombia se permite señalar que, de conformidad con el dictamen psiquiátrico forense del 27 de abril de 2009 realizado a Oscar Beltrán y Jonathan Ricuarte, éste concluyó que respecto de oscar Beltrán, “(...) se encuentra que como consecuencia de los hechos motivo de investigación, presenta daño Psicológico consistente en un trastorno por estrés agudo el menos requiere atención psicoterapéutica”.</p> <p>13. Respecto de Jonathan Ricuarte, el dictamen pericial “(...) consideró que como consecuencia directa de los hechos a los que estuvo sometido, presenta daño psicológico consistente en un trastorno de estrés postraumático. El examen requiere atención psicoterapéutica”.</p> <p>4. Por favor, proporcione información detallada sobre las diligencias judiciales y administrativas practicadas. Han sido adoptadas sanciones de carácter penal o disciplinario contra los presuntos culpables?</p> <p>14. Tal como fue informado en la pregunta anterior, el Estado de Colombia la Fiscalía 19 de la Unidad Nacional Contra el Terrorismo, asumió la investigación radicada bajo el número 110016000015200900799, por los presuntos delitos de TORTURA y</p>

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						<p>LESIONES PERSONALES, en contra de Jonathan Ricuarte y Oscar Beltrán.</p> <p>15. En desarrollo de la mencionada investigación penal, la fiscalía de conocimiento solicitó orden de captura en contra del Auxiliar de Policía, presuntamente involucrado en los hechos denunciados. Como resultado de lo anterior, el Juez 36 Penal</p> <p>Municipal con funciones de control de garantías, expidió la mencionada orden de captura, siendo materializada del día 13 de febrero de 2009, fecha en la que se formuló imputación de cargos por los presuntos delitos de tortura y tentativa de homicidio.</p> <p>16. Posteriormente, el día 13 de marzo de 2009, la Fiscalía de conocimiento presentó escrito formal de acusación por los presuntos delitos de TORTURA y LESIONES PERSONALES en contra del mencionado Auxiliar de Policía.</p> <p>17. En etapa oral de juicio, la causa judicial correspondió al Juzgado 9 Penal del Circuito Especializado de Bogotá, en desarrollo de la cual se llevó a cabo la audiencia de Formulación de Acusación y la Audiencia Preparatoria, en donde el acusado aceptó en su integridad los cargos formulados por la Fiscalía. Con fundamento en lo anterior, el Honorable Juez profirió una sentencia condenatoria en contra del Auxiliar de Policía identificado bajo el nombre de DIEGO ALEJANDRO MEDINA, consistente en:</p> <ul style="list-style-type: none"> • Pena de prisión de cuarenta y cuatro (44) meses de prisión. • Multa pecuniaria de ciento cuarenta y nueve (149) salarios mínimos legales mensuales vigentes.

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						<ul style="list-style-type: none"> • Interdicción de derechos y funciones públicas por cuarenta y cuatro (44) meses de prisión. <p>18. Al respecto, es pertinente poner en conocimiento del Ilustrado Relator que, al momento de proferir sentencia condenatoria, el Honorable Juez de conocimiento tuvo en cuenta lo preceptuado en los artículos 351 y 352 del Código de Procedimiento Penal Colombiano , concediendo una rebaja al señor Medina, correspondiente a una tercera parte por el delito de tortura, al reconocer haber reconocido en su integridad los cargos en su contra.</p> <p>19. De igual forma, de conformidad con lo establecido en el artículo 56 del vigente Código Penal , el Honorable Juzgado reconoció al señor Medina las circunstancias de marginalidad, ignorancia o pobreza extrema.</p> <p>20. En materia de investigaciones disciplinarias, el Estado de Colombia se permite informar que, de conformidad con lo establecido por la Procuraduría General de la Nación, en la actualidad se adelanta el proceso radicado bajo el número IUC-D-2009-917-98602, a cargo de la Procuraduría Delegada Disciplinaria para la Defensa de los Derechos Humanos, con el propósito de investigar las presuntas irregularidades cometidas por parte de dos Subintendentes, dos Patrulleros y dos Auxiliares de Policía, con fundamento en la presunta privación ilegal de la libertad y actos de tortura en contra de Jonathan Ricuarte Cuéllar y Oscar Beltrán Acevedo, así como también de Víctor Guillermo Navarro Cortés y las lesiones sufridas por el señor Wilson Daniel Palacios Valbuena.</p>

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						<p>21. La mencionada disciplinaria se encuentra actualmente en etapa de pruebas de descargo. Así mismo, es pertinente señalar que al presente expediente se aportaron dictámenes periciales, y se escucharon diversos testimonios, incluidos los de las víctimas y los presuntos responsables.</p> <p>22. Adicionalmente, el Estado de Colombia se permite informar a Su Señoría que la Policía Nacional informó que fue iniciada la investigación disciplinaria interna radicada bajo el número P-COPE2-2009-25 en contra de un Subintendente, un Patrullero y un Auxiliar de Policía. Es así como, mediante Resolución No. 046 del 9 de febrero de 2009, el Auxiliar de Policía Diego Alejandro Mejía fue desvinculado del servicio militar obligatorio, el cual prestaba en la Policía Nacional.</p> <p>5. Por favor, indique si Jonathan Ricuarte y Oscar Beltrán o sus familiares obtuvieron algún tipo de compensación a modo de indemnización.</p> <p>23. De manera respetuosa, el Estado colombiano se permite informar a su Señoría que el Ministerio de Relaciones Exteriores solicitó al Juzgado 9 Penal del Circuito Especializado de Bogotá, informar si se ordenó algún tipo de compensación a modo de indemnización a favor de Jonathan Ricuarte y Oscar Beltrán o sus familias. Una vez allegada, se remitirá a su Señoría en forma oportuna.</p>
37.	Democratic Republic of the Congo	11/03/10	JUA	IJL; SUMX; TOR	Concernant M. Firmin Yangambi, avocat membre du Conseil de l'ordre du Barreau de Kisangani et président de l'organisation non-gouvernementale d'appui aux victimes de la guerre Paix sur terre, M. Eliya Lokundo, oncle de M. Yangambi, M. Benjamin Olangui,	

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					représentant de Paix sur Terre à Kinshasa et M. Eric Kikunda, sympathisant de Paix sur Terre.	
					Le 3 mars 2010, M. Yangambi aurait été condamné à mort par la Cour militaire de Kinshasa-Gombe pour détention illégale d'armes de guerre et tentative d'organisation d'un mouvement insurrectionnel. M. Elia Lokundo aurait été condamné à perpétuité et Kikunda et Olangi à 20 ans d'emprisonnement pour complicité dans la même affaire. Leurs avocats auraient interjeté appel. Il est allégué que les procès de MM Yangambi, Lokundo, Kikunda et Olangi auraient été émaillés d'irrégularités. La Cour aurait notamment fondé sa décision sur des procès verbaux d'interrogatoire menés sous la torture et sans la présence des avocats des prévenus.	
					Selon les informations reçues, le 27 septembre 2009, alors qu'ils se rendaient à un rendez vous avec un officier de la garde républicaine dans le cadre de leur enquête, MM. Yangambi et Getumbe auraient été arrêtés par l'ANR et détenus au secret.	
					Le 28 septembre 2009, Le Ministre de la Communication et porte-parole du Gouvernement, aurait annoncé l'arrestation de M. Yangambi pour avoir « convoyé une cargaison d'armes dans le but de lancer un nouveau mouvement insurrectionnel contre la République Démocratique du Congo à partir de Kisangani ».	
					Le 30 septembre 2009, le domicile de M. Yangambi aurait été perquisitionné par des officiers de la justice militaire, de la police et de l'ANR mandatés par l'Auditeur supérieur de garnison de Kisangani. La perquisition aurait eu lieu en présence des avocats du barreau de Kisangani et de témoins. Il est allégué qu'aucune preuve soutenant les charges	

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					<p>retenues contre M. Yangambi n'aurait été trouvée. Le même jour, M. Getumbe aurait été libéré alors que M Yangambi était transféré au Centre pénitentiaire et de rééducation de Kinshasa.</p> <p>Le 18 novembre 2009, MM. Yangambi, Olangi, Kikunda et Lokundo auraient été déférés devant à la Cour militaire de Kinshasa/Gombe. Lors de l'audience, MM. Kikunda et Olangi auraient déclaré avoir été torturés pendant leur détention. M. Yangambi aurait été privé de sommeil et de nourriture pendant plusieurs jours.</p> <p>De graves craintes sont exprimées quant au fait que la condamnation à mort de M. Yangambi et les condamnations à 20 ans d'emprisonnement de MM. Olangi et Kikunda par un tribunal militaire fondé sur des procès verbaux d'interrogatoire menés sous la torture et sans la présence des avocats des prévenus. De très sérieuses craintes sont également exprimées quant à leur intégrité physique et psychologique</p>	
38.		03/09/10	JAL	TOR; VAW	<p>Concernant le viol d'au moins cent cinquante quatre femmes, enfants et hommes, par une coalition de combattants des Forces Démocratiques de Libération du Rwanda (FDLR) et des Maï-Maï Cheka dans plusieurs villages sur la route Kibua-Mpofi, territoire de Walikale, province du Nord-Kivu, entre le 30 juillet et le 2 août 2010 ; ainsi que le viol de dix femmes par des soldats de la 431ème Brigade des Forces armées de la République démocratique du Congo (FARDC) à Katalukuku, territoire de Fizi, province du Sud-Kivu, le 6 août 2010.</p> <p>Du 30 juillet au 2 août 2010, une coalition de combattants des Maï-Maï-Cheka et des FDLR, dont le nombre total a été estimé à trois cents</p>	

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					<p>personnes par des témoins, a systématiquement pillé quinze villages situés sur un tronçon de 21 km de l'axe Kibua-Mpofi: Bunangiri (27 km de Kibua), Kembe, Kweno, Luvungi, Bunyampuri, Chobu, Bitumbi, Rubonga, Kasuka, Ndorumo, Brazza, Kitika et Nsindo (6 km de Kibua). Dans certains de ces villages, les assaillants ont également systématiquement violé des civils, principalement des femmes adultes, mais également quelques hommes et des mineurs.</p> <p>Selon les chiffres fournis, au moins cent cinquante quatre victimes de violences sexuelles auraient été identifiées au moment où nous parvenaient ces allégations. Les villages de Luvungi et de Rubonga auraient été les plus touchés.</p> <p>D'après les informations reçues, le groupe des combattants était notamment commandé par le Col. Mayele, natif du village de Kembe, et chef d'état-major du groupe Maï-Maï-Cheka. Ils ont initialement bloqué l'axe Kibua-Mpofi au niveau de Kembe, empêchant les populations locales d'accéder au seul point de réseau téléphonique de la zone, de telle sorte que l'information relative aux attaques n'est parvenue que tardivement à Kibua (COB) et Walikale, où se trouvent des services médicaux.</p> <p>En outre, des informations nous sont aussi parvenues concernant le viol de dix femmes commis par des soldats de la 431ème Brigade des FARDC à Katalukuku, dans la province du Sud-Kivu, à une centaine de kilomètres d'Uvira, le 6 août 2010.</p>	
39.		22/10/10	JUA	WGAD; FRDX ; HRD ; TOR	Concernant Me Nicole Bondo Mwaka, avocate au barreau de Kinshasa/Gombe et membre de l'organisation de promotion et défense des droits de l'homme Toges Noires, du	

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					<p>Mouvement Mondial pour la marche des Femmes et de la Commission Nationale de la réforme de la police, Me André Mwila Kayembe, président de Toges Noires et de Mme Madeleine Mangambu, amie de Me Nicole Bondo Mwaka.</p> <p>Le 29 septembre 2010, Me Nicole Bondo Mwaka et Mme Madeleine Mangambu auraient été arrêtées et conduites dans les locaux de la Direction Générale des Services spéciaux de la police (ex-Kin Mazière). Leur interpellation ferait suite à leur présence sur les lieux d'un incident à Kinshasa, au cours duquel le cortège présidentiel aurait essuyé un jet de pierre. M. Armand Mudiandambu Tungulu, l'auteur du jet de pierre, aurait violemment été passé à tabac par des policiers et Me Nicole Bondo Mwaka serait soupçonnée par la police d'avoir filmé la scène à l'aide de son téléphone portable. Mme Madeleine Mangambu était en compagnie de Me Nicole Bondo Mwaka au moment des faits.</p> <p>Le 30 septembre 2010, Me André Mwila Kayembe, président de Toges Noires, se serait rendu en début d'après-midi au siège de la DGSS pour s'enquérir de la situation de Me Nicole Bondo Mwaka. Il y aurait été détenu jusqu'à 18h00.</p> <p>Le 1er septembre 2010, Me Nicole Bondo Mwaka et Mme Madeleine Mangambu auraient été transférées dans les locaux de l'Agence nationale des renseignements pour le motif "d'atteinte à la sûreté de l'Etat". Elles y seraient toujours détenues à ce jour et n'auraient pas accès à leur avocat, ni à leur famille. Elles seraient également privées de nourriture.</p> <p>Le 4 septembre 2010, Mme Madeleine Mangambu aurait été libérée.</p> <p>De sérieuses craintes sont exprimées quant au</p>	

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					<p>fait que l'arrestation et la détention de Me Nicole Bondo Mwaka et Me André Mwila Kayembe soient en relation avec leurs activités de défense des droits de l'homme. Des craintes similaires sont exprimées quant au fait que l'arrestation et la détention de Mme Madeleine Mangambu soient liées aux activités susmentionnées de Me Nicole Bondo Mwaka. Enfin, de sérieuses craintes sont finalement exprimées quant à l'intégrité physique et mentale de Me Nicole Bondo Mwaka.</p> <p>Ce nouvel incident s'inscrit dans un contexte d'extrême vulnérabilité des défenseurs des droits de l'homme et les journalistes en République démocratique du Congo, comme en attestent, entre autres, l'enlèvement de M. Bwira Kyahi en août 2010, précédé de menaces de mort ; les menaces de mort à l'encontre de M. Michel Tshiyoyo et sa famille ; et l'assassinat le 2 juin 2010 de M. Floribert Chebeya Bahizire, directeur exécutif de la Voix des Sans Voix (VSV) et membre de l'Assemblée générale de l'Organisation Mondiale contre la Torture et la WGEIDarition de M. Fidèle Bazana Edadi, membre et chauffeur de la VSV.</p>	
40.	Democratic People's Republic of Korea	24/08/10	JUA	WGAD TOR	<p>Concerning Mr. Jeong Sang-un.</p> <p>Mr. Jeong Sang-un, aged 84, crossed the border from the Democratic People's Republic of Korea to China in September 2009. Shortly after arrival, he was detained by the Chinese authorities in Jilin Province, and kept in detention until he was forcibly returned to the Democratic People's Republic of Korea in February 2010. Once in the Democratic People's Republic of Korea, Mr. Jeong Sang-un was sent to Yodok prison camp in South Hamkyung Province, without having faced a trial.</p>	

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					At the time when Mr. Jeong Sang-un was forcibly returned, he was in poor health and needed assistance to walk. The information received indicates that food and medication are insufficient at Yodok prison camp. It is also believed that torture is widespread, and that death in custody is common due to the hard and dangerous labour all detainees are forced to perform, with very little rest.	
					In light of the above, concern is expressed for the physical integrity of Mr. Jeong Sang-un.	
41.	Egypt	16/04/10	JUA	TOR WGEID	Concerning KDEDM, a minor, and HDEDM, aged 18, brothers and Iraqi refugees in Egypt. On April 4, K was arrested in the Maddi region by the Egyptian police, who failed to present a warrant. The family went to the police station to obtain information about the minor but they were refused any information. A police officer suggested that K may have been arrested in order to deport him. On 12 April 2010, the police searched K's family house, took a computer, and arrested his brother, H.	
					Complaints regarding the arrest and detention of the minor and a request for his immediate release were submitted to the High General Prosecutor.	
					Concern is expressed for the physical and psychological integrity of K and H, in light of their arrest and detention in an unknown place.	
42.		12/08/10	UA	IJL,TOR	Concerning Mr. Mes'ed Al Shaf'i. On 19 April 2010, Mr. Mes'ed Al Shaf'i, a member of the Muslim Brotherhood, was arrested by State Security Investigations (SSI) agents, dressed in civilian clothes. Mr. Mes'ed Al Shaf'i. was then taken to the SSI office in Nasr City, where he was held in secret detention for 47 days. During this time, he was	

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					<p>hung by the wrists and beaten until he lost consciousness; he was forced to stand for several days; deprived of sleep; suspended for long periods in various positions; subjected to electric shocks on different parts of the body. In addition, he was threatened with sexual abuse and that his family would be harmed if he did not confess to information regarding other members of the Muslim Brotherhood.</p> <p>On 20 May, Mr. Al' Shafi finally appeared at Al Mahkoum prison in Torah region. He remains in detention there without having been subjected to any judicial proceedings.</p>	
43.		02/09/10	JAL	SUMX; TOR	<p>Concerning the deaths of Mr. Khaled Mohammed Said and Mr. Abdelsami' Saber Abdelsami.</p> <p>On 6 June 2010, Mr. Said, aged 28, was dragged out of an internet café in Alexandria by two plain-clothes police officers and severely beaten. According to the account of several witnesses, as a result of the violent beatings received, Mr. Said lost consciousness and felt to the ground where the two police officers brutally kicked him on the head and face until he died. The two police officers reportedly took the body of Mr. Said into their vehicle and left the scene only to come back a few minutes later to throw his body on the pavement.</p> <p>The relatives of Mr. Said were informed of his death but they were prevented from seeing his body immediately. They were reportedly taken to Sidi Gaber police station by the police officers and told that Mr. Said had swallowed a bag of narcotics when the police approached him and died from the overdose.</p> <p>On 7 June 2010 the family filed a complaint with a public prosecutor but was informed that the police had filed a report claiming that Mr.</p>	<p>A reply was received from the Government on 01/11/2010, but could not be translated in time for inclusion in this report.</p>

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					<p>Said had died from a drug overdose.</p> <p>A few days after the death of Mr. Said, shocking pictures of the victim's dead body were distributed through the internet. On 12 June 2010, the Ministry of Interior issued a statement indicating that Mr. Said died as a result of asphyxiation from swallowing a bag of narcotics. Further the statement condemned the posting of these pictures as an attempt to tarnish the image of the Egyptian security forces.</p> <p>On 14 June 2010, the Prosecutor ordered a new medical examination to be carried out under the supervision of three forensic doctors to establish the causes of death. We are informed that the two police officers who are believed to have killed Mr. Said, continue to discharge their functions.</p> <p>On 6 June 2010, Mr. Abdelsami' Saber Abdelsami, aged 60, was arrested on Ali Ameen Street in Nasr city, by members of the Nasr Police Department who were dressed in civilian clothing. He was transferred to Nasr Police Department and charged with insulting a police officer. It is alleged that Mr. Abdelsami died a few days later as a result of severe beatings while he was in custody.</p> <p>On 7 June 2010, the public prosecutor called for the immediate release of Mr. Abdelsami. However, State Security Intelligence (SSI) of Nasr Police Department did not comply with the order.</p> <p>It has been reported that Mr. Abdelsami was beaten at length during his detention, which is what would have led to his death. On 9 June 2010, his family was able to visit him in prison and they noticed that Mr. Abdelsami was in a bad shape and looked as he had been hit. He reportedly told them that he was being beaten</p>	

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					and tortured but could not provide further information at this stage.	
					According to the information received, on 11 June 2010, Mr. Abdelsami was transferred to hospital and died although the family was only informed of his death on 15 June when he was pronounced dead. On this day, the family reportedly saw the body and noticed that it was covered in injuries and bruises. The family allegedly filed a complaint and requested an autopsy, which was ordered by the Prosecutor General. However, to date, the family has not received any information on their complaint or on the autopsy.	
44.		06/10/10	JUA	WGAD; TOR	Concerning Mr Mohamed Al Aryan Aouda, aged 19.	
					On 16 August 2009, the State Security Intelligence (SSI) of Egypt and the members of the Military Police, reportedly arrested Mr Mohamed Al Aryan Auoda, a student and resident of the Directorate of Ismailia, Egypt. The agents of the SSI, who were dressed in military and civilian clothing, did not present any judicial arrest warrant nor did they inform Mr Auoda's family where he had been taken. Despite a number of letters and requests, Mr Auoda's family does not received information on his whereabouts. Inquires were made at various police stations and at the SSI's headquarters in Ismailia, where Mr Aouda's father was reportedly told that Mr Aouda was detained at the SSI's headquarters in Nasr City, Cairo. However, the Nasr City headquarters denied holding him.	
					On 5 September 2010, Mr Auoda's family lawyer notified the General Prosecutor of Egypt of Mr Aouda's disappearance and requested that an investigation be opened. However, there has been no response.	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					Concern is expressed for Mr. Mohamed Al Aryan Aouda's physical and psychological integrity, in light of his detention in an unknown location.	
45.		22/10/10	JUA	WGAD; TOR	<p>Concerning the arrest, incommunicado and secret detention and torture of five persons from Egypt, namely:</p> <p>Mr. Mohamed Al Said Abdelghany, 35 years old, father of three, employed at Talkha electricity company, living at Al Mansourah, Governorate of Daqahliyah.</p> <p>Mr. Ahmed Abdeh Mghawry, 30 years old, father of two, Imam, living at Al Mansourah, Governorate of Daqahliyah.</p> <p>Mr. Ramy Mohamed Maghawry, 27 years old, father of three, neurologist at Dumirah hospital, living at Al Mansourah, Governorate of Daqahliyah.</p> <p>Mr. Mohamed Ahmed Abdelhamid, 32 years old, married, mechanical technician, living at Al Mansourah, Governorate of Daqahliyah.</p> <p>Mr. Osama Fikri Mohamed Awadeen, 30 years old, father of three, IT teacher at Benin primary school, living at Al Mansourah, Governorate of Daqahliyah.</p> <p>On 15 July 2010, the State Security Intelligence (SSI) agents reportedly arrested Mr Mohamed Al Said Abdelghany, Mr Ahmed Maghawry, Mr Ramy Maghawry, Mr Mohamed Abdelhamid and Mr Osama Awadeen at their homes without presenting a warrant or informing them of the reason for their arrest. The five men were reportedly taken to the local SSI site at Al Mansourah where they were detained incommunicado for a week before being transferred to the SSI sites at Nasr City.</p>	

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					<p>The five men are being detained incommunicado in SSI's Nasr City sites. It is claimed that the five men were subjected to torture by the SSI agents who were trying to force them to confess to belonging to a banned movement allegedly wishing to overthrow the Government in Egypt.</p> <p>The five men were forced to remain standing for many days and were prevented from sleeping. According to the information received, they were regularly severely beaten and on many occasions were given electric shocks on sensitive parts of their bodies. Former detainees in SSI's Nasr City sites allege that a near-majority of detainees in SSI's Nasr sites were subjected to torture.</p> <p>Serious concerns are expressed that the five men could eventually face harsh sentences in court proceedings on the basis of evidence obtained by torture.</p>	
46.		22/11/10	JUA	WGAD; TOR	<p>Concerning the situation of Mr. Adam Yahya Abdellah Khalil Haouli, aged 37, who fled to Egypt following the civil war in Sudan in 2002. Mr. Haouli, a United Nations High Commissioner for Refugees (UNHCR) card holder since 2004, is married with three children, and lives in Al Jeeza, Egypt where he works as a street vendor.</p> <p>On 30 December 2009, at night, Mr. Haouli was allegedly arrested at his home by State Security Investigation (SSI) agents who were wearing their official uniforms. It is reported that the SSI agents present a judicial warrant nor did they explain the reason for Mr. Haouli's arrest. They reportedly searched the house and confiscated various personal belongings, including mobile phones, computers, jewelry, a sum of 400 Egyptian pounds 530 Euros and an other sum of 4000</p>	

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					<p>USD. It is further reported that the SSI agents tied up Mr. Haouli and severely beat him in front of his family. He was reportedly taken to the SSI premises in Al Jeeza where he was held until 24 January 2010.</p> <p>It is reported that on 31 December 2009, when Mr. Haouli's wife went to Boulak Al Dekour police station to file a complaint, she was not given any assistance and was asked to leave the police station.</p> <p>On 24 January 2010, Mr. Haouli was reportedly transferred to the SSI premises in Nasr City where he was held in incommunicado and secret detention for 82 days. On 15 April 2010, Mr. Haouli was accused by the State Security Court of belonging to a banned group which was allegedly involved in facilitating the transfer of African refugees to Israel. It is claimed that the prosecutor based his allegations on evidence allegedly obtained by torture. Mr. Haouli was reportedly taken to Tarah prison before being transferred back to the SSI premises in Al Jeeza where he is currently facing extradition to Sudan. It is claimed that Mr. Haouli fled to Egypt fearing persecution in Sudan during the civil war and that he would be in danger of being subjected to torture, if he is expelled to Sudan.</p> <p>It is also reported that while in detention in Nasr City, Mr. Haouli was allegedly subjected to electric shocks on different parts of his body, forced to stand for long periods of time in various positions, deprived of sleep and beaten until he lost consciousness. It is further reported that Mr. Haouli was threatened with sexual assault if he did not confess to allegedly assisting other African refugees in fleeing the country. It is reported that Mr. Haouli was denied any medical treatment during his</p>	

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47.			Follow-up to earlier cases		<p>detention at Nasr city.</p> <p>In view of above mentioned allegations of torture to which Mr. Haouli was reportedly subjected to while in detention, concern is expressed about Mr. Haouli's physical and psychological integrity. Further concern is expressed that Mr. Haouli could eventually face harsh sentences on the basis of evidence obtained under torture. Finally, concern is expressed about the reported forthcoming extradition of Mr. Haouli to Sudan where there are allegedly substantial grounds to believe that he would be in danger of being subjected to torture.</p> <p>Dr. Ashraf Abdel Ghaffar (A/HRC/13/39/Add.1 para. 71)</p>	<p>By letter dated 14/01/2010, the Government indicated that Dr. Ashraf Abdel Ghaffar was not arrested on account of his membership of the banned organization of the Muslim Brotherhood but was detained on remand in connection with case No. 404 of 2009 concerning higher State security (better known as the International Organization case), in respect of which he was charged with the offence of laundering funds obtained through donations collected abroad and channelling them into the funding of activities of the organization of the Muslim Brotherhood in Egypt.</p> <p>2. Dr. Ashraf Abdel Ghaffar was not held in arbitrary or incommunicado detention, as alleged in the appeal, but was arrested and detained on remand in connection with the case. He enjoyed all legal and judicial guarantees prescribed by Egyptian legislation in respect of pre-trial detention and by the rules of the Code of Criminal Procedure governing the proper implementation of measures of pre-trial detention. Pursuant to article 142 of the Code of Criminal Procedure, Egyptian law allows the Higher</p>

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48.					Ms. Medhine (A/HRC/13/39/Add.1 para. 74)	<p>State Security Prosecution Service to exercise the authority of both investigating judge and appellate criminal court in respect of detention involving the investigation of felonies pertaining to the security of the Government committed within the country or abroad, as defined in Chapters I and II bis of the Criminal Code.</p> <p>3. No complaint was filed by Dr. Ashraf Abdel Ghaffar or his representative concerning the circumstances of his arrest, his conditions of detention or any ill-treatment. The competent authorities reported that his state of health was stable and that he received the treatment and medical care he required in the detention centre.</p> <p>The Higher State Security Prosecution Service decided to release Dr. Ashraf Abdel Ghaffar on 18 November 2009.</p> <p>By letter dated 6/4/2010, the Government indicated that Ms. Medhine, an Ethiopian national whose full name is Medhine Hadish Kafi, was arrested while trying to cross illegally into Israel via Egypt, contrary to the claim in the urgent appeal that she was seeking asylum in Egypt and was arrested at the border between Egypt and the Sudan. The Egyptian authorities took appropriate legal measures to deal with her and placed her in Qanatar Women's Prison pending deportation, as she had breached Egyptian law by entering the country illegally with a view to going to Israel. These measures were taken after consultations with officials at the Ethiopian Embassy in Cairo. The deportation process was suspended and Ms. Medhine was given permission to contact the Cairo bureau of the Office of the High Commissioner for</p>

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						<p>Refugees (UNHCR) and to present her case to UNHCR in order to explore the possibility of her filing an asylum application and to determine what kind of international protection she might need.</p> <p>UNHCR officials interviewed Ms. Medhine on 9 and 22 November and again on 3 December 2009, at the headquarters of the Passports, Immigration and Nationality Department. The relevant Egyptian authorities were subsequently informed, based on these interviews, that the UNHCR bureau in Cairo considered Ms. Medhine Hadish Kafi to meet the criteria for refugee status, defined in the international standards set out in article 1 A. (2) of the 1951 Convention relating to the Status of Refugees, and that UNHCR intended to explore more durable and appropriate solutions for her, including resettlement.</p> <p>On 26 December 2009, Galila Ibrahani (Ms. Medhine's daughter), who was with her mother in prison, began to haemorrhage blood from the mouth and the anus, and to experience breathing difficulties. She was found to have an enlarged kidney and spleen. She was taken straight away to Abu al-Rish Children's Hospital for treatment, but she died from a number of chronic illnesses, while being treated at a specialized medical facility and not, as the appeal claims, in prison. The matter was recorded in Sayyida Zainab police station administrative report No. 7091.</p> <p>With regard to the information in the report on the difficult conditions in Qanatra Prison</p>

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						<p>and lack of medical care, we should like to point out that the Office of the Public Prosecutor, an independent judicial body, oversees and inspects prisons and detention facilities to ensure that full legal guarantees are afforded to prisoners and persons in detention. A total of 179 inspections have been carried out since February 2008. In this connection, we must point out that Egyptian law does not distinguish between Egyptian and foreign prisoners with regard to the exercise of all the rights and guarantees provided under Egyptian law in accordance with Act No. 368 of 1956, concerning the regulation of prisons, and other related laws.</p> <p>Moreover, no person seeking political asylum in Egypt can be deported, except in accordance with the rules laid down in the 1951 Convention relating to the Status of Refugees. The Egyptian Constitution furthermore prohibits the expulsion of political refugees. Egypt will continue to follow the path which it has taken for decades of abiding by the international treaties on refugees and cooperating closely with the UNHCR bureau in Cairo, notwithstanding the large number of refugees and immigrants which Egypt receives and the burden on its economy, infrastructure and limited resources: Egypt hosts not just 41,481 registered refugees and asylum-seekers but between 3.5 and 4 million Sudanese nationals.</p> <p>A letter was sent to the Office of the Public Prosecutor after the urgent appeal was received to ask about the outcome of any investigations into the death of the above-</p>

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49.	Eritrea	05/02/10	UA	TOR	<p>Concerning 26 journalists and two media workers, in particular Mr. Temesghen Gebreyesus, Mr. Mattewos Habteab, Mr. Seyoum Tsehaye and Mr. Dawit Isaac and the conditions of their detention. Dawit Issaac, Temesghen Gebreyesus and Mattewos Habteab were the subject of a communication of 12 August 2009 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders. To date, no reply has been received to that communication. Mr. Seyoum Tsehaye was the subject of a communication on 29 November 2006 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Similarly, no response to this letter has been received from your Government.</p> <p>In December 2008, Mr. Temesghen Gebreyesus, a sports journalist and member of the board of the biweekly Keste Debena, and Mr. Mattewos Habteab, cofounder and editor of the biweekly Maqaleh, were both transferred to a prison in the Dahlak Islands. Reports suggest that detainees in this penitentiary facility are kept in solitary confinement in underground cells, in which the heat is unbearable. It appears that very few prisoners have returned alive from that prison upon the expiration of their sentences.</p> <p>Mr. Seyoum Tsehaye, a freelance reporter and photographer, who is the former head of the state owned Eri-TV, appears to be held in Eirareiro detention facility. Reports suggest that cells in this facility are windowless rooms of 3 metres square. Prisoners appear to be kept</p>	<p>mentioned child. We shall inform the Office of the High Commissioner for Human Rights as soon as we receive a response.</p>

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					<p>in solitary confinement with a light on continuously. Some prisoners are manacled by feet or hands. Prisoners only receive one litre of water per day.</p> <p>Mr. Dawit Isaac, who previously worked for the newspaper Setit, has since his arrest in 2001 been transferred several times to unknown places of detention. In 2009, he was taken to the air force hospital in Asmara. Most recent information suggests that he was also admitted to Asmara's Habtemariam (St. Mary) Hospital, a psychiatric clinic, twice in 2009.</p> <p>Concern is expressed about the well-being of the afore-mentioned persons and that the conditions of their detention, including their solitary confinement, amount to inhuman and degrading treatment.</p>	
50.	Georgia	29/09/10	JUA	WGAD; TOR	<p>Concerning Mr. Tsotne Gamsakhurdia. On 8 April 2010, Mr. Tsotne Gamsakhurdia was sentenced to nine years and six months' imprisonment by the First Instance Court of Georgia for attempted murder, illegal purchase and possession of weapons. There was reportedly no evidence with regard to the last two charges.</p> <p>Mr. Gamsakhurdia was held in solitary confinement since his arrest in early 2010. He is kept in isolation and only allowed to walk outside once or twice per week, without seeing any other detainees. Seven months after he was detained and after filing several requests, he was granted access to a radio and allowed to see his family once a month. However, since 7 July 2010, he has been denied the possibility of seeing his family, for allegedly trying to bribe the medical personnel in the prison. Mr. Gamsakhurdia's conversations with the medical personnel were recorded by prison officials and later aired on public television,</p>	<p>By letter dated 15/12/2010, the Government indicated that the relevant authorities took all efforts to provide Mr. Gamsakhurdia with all rights that prisoners have, including safeguarding a state of health, providing him with necessary dietary meals, unimpeded full medical assistance, meeting with members of family, lawyer etc. Since his detention, however, Mr. Gamsakhurdia refused to take meals, medicaments, declined offers to undergo medical examinations and blamed prison staff in ill-treatment.</p> <p>The MCLA General inspection undertook full investigation in order to inquire Mr. Gamsakhurdia's allegations and we would like to present the detailed information below:</p> <p>In the letter it was mentioned that Mr. Gamsakhurdia is allowed to walk outside only once or twice per week however, in reality he similar to other prisoners, spends at least one hour per day on fresh air and has the</p>

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					<p>where he appeared in his underwear. A criminal investigation was reportedly initiated in this regard, with the possibility of adding three more years of imprisonment to his sentence.</p> <p>After Mr. Gamsakhurdia declared himself on a hunger strike, his cell was raided and his belongings were taken away by the prison staff. Since his imprisonment in April 2010, he has reportedly been denied the possibility of filing a complaint or giving a written complaint to his lawyer, as they are always destroyed in front of him. During a family visit, his mother was intimidated and forced to return a letter to her son.</p> <p>On 4 August 2010, Mr. Gamsakhurdia was exposed to a non-stop audio in his cell. It had allegedly been tested on him earlier but with less intensity and for shorter periods of time.</p> <p>Mr. Gamsakhurdia's defense lawyer has filed complaints with the Court of Appeal and the European Court of Human Rights regarding his alleged arbitrary detention and ill-treatment.</p> <p>Concern is expressed for the physical and psychological integrity of Mr. Tsotne Gamsakhurdia.</p>	<p>possibility to communicate with other detainees.</p> <p>It was also mentioned that Mr. Gamsalthurdia cell was raided; his belongings were taken away and he was deprived of his right to have press, correspondence and telephone calls. These allegations are not substantiated by the facts.</p> <p>Mr. Gamsalthurdia is also claiming that he has been denied the possibility of meeting with his lawyer, filling a complaint or giving a written complaint, as they are always destroyed in front of him. The Ministry, if necessary, is ready to present relevant records from the journal of registry drawn up since the detention of Mr. Gamsalthurdia. These records are clear evidence that since his detention of Mr. Gamsalthurdia had met his defense counsels approximately 90 times. Moreover, Mr. Gamsalthurdia had met his Priest 23 times. These meetings are private; prison staff has no right to attend those meeting. Accordingly, Mr. Tsotne Gamsalthurdia has the opportunity to give written complains and/or oral messages to his lawyer, at any time.</p> <p>As for medical examinations, let us remind you that Mr. Gamsalthurdia was arrested and accommodated at Tbilisi prison # 8 on 30 October 2009. This is a newly constructed building which was officially opened in 2007. The conditions in the above mentioned prison institution is in line with international standards. The same day he went on a hunger strike.</p> <p>Due to his refusal to stop the hunger strike, he was placed at the Medical Establishment for Prisoners and Convicts on 26 November 2009 for the purpose of providing him with</p>

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						<p>requisite diet and medical assistance. The same day the medical personnel of the Medical Establishment for inmates and Convicts drew up a plan of medical examinations for the assessment of his state of health. While being under the constant supervision of the medical specialists Mr. Gamsalthurdia continued refusing meal and requisite medications, though the doctors made every effort to persuade him to terminate hunger strike. He was informed on daily basis about the effect of a hunger strike on his state of health.</p> <p>Along with refusal to take meal and medications, he also refused to be consulted by a psychologist or undergo medical examinations. In order to assure interested party in the noted information, we are ready to present records of his medical history. Mr. Gamsalthurdia voluntarily terminated a hunger strike on 4 December 2009. Remaining under the permanent supervision of the medical personnel he had undergone various examinations: It is noteworthy that despite termination of the hunger strike he refused to take medicines and declines every offer to be examined by the medical personnel.</p> <p>On 25 December 2009, Mr. Gamsalthurdia went on hunger strike again. He refused to receive both meals and medicine. On 9 February, 2010, he refused to give consent on all kind of medical assistance or examination. MCLA would like to note that Mr. Gamsalthurdia remained under the supervision of the medical personnel all the time, he was every day advised to take medicines and meals, but to no avail. He had undergone a consultation with specialist medical personnel. However, he refused to</p>

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						<p>take relevant medicine.</p> <p>He terminated hunger striking on 27 February 2010 and proceeded on receiving meals. Despite the advice of the medical personnel to receive meals with small rations; Mr. Gamsalthurdia neglected the mentioned advice. Mr. Gamsalthurdia remained under the permanent supervision of the medical personnel. It is noteworthy that despite termination of the hunger strike he refused to take medicines. The Ministry would like to inform you that he decided, again, to go on a hunger strike on 3 May 2010. He declined, again, all the offers to receive meals, medicines prescribed for him and to be administered with medical assistance of the medical personnel.</p> <p>On 14 June 2010 Mr. Gamsalthurdia began to receive sweet tea. On 21, 22, 23 and 24 June he received meals (breakfast, dinner and supper). On 25 June 2010 he again went on a hunger strike and was receiving only sweet tea.</p> <p>The fact that until this day, he refuses to undergo any kind of medical treatment, except</p> <p>Dental, makes it apparent that Mr. Gamsalthurdia has no genuine interest in medical examinations or treatment and his claims conscientiously aim at speculating.</p> <p>MCLA would like to note that he terminated hunger striking on 8 July 2010. Since then he receives meals offered by the penitentiary Establishment. Additionally, he purchases products at the shop located on the territory of the Medical Establishment. On the subject of Articles 9 and 10 of Universal Declaration of Human Rights, Article 13 of Convention against Torture and other Cruel, inhuman or</p>

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						<p>Degrading Treatment or Punishment, Articles 9 and 14 of the International Convention on Civil and Political Rights and paragraph 6 "b" and "e" of Human rights Council Resolution 8/8 (June 2008). MCLA would like emphasize the fact that the rights recognized by these instruments are guaranteed by the Georgian authorities. Herewith, MCLA, once again, would like to note that the rights of Mr. Gamsalthurdia have never been restricted and all allegations mentioned in the letter sent by the Office of the High Commissioner for Human Rights are absolutely free of basis and relevant authorities have taken all the necessary measures in order to safeguard above mentioned person's rights</p> <p>Ministry of Corrections and Legal Assistance of Georgia expresses it's readiness for further cooperation and is ready to present, according to Georgian legislation all the necessary documentations and records regarding the above mentioned issues</p>
51.	Honduras	24/03/10	JAL	IJL; TOR	<p>En relación con el Decreto de amnistía aprobado por el Congreso Nacional de Honduras en 26 de enero de 2010.</p> <p>El Congreso aprobó el Decreto No. 02-2010, el cual otorga una amnistía general para los delitos políticos y delitos comunes conexos ocurridos durante el período del 1 de enero de 2008 al 27 de enero de 2010. Los delitos incluidos en el Decreto son: traición a la patria; delitos contra la forma de gobierno; terrorismo y sedición. Del mismo modo, el decreto WGEIDone la extensión de la amnistía a los siguientes delitos comunes conexos: desobediencia, abuso de autoridad y violación de los deberes de los funcionarios, usurpación de funciones y delitos contra el ejercicio de los derechos garantizados por la constitución. Se observa con preocupación la inclusión en el</p>	

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					<p>Decreto del delito de abuso de autoridad, debido a que una amplia interpretación de este delito pudiera otorgar amnistía a presuntos perpetradores de violaciones de derechos humanos, incluidas las detenciones arbitrarias, en las que habría habido un uso excesivo de la fuerza y malos tratos, sin que estas constituyan delitos políticos.</p> <p>Es también preocupante que el tiempo abarcado por el decreto es de más de dos años, lo cual supera por un amplio margen el período en el que ocurrió el golpe de Estado. A pesar de que se reconoce que el objetivo del Decreto es contribuir a la paz y a la reconciliación nacional, el vasto margen de tiempo hace imposible que víctimas de violaciones de derechos humanos ocurridas con anterioridad al golpe de Estado puedan tener acceso a la justicia, y fomenta la impunidad.</p> <p>También se recibió información sobre la decisión de la Corte Suprema de Justicia de otorgar el sobreseimiento a seis militares de alto rango, quienes habrían sido acusados de abuso de autoridad por la detención y expulsión del antiguo Presidente Manuel Zelaya en junio de 2009. La Corte Suprema habría justificado la decisión bajo el argumento de que la actuación de los militares había sido en defensa de la democracia hondureña y en protección de las vidas de las personas.</p>	
52.	Hungary	03/11/10	JUA	WGAD; HRD; TOR	<p>Concerning the situation of Dr. Ágnes Geréb, an obstetrician, gynecologist and midwife, founder of the Napvilág Birthing Centre, and advocate for women's home-birth rights in Hungary. As an internationally respected expert on home birth, Dr. Geréb regularly attends, supports and contributes to conferences on home-birth rights both in Hungary and internationally. The Napvilág Birthing Centre provides education courses for</p>	<p>By a letters dated 1and 20/12/2010, The Government indicated that Dr. Ágnes Geréb was been admitted to the Fovárosi Büntetés-végrehajtási Intézet (Budapest Capital Remand Prison) on 8 October 2010.</p> <p>She was been escorted to the Budapest Capital Court on 12 October 2010 at 8.30 hours for the first time. According to Article 48 of Decree 6/1996 (VII.12) of the Minister</p>

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					<p>expectant parents.</p> <p>Dr. Ágnes Geréb is currently imprisoned on charges of endangering life during the exercise of her profession following arrest on 5 October 2010. It is alleged that Dr. Geréb, who is 59 years old, has been subjected to humiliation and ill-treatment in detention since her arrest.</p> <p>Dr. Geréb was arrested on 5 October 2010 at the Napvilág Birthing Centre, Alma utca, Budapest, after assisting the delivery of a premature child. It is reported that when the expectant mother – who had been advised by Dr. Geréb to give birth in hospital because of certain conditions present during the pregnancy – arrived at the Centre for a routine consultation and examination. It was found that she was in an advanced stage of labour, and the child was born extremely rapidly. An ambulance was immediately called as the midwives began to assist the mother. The ambulance arrived approximately twenty minutes later, followed by the police.</p> <p>Upon arrival, the police demanded the identification papers of all persons present, including the father of the child, the health professionals, and families taking part in a parental class on the premises. Dr. Geréb and two other midwives were subsequently taken into custody.</p> <p>It is alleged that, since her arrest, Dr. Geréb has been subjected to humiliation and ill-treatment while in detention. On 12 October 2010, Dr. Geréb appeared in an open court for the first time, restrained by both handcuffs and foot shackles. According to reports, the shackles were applied so tightly that they created a 10cm open wound on her ankle, and Dr. Geréb's requests for the shackles to be loosened had been denied. Upon being</p>	<p>of Justice on the rules of implementing custodial sentences and pre-trial detention, handcuffs, one-wrist cuff with strap held by the officer, and leg shackles have been applied as movement restriction tools.</p> <p>The use of such combination of movement restriction tools has been decided by the prison authorities on the basis of the fact that the prisoner has been admitted only four days before, and the risk assessment has not yet been completed by that time.</p> <p>Further reason of applying these measures was that the case of the detainee generated significant media attention and participation of unpredictable number of protesters have been expected in the area of operation. Therefore the prison authorities had to ensure safety taking into consideration such conditions.</p> <p>It is a basic requirement toward the Prison Service that the prisoners should be kept safely in order to guarantee the success of criminal procedure as a whole and individual procedural actions thereof. To this end, it can exclusively apply means regulated by law, and upon application thereof individual circumstances should be taken into consideration, as well. Accordingly, relevant regulation on using movement restriction tools requires individual decision in each case based on the assessment of the detainee concerned. Application of security measures may have seemed exaggerated from an external point of view, however taken into account that neither the reaction of the detainee, nor that of the public were not foreseeable, the measures for application of movement restriction tools cannot be challenged from the point of view of security, and they neither infringed the applicable</p>

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					<p>questioned by the judge as to whether the shackles were necessary, in light of the fact that she had made no attempt to escape, Dr. Géreb's guards replied that "it had been ordered". Furthermore, a member of a Hungarian political party who visited Dr. Geréb in detention has reported that Dr. Geréb is subjected to nude, full body cavity searches before and after receiving visitors. It is reported that the authorities have since prevented any further visits to Dr. Geréb from parliamentary representatives. Dr. Geréb is granted only one visit a month from family members, and one ten-minute phone call per week.</p> <p>In January 1998, Hungarian Parliamentary Civil Rights Commissioner, Dr. Péter Polt, ruled that women have the right to choose to give birth at home, and that the State is obliged to regulate home births. The decision was based in the woman's right to self-determination in accordance with, inter alia, Articles 8, 54, 66 and 70/D of the Hungarian Constitution. However, it is reported that the State's continued refusal to regulate home birth serves to de facto criminalize the work of independent midwives such as Dr. Geréb. The Hungarian Public Health Authority (ANTSZ) requires independent midwives to have one of their licenses to legally work in a home environment; however, such licenses are allegedly not granted, as successive Governments have failed to recognize independent midwives as a professional group, notwithstanding the aforementioned ruling. Consequently, while it is legal for a woman to give birth at home unassisted, it is illegal for her to do so with the help of an independent midwife. Before her arrest, four further cases involving Dr. Geréb and other midwives (all facing charges of "having endangered life</p>	<p>rules.</p> <p>In the course of the court hearing, the judge ordered the prison service officer (being a woman) to remove the handcuffs. The judge also inquired the reason for applying the leg shackles, accepted the officer's response related thereto and made no further decision on the removal of the leg shackles. According to Article 48 (5) of above mentioned Decree, the judge is fully authorised to decide on the use of movement restriction tools which must be executed by the prison service officer without consideration.</p> <p>As the judge made no altering decision on the application of the leg shackles, the prison service officer made no omission in that respect.</p> <p>It was only after the court hearing upon return to the prison premises that the detainee indicated to the prison service officer that the shackles stressed her right ankle. The tool has been removed immediately and the prisoner has been escorted to the medical unit.</p> <p>The medical report, dated on the same day, describes the following injuries in connection with the use of leg shackles:</p> <ul style="list-style-type: none"> -light purple discoloured stripe, size of 7x4 cm, on the skin of the right leg, interior ankle; -superficial bruise, 2x0.5 cm on the right leg, posterior part of the ankle; -reddish skin, size of 4x2 cm, with small red spots around, on the right foot exterior side. <p>On the command of the deputy governor of the prison, the medical examination has been repeated on 13 October 2010. On the latter occasion the following injuries had been recorded:</p>

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					<p>during the exercise of one's profession") had reached the criminal court. The court has reportedly decided to hear all the cases together as a single case.</p> <p>Serious concern is expressed at the physical and psychological integrity of Dr. Geréb given the allegations received indicating ill-treatment during her detention. Further concern is expressed that the arrest, detention, and charges against Dr. Ágnes Geréb may be related to her legitimate and peaceful activities in defense of human rights, more specifically, in defense of women's rights.</p>	<p>-3 cm wide light purple discoloured stripe around the right ankle in spots;</p> <p>-on the right side of the Achilles' tendon of the right foot superficial bruise size of 5x3, treated with antiseptics.</p> <p>The doctor anticipated 7-day healing period for these injuries as a normal healing procedure if there is no complication.</p> <p>On admission, Dr. Ágnes Geréb has been submitted to the compulsory medical examination. The aim of such check-up is to examine and decide on whether the detainee can be admitted to community and to establish if there have been any visible injuries on the detainee. Neither on this nor on any other occasion did Dr. Geréb have to undergo any body cavity search or strip fully naked.</p> <p>The detainee's connection with her family is normal; she regularly uses all authorised forms of maintaining connection with her family. She has received two parcels from her daughter on 27 October 2010 and has been visited by her mother and son once on 2 November 2010. Her legal representatives in the criminal case visited her in the place of detention 11 times.</p> <p>Before every visit each prisoner should be searched by examination of the clothes, pockets as a security measure. The search shall be performed by an officer of the same sex and in a decent manner.</p> <p>The pre-trial detainees as well as the non-working convicted prisoners are allowed to make telephone calls 3 times a week for 10 minutes duration for each call. They are allowed to talk to their relatives who are not excluded from contact and their legal</p>

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						<p>representatives. Within the 10 minutes duration they can launch as many calls as they wish. This possibility has been ensured to Dr. Geréb each time.</p> <p>On 25t October 2010 at 16.05 hours two Members of the Hungarian Parliament representing the political party entitled as “Lehet Más a Politika” (abbreviated as “LMP”) wanted to visit the detainee, but they failed to present any document reflecting the aim of their visit. The deputy governor refused to give permission on the basis of the verdict of the Prosecutor Highest Office No. Bv. 2761/2009 issued on this matter. Accordingly, an MP can visit a pre-trial detainee in certain, justified cases even without the permission of the prosecutor or the judge as a member of a Parliament’s committee, if authorised and mandated with specific task by the Parliament’s committee concerned.</p> <p>On 27 October 2010, the chairperson of the Committee of Human Rights, Minority, Civil and Religious Matters of the Parliament delegated two MPs to gain information on the conditions of Dr. Geréb’s arrest and detention, and to that end to maintain regular contact with Dr. Geréb. The letter of authorization was sent to the prison authorities. After issuance of the letter of authorization by the chairperson of the Committee of Human Rights, Minority, Civil and Religious Matters of the Parliament regular entries to and visits of, Dr. Geréb by the MPs are ensured by the prison authorities.</p> <p>It can be concluded from the above that Dr. Geréb is currently under pre-trial detention, however Dr. Geréb has not been subjected to humiliation and ill-treatment in detention</p>

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						<p>since her arrest.</p> <p>Dr. Ágnes Geréb has not submitted any complaint relating to her treatment in prison during her detention since her arrest. On 13 October 2010, political party “LMP” submitted an interpellation to the Minister of Interior criticizing the alleged strip- and body cavity search, and the application of movement restriction tools, especially the use of leg shackles.</p> <p>The State Secretary of the Ministry of Interior responded to the interpellation. On 14 October 2010, the legal representative of the detainee addressed the governor of the prison concerning the circumstances of the court escort and the medical examination. The governor gave full response to the inquiry.</p> <p>In relation to the interpellation, the Minister of Interior ordered the Director General of the Prison Service to carry out an investigation of the case. As a result, the application of movement restriction tools may have seemed as an exaggerated demonstration of force, however there was no infringement of regulations and rules in connection with their application.</p> <p>Removal of the leg shackles was not specifically ordered by the judge at the court hearing. Consequently, the prison officer did not commit any omission.</p> <p>As the detainee herself stated in the records, no strip-down search or body cavity examination had been carried out during her detention in the prison premises.</p> <p>According to preliminary findings, examination of clothes including strip-down applied at the police arrest premises may have not been in full compliance with relevant</p>

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						<p>legal requirements, therefore thorough investigation of the case was ordered and is currently under way.</p> <p>The Parliamentary Commissioner for Civil Rights has launched an investigation on the subject of detention and court escort of Dr. Geréb, which is currently in progress.</p> <p>The legal basis of arrest and detention are provided by Act XIX of 1998 on Criminal Proceedings. The legal provisions contained in the Act and the measures based on those provisions are fully compatible with international human rights norms and standards as contained, inter alia, in the International Covenant on Civil and Political Rights and the Declaration on Human rights Defenders.</p>
53.	India	23/12/09	AL	TOR	<p>Concerning Mr B.M., aged approximately 16, son of Mr U.M., of Ghoadanga Paschim Para, Khalbedi and Mr A.A., aged 22, of Angrail Village, District North 24 Parganas, West Pengal.</p> <p>On 10 June 2009, B.M. was approached by An officer from the Border Security Force (“BSF”), DIB, along with two other constables of Ghoadanga BSF Camp, Battalion-94, Company-A, Police Station-Basirhat, District: North 24 Parganas, as he was standing outside his home. The constables suspected B.M. of being a smuggler, as there was a group of smugglers crossing the Bidhyadhari Khal canal at that time. Mr M. was beaten by the constables on the spot, and was then forcibly taken to the Ghoadanga BSF Camp, and was beaten en route by a BSF Officer with a wooden stick.</p> <p>Mr M.’s aunt witnessed the incident and together with Mr M.’s mother and two members of the Etinda Panitor Gram</p>	<p>By letter dated 6/04/2010, the Government of India indicated that it had examined the communication and found it to be inaccurate.</p> <p>The investigation into the matter has shown that the subject was called for questioning to the local BSF post on 8 June 2009 at about 1100hrs on suspicion of his involvement in smuggling activities but was left off the same evening. He was neither beaten nor ill-treated. In fact, the subject has no grievance against the BSF; neither has he lodged a complaint against the BSF nor is he aware of any such complaint on his behalf –something to which the subject has testified in writing. The matter only bears out the Government of India’s earlier submissions on similar allegations to various special procedures that the allegations against BSF are only a tactic by criminal syndicates active in the region to thwart BSF’s enforcement drivers against illegal cross-border activities of these syndicates.</p> <p>The Permanent Mission of India requests that</p>

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					<p>Panchayat village council went to the Ghojadanga BSF Camp to request the reason for Mr M.'s detention. The BSF officer and the Assistant Commander would not disclose any reason, and assured them that Mr M. would be released that evening. In fact, Mr M. was not released until the following day. During this detention, Mr M. was physically beaten and also verbally abused by the constables who had arrested him, leaving him with injuries including a hematoma and severe pain on his left thigh, left ear, left wrist and right shoulder.</p> <p>In a separate incident, on 14 May 2009, three BSF officers from Out-Post No. 8, Angrail BSF Camp arrived at the home of Mr A.A., requesting to see him. The officers pushed aside Mr A.'s mother and then forcibly took him to Agrail BSF Camp. During his detention at the camp, Mr A. was slapped a number of times, and tied up to a tree with an iron chain, and left there overnight. The next day he was severely beaten by the BSF officers, while being forced to lie upside down. He was beaten on his back, waist, buttocks, and chest with sticks, and was denied food overnight and the next day, until his father arrived with food. Mr A. was then transferred to the Custom Office of Petrapole and forced to sign blank papers. He was not informed of any charges being made against him. Mr A. was released on the same day after his family paid an amount of Rs. 1000. Mr A. required hospitalization as a result of the injuries sustained at the hands of the BSF officers.</p> <p>Mr A.'s family tried to lodge a complaint about his treatment at the Gaighata Police Station, but the officers there refused to accept the complaint. His mother has also made a written complaint to the Bongaon Sub-Divisional Police Officer, but no investigation has been</p>	<p>the response of the Government of India be presented in full to the Special Rapporteur on the Question of Torture.</p>

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					<p>commenced.</p> <p>On 7 July 2009, Mr A. was requested to attend a meeting with the Commanding Officer of Angrail Camp, but fearing for his life, Mr A. did not attend. Mr A. was subsequently issued a notice by the Superintendent of Customs, Petrapole office, falsely indicating that he had been intercepted on 15 May 2009 by BSF officers at the border area with cattle for which he did not have a valid document. This is WGEIDuted by his family.</p> <p>In light of above allegations of ill-treatment at the hands of BSF officers, concern is expressed in relation to the future well-being of both alleged victims, and their ongoing physical and psychological integrity.</p>	
54.		27/01/10	JUA	WGAD; TOR	<p>Concerning Mr. A. S, a 28-year-old dalit.</p> <p>Mr. A.S. was arrested on 4 January 2010 at 10:00 p.m. by a police officer. He was held in police custody remand (PCR) until 11 January and was charged with robbery. Throughout the detention period, Mr. S was beaten repeatedly, including on his arms and legs with wooden planks, and on his genitals. It is believed that he may have suffered from vision loss and a fractured arm and leg. During this time, his family was not allowed to see him, and he was neither given food nor allowed to use the bathroom. On 7 January, as part of the investigation, a police officer took Mr. S to the place where the alleged robbery took place. The officer (whose name remains on record with the mandate holders) then proceeded to hit him on numerous occasions on his head and genitals with his boots, and forced him to jump in public for thirty minutes. The same procedure was repeated in front of the victim's house. In addition, Mr. S was verbally abused regarding his caste and his religion. The officer</p>	<p>By a letter dated 6/04/2010, the Government of India examined the communication and found that it would not be possible to investigate the allegation in absence of information about the specific place of occurrence of the alleged incident. It is, therefore, requested that information be provided about the specific place of occurrence of the alleged incident (village/town/area/district/state) to enable suitable investigations.</p> <p>The Permanent Mission of India requests that the response of the Government of India be presented in full to the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the Question of Torture.</p>

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					<p>also threatened Mr. S by stating that he would shoot all the boys born in the same caste.</p> <p>When Mr. S was presented before a court, the police officer presented a false medical certificate and threatened Mr. S not to speak about his experience in detention. Mr. S refused to request medical treatment for fear of reprisals. His family has also received threatening messages not to take legal action. Mr. S is currently detained under magisterial custody remand (MCR) and has not had access to medical attention. He reportedly cannot walk properly and stammers due to the beatings and requires urgent medical attention.</p>	
55.		03/02/10	AL	TOR	<p>Concerning A., a minor.</p> <p>During lunch break on 5 November 2009, A., son of S.M., was at his school, Pandit Ram Chandra Mishra Inter College in Vidhyachal. He was trying to play hockey when the Principal, approached him and severely beat him, causing a fracture in his shoulder and ribs. The next day, Mr. M went to the school, where he received an apology from Mr. D and 100 Rupees for A's medical treatment.</p> <p>Ajay was treated at a community health centre and on 11 November, he was taken to the Mirzapur District Hospital for further treatment. He died that night at his home. A's body was taken by the police to perform an autopsy. A First Instance Report (FIR) was filed against Mr. D.</p> <p>Further information received also indicates that other children have also been subjected to corporal punishment at school. On 11 September, M and R students at Marwadi Seva Sangh Siksha Niketan, Varanasi, were forced to stand naked in the sun for over three hours. Their teacher was suspended, but no action was taken against the school. On 31 October, A, a</p>	<p>By letter dated 06/12/2010, the Government indicated that with regard to the incident of 5 November 2009 at Inter-College, Vindhayanchal, the matter is under investigation.</p> <p>With regard to the incident of 11 September 2009 at Marwadi Seva Sangh Siksha Niketan, Varanasi, the concerned teacher was suspended and later dismissed from the service. Stern instructions were issued by the authorities to the institution to sensitize the teachers and to emphasize student counseling so as to prevent recurrence of such incidents.</p> <p>With regard to the incident of 31 October 2009 at Sacred Heart Christian School, Urai, the concerned teacher was dismissed from the service. A follow-up investigation was conducted on 1 October 2010 in which about 100 school students were asked about corporal punishment practice in the school. No complaint was received during this investigation.</p> <p>The Permanent Mission of India requests that the response of the Government of India be presented in full to the Special Rapporteur on</p>

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					student at Sacred Heart Christian School, Urai, was beaten and her hair was pulled out after she failed to complete her homework due to illness.	the Question of Torture..
56.		05/02/10	JUA	FRDX; TOR; HRD	<p>Concerning Mr. Devi Singh Rawat, a lawyer and human rights defender based in Rajasthan, India, working particularly on the issue of torture. From 2006-2008 he worked with the National Project on Prevention of Torture (NPPT) in India, including participation in training sessions.</p> <p>On 5 January 2010, Mr. Singh Rawat filed a complaint against officers from Adarsh Nagar Police Station in the Ajmer District of Rajasthan, alleging that two individuals, Mr. Gopal Swaroop and a Mr. Rajkumar, had been subjected to acts of torture. He filed his complaint before Judicial Magistrate No. 4, naming 3 police officers as the alleged offenders. The court recorded statements by the complainants and witnesses under sections 200 and 202 of the Code of Criminal Procedure, and adjourned the case until 11 February 2010 to allow for further investigation. The complaint was filed by Mr. Singh Rawat on behalf of a request by the State Law Officer of NPPT.</p> <p>On 30 January 2010, Mr. Singh Rawat was allegedly summoned to the Adarsh Nagar Police Station, where he was asked to withdraw the complaint, or face consequences as a result. However, Mr. Singh Rawat refused to do so.</p> <p>On 31 January 2010 at approximately 11:00am, a fight broke out between police officers and members of the public during elections for Panchayati Raj Institution (PRI) (a local governance body) in Palra Village, which falls within the jurisdiction of Adarsh Nagar Police</p>	<p>By letter dated 09/12/2010 the Government indicated that the initial investigation shows that the subject was arrested as per procedure laid down by the law.</p> <p>The matter is sub judice.</p> <p>The Permanent Mission of India requests that the response of the Government of India be presented in full to the Special Rapporteur.</p>

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					<p>Station. It is reported that several voters who had travelled to Palra from Khajpura village were arrested by Adarsh Nagar police and prevented from casting their votes. The police allegedly attempted to seize their vehicle, leading to a scuffle which developed into a fight between the police and voters. A police vehicle was damaged and several individuals received minor injuries. Approximately 20 people were arrested at the scene and several had charges filed against them.</p> <p>Mr. Singh Rawat was not present at the scene at the time of the incident, and is resident in another area. He was therefore not reportedly connected in any way to the election under way in Palra village. However, he was arrested later that day, in relation to the violence, at his residence and taken to Adarsh Nagar Police Station. His relatives were not informed of his arrest. It has been reported that the police physically assaulted and abused Mr. Singh Rawat and up to 15 other detainees upon arrival at the police station. Whilst in detention they were forced to remove their clothes and were then photographed. These photographs were later provided to the press.</p> <p>Mr. Singh Rawat was charged with “Voluntarily causing hurt to deter a public servant from his duty” and “Assault or criminal force to deter a public servant from the discharge of his duty” under Sections 332 and 353 of the Indian Penal Code (IPC) and under Section 3 of the Protection Against Property Damage Act for “mischief causing damage to public property”.</p> <p>During a hearing to remand the detainees into custody on 1 February 2010, a bail application was filed on behalf of Mr. Singh Rawat. The hearing was held before Judicial Magistrate No. 5 as the presiding officer of the original</p>	

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					<p>Jurisdictional Court No 4 was on leave. Mr Mhendra Dabi refused Mr. Singh Rawat's bail application and remanded the detainees into custody until 11 February 2010.</p> <p>A second bail application was filed later the same day before a District and Sessions Judge under Section 439 of the Criminal Procedure Code. At a hearing at 2:00p.m on 2 February 2010, the Additional District and Sessions Judge No. 2, granted bail to Mr Singh Rawat and the other detainees. Mr Singh Rawat and the others were released from the Central Prison in Ajmer at 6:30p.m that evening. Charges remain pending against all of the detainees.</p> <p>Concern is expressed that the arrest of and charges against Mr Devi Singh Rawat, in addition to his reported ill-treatment while in detention, are related to his work in defence of human rights, particularly his work against torture and for speaking out against violations of human rights by the authorities.</p>	
57.		06/07/10	AL	TOR	<p>Concerning the Prevention of Torture Bill, 2010, adopted by the Lok Sabha, the Lower House of Parliament on 6 May 2010.</p> <p>The Prevention of Torture Bill, 2010 ("the Bill") was drafted in an effort to complete the ratification process of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ("Convention against Torture"), which India signed in 1997. However, the Bill fails to comply with several provisions found in the Convention against Torture, including on the definition of torture, cruel, inhuman or degrading treatment; investigation and prosecution; and compensation, among others.</p> <p>The definition of torture found in the Bill only foresees one purpose for torture, obtaining</p>	<p>By letter dated 26/10/2010, the Government indicated that of India had examined the communication and would like to inform that the Bill is currently undergoing careful scrutiny in the Parliament and due attention would be paid to all the concerns that have been expressed, including by the civil society, on various aspects of the Bill.</p> <p>The Permanent Mission of India requests that the response of the Government of India be presented in full to the Special Rapporteur on the Question of Torture.</p>

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					<p>information, as opposed to the definition found in the Convention against Torture, which also includes torture as a form of punishment and intimidation or coercion. The Bill only includes acts that cause “grievous hurt” or “danger to life, limb or health (whether mental or physical)” as torture, a narrower definition than that found in the Convention, which encompasses “severe pain or suffering”. Additionally, an act of torture may only be punishable if it is done to extract a confession or information and if it is based on discrimination. As such, both elements need to be present for it to constitute torture. Furthermore, the Bill does not prohibit complicity in torture or cruel, inhuman or degrading treatment. In terms of punishment, the Bill sets a maximum of ten years imprisonment, which does not seem in accordance with the seriousness of the crime.</p> <p>With regard to investigating and prosecuting acts of torture, the Bill requires the “previous sanction” of the Central or State Government before a court may take up a case. This provision is contrary to article 12 of the Convention against Torture, which calls upon States to carry out prompt and impartial investigations wherever there is ground to believe that an act of torture may have taken place. To require previous sanction would limit the number of cases investigated and grant de facto immunity to certain perpetrators.</p> <p>In addition, complaints have to be filed within six months from the date on which the offence took place. This poses serious problems for many victims, as they may remain in detention for longer than six months, without access to any complaints mechanisms or at risk of further torture or ill-treatment if they file a complaint.</p>	

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					Another issue of concern with regard to the Bill is the lack of a provision concerning the rights to redress and compensation, as established in article 14 of the Convention against Torture. The Bill does not provide for any mechanism under which a victim may seek or obtain compensation. The Bill is also silent on the use of statements obtained through torture and other preventive mechanisms such as ensuring access to legal counsel following arrest or detention and monitoring places of detention, including the ratification of the Optional Protocol to the Convention against Torture.	
58.		21/09/10	JAL	HLTH; TOR	Concerning the lack of access to palliative care and pain treatment in India. More than half of India's Regional Cancer Centres do not offer any palliative care for pain management. Only 10 of the 29 existing Regional Cancer Centres have effective programmes and five others offer limited palliative care. It is estimated that more than one million people suffer from moderate to severe pain due to advanced cancer, and only a few receive proper treatment. The same occurs for people with HIV/AIDS, paraplegics, patients with advanced renal diseases and others who require palliative care. Additionally, many of the Regional Cancer Centres do not have health workers who are trained in palliative care. With regard to the availability of morphine, hospitals and pharmacies generally stopped stocking it as a result of the adoption in 1985 of the Narcotic Drugs and Psychotropic Substances Act. The Act had been created in order to create a balance between the obligation to ensure the availability of opioids for medical purposes and to take steps to prevent their misuse. However, burdensome	

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					<p>licensing procedures in state regulations mean that hundreds of thousands of patients do not have access to the necessary medications. In 2008, only 4% of those requiring morphine had access to it. In 1998, the national Department of Revenue drafted a model rule for states to use in order to simplify the medical use of morphine. The Department at the time indicated that existing regulations denied “easy availability of morphine to even terminally ill cancer patients”, and caused “undue sufferings and harassment”. However, despite this recommendation by the Department of Revenue, only 14 of the 35 states have implemented the model rule.</p> <p>In terms of policy, there is no national palliative care policy or program and, despite the fact that considerable resources have reportedly been invested to strengthen the cancer care system in India, very few funds have been allocated to palliative care. At the state level, only Kerala has a palliative care program in place.</p> <p>The failure to ensure availability of palliative care leaves many patients suffering from severe pain, which may constitute cruel, inhuman or degrading treatment.</p>	
59.		28/09/10	JAL	RINT; HLTH; TOR	<p>Concerning the situation of 65 Pakistani members of the Mehdi Foundation International (MFI) who are currently detained in Central Jail Tihar, New Delhi, India. Their case has been subject of an urgent appeal sent jointly by the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the question of torture on 26 September 2007 (see A/HRC/7/10/Add.1, paras. 100-104) and we would also like to acknowledge receipt of your Excellency’s Government’s response dated 12 February 2009 (reproduced in</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					A/HRC/13/40/Add.1, para. 101).	
					<p>Since their arrival in Central Jail Tihar in April 2007, Ms. Safia Shafi, Ms. Bushra Mansoor, Ms. Shabana Gohar, Ms. Samira Wasim and Ms. Anisa Jabbar who were pregnant at the time of their arrest have given birth to five children. Reportedly, medical staff treated the pregnant MFI women inhumanly and slapped their faces during delivery. After delivery, no food or medication was given to the women for the next two days, while in the hospital food is usually served two times a day. Sanitary pads were not provided after delivery. One MFI woman was not administered stitches correctly and subsequently new stitches were readministered without any local anesthetic. During a medical checkup in Deen Dayal Hospital, it was found that Ms. Qamar Parveen and Ms. Sajida Waheed have cysts in their ovaries. While surgery was recommended, the Senior Medical Officer refused this, reportedly stating that “You take care of it at your own expense outside after your jail term.”</p> <p>On 28 January 2010, the Government of India rejected the applications made on behalf of the MFI detainees for political asylum and subsequently all criminal charges against them were reportedly withdrawn. The MFI members continue to be held in custody, pending a decision by the courts on whether their deportation to Pakistan would be lawful.</p> <p>In Central Jail Tihar, the MFI members are detained in unsanitary and overcrowded facilities which have reportedly resulted in communicable diseases. If MFI detainees are sick they are scarcely referred to an external hospital and the prison authorities make them clean drainage lines with their bare hands.</p> <p>Mr. Iqbal Shahi suffers from fits and there is</p>	

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					<p>neither medical care in the prison nor is he referred to outside physicians. Mr. Iqbal Shahi has been diagnosed with a tumor in his brain; however, reportedly no medical help is forthcoming.</p> <p>Mr. Muhammad Ashfaque is diabetic and suffers from an illness affecting his backbone. The prison staff only gave him Metaformin tablets and his sugar level is getting higher. When Mr. Muhammad Ashfaque raised this issue with the prison staff he was reportedly told that “medication is very expensive outside and we cannot afford it, nor can we refer you to an outside hospital”.</p> <p>Mr. Abdul Waheed underwent heart bypass surgery before his arrest and is still suffering from acute heart-related illnesses and blood pressure. Reportedly, he is not getting proper medical treatment but only receives pain-killers. The prison authorities asked Mr. Abdul Waheed to take care of his medical needs at his own expense from outside.</p> <p>Mr. Abdul Rashid is diabetic, but the prison authorities did not allow him to visit an Outpatient Department. Due to high diabetic condition his eyesight deteriorated and he has blurred vision.</p> <p>Ms. Kulsoom Khan suffered from fever in May 2007. The prison authorities gave her medication that did not help and the prison staff allegedly beat her. Ms. Kulsoom Khan was then sent to Deen Dayal Hospital where some liquid was withdrawn from her spine which generated pain in her lower spine. In Deen Dayal Hospital, Ms. Kulsoom Khan was reportedly given electric shocks once or twice daily. She was tied to the bed with ropes and would be unconscious for hours. Upon her return to Central Jail Tihar she was weak but</p>	

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					<p>she was reportedly refused to special diet including milk, egg, cheese and fruit. Ms. Kulsoom Khan developed anemia, however, she did not receive medication nor proper medical care.</p> <p>Currently, eleven MFI children remain in detention in Central Jail Tihar (Farah Naz Gohar, Sana Riaz, Shahzaib, Hassan AlGohar, Asad Gohar, Zill-e-Gohar, Mary Gohar, Abhaya Gohar, Aamir Gohar, Tabassum Gohar and Abasah Gohar). However, the prison authorities do not have the required medication for children and the detained children are given adults' medication instead. Thus the two-year-old Ms. Abasah Gohar was given full antibiotics over 15 days and subsequently developed gastric problems.</p>	
60.		24/09/10	AL	TOR	<p>Concerning Mr. Govinda Mondal, aged 35.</p> <p>On 6 August 2010, Mr. Govinda Mondal was farming when three Border Security Force constables from the Char Mou Rashi Border Outpost, E Company, Battalion 52, approached him. They reportedly dragged Mr. Mondal to a nearby house, where they took off his clothes and placed one of the items of clothing in his mouth. He was then beaten with a wooden spade for approximately one-and-a-half hours on his feet, chest and face, until he lost consciousness. Mr. Mondal was taken to the Lalbagh S.D. Hospital, where he was treated until 10 August 2010.</p> <p>On 14 August 2010, Mr. Mondal filed a First Instance Report (case No. 418/10) at the Raninagar Police Station. However, no investigation has been initiated.</p>	
61.		05/10/10	AL	TOR	<p>Concerning allegations of torture and ill-treatment perpetrated by Indian police officers. Summaries of these allegations are contained</p>	<p>By letter dated 30/11/2010, The Government requested information regarding places of occurrence of alleged incidents</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>below.</p> <p>On 3 March 2008, Ms. Anusiya, aged 22, was beaten by four police officers who appeared to be intoxicated and taken to the Theni Police Station. Ms. Anusiya's husband, Mr. Senthilkumar, was beaten and kicked when he tried to defend his wife. The officers proceeded to tear Ms. Anusiya's sari, rip her blouse and grab her breast. When she refused to have intercourse with the officers, Ms. Anusiya was verbally and physically assaulted. One of the officers also threatened to kill her family if she told anyone about the ill-treatment. On 4 March 2008, Mr. Senthilkumar filed complaints with several authorities, but no response has been received.</p> <p>On 21 June 2008, Mr. Marimuthu was taken to the Periyakulam Police Station for questioning, as he was suspected of being involved in a case of theft. He remained handcuffed at the station until the next morning, when he was taken by police jeep to several towns. When Mr. Marimuthu inquired into the destination, he was beaten by the officers. On 23 June, he was taken back to the Periyakulam Police Station, where he was brutally beaten on his back, while his legs were bound with a chain. He was later forced to undress and sit against a wall, while his limbs were stretched in all four directions. Because Mr. Marimuthu continued to deny his involvement in any crime, he was kicked and beaten on his back and ears until he confessed. The following morning, Mr. Marimuthu was released and threatened not to tell anyone about the ill-treatment. On 23 June, Mr. Marimuthu filed complaints with several authorities, but no response has been received. The National Human Rights Commission transferred his complaint to the Superintendent of Police, but no investigation was started.</p>	<p>(village/town/area/district/state) to enable the allegations to be examined suitably.</p> <p>The Permanent Mission of India requests that the response of the Government of India be presented in full to the Special Rapporteur...</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>On 13 July 2008, Mr. Asunmaikkodi was told to go to the police station by Mr. Babul Jesudoss, Sub-Inspector of the Sethur Police Station. When he arrived at the station, Mr. Asunmaikkodi was slapped on the cheek and told his fingerprints would have to be taken, as he was a suspect in several cases of theft. When he refused, Mr. Asunmaikkodi was verbally and physically abused by Sub-Inspector Jesudoss. He was hit on the face, kicked on his back, grabbed by the neck and pushed into a wall, and chained to a window grill. After a few hours, he was given the option of being subjected to additional ill-treatment or to have his fingerprints taken and be released. He agreed to have his fingerprints taken. Upon release, Mr. Asunmaikkodi was once again threatened by Head Constable Mr. Dhanam. On 14 July 2008, Mr. Asunmaikkodi filed complaints with several authorities. No response has been received.</p> <p>On 17 August 2008, Mr. Muthukumar, aged 34, took his father, brother and wife to the Ilaiyangudi Police Station, after they had been brutally attacked by several men. Constable Arul refused to lodge a complaint against the perpetrators allegedly because they were his relatives, and accused Mr. Muthukumar instead. Mr. Muthukumar was then verbally and physically assaulted by Mr. Arul, who also forced him to undress and beat him with a metal baton. Two other constables then stood on Mr. Muthukumar's hands while Mr. Arul beat him with a metal baton on his back. He was left chained and naked on the floor of the police station. His family members were also forced to take their clothes off and threatened with violence if they filed any complaints against the ill-treatment. Mr. Muthukumar and his family are required to report daily to the police station. On 2 September 2008,</p>	

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62.					<p>complaints were filed with several authorities, but no response has been received.</p> <p>On 9 September 2008, Ms. Chellappa was arrested by Inspector Kumaravelu, Head Constable Suppaiyan and two police officers from the Sembanar Koil Police Station. All four men took turns beating Ms. Chellappa with a lathi and verbally harassing her. Ms. Chellappa's daughter, Ms. Thilagavathi, was sexually harassed by the four officers. The officers then entered her other daughter, Ms. Vijaya's room and began to hit her on the back with a lathi. Afterwards, the officers identified themselves and took Ms. Chellappa to the police station. She was released after signing a blank statement. Ms. Chellappa was taken to the hospital for treatment, where she was questioned by two police officers. Her husband filed complaints with various authorities, and although the National Human Rights Commission transferred the complaint to the Superintendent of Police, no action has been taken to investigate the ill-treatment.</p>	<p>By letter dated 25/06/2010, The Government indicated that:</p> <p>Re: Haseena Ara</p> <p>The subject was related to a notorious terrorist Abdul Qayoom Bhat who was suspected to be involved in the killing of a Security official.</p> <p>The Subject was called for questioning at the police post on 4 July 2004 and was questioned for about two hours in the presence of her parents and two lady constables. When the subject informed during questioning that she was ill and under medical treatment at Zachaldara Hospital, she was let go with her parents and admitted to this hospital. However, owing to her</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
63.					Arrest following a police shootout in Imphal Manipur (A/HRC/13/39/Add.1 para 93)	<p>background, she was subsequently taken to some unknown place by terrorists who wanted to project the security forces in a bad light. The subject was ultimately recovered from JVC Hospital, Bemina, Srinagar where she was treated for simple injuries and relieved thereafter. Allegations, such as those contained in the communication, are invariably made at the instance of militant groups in order to put pressure on the security personnel, as also to derive financial benefits from the Government.</p> <p>Re: In habitants of village Choun and Nadigam</p> <p>The allegations are baseless. On 6 May 2004, the village of Choum was cordoned off for a search operation when some unscrupulous elements in the village deliberately instigated a confrontation with the security officials in order to provide a chance to the hiding militants to escape. Allegations, such as those contained in the communication, are invariably made at the instance of militant groups in order to put pressure on the security personnel, as also to derive financial benefits from the Government.</p> <p>Re: Md Amin Peer:</p> <p>The subject was lifted by unknown miscreants to provoke the villagers and engineer their confrontation with the security officials. The subject was provided necessary medical treatment at a hospital. The case was later closed as the miscreants could not be traced.</p> <p>By letter dated 15/07/2010, the Government of India indicated that after an examination of the the communication and it found it to be inaccurate.</p>

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						<p>The investigation in into the matter has shown that, contrary to what has been alleged in the communication, Mr. Phurilatpam Deben Sharma, Mr Dayananda Chingtham, Mr Thounaojam Surjit and Mrs Leimapokpam Nganbi Devi were arrested on 5 August 2009 after observing due formalities, including the presence of lady police. They were later produced before the magistrate on 6 August 2009 and remanded first into police custody and later into judicial custody. Similarly, Mrs Orinman Phanjoubam Sakhi Leima, Mrs Khangembam Lourebam Nganbi and Mrs Yumlebam Mema were arrested on 4 August 2009 after observing due formalities under Unlawful Activities Prevention Act owing to their links with suspect organizations and apprehension that they were planning to commit offence. They were released on 8 January 2010. It may be noted that on 6 August 2009, two days after the above-mentioned arrests, an unruly mob gathered at about 23.10 hrs on National Highway-39 in violation of prohibitory orders that had been promulgated by the local authorities. As a result, the police, which used minimal force under due supervision, was forced to WGEIDerse the mob with anti-riot equipment. It was during this WGEIDersal that Mr Naorem Prakash sustained injuries, including on his eyes and nose, and was evacuated to a local hospital for treatment. A police case was duly registered and an investigation is under way.</p> <p>The Permanent Mission of India requests that the response of the Government of India be presented in full to the Special Rapporteur on the Question of Torture.</p> <p>The Permanent Mission of India to the Office of the United Nations and other International</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
64.					Neel Kumar Mondal, (A/HRC/10/44/Add.4 para. 85)	<p>Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.</p> <p>By letter dated 8/10/2010, the Government indicated that the allegations pertaining to Mr. Aptarul Hossain have been examined and found to be inaccurate. The subject's real name is Akhtar-UI-Zaman who was a part of a three-member smuggling gang that was trying to intrude from across the border on 15 February 2008. The subject sustained a bullet injury in his left leg when his gang disregarded the Border Security Force (BSF) patrol's warning and, instead, tried to attack the patrol, thereby forcing the patrol to open fire. The subject was immediately evacuated to Sub-Divisional Hospital, Bangaon, District 24 Parganas where doctors on emergency duty provided him necessary medical treatment. He was later referred to a bigger hospital in Kokata for specialized treatment. In June 2009, the subject was convicted by the local Court to two years rigorous imprisonment and a fine. It may be noted that adequate mechanism are in place to monitor any human rights violations by the BSF. During 2005-09, 45 BSF personnel, including eight officers, were awarded punishments for human rights violations.</p> <p>With regard to allegations pertaining to Mr. Neel Kumar Mondal and Mr. Dwijen Mondal, the Permanent Mission would like to inform that while the investigation is still in progress with regard to the former, relevant disciplinary proceedings under BSF Act and Rules are under process in the case of the latter.</p>
65.					Arrests of Mr. Jiten Yumnam, Ms. Longjam	By letter dated 06/12/2010, the Government

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					Memchoubi, Mr. Likmabam Tompok, Mr. Amom Soken, Mr. Irom Brojen, Mr. Thiyam Dinesh, Mr. Chung-shel Koireng, Mr. Taorem Ramananda and Mr. Samjetshabam Nando. (A/HRC/13/39/Add.1 para.94)	<p>indicated that the investigation into the matter, including those of relevant medical records, has shown that the subject, Mr Jiten Yumnam, was not tortured by the police. Contrary to what has been alleged in the communication, the medical certificate concerning the subject does not state that subject had been treated for any electric shocks.</p> <p>The Permanent Mission of India requests that the response of the Government of India be presented in full to the Special Rapporteur on the Question of Torture.</p>
66.					Mr. Abhijit Adhikari, (A/HRC/13/39./Add.1 para 95)	<p>By letter dated 18/02/2010, the Government indicated that after examination of the communication, it found it to be inaccurate.</p> <p>The subject, who does not live with his mother but in another village about 3 km from Angrail, was apprehended along with some cattle that he was trying to smuggle across the border at about 0530 hrs on May 2009. Later, as required, the subject and the seized cattle were then handed over to the local Customs authorities who, since the subject was in a fine condition, did not insist on medical examination of the subject before accepting him in custody. The subject was later released by the Customs authorities as per their rules and procedures. After this incident, the BSF approached the subject's mother thrice asking her to persuade her son to refrain from smuggling. However, the mother requested the BSF to be lenient towards her son's smuggling activities in view of the condition of the family. The subject is still suspected to be active and goes by the name of "Bacchhu" among the local smugglers'.</p> <p>It may be noted that the village of Angrail is</p>

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						<p>situated in an area that is notorious for smuggling and other illegal cross-border activities, owing to the local terrain that is conducive to such activities; the border is riverine, unfenced and human habitations often stretch close to the bank of river Ichchamati whose midstream forms the international boundary between India and Bangladesh in this region. There are well organized syndicates of smugglers active in the region that exploit unemployed youth and even young school-going children, especially from poor families, as couriers of contraband goods. Not only do these syndicates attempt to defy the prohibitory orders imposed by the state authorities (namely, Section 144 of the Criminal Procedure Code that prohibits a gathering of more than five people) but also utilizes some NOGs to mount a negative campaign to put pressure on the BSF.</p> <p>The Permanent Mission of India requests that the response of the Government of India be presented in full to the Special Rapporteur on the Question of Torture.</p>
67.					(E/CN.4/2005/62/Add.1 page 168)	<p>By letter dated 25 June 2010, the Government indicated that after examination the complaint was found to be inaccurate. As per available information, the subject were not beaten by the police.</p>
68.	Indonesia	04/05/10	JUA	HLTH; TOR	<p>Concerning Mr. Filep Karma. During his country mission to Indonesia, the Special Rapporteur on torture interviewed Mr. Karma on 15 November 2007 at Abepura Prison (see A/HRC/7/3/Add.7, Appendix I, para. 30). Mr. Filep Karma has been in detention in the province of Papua since December 2004. In August 2009, he complained of pain in the lower abdomen, difficulty in urinating and testicular swelling. He underwent medical</p>	

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					<p>tests, which indicated that he was suffering from bronchopneumonia, excess fluid in his lungs, a urinary tract infection and various other health problems. Despite the fact that the treating doctor recommended he receive additional treatment in Jakarta, he remains in Papua, as prison authorities have indicated they lack the funds to transfer and treat him. Mr. Karma had suffered from health problems before his arrest, but prison conditions have aggravated his health condition.</p> <p>Concern is expressed that Mr. Karma's physical integrity may be at risk if he does not receive further medical attention. Particular concern is expressed regarding detention conditions and the lack of medical care.</p>	
69.		19/07/10	JUA	FRDX; IJL; TOR	<p>Concerning the detention of Fredy Akihary, Leonard Hendriks, Semuel Hendriks, Piter Johanes, Aleks Malawauw, Buce Nahumury Ferdinand Arnold Rajawane, Johny Riry, Mercy Riry, Abraham Saiya, Ferjon Saiya, Johan Saiya, Jordan Saiya, Pieter Saiya, Ruben Saiya, Stevi Saiya, Marthen Saiya, Yefta Saiya, Yohanis Saiya, Johny Sinay, Melkianus Sinay, Yosias Sinay, Johan Teterissa, , all political activists, as well as Flip Malawau, Barce Manuputty, Yutus Nanarian, Petrus Rahayaan Arens Arnol Saiya, Piter Elia Saiya, Elia Sinay and Alexander Tanate.</p> <p>On 29 June 2007, 23 political activists, mostly farmers, performed a traditional Maluku war dance in front of the President of Indonesia and other officials, during a ceremony to mark the 14th anniversary of National Family Day in Independence Field, Ambon, Maluku Province. At the end of the dance, they unfurled the Benang Raja flag, the pro-independence symbol of South Maluku. The political activists had not been registered as part of the ceremony, and were immediately arrested by</p>	

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					<p>approximately 20 police and presidential guards.</p> <p>During the arrest and in the police vehicle, some of the activists were punched and beaten with rifle butts. They were transferred between police stations, including the regional police station (Polda, Polisi Daerah), the district police station (Polres, Polisi Resort) and the police mobile brigade (Brimob, Brigade Mobil Tantui base). Most of the detainees were subjected to torture and ill-treatment in police custody. They were forced to crawl on their stomachs over hot asphalt, billiard balls were forced into their mouths, they were whipped with electric cables, beaten on the head with rifle butts until their ears bled, and shots were fired close to their ears. Afterwards, while they were still bleeding, they were thrown into the sea and dragged out. It has been reported that Special Detachment 88 officers were responsible for the most severe assaults.</p> <p>On the same day, nine other people were arrested for having helped organize the event or for having watched it. Eight of them are serving sentences of between six and 12 years imprisonment. Flip Malawau, Barce Manuputty, Petrus Rahayaan, Arens Arnol Saiya, Elia Sinay, Alexander Tanate and Johan Teterissa were all subjected to beatings with hard objects, including rifle butts, during their pre-trial detention.</p> <p>All of the detainees were denied contact with the outside world for 11 days. Once the trials began, the detainees were transferred to the Waiheru detention centre, where some were coerced into signing statements waiving their right to a lawyer. Those who had lawyers assigned by the State were advised to plead guilty and waive their right to appeal. Additionally, some of the detainees did not</p>	

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					<p>appear before a judge and were nonetheless convicted in absentia. They were all sentenced to between seven and 20 years of imprisonment. No investigation has yet been launched into the allegations of torture and ill-treatment.</p> <p>On 10 March 2009, 11 of the detainees were transferred to correctional facilities in Java, more than 1,000 kilometres away from their families. It is believed that neither the detainees nor their families were informed of their transfer. Lawyers from the Malang branch of the Legal Aid Institute (Lembaga Bantuan Hukum, LBH) Surabaya have been seeking permission to visit three of them, Leonard Hendricks, Johan Teterissa and Abraham Saiya, while in detention in Lowokaru Prison in Malang, East Java. On 12 February 2010, LBH received a copy of a letter from the East Java regional office of the Ministry of Justice and Human Rights to the Director General of Prisons in Jakarta, informing them of LBH's application and asking the Director General to coordinate with the Foreign Affairs Ministry. They have not heard either from the East Java office of the Ministry of Justice and Human Rights or the Director General of Prisons since then.</p> <p>Particular concern is expressed over Mr. Teterissa, who has not received medical treatment since the arrest and ill-treatment. He has a high fever, is in constant pain and cannot see properly. The prison authorities have denied his request for external medical treatment, and a doctor who went to see him on 15 July was also turned away. It is also believed that Mr. Teterissa may be denied access to sufficient food and clean water in prison.</p>	

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70.		22/11/10	JAL	SUMX; TOR	<p>Concerning allegations of a pattern of extrajudicial executions as a result of use of excessive force by the police during riot/ crowd control and when arresting suspected criminals.</p> <p>On 3 August 2009, Mr. Yawen Wayeni, aged 39, of Matembu village, Serui, Wayemi was arrested by the Police Mobile Brigade (BRIMOB) in the Indonesian province of Papua. He was a political activist and an alleged member of a separatist movement (free Papua Movement or Organisasi Papua Merdeka (OPM)). It is reported that during interrogation about the whereabouts of local pro-independence guerrillas (OPM/TPN), BRIMOB officers shot Mr. Wayeni and sliced his abdomen open with a bayonet, causing his death. It is alleged that the victim was unarmed and not politically active at the time of his arrest. BRIMOB maintains that Wayeni's injuries came while he was resisting arrest with a homemade firearm. A video was reportedly recorded a few moments before Mr. Wayeni's death by an unknown source. It shows Indonesian police officers taunting Mr. Wayeni as he laid dying from the gunshot wounds the officers had inflicted on him. The film shows the officers insulting him while he exclaims the word "independence."</p> <p>On 30 August 2010, Mr. Kasmir Timumun, aged 19, was found hanging in a police cell at the Biau sector police station, Central Sulawesi. He was arrested on suspicion of speeding and injuring a police officer. The police alleged that he had committed suicide; however his family indicated that there were signs of torture such as bruises on his body. The family requested an autopsy however this was denied. There were protests in response to the death of Mr. Timumun and the protestors raided Biau sector police station. They</p>	

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					<p>allegedly attacked police officers and burnt motorcycles parked outside the police station. The police opened fire on the protesters, killing seven people and injuring at least twenty. We are informed that an investigation was initiated and several police officers were questioned.</p> <p>On 15 September 2010, an unidentified man driving a motorcycle accidentally hit a female Arfak tribal leader. The accident occurred in front of the offices of the Commando of Brigade Mobile police in Rendani Manokwari. After the accident the driver ran and hid in the police offices. Several people gathered outside the offices demanding that the man should come out. When the police refused to release the driver, the protesters started pelting stones at the police officers.</p> <p>In response the police opened fire and killed Reverend Naftali Kuan, aged 58 and his son Septinue Kuan, aged 33. Mrs. Antomina Kuan, aged 55, was shot in the neck and taken to Monokwari Hospital. It is alleged that the victims were attempting to calm down the people who were demanding the release of the driver.</p> <p>Two unidentified Papuan men were subjected to torture by State security forces probably in Tinninambut in Puncak Jaya regency. The torture was filmed and widely diffused on the internet by unknown individual(s). The first part of the video shows men being slapped around the face and threatened with knives by what appear to be Indonesian security force officers in plain clothes. The men who were hog-tied, then suffocated with a plastic bag, or have their genitals repeatedly branded with a burning stick.</p> <p>In the second part of the video, two bound men are subjected to physical abuse by soldiers in</p>	

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					uniform. The video shows the soldiers kicking a group of men - seated and bound - in the head. The soldiers insult and humiliate them while they are being questioned about their supposed involvement with armed separatist groups. One of the men is also threatened with a knife to the throat. On 11 November 2010, the Cendarawasih Military Court III/19 in Jayapura handed a five month sentence of imprisonment to three low-ranking officers of the Pam Rahwan Yonif 753/Arga Vira Tama squad. The three officers, Chief Pvt Sahminan Husain Lubis, Second Pvt Joko Sulistiono and Second Pvt Dwi Purwanto, were accused of being responsible for the torture and ill-treatment of those who are the subject of this letter.	
71.	Iran (Islamic Republic of)	29/12/09	JUA	WGAD; FRDX; SUMX; TOR	Concerning the use of excessive force by the security forces and the Basij militia against demonstrators on 27 December 2009, alleged arbitrary arrests and the suppression of (at least initially) peaceful assemblies.	Widespread protests broke out in Tehran, Mashhad, Isfahan, Shiraz, Tabriz, Qom and several other cities in Iran on 27 December 2009. Reports and videos indicate that Basij militia and security forces attacked protesters using excessive force and live ammunition. Near Daneshjoo Park in Tehran, for instance, members of the Basij militia beat demonstrators with batons, wood sticks and metal pipes, killing at least one person. As this demonstrator's dead body was moved through the crowd, other demonstrators started attacking the Basij members, brought several of them down from their motorcycles, and set vehicles of the security forces on fire. In an unspecified location, security forces tied a young protestor to the back of a van and dragged him on the asphalt. Other

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					<p>demonstrators attacked the van, took the passengers out and set the van on fire.</p> <p>In Enqelab Street and at Pol-e College in Tehran security forces used live ammunition against protesters. Three persons were reportedly killed at Pol-e college. Mr. Seyd Ali Moussavi, aged 35 and nephew of Mr. Mir Hossein Moussavi, an opposition candidate for president in the recent elections, was shot in the back, apparently injuring his heart, and killed by security forces at around noon in Enqelab Square.</p> <p>Reports further indicate that four protesters were killed in Tabriz. Reports vary as to the overall death toll on 27 December 2009, fifteen dead being the highest number indicated in reports we have received.</p> <p>About 300 persons were arrested on 27 December 2009. They include three advisers to Mir Hossein Moussavi, namely Messrs. Alireza Beheshti, Ghorban Behzadian-Nejad and Mohammad Bagherian, and two aides to the former President Mr. Mohammad Khatami, Messrs. Morteza Haji and Hasan Rasooli. In the early morning hours of 28 December, Mr. Ebrahim Yazdi, aged 78, a former foreign minister and now leader of the Freedom Movement of Iran, was arrested.</p> <p>According to information received regarding the events from 15 June to the end of August 2009 (the first two paragraphs restate information already contained in our communication of 18 June 2009, which has remained without a response):</p> <p>On 13 June 2009, approximately 170 people were arrested during clashes between security forces and hundreds of demonstrators around the Ministry of the Interior and other areas in central Tehran. Those arrested reportedly</p>	

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					<p>included leading political figures who were accused by the authorities of having ‘orchestrated’ the unrest. Some had been released by 18 June 2009. Police on motorcycles also reportedly beat opposition supporters who had staged a sit-in in Vanak Square, Tehran, to protest the results of the elections.</p> <p>On 14 June, up to five students including Fatemeh Barati, Kasra Sharafi, Mobina Ehterami, Kambiz Sho’a’i and Mohsen Imani were shot dead when security agents reportedly stormed a dormitory at Tehran University and opened fire. Numerous students were arrested and many others suffered serious injuries during the raid. In another incident on the same day, approximately 100 riot police pursued some 300 students on grounds belonging to the University of Tehran. Pepper spray and tear gas were reportedly used to restrain the student protesters. Protestors were arrested also at demonstrations in provincial cities such as Zahedan, Tabriz, Mashhad, Babol, and Shiraz.</p> <p>On 15 June, members of the Basij militia opened fire in the Velenjak, Jordan and Darous districts of Tehran. A video taken on 15 June 2009 shows a member of the Basij firing towards demonstrators from a building used by the Basij. At least seven persons were killed on that day.</p> <p>On 20 June, Ms. Neda Agha Soltani was shot on Khosravi street in Tehran. The bullet hit her chest just below the collar bone, and she died within a minute. Although she was immediately taken to Shariati hospital, where her death was confirmed, no autopsy was carried out before she was buried at Behesht-e Zahra cemetery. A member of the Basij militia is reported to have exclaimed at the scene of</p>	

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					<p>the shooting “I did not mean to kill her!” His identity is known in Iran, as his ID card was grabbed by witnesses and a picture of it posted online.</p> <p>Also on 20 June, opposite the Navvab metro station in Tehran, members of the Basij militia opened fire from the roof of the Lolagar mosque at persons in the street with Kalashnikovs and Heckler & Koch G3 guns. A young boy was hit in the head and his brain spattered on the platform outside the metro station. A young man was hit in the throat by a tear gas bullet and died on the spot.</p> <p>On 22 June, the Office of the Prosecutor General stated that it had started an investigation into the killings on 20 June. More than half a year later, no results of that investigation have been made public.</p> <p>On 25 June, Basij militia on the roof of the Lolagar mosque shot and killed Mr. Ya’qoub Barvayeh, a student aged 27. The Basij militia removed the body. His family were told two days later where he was buried.</p> <p>On 30 July 2009, Ali Reza Tavassoli, aged 12, was killed by blows in the head inflicted by Basij militia men at a demonstration to commemorate the 40th day since the death of Neda Agha Soltani. Members of the Basij militia removed his body from hospital.</p> <p>The authorities reported that 36 persons died during the unrest following the elections, including members of the Basij militia, but family members of persons who went missing and who inquired with the authorities, report that they were shown albums containing photographs of hundreds of corpses in makeshift morgues. According to one source, 200 demonstrators were killed in Tehran and</p>	

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					173 in other cities.	
					On 25 August 2009, a Member of the Article 90 Commission of the Parliament requested an official investigation into reports that 44 bodies of killed protesters had been buried secretly at night in anonymous graves in section 302 of the Behesht-e Zahra cemetery in Tehran. The chief administrator of the cemetery stated that the bodies were those of unknown victims of car accidents and drug overdoses. He was subsequently removed from his post by the Tehran city administration. The outcome of the investigation into the reports of anonymous graves section 302 of the Behesht-e Zahra cemetery is not known.	
72.		07/01/10	JUA	WGAD; FRDX; HRD; IJL VAW; TOR	Concerning the arrest and incommunicado detention of a large number of human rights defenders, lawyers, journalists and bloggers in the wake of the anti-Government protests during the observance of Ashura on 27 December 2009.	
					Mr. Reza Al-Bacha, a Syrian journalist employed by Dubai TV, was arrested on Sunday, 27 December 2009.	
					Mr. Mashaallah Shamsolvaezin, spokesperson for the Association of Iranian Journalists and the Press Freedom Committee, and the editor of reformist Iranian newspapers, was arrested on 28 December 2009 in his home by plain clothes officers. Allegedly the men did not present an arrest warrant, only a document with the heading of the Revolutionary Court, which however did contain neither his name nor any reasons for his arrest.	
					Mr. Badrolssadat Mofidi, the Secretary General of the Association of Iranian Journalists was arrested on 28 December 2009.	
					Mr. Emadeddin Baghi, a prominent human	

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					<p>rights defender and the founder of the Society for the Defence of Prisoner's Rights, winner of the Martin Annals Award in 2009 and a leading advocate against the death penalty, was arrested on 28 December 2009 in his home by plain clothes officers. Mr. Baghi reportedly suffers from heart and nerve conditions which were further aggravated by his previous detentions.</p> <p>Ms. Noushin Ebadi, the sister of Nobel Peace Prize winner Shirin Ebadi, a dentistry professor, was detained on 28 December 2009 and held at an unknown location since.</p> <p>Mr. Mortaza Kazemian, a journalist working for several newspapers and reformist websites, was arrested by men in plain clothes at his home in Tehran on 28 December 2009.</p> <p>Ms. Mansoureh Shojaie, who contributes to various women's rights websites, including www.feministschool.com, was arrested in the evening of 28 December 2009.</p> <p>Mr. Kivan Mehrgan, journalist working at the daily newspaper Etemaad; Mr. Nassrin Vasiri, journalist for the ILNA news agency and Mr. Abdolreza Tajik, a reporter, were also arrested on the same day.</p> <p>Since 28 December 2009, further arrests have also taken place, including Mr. Hesmatollah Tabarzadi, a student activist; Mr. Alireza Beheshti, director of the website Kalame and Mr. Mostafa Izadi, Mr. Kevyan Mehregan, who are journalists. Ms. Zohreh Tonkaboni, member of the organization 'Mothers for Peace' and the Secretary General and Deputy Secretary General of the Cultural Foundation, Mr. Baran Morteza Haji and Mr. Hasan Rasouli, were also among those arrested.</p> <p>Mr. Mohammad Sadegh Javadihessar,</p>	

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					<p>columnist for the now closed daily Etemad-e Melli, was arrested on 30 December 2009, after having been summoned by the Ministry of Intelligence. It is reported that books and his computer's hard drive have also been confiscated following a search of his home.</p> <p>Ms. Maryam Zia, children's right activist, President of the NGO 'Struggle for a World Deserving of Children' and member of the 'One Million Signatures Campaign' was arrested on 31 December 2009 in her home by plain clothes officers.</p> <p>On 1 January 2010, Mr Nemat Ahmad, a lawyer representing imprisoned journalists; Mr. Mahsa Hekmet, journalist working for the now closed Etemad-e Melli newspaper, as well as Mr. Mohammed Reza Zohdi, former editor of the now closed newspaper Arya have been arrested.</p> <p>Ms. Parisa Kakei, journalist and blogger for the weblog http://parisad.blogspot.com was arrested on 2 January 2010 after being summoned by the Ministry of Intelligence.</p> <p>Concern is expressed that the arrest and detention at unknown location and without charges of the above-mentioned journalists, lawyers, bloggers and human rights defenders may be related to their activities in defence of human rights and promoting democracy in Iran. In light of their alleged incommunicado detention, further serious concern is expressed regarding the physical and psychological integrity of those arrested.</p>	
73.		27/01/10	JUA	AJL; SUMX; TOR; VAW	Concerning a woman and a man who have been sentenced to death by stoning for adultery, Ms. Sareimeh Ebadi, aged 30, mother of two children, and Mr. Bu-Ali Janfeshani, aged 32, father of one.	By letter dated 07/10/2010, the Government indicated that Islamic law aims to ensure the stability of society from its very base - the family -which is the 'nucleus' of society that breeds society values and holds together the various institutions in the society. The heavy

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					A criminal court in Oroomiyeh, West Azerbaijan Province, sentenced Sareimeh Ebadi and Bu-Ali Janfeshani to death on charges of adultery. The death sentence followed a trial in which they were allegedly denied the right to select their own defense attorneys. On 6 January 2010 (or 8 January, according to other reports received), Branch 12 of the West Azerbaijan Court of Appeals upheld the death sentence. Both defendants are held in Oroomiyeh central prison.	penalty of stoning is stipulated in Islam in order to serve as a strong deterrent. However, Islam has set very difficult condition in punishing these types of serious offenses. The purpose behind the difficulty in proving guilt in such offenses is to reduce to minimum the probability of error in judgments. The penalty is applied only after it is proved that the public conscience has been harmed and upon the testimony of many witnesses. Therefore, although the punishment is very harsh and severe, the evidence required for proof is also extremely complicated. The purpose of Islam for such harsh rules is to have a mechanism for deterrence and to prevent the recurrence of such crimes in the society. There are practically a lot less family betrayals in Islamic societies than in the secular Western societies. Islamic religious scholars believe that the punishment of stoning is totally different from execution and the two are not comparable. However, with respect to the accusation of adultery against Ms Sarimeh Ebadi, she was first tried in a court in the city of Orumieh, but because of the importance of the case, it should be heard by a provincial criminal court in accordance with article 4 of file law relating to the reform of general courts adopted in 2002. The case is presently under review by the provincial criminal court of West Azerbaijan in Branch 5. No ruling has yet been issued on this case.
74.		27/01/10	JUA	WGAD; WGEID; FRDX; HRD; TOR	Concerning the continuing arrests of journalists in Tehran, including Mr. Behrang Tonekaboni, Mr. Kaycan Farzin, Mr. Azad Lotpoury, as well as Mr. Tonekaboni's mother, Ms. Lily Farhadpour, member of the Iranian NGO "Mothers for Peace". On 5 January 2010, Mr. Behrang Tonekaboni, editor of "Farhang va Arhang", and his	

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					<p>colleague Mr. Kayvan Farzin were arrested at their office in Tehran. Following the arrest, Mr. Tonekaboni was taken to his home, which was searched and some items, including his mother's computer, were confiscated. After his arrest, Mr. Tonekaboni telephoned his mother twice, but he was not allowed to indicate where he was. On 20 January, Ms. Lily Farhadpour was summoned to the Ministry of the Intelligence and sent home after waiting for several hours without being questioned. Later that day, she was arrested at her home. Both Mr. Tonekaboni and Ms. Farhadpour require daily medication.</p> <p>On 14 January, Mr. Azad Lotpoury, editor of the Kurdish and Fasi-language newspaper "Yaneh" was arrested by officers from the Ministry of Intelligence at his home in Sanandaj.</p> <p>Although the reasons for their arrests are not known, it is believed that they may be related to the ongoing protests against the Government in the Islamic Republic of Iran. In addition, several of the journalists arrested in Tehran are presumed to be held at section 240 of Evin prison, where they have been subjected to pressure in order to confess. However, the exact whereabouts of Mr. Tonekaboni, Mr. Farzin, Ms. Farhadpour and Mr. Lotpoury remain unknown.</p> <p>In light of their alleged incommunicado detention, concern is expressed regarding the physical and psychological integrity of Mr. Tonekaboni, Mr. Farzin, Ms. Farhadpour and Mr. Lotpoury.</p>	
75.		11/02/10	JUA	WGAD; FRDX; TOR	Concerning Dr. Ahmad Zeydabadi, Mr. Massoud Bastanie, and Mr. Isa Saharhiz, journalists and active members of the Iranian Journalists Union.	By letter dated 07/10/2010, the Government indicated that according to information we have received, MI Saharhiz was in charge of foreign news service of one of the

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					<p>Dr. Ahmad Zeydabadi was arrested in June 2009, shortly after the presidential election. Mr. Massoud Bastanie was arrested in August 2009. They were both transferred to the maximum security prison Rajayee Shahr (Gohardasht prison). Both Dr. Zeydabadi and Mr. Bastasnie have reportedly been pressured in order to confess to being part of foreign plots to destabilize or topple the Government.</p> <p>On 7 February, Mr. Saharkhiz was woken up at 1:00 a.m., taken to the courtyard at Rajayee Shahr prison in freezing temperatures, and forced to walk barefoot for two hours, as a disciplinary measure. Mr. Saharkhiz was reportedly beaten during his arrest in 2009. As a result his ribs were broken. He also suffers from hypertension and chronic thyroid disorder. However, he has been denied medical attention since the arrest</p>	<p>presidential candidates (Mr. Karoobi) and played an effective role after the election in propagating fictitious news, attributing fabricated allegations to high-ranking officials of the country, disturbing public mind and provoking unrest. He was arrested on the basis of a warrant; and after completion of investigations and collection of evidence; the investigating judge on 3 July 2009 remanded the accused in light of previous records of commission of numerous offences. On 14 December 2009 an indictment was issued charging him for his actions in waging propaganda against the Mamie Republic of Iran, insulting the high-ranking officials of the country and disturbing public mind, his case was sent to the court - Branch 15 - and the first hearing was held on 18 July 2010. He has four defense lawyers ~ Ms. Nasim Ghnavi, Sepanta Jaferi, Nasrin Sotoodeh and Mr. Mohammad Reza Afghani. Despite the factious claim concerning his lawyers not being able to have access to his dossier, according to our inquiries his defense lawyer - Mr. Faghihi - came to me court and read his case on 2 Esfand 1388 and 14 Farvardin 13 89. Moreover, the lawyers met their client number of times. Mr. Saharkhiz is serving his sentence in the general cell of Evin Prison and is in good health. In addition to having telephone contacts, his family visits him weekly. The Claims concerning the mistreatment of Mr. Saharkhiz in prison is rejected.</p> <p>On Mr. Zeidabadi:</p> <p>He was arrested on the charge of acting against the security of the State by participating hi illegal assemblies, fomenting unrest and waging propaganda against the Islamic Republic of Iran on 16 June 2009 on</p>

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76.		22/03/10	JUA	FRDX; IJL; TOR	<p>Concerning Heshmatollah Tabarzadi (“Heshmat”), a journalist and leader of the Democratic Front of Iran, a banned political party.</p> <p>Mr. Heshmatollah Tabarzadi was arrested on 27 December 2009 in Tehran, by intelligence officers from the Revolutionary Guard. Upon arrest, his computer, phone book, photo albums, video tapes, fax and mobiles phone were confiscated. It is believed that Mr. Tabarzadi’s arrest may be as a result of an article which was published on 17 December in a United States-based newspaper, and which stated that “if the Government continues to opt for violence, there very well may be another revolution in Iran...”.</p> <p>Mr. Tabarzadi has been accused of “insulting the Supreme Leader”, “insulting the Islamic Republic” and “acting against national</p>	<p>the basis of a warrant of arrest issued by judicial authorities. After completion of legal process, he was tried and sentenced to 6 years in prison. His sentence was upheld by the appellate court. His defense lawyers were Mr. Mohammad Sharif and Ms. Afroz Mogbezi.</p> <p>On Masood Moradi Bastani</p> <p>He was arrested on 5 July 2010 on the charge of acting against national security by participating in illegal assemblies and provoking unrest as well as waging propaganda, against the Islamic Republic of Iran. His arrest was on the basis of a warrant issued by the judicial authorities and after completion of the legal process an indictment was issued. He was tried by a criminal court in presence of a defense attorney. After hearing the defense arguments and pleadings, the court sentenced him to 6 years in prison which was also upheld by the appellate court.</p>

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					<p>security”. He has not had access to a lawyer, but has been able to receive visits from his family and to talk to them on the phone, albeit while being monitored by the police administration. During his interrogation by intelligence officers, Mr. Tabarzadi was blindfolded, beaten and threatened with the death penalty.</p> <p>Concern is expressed that the arrest and detention of Mr. Tabarzadi may form part of an attempt to stifle his rights to freedom of opinion expression, peaceful assembly, and participation in the conduct of public affairs, directly or through freely chosen representatives, in the country. In light of the above allegations of threats and ill-treatment, further concern is expressed for the physical and psychological integrity of Mr. Tabarzadi.</p>	
77.		08/04/10	JUA	WGAD; TOR	<p>Concerning Mr. Mostafa Eskandari and his wife, Mrs. Kobra Zaghehdoost Zagheh.</p> <p>On 30 July 2009, Mr. Mostafa Eskandari and his wife, Mrs. Kobra Zaghehdoost Zagheh, were arrested at Behest Zahara Cemetery in Tehran, while attending the 40th ceremony of the death of Mrs. Neda Aghasoltan, who was killed during the protests surrounding the 2009 elections. Mr. Eskandari was taken to section 209 of Evin Prison, and transferred to section 240 on 28 September 2009. He was reportedly beaten, kicked and punched by prison officials in both sections of Evin prison, resulting in a broken nose, teeth and ribs. He was also threatened with being killed, and that his death would be announced as a suicide. As a result of his injuries, Mr. Eskandari had to be hospitalized. It is believed that Mr. Eskandari has been transferred to Rajaeepour Prison in Karaj, where he has allegedly received new threats. Mrs. Zaghehdoost Zagheh was also</p>	

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					beaten and currently remains in detention.	
78.		23/04/10	JUA	SUMX; TOR	<p>Concerning the imminent execution of Hossein Khezri and Zeynab Jalalian.</p> <p>Mr. Hossein Khezri was arrested on 31 July 2008 in Kermanshah. On 11 July 2009, he was convicted for “enmity against God” (moharebeh) and endangering state security, and sentenced to death. During his detention, Mr. Khezri was reportedly subjected to torture, leading to the partial loss of his eyesight. His request for an investigation of the allegations of torture was denied in March 2010. On 11 April 2010, he was transferred from Oromieh Central Prison to an unknown location. Such transfers of persons sentenced to death are a common indication that an individual’s execution is imminent.</p> <p>Ms. Zeynab Jalalian was arrested in the spring of 2008 and held in a Ministry of Intelligence detention facility. It is believed that she was not granted access to a lawyer during her trial. In January 2009, Ms. Jalalian was convicted by the Kermanshah Revolutionary Court for “enmity against God” and was sentenced to death. The sentence was confirmed by the Supreme Court on 26 November 2009. In March 2010, Ms. Jalalian was transferred from Kermanshah Prison to an unknown location. In late March, she was transferred to Section 209 of Evin Prison. It is believed that her transfers are in preparation for her execution.</p> <p>The Special Rapporteur on extrajudicial executions has previously addressed your Excellency’s Government in a communications dated 31 August 2006, 26 July 2007, 24 April 2008, 18 July 2008, 28 April 2009, and 12 October 2009 and 14 January 2009. He has raised concern with regard to the compatibility of the imposition of the death penalty on the</p>	

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					charge of moharebeh with international law obligations accepted by the Islamic Republic of Iran.	
					In the communication dated 14 January 2010 he inter alia raised the cases of Ms. Zeynab Jalalian and Mr Hossein Khaziri (or Khezri) in which he urged your Excellency's Government to take all necessary measures to guarantee that no one is executed on the basis of a judgment finding him or her guilty of moharebeh, that all death sentences imposed on charges of moharebeh are reviewed, and that the death penalty is no longer imposed on charges of moharebeh.	
79.		05/05/10	JUA	HLTH; TOR	Concerning Ayatollah Sayed Hossein Kazemeyni Boroujerdi, Iranian citizen, who has been the subject of joint urgent appeals dated 20 December 2006, 30 August 2007 and 3 June 2009. In its response dated 14 February 2008, the Government of the Islamic Republic of Iran indicated that Mr. Boroujerdi had committed "anti-Islamic teaching acts" and that the Special Court for the Clergy had sentenced him in this context to ten years of imprisonment.	
					Mr. Boroujerdi has spent approximately one year out of his prison sentence in solitary confinement at Evin Prison and Yazd Central Prison. During his detention, and particularly since January 2010, he was been subjected to various forms of ill-treatment, including apparent attacks on his life. From 22 to 27 April 2010, he was held in solitary confinement in the "information ward", as a punishment for speaking on the phone about the conditions and treatment at Evin Prison. During this time, the guards reportedly threatened to amputate both his hands if he spoke of the torture and ill-treatment he had been subjected to. It is also believed that on 27	

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					<p>April, several gases were diffused in his cell. As a result, Mr Boroujerdi was unable to stand easily, suffered from vertigo and vomiting, and had injuries on his vocal cords, forcing the guards to transfer him to the general ward. He has allegedly not received any medical attention and has been barred from receiving any visits.</p> <p>In light of the allegations of torture and ill-treatment against Mr. Boroujerdi, as well as his urgent need for medical attention, concern is expressed for his physical and psychological integrity.</p>	
80.		23/06/10	JUA	WGAD; FRDX; HRD; TOR	<p>Concerning the arrest and detention of Ms. Narges Mohammadi and Mr. Abdolreza Tajik. Ms. Narges Mohammadi is the deputy head of the Defenders Human Rights Centre (DHRC). Mr. Abdolreza Tajik is a journalist and member of the DHRC. The closure of the Defenders Human Centre and the arrest and detention of, as well as judicial proceedings against its director and members were the subject of several communications sent to your Excellency's Government, including on 16 July 2009, 18 June 2009, 19 January 2009,(A/HRC/13/39/Add.1, paras 120 and 122) 31 December 2008 and 22 December 2008. Mr. Tajik was also the subject of joint urgent appeals sent on 10 July 2009 and 7 January 2010.</p> <p>On 10 June 2010, Ms. Narges Mohammadi was arrested at her home in Tehran by security forces. According to information received, those carrying out Ms. Mohammadi's arrest were not in possession of a valid arrest warrant issued by a judicial official, but instead showed a letter stating that they had the authority to search Ms. Mohammadi's house and to arrest her. Ms. Mohammadi has been permitted only one phone call to relatives and has been held</p>	

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					<p>incomunicado since then in Evin Prison.</p> <p>On 12 June 2010, Mr. Abdolreza Tajik was arrested as he was leaving his office, after being summoned by the Ministry of Intelligence in Tehran. Mr. Tajik has been held incomunicado in Evin Prison since then. Mr. Abdolreza Tajik was prevented from leaving the country in February 2009, on his way to attend a seminar in Spain. He was arrested on 14 June 2009 and released on bail after 45 days in detention. He was rearrested again in December 2009.</p> <p>Ms. Narges Mohammadi was allegedly prevented from leaving the Islamic Republic of Iran in May 2010, when she was about to attend a conference in Guatemala. She has been reportedly regularly summoned for interrogation and advised to stop her work with the DHRC.</p> <p>The Defenders of Human Rights Centre has been closed since December 2008.</p> <p>Concern is expressed that the arrest and incomunicado detention of Ms. Narges Mohammadi and Mr. Adbolreza Tajik may be in connection with their peaceful activities in defence of human rights, in particular their work in the Defenders of Human Rights Centre.</p>	
81.		24/06/10	JUA	SUMX; TOR; VAW	<p>Concerning the imminent execution of Ms Mohammadi-Ashtiani who has been sentenced to death by stoning for committing adultery with two men after having been convicted for the same offence on the charge of illicit relations.</p> <p>Ms Mohammadi-Ashtiani has been in jail in Tabriz for the past five years. She was initially sentenced on 15 May 2006 by a court in the city of Osku in the North West Iranian province</p>	

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					<p>of East Azerbaijan for the crime of having “illicit relations” with the two men, in other words engaging in conduct that did not constitute sexual intercourse. She was sentenced to 99 lashes for the offence of having illicit relations.</p> <p>On 10 September 2006, a second charge relating to the same offence was brought against Ms Mohammadi-Ashtiani and she was charged with the offence of adultery before the Sixth Branch of the Penal Court of East Azerbaijan Province. Ms Mohammadi-Ashtiani denied the charge and according to information received, no relevant evidence was admitted against her and she was convicted solely on the basis of the judge’s opinion that she had committed adultery. She was subsequently sentenced to death by stoning. We are informed that the court recently issued a final verdict in the matter and that her execution is imminent. Ms Mohammadi-Ashtiani has appealed for clemency from the Head of the Judiciary in the Islamic Republic of Iran, Head of the Ministry of Justice in East Azerbaijan Province and from the Pardons Commission.</p> <p>The imposition of the death penalty for the offence of adultery has been the subject a previous communication between your Excellency’s Government and our respective mandates. In a communication dated 27 January 2010, we brought to the attention of your Excellency’s Government the case of Ms. Sareimeh Ebadi, aged 30, and Mr. Bu-Ali Janfeshani, aged 32, who had been sentenced to death by stoning for adultery. We are yet to receive a reply to this communication from your Excellency’s Government.</p>	
82.		01/07/10	JUA	RINT; HLTH; HRD;	Concerning Majid Tavakkoli, aged 24, member of the Islamic Students’ Association at Amir	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
				TOR	<p>Kabir University.</p> <p>Majid Tavakkoli was first arrested on 7 December 2009 after he gave a speech at a student demonstration at Amir Kabir University in Tehran. He ended a seven-day hunger strike in protest for being placed in solitary confinement when he was transferred to the general section of Evin Prison on 29 May 2010. However, on 22 June, he was transferred to Section 350, where the conditions are believed to be poor, with overcrowded cells, inadequate food and sanitary facilities. Mr. Tavakkoli suffers from a respiratory condition which has worsened during his detention, and for which he has not received medical attention.</p> <p>Mr. Tavakkoli was beaten upon arrest. Additionally, on 8 December 2009, Fars News Agency published pictures of Mr. Tavakkoli wearing women's clothing, indicating he had been wearing them to avoid arrest. However, it is alleged that he was forced to wear the clothes to humiliate him.</p> <p>His trial took place in January 2010, but his lawyer was not allowed to attend. Mr. Tavakkoli was sentenced to five years imprisonment for "participating in an illegal gathering", one year for "propaganda against the system", two years for insulting the Supreme Leader" and six months for "insulting the President". He was also banned from participating in political activities or leaving the country for five years.</p>	
83.		12/08/10	JUA	HLTH; IJL; TOR	<p>Concerning Ms. Sarah Emily Shourd.</p> <p>Ms. Sarah Emily Shourd was arrested on 31 July 2009, together with two companions, by Iranian border guards near the Ahmed Awa waterfall resort area, Iraq. They were forced to cross the border to Iran, and Ms. Shourd was</p>	<p>By letter dated 07/10/2010, the Government indicated that they were detained by the border guards on charges of illegal entry and espionage. Their case and charges against them have been reviewed by the investigating judge and in view of the evidence obtained; a</p>

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					<p>taken to Evin Prison, where she is still being held. Since her arrest, Ms. Shourd has been held in solitary confinement and without any charges brought against her. She has only received one family visit and she has had no access to her lawyer. In addition, she suffers from a precancerous condition on her cervix which needs to be monitored and treated, and she recently found a lump on her breast. However, she has only seen a doctor once since her detention.</p> <p>Due to the extended detention in solitary confinement and lack of adequate medical attention, concern is expressed for the physical and psychological integrity of Ms. Shourd.</p>	<p>court order for remand detention was issued. The accused persons and their defense lawyers - Mr. Masood Shafie - protested the court order. The order by the court was upheld. All three accused persons have had access to defense lawyer and were able to meet their family. Moreover, Ms Sara Shoard's remand detention was changed into a bail on Islamic compassionate grounds and after posting the bail, she was freed and returned to the United States.</p>
84.		12/08/10	JUA	WGAD; FRDX; HRD; TOR	<p>Concerning Mr. Abdolreza Tajik, a journalist and member of the Association of Human Rights Defenders. Mr. Tajik was the subject of previous communications sent on 23 June 2010, 7 January 2010 and 10 July 2009.</p> <p>Mr. Abdolreza Tajik was arrested on 11 June 2010 by security officers. It is the third time he has been arrested following the 2009 presidential elections in Iran. Since the arrest, Mr. Tajik has been held in solitary confinement and subjected to torture and ill-treatment, in order to extract a confession. It is also believed that Mr. Tajik was "defiled" in the presence of Tehran's deputy prosecutor. Although Mr. Tajik's family filed a complaint with the Tehran Prosecutor-General, no action has been taken to investigate the allegations of torture and ill-treatment. Additionally, Mr. Tajik has not been allowed to meet with his lawyer and was only granted one meeting with his family.</p>	
85.		27/08/10	JUA	FRDX; HRD; TOR	<p>Concerning the situation of Ms. Shiva Nazar-Ahari, a member of the Committee of Human Rights Reporters (CHRR), an Iranian human rights non-Governmental organization. Ms.</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>Shiva Nazar-Ahari has been the subject of joint urgent appeals sent by several Special Procedures mandate-holders on 22 February 2010 and 10 September 2009. We regret that both urgent appeals are left unanswered as of today.</p> <p>Since 20 December 2009, Ms. Shiva Nazar-Ahari has reportedly been detained and charged with moharebeh (enmity with God), under article 186 of the Iranian Penal Code, which potentially carries the death penalty, as well as with “assembly and collusion to commit a crime” (article 610) and “propaganda against the Regime” (article 500). Ms. Shiva Nazar-Ahari and her organization are reportedly accused of contacting the People's Mojahedin Organization of Iran, a group which is allegedly banned in the country.</p> <p>Ms. Shiva Nazar-Ahari has further been charged with “causing unease in the public mind through writing on the CHRR's website and other sites” and “acting against national security by participating in [anti-Government] demonstrations on 4 November 2009 and 7 December 2009”. Ms. Shiva Nazar-Ahari denies participating in these demonstrations as she had allegedly been working on those days.</p> <p>Ms. Shiva Nazar-Ahari is currently being tried in Branch 26 of the Revolutionary Court in Tehran. The next hearing will take place on 4 September 2010.</p> <p>It is reported that Ms. Shiva Nazar-Ahari has been held in solitary confinement, in a cage-like cell which prevents her from moving her arms and legs. In addition, she has limited access to her family</p>	
86.		23/09/10	JUA	WGAD; HRD; IJL;	Concerning Mr. Abdollah Momeni, member and spokesperson of the Central Council of the Alumni Organization of University Students of	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
				TOR	<p>the Islamic Republic of Iran (Sazeman-e Danesh Amookhtegan-e Iran-e Islami—Advar-e Tahkim-e Vahdat), an organization working toward the advancement of democracy and human rights. Mr. Momeni was the subject of communications sent on 12 July 2007, 31 July 2008 and 10 July 2009.</p> <p>Mr. Abdollah Momeni has been detained at Evin Prison since his arrest in 2009. Upon arrest, he was beaten, punched and kicked by security officials. The officials then shackled his hands and feet and took him to Evin prison. Upon arrival and throughout the first interrogations, he was threatened with execution. He spent 86 days in solitary confinement, and 50 in incommunicado detention. Afterwards, he was transferred to wards 209 and 240, respectively where he was only allowed to go to the courtyard on six occasions during seven months. He was allowed a very short phone call to his family every two weeks, with the presence of his interrogator.</p> <p>After spending two days in a cell in Section 109, where the carpet was covered with faeces, he was transferred to Section 240, under the authority of the Ministry of Intelligence. The cell measured 1.6 by 2.2 meters, forcing him to lie in one position the whole time.</p> <p>During the lengthy interrogation sessions, he was forced to stand on one foot for long periods of time. Pressure was applied to his throat several times, leading to him losing consciousness. Afterward, he suffered from severe pain in the neck and throat, which made eating or drinking intolerable. The aim of the interrogations was to force him to confess to having had sexual relations with other men. When he did not reply what was expected from him, he was forced to eat the interrogation</p>	

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					<p>forms. During the interrogations, Mr. Momeni was beaten, slapped, punched and kicked throughout the face and body on numerous occasions. He was also verbally insulted and threatened with rape. On one occasion, the interrogators forced his head down the toilet, forcing him to swallow feces.</p> <p>Mr. Momeni was told by one of the interrogators that he should not request the services of a lawyer, and he was not allowed to appoint a private one. He refused the services of the public defender, who would have needed the approval of the interrogators. When he was presented before the court, he read the statement provided by the interrogators, as they had agreed to release him if he did so. At the meeting with the prosecutor, the interrogator was present, and Mr. Momeni did not mention the ill-treatment due to fear. In March 2010, he was released on bail, but was re-arrested soon after for failing to confess to further crimes demanded by the interrogators. He remains in detention in Evin prison.</p> <p>In light of the serious allegations of torture and ill-treatment, concern is expressed for the physical and psychological integrity of Mr. Abdollah Momeni.</p>	
87.		24/09/10	JUA	WGAD; FRDX; HRD; TOR	<p>Concerning Mr. Saeed Ha'eri and Ms. Shiva Nazar Ahari, members of the Committee of Human Rights Reporters, an organization which campaigns against human rights violations, including abuses against women, children, prisoners, workers and others. Ms. Nazar Ahari and Mr. Ha'eri were the subject of urgent appeals sent on 22 February 2010 and 27 August 2010.</p> <p>Ms. Shiva Nazar Ahari and Mr. Saeed Ha'eri were arrested on 20 December 2009, together with another member of the Committee of</p>	

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					Human Rights Reporters. They were both released on bail pending their trial.	
					On 18 September 2010, Ms. Ahari's sentence of 74 lashes for "disturbing public order" was commuted to a fine. However, she was also sentenced to three years' imprisonment for "moharebeh" (enmity against God), two years for "gathering and colluding to commit a crime" and six months for propaganda against the system", which she must serve at Izeh Prison. It is not clear if Izeh Prison has existing facilities for women. Mr. Ha'eri was sentenced by Branch 26 of the Revolutionary Court to two and a half years' imprisonment and 74 lashes for "disturbing public order" and "gathering and colluding with intent to harm state security". The convictions and sentences of both Mr. Ha'eri and Ms. Ahari will be appealed.	
					Concern is expressed that the arrests and convictions of Mr. Saeed Ha'eri and Ms. Shiva Nazar Ahari might be directly related to their work in defense of human rights. Further concern is expressed for the physical and psychological integrity of Ms. Ahara and Mr. Ha'eri if his sentence is implemented	
88.		07/10/10	JUA	FRDX; HRD; IJL; TOR	Concerning the sentencing of Mr. Isa Saharkhiz, a pro-reform movement journalist and member of the Association of Iranian Journalists and of the Central Council of the Committee to Protect Press Freedom, and Mr. Hossein Derakhshan, a blogger with dual Iranian-Canadian citizenship who posted instructions on his blog in Persian on how to set up a blogging site and begin writing online comments.	
					Concerns regarding the case of Mr. Isa Saharkhiz have been communicated to your Excellency's Government on numerous	

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					<p>occasions, including through urgent appeals dated 11 February 2010 and 1 April 2010. We regret that we have not yet received a reply from your Excellency's Government to these communications. Mr. Isa Saharkhiz's case has also been considered by the Working Group on Arbitrary Detention and has been deemed arbitrary in its opinion adopted on 6 May 2010 (Opinion No.8/2010).</p> <p>On 27 September 2010, the authorities of the Islamic Republic of Iran reportedly informed the lawyer of Mr. Isa Saharkhiz that he had been sentenced to three years in prison, a five-year ban on political and journalistic activities, and a one-year travel ban. Mr. Saharkhiz was detained in July 2009 shortly after the WGEIDuted presidential elections and was charged with "insulting the Supreme Leader" and "propagating against the regime". Mr. Saharkhiz's arrest came two days after he printed articles criticizing the Iranian Government. He has on multiple occasions given speeches on the importance of the freedom of the press and of human rights, often criticizing the Government. According to the information received, he was arrested on account of participating in Karroubi's political campaign for the recent presidential elections and for speaking out against the Government.</p> <p>On 29 September 2010, Mr. Hossein Derakhshan was convicted by Branch 15 of the Revolutionary Court of cooperating with hostile States, propaganda against the system, propaganda in favour of counter-revolutionary groups, insults to the holy sanctities, and set-up and management of vulgar and obscene websites. He was sentenced to 19-and-a-half years in prison, a five year ban on political and journalistic activities and repayment of receive funds of 30,750Euros, US\$2,900, and UK£200</p>	

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					<p>British Pounds. It is unclear what the funds were allegedly for. Additionally, it has been reported that his lawyer has not been given a copy of the verdict and his family was not informed of his conviction until it was published in the news.</p> <p>Mr. Derakhshan was detained at his family home in Tehran on 1 November 2008 in connection with comments he allegedly made about a cleric, spent over a year without charge and in solitary confinement for nine months, and has been prevented from receiving visits from his family and lawyers. He has 20 days in which to lodge an appeal and is believed to be held in Evin Prison in Tehran.</p>	
89.		19/11/10	JUA	WGAD; HRD; IJL TOR	<p>Concerning the situation of Ms. Nasrin Sotoudeh, a lawyer and a prominent human rights activist. Ms. Nasrin has represented clients ranging from juvenile offenders facing the death penalty to Nobel Peace Laureate Ms. Shirin Ebadi. She has also spoken openly about alleged shortcomings in the rule of law and administration of justice in the Islamic Republic of Iran.</p> <p>On 28 August 2010, Ms. Nasrin Sotoudeh's house and office were searched by law enforcement authorities. On 4 September, Ms. Sotoudeh was arrested, and subsequently summoned to appear in court. Her trial reportedly started on 15 November 2010, during which she reportedly faces charges of acting against national security; gathering and colluding to disturb national security; and co-operation with a human rights body, the Centre for Human Rights Defenders, co-founded by Ms. Shirin Ebadi. Mr. Reza Khandan, Sotoudeh's husband, was reportedly not allowed to attend the court session but was able to talk to his wife for a few minutes afterwards. Ms. Sotoudeh's next court session is reportedly</p>	

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					<p>scheduled to be held on 24 November 2010.</p> <p>Since her arrest, Ms. Sotoudeh has reportedly remained in solitary confinement in Evin Prison in Tehran, with only occasional contact with family members. On 3 November she met her two children and sister who reportedly found her in poor condition, having lost weight as a consequence of a hunger strike she had undertaken to protest against her arrest and the conditions of detention inside Evin prison. Ms. Sotoudeh has reportedly ended her hunger strike with the commencement of her trial on 15 November.</p> <p>According to the information received, prior to her arrest, Ms. Nasrin Sotoudeh had been threatened with reprisals if she did not stop her human rights work. Her husband, Mr. Reza Khandan, also received threats urging him to stop his wife from defending her clients, including Ms. Ebadi.</p> <p>Concern is expressed that the arrest and detention of Ms. Sotoudeh, and the threats against her husband, Mr. Reza Khandan, may be related to her legitimate activities in defence of human rights. Further concern is expressed for Ms. Sotoudeh's physical and psychological integrity while in detention.</p>	
90.		Follow-up to earlier cases			<p>Several hundred people arrested during the protests following the presidential elections on 12 June 2009 in Tehran and other Iranian cities, who remain in detention. A/HRC/13/39/Add.1 para. 120</p>	<p>By letter dated 6/05/2010, the Government indicated that the right to vote, as the most salient feature of democracy, is supported by the universal system of human rights and the relevant mechanisms. The right to self-determination is strongly anticipated in the Charter of the United Nations, and Article 25 of the Covenant on Civil and Political Rights also underlines the right to self-determination and managing the affairs of the country by voting ant elections.</p> <p>The Islamic Republic of Iran has held more</p>

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						<p>than 32 elections over the past 30 years in accordance in accordance with the Constitution and ordinary laws of the country. [...] On 11 June 2009 tenth presidential election was held in Iran. Four candidates from different political orientations were contesting that election. Close to 40 million from the total of 45 million eligible voters participated in this election. [...]</p> <p>While various programmes by the United Nations encourage countries to democratize that affairs of the state and use the system of free election, unfortunately, over the recent decade we have witnessed an ominous tend in preventing the exercise of this legitimate rights of the people. Foreign cultural institutes, financial instruments and subservient elite and intellectuals are employed as tools by certain big powers to intervene and make elections an arena for conflicts. By creating revolutions of different colors during elections, these powers try to materialize their own illegitimate political interests in order to make a mockery and undercut this basic and fundamental right of nations.</p> <p>Despite the commitment of the of the Islamic Republic of Iran to respect citizens' rights and the general right of people, including the right to assembly and express opinions, on Monday 15th of June, 2009 a very large and peaceful meeting was held in the capital of the country in support of the candidate who came second in the election. The meeting turned into a bloody riot inter alia due to the penetration of terrorist elements who had entered the country through its eastern borders and also because of the organizers' failure to accept any responsibility.</p> <p>Public property was destroyed and buses and</p>

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						<p>banks were set on fire. A military station near Azadi Square in Teheran was attacked by armed persons and two of the attackers were killed. Unfortunately, an innocent mother and her daughter were also killed at their workplace, in the incident, because of firing of shots by the attackers near the military post.</p> <p>The extent of destructions and use of non-conventional incendiary materials with fast – burning capability were indications which led the authorities to investigate the possibility of the presence of trained terrorist groups from outside country.</p> <p>It was quite apparent that in the course of the incident, the law enforcement forces showed utmost tolerance and no one from the demonstrators was arrested. The law enforcement forces did not use any lethal weapons or ammunition, whatsoever, and the attack by 30 individuals armed with guns, knives and incendiary materials against the military post was the primary reason for the change in direction of the demonstration and resort to violence.</p> <p>The riots and unrest by the opponent during the ensuing days after the election was intensified by false reports propagated by some foreign media. It also provoked further violence and destruction by supporters of the defeated candidates and other suspicious armed elements who began to be more assertive and visible. Despite all the precautions, there were loss of lives of persons present on the scene and in addition to attacks against banks and public and private places, a number of sacred locations were attacked and set on fire.</p> <p>It should be noted that in all cases warning</p>

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						<p>were given to demonstrator sand various types of non-lethal equipment, including water hose, was used to WGEIDerse them during the initial phase. However, as the supporters of candidates became more aggressive and began to block streets and destroy public property, use of tear gas and batons became necessary in some cases.</p> <p>The riotous and destructive behavior by the provoked groups and supporters of the two defeated candidates in the firs week after the announcement of the results of the election mainly in the capital and some other larger cities took a radical turn and brought about huge destruction of public property. The mechanisms employed by the police to prevent destruction in times of crisis were not adequately effective due to the restraint by the police and caused the wounding and injury of a large number of police, emergency and grass-root volunteers and substantial damages on public property.</p> <p>A number of temporary arrests took place, but a large number of those arrested were released in the initial phases of investigation. Only those individuals for whom there were reasonable and corroborative grounds (arrested during the commission of an offence, availability of films and witnesses) showing involvement in assault and battery and destruction of public property were arrested and detained in detention centers. [...] some individuals with ties to political parties that were instrumental in provoking people to resort to radical and illegal actions that propagated lies and distorted public mind or were directly involved in the riots and unrest were also arrested. [...] all those arrested were arraigned and were told of the charges against them 24 hours after the arrest</p>

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						<p>on the basis of adequate evidence and proof. The order t by the judge was appealable and was shown to the accusedpersons.</p> <p>With the completion of the initial investigations, the cases with the indictment and agreement of the prosecutor were sent to the court. The court hears and tries these cases openly in presence of defense attorneys of the suspects, officers witnessing the commission of the offense and in presence of the members of the media. [...]</p> <p>It is noteworthy that the court continues its work on these cases free from external or sometimes internal pressure and has not yet exhausted all the remedies available to it. The rulings by the court are not final and can be appealed and heard by the higher courts. The judicial system of the Islamic Republic of Iran allows revisiting the case, commutation, suspension of a sentence and pardon for the convicted persons. The court deals with these individuals with utmost tolerance. The suspects waiting trial have access to basic amenities and health services, to meet with their lawyers and family and to internet. The arrested persons are all in good health.</p> <p>[...]The title of offences attributed to the persons mentioned in the communication are generally under four categories. Some of them have committed a combination of these offences. The offences committed by these individuals are s follows:</p> <p>Action against internal security of the state: Article 60 [content of the article]</p> <p>Propaganda against the Islamic Republic: article 500 states that any person who wages propaganda against the Islamic Republic or in the interest of organizations and groups opposing it shall be subject to 3 months to</p>

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						<p>one year imprisonment.</p> <p>Acting against national security: article 498 states that any person who puts together a group of two persons inside or outside the country or manages such a group for the purpose of acting against the national security shall be subject to imprisonment of two to ten years.</p> <p>Disturbing the minds of the public: any person who propagates untrue statements or attributes false accusations to real or legal persons of officials for the purpose of disturbing public peace shall be subject from two months to two years imprisonment.</p> <p>Espionage: article 505 states that any person who collects classified information and makes it available to others, if he/she succeeds shall be subject to imprisonment from two to ten years,</p> <p>As it was explained earlier, most of those individuals were released (even without posting any bail or surety) in a show of Islamic compassion after a short detention despite the fact that they were involved in unlawful activities such as disturbing public peace or attributing lies to officials of the country. There also those who had committed more serious offences. Their cases were sent to the court along with the indictment. Some of the initial rulings on these cases are explained below. These rulings are appealable and have been mostly issued with utmost leniency and tolerances. There also those who were involved in terrorist activities and carrying weapons and explosives, the punishments have nothing to do with political activities or election.</p> <p>The Government then provided information on the arrest and detention and release of the</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
91.					Mr. Abdolfattah Solfani (A/HRC/13/39/Add.1 para 118)	<p>person identified in the letter.</p> <p>By letter dated 6/05/2010, the Government indicated that Mr. Abdolfatah Soltani has had several police/court records with respect to arrestable offences including acting against the national security, revealing of classified information relating to his clients to foreign elements and propaganda against the Islamic Republic. He has been tried in the court under some of those charges. He was found guilty on a number of charges and was exonerated on some. He was arrested again on the 16th of June, 2009 after the unrest following the recent presidential election on the basis corroborative evidence. He served his sentence similar to other prisoners, benefitting from health services and he was able to contact his relatives and defense attorney. His case was tried in the court on the aforementioned charges. He was released on the 26th of August, 2009 on bail. His case is on the court docket for trial. The allegations in the letter of the Special Rapporteurs are incorrect and baseless.</p> <p>The allegation concerning his arrest is totally false.</p>
92.					The death of 6 students inside the Tehran University Dormitory (Kooye Daneshgah) – Fatemeh Barati, Kasra Sharafi. Mobina Ehterami, Kambioz Shojaie, Mohsen Imani and the arrest of 7 demonstrators (A/HRC/13/39/Add.1 para. 119)	<p>By letter dated 06/05/2010, the Government indicated that on the basis of investigations carried out by the pertinent authorities, the allegations were found to be totally baseless. Furthermore, to enlighten the public opinion, some of the individuals mentioned in the letter were requested to appear on television. They presented their indentity papers and documents and it clearly proved the falseness of the allegations on their situation.</p> <p>In compliance with the Constitution and the ordinary laws of the country, the Islamic Republic of Iran has held more than 32</p>

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						<p>elections over the past 30 years. Those elections took place with extensive participation and large turnout of eligible voters. Altogether 500 million votes have been cast in the elections. On 11th of June, 2009, the tenth presidential election was held in Iran. Four candidates from different political orientations contested in the election. Near 40 million people from the total of 45 million eligible voters participated in the election. It was an unprecedented record of more than 85% turnout of voters. The ballot boxes witnessed the most impressive demonstration of democracy. The votes of people were collected under the supervision of trusted individuals from all communities (650 thousand) as well as the statutory regulatory bodies who were present at 45,000 ballot boxes throughout the country. In all stages of casting votes and counting them, more than 90,000 observers, selected by the presidential candidates, watched and supervised the boxes.</p> <p>While various programs by the United Nations encourage countries to practice democracy in running states' affairs and use the system of free election, unfortunately, over the recent decade we have witnessed an ominous trend in preventing the exercise of this legitimate right of the people. Foreign cultural institutes, financial instruments and subservient elites and intellectuals have been employed as tools by certain big powers to intervene and make elections as an arena for conflicts. By creating revolutions of different colors during elections, those powers try to materialize their own illegitimate political interests in order to make a mockery of and undercut this basic and fundamental right of nations.</p>

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						<p>After inquiring and probing into the events in places such as the Tehran University Dormitory, it became clear that the incidents were instigated by certain extremist radical student groups. According to available information, some students organized radical meetings at the entrance gate of the University of Teheran in support of defeated candidates. They began inciting a rampage by shouting radical and derogatory and provocative slogans in a public place opposite the dormitory and in front of ordinary people. The people who did not like the radical slogans felt obligated to encounter the demonstrators in an unwanted fight. In the meantime, some extremist groups, unfortunately of unknown origin, abused the situation and maliciously resorted to violent and destructive actions.</p> <p>According to the statements by the Commander-in Chief of the Revolutionary Guards (Sepah) and the Police, no order by the military or police was issued for entry into the University Dormitory. Inquires show that Basiji forces were not present either when those incidents took place. A major part of the destruction was done by the provoked and irritated people who took matters into their own hands. They had nothing to do with the Basijis and official forces.</p> <p>Following normalization of the situation, the relevant officials condemned the incidents and ordered inquiries into the bitter happenings. The results of those inquiries shall be presented in the relevant part. Contrary to false claims by the unruly and seditious papers, no student was killed and the allegation is totally false.</p> <p>As for Mr. Mohsen Imani, claimed in the communication to have been killed, he</p>

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						appeared on television holding his student identity card. His place of domicile is “Robat Karim”, a suburb of Tehran and he does not stay at University Dormitory. He has personally refuted this claim and we have received no report concerning other individuals mentioned in the communication. Once again, no one was killed in Tehran University Dormitory and the allegation is totally false and fabricated.
93.					Mr. Maziar Bahari (A/HRC/13/39/Add.1 para 121)	<p>By letter dated 06/05/2010, the Government indicated that Mr. Maziar Bahari was arrested on the 11th of June, 2009, on the charges of acting against the national security and waging propaganda against the Islamic Republic.</p> <p>Following completion of the judicial proceedings he was released in October 2009.</p>
94.					Reportedly imminent execution of seven men belonging to the Ahwazi Arab community in Iran. Their names are Messrs. Ali Saedi, aged 25, Walid Naisi, aged 23, Majid Fardipour (Majid Mahawi), aged 26, Doayr Mahawi, aged 50, Maher Mahawi, aged 21, Ahmad Saedi, aged 28, and Yousuf Leftehpour, aged 25. (A/HRC/13/39/Add.1, para. 127)	<p>By letter dated 07/10/2010, the Government providing the following information:</p> <p>Ali Savaedi (son of Ghasera)</p> <p>He was arrested on the charges of moharebeh (waging war against god), corrupting the Earth by assassinating Mr. Sheikh Hesahm Siomari with the intention to act against the security of the state, purchasing and keeping weapons and war ammunitions and membership in the terrorist group, Harekat al Sunni al-Tahrir al-Abvaz. His lawyer is Saeed Nisi. His case was tried in die court and he was sentenced to death. His defense attorney appealed his sentence, but the sentence was upheld by the appellate court.</p> <p>Yousef Laftehpour (son of Majid)</p> <p>He was arrested on the charges moharebeh (waging war against god), corrupting the Earth by assassinating Mr. Sheikh Hesahm</p>

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						<p>Siomari with the intention to act against the security of the state, purchasing and keeping weapons and war ammunitions and membership in the terrorist group, Harekat al Sunni al-Tahrir al-Ahvaz. His lawyer is Mansour Atta Shaneh. His case WAS tried in the court and he was sentenced to five years in prison.</p> <p>Damir Mabavi (son of Karim)</p> <p>He was arrested on the charges of moharebeh (waging war against god), corrupting the Earth by assassinating Mr. Sheikh Hesahm Siomari with the intention to act against the security of the state, purchasing and keeping weapons and war ammunitions and membership in the terrorist group, Harekat al Sunni al-Tahrir al-Ahvaz. His lawyer is Javad Tariri His case was tried in the court and he was sentenced to five years in prison,</p> <p>Ahmad Savaedi (son of Damir)</p> <p>He was arrested on the charges of moharebeh (waging war against god), corrupting the Earth by assassinating Mr. Sheikh Hesahm Siomari with the intention to act against the security of the state, and membership in the terrorist group, Harekat al Sunni al-Tahrir al-Ahvaz. His lawyer is Mansour Atta Shaneh. His case was tried in the court and he was sentenced to five years in prison.</p> <p>Maher Mahavi (son of Damir)</p> <p>He was arrested on the charges of moharebeh (waging war against god), corrupting the Earth by assassinating Mr. Sheikh Hesahm Siomari with the intention to act against the security of the state, and membership in the terrorist group, Harekat al Sunni al-Tahrir al-Ahvaz. His lawyer is Javad Tariri. His case was tried in the court and he was sentenced to</p>

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						<p>five years in prison.</p> <p>Valid Nisi</p> <p>He was arrested on the charge of acting against the security of the state by way of membership in the terrorist group, Harekat al Sunni d-Tahrir al-Ahvaz, waging propaganda against Islamic Republic of Iran and in the interest of groups and organizations opposing the Islamic Republic and purchasing and keeping weapons and war ammunitions. His lawyer is Abdol Ali Mehrkhah. His case was tried in the court and he was sentenced to five years in prison.</p> <p>Majed Fowadi (son of Harnid)</p> <p>He was arrested on the charge- of acting against the security of the state by way of membership in the terrorist group, Harekat al Sunni' al-Tahrir al-Ahvaz, waging propaganda against Islamic Republic of Iran and in the interest of groups and organizations opposing the Islamic Republic and purchasing and keeping weapons and war ammunitions. His lawyer is Javad Tariri. His case was tried in the court and he was sentenced to five years in prison.</p>
95.					Ms. Shadi Sadr, (A/HRC/13/39/Add.1, para. 124)	By letters dated 07/10/2010, the Government indicated that Ms. Shadi Sadr was arrested on 29/4/1388 for investigations and inquiring about certain accusations. She was freed on the same night after the investigation and questioning. Other claims in the communication are based on false information and hereby rejected. She has travelled abroad on a number of other occasions and has received prizes from some European countries.
96.					Mr. Mohammad Ali Dadkhah, Ms. Sara Sabaghian, Ms. Bahareh Davallou, Mr. Amir	By letters dated 07/10/2010, the Government indicated that Mr. Mohammad Ali Dadkhah

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					Raisian and Ms. Maliheh Dadkhah. . (A/HRC/13/39/Add.1, para. 122)	was arrested on the charges of possession of a quantity of narcotics and one unauthorized gun at his law office. He was released later on bail and his case is currently being reviewed by the court. Moreover, Ms. Sara Sabaghien and Bahareh Davaloo were taken to the nearest police station because of their presence in his office and were freed after a few hours. The claim concerning the arrest of Maliheh Dadkhah and Mr. Reesain is not true. They were never arrested,
97.					Fatemeh Barati, Kasra Sharafi, Mobina Ehterami, Kambiz Sho'a'i and Mohsen Imani (A/HRC/13/39/Add.1, para. 119)	By letters dated 07/10/2010 and 06/05/2010, the Government indicated that after all the inquiries it became clear that despite all the claims no student was killed in Tehran University Dormitory incident. The claims concerning the death of students are all baseless. Concerning Mr. Mohsen Imam, claimed to have been killed, we wish to inform you that he is residing in Robat Karim in the periphery of Tehran and appeared on television and stated that he does not stay at the Dormitory. He showed his student identification card and personally rejected the claim. We have not received any other report concerning the individuals mentioned in the communication. Again we emphasize that no person was killed in the Dormitory and the claim is totally untrue. Further, the Government indicated that
98.					Mr Abdolfattah Soltani (A/HRC/13/39/Add.1, para. 118)	By letters dated 07/10/2010, the Government indicated that Mr. Abdolfatah Soltani has numerous criminal records for offences such as acting against national security, disclosing classified information of his contacts to foreign elements, waging propaganda against the Islamic Republic of Iran. He was convicted to prison sentence on some charges and acquitted on others. He was arrested on

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						26/3/1388 again after the unrest following the election. There was corroborative evidence proving his involvement in provoking -unrest and sabotage. During his incarceration, he enjoyed proper health care like other prisoners, and was able to contact his lawyer and members of his family. His case was tried by the court and he was freed on bail on 4/6/1388. His case is pending for trial and the claims stated in the letter of the rapporteurs are untrue and hereby rejected.
99.					Ayatollah Sayed Hossein Kazemeyni Boroujerdi (A/HRC/13/39/Add.1, para. 117)	By letter dated 07/10/2010, the Government indicated that Mr. Seyyed Hussain Kazemi Borojerdi residing in Tehran was arrested of charges of establishing a sect with extremist persuasions, and acting and organising efforts to destroy public property, setting fire to a number of motorcycles and buses and concealing two firearms. He was sentenced to 10 years in prison after completion of judicial proceedings. No person is prosecuted in the Islamic Republic of Iran, solely for his/her belief or differences in easy of thinking, As is seen in the dossier of Kazemi he was convicted for his violent actions on the basis of law and due process.
100.					Mr. Mansour Ossanlu, (A/HRC/13/39/Add.1, para. 116)	By letter dated 07/10/2010, the Government indicated that Mr. Osanloo was sentenced to five years in prison for acting against the security of the state by provoking unrest destroying public property and abusing legitimate freedoms, He is presently serving his sentence in the general cell of Rajaie Prison. Prison officials say that he has access to all amenities of the prison such as health care, meeting with his lawyer (Dr. Yousef Alaie), with his family and cultural activities. As is also stated in the communication, he was sent to Labari Nejad Hospital on three occasions for medical examinations. His wife

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101.					Messrs Kamiar Alaei and Arash Alaei (A/HRC/13/39/Add.1, para. 110)	<p>also works at the same hospital. Needless to say that a prisoner that has had open heart surgery costing thousands of dollars can surely have access to regular checkups inside the prison. The claim in the communication is totally false.</p> <p>By letter dated 07/10/2010, the Government indicated that Mr. Arash and Mr. Kamyar Alaie were arrested on the charge of acting against national security by collaborating with states belligerent to the Islamic Republic of Iran (U.S. and Israel). They identified experts and scientists in the country and sent them initially to one of the countries in the Persian gulf in the context of scientific cooperation and then to the United States where they were given quasi- espionage training. These activities and training were outside of the scope of then official activities and had absolutely no relation to their work. They were informed of the charges against them shortly after their arrest by the investigating judge who also remanded them. After filing a protest by the accused persons, their case was sent to the court where their protest was overruled on the</p> <p>As is seen in their dossier, their arrest was totally on the basis of law and due process was applied in their trial. The charges against them have nothing to do with their activities that were alleged to be for prevention of AIDS, Regrettably, their humanitarian efforts in prevention, of AIDS were actually a cover for their illegal criminal activities that were contradictory to the national security and their medical profession,</p>
102.					Ms. Roxana Saberi (A/HRC/13/39/Add.1, para. 114)	<p>By letter dated 07/10/2010, the Government indicated that Ms. Roxana Saberi was arrested on 16/11/1388 on the charge of</p>

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103.	Iraq	11/05/10	JUA	WGEID; SUMX; TOR; TERR	<p>Concerning the arrest of a group between 400 and 700 men by the Iraqi army in the Mosul region and their further transfer and abusive treatment in a secret detention facility near Baghdad.</p> <p>According to the information received, from September to December 2009, between 400 and 700 men would have been arbitrarily arrested and detained by the Iraqi army in the course of an operation in the Mosul area and transferred to a secret detention facility near Baghdad, in the old Muthanna airport. Since their arrest, the whereabouts of these detainees were allegedly unknown and family members would have been filing missing person reports. On 26 April 2010, 300 of these men would have been found in the Al Rusafa Detention Centre, of which 42 were reportedly interviewed.</p> <p>While being held in such facility, this group of men would have been subject to torture and various forms of ill-treatment, including beatings; whipping; intentional wounding with firearms; breaking of limbs and teeth; suffocation; electric shocks; extraction of fingernails and toenails; acid and cigarette burns; rape by interrogators; detainees being forced to rape other detainees and threatened with rape of members of immediate family;</p>	<p>acting against national security by spying and having relations with foreign elements (Ms Jalilian Bums and Mr. Peterson) and on the charge of collecting classified information. After trial by a competent court, she was sentenced to 8 years in prison, her lawyers - Mr. Absolsamad Khoramshahi and Mr. Saleh Nikbakht appealed the sentence. The appellate court commuted the sentence to two years suspended prison term. She left the country for the United States.</p>

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					<p>humiliation; and denial of urgent medical treatment leading to, at least, one reported death in custody.</p> <p>The alleged conditions of detention in the mentioned facility would have been inadequate, including overcrowding and poor holding facilities. Detainees would have been intentionally denied access to medical care, family, and legal representatives. Further, according to the information received, no registry and/or records of the detention in such facility have been kept. Detainees would have been allegedly forced to sign false confessions of terrorist crimes.</p> <p>Grave concern is expressed about the fact that the fate and whereabouts of 300 men of this group remained unknown between September-December 2009 and April 2010 as well as about their physical and mental integrity. Very serious concern is also expressed about the fact that the fate and whereabouts of the rest of the detainees in the framework of this operation remain unknown. Serious concern is also expressed about the allegations of torture and ill-treatment which may have led to, at least, one case of death while in custody. Further, concerned is expressed about the alleged conditions of detention as well as about the allegations of denial of medical treatment, legal counselling and family contacts.</p>	
104.		08/09/10	AL	TOR	<p>Concerning the physical and mental integrity of Mr. Mahmoud Hekmat Rashid Al-Khayat, a Palestinian refugee who lived in Al Badawi Camp in Tripoli, Lebanon. Mr. Al-Khayat spent the last 20 years in Karrada, a district of Baghdad, Iraq, where he worked as a general trader in Iraq. He is currently living in Syria with his wife and children.</p> <p>On 15 February 2005, Mr. Al-Khayat was</p>	

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					<p>arrested in the Karrada District of Baghdad by Multinational Forces, American Battalion 101, who were reportedly wearing uniforms at the time of the arrest.</p> <p>Mr. Al-Khayat was reportedly initially detained in the Saddam Hussein International airport for a week, from 15 to 22 February 2005, and was then transferred to the Abu Ghraib prison where he allegedly remained for a period of five months, from the end of February to the end of July 2005. According to reports received, Mr. Al-Khayat was then transferred to the Bouka Prison in Basra where he was detained for a period of one year, until the end of July 2006. During this time, he was visited for the first time by the International Committee of the Red Cross (ICRC) on 17 October 2005. Mr. Al-Khayat was then reportedly transferred back to the Abu Ghraib prison for two months, until the end of September 2006. His detention then allegedly continued at the Saddam Hussein International airport for a period of 7 months, until April 2007. It has been reported that during the time that Mr. Al-Khayat was under the custody of the American Battalion 101, he was held in secret detention for a period of three months, between 15 February and 15 May 2005</p> <p>According to the information received, on 24 April 2007, Mr. Al-Khayat was handed over to the Iraqi authorities. Following his transfer, Mr. Al-Khayat was detained in the Badush prison in Mosul city for 8 months, during which he was tried. In November 2007, he was reportedly transferred to the Soussa Castle where he remained for a period of sixteenth months, during which time he was again visited by the ICRC on 3 June 2008. In April 2009, he was transferred to the Al Rasafa prison. Mr. Al-Khayat was finally released,</p>	

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					<p>having been considered to have completed his sentence, on 18 October 2009, after 4 years and 8 months of detention, and repatriated to the Syria Arab Republic under the auspices of the ICRC that same day.</p> <p>According to the information received, Mr. Al-Khayat suffered torture and ill-treatment while in detention both in the hands of the American Battalion 101 and the Iraqi authorities. Under the custody of the American Battalion 101, in addition to being severely beaten, Mr. Al-Khayat was reportedly tortured with an electric gun, had pepper spray sprayed in his eyes, his front teeth were broken, and a vein on his wrist was cut allegedly as a result of being shot by a U.S. soldier. It has been reported that, while in the hands of the Iraqi authorities, Mr. Al-Khayat was forced to stand in the sun for extended periods of time and was severely beaten. It is alleged that the aim of this torture was to force Mr. Al-Khayat to make confessions, which he did. He was not allowed to read these confessions, which were later used in his trial.</p> <p>Mr. Al-Khayat was tried in 2006 by the Iraqi authorities, reportedly without being allowed to appoint a lawyer. It is alleged that during the trial, he informed the court that these confessions had been taken under torture but the court reportedly did not take this into account. He was sentenced to three years, on charges of breaching the residency law but was released on 18 October 2009.</p>	
105.		11/11/10	JUA	WGAD; FRDX; HRD; TOR	Concerning the situation of Mr. Ayad Muayyad Salih, a human rights defender working with the Iraqi Institution for Development, a local non-Governmental organization active in documenting and reporting human rights violations by the Iraqi army in Nineveh and Mosul. He is also an alumni of the Canadian	

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					<p>non-Governmental organization Equitas' CIDA-funded project, "Human Rights Education: A Pathway to Building a Human Rights Culture in Iraq, the Middle East and North Africa".</p> <p>We would also like to draw the attention of your Excellency's Government to information we have received concerning the situation of Messrs. Muayyad Salih Ahmed and Ra'ed Muayyad Salih, the father and brother of Mr. Ayad Muayyad Salih respectively.</p> <p>On 26 October 2010, at 3:30 a.m., the house of Mr. Ayad Muayyad Salih in Al-Faysaleya quarter of Mosul city was raided by members of the Iraqi military, who came to arrest him. However, Mr. Ayad Muayyad Salih was away at that time, attending a conference organized by the Human Rights Centre of Nottingham University in Erbil City.</p> <p>Shortly afterwards, Messrs. Muayyad Salih Ahmed and Ra'ed Muayyad Salih were arrested and taken to an undisclosed location, reportedly to force Mr. Ayad Muayyad Salih to surrender. Their whereabouts remain unknown as of today.</p> <p>It is reported that Mr. Ayad Muayyad Salih went into hiding, fearing to be arrested.</p> <p>Serious concerns are expressed that the attempt to arrest Mr. Ayad Muayyad Salih, and the subsequent arrest and detention of Messrs. Muayyad Salih Ahmed and Ra'ed Muayyad Salih, may be related to Mr. Ayad Muayyad Salih's legitimate activities in defence of human rights. In view of the incommunicado detention of Messrs. Muayyad Salih Ahmed and Ra'ed Muayyad Salih, further concerns are expressed for their physical and psychological integrity.</p>	

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106.		01/12/10	JAL	TOR; TERR	<p>Concerning the situation of suspects detained in Iraq on terrorism-related charges has already been the subject matter of a joint urgent appeal by the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, dated 1 December 2009, to which a reply by your Excellency's Government has regrettably not yet been received. The issue of secret detention in Iraq has also been the subject matter of a joint urgent appeal by the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on extrajudicial, summary or arbitrary executions, dated 11 May 2010, and the Joint Study on Global Practices in relation to Secret Detention in the Context of Countering Terrorism of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention represented by its Vice-Chair, and the Working Group on Enforced or Involuntary Disappearances represented by its Chair (UN Doc. A/13/42, 19 February 2010, paras. 226 et seq.). We would like to thank your Excellency's Government for its reply in relation to the joint secret detention study and regret that a response to the joint urgent appeal of 11 May 2010, has not yet been received.</p> <p>We would like to bring to the attention of your Excellency's Government information we have</p>	<p>In a letter dated 21/1/2011, the Government indicated that all prisons and detention facilities in Iraq have been subject to audit, oversight and inspection from 2004 to date. Numerous periodic and annual reports have been issued on the conditions of persons who have been arrested, detained and imprisoned by the Iraqi Government and the multinational forces; the 2007, 2008 and 2009 annual reports were published on the Ministry's website. They cover problems, obstacles, violations, accountability and investigation procedures and include accurate statistics on the situation in prisons and detention centres. In addition, they refer to the formation by the Iraqi Government of a ministerial committee, chaired by the Minister of Justice, to investigate the documents and violations published on the WikiLeaks website.</p>

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					<p>received, which originates from Government files of the United States of America, and has, subsequently, become publicly dubbed “the Wikileaks Iraq War logs”, relating to the alleged torture and ill-treatment of Iraqi citizens by Iraqi security forces. We wish to inform your Excellency’s Government that we have addressed a similar letter to the Government of the United States of America.</p> <p>According to the information received, there was extensive abuse of detainees by Iraqi security forces over a five-year period between 2004 and 2009. The allegations of torture and ill-treatment were documented by forces of the United States of America. The information also suggests that such acts were conducted with impunity and appears to go normally unpunished. It is alleged that the vast majority of detainees are Sunni Arabs from central, western and north-western Iraq, held on suspicion of involvement in or supporting the Sunni armed groups that have fought against the Iraqi Government and US forces. The information received also points out that many hundreds of Shi’a Muslims suspected of supporting the al-Mahdi Army – followers of the radical religious figure Muqtada al-Sadr – who until recently engaged in armed activities against Iraqi and US forces, mainly in Baghdad and southern Iraq, form a sizable part of the detainee population. Most of the detainees have been held on suspicion of terrorism-related offences on the basis of the 2005 Iraqi Anti-Terrorism Law, but without trial or charges being brought against them, and in some cases detained incommunicado or in secret detention facilities, for several years. The Anti-Terrorism Law defines terrorism broadly as “any criminal act carried out by an individual or an organized group targeting an individual, a group of individuals, national or private institutions and</p>	

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					<p>causing damage to private or public properties with the aim of affecting the safety or security situation or national unity, or to terrorise and scare people or spread disturbance in order to achieve terrorist aims.”</p> <p>Thousands of Iraqi nationals who had been detained by US forces were handed over from US to Iraqi custody between early 2009 and July 2010 under a November 2008 US-Iraq agreement that contains no provisions for safeguarding the detainees’ physical and mental integrity after the transfer. Article 4(3) of the Status of Forces Agreement (SOFA), taking effect at midnight on 31 December 2008, only states in broad terms that: “It is the duty of the United States Forces to respect the laws, customs, and traditions of Iraq and applicable international law.” It is alleged that tens of thousands of detainees are still being held by Iraqi authorities without trial, despite a 2008 Amnesty Law that provided for the release of all uncharged detainees after six months of detention if they have not been brought before an investigative judge, and after one year of detention if they have not been referred to a specialized court.</p> <p>We wish to draw your attention to two examples from “the war logs” as illustrations of several hundred allegations of systematic torture and ill-treatment by Iraqi forces.</p> <p>1. ALLEGED DETAINEE ABUSE BY IA AT THE DIYALA JAIL IN BAQUBAH</p> <p>2006-05-25 07:30:00</p> <p>AT 1330D, ___ REPORTS ALLEGED DETAINEE ABUSE IN THE DIYALA PROVINCE, IN BA'___ AT THE DIYALA JAIL, vicinity. ___. 1X DETAINEE CLAIMS THAT HE WAS SEIZED FROM HIS HOUSE BY IA IN THE KHALIS AREA OF THE</p>	

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					<p>DIYALA PROVINCE. HE WAS THEN HELD UNDERGROUND IN BUNKERS FOR APPROXIMATELY ___ MONTHS AROUND ___ SUBJECTED TO TORTURE BY MEMBERS OF THE /___ IA. THIS ALLEGED TORTURE INCLUDED, AMONG OTHER THINGS, THE ___ STRESS POSITION, WHEREBY HIS HANDS WERE BOUND/___ AND HE WAS SUSPENDED FROM THE CEILING; THE USE OF BLUNT OBJECTS (.___ . PIPES) TO BEAT HIM ON THE BACK AND LEGS; AND THE USE OF ELECTRIC DRILLS TO BORE HOLES IN HIS LEGS. FOLLOW UP CARE HAS BEEN GIVEN TO THE DETAINEE BY US ___. THE DETAINEE IS UNDER US CONTROL AT THIS TIME. ALL PAPERWORK HAS BEEN SENT UP THROUGH THE NECESSARY ___ AND PMO CHANNELS. CLOSED: 260341MAY2006. Significant activity MEETS MNC- ___</p> <p>2. ALLEGED DETAINEE ABUSE BY IP IVO BA': ___ DETAINEES INJ, ___ CF INJ/DAMAGE</p> <p>2006-05-27 11:00:00</p> <p>AT 1700D, ___ REPORTS ALLEGED DETAINEE ABUSE IN THE DIYALA PROVINCE, IN BA'___ AT THE DIYALA JAIL, vicinity. ___. 7X DETAINEES CLAIMS THEY WERE SEIZED BY IA IN THE KHALIS AREA OF THE DIYALA PROVINCE. THEY WERE DETAINED AROUND - ___ AND SUBJECTED TO TORTURE BY MEMBERS OF THE IA AND IP. THIS ALLEGED TORTURE INCLUDED, AMONG OTHER THINGS, STRESS POSITIONS, BOUND/___ AND SUSPENDED FROM THE CEILING; THE USE OF VARIOUS BLUNT OBJECTS (.___.</p>	

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107.					<p>PIPES AND ANTENNAS) TO BEAT THEM, AND FORCED CONFESSIONS. ALL DETAINEES WERE DETAINED FOR ALLEGED INVOLVEMENT IN AN ATTACK ON A IA Check Point IN KHALIS. FOLLOW UP CARE HAS BEEN GIVEN TO THE DETAINEES BY US ____ . THE DETAINEES ARE UNDER US CONTROL AT THIS TIME. ALL PAPERWORK HAS BEEN SENT UP THROUGH THE NECESSARY ____ AND PMO CHANNELS. Serious Incident Report TO FOLLOW. CLOSED: 280442MAY2006. MEETS ____</p> <p>Alleged excessive use of force by Iraqi security forces during an operation on 28 and 29 July 2009 in Camp Ashraf, resulting in the death of eleven residents of Camp Ashraf and the wounding of over 200. (A/HRC/13/39/Add.1 para. 151)</p>	<p>By letter dated 29/09/2010, the Government indicated that the following is the position of the Iraqi Government on the file pertaining to Camp New Iraq (formerly Camp Ashraf) since its assumption of responsibility for security:</p> <ol style="list-style-type: none"> 1. After assuming responsibility for security on 30 June 2009 and imposing its sovereignty over the whole territory of Iraq, including Camp New Iraq, the Iraqi Government informed representatives of the residents of the Camp at a number of meetings attended by representatives of the United States Embassy in Iraq of its decision to open a police station in the Camp. The response of the Organization's leadership was to reject the decision and to deny entry to the security forces. 2. The Committee held a number of meetings with relevant international organizations, including the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Human Rights, in order to explain the Committee's decision to open an Iraqi police station. The Committee's decisions and the right of the Iraqi Government to impose its sovereignty

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						<p>over the whole territory of Iraq, including the opening of an Iraqi police station in Camp New Iraq, were endorsed.</p> <p>3. On 27 July 2009 the Iraqi Government's decision to open a police station was implemented. Before the Camp was entered, negotiations were held for more than two hours, in the presence of the American side, with the leadership of the Organization in the Camp concerning the entry of the staff of the police station. The negotiations ended with the Camp leadership's rejection of the decision to open the police station, and the security forces then proceeded to carry out their duty. The military leadership had ordered that weapons should not be loaded. The security forces met with opposition from the residents of the Camp, who used sticks, stones, sound grenades, swords and knives, and were sprayed with chlorine gas. The security forces achieved their aim of reaching the place within the Camp that had been selected for the police station.</p> <p>4. The results of the entry operation were as follows:</p> <p>(a) Sixty-two members and 7 officers of the security forces were injured and more than 20 Iraqi vehicles were seriously damaged;</p> <p>(b) Thirty-six Camp residents were arrested when they left the Camp and attacked the security forces; they are now subject to the jurisdiction of the Iraqi judicial authorities in Diyala and have been placed in an appropriate detention centre that complies with human rights principles; they have been examined daily by doctors but refuse to be transferred to Government hospitals and are on hunger strike;</p> <p>(c) The 36 detainees have been visited by the</p>

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						<p>International Committee of the Red Cross and by a United Nations human rights delegation, which undertook a detailed examination of the services being provided by the Iraqi Government to the detainees and the residents of the Camp;</p> <p>(d) The utility authorities within the Camp (water supply station, electricity supply station, New Iraq Hospital) continue to provide services to the residents of the Camp;</p> <p>(e) Foodstuffs, humanitarian supplies and medicines continue to be delivered;</p> <p>(f) Vehicles and military equipment used by the residents of the Camp against the security forces have been seized; an inventory has been compiled and they have been impounded within the Camp pending investigations to identify the relevant official documents;</p> <p>(g) Military equipment (Katyusha rocket launcher, artillery launcher, artillery platform, night vision goggles, etc.) was found at one of the sites used by the residents of the Camp in the place known as Karim Gate after it was evacuated. This fact was documented in the presence of the American side.</p>
108.	Israel	19/01/10	JAL	OPT; TOR	<p>Concerning the arrest of minors in Tura al Gharbiya.</p> <p>The first incident occurred between 11.30 p.m. on 19 January 2009 and 6.00 a.m. on 20 January 2009 at Tura al Gharbiya village, West Bank, Occupied Palestinian Territory. During this incident, O.Q., aged 12, ID No. 401332705; B.M.S.Q., aged 12, ID No. 402294565; M.H.S.A., aged 13, ID No. 858545312; , aged 13, ID No. 854901394; I.H.S.A., aged 15, ID No. 85854527 were all arrested from their homes in the village of Tura</p>	

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					<p>al Gharbiya, near Jenin, in the West Bank.</p> <p>Each of the children was visited in the middle of the night by Israeli soldiers who came and searched their houses, before escorting the children, accompanied by their fathers, to the village youth centre. At the village youth centre, each was accused of having thrown stones at the Wall. After their fathers had departed, they continued to be interrogated and, in order to obtain their confessions, were threatened with being transferred to Israeli intelligence.</p> <p>Each child was blindfolded and placed in a large military vehicle with other children and transferred to Salem Interrogation and Detention Centre, where they were further interrogated by men in uniforms. The children were threatened with beatings and further detention, and each of them, afraid of the threats, confessed to having thrown stones and were forced to sign written confessions in Hebrew and/or Arabic which they did not understand. None of the children were given access to lawyers until they appeared inside the military court.</p> <p>The second incident occurred in Haris village, near the city of Salfit, on 26 March 2009. On that date, Israeli soldiers entered several homes, ransacked houses and placed the village under curfew. They took at least 90 children from their homes and detained them at the village secondary school for almost a day, in order to prevent them from throwing stones at passing military vehicles. Four children were arrested. There were reports that during their detention, the children's hands were tightly tied with plastic restraints, they were cursed at, kicked, slapped and beaten, particularly in the bathroom.</p>	

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					<p>We have received information in relation to one alleged victim of this incident, a 13 year old boy, R.D. R.D was arrested from his family home early in the morning of 26 March 2009 with weapons pointed at him, and then detained at the village school, as described above. His hands were tied behind his back he was blindfolded, taken in a military vehicle and then left blindfolded and bound for two hours. In the bathroom, he was threatened and beaten, causing him to bleed. He was later questioned and threatened with being thrown out the window in order to obtain his confession to having thrown Molotov cocktails at the road. He was not allowed access to a lawyer or to his family during this initial detention.</p> <p>The final incident occurred on 14 July 2009 in the village of Azzun, near Qalqiliya in the West Bank, when around seven boys were arrested in the early morning from their family homes by Israeli soldiers. These include: J.A.R.S, aged 15, I.D. No. 854908209; B.YA.a.A, aged 15, I.D. No. 858571441; J.A.A.K.T.S, aged 16, I.D. No. 854825817; T.E. aged 15, and A.H., aged 16. None of the children have been given access to their families whilst in detention.</p> <p>J.A.R.S was arrested with his hands bound and blindfolded, taken in a military vehicle to Qidummim Military Base, and then to another place for interrogation. He was accused of throwing stones and Molotov cocktails, and when he denied the allegations, his head was slammed against the wall. He was beaten and made to sit with his hands tied behind his back. He was also made to sit for three hours in the sun, without use of a bathroom, and then taken to Salem Interrogation and Detention Centre where he and other boys were beaten, verbally abused, and strip-searched. He was charged</p>	

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					<p>with throwing stones and sentenced by an Israeli military court to three months' imprisonment, an additional six months suspended for five years, and a fine of NIS 500. He remains detained in Megiddo Prison, Israel.</p> <p>B.YA.a.A.S was also arrested with his hands bound and blindfolded, placed in a military vehicle where he was beaten and verbally abused and then taken to an unknown military camp, where he was placed in a shipping container for three hours. He was interrogated, pushed and slapped and accused of throwing stones and Molotov cocktails. He was forced to sign a written confession in Hebrew, and then taken to Salem Interrogation and Detention Centre, where he was strip-searched. He has not yet been sentenced but remains in detention in Megiddo Prison, Israel.</p> <p>J.A.A-K.T.S was arrested with his hands bound, taken to a jeep and then to another part of the village where he was blindfolded along with other boys. He was then taken to a military camp and later to a police station in Ari'el Settlement where he was interrogated and accused of throwing stones and Molotov cocktails. When he denied the accusations, he was beaten and kicked, using a stick, leaving marks on his body for days. He was forced to sign a paper, written in Arabic or Hebrew. He was then taken to Salem Interrogation and Detention Centre where he was strip-searched, and whilst en route, he was made to sit on the hot pavement and hit in the face. He was sentenced to three months' imprisonment, an additional six months suspended for five years, and a fine of NIS 500. He is currently still detained in Megiddo Prison, Israel.</p> <p>A.H. was arrested with his hands bound and blindfolded, beaten on the head by a soldier,</p>	

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					<p>taken first to Karni Shemrov and then to Ari'el Police Station. At the police station he was interrogated and accused of throwing stones and Molotov cocktails. When he denied these accusations, he was beaten and kicked, forcing him to confess and sign a statement in Hebrew. He was then taken to Huwwara Interrogation and Detention Centre, and whilst en-route, he was forced to sit on the hot pavement and was kicked. He was ordered to remain in pre-trial detention by the Salem military court, and is currently imprisoned in Megiddo Prison, Israel.</p> <p>Finally, T.E was arrested with his hands bound and blindfolded, along with his younger brother. The tying of his hands caused injury to his right hand, but he was denied a request for medical treatment. He was slapped and verbally abused in the truck, and taken to Ari'el Settlement where he was interrogated whilst blindfolded, with his hands tied. He was threatened with being beating, and accused of throwing stones and Molotov cocktails at Israeli cars. After he was hit on the head repeatedly, including on his neck where he had a previous injury, he was forced to sign a confession which he did not understand. Even after he had signed the confession, he continued to be beaten, and was forced to lie on the floor for two hours and kicked, denied water or access to the bathroom. He was then transferred to Salem Interrogation and Detention Centre, and whilst en-route, he was forced to sit on the hot pavement and was kicked. He has not been sentenced, and is currently detained in Megiddo Prison, Israel.</p> <p>In light of above allegations of ill-treatment, concern is expressed for the physical and psychological integrity of the above-mentioned persons.</p>	

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109.		23/12/09	JUA	WGAD; HRD; IJL; TOR	<p>Concerning the arrest and detention of Mr. Jamal Juma. Mr. Juma has been the coordinator of the “Stop the Wall Campaign”, a Palestinian grassroots human rights organization, since 2002. A joint communication concerning the arrest and detention of another member of the “Stop the Wall Campaign”, Mr. Mohammad Othman, on 13 November 2009.</p> <p>On 15 December 2009, Mr. Jamal Juma was summoned for interrogation by the Israeli Security Forces. After he had been interrogated at the Qalandia checkpoint, Mr. Juma was brought back to his house by security officials, who searched the premises for several hours and confiscated his computer and cell phone. He has been detained at the Moskobiyyeh Interrogation Center since 16 December, without charges and without access to a lawyer or family members. The court decided on 17 December to introduce a ban on contacts with his attorney.</p> <p>The first court hearing in Mr. Juma’s case was held on 21 December 2009, at the Moskobiyyeh Interrogation Center in the Russian Compound district of Jerusalem. Although the prosecution requested a 14-day extension of his detention period, the military judge granted only a 4-day extension for interrogation purposes. However, the court decided to interrogate Mr. Juma under the military court system, despite arguments of his attorney that the military court lacked jurisdiction over him, and that as a resident of East Jerusalem he should be brought before a civilian court. The next hearing in Mr. Jamal Juma’s case has been set for 24 December 2009.</p> <p>Concern is expressed that the arrest and detention without charge of Mr. Jamal Juma may be directly related to his peaceful</p>	<p>In a letter dated 12 February 2010, the Government responded to the communication sent on 23 December 2009.</p> <p>Mr. Juma was arrested on December 16, 2009 and was interrogated by the security forces for suspicions of contacting a foreign agent of a terrorist organization</p> <p>The interrogation materials in his regard were transferred to the military prosecution in the West Bank for review and decision regarding his indictment. After reviewing his case it was decided not to file an indictment against Mr. Juma at this time.</p> <p>Subsequently, Mr. Juma was released on January 13, 2010.</p> <p>Response (not sure where this should be placed)</p> <p>In confronting the threat of terrorism and protecting its civilians from suicide bombers and other attacks, Israel, like other countries facing such threats, has found that the use of administrative detention is, on occasion, a necessary and effective measure.</p> <p>Where sufficient, admissible evidence exists against an individual, the authorities are required to bring those individuals to justice, rather than adopt such measures as administrative detention. Thus, this measure may be used as an exception only when the evidence in existence is clear, concrete and trustworthy, but for reasons of confidentiality and protection of intelligence sources, cannot be presented as evidence in ordinary criminal proceedings.</p> <p>Issuance of administrative detention orders against detainees who pose a danger to public security, in cases such as those outlined</p>

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					activities in defense of human rights, especially to his advocacy work against the construction of the separation wall. In light of his incommunicado detention, further concern is expressed regarding the physical and psychological integrity of Mr. Jamal Juma.	<p>above, is recognized by international law and is in full conformity with Article 78 of the Fourth Geneva Convention 1949.</p> <p>As an additional safeguard, the measure is only used in cases where there is corroborating evidence that an individual is engaged in illegal acts that endanger security and the lives of civilians, and each order is subject to judicial review. Administrative detention orders are limited to six months and any extension requires a re-evaluation of the relevant intelligence material, as well as further judicial review.</p> <p>Furthermore, local legislation governing the process grants all relevant individuals the rights to appeal the order to the Military Court of Appeals, for judicial review. Petitioners may be represented by counsel of their choice at every stage of these proceedings. All individuals have the additional rights to petition the Israeli High Court of Justice for a repeal of the order. The judicial organs reviewing each and every order carefully examine whether the criteria outlined in case law and legislation are fully met.</p>
110.		26/03/10	JUA	OPT; IJL; TOR	Concerning the detention and interrogation of 13 Palestinian minors at Al Jalame Interrogation and Detention Centre, notably A.S., male, 16 years old, from a village near Qalqiliya, West Bank; M.A., male, 16 years old, from Bethlehem, West Bank; S.K, male, 16 years old, from a village near Tulkarm, West Bank; A.A, male, 16 years old, from Nablus, West Bank; A. 'A, male, 16 years old, from Nablus, West Bank; M.S., male, 17 years old, from Nablus, West Bank; A.S., male, 17 years old, from a village near Qalqiliya, West Bank; M.Z., male, 17 years old, from a village near Qalqiliya, West Bank; M.S, male, 16	

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					<p>years old, from a village near Salfit, West Bank; T.K, male, 17 years old, from Nablus, West Bank; M.R', male, 17 years old, from Hajja village, near Qalqiliya, West Bank; U.M., male, 17 years old, from a village near Qalqiliya, West Bank and M. A, male, 16 years old, from Tulkarm Refugee Camp, West Bank.</p> <p>The above-mentioned 13 individuals were removed from their homes in the occupied Palestinian territory and taken to Al Jalame, which is an interrogation and detention centre located in northern Israel, near the city of Haifa. Reports indicate that cell no. 36 of Al Jalame is used to hold minors in solitary confinement in order to extract confessions. Minors held at Al Jalame for interrogation are denied access to a lawyer and do not receive family visits.</p> <p>On 10 February 2008, A.S. was arrested by Israeli soldiers from his family home around 7:00 a.m. He was blindfolded and his hands were tied behind his back with plastic ties. A.S. was transferred to an Israeli military base at Soufin, near Qalqiliya where he was examined by a doctor. Reports indicate that A.S. was beaten by soldiers at the military base. Later on the same day, A.S was transferred to Huwwara Interrogation and Detention Centre and then to Al Jalame Interrogation and Detention Centre. There, he was allegedly put in a very small cell for the following 15 days. Information received suggests that A.S. had been interrogated for three days. For an entire day, his hands and feet were tied to the wall in the shape of a cross which caused severe pain and the swelling of his hands. He had to urinate in the cell. Subsequently, A.S. was transferred to Damoun prison. Abed Saleem was released from detention on 10 December 2009.</p> <p>On 25 February 2008, M.A. was arrested by</p>	

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					<p>Israeli soldiers from his family home around 2:00 a.m. He was blindfolded and his hands were tied behind his back with plastic ties before he was placed on the floor of a jeep for transfer. M.A. was first taken to a military checkpoint at Etzion Junction, in the West Bank. M.A. was reportedly slapped and kicked by a soldier for around five minutes at the checkpoint. M.A. was later transferred to Etzion Interrogation and Detention Centre and Ofer prison, in the West Bank, where he had been interrogated for eight days. Subsequently, he was transferred to Al Jalame Interrogation and Detention Centre, where he was detained for 25 days in total. During the first five days, he was put in a cell by himself. Afterwards, he was interrogated and was made to sit on a metal chair which was tied to the floor and his hands were tied behind his back. The interrogator, who introduced himself as “Chris”, told him that there were people who had confessed against him. During the interrogation, which lasted about one hour, the interrogator was shouting in M.A.’s face to make him confess, but he refused to. On the 18th day of his detention, he was again interrogated. After the interrogator threatened M.A. that his mother and siblings would be arrested, he confessed of throwing stones and Molotov cocktails. After he had confessed, they took him out of the cell and put him in a normal cell. After his confession, M.A. was transferred to Telmond Prison, near Tel Aviv. M.A. was accused of being a member of a banned organisation. His current situation and condition are unknown.</p> <p>On 10 March 2008, S. K. was arrested by Israeli soldiers from his family home around 3:00 a.m. He was blindfolded and his hands were tied behind his back with plastic ties. He was then placed in a jeep for transfer to Salem</p>	

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					<p>Interrogation and Detention Centre and subsequently to Al Jalame Interrogation and Detention Centre. S. K was put in a cell with another child, in which he stayed for 14 days. The cell was very small for two persons and had dim yellow lights and two holes in the ceiling for ventilation. The walls were grey and rough so that one could not lean back against them. It was very hot inside the cell. The food, which was insufficient for two persons, was slipped through a small hole in the door. After two weeks, two additional persons were brought into the cell, which enhanced the overcrowding in the cell. The inmates only left the cell for interrogation or proceedings to extend the periods of imprisonment. On 13 March 2008, S.K. was taken out of the cell for interrogation. S.K. was made to sit on a very small chair from midday to 6 p.m. His hands were tied behind his back which caused pain. He was allowed to go to the bathroom once. The interrogation was conducted by an interrogator whose name was reportedly Ran. He was then taken back to the cell and not being interrogated for another week. After that period, he was again brought for interrogation where he was confronted with a confession of one of his friends against him. Then, the interrogator wrote S.K.'s statement in Hebrew and asked him to sign it but he refused. Instead, S.K. asked to write his own statement in Arabic. This interrogation lasted for one and a half hours. After the interrogation, S.K. was transferred to Telmond Prison, near Tel Aviv. S.K. was accused of firing at soldiers and was sentenced by a military court to 30 months imprisonment. He is currently being detained and is scheduled to be released on 10 September 2010.</p> <p>On 23 April 2008, A.A. was arrested by Israeli soldiers from his family home at 2:00 a.m.</p>	

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					<p>Abed Akrouit's hands and legs were tied. A soldier grabbed A.A. by the hair and pushed him towards a jeep, banging his head against the bonnet, before putting him inside on the floor of the vehicle. A.A. was first taken to Huwwara Interrogation and Detention Centre and then Al Jalame Interrogation and Detention Centre. Upon arrival, he was taken to a room where his hands were tied from the back to a small chair, which was fixed to the floor. The interrogator, who introduced himself as "Franco", spoke Arabic and stated that he ordered Abed Akrouit's arrest. A.A. was then put in solitary confinement and when he was interrogated again, he was once slapped hard in the face. Consequently, A.A. confessed to firing at a military jeep with a handgun. Eight days after being arrested, the Al Jalame military court extended Abed Akrouit's detention period for another eight days. After his court appearance to extend his detention, A.A. was put in a very small cell where it was very difficult to sleep. The walls were painted grey and had some protrusions. The light was very dim. A.A. spent 65 days by himself in this cell. At the end of the 65 day period, A.A. was taken to the interrogator who asked him to write another statement about the shooting incident with more details this time. He promised that if A.A. wrote it, he would allow him to call his family. A.A. did what the interrogator told him and was allowed to talk to his family. Shortly after writing the statement, A.A. was transferred to Telmond Prison. A.A. was charged with shooting at a military vehicle and sentenced by an Israeli military court. He is still being detained and is scheduled to be released on 23 April 2010.</p> <p>On 12 August 2008, A.'A., was arrested by Israeli soldiers from his family home around 2:00 a.m. He was taken out of the house and</p>	

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					<p>began calling to his mother to say goodbye, whereupon he was slapped violently on the neck by a soldier. A.'A. was blindfolded but not tied and was pushed into a jeep and made to sit on the floor. He was first taken to Huwwara Interrogation and Detention Centre and then to Al Jalame Interrogation and Detention Centre. Several weeks before being arrested, A.'A. reportedly found an unexploded device on the ground which he picked up causing it to explode. He lost two fingers from his right hand which was still bandaged at the time of his arrest. He was first taken before an interrogator upon arrival at Al Jalame and was told that he should confess to all charges to be brought against him as otherwise he would not have the bandages around his hand changed and therefore his hand would rot. Afterwards he was taken to a small cell, which had no ventilation. The cell, which was reportedly called cell no. 36, had holes for ventilation only; it had no windows. A.'A. slept on a mattress on the ground. The cell had one dimmed yellow light that was kept on for 24 hours a day. The walls were grey, and had rough surfaces, so it was difficult to lean against them. A.'A. was kept in the cell for two days before being taken back for interrogation. For the interrogation, he was seated on a small chair. His feet and his left hand were tied to the chair. His right hand was kept free due to the injury. A.'A. was kept tied in this manner for a long time in the room without being interrogated or asked anything. "I will keep you alone until you rot," the interrogator said. During interrogation, the interrogator shouted at A.'A. and threatened him again that he would not change the bandages and would let his hand rot. Subsequently, A.'A. confessed different offences as he wanted to end the interrogation. On 4 September 2008, A.'A. was</p>	

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					<p>transferred to Telmond and then Megiddo Prison. A.'A. was charged with being a member of a banned organisation and sentenced by a military court. A.'A. was released on 12 February 2010.</p> <p>On 30 October 2008, M.S. was arrested by Israeli soldiers from his family home around 1:30 a.m. Soldiers ordered everybody out of the house and one soldier threatened M.S. that anybody found inside the house would be shot at. M.S.'s hands were tied behind his back with plastic ties and a sack was placed over his head before he was placed on the floor of a jeep for transfer. During this transfer, M.S. was kicked and beaten by soldiers inside the vehicle. M.S. was first transferred to Huwwara Interrogation and Detention Centre and then to Al Jalame Interrogation and Detention Centre. M.S. was taken to cell 36, which was small and measured about 3x2 metres. There was a toilet inside the cell, but no shower. A mattress was on the floor. The walls were grey and rough. A yellow dim light was lit 24 hours a day, which hurt the eyes. He was kept for four days in the cell. He was given food through a hole in the door. Four days later, he was taken to the interrogation room, which had a desk and computer. There was a metal chair tied to the floor and placed in front of the desk. Shackles were also attached to the back of the chair. M.S. was forced to sit on the chair and his hands were tied behind his back with the shackles. M.S. was kept in this room sitting on the chair for about an hour, during which time no one was in the room except for him. One hour later, an interrogator who introduced himself as "Victor" entered the room and asked M.S. about his cell. When M.S. informed him about the cell, the interrogator told him that if he wants to get out of the cell, he would have to cooperate with the interrogator. He was then</p>	

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					<p>asked about his activities and when M.S. stated that he had not done anything endangering security he was taken back to the cell. The next day, M.S. was taken again for interrogation. He was accused of conspiracy to carry out a suicide bombing, possession of weapons, and throwing home-made grenades, which M.S. denied. The interrogator said that M.S.'s friends have already confessed. For ten days, M.S. was taken every day for interrogation, which followed the same scheme. On the 10th day of interrogation, M. S. confessed to all accusations made against him so as to get out of the cell. These include conspiracy to carry out a suicide bombing, possession of weapons, manufacturing of explosives, throwing home-made grenades, stones and Molotov cocktails. M.S. spent four more days in cell no. 36 before being transferred to Telmond, Megiddo and Damoun prisons. M.S. was sentenced by a military court to 45 months imprisonment and fined NIS 1,000. (US\$250). M.S. is still being held inside Israel and is scheduled to be released on 3 July 2012.</p> <p>On 13 January 2009, A.S. and two friends went to throw stones at settler cars travelling on the by-pass road between Qalqiliya and Nablus, to protest the Israeli offensive in Gaza. One of the boys was killed when the stone he threw bounced back off a car and struck him in the head. The remaining boys flagged down a passing car for help. The car they flagged down belonged to a guard from a local Israeli settlement who called the army to arrest the boys. The arriving soldiers tied A.S.'s hands so tight they began to swell and turn blue. A.S. asked the soldiers to loosen the ties but they refused. A.S. was first taken to Ariel Police Station, then to Huwwara Interrogation and Detention Centre and then to Al Jalame Interrogation and Detention Centre. A.S. was</p>	

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					<p>taken to a small cell at Al Jalame. It had one yellow light that was on for 24 hours a day. It did not have any windows; only ventilation holes. The walls were grey, and had a rough surface. A.S. stayed inside this cell for 20 days. A.S. was interrogated three times, during which he confessed to having thrown stones three times. During interrogation, the interrogator shouted at him. A.S. had to sit with his head down and his hands were tied behind his back. The Al Jalame military court extended A.S.'s detention twice. After 20 days, A.S. was transferred to Megiddo Prison. A.S. was charged with throwing stones. He was convicted by a military court on 27 December 2009. His release is scheduled for 13 December 2011.</p> <p>On 13 January 2009, M.Z. went with A.S. and another minor to throw stones at a settler by-pass road in protest at the Israeli offensive in Gaza (see above). One of the boys was killed when he was struck in the head by a rock. The other boys were arrested. Soldiers blindfolded M.Z. and tied his hands painfully tight. M.Z. was first transferred to Ariel Settlement, then Huwwara Interrogation and Detention Centre and then Al Jalame Interrogation and Detention Centre. He was kept in a small cell at Al Jalame, which had some gaps for ventilation and a bathroom. The light was yellow and dim and on around the clock. The walls were grey and had a rough surface so that a person could not lean against them. He was kept in the cell until 18 January 2009. On that day, he was taken out of the cell for the first time. He was taken to an interrogation room and made to sit on a small chair tied to the floor. They tied his hands to the chair and behind his back. He was kept in this position for about four hours, during which time he confessed to throwing stones twice and a Molotov cocktail once. M.Z.</p>	

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					<p>signed a statement that was written in Hebrew. During interrogation, the interrogator kept shouting at him and threatened him to break his head. After the interrogation, he was taken to another cell, which was in the basement. He had to sleep on the floor in this cell, which was very cold. The next day, he was again taken to the interrogation room to meet with the same interrogator. He told the interrogator the same as he told him before. After 20 days in Al Jalame, M.Z. was transferred to Megiddo Prison. M.Z. was charged with throwing stones at Israeli cars. He was convicted by a military court on 27 December 2009. His release is scheduled for 13 December 2011.</p> <p>On 21 January 2009, Israeli soldiers raided M.S.'s house but he was not there. The next day, he voluntarily gave himself up to the soldiers. M.S. was then picked up by soldiers in his village and transferred to Yakir Military Base. He was not tied or blindfolded. He was then transferred to Huwwara Interrogation and Detention Centre and then to Al Jalame. There, he was kept in a narrow cell that had no windows, just some gaps for ventilation. The walls were grey. The light was dim and yellow. It had a bathroom and a concrete bed. He spent two days in the cell without being asked anything. Afterwards, he was taken to an interrogator. The interrogator seated M.S. on a metal chair and tied his hands to the chair behind his back. He was accused of throwing Molotov cocktails and stones. M.S. was then taken back to the cell, and kept there for 24 hours. Then he was taken back to the interrogation room and the same interrogator. The interrogator said that he would help him because he turned himself in. M.S. confessed to throwing Molotov cocktails and stones. M.S. was held for 20 days in Al Jalame before being transferred to Megiddo Prison. He was accused</p>	

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					<p>of throwing Molotov cocktails and was sentenced by a military court to 28 months imprisonment. M.S. is scheduled to be released on 22 May 2011.</p> <p>On 22 January 2009, T.K. was arrested by Israeli soldiers from the family home around midnight. He was pushed to the ground and his hands were tied tightly behind his back with plastic ties. T.K. was blindfolded and made to sit on the floor of a jeep for transfer. T.K. was first transferred to Huwwara Interrogation and Detention Centre before being transferred to Al Jalame Interrogation and Detention Centre. From 22 to 25 January 2009, T.K. was kept in a small cell of approximately 3x2 meters. Its walls had a rough surface and they were grey; so one could not lean against them. It had no windows; only gaps for ventilation. The cell had only one dim yellow light that was lit the whole time and hurt the eyes. The cell had a toilet but no shower. He was provided with food through a hole in the door. On 25 January 2009, T.K. was taken to an interrogation room. There was a small metal chair in this room which was difficult to sit on. He was ordered to sit on this chair that was tied to the ground, and he was tied to the chair. He sat in this room for about an hour without being asked anything. Afterwards, an interrogator speaking fluent Arabic entered the room and told T.K. to confess. If he confessed he would be treated well. The interrogator made several accusations against him but T.K. did not confess to anything. This interrogation lasted about an hour. Afterwards, he was taken back to the cell and kept there for two weeks. He was not allowed to leave the cell. After two weeks, he was told that the interrogation was over and that he would be moved to a regular cell with the other detainees. T.K. was placed in a room with eight detainees, in addition to two</p>	

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					<p>detainees of his age. The room was big and sufficiently ventilated; it also had a television. In this cell, where he stayed for five days, T.K. signed confessions written by an informant who claimed to be from the West Bank and a security detainee in charge of the detainees. Afterwards, T.K. was taken back to the cell and the interrogation room, where he was seated again on the same metal chair. He was again tied. The same interrogator entered the room with his signed confessions. T.K. was then taken back to his cell where he spent 13 days, during which he was taken to the interrogation room every two days. T.K. confessed to all accusations made against him by giving a statement to the police. On 22 February 2009, T.K. was transferred to Megiddo Prison. T.K. was convicted by a military court to 42 months of imprisonment. He is scheduled to be released on 22 July 2012.</p> <p>On 30 January 2009, M.R. was arrested by Israeli soldiers from the family home around 1:30 a.m. M.R. had his hands tied behind his back and was made to sit on the ground for about half-an-hour, before being blindfolded and placed in the back of a truck. The truck arrived at a military base and M.R. was taken to a clinic. At the entrance to the clinic a soldier grabbed the back of his head and slammed it against the clinic door, causing bruising to his forehead and resulting in a headache. Inside the clinic the doctor asked him a few general questions and filled in a questionnaire. M.R. hands were then retied and he was blindfolded again and taken outside where he was made to sit on his knees on the ground until around 10:00 a.m., a period of at least five hours. Afterwards, M.R. was transferred to Huwwara Interrogation and Detention Centre and then to Al Jalame Interrogation and Detention Centre. On arrival</p>	

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					<p>at Al Jalame, he was taken to cell 36 which measured about 2 x 2.5 metres. However, another detainee was already inside the cell. As the cell was very narrow, the two detainees had difficulty to sleep. The walls of the cell were grey and had rough surfaces so that one could not lean against them. There were no windows, just one gap for ventilation. A yellow dim light was lit 24 hours. M.R. remained in cell 36 for over two days before being taken for interrogation on 1 February 2009. M.R. was not tied and was seated in an ordinary chair. The interrogator asked him why he endangered State security. M.R. replied that he had not done anything to endanger State security. The interrogation lasted 15 minutes and he was then taken back to cell 36 for another day. On 2 February 2009, M.R. was taken by a prison guard to another part of the detention centre where three other children were located and conditions were good. While in this section, M.R. informed two men, who introduced themselves as a detainee working with the Red Cross (Abu Taha) and the Fateh representative in the prison (Abu al-Abed), that he had thrown stones at Israeli cars and military vehicles. On 5 February 2009, M.R. was taken back to cell 36. Half-an-hour later he was taken back to the interrogation room and forced to sit on a small plastic chair that was tied to the floor. This time his hands were tied behind his back to the chair. The interrogator then accused M.R. that he had thrown stones at Israeli cars. When M.R. denied, the interrogator began shouting and said "I'll beat the hell out of you if you don't confess." The interrogator then showed the confession that M.R. had given to the two men. M.R. then confessed to throwing stones but denied a further accusation of throwing Molotov cocktails. The interrogation lasted around three hours during which time M.R.</p>	

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					<p>was tied to the chair. At no time during the interrogation was Mohammad informed that he had any rights. After his interrogation, M.R. was moved to a larger cell where he remained until 23 February 2009, when he was transferred to Megiddo Prison. M.R. has not yet been sentenced.</p> <p>On 24 February 2009, U.M. was arrested by Israeli soldiers from his family home around 12:30 a.m. U.M.'s hands were tied tightly behind his back and he was blindfolded before being placed inside a military vehicle. U.M. was first taken to Huwwara Interrogation and Detention Centre and then to Al Jalame Interrogation and Detention Centre. Upon arrival at Al Jalame, he was taken to a doctor who examined him and was then taken to a cell that measured about 2x 2,5 meters. The cell was closed from all sides and had only two gaps for ventilation. Its walls were grey and they had a rough surface so that it was difficult to lean against them. There was a toilet inside the cell. There were no mattresses and one had to sleep on the floor. U.M. was provided with food through a hole in the door. The light in the cell was yellow and dim. On 25 February 2009, he was taken to an interrogation room. An interrogator, who introduced himself as "Franco" was waiting for him in the room. U.M. was made to sit on a small low metal chair, which was tied to the floor in the middle of the room. U.M.'s hands were tied to the chair with shackles that were already tied to the chair. The interrogator asked U.M. general questions about his cousin, who had been arrested 25 days before. U.M. denied having done anything. In the course of the interrogation, the interrogator threatened U.M. to break his head if he did not confess. After the interrogation, U.M. was taken back to the cell where he remained for eight days without</p>	

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					<p>seeing anyone. Afterwards, he was taken to another section of the detention centre into a big room. While in this room, two persons approached U.M. and introduced themselves as Abu Taha (50) and Abu al-Abed (40). They displayed a great interest in U.M.'s situation. Everything that U.M. told them was written down by Abu al-Abed. Afterwards, the prison guard took U.M. to the interrogation room where "Franco" was waiting with the papers Abu al-Abed had written earlier. U.M. first denied everything, but when the interrogator put pressure on him, U.M. confessed to all charges against him. On the same day, the police took his statement and U.M. was then taken back to the cell. After 40 days at Al Jalame, U.M. was transferred to Megiddo Prison. U.M. was accused of affiliation with a banned organisation and preparing a Molotov cocktail. U.M. has not yet been sentenced.</p> <p>On 10 March 2009, M.A. was arrested by Israeli soldiers from the family home around 3:30 a.m. While getting dressed, a soldier hit M.A. in the neck causing him to fall to the floor. His hands were then tied with plastic cords behind his back and he was blindfolded. M.A. was then taken outside and placed on the floor of a waiting jeep. Once inside the jeep, M.A. was repeatedly kicked and slapped in the face for around five minutes. He was first transferred to Huwwara Interrogation and Detention Centre where he remained for six days before being transferred to Al Jalame Interrogation and Detention Centre. Upon arrival at Al Jalame, he was taken to cell 36, which was very small and measured about 3 x 2 meters. The walls were grey and had rough surfaces. There was a dim yellow light which was lit 24 hours per day inside the cell. M.A. had to sleep on the floor. The cell had no</p>	

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					<p>windows, only some gaps allowing the air to enter. The next morning, M.A. was taken for interrogation. An interrogator, who introduced himself as Roe, accused him of having contacts with an external informant. M.A. was tied to a low metal chair he was sitting on. When M.A. refused to confess, the interrogator said that he will be locked up in the cell. M.A. was then taken back to the small cell where he remained for five days. Afterwards, he was taken again for further interrogation. During the interrogation, the interrogator said that he knew everything about Monther Amarnah. When he denied the accusations, the interrogator started shouting and insulting him. Afterwards, M.A. was taken back to the cell. Three days later, M.A. was again taken for interrogation. This time, he confessed to having been in contact with an external informant due to the big pressure he felt from the interrogator. Later on, M.A. was moved to a larger cell and then to Megiddo Prison. M.A. was finally released from detention on 10 September 2009.</p>	
111.		20/04/10	JAL	FRDX; HRD; OPT; TOR	<p>Concerning the situation of Mr. Omar Alaaeddin and Mr. Mahmoud Zwahre. Mr. Alaaeddin is a Palestinian human rights activist who has been organizing and participating in demonstrations in the village of Al Ma'asara (West Bank) in protest of human rights violations allegedly committed by the Israeli authorities and the Israeli armed forces. Mr. Mahmoud Zwahre is the mayor of Al Ma'asara, and a co-organizer of demonstrations in Al Ma'asara.</p> <p>On 14 March 2010, Mr. Alaaeddin was reportedly beaten and arrested by Israeli soldiers at the Container checkpoint in the West Bank. He was detained incommunicado in the Israeli Russian Compound jail in</p>	

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					<p>Jerusalem and interrogated in relation to his participation in demonstrations and for having allegedly assaulted one Israeli soldier who arrested him. Mr. Alaaeddin reported that he was beaten and subjected to electro-shocks with a taser while in detention. He further alleged that despite his repeated requests, he did not receive any medical treatment during his detention. Furthermore, Mr. Alaaeddin denied having assaulted Israeli soldiers at the Container checkpoint.</p> <p>On 21 March 2010, Mr. Alaaeddin was brought before a judge who reportedly ordered his release for lack of evidence in relation to the assault of Israeli soldiers.</p> <p>This arrest follows the one of Mr. Zwahre, who was allegedly arrested at the Container checkpoint, beaten and detained by Israeli forces on 2 March 2010.</p> <p>Concern is expressed that the arrests and detentions of Mr. Alaaeddin and Mr. Zwahre might be directly related to their legitimate work in defense of human rights, in the exercise of their right to freedom of expression. More generally, further concern is expressed for the physical and psychological integrity of the organizers of demonstrations in Al Ma'asara.</p>	
112.		03/05/10	JUA	OPT; WGAD; TOR	<p>Concerning the arrest, interrogation and administrative detention of M.M., a 16-year-old Palestinian boy.</p> <p>On 20 March 2010, M.M. was arrested at 3.00 a.m. by Israeli soldiers in his family's home in Qalandiya Refugee Camp, without an arrest warrant. He would have been transferred blindfolded and restrained to an undisclosed location where he would have spent a few hours before being taken in another military vehicle to Ofer Military Base near Ramallah.</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>Upon his arrival at Ofer, he would have been strip-searched and forced to sit naked on the ground until he was given a brown prison uniform. M.M. was then taken to a cell holding both adults and children.</p> <p>On 22 March 2010, M.M. was taken to Binyamin police station for interrogation during which he remained shackled at the hands and feet. The interrogator would have then given M.M. a handwritten paper to sign but he refused since he could not understand the writing. M.M. was then sent back to the prison at Ofer Military Base where he remains at present.</p> <p>On 27 March 2010, M.M. received an administrative detention order for six months without the charges having been disclosed. On 15 April 2010, at the judicial review, a military court judge confirmed the order citing undisclosed allegations but reduced it to a period of three months. M.M. administrative detention order would accordingly expire on 26 June 2010.</p> <p>Concern is expressed about the administrative detention without charges of M.M. who would be the first Palestinian child to have been ordered to administrative detention since November 2009. Further concern is expressed with regard to the physical and mental integrity of the minor, particularly given the treatment he allegedly suffered upon his arrival at the Ofer Military Base which, under the Convention against torture or cruel, inhuman and degrading treatment or punishment (notably articles 2, 11 and 16), could amount to torture or cruel, inhuman and degrading treatment.</p>	
113.		21/06/10	JAL	OPT; IJL;	Concerning the violent arrest, denied access to a lawyer as well as the use, or threatened use,	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
				TOR	<p>of sexual assault during interrogations by Israeli security and law enforcement personnel against nine Palestinian children in order to extract confessions.</p> <p>Between January 2009 and April 2010, Israeli soldiers, policemen, Israeli Security Agency (ISA) interrogators and prison officers, have violently arrested, often from their homes, nine children aged between 13 and 16 years. These arrests have allegedly been accompanied by violence and property damage. During these arrests, children were reportedly blindfolded and their hands tied tightly behind their backs with plastic ties that have reportedly caused injuries in their flesh.</p> <p>On arrival at interrogation and detention centres, children were allegedly denied access to a lawyer, for days or weeks, until the end of the interrogation process and once confessions were obtained. According to the information received, abusive and threatening techniques are being employed against Palestinian children during interrogation, including sexual assault and threats of sexual assault, in order to obtain confessions.</p> <p>Furthermore, children were reportedly made to sign confessions in Hebrew, a language few of them understand. According to the allegations received, these confessions constitute primary evidence against the children in military courts.</p> <p>According to reports received, the following children have been victims of the alleged incidences. The list below includes information about name, sex, age, occupation, nationality as well as date and place of arrest and place of sexual assault or threat of sexual assault:</p> <p>1. N.M.I.R. – Male, 15 years</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					- Student	
					- Resident of Qalqiliya, Occupied Palestinian Territory	
					- Arrested on 6 March 2009 from the family home near Qalqiliya	
					- Qedumim Settlement, Occupied Palestinian Territory	
					2. I. A. I. Z' – Male, 16 years	
					- Student	
					- Resident of Bethlehem, Occupied Palestinian Territory	
					- Arrested at on 4 May 2009 from the family home near Bethlehem	
					- Etzion Interrogation and Detention Centre, Occupied Palestinian Territory	
					3. M. A. A.-H al-S – Male, 15 years	
					- Student	
					- Resident of Hebron, Occupied Palestinian Territory	
					- Arrested on 29 July 2009 from the family home near Hebron	
					- Kirya Arba Police Station, Occupied Palestinian Territory	
					4. M.K.K.al-S. – Male, 16 years	
					- Student	
					- Resident of Hebron, Occupied Palestinian Territory	
					- Arrested at 2:00am, on 27 October 2009	
					- Arrested from the family home near Hebron	
					- Etzion Interrogation and Detention Centre, Occupied Palestinian Territory	

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					5. M.Z.M.al-Q. – Male, 15 years	
					- Student	
					- Resident of Hebron, Occupied Palestinian Territory	
					- Arrested on 6 January 2010 from the family home near Hebron	
					- Etzion Interrogation and Detention Centre, Occupied Palestinian Territory	
					6. U.Z.Y. 'E - Male , 13 years	
					- Student	
					- Resident of Ramallah, Occupied Palestinian Territory	
					- Arrested on 6 January 2010 at Qalandiya Checkpoint, near Ramallah	
					- Unknown location	
					7. Q.F.M.H. – Male, 15 years	
					- Student	
					- Resident of Hebron, Occupied Palestinian Territory	
					- Arrested on 13 January 2010 from the family home near Hebron	
					- Unknown location	
					8. A.S.I.S. – Male, 13 years	
					- Student	
					- Resident of Bethlehem, Occupied Palestinian Territory	
					- Arrested on 22 April 2010 from the family home near Bethlehem	
					- Unknown location	
					9. S.A.Y. al-J. – Female, 16 years	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<ul style="list-style-type: none"> - Student - Resident of Ramallah, Occupied Palestinian Territory - Arrested on 30 April 2010 at Anata checkpoint, near Jerusalem - Anata checkpoint; an unknown location in West Jerusalem; and Neve Tertze prison, Israel. <p>Serious concern is expressed about the physical and mental integrity of the children listed above. In this connection, concern is expressed about the violent arrest of these Palestinian children and denied access to a lawyer during the detention period. Further serious concern is expressed about allegations of the use of abusive and threatening interrogation techniques, including sexual assault and threats of sexual assault, in order to obtain confession from children, which could then be used as primary evidence in military courts.</p>	
114.		03/11/10	JUA	HRD; IJL; TOR	Concerning the conviction of Mr. Ameer Makhoul. Mr. Makhoul is the General Director of Ittijah – a union of Arab community-based associations, a network of Arab NGOs in Israel which holds consultative status with the United Nations Economic and Social Council – and is also Chairperson of the Public Committee for the Defence of Political Freedom where he monitors restrictions on the political freedoms of Arab citizens in Israel. Mr. Makhoul was the subject of a previous Urgent Appeal by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders sent on 21 May 2010. The response of your Excellency's Government to the above appeal was received on 2 August	

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					<p>2010.</p> <p>On 27 October 2010, Mr. Ameer Makhoul was convicted by Haifa district court of involvement in espionage operations with the Lebanese organization Hezbollah. It is reported that Mr. Makhoul was found guilty, subsequent to confession which formed part of a plea bargain reached between the prosecution and defence, on charges of contact with a foreign agent, espionage and aggravated espionage. Mr. Makhoul also pleaded guilty to charges of conspiracy to aid the enemy in a time of war, a charge which was later dropped.</p> <p>Concern has been expressed that Mr. Makhoul may have confessed to these crimes as a result of torture or the use of other forms of violence against him while in detention. It is reported that Mr. Makhoul previously stated in the Magistrate's Court in Petah Tikva that he had admitted to false accusations under duress, due to the harsh methods of interrogation to which he was subjected. Said methods of interrogation reportedly included sleep deprivation and constant interrogation while being tightly bound to an undersized chair in such a way as to cause him extreme pain.</p> <p>Mr. Makhoul is due to be sentenced in December.</p> <p>Concern is expressed that the conviction of Mr. Ameer Makhoul may be related to his legitimate and peaceful human rights activities. Furthermore, in light of the allegations of ill-treatment and torture in detention, grave concern is expressed for Mr. Makhoul's physical and psychological well-being.</p>	
115.		03/11/10	JUA	WGAD; TOR	Concerning the arrest and administrative detention by the Israeli soldiers of Ms. Hana Shalabi, Palestinian national, aged 28, from the West Bank city of Jenin, Occupied Palestinian	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>Territory.</p> <p>On 14 September 2009, at around 1:30 a.m., 12 military jeeps with Israeli soldiers surrounded Ms. Hana Shalabi's house in Burqin village, near the West Bank town of Jenin. On 14 September 2009, Ms. Shalabi was allegedly arrested by Israeli soldiers at her family home. Reportedly, Israeli soldiers acted in accordance with Military Order 378, Article 78(a) which authorizes an Israeli soldier to arrest and detain for up to eight days a Palestinian from the West Bank. The Israeli soldiers allegedly shouted at and verbally abused Ms. Shalabi and members of her family and demanded that Ms. Shalabi hand over her identity card. It is reported that one Israeli soldier hit Ms. Shalabi's father, aged 63, on his chest with the butt of a rifle, when he tried to intervene with an attempt to protect his daughter from verbal abuse. Ms. Shalabi was reportedly handcuffed and taken to Salem Detention Center in Occupied Palestinian Territory.</p> <p>It is alleged that some of the male soldiers accompanying Ms. Shalabi in the military jeep took pictures of Ms. Shalabi when her Muslim religious dress fell open, exposing her clothes and parts of her body.</p> <p>It is reported that upon arrival to Salem Detention Center Ms. Shalabi underwent a quick physical examination by a doctor and was subsequently transferred to Kishon Detention Center inside Israel where she was reportedly held in solitary confinement for eight days from 14 to 22 September 2009. Ms. Shalabi was allegedly subjected to daily interrogation sessions lasting from early morning to late evening for eight consecutive days and was allegedly subjected to sexual harassment and ill-treatment during the interrogation. It is reported that one of the</p>	

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					<p>interrogators slapped Ms. Shalabi on the face and beat her arms and hands when Ms. Shalabi started shouting at the Israeli interrogator in response to the interrogator's offensive and provocative way of calling her <i>Habibti</i>" (Arabic for "darling"). It is reported that after this incident the guards took Ms. Shalabi back to her cell, tied her to the bed frame and started taking pictures of her in that position.</p> <p>It is alleged that at Kishon Detention Center Ms. Shalabi was detained in a cell measuring six square meters that had no windows or adequate ventilation and was reportedly in poor sanitary condition. It is reported that Ms. Shalabi was deprived of sunlight and could not establish whether it was day or night in order to respect her fast during Ramadan. As a result, she decided to fast during the entire eight days, refusing meals and drinking only water. When Ms. Shalabi's interrogation period ended she reportedly continued to be detained at Kishon Detention Center for nine additional days. On 1 October 2009, Ms. Shalabi was reportedly transferred to HaSharon Prison in Israel.</p> <p>It is further reported that on 29 September 2009, Israeli Military Commander, Mr. Malka, issued a six-month administrative detention order against Ms. Shalabi on the basis of alleged secret information which claimed that Ms. Shalabi was planning to carry out a terrorist attack. The detention order was set to expire on 28 March 2010 and was approved by military judge, Mr. Nun, of the Court of Administrative Detainees in Ofer Military Base on 5 October 2009. Ms. Shalabi's detention order and its subsequent two renewals were reportedly based on alleged secret information claiming that she intended to carry out a terrorist attack. It is alleged that Ms. Shalabi's trial counsel has not been permitted to see any</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>of the alleged evidence against Ms. Shalabi and has had no means of effectively challenging the detention after Ms. Shalabi's lawyer's appeal against the administrative detention order was refused. It is reported that Ms. Shalabi was held without charge or trial until 13 March 2010. On 14 March 2010, a second six month administrative detention order was issued, followed by a third administrative order on 12 September 2010. This is due to expire on 11 March 2011.</p> <p>On 1 October 2009, on arrival to HaSharon Prison, due to overcrowding, Ms. Shalabi was reportedly placed in the same section as female Israeli criminal offenders. On 25 October 2009, after being held for 25 days among Israeli criminal offenders and following Ms. Shalabi's attorney's complaint to the HaSharon Prison administration, Ms. Shalabi was reportedly transferred to Section 12 of HaSharon Prison with other Palestinian female prisoners.</p> <p>Reportedly, Ms. Shalabi continues to be held in Section 12 of HaSharon Prison together with approximately 18 other Palestinian female prisoners. Reportedly, the building of HaSharon Prison was known as the headquarters of the British Mounted Police during the British Mandate in Palestine, and as such, was not designed for the imprisonment of women. It is reported that due to the harsh detention conditions and overcrowding, Ms. Shalabi suffers from humidity, lack of natural sunlight and adequate ventilation, as well as poor hygiene standards.</p> <p>Concern is expressed at the violent arrest of Ms. Shalabi and allegations of sexual harassment and ill-treatment towards Ms. Shalabi during her arrest and interrogation. In light of the allegation that Ms. Shalabi remains detained and the lack of any formal charges</p>	

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					brought against her, concern is expressed at Ms. Shalabi's physical and mental integrity. Further concern is expressed that Ms. Shalabi's imprisonment amounts to arbitrary detention in light of the allegation that the investigation did not provide any evidence of the alleged "intention" before the Court. Further concern is expressed that Ms. Shalabi has been arbitrarily denied her right to a fair trial. Moreover, in light of allegations about the independence and impartiality of administrative courts and military court judges and prosecutors, concern is expressed that Ms. Shalabi has no effective means of challenging her detention.	
116.	Italy	12/02/10	JAL	SUMX; TOR	<p>Concerning nine cases of death in custody in Italy. We list the information received in the order of the alleged date of death, starting with the most recent case:</p> <p>Mr. S.C., aged 31, was arrested on suspicion of drugs possession in a park in Rome at 11.30 p.m. on 15 October 2009. The carabinieri who had arrested him took him to his parents' home, where they searched his room, and then to their holding cells. In the morning, the carabinieri took him to Rome Tribunal, where around noon he was subjected to fast track trial (processo per direttissima). Mr.S.C. had a weight of only around 40 kilograms and declared at the hearing that he was anorexic, epileptic and HIV-positive. According to members of his family, they noted at the hearing that he had a badly swollen face and bruises around his eyes. A visit at the tribunal's medical service and another visit at Regina Coeli prison in Rome, where Mr.S.C. was taken after the trial, confirmed that he had facial injuries and difficulties walking. On the same day Mr.S.C. was taken to Fatebenefratelli hospital, where he was found to have two broken vertebrae. The following day, 17</p>	<p>By letter dated 12/05/2010, the Government indicated that Mr. S. C. was arrested on October 15, 2009, at 23.30 and brought to the Carabinieri post of Roma Appia: after the drafting of his arrest proceeding, he was brought to the detention cells of the Carabinieri post of Roma Tor Sapienza.</p> <p>At 5.10, the Carabinieri staff of the latter post called for the intervention of an ambulance, reporting that Mr. S. C. had an epileptic fit.</p> <p>In the morning of the 15th of October 2009, Mr. S. C. was transferred by Staff members of the Carabinieri to the detention cells for arrested persons at the Court of Rome where his arrest was validated by the Judge; and the relevant order of pre-trial custody in prison was issued in accordance with Article 73 of the Consolidated Act on Drugs (DPR 309/90).</p> <p>He was examined by a physician at the infirmary of the Court of Rome where ecchymosed injuries, pain and injuries in the sacral part of the body and at the lower limbs were found.</p> <p>During the medical examination upon his</p>

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					<p>October 2007 (a Saturday), Mr.S.C. was again taken from the prison to Fatebenefratelli hospital and from there, at around 1.15 p.m. to the custodial section of Pertini hospital in Rome. His parents were informed of his arrival at the hospital only at around 9 p.m. and, having immediately driven to the hospital, were denied their request to see Mr.S.C. and told to return on Monday 19 October morning. On 19 October morning, Mr.S.C.'s parents were denied the visit on the ground that the required permit from the prison authorities had not been received yet. The following day, they were told that a permit from the competent judge was required to visit their son or speak to the doctors treating him. The next day, Wednesday 21 October 2009, Mr.S.C.'s father had obtained the judicial permit to visit his son, but lacked the required endorsement from the prison authorities. On 22 October at 6.20 a.m. Mr.S.C. died in hospital. The medical certificate speaks of a "presumed natural death", but the public prosecution service has opened an investigation.</p> <p>On 11 September 2008, a detainee of Velletri prison aged 41 (his name has not been reported to us) died at Velletri hospital. The man, who was taken to the hospital from the prison, had allegedly been beaten by police officers after having been arrested on suspicion of having stolen a bicycle. The autopsy report noted internal bleeding due to severe damage to the spleen and two broken ribs. The man reportedly accused the police of his state shortly before dying.</p> <p>On 5 February 2008, a detainee in the prison of Imperia (his name has not been reported to us), aged 29, died in his cell. A natural cause of death has been excluded and the public prosecution has opened an investigation, but no</p>	<p>entry into the prison of Rome Regina Coeli, the physician certified the presence of ecchymosis, tumefaction of the face, pains while walking, pains to lower limbs, nausea and asthenia. Thus it was requested an urgent examination at the Hospital for the necessary diagnostic checks, as per Art. 17 of the Italian Penitentiary Act.</p> <p>At the first aid of Fatebenefratelli Hospital in Rome, the fracture of two vertebra was found; the prisoner refused the hospitalization and re-entered prison and was sent to the therapeutic diagnostic centre situated inside the same prison.</p> <p>On October 17, 2009, he was examined by the physicians of the prison and since the above-mentioned symptoms persisted, he was sent again at the protected ward of Fatebenefratelli Hospital and subsequently hospitalized at the protected ward of Sandro Pertini Hospital in Rome, where he died on October 22, 2009.</p> <p>The judicial investigation is ongoing: three agents of the Penitentiary Police as well as eight medical doctors, who treated him, are under investigations.</p> <p>The three members of the Penitentiary Police have been assigned to a different duty station, pending the relevant penal developments. At the issue of the penal investigation, an assessment shall be made whether suspending them from their duty or not. The Department of the Penitentiary Administration carried out an administrative investigation for assessing possible infringement of law as for the duties of the penitentiary Administration as well as the possible malfunctions occurred during that affairs.</p> <p>As for the death occurred on September 11,</p>

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					<p>results are known.</p> <p>In December 2007, a man was found dead in his cell in Lecce prison (his name has not been reported to us) three days after having been taken into custody there. The office of the prosecutor opened a homicide investigation, but the results are not known as of today.</p> <p>Mr. Aldo Bianzino died in his cell in Capanne prison in Perugia on 14 October 2007. He had been arrested at home two days earlier on charges of growing marijuana. The autopsy report found injury to the liver and internal bleeding “of traumatic origin”. A prison guard is currently on trial in Perugia on charges of having failed to alert medical services when Mr. Bianzino, in the night before his death, was calling for help. A second investigation against unknown perpetrators on charges of voluntary homicide is ongoing.</p> <p>On 25 September 2005, 18-years-old Federico Aldrovandi died in Ferrara after an encounter with four police agents, who beat him with their batons (breaking two batons), and made him lie on the ground with his hands cuffed behind his back. The results of the medical forensic examination show bruises and haematoma all over Mr. Aldrovandi’s body, including a cut to the back of the head, squashed testicles, a deep wound to one buttock and scratches on the face. In July 2009, the Ferrara Tribunal found the four police agents guilty of culpable homicide by excessive use of force and sentenced them to three years and six months imprisonment. The police officers were not detained during the proceedings and not imprisoned after being sentenced. They continue to be on duty (as they have been since the death of Mr. Aldrovandi), as appeals proceedings in their case are ongoing. Police regulations provide that they</p>	<p>2008 at Velletri Prison, it may be referable to Mr. S. B., born on August 18, 1965, imprisoned at Velletri remand prison and deceased on September 9, 2008 at the Hospital of that city where he was urgently hospitalised that morning.</p> <p>He was arrested on September 8, 2008 by the staff of Nettuno Police station, and rescued from the anger of some passers-by, since shortly before he had hit with a stick the owner of a shop.</p> <p>The arrest report states that, during the accompanying and at the police station offices, he kicked out, threw punches, damaged the room and attempted self-injuring gestures so that the request for intervention of the first-aid station was necessary.</p> <p>He entered prison at 00.35 of September 9, 2008 upon order of Velletri Prosecutor’s Office and already had several ecchymoses on all his body, inter-costal pains, pains to the face and limbs, as it is inferred from medical certificates of the examinations carried out upon his entry in the prison. At about 12.00 his urgent hospitalization was ordered at Velletri Hospital where he died at about 15.00 during the carrying out of diagnostic checks.</p> <p>The relevant Penitentiary Authorities are still waiting for the results of the checks ordered by the Judicial Authorities.</p> <p>From the investigations carried out by Latium Regional Directorate of the Penitentiary Administration, on behalf of the Directorate General for Prisoners and Treatment of the same Administration, it did not result in any disciplinary and administrative</p>

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					<p>will be suspended from duty only after a possible confirmation of their conviction in appeals proceedings is upheld in third and final instance by the Cassation Court. Due to a general clemency measure applicable to their case and possibly to the statute of limitations, the four convicted police officers are highly unlikely to even partially serve the prison sentence.</p> <p>Mr. Marcello Lonzi, aged 29, died in Livorno prison in July 2003, his face badly bruised and his body covered with blood. While a first autopsy attributed his death to a cardiac arrest, but a second autopsy excluded natural death and highlighted traces of ill-treatment on Mr. Lonzi's body. Two prison guards and an inmate are charged with homicide, but six years after the homicide the first instance trial is still ongoing.</p>	<p>responsibilities on the penitentiary staff.</p> <p>With specific regard to the criminal proceeding (No. 4487/09) launched against four police officers, the judicial investigation is still ongoing.</p> <p>As for the death occurred at Imperia Prison on February 5, 2008, it may be the case of Mr. A. B., born on November 4, 1979. He was found at 9,15 in his bed by his fellow inmates who had tried several times to wake him.</p> <p>The administrative investigation carried out by the Regional Directorate of the Penitentiary Administration of Liguria, on behalf of the Directorate General for Prisoners and Treatment, has not identified failures or negligence, worthy of disciplinary interventions, as the staff has carried out his own work, professionally and diligently, in compliance with the general requirements of prison security.</p> <p>Against this background, it is necessary to stress that the relevant judicial proceeding was concluded on March 24, 2010 with the conviction of the two fellow inmates of Mr. A. B., to additional detention penalties. In fact, at the conclusion of the first instance trial it was ascertained that his death had been caused by cardiac arrest following the use of drugs, having been introduced in the cell by the above convicted.</p> <p>As for the death occurred at Lecce remand Prison in December 2007, it may be the case of Mr. V.F. , born on February 23, 1956.</p> <p>He was found, at 11.15 of December 17, 2007, dead in the bed of his cell by prison staff when the ordinary search of the cell was being carried out. During the previous check,</p>

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						<p>occurred 2 hours before, the prisoner was still alive.</p> <p>Notwithstanding the immediate intervention of prison medical staff, the resuscitation techniques were not successful and the Emergency service physician, who had intervened in the meanwhile, certified the death for heart circulatory collapse. Judicial investigations are still ongoing.</p> <p>Mr. A. B., arrived at Perugia Capanne remand Prison on October 12, 2007, was found on October 14, 2007, in the bed of his cell by prison staff during the daily controls provided for by the internal regulation.</p> <p>The prisoner was immediately assisted by medical prison staff, but the resuscitating techniques carried out did not give any results and the physician of the emergency service certified the death thereof.</p> <p>The legal physicians who intervened, did not notice signs of external traumatisation, ascribing the death to acute cardiac insufficiency of such a nature to be determined.</p> <p>For this case, there is an ongoing criminal proceeding against an “assistant” of the Penitentiary Police – for the crimes provided for by Article 593 (failure to rescue) and 328 (nonfeasance) of the Italian penal Code – for having omitted to call a medical intervention, as the prisoner was asking for it.</p> <p>Such assistant has been committed for trial, and the relevant hearing should take place on June 28, 2010, while waiting the outcome of the penal procedure, no disciplinary or administrative provisions have been adopted towards penitentiary staff.</p> <p>As for the death of Mr. F. A., occurred on</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
						<p>September 25, 2005, the four State police officers committed for trial - with the charge of manslaughter for excess performance of duty (Arts. 51, 55, 589 of the penal code) - have been condemned, at the first instance trial, on July 2009, to a 42-months detention penalty. All four convicted have lodged appeal against such verdict and the relating proceeding has not started yet.</p> <p>Mr. M. L. was found at 19,50 of July 11, 2003 by prison staff in his cell at Livorno remand Prison on the floor with his head near the radiator and his fellow inmates knelt before him.</p> <p>The prison physician, who immediately intervened, found injuries on his face and rendered immediate aids attempting to resuscitate him until the arrival of the physician of the Emergency service who, after having carried out an electrocardiogram, established the death for heart circulatory collapse.</p> <p>The administrative investigation, carried out by the Regional Directorate of the Penitentiary Administration of Florence, on behalf of the Directorate General for Prisoners and Treatment, has not recognized disciplinary and/or administrative responsibilities of prison staff or medical staff who rendered the necessary assistance. Such investigation did not reveal elements referable to a death for violent causes. Also the examination on Mr. M.L. fellow inmate did not give signs of injuries on his body and the injuries found by the physician on the face of the prisoner were ascribed to his sudden fall, fainting against the gate of the cell. The same result was given by the legal medical checks ordered by Livorno Prosecutor's Office, which ascribed the cause of the death</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
117.	Kazakhstan	02/07/10	JUA	WGAD; FRDX; TOR; TERR	<p>Concerning Mr. Ershidin Israel, 38 years, ethnic Uyghur of Chinese nationality, currently being held at the Pre-trial Investigation Center No. 1 of Almaty, Seifulina Street.</p> <p>Mr. Israel fled the Xinjiang Uyghur Autonomous Region of China to Kazakhstan in September 2009 after he had provided information to Radio Free Asia's Uyghur Service about the alleged torture to death of a Uyghur detainee and the subsequent arrest of two individuals whom the Chinese authorities accused of providing information on the case to the same radio station.</p> <p>After his arrival in Kazakhstan, Mr. Israel applied for refugee status from the office of the United Nations High Commissioner for Refugees (UNHCR) in Almaty, which he was granted in mid-March 2010. Mr. Israel has also made an application to the Kazakh authorities for asylum, which is still pending. At the end of March 2010, UNHCR had secured a resettlement offer for Mr. Israel from Sweden. Mr. Israel was scheduled to depart to Sweden</p>	<p>to a natural event (malignant cardiac arrhythmia), so as to exclude the violent cause and on the contrary to ascribe the injuries to the violent clash against a sharp-cornered surface (cell door jamb).</p> <p>A penal procedure was started against two Penitentiary Police staff members – for the crimes provided for by Article 113 (complicity in culpable crime) and 589 (culpable homicide) of the Italian Penal Code – for having omitted to comply with the order of “high surveillance” of Mr. M. L..</p> <p>On March 16, 2010, the Public Prosecutor's Office has requested for the dismissal of the case and the preliminary investigation justice will decide on it, accordingly.</p>

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					<p>on 1 April 2010.</p> <p>Subsequently, the Kazakh authorities denied Mr. Israel's application for an exit visa, indicating that his name appeared on Interpol's terrorism watch list. Prior to that, the Chinese authorities had made an extradition request based on terrorism allegations against Mr. Israel.</p> <p>The authorities agreed that Mr. Israel live in a 'safe place'/apartment designated by UNHCR and that Mr. Israel be accompanied by representatives of UNHCR to interviews that have been conducted by the authorities repeatedly over the past months and were focused on his background and how he crossed the border into Kazakhstan.</p> <p>On 23 June 2010, Mr. Israel was arrested by the authorities with a view to his possible extradition to China. A court hearing took place on 25 June and the court upheld and sustained the arrest in relation to the possible extradition. Mr. Israel appealed that court decision; the appeals proceedings are expected for today, 2 July 2010. Information received indicates that in case the appellate court upholds the lower's court decision, the office of the Prosecutor-General is likely to request more information from the Chinese authorities in relation to the extradition request.</p> <p>Concern is expressed about the possible forcible return of Mr. Israel to China where he risks to be arrested and tried on terrorism charges in relation to the aforementioned information provided by him to Radio Free Asia. Further concern is expressed about Mr. Israel's physical and mental integrity if returned to China.</p>	
118.		08/10/10	JUA	FRDX; HRD;TO	Concerning Mr. Vadim Kuramshim, Mr. Zhumagali Omanbayev and Mr. Spandiyar	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
				R	<p>Shymyrkulov.</p> <p>On 6 October 2010 at 6 p.m., Mr. Vadim Kuramshin and Mr. Zhumagali Omanbayev, brother of a prisoner at 40th Colony Dolinka in Shakhtinsk, near Karaganda, were arrested following after they tried to arrange a meeting with the prison administration. The men were trying to obtain permission to meet with a prisoner, Mr. Spandiyar Shymyrkulov who, on his arrival at the Colony was allegedly beaten up and put in a punishment cell for refusing to clean a toilet.</p> <p>As Mr. Kuramshin and Mr. Omanbayev were leaving the prison building, the men were arrested by officers from the Shakhtinsk Police and staff of the Committee for the Criminal Investigation System (National prison administration), and taken to the local police station. Upon inquiring into the reasons for the arrest, Mr. Kuramshin was informed by Police Major Kashkynov that he had received information from certain persons accusing him of being involved in drug trafficking. These people remain anonymous.</p> <p>Mr. Zhumagali Omanbayev has reportedly been pressured to turn down help from Mr. Kuramshin. Mr. Kuramshin and Mr. Omanbayev are currently held at the Police Station in Shakhtinsk. With regard to the situation of Mr. Spandiyar Shymyrkulov, no information about his well-being is available.</p>	
119.		19/11/10	AL	TOR	<p>Concerning Mr. Kanat Mukhambetkaliev, a detainee in prison no 161/4 based in Kushmurun, Kostanayskiy oblast, Republic of Kazakhstan.</p> <p>On 28 September 2010, Mr. Mukhambetkaliev, born in 1987, was sentenced to five years' imprisonment in the common regime colony no. 161/4 in Kushmurun, Republic of</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>Kazakhstan. It is reported that Mr. Mukhambetkaliev was subjected to special measures for allegedly refusing to follow the instructions of prison's employees.</p> <p>According to the information received, on 6 October 2010, Mr. Mukhambetkaliev was fatally injured while in the quarantine facility of colony no. 161/4. On 6 October 2010, Mr. Mukhambetkaliev died in the emergency unit of Auliekolskiy regional hospital. It is alleged that Mr. Mukhambetkaliev died from injuries caused by severe beatings while in detention. An employee of the mortuary reportedly confirmed that Mr. Mukhambetkaliev's body bore visible marks of torture and brutal beating, and that Mr. Mukhambetkaliev's life would have been saved had there been timely medical aid. It is further reported that the medical forensic examination performed on 6 October 2010, indicated that the body injuries and the subsequent death of Mr. Mukhambetkaliev were allegedly caused by beating with a heavy object.</p> <p>On 6 October 2010, a criminal investigation was reportedly launched and on 8 October 2010, the colony's chief of control unit and the senior specialist of the regime unit were charged with "exceeding power of official authority entailing grave consequences or committed with the use of arms of special means". Reportedly, on 11 October 2010, the Auliekolskiy regional court issued its arrest warrants.</p> <p>On 6 October 2010, the chief investigator of the Special division of the Department for Internal Affairs (SU DVD) of Kostanayskiy oblast, stated publicly that Mr. Mukhambetkaliev's death, according to the death certificate dated 6 October 2010, was caused by "brain hypostasis, sharp nephritic</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
120.			Follow-up to earlier cases		<p>syndrome, and several injuries in the gluteal areas”.</p> <p>On 8 November 2010, following several media reports about the death in custody of Mr. Mukhambetkaliev, a new investigative team was established. It is reported that the chief investigator of the group declared that in addition to the charges of “exceeding power of official authority,” a new charge of “murder” will be added to the criminal case.</p> <p>Serious concern is expressed about the allegations of torture and ill-treatment and Mr. Mukhambetkaliev's death while in custody.</p> <p>A number of prisoners at AK 159/7 strict regime colony in Dolinka, Karaganda Oblast. (A/HRC/13/39/Add.1 para 159)</p>	<p>By letter dated 28/08/09, the Government indicated that the inquiry conducted by the Office of the Procurator-General of Kazakhstan, with the participation in his specialist capacity of a forensic medical expert, established that, on 13 May 2009 at approximately 11 p.m., five convicts from unit No. 3 of institution AK 159/7, having breached the institution's schedule by failing to obey the lights out order, inflicted bodily injuries on themselves. Mr. O. Kruglikov, Mr. M. Ilyasov, Mr. O. Akhmetov and Mr. M. Umbetkaliev inflicted non-penetrating knife-cut wounds to their abdomens without damaging internal organs. Convict Mr. D. Ershov inflicted a penetrating knife-cut wound to his abdomen without damaging internal organs. The convicts immediately received assistance from the medical section of the correctional colony. While receiving medical attention, they insulted colony officials, refused to comply with lawful requests and called on other convicts to refuse to comply. Four of the five were conveyed to the hospital in Shakhtinsk. After receiving qualified medical assistance, they did not require hospitalization and were returned to</p>

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						<p>the colony; none of them was released.</p> <p>In addition to the 5 convicts mentioned, the forensic medical expert examined approximately 10 more convicts, including Mr. A. Galeta, Mr. S. Baiseitov, Mr. G. Lendov, Mr. A. Antonov and Mr. M. Nurzhanov, none of whom WGEID layed any kind of bodily injury, as the expert also concluded.</p> <p>An inquiry at the hospital in Shakhtinsk indicated that, since 13 May 2009, no other convicts had been admitted for treatment for self-mutilation.</p> <p>The cases of self-mutilation were logged in the record book of institution AK 159/7 as incident No. 2 of 13 May 2009. All the materials required for the taking of a decision on proceedings were transmitted by the colony's administration to the Shakhtinsk internal affairs office.</p> <p>On 22 May 2009, the Shakhtinsk internal affairs office declined to institute criminal proceedings on the grounds of lack of evidence that an offence had been committed. The lawfulness of the decision was checked by the Procurator's Office, which agreed with it.</p> <p>The special branches of the Karaganda Province Department of Internal Affairs (including the special-duties militia) were not involved in these events.</p> <p>The convicts explained that they had mutilated themselves because of the restrictions at the colony on meeting relatives and receiving parcels, packages and printed matter. At the same time, demands were made for a reduction in the eligibility periods for transfer to an open prison and for parole;</p>

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						<p>for the consideration of repeat applications for parole; and for transfers to other correctional institutions.</p> <p>The conditions for the serving of sentences, granting of parole and transfer of convicts to open prisons are regulated by the Criminal Code and Penal Enforcement Code of Kazakhstan; the administration of the colony thus has no right to change them.</p> <p>The convicts who harmed themselves are inhabitants of the towns of Shakhtinsk and Abai in Karaganda province; consequently, the possibility of transferring them to correctional institutions with similar incarceration regimes in other regions was not considered.</p> <p>During a personal visit by the Procurator, Mr. O. Kurymov, Mr. A. Galeta, Mr. M. Badygulov, Mr. A. Antonov, Mr. A. Mutagarov and other convicts testified when questioned that they had not participated in the self-mutilation on 13 May 2009. They were content with the medical service, food and living conditions in the colony. They had not made any complaints against the administration of the colony. At the same time, on 25 May 2009, with the aim of stabilizing the situation in the colony, 11 negatively WGEIDosed convicts were transferred to other correctional institutions.</p> <p>The convicts who had harmed themselves explained that they did not have any complaints against the administration of the colony, and that they were content with the food, medical service and living conditions. They reported that the act of self-mutilation was carried out with the aim of forcing the administration to transfer them to other colonies, and that they had not considered the</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
121.	Kenya	30/04/10	JUA	FEDEX; HRD; SUMX; TOR	Concerning Mr. Keneth Kirimi, a human rights activist working with the non-Governmental organization Release Political Prisoners (RPP), and member of Bunge la Mwananchi, a grassroots movement fighting social injustice and promoting accountable leadership. On 22 April 2010, Mr. Keneth Kirimi was arrested by plain clothed officers in Nairobi, together with two other individuals who were with him at the time. The arrest reportedly took place near the headquarters of the General	<p>consequences. For committing the offences of failing to comply with the administration of the colony and inciting others to do the same, the aforementioned five convicts were placed in punishment cells for 15 days, in accordance with the provisions of the Penal Enforcement Code of Kazakhstan and the Correctional Institution Regulations, approved by Decree No. 148 of 11 December 2001 of the Ministry of Justice.</p> <p>The lawfulness of the decisions taken in respect of those who breached the incarceration regime, and of their placement in punishment cells, was checked by the Procurator, and no basis was found for the lodging of protests. The questioning and examination of the convicts by the medical expert did not corroborate the use of physical force, psychological pressure or torture against them, nor was any corroboration found of any concealment of mutilation in relation to 18 other convicts.</p> <p>At the same time, 12 officers of institution AK 159/7 were served with a warning by the Procurator for failing to adequately explain their rights to persons convicted of serious and especially serious crimes and serving their sentences under a strict regime.</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>Services Unit of the police. Mr. Kirimi and the two other individuals were allegedly forced into a vehicle and driven around the Eastlands for several hours and interrogated.</p> <p>While the two other individuals were released on the same day, Mr. Kirimi was allegedly detained in Thika, where he was blindfolded and sedated, and taken to an isolated house in Suswa. During his detention he was allegedly subjected to torture and ill-treatment, including sexual assault, intimidation by gunshots fired in a small room and threats of sexual violence against his wife.</p> <p>Mr. Kirimi was allegedly interrogated about RPP, the work carried out by Stephen Musau, the executive coordinator of RPP, the organization's work on extrajudicial killings and the sharing of their report with the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston.</p> <p>Mr. Keneth Kirimi was found on 25 April 2010, at Suswa market, reportedly in serious physical condition and is currently undergoing medical treatment.</p> <p>Concern is expressed that the arrest, arbitrary detention and torture and ill-treatment of Mr. Keneth Kirimi may be related to his legitimate work in defence of human rights, in particular his work on political prisoners and summary executions in Kenya. Further serious concern is expressed regarding the physical and psychological integrity of Mr. Kirimi. Further concern is expressed regarding threats against human rights defenders who have been in contact with the Special Rapporteur on extrajudicial, summary or arbitrary executions in connection with his visit to Kenya in February 2009. A communication containing such concerns was sent to your Government on</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					13 March 2009. No response addressing the concerns has yet been received to that communication. In this context we wish to recall that in a statement to the 11th session of the Human Rights Council in June 2009, the representative of your Government regretted and condemned the killings of human rights defenders from the Oscar Foundation and reassured that no human rights defenders will be intimidated or harassed.	
122.	Kyrgyz Republic	11/06/10	JUA	TOR; HLTH	Concerning the physical and mental integrity of Mr. Vugar Khalilov, a U.K. citizen held in detention in Bishkek. Mr. Khalilov worked for more than 20 years as a professional journalist and now runs his own public relations firm, Flexi Communications, in the Kyrgyz Republic. On 12 April 2010, members of the National Security Service arrested Mr. Khalilov shortly after a meeting with the Ambassador of the United Kingdom to Kazakhstan and the Kyrgyz Republic, and took him to their headquarters in Bishkek. Since then, Mr. Khalilov has been reportedly held in solitary confinement. According to reports received, Mr. Khalilov's health has deteriorated since his detention and he is suffering from severe spinal hernia, which could paralyze him if not treated urgently. In early May, a medical report stating the urgent need for treatment and comprehensive medical examination was submitted allegedly to the City Prosecutor of Bishkek and presented to the Government but reportedly no action has been taken. Serious concern is expressed about the physical and mental integrity of Mr. Kahalilov and the allegations that his health has deteriorated severely after his detention. In this connection,	

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123.		22/06/10	JUA	WGAD; FRDX; HRD; TOR	<p>very serious concern is expressed about allegations that Mr. Kahlikov is not receiving appropriate medical treatment without which he could face permanent disability. Further concern is expressed about the allegations that Mr. Khalilov has been held in solitary confinement since his arrest.</p> <p>Concerning Mr. Azimzhan Askarov, a prominent Kyrgyz human rights defender, and director of the human rights organization Vozdukh (Air), which forms part of regional human rights network in southern Kyrgyzstan. He has been documenting police ill-treatment of detainees in the village of Bazar Korgan, and in other parts of the Jalal-Abad region of Kyrgyzstan for several years.</p> <p>On 15 June 2010, Mr. Azimzhan Askarov was detained by representatives of the Bazar Korgan District Police Department. According to information provided by his first lawyer appointed by the police, his detention was not officially registered until 16 June 2010, albeit he was arrested on 15 June 2010 and such registration under the law should have taken place within 3 hours following the arrest.</p> <p>From 15 to 20 June 2010, Azimzhan Askarov was held incommunicado in a pre-trial detention centre in Bazar Korgan. According to his brother, who was arrested together with him and who was released on 17 June 2010, Azimzhan Askarov and he were subjected to daily torture during interrogations. Upon his release, Mr. Azimzhan Askarov's brother appealed to human rights defenders with the request for urgent intervention, as Mr. Azimzhan Askarov allegedly feared for his life while in detention.</p> <p>On 17 June 2010, at 16:35, the prosecutor issued a decree accusing Mr. Askarov of</p>	<p>By letter dated 02/11/2010, the Government indicated that after mass disorders in the village of Bazar-Korgon, Dzhahal-Abad province, on 13 June 2010, the organizers of the disorders resorted to particular brutality in killing local police inspector M. Sulaimanov; seven other officers were wounded to varying degrees.</p> <p>The same day, the procurator's office in Bazar-Korgon district, Dzhahal-Abad province, initiated criminal proceedings for incitement to ethnic, racial, religious or interregional hatred, mass disorders and murder of a member of the law enforcement agencies and the military.</p> <p>On 16 June 2010, Mr. Azimzhan Askarov and Mr. Shukurzhan Mirzalimov were arrested on suspicion of having committed the above-mentioned crime, and taken into custody at the Bazar-Korgon district internal affairs office. Mr. Askarov's house was searched with the authorization of the Bazar-Korgon district procurator, and the following were found in a bookcase and removed:</p> <ul style="list-style-type: none"> • 10 cartridges for a 9-mm calibre PM pistol • Various books and disks calling for the incitement of inter-ethnic discord <p>Mr. Askarov and Mr. Mirzalimov were charged under articles 233 (mass disorder) and 299 (inciting ethnic, racial, religious or interregional hatred) of the Criminal Code.</p>

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					<p>crimes, foreseen under article 233 para 2 and 3, article 299 para 2 points 1 and 3 of the Penal Code under criminal case # 166-10-159. The court has sanctioned the arrest of Mr. Azimzhan Askarov for another two months, until 16 August 2010, in order to carry out investigation. On 21 June 2010, a complaint was lodged with the Djalalabad district court appealing the court's decision to prolong Mr. Azimzhan Askarov's detention. Human rights defenders were allegedly forced to pay a small bribe (upload mobile telephone balance) to have their appeal registered.</p> <p>The first meeting of Mr. Azimzhan Askarov with an independent lawyer and his colleagues took place on 20 June 2010. According to them, Mr. Askarov was very bleak, he could not sit. Both meetings took place in the presence of several police officers. It is believed that Mr. Askarov was beaten on his kidneys. According to the press release issued by the law-enforcement officials, the medical examination has not revealed any signs of physical mistreatment.</p> <p>It was reported that Mr. Azimzhan Askarov was subjected to prolonged daily beatings by police officials, in order to force him to disclose the location of his film clips and video camera. Mr. Azimzhan Askarov has filmed violence, and arson attacks in the mainly Uzbek-populated district of Bazar-Korgon. Mr. Askarov is believed to have filmed rioters firing on unarmed civilians, while armed police officers present at the scene allegedly did nothing to prevent ransoms and even participated in them.</p> <p>On 15 June 2010, police conducted its first search of Mr. Askarov's house. When they demanded to open the gates and his wife refused to do so, they fired in the air and broke</p>	<p>The following day, the Bazar-Korgon district court ordered their pre-trial detention as a preventive measure.</p> <p>The charges against Mr. Askarov and Mr. Mirzalimov are supported by the evidence of six of the police officers who were victims, the official reports of the confrontations between the police and Mr. Askarov, evidence from witness Mr. Makhmudzhanov Mavlyanbek, and the official reports of his confrontation with Mr. Askarov.</p> <p>According to evidence from the above-mentioned police officers, on 13 July 2010, Mr. Askarov and Mr. Mirzalimov were in the crowd, encouraging people to refuse to obey the law enforcement agencies, to take hostage the head of the district internal affairs office, and to kill the other police officers.</p> <p>On 24 June 2010, Mr. N. Toktakunov, lawyer for Mr. Askarov, came to the Dzhahal-Abad provincial procurator's office to submit a complaint concerning the alleged torture of his client. According to a forensic medical report dated 17 June, Mr. Askarov had bruising around his arm and lower back, serious enough to be considered an impairment to health but not causing any short-term health disorder.</p> <p>The inquiry conducted as a result of the complaint found that Mr. Askarov was arrested on 16 June 2010 and held in the cell where Mr. Makhmudzhanov and Mr. Mirzalimov were being detained on suspicion of having participated in the mass disorders. The same day, on the grounds that Mr. Askarov's illegal actions had led to his house being set on fire and many people being killed, Mr. Makhmudzhanov hit Mr. Askarov around the head, causing Mr. Askarov to fall</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
124.		20/07/10	JUA	WGAD; IJL; RACE; TOR	<p>down the entrance door of the gate. Mr. Azimzhan Askarov's wife managed to flee to a neighbour's house. Two more searches were conducted on 17 June 2010, one during the day and another in the evening. Human rights defenders arrived at his house at the end of the first search. According to the neighbours, Mr. Azimzhan Askarov was brought with the police officers who carried out the second search. On both occasions, Mr. Askarov's house was ransacked, and all food and his car were taken away from the house. According to human rights defenders, searches were conducted without a witness.</p> <p>On 17 June 2010, the Ombudsman of Kyrgyzstan, Mr. Tursunbek Akun declared at a press conference that the detention and charges against Mr. Azimzhan Askarov were unfounded. A similar statement was issued by Kyrgyz human rights defenders on 15 June 2010, expressing concern concerning the arrest and detention of Mr. Askarov and stressing that he worked peacefully on monitoring human rights violations committed.</p> <p>Concern is expressed that the arrest and detention of Mr. Azimzhan Askarov may be related to his peaceful activities as a human rights defender, in particular to monitoring and recording the violence and arson attacks related to the recent ethnic violence in the Jalal-Abad region. In light of the alleged prolonged beatings and incommunicado detention, further serious concerns are expressed regarding the physical and psychological integrity of Mr. Azimzhan Askarov.</p> <p>Concerning the large number of detentions and alleged torture and ill-treatment of ethnic Uzbeks in Osh and Djalal-Abad Provinces in the Kyrgyz Republic.</p>	<p>on his back on the concrete floor.</p> <p>On 25 June 2010, Mr. Askarov requested the Dzhahalal-Abad procurator's office not to charge Mr. Makhmudzhanov as he had no claims against him. Moreover, it was noted in the complaint that none of the police officers had beaten him, and he refused to undergo a forensic medical examination.</p> <p>On 29 June 2010, the provincial procurator's office refused to initiate criminal proceedings against Mr. Makhmudzhanov because there had been no complaint from the victim; and in respect of the alleged use of torture, because no crime had been committed.</p> <p>Mr. Askarov's participation in the mass disorders has been proved by materials in the case file. Investigations are now taking place in respect of the criminal case.</p> <p>By letter dated 02/112010, the Government of the Kyrgyz Republic indicated that the facts set out concerning the detention of possibly more than 1,000 ethnic Uzbeks do not reflect reality. As at 11 October 2010, law</p>

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					<p>Since the violence that erupted in June in the south of the Kyrgyz Republic, more than 1,000 young ethnic Uzbeks have been detained. Additionally, more than 600 men aged between 17 and 30 have been detained in several locations, including Kyzyl-Kystak Village and other locations in Narima region and in two Mahallas in Osh. In Shait-Tepe district, 470 men were detained. There are reports of women and a minor aged 14 also being detained. These detentions have taken place in the context of daily raids in Uzbek neighborhoods, without arrest warrants, and usually carried out by military and police officers. In some instances, the security forces have held the detainees' families at gunpoint and threatened to shoot them if they protested the detention. Most families are not informed of where their relatives are taken upon arrest, leaving them without news of their whereabouts for hours or even days.</p> <p>Once detained, the victims are taken either to police stations or to detention centres, including the Osh City Police Department, Osh Province Police Department, local police precincts and the National Security Service, where they are reportedly subjected to torture and ill-treatment. This includes removing fingernails, inserting sharpened sticks between the nails and the flesh, asphyxiation, burning with cigarette stubs, continuous beatings with rubber batons or rifle butts until the detainees sing the Kyrgyz hymn and speak Kyrgyz with no accent, punching and kicking. The purpose of the torture and ill-treatment has been to obtain confessions and names of persons who may be in possession of arms. On 11 July, one man died following his release, reportedly as a result of the ill-treatment received during his detention. The families of the detainees are often asked to pay substantial amounts of</p>	<p>enforcement agencies in the city of Osh and in Osh and Jalal-Abad provinces had arrested and brought criminal charges against 287 people for murder, rape and participation in mass disturbances. The courts ordered 258 people to be detained on remand; non-custodial preventive measures were ordered in respect of 29 people.</p> <p>Following investigations, 111 criminal cases against 239 people were sent for trial. Investigations in the remaining cases are still ongoing.</p> <p>Nor is there any foundation to the Rapporteurs' conclusions that the law enforcement agencies have been intimidating lawyers defending the interests of detainees, as evidenced by the fact that no complaints from lawyers have been registered with the law enforcement agencies.</p> <p>Furthermore, the competent national authorities have been taking all necessary measures to guarantee respect for and observance of detainees' rights and freedoms. The Kyrgyz Republic is unfailingly committed to the provisions of the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel Forms of Treatment.</p> <p>From the very beginning of the disturbances that occurred in June in southern provinces of the country, appropriate coordination between the prosecution services, internal affairs agencies, national security services and local authorities was ensured. The public was kept informed about the steps being taken by the authorities to stabilize the situation across the country.</p> <p>In order to ensure due collaboration among</p>

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					<p>money for their relatives' release.</p> <p>Information was also received concerning men in military uniforms who are increasingly present in public health institutions, including hospitals, hampering access to medical attention for the victims due to fear of reprisals. In addition, some doctors are reportedly refusing to issue medical certificates for those people who have been subjected to torture or ill-treatment, or death certificates for those who died during or after the violence. Medical examinations of detainees who allege they have been tortured or ill-treated are also routinely refused.</p> <p>Very few complaints of torture and ill-treatment have been received by the authorities, as the victims and their families are afraid of reprisals. The response by the authorities has been that they cannot take action unless a complaint is filed.</p> <p>For those in detention, access to a lawyer of their choice and the right to consult with a lawyer in private are always denied. Many lawyers have also been threatened, insulted and prevented from meeting with their clients. There are also reports of lawyers and family members being beaten by ethnic Kyrgyz upon arrival at police stations or other detention facilities, while the authorities simply watched. On 11 July, the head of police promised to provide armed escorts to one family visiting the pre-trial detention facility.</p> <p>Concern is expressed regarding the physical and psychological integrity of the hundreds of ethnic Uzbeks allegedly detained following the violence that erupted in June 2010.</p>	<p>the teams set up to investigate the results of the mass disturbances, which led to deaths, destruction of property and other particularly serious offences in the city of Osh and in Osh, Jalal-Abad and Batken provinces, an interdepartmental command was established on 16 June 2010 in accordance with a joint instruction by the heads of the law enforcement agencies.</p> <p>With the aim of preventing violations of civil rights during special operations, investigations and inquiries, the heads of the law enforcement agencies and security forces issued a second joint interdepartmental instruction on 7 July 2010, intended to strengthen the authorities' role in ensuring lawful behaviour, professional and military discipline, and moral and ethical standards, among individual members of the law enforcement agencies and security services on the ground.</p> <p>Instructions were given concerning the need to ensure strict respect for the law and prevent unlawful actions by officials of the law enforcement agencies of Kyrgyzstan. On the ground, checks are constantly being carried out to ensure that individuals held on suspicion of having committed criminal offences are detained lawfully. Anyone detained, arrested or remanded in custody has access to qualified legal defence, in accordance with current criminal procedure legislation.</p> <p>If unlawful acts that infringe civil rights and freedoms come to light, the liability of officials is investigated as a matter of course, regardless of their position, and criminal prosecutions are brought where necessary.</p> <p>Human rights organizations and international</p>

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						<p>organizations, together with the Office of the Ombudsman, have met and talked to individuals affected. Concerning the existence of torture and ill-treatment of defendants held in places of detention in the south of the country, the Office of the Ombudsman has been working closely with national human rights bodies to deal with all matters raised. A working group was formed from among Office officials and immediately visited the south of the country to hold meetings with defendants. Analysis of their meetings revealed that not all defendants wished to cooperate with the group's inquiries and that not all defendants were guilty as charged. Officials of the Office carried out their own investigations and follow-up, the results of which indicated that law enforcement agencies had acted lawfully in restoring order and pursuing their investigations. In respect of these events, various press conferences, meetings with national leaders and discussions with national human rights organizations have been held to address the issues raised.</p> <p>Public consultation is ongoing, while work with national investigative bodies is continuing to identify violations of individuals' rights and freedoms. Officials of the Office of the Ombudsman attend legal hearings on various human rights issues on a permanent basis. They give advice and monitor the situation of victims and those affected.</p> <p>It should be pointed out that the information presented in your letter is indicative of bias and a one-sided approach, as it does not fully reflect reality. While it cannot be said that none of the events took place, the letter WGEIDlays a certain harshness and</p>

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125.		12/08/10	JUA	WGAD; FRDX; HLTH; TOR	<p>Concerning Mr. Ulugbek Abdusalamov, an ethnic Uzbek journalist in detention in southern Kyrgyzstan.</p> <p>Mr. Ulugbek Abdusalamov was detained on 14 June on charges of “inciting ethnic hatred” under Article 299 of the Kyrgyzstani Criminal Code and transferred to a police detention centre in the town of Jalal-Abad two days later. Mr. Abdusalamov had a cerebral hemorrhage in 2009, suffers from high blood pressure, stomach ailments and a heart condition. On 29 June, he was transferred to a regional hospital after his lawyer filed six requests, but was later returned to police detention in Jalal-Abad. On 24 July, he was once again taken to the hospital upon his lawyer’s request, after his health continued to suffer. He was subsequently taken back to police detention, despite the fact that his condition is said to be very poor.</p> <p>Concern is expressed for the physical and physiological integrity of Mr. Ulugbek Abdusalamov, due to the lack of adequate medical attention.</p>	<p>ignorance. All the events that occurred in the south of the country are the subject of constant discussion by various human rights bodies, with a range of opinions and suggestions being voiced.</p> <p>By letter dated 02/11/2010, the Government indicated that Mr. Abdusalamov was apprehended in Nooken district as he attempted to cross the border of Kyrgyzstan into Uzbekistan on 14 June 2010. He was charged with incitement to ethnic hatred under article 299 of the Kyrgyz Criminal Code. The court ordered Mr. Abdusalamov’s remand in custody on 16 June 2010.</p> <p>Mr. Abdusalamov is the editor of the provincial newspaper Diydor (Meeting). He has also held the post of vice-president of the Jalal-Abad Province Uzbek Ethnic Cultural Centre for some time.</p> <p>Mr. Abdusalamov took advantage of his professional position and systematically published in Diydor articles voicing separatist views aimed at inciting ethnic hatred and advocating the supremacy of the Uzbek people over other peoples in Kyrgyzstan, in violation of article 23 of the Mass Media Act.</p> <p>The detainee undertook various activities between 2000 and June 2010, together with Mr. K. Batyrov, President of the Uzbek Ethnic Cultural Centre, Mr. O. Karamatov, Chancellor of the People’s Friendship University, and others, to advance the Uzbek diaspora’s position. The activities included demands to make Uzbek an official language, to open more institutions of secondary and higher education with instruction in Uzbek and to guarantee that 30 per cent of State and local Government and law enforcement posts were held by ethnic Uzbeks.</p>

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						<p>Mr. Abdusalamov ignored the law in force in Kyrgyzstan and purposely organized meetings of ethnic Uzbeks between April and May 2010 at A. Batyrov University, a private university in Jalal-Abad, and in places with a high concentration of ethnic Uzbeks in Jalal-Abad and Osh provinces. Mr. Abdusalamov made explicit public calls for a violent seizure of high-level positions in State and law enforcement bodies and for the destabilization of their activities in the guise of criticizing the work of the country's law enforcement bodies.</p> <p>Mr. Abdusalamov, together with Mr. Batyrov and others, emphasized in their statements that there had not yet been a political assessment of the ethnic conflict that occurred in Osh province in 1990, which the ethnic Uzbek people had been awaiting for 20 years. He therefore called on ethnic Uzbeks to take decisive unlawful action.</p> <p>The statements by Mr. Abdusalamov and other persons were repeatedly broadcast on the television channels Osh TV and Mezon TV, in violation of article 23 of the Mass Media Act. These statements provoked a public outcry from the people in the southern regions and subsequently caused the Kyrgyz population to conduct grass-roots meetings in Jalal-Abad.</p> <p>The procurator's office in Jalal-Abad stated that the accusations against Ulugbek Abdusalamov had emerged during the investigation of a violent incident that occurred at Batyrov University in Jalal-Abad on 19 May 2010.</p> <p>Mr. Abdusalamov was charged on 10 August 2010 with offences under article 221, paragraph 2 (Abuse of power by an employee</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
126.		18/08/10	JUA	FRDX; HRD; IJL; TOR	<p>Concerning Mr. Azimzhan Askarov, director of Vozdukh, a human rights organization which documents police ill-treatment in detention. Mr. Askarov was the subject of a joint urgent appeal sent by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on 22 June 2010.</p> <p>Mr. Azimzhan Askarov, an ethnic Uzbek, was detained by the police on 15 June, suspected of being involved in the death of a police officer during the recent violence in the country.</p> <p>On 26 July, the Jalal-Abad city court upheld the decision of the prosecutor's office not to investigate allegations that Mr. Askarov had been tortured following his detention. The authorities have argued that the large bruises on Mr. Askarov's body were produced by his cellmate. In addition, the General Prosecutor's Office indicated that Mr. Askarov had confirmed that he had not been ill-treated. Mr. Askarov's lawyer has not been allowed to meet</p>	<p>of a profit-making or other organization), article 233, paragraphs 1 to 3 (Organization of mass unrest), article 295-1 (Separatist activity) and article 299, paragraphs 2 (2) and 2 (3) (Incitement to ethnic, racial, religious or interregional hatred), of the Criminal Code.</p> <p>The criminal case was referred for trial to the municipal court in Jalal-Abad on 26 August 2010. Neither Mr. Abdusalamov nor his lawyer filed a complaint or an application in the course of the investigation by the procuratorial bodies of Kyrgyzstan.</p> <p>By letter dated 06/12/2009, the Government indicated that the Information provided by the authorities of the Kyrgyz Republic concerning the detention of Mr. Azimzhan Askarov</p> <p>After mass disorders in the village of Bazar-Korgon, Dzhalal-Abad province, on 13 June* 2010, the organizers of the disorders resorted to particular brutality in killing local police inspector M. Sulaimanov; seven other officers were wounded to varying degrees.</p> <p>The same day, the procurator's office in Bazar-Korgon district, Dzhalal-Abad province, initiated criminal proceedings for incitement to ethnic, racial, religious or interregional hatred, mass disorders and murder of a member of the law enforcement agencies and the military.</p> <p>On 16 June 2010, Mr. Azimzhan Askarov and Mr. Shukurzhan Mirzalimov were arrested on suspicion of having committed the above-mentioned crime, and taken into custody at the Bazar-Korgon district internal affairs office. Mr. Askarov's house was searched with the authorization of the Bazar-Korgon district procurator, and the following were</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>with his client in private, and believes he is afraid of further ill-treatment if he files a complaint.</p> <p>During the time Mr. Askarov has been in detention, his sister-in-law and his lawyer were both attacked when they went to visit him at the police detention centre. The police reportedly failed to intervene to stop the aggression.</p>	<p>found in a bookcase and removed:</p> <ul style="list-style-type: none"> • 10 cartridges for a 9-mm calibre PM pistol • Various books and disks calling for the incitement of inter-ethnic discord <p>Mr. Askarov and Mr. Mirzalimov were charged under articles 233 (mass disorder) and 299 (inciting ethnic, racial, religious or interregional hatred) of the Criminal Code. The following day, the Bazar-Korgon district court ordered their pre-trial detention as a preventive measure.</p> <p>The charges against Mr. Askarov and Mr. Mirzalimov are supported by the evidence of six of the police officers who were victims, the official reports of the confrontations between the police and Mr. Askarov, evidence from witness Mr. Makhmudzhonov Mavlyanbek, and the official reports of his confrontation with Mr. Askarov.</p> <p>According to evidence from the above-mentioned police officers, on 13 July 2010, Mr. Askarov and Mr. Mirzalimov were in the crowd, encouraging people to refuse to obey the law enforcement agencies, to take hostage the head of the district internal affairs office, and to kill the other police officers.</p> <p>On 24 June 2010, Mr. N. Toktakunov, lawyer for Mr. Askarov, came to the Dzhahalal-Abad provincial procurator's office to submit a complaint concerning the alleged torture of his client. According to a forensic medical report dated 17 June, Mr. Askarov had bruising around his arm and lower back, serious enough to be considered an impairment to health but not causing any short-term health disorder.</p> <p>The inquiry conducted as a result of the complaint found that Mr. Askarov was</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
127.		29/10/10	JUA	FRDX; HRD; IJL TOR	Concerning Mr. Azimzhan Askarov, director of Vozdukh, a human rights organization which documents police ill-treatment in detention, and Mr. Nurbek Toktakunov, Mr. Askarov's lawyer. Mr. Askarov was the subject of joint urgent appeals sent by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the	<p>arrested on 16 June 2010 and held in the cell where Mr. Makhmudzhanov and Mr. Mirzalimov were being detained on suspicion of having participated in the mass disorders. The same day, on the grounds that Mr. Askarov's illegal actions had led to his house being set on fire and many people being killed, Mr. Makhmudzhanov hit Mr. Askarov around the head, causing Mr. Askarov to fall on his back on the concrete floor.</p> <p>On 25 June 2010, Mr. Askarov requested the Dzhahal-Abad procurator's office not to charge Mr. Makhmudzhanov as he had no claims against him. Moreover, it was noted in the complaint that none of the police officers had beaten him, and he refused to undergo a forensic medical examination.</p> <p>On 29 June 2010, the provincial procurator's office refused to initiate criminal proceedings against Mr. Makhmudzhanov because there had been no complaint from the victim; and in respect of the alleged use of torture, because no crime had been committed.</p> <p>Mr. Askarov's participation in the mass disorders has been proved by materials in the case file.</p> <p>Investigations are now taking place in respect of the criminal case.</p> <p>A reply was received from the Government on 16/12/2010, but could not be translated in time for inclusion in this report.</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on 22 June 2010 and by the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on 18 August 2010. Responses to the above communications were received on 23 July 2010 and 23 August 2010, respectively. Mr. Toktakunov was the subject of a joint allegation letter sent by the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the independence of judges and lawyers, on 12 August 2010.</p> <p>Mr. Azimzhan Askarov is currently appealing a sentence of life imprisonment imposed by the regional court at Nookan, in the Jalal-Abad region of the Kyrgyz Republic, after a trial allegedly characterised by severe procedural irregularities and allegations of torture and ill-treatment of the accused while in detention. Mr. Askarov and the other defendants, all ethnic Uzbeks, were found guilty of murdering a Kyrgyz policeman during ethnic clashes in Bazar-Korgon in June 2010.</p> <p>The trial was allegedly characterized by worrying irregularities with regard to fair trial procedure. At the opening of the trial hearing on 2 September 2010, family members of the deceased policemen reportedly verbally abused Mr. Askarov and threatened “to kill all the defendants and their children wherever they are”. During the hearing, relatives of the victim reportedly prevented Mr. Askarov’s relatives from entering the court room. It is also reported that they repeatedly interrupted the proceedings</p>	

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					<p>with threats and insults against the defendants, often making reference to the defendants' ethnicity. The judge allegedly did not intervene to maintain order in the court room. The defendants' lawyers were also attacked by relatives of the deceased police officer and injured police officers, who reportedly hit them with sticks, and threw a glass at them, which smashed against the bars of the cage holding the defendants, resulting in splinters of glass hitting one of the lawyers. It is reported that court officials, including the judge, intervened only sporadically to stop the violence and to restore order. Mr. Askarov's lawyers were allegedly denied the opportunity to question witnesses or submit petitions during the hearing. When the lawyers expressed concern that they would not be able to defend their clients under these conditions, the judge threatened to have their licenses to practice revoked.</p> <p>Before the trial hearing on 6 September 2010 began, family members of the deceased policeman and injured police officers posted flyers on the walls of the court building containing offensive language against Mr. Askarov and co-defendants and calls for the application of death penalty. The hearing itself was characterized by yet further allegations of procedural irregularities. A request by Mr. Askarov's lawyer, Mr. Nurbek Toktakunov, that the hearing be deferred to allow him time to prepare an adequate defence was also denied; Mr. Toktakunov was also reportedly denied permission to meet with his client, and informed that he could only meet Mr. Askarov at the end of the trial process. Members of the audience, including family members of the deceased policeman, attempted to violently attack the defendants, and frequently subjected both the defendants and Mr. Toktakunov to</p>	

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					<p>verbal abuse; racist remarks; and threats. It is reported that no witnesses for the defence were heard during the trial, and that when Mr. Toktakunov stated his intention to call a witness, he was told by the victim's relatives that the witness would "not leave this place alive". Further, members of the audience also reportedly directed questions to the defendants without authorisation from the judge, and the accused did not receive a full explanation of their rights and responsibilities. It is also alleged that Mr. Askarov's relatives were subjected to intimidation and threatened not to attend the hearing.</p> <p>Serious concerns have been raised regarding the treatment of Mr. Askarov and the other defendants while in detention. At the trial hearing of 6 September 2010, four of the defendants, including Mr. Askarov, allegedly bore visible marks indicating that they had been subjected to beatings. A petition by Mr. Toktakunov that his client be given a thorough medical exam was denied. When questioned by the judge, Mr. Askarov denied that he was subjected to any harm, although concern is expressed that this may have been out of fear of retribution.</p> <p>On 15 September 2010, Mr. Askarov and all seven defendants were found guilty and sentenced to life imprisonment. The verdict in the trial was subsequently denounced by Kyrgyz Ombudsman, Mr. Tursunbek Akun, as being politically motivated. Mr. Akun also claimed that an alternative investigation into the policeman's killing held by his office had found Mr. Askarov not guilty.</p> <p>On 25 October 2010, Mr. Askarov appeared before Tashkumyr city court in order to appeal against the sentence. It is reported that upon arriving at the court, witnesses for the defence</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
128.					<p>were prevented from entering the court room by a group of individuals. Upon raising the issue with the judge, the defence lawyer was questioned as to why the defence team had not previously applied for protection for their witnesses. During the session, several defendants reportedly claimed that they had been subjected to torture during interrogation; however, the court reportedly failed to respond to the allegations. The next hearing in the appeal is scheduled for 3 November 2010.</p> <p>Concern is expressed that the conviction and sentencing of Mr. Azimzhan Askarov may be related to his legitimate and peaceful work in defence of human rights in Kyrgyzstan. Grave concern is also expressed for the physical and psychological integrity of Mr. Askarov and his family, Mr. Toktakunov, and witnesses for the defence in this case, in light of the repeated allegations of torture and ill-treatment, attacks, harassment, and intimidation outlined above. Further concern is expressed regarding the aforementioned allegations of irregularities relating to due process during Mr. Askarov's trial and appeal.</p>	<p>By letter dated 13/01/2010 the Government indicated that on 1 October 2008, because of mass disturbances in the town of Nookat, the interdepartmental investigation group (the Procurator's Office and the Osh province Department of Internal Affairs of the State Committee for National Security) brought case No. 140-08-178 under article 233, paragraphs 1, 2 and 3 (Organization of mass disturbances), and article 174, paragraph 2 (Malicious destruction or damage to property), of the Criminal Code. Investigative measures by staff of the Internal Affairs Office and the State Committee for National</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
						<p>Security led to the arrest and detention of 32 people who had participated in the mass disturbances. On 10 October 2008, as a preventive measure, the 32 detainees were remanded in custody as suspects by the judicial authorities, and held in temporary holding facilities of the Osh province State Committee for National Security and Internal Affairs Office. Proceedings were brought in the preliminary inquiry against 9 organizers and 23 people who had participated actively in the mass disturbances.</p> <p>On 2 November 2008, the interdepartmental investigation group brought final charges against those who had participated in the mass disturbances of having committed crimes under article 299, paragraph 2 (1) and (3) (Incitement to ethnic, racial, religious or interregional hatred), article 233, paragraphs 1, 2 and 3 (Mass disturbances), article 174, paragraph 2 (Malicious destruction or damage to property), article 341, paragraph 2 (Use of violence against representatives of the authorities), article 259, paragraph 2 (Organization of an association that infringes on the identity and rights of others), article 259, paragraph 1 (Organization of an association that infringes on the identity and rights of others), and article 299, paragraph 2 (3) (Incitement to ethnic, racial, religious or interregional hatred), of the Criminal Code.</p> <p>On 10 November 2008, after confirmation from the Procurator's Office of the decision to prosecute, the case was referred to court for trial. On 16 November 2008, the Nookat district court sentenced the accused to prolonged periods of deprivation of liberty.</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
						<p>On 19 May 2009, under the supervisory procedure, the criminal division of the Supreme Court amended the judgements of the courts of first and second instance, excluding the article on malicious destruction or damage to property. Thirteen of the 32 accused were acquitted, for lack of evidence, under the article on inducement of a minor to commit a crime.</p> <p>The penalties imposed on the minors S. Nuraliyev,* who was sentenced to 10 years' deprivation of liberty, and A. Ergashev, who was sentenced 9 years' deprivation of liberty, were reduced to 5 years' deprivation of liberty each. The sentence imposed on V. Mashrapov was reduced from 20 to 6 years. The sentences of the women convicted, L. Saidaripova and Z. Abdikarimova, were reduced to seven years' deprivation of liberty each. Information from the Supreme Court on the sentences passed in the Nookat case</p> <p>On 27 November 2008, Nookat district court sentenced I.U. Zokirov, A.A. Mashrapov, R.A. Erdoshov and others for crimes under article 156, paragraph 4; article 233, paragraphs 1, 2 and 3; article 174, paragraph 2 (2); article 341, paragraph 2; article 259, paragraph 2; article 295-1; article 297, paragraph 1; and article 299, paragraph 2 (3), of the Criminal Code.</p> <p>Using partial cumulative sentencing based on article 59 of the Criminal Code, the final sentences under the articles mentioned ranged between 9 and 20 years' deprivation of liberty, to be served in correctional institutions. The period of imprisonment is</p>

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						<p>counted from the time of actual arrest. Under article 61 of the Criminal Code, the period spent in remand is considered as part of the period of imprisonment, with one day in remand counted as the equivalent of two days' imprisonment. The convicted persons and their lawyers appealed against the sentences handed down by the court of first instance. By a decision of the Osh provincial court criminal and administrative offences division on 17 January 2009, the above-mentioned custodial sentence passed by Nookat district court on 27 November 2008 was partially amended in respect of S.M. Nuraliyev. The remaining part of the sentence was unchanged. By a decision of the Osh provincial court criminal and administrative offences division of 19 February 2009, the above-mentioned custodial sentence passed by Nookat district court on 27 November 2008 in respect of L.I. Isakov and K.I. Isakov was unchanged.</p> <p>The court of supervisory instance considered the complaint lodged under the supervisory procedure by the convicted persons and their lawyers. By a decision of the Osh provincial court criminal and administrative offences division of 19 May 2009, the sentences passed by the courts of first and second instance on I.U. Zokirov, A.A. Mashrapov, V.A. Mashrapov, R.A. Erdoshov, M.A. Atatayev, N.A. Erdoshov, B.M. Maksytov, L.A. Saidaripova, I.L. Orozbayev, A.A. Mashrapov, A.T. Asanov, S.L. Alimzhanov, A.A. Iskandarov, A.E. Aitiyev, N.L. Alimzhanov, Z.K. Abdikarimova, M.A. Atatayev, K.K. Ergashov, A.S. Karatayev,</p>

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						<p>M.S. Isakov, A.I. Isakov, K.I. Isakov, A.A. Ergashev, K.A. Ergashev, M.S. Teshebayev, D.R. Kholmatov, R.G. Zhurayev, M.B. Khashimov, I.A. Saidoripov, O.A. Bekbayev, S.M. Nuraliyev and M.M. Kholmurazayev were amended, with article 174, paragraph 2 (2), excluded from the charge (sentence). I.U. Zokirov, M.A. Atatayev, A.A. Mashrapov, S.L. Alimzhanov, A.A. Iskandarov, Z.K. Abdikarimova, K.K. Ergashov, A.I. Isakov, K.A. Ergashev, R.G. Zhurayev, I.A. Saidaripov, O.A. Bekbayev and M.S. Isakov were acquitted under article 156, paragraph 4, because of lack of evidence, and their sentences were amended accordingly.</p> <p>The minors S.M.N. and A.A.E. convicted under article 56 of the Criminal Code were each finally sentenced to deprivation of liberty for a period of five years. L.A. Saidaripova and Z.K. Abdikarimova, charged under article 56 of the Criminal Code, were each finally sentenced to deprivation of liberty for a period of seven years, and V.A. Mashrapov was sentenced under the same article to a period of six years' deprivation of liberty.</p> <p>The sentences of the remaining convicted persons were reduced. The convicted persons were jointly ordered to pay a penalty of 150,000 soms to the Nookat district administration, and 100,000 soms to the Osh province Internal Affairs Department.</p> <p>The remainder of the sentences remained valid.</p> <p>Judgement passed by the Osh district court</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
						(on 16 January 2009)
						1. Khaidarali Alibaevich Ergeshov, born 1973: 17 years' deprivation of liberty
						2. Rakhmonberdi Gulomovich Dzhuraev, born 1961: 16 years' deprivation of liberty
						3. Neimatilla Akhmatovich Erdoshev, born 1966: 12 years' deprivation of liberty
						4. Labarkhan Abdiganiyevna Saidaripova, born 1971: 15 years' deprivation of liberty
						5. Alisher Abdisalamovich Iskenderov, born 1982, on the Internal Affairs Department ninth group list as a member of the Hizb ut Tahrir religious extremist movement and organizer of the mass disturbances: 15 years' deprivation of liberty
						6. Adakhamzhan Isakov, born 1951, on the Internal Affairs Department ninth group list as a member of Hizb ut Tahrir, and active participant in the mass disturbances: 16 years' deprivation of liberty
						7. Ilkhomzhon Usmonzhonovich Zakirov, born 1982, member of Hizb ut Tahrir, not on the list, active participant in the mass disturbances: 17 years' deprivation of liberty
						8. Rakhmatilla Akhmatovich Erdoshov, born 1961, active participant in the mass disturbances: 12 years' deprivation of liberty
						9. Dilmukhammad Rozimamatovich Kholmatov, born 1981, active participant in the mass disturbances: 16 years' deprivation of liberty

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
						10. Abdulvakhob Arapbayevich Mashrapov, born 1967, active participant in the mass disturbances: 15 years' deprivation of liberty
						11. Vakhidillo Abdulvakhobovich Mashrapov, born 1990, active participant in the mass disturbances: 20 years' deprivation of liberty
						12. Akhmadillo Akbaraliyevich Ergashev, born 1992, active participant in the mass disturbances: 9 years' deprivation of liberty
						13. Kholdorzhon Ibragimzhanovich Isakov, born 1969, previously tried under article 299 of the Criminal Code, on the Internal Affairs Department ninth group list as a member of Hizb ut Tahrir, active participant in the mass disturbances: 14 years' deprivation of liberty
						14. Borubai Momunovich Maksytov, born 1976, on the Internal Affairs Department ninth group list as a member of Hizb ut Tahrir, active participant in the mass disturbances: 13 years' deprivation of liberty
						15. Manas Sabirovich Isakov, born 1972, previously tried under article 299 of the Criminal Code, on the Internal Affairs Department ninth group list as a member of Hizb ut Tahrir, organizer and active participant in the mass disturbances: 16 years' deprivation of liberty
						16. Ilgorzhon Adilovich Saidoripov, born 1974, active participant in the mass disturbances: 12 years' deprivation of liberty
						17. Makhmadsoli Askarovich

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
						Atatayev, born 1969, active participant in the mass disturbances: 13 years' deprivation of liberty
						18. Abdirakhimzhan Abdipattalovich Mashrapov, born 1960, on the Internal Affairs Department ninth group list as a member of Hizb ut Tahrir, active participant in the mass disturbances: 14 years' deprivation of liberty
						19. Ismailzhan Lukmanzhanovich Orozbayev, born 1986, active participant in the mass disturbances: 15 years' deprivation of liberty
						20. Muzaffar Shakirzhanovich Teshebayev, born 1981, active participant in the mass disturbances: 15 years' deprivation of liberty
						21. Shakhobidin Lutfillayevich Alimzhanov, born 1958, on the Internal Affairs Department ninth group list as a member of Hizb ut Tahrir, active participant in the mass disturbances: 27 years' deprivation of liberty
						22. Almazbek Tashtanovich Asanov, born 1971, on the Internal Affairs Department ninth group list as a member of Hizb ut Tahrir, active participant in the mass disturbances: 14 years' deprivation of liberty
						23. Ozgonbai Abdimalipovich Bekbayev, born 1981, on the Internal Affairs Department ninth group list as a member of Hizb ut Tahrir, active participant in the mass disturbances: 16 years' deprivation of liberty
						24. Mamadumar Bazarbayevich

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
						<p>Khashimov, born 1958, on the Internal Affairs Department ninth group list as a member of Hizb ut Tahrir, active participant in the mass disturbances: 13 years' deprivation of liberty</p> <p>25. Zarina Karatayevna Abdikarimova, born 1973, on the Internal Affairs Department ninth group list as a member of Hizb ut Tahrir, active participant in the mass disturbances: 16 years' deprivation of liberty</p> <p>26. Nizamidin Lutfullayevich Alimzhonov, born 1974, active participant in the mass disturbances: 20 years' deprivation of liberty</p> <p>27. Abdusaid Ergeshovich Aitiyev, born 1984, on the Internal Affairs Department ninth group list as a member of Hizb ut Tahrir, active participant in the mass disturbances: 12 years' deprivation of liberty</p> <p>28. Sardor Mukhudinovich Nuraliyev, born 1990, active participant in the mass disturbances: 18 years' deprivation of liberty</p> <p>29. Mansurzhan Makhamadaliyevich Khalmurzayev, born 1982, active participant in the mass disturbances: 13 years' deprivation of liberty</p> <p>30. Makhamatyakub Askarovich Atatayev, born 1972, on the Internal Affairs Department ninth group list as a member of Hizb ut Tahrir, active participant in the mass disturbances: 16 years' deprivation of liberty</p> <p>31. Abdulla Saipidinovich Karatayev, born 1976, active participant in the mass disturbances: 15 years' deprivation of liberty</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
129.	Libyan Arab Jamahiriya	02/09/10	JAL	MIG; SUMX; TOR	<p>Concerning large numbers of foreign nationals on death row, some of whom have reportedly suffered torture or other forms of ill-treatment, and the alleged failure to meet international standards for fair trial.</p> <p>As of May 2009, there are over five hundred individuals on death row in Libya, and approximately fifty percent of them are foreign nationals. Many of them are reportedly from sub-Saharan countries such as Chad, Niger, Nigeria, Sudan and Somalia. It is alleged that Libyan courts impose death sentences in trials which do not meet the international standards and foreign nationals are particularly discriminated against in court proceedings. They are reportedly often not provided with interpretation or translation assistance during legal proceedings when they do not speak or understand Arabic. Further, they are allegedly not given access to representatives of their own consular or diplomatic authorities. In addition, it is reported that foreign nationals on death row are disadvantaged vis-à-vis Libyan nationals, as they generally have limited financial resources to seek pardon from the next-of-kin of alleged victims through qisas (financial compensation for the family of the murder victim) and diya (retribution for murder). They also do not have family members in Libya who can assist them to negotiate qisas and diya, and may be less familiar with the system.</p> <p>To illustrate these allegations, we would like to bring to your attention the following cases of two foreign nationals currently in death row</p>	<p>32. Khalmakhamad Khamidovich Ergashev, born 1973, on the Internal Affairs Department ninth group list as a member of Hizb ut Tahrir, active participant in the mass disturbances: 17 years' deprivation of liberty</p> <p>A reply was received from the Government on 23/11/2010, but could not be translated in time for inclusion in this report.</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>who have reportedly suffered torture and whose trials did not meet international standards:</p> <p>Ms. Juliana Okoro, a Nigerian national, was arrested in 2000 on a murder charge. According to reports received, while she was held in the Bab Abu Gashir Police Station in Tripoli, Ms. Okoro was regularly beaten with her hands tied behind her back during eighteen days. Allegedly, she did not have access to a lawyer until two or three years after the arrest and was not provided with an interpreter during any of the court hearings. She was sentenced to death and her sentence was confirmed on appeal by the High Court in 2008. As of May 2009, Ms. Okoro is on death row.</p> <p>Mr. Haroun Mohamed Saleh Awwali, a national of Niger, was arrested on immigration charges in 2004 and transferred to Misratah Detention Center where a murder took place. After the incident, he was transferred to another detention centre where he was reportedly beaten with an electric cable to force him to “confess” the commission of the murder. He was also allegedly forced to thumb print a document that he was not able to read. According to the information received, Mr. Haroun Mohamed Saleh Awwali was not provided with a translator during his trial and did not understand the proceedings. He was subsequently found guilty of the murder at the Misratah Detention Centre and is on death row as of May 2009.</p> <p>In this context, it is of particular concern that 18 individuals, including nationals of Chad, Egypt and Nigeria, were reportedly executed on 30 May 2010 after they were convicted of premeditated murder.</p>	
273	130.	25/06/09	JAL	HRD;	Concerning the death of Mr Fathi El-Jahmi	By letter dated 10/12/2009, The Government

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
				SUMX; TOR	<p>while deprived of his liberty. Mr Fathi El-Jahmi was an activist advocating political reform in Libya.</p> <p>Mr El-Jahmi was the subject of an urgent appeal sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on Torture on 4 February 2008 and an urgent appeal sent by the then Special Representative of the Secretary-General on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on 22 April 2004. To date, no reply to either these communications has been received.</p> <p>On 21 May 2009, Mr. El-Jahmi reportedly died in a hospital in Amman, Jordan. He had allegedly been transferred by Libyan security agents from the Tripoli Medical Centre some weeks earlier for emergency medical care while he was allegedly in a comatose or semi-conscious state and his breathing reliant on a ventilator. Following his death, Libyan security agents reportedly supervised the repatriation of Mr. El-Jahmi's body to Benghazi, Libya, where he is said to have been buried without an autopsy having taken place.</p> <p>Following a visit of a physician of the non-Governmental organization Physicians for Human Rights in March 2008, a report on Mr. El-Jahmi in detention concluded, "[n]ot only was he inappropriately confined in hospital for many months – he was also placed in a psychiatric facility without cause, and the Libyan Government never provided any evidence to support such an intervention".</p> <p>Concern is expressed that the death of Mr Fathi El-Jahmi, while deprived of his liberty, might</p>	<p>indicated that the following is our reply to the enquiries made regarding the legal situation of Fathi el-Jahmi:</p> <p>Question: Are the facts alleged in the above summary of the case accurate?</p> <p>Answer: The alleged facts are inaccurate inasmuch as the person in question received treatment at the Tripoli Medical Centre and he was admitted to the hospital at his own request. He received excellent care since the hospital is one of the best in the Jamahiriya. International human rights organizations praised the care that he was receiving in the hospital because they visited him while he was there. A delegation from Human Rights Watch was the last to visit him in the hospital on 26 April 2009. The organization issued a positive assessment of the health services that were being provided.</p> <p>Question: Has a complaint been lodged?</p> <p>Answer: The facts are inaccurate and no complaint has been lodged.</p> <p>Question: Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.</p> <p>Answer: As the alleged facts and the accompanying questions are inaccurate, there is no reason to carry out any inquiries.</p> <p>Question: In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the</p>

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					be related to a failure to provide adequate medical assistance.	<p>alleged perpetrators?</p> <p>Answer: The alleged facts are inaccurate.</p> <p>Question: Please share the medical records of Mr. El-Jahmi from the Tripoli Medical Centre where he was detained as well as the Medical Centre in Amman where he received medical care.</p> <p>Answer: The medical records are regarded as personal data concerning the patient, and the law does not permit their disclosure to anyone apart from the patient or his family.</p> <p>Question: Please indicate why Mr. El-Jahmi was moved to a psychiatric facility.</p> <p>Answer: During the trial of the person in question, his lawyer requested that he be examined by a psychiatrist to assess his mental capacity, and the court ordered an examination. After examining him, the doctor issued a detailed report and concluded that the person concerned was criminally responsible for his acts and required long-term psychiatric treatment and constant observation.</p> <p>The court decided, in response to a request by his lawyer and the public prosecutor's office, to have his case reviewed by a panel composed of three doctors specializing in psychiatry and mental illness. The doctors carried out their assignment after swearing an oath before the court to perform their duties faithfully and in accordance with the law. The panel concluded that the person concerned was not criminally responsible.</p> <p>On 17 September 2006 the court held that the criminal proceedings could not be pursued because the accused was not responsible for his acts and ordered that he be admitted to Al-Razi psychiatric hospital to receive the</p>

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						treatment required for his recovery. He was transferred to the Tripoli Medical Centre to receive medical treatment for chronic illnesses from which he was suffering.
131.	Malawi	13/01/10	JUA	TOR; WGAD	Concerning Mr. T. C. and Mr. S. M. Mr. T. C. and Mr. S. M. were arrested on 29 December 2009 by the Blantyre Police, following a public traditional engagement ceremony in Chirimba Township. They are currently in detention at Chichiri Prison, pending their trial for gross public indecency and unnatural offences. In addition, the State Prosecutor has allegedly applied for an order to force Mr. C. and Mr. M. to undergo anal examinations to prove that they had sex with each other.	
132.	Maldives	Follow-up to earlier cases.			A/HRC/4/33/Add.1 para 151	<p>By letter dated 01/09/2010, the Government indicated that the incidences such as those referred to in the abovementioned communication occurred during the previous Government's administration. At the time, the people of Maldives did not enjoy many of the rights and freedoms afforded under international law, including freedom from torture and arbitrary arrest. As such, incidences of arbitrary arrest and complaints of torture and cruel treatment during arrest and detention were frequent.</p> <p>Since the assumption of office by the current administration on 11 November 2008, following the first ever multi-party elections in the country, the Maldives has made tremendous progress towards guaranteeing human rights for all. The new Constitution of the Maldives (August 2008), guarantees a wide range of fundamental rights and freedoms, including the freedom from arbitrary arrest or detention, as well as from torture, cruel, inhumane or degrading treatment or punishment to all within its</p>

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						<p>territory. To complement these Constitutional guarantees, especially in view of fortifying the safeguards against torture, the Government has made representations to the Parliament, advocating for the express prohibition of torture in the Maldives' Penal Code and to make torture a separate offence. Pursuing its endeavours, the Government, in December 2008, appointed the National Human Rights Commission as the National Preventive mechanism (NPM) under the Optional Protocol to the Convention Against Torture.</p> <p>The Government attaches high importance to the establishment of a complaints standard that would allow people in detention facilities to comment or complain without hindrance or fear of reprisal. The Prisons Bills currently in draft stage takes this into consideration. At present, prisoners may send confidential letters to the Home Ministry, if they wish to make a complaint with regard to prison officials or the facilities. Furthermore, for the first time in the history of the Maldives, policemen were sentenced in January 2008 after being found guilty of beating and torturing a man held in custody two years ago.</p> <p>I am further pleased to inform that the Maldives was also one of the first countries to be visited by the Subcommittee for the Prevention of Torture in December 2007. The Government is undertaking steps to implement the recommendations of the SPT and to establish a wide range of checks to prevent torture and punish those found guilty. These include substantial reform of the Maldives Police Service, including the establishment of the Police Integrity Commission, mandated with, among others,</p>

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						<p>investigating allegations of torture. Moreover, frequent visits by the Human Rights Commission of the Maldives, the Maldives Police Service's Ethical Standards Command, the Police Integrity Commission, and the Home Ministry's Inspector General, to places of detention throughout the Maldives are also contributing to reducing abuse and mistreatment of detainees. Despite these steps, enormous resource constraints hinder to-date the complete implementation of the recommendations.</p> <p>I assure you that incidences such as those referred to in your letter are taken with utmost seriousness by the Government which is also currently undertaking substantial measures to eliminate the deep-rooted culture of torture that has prevailed in the law enforcement and penitentiary system for several decades. Hence, in light of these developments, on behalf of the Government, I would like to further assure Your Excellency that incidences such as those referred to in your letter do not occur on a systematic basis and where it may occur, the perpetrators will be brought to justice. The current administration is fully committed to the elimination of the culture of torture in detention facilities and within the law enforcement system in general and to guarantee all the rights and freedoms prescribed in the Constitution of the Maldives.</p> <p>Let me also take this opportunity to express regret for the delay in responding to Your Excellency's communication.</p>
133.	Mauritius	31/03/10	JAL	HLTH ; SUMX ; TOR	Concerning a pledge to reinstate the death penalty for drug offense including for trafficking Subutex (buprenorphine). According to the information received, in a	

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					<p>speech given on Wednesday 24 February 2010 at the launch of the National Policing Strategic Framework at the Paul Octave Wiehe Auditorium (University of Mauritius), Prime Minister Navin Ramgoolam allegedly pledged to reinstate the death penalty for drug offences, including for trafficking Subutex (buprenorphine). Subutex is a drug commonly used to treat opiate dependence, and is acknowledged as an essential medicine by the World Health Organization.</p> <p>The Prime Minister allegedly warned people who are on prescription Subutex against travelling to Mauritius, due to plans to scale up enforcement relating to trafficking in the drug. In his speech, the Prime Minister allegedly stated that: “We have to be severe. Subutex will not be allowed in the country. Even those who have to take Subutex under medical prescription will not be spared. It is better that they do not come to Mauritius on holidays with Subutex; they will have to face severe penalties...If you cannot live without Subutex, do not come to Mauritius. Go somewhere else.”</p> <p>Although buprenorphine is not currently used as opioid substitution therapy (‘OST’) in Mauritius – Methadone being primarily used instead – any proposed restrictions and penalties on use and possession of buprenorphine in Mauritius would constitute a significant infringement of the right to health for nationals of Mauritius, as well as visitors to the country. Additionally, the alleged proposal concerning imposition of the death penalty represents an infringement of other rights, including the right to life.</p> <p>I would like to draw your Excellency’s Government’s attention to its commitment to protect the Right to Health as reflected in the</p>	

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					<p>international legal instruments. The Universal Declaration of Human Rights provides that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food (Article 25 (1)).” Article 12 of the International Covenant on Economic, Social and Cultural Rights specifically provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, which your Excellency’s Government acceded to in May 2006. This includes an obligation on part of all States parties to ensure that health facilities, goods, and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination. General Comment No. 14 of the Committee on Economic, Social and Cultural Rights elucidates the requirements of respecting, protecting and fulfilling the right to health, encompassing both freedoms and entitlements, which specifically include the right to control one’s health and body, and freedom from non-consensual interference (paragraph 8).</p> <p>Additionally, Mauritius is a State Party to the International Covenant on Civil and Political Rights, which prohibits arbitrary deprivation of life under Article 6. The death penalty was abolished in Mauritius in 1995. Article 6(2) of the International Covenant on Civil and Political Rights provides that “in countries which have not abolished the death penalty”, the “sentence of death may be imposed only for the most serious crimes”. As the Special Rapporteur on extrajudicial, arbitrary or summary executions observed in a report to the Human Rights Council, the conclusion to be drawn from a thorough and systematic review of the jurisprudence of all of the principal</p>	

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					<p>United Nations bodies charged with interpreting the most serious crimes provision, is that a death sentence can only be imposed in cases where it can be shown that there was an intention to kill which resulted in the loss of life (A/HRC/4/20, para. 53). Reinstatement of the death penalty for any drug-related offences is potentially in breach of the ICCPR, as these do not meet the threshold for ‘most serious crimes’ under article 6(2) of the Covenant. Furthermore, the reinstatement of the death penalty under the given circumstances may amount to cruel, inhuman or degrading punishment under article 16 of the Convention against Torture (see A/HRC/10/44, paras. 38 to 40).</p> <p>Criminalization of use of OST in treatment of drug dependence has the potential to discourage users from accessing OST. In doing so, it indirectly promotes continuance of risky behavior around health, and has the potential to undermine the effectiveness of health interventions and programs, such as those designed to prevent HIV/AIDS and hepatitis transmission amongst drugs users. As drug dependence should be treated like a health care condition, the right to non-consensual interference and physical integrity also applies to any treatment and care for people who use drugs.</p> <p>Although there apparently has been no formal legislation or bill proposed as yet, if the alleged public proposals were to become law, the potential for people on legitimately prescribed medication being punished severely for their health status could be realized. I urge your Excellency’s Government to take all necessary measures to ensure that the Right to Health of all persons is protected, along with the other relevant rights noted.</p>	

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134.	Mexico	13/01/10	JAL	IJL; TOR	<p>El 16 de junio de 2009, los señores R. R. M., O.S.V, R.R. y R.L.V. fueron detenidos en unos condominios de Playas de Rosarito, en la ciudad de Tijuana, por elementos de la Secretaría de la Defensa Nacional. Los señores no fueron presentados con órdenes de aprehensión. Fueron trasladados a la Segunda Zona Militar, donde permanecieron en detención incomunicada hasta el 20 de junio. El 20 de junio fueron trasladados al 28vo. Batallón de Infantería de la Secretaría de la Defensa Nacional, "Aguaje de la Tuna". El 31 de julio fueron trasladados al Centro Federal de Readaptación Social Número Cuatro "Noroeste", en Tepic Nayarit, donde permanecen detenidos.</p> <p>Durante su detención, traslado y detención en el Aguaje de la Tuna, los señores R.M., S.V. R y L.V. fueron presuntamente sometidos a diversas formas de tortura y malos tratos. Fueron golpeados y pateados en todo el cuerpo, les aplicaron cargas eléctricas en sus genitales y fueron sometidos a intentos de asfixia con bolsas de plástico, mientras los oficiales intentaban arrancarles las uñas de las manos y de los pies. A la fecha no han recibido atención médica.</p> <p>Los señores R.M., S.V., R. y L. V. Los también fueron amenazados de muerte si no confesaban su responsabilidad en un secuestro. El 17 de junio de 2009, con los ojos vendados, fueron obligados a firmar sus declaraciones ante el Ministerio Público.</p> <p>El 17 de julio de 2009, familiares de los señores Ramírez Martínez presentó una queja ante la Oficina Regional de la Comisión Nacional de los Derechos Humanos. El 20 de octubre, intentaron presentar una queja ante la Procuraduría General de la República en las instalaciones delegacionales del estado de Baja</p>	

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					<p>California, pero nunca fueron atendidos. Al día siguiente, el agente del Ministerio Público se negó a recibir la denuncia, indicando que la jurisdicción civil era incompetente para conocer el caso, debido a que los presuntos responsables eran oficiales militares. Ese mismo día, presentaron una denuncia ante el Ministerio Público Militar. Los familiares del Sr. R.L.V. presentaron una denuncia ante la Procuraduría General de la República.</p> <p>Caso II</p> <p>El 24 de junio de 2009, los señores J.C. M.M. y J.L., agentes de la Policía Ministerial del estado de Baja California, fueron detenidos por agentes de la Policía Ministerial, quienes les informaron que tendrían que presentarse en las instalaciones de dicha corporación. Aproximadamente una hora y media después, fueron ordenados por el jefe de grupo a entregar sus armas, y fueron llevados a la Dirección de Asuntos Internos en Mexicali.</p> <p>En la Dirección de Asuntos Internos, fueron informados que habían sido detenidos para rendir su declaración como testigos sobre una presunta privación ilegal de libertad. Al salir de la Dirección, un subcomandante los subió a un vehículo para su traslado a la comandancia y trató de esposarles las manos. El señor M.M. trató de refugiarse en la Dirección, pero fue informado que tendría que ir esposado como parte del procedimiento de investigación. En ese momento, el señor M.M. observó que el señor L. estaba siendo golpeado, así como de la llegada de un gran número de agentes de la Policía Ministerial. Los dos fueron introducidos en vehículos diferentes y llevados al cuartel militar Morelos, en Tijuana.</p> <p>En el cuartel militar, los señores M.M. y L. fueron llevados a un cuarto donde les taparon</p>	

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					<p>la cara, los ojos y parte de la nariz con cinta adhesiva, les amarraron las manos por detrás, les colocaron vendas en los ojos, les pusieron algodón en las fosas nasales y les golpearon la cara y el estómago. También les cubrieron la cabeza con bolsas de plástico para intentar asfixiarlos.</p> <p>Posteriormente, fueron llevados por agentes de la Policía Ministerial de Tijuana al poblado de “El Hongo”, donde fueron ingresados a otro vehículo. Agentes antisequestros de Mexicali les quitaron las cintas adhesivas del cuerpo, les dieron de comer y les llevaron a la agencia antisequestros de Mexicali. Allí rindieron su declaración ante el Ministerio Público de Asuntos Internos el 25 de junio de 2009 y fueron liberados. A partir de esa fecha, los señores M.M. y L. fueron buscados por agentes del grupo antisequestros y sus familiares fueron seguidos y fotografiados. A la fecha, no existe ninguna orden de presentación o de detención en su contra, aunque los dos fueron dados de baja de su trabajo, bajo el argumento de “pérdida de confianza”.</p> <p>El 10 de julio, el señor M.M presentó una denuncia por abuso de autoridad, lesiones, tortura, privación ilegal de libertad, uso indebido del servicio público, amenazas, intimidación y tráfico de influencia. El señor L. interpuso una demanda de amparo por la detención ilegal y una denuncia por tortura. Debido al temor por su integridad y el de sus familiares, el señor L. tuvo que dejar la ciudad de Mexicali, mientras que el señor M.M permanece escondido.</p> <p>Caso III</p> <p>Entre el 15 y 17 de septiembre de 2009, fueron detenidos once policías municipales en Tijuana, Baja California, incluido el señor</p>	

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					<p>R.C.H. El señor C H fue llamado a la Comandancia por el titular de la Secretaría de Seguridad Pública y posteriormente trasladado en una patrulla al Cuartel Militar, sin contar con una orden de aprehensión. Una vez que arribó al Cuartel, fue esposado con las manos por detrás, amarrado de pies y rodillas con cinta adhesiva y vendado de los ojos también con cinta adhesiva. Con el cuerpo casi inmovilizado, fue cuestionado sobre personas relacionadas con el crimen organizado. Al contestar de manera negativa, le fue puesta una capa gruesa de plástico sobre su rostro en varias ocasiones durante tres horas.</p> <p>Al siguiente día, nuevamente fue sujeto a amenazas y torturas. El 18 de septiembre, le removieron la cinta de los ojos y una persona que se presentó como actuaría del Ministerio Público Federal le mostró un amparo en su favor por tortura e incomunicación. El 18 de septiembre, fue llevado al Hotel Real Inn, donde permaneció incomunicado hasta el 20 de septiembre, cuando fue visitado por su esposa. Antes de ser puesto en libertad, fue amenazado de no hablar con los medios de comunicación.</p> <p>El 17 de septiembre, los familiares del señor C. H presentaron una queja ante la Procuraduría de Derechos Humanos de Baja California. Personal de dicha dependencia visitó al señor C.H. en el cuartel, pero no le realizó ningún examen médico para confirmar la presunta tortura. Asimismo, se negaron a recibir la queja bajo el argumento de que no presentaba huellas de tortura. El 21 de octubre, el señor C.H. intentó presentar una denuncia en la Procuraduría General de la República, la cual fue rechazada. El 10 de noviembre, un agente del Ministerio Público Federal de la mesa IV visitó al señor C. H. para presionarlo sobre las declaraciones que habría hecho.</p>	

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135.		02/03/10	AL	TOR	<p>en relación con la Sra. A.M.P.Q.y el Sr. H.M.R. El 29 de diciembre de 2009, la pareja viajaba des estado de Chiapas a Veracruz. A la altura del Puente Chiapas, en el municipio de Ocozocuautila de Espinoza, la pareja se detuvo en un restaurante, cuando fue interceptada por una camioneta de la Policía Estatal Preventiva (PEP), dependiente de la Secretaría de Seguridad y Protección Ciudadana del estado de Chiapas. Los oficiales le indicaron al Sr. M. que su camioneta estaba reportada como robada y que tendrían que confirmar la información.</p> <p>El Sr. M. fue subido a una de las camionetas de la PEP y trasladado a la Fiscalía especializada Contra el Crimen Organizado (Fedco) de Tuxtla Gutierrez. En el trayecto, fue donde fue golpeado en los brazos, mientras le decían que era integrante de los Zetas y que era responsable de varios secuestros. En la Fedco, el Sr. M. fue golpeado con los puños en el vientre y en las costillas así como en las piernas con un palo, mientras permanecía con los ojos vendados. Durante ese tiempo, fue amenazado de muerte si no confesaba. Asimismo, recibió varias patadas en el estómago y descargas eléctricas en los testículos. También le amarraron los pies y lo levantaron con una soga, para después sumergirle la cabeza en un recipiente con agua varias veces. Estos, mientras seguía recibiendo descargas eléctricas y golpes en las costillas. Después de ser sometido a este trato durante tres días, el Sr. M. firmó una declaración de culpabilidad por el delito de secuestro, sin saber su contenido.</p> <p>La Sra. P. también fue llevada a la Fedco, donde fue insultada y amenazada. Estuvo detenida en un cuarto con otros hombres, y podía escuchar como golpeaban al Sr. M., a</p>	

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					<p>pesar de permanecer con los ojos vendados. Cuando la interrogaron, los oficiales le indicaron que matarían al Sr. M. si ella no confesaba. Durante el interrogatorio, los oficiales le tocaron todo el cuerpo. En algún momento de la detención, la cual duró tres días, fue llevada a un patio, donde vio al Sr. M. colgado de los pies. Los oficiales le informaron que estaba muerto, por lo que ella accedió a firmar una declaración.</p> <p>Después de haber firmado sus declaraciones, ambos fueron trasladados a la Quinta Pitiquitos, en el municipio de Chiapa de Corzo, donde fueron arraigados durante 30 días. Posteriormente, fueron trasladados al Centro Estatal para la Reinserción Social de Sentenciados No. 14, El Amate. A la fecha, se sigue un proceso judicial en su contra por el delito de secuestro.</p> <p>El Sr. M. sufre de dolor en el cuello, brazos, piernas, costillas y hombros. Padece también de síntomas inflamatorios urinarios, dolor al orinar, tenesmo y sangre en la orina. Tiene hematomas visibles en varias partes del cuerpo. Sin embargo, debido a las restricciones del CERSS No. 14, El Amate, no se pudo realizar una exploración física exhaustiva y en condiciones óptimas.</p>	
136.		08/04/10	JUA	WGAD; TOR	<p>En relación con los señores Rodiber Leyva Rodríguez, Javier Gómez Hernández, Víctor Manuel Machín Concepción, Daniel Olan Ramos, Abraham Olan Juárez, Lidio Alberto García, Antonio Urgel Rodríguez, Agustín Trinidad Hernández, Luis Alberto López López, Daniel Morales Arteaga, Leonardo Escudero Montejo, Asunción Pereyra Calderón, Ezequiel Hernández Ramos, Rosario Méndez López, José Atila Cupido Flores, José Arturo Aragón Ontañez, Jesús Alberto Aragón Ontañez, Eliud Naranjo Gómez, agentes de la</p>	<p>Par medio de carta de fecha, 19/07/2010, el Gobierno indicato que:</p> <p>1. ¿Son exactos los hechos a los que se refieren las alegaciones presentadas?</p> <p>De acuerdo con la información proporcionada por la Procuraduría General de Justicia del estado de Tabasco (PGJ Tab), los señores Juan José Jiménez Barahona, Carlos Mario Cerino Gómez, Carlos Mario Hernández May, Genaro Mendoza Aguilar, Luis Ceballo Domínguez y José Santos Hernández</p>

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					<p>policía, así como el Sr. José Sánchez Pablo, habitantes todos del municipio de Huimanguillo, Tabasco.</p> <p>Entre el 13 y el 26 de agosto de 2009 fueron detenidas 18 de las personas anteriormente mencionadas, por el supuesto delito de asociación delictuosa agravada. El Sr. Eliud Naranjo Gómez fue detenido el 9 de noviembre de 2009. Algunas de estas personas fueron detenidas mientras se encontraban en sus lugares de trabajo, mientras otras fueron detenidas en sus viviendas. Oficiales del ejército, policías ministeriales y estatales, así como oficiales de la Subprocuraduría de Investigación Especializada en Delincuencia Organizada (SIEDO), entraron en sus casas sin ninguna orden de cateo, amenazaron a sus familiares, y los sacaron por la fuerza. No fue presentada ninguna orden de aprehensión durante la detención. Según las informaciones recibidas, los oficiales que llevaron a cabo las detenciones, les informaron que no necesitaban ningún documento para realizar la detención.</p> <p>Las personas arriba mencionadas fueron obligadas a subir a varias camionetas, las cuales no indicaban a qué dependencia pertenecían ni contaban con placas de circulación. Les vendaron los ojos y les ataron las manos, para posteriormente trasladarlos a lugares de los cuales se desconocen su ubicación. No fueron presentados ante el Ministerio Público ni ante un juez para iniciar las investigaciones correspondientes. Asimismo, no se les permitió avisar a sus familiares sobre el lugar en el que se encontraban, ni se les brindó información a sus familiares sobre su paradero.</p> <p>El 24 de agosto, el Juez Segundo Penal de Primera Instancia de la ciudad de Villahermosa WGEIDuso el arraigo por 30 días a los señores</p>	<p>Meneses, policías del municipio de Cárdenas, estado de Tabasco, fueron detenidos el 13 de mayo del 2010, por elementos de la policía ministerial de la PGJ Tab, policías municipales y fuerzas armadas, con la finalidad de que rindieran su declaración ministerial.</p> <p>La detención obedeció a la ejecución de una orden de búsqueda, localización y presentación librada por el Ministerio Público Investigador adscrito a la Fiscalía Especializada en combate al secuestro dentro de la averiguación previa FECS-130/2010.</p> <p>Ese mismo día los inculpados fueron puestos a WGEIDosición de la autoridad ministerial por su probable participación en la comisión del delito de asociación delictuosa en flagrancia; posteriormente rindieron su declaración ministerial asistidos por un defensor de oficio adscrito a la Fiscalía Especializada.</p> <p>El 13 de mayo de 2010, se emitieron los certificados de los exámenes médicos practicados a los 6 inculpados por un médico legista de la Dirección de Servicios de Técnica Forense y Criminalística de la PGJ Tab.</p> <p>2. ¿Fue presentada alguna queja por parte de las supuestas víctimas o en su nombre?</p> <p>La Comisión Estatal de Derechos Humanos del estado de Tabasco (CEDH Tab) inició la queja 0555/2010 PLYVD, la cual se encuentra en trámite ante la Primera Visitaduría General.</p> <p>3. Se señale la base legal de la detención y arraigo de los seis agentes municipales. Se explique cómo la figura del arraigo que prevé la posibilidad de retener a una persona sin</p>

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					<p>Leonardo Escudero Montejo, Carlos González Vásquez, Rubicel Escudero Domínguez, Luis Alberto López, Rodiber Leyva Rodríguez, José Arturo Aragón Ontañez, Jesús Alberto Aragón Ontañez, Daniel Morales Arteaga y Abraham Olan Juárez. Esas personas fueron arraigadas en la carretera principal de la Ranchería Buena Vista Río Nuevo, primera sección Km.10, al lado de la iglesia San José del Municipio del Centro de la ciudad de Villahermosa.</p> <p>Varios de los detenidos fueron presuntamente sometidos a torturas y otros malos tratos durante su detención. Los detenidos permanecieron con los ojos vendados y las manos atadas durante varios días, fueron golpeados y sometidos a descargas eléctricas, ahogamientos con agua y asfixia con bolsas de plástico. Algunos de ellos también fueron privados de agua y alimentos y, en ocasiones lo único que les daban de beber eran orines. Se les amenazó con matar a sus familiares con el fin de que firmaran confesiones en las cuales se comprometían a no informar sobre los malos tratos a los que fueron sometidos. De acuerdo con la información recibida, las confesiones fueron firmadas con los ojos vendados y en algunos casos la firma fue falsificada, con la presunta aquiescencia del Ministerio Público y del defensor de oficio que les habían asignado.</p> <p>Las personas detenidas fueron revisadas el 22 de agosto de 2009 por un médico legista adscrito a la Procuraduría General de Justicia del Estado, aunque no se les proporcionó ninguna atención médica o psicológica. El médico certificó los reconocimientos clínicos de los señores Rodiber Leyva Rodríguez, Jesús Alberto Aragón Ontañez, Rubicel Escudero Domínguez, Leonardo Escudero Montejo, José Arturo Aragón Ontañez, Luis Alberto López López, Carlos González Vásquez, Daniel</p>	<p>cargos durante un máximo de 80 días sin ser presentado ante un juez y sin las necesarias garantías judiciales, es compatible con las normas y estándares internacionales, incluidos, inter alia, la Declaración Universal de Derechos Humanos, el Pacto Internacional de Derechos Civiles y Políticos y la Convención contra la Tortura.</p> <p>Situación jurídica de los 6 policías municipales</p> <p>Debido a que el Ministerio Público requería de mayores elementos para comprobar la presunta responsabilidad de los inculcados y por considerar que existía el temor fundado de que se ausentaran o se ocultaran antes de que las investigaciones concluyeran, el 14 de mayo de 2010, decretó la detención a las personas aludidas, por la probable comisión del delito de asociación delictuosa agravada, quedando a su WGEID osición por un plazo 48 horas para resolver su situación jurídica, término que fue prorrogado a 96 horas con fundamento en los artículos 144 y 145 del Código de Procedimientos Penales para el estado de Tabasco.</p> <p>Después de realizadas las investigaciones, el 17 de mayo de 2010 ejerció acción penal en contra de los 6 inculcados por su probable responsabilidad en los delitos de asociación delictuosa agravada y ejercicio indebido del servicio público, quedando a WGEID osición del Juez Quinto de Distrito de lo Penal del estado de Tabasco.</p> <p>El 23 de mayo de 2010, el Juez Penal dentro del término constitucional prorrogado a 144 horas, determinó precedente dictar auto de formal prisión a los señores Jiménez Barahona, Cerino Gómez, Hernández May, Mendoza Aguilar, Ceballo Domínguez y</p>

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					<p>Morales Arteaga, y Abraham Olan Juárez, en los cuales se identificaron varios hematomas en diferentes partes del cuerpo. Sin embargo, a pesar de contar con el certificado de las lesiones y la declaración de los detenidos, el agente del Ministerio Público manifestó que “los argumentos que emite en la presente diligencia no se encuentran corroborados con pruebas que los haga creíble, de ahí que Su Señoría debe emitir formal prisión.” A la fecha no se cuenta con información sobre el inicio de ninguna investigación.</p> <p>Las personas mencionadas anteriormente permanecen en detención en el Centro de Readaptación Social del Estado de Tabasco. Cuatro de estas personas han recibido escasa atención médica, pagada por sus familiares y ninguno de los 19 detenidos ha recibido atención psicológica.</p>	<p>Hernández Meneses por los citados delitos. Esa misma fecha, los procesados fueron trasladados a las instalaciones del Centro de Readaptación Social del estado de Tabasco (CERESO Tab), quedando sujetos al proceso penal 93/2010, proceso que actualmente se encuentra en etapa de instrucción.</p> <p>Contrariamente a los hechos denunciados ante los mecanismos internacionales, las personas aludidas nunca estuvieron en situación de arraigo.</p> <p>El arraigo</p> <p>Con la reforma constitucional al sistema de seguridad pública y justicia penal de junio de 2008, el arraigo se constituye como una medida cautelar que cumple con los estándares establecidos en el Pacto Internacional de Derechos Civiles y Políticos, así como con los principios para la protección de todas las personas sometidas a cualquier forma de detención o prisión. El arraigo es dictado por una autoridad judicial especializada (jueces de control), con las condiciones y modalidades que la ley señala. Dicha autoridad judicial es designada con base en los preceptos de transparencia e imparcialidad necesarios para garantizar el efectivo funcionamiento del sistema de justicia.</p> <p>Las personas bajo arraigo gozan de los derechos del debido proceso, al igual que quienes están sujetos a cualquier otra forma de detención. En la aplicación del arraigo, se prohíbe toda incomunicación, intimidación o tortura; debe informarse de los hechos que se atribuyen y los derechos que asisten; y debe garantizarse pleno acceso a un abogado a fin de asegurar una defensa adecuada, entre otras garantías que establece el artículo 20</p>

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						<p>constitucional que refleja WGEIDosiciones de los artículos 9, 10 y 14 del Pacto Internacional de Derechos Civiles y Políticos. El juicio de amparo procede en contra de la resolución del juez de control, así como para garantizar la protección de estos derechos. Además, las personas bajo arraigo gozan de atención y control médico.</p> <p>El Estado cuenta con un mecanismo que permite vigilar y, en su caso, adecuar la aplicación de esta figura frente las posibles lagunas que pudieran presentarse. El Programa Nacional de Derechos Humanos 2008-2012 establece entre sus líneas de acción “Promover que el empleo de la figura del arraigo, se aplique bajo los más estrictos criterios legales”.</p> <p>4. ¿Los agentes mencionados han tenido acceso a un abogado y a partir de qué momento? Explique el estado del proceso judicial de cada uno de los detenidos.</p> <p>Después de que los inculpados fueron puestos a WGEIDosición del Ministerio Público, estuvieron acompañados de un defensor social adscrito a la Fiscalía Especializada, permitiéndoseles tener acceso a la averiguación previa antes de que rindieran su declaración ministerial, así como mantener de manera personal y privada una entrevista con el abogado defensor, asegurando una defensa adecuada a sus intereses además de ser visitados por sus familiares.</p> <p>Asimismo se les informaron sus derechos judiciales, como lo es el de tener conocimiento de los delitos de que se les acusa, quien era su denunciante, el no ser obligados a declarar en su contra, gozar de una defensa adecuada por abogado o por persona de su confianza y brindarles las</p>

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						<p>facilidades para solicitar todos aquellos datos necesarios para preparar su defensa.</p> <p>5. Se proporcione información detallada, así como los resultados si están WGEIDonibles, de cualquier investigación, examen médico y judicial u otro tipo de pesquisa que se haya llevado a cabo respecto de este caso.</p> <p>Dentro de la averiguación previa FECS-130/2010, se desahogaron las siguientes diligencias:</p> <ul style="list-style-type: none"> • Orden de localización y presentación girada por el Ministerio Público • Parte informativo mediante el cual se pone a WGEIDosición del Ministerio Público a los inculpados, • informe de investigación rendido por la Policía Ministerial, • declaración ministerial de los 6 inculpados • acuerdo de detención legal por delito fl agrante, • fe de integridad física, • certificados médicos de 13 de mayo de 2010, emitidos por un médico legista adscrito a la PGJ Tab, de los que se advierte que los quejosos presentaron las siguientes lesiones: <ol style="list-style-type: none"> 1. Juan José Jiménez Barahona: “Presenta zona de edema con color moderado, a nivel de epigástrico, el cual se exagerba a la digitopresión, compatible con las producidas por contusión”. 2. Carlos Mario Cerino Gómez. Dicho: “Presenta zona de edema con color moderado a nivel de epigástrico, el cual se exagerba a la digitopresión, compatible con las producidas por contusión y quimosis de color violáceo de

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						<p>10 cm, por 3 cm de diámetro en la región del flanco izquierdo compatibles con las producidas por contusión”.</p> <ul style="list-style-type: none"> • certificados médicos de 13 de mayo de 2010, practicados a los señores Hernández May, Mendoza Aguilar, Ceballo Domínguez y Hernández Meneses por un médico legista adscrito a la PGJ Tab. Los certificados médicos concluyen que las personas aludidas se les encontró sanos y sin huellas de lesiones externas recientes visibles, • solicitud de atención médica dirigida al Director del hospital “Rovirosa” de alta especialidad para que se le proporcione atención médica del señor Jiménez Barahona. <p>6. Proporcionar información detallada sobre Las diligencias judiciales y administrativas practicadas. Han sido adoptadas sanciones de carácter penal o disciplinario contra los presuntos culpables?</p> <p>13 de junio de 2010, la Secretaría General de Gobierno del estado de Tabasco solicitó un informe al Director General de Prevención y Readaptación Social y al Director de la Unidad de Asuntos Jurídicos de la Secretaría de Seguridad Pública del estado de Tabasco, sobre el estado de salud que guardan los inculpados, y en caso de ser necesario, se les brindara atención médica y psicológica adecuada.</p> <p>El 11 de junio de 2010, el Primer Visitador General de la CEDH Tab, en compañía de un perito médico de la citada institución, se trasladó al CERESO Tab para entrevistar a los inculpados y practicarles una revisión médica para certificar su estado de salud. Durante la entrevista los inculpados refirieron haber sido víctimas de actos de torturas</p>

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						<p>durante su detención.</p> <p>Al finalizar la entrevista, el Primer Visitador levantó un acta circunstanciada y en atención a los hechos denunciados, solicitó al Director del CERESO Tab aplicar las siguientes medidas precautorias:</p> <p>“Primero. Brindar atención médica y psicológica adecuada a las seis personas, en especial al señor Juan José Jiménez Baraona. Segundo. Que el señor Juan José Jiménez Barahona sea trasladado a un hospital en donde le brinden la atención médica adecuada. Tercero. Se realicen los exámenes médicos correspondientes a las seis personas a que nos referimos para determinar su estado de salud actual y brindarles la atención médica correspondiente. Cuarto. Que sea aplicado el protocolo de Estambul a las seis personas a que nos referimos para la determinación de la tortura, tratos crueles e inhumanos a los que fueron sometidos.”</p> <p>El 16 de junio de 2010, las medidas fueron aceptadas por la citada autoridad.</p> <p>Los certificados médicos emitidos por el perito médico de la CEDHT se desprende que las personas aludidas se encuentran en estado de salud estable (se anexan).</p> <p>La CEDH Tab continúa integrando el citado expediente de queja por supuesta tortura, realizando diversas acciones encaminadas a conocer si ese hecho es verdadero.</p>
137.		06/07/10	JUA TOR	WGAD; TOR	En relación con la situación de los señores Juan José Jiménez Barahona; Carlos Mario Cerino Gómez; Carlos Mario Hernández May; Genaro Mendoza Aguilar; Luis Ceballos Domínguez; José Santos Hernández Meneses. Estas personas trabajaban como policías municipales	Por medio de carta de fecha 19/07/2010, el Gobierno indicato que de acuerdo con la información proporcionada por la Procuraduría General de Justicia del estado de Tabasco (PGJ Tab), los señores Juan José Jiménez Barahona, Carlos Mario Cerino Gómez, Carlos Mario Hernández May,

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					<p>en Cárdenas, Estado de Tabasco.</p> <p>El 13 de mayo de 2010, a las 8:30 horas, las seis personas arriba mencionadas fueron detenidas mientras se encontraban en las instalaciones de la Secretaría de Seguridad Pública de Cárdenas (Tabasco) lugar en el que trabajaban como funcionarios públicos. Todos ellos fueron llamados a la Comandancia de Seguridad Pública y allí un grupo de hombres con vestimenta de tipo militar, que se identificaron como miembros de la Subprocuraduría Especializada en Delincuencia Organizada (SIEDO) y de la Fiscalía de Alto Impacto y Anti Secuestro, les ordenaron que subieran a unos vehículos particulares. Las detenciones se llevaron a cabo sin orden de aprehensión ni de presentación. Actualmente, los seis agentes se encontrarían detenidos en el Centro de Readaptación Social del Estado de Tabasco (CRESET).</p> <p>De acuerdo con la información que los detenidos habrían proporcionado posteriormente a sus familiares, los seis agentes fueron esposados de manos, se les vendaron los ojos y fueron trasladados a un lugar desconocido. En dicho lugar, los agentes habrían sido sometidos a torturas y tratos crueles, inhumanos o degradantes, los cuales consistieron, entre otros, en colocarles bolsas de plástico en la cabeza; aplicación de descargas eléctricas en los genitales y distintas partes de cuerpo; en obligarles a beber agua que después eran forzados a arrojar por la nariz mediante la aplicación de presión en el vientre parándose encima de ellos; soportaron golpes y patadas en distintas partes del cuerpo; y sufrieron mordiscos en las orejas. Estos actos se habrían producido con el fin de presionar a los seis agentes para que se declararan culpables del delito de asociación delictuosa.</p>	<p>Genaro Mendoza Aguilar, Luis Ceballos Domínguez y José Santos Hernández Meneses, policías del municipio de Cárdenas, estado de Tabasco, fueron detenidos el 13 de mayo del 2010, por elementos de la policía ministerial de la PGJ Tab, policías municipales y fuerzas armadas, con la finalidad de que rindieran su declaración ministerial.</p> <p>La detención obedeció a la ejecución de un orden de búsqueda, localización y presentación librada por el Ministerio Público Investigador adscrito a la Fiscalía Especializada en combate al secuestro dentro de la averiguación previa FECS-130/2010.</p> <p>Ese mismo día los inculpados fueron puestos a disposición de la autoridad ministerial por su probable participación en la comisión del delito de asociación delictuosa en flagrancia; posteriormente rindieron su declaración ministerial asistidos por un defensor de oficio adscrito a la Fiscalía Especializada.</p> <p>El 13 de mayo de 2010, se emitieron los certificados de los exámenes médicos practicados a los 6 inculpados por un médico legista de la Dirección de Servicios de Técnica Forense y Criminalística de la PGJ Tab.</p> <p>2. ¿Fue presentada alguna queja por parte de las supuestas víctimas o en su nombre?</p> <p>La Comisión Estatal de Derechos Humanos del estado de Tabasco (CEDH Tab) inició la queja 0555/2010 PLYVD, la cual se encuentra en trámite ante la Primera Visitaduría General.</p> <p>3. Se señale la base legal de la detención y arraigo de los seis agentes municipales. Se</p>

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					<p>Los agentes municipales habrían sido trasladados a la Procuraduría General de Justicia del Estado de Tabasco y el 17 de mayo habrían ingresado en el CRESET acusados del delito de asociación delictuosa agravada.</p> <p>Según la información recibida, todos los agentes municipales mencionados presentarían lesiones como consecuencia de los tratos recibidos. Especial atención merecería el estado de salud del señor Juan José Jiménez Barahona, quien después de ser detenido habría tenido que ser trasladado el día 14 de mayo al Hospital Adolfo A. Rovirosa, en la ciudad de Villahermosa (Tabasco). El Sr. Jiménez Barahona habría sido intervenido quirúrgicamente, se le habría extirpado el bazo y una parte del intestino, fisurado debido a los golpes, y le habrían extraído una parte del hígado.</p> <p>El 24 de mayo los médicos habrían retirado los puntos al señor Jiménez Barahona, pero dos se habrían abierto. Según la información recibida, a pesar de que la herida se había infectado y de que el señor Jiménez Barahona padecía fiebre, fue dado de alta el 24 de mayo por la noche y trasladado al CRESET, al área de enfermería en donde se encontraría actualmente. El 28 de mayo se habría abierto un punto más de la sutura. El Sr. Jiménez Barahona sufriría actualmente mucho dolor, su estómago estaría duro e inflamado. Asimismo, la herida se le infectaría constantemente y respiraría con mucha dificultad debido a los golpes que recibió.</p> <p>Según los informes recibidos, los otros cinco agentes presentarían diferentes lesiones producto del trato recibido y no habrían recibido la asistencia médica necesaria:</p> <p>- Carlos Mario Cerino Gómez no tolera la</p>	<p>explique cómo la figura del arraigo que prevé la posibilidad de retener a una persona sin cargos durante un máximo de 80 días sin ser presentado ante un juez y sin las necesarias garantías judiciales, es compatible con las normas y estándares internacionales, incluidos, inter alia, la Declaración Universal de Derechos Humanos, el Pacto Internacional de Derechos Civiles y Políticos y la Convención contra la Tortura.</p> <p>Situación jurídica de los 6 policías municipales</p> <p>Debido a que el Ministerio Público requería de mayores elementos para comprobar la presunta responsabilidad de los inculpados y por considerar que existía el temor fundado de que se ausentaran o se ocultaran antes de que las investigaciones concluyeran, el 14 de mayo de 2010, decretó la detención a las personas aludidas, por la probable comisión del delito de asociación delictuosa agravada, quedando a su WGEID osición por un plazo 48 horas para resolver su situación jurídica, término que fue prorrogado a 96 horas con fundamento en los artículos 144 y 145 del Código de Procedimientos Penales para el estado de Tabasco.</p> <p>Después de realizadas las investigaciones, el 17 de mayo de 2010 ejerció acción penal en contra de los 6 inculpados por su probable responsabilidad en los delitos de asociación delictuosa agravada y ejercicio indebido del servicio público, quedando a WGEID osición del Juez Quinto de Distrito de lo Penal del estado de Tabasco.</p> <p>El 23 de mayo de 2010, el Juez Penal dentro del término constitucional prorrogado a 144 horas, determinó procedente dictar auto de formal prisión a los señores Jiménez</p>

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					<p>comida y vomita constantemente. En el CRESET no habría recibido la atención médica necesaria y los medicamentos para los dolores y la infección se los habrían suministrado sus familiares.</p> <p>- Genaro Mendoza Aguilar padece un fuerte dolor en las costillas y en ocasiones vomita después de comer. En el CRESET no habría recibido la atención médica necesaria.</p> <p>- José Santos Hernández Meneses, de sesenta y nueve años, mostraría lesiones de descargas eléctricas y cicatrices en diversas partes del cuerpo. Según las alegaciones recibidas, no habría recibido asistencia médica.</p> <p>- Carlos Mario Hernández May padece dolor en el abdomen y tiene un costado del abdomen inflamado. Tampoco habría recibido la atención médica necesaria.</p> <p>- Luis Ceballo Domínguez padece dolor en el abdomen, ya que hace un año lo operaron de una hernia, y tras los golpes la hernia habría vuelto a salir. Le aqueja un intenso dolor en la columna y tampoco habría recibido atención médica.</p> <p>Según los informes recibidos, la Secretaría de Gobernación habría sido informada acerca de la situación de los seis agentes. Dicha Secretaría habría solicitado a la Secretaría del Estado de Tabasco que tomara medidas urgentes para preservar la integridad física de los seis agentes, especialmente del Sr. Juan José Jiménez Barahona.</p> <p>El 25 de mayo de 2010 la Comisión Nacional de los Derechos Humanos (CNDH) habría recibido una queja respecto de la situación de estos seis agentes municipales. A este respecto, el 1 de junio la Comisión Nacional habría visitado a estos seis agentes en el</p>	<p>Barahona, Cerino Gómez, Hernández May, Mendoza Aguilar, Ceballo Domínguez y Hernández Meneses por los citados delitos. Esa misma fecha, los procesados fueron trasladados a las instalaciones del Centro de Readaptación Social del estado de Tabasco (CERESO Tab), quedando sujetos al proceso penal 93/2010, proceso que actualmente se encuentra en etapa de instrucción.</p> <p>Contrariamente a los hechos denunciados ante los mecanismos internacionales, las personas aludidas nunca estuvieron en situación de arraigo.</p> <p>El arraigo</p> <p>Con la reforma constitucional al sistema de seguridad pública y justicia penal de junio de 2008, el arraigo se constituye como una medida cautelar que cumple con los estándares establecidos en el Pacto Internacional de Derechos Civiles y Políticos, así como con los principios para la protección de todas las personas sometidas a cualquier forma de detención o prisión. El arraigo es dictado por una autoridad judicial especializada (jueces de control), con las condiciones y modalidades que la ley señala. Dicha autoridad judicial es designada con base en los preceptos de transparencia e imparcialidad necesarios para garantizar el efectivo funcionamiento del sistema de justicia.</p> <p>Las personas bajo arraigo gozan de los derechos del debido proceso, al igual que quienes están sujetos a cualquier otra forma de detención. En la aplicación del arraigo, se prohíbe toda incomunicación, intimidación o tortura; debe informarse de los hechos que se atribuyen y los derechos que asisten; y debe garantizarse pleno acceso a un abogado a fin</p>

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					<p>CRESET.</p> <p>Se expresa grave preocupación por la integridad física y psicológica de Juan José Jiménez Barahona; Carlos Mario Cerino Gómez; Carlos Mario Hernández May; Genaro Mendoza Aguilar; Luis Ceballos Domínguez; José Santos Hernández Meneses y por las alegaciones de los tratos recibidos. En este sentido, se expresa seria preocupación por el estado de salud de los seis agentes, especialmente del Sr. Juan José Jiménez Barahona, y por las alegaciones de que no estarían recibiendo la asistencia médica necesaria. Asimismo, se expresa preocupación por las alegaciones de que los tratos recibidos habrían tenido por objetivo el obtener confesiones de culpabilidad de los seis agentes detenidos.</p>	<p>de asegurar una defensa adecuada, entre otras garantías que establece el artículo 20 constitucional que refleja WGEID osiciones de los artículos 9, 10 y 14 del Pacto Internacional de Derechos Civiles y Políticos. El juicio de amparo procede en contra de la resolución del juez de control, así como para garantizar la protección de estos derechos. Además, las personas bajo arraigo gozan de atención y control médico.</p> <p>El Estado cuenta con un mecanismo que permite vigilar y, en su caso, adecuar la aplicación de esta figura frente las posibles lagunas que pudieran presentarse. El Programa Nacional de Derechos Humanos 2008-2012 establece entre sus líneas de acción “Promover que el empleo de la figura del arraigo, se aplique bajo los más estrictos criterios legales”.</p> <p>4. ¿Los agentes mencionados han tenido acceso a un abogado y a partir de qué momento? Explique el estado del proceso judicial de cada uno de los detenidos.</p> <p>Después de que los inculcados fueron puestos a WGEID osición del Ministerio Público, estuvieron acompañados de un defensor social adscrito a la Fiscalía Especializada, permitiéndoseles tener acceso a la averiguación previa antes de que rindieran su declaración ministerial, así como mantener de manera personal y privada una entrevista con el abogado defensor, asegurando una defensa adecuada a sus intereses además de ser visitados por sus familiares.</p> <p>Asimismo se les informaron sus derechos judiciales, como lo es el de tener conocimiento de los delitos de que se les acusa, quien era su denunciante, el no ser obligados a declarar en su contra, gozar de</p>

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						<p>una defensa adecuada por abogado o por persona de su confianza y brindarles las facilidades para solicitar todos aquellos datos necesarios para preparar su defensa.</p> <p>5. Se proporcione información detallada, así como los resultados si están WGEIDonibles, de cualquier investigación, examen médico y judicial u otro tipo de pesquisa que se haya llevado a cabo respecto de este caso.</p> <p>Dentro de la averiguación previa FECS-130/2010, se desahogaron las siguientes diligencias:</p> <ul style="list-style-type: none"> • Orden de localización y presentación girada por el Ministerio Público • Parte informativo mediante el cual se pone a WGEIDosición del Ministerio Público a los inculpados, • informe de investigación rendido por la Policía Ministerial, • declaración ministerial de los 6 inculpados • acuerdo de detención legal por delito flagrante, • fe de integridad física, • certificados médicos de 13 de mayo de 2010, emitidos por un médico legista adscrito a la PGJ Tab, de los que se advierte que los quejosos presentaron las siguientes lesiones: <ol style="list-style-type: none"> 1. Juan José Jiménez Barahona: “Presenta zona de edema con color moderado, a nivel de epigástrico, el cual se exagera a la digitopresión, compatible con las producidas por contusión”. 2. Carlos Mario Cerino Gómez. Dicho: “Presenta zona de edema con color moderado a nivel de epigástrico, el cual se exagera a la

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						<p>digitopresión, compatible con las producidas por contusión y quimosis de color violáceo de 10 cm, por 3 cm de diámetro en la región del flanco izquierdo compatibles con las producidas por contusión”.</p> <ul style="list-style-type: none"> • certificados médicos de 13 de mayo de 2010, practicados a los señores Hernández May, Mendoza Aguilar, Ceballo Domínguez y Hernández Meneses por un médico legista adscrito a la PGJ Tab. Los certificados médicos concluyen que las personas aludidas se les encontró sanos y sin huellas de lesiones externas recientes visibles, • solicitud de atención médica dirigida al Director del hospital “Rovirosa” de alta especialidad para que se le proporcione atención médica del señor Jiménez Barahona. <p>6. Proporcionar información detallada sobre Las diligencias judiciales y administrativas practicadas. Han sido adoptadas sanciones de carácter penal o disciplinario contra los presuntos culpables?</p> <p>El 3 de junio de 2010, la Secretaría General de Gobierno del estado de Tabasco solicitó un informe al Director General de Prevención y Readaptación Social y al Director de la Unidad de Asuntos Jurídicos de la Secretaría de Seguridad Pública del estado de Tabasco, sobre el estado de salud que guardan los inculcados, y en caso de ser necesario, se les brindara atención médica y psicológica adecuada.</p> <p>El 11 de junio de 2010, el Primer Visitador General de la CEDH Tab, en compañía de un perito médico de la citada institución, se trasladó al CERESO Tab para entrevistar a los inculcados y practicarles una revisión médica para certificar su estado de salud. Durante la entrevista los inculcados refirieron</p>

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138.		19/08/10	UA	TOR	En relación con la situación de los presos del Centro de Readaptación Social “El Llano”, ubicado en Aguascalientes, México. En particular, se querría llamar la atención sobre la	<p>haber sido víctimas de actos de torturas durante su detención.</p> <p>Al finalizar la entrevista, el Primer Visitador levantó un acta circunstanciada y en atención a los hechos denunciados, solicitó al Director del CERESO Tab aplicar las siguientes medidas precautorias:</p> <p>“Primero. Brindar atención médica y psicológica adecuada a las seis personas, en especial al señor Juan José Jiménez Baraona. Segundo. Que el señor Juan José Jiménez Barahona sea trasladado a un hospital en donde le brinden la atención médica adecuada. Tercero. Se realicen los exámenes médicos correspondientes a las seis personas a que nos referimos para determinar su estado de salud actual y brindarles la atención médica correspondiente. Cuarto. Que sea aplicado el protocolo de Estambul a las seis personas a que nos referimos para la determinación de la tortura, tratos crueles e inhumanos a los que fueron sometidos.”</p> <p>El 16 de junio de 2010, las medidas fueron aceptadas por la citada autoridad.</p> <p>Los certificados médicos emitidos por el perito médico de la CEDHT se desprende que las personas aludidas se encuentran en estado de salud estable (se anexan).</p> <p>La CEDH Tab continúa integrando el citado expediente de queja por supuesta tortura, realizando diversas acciones encaminadas a conocer si ese hecho es verdadero.</p>

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					<p>situación de los señores Manuel Tiberio Bravo, Jaime Roma Saavedra Vélez y Jhon Mario Villareal Santillana, el último conocido por las autoridades como Jhon Alexander Rodríguez. Estos tres individuos son de nacionalidad colombiana y se encontrarían cumpliendo sentencia en dicho centro.</p> <p>Desde el mes de marzo de 2010, se habrían producido una serie de actos de abuso de poder contra los presos del Centro de Readaptación Social “EL Llano” y, en algunos casos, se habrían denunciado tratos que por su gravedad podrían ser considerados como tortura, tratos crueles, inhumanos o degradantes.</p> <p>Según los informes recibidos, desde marzo de 2010, las autoridades de dicho Centro penitenciario habrían tomado una serie de medidas, las cuales incluirían: la cancelación de llamadas telefónicas; la prohibición del ingreso al Centro de abogados defensores particulares bajo el argumento de que las personas sentenciadas ya no requieren asistencia jurídica; la limitación de las visitas de familiares y amigos; la modificación de los horarios de visita conyugal; la reducción de la cantidad y la calidad de la comida, así como la prohibición del uso de utensilios para este fin; la eliminación de todas las zonas verdes; la cancelación de las clases de idioma; y la reducción de mesas y sillas para el área de visitas familiares.</p> <p>En este contexto, según las informaciones recibidas, el 14 de Julio de 2010, el Sr. Manuel Tiberio Bravo habría sido arrestado por oficiales penitenciarios y trasladado a la clínica del Centro, donde le habrían solicitado realizar una prueba de orina. Al negarse a realizar dicho examen, el Sr. Tiberio Bravo habría sido aislado, golpeado y pateado en diversas partes del cuerpo, le habrían colocado una bolsa de</p>	

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					<p>plástico en la cabeza con la finalidad de asfixiarlo, y aún presentaría quemaduras en sus testículos ocasionadas por un aparato que producía descargas eléctricas. Finalmente el Sr. Tiberio Bravo habría sido amenazado de muerte si se atrevía a denunciar.</p> <p>El miércoles 21 de julio, el Sr. Tiberio Bravo habría sido nuevamente golpeado en cabeza y vientre, quemado con descargas eléctricas generadas por una macana eléctrica, se le habría colocado una bolsa de plástico en la cabeza para asfixiarlo y, posteriormente, habría sido privado de alimentos y aislado. Según los informes recibidos, estos tratos se habrían producido con la finalidad de que el Sr. Tiberio Bravo señalara quién le vendía drogas en el interior del centro penitenciario.</p> <p>El Sr. Tiberio Bravo habría denunciado estos hechos consecuencia de lo cual, en la madrugada del 30 de julio, funcionarios del Centro penitenciario habrían penetrado en su celda golpeando con garrotes las paredes y lo habrían amenazado para que retirara las denuncias presentadas. En este momento, el Sr. Tiberio Bravo se encontraría actualmente en situación de aislamiento.</p> <p>En conexión con lo anterior, los señores Jaime Roma Saavedra Vélez y Jhon Alexander Rodríguez, que habrían sido testigos de los hechos arriba señalados, habrían intentado denunciarlos ante las autoridades competentes. Como consecuencia de ello, estas dos personas habrían recibido amenazas y habrían sido objeto de actos de intimidación.</p> <p>Se expresa grave preocupación por la integridad física y psicológica del Sr. Tiberio Bravo y por las alegaciones de los tratos recibidos, los cuales podrían ser considerados como tortura u otros tratos o penas crueles,</p>	

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					inhumanas o degradantes. Asimismo, se expresa preocupación por las alegaciones recibidas acerca del deterioro de las condiciones de detención en el Centro de Readaptación Social “EL Llano” desde marzo de 2010.	
139.			Follow-up to earlier cases.		Fortunato Prisciliano Sierra, Inés Fernández Ortega y familia (A/HRC/7/3/Add.1 para 149)	<p>Por medio de carta de fecha 17/09/2010, el Gobierno indicato que La Procuradurías General de Justicia del estado de Guerrero (PGJ Gro) inicio una averiguación previa ALLE/SC/03/173/2007, por los delitos de lesiones, amenazas y portación de armas prohibida, con motivo de una denuncia presentadas por el Sr. Fortunato Prisciliano Sierra, quien refirió haber sido objeto de agresiones y amenazas por parte de Alfonso Morales Silvino, Hilario Morales Silvino y Eugenio Morales Pacheco, el 30 de junio y el 27 de julio de 2007 fuera de la oficina de la Comisaría Municipal de Barranca Tecoani, Guerrero.</p> <p>Refiere el señor Prisciliano Sierra que el motivo de las agresiones sufridas en su contra tienen relación con las denuncias presentadas en contra de personal del ejército mexicano, quienes el 22 de marzo de 2002 entraron en su domicilio y abusaron sexualmente de su esposa, la Sra. Inés Fernández Ortega.</p> <p>2.- ¿Ha sido presentada alguna queja por las víctimas o sus representantes?</p> <p>Como za se hizo referencia, la PGJ Gro inicio una averiguación previa en la que se han practicado diversas diligencias para acreditar el cuerpo de los delitos y la probable responsabilidad penal de los inculpados.</p> <p>3.- ¿Indique todas las medidas adoptadas para proteger la integridad física y mental de Fortunato Prisciliano, su esposa y el resto de</p>

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						<p>su familia.</p> <p>El 24 de septiembre de 2007, la Comisión Interamericana de Derechos Humanos (CIDH) otorgó medidas cautelares a favor de Fortunato Prisciliano Sierra, Inés Fernández Ortega y familia, debido a que los peticionarios señalaron haber sido víctimas de actos de hostigamiento y amenazas.</p> <p>A fin de implementar las medidas cautelares decretadas por la CIDH, la Secretaría de Gobernación autoridad encargada de coordinarlas convocó a una reunión de trabajo con los representantes de los beneficiarios para determinar las acciones para garantizar la vida e integridad física de los beneficiarios dentro del término señalado por el órgano internacional.</p> <p>Mediante escrito de 10 de septiembre de 2007, el representante de los beneficiarios señaló que a causa de las constantes lluvias sobre la región de la Costa Montaña de Guerrero, municipio de Ayutla de los Libres, Guerrero, lugar de residencia de los peticionarios, estos se encontraban incomunicados, lo que imposibilitaba llevar a cabo una reunión de trabajo y agregó que en los siguientes días, señalaría lugar y fecha para llevar a cabo una reunión de trabajo para acordar, conjuntamente con las autoridades involucradas, la forma de garantizar la vida e integridad física del señor Fortunato Prisciliano, su esposa y su familia, de acuerdo a sus necesidades reales de protección.</p> <p>El 4 de octubre del 2007, se llevó una primera reunión en las oficinas de la PGJ Gro, en la que participaron representantes de las autoridades involucradas, el señor Prisciliano acordó con las autoridades las siguientes</p>

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						<p>medidas y mecanismos para su implementación:</p> <p>Agilización de las investigaciones, Comunicar a autoridades del gobierno del estado de Guerrero, las medidas cautelares otorgadas a favor de los beneficiarios. La WGEIDosisión de números telefónicos para comunicarse con las autoridades ante una situación de emergencia, Dotación de teléfonos celulares.</p> <p>El 9 de abril de 2009, la Corte Interamericana de Derechos Humanos CoIDH dictó medidas provisionales a favor de Fortunato Prisciliano Sierra, Inés Fernández Ortega y su familia, con base en la petición presentada por tres organizaciones no gubernamentales. En su resolución, la Corte requirió al Estado Mexicano que mantuviera las medidas que hasta ese momento estaba implementado, y que adoptara, de forma inmediata, las medidas complementarias que fueren necesarias para proteger la vida e integridad de las siguientes personas:</p> <p>Obtilia Eugenio Manuel y familia Fortunato Prisciliano Sierra, Inés Fernández Ortega y familia.</p> <p>41 integrantes de la Organización del Pueblo Indígena Tlapaneco (OPIT), entre los que se encuentran Raúl Hernández Abundío, Manuel Cruz Victoriano, Orlando Manzanares Lorenzo, Natalio Ortega Cruz y Romualdo Santiago Enedina.</p> <p>Los 29 miembros de la Organización de la Montaña Tlachinollan.</p> <p>Los familiares de Raúl Lucas Lucía y Manuel Ponce Rosas.</p> <p>Derivado de dicha resolución, el Estado mexicano ha convocado a diversas reuniones</p>

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						<p>con los beneficiarios de las medidas de mérito, levantando minutas en las que constan los acuerdos del Estado con los peticionarios en relación a la implantación de las medidas que nos ocupan, como un mecanismo para mantener informada a la CoIDH.</p> <p>4.- Proporcione información detallada sobre las diligencias judiciales o de otro tipo realizadas en relación a la agresión en contra del señor Fortunato Prisciliano Sierra.</p> <p>Dentro de la indagatoria ALLE/SC/03/173/2007 a cargo de la PGJ Gro, se han desahogado las siguientes diligencias:</p> <p>Se recibió escrito de denuncia del señor Prisciliano, el cual fue ratificado.</p> <p>Informe de investigación rendido por la Policía Ministerial</p> <p>Declaración del Comisario Municipal del poblado de Barranca Tecoani, Municipio de Ayutla de los Libres, Guerrero.</p> <p>Declaraciones de Ramiro Marcelino Zeferio, Bonifacio Prisciliano Sierra y Martín Ramírez Soto, testigos de los hechos.</p> <p>Por la relevancia del asunto, la averiguación previa fue remitida el 8 de octubre de 2007 a la Dirección General de Control de Averiguaciones previas para que el Ministerio Público de la agencia especializada la continúe, perfeccione y a la brevedad posible, resuelva conforme a derecho.</p> <p>Después de que el Ministerio Público integró la averiguación previa y haber encontrado elementos para fincar responsabilidad penal, ejército acción penal en contra de los señores Alfonso e Hilario Morales Silvano por los delitos de lesiones y amenazas en agravio del señor Fortunato Prisciliano Sierra.</p>

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						<p>El Juzgado Mixto de Primera Instancia del Distrito Judicial de Allende radicó la causa penal 52-II/2008, y se giraron órdenes de aprehensión. Fueron ejecutadas las órdenes de aprehensión el 29 de octubre de 2009.</p> <p>El 30 de octubre de 2009 se les tomó su declaración preparatoria, habiéndose dictado el correspondiente auto de formal prisión, asimismo se proporcionó copia de todo lo anterior a los representantes de los beneficiarios.</p> <p>El 21 de abril de 2010 se celebró careo procesal entre el señor Fortunato Prisciliano Sierra y el inculcado ante la presencia del juez penal, siendo esta la última diligencia realizada en ese proceso penal.</p> <p>4.- Indique las medidas que ha tomado la Secretaría de la Defensa Nacional para investigar, penalizar y prevenir en el futuro casos de violaciones a derechos humanos. La Secretaría de la Defensa Nacional cuenta con un “Programa Nacional de Promoción y Fortalecimiento de los Derechos Humanos y Derecho Internacional Humanitario”. Este programa, establece acciones específicas para la Secretaría de la Defensa Nacional: Implementar una cultura de respeto a los derechos humanos y difundir el conocimiento del Derecho Internacional Humanitario, a través de los sistemas de educación y adiestramiento militares, en todos sus niveles. Adoptar como premisa fundamental durante las operaciones, el respeto irrestricto a los derechos humanos y conducirse con estricto apego al estado de derecho. Atender las quejas presentadas ante la Comisión Nacional de Derechos Humanos en contra de personal militar, por presuntas</p>

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140.					<p>Deceso de un migrante irregular y lesiones personales ocasionadas a seis migrantes cerca de Comitán, en el estado de Chiapas. (A/HRC/13/39/Add.1 para. 187)</p>	<p>violaciones a los derechos humanos. Por su parte, la Comisión Nacional de los Derechos Humanos señaló que ha seguido la participación de las fuerzas armadas en tareas y acciones de seguridad pública, con el interés primordial y permanente de proteger y preservar el cumplimiento de los derechos fundamentales de los ciudadanos y para contribuir al fortalecimiento de la institución. Por medio de carta de fecha 07/05/2010, el Gobierno informar lo siguiente:</p> <p>1.- ¿Son exactos los hechos a los que se refieren las alegaciones descritas?</p> <p>El 18 de septiembre de 2009, elementos de la policía preventiva de la Secretaría de Seguridad Pública y Protección Ciudadana del estado de Chiapas ubicados en un puesto de control en el municipio de Comitán de Domínguez, Chiapas, dispararon en contra de una camioneta de redilas por la negativa del conductor para detenerse; posteriormente se supo que en dicha camioneta transportaba en la parte posterior a 7 migrantes indocumentados y armamento de uso exclusivo del Ejército mexicano.</p> <p>En el evento, el señor Melgar Lemus perdió la vida, y tres de los seis migrantes resultaron heridos.</p> <p>2. Se proporcione información detallada sobre las investigaciones iniciadas en relación con el caso, incluyendo los resultados de los exámenes médicos, en caso de que se hubieran llevado a cabo.</p> <p>Ese mismo día, la Fiscalía de Distrito Fronterizo Sierra de la Procuraduría General de Justicia del</p> <p>3. Se proporcione información sobre las</p>

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						<p>diligencias judiciales y, las sanciones de carácter penal, en caso de que hayan sido adoptadas contra el o los presuntos culpables.</p> <p>La averiguación previa integrada por la PGR aún se encuentra en la etapa de análisis para emitir la determinación que conforme a derecho proceda.</p> <p>4. Se proporcione información sobre las disposiciones legislativas, administrativas o de otro carácter que han sido o serán adoptadas con miras a prevenir la ocurrencia futura de hechos similares.</p> <p>La política exterior de México en materia de promoción y protección de los derechos humanos de los migrantes tiene como fundamento la universalidad de estos derechos, independientemente de la situación migratoria, el principio de la responsabilidad compartida, el fortalecimiento de la cooperación internacional y la no criminalización de la migración. El Instituto Nacional de Migración (INM) es la institución federal especializada para atender estos objetivos.</p> <p>El INM coordina el "Programa de Reordenamiento de la Frontera Sur" que facilita la documentación y vigilancia de los flujos migratorios.</p> <p>En el mes de marzo de 2008 el INM introdujo la Forma Migratoria para Trabajadores Fronterizos que permite el ingreso documentado de trabajadores de Guatemala y Belice para laborar en los estados de Chiapas, Campeche, Tabasco y Quintana Roo. Bajo este Programa se amplió la Forma Migratoria de Visitantes Locales, que otorga facilidades a los visitantes locales guatemaltecos, a fin de que la población transfronteriza pueda ingresar en tránsito local en los estados de</p>

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141.	Morocco	11/05/10	JAL	IJL; TOR; TERR	<p>Concernant le traitement subi par Mme Doha Aboutabit dans le cadre de sa garde à vue dans les installations de la police judiciaire de Casablanca suite à son arrestation le 3 décembre 2009. Mme Aboutabit est, depuis juillet 2009, Chef de service à l'hôpital Aït-Qamra dans la région d'Al-Hoceima.</p> <p>Selon les informations reçues, le 3 décembre 2009, Mme Aboutabit aurait été arrêtée au domicile de ses parents à Rabat et aurait été emmenée au poste de police d'Al-Maarif à Casablanca. Mme Aboutabit serait restée détenue douze jours dans les locaux des services de sécurité, soit la durée légale maximum de garde à vue prévue dans le cadre d'une enquête préliminaire en cas d'infraction terroriste. Le juge d'instruction de la Cour d'appel de Rabat l'aurait placée sous mandat de dépôt à la prison de Salé où elle est à ce jour encore détenue.</p> <p>Mme Aboutabit serait accusée d'avoir « financé le terrorisme » pour avoir, il y a quelques années, prêté une somme d'argent à son frère. Celui-ci se serait par la suite rendu en Irak où, selon les autorités, il aurait trouvé la mort en 2008.</p> <p>Selon les informations reçues, durant sa garde à vue, Mme Aboutabit aurait subi de graves tortures psychologiques commises par des policiers. En l'occurrence, ceux-ci l'auraient menacé de brûler son visage avec un briquet, ainsi que de ne plus revoir son enfant si elle ne reconnaissait pas les actes dont on l'accusait. Suite à ces menaces, elle aurait confirmé les aveux suggérés par la police.</p> <p>Tout au long de sa garde à vue, Mme</p>	<p>Chiapas, Tabasco y Campeche contribuye a eliminar abusos contra migrantes indocumentados.</p> <p>Par lettre datée du 11/06/ 2010, le Gouvernement a indiquée que l'enquête diligentée en l'objet a révélé, que la dénommée Doha Aboutabit a été arrêtée le 3 décembre 2009, par les services de la brigade nationale de la police judiciaire dans le respect total des lois en vigueur et sous contrôle effectif du parquet.</p> <p>Doha Aboutabit a été auditionnée en date du 15 décembre 2009 par le juge d'instruction près l'annexe de la cour d'appel à Salé et a été placée sous mandat de dépôt à la prison civile de ladite ville.</p> <p>Les faits qui sont reprochés à la-mise en cause sont prévus et réprimés par l'article 218- 4 du code pénal qui énonce : « Constituent des actes de terrorisme les infractions ci-après : le fait de fournir, de réunir ou de gérer par quelque moyen que ce soit, directement ou indirectement, des fonds, des valeurs ou des biens dans l'intention de les voir utiliser ou en sachant qu'ils seront utilisés, en tout ou en partie, en vue de commettre un acte de terrorisme, indépendamment de la survenance d'un tel acte et le fait d'apporter un concours ou de donner des conseils à cette fin. »</p> <p>Concernant sa mise en garde à vue : Il y a lieu de signaler que le contact des personnes gardées à vue avec leurs avocats, est régi par les articles 66 et 80 du code de procédure pénale qui édicte que : « toute personne gardée à vue peut en cas de prolongation de cette mesure demander à l'officier de police judiciaire de communiquer avec son avocat, l'exercice de ce droit est subordonné à</p>

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					<p>Aboutabit n'aurait pas eu la possibilité de communiquer avec un avocat, pas même quarante-huit heures après la première prolongation de la garde à vue tel qu'il est prévu dans le Code de procédure pénale (art. 66) et par la loi en matière d'infraction terroriste au Maroc.</p> <p>De sérieuses craintes sont exprimées pour l'intégrité physique et mentale de Mme Aboutabit.</p>	<p>l'autorisation du ministère public qui peut dans le cadre des affaires liées au terrorisme retarder la communication de l'avocat et son client mais sans dépasser 48h à compter de la 1 ère prolongation. ». L'exercice de ce droit exige la formulation d'une demande par la personne gardée à vue. Or, la mise en cause n'a formulé aucune demande dans ce sens.</p> <p>Concernant l'allégation de torture et de mauvais traitement : L'allégation selon laquelle Doha Aboutabit aurait subi de graves tortures psychologiques et des menaces par des policiers durant sa garde à vue est sans fondement car, aucune plainte pour torture ou menace n'a été déposée par l'intéressée ou son représentant, ni au Cours ni postérieurement de la garde à vue.</p>
142.		12/08/10	JUA	WGAD ; TOR	<p>En relation avec Mohamed Sleimani, Abdalla Balla, Bouali M'Naouar, Hichan el-Hawari, Izaddine Sleimani, Hicham Sabbah et Tarek Mahla, membres du Al-Adl wal-Ihsan, un groupe islamique.</p> <p>Le 28 juin 2010, Mohamed Sleimani, Abdalla Balla, Bouali M'Naouar, Hichan el-Hawari, Izaddine Sleimani, Hicham Sabbah et Tarek Mahla ont été arrêtés par la Brigade Nationale de la Police Judiciaire. Les sept hommes ont été arrêtés à leurs domiciles par entre huit et dix officiers armés en tenue civile. Les officiers n'ont présenté ni mandats d'arrêt ni mandats de perquisition. Le même jour, un comité d'avocats s'est présenté au bureau du Procureur Général du Roi afin d'obtenir des informations sur les détenus, mais les autorités leur auraient affirmé qu'elles n'avaient pas de nouvelles de Messrs. Sleimani, Balla, M'Naouar, el-Hawari, Sleimani, Sabbah et Mahla. Les détenus auraient été soumis à des actes de torture et de mauvais traitements, incluant des décharges électriques, la technique</p>	

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					<p>du chiffon (un chiffon imbibé d'eau sale ou d'urine est introduit de force dans la bouche), le tayara (les mains et les bras sont attachées à un câble en métal et la personne est suspendue la tête vers le bas), la falaqa (les plantes des pieds sont battus avec des bâtons) et le viol avec des stylos. Ils auraient été forcés de signer des confessions sans les lire.</p> <p>Le 1er juillet, les détenus ont été présentés devant le Procureur Général du Roi à Fès et accusés d'appartenir à une association non autorisée, de former une bande criminelle, d'enlèvement et détention d'un individu ainsi que de torture. Le 5 juillet 2010, lors d'une visite, leurs familles respectives auraient constaté qu'ils souffraient de problèmes de vision et d'audition, ainsi que la présence d'ecchymoses et d'enflures.</p>	
143.		19/08/10	UA	TOR	<p>Concernant la situation de Monsieur Alexei Kalinichenko Petrovitch, ressortissant d'origine russe, né le 13 juillet 1979, actuellement détenu au pénitencier de Salé.</p> <p>Le 16 janvier 2010, Monsieur Kalinichenko aurait été arrêté à Tanger suite à une demande d'extradition formée par la Fédération de Russie.</p> <p>Après sa détention, M. Kalinichenko aurait déposé une demande d'asile auprès du Haut Commissariat des Nations Unies pour les Réfugiés au Maroc, laquelle aurait été refusée. Néanmoins, M. Kalinichenko aurait réussi à établir une crainte fondée de persécution et risque d'être soumis à la torture en cas de retour dans son pays d'origine.</p> <p>En décembre 2003, M. Kalinichenko a commencé à travailler comme conseiller financier pour une banque russe appelée «Banque 24». En 2006, il aurait dénoncé auprès du Procureur General de Moscou des</p>	

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					<p>irrégularités financières et des actes de malversation de la part du propriétaire et de ses collaborateurs à la banque. Dans le procès judiciaire ouvert contre les dirigeants de la banque, M. Kalinichenko aurait été accusé de malversation. Selon les informations reçues, dans le même mois où M. Kalinichenko a présenté la plainte, il aurait survécu à deux tentatives d'assassinat. En outre, quatre personnes de son entourage auraient été tuées ; une serait morte en prison dans des circonstances suspectes et une autre aurait été tuée par la police au cours d'une arrestation. Son partenaire professionnel aurait soudainement WGEIDaru et aucune information sur lui ne serait WGEIDonible à ce jour.</p> <p>Selon les informations reçues, la Cour Suprême de Maroc aurait répondu favorablement à la demande d'extradition faite par les autorités de la Fédération de Russie et l'extradition de M. Kalinichenko serait imminente.</p> <p>De sérieuses craintes sont exprimées pour l'intégrité physique et mentale de M. Kalinichenko, notamment s'agissant des allégations de l'existence d'un risque crédible de refoulement s'il est renvoyé dans son pays d'origine.</p>	
144.	Myanmar	05/02/10	AL	TOR	<p>Concerning Dr. Wint Thu, Thain Htaik Aung, U Nandawuntha, Dr. Wint Thu, Ko Myo Han, W.P.and Ko Zaw Zaw.Dr. Wint Thu, Thain Htaik Aung, U Nandawuntha, Dr. Wint Thu, Ko Myo Han, W.P.and Ko Zaw Zaw were detained and charged for their involvement in a prayer campaign for the release of political prisoners, and for having had contact with groups abroad that the state designated as unlawful. They were held in incommunicado detention at the Special Branch of the Police, from September to December 2009, when their</p>	

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					<p>trials took place.</p> <p>During their detention, three sub-inspectors allegedly forced Than Htaik Aung to stand with toothpicks inserted into his heels and to drink filthy drain water. The officers also urinated in his cell. U Nandawuntha, a monk, as well as Dr. Wint Thu were forced to stand for two days while they were being interrogated. Ko Myo Han was forced to stand for four days. U Nandawuntha was also forced to kneel on sharp gravel while an officer jumped on his calves and beaten on the head with a wooden rod. Four other officers reportedly dripped candle wax onto W.H.'s genitals, poured boiling water on his, tied him to metal bars and beat him with bamboo rods. A stinging substance was also applied to his wounds. Ko Zaw Zaw was reportedly injected with an unknown substance during his interrogation.</p> <p>The above-named persons were all sentenced to long jail terms. Their convictions were reportedly based on the confessions obtained under torture. Even though the Evidence Act prohibits the use of confessions obtained during police interrogation, the Supreme Court enabled their use through several rulings. These include the U Ye Naung case, where the Court placed the burden of proof on the accused to prove that he had not been tortured into making a confession.</p>	
145.		06/05/10	JUA	MMR; HLTH; RACE; TOR	<p>Concerning two detainees who are in need of urgent medical care and appear to be denied access to it.</p> <p>Ma Khin Khin Nu is being detained in Insein Prison where she fell ill and is in urgent need of medical attention. According to the information received, when she first started feeling unwell the medical staff in Insein</p>	<p>By letter dated 8/07/2010, the Government indicated that Mya Aye was arrested on charges of offending the electronic Transactions Act 33(a) Association Act (6) and the Contempt of Court under Section (228) of the Penal code. His case was heard by Maubin District Court and sentenced to 65.5 years imprisonment on 11 November</p>

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					<p>Prison provided some medication that only worsened her condition. Since then, Ma Khin Khin Nu has not received any other treatment nor has she been examined further. She has not been given permission to get treatment outside of the prison. Aside from this illness, she is also reported to be suffering from a range of ailments including skin boils and lice.</p> <p>Information received suggests that Ma Khin Khin Nu was sentenced to 17 years imprisonment in 2005 for supposedly giving false information about her ethnicity in order to get citizenship in Myanmar along with other members of her family. Ma Khin Khin Nu and her family members including father U Kyaw Min were all born in Myanmar and have been lifelong residents. In 2005, after Kyaw Min joined other elected members of parliament to call for the legislature to be allowed to sit, and after meeting with representatives of the International Labour Organisation visiting Yangon, it is believed that officials accused Kyaw Min and his family of lying about their ethnicity and falsely obtaining citizenship, accusing them of being Bengali rather than nationals of Myanmar. Five members of Ma Khin Khin Nu's family were charged under section 18 of the 1982 Citizenship Act that, "A citizen who has acquired citizenship by making a false representation or by concealment shall have his citizenship revoked, and shall also be liable to imprisonment for a term of ten years and to a fine of kyats fifty thousand" and under the 1950 Emergency Regulations. Kyaw Min did not have a lawyer in court and explained that his family is Rohingya but because this is not an officially recognized ethnic group they had complied with designations of ethnicity determined by officials at the time. However, the court rejected this argument and found them guilty of lying about their identity. A</p>	<p>2008.</p> <p>The authorities had transferred Mya Aye from Loikaw Prison to Taunggyi prison to provide proper medical care, therefore, it is not correct the allegations contained in the reference letter which describes that the authorities have denied access to him.</p> <p>On 9 April 2010, Mya Aye reached taunggyi prison. Since his arrival he received proper medical treatments rendered by a medical team led by Dr. Nay Lynn Tun, medical superintendent from Shwenyaung Hospital and Dr. Hla Thein, Specialist from Taunggyi Sao San Htun Hospital as well as Deputy Head of Shan State's Medical Department.</p> <p>Regarding the complaints, the authorities concerned have not received any complaints lodged by or on behalf of the alleged victim.</p> <p>Since no compliant was received, the authorities concerned have not undertaken any investigation.</p> <p>Khin Khin Nu was arrested on charges of offending the Section 5(d) of the emergency Provisions Act and the Section 18 of Myanmar citizenship law. Her case was heard by Western Yangon District Court and sentenced to 17 years imprisonment on 29 July 2005.</p> <p>Since her detention in Insein Prison, the medical staff of Insein Prison namely Dr. Soe Tun (dentist), Dr. Nay Lynn Htike, Dr. Thin Aung, Dr. Tun Lynn Kyaw, Dr. Tun Tun and Dr. Nan Mya Nu have consistently rendered proper medical treatment to her. Therefore, it is not correct the allegations contained in the reference letter which described that the authorities have denied medical access to her.</p> <p>Regarding the complaints, the authorities</p>

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					<p>lawyer lodged appeals for Kyaw Min and his family at the Yangon Divisional Court and Supreme Court on a range of grounds pointing to the factual and procedural flaws in the original case; however, the courts successively dismissed the appeals without considering the substance of the appeals at all and merely restating what had already been decided in the lower-level court.</p> <p>We have also received information that Ko Mya Aye, who is currently detained at Taungyi Prison in Shan State and is one of the leaders of 88 Generation Students Group, is being denied access to proper medical treatment that he urgently needs for a heart condition. Ko Mya Aye appears to be suffering from angina which has recently become unstable causing heart failure and requiring urgent medical treatment. He is also said to be suffering from hypertension and gastric problems. The medical tests he requires apparently can only be done in Yangon. On 9 April 2010, he was moved from Loikaw Prison in Karenni State to Taungyi Prison in Shan State. Both prisons are far from emergency medical care he would need if he has another heart attack, as well as for his family to make regular visits. Furthermore, the conditions under which Ko Mya Aye is being held, in a cell intended for death row prisoners without a toilet or running water, and where he is denied any exercise are believed to contribute to his ill-health.</p> <p>In August 2007, Ko Mya Aye was among the 14 leaders of the 88 Generation Students Group arrested, reportedly without warrants. In November 2008, Ko Mya Aye received a sentence of 65 years in a closed court at Insein Prison for violation of the Electronic Funds Transfer Law and the Organization of Association Law.</p>	<p>concerned have not received any complaint lodged by or on behalf of the alleged victim.</p> <p>Since no complaint was received, the authorities concerned have not undertaken any investigation.</p>

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146.		07/10/10	JAL	MIG; MMR; TOR	<p>Concerning serious violations of human rights committed at the Thai-Myanmar border against migrants who were deported to Myanmar from Thailand.</p> <p>An increasing number of migrants from Myanmar living in Thailand are being deported to Myanmar, which receives four hundred deportees per month at the Ranong-Kawthaung checkpoint. Informal checkpoints have also been developed at various points along the Moei River.</p> <p>It is alleged that the authorities present at the checkpoints are requesting money ranging from 1'000 baht to 1'600 baht (approximately \$30 to \$50) from the migrant workers in exchange for their release. Reports indicate that those who cannot pay the fees are sent to border camps where they are subject to beatings and other cruel, inhuman or degrading treatment, which may amount to torture, or forced labor. In February 2010, a 17-year-old Burmese worker was reportedly tortured and executed by the authorities at the checkpoint known as "Zero Gate" at the south of the Thailand-Burma Friendship Bridge. The boy reportedly attempted to escape after being told he would be sent to a forced labour camp if he did not pay fees to secure his release.</p> <p>There are also reports that girls are being sold to brothels or to brokers while boys are being conscripted, if they are unable to pay the fees to secure their own release. As an illustration, in December 2009, a 17-year-old girl was reportedly sold to a broker who paid 1'800 baht (\$60) to secure her release from the checkpoint and took her back to Mae Sot. The broker then sold her for 2'000 baht (\$67) to a man who raped her twice and pressured her to marry his friend.</p>	

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					We received information indicating that Myanmar's authorities have recently closed Zero Gate due to the abuses allegedly committed. However, the information received suggests that the informal deportation processes are still being carried out especially during the night through other checkpoints, including those known as Gate 10 and Gate 16 near Mae Sot.	
147.		18/08/10	JUA	MMR; TOR	<p>Concerning Nyi Nyi Tun. On 14 October 2009, Mr. Nyi Nyi Tun was arrested by the police and interrogated at Yangon divisional police office for six days. During this time, Mr. Nyi Nyi Tun was subjected to brutal beatings by 16 officers, in teams of two, in an attempt to obtain a confession. He was beaten with a baton and kicked with boots on his face and head while his hands were tied behind his back. He was also forced to kneel on gravel, his head and fingers were stepped on, and he was sexually abused with a baton. During these six days, he was also denied any food. After the interrogation period, Mr. Nyi Nyi Tun was transferred to the Aungthabyay Interrogation Center of the Special Police Information Force, where he was examined by a doctor. As a result of the torture and ill-treatment, Mr. Nyi Nyi Tun now suffers from poor eyesight and has wounds in his knees and anus. Mr. Nyi Nyi Tun remains in detention.</p> <p>In light of the allegations of torture and ill-treatment, concern is expressed for the physical and psychological integrity of Mr. Nyi Nyi Tun.</p>	
148.		Follow-up to earlier cases			Kwaw Zaw Lwin (A/HRC/13/39/Add.1 para. 197)	By letter dated 8 February 2011, the Government indicated that Kwaw Zaw Lwin was arrested and charged with section 420/468 of the Penal Code, falsification and

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						<p>possessing a forged national identity card. Although he was detained before entering into custom check point area, the authorities found a custom declaration form which was duly signed by him mentioned the none declaration of any goods, and he brought foreign currencies of exceeding 2,000 US dollar including prohibited Myanmar currency Kyat of 154,000 in violation of section 24(1) of the Foreign Exchange Currency Act (1947). He was also charged with section 6(3) of the Citizen in Myanmar Registration Act (1949) because of his failure to inform the termination of Myanmar citizenship, change of registration address and surrender his national identity card to the authorities concerned after becoming a foreign citizen.</p> <p>(b) Kyaw Zaw Lwin had staged a hunger strike from 8 to 15 December 2009 and the authorities concerned provided close and daily medical attendance and it was conducted by proper medical doctors with appropriate medical supplies and equipments. At the same time, the authorities concerned have allowed consular access to a Consul and Vice Consul including a local staff from the U.S. Embassy in Yangon for seven times during the period between 20 September and 28 December 2009, and also granted to meet with his defense counsel represented by lawyer U Kyi Win and family members.</p> <p>(c) The authorities concerned of the Union of Myanmar view the facts mentioned in your letter are incorrect and believe that Kyaw Zaw Lwin has not forwarded the above complaint and someone has seemed to be sending it to Office of the United Nations High Commissioner For Human Rights in Geneva. The actions taken against Kyaw Zaw</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
149.	Nepal	22/02/10	JAL	SUMX; TOR	Concerning the continued impunity for the torture and killing of Ms. Maina Sunuwar, a fifteen-year-old student, by the (then Royal) Nepalese Army, and in particular regarding the situation of Major Niranjana Basnet. We and other Special Procedure mandate holders have addressed previous communications to your Excellency's Government in this matter on 2 March 2004, 7 July 2004, 14 October 2004, 3 November 2005 and 22 August 2008.	<p>Lwin are in line with existing law and it is probable to acquire investigative document conducted by the court if someone involved in the court proceedings has submitted it to the court based on relevant legal procedures.</p> <p>(d) With regard to the legal basis for his arrest is in line with international human rights standards, the authorities have detained and indicted Kyaw Zaw Lwin based on accounts taken by the witnesses and evidences confiscated from him. The authorities also sought legal advice from the Attorney General Office and the set up a special court for prosecution process upon instruction of the Supreme Court. The authorities also allow him to hire appropriate defense counsel and the officials concerned of the U.S. Embassy in Yangon are permitted to attend the court hearing which are in line with articles 9 and 10 of the Universal Declaration of Human Rights.</p> <p>In this connection, the Permanent Mission of the Union of Myanmar enclose herewith the copies of his medical record for information it is obvious that the authorities concerned of the Union of Myanmar has observed international standards of due process in this matter.</p> <p>The facts of Maina Sunuwar's death were</p>

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					<p>established as follows in the report of a Nepalese Army (NA) Court of Inquiry Board:</p> <p>On the morning of 17 February 2004 a “12-person covert team” of the NA, led by (then Captain) Major Niranjan Basnet, went to the home of Ms. Devi Sunuwar, who they suspected of being a Maoist cadre, in Kharelthok Village Development Committee, Kavre district. Not having found Devi Sunuwar, they arrested her daughter Maina, aged 15, and took her to the Shri Birendra Peace Operations Training Centre in Panchakhal.</p> <p>As further established in detail in the report of the Court of Inquiry Board, at the Birendra Peace Operations Training Centre Maina Sunuwar was subjected to torture in order to extract information on Maoist activities. She was submerged in a large pot of water six or seven times, each time for about a minute (para. 11 of the Court of Inquiry Board report). Subsequently, she was given electrical shocks to her wet feet and wrists. This was done by two soldiers on the orders of a Colonel and 2 Captains in the presence of a Major (paras 10 and 13 of the Court of Inquiry Board report). When the soldier who was materially “administering electrical current” to Maina Sunuwar refused to continue because she started bleeding from her wrists, the two Captains ordered a non-commissioned officer to continue (para. 15 of the Court of Inquiry Board report).</p> <p>After an hour and a half, the torture was stopped. Maina Sunuwar was blindfolded and her hands tied. When she started vomiting and foaming at the mouth, the sentries informed the Major, who in turn informed the Colonel. A medical orderly was called, but when he</p>	

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					<p>arrived Maina Sunuwar was already dead</p> <p>Maina Sunuwar's body was then taken to a location approximately 50 meters from the fence of the barracks, where a pit was dug to bury her secretly. Before burial her dead body was shot in the back and pictures taken of it, in order to fabricate evidence of a shooting upon flight. The police were called and drafted a report of the incident as told by the military officers without visiting the place where the alleged shooting took place and without inspecting Maina Sunuwar's body.</p> <p>Thereafter, a Colonel and two Captains were brought to trial before a Court Martial as recommended by the Court of Inquiry Board. On 8 September 2005 the Court Martial found the three officers guilty of negligence, concluding that Maina Sunuwar's death was not the "result of intentional torture but [that she] died unfortunately and accidentally due to wrongful techniques used out of carelessness, fickleness and irrationality during the interrogation and due to her own physical weakness." The Court Martial sentenced them to six months detention, imposed a total fine of 100,000 rupees on the three officers and declared them ineligible for promotion for one to two years. The three officers were released immediately following the court martial decision because of the time spent confined to the barracks while awaiting trial.</p> <p>In November 2005, the family of Maina Sunuwar filed a First Information Report with the police naming a Colonel, two Captains and a Major. The Nepalese Army refused any cooperation with the police investigation.</p> <p>The family of Maina Sunuwar also brought a writ of mandamus to the Supreme Court, which in September 2007 ordered that the case must</p>	

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					<p>be investigated and brought before the Kavre District Court. In January 2008, the District Court issued arrest warrants for the four officers. In September 2009, the District Court ordered the Nepalese Army to produce the witness statements it gathered during the court-martial procedure and to suspend the Major, and ordered the District Attorney to produce the defendants and witnesses. The Nepalese Army continued to refuse cooperation. Instead, it deployed the Major with the UN Peacekeeping Operation in Chad.</p> <p>The Major was, however, repatriated by the UN when his involvement in the case was revealed. Upon his arrival in Tribhuvan Airport on 12 December 2009, he was taken under control of the Nepalese Army and accompanied to barracks instead of being handed over to the police or judicial authorities. On 13 December 2009, the Nepal Police requested the Army to hand him over, but he remains in army barracks as of today.</p> <p>The Nepalese Army Court of Inquiry Board, which established the facts regarding the torture and death of Maina Sunuwar as described above, the Supreme Court decision of September 2007, and the arrest warrants issued by the Kavre District Court are important steps by Nepalese authorities to live up to these obligations under international human rights law. We urge your Excellency's Government to ensure that the Nepalese Army hands the Major over to the civilian authorities and that the Colonel and the two Captains are arrested, and that they are brought to trial on charges of torture resulting in the killing of Maina Sunuwar.</p>	
150.		02/03/10	AL	TOR	Concerning Mr. Shiv Dhan Rai, aged 18.	On 20 January 2010, Mr. Rai received some

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					<p>documents from a classmate, who indicated that a man named Bharat Rai would call him to arrange for their delivery. Mr. Bharat Rai called him and asked him to take the documents to Galfutar. Once at Galfutar, Mr. Rai was arrested by five police officers dressed in civilian clothes. They put into a dark blue van and took him to his residence, which was searched while Mr. Rai was punched. He was then taken to the Hanumandhoka Police Station, where the officers accused him of robbery. He was taken to the Metropolitan Police Crime Division, where he was forced to take off his slippers. The officers beat him on the soles of his feet with a 2.5 foot long metal ruler, for approximately ten minutes. They questioned him about the documents he had been carrying, and continued to beat him when he did not give the response the officers wanted. After being interrogated, he was beaten for two more hours. His hands were then handcuffed behind his back, and he was once again beaten on the soles of his feet with bamboo sticks. He was also beaten on his legs, knees, and other parts of the body. Furthermore, he was hanged by one leg, while officers beat him with sticks and slapped his cheeks. As a result of the ill-treatment, Mr. Rai signed a confession.</p> <p>On 3 February, the District Court in Kathmandu ordered the Metropolitan Police Range, Hanumandhoka to provide medical treatment to Mr. Rai within three days. However, he was not taken to the hospital by the police. On 18 February, Mr. Rai was released on bail and his family took him to see a doctor.</p>	
151.		19/03/10	AL	TOR	<p>Concerning Sanjay Pulami Magar, aged 30.</p> <p>On 12 February 2010, at approximately 10:00 a.m., Sanjay Pulami Magar and three other</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>persons were arrested by several police officers from the Prungbung Police Station. He was taken to the District Police Office in Panchthar, where he had a medical examination performed. At 11:00 a.m., he was forced to lie down on his stomach while being interrogated about the alleged crime he had committed. When he denied his involvement, he was beaten with a bamboo stick on the soles of his feet, his back, thighs, legs and other parts of the body and asked to say the truth. The beatings lasted for approximately one hour, until Mr. Pulami Magar confessed to the crime. Two hours later, Mr. Pulami Magar and the other detainees were placed in front of the villagers, while the police indicated that they had accepted their guilt. The villagers began to beat them while the police watched. Afterwards, he was taken back into the Police Office, where he was during an interrogation about a second crime and beaten for approximately 30 more minutes.</p> <p>Mr. Pulami Magar was not taken before a judge, nor did he have access to a lawyer until 19 February 2010. He was remanded on 21 February.</p>	
152.		06/07/10	JAL	SUMX; TOR	<p>Concerning the death in custody of Mr. Sanu Sunar, aged 46.</p> <p>Mr. Sanu Sunar was arrested on 23 May 2010, based on a complaint of theft, and taken to Kalimati Police Station in Kathmandu. At the time of arrest, two other persons were taken into custody, but were later released. Mr. Sunar was kicked and beaten by the police for several hours, including in front of his wife. When she asked the police to stop the beatings, the police threatened to torture her as well. At midnight on the same day, Mr. Sunar was taken to Bir Hospital. He was vomiting blood, had difficulties breathing and had marks from the</p>	

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					beatings on his hands, legs and face. On 25 May, Mr. Sunar died. The doctors involved in his treatment indicated that the cause of death was head trauma.	
153.		08/09/10	AL	TOR	Concerning Ms. Mahima Kusule, aged 26. On 13 July 2010, Ms. Mahima Kusule was asked to go to the Satdobato Police Station to identify a man who was reportedly responsible for a burglary. Although she did not recognize either of the men presented to her, she was pressured by the officers to identify them. Ms. Kusule was released on the condition that she report to the police the next day. On 14 July, she reported to the police station and was arrested on suspicion of the theft. She was then taken to the litigation room, where four police officers tied her hands, inserted a bamboo stick between her knees and hands and propped her legs up. She was beaten on the soles of her feet with a plastic pipe with a rod inserted in it for about 20 minutes by Head Constable Ms. Nirmala Pokhrel. Ms. Kusule was also beaten on her hands, thighs and chin with the pipe and slapped on the face. The officers threatened to subject Ms. Kusule to electric shocks and forced her to jump on the spot for approximately 15 minutes. She was then locked in a detention cell for the night. She was released the following day but told to report routinely to the District Police Officer. As a result of the ill-treatment, Ms. Kusule suffered from pain in her cheeks and hands, her left chin was deeply bruised and the soles of her feet were bloody. She also suffered from severe headaches, nausea and dizziness.	<p>By letter dated 01/12/2010, the Government of Nepal indicated that the allegations represented in the summary contained in the Special Rapporteur's communication are baseless and far from being accurate.</p> <p>The complainant, Ms. Mahima Kusule, was accused of stealing Rs. 60,000 (sixty thousand NPR) by Ms. Goma Kusule, a resident of Bhimesor Municipality Ward #6 of Dolakha District from the latter's home.</p> <p>Upon the registration of the complaint of theft against Ms. Mahima Kusule on July 13, 2010, she was summoned to the Police Office for due inquiry and investigation, during which she testified that she was not involved in the said incident of theft. Because no substantial evidence was found against Ms. Kusule, two hours after being summoned, under condition that she would again summon if needed. No further legal action has been taken against her.</p> <p>It has been reported by various people of her neighbourhood that Ms. Kusule has been involved in several incidences of theft. No action, however, has been taken against her in the absence of concrete evidence. It is not difficult to assume that her allegation of being tortured and manhandled by police personnel is a tactics to hinder further investigations against her. The allegation that she was tortured in detention is thus completely baseless, fabricated and hypothetical.</p>
154.		Follow-up to			Ms. K.D.S. Ms Thakani Mehta, Ms. S.K., Ms. B.C, Ms. Sunita Sah and Ms. L Ch. Amd other	By letter dated 08/02/2010, the Government of the Federal Democratic Republic of Nepal

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
		earlier cases			women human rights defenders(A/HRC/13/39/Add.1 para.199)	<p>Indicated that with regard to the urgent appeal from the Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on the situation of human rights defenders, Special Rapporteur on Torture and other cruel, inhumane or degrading treatment or punishment and Special Rapporteur on violence against women, its causes and consequences, relating to the incident involving Ms. K.D.S. et al, the concerned authorities of the Government of Nepal have the following submission.</p> <p>The facts and circumstances of the incident are as follows:</p> <ol style="list-style-type: none"> 1. On April 9, 2009 approximately 8 to 10 women including Ms. K.D.S. visited the Area Police Office, Chimdi, Sunsari district and verbally reported the incident of battery of Kara Devi. Sub-Inspector Rajesh Chaudhary requested them for a written complaint of the incident Without presenting written complaint, the group of the women left the Area Police Office in anger. 2. In the afternoon of April 10, 2009, approximately 100-150 women from WOREC Federation Nepal approached the Area Police office chanting various slogans and subsequently in utter demonstration of violence locked the office of Sub-Inspector Rajesh Chaudhary. They behaved disorderly and rude casting WGEIDleasure and anger and ragged the properties of the office. The police remained calm and asked for orderly demonstration and to present their demand or complaint in writing so that it could take its course. 3. On April 11, 2009 at about 14.00 hrs approximately 400-500 women chanting

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						<p>slogans attempted to forcibly enter the police station en mass. The mood of the mass appeared disorderly and violent. Around 16.00 hrs the women protesters set on fire a power trailer and vandalized a private van with registration no. Ko.-1-Cha 3871 in which journalists and human rights activists were travelling. Amid such situation, the police was forced to WGEIDerse the crowd with utmost restraint using light baton charge. As a result, in their attempt to run in the midst of the crowd minor injuries incurred onto ms. Thakani Devi Mahato, Ms. S.K., Ms. Sunita Shah and Ms. L. Ch. who were immediately taken to the hospital for treatment and were later discharged from the hospital, after minor primary treatment. Except this light use of force by the police to WGEIDerse the crowd in order to preventing the mob from incurring destruction to the public and private properties and harming the people around, they were neither beaten by the police not were the subject to ill treatment. In all series of the agitations, they were treated with respect and honor and were not subject to any kind of misbehave as concocted in paragraphs of the communication.</p> <p>4. Quickly responding to a complaint from a group of journalists and human rights activists against the officer-in-charge of the police station, Sub-Inspector Rajesh Chaudhary, the District Police Office in Sunsari on April 12, 2009 formed an inquiry committee in the command of Inspector Devi Prasad Baral to probe into the incident as demanded by the complainants. The inquiry committee in its report found out that the group of journalists and human rights activists were beaten and ill-treated by the agitating mob of the women staging demonstration in front of the Chamdi Police</p>

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						<p>Station and their vehicle was vandalized. No evidence was found to support the complaints against the Sub-Inspector Rajesh Chaudhary and other police personnel.</p> <p>5. Besides the findings of the inquiry, a large number of ordinary people witnessing the incident at the area police office and its vicinity that day submitted a mass appeal to the Home Minister as well as other relevant Police offices in the district explaining what they saw during the incident. This spontaneous appeal of the ordinary people in the locality signed by 108 people, that included people from all spectrums of the society, local leaders of all political parties, office bearers of NGOs and INGOs and local civil society representatives present on the day, who were the witness of the situation, explained the real scene of the incident and called for not to fabricate and mislead the circumstance otherwise.</p> <p>6. In the submission the candidly explained that the police had to use slight batons for self-defense and for the protection of the Area Police Station as well as for the protection of the property set ablaze by the violently agitating protesters. They have also outlined how the protesters, including the those claiming to be the members of WOREC and INSEC of Sunsari district and other women participating in the agitation, intentionally and wantonly started to violently destroy the Area Police Office and the property in the area. In their written submission the above mentioned representatives of the society have also demanded to punish those involved in the violent demonstration in the name of human rights defenders. The signed submission was sent to all relevant Government offices, police offices and</p>

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						<p>national and international human rights organizations based in Nepal.</p> <p>7. Therefore, in the light of the above, the Government of Nepal would like to transmit the followings:</p> <ol style="list-style-type: none"> 1. The facts alleged in the communication are conveniently fabricated and remain utterly misled. 2. On the basis of the complaint lodged by the alleged victims, the authorities quickly responded by constituting a probe committee as explained in paragraph 4 above. 3. The result of the inquiry was as explained in above paragraph 4. <p>In the meantime, the Government of Nepal takes this opportunity to reiterate its unflinching commitment to the norms and principles of human rights enshrined in the Interim constitution and prevalent law of the land. As a State party to the ICCPR and almost all of the core human rights instruments, protection and promotion of human rights remains at the highest priority of the Government of Nepal. The Government is aware of its human rights obligations as stipulated in the Constitution and the prevalent laws of the country as well as in the human rights instruments that it is a State party to, including the universal declaration of the human rights, as recalled in the communication.</p> <p>The law enforcement authorities have been exercising utmost restraints while carrying out their bounden duty of maintaining law and order, ensuring access to justice, protecting lives, liberties and properties of individuals, safeguarding public institutions and properties, upholding laws and</p>

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155.	Nigeria	28/04/10	JUA	IJL; SUMX; TOR	<p>Concerning the statement made by the Governor of south-eastern state of Abia that death row inmates should be executed to ease prison congestion. We are informed that the statement was uttered at a meeting of thirty-six State governors held on 20 April 2010. According to information received, there are currently about 870 inmates on death row, including women and juveniles.</p> <p>In this connection, we would like to draw your Government attention to two main substantive areas of concern relating to the above mentioned statement, which in our view, needs to be addressed urgently.</p> <p>First, there have been concerns raised that the Nigerian criminal justice system does not guarantee fair trial, as reflected by the national study group on the death penalty in 2004 and by the presidential commission on the reform of the administration of justice in 2007. Furthermore, we were informed that most people have been sentenced to death following trials which did not conform to international fair trial standards.</p> <p>The Special Rapporteur on extrajudicial, summary or arbitrary executions raised concern in his mission report to Nigeria with regard to widespread procedural irregularities in death penalty cases and conditions on death row. He</p>	<p>constitution of the country, and creating an environment that violence and illegitimate force are checked before they cause injury or incur damage to the public and private lives and properties. They are provided with necessary training and education on the norms of human rights with the cooperation and assistances of various national and international institutions, including the OHCHR's country office in Nepal.</p>

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					<p>indicated that torture is consistently used by the Nigeria police to extract confessions and that these confessions have often been critical to the conviction of persons charged with capital offences. Moreover many defendants in capital trials have effectively had no legal representation and legal aid is not available for appeals. (E/CN.4/2006/53/Add.4, Para. 28).</p> <p>Following his visit to the country in 2007, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment echoed these concerns pointing to his finding that torture and ill-treatment are widespread in police custody, and particularly systemic at criminal investigation departments, and that torture is frequently used for the purpose of obtaining confessions (A/HRC/7/3/Add.4, paras. 37 and 40).</p> <p>These concerns, we are informed, continue to prevail in the criminal justice system. The majority of those on death row have been sentenced to death on the basis of confessional statements allegedly obtained under torture and some had no legal representation during trial or the preparation of the defense was often inadequate as counsel are not given timely access to the prosecution dossier.</p>	
156.	Norway	22/03/10	JUA	WGAD; HLTH; TOR	<p>Concerning Mr. L.H., born on 1 November 1980, currently confined at Oslo University Hospital, Ullevål, Psychiatric division, Acute unit, Post 5.</p> <p>Since 15 January 2010, Mr. L.H. has been involuntarily committed to the psychiatric unit of Oslo University Hospital. He was retrieved by the police while sleeping in a hotel room, without being in any acute danger of his life or health.</p> <p>Mr.L.H. has been diagnosed with OCD (obsessive compulsive disorder). While he</p>	<p>By a message dated 4/05/2010, the Government indicated that for the Norwegian Ministry of Health and Care Services to be able to consider this urgent appeal we would ask you to kindly provide documentation that confirms that the plaintive, Mr. L.H. has agreed to the case being considered by the HRC's Special Procedure. We will need to receive original documentation to this end. It would also be useful to receive guidance as to what level of detail the response is expected to have, as much of this information will fall</p>

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					<p>develops a deep anxiety in certain situations, he has no history of violent or other disturbing behaviour of any kind, and has never been a threat or danger to himself or anyone else. He can take care of himself, but because of his anxiety and psychosocial disability he needs some accommodation and care to fulfill some basic needs, such as being able to eat and drink. Prior to his confinement to the hospital, he was eating and drinking on a daily basis and was in good physical health and well nourished, even though his life situation was rather difficult.</p> <p>However, after the confinement, he was reportedly denied reasonable accommodation to eat and drink at the University Hospital. Because of the denial of such accommodation, he was this time totally without food and liquid for more than nine days, and lost more than 11.5 kilos in this period.</p> <p>As a consequence, Mr.L.H. has been subject to different interventions which the medical personal of the hospital reportedly administrated due to “the need for medical treatment” and a “necessity due to an emergency situation”.</p> <p>On 25 January 2010, ten days after his confinement, he was given water intravenously to prevent total dehydration, a situation that could very shortly have led to his death.</p> <p>Since 2 February, Mr.L.H. has been force-fed by a tube in his nose. In the days preceding this, Mr.L.H. was able to drink nutritional drinks (yoghurt, juice, and soup). Mr.L.H. wanted to continue drinking on his own, but instead he was strapped down and the tube was inserted with physical force. His private doctor, Dr. Coucheron, stated in a letter to the Regional Board of Health Supervision, dated 2</p>	<p>under Norwegian confidentiality regulations.</p> <p>Act No. 62 of 2 July 1999 relating to the provision and implementation of mental health care (the Mental Health Care Act), with later amendments, was attached.</p>

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					<p>February 2010, that “the forced feeding with a tube was carried through with the use of restraints and up to 10 health professionals holding the patient down while the tube was inserted into his stomach”.</p> <p>The hospital staff members have increasingly restricted Mr.L.H.’s communication with the outside world. On 1 February 2010, the hospital confiscated Mr.L.H.’s telephone and denied him of all contact external to the hospital, with the exception of his lawyer. Mr.L.H.’s father is allowed to communicate with his son only through the attorney and the hospital staff.</p> <p>On 17 January 2010, Mr.L.H.’s father reported the case to the police, alleging illegal deprivation of liberty, but the case was dismissed by the police authorities.</p> <p>On 16 February 2010, a complaint to the Control Commission was filed by both Mr.L.H. and his father on the decision on deprivation of liberty (compulsory mental health care). On 22 February 2010, the Commission decided that Mr.L.H. will continue to be kept under involuntary admission. The decision is now being taken to court. The case is pending and no date has yet been set for the trial.</p> <p>Mr.L.H. was involuntarily committed to a psychiatric hospital for the first time on 2 July 2009 after he had asked for help and support from the health care system.</p> <p>During the first psychiatric confinement, Mr.L.H. managed to escape from the hospital after seven days. For 16 days he and his father were on the run in Sweden, until Mr.L.H. was brought back to the hospital by the police 26 July 2009. He was released from the hospital 29 July 2009.</p>	

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157.					<p>Concern is expressed at the involuntary commitment of Mr.L.H. to the University Hospital without his free and informed consent, the lack of provision of reasonable accommodation and the medical interventions applied.</p> <p>E.H.A (A/HRC/10/44/Add.4, para. 202)</p>	<p>By letter dated 08/01/2010, the Government provided additional information in reponse to questions 1, 2 and 5 in the communication.</p> <p>1. Are the facts alleged in the above summary of the case accurate?</p> <p>According to the Norwegian National Registry, one single person by the name of E.H.A is registered as residing in Norway, in the city of Stavanger. She was_born on 20 February 1989. We believe this must be the person concerned, as this according to the information received from the United Nations would put her at 16 years in May 2005.</p> <p>We wish to point out the importance of including the date of birth of parties concerned when we are asked to respond to complaints.</p> <p>Referring to the alleged facts regarding legal aid, in the last paragraph of page 2, it is claimed that "due to a lack of sufficient legal advice the parents of Ms E.H.A were not aware of the possibility to challenge the decision of the Control Commission of 26 September 2008 before a court of law pursuant to chapter 7 of the Norwegian Mental Health Care Act and chapter 36 of the Civil Procedure Act."</p> <p>This statement neither provides a complete nor an accurate view of the case.</p> <p>First, the statement is liable to give the impression that Ms E.H.A never received any</p>

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						<p>form of free legal aid, which is not the case. Pursuant to Article 17, section 3, sub-section 3, cf. article 19, section 1 of the Legal Aid Act, Ms E.H.A was granted free legal aid by the Control Commission, where she was represented by her attorney, Mr Hugo Dybwad.</p> <p>Mr Dybwad was compensated for a total of 6, 5 hours of work on this case, in accordance with his claim. Prior to this, Ms E.H.A had already been granted 7 hours of free legal aid by the Control Commission for work performed by her former her attorney. However, Ms E.H.A's mother did not show up for the Control Commission's meeting, and this was subsequently postponed.</p> <p>Second, Ms E.H.A's parents were personally informed of the outcome of the Control Commission case number 105/08 through two equally worded letters dated 26 September 2008, sent to both parents independently. In the third paragraph of this letter, the possibility of challenging the decision before a court of law, pursuant to the Mental Health Care Act article 7-1, is clearly stated in straight-forward terms. Hence, no legal assistance would be necessary in order to become aware of this possibility.</p> <p>Furthermore, it is part of the duties of any attorney acting on behalf of a client who is granted legal aid to review the outcome of the case and communicate it to the client, and further to inform the client of any action that can be performed to challenge the decision. This work is considered an integral part of the case, and covered by the original grant of legal aid. Consequently, Ms E.H.A's parents are supposed to have been made aware of the possibility to challenge the decision of the Control Commission before the courts by</p>

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						<p>their attorney.</p> <p>If Ms E.H.A's parents were in fact unaware of the possibility of having the decision of the Control Commission tried before a court of law, this lack of knowledge was not a consequence of a lack of free legal aid, as Ms E.H.A was indeed granted free legal aid that should have covered such legal assistance.</p> <p>2. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries, including relating to the allegation of rape, carried out in relation to this case. If no inquiries have taken -place, or if they have been inconclusive, please explain why.</p> <p>All complaints made to the police in Norway are filed in a central registry for criminal cases (STRASAK). Searches made in this registry did not produce any information on cases with Ms E.H.A registered as a victim of any form of sexual crime. Nor have her parents filed any such complaint on her behalf.</p> <p>Searches made in the local police registry for Stavanger revealed information on an incident on 23 June 2005, when Ms E.H.A was found barefoot and rather exhausted in the middle of a road. The police took her to an emergency ward and her father was notified.</p> <p>As our information indicates that no reports on sexual crimes against Ms E.H.A have been made to the police, we cannot give any further information concerning this part of the case.</p> <p>5: Please comment on the official reason given to explain why Ms. E.H.A"s application for legal aid was rejected.</p>

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						<p>The objective of the Legal Aid Act is not to provide citizens with unlimited legal assistance, but rather to ensure a provision of a minimum of legal assistance in cases where such assistance is deemed necessary.</p> <p>Free legal aid is secondary to other schemes that could cover the applicant's needs, such as the duty of public administrative bodies to provide citizens with the information and guidance, for example in the process of filing an application or appeal. In most cases where such alternatives schemes exist, additional assistance is not regarded a necessity.</p> <p>The application for legal aid filed on 6 November 2008 did not specify the exact nature of the legal advice sought, but it was apparent that the objective was to further pursue cases relating to the treatment of Ms E.H.A before various public administrative bodies, amongst them the regional branch of the Norwegian Board of Health Supervision, the Patient Ombudsman and the Control Commission. The County Governor of Rogaland rejected the application on 11 December 2008, with reference to the duty of public administrative bodies to provide information and guidance to the public.</p> <p>The decision of the County Governor to reject the application for legal aid was subsequently, on 25 December 2008, appealed to the Norwegian Civil Affairs Authority, which on 5 March 2009 affirmed the County Governor's decision to reject the application, but stating a different reason for the rejection. In the opinion of the Norwegian Civil Affairs Authority, the fundamental needs of Ms E.H.A had been sufficiently covered by having several cases tried before administrative public bodies and exhausting the rights to administrative appeals, through</p>

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158.	Pakistan	11/02/10	JAL	SUMX; TOR	Concerning the death of Mr. Abid Javed Francis .Mr. Abid Javed Francis, member of the minority Christian community, was arrested by a Station House Officer and and Assistant Sub Inspector from Ferozabad police station, before Eid. He was publicly beaten during the arrest, and taken to the Ferozabad police station, where he was reportedly subjected to torture. At the station, the police reportedly requested Rs 10.000 in bribes from his family. On 24 November, as a result of the refusal by his family to pay the bribe, Mr. Francis was charged with harbouring illegal arms and stealing a motorbike (FIR 273/2009 and FIR 1274/2009). He was later presented before a magistrate at the city court in Karachi, where the police was granted physical remand for two days. Mr. Fancis was subsequently transferred to the Aziz Bhati Park Police Station, where he was once again subjected to	<p>the free legal aid already granted by the Control Commission, and finally that the decision of the Control Commission could be challenged before the courts, in which case free legal aid would be granted by the court itself pursuant to article 16, section 1, sub-section 2, cf. section article 19, section 1 of the Legal Aid Act.</p> <p>As the Control Commission has the power to try any decision to compulsory admit a patient, and free legal aid will be granted unconditionally in such situations, the Norwegian Civil Affairs Authority found that any additional free legal aid to further pursue other cases than those already presented before the Control Commission would not be of great significance to Ms E.H.A or her parents, and that free legal aid provided by the public treasury would not be reasonable in these cases."</p>

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					<p>torture. He was once again asked to pay a bribe and upon refusal to pay, was charged with theft (FIR 673/2009). Mr. Francis was then transferred to the ACLC at Shrifabad Police Station, where he was tortured in front of his mother and his mother-in-law. On 26 November, he was presented before a magistrate's court and, despite his visible injuries, was sent to Karachi central prison under judicial remand.</p> <p>Mr. Francis' mother tried to visit him in prison over the Eid period, but her requests were denied when she refused to pay bribes to the prison staff. On 7 December, she was able to visit him, and found him on a stretcher in an outside area, wearing only his underpants and hooked to a glucose drip. Mr. Francis was taken to the civil hospital in Karachi, where he was pronounced dead on 10 December. The post mortem indicated five counts of severe injury to his head and upper body. The cause of death was a hematoma on the left side of his head.</p> <p>The victim's family filed a petition before the session and district judge in District East Karachi, but no investigation has been carried out.</p>	
159.		09/03/10	JUA	WGAD; TOR; TERR	<p>Concerning Mr. Charuh Buranov, aged 21, citizen of Uzbekistan.</p> <p>Mr. Buranov is currently being held in the secret service headquarters in Islamabad in connection with terrorism-related suspicions and under imminent threat of being repatriated to Uzbekistan. It is unclear whether he has access to any judicial review regarding the refoulement.</p> <p>One of his brothers is imprisoned in Uzbekistan in connection with terrorism charges, but allegedly rather for his religious</p>	

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					convictions.	
160.		08/04/10	JAL	SUMX; JAL	<p>On 26 February, the police raided the house of Mr. Muddasar Iqbal, in relation to a case of theft. Because he was not at home, his elder brother was arrested and taken to the police station. When Mr. Iqbal's mother went to the police station to inquire about her son, she was told that he would be released if Mr. Muddasar Iqbal turned himself in. Mr. Iqbal went to the police chowki (kiosk), a sub-police station of Satellite Station. As soon as he arrived, he was beaten in front of his mother, who was ordered to leave the premises.</p> <p>The following day, when Mr. Iqbal's mother went back to the chowki, she found her son tied to a wooden cart and being beaten on his legs and the soles of his feet. A constable indicated that he would be released if she paid 50,000 Rs., and when she stated that she did not have the money, the officers stabbed Mr. Iqbal's feet with screwdrivers. The next day, Mr. Iqbal's mother gathered approximately half of the money, but he was not released. On 1 March, Mr. Iqbal was presented before a judge, and despite the fact that he could not walk, the judge did not ask about his treatment at the police station and ordered his detention on remand at Sargodha District Prison. In the meantime, Mr. Iqbal's mother was continually harassed by officers from the Satellite Police Station, who threatened to detain her other son if she did not pay the rest of the money.</p> <p>An assistant Sub-Inspector from Jhal Jhakian Police Station, believed to be close to the officer who had detained Mr. Iqbal filed an application before the court, indicating that Mr. Iqbal was wanted in another case. As a result, a civil judge ordered that he be transferred back to police custody. During the hearing, Mr. Iqbal was able to inform the judge about the</p>	

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					<p>beatings, and the judge ordered that he be sent to the civil hospital in Sargodha for two days. Two days after, the judge ordered that he be admitted to Allied Hospital in Faisalabad. However, Mr. Iqbal was sent back to the civil hospital in Sargodha, where he died on 22 March.</p> <p>Although the authorities indicated that those responsible had been suspended and that an inquiry was ongoing, it is believed that no suspensions have taken place, and no investigation has begun.</p>	
161.		09/11/10	JUA	WGAD; TOR	<p>Concerning the situation of Mr. IJ. aged 17, a tailor by profession from Pakistan.</p> <p>On 20 May 2010, at around 8:30 p.m., Mr. J. was allegedly stopped by two police officials, when riding his three-wheeler auto rickshaw on Mafi Faqir bridge at Rohri canal. It is alleged that Mr. J was abducted and taken away to an unknown location and raped by the Head constable, Mr. Ilyas Sahito, and Mr. Ghulam Rasool Marri, Constable of the Phull Police Station, Naushahro Feroze district of Sindh province. Since then Mr. J's whereabouts are reportedly unknown.</p> <p>It is reported that, on 21 May 2010, a friend of Mr. J informed his family about his arrest after a snap police inspection on Mafi Faqir bridge. Mr. J's family and a friend then reportedly went to Phull police station to enquire about Mr. J's whereabouts. The police reportedly did not allow his family to see him. Moreover, they were allegedly forced to leave the police station. For three days, his family reportedly visited Phull police station asking police officials for an appointment with Mr. J. It is alleged that the family was not allowed to see him.</p> <p>It is further reported that the villagers</p>	<p>By letter dated 31/12/2010, the Government indicated that the matter was referred to the authorities concerned for necessary investigation and response. As per the information receive, the local administration has conveyed that the incident of kidnapping of I.J. was registered on 4th June 2010 at Phull Police Station, Naushahro Feroze, by Muhammad Bux Dayo against police constables, Rasool Bux Mari, Mahammad Iliyas Sahito and three unknown. He further reported in the First Information Report (FIR) that he along with his nephew Mr. I.J. and relative Abdul Shakoor Dayo were returning from Phull in a Rickshaw, at 2030 hours on 20th May 2010. When they reached the Phull Regulator Bridge, Police Constable Mr. Ghullam Rasool Mari, Mr. Muhammad Iliyas Sahto and three unknown armed culprits intercepted them and snatched cash and mobile phones from their possession. Subsequently, the armed persons abducted I.J. and threatened Muhammad Bux and his relative Abdul Shakoor.</p> <p>3. After the registration of the FIR, the above mentioned constables were arrested and the case was handed over to the Investigation Branch for further necessary investigation. A</p>

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					<p>organized a demonstration outside the police station after Mr. J's family informed them about the disappearance. After the demonstration, the Station House Officer and the Deputy Superintendent of Police reportedly told villagers that Mr. J was not in the police station They assured the villagers that Mr. J would recover within three days, without giving any indication as to whether Mr. J would be released within three days.</p> <p>It is reported that in response to continuous demonstrations by villagers and several media reports, the Naushahro Feroze police opened a criminal case against the two policemen accused of the abduction and rape of Mr. J. It is reported that without conducting a proper investigation into the case, the alleged perpetrators were arrested and taken to the Sub-Jail of Naushahro Feroze. It is also reported that the accused policemen allegedly confessed to having stopped, abducted and raped Mr. J while conducting spot police checks at Mafi Faqir bridge. Reportedly, the alleged perpetrators claimed to be unaware of Mr. J's whereabouts.</p> <p>It is reported that Mr. J's family claimed that some high-profile police officers, including Mr. Rukhsar Khuhawar, the district police officer, were allegedly trying to cover up the crime perpetrated by the accused policemen. His family claimed that when they visited the police station to see him, the police never denied his presence.</p> <p>Mindful of the fact that the fate and location of Mr. J allegedly remains unknown, concern is expressed about Mr. J's physical and psychological integrity. Furthermore, concern is expressed about the lack of adequate action taken by the police to establish the</p>	<p>special team was constituted for the recovery of Mr. J. and arrest of the remaining accused. After the investigation, a case was registered against the arrested police constables. Thereafter, the relatives of Mr. J. filed a petition in the Honourable Court of Sindh Bench at Sukkur, which is under judicial trial. The Honourable Court has ordered the Superintendent of Police Investigation to constitute a team for the interrogation of the arrested police constables in jail custody and for the recovery of Mr. J..</p> <p>4. This information is attached for information.</p>

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					whereabouts of Mr. J.	
162.			Follow-up to earlier cases		Mr. H. B. M., (A/HRC/10/44/Add.4, para. 170)	<p>By letter dated 03/05/2010, the Government indicated that during the trial in the Court of Law, the complainant/victim deviated from the details, given by him, in the First Information Report (FIR). Accordingly, all arrested accused persons were acquitted by the Court of Additional Session Judge on the deposition of the alleged victim, Mr. Buksh.</p> <p>According to the details received from the concerned authorities, Mr. Buksh repeatedly deviated from his own statements during the interrogation process. Accordingly the Police officials had to register a number of complaints based on the facts stated by the accused. As per the final complaint numbered FIR 19/2007, Mr. Buksh informed the Police officials that he came to Larkana with his two friends, and while standing at Shahi Bazaar, Police came and arrested them and took to the police station. His two other friends were released but he was kept in the lockup. At 0200 hours, Inspector Tunio and SHO along with three un-identified police personnel came at the lockup and imputed his man organ, whereas these police officials stated that Mr. Buksh had tried to commit suicide.</p> <p>All the complaints were forwarded to the Investigation Wing of the Police Department. After initial/usual investigation, the earlier complaints were WGEIDosed off, while the final complaint numbered FIR 19/2007 was challaned against Inspector Tunio, ASI Abbassi, Head Constable Shahani and others, before the Court of Law. During the trail in the court, the complainant/victim, Mr. Buksh once again deviated from the final complaint and did not support the facts reflected in the complaint numbered FIR 19/2007. He clearly deposed before the Court of Law that he had</p>

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163.					Abdul Wahab Baloch, Chief organiser of the Baloch Rights Council and well known peace activist, and Mr. Gulam Mohammad Baloch, President of the Balochistan National Movement. (A/HRC/10/44/Add.4, para. 168)	<p>not given the names of accused police personals in the FIR, neither they have committed any offence nor they were available at the time of incident.</p> <p>Subsequent to this deposition, all the accused were acquitted by the Additional Session Judge on 17th August 2007.</p> <p>By letter dated 24/02/2010, the Government indicated that Mr. Ghulam Mohammad Baloch was arrested on 28th May 2008 for delivering a provocative speech in public. He was arrested under section 151 of the Code of Criminal Procedure, which allows police to arrest anyone who designs to commit any cognizable offence without a warrant, Mr. Ghulam Mohammad Baloch was subsequently released on bail by the Court of Law. As regard, the alleged arrest of Mr. Abdul Wahab Baloc, the concerned authorities have confirmed that no such arrest or detention was ever made.</p>
164.		15/12/09	JUA	TOR; WGAD; WGED	<p>Concerning Mr. Faizan Butt, Mr. Raja Qayyum and Mr. Shafiq Butt.</p> <p>On 21 November 2009, Lt. Col. Hamza of the Inter-Services Intelligence in Muzaffarabad went to Mr. Pervez Butt's home in Muzaffarabad along with ten people, a number of them from the Frontier Constabulary of Peshawar, in an attempt to retrieve money that Mr. Pervez Butt had borrowed from a relative of Lt. Col. Hamza. Since he was not there at the time, Lt. Col. Hamza took his nephew, Mr. Faizan Butt, and handed him over to the Saddar Police Station in Muzaffarabad.</p> <p>Later that day, Messrs. Ali Rathore, Raja Qayyum and Shafiq Butt went to the police station in search of Mr. Fazian Butt and were also taken away by Lt. Col. Hamza. On 23</p>	<p>By letter dated 25/03/2010, the Government indicated that after an investigation into the Communications, the allegations were found to be baseless.</p>

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					<p>November, Lt. Col. Hamza called Mr. Butt's family and informed them that the four men would be released if Mr. Pervez Butt turned himself in to the police. On 27 November, Mr. Rathore was released with apparent signs of torture. The following day, Lt. Col. Hamza once again called Mr. Butt's family and indicated that the three other men would be subjected to harsher methods of torture if the family made the detentions public. The three remaining men's fate and whereabouts are unknown.</p> <p>In view of their reported incommunicado detention at an unknown location and reported threats uttered to the Butt family, concerns are expressed about the physical and mental integrity of Messrs. Faizan Butt, Raja Oayyum and Shafiq Butt.</p>	
165.	Panama	06/0910	JUA	FRDX; HRD; IJL; SUMX; TOR	<p>En relación con los sucesos ocurridos en el departamento de Bocas del Toro entre los días 7 a 10 de julio de 2010 y, en conexión con éstos, en relación con la situación de ciertos sectores de la sociedad civil panameña que estarían trabajando en la investigación y seguimiento de dichos sucesos. En particular, se querría llamar la atención sobre la situación de la Lic. Magaly Castillo y la organización Alianza Ciudadana Pro Justicia. La Lic. Castillo es abogada y Directora Ejecutiva de la Alianza Ciudadana Pro Justicia. Asimismo, se querría llamar la atención sobre la situación de la organización y los miembros de Human Rights Everywhere.</p> <p>La Sra. Castillo y el Sr. Francisco Gómez Nadal, éste último representante legal de la organización Human Rights Everywhere en Panamá, han sido objeto de llamamientos urgentes por parte del Relator Especial sobre la promoción y la protección del derecho a la libertad de opinión y de expresión y de la</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>Relatora Especial sobre la situación de los defensores de los derechos humanos enviados el 19 de abril y el 29 de julio de 2010, respectivamente.</p> <p>Según las informaciones recibidas, durante los días 7 y 10 de julio de 2010, se habrían producido enfrentamientos en Changuinola, departamento de Bocas del Toro, entre cuerpos y fuerzas de seguridad del Estado panameño y trabajadores de las plantaciones bananeras, en su mayor parte miembros de la comunidad indígena Ngäbe-Bugle. Desde el 2 de julio, estos trabajadores se encontraban realizando una huelga en contra de ciertos artículos de la recién aprobada Ley 30 de 12 de junio de 2010. Tras varios días de huelga, las fuerzas de seguridad habrían decidido intervenir para disolver una manifestación de los trabajadores de las plantaciones haciendo uso de la fuerza y de determinado tipo de material antidisturbios, incluyendo cartuchos impulsores de perdigones de plomo (calibre 12), balines de goma, munición de diverso calibre y gases lacrimógenos de diverso tipo.</p> <p>Según las autoridades, como consecuencia de dichos enfrentamientos resultaron al menos dos personas muertas, los señores Antonio Smith y Virgilio Castillo, las cuales, según información recibida, habrían fallecido por la acción directa de las fuerzas del orden. Asimismo, se ha recibido información según la cual, además de las personas mencionadas, habrían fallecido otras cinco personas como consecuencia de los enfrentamientos, incluyendo tres menores de edad por el uso de gases lacrimógenos.</p> <p>Como consecuencia de estos enfrentamientos, se habrían producido más de 150 heridos y más de un centenar de detenidos. Entre los heridos habría un gran número de casos con impacto de perdigones de plomo en la cabeza y el tórax.</p>	

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					<p>Asimismo, se ha recibido información fiable sobre casos de personas detenidas que habrían podido sufrir tortura u otros tratos crueles, inhumanos o degradantes a manos de las fuerzas y cuerpos de seguridad, incluyendo el caso de una persona que habría sido arrodillada, esposada y apuntada con una pistola; el caso de otra a la que le habrían vertido vinagre en las heridas; numerosos casos de personas que habrían recibido gas pimienta en la cara; otro caso al cual antes de darle de comer habrían rociado con gasolina la comida; y numerosos casos, incluidas tres mujeres, que habrían sido desnudadas y humilladas. El 21 de julio, el Gobierno habría anunciado la creación de una comisión especial para investigar los hechos.</p> <p>En el contexto de los acontecimientos ocurridos en Bocas del Toro, el Sr. Valentín Palacio habría permanecido en paradero desconocido entre los días 8 y 12 de agosto. El Sr. Palacio habría reaparecido el día 12 de agosto y presentado en conferencia de prensa por el Director de la Policía Nacional.</p> <p>Según los informes recibidos, tras los sucesos de Bocas del Toro, se habrían intensificado los actos de intimidación y acoso por parte de la prensa nacional y de miembros de partidos políticos contra ciertos sectores de la sociedad civil panameña, así como contra destacados defensores de los derechos humanos en el país.</p> <p>En este contexto, el día 10 de agosto, miembros de la organización de la sociedad civil Alianza Ciudadana Pro Justicia habrían acompañado a varios miembros de la organización Asamblea de la Sociedad Civil para presentar un recurso de habeas corpus en nombre del Sr. Palacio ante la Corte Suprema de Justicia.</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>Posteriormente, el 16 de agosto de 2010, la señora Magaly Castillo habría recibido una citación de la Fiscalía Auxiliar de Panamá para comparecer al día siguiente a declarar dentro del sumario del caso del Sr. Palacio. La Sra. Castillo habría acudido a dicha citación pero se habría negado a prestar declaración por considerar que el Fiscal Auxiliar de Panamá mantiene una opinión negativa sobre la sociedad civil, la cual habría hecho pública en varias ocasiones mediante declaraciones a la prensa.</p> <p>El día 20 de agosto, el partido político Cambio Democrático habría publicado en el diario “La Prensa” un anuncio a página completa ofreciendo una recompensa de 5,000 Balboas (equivalente a USD 5,000) a quienes pudieran dar información “que aclare la falsa desaparición de Valentín Palacio”. El anuncio habría acusado a miembros de la oposición política así como a organizaciones de la sociedad civil panameña, mencionando explícitamente a la organización Human Rights Everywhere, de realizar falsas acusaciones contra el gobierno y el Presidente de la República. La mencionada organización habría trabajado activamente en la investigación de los hechos acaecidos en Bocas de Toro, en el mes de julio.</p> <p>El día de la publicación del anuncio arriba mencionado, miembros de varias organizaciones de la sociedad civil habrían expresado su creciente temor ante la intensificación de actos de acoso e intimidación contra ellos tanto en prensa nacional como en varios canales de televisión.</p>	
166.	Papua New Guinea	24/1110	JAL	SUMX; TOR	Concerning Mr. Lawrence Morokana Karai, 30 years of age, and the killing of five detainees at Baisu jail.	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>According to reports received, on Friday, 5 November 2010, five detainees were killed and seven seriously injured when Correctional Service warders shot at escaping detainees during a jail break from Baisu Jail, Mt. Hagen, Western Highlands Province, Papua New Guinea. Those killed and injured were reportedly part of a group of at least 55 detainees who tried to escape. Sources said 13 detainees had been recaptured while 37 escaped successfully. According to information received the reason for the jail break was due to concerns by detainees with regards to their health following an outbreak of dysentery and suspected cholera in the jail and the deaths of a number of detainees. Four detainees reportedly died in the past few weeks and others were seriously ill. The health authorities are said to have inspected the jail and declared the facility unsafe for human habitation. Correctional Services were reportedly not taking the situation seriously enough despite the requests from the detainees. On 6 November, 50 detainees from Baisu were reportedly transferred to Barawagi Jail in Chimbu Province and there are plans to transfer the remaining 183 detainees to other jails in the Highlands.</p> <p>According to the information received, on 22 September 2008, Mr. Lawrence Karai was arrested at Port Moresby betting shop, Cameron road, Gordons, Bougainville at the request of Joel Warrah and Leon who own the shop. The owners had accused Mr. Karai, himself a worker at the betting shop, of stealing 90,000 Kina from the shop. During the arrest, he was reportedly punched in the face and kicked by several police officers who accused him of lying about his whereabouts when the alleged theft occurred. On the way to the Boroko police station, he was blindfolded and</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>beaten with a metal rod and threatened with a gun, in a wooded area near to “Magi High Way.” As a result of this treatment, he suffered several injuries to the hand, knees, and legs which made it difficult for him to move his hands and to walk for several weeks. He also suffered several facial abrasions and cuts to his body. Mr. Karai lodged complaints with two lawyers and appeared before the committal court in Waigani. On 10 October 2008, he was interviewed by police led by Mr. Susuve Epe (CID officer). It is alleged that he was punched and hit with a metal object during the interviewing. He was detained until June 2009, and his case was dismissed by the court for lack of evidence in September 2009. Mr. Karai now suffers from acute bodily pains and is disabled in the left hand.</p>	
167.	Philippines	23/12/09	JAL	TOR; VAW	<p>Concerning the case of the killing of 57 persons, including 21 women, who were part of a convoy on its way to register a candidacy for next year’s gubernatorial elections in Maguindanao province. Since the communication sent on the 30 November 2009, new information concerning that case has come to light which reveals specific and targeted sexual violence against the women victims.</p> <p>In the morning of 23 November 2009, a convoy of supporters of the vice-mayor of Buluan town in Maguindanao province, was travelling on the road to Shariff Aguak, one of the main towns of Maguindanao, on the way to an electoral office to register him as a candidate in the elections for governor of Maguindanao province next year. The convoy, which did not include the candidate himself, was led by his wife and formed of local politicians, lawyers and journalists.</p> <p>At around 9 a.m., in a rural area near the villages of Salman and Malating, the convoy</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>was abducted by a group of more than 100 gunmen, suspected to be members of a militia at the services of the family of the Governor of Maguindanao province. Some reports indicate that among the abductors there were members of the police and of the Armed Forces of the Philippines. The gunmen took the entire convoy to a location around ten kilometres from the main road, where they killed at least 57 persons, including 21 women.</p> <p>According to the report of the President dated 6 December 2009, your Government's investigation revealed that:</p> <p>“(i) Most if not all of the female victims' pants were found unzipped, and their sexual organs mutilated and mangled. Five of them were tested positive for traces of semen, indicative of sexual abuse.</p> <p>(ii) Some of the victims were shot in the genital area, and in the face rendering them unrecognizable.“ (page 6)</p> <p>The body of Ms. M, in particular revealed evidence of very brutal sexual mutilation. Two of the women killed were pregnant, and some of the victims were hogtied.</p> <p>While some of the bodies were left on the ground and in the vehicles, while the majority were found in 3 different mass graves on a hilltop in Sitio Masalay, Barangay Salman, in Ampatuan, Maguindanao province.</p> <p>The female victims include the wife of the candidate, several of his sisters, as well as other female relatives, journalists, government employees and two lawyers.</p> <p>On 26 November 2009, the mayor of the town Datu Unsay and son of the Governor of Maguindanao Province, was arrested as a suspect. Reports indicate that his father, Andal</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>Ampatuan Sr, who is currently serving his third term as Governor, had been grooming him to succeed him in office as a result of the 2010 elections. The National Police Director has suspended or relieved several of the commanding officers of the police in Maguindanao province from their positions, while other members of Maguindanao police have been arrested. The Armed Forces of the Philippines have announced that the A. family's private militia will be disbanded, and through Proclamation No. 1959, your Excellency's Government instated Martial Law in the province of Maguindanao (except for certain areas). Martial Law was subsequently lifted by the President on December 13, 2009.</p>	
					<p>The Acting Secretary of Justice in your Excellency's Government has also announced that prosecutors are processing the admission to the witness protection program of 20 or more witnesses to the killings.</p>	
168.		26/02/10	JAL	WGAD; HRD; TOR	<p>Concerning the situation of Dr. Merry Mia, Dr. Alexis Montes, Mr. Gary Liberal, Ms. Teresa Quinawayan, Ms. Lydia Obera, Mr. Renaldo Macabenta, Ms. Angela Doloricon, Ms. Delia Ocasia, Ms. Jane Ballea, Ms. Janice Javier, Mr. Franco Remoroso, Ms. Ailene Monasteryo, Ms. Pearl Irene Martinez, Ms. Elen Carandang, Ms. Dany Panero, Mr. Rayom Among, Ms. Emily Marquez, Ms. Emilia Marquez, Ms. Glenda Murillo, Mr. Ace Milenna, Mr. Ely Castillo, Ms. Lalyn Saligumba, Mr. Jovy Oritz, Mr. Samsung Castillo, Mr. Mark Estrellado, Mr. Miann Oseo, Ms. Selcia Pajanosta, Ms. Lolibeth Donasco, Ms. Jenelyn Pizaro, Mr. Ramon De la Cruz, Ms. Jacqueline Gonzales, Ms. Maria Elena Serato, Ms. Mercy Castro, Ms. Lea de Luna, Ms. Judilyn Oliveros, Mr. Valentino Paulino, Ms. Yolanda Yaun, Mr.</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>Edwin Dematera, Ms. Sherilyn Riocasa, Mr. Gerry Sustinto, Mr. Jenmark Barrientos, Mr. Mark Escartin. These 42 people are health workers and members of the Community for Health Development (COMMED) and the Council for Health and Development (CHD). Both organizations are providing community-based healthcare in the Philippines.</p> <p>On 6 February 2010, about 300 armed soldiers and policemen allegedly entered the farmhouse of Dr. Melecia Velmonte, in the province of Rizal, and arrested the above mentioned health workers who were attending a training seminar sponsored by the Community Medicine Foundation. The health workers were allegedly searched, handcuffed, photographed and interrogated. The Police Superintendent reportedly showed an incomplete search warrant after handcuffing the health workers.</p> <p>The 42 health workers were then allegedly detained incommunicado for two days in Camp Capinpin in Rizal. It is alleged that the detainees were handcuffed, blindfolded and subjected to torture and other forms of ill-treatment during interrogation, including electrocution and sleep deprivation. Female health workers were allegedly sexually molested. It is also alleged that they were forced to admit that they were members of the New People's Army (NPA), the armed wing of the Communist Party of the Philippines.</p> <p>On 8 February 2010, Ms. Leila De Lima, the Chairperson of the National Human Rights Commission was allowed to visit the detainees. The relatives of 8 of the detainees were allowed to visit them under close supervision of soldiers.</p> <p>On 9 February 2010, the COMMED filed a petition for Habeas Corpus on behalf of the</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>detained health workers.</p> <p>On 11 February 2010, the health workers were charged of illegal possession of firearms, manufacturing bombs as well as of being part of the Communist Party of the Philippines, on the basis of explosives and firearms reportedly found by the army at Dr. Velmonte's house. It is alleged that the military, who were carrying plastic bags at the time of the arrests, planted weapons within Dr. Velmonte's farmhouse during the house search. The same day, the Supreme Court reportedly granted the petition for habeas corpus, ordering the military to present the 43 detainees at the Court of Appeals the following day and to answer allegations of torture, evidence-planting and illegal arrest and detention.</p> <p>On 12 February 2010, the military and the police failed to present the health workers to the Court of Appeals. On 15 February 2010, the 43 detainees were brought to the Court of appeals. During the hearing, the military reportedly denied the allegations that the female detainees were sexually harassed and molested by the soldiers.</p> <p>Concern is expressed that the arrest and detention of the above mentioned persons might be directly related to their work in defense of human rights and in particular the right to health.</p>	
169.		19/03/10	JAL	HRD; TOR	<p>Concerning Ms. Charity Diño, aged 29, Mr. Billy Batrina, aged 29 and Mr. Sonny Rogelio, aged 26, all community organizers for Samahan ng Magbubukid ng Batangas (SAMBAT), a local peasant's rights group.</p> <p>On 23 November 2009, Ms. Charity Diño, Mr. Billy Batrina and Mr. Sonny Rogelio were working in a community in Talisay, Batangas, when officers of the 730th Combat group of</p>	<p>By letter dated 05/08/2010, the Government indicated that while responding on reported presence of armed med, members of the Philippine Air Force and a team from PRO CALABARZON established security/blocking force at Barangay (Village) Poblacion 2, Talisay, Batanas at around 1:00 p.m. on 23 November 2009. At the same time, the team chance upon a group</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>the Philippine Air Force travelling in three separate vans blocked their path and detained them. They were taken to a camp in Palico, Bantagas, where they were held for 17 days before being turned over to Batangas Provincial Jail in Lipa City. Upon their arrival at the camp, they were assaulted by military officers. They banged Mr. Batrina and Ms. Diño's heads on the wall, and Ms. Diño's fingers were squeezed together while bullets were inserted in between her fingers. The ill-treatment was allegedly used to force them to confess to being members of a rebel group. The following day, they were charged with illegal possession of firearms, explosives and drugs. They remain in detention, without access to a lawyer.</p>	<p>composed of three (3) persons namely: Charito Diño, Sonny Rogelio and Billy Bateria [sic], who were acting suspiciously. Found in their possession were: two (2) calibre .45 pistols; one (1) calibre 9mm pistol; one (1) magazine of calibre 9mm pistol; six (6) live ammunitions for calibre 9mm; two (2) grenades; one (1) improvised Anti-Personnel landmine; and one (1) electrical blasting cap. Per verification with the Firearms and Explosive Division of Camp Crame, Quezon City, said individuals did not have proper licenses and therefore were not authorized to carry firearms and explosives.</p> <p>On 24 November 2009, the three were presented before the Provincial Prosecutor of Batangas for Inquest Proceedings. The Provincial Prosecutor found that the arrested persons violated Presidential Decree No. 1866 as amended by Republic Act 8294 and Republic Act 9516 (Illegal Possession of Firearms and Explosives) docketed under NPS Docket No. IV-02-INQ-09K-00459.</p> <p>The alleged torture was not substantiated in the absence of their affidavit that would merit a formal complaint. Also based on the medical examinations conducted by Dr. Jaime L. Butiong of Apacible Memorial Hospital in Nasugbu, Batangas, on 10 December 2009, there is nothing in the findings that could indicate that the three persons were subjected to torture. Subjects were committed to the Provincial Jail pursuant to the Commitment Order issued by the honourable judge of Batangas.</p>
170.		23/04/10	JAL	HRD; TOR	Concerning Boicy P. Villaniso, aged 23, Roy P. Villaniso, aged 20, Emilio P. Villaniso, aged 18, Junrex A. Linantod, aged 21, Anastacia Villaniso, aged 59, Alfonso Mangubat, aged 45, Baden Mangubat, aged 35, Nilo Sinao,	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>aged 48, M.G.Y., aged 15, and Edmon Cutor, aged 19, members of the Peoples United in Diwalwal, an organization that campaigns against large-scale mining in the area.</p> <p>On 7 March 2010, 60 elements from the 25th Infantry Battalion of the Armed Forces of the Philippines allegedly arrived at a house where Junrex Linantod, Francisco Linantod, Emilio Villaniso Jr., Roy Villaniso, Boicy Villaniso, M.G.Y. were gathered together with Francisco Linantod and Christina Arances, at Sitio Kalaberahan, Barangay Ulip, Municipality of Monkayo, Compostela Valley Province, and arrested them.</p> <p>During the arrest, Junrex Linantod, Francisco Linantod, Emilio Villaniso, Roy Villaniso and Boicy Villaniso were allegedly beaten by soldiers, who accused them of being members of the New People's Army. Boicy Villaniso was allegedly forced to eat hot sweet potato, and was beaten on the stomach and forehead with the butt of an M16 rifle, as well as on his fingers and neck with rattan. Roy Villaniso's head was reportedly wrapped in cellophane, and he was beaten on the stomach with the butt of an M16 rifle. It is also alleged that Emilio Villaniso was beaten on the stomach with a wooden stick and on the neck with the butt of an M16 rifle. Junrex Linantod's head was wrapped with cellophane and he was beaten on the stomach with a wooden stick. He was also kicked and smashed against the door several times. Edmon Cutor's hands were tied behind his back, while he was choked and punched on the stomach.</p> <p>One hour later, at approximately noon, while in the forest with their families, Anastacia Villaniso, Alfonso Mangubat, Baden Mangubat, Nilo Sinao, M.G.Y. and Edmon Cutor were allegedly arrested by</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>approximately 30 members of the 25th Infantry Battalion.. Alfonso Mangubat, Nilo Sinao and Edmon Cutor were separated from the women and allegedly beaten with an M16 rifle. The women were threatened with torture if they did not admit they were members of the New People's Army. One of the soldiers tickled Ms.M.G.Y. and stroked her thighs.</p> <p>They were reportedly taken to a military detachment in Barangay Upper Ulip. It is alleged that they were beaten during the interrogation, and forced to accept they were members of the New People's Army. During their detention at the military detachment, the victims' whereabouts were unknown to their families. They were not provided any food, but those who had been beaten received hot compresses</p> <p>On 10 March, they were reportedly then handed over to the Philippine National Police in Monkayo. They were not allowed to see their families at the police station. On 11 March, they were presented before the Provincial Prosecutor, who ordered their release.</p> <p>Concern is expressed that these arrests, detentions and acts of torture might be directly related to the work in defense of human rights of the above mentioned members of the Peoples United in Diwalwal. Further concern is expressed for the physical and mental integrity of Boicy P. Villaniso, Roy P. Villaniso, Emilio P. Villaniso, Junrex A. Linantod, Anastacia Villaniso, Alfonso Mangubat, Baden Mangubat, Nilo Sinao, M.G.Y., Edmon Cutor and their families.</p>	
171.		07/07/10	AL	TOR	Concerning Mr. Lolit Agbayani, Mr. Rolan Corpuz, Mr. Jun Jun Acleto, Mr. Ricky Torres and Mr. Edwin Buryo, members of the	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					Dumagat indigenous group.	
					On 1 December 2009, Mr. Lolit Agbayani, Mr. Rolan Corpuz, Mr Jun Jun Acleto, Mr. Ricky Torres and Mr. Edwin Buryo were stopped by officials from the 7th Infantry Division of the Philippine Army. The five were taken to the soldier's camp, where they were questioned about their alleged involvement in the New People's Army. During the interrogations, all five were beaten and kicked on the chest, stomach and back in order to extract information. Mr. Corpuz was offered money by the soldiers if he provided information on the activities of the New People's Army, and was choked by one of the soldiers when he indicated he had no information. Mr. Torres was threatened to death, and admitted to being part of the NPA after further beatings. Mr. Corpuz and Mr. Agbayani managed to escape on 3 December, and the rest were released on 5 December, without any charges.	
172.		24/09/10	AL	TOR	Concerning the torture and ill-treatment, in detention, of Mr. Misuari Kamid, Mr. Lenin Salas, Mr. Jerry Simbulan, Mr. Daniel Navarro and Mr. Rodwin Tala.	
					On 30 April 2010 at 4.40 p.m., Mr. Kamid, a utility man employed at the provincial Government of Sarangani, was picked up at gun point while buying food in Silway, Barangay (village) Dadiangas West, General Santos City.	
					Mr. Kamid alleges that he was handcuffed and forced into the back of a vehicle by policemen. When he resisted, one of the police hit the back of his neck with the butt of the hand gun. He was then taken to the regional headquarters of the Philippine Drug Enforcement Agency (PDEA), where, the police took turns in hitting him on the face, the chest and thighs. It is	

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					<p>alleged that, the police asked Mr. Kamid to admit that he is a drug seller in between the beatings. The victim suffered contusions and some tissue injuries as a result of the ill-treatment he received in detention. He was also unable to sleep that evening due to the excruciating pain he was suffering. Subsequent to this incident, the victim was examined by Ma. Antoinetta Odi, a Government physician, who confirmed the injuries that Mr. Kamid had suffered in custody and issued a medical certificate on 18 May 2010.</p> <p>The victim identifies the Intelligence Officer 1 (IO1) Rodrick Gualisa, S02 Frederick Ocana, IO1 Vincent Quilinderino, IO3 Arce Adam, IO1 Eleazar Arapoc, SI2 Raymund Parama and two of their informants--Luisito Epino and Richard Autor of the General Santos city office of Philippine Drug Enforcement Agency (PDEA), as the perpetrators of the assault on him.</p> <p>The victim also claimed that the police, led by SO2 Fodrick Gualisa, forced him to a parking lot where they planted illegal drugs, marijuana and some money on him and took pictures of the victim with the drugs in his possession. On 1 May 2010 at 9.00 a.m., Mr. Kamid was taken to the offices of the PDEA where he was presented to a room of waiting journalists with the drugs that police claim to have confiscated from him, on the table. Mr. Kamid is presently detained at the General Santos City Reformatory Center (GSCRC) in Barangay Apopong.</p> <p>On 3 August 2010, at 9.30 p.m., Mr. Salas, Mr. Simbulan, Mr. Navarro and Mr. Tala were arrested by Superintendent (Supt.) Madzgani Mukaram of San Fernando City Police and the Provincial Public Safety Office, Senior Police Officer (SPO4) Hernando Sarmiento, Police Officer (PO3), Arnold Barrion, Police Officer</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
173.			Follow-up to earlier cases.		<p>(PO1), Edward Bengbeng, in Villa Barcelona Subdivision Barangay Sindalan, over their alleged involvement with the Marxist Leninist Party of the Philippines (MLPP-RHB), an illegal armed group.</p> <p>During the arrest, they were allegedly beaten by Supt. Madzgani Mukaram, and several other policemen. After being restrained and blindfolded, Mr. Lenin and his three other companions were taken to the Provincial Police Office (PPO) where they were continuously assaulted and beaten with sticks while being transported to the police station in the police vehicle. At the station, they were reportedly hit with the butt of a gun, their bodies and necks were burnt with lit cigarettes, dry suffocation (covering of the face with cellophane) was applied to them, and they were kicked in the genitals. It is also alleged that while the above listed individuals were blindfolded, the policemen had, on purpose, let them hear the squeezing and clicking sound of a revolver beside their ears.</p> <p>Further, Supt. Madzgani Mukaram reportedly threatened them, their families and contacts in the media with death if the detainees refused to cooperate. They were reportedly deprived of food from the time of their arrest until the afternoon of 4 August. The alleged torture of the victims reportedly ended around 2 p.m. on 4 August, after they had been taken to the Provincial Prosecutor's Office (PPO) in San Fernando, Pampanga Province, where they were charged with Illegal Possession of Firearms, Ammunitions and Explosives.</p>	<p>By letter dated 25/01/2010, the Government indicated that as of 06 January 2010, fifty-six (56) murder charges have already been filed against Datu Andal Unsay Ampatuan, Jr. The other accused are still undergoing preliminary</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
						<p>investigation. Rebellion charges have also been filed against Andal Ampatuan, Sr. and other members of the Ampatuan clan.</p> <p>When the Maguindanao incident happened on 23 November 2009, Her Excellency Gloria Macapagal-Arroyo mobilized the different agencies/offices of the Government to ensure that an immediate and proficient investigation of the case will be completed.</p> <p>On the part of the Department of Justice, the Secretary of Justice immediately ordered the National Bureau of Investigation (NBI) to conduct its own investigation of the massacre. NBI experts were sent to the crime scene. The forensic experts of the NBI have conducted autopsy on the bodies of the victims.</p> <p>A few hours after the incident, Task Force 211 (TF211) immediately communicated with the lawyers of the Mangudadatus to get their cooperation in gathering witnesses for the crime. Undersecretary Ricardo R. Blancaflor, Chairman of TF211, conferred with the lawyer of the Mangudadatus, who promised to obtain the cooperation of the eyewitnesses and other relevant witnesses. The following day, TF211 coordinated with the Philippines National Police (PNP), Scene of the Crime Operatives (SOCO) units and instructed/coordinated with the NBI Team of Region 12 to conduct a parallel investigation.</p> <p>Also on 24 November 2009, a special panel of prosecutors was formed to handle cases arising out of the incident. The following day, the panel was further reorganized and two groups were formed to ensure the immediate and efficient inquest/preliminary investigation of the cases.</p> <p>Many of the media members who were massacred were personal friend of the</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
						<p>Chairman of TF211, and they have been actively involved in the resolution of a local media killing case in General Santos City.</p> <p>Usec. Blancaflor, in a meeting with the survivors of the incident, convinced them to execute affidavits that were eventually used by the NBI to charge Datu Andal Ampatuan, Jr. TF211 likewise gave financial assistance to the families of deceased media practitioners.</p> <p>On 25 November 2009, Secretary of Justice, Agnes VST Devanadera, arrived in Maguindanao. Additional NBI Medico legal and investigating team were also brought from Manila to against Datu Andal Ampatuan, Jr., that when he arrived in General Santos airport in the afternoon of 26 November, he was immediately arrested and subjected to inquest. The inquest was immediately terminated and Datu Andal Ampatuan, Jr. was brought to Manila at the NBI Detention Center. The complaint for Multiple Murder referred for inquest and filed before DOJ Manila was docketed as XVI-INQ-09K-00103 entitled "NBI-Mangudadatu et al. vs. Datu Andal Ampatuan Sr. et al."</p> <p>On 01 December 2009, Andal Ampatuan, Jr. was charged with twenty-five (25) count of murder before the Regional Trial Court (RTC) of Cotabato City. The Department of Justice also asked for a transfer of venue of the hearing of the case in Manila to ensure the security and safety of all the parties especially the witnesses in the case. On 09 December 2009, additional murder charges were filed before the Cotabato RTC.</p> <p>The Supreme Court granted the request for transfer of venue thus, cases were transferred to RTC Quezon City. Criminal Case Nos. Q-</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
						<p>09-162148-72 for twenty-five (25) counts of murder and Criminal Case Nos. Q-09-162216-31 for sixteen (16) counts of murder are now being heard before the Hon. Jocelyn A. Solis-Reyes of RTC Branch 221 of Quezon City. Hearings will be held in Camp Crame.</p> <p>On 05 January 2010, Datu Andal Unsay Ampatuan, Jr. was arraigned and pleaded not guilty. Bail hearing has started and one (1) witness for the prosecution was presented. Hearings are scheduled on 13 and 20 January 2010.</p> <p>On the cases pending preliminary investigation:</p> <p>On 02 December 2009, a complaint for Multiple Murder was filed for preliminary investigation in DOJ Manila and docketed as XVI-09L-00816 entitled “CIDG-CIDU vs. Gov. Datu Andal Ampatuan Sr. et al. “ The following day, another complaint for Multiple Murder was referred for inquest and docketed as XVI-09L-00104 entitled “CIDG vs. Esmail Canapia and Takipan Dilum”.</p> <p>On 18 and 28 December, preliminary investigation hearings were held in DOJ Manila.</p> <p>On the Rebellion Charges:</p> <p>On 07 December 2009 at 11:00 p.m. in the evening inquest proceedings for Rebellion was held in Cotobato City. Among those charged was Gov. Andal Ampatuan Sr., ARMM Gov. Zaldy Ampatua, five (5) other members of the Ampatuan family and seventeen (17) others. The basis of the filing of the complaint are affidavits of witnesses who testified on the role of Ampatuans in</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
174.	Qatar	08/06/10	JUA	WGAD; IJL; TOR	<p>Concerning the arrest and detention of Mr. Fawaz Al-Attiyah, a former Qatari national and who holds British nationality. Mr. Al-Attiyah is the former spokesperson of the Qatari Ministry of Foreign Affairs.</p> <p>On 29 October 2009, Mr. Al-Attiyah was extradited from Riyadh, Saudi Arabia, by men in civilian clothes and flown to Qatar in a private plane. He has been reportedly held in detention in Qatar since then.</p> <p>The arrest, extradition and detention of Mr. Al-Attiyah would be reportedly connected to the fact that he had started legal proceedings</p>	<p>planning and implementing the withdrawal of allegiance from the Philippine Government and affidavits of witnesses who testified that the Ampatuans ordered Government offices to close down in protest of the crackdown of the military against the Ampatuan family.</p> <p>On 09 December 2009, at 3:30 p.m., the Information for Rebellion was filed before the Regional Trial Court Of Cotabato City docketed as C.C. No. SA 198.</p> <p>Charges against additional respondents are currently undergoing preliminary investigation in DOJ Manila. Hearings were held on 08 December 2009 and 12 January 2010.</p> <p>Bureau of Immigration (BI)</p> <p>By virtue of an order of the Secretary of Justice dated 27 November 2009, the Bureau of Immigration included in its watch-list nine (9) members of the Ampatuan family. On 04 December 2009, ten (10) additional suspects in the incident were added and on 18 December 2009, several additional names were also included in the Bureau's watch-list</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>against the Prime Minister for allegedly WGEIDossessing him of land and property and attacking his dignity.</p> <p>According to reports received, Mr. Al-Attiyah is being held in solitary confinement since his transfer to Qatar. In April 2010, Mr. Al-Attiyah was reportedly relocated to the main centre of the State security services. His detention is allegedly renewed every month based on charges under articles 111 (public employee who discloses secrets of the State), 112 (anyone who illegally obtains and/ or discloses secrets of the State), and 327 (defamation) of the Qatari Penal Code.</p> <p>Since his detention in Qatar, Mr. Al-Attiyah has reportedly not had proper access to legal counsel, as his lawyer can only see him during the hearings whereby his detention is prolonged, which take place approximately once a month. Serious restrictions have reportedly been applied to family visits as well.</p> <p>Concern is expressed about the physical and mental integrity of Mr. Al-Attiyah, which appears to be deteriorating over the past few months, allegedly due to the conditions of detention. In this connection, further concern is expressed about the allegations that Mr. Al-Attiyah is being held in solitary confinement for more than six months.</p>	
175.	Republic of Moldova	21/01/10	UA	TOR	<p>Concerning Mr. Iurie Matcenco.</p> <p>Mr. Iurie Matcenco, currently detained in Tiraspol Penitentiary 3, Transnistria, has been on hunger strike since 7 December 2009. It is believed that he requires urgent medical supervision.</p> <p>Mr. Matcenco was arrested in September 2009 by the Transnistrian secret services. He was convicted after allegedly being threatened with</p>	<p>In a letter dated 11/03/2010, the Government indicated that it remains fully confident on the implementation of the international commitments assumed in the field of protection of the human rights and fundamental freedoms, prevention of torture and other ill treatment. Nevertheless, the existence of an unresolved separatist conflict in the Transnistrian region of the Republic of Moldova, which is de facto under the control</p>

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					<p>death if he did not confess to financial crimes. His case is now under appeal.</p> <p>In view of Mr. Matcenco's prolonged hunger strike, concern is expressed for his physical and psychological integrity.</p>	<p>of the Tiraspol regime, impose certain difficulties for the constitutional authorities in order to assure the monitoring of the situation in the Eastern region of the country and the control for invented processes by the separatist regime structures. This fact is very well known by the competent international organisations, in particular UN, OSCE and Council of Europe.</p> <p>Above-mentioned impediments have been the reason for the Republic of Moldova to formulate appropriate reserves in the ratification process of the international instruments in this field, inclusively for the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and European Convention for the Protection of the Human Rights and Fundamental Freedoms.</p> <p>Despite these circumstances, the Moldovan authorities have been informed about the communication regarding the case of Mr. Iurie Matcenco and have been taken necessary actions in order to clarify the facts, which were representing the reason for this appeal. In this context, the Ministry of Internal Affairs, the Ministry of Justice/Department for Detention Facilities, the Centre for Human Rights, and OSCE Mission in Moldova was informed.</p> <p>The national institution responsible for the reintegration of the country send the letters to the political representative in the negotiation process on behalf of the Transnistrian region, international partners implicated in the "5+2" format and the Special Representative in the Republic of Moldova of the Secretary General of the Council of Europe.</p> <p>The evidence data of the Ministry of Internal</p>

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						<p>Affairs certify that Iurie Matcenco doesn't have criminal antecedents. The national authorities' doesn't receive complaints on behalf of victim. The information concerning an eventual criminal, administrative or disciplinary sanction for Mr. Matcenco is missing.</p> <p>From the information received on behalf of the Mr. Matcenco relatives attest that the family didn't received financial compensation on behalf of the Tiraspol administration. According to the available sources, Iurie Matcenco, born on 24.05.1976, Maiaac village, Grigoriopol rayon / district, previously judged four times by the (unconstitutional) "judicial instances" from the Transnistrian region for robbery and swindle, was released conditionally in July 2009, continuing after that criminal activities under varies identities.</p> <p>On 1 September 2009, above-mentioned person was arrested by the police from Bender city, being accused for swindle of financial resources from the citizens under the pretext of concluding official documents (he was presented himself as the representative of the "ministry of the state security of rmn"). Presently, Mr Matcenco is convicted in the penitentiary No.3 from Tiraspol for the violation of the "criminal code" applicable by the separatist administration, gambling a sanction until 10 years deprive of liberty with the property/fortune confiscation.</p> <p>At 7 December 2009, Iurie Matcenco has declared hunger strike as a protest against the actions of the inquiry structures, requesting in particular the change of the Dobrovolskii investigator, which was managed the penal case.</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
176.	UA	01/04/10	TOR		<p>Concerning Mr. Iurie Matcenco, Mr. Boris Mozer, Mr. Alexandr Baluta and Mr. Alexandr Bezrodny. The situation of Mr. Iurie Matcenco was already addressed by a communication to your Excellency's Government on 21 January 2010.</p> <p>Mr. Iurie Matcenco was reportedly again tortured in retaliation to the above-mentioned letter of the Special Rapporteur on torture. Since 17 March 2010, Mr. Matcenco has had internal bleeding and is reportedly without</p>	<p>At 21 January 2010, after hunger strike abnegation, His medical personnel has checked the health status, finding out that he suffer gastritis, abdominal illness, dystrophy and balance loss. Mr. Iurie Matcenco has lost weight with 15-20 kg and demand urgent hospitalisations within medical institution were it will be possible to assure treatment and special assistance. During the period from 21 January to 2 February 2010, the convicted person wasn't investigated. At 2 February 2010, the new investigator has tried to impose with force to sign confessions regarding some actions for which Matcenco refuse to recognise it.</p> <p>The representative of the Tiraspol administration, Mr. V. Iastrebciaak, has communicated that Iurie Matcenco is accused for the swindle and he was previously convicted for similar offences in 1995, 1997, 1999 and 2003. At the same time, de facto authorities of the Transnistrian region declared that the formulated charges by the Mr. Matcenco on the behalf of Transnistrian law enforcement structures wasn't confirmed. The criminal case sues for Mr Iurie Matcenco at law, within limited time framework will be transferred to the judicial instance of the region.</p> <p>By letter dated 1/06/2010, the Government indicated that the Republic of Moldova undertook every possible action to seek the clarification and to ensure the respect of human rights of the above-mentioned persons.</p> <p>The Ministry of Foreign Affairs and European Integration was informed about your appeal the Bureau for the Reintegration, Ministry of Justice, Ministry of Internal Affairs and General Prosecutor Office. At the</p>

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					adequate and urgently needed medical care. . On 24 October 2008, Mr. Boris Mozer was arrested in the Transnistrian region and reportedly severely abused by security services of the company Serif, which appears to be controlled by Mr. Igor Smirnov. Mr. Mozer is reportedly severe asthmatic. Information received suggests that the security forces repeatedly put him under heavy stress and refused him access to his breather. As a result of this and other methods of ill-treatment, he signed a confession in relation to various financial crimes. The trial against Mr. Boris Mozer started on 22 January 2010. His family is very concerned about his health. Mr. Vladimir Mozer, Boris Mozer's father, has not been allowed to visit his son in detention in Tiraspol Penitentiary 3. Mr. Alexandr Baluta has been convicted of murder and is awaiting sentencing since 22 January 2010. He is detained at Tiraspol Penitentiary 3. He was reportedly ill-treated until he signed a confession. Among a number of other irregularities, proceedings against Mr. Baluta have reportedly been held without him being present. Mr. Alexandr Bezrodnay confessed under torture to a number of crimes including theft, hooliganism and use of a weapon after being detained by so-called Transnistrian authorities in the night of 23-24 July 2009. His mother first saw him six days later on 29 July 2009, and he was allegedly "completely bloody, his head was green". The police told her that he was "drunk" and that he had "destroyed a car with his head". Ms. Bezrodnaya was only allowed to visit her son after four months in detention. At present, she only has sporadic access to him. Ms. Bezrodnaya believes that her son is ill and has no access to medical	same time, the Bureau for the Reintegration has sent in this regard the letters to the Political Transnistrian Representative in the negotiation process on behalf of Tiraspol, international partners implicated in the 5+2 format (OSCE Mission in Moldova, Russian Federation, Ukraine, USA and EU) and to the Special Representative of the Secretary General of the Council of Europe in the Republic of Moldova, with the request to contribute at the clarification of the circumstances. The Ministry of Foreign Affairs and European Integration have requested on 19 March 2010 the International Committee of the Red Cross to carry out in urgent regime a fact finding mission to investigate the cases of Mr. Iu. Matcenco and Mr. B. Mozer. According to the ICRC notification, on 29 April 2010, two representatives of the ICRC, inclusively one forensic expert managed to visit and register the both detainees. The conditions of detention have been qualified as good. The convicted persons was interviewed by the ICRC representatives, without witnesses with them and separately. The detailed information regarding the health status wasn't presented because of the confidential character of the ICRC activity. The both detainees have refused to appeal in write form to the ICRC because they have regular contacts with their families, inclusively by phone (once per month) and they can receive family parcels. Nevertheless, the Moldovan authorities will continue to monitor the above-mentioned cases and will do all the necessary measures in order to assure the respect of the human rights in the Transnistrian region of the Republic of Moldova.

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					assistance in prison.	
177.		17/08/10	UA	TOR	<p>Concerning Mr. Grigori Djoltaili, a member of the Church of Evangelical Christians of Baptists in Tvarditsa village, Taraclia County, Republic of Moldova.</p> <p>Mr. Grigori Djoltaili has allegedly been intimidated and physically assaulted by members of the majority Orthodox community in his village of Tvarditsa in Taraclia County. Reportedly the head of the local school did not allow him to complete his studies because Mr. Djoltaili's parents are also members of the Church of Evangelical Christians of Baptists. Mr. Djoltaili ceased studies with an incomplete secondary education in 1991. In 1994, members of the Orthodox community of St. Pareschiva Church in the Tvarditsa village, Taraclia County, broke the gates of his house and entered his house without his permission and tried to kill his mother and father. His father was 60 years old at the time and his mother was 58. During the same events, the members of the Orthodox community also tried to assault him, but failed. In 1994, Mr. Djoltaili submitted a complaint concerning these events to the prosecutor's office in Chadirlunga, but no action followed. Since then, Mr. Djoltaili has reportedly lived in extreme poverty, suffering also from malnutrition, among other things because of the marginal position to which he has been forced as a result of his minority religious affiliation.</p> <p>On 12 July 2010, between 8:00 p.m. and 9:00 p.m., Mr. Djoltaili was approached in the Tvarditsa village by a person named "Alexei" who reportedly works for the Christian Orthodox St. Pareschiva Church. This person used threatening words and degrading terms and threatened to beat Mr. Djoltaili. There was a police car nearby, with a person in civil</p>	

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					<p>clothes inside. These persons were witness to the threats, however, they did not intervene but rather drove away.</p> <p>Two days later, at a local Internet café, the person named “Alexei” reportedly told other individuals that he and the police officer were planning to beat Mr. Djoltaili. On 15 July 2010, when Mr. Djoltaili left an Internet café, some persons followed him and used insulting phrases about his faith in Jesus Christ and his affiliation with the Baptist Church. They threatened that they would beat him intensely and would throw him into the local canal. Persons involved in this incident included the police officer Mr. Fyodor Maev.</p> <p>Approximately one hour later on 15 July 2010, Mr. Ivan Arihov allegedly struck Mr. Djoltaili physically. This assault was stopped as a result of the intervention of a third party. On the same night, while Mr. Djoltaili was going home, a car stopped nearby. Several people got out of the car and ordered him to approach. Mr. Djoltaili refused and began to flee down an illuminated path.</p> <p>On 20 July 2010, Mr. Djoltaili submitted a complaint to the prosecutor in Taraclia town. Following this complaint, the threats and attacks against him increased. Several days after submitting this complaint, and apparently as a result of the complaint, Mr. Ivan Arihov threatened to kill him. In addition, the local police officer required Mr. Djoltaili to attend the police station and put pressure on him to write another communication to the prosecutor, in which he would withdraw his complaint. Mr. Djoltaili is regularly called from unknown telephone numbers with similar pressure and threats to withdraw his complaint. A neighbor also informed Mr. Djoltaili that unknown persons came looking for him while he was not</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					at home.	
178.		22/09/10	UA	TOR	<p>Concerning the ill-treatment of Mr. Jereghi Simion and other detainees at Cahul Penitentiary No. 5.</p> <p>On 13 May 2010, Mr. Jereghi Simion, a detainee at the Cahul Penitentiary No. 5, was reportedly subjected to physical ill-treatment by the Head of the Duty Unit, Mr. Racovita Ion, the Deputy of the Duty Unit, Mr. Urmanji Ghenadie, and the Officer on Duty, Mr. Rogoza Ion, causing him 13 bodily injuries, mainly on the kidneys, back and face.</p> <p>Mr. Simion tried to file a claim against the officials of the penitentiary No. 5, which was reportedly refused by the Military Prosecutor's Office, alleging that there was no evidence of any ill-treatment. It was reported however, that Mr. Jereghi Simion had a medical certificate proving the injuries. The Court of Cahul also issued a decision requesting the Prosecutor's Office to initiate a criminal investigation, which was refused by the Prosecutor's Office.</p> <p>Mr. Simion was subjected to continuous psychological pressure and threats by the Penitentiary staff, and was beaten for filing a complaint. He was also held in solitary confinement for a long period of time. In addition, the poor quality and small quantity of the food received has deteriorated his health.</p> <p>Furthermore, on 26 August and 3 September 2010, five other detainees, including Mr. Musteata Veaceaslav, Mr. Moroiaru Roman, Mr. Ignat Viorel and Mr. Bujor Gheorghe were reportedly ill-treated during their month-long detention in the Penitentiary No. 5.</p>	
179.	Romania	29/09/10	AL	TOR	Concerning the following incidents involving allegations of torture and ill-treatment of the following individuals by State officials: Mr.	By letter dated 17/12/2010, the Romanian Government indicated the following:

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>Romica Baba, aged 21, Mr. P. C. aged 18, Mr. R.M., aged 17, Mr. Cosmin Olteanu, aged 29, Mr. Vasile Vasile, aged 19, Mr. Ionut-Viorel Bulanas, aged 19.</p> <p>On the evening of 18 February 2008, Mr. Olteanu was reportedly subjected to physical violence at the Panciu City Police Station, Iasi County, by Chief Agent Grosu Vasile and Superintendent Belibou Constantin of the Panciu City police service. The victim was repeatedly hit over the head and body, including ribs, liver, kidneys and the neck. He was threatened with heavy penalties and prison if he did not confess to theft. As a result of the beatings, he suffered liver and kidney injuries as well as neck pains, headaches and a bleeding lip. Over the four nights that Mr. Olteanu was kept in detention, he reportedly experienced insomnia, fear, dizziness and headaches. He was kept without food and water. At the ensuing trial, Mr. Olteanu reported the beatings and ill-treatment to the magistrate court, which did not take any action. Subsequently, Mr. Olteanu's complaint against his treatment at the hands of the police and prosecutors was rejected by the Galati court of appeal on 18 August 2009. Mr. Olteanu also petitioned a higher court to review the case, but this appeal was also rejected on 28 June 2010.</p> <p>On 31 December 2009, Mr. Bulanas was reportedly subjected to torture and ill-treatment at the Tichelesti Penitentiary by Vasilache, an officer from the penitentiary intelligence services and Danut, a warder. The victim was beaten with rubber sticks on his feet and threatened with death. Consequently, he developed swellings in his legs, sharp pain in his ribs, kidneys and feet as well as dizziness and numbness in parts of his body. We have received three reports of cruel punishment</p>	<p>Mr. Olteanu Cosmin was placed under criminal investigation for committing, in actual concurrence, several crimes of first degree theft, robbery, burglary and destruction, with several injured parties. On February 29, 2008, he was placed in police custody for 24 hours and, on March 1, 2008, he was placed under preventive arrest for 29 days. During the criminal investigation, he was questioned on the following dates: February 6, February 29 and March 1, 2008, in the presence of his public defender. Therefore, no hearing took place at the date mentioned in the letter of the Special Rapporteur. The Panciu Court has sentenced Mr. Cosmin Olteanu to 10 years term of imprisonment, to be served in detention. The Vrancea Tribunal allowed the appeal of the petitioner but reversed only the decision of the lower court with regard to the accessory punishment. The other provisions of the Panciu Court decision were maintained. This ruling became permanent upon being issued by the Galati Court of Appeal which dismissed the appeal on points of law as unsubstantiated. Throughout the judicial proceedings of the first instance court and the appellate courts, the indicted person claimed he had not committed the crimes he was accused of and that his confession was obtained by means of violence exerted by the police. Both the first instance court and the two appellate courts ruled that the abovementioned line of defence was unsupported, as all hearings during the criminal investigation took place in the presence of an attorney, which would make the resort to violence or to the other means of pressures impossible. Mr. Olteanu Cosmin has also asked for a revision of the court decision, on grounds of a forced confession.</p>

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					<p>meted out to Mr. Bulanasi, including being kept in solitary confinement from his arrest until 19 February 2010. When the victim complained about his treatment, Mr. Vasilache reportedly threatened the victim with transfer to a maximum security facility; if he did not withdraw the complaint he had made against him. On 30 July 2010, the Braila Court dismissed the complaint before Mr. Bulanasi could present his arguments and witnesses' testimonies in support of his case. The complaint was reportedly dismissed before it was presented to the court.</p> <p>On 14 January 2010, Mr. M., a Roma, was allegedly subjected to torture and ill-treatment at Buzau Police Station, by several police officers, including Valeriu Iamandi, Manole, Vergu Daniel and Cucu. The victim was allegedly taken to a room where the policemen handcuffed him to a radiator. They proceeded to beat him with their fists, feet and a piece of wood similar to a chair leg. He received kicks to the stomach, ribs, head, feet, hands and over his face. During the assault, the policemen would take a break and verbally abuse him by calling him a "crow" (pejorative appellation for Roma ethnic). The victim alleges that he was beaten to induce a confession that he and Mr. Vasile had been involved in theft. The beatings resulted in bruises, swelling, scratches on his face, pain in the neck and ribs, and difficulty to breath.</p> <p>On 1 May 2010, on the 1st floor of the Buzau Police Station, Mr. Vasile, a Roma, was reportedly subjected to torture to obtain a confession from him. The victim was reportedly put on a chair and hit with fists over the entire body while the police yelled at him and threatened to kill him. They beat him repeatedly for approximately 15 minutes. He</p>	<p>The request for extraordinary review was dismissed by the Panciu Court and this ruling became permanent upon a criminal decision of the Galati Court of Appeal</p> <p>On May 18, 2009, Mr. Cosmin Olteanu lodged a complaint with the Prosecutor's Office for abusive conduct, illegal arrest and abusive investigation. Mr. Olteanu claims that police used physical violence against him in order to force him to confess to the crimes he was being accused of. At the same time, he claimed that agents used physical violence against him on February 29 and March 1, 2008, during his stay at the Detention Centre, and that he was not allowed for medical examination to ascertain his physical lesions. The prosecutor decided not to initiate the criminal investigation against the alleged perpetrators, as the claims could not be substantiated. Mr. Olteanu has challenged this decision. The General Prosecutor of the Prosecutor Office attached to the Galati Court of Appeal has dismissed this complaint as groundless. The decision was communicated to the petitioner within the prescribed legal period. Mr. Olteanu did not challenge the prosecutor's ordinance in court, in accordance with the available means of judicial control no sanctions were taken against the police employees in question.</p> <p>Mr. Ionut Viorel Bulanasi is detained in the Galati Penitentiary, serving a 2 years and 10 months term of imprisonment for committing several first degree theft. The Fetesti Court placed Mr. Bulanasi under preventive arrest on July 24 2008, which was maintained throughout the judicial proceedings. Based on the report no. 82 of July 24, 2008, the accused presented only two small lesions at head level at the moment of his arrest. He was</p>

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					<p>reportedly suffered headaches, pain in the back, neck and kidney. They took him to the hallway where another person was being held, and handcuffed the two with the same pair of handcuffs.</p> <p>On the evening of 25 May 2010, 12 masked men entered room 2 of the Tichelesti Penitentiary and requested Mr. Baba to pack his bags. The victim was then kicked and punched in the face and on different parts of his body, reportedly in the presence of Mr. Neagu, Prison Director. When the victim reportedly fainted during the attacks, the officers sprinkled him with water to regain consciousness and continue to beat him. He was also threatened with death by prison officials. The victim suffered cracked lips, loss of teeth, a broken nose, bleeding nose and mouth, bruises on the ribs and face, and shortness of breath. Some of the symptoms persist to this day. The victim reports that he was also accused of beating two detainees; who were put in his room following their ill-treatment at the hands of the prison warders.</p> <p>On 25 May 2010, in section 1 of the Galati Penitentiary, Mr. C. was subjected to a physical attack which resulted in the victim needing medical treatment for a cracked head, swollen jaw, bleeding of the lips, loss of teeth and the inability to eat. The incident was allegedly carried out by the officers and supervisors from rooms 2 and 10, namely Mr. Neagu, Prison Director; Adi and Chitu, officers of the penitentiary intelligence services; Cimpeanu, prison supervisor; and Sisu, Gabi and Baciu, warders.</p>	<p>transferred from the Detention Centre of Ialomita County to a Penitentiary on August 13, 2008 and further moved to the Tichilesti Penitentiary for Minors and Young People on February 6, 2009.</p> <p>On December 30, 2009, Bulanasi Ionut-Viorel and other prisoners used violence against another prisoner. Following the aggression, the prisoner was rushed to the medical ward of the prison and to the Emergency County Hospital in Bralia – the Emergency Unit, with the presumptive diagnosis of “skull, chest and upper lip lesions”. On December 31, 2009, the management of the Penitentiary decided to separate the aggressors from the group, so as to prevent them from exerting physical or psychological pressure on the other persons in the room or to influence the investigation. In order to determine the administration to give up this measure, Stoica Cristian and Bulânasi Ionut-Viorel instigated the other inmates not to go to the mess room for dining , to barricade in the room, light their cushions on fire and break the windows. These actions raised high security risks for the detainment place. Bulânasi Ionut-Viorel became recalcitrant and refused to accept the detailed corporal search and the check-up of his belongings, activities undertaken while getting the prisoners out of the room, in compliance with the specific security procedures. However, no force or immobilization measures were further used to transfer the prisoners out of that room.</p> <p>Moreover, Bulânasi Ionut-Viorel does not feature in the records of the medical unit of the penitentiary with medical examinations or other clinical observations on December 31, 2009 or during the next days. The chief</p>

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						<p>prison inspector was present at the level of the detention section on December 31 2009, which accounts for the refusal of the three prisoners to obey the order of getting out of the room and their instigation of others to disobedience acts and the disturbance of order in the detention place.</p> <p>Three different reported incidents were made with reference to prisoner Buânasi Ionut-Viorel for each disciplinary infringement, as follows:beating an inmate, instigation to revolt and disobedience to search measures. The applied sanctions were challenged by the inmate before the delegated judge, who dismissed the complaints and maintained the decisions of the Penitentiary administration, noting that they were legal and substantiated.</p> <p>Since his incarceration, Bulânasi Ionut-Viorel has constantly displayed inappropriate behavior, receiving 13 sanctions for various disciplinary infringements. Since his arrival at the Tichilesti Penitentiary for Minors and Youngsters, the prisoner Bulânasi Ionut-Viorel was quartered in rooms adequate to his detention regime and age</p> <p>The prisoner Bulânasi Ionut-Viorel was quartered alone in the room only in the period 15 – 18 January 2010. This was not a disciplinary sanction but happened because another prisoner, quartered in the same room, was transferred to the Slobozia Penitentiary for judicial proceedings. There are complaint by Mr. Bulânasi Ionut-Viorel against staff members of the Penitentiary. The administration of the detention section has communicated that none of members of the staff was summoned by penal bodies with respect to these events, during the reference period or after. Furthermore, the above-</p>

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						<p>mentioned detainee did not put forth any judicial actions during December 31, 2009 – July 30, 2010, when he was transferred from the unit where the incidents took place.</p> <p>Mr. Romica Baba is serving a 5 years and 8 months term of imprisonment for committing several first degree theft. He was placed under 24 hours custody on February 5, 2009 and under preventive arrest the following day. The preventive arrest was maintained throughout the judicial proceedings. Based on the body search report dated February 5, 2009, the accused did not present any signs of violence at the moment of his arrival to the Detention Centre of the Galati Police Inspectorate. On February 27, 2009, he was transferred to the Tichilesti Penitentiary for Minors and Youngsters.</p> <p>Mr. P.C is detained in the Galati Penitentiary to serve a 8 years and 6 months term of imprisonment. In response to the petitioner's allegation that he was physically assaulted on May 25, 2010 during his stay in the Galati Penitentiary, it should be mentioned that he was transferred to the Galati Penitentiary only on July 6, 2010. Moreover, the records of the Tichilesti Penitentiary for Minors and Young People do not stipulate any negative event involving prisoners Baba Romica and C.P.on May 25, 2010. It is likely that the petitioner refers to another event involving the two above-mentioned people, dated April 26th 2010.</p> <p>Thus, on April 26, 2010, guardian noticed that prisoners EML and NL, confined in room no. 2 designated to lodge young detainees in closed prison regime, WGEIDlayed signs of physical aggression on their faces and arms. Preliminary inquiries showed that they were physically harmed in the detention room by</p>

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						<p>several other prisoners, including Baba Romica and C.P..</p> <p>The two victims were taken to the prison surgery ward, and the Braila County Hospital for thorough health investigations. While taking the victims to the hospital, the Head of the Shift Work has informed the management of the prison on the event. He ordered the aggressors to be moved to another detention room up to the end of the investigation. The prisoners in question refused to obey the command they had received; accordingly, the Deputy Director decided to have them immobilized, which requires the use of physical force and rubber truncheons. In a short while their disobedience came to a halt and the prisoners complied to the commands. After the incident was solved, the detainees were taken to the prison surgery ward.</p> <p>The prisoner C.P. was diagnosed with "neurovegetative disorders with psychomotor agitation". The medical examination registry states that the prisoner Baba Romica was without subjective complaints". The prisoner M-L was diagnosed with: "Violent traumatism to both arm and forearm, violent traumatism in the right thorax posterior area". For this reason, he was taken to the Emergency Unit of the Braila County Hospital,</p> <p>The prisoner NL was diagnosed with: Multiple blows to the right temporal". Thus, he was also taken to the Emergency Unit of the Braila County Hospital. After having the aggressors moved to another room, there was an order to search room no. 2. Additional forbidden objects were discovered on this occasion, such as metal bars coming from a dissembled chair in the room and some bed parts, which had been used to attack the</p>

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						<p>prisoners EML and NL. As for the detainee's statement that "12 masked men got into the room", we must mention that although a specialized intervention structure is indeed foreseen in the organizational chart of the prison, this team was never set up at the level of the Tichilesti Penitentiary for Minors and Young People. Sixteen prison agents under the command of an officer were scheduled in the guard and surveillance service on the evening of April 26, 2010. Six out of the sixteen scheduled agents were in guarding positions inside the detention area, two in the controlling positions and two in the surveillance positions of Interior Wing no. 2, namely the prison agro-zoo-technical farm, which would make it physically impossible for them to be present in Detention Wing no. 1, where room no. 2 is. According to the decision taken by the Deputy Director, there were 4 agents under the command of the Head of the Shift Work (an officer) participating to the moving of the prisoners who had physically harmed detainees EML and NL. Thus, after the prisoners were summoned to obey the instructions they had received, the staff members assigned by the Deputy weighed down the prisoners by using physical force and rubber truncheons. As mentioned above, the investigation reached the conclusion that the inmates did not require medical care after the immobilization process. Since his incarceration, Mr. Baba Romica has received 7 disciplinary sanctions for different cases of misbehaviour. Mr. Baba Romica received no compensations while serving his prison sentence. During his stay in the Tichilesti Penitentiary for Minors and Young People. On June 11, 2010, he was transferred to the Galati Penitentiary. As a general observation, while serving his</p>

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						<p>sentence in the Tichilesti Penitentiary for Minors and Young People, Mr. Baba Romica and C.P. WGEIDelayed aggressive behaviour both towards other detainees and staff members, which led to a progressive change in his detention regime to a more severe one. The documentation in his disciplinary file proves that he continued to have an aggressive behaviour in the Galati Penitentiary, where he used violence against another room mate by tying his arms with a belt and beating him in order to gain material advantages. Since his incarceration, Mr. C.P.received 23 disciplinary sanctions for different cases of misbehaviour. Mr. C.P. received no compensations during the period of executing his sentence. During his stay in the Tichilesti Penitentiary for Minors and Youth, Mr. C.P.was quartered in rooms intended for his age and detention regime</p> <p>Mr. R.M and Mr. Vasile Vasile have been investigated by the Prosecutor's Office attached to Buzau Court for robbery.</p> <p>On January 7, 2010, the prosecutor decided to initiate criminal proceedings against Mr. .M.for having committed robbery. The minor was interrogated in the presence of a legal guardian . Following this hearing, he left the Buzau Police Headquarters accompanied by his mother.</p> <p>On January 8, 2010, the police requested the Prosecutor's Office to seize the court in order to take Mr. Macelaru under preventive custody. The court responded to the prosecutor's proposal and decided to take this measure in the absence of the accused, who was declared under pursuit. On January 12, 2010, the Court confirmed the measure of preventive arrest in the presence of the designated attorney of the petitioner. Based</p>

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						<p>on body search report no. 16 of January 12 2010, Mr. M. did not WGEIDlay any signs of violence on his body at the moment of his arrival at the Detention Centre of the Buzau Police Inspectorate. The indicted appealed the measure of preventive arrest on January 14, 2010 and the court ruled in his favour, ordering his release. On January 14, 2010, the indicted was interrogated by the prosecutor at the Buzau Court headquarters in the presence of his attorney, a probation counsellor and a legal guardian. Therefore, at the above-mentioned date, he was not questioned by any of the police employees mentioned in the Special Rapporteur's letter. On January 14 2010, the Buzau Court decided to place Mr. M. under preventive arrest for a period of 18 days, which was extended and maintained throughout the judicial proceedings. Mr. M.'s hearing took place in full observance of procedural norms regarding the treatment of minors. According to the body search report dated January 14, 2010, he did not WGEIDlay any signs of violence at the moment of his placement under arrest. At the same time, the reports dated January 14 and February 4, 2010, on the restitution of property withheld during the body search, include a hand-written declaration from the indicted person stating that he has received all his belongings and was not "beaten". On January 8, 2010, the Buzau court decided to place Mr. Vasile Vasile under preventive arrest for a period of 29 days, which was extended and maintained throughout the judicial proceedings.</p> <p>Based on the body search report, the indicted did not WGEIDlay any signs of violence on his body at his arrival at the Detention Centre. He was transferred to the Focsani Penitentiary on January 28, 2010 and has never returned to</p>

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						<p>the Buzau police for investigations.</p> <p>- Mr. M. R. to a 5 years term of imprisonment, to be served in detention. for having committed, in real concurrence, several crimes of first degree theft and robbery.</p> <p>- Mr. Vasile Vasile to a 5 years term of imprisonment, to be served in detention, for having committed the crime of robbery.</p> <p>The Court has dismissed the appeal formulated by the above-mentioned indicted persons. The court decision is not permanent, as the two petitioners appealed the decision on points of law on November 3, 2010. The indicted persons did not declare before the court to have been subjected to violence throughout the criminal proceedings. Moreover, they did not file a complaint against the police employees involved in this criminal case.</p>
180.		30/09/10	UA	TOR	<p>On 2 March 2010, at Paunesti-Focsani Village Police Station, Vrancea County, Mr. V. F.D, a Roma, was reportedly tortured by the Chief of Police Station, Munteanu Ionel, and police officer Catalin. He was subjected to electric shocks to his chest, hands and feet. As a result, he suffered from headaches, a swollen head and neck, dizziness and blurred vision for several weeks. There are also still visible signs on parts of his body where the electric shocks were administered. The victim alleges that he was handcuffed at the entrance of the police station, where he was mocked and laughed at by passersby. Mr. V claims that he has, on several occasions been victim to ill-treatment from the same police officers.</p> <p>On 20 August 2010, a complaint was made to State prosecutor of Focsani; the victim alleges that the prosecutor told him the case was</p>	<p>By letter dated 13/11/2010, the Government indicated that Mr. V.F.D, was placed under criminal investigation for having committed, several first degree theft and violation of domicile, in Vrancea county, between 14 September 2009 and 8 February 2010.</p> <p>Given that the accused, Mr. V., was trying to elude the investigations, the prosecutor issued a warrant in order to bring him before the Prosecutor's Office. On the evening of 26 February 2010, he was arrested by two police officers. Taking into account the late hours, the accused was accompanied to his residence, before being summoned for hearings on 1 March 2010. The accused was taken for hearings to the Prosecutor's Office attached to the Adjud Courthouse, in the presence of his mother and of a lawyer (him being a minor). However, the hearing did not</p>

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					<p>unlikely to succeed as the complaint was made too late. It is alleged that the prosecutor informed Mr. V that it was normal to be beaten by the Police, as Mr. V was guilty of stealing, and required him to re-write his complaint by deleting sections related to the use of electric shock on him.</p> <p>As of 28 September 2010, Mr. V was on admission at the Focsani Prison infirmary due to being repeatedly beaten by inmates. According to a declaration of the prison's chief of social and medical services, Mr. V suffers from an advanced stage of mental illness, including paranoia. He is said to fear everything around him, particularly, the authorities. His condition was worsened considerably by the fact that he did not seek early medical assistance for his condition. He is reported to have lost a lot of weight.</p>	<p>take place because the supervising prosecutor had been called to another case. The accused was summoned again on 3 March 2010 and the hearing took place at the above mentioned Prosecutor's Office. Based on the criminal investigation documents, the accused has never been questioned by the chief of the Paunesti Police Station. The questioned mr. V, once, later to the date mentioned by Mr. V. and prior to the date of preventive custody (3 March 2010), in the presence of his mother and of his attorney, Mr. Mihai Cost* from the Vrancea Bar Association. In conformity to the relevant legal provisions in force and to the procedural norms applying to minors, all hearings of Mr. V. have taken place in the presence of a representative of legal guardianship, namely his mother and of his ex-officio attorney. On 4 March 2010, the prosecutor issued a 24 hours retention ordinance for Mr. V. The accused was taken to the Retention and Detention Facility Centre attached to Vrancea County Police Inspectorate, by police officers from Adjud City Police. He was placed under preventive arrest for a period of 29 days. On 25 March 2010, Mr. V. was transferred to the Focsani City Penitentiary.</p> <p>On 11 October 2010, the Adjud Courthouse sentenced Mr. F. V. to one-year term imprisonment, to be served in detention, for having committed, in actual concurrence, several crimes of first degree theft and violation of domicile. The prosecutor filed an appeal against this judgment.</p> <p>The letter mentions that the accused was subjected to repeated acts of torture consisting of electric shocks to his chest, hands and feet'. As a result, the accused suffered from, headaches, a swollen head and</p>

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						<p>neck, dizziness and blurred vision for several weeks." According to the relevant Romanian authorities, the Paunesti Police Station and the Adjud City Police have never been provided with or possessed electric shocks devices or electric vault sticks. Moreover, whenever a person is being taken in Retention and Detention Facility Centres attached to County Police Inspectorates, a body search report is being issued, in order to attest the absence of any kind of body signs which would indicate whether violence has been used against that person. In the case under discussion, the body search carried out when the accused was taken in the Retention and Detention Facility Centre attached to the Vrancea County Police Inspectorate did not reveal the presence of any sign of violence. In addition, the accused did not declare that he had been subjected to violence during his arrest. Therefore, he was declared "clinically healthy" by the physician who provides the medical assistance in the detention facility. For this reason, a full medical examination was not conducted. Throughout his period of detention in the Retention and Detention Facility Centre, the petitioner has not requested medical assistance. The petitioner was subjected to another medical examination in the context of his transfer to the Focsani Penitentiary. The medical report on entering the penitentiary (25.03.2010) mentions: "in good health, without signs of bodily violence". Similarly, he did not report any acts of violence perpetrated against him to the probation counselor in charge with his hearing for admittance into the Focsani Penitentiary. Furthermore, throughout the judicial trial, the indicted person did not mention that he had been subjected to violence, during hearings, by police officers</p>

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						<p>or in the penitentiary, by other inmates.</p> <p>On 20 August 2010, the petitioner submitted a criminal complaint to the Prosecutor's Office attached to the Vrancea county Tribunal against police at the Paunesti Police Station, claiming the use of violence and the appliance of electric shocks against him. As a result of this complaint, an investigation is underway. During his hearings of 3 September and 6 October 2010, Mr. V. claimed, before the prosecutor, that he had been beaten up by the above-mentioned police agents, requesting the questioning of other persons who could confirm his claims. However, he mentioned different dates when the alleged offences were committed. When questioned as proposed witnesses, the mother of the accused, his grandmother, and Mr. Andrei Tinca declared that they had not seen signs of violence on his body and have never heard him talking about the electric shocks. The alleged perpetrators also declared that the Paunesti police stations had never possessed electric shocks devices or electric vault sticks.</p> <p>As mentioned above, the criminal investigation into the alleged offences committed by the two police agents is ongoing. The application of sanctions or other measures would depend on the results of this investigation.</p> <p>On 8 April 2010, around 1.30 p.m., the persons in custody V. F.-D. and M.C.M claimed that they had been physically and sexually assaulted by a cellmate, M. R., a minor, during the previous night. On the same day, at around 4.30 p.m., the injured persons were brought to the medical unit of the penitentiary, where they were examined by the chief physician. Mr. V medical report contains the following references: "Patient</p>

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						<p>agitated. Claims pain in the right limb. Without any other subjective claims. Objective evaluation — sensitive on palpation on the right hypochondriac. For the rest, clinically healthy at the moment of examination. Without signs of external bodily aggression, with the exception of an ecchymosed area, pale-yellowish of 2/1,5 cm, under way of vanishing, at the level of the superior 113 left arm, the external part." He received symptomatic treatment (distonocalm, extraveral, algocalmin).</p> <p>On 9 April 2010, Mr. V. was also taken for examination to the Vrancea Service of State Medicine. The medical and legal findings report ascertains that the detainee presented traumatic lesions corresponding to the consumption of oral sex and to at least one attempt of anal intercourse that can be dated on 7/8.04.2010. He was recommended 2-3 days of medical care for healing.</p> <p>The management of the Focsani Penitentiary took the following measures:</p> <ol style="list-style-type: none"> 1. notified the delegated judge supervising the execution of sentences: 2. seized the Prosecutor's Office attached to the Focsani Courthouse on the alleged crime of rape committed by M. R.; 3. informed the National Penitentiary Administration on the incident 4. initiated disciplinary proceedings against the aggressor detainee. <p>Following investigations, the Prosecutor's Office attached to the Vrancea county Tribunal decided, by resolution no. 920/P/2010 of 16 June 2010, not to initiate criminal prosecution for crimes of rape committed against M.M.C. and V. F.D., given</p>

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						<p>that the injured persons withdrew their complaint during the hearing of 8 June 2010.</p> <p>4.3. Between 1 and 24 September 2010, V.F.D. was warded in the penitentiary infirmary for diskinetetic biliary colic, subacute pharngotonsilitis and acneiforme lesions. He was treated and discharged from the medical centre. Due to the fact that the detainee did not present bodily injuries, the supervising judge affiliated to the Focsani Courthouse was not informed on this case. An incident report was drawn up and the aggressor detainee received a disciplinary sanction by the Discipline Commission, namely the suspension of the right to receive and buy goods, with the exception of those necessary for personal hygiene, for a period of one month.</p> <p>With reference to the data mentioned by the letter of the UN Special Rapporteur, the documents existing at the Focsani Penitentiary indicate that the second hitting case took place on 24 September 2010, On 28 September 2010, Mr. V.F.D. was not brought to the medical office and his name does not appear in the medical record of that day.</p> <p>4.4. On 29 October 2010, he was examined by a specialist in dermatology and venereal diseases in the penitentiary and received treatment for his dermatological problem of the face.</p> <p>4.5. Based on the medical record of the detainee, corroborated with the psychological profile of the minor, the conclusions of the chief physician and the chief of the education, psychological and social assistance service of the penitentiary, no grounds have been found to support the assertion that the detainee V.</p>

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181.	Russian Federation	23/06/10	JUA	HRD; IJL; TOR	<p>Concerning Ms. Sapiyat Magomedova, human rights lawyer in the Republic of Dagestan. Ms. Magomedova works at the Omarov and Partners law firm, which is well-known for its commitment to human rights and frequently takes on cases related to abductions, torture and extrajudicial executions in the Republic of Dagestan. Ms. Sapiyat Magomedova has also filed four applications with the European Court of Human Rights, claiming violations of the rights of her clients by the police and the prosecutor's office in Khasavyurt. Ms. Magomedova had reportedly been previously threatened by the prosecutor and by members of the investigative committee under the prosecutor's office in Khasavyurt.</p> <p>On 17 June 2010, at around 4:00 p.m, Ms. Sapiyat Magomedova went to the Khasavyurt police station (GOVD – City Interior Division), to visit a client, Ms. Malika Evtomirova, who had been arrested earlier that day. Ms. Magomedova was denied access to her client by a detective, Mr. Zakir Stamulov. Subsequently, Mr. Stamulov ordered four police officers from a special riot unit (OMON) of the Khasavyurt police station to remove her from the premises. The four policemen reportedly severely beat Ms. Magomedova, before dragging her out of the police station upon orders of Mr. Shamil Kerimovich Temigereev, the chief of police. Ms. Magomedova's mobile phone was smashed and</p>	<p>F. → D. suffers from a mental illness in advanced stage, as mentioned in the letter of the UN Special Rapporteur.</p> <p>With regard to the alleged massive weight loss, Mr. V. had a corporal weight of 66 kg when entering the penitentiary (25 March 2010) and a weight of 67.5 kg on 1 November 2010.</p> <p>By letter dated 13/08/2010, The Government of the Russian Federation indicated that the allegations made by Ms. Sapiyat Magomedova's lawyer concerning the use of force against her on 17 June 2010 by officers of the Internal Affairs Department in Khasavyurt, Republic of Dagestan, have been verified by the investigation department of the Bureau of Investigation reporting to the Federal Procurator's Office in Dagestan. As a result of the verification, criminal proceedings were instituted on 1 July 2010, as case No. 06836, under article 286, paragraph 3 (a), of the Criminal Code (improper exercise of authority).</p> <p>The necessary investigative work is being conducted. The accounts of injury to, and misappropriation of the property of, Ms. Sapiyat Magomedova, and the link between those crimes and her activities in defence of human rights will be verified during the investigation. The Dagestan Procurator's Office is monitoring the investigation.</p>

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					<p>her chain stolen, as she was left laying unconscious outside the security checkpoint of the police station.</p> <p>Ms. Magomedova was taken by ambulance to the Khasavyurt City Hospital, where she remained unconscious until the evening. A staff forensic doctor allegedly refused to record Ms. Magomedova's injuries.</p> <p>Concern is expressed that the assault and beating of Ms. Sapiyat Magomedova by officers of the Khasavyurt police station may be related to her activities in defence of human rights, in particular regarding the court proceedings she had initiated alleging ill-treatment and violations of clients' rights by the Khasavyurt police station and prosecutor's office. Further serious concern is expressed regarding the physical and psychological integrity of Ms. Sapiyat Magomedova.</p>	
182.		19/10/10	JUA	WGAD; FRDX; HRD; TOR	<p>Concerning the situation of Mr. Aleksei Sokolov. Mr Sokolov is the Head of "Pravovaya Osnova" (Legal Basis), an organization which campaigns against torture and other ill-treatment of people held in the Russian Federation's places of detention, and a member of the civic supervisory committee on places of detention appointed by the Russian Federation Parliament.</p> <p>Mr. Sokolov has been in detention since May 2009 facing various charges and different judicial processes. Mr. Sokolov was the subject of a communication sent to Your Excellency's Government on 25 August 2009 by the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on torture and other cruel,</p>	

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					<p>inhuman or degrading treatment or punishment. We acknowledge the reply received from your Excellency's Government on 19 November 2009.(A/HRC/13/39/Add.1 para 219)</p> <p>On 18 August 2010, Mr. Sokolov was sentenced on appeal by the Regional Court of Sverdlovsk to three years' imprisonment in a high security colony. He will serve one year and a half, due to his previous detention on remand. Reportedly, Mr. Sokolov intends to lodge a second appeal. According to the information received, the documents manually drafted by Mr. Sokolov in preparation of the discussions with his lawyer have been consistently confiscated by the prison guards, therefore obstructing his right to defend himself.</p> <p>Mr. Sokolov was originally arrested on 13 May 2009 in relation to a robbery in 2004. On 14 May 2009, the Verkh-Isetsy court in Yekaterinburg authorized Mr. Sokolov's arrest for a period of ten days. However, he was subsequently held in detention until 31 July 2009 when the court ruled to overturn the decision to remand him in custody. New charges of robbery under Article 162, Part 4 of the Criminal Code were filed on 31 July 2009, the same day that Mr. Sokolov was released from detention by the Sverdlovsk regional court. On 13 May 2010, Sverdlovsk regional court found Mr. Sokolov guilty of the robbery and he was sentenced to five years in prison. On 18 August 2010, during the first court appeal, Mr. Sokolov's had his sentence reduced from five to three years.</p> <p>On 25 August 2010, the family and legal representatives of Mr. Sokolov were informed that, at the decision of the Russian Prison Service, he had been transferred from</p>	

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					<p>Yekaterinburg to Krasnoyarsk, more than 2,000 kilometers away from where his family lives. Moreover, allegations received indicate that Mr. Sokolov was beaten by the police during the transfer from Yekaterinburg to Krasnoyarsk while he was detained at the FGU IZ-54/1 Remand Center in Novosibirsk (Western Siberia). Reportedly, on 30 August 2010, the Prosecutor's office confirmed the illegal use of physical force against Mr. Sokolov confirming the use of a special device "PR-73 (baton)" by the prison authorities on Mr. Sokolov. This transfer will make it more difficult for Mr. Sokolov to communicate with his family and lawyers.</p> <p>According to the reports received, since January 2010, Mr. Sokolov has suffered repeated attacks by his cell mates. On 17 January 2010, at the Kamychlov detention centre, Mr. Sokolov was assaulted by his cell mate who threw boiling water at him before attacking him. Officials reportedly witnessed the scene without intervening. One of them finally entered the cell, and shouted to his colleagues: "Sokolov attacked a co-detainee and is beating another one". Following this assault, on 18 January 2010, Mr. Alexei Sokolov was reportedly transferred to the Soukhoi Log detention centre, where he was assaulted by his new cell mate, who hit him in the jaw and threatened him as follows: "We already warned you but you still don't understand". This cell mate is allegedly one of those responsible for the re-opening of the investigation against Mr. Sokolov on 23 April 2009. The various petitions for provisional release of Mr. Sokolov lodged throughout the process have been reportedly rejected by the court.</p> <p>Concern is expressed about the physical and</p>	

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					<p>mental integrity of Mr. Sokolov and about allegations indicating that his situation and the various judicial processes against him may be related to his activities as a human rights defender, more specifically his work against torture and ill-treatment including monitoring places of detention. Serious concern is expressed about the allegations received indicating that Mr. Sokolov was beaten by prison guards at the Novisibirsk Remand Center during his transfer to the Krasnoyarsk region. Moreover, concern is also expressed about allegations that Mr. Sokolov has been subjected to acts of violence and harassment by various cell mates and that the respective prison officials did not intervene. Finally, concern is expressed about information received indicating that Mr. Sokolov will serve his sentence in the Krasnoyarsk region of Siberia, more than 2,000 kilometers away from Yekaterineburg, where his family lives.</p>	
183.		29/10/10	JAL	IJL; SUMX; TOR	<p>Concerning ill-treatment by police officers of Ms. Sapiyat Magomedova, a criminal lawyer in Khasavyurt, Dagestan, Russian Federation.</p> <p>Ms. Magomedova is a member of the “Omarov and Partners” lawyers’ association based in Khasavyurt, which is known for its work on cases of serious human rights violations committed by members of law enforcement agencies in Dagestan, including alleged enforced disappearances, torture and extrajudicial executions.</p> <p>On 17 June 2010, Ms. Magomedova was allegedly severely beaten by the police and forcibly removed from Khasavyurt town police station (GOVD) where she was reportedly visiting a detained client.</p> <p>Twice an ambulance was called by Ms. Magomedova’s colleague but was not allowed</p>	

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					<p>to enter the GOVD premises. It had to be called a third time and then collected her outside the police checkpoint. On 17 June 2010, Ms. Magomedova was admitted to the local hospital in Khasavyurt. Local doctors reportedly refused to document Ms. Magomedova's injuries for fear of reprisals by law enforcement officials, and discharged her from hospital with only a brief medical referral note. On 18 June 2010, Ms. Magomedova was transferred to the central hospital in Makhachkala.</p> <p>The medical records obtained from the central hospital in Makhachkala are available and confirm Ms. Magomedova's injuries are consistent with her allegations.</p> <p>It is reported that since the conditions in the central hospital in Makhachkala were inadequate, on 21 June, Ms. Magomedova's family transferred her to a private medical center in Makhachkala where she received adequate treatment. On 30 June, Ms. Magomedova left the medical centre. It is reported that while in the medical center, Ms. Magomedova became aware of a visit by a police inspector who reportedly questioned the medical personnel about the need for Ms. Magomedova's continued hospitalisation at the medical centre.</p> <p>It is reported that since Ms. Magomedova's health conditions continued to remain unsatisfactory, she travelled to Moscow to get adequate treatment. On 8 July 2010, with the help of a local NGO called "Grazhdanskoe Sodeistvie" ("Civil Partnership"), Ms. Magomedova was admitted to Moscow City Clinical Hospital no. 31. On 31 July 2010, Ms. Magomedova completed her treatment.</p> <p>It is reported that in August 2010, Ms.</p>	

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					<p>Magomedova was diagnosed with a tumor in her chest and underwent surgery in another hospital in Moscow. She remained in Moscow to undergo further health examination and regular check-up.</p> <p>On 17 August 2010, Ms. Magomedova had to fly back to Dagestan to visit her mother who was unwell. Ms. Magomedova was scheduled to visit her doctor in Moscow in October.</p> <p>It is reported that following Ms. Magomedova's allegations of being severely beaten by police, a criminal case was launched against her on charges of "public insult of state officials while on duty". It is claimed that if convicted, Ms. Magomedova would also be stripped of her license to practice law as a lawyer.</p> <p>On 30 September 2010, travel restrictions were issued preventing Ms. Magomedova from travelling to Moscow where she was reportedly getting medical care and legal support regarding the criminal allegations brought against her.</p> <p>Concern is expressed that Ms. Magomedova may be targeted for her legitimate activities as a lawyer. Furthermore, it is reported that although a criminal case on police ill-treatment has been launched following the attack on Ms. Magomedova, there have reportedly been a number of serious procedural violations, fabrication of false evidence, and political pressure on the investigator.</p> <p>Further concerns are expressed regarding the physical integrity and safety of Ms. Magomedova as the police officers have not been suspended from their official duties while a criminal investigation of alleged ill-treatment has been launched against them.</p>	

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184.		Follow-up to earlier cases			Aleksei Sokolov A/HRC/13/39/Add.1 para 219	<p>By letter dated 19/11/2009, the Government indicated that the investigation department of the Internal Affairs Authority for the Verkh-Isetsk district of Yekaterinburg opened criminal case No. 140718 on 28 June 2004 on evidence of an offence under article 162, paragraph 4(b) of the criminal code of the Russian Federation in connection with the armed robbery by persons unknown of the Uraltermosvar plant warehouse.</p> <p>Aleksei Veniaminovich Sokolov was detained on 13 May 2009 on suspicion of committing this offence. The Verkh-Isetsk district Court in Yekaterinburg ordered his remand in custody as a preventative measure on 14 May 2009. On 13 July 2009, the same court extended the period of remand in custody until 23 August 2009.</p> <p>On 31 July 2009, the Sverdlovsk provincial court overturned the 13 July 2009 Verkh-Isetsk district court order prolonging the period of remand of Aleksei Sokolov and the application of the preventative measure of remand in custody, and he was released.</p> <p>The Sverdlovsk provincial court criminal chamber made the following findings concerning the circumstance of Aleksei Sokolov's remand in custody.</p> <p>On 13 May 2009, at 9a.m., Aleksei Sokolov was detained on suspicion of committing an offence.</p> <p>On 14 May 2009, Aleksei Sokolov was remanded in custody as a preventative measure.</p> <p>On 22 May 2009, Aleksei Sokolov was charged with an offence under article 162 paragraph 4(b) of the Criminal Code.</p>

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						<p>The period of remand in custody of Aleksei Sokolov expired at midnight on 12 June 2009.</p> <p>Therefore, at the time that the Verkh-Isetsk district court judge reviewed the investigator's application to extend the period of remand in custody of Aleksei Sokolov, i.e. on 13 July 2009, Aleksei Sokolov was due for release. In light of these circumstances, the Verkh-Isetsk district court judge order of 1 July 2009 was set aside by the court of cassation, and Aleksei Sokolov was released from custody.</p> <p>The main investigative office of the Central Internal Affairs Department for Sverdlovsk province is handling case No. 314204, which was opened against persons unknown on evidence of offences under article 158(Theft) paragraph 4(a) and 4(b), article 161 (Robbery), paragraphs 3(a) and 3(b) and article 162 (robbery with violence) paragraph 4(a) and (b), of the Criminal code.</p> <p>During the investigation into the case, witnesses were called in and testified that they had committed the offence together with Aleksei Sokolov</p> <p>In particular, the following was ascertain: in early hours of 26 June 2004, E.G. Beyash, SA Skvortsov, V.A. Maslov and the Sokolov brothers (Aleksandr and Aleksei) entered through a window into the office 616, located at 24/8 Lenin Av. Yekaterinburg, and stole property worth a total of 2,649,070 roubles from I.V Rakityansky, causing him a particularly heavy loss. Aleksei Sokolov was detained on 31 July 2009 on suspicion of having committed robbery with violence and theft of property under articles 91 and 92 of the code of Criminal Procedure.</p>

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						<p>The Lenin district court in Yekaterinburg ordered his remand in custody as a preventative measure. In ordering the preventative measure, the lawyer R.E. Kachalov made a request to hold the hearing in public in accordance with the article 241 of the Code of Criminal procedure and on the basis of article 123 of the constitution of the Russian Federation and to allow the defence lawyers V.A. Shaklein and V.V. Shekhardin and Aleksei Sokolov's relatives and members of the news media to attend. The court refused the request on the grounds that the review of application for preventative measure is a stage in pre-trial proceedings in which a specific group of people are allowed to participate under article 108 of the Code of Criminal procedure. Furthermore, third parties are not allowed to attend such hearings because of the need to preclude the possibility of breaching the secrecy of the investigation. The suspect was provided with a qualified defence lawyer, and his right to counsel was violated.</p> <p>The Sverdlovsk provincial court upheld this decision on 2 September 2009 and rejected the cassational appeal. There are no grounds for raising the issue of supervisory review of the above mentioned decision.</p> <p>Aleksei Sokolov was charged on 6 August 2009 with an offence under article 158. Article 4(b) of the Criminal Code in the light of the evidence gathered in criminal case No. 314204.</p> <p>Separate proceedings were initiated in criminal case No. 621608, opened on 12 August 2009 against unknown on evidence of offences under paragraph 4(a) and 4(b) article 161 paragraphs 3(a) and 3 (b) and article 162.</p>

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						<p>Paragraph 4(a) and 4(b) of the Criminal Code.</p> <p>The requirement of Article 217 of the Code of Criminal Procedure (disclosure of the criminal case file to the accused and his or her lawyer) are now being fulfilled in case No. 314204. The results of the criminal investigation are being monitored.</p> <p>It was established that the procuratorial bodies did not receive any complaint about threats of the use of torture against Aleksei Sokolov. The Sverdlovsk province procurator led an inspection of the FBU IZ-66/1 remand centre of the Central Department of the Penal Correction Service for Sverdlovsk province on 8 June 2009 in the course of which Aleksei Sokolov was questioned; he made clear that he was not being subjected to unlawful coercive measures in the remand centre, the conditions of detention were satisfactory and there was no cause for complaint about the actions of the remand staff.</p> <p>Furthermore, on 20 July 2009, the investigation agency for the Kirov district of the Yekaterinburg, a unit of the investigation department working under the investigative committee of the Office of the Procurator of the Russian Federation for Sverdlovsk province, received material relating to Aleksei Sokolov's complaint that militia officers had acted unlawfully during his detention on 13 May 2009 by compressing his wrist with handcuffs.</p> <p>Following an investigation, on 20 July 2009 a decision not to institute criminal proceedings was handed down, which was overturned on 20 August 2009 by the head of the investigative body.</p> <p>On august 2009, following a further inquiry,</p>

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185.			Follow-up to earlier cases		Assassination of human rights defender, Ms. Zarema Sadulayeva and her husband Mr. Alik(Umar) Lechayevich Dzhabrailov (A/HRC/13/39/Add.1 para. 220)	<p>another decision against instituting criminal proceedings on the case was handed down on the basis of article 24, paragraph 1(2) of the Code of Criminal procedure for lack of evidence that militia officer Y.A Dudin had committed an offence under article 286(Exceeding official authority), paragraph 3(a) and article 302 (Use of force to obtain testimony) of Criminal Code.</p> <p>The procurator's office for the Kirov district of Yekaterinburg has reviewed the facts of the inquiry. The decision taken was recognised as lawful.</p> <p>By letter dated 17/11/2009, the Government indicated that on 10 August 2009, a local resident, L.K. Dzhabrailov, contacted the Lenin district duty section of the Department of Internal Affairs in Grozny and reported that at 2 p.m. his son A.L. Dzhabrailov and his daughter-in-law Z.A. Sadulayeva had been abducted from the office of the United Nations Children's Fund (UNICEF) (86, Mayakovsky Road, Grozny) by five unknown persons armed with automatic firearms.</p> <p>The unknown persons drove the couple away in a VAZ 2110, but one of the assailants drove off in A.L. Dzhabrailov's VAZ 2107, which was parked near the office.</p> <p>On 11 August 2009, the Lenin inter-district investigative section of the Grozny investigative department of the Investigative Committee attached to the Procurator's Office of the Russian Federation responsible for the Chechen Republic instituted criminal proceedings in connection with this incident on the basis of the crime defined in article 126, paragraph 2 (a) and (g) of the Criminal Code of the Russian Federation.</p> <p>On the same day, when the car was examined</p>

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						<p>at the entrance to the grounds of the Republic's rehabilitation centre in Grozny, the corpses of Z.A. Sadulayeva and A.L. Dzhabrailov were found WGEIDlaying signs of a violent death from gunshot wounds.</p> <p>In connection therewith the Zavodsk inter-district investigative section of the Grozny investigative department of the Investigative Committee attached to the Procurator's Office of the Russian Federation responsible for the Chechen Republic instituted criminal proceedings on the grounds of the crimes defined in article 105, paragraph 2 (a) and (g) and article 222 of the Criminal Code of the Russian Federation.</p> <p>On 12 August 2009 the above-mentioned criminal cases were joined and referred for further investigation to the department for the investigation of especially important cases of the investigative department of the Investigative Committee attached to the Procurator's Office of the Russian Federation responsible for the Chechen Republic.</p> <p>The investigation established that A.L. Dzhabrailov had previously belonged to an illegal armed gang and that in 2006 he had been sentenced to four years' imprisonment for membership of an illegal armed gang and for unlawful possession of firearms. He had been released early on 8 February 2008.</p> <p>Given whom the victims were and the circumstances of the crime, the investigation is working on various leads. The version that the killing of A.L. Dzhabrailov and Z.A. Sadulayeva was linked to her recent professional activity has, however, been deemed improbable insofar as the organization which she headed was a charity that operated in accordance with its rules and</p>

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186.	Saudi Arabia	30/06/10	JUA	WGAD; IJL; TOR	<p>Concerning regarding the detention and health deterioration of Mr. Nacer Naïf Al Hajiri, Kuwaiti national who normally resides with his wife and 3 children at Manteqat Al Qusur (Kuwait) and who was working as a civil servant in the Kuwaiti Administration.</p> <p>Mr. Al Hajiri was arrested on 16 December 2007, by the General Saudi Intelligence Services (Al Mabahit Al Aama) at the Khafdji border between Kuwait and Saudi Arabia. He was allegedly arrested without a warrant and taken to an unknown location.</p> <p>Five months after his arrest, in May 2008, the wife of Mr. Al Hajiri was authorized to see him at the Intelligence Services' detention centre in Damman (Eastern Saudi Arabia). Mr. Al Hajiri reportedly informed his wife that during this time he was not charged, nor given a reason for his arrest, he had not been presented before a judge, nor had he been allowed to access a lawyer. To date, no charges have been reportedly brought against Mr. Al Hajiri, nor has he had access to legal counsel.</p> <p>According to the reports received, Mr. Al Hajiri's health started deteriorating after his arrest as he suffers from diabetes and arterial hypertension. In March 2009, Mr. Al Hajiri undertook a hunger strike in protest against his detention.</p> <p>In addition, Mr. Al Hajiri is currently suffering from a brain tumour which, according to a</p>	<p>political issues were not part of its remit. The version connected with A.L. Dzhabrailov's past (the crime was committed by unknown persons out of revenge) is more probable.</p> <p>The requisite investigations and inquiries are being conducted in order to establish who committed this crime.</p>

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					<p>medical exam held in August 2009, requires an urgent operation to extract the tumour. On 28 February 2010, Mr. Al Hajiri was reportedly taken to a hospital and examined by a doctor who advised immediate medical intervention, including specialized exams. However, despite the worsening of his physical condition, the prison authorities refused the medical advice and he was returned to his cell. Mr. Al Hajiri remains in detention.</p> <p>Serious concern is expressed about the physical and mental integrity of Mr. Al Hajiri. Concern is expressed about allegations that, despite the degradation of Mr. Al Hajiri's health, the prison authorities have reportedly refused that he obtains the necessary medical care as repeatedly advised by doctors. Further concern is expressed about reports that Mr. Al Hajiri was held incommunicado in an unknown location for a period of five months without access to a lawyer or contact with his family. Concern is also expressed about allegations that no charges have been brought against Mr. Al Hajiri and that he has not had access to legal counsel since the time of his arrest.</p>	
187.		16/11/10	JUA	FRDX; HRD; TOR	<p>Concerning the situation of Mr. Fahd Bin Abdu-Rahman Al-Harbi, also known as Fahd Al Jukhaidib. Mr. Al-Harbi is the editor of the daily newspaper Aljazierah, and principal of a secondary school.</p> <p>It is reported that Mr. Al-Harbi was accused of leading a protest among residents of Qubba to the local electricity department, in order to demand that action be taken to resolve regular power cuts affecting the town. Mr. Al-Harbi also reportedly published the story on the front page of Aljazierah. Subsequently, the electricity company yielded to the demands of the local residents, and sent additional power</p>	

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					<p>generators to the town.</p> <p>However, following the protest, Mr. Al-Harbi was allegedly summoned by the police, interrogated, and charged with instigating protests. He was brought before a court in Qaseem and, on 26 October, sentenced to two months imprisonment and 50 lashes, 25 of which would take place in public, in front of the local electricity department.</p> <p>Mr. Al-Harbi has reportedly been assigned a lawyer to appeal his sentence.</p> <p>Given the severity of the corporal punishment to which he has allegedly been sentenced, concern is expressed for the physical and psychological integrity of Mr. Fahd Bin Abdul-Rahman Al-Harbi. Further concern is expressed that the conviction of Mr. Al-Harbi may be related to his peaceful and legitimate activities in defence of human rights.</p>	
188.	Spain	28/09/10	JUA	WGAD; TOR	<p>En relación con la detención y supuestos malos tratos contra los señores Eneko Compains, Joxe Aldasoro, Urko Aierbe, Ugaitz Elizaran, Egoitz Garmendia, Rosa Iriarte y las señoras Sandra Barrenetxea, Aniaiz Ariznabarreta y Erika Bilbao.</p> <p>Los señores Eneko Compains, Joxe Aldasoro, Urko Aierbe, Ugaitz Elizaran, Egoitz Garmendia, Rosa Iriarte y las señoras Sandra Barrenetxea, Aniaiz Ariznabarreta y Erika Bilbao fueron detenidos el 14 de septiembre de 2010 en el País Vasco. Durante el traslado a Madrid se les aplicó una bolsa en la cabeza y fueron forzados a mantener la cabeza agachada. Las señoras Barrenetxea y Ariznabarreta fueron desnudadas durante el traslado y sufrieron tocamientos en distintas partes del cuerpo durante el traslado y los interrogatorios.</p>	<p>Por medio de cartas de fecha 10/11/2010, el Gobierno indicó que, el pasado 14 de septiembre, como consecuencia de una operación dirigida por el Magistrado del Juzgado Central de Instrucción Número Tres de la Audiencia Nacional, procedimiento (Diligencias Previas nº 369/2008), la Guardia Civil detuvo a 9 personas en Navarra y País Vasco por su integración en la Dirección Nacional de la organización terrorista EKIN.</p> <p>Las personas detenidas fueron:</p> <ul style="list-style-type: none"> -D.Ugaitz ELIZARAN AGUILAR. -D. Aniaiz ARIZNABARRETA IBARLUCEA. - Doña. Sandra BARRENECHEA DÍEZ. -Doña. Erika BILBAO BARCENA.

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					<p>Al llegar a Madrid, fueron puestos en habitaciones oscuras y cuando los sacaban siempre llevaban un antifaz. Durante los interrogatorios, todos los detenidos fueron amenazados contra sus familiares. Se les aplicó la bolsa en varias ocasiones, fueron golpeados, obligados a realizar ejercicios físicos y mantenerse en posturas incómodas. Asimismo, les fue prohibido dormir y pasaban muchas horas de pie. En el caso de varios detenidos, incluidas las señoras Iriarte y Bilbao, las autoridades simulaban descargas eléctricas, aunque estas no fueron aplicadas. Los señores Compains y Garmendia, así como la señora Barrenetxea fueron desnudados y amenazados con violación.</p> <p>Varios detenidos, incluida la señora Ariznabarreta y los señores Elizaran y Garmendia fueron envueltos con una manta y goma espuma, y posteriormente amenazados mientras oficiales de la Guardia Civil se sentaban sobre ellos. El señor Garmendia también fue golpeado en los testículos, cabeza y pies.</p> <p>Todos los detenidos denunciaron ante el juez y el médico forense de los malos tratos sufridos. El señor Compains se negó a realizar la declaración policial, y solicitó un habeas corpus por los malos tratos sufridos, pero éste le fue negado por la Audiencia Nacional bajo el argumento de que no existían elementos suficientes que indicaran que hubiera sufrido malos tratos, a pesar de la existencia del informe del médico forense.</p> <p>Se expresa temor por la integridad física y psicológica de los señores Eneko Compains, Joxe Aldasoro, Urko Aierbe, Ugaitz Elizaran, Egoitz Garmendia, Rosa Iriarte y las señoras Sandra Barrenetxea, Aniaiz Ariznabarreta y Erika Bilbao, quienes</p>	<p>-D. Egoitz GARMENDIA VERA. -D. Urko Asier AYERBE SARASOLA. -Doña. Rosa IRIARTE LASET. -D. Eneko COMPAINS SILVA. -D. José ALDASORO JAUREGUI.</p> <p>Las actuaciones se realizaron en virtud de Mandamiento judicial de fecha 13 de septiembre de 2010 (NIG: 28079 27 2 2008 0006284), autorizando las Entradas y Registros de los domicilios y locales relacionados con los 9 detenidos. Además, en dicho mandamiento judicial se ordenaba que todos los detenidos debían ser reconocidos por un médico forense una vez finalizadas las distintas diligencias de entrada y registro.</p> <p>En la ejecución de todas las detenciones se procedió, “in situ”, a informar a los detenidos del motivo de la misma y de los derechos que les asistían, de conformidad con nuestro ordenamiento jurídico. Desde ese momento fue decretada policialmente la incomunicación preventiva de los detenidos, posteriormente ratificada por la Autoridad Judicial y mantenida hasta su puesta a WGEIDosisión judicial.</p> <p>Todo ello quedó reflejado documentalmente en las correspondientes “Actas de detención y lectura de derechos” que fueron incluidas en los atestados policiales. En lo que respecta a la ratificación judicial de la incomunicación, Auto judicial de fecha 14 de septiembre (NIG: 28079 27 2 2008 0006284) ratificando la incomunicación de los 9 detenidos, ésta fue comunicada en tiempo y forma a los detenidos en las dependencias en Madrid de la Dirección General de la Guardia Civil, tal y como queda diligenciado en el atestado policial. Los reconocimientos medico-</p>

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					permanecen en detención.	<p>forenses realizados a los detenidos desde el momento de la detención hasta su puesta a disposición judicial, fueron ordenados por el Magistrado del Juzgado Central de Instrucción nº 3 de la Audiencia Nacional y WGEIDuestos de la siguiente forma: un reconocimiento medico-forense anterior al traslado de los detenidos desde Navarra o País Vasco a Madrid y, con posterioridad a su ingreso en los calabozos de la Dirección General de la Guardia Civil, dos reconocimientos diarios a realizar a última hora de la tarde y a primera hora de la mañana.</p> <p>El estricto cumplimiento de lo ordenado por la Autoridad Judicial se hizo constar documentalmente en las diligencias policiales. Los partes médicos fueron remitidos directamente al Juzgado por el facultativo médico-forense, no aportándose copia a la unidad policial instructora, si bien se comunicaron y cumplieron debidamente las oportunas prescripciones médicas para administrar las medicaciones correspondientes a los detenidos. En lo que respecta a la estancia en calabozos, los detenidos únicamente permanecieron ingresados en los existentes en las dependencias en Madrid de la Dirección General de la Guardia Civil, a excepción de D. Egoitz Garmendia Vera que fue ingresado temporalmente en los calabozos de la Comandancia de la Guardia Civil de Álava, sita en la localidad de Vitoria, al prolongarse los registros de los domicilios a él vinculados.</p> <p>El periodo de detención se inició el día 14 de septiembre hacia las 3 horas de la madrugada y finalizó -en los casos de Rosa IRIARTE, Urko Asier AYERBE, José ALDASORO, Eneko COMPAINS, Sandra</p>

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						<p>BARRENECHEA y Ugaitz ELIZARAN- el 17 de septiembre. En los de Egoitz GARMENDIA, Aniaiz ARIZNABARRETA y Erika BILBAO se prolongó hasta el 18 de septiembre.</p> <p>En todos los casos, la Autoridad Judicial acordó, mediante Auto judicial de fecha 16 de septiembre de 2010 (NIG: 28079 27 2 2008 0006284), conceder la Prórroga de la Detención de los 9 detenidos, del periodo inicial de detención de 72 horas en otras 48 horas más, tal y como prevé la legislación española en casos de delitos de terrorismo, medida necesaria en esta ocasión teniendo en cuenta la ingente cantidad de documentación intervenida y que tuvo que ser analizada en ese margen de tiempo.</p> <p>Durante el periodo de detención se tomó manifestación a cada detenido en una sola ocasión y en presencia de abogado de oficio, tal y como prevé la legislación española, habiéndose negado tres de los detenidos a responder a las preguntas formuladas por los instructores. El trato que se WGEIDensó a los detenidos durante el tiempo que se encontraron bajo la custodia de los agentes de la Guardia Civil fue totalmente correcto y acorde con la legislación vigente en España, siendo, como se ha indicado, reconocidos por el Médico Forense de la Audiencia Nacional de Madrid y asistidos en sus manifestaciones por el letrado de oficio asignado. Por parte de los Agentes actuantes se procedió al exacto cumplimiento de lo ordenado en las resoluciones judiciales relacionadas, de lo cual quedó constancia documental en el atestado núm. 04/2010 de la Jefatura de Información, habiendo sido comunicado a los detenidos, en tiempo y forma, el contenido de las mismas.</p>

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189.		26/11/10	JUA TOR	TERR; TOR	<p>Con relación con la posible extradición del Sr. Ali Aarrass.</p> <p>Según la información recibida, el Consejo de Ministros de España habría otorgado la aprobación final en una petición del Reino de Marruecos para extraditar al Sr. Ali Aarrass por cargos de terrorismo.</p> <p>El Sr. Ali Aarrass habría sido detenido el 28 de marzo de 2010, en Melilla con base en una orden de detención internacional solicitada por el Reino de Marruecos. Se alega que el Sr. Aarrass habría sido detenido junto con el Sr. Mohammed el Bay, quien también sería objeto de una orden de búsqueda y captura internacional, y que ambos se encontrarían detenidos desde el 1 de abril de 2008. El Sr. Ali Aarrass estaría siendo buscado en Marruecos por cargos relacionados con el terrorismo y sería acusado de pertenecer a una red terrorista dirigida por el Sr. Abdelkader Belliraj. A raíz de las decisiones judiciales del 21 de noviembre 2008 y 23 de enero de 2009, y de una garantía del Gobierno de Marruecos de que el Sr. Ali Aarrass no sería condenado a la pena de muerte o a cadena perpetua sin libertad condicional, el Gobierno español habría autorizado su extradición el 19 de noviembre de 2010. El Gobierno español se habría negado a la solicitud de extradición del Sr. el Bay, quien tendría doble ciudadanía española y marroquí. El 24 de noviembre, la Audiencia Nacional habría enviado una carta a Interpol y al Director del Centro Penitenciario de</p>	<p>Por lo que se refiere a la eventual presentación por los interesados de denuncias de malos tratos o torturas, la Dirección General de la Policía y la Guardia Civil comunica desconocer si alguno de los detenidos ha presentado denuncia alguna en tal sentido.</p> <p>Por medio de cartas de fecha 08/12/2010, el Gobierno indicó que, los representantes del Sr. Ali Aarrass han planteado su queja de forma simultánea en tres instancias internacionales: procedimientos especiales; Comité de Derechos Humanos de Naciones Unidas y Tribunal Europeo de Derechos Humanos.</p> <p>El Gobierno puso de manifiesto que el Sr. Ali Aarrass no fue detenido en la fecha que se indica en la carta enviada por ambos Relatores Especiales, sino que fue detenido con anterioridad, encontrándose en situación de prisión provisional a la espera de extradición.</p> <p>Respecto a la alegación realizada sobre posible riesgo de tortura o malos tratos en el caso de la entrega del Sr. Ali Aarrass a Marruecos, el Gobierno indicó que durante el procedimiento de extradición, esta alegación fue analizada, debatida y resuelta por los Tribunales españoles. En este sentido, en el auto de 21 de noviembre de 2008, la Sección Segunda de la Sala de lo Penal de la Audiencia Nacional rechazó tales alegaciones. Por otro lado, se indicó que el Auto de 23 de enero de 2009 del Pleno de la misma Sala, que resuelve el recurso interpuesto contra el auto referido anteriormente, rechaza que exista riesgo de violación de los derechos humanos. El Gobierno informó que el Auto del Pleno de la Sala estima en parte el recurso, estableciendo</p>

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					<p>Algeciras solicitándoles que faciliten la extradición del Sr. Aarrass a la mayor brevedad posible.</p> <p>Desde el año 2006, el Sr. Aarrass habría sido investigado por la Audiencia Nacional española por cargos relacionados con terrorismo. El 16 de marzo de 2009, el tribunal habría cerrado provisionalmente la investigación por falta de pruebas.</p> <p>Se expresa temor por el hecho de que el Sr. Ali Aarrass pueda ser sometido a torturas y malos tratos en caso de ser extraditado a Marruecos. Individuos detenidos en Marruecos y acusados de estar vinculados a la "Célula Belliraj" han alegado haber sido sometidos a torturas por miembros de la Dirección de Vigilancia del Territorio (Direction de la surveillance du territoire, DST), un organismo de inteligencia, durante su detención en régimen de incomunicación en el centro de detención de Témara.</p>	<p>como garantía que para determinar la pena aplicable se aplique la legislación española.</p> <p>Respecto a la apreciación por los Tribunales españoles del riesgo alegado por el Sr. Ali Aarrass, el Gobierno precisó que han de distinguirse dos aspectos distintos referidos al riesgo invocado. Por una parte, el que se refiere a las condiciones en las que pueda llevarse a cabo la investigación penal en Marruecos y la situación personal del extraditado en ese periodo. En este sentido, el Gobierno indicó que no se ha considerado que haya quedado suficientemente acreditado dicho riesgo concreto de un potencial sometimiento a tortura o tratos inhumanos o degradantes.</p> <p>En segundo lugar, se hace referencia a las garantías exigibles, en caso de que el extraditado fuera condenado. En este sentido el Gobierno señala que la Sala de lo Penal de la Audiencia Nacional impuso como condición para la entrega, que la pena a imponer sea la prevista para los mismos hechos en la legislación española. Subrayando que, esta no es una mera "garantía diplomática" sino que es una previsión expresa del Convenio bilateral de extradición de la que han decidieron hacer uso las autoridades españolas.</p> <p>En cuanto a las aclaraciones sobre el archivo de la investigación penal desarrollada en España, el Gobierno manifestó que:</p> <p>1° Lo primero que debe resaltarse es que, como señaló la Sala de lo Penal de la Audiencia Nacional, no estamos ante dos investigaciones penales por los "mismos hechos". En efecto, los hechos que están en el origen de la demanda de extradición presentada por Marruecos son los siguientes:</p>

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						<p><i>El reclamado fue reclutado para formar parte del Movimiento de los Muyaidin de Marruecos por Abdelkader BELLIREJ, que formaba parte de dicho grupo desde finales del año 1982. Este, tras una reunión en París con los responsables de la organización, conoció al líder, Abdelaziz NOUAMANI, que le instó a reclutar a varias personas, entre las que finalmente figuró el reclamado, quien se convirtió en un elemento activo de la misma, con disposición para establecer relaciones con otros grupos terroristas para la ejecución de sus planes. Solicitó a Abdelkader BELLIREJ y a un colaborador argelino que intervinieran a su favor ante los líderes del Grupo Salafista para la Predicación y el Combate de Argelia, con el objetivo de coordinar la instalación de un campamento yihadi en ese país para los voluntarios marroquíes del Movimiento de los Muyahidine de Marruecos bajo las órdenes del Grupo Salafista. El viaje de Abdelkader BELLIREJ a Argelia con el mencionado fin se produjo en 2005.</i></p> <p>Por su parte, las diligencias previas seguidas ante el Juzgado Central de Instrucción nº 5 de la Audiencia Nacional, se dirigieron a investigar los siguientes hechos, tal como resultan descritos en el Auto del Pleno de la Sala de lo Pena de la Audiencia Nacional:</p> <p><i>“Según los autos de prisión y de declaración como bastante de la fianza carcelaria por cuantía de 24.000 euros prestada en nombre del aquí reclamado, dictados el 6 y el 7-11-2006 por el Juzgado Central de Instrucción nº 5 (folios 149 a 151), al reclamado por Marruecos se le persigue en España por haber supuestamente facilitado la entrada en aquel país de un Kalashnikov, una pistola, un revólver y municiones en 2001 para la célula</i></p>

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						<p><i>terrorista liderada por Abderrazak Soumah, a través de Mohamed El Haraoui, para su entrega a Mohamed Nougaoui, emir de la célula yihadista de Nador, adscrito al movimiento salafista yihadista marroquí; armas que habrían sido facilitadas desde Bélgica, en donde el imputado residía”.</i></p> <p>2° En consecuencia, los hechos investigados por España no son los mismos que están en el fundamento de la petición de extradición. En España se investigó el posible tráfico de armas por el territorio español con destino a un grupo terrorista en Marruecos. Por su parte, los hechos por los que se solicita la extradición son la pertenencia del reclamado a una organización terrorista, realizando actividades de contacto y colaboración con diferentes personas en Argelia, con el objetivo de coordinar la instalación de un campamento yihadi en ese país para los voluntarios marroquíes del Movimiento de los Muyahidine de Marruecos bajo las órdenes del Grupo Salafista.</p> <p>Se trata, por tanto, de hechos diferentes aunque puedan estar relacionados con una misma organización terrorista, de pertenecer a la cual es acusado el Sr. Ali Aarrass.</p> <p>3° El procedimiento seguido ante el Juzgado Central de Instrucción n° 5 de la Audiencia Nacional se refiere exclusivamente a los hechos relacionados con el tráfico de armas a través de España. Es sobre tales hechos sobre los que se ha dictado Auto de sobreseimiento provisional (archivo provisional) del procedimiento.</p> <p>Dicho sobreseimiento provisional se acuerda al amparo de artículo 641.2° de la Ley de Enjuiciamiento Criminal (LECrin). Tal declaración judicial procede cuando “resulte</p>

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						<p>del sumario haberse cometido un delito y no haya motivos suficientes para acusar a determinada o determinadas personas como autores, cómplices o encubridores”. Por tanto, de acuerdo con le LECrim, la resolución judicial constata la existencia de un hecho delictivo, pero concluye que no hay pruebas suficientes para acusar del delito de tráfico de armas con fines terroristas al Sr. Ali Arras. Este tipo de sobreseimiento (archivo provisional) no produce efecto de cosa juzgada, ni excluye que el sospechoso sea investigado en otro país por otros hechos o, incluso, por los mismos hechos.</p> <p>4° No hay, por tanto, contradicción alguna entre las decisiones tomadas por las autoridades españolas. No hay contradicción porque no hay identidad entre los hechos investigados en España y los que están en el fundamento de la petición de extradición a Marruecos.</p> <p>Además, no hay contradicción porque la decisión de archivo provisional dictada en España está justificada por la falta de pruebas suficientes para dirigir la acusación de tráfico de armas contra el Sr. Ali Aarrass no excluye que los hechos pudieran ser investigados en otro Estado en el que pueda existir otro material probatorio.</p>
190.	Sri Lanka	31/12/09	JAL	IJL; SUMX; TOR	<p>Concerning Mr. Wannu Athapaththu Mudiyanseelage Nilantha Saman Kumara, aged 31.</p> <p>On 26 October 2009, Mr. Kumara joined several villagers outside a shop to search the jungle for some goods which had been stolen. A few hours later, he was stopped by the police and asked to accompany them to the Galgamuwa Police Station. Upon arrival at the station, he was detained without a warrant or</p>	

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					<p>formal charges against him.</p> <p>Two hours later, he was taken to a room in what appeared to be the private wing of the police residential barracks behind the Crimes Division. Mr. Kumara was interrogated by a police Inspector, police constable and other officers, all dressed in civilian clothes. The police indicated that he had been detained on suspicion of theft at the shop and of a water pump, charges which Mr. Kumara denied.</p> <p>Subsequently, Mr. Kumara was subjected to the “Palestinian hanging”, whereby his shirt was removed, his lower arms were wrapped in cloth, his hands were forced behind his back and tied with a rope which was attached to a nylon rope that hung from a beam in the ceiling. The other end of the nylon rope was secured to a steel bed. Mr. Kumara was then told to stand on a box; the rope was pulled tight and the box was then kicked from under his feet, leaving him hanging. The Inspector gave orders to the other officers to leave Mr. Kumara hanging until he confessed to the crimes. He was taken down approximately two hours later, but the procedure was repeated that evening. The second time, he was released after approximately 30 minutes, but was then beaten and kicked for three hours. Although by this time the police had allegedly received information indicating that Mr. Kumara had not been involved in the theft at the shop, he was still accused of stealing a water pump.</p> <p>The following day, Mr. Kumara was once again hung for approximately two hours. Though he needed medical attention, none was provided. That evening, the Inspector told Mr. Kumara that he could be released the following day if he confessed; otherwise, he would be presented before the court. When Mr. Kumara denied his involvement, he was grabbed by the</p>	

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					<p>hair and dragged to the same room where he was beaten and stripped, and his hands were tied. He was then subjected to the “Dharma Chakra” or wheel of enlightenment, by which he was forced to squat and wrap his hands over his knees, while a metal pipe was inserted through the space between his knees and elbows, and was balanced on two tables. While in this position, a bottle of petrol was poured in his anus. Water was also poured on him to relax the muscles.</p> <p>On 28 October, Mr. Kumara’s cellmate was ordered to bathe and dress him, since he could not move his arms. They were both taken to the criminal division, but a statement was only taken from Mr. Kumara’s cellmate. They were then taken to the Out-Patient Department of Galgamuwa Hospital, where a Doctor completed a Medico-Legal Examination Form without examining Mr. Kumara.</p> <p>Afterwards, they were taken to the Magistrate’s Court in Galgamuwa. They were not allowed to inform their families or contact a lawyer. Mr. Kumara was not questioned or addressed by the magistrate, but was remanded. He was then transferred to Wariyapola Prison, where he informed the guards about his torture and signed a statement indicating his experience.</p> <p>The following day, Mr. Kumara was taken to Wariyapola Hospital. The accompanying officer informed the doctor of the torture, but the doctor reportedly accused Mr. Kumara of lying and refused to examine him.</p> <p>On 6 November, Mr. Kumara was presented before the Galgamuwa Magistrate’s Court. He was released on bail. Three days after, Mr. Kumara went to the Galgamuwa Hospital, but the doctor once again refused to examine him and indicated that he should go to the</p>	

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					<p>Anuradhapura Teaching Hospital. Mr. Kumara went there the following day, where he received adequate treatment and was examined by a Judicial Medical Officer.</p> <p>On 17 November, one of the alleged perpetrators visited Mr. Kumara at his home to inquire into the possible action he was intending to take. On 19 November, Mr. Kumara submitted a complaint to the Inspector General of Police, the National Police Commission, the Attorney General and the National Human Rights Commission.</p>	
191.		22/09/10	AL	TOR	<p>Concerning Mr. Hewawasam Sarukkalige Rathnasiri Fernando (50) of No: 07 D, Warapitiya, Darga Town, a married father of four children.</p> <p>On 9 August 2010 around 3.30 p.m., Mr. Rathnasiri was at work in Aandawala, Parapathkotuwa, when two reportedly drunk plain clothed policemen asked to buy some toddy. Following the refusal by Mr. Rathnasiri to sell it to them, a confrontation ensued between the two men and Mr. Rathnasiri. This led to one of the policemen being accidentally cut on his hand when the officers tried to grab a knife being held by Mr. Rathnasiri. It is alleged that the officer who received the cut then ran a knife down Mr. Rathnasiri's back, cutting it deeply. While the wound on Rathnasiri's back was bleeding profusely, the two officers started to assault him by kicking and punching him. They struck him on the body, face, chest and stomach. They reportedly tore off his clothes and used the rags to tie his hands behind his back. He was then forced to walk for about 400 meters in front of a crowd of people who pleaded with the officers to stop the assault. The crowd raised concerns about the state of sobriety of the officers and objected to the officers forcing Mr. Rathnasiri to walk as</p>	

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					<p>they felt his condition would worsen. Mr. Rathnasiri's wound was dressed with some fabric by a nearby passer-by.</p> <p>Mr. Rathnasiri was then taken to the Welippena Police Station by three other police officers. After about one-and-a-half hours, two officers took Mr. Rathnasiri to the house of a doctor of the Government Hospital of Wathewa. Following the doctor's examination of his injuries, the doctor directed them to take Mr. Rathnasiri to the Wathewa hospital as nine sutures were needed to close the wound. He was then taken to the hospital where he was admitted for further treatment. After being admitted, Mr. Rathnasiri noticed unusual pain in his ears. He was examined, found to be bleeding in his ears and referred to the General Hospital of Nagoda for further treatment. He was also treated for pain in the face, eyes and chest. The policeman's injury was also examined by the Doctor and he was discharged the same day. At the time of his admission to hospital, Mr. Rathnasiri was reportedly forced to sign a document written by the police from Welippena Police Station. It is claimed that Mr. Rathnasiri was not allowed to see the contents of the statement; but he signed it out of fear. He has subsequently denied the contents of this statement.</p> <p>After being discharged from the hospital, he was taken to the remand prison at Kaluthara where he remained until 17 August 2010. While in prison, the authorities took measures to treat his injuries. On 17 August 2010, Mr. Rathnasiri learned that the police had filed a fabricated case against him accusing him of causing grievous hurt, causing minor hurt and obstructing the official duties of the police at the Magistrate of Matugama. Further, the police officers filed another fabricated case</p>	

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					<p>involving possession of 40 grams of illicit liquor. Mr. Rathnasiri has denied the charges and complained about the ill treatment he suffered at the hand of the police. Following his complaint, the magistrate directed the Judicial Medical Officer (JMO) of Colombo to examine him and send the report to the court. He was examined by the Judicial Medical Officer (JMO) of Colombo on 19 August 2010 and by a medical consultant of The Ear Nose Throat department on 20 August 2010.</p> <p>Mr. Rathnasiri has also made several complaints to the Inspector General of Police (IGP), the Superintendent of Police (SP) of Kaluthara, the National Police Commission, the Sri Lanka Human Rights Commission and the Secretary of the Judicial Service Commission, asking for a prompt, effective, impartial and independent inquiry into his treatment by the police. He is awaiting response to his complaints.</p>	
192.		13/10/10	JAL	IJL; SUMX; TOR	<p>Concerning the deaths in custody of Mr. Dhammala Arachchige Lakshman, Mr. Amarasinghe Arachchige David, Mr. Appuhandhi Kotahewage Nayanajith Prasanna, Mr. Jayakody Arachchilage Oman Perera and Mr. Jayasekara Arachchige Roshan Jayasekara.</p> <p>We are informed that there is a pattern of police officers killing detained suspects as a means of eliminating organized crime. Such cases are not being investigated or prosecuted before the courts.</p> <p>On 13 August 2010, Mr. Amarasinghe Arachchige David was arrested by officers from the Kirindiwela Police Station. He was placed into a police vehicle and on their way to the police station, the vehicle stopped along the main road at Papiliyawala to conduct a search on two people. Mr. David got out of the vehicle</p>	

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					<p>and watched the police officers conduct the search. The police officers, after noting that Mr. David had stepped out of the vehicle, approached him and beat him on his back and hip areas. He was then dragged towards the vehicle where the officers beat him against the rear door shouting “Are you trying to escape from us”. Mr. David was taken to Kirindiwela Police Station and later admitted at the Government hospital of Radawana. He was transferred to the National Hospital of Colombo; however he later died from the injuries sustained. On 15 August 2010, a post-mortem examination indicated that he had died as a result of head injuries. It is alleged that the police are reluctant to conduct an investigation into the death.</p> <p>On 25 August 2010, Mr. Jayasekara, of Ranaviru Niwasa, Morakatiara, Beliatha was arrested by the Ragama Police Station and taken to Kiribathgoda police station. He was arrested on suspicion of having stolen a mobile phone at Ragama Railway Station. On 26 August 2010, a police officer brought the body of Mr. Jayasekara to Ragama Teaching hospital; however he did not wish to be registered as the person who brought in the body. On 27 August 2010, the police constable of the Kiribathgoda Police Station registered as the person who delivered the body. A post mortem that was conducted by the judicial medical officer at the Ragama Teaching Hospital revealed marks of numerous blunt force trauma injuries.</p> <p>On 31 August 2010, Mr. Jayakody Arachchilage Oman Perera of No. 22, Palle Kalley Janapadaya in Kurunegala was arrested by officers from the Special Task Force. After his arrest Mr. Perera was placed in a police jeep and as he was being driven to Colombo,</p>	

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					<p>he was shot. It is alleged that as the vehicle was near the Japalawatta Industrial Zone junction in Minuwangoda, Mr. Perera attempted to escape. He was taken to Minuwangoda Hospital and later transferred to the Intensive Care Unit of the General Hospital, Gampaha. He died the same day from the injuries sustained.</p> <p>On 20 September 2010, Mr. Dhammala Arachchige Lakshman was arrested by the police and held in custody at the Hanwella police station. On 22 September 2010, he was taken to a location in Diddeniya in Hanwella for an on-sight investigation to uncover weapons. It is alleged that he attempted to escape from police custody by throwing a bomb at the police officers and was shot. He sustained injuries and died at the Avissawella hospital the same day. During his detention the deceased was not brought before a court.</p> <p>On 22 September 2010, Mr. Prasanna of No. 1B, Balawinnagama, Balawinna, Balapatha was arrested by the police officers from the Moratuwa Police Station. On 25 September 2010, he was found in his cell with severe cuts to his abdomen and was admitted at the Kalubowila Teaching Hospital. On 26 September 2010, he died from the injuries sustained. The police indicated that he had attempted to commit suicide with a shard of glass found inside his cell. During his detention he was not brought before a Magistrate as required by the Code of Criminal Procedure No.15 of 1979.</p> <p>We are informed that in the recent past, the police have increasingly been arresting people without producing them before a court of law in contravention of the Code of Criminal Procedure No.15 of 1979 which stipulates that police officers should produce a suspect arrested on suspicion of committing a crime</p>	

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					before a Magistrate within 24 hours. “Any police officer shall not detain in custody or otherwise confine a person arrested without a warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate.”	
193.	Sudan	30/12/09	JUA	IJL; SUMX; TOR	<p>Concerning the cases of Mr. Paul John Kaw, Mr. Idris Adam Alyas, Mr. Naser El Din Mohamed Ali Kadaka (referred to as Nasr-al-Din Ahmad Ali in our previous communication), Mr. Suleiman Juma'a Awad Kambal (referred to as Sulayman Jum'a Timbal in our previous communication), Mr. Badawi Hassan Ibrahim and Mr. Abdelrahim Ali Al Rahama Mohamed (referred to as Abd-al-Rahim Ali in our previous communication), six men sentenced to death on murder charges related to the killing of 14 policemen in the Soba Aradi internally WGEIDlaced persons camp in May 2005.</p> <p>Following their conviction and sentencing to death on 23 November 2006, on 23 January 2007 the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture wrote to your Excellency's Government drawing attention to reports that the men had been detained without access to legal counsel for five months following their arrest (from May until October 2005), and that they confessed to murder charges under torture. Regrettably, we have not received a reply to this communication. In the meantime, we have received information on further developments in the case, which suggest that the six men's execution might be imminent. The recently received information also strengthens our concerns that the execution of the men would</p>	

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					<p>constitute a violation of norms of international law binding for your Excellency's Government.</p> <p>On 11 December 2006, the judge announced the verdict in the presence of the families of the victims. The families declared that they refused to spare the lives of the condemned in return for payment of diya and asked for retribution in kind, i.e. execution of the death sentences.</p> <p>The trial court's judgment was confirmed on appeal by the Court of Appeal, with the exception of the case of one defendant, Fathi Adam Mohammed Ahmad Dahab, who was found guilty of involuntary homicide instead of murder. His sentence was reduced from death to five years imprisonment.</p> <p>On 18 July 2007, the Supreme Court confirmed the death sentences, as did a review panel of the Supreme Court on 27 February 2008. From the judgment of the Constitutional Court in this case (see below), it would appear that the defendants' lawyers raised the violation of the defendants' constitutional rights before the Supreme Court, including that confessions were obtained under torture, but the Supreme Court declined to deal with these complaints.</p> <p>On 13 October 2009, the Constitutional Court rejected an appeal in the case. The judgment notes, without further elaboration, that "allegations of torture were not convincing to the lower courts".</p> <p>The Supreme Court then granted a one month stay, until 2 December 2009, a committee made up of family and traditional leaders to pursue contacts with the traditional leaders of the victims' tribes to seek pardons or acceptance of blood money. These efforts were not successful. The stay of execution</p>	

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					currently in force expires on 6 January 2010. While we do not wish to prejudge the accuracy of the reports received, we would like to draw the attention of your Excellency's Government to several principles applicable to this case under international law.	
194.		27/01/10	JUA	WGAD; FRDX; TOR	<p>Concerning Messrs. Osman Abdu Ali, Ali Mahmood Ali Romay, Said Hamed Mohamed Kheir, Mohammed Osman Idris, Mohamed Mohamed Said, Idrees Mohamed Ali Idriiss, Hamid Osman Adam, Saleh Mohamed Kheir, Mahmoud Mohamed Adam, and Sliem Edriss.</p> <p>On 19 January 2010, supporters of Mr. Hamad Mohammad Ali from the Amara ethnic group in the Red Sea State, Sudan, an independent gubernatorial candidate for the April 2010 elections, organised a peaceful demonstration and rally in support of his candidacy. Mr. Hamad Mohammad Ali was a member of the National Congress Party (NCP), but started a campaign as an independent candidate when he was not nominated by his former party.</p> <p>The peaceful protests were soon curbed by police forces invoking the failure of the organisers to register a permit. Protestors were WGEIDersed using tear gas, electrical batons, and water hoses. 27 people were arrested, and subsequently taken to Al-Awsat police station in Port Sudan. 12 of the protestors were released at 12:00 pm, among them two minors, H.O.A., aged 14, and M.N.A, aged 15. The remaining detainees, most of whom are members of the Bani Amir tribe including the 10 individuals mentioned above, face criminal charges under the 1991 Criminal Code. The case has been docketed as Case No. 311/2010.</p> <p>During the WGEIDersion, a number of protestors, including Messrs. Hamed Mohamed Mahmoud Ahmad, Yacgoub Ibrahim Hamed,</p>	<p>By letter dated 02/05/2010 the Government indicated that a group of 800 supporters of the independent candidate for the office of Governor, Hamad Mohammad Ali, demonstrated in the streets of the city without obtaining a permit from the authorities on 19 January 2010.</p> <p>The police intervened and the chief of the force ordered them to WGEIDerse, but they ignored the orders issued pursuant to the provisions of the 1991 Code of Criminal Procedure.</p> <p>Thirty-eight persons were arrested, proceedings were instituted against them pursuant to articles 67, 68 and 69 of the Code and their vehicles were seized.</p> <p>Nine of the accused filed a complaint with the Public Prosecutor's Office, claiming that they had been injured during the WGEIDersal of the demonstration. The Office ordered a preliminary investigation pursuant to article 47 of the 1991 Code of Criminal Procedure. On completion of the investigation, the Public Prosecutor's Office dismissed the complaint. They are:</p> <p>(a) Osman Idris; (b) Ali Mohamed Ibrahim; (c) Osman Yahya; (d) Abdallah Saleh;</p>

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					<p>and Hussein Mahmoud Idriss, sustained serious injuries inflicted by police officers and security agents. Mr. Ali Mohamed Ibrahim Adam was wounded in the leg. The police also damaged a number of civilian vehicles belonging to protestors. The owners of the vehicles have attempted to press charges against the police for the damage, which have filed preliminary investigations.</p> <p>Fears have been expressed that the conduct of the police was discriminatory. Mr. Hamad Mohammad Ali asserts that the authorities in the Red Sea State denied his supporters a permit for the demonstration although supporters of the incumbent Governor of the National Congress Party (NCP) were permitted to hold a rally. Further reports indicate that Governor Ella's campaign has made use of State resources, for example by using Government vehicles for demonstrations in Port Sudan. The electoral laws of Sudan however require that campaigns are to be funded by the candidate's party, not by the State.</p> <p>Concerns are expressed that the arrest and detention of the abovementioned persons and the WGEIDersion of the reportedly peaceful demonstration using WGEIDroportionate force, might form part of an attempt to stifle freedom of opinion, expression, peaceful assembly, and participation in the conduct of public affairs, directly or through freely chosen representatives, in the country.</p>	<p>(e) Hassan Idris.</p> <p>All of the accused were released on bail. The seized vehicles were returned and the police notification was transmitted to the court.</p>
195.		26/03/10	JAL	SUMX; TOR	<p>Concerning the killing of Mr. Mohamed Abdella Musa Bahraldien, by Sudanese security forces in Kartoum.</p> <p>On 10 February 2010, Mr. Mohamed Abdella Musa Bahraldien, a native of Kebkabiya in North Darfur and a member of the United</p>	

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196.		23/11/10	JUA	WGAD; FRDX; HRD; IJL; SUDAN; TOR	<p>Popular Front (UPF), a student organization loyal to the rebel leader Abdel Wahid Al-Nur, was abducted in front of the University of Khartoum. Reports indicate that he was taken by Sudanese security forces to an unknown destination. According to these reports, his body was found the following day in Al-Gamayir neighborhood in Omdurman, showing signs of torture and mistreatment. According to the autopsy, signs of burns, beatings and strangulation were found.</p> <p>Concerning. Abdelrahman Mohamed Al-Gasim, Legal Aid and Training Coordinator of the Darfur Bar Association, and a member of the Executive Committee for the Sudanese Human Rights Monitor; Mr. Abdelrahman Adam Abdallah and Mr. Derar Adam Abdallah, Deputy Director and Administration Officer of the Sudan-based Human Rights and Advocacy Network for Democracy respectively; Mr. Manal Mohamed Ahmed, Ms. Aisha Sardo Sherif, Ms. Aziza Ali Idris, Mr. Abu Gasim Al Din, and Mr. Zakaria Yacoub, Darfuri human rights activists; and Mr. Jaafar Alsabki Ibrahim, a Darfuri editor working for the newspaper Al Sahafa in Khartoum.</p> <p>On 29 October 2010, Mr. Abdelrahman Mohamed Al-Gasim was reportedly arrested by members of the National Intelligence and Security Services (NISS) in Khartoum. On 31 October, NISS agents informed his family that he had been arrested, but did not specify the charges brought against him. Neither his lawyer, nor his family are allowed access to him. The whereabouts of Mr. Abdelrahman Mohamed Al-Gasim remain unknown as of today.</p> <p>It is further alleged that Mr. Abdelrahman Mohamed Al-Gasim received threats from</p>	

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					<p>Sudanese officials while participating in the 15th session of the Human Rights Council in Geneva in September 2010. Mr. Abdelrahman Mohamed Al-Gasim lobbied for the extension of the mandate of the Independent Expert on the situation of human rights in the Sudan, and delivered a number of oral interventions before the Council on alleged human rights violations committed by the Sudanese authorities in the country. He was also a panelist in a side-event entitled "Sudan: Impunity, Repression and Conflict on the Rise", co-sponsored by the non-Governmental human rights organizations Cairo Institute for Human Rights Studies (CIHRS), Amnesty International, Human Rights Watch, and the International Federation for Human Rights. Furthermore, Mr. Abdelrahman Mohamed Al-Gasim was scheduled to take part in the stakeholder's submission, co-sponsored by CIHRS and its partner organizations in the Sudan, on the Universal Periodic Review of the Sudan. Finally, Mr. Abdelrahman Mohamed Al-Gasim was due to attend the 48th session of the African Commission for Human and Peoples Rights in Banjul in November 2010.</p> <p>On 30 October, Mr. Abdelrahman Adam Abdallah, Mr. Derar Adam Abdallah, Mr. Manal Mohamed Ahmed, Ms. Aisha Sardo Sherif, Ms. Aziza Ali Idris, Mr. Abu Gasim Al Din, and Mr. Zakaria Yacoub were arrested by NISS agents, following the participation by some of them, in a youth forum hosted allegedly by a pro-democracy student movement called Girifna. During the forum, the issues of social development and the administration of justice in Darfur were discussed. Lawyers and families have reportedly been denied access to the detainees and their current fate and whereabouts are</p>	

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197.			Follow-up to earlier cases		<p>unknown.</p> <p>On 3 November 2010, Mr. Jaafar Alsabki Ibrahim was arrested by NISS agents at the premises of Al Sahafa in Khartoum. He was prevented from making a call to his family before being taken to an undisclosed location.</p> <p>Serious concerns are expressed that the arrest and detention of the nine aforementioned persons are linked to their legitimate activities in defence of human rights. In view of the fact that their fate and whereabouts are unknown, further concerns are expressed for their physical and psychological integrity.</p> <p>Ms. L.A.H, a Sudanese national</p>	<p>By a letter dated 02/10/09, The Government indicated that under the Constitution, women have full citizenship and enjoy the same rights as men, including the right to run for the presidency of the Republic without any legal or social impediments. Under the Elections Act, women are entitled to hold 25 per cent of all seats in legislative bodies. I should also like to draw your kind attention to the fact that Sudanese women are members of the Constitutional Court, the Supreme Court and the courts of appeal. The Presidential Adviser for Legal Affairs and the chairs of the parliamentary legislation committee and the parliamentary human rights committee are all women. Moreover, women hold positions as ministers and as members of parliament at both the central and State levels. There are also women ambassadors, governors, vice-ministers and college and university deans, women in senior positions in the Armed Forces and the police and women working in the sphere of investment.</p> <p>As for Ms. H., she was not accused merely of wearing trousers or of being an opposition political activist. She was charged, based on</p>

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						<p>prima facie evidence, with violating certain articles of the Criminal Code of 1991; it was for the court to decide whether she was to be acquitted. We should point out that the defendant was afforded all her constitutional rights, in that she was released on bail and was not, as has been claimed, sentenced to flogging. The fact that the hearings were conducted in public and in open court confirms that they were transparent and fair. Moreover, a number of diplomats from European Union countries attended the court hearings, and the defendant exercised her constitutional right to legal representation.</p> <p>The court, having held a number of witness hearings and having examined the other evidence, convicted the defendant under article 152 [of the Criminal Code] and issued the following opinion:</p> <p>After the court had heard the case for the prosecution and the response of the defendant, counsel for the defendant filed a motion to dismiss, on the ground that the evidence presented in the case was inconsistent with the police evidence. Counsel for the prosecution objected to the motion, arguing that the evidence submitted was sufficient for a conviction, as it consisted of the sworn statements of police officers, who were impartial and bore the defendant no grudge; consequently, he asked for the motion to be refused.</p> <p>The proven facts are that the police were despatched to the Kawkab al-Sharq nightclub, having received a complaint from a resident of the area in which the establishment is located. When they entered the premises, they found men and women together, dancing to live music by an Egyptian singer. Some 12 women, including the defendant, were</p>

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						<p>wearing indecent clothing; the police therefore escorted them to the station and filed reports against them under article 152 of the Criminal Code. The defendant, Ms. H., was duly charged under article 152 of the Criminal Code of 1991, which provides that:</p> <p>“1. Any person in a public place who does an indecent act or conducts himself indecently or in a manner that offends public morals or wears clothing that is indecent or offensive to public morals, thereby causing a public annoyance, shall be liable to a penalty of up to 40 lashes and/or a fine.</p> <p>“2. The act shall be deemed offensive to public morals if it is considered as such according to the religion of the perpetrator or the custom of the country in which the act occurs.” There is nothing new about article 152 of the Criminal Code of 1991. Similar articles have been written into Sudanese legislation since the enactment of the first Criminal Code in 1899 and subsequent codes, derived from the Indian and the English criminal codes. This much can be inferred from Dr. Muhammad Muhi al-Din Awad’s Commentary on the Sudanese Criminal Code of 1974, in which he refers to article 234 of the Criminal Code of 1974, which provides that:</p> <p>“Any person who commits an indecent act or an act that is offensive to public morals, thereby causing annoyance to others, shall be liable to a penalty of imprisonment for up to one year and/or a fine.” (p. 454).</p> <p>This article corresponds to article 218 of the previous code and to article 234 of the Criminal Code of 1925, which reads as follows:</p> <p>“Whoever, to the annoyance of others, does</p>

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						<p>any obscene or indecent act in a public place shall be punished with imprisonment for a term which may extend to one year, or with a fine, or with both.”</p> <p>Similarly, article 294 of the Indian Criminal Code provides:</p> <p>“Who to the annoyance of others [...] does any obscene act in any public place [...] shall be punished with imprisonment of either description for a term which may extend to three months, or with a fine, or with both.”</p> <p>Moreover, article 152 of the Criminal Code of 1991 is analogous to article 200 of the Criminal Code of Northern Nigeria, article 104 of the Iraqi Criminal Code of 1969, article 350 of the Bahraini Criminal Code, article 231 (1) of the Nigerian Criminal Code, article 204 of the Somali Criminal Code and article 317 of the Qatari Criminal Code.</p> <p>In the light of the facts and information before it, the court deliberated on the elements of article 152 and asked the following question:</p> <p>Was the defendant wearing indecent clothing in a public place that was offensive to public morals?</p> <p>In order to answer that question, it is necessary to consider the meaning of the word “indecent”, the criterion for defining indecent clothing and the extent to which it is offensive to public morals. According to Abu al-Fadl Jamal al-Din’s <i>Lisan al-`Arab</i>, volume II, page 545, the meaning of the word <i>fadih</i> (indecent) is derived from the verb <i>fadah</i> (to disclose or expose) and the noun <i>al-fadihah</i> (exposure). <i>Fadihat al-subh</i> (dawn light) is the white morning light; it has been said that <i>fadha</i> (indecent) is that which is</p>

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						<p>exposed to the light and to the eyes.</p> <p>In Islamic terminology, al-fadiah is an indecent material act, as defined in Al-mu`jam al-wasit, volume II, page 692.</p> <p>In English, the Arabic word fadiah means “obscene”, or “indecent”. An act is considered obscene if it is repulsive, disgusting, improper or offensive to society and public morals.</p> <p>The English courts have relied upon the criterion used by Lord Cockburn in his opinion on the case of Regina v. Hicklin. In it, he stated that an act was obscene if it would “deprave and corrupt those whose minds are open to such immoral influences”, in particular adolescent girls (see Jara`im al-nashr al-sahafi (Press Publication Offences) by Dr. Ahmed Abd al-Majid). However, the present case is based on the criterion established by Islam, the religion embraced by the defendant and the majority of Sudanese society, that clothing which shows women’s physical charms, apart from the face and hands, is considered indecent in the sense intended by article 152 of the Criminal Code of 1991. As the Almighty God has said (Chapter XXIV of the Koran (The Light), verse 31): “And tell Muslim women that they should lower their gaze and guard their modesty, that they should not reveal their adornment except for that which is apparent and that they should draw their veils over their bosoms ...”.</p> <p>The divinely revealed religions all exhort women to be chaste and decent and forbid them to make a wanton display of themselves and flaunt their charms.</p> <p>Based on these principles, it is clear from the evidence that the defendant was wearing</p>

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						<p>clothing that was indecent and offensive to public morals. Indeed, the complainant states on page 2 of the transcript that:</p> <p>“The defendant was wearing tight trousers with a belt and a tight blouse; her head was bare, as she was not wearing a headscarf.”</p> <p>Moreover, the first witness states on page 6 of the transcript that:</p> <p>“The defendant was wearing a tight, revealing blouse and trousers through which her thighs and the outline of her underwear were visible. She was wearing beige underpants, which were clearly visible. The blouse had short sleeves that reached to the elbows; it was lightweight and transparent and everything showed through it, such as the straps and outline of her brassiere. The blouse, which had two vertical slits at the sides, was open and showed part of the defendant’s chest. There was an opening at the placket of the blouse, through which her navel and underwear were visible.”</p> <p>The statement of the second witness, on page 12 of the transcript, mentions the same details:</p> <p>“The defendant was wearing a short, transparent green blouse that showed her navel and brassiere; the sleeves came to just above the elbow. She also wore tight trousers. Her underwear was visible and her hair was uncovered.”</p> <p>Based on this evidence, the court concluded that the defendant was wearing indecent clothing that revealed her entire body and womanly charms and that her underwear was visible and her hair was uncovered as she sat in a nightclub in which there was singing and dancing and where men and women mingled.</p>

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						<p>The nightclub is a public place, according to Dr. Muhammad Muhi al-Din `Awad's definition, namely, a public place is one such as a public road, a public square, a public shop or a public place of entertainment which is frequented by people of all kinds.</p> <p>It is clear from the legal precedent established in the case of the Government of the Sudan v. Abd al-Rahman Ahmad et al. (Journal, 1981, p. 142) that annoyance of others means actual annoyance.</p> <p>Consequently, the indecent act committed by the defendant in a public place constitutes actual annoyance of the complainant.</p> <p>The defendant argued that as a United Nations employee she enjoyed diplomatic immunity from trial proceedings. The Sudanese Ministry of Foreign Affairs indicated, in a letter from the Deputy Minister for Foreign Affairs dated 9 August 2009 (Ref. No. 13/13/14 (UNMIS)), that the defendant did not enjoy diplomatic immunity. The court therefore continued with the trial of the defendant, guided by the principle established in the case of Amadila Jilani v. Mustafa Hilmi (Journal of Judicial Decisions, 1983, p. 159) that a statement by the Ministry of Foreign Affairs that a person does not enjoy diplomatic immunity is conclusive and incontestable evidence, as the Ministry of Foreign Affairs is the sole authority responsible for determining such matters.</p> <p>The motion filed by the defence lawyer had no legal basis, as the trial was a summary proceeding and the grounds put forward in the motion were insubstantial and unfounded. The court therefore decided that the defendant had been in the nightclub, in which there had been singing and men and women dancing;</p>

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198.	Syrian Arab Republic	23/12/09	JUA	WGAD; FRDX; HRD; IJL	<p>Concerning Mr. Mustafa Ismail, lawyer, of Kurdish origin. Mr. Ismail writes frequently about the treatment of Kurds in the Syrian Arab Republic and Turkey for a number of foreign-based websites.</p> <p>On 12 December 2009, Mr. Mustafa Ismail was arrested at the Air Force Security Branch in Aleppo, where he went following an order from the local security office in Ain Arab.</p> <p>On 17 December 2009, members of his family went to the same Air Force Security Branch in Aleppo to look for him. However, they were told that Mr. Ismail was not there and were instead ordered to leave.</p> <p>During the past few months, Mr. Ismail has been questioned several times by members of different security services such as by the Political Security Branch on 3 October, the Military Security Branch on 5 October and the State Security Branch on 7 and 8 November. During those sessions, questions had reportedly surrounded his work for the media, particularly phone interviews he had given to a European-</p>	<p>her head had been uncovered and she had been wearing a short-sleeved blouse that showed her chest, her body and her charms. Because her trousers were tight, they had also showed the colour and outline of her underwear. The court therefore found the defendant Ms. H guilty under article 152 of the Criminal Code of 1991.</p> <p>In its final order, the court imposed the following sentence:</p> <p>1. A fine of 500 Sudanese pounds or imprisonment for a term of one month as from 7 September 2009 for a violation of article 152 of the Criminal Code of 1991.</p> <p>By letter dated 29/06/2010, the Government indicated that with regards to the information that you have received in respect of Mr. Mustafa Isma'il, we wish to clarify that Mr. isma'il is a Syrian citizen who enjoys his full rights as guaranteed by the Syrian Constitution and under Syrian law, all Syrian citizens are granted their rights to freedom and to engage in lawful activities; in return, they are subject to Syrian Laws, which impose penalties on any person who commits an unlawful act.</p> <p>In view of the above, and in view of the unlawful acts committed by Mr. Isma'il, which are punishable under the Syrian Criminal Code, he was arrested on 12 december 2009 by the competent authorities for investigation. He was subsequently transferred to the Office of the Military Public Prosecutor in Aleppo, with the record of the investigation into his case case, where it was decided to institute public proceedings against him on the basis of the documents available and the investigation into two, namely:</p>

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					<p>based Kurdish satellite TV station, Roj TV.</p> <p>On 11 December 2009, Mr. Ismail had posted an article on the website of Levant News citing the order to report to the Air Force Security Branch in Aleppo and pointing to the numerous times that he has been summoned for questioning to security offices since 2000.</p> <p>So far, the authorities have not acknowledged that Mr. Ismail is in detention or provided any other explanation.</p> <p>In light of Mr. Ismail's prolonged incommunicado detention, concern is expressed for his physical and psychological integrity.</p>	<ol style="list-style-type: none"> 1. Engaging in acts that would harm Syrian relations with a foreign State, under article 278 of the General Criminal Code; 2. Membership of a prohibited political party, under article 167 of the General Criminal Code. <p>The case for prosecution and the preliminary investigation file were presented to the military investigating officer in Aleppo, who conducted a judicial investigation into Mr. Isma'il's case and, consequently, decided to remand him in custody for the two offences that he is alleged to have committed. The case remains under consideration.</p> <p>With regard to the assertion in your letter that Mr. Isma'il was held incommunicado and the concern that you expressed for his physical and psychological health, we wish to reiterate our hope that you take into consideration that most of the sources upon which you rely for information in respect of the Syrian Arab republic provide you with false information and incorrect facts, and that you attend to those sources accordingly. Mr. Isma'il was not held incommunicado but was treated as other prisoners in the Syrian Arab republic are treated in accordance with all the international standards for the treatment of prisoners. We also wish to reassure you with regard to Mr. Isma'il's physical and psychological health that he receives the same medical care in prison as he would if he were not in prison. In prisons, fulltime physicians attend to the health of prisoner and provide them with health care and psychological care; any prisoner with a health condition n treated immediately. In this regard, we hope that you will not hesitate to notify us should you receive information that any harm has been done so that these responsible can be held to</p>

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199.		18/03/10	JUA	FRDX; HLTH; TOR; HRD; IJL TOR	<p>Concerning Mr. Haithem al Maleh, 78 years old. Mr. al Maleh has been a lawyer since the 1950s and in 2001 established the Human Rights Association in Syria (HRAS). Mr. al Maleh was the subject of two urgent appeals by several special procedures on 21 October 2009 and 23 February 2004.</p> <p>During Mr. al Maleh's incommunicado detention at the General Security building (see previous communication of 21 October 2009), he was detained in a room without food or drink and in which a number of torture tools were displayed. There, he was reportedly subject to an inquiry by high ranking officers of the General Intelligence, who questioned him extensively on an interview he gave to Barada TV on 12 October 2009 and articles he had written regarding his client Mr. Muhannad Al-Hassani, as well as other human rights work</p>	<p>account, should it be prove.</p> <p>Lastly, we wish to emphasise that mr. Isma'il is a Syrian citizen and is protected by the Syrian Constitution and Syrian laws. He is subject to the judicial procedures set out in Syrian criminal law, which is consistent with all international conventions, charters and standards and with common practice of most countries of the world. We wish to underscore that should an investigating Judge find during the investigation that there is sufficient evidence to charge him and bring him to trial before the criminal court, then Mr. Isma'il will be subject to a fair trial before a fair and impartial court. In addition, we wish to reaffirm that we are committed to continued cooperation with you and to replying to all your questions so that we can achieve our common goals of promoting and protecting human rights and fundamental freedoms.</p> <p>By a letter dated 01/04/2010, the Government of the Syrian Arab Republic indicated that with regard to your letter asking for clarification about Syrian citizen Haithem Al-Maleh, we should like to explain that Mr. Al-Maleh was arrested by the competent authorities for committing unlawful acts which are punishable under the Syrian General Criminal Code. His arrest had nothing to do with his defending Muhannad Al-Hassani. According to the Syrian Code of Criminal Procedures, the courts may not pursue criminal proceedings against any citizen unless he or she has engaged a defence lawyer. Otherwise, the judicial body conducting the trial must ask the Bar Association to designate one of its lawyers to act, free of charge, as defence counsel in the case. The facts and the logic of the case drove the false information which you</p>

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					<p>he had undertaken.</p> <p>On 19 October 2009, Mr. Haithem al Maleh was transferred to a branch of the Military Police in Qaboun, Damascus. On 3 November 2009, the Military General Prosecutor charged him with Articles 374 and 377 of the Criminal Law (Contempt of the Head of State’), Article 285 of the Criminal Law (Contempt of Public Administration), and Article 286 of the Criminal Law (Crime of disseminating false information affecting the morale of the nation). The military prosecution subsequently retained the charge under Article 286 of the Criminal Law, for which Mr. al Maleh remains in detention. According to the information received, his trial before the Military Court of Damascus is ongoing.</p> <p>Since 21 October 2009, Mr. al Maleh has been detained in Adra prison, Damascus. Information received suggests that in the first few weeks of his detention and again since 11 February 2010, Mr. al Maleh, who suffers from diabetes and an overactive thyroid gland, has been refused his medication as prescribed by his doctors, causing a serious deterioration of his state of health. Reports received suggest that during his hearing before the military judge on 22 February 2010, Mr. al Maleh was so weak that he could hardly speak. In addition, he had fainted during hearings earlier in February.</p> <p>Mr. al Maleh is detained in a cell with approximately 60 people. The cell does not contain any beds, simply mattresses on the floor, which are shared by several detainees. Water in the prison is often cut off, meaning the detainees cannot wash for long periods and have to use the toilet without any water – leading to serious health risks.</p>	<p>have received from your sources. Mr. Al-Hassani has a number of lawyers acting as his legal representatives and defence team. None of these persons has been arrested for defending Mr. Al-Hassani. The Government of the Syrian Arab Republic fully respects the legal practice of defending accused persons in court and regards the legal profession as one of the noblest of all the human professions. In this connection, we should like to reiterate our views about the sources on which you rely for information on issues relating to our cooperation with you. Most of these sources have no other aim than to damage the good name of the Syrian Arab Republic by submitting false information and making unfounded allegations about us.</p> <p>Mr. Haithem Al-Maleh was arrested for committing offences which are punishable under the Syrian General Criminal Code, namely, incitement and terrorization of others by disseminating false information in the Syrian Arab Republic and abroad with the aim of damaging the reputation of the Government of the Syrian Arab Republic vis-à-vis Syrian citizens and international organizations, undermining national unity in Syrian society and stirring up citizens against one another and against their Government. He was arrested and brought before the competent judicial body, namely, the Office of the Military Prosecutor in Damascus, which investigated the case. The Office discovered that, while committing these offences, Mr. Al-Maleh had also defamed the Syrian judiciary. Therefore, it filed proceedings against him for the following offences:</p> <p>(a) Defaming the judiciary, which is punishable under article 376 of the General</p>

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						<p>Criminal Code;</p> <p>(b) Disseminating false information likely to weaken national sentiment, which is an offence under article 286, referring to article 285 of the General Criminal Code;</p> <p>(c) Disseminating abroad false information likely to damage the prestige of the State, which is an offence under article 287 of the General Criminal Code.</p> <p>The case file was then sent to the chief military investigating judge in Damascus, who interviewed Mr. Al-Maleh about the allegations and confronted him with the evidence submitted by the Office of the Prosecutor. After the interview was completed, the investigating judge issued a decision, on 1 November 2009, formally charging Haithem Al-Maleh with disseminating false information likely to weaken national sentiment, which is an offence under article 286, referring to article 285 of the General Criminal Code, defaming the judiciary, which is an offence under article 376 of the General Criminal Code, and disseminating abroad false information likely to damage the prestige of the State, which is an offence under article 287 of the General Criminal Code. The investigating judge's decision was open to appeal at cassation. Indeed, Mr. Al-Maleh did appeal the decision through his defence lawyers. The appeal was lodged with the criminal division of the Syrian Court of Cassation, which is the highest court in the Syrian Arab Republic and has the final say as to whether this person should be tried by a criminal court or proceedings should be discontinued and he should be released.</p> <p>As for Mr. Al-Maleh's health and the</p>

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						<p>information in your letter that he suffers from diabetes and an overactive thyroid gland and is therefore in need of appropriate medical treatment and medicine, we should like to provide you with a categorical assurance that Mr. Al-Maleh is receiving appropriate medical treatment and care in prison at the hands of the prison doctor. In addition, should he, or any other prisoner in a Syrian prison, require the assistance of a medical specialist, the competent prison administration responsible for protecting prisoners' welfare will make sure that he is given a physical examination and is taken care of by medical specialists in the Syrian Arab Republic. In this regard, we should like to assure you that, in keeping with our values and our cultural and human heritage, we are required to provide prisoners with full humanitarian and health care, irrespective of the obligations set out in the relevant international treaties which the Government of the Syrian Arab Republic applies and by which it is bound. We view any failing in this regard not only as an infringement of international law and human rights but also a breach of values and morals. We hope that you will always inform us of any allegation that you receive about any failing in this regard so that we may hold those responsible to account, if proven guilty.</p> <p>As for the information in the letter about Mr. Al-Maleh's right to freedom of expression under international instruments, the Government of the Syrian Arab Republic assures you that, just like other citizens, Mr. Al-Maleh exercises his full rights as a member of Syrian society, including his right to freedom of expression and opinion. We in the Syrian Arab Republic are fully committed to protecting this right, which is explicitly safeguarded under the Syrian Constitution.</p>

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200.		01/07/10	JUA	WGAD; TOR	<p>Concerning the physical and mental integrity of Ms. Ayat ESSAM AHMED, a student of French literature at the University of Damascus, who has been reportedly arrested and held incommunicado by the Syrian Political Security Services.</p> <p>On 18 October 2009, Ms. Ayat ESSAM AHMED was arrested after having been summoned by the Syrian political security services to the building of the Al-Fayhaa unit for a routine questioning. Shortly after her arrest, the house where she lives with her family was reportedly raided by agents of this service who took a number of personal effects</p>	<p>However, any citizen who steps over the internationally recognized limits on the right to freedom of expression by inciting others, stirring up fear, undermining national unity and the prestige of the State and defaming the judiciary shall be deemed to have committed a criminal act which is punishable under Syrian law and must be prosecuted by the courts.</p> <p>With regard to guaranteeing a fair trial before an impartial court, we must draw your attention to the fact that the laws of the Syrian Arab Republic are in conformity with all international treaties and norms and are entirely in line with the laws in effect in most countries of the world. We can also assure you that we have a firmly established judiciary and judges who are impartial, enjoy complete immunity and have full authority in the exercise of their functions. Any person who infringes the law is subject to the authority conferred on the courts by the Constitution and the law, which regulate all decisions, procedures and judgements of the courts with a view to protecting Syrian society and safeguarding human rights.</p>

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					<p>belonging to Ms. Ayat ESSAM AHMED, including her personal computer.</p> <p>On 22 January 2010, the family of Ms. Ayat ESSAM AHMED was able, for the first time since her arrest, to obtain information on her whereabouts from someone who had allegedly been detained at the same time as her in the building of the Al-Fayhaa unit of the Syrian Political Security Services. According to this information, Ms. Ayat ESSAM AHMED has suffered severe physical and psychological torture, including being attached to an automobile tire and beaten (method known as dullab) and being attached from hands and feet, suspended in the air and beaten with wires all over her body (method known as wind carpet or bessat reeh). According to the information obtained by the family, Ms. Ayat ESSAM AHMED presented numerous wounds and scars in her head and face and she had to be transferred to the hospital in Ibn Nafees on several occasions.</p> <p>The family of Ms. Ayat ESSAM AHMED was also able to find out that shortly after her arrest she had been transferred to the prison of Al-Mezze, where she was held for a month, before being transferred again to the building of the Al-Fayhaa unit. Later on, the family of Ms. Ayat ESSAM AHMED could learn from another co-detainee that, during the first week of May 2010, she had been transferred to a detention centre in Damascus named “Far’a (section) Palestine.</p> <p>However, according to the reports received, the Syrian authorities have refused to acknowledge the detention of Ms. Ayat ESSAM AHMED.</p> <p>Serious concern is expressed about the physical and mental integrity of Ms. Ayat ESSAM AHMED. In this connection, grave concern is</p>	

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					expressed about allegations that Ms. Ayat ESSAM AHMED has suffered severe physical and psychological torture as a result of which she was transferred to a hospital on several occasions. Moreover, very serious concern is expressed about allegations that the Syrian authorities have not officially acknowledged the arrest and detention of Ms. Ayat ESSAM AHMED as a result of which she might be held incommunicado and/or in an unknown place of detention.	
201.		14/09/10	JAL	SUMX; TOR	Concerning deaths in custody of Mr. Jalal Al-Kubaisi and Mr. Wadee' Sha'bouk. Mr. Al-Kubaisi, aged 33, was arrested on 27 May 2010 in Al-Hamidiyeh Souk in Damascus by the criminal security services - Damascus branch. He was taken to an unknown location. Members of his family inquired from the criminal security services of his whereabouts and the charges against him, but they refused to comment on the situation. On 31 May 2010, agents from the criminal security services informed the family of Mr. Al-Kubaisi that he was unwell. On 1 June 2010, the family of Mr. Al-Kubaisi was informed that "he has fallen on the floor and was transferred to Al-Mojathed hospital but it was too late". When the members of his family went to the hospital, they noted that Mr. Al-Kubaisi had been tortured. People who were arrested together with the deceased reported that he had been beaten on his chest and head by five members of the criminal security services. Mr. Al-Kubaisi's family lodged a complaint with the Prosecutor general in Damascus, who ordered an investigation and an autopsy to determine the cause of death. On 7 June 2010, the medical commission reported that his death was caused by a collision with a solid object and that he had bruises on his entire body. The	

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					<p>commission indicated that they were unable to determine the cause of the bruises due to lack of technology.</p> <p>Mr. Sha'bouk, aged 53, had on 13 July 2010 gone to the criminal security services -Aleppo branch in the Al-Ashrafiya region- to provide documents for the release of his son who was in custody on allegations of evading compulsory military services. Mr. Sha'bouk was brutally beaten and suffered a heart attack. Hours later he was taken to the hospital and he died the same day. Reportedly a member of the criminal security forces attempted to pressure the family of the deceased into signing a document attesting that he was healthy when he was presented to the criminal security services.</p>	
202.		13/10/10	JUA	WGAD; FRDX; HRD; IJL	<p>Concerning the arrest and alleged disappearance of Mr. Ismail Abdi. Mr. Abdi is a lawyer and member of the board of trustees of the Committees for the Defence of Democracy Freedoms and Human Rights in Syria (CDDFHRS), and has written numerous articles concerning the situation of human rights in the Syrian Arab Republic.</p> <p>On 23 August 2010, Mr. Abdi was arrested by members of the Amn al Dawla (State Security Forces) in Aleppo Airport, Syrian Arab Republic, as he attempted to return from the Syrian Arab Republic to his residence in Germany, along with his wife and three of his children. Since his arrest, Mr. Abdi's family and colleagues have received no information regarding neither his location nor his fate.</p> <p>It is reported that while in the airport, Mr. Abdi was taken aside by members of the Amn al Dawla for a security check, before being taken away by the security agents without being able to communicate further with his family.</p>	<p>By letter dated 1/12/2010, The Government of the Syrian Arab Republic indicated that in respect of Mr. Isma`il Abdi, a lawyer, we hereby inform you that Mr. Abdi was lawfully arrested on 23 August 2010 for publishing inflammatory articles that seek to undermine respect for the State, national sentiment and national unity, for bringing the country into disrepute abroad, for attacking the system of Government in Syria and for communicating with Al-Mustaqillah and Al Jazeera satellite channels and making statements on the so-called persecution of the Kurds in the Syrian Arab Republic that would encourage the spread of sectarianism.</p> <p>Mr. Abdi was duly transferred to the Syrian courts, where the required legal action will be taken against him by means of an impartial and fair trial</p>

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					<p>Upon inquiring at the time of arrest as to where Mr. Abdi would be taken, Mr. Abdi's family members were reportedly informed by a member of the Amn al Dawla that he would probably be taken to the State Security headquarters in Qamishli. However, when asked, officials at said headquarters denied holding anyone by the name of Ismail Abdi.</p> <p>Mr. Abdi's family has expressed concern that the arrest and alleged disappearance are related to his work on CDDFHS' publication, in February 2010, of a list of some 600 names of individuals who had allegedly been tortured and killed in Syrian prisons between 2008 and 2010.</p> <p>Concern is expressed that the arrest and alleged disappearance of Mr. Abdi are related to his peaceful and legitimate activities in defence of human rights, in particular with respect to the aforementioned publication. Furthermore, mindful of the fact that the location of Mr. Abdi's detention allegedly remains unknown and the lack of any formal charges brought against him, concern is expressed for his physical and psychological integrity.</p>	
203.		22/10/10	JUA	WGAD; WGEID; TOR	<p>Concerning Mr. Sheikh Hassan Mchaymech, 46, Lebanese Shi'a cleric and political analyst, who is allegedly being held incommunicado in an unknown location since his arrest on 7 July 2010 by the Syrian Political Security.</p> <p>According to the information received, on 7 July 2010, Mr. Mchaymech was arrested at the Syrian Jdeidet Yabous border crossing with Lebanon. Mr. Mchaymech was reportedly travelling by car with his wife and her mother to Saudi Arabia to make the pilgrimage to Mecca. According to the information received, on 7 July 2010, the day of Mr. Mchaymech's arrest, the Syrian authorities informed the</p>	

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					<p>Lebanese Armed Forces that Mr. Mchaymech was in their custody.</p> <p>It is reported that despite Lebanese authorities' requests for further information, Syrian authorities did not inform about the reasons for Mr. Mchaymech's arrest, any charges brought against him, nor did they reveal the whereabouts of Mr. Mchaymech.</p> <p>It is reported that Mr. Mchaymech suffers from a slipped disc in his back and a stomach ulcer, for which he requires regular medication. According to the information received, it is unknown whether Mr. Mchaymech has access to any necessary medication.</p> <p>Serious concern is expressed that Mr. Mchaymech has been detained incommunicado in an unknown location since his arrest on 7 July 2010, and continues to be at risk of torture and other ill-treatment.</p>	
204.		28/10/10	JUA	WGAD; TOR	<p>Concerning the disappearance and arbitrary detention of Mr. Tahseen Mammo.</p> <p>According to the information received, Mr. Mammo, a Syrian Kurd, 30, from the city of Aleppo, Syrian Arab Republic, was arrested on 29 January 2007, following a raid by Syrian security officers.</p> <p>Reportedly, in July 2008, Mr. Mammo was being held at Sednaya prison along with four other men allegedly detained in connection with their peaceful activities as members of the unauthorized Kurdish Yekiti Party in the Syrian Arab Republic. Mr. Mammo was reportedly facing trial before the Supreme State Security Court (SSSC).</p> <p>According to the information received, after the Sednaya prison riots of 5 July 2008 and following a communication ban imposed by</p>	

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					<p>authorities, Mr. Mammo's family has been unaware of his fate and was unable to visit him.</p> <p>It is reported that on 18 April 2010, the four men arrested with Mr. Mammo were brought before the SSSC, however, it is alleged that Mr. Mammo did not appear at the trial. The Syrian military police had reportedly transferred Mr. Mammo to the investigation unit linked to the military security in Damascus. It is reported, that Mr. Mammo's name was removed from the SSSC case file and that Mr. Mammo's lawyer was allegedly denied clarification from the court about this matter.</p> <p>Mindful of the fact that the location of Mr. Mammo's detention allegedly remains unknown and the lack of any formal charges brought against him, grave concern is expressed about the fate and whereabouts of Mr. Mammo, as well as about his physical and mental integrity. Furthermore, concern is expressed about the arbitrary detention of Mr. Mammo in July 2008 and his subsequent incommunicado and secret detention between 5 July 2008 and 18 April 2010. Furthermore, serious concern is expressed about the fate of Mr. Mammo in light of the information alleging that Mr. Mammo was listed among other prisoners whose whereabouts were unknown following the use of firearms on prisoners by prison staff during the Sednaya prison riots of 5 July 2008. Finally, concern is expressed about the lack of adequate action taken by Syrian authorities following allegations of the use of firearms on prisoners by prison staff during the Sednaya prison riots.</p>	
205.		09/11/10	JUA	FRDX; HRD; IJL	Concerning the situation of Mr. Haytham Al-Maleh. Mr. Al-Maleh, aged 79, has been a lawyer since the 1950s and in 2001 founded	

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				TOR	<p>the Human Rights Association in Syria (HRAS).</p> <p>Mr. Al-Maleh was the subject of a Joint Urgent Appeal from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Representative of the Secretary-General on the situation of human rights defenders dated 23 February 2004; a Joint Urgent Appeal sent by the Chairperson-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, in human, or degrading treatment or punishment dated 21 October 2009; and a Joint Urgent Appeal sent by the Special Rapporteur on the independence of Judges and Lawyers; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, in human, or degrading treatment or punishment dated 18 March 2010. The response of your Excellency's Government to the Joint Urgent Appeals dated 21 October 2009 and 18 March 2010 was received on 1 April 2010.</p> <p>According to information we have now received:</p> <p>On 4 July 2010, Mr. Haytham Al-Maleh was sentenced to three years imprisonment by a Syrian Military Court, on charges of disseminating false information which could</p>	

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					<p>harm the nation.</p> <p>Concerns have been expressed regarding the fairness of Mr. Al-Maleh's trial before a Military Court, given that Mr. Al-Maleh holds no military status, and the crime of which he was found guilty was not of a military nature. Furthermore, the Code of Military Procedures, in accordance with which Mr. Al-Maleh was sentenced, allegedly fails to offer many of the fair trial guarantees stipulated in the International Covenant on Civil and Political Rights and the Syrian Code of Criminal Procedures.</p> <p>On 15 October 2010, the appeal lodged by Mr. Al Maleh's lawyer was rejected by the Damascus Appeals Court, Military Room. It is reported that Mr. Al-Maleh has no further recourse to appeal within Syria.</p> <p>Serious concerns have also been expressed regarding Mr. Al-Maleh's treatment while in detention and the conditions in which he is detained. Mr. Al-Maleh suffers from diabetes and an overactive thyroid gland, and it is alleged that, while he has been provided with some medication, he reportedly continues to be denied access to the medication specifically prescribed to him for his illnesses by his doctors. We hereby acknowledge receipt of the response provided by your Excellency's Government on 1 April 2010 concerning the medical assistance provided to Mr. Al-Maleh. However, we regret that the response did not provide substantive information regarding allegations indicating that Mr. Al-Maleh is being denied the specific medical assistance as prescribed by his doctors.</p> <p>It is reported that Mr. Al-Maleh shares a cell with as many as 60 other prisoners, in which there are no beds and a limited number of</p>	

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					<p>mattresses, and that the water in the prison is often cut off, leading to health risks. It is also reported that Mr. Al-Maleh has developed a degenerative knee infection, back problems, and recurrent influenza.</p> <p>Given Mr. Al-Maleh's age, state of health and the conditions in which it is alleged that he is detained, serious concern is expressed for his physical and psychological integrity. Concern is also expressed that the rejection of the appeal against Mr. Al-Maleh's sentence may be related to his legitimate and peaceful work in defence of human rights, including as a lawyer. In this connection, further concern is expressed that the aforementioned decision forms part of a pattern of ongoing judicial harassment against human rights defenders and lawyers in Syria</p>	
206.		11/11/10	JUA	FRDX; HRD; IJL TOR	<p>Concerning the situation of Mr. Muhannad Al-Hassani, President of the Syrian Human Rights Organization "Sawasiya" and a Commissioner of the International Commission of Jurists, currently serving a three year prison sentence for "weakening national sentiments and encouraging racist and sectarian feelings", and "transferring false and exaggerated news that weaken national sentiments". In October 2010, Mr. Al-Hassani received the 2010 Martin Ennals Award for human rights defenders and the Dean Award of the Amsterdam Bar Association.</p> <p>The case of Mr. Al-Hassani has previously been addressed by the Special Procedures Mechanisms in a Joint Urgent Appeal sent by the Vice-Chair Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special</p>	

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					<p>Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment dated 3 August 2009; a Joint Urgent Appeal sent by the Special Rapporteur on human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, dated 10 December 2009; and a Joint Urgent Appeal sent by the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the independence of judges and lawyers dated 6 July 2010. In these communications concern was raised that the disbarment, charges, trial and sentencing of Mr. Al-Hassani were related to his peaceful and legitimate activities in defence of human rights, including as a lawyer. The response of your Excellency's Government to the communication dated 10 December 2009, was received on 29 July 2010.</p> <p>On 28 October 2010, Mr. Muhannad Al-Hassani, who reportedly shares a cell with at least 30 convicted criminals, was attacked and severely beaten by a cell-mate, whose name is known to us. The attack reportedly caused a wound in his forehead which required ten stitches, as well as swelling of his left eye and cheek. The alleged attacker is reported to be serving a prison sentence for rape, armed robbery and forming a criminal gang. As he assaulted Mr. Al-Hassani, the perpetrator allegedly accused him of being an agent for a foreign entity and not being a Syrian nationalist.</p> <p>It is reported that the prison authorities subsequently launched an investigation into the assault. However, it is alleged that in the process of the said investigation, comments made by the alleged attacker before the</p>	

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					<p>investigation committee in which he threatened to kill Mr. Al-Hassani were not recorded in the charge sheet. It is further alleged that despite making a request to transfer the alleged perpetrator to another cell, Mr. Al-Hassani remains imprisoned in the same cell along with his attacker.</p> <p>On 29 October 2010, the day following the attack, the Penal Chamber at the Court of Cassation reportedly rejected Mr. Al-Hassani's appeal, confirming the three-year sentence passed by the Second Damascus Criminal Court on 23 June 2010, and leaving Mr. Al-Hassani with no further legal recourse within the Syrian Arab Republic.</p> <p>Given the serious risk that Mr. Al-Hassani may be subjected to further attacks, grave concern is expressed for his life, and physical and psychological integrity. Further concern is expressed that both the attack against Mr. Al-Hassani and subsequent rejection of his appeal before the Court of Cassation may be related to his legitimate and peaceful activities in defence of human rights, particularly as a lawyer.</p>	
207.		12/11/10	JUA	IJL; SUMX; TOR; VAW	<p>Concerning the situation of Ms. Eliaza al-Saleh, a mother of three teenagers, who was sentenced to death on 29 September 2009, by the Military Criminal Court in Homs for acting as an accomplice in the murder of her husband, Fouad al-Naqari, on 26 July 2007. The sentence was confirmed by the Court of Cassation on 2 March 2010. Information now made available to us indicates that she has been moved from her cell to prepare for her execution.</p> <p>According to the information received, Ms. Al Saleh is the victim of several years of spousal, physical and sexual abuse by her husband, Fouad al-Naqari. It is reported that, on at least</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>one occasion, Mr. Al Naqari had forced Ms. Al Saleh to sleep with his debtor in order to defray a debt he owed them. It is also alleged that Mr. Al Naqari would humiliate her by stripping her naked and ordering her to get things for him by carrying them in her mouth. On another occasion Mr. Al Naqari brought another woman home and, when Ms. Al Saleh disapproved of this, he slapped her and ordered her to crawl around the house in front of the other woman. It is also reported that Mr. Al Naqari raped and frequently beat her, with various items including a knife, which resulted in a tear in her mouth, a broken rib and broken shoulder.</p> <p>During interrogation it is alleged that she confessed to the charge that she had acted as an accomplice to her husband's killing even though she subsequently denied the charge during trial. In any case, the court did not examine the circumstances of the offense, including the possible mitigating circumstances.</p>	
208.		25/11/10	JUA	WGAD; FRDX; HLTH; TOR	<p>Concerning the situation of Mr. Amro Okleh, a writer and a political activist, who works as a Government employee at the "Board of Control and Inspection" of Al Hassaka, the Syrian Arab Republic. Mr. Amro Okleh is a member of the Damascus Declaration for national democratic change and the author of a number of articles published in the Syrian press. Mr. Okleh is married with two children and lives in the Syrian Arab Republic.</p> <p>On 15 November 2010, Mr. Okleh, aged 46, was allegedly arrested by agents of the State Security Services. It is reported that the security agents did not present any judicial warrant, nor did they explain the reason for Mr. Okleh's arrest. They reportedly raided Mr. Okleh's home and confiscated various personal</p>	

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					<p>belongings, including his mobile phone, a laptop and a computer.</p> <p>It is reported that Mr. Okleh was subsequently taken to the Security State Services branch in Al Kameshli where he is currently held in incommunicado detention. It is further reported that Mr. Okleh has not been allowed to see his family, nor has he been provided with medical treatment, despite his serious health condition. Mr. Okleh had reportedly been suffering from cardiac condition and heart disease.</p> <p>Given that Mr. Okleh continues to be allegedly held incommunicado, concern is expressed about his physical and psychological integrity. Further concern is expressed that the arrest and subsequent incommunicado detention of Mr. Okleh may be related to his peaceful and legitimate political activities, particularly his recent activities linked to publishing in the local media.</p>	
209.		Follow-up to earlier cases.		Mr. Mustafa Setmariam Nassar (A/HRC/13/39/Add.1 para 251)		By letter dated 11/02/2010, the Government indicated that there is not detainee in any of the Syrian prisons with the name Mustafa Setmariam Nassar. Furthermore the Syrian Arab Republic would like to inform the honourable Special Procedures that there are no Secret Detention Centres in the Syrian Arab Republic.
210.				Muhanad Al Hasani, (A/HRC/13/39/Add.1 para. 250)		By letter dated 29/07/2010, the Government indicated that with regard to the information that you have received in respect of Mr. Muhannad al-Hasani, a lawyer, we hereby inform you that at the Disciplinary Committee of the Damascus Branch of the Bar Association held a hearing on 10 November 2009, presided over by the Branch President and attended by six lawyers in addition to Mr. Al-Hasani's legal representatives, namely, Mr. Haitham al-

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						<p>Malih, Mr. Hasan Abd al-'Azim and Mr. Radif Mustafa. The hearing was held pursuant to the Chairman of the Bar's decision to initiate disciplinary action against Mr. Al-Hasani and transfer him to the Disciplinary Committee of the Damascus Branch of the Bar Association. Annexed to that decision were 17 statements published on the Internet and attributed to the "Syrian Organization for Human Rights", an organization of which Mr. Al-Hasani presided without having obtained the necessary legal authorizations, in violation of Act No. 39 regulating the legal profession and its rules of procedure. The said Act prohibits any lawyer from founding an association or forum without having first notified his branch of the Bar Association and obtained formal authorization from the competent authorities. Mr. Al-Hasani was invited to appear before the lawyer assigned to investigate his case, but failed to attend. We wish to underscore that the Disciplinary Committee initiated purely disciplinary action against Mr. Al-Hasani, not criminal proceedings. The above confirms that the alleged information contained in the case file is inaccurate. A formal complaint was brought against Mr. Al-Hasani not because he was monitoring open trials and documenting trial proceedings without being mandated to do so or without being involved in those trials; that is a matter for the courts, not the Bar Association. It was decided, in the presence of his lawyers, to disbar Mr. Al-Hasani for professional misconduct in accordance with the Bar Association Regulatory Act, which is broadly consistent with international norms and standards having been drafted by leading Syrian lawyers in line with the legislation regulating the legal profession in most</p>

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						countries of the world. The decisions of the Committee, which is established in accordance with that Act, cannot therefore be subject to any political or personal considerations. In the course of its history, the Bar Association has taken numerous decisions to disbar lawyers for professional misconduct under the Bar Association Regulatory Act. It should be noted that if it is ascertained that Mr. Al-Hasani has been in any way wronged, he is fully entitled to appeal to the Committee, which serves as a supreme court and would certainly redress any injustice.
211.					Mr. Mohammad Saed Hossein Al-Omar, (A/HRC/13/39/Add.1 para. 253)	A reply was received from the Government on 22/06/2010, but could not be translated in time for inclusion in this report.
212.	Tajikistan	18/03/10	JUA	WGAD; FRDX; HRD; IJL	Concerning Mr. Nematillo Botakuziev, a human rights defender and representative of the of the Nookat branch of the Kyrgyz NGO “Justice-Truth” since 2004. “Justice-Truth” provides legal assistance and representation in criminal trials that have human rights concerns. On 26 February 2010, Mr. Nematillo Botakuziev, a Kyrgyz citizen, reportedly disappeared in Dushanbe, Tajikistan, following a meeting with the local office the same day. Mr. Botakuziev had been hiding in Kyrgyzstan since October 2008, after he had been accused by the authorities of organizing the protest in Nookat, Kyrgyzstan, on 1 October 2008, and wanted him on criminal charges. Mr. Botakuziev arrived in Tajikistan in mid-February 2010 and sought asylum. He was registered with the local office of the UNHCR as an asylum seeker and was last seen in the UNHCR offices in the afternoon of 26 February 2010. On 4 March 2010, the Regional Office of	

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					<p>OHCHR for Central Asia in Bishkek, Kyrgyzstan was informed by several sources that Mr. Bokatzuev is allegedly detained by the State Committee on National Security of the Republic of Tajikistan and is under threat of being extradited to the Kyrgyz Republic. On 13 March 2010, the Director of an NGO was informed that Mr. Bokatzuev was being held in a detention facility on Molodaya Gvardia street in Dushanbe, Tajikistan.</p> <p>Mr. Botakuziev has allegedly suffered repeated beatings while in detention and his state of health is further weakened due to a recent heart attack.</p> <p>On 17 March, Mr. Bokatzuev's lawyer attempted to get access to him but was refused to see his client.</p> <p>Concern is expressed that the arrest and detention of Mr. Nematillo Botakuziev may be related to his legitimate activities in defence of human rights, in particular his denunciation of the repression of the Nookat demonstration by Kyrgyz security forces. Further serious concern is expressed regarding the physical and psychological integrity of Mr. Botakuziev in light of his fragile state of health and allegations of torture and ill-treatment while in detention.</p>	
213.		29/03/10	JUA	HRD; IJL; TOR	<p>Concerning Mr. Nematillo Botakuziev, a human rights defender and since 2004 the representative of the Nookat branch of the Kyrgyz NGO "Justice-Truth". "Justice-Truth" provides legal assistance and representation in criminal trials that have human rights concerns. A first communication on the case was sent to your Government by several special procedures mandate holders on 18 March 2010.</p> <p>Mr. Botakuziev's lawyer was still not permitted to meet with his client in detention.</p>	

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					<p>The lawyer was told to request permission from the Prosecutor-General of the Kyrgyz Republic to obtain access to Mr. Botakuziev. Information received further suggests that the extradition papers are being prepared by the authorities so that Mr. Botakuziev be returned to the Kyrgyz Republic prior to 1 April 2010. In addition, Mr. Botakuziev was already questioned with the participation of Kyrgyz authorities.</p> <p>If returned to the Kyrgyz Republic, Mr. Botakuziev faces a serious risk of being ill-treated and not to be afforded a fair trial. He has been accused by the Kyrgyz authorities of organizing the protest in Nookat, Kyrgyz Republic, on 1 October 2008, and is therefore wanted on criminal charges. At the trial of 32 persons allegedly involved in the events at Nookat, several testified that they had been tortured and ill-treated (see urgent appeal of 11 December 2009 by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment). However, the court neither ordered an investigation of the allegations nor dismissed the evidence defendants said had been obtained under torture. In May 2009, the Kyrgyz Republic's Supreme Court reviewed the case and upheld the verdicts. It did not investigate the defendants' torture allegations.</p>	
214.		19/11/10	JUA	WGAD; IJL; TOR	<p>Concerning the situation of Mr. Ilkhom Ismanov, a citizen of the Russian Federation, who was arrested and allegedly tortured in the northern Soghd region of the Republic of Tajikistan.</p> <p>On 3 November 2010, Mr. Ismanov disappeared and his family had no information about his whereabouts. On 4 November 2010, two men reportedly searched Mr. Ismanov's</p>	

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					<p>family house without presenting any official document. They reportedly told Mr. Ismanov's wife that he was being held at the Department for the Fight against Organized Crime of the Ministry of Internal Affairs in the city of Khudzhand in the Soghd region of the Republic of Tajikistan.</p> <p>On 4 November and subsequently on the following days, despite several attempts to visit Mr. Ismanov, his lawyer and a representative of the Centre for Human Rights of Soghd region were reportedly denied access to Mr. Ismanov. Mr. Ismanov's relatives had reportedly been denied access to him but eventually were able to see him twice. It is reported that on 12 November, Mr. Ismanov's lawyer saw him at the court hearing when the judge authorized the extension of his detention.</p> <p>It is further reported that on 5 November, when Mr. Ismanov's wife and brother went to visit him at the detention facility in Khudjand, a police officer reportedly asked them to bring some ointment for injuries and pain killers. Mr. Ismanov's relatives claimed that he was unable to walk, had several injuries on his neck, his hands were bruised, and his body was wet. It is reported that when Mr. Ismanov's wife asked him to show his feet, the police stopped the visit and escorted the relatives out.</p> <p>On 11 November, Mr. Ismanov was reportedly transferred to the temporary detention facility of the Ministry of Internal Affairs in the town of Chkalovsk. Mr. Ismanov's relatives and his lawyer have reportedly sent several complaints to the authorities including the Regional Department for the Fight against Organized Crime and the Procurator's Office of Soghd. Mr. Ismanov's relatives did not receive any response to their request for medical examination of Mr. Ismanov which have been</p>	

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					<p>addressed to the regional prosecutor's office.</p> <p>It is reported that on 12 November, during the court hearing, Mr. Ismanov told the judge that he was subjected to electric shocks and boiling water was poured on him while in detention. It is claimed that when Mr. Ismanov offered to show the evidence of torture on his body, the judge ignored the allegations of torture by saying that the lawyer should take up the allegations of torture with the police investigator. It is reported that Mr. Ismanov was charged with "organizing a criminal group."</p> <p>On 13 November, the court reportedly ordered an investigation into the allegation that Mr. Ismanov had been detained since 3 November and not since 9 November as stated by the police.</p> <p>In view of the allegations of torture and lack of medical attention to Mr. Ismanov, concern is expressed about his physical and psychological integrity. Further concern is expressed about the lack of investigation into the allegations of torture.</p>	
215.	Thailand	29/12/09	JUA	MIG; IND; TOR	<p>Concerning the allegedly forcible return of Lao Hmong from Thailand to Laos. We wish to recall our earlier communications relating to this issue of 27 June 2008 and 18 July 2008. We thank your Excellency's Government for the preliminary clarifications received on 3 July and 7 August 2008, in which you indicate that appropriate screening mechanisms have been put in place. However, according to the new information received,</p> <p>On 28 December 2009, the Thai Government proceeded to return about 4000 Lao Hmong to the Lao People's Democratic Republic under a bilateral agreement with the Lao People's Democratic Republic. The Government</p>	<p>By letter dated 12/01/2010, the Government provided preliminary clarification regarding the alleged forcible return of Lao Hmong from Thailand to Laos and promised to convey any development in relation to this matter to you as soon as it received.</p> <p>I would like to underscore that Thailand's decision to return the Laotian Hmongs to the Lao PDR was not taken lightly, but was carried out after thorough and serious consideration by the Thai Government. The agreement that we have worked out with the Lao Government does not depart from relevant international human rights law and humanitarian principles, but provides a</p>

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					<p>announced that the process is expected to be completed before the end of 2009. The persons to be deported include 158 refugees recognized by the United Nations Refugee Agency (UNHCR), held in detention in Nong Kai and a larger group of individuals, held in Huay Nam Khao camp in Petchabun, to whom UNHCR has not been granted access. Reportedly, in parallel, additional troops of the official Thai army were deployed in Petchabun.</p>	<p>realistic and durable solution to this long-standing issue. Recent developments on the part of the Lao Government seem to confirm that Laos is determined to uphold the assurances it has made. We therefore believe that we have put in place a process that should benefit all sides concerned, by enabling the Laotian Hmong returnees to regain their normal livelihood while keeping the door open for possible resettlement in third countries.</p> <p>In concluding, I wish to assure you that our effort to resolve the situation surrounding the Laotian Hmongs will take into account the best interest of all concerned. Thailand stands ready to continue to engage and cooperate with you on this very important matter. ...</p> <p>[...]Preliminary Clarification on the return of the Loatian Hmong from Thailand to the Lao People's Democratic Republic on 28 December 2009</p> <p>- Over the years, Thailand has worked closely with the international community to provide resettlement opportunities for the Laotian Hmongs in Thailand. However, after the last large scale resettlement of the Laotian Hmongs from Tam Krabok in 2003, there was a general recognition that the situation in the Lao People's Democratic Republic had changed significantly taking into account Laos' accession to several core UN Conventions on human rights and the ratification of the ASEAN Charter. Therefore, resettlement opportunities for large groups of Laotian Hmongs from Thailand were no longer available.</p> <p>- Since then, however, there were still continued influxes of Laotian Hmongs into Thailand. It should be stressed that such</p>

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						<p>persons had entered Thailand illegally in search of economic opportunities or with the hope of being able to further their livelihoods in third countries. It was therefore imperative for Thailand to find a long term solution to this problem based on Thai law while at the same time upholding humanitarian principles.</p> <ul style="list-style-type: none"> - In spite of the irregular status of the Laotian Hmongs under Thai law, Thailand has done its utmost to provide basic needs and care for such persons based on humanitarian grounds. - Since 2007, Thailand has provided shelter for the Laotian Hmongs at Huay Nam Khao in Petchaboon Province, and has cooperated with international organizations and non-Governmental organizations to conduct humanitarian activities in the temporary shelter. - Due to the large number of this group of persons and the fact that third countries no longer have any resettlement plans for a large group as previously was the case with those at Tam Krabok, Thailand has been obliged to seek cooperation from the Government of the Lao PDR to jointly find a solution to this issue. Ultimately, both sides agreed on the return of the Laotian Hmongs by the end of 2009 under the Thai-Lao bilateral framework, with the Sub-General Border Committee as the main mechanism. - It should be noted that during the course of 2008 and 2009, the Thai authorities have facilitated 19 returns of over 3,200 Laotian Hmongs who expressed their wish to return to the Lao PDR. To date, there has been no report of any difficulties or persecution faced by such returnees, which is confirmed by various international organizations and diplomatic missions in Vientiane. Furthermore, the Laotian authority has

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						<p>invited representatives of the international organizations and diplomatic missions to visit the Laotian Hmong returnees several times.</p> <p>- On 28 December 2009, the Thai authorities oversaw the return of 4,350 Laotian Hmongs at Huay Nam Khao in Petchaboon Province and 158 Laotian Hmongs in the IDC in Nong Khai Province to Lao PDR in a safe and orderly manner, in accordance with the Thai Immigration Act and with due regard to human rights and humanitarian principles. The returnees were provided with adequate food and medical services throughout the return process. Special considerations were given to the needs of women and children. The Thai Government also took great care to uphold the principle of family unity for all those concerned.</p> <p>- The return followed assurances given by the Government of the Lao PDR to the Thai Government at all levels, from the leadership to the working level, that legal proceedings will not be undertaken against returning Laotian Hmongs and requests for onward travel by them will be facilitated. Moreover, third countries wishing to resettle some Laotian Hmong returnees would be able directly discuss details with the Government of the Lao PDR.</p> <p>- The Government of the Lao PDR has also given assurances that it will facilitate those Laotian Hmongs wishing to return to their home communities with transportation and initial financial assistance, while housing and other assistance will be provided to those wishing to move to a development village.</p>
216.		17/02/10	JAL	TERR; TOR	Concerning the use of shackles on death row prisoners. Male prisoners who are sentenced to death by	By letter dated 30/03/2010, the Government informed you that the above-mentioned matter has been duly forwarded to the

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					<p>Courts of First Instance are immediately shackled, despite the fact that the Corrections Department Act of 1936 only refers to the temporary use of shackles, on an individual basis, and in exceptional circumstances. Different sized chains are used to the shackles to the prisoners' waists, ranging from five to 20 kilograms. The shackles prevent proper exercise for the prisoners, and the friction caused by the metal rings can cause lesions that are prone to become infected. It is reported that there are 868 prisoners awaiting execution, and the great majority remain shackled.</p> <p>On 2 March 2005, Mr. Malcolm Denis Lim, a Malaysian citizen, was taken to Klong Prem Central Prison, after being sentenced to death on a charge of possession of drugs for sale. His case is currently before the Appeals Court. Upon arrival in prison, he was shackled with approximately 10 kilogram chains, allegedly due to the possibility that he would attempt to escape. Nevertheless, he was detained in Building 2, which was specially constructed for persons sentenced to death, and from where it was not possible to escape.</p> <p>Mr. Lim filed a complaint against the Corrections Department, protesting the illegality of the use of shackles on him. On 25 July 2007, the Administrative Court ordered that the shackles of the plaintiff be removed while the Court deliberated its decision. The shackles were subsequently removed, but the prisoner was no longer allowed to go to the yard with other prisoners, in response to a request by the Corrections Department that the shackles were necessary to prevent his escape. The prisoner was later transferred to Bang Kwang maximum security prison, where he was once again shackled, despite his complaints regarding the Court's order.</p>	<p>concerned authorities in Thailand for further examination.</p> <p>I would like to take this opportunity to reaffirm Thailand's commitment to the promotion and protection of human rights in accordance with our international obligations. With regard to the use of shackles on death row prisoners, you are correct in noting that Thai law (Corrections Department Act of 1936) does permit the use of shackling, but in very exceptional instances, such as to prevent harm or escape. Therefore, it must be determined under what circumstances the shackles were used.</p> <p>By another letter dated 23/07/2010, The Government responded to the allegation letter of 17/02/2010:</p> <p>On 2 March 2005, Mr. Malcolm Dennis Li, a Malaysian citizen, was taken to Klong Prem Central Prison, after being sentenced to death on a charge of possession of drugs for sale. His case is currently before the Court of Appeal. Upon arrival at prison, he was shackled with approximately 10 kg chains allegedly due to the possibility that he would attempt to escape. Mr. Lim then filed a complaint against Department of Corrections to have his shackles removed, which the Administrative Court ordered that his shackles be removed on 16 September 2009. However, when Mr. Lim was moved to another prison, he was put on shackles again while the Department of Corrections appealed the decision of the Administrative Court.</p> <p>The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment is seeking clarification regarding the circumstances of Mr. Lim.</p>

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					<p>On 16 September 2009, the Court emitted its final decision, stating that the shackling of the prisoner was illegal and ordered the Corrections Department to remove the shackles within 30 days. The Corrections Department appealed the decision, noting that there were problems with the level of security; that other prisoners would make the same plea as the plaintiff if his shackles were removed, and that the international standards referred to in the judgment of the Administrative Court had not been integrated in Thai domestic legislation, and were therefore not binding on the Government.</p>	<p>Clarification</p> <p>Thailand Corrections Department Act of 1936 article 14 stipulates that the use of shackles on prisoners is permitted on 5 conditions, namely:</p> <ol style="list-style-type: none"> 1. That the prisoner is likely to cause harm to himself or others; 2. That the prisoner is mentally ill or unstable that might cause harm to others; 3. That the prisoner is likely to escape; 4. Under the warden's discretion when transferred outside of prison; or 5. Under the Minister of Justice's order according to prison's conditions or local circumstances. <ul style="list-style-type: none"> • Mr. Malcolm Dennis Lim, while in detention at the Special Central Prison, was charged with the disciplinary offense of possessing a type 2 drug. This behaviour showed the propensity to re-offend, disobey of prison rules, and possibly attempt escape. Mr. Lim has since 2 March 2006 been detained in Klong Prem prison, whose regulations states that for security reasons, all prisoners sentenced to death must wear shackles. • While Building 2 of Klong Prem prison is specially designed for the confinement of prisoners with serious crimes, problems with security of the facility still exist both in terms of physical condition and the ratio of wardens to prisoners. The number of persons detained there es 787 (as of 17 August 2009). From 08.30 to 16.30 hours there is one warden per 41 prisoners. If wardens are called to other duties such as accompanying prisoners to hospitals, meeting with lawyers or embassy

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						<p>representatives, the ratio will be greater. From 16.30 to 8.30 hours, the ratio is further increased to one warden per 196 prisoners. By UN standards the ratio of warders should be 1 per only 5 prisoners. Therefore, thus circumstances call for these of shackles permitted in Section 14(1) and 14 (39) of the Corrections Department Act.</p> <p>Furthermore, if shackles are removed for one prisoner, others will make the same request, causing great difficulties for the work of the Department of Corrections and prison wardens. If other prisoners are released from shackles, they can join together in causing trouble, join in protest, attack wardens, and cause damage to prison property, as is regularly reported.</p> <ul style="list-style-type: none"> • The Department of Corrections has always administered the use of shackles with extreme care and reserves their use only in those cases that are deemed necessary. In accordance with the Standard Minimum rules for the Treatment of Prisoners, the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which Thailand is a party, the Department of Corrections has enacted the 11 rules since 2004 as standard for the use of shackles. The rules state the use of shackles as follows: <ol style="list-style-type: none"> 1. All use of shackles must comply with law and regulations of Thailand such as the Corrections Department Act and other decrees; 2. All use of shackles must be administered with utmost deliberation and adequate grounds for use, in accordance with human rights and with respect to human dignity; 3. Under no circumstances can shackles be

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						<p>used as punishment for prisoner;</p> <p>4. For transfer of prisoners, appropriate size of shackles can be ordered in conjunction with the physical limitations of places to which the prisoners are transferred to as well as the prisoners' behaviour;</p> <p>5. The smallest size of shackles must be considered first in case there is a need for use, except in certain circumstance such as felony offenders or suspicion that the prisoner may cause harm to himself or other,</p> <p>6. Shackles cannot be used for female prisoner or male prisoner over 60 years of age, except when prisoner is violent or mentally ill that might cause harm to others;</p> <p>7. Physical limitations of prisons and the ration warden per prisoners must be carefully considered before administering the use of shackles;</p> <p>8. Shackles must be checked and repaired at least once a year; and</p> <p>9. Always bear in mind that the use of shackles by law is only to prevent escape or harm against oneself or the others. The appropriate use of shackles must always prevail;</p> <p>10. All prisons must keep a record of the use of shackles and their rationale for every prisoner; and</p> <p>11. The continued use of shackles must be reviewed every 15 days.</p> <p>At present, Mr. Lim's criminal case awaits deliberation of the Court of Appeal, while the case about his shackles awaits deliberation of the Supreme Administrative Court.</p>

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217.		23/07/10	JAL	SUMX; TOR	<p>Concerning the death in custody of Mr. Sulaiman Naesa.</p> <p>Mr. Sulaiman Naesa, aged 25, was arrested on 22 May 2010 on security-related charges. He was taken to Ingkhayuth army base in Pattani, where he was visited by his family on 23, 24, 25 and 26 May. On 27 and 28 May, the family of Mr. Naesa was not allowed to see him. On 29 May, Mr. Naesa looked tired, walked slowly and unevenly, and told his family that “it was too hard and he could not bear it”. On that day, his family was neither allowed to talk closely with him nor touch him.</p> <p>On 30 May 2010, the authorities informed Mr. Naesa’s family that he had been found dead in his cell. According to the prison officers, he hanged himself with a towel tied to the window, while his feet touched the floor and his knees were bent. When the autopsy was carried out, the doctor found a wound on the left side of his neck, wounds on his face and forehead, two fresh small wounds on his lower back, small wounds on the testicles and blood around the genitals. When inquiries were made into the wounds, the authorities indicated that they were insect bites. Later that day, a second, unofficial autopsy was carried out by a doctor from Yuparaj Saibur Hospital. He also found bleeding spots, particularly on the lower back and genitals, possibly due to electric shock. The small holes on the back were believed to be from stabbing with a sharp object. His neck was broken and his teeth were loose. Another detainee who was arrested on the same day as Mr. Naesa informed his family that Mr. Naesa had been suffocated with a black bag. However, he did not provide additional information due to fear of reprisals.</p>	<p>By letter dated 12/01/2011, the Government indicated that the case is currently under the judicial process where the Court of Pattani Province is required to conduct a legal inquiry into the cause and circumstances of Mr. Naesa’s death. Mr. Naesa’s parent has also lodged an appeal for justice with the National Human Rights Commission (NHRC). The result of this inquiry has not yet been released. Nevertheless, preliminary remedies have been provided to Mr. Naesa’s family by the Internal Security Operations Command.</p> <p>In this light, I wish to reaffirm Thailand’s commitment to upholding basic human rights in accordance with the Thai Constitution and the country’s obligations under international human rights instruments to which it is a party. The Thai Government and the security forces are acutely aware that any mistreatment and abuse of people will defeat the main policy objectives to build trust and confidence with the local Muslim population in Thailand’s Southern Border Provinces (SBPs). Strict orders have therefore been issued to all ranks to uphold the law and always treat the people, whether they are suspected perpetrators of violence or otherwise, with dignity and justice.</p> <p>Information and Observations by Thailand regarding the death of Mr. Sulaiman Naesa.</p> <p>Summary of allegations Mr. Sulaiman Naesa was found</p>
218.		08/09/10	JAL	MIG;	Concerning the impact of the nationality	

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				RACE; TOR	<p>verification (“NV”) process and the Prime Minister’s order of 2 June 2010 (No.125/1223) on the human rights of migrants in the country.</p> <p>We would like to inform your Excellency’s Government that we continue to receive increasing reports on the negative impact of the NV process on the human rights of migrants in Thailand. Further, we have also received information concerning arbitrary arrest of migrants accompanied by excessive use of force by law enforcement authorities, poor conditions of detention, and mass deportation of migrants. We are particularly concerned about reports indicating that migrants from Myanmar may be especially vulnerable to serious violations of human rights if returned to their country of origin.</p> <p>There are approximately 300,000 reported migrant workers who failed to enter the NV process by the extended deadline of 31 March 2010 and an estimated 1 million unregistered migrant workers who were ineligible for the NV process. These migrant workers are deemed as migrants with irregular status and particularly vulnerable to arbitrary arrest, violence, abuse, discrimination and exploitation by the police, military and immigration officers. The police reportedly stop migrants randomly to check their migrant workers’ card and arbitrarily arrest them if they are unable to produce it. They may be asked to pay money ranging from 200 to 8’000 baht or more to the police in exchange for their freedom, either when they are stopped by the police or when they are in police custody. It has been reported that even migrants who are registered and hold a valid migrant workers’ card are often arrested for failing to carry their cards with them at all times, despite the fact that many employers commonly withhold these</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
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cards.

It is also alleged that migrants who attempt to flee arrest are often subjected to severe physical assault by the police. For instance, it has been reported that Maung Kyi, an irregular migrant worker from Myanmar who was arrested by the Border Patrol Police on 5 August 2008, was severely beaten by the police officers after he attempted to escape from the Police's moving truck. Further, the fear induced by the threat of being arrested and subjected to violence has allegedly resulted in a number of cases where migrants drowned to death as they tried to flee from police officers. On 8 March 2010, two young sisters from Myanmar, Nyo Nyo San, 20 years old, and Myint Myint San, 12 years old, drowned while trying to escape a police raid of their living quarters near Klong Cork Mu, Tambon Patong, Amphur Kathu, Phuket Province. The police officers at the scene reportedly did not offer any assistance to the victims and used guns to threaten other migrants who tried to save them.

It has further been reported that this pattern of arbitrary arrest, violence, abuse and exploitation of migrants has been exacerbated by the Prime Minister's order of 2 June 2010 issued to set up a Special Centre to Suppress, Arrest and Prosecute Alien Workers Who Are Working Underground (No.125/1223). The Centre is mandated to suppress, arrest and prosecute "alien workers who illegally entered the Kingdom of Thailand and are working underground". The Centre's mandate is implemented through five regional working committees, which consist of police, army, navy and other Government officials who may carry out raids, arrests and detention of migrant workers. This order, allegedly aimed at arresting, detaining and deporting the

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					<p>approximately 1.3 million migrant workers with irregular status, was issued despite intensive domestic and international media interest and intervention from Thailand's National Human Rights Commission in March and April 2010, expressing strong concerns and a need to reconsider the NV policy from a human rights perspective.</p> <p>Pursuant to this order, approximately 830 migrant workers (346 Myanmar, 172 Laotian, 307 Cambodian, 2 Vietnamese, 1 Nigerian, 2 Iranian and 1 Indian) were reportedly arrested between 16 and 19 June 2010 in Metropolitan Police Regions 1-9 alone. The information received also indicates that hundreds of migrants have been arrested in the following provinces between 16 and 24 June 2010:</p> <ul style="list-style-type: none"> -135 migrants (103 Myanmar, 20 Cambodian, 12 Laotian) in Mahachai, Samut Sakorn Province; -99 Cambodian migrants in Sai Kaew Province; -629 migrants (390 Myanmar, 71 Laotian, 165 Cambodian, and 3 Vietnamese) in Region 1 Pathum Thani; -111 Cambodian migrants in Songkhla Province; and -713 migrants (264 Myanmar, 46 Laotian and 403 Cambodian) in Samut Prakarn Region 1. <p>We have received information that the arrest of migrant workers from Myanmar, regardless of whether or not they hold migrant workers' cards, has dramatically increased in Mahachai in the month of August. It is further alleged that the arrested migrant workers are increasingly subject to violence and extortion</p>	

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					<p>in recent months since the Prime Minister's order of 2 June 2010 came into effect.</p> <p>Arrested migrants are reportedly held in Immigration Detention Centers ("IDC") pending deportation. The conditions of detention at some IDCs are believed to be poor and not meeting adequate sanitary and hygienic standards. Given the increasing number of arrest of migrants subject to deportation, some IDCs have reportedly become particularly overcrowded and lack sufficient sanitary facilities for the detainees. Further, it is alleged that female migrants are often subject to sexual abuse and harassment by law enforcement officers during detention.</p> <p>Further, it has been reported that, in Ranong for instance, there have recently been an increasing number of cases where irregular migrants have been detained by the police at their work sites and/or transferred to local police stations, and later being released by the police once the irregular migrants' employers have paid police officials approximately 2'500 baht. These reports suggest a systematic abuse of official powers, including the "sale" of irregular migrants to various brokers who then transfer the migrants back to their worksites for fees or who "resell" or traffic the individuals to various employers in the fishing and domestic services industries.</p> <p>Many of the arrested migrant workers have been reportedly deported to their countries of origin. In this connection, it is particularly concerning that the arrested migrant workers from Myanmar are deported to their country of origin by boat through informal checkpoints controlled by the Democratic Karen Buddhist Army ("DKBA"). The information received suggests that DKBA demands fees from the deportees at the checkpoints in exchange of</p>	

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					their freedom and those who cannot pay are subjected to beating and forced labour until they pay. It is alleged that in some cases, the beating is so severe that it amounts to torture and other cruel, inhuman and degrading treatment.	
219.	Tunisie	07/01/10	UA	TOR	<p>Concernant M. Ramzi Romdhani.</p> <p>M. Ramzi Romdhani aurait été torturé les 24 et 25 décembre 2009, après qu'il ait été transféré au Département de la Sécurité d'Etat (DSS) du Ministère de l'Intérieur. Il aurait été battu, ses ongles et ses doigts brûlés et sa tête plongée dans de l'eau chaude à plusieurs reprises pendant environ 30 minutes. Il aurait également reçu des coups sur les yeux et aurait subi des lésions graves aux yeux. Un membre de sa famille lui aurait rendu visite le 31 décembre et aurait constaté que M. Romdhani avait de nombreuses contusions sur le corps et des brûlures sur les doigts. A son retour à la prison de Mornaguia, M. Romdhani aurait été examiné par le médecin de la prison, qui aurait diagnostiqué une intervention chirurgicale pour éviter qu'il perde la vue. Il n'y a pas d'informations additionnelles indiquant si l'opération aurait été autorisée.</p> <p>Par ailleurs, il est allégué qu'en avril 2009, Ramzi Romdhani aurait été torturé à la prison de Mornaguia, où il purge une peine de 29 ans de prison. En août 2009, il aurait été battu par des gardiens de prison, puis emmené au DSS où il aurait été torturé et notamment soumis à des chocs électriques et à une simulation de pendaison.</p>	<p>Par lettre datée 26/04/2010, les autorités tunisiennes a indiqué que :</p> <p>I- Concernant la situation pénale de l'intéressé</p> <p>M. Ramzi Romdhani a fait l'objet de poursuites judiciaires pour appartenance, en tant que membre actif, à une organisation terroriste prônant le Jihad et le renversement par les armes du régime afin d'instaurer en Tunisie un État islamiste fondamentaliste, constitution de bande de malfaiteurs et participation à une entente en vue de préparer et commettre des atteintes aux personnes et aux biens. L'enquête diligentée a, également, révélé qu'aux fins de réalisation des projets criminels de son organisation, l'intéressé avait notamment commis les activités délictuelles suivantes :</p> <ul style="list-style-type: none"> • Recrutement, par l'endoctrinement, de plusieurs jeunes, au profit de l'organisation terroriste en question qui a pu ainsi élargir le cercle de ses adhérents à des dizaines de membres constitués en réseau aux ramifications s'étendant sur plusieurs parties de la République tunisienne et se prolongeant même à l'étranger à certains pays du Moyen-Orient pénétrés par les organisations terroristes ; • Installation d'un camp pour y recevoir des entraînements militaires visant notamment A apprendre aux membres du groupe les techniques de combat et à les entraîner sur le maniement des armes et explosifs ainsi que la fabrication des charges explosives et bombes

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						<p>manuelles et ce, en vue d'exécuter des attentats contre les personnes et les biens ;</p> <ul style="list-style-type: none"> • Organisation de tentatives de trafic d'armes et d'explosifs dans le but d'acheminer illégalement et clandestinement vers la Tunisie du matériel nécessaire aux membres du groupe pour qu'ils puissent exécuter les complots et attentats envisagés ; • Tenue de réunions prohibées au cours desquelles l'intéressé invoquait avec les autres membres du groupe terroriste auquel ils appartiennent des sujets en rapport avec leur adhésion au courant Jihadiste affirmant la nécessité d'imposer par les armes l'application des WGEIDositions de la Chariaa islamique. <p>Outre les condamnations prononcées du chef des graves infractions terroristes susvisées, M. Ramzi Romdhani a fait, également, l'objet de trois condamnations pour outrage commis en audience envers un magistrat et trouble à l'audience. En effet, l'intéressé s'était montré, au cours des étapes de son procès, particulièrement agressif</p> <p>l'égard du tribunal lui adressant des propos offensants et outrageants en qualifiant par exemple les juges 0 d'ennemis de Dieu ». Le prévenu est même allé, au cours de l'une des audiences, jusqu'à la tentative d'agression physique envers le tribunal.</p> <p>H- Concernant l'allégation de mauvais traitements</p> <p>Monsieur Ramzi Romdhani est actuellement détenu à la prison de la Mornaguia et ce, en vertu des jugements d'emprisonnement prononcés à son encontre. Les autorités tunisiennes veillent au respect de son intégrité physique et morale conformément aux</p>

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						<p>WGEIDositions des articles 5 et 13 (alinéa 2) de la Constitution tunisienne qui WGEIDosent respectivement que 0 la République tunisienne garantit l'inviolabilité de la personne humaine » et que « tout individu ayant perdu sa liberté est traité humainement » ainsi que l'article premier de la loi du 14 mai 2001 relative à l'organisation des prisons qui WGEIDose que les conditions de détention dans les prisons doivent assurer 0 l'intégrité physique et morale du détenu ».</p> <p>C'est dans ce cadre que l'intéressé a bénéficié, durant la période de sa détention, de tous les soins médicaux nécessaires. Dès son admission en prison, il a bénéficié d'une visite médicale afin de faire le bilan global de son état de santé et déterminer, le cas échéant, s'il avait des besoins de soins spécifiques. Cette visite médicale dite de première admission trouve son fondement dans l'article 13 de loi du 14 mai 2001 relative à l'organisation des prisons selon lequel « le détenu est soumis, dès son incarcération, à la visite médicale du médecin de la prison ».</p> <p>Le prévenu bénéficie, en outre, gratuitement de tous les soins médicaux nécessaires conformément à l'article 17 de la loi relative aux prisons susvisée selon laquelle « tout détenu a droit à la gratuité des soins et des médicaments à l'intérieur des prisons ».</p> <p>Il y a lieu également de souligner que l'intéressé bénéficie de la garantie d'un système de contrôle à multiples dimensions mis en place en vue d'assurer effectivement le respect effectif de la dignité des détenus. C'est ainsi que les conditions de détention dans la prison de la Mornaguia, à l'instar des autres établissements pénitentiaires, sont soumises à divers types de contrôles effectués notamment par les organes et institutions</p>

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						<p>suivants :</p> <ul style="list-style-type: none"> • Il y a d'abord un contrôle judiciaire assuré par le juge d'exécution des peines tenu, selon les termes de l'article 342-3 du Code de procédure pénale tunisien, à visiter l'établissement pénitentiaire relevant de son ressort pour prendre connaissance des conditions des détenus. Ces visites sont dans la pratique effectuées en moyenne de deux fois par semaine. • Le contrôle effectué par le Comité supérieur des droits de l'Homme et des libertés fondamentales. Le président de cette institution nationale indépendante peut effectuer des visites inopinées aux établissements pénitentiaires pour s'enquérir de l'état des détenus et des conditions de leur détention ; • Le contrôle administratif interne effectué par les services de l'inspection générale du Ministère de la justice et des droits de l'Homme et l'inspection générale relevant de la direction générale des prisons et de la rééducation. Il est à noter dans ce cadre que l'administration pénitentiaire relève du Ministère de la justice et que les inspecteurs dudit ministère sont des magistrats de formation ce qui est de nature à constituer une garantie supplémentaire d'un contrôle rigoureux des conditions de détention ; • Il faut enfin signaler que le Comité International de la Croix-Rouge est habilité depuis 2005 à effectuer des visites dans les lieux de détention, prisons et locaux de la police habilités à accueillir des détenus gardés vue. A l'issue de ces visites, des rapports détaillés sont établis et des rencontres sont organisées avec les services concernés pour mettre en œuvre les recommandations

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						<p>formulées par le comité.</p> <p>Par ailleurs, les autorités tunisiennes expriment leur grand étonnement et leur vive indignation face aux allégations mensongères de torture et de mauvais traitements qui auraient été infligés à Ramzi Romdhani. A cet égard, l'intéressé n'a jamais été soumis à une quelconque forme de torture ou traitement inhumain ou dégradant et que les différentes allégations de mauvais traitements véhiculées par lui ne sont en réalité que des manœuvres qu'il a tenté de monter croyant trouver là un moyen de pression pour amener les autorités tunisiennes à le gracier.</p> <p>En effet, dès que les autorités tunisiennes ont été alertées des allégations de mauvais traitements en question, une mission d'enquête a été immédiatement envoyée à la prison de la Mornaguia, lieu de détention de M. Ramzi Romdhani. C'est dans ce cadre qu'un magistrat haut responsable du Ministère de la justice et des droits de l'Homme a été dépêché sur les lieux en vue de constater les éventuels abus dont l'intéressé se prétend être victime et rédiger un rapport qui serait un préalable au déclenchement des poursuites judiciaires nécessaires. En s'entretenant avec M. Ramzi Romdhani, le magistrat chargé de l'enquête a constaté qu'il ne porte aucun signe apparent de mauvais traitements. Interrogé sur les allégations de mauvais traitements véhiculés à son sujet, l'intéressé a affirmé n'avoir jamais subi aucune forme de mauvais traitement. Quant à l'allégation de son transfert aux locaux du Ministère de l'intérieur où il aurait été torturé, l'intéressé a démenti cette allégation affirmant n'avoir jamais été transféré en dehors du lieu de sa détention.</p> <p>En s'expliquant sur l'origine des allégations</p>

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						<p>de mauvais traitements véhiculées son sujet, M. Ramzi Romdhani a affirmé qu'il avait imaginé ce genre de manœuvre dans l'espoir de voir la société civile, à l'échelle aussi bien interne qu'internationale, se mobiliser pour mettre la pression sur les autorités tunisiennes en vue de le libérer.</p> <p>Il y a lieu également de souligner que dans le cadre des manoeuvres que M. Rarnzi Romdhani a imaginé pouvoir monter, l'intéressé a tenté d'exploiter certaines maladies dont il souffre pour faire croire à des signes de mauvais traitements. Ainsi, le médecin de l'unité pénitentiaire a diagnostiqué chez l'intéressé une uvéite granulomateuse bilatérale et l'a transféré à un médecin spécialiste qui lui a ordonné les traitements nécessaires. L'intéressé a malheureusement tenté d'exploiter les signes de cette maladie pour faire croire qu'ils avaient pour origine des actes de mauvais traitements qui lui ont été infligés.</p> <p>Il convient, en outre, de rappeler que la loi du 14 mai 2001 relative à l'organisation des prisons garantit au détenu Ramzi Romdhani le droit de recevoir la visite régulière des membres de sa famille.</p> <p>L'intéressé a, cependant, détourné ce droit croyant pouvoir l'utiliser comme moyen de pression pour essayer d'obtenir des privilèges injustifiés au détriment des autres détenus.</p> <p>C'est ainsi que M. Ramzi Romdhani a, A maintes reprises, refusé de recevoir la visite de membres de sa famille au motif que l'administration pénitentiaire refuse de le transférer A une autre unité de détention alors que le transfert des détenus d'une unité et une autre obéit A des impératifs objectifs tenant notamment A la nécessité d'éviter toute</p>

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						<p>surpopulation carcérale.</p> <p>Tout en réitérant leur indignation du comportement de M. Ramzi Romdhani qui use de manœuvres et d'insinuations dans le but de manipuler les instances de défense des droits de l'Homme, il y a lieu de rappeler que les autorités tunisiennes n'hésitent pas A enquêter sur toutes les allégations de torture chaque fois qu'il y aurait motifs raisonnables laissant croire qu'un acte de mauvais traitements a été commis. On citera, à titre d'exemple, les cas suivants :</p> <ul style="list-style-type: none"> • Le premier concerne quatre agents de l'ordre soupçonnés d'avoir maltraité un prévenu, pendant sa garde A vue, causant son décès. Reconnus coupables des faits qui leur sont reprochés, deux de ses agents ont été condamnés chacun A 20 ans d'emprisonnement pour coups et blessures volontaires ayant causé la mort sans intention de la donner, les deux autres ont été condamnés respectivement à 15 et 10 ans d'emprisonnement pour complicité (arrêt rendu par la Cour d'appel de Tunis le 06 mars 2009) ; • Le deuxième concerne un agent de police condamné A 15 ans d'emprisonnement pour coups et blessures volontaires ayant causé la mort sans intention de la donner (arrêt rendu par la Cour d'appel de Tunis le 2 avril 2002) ; • Le troisième concerne trois agents de l'administration pénitentiaire poursuivis pour voie de fait sur un détenu. La procédure diligentée A cet effet a abouti A la condamnation de trois agents des prisons à une peine d'emprisonnement de quatre ans chacun (arrêt de la Cour d'appel de Tunis rendu le 25 janvier 2002) ; • Le quatrième concerne deux agents de

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220.		11/10/10	JUA	WGAD; FRDX; HRD; IJL; TOR	Concernant la situation de M. Fahem Boukaddous, journaliste de la chaîne de télévision Al Hiwar Al Tounisi et du site d'information en ligne Al Badil. M. Boukaddous a fait l'objet d'un appel urgent envoyé le 12 janvier 2009 par le Rapporteur spécial sur l'indépendance des juges et des avocats, le Rapporteur spécial sur la promotion	<p>l'ordre qui ont fait usage, dans le cadre de leurs fonctions, de violences à l'égard de deux citoyens. Poursuivis pour voies de fait, ils ont été condamnés chacun A deux ans d'emprisonnement (arrêt rendu par la Cour d'appel de Monastir le 11 juin 2009).</p> <p>Ces quatre cas démontrent que les autorités tunisiennes ne tolèrent aucun mauvais traitement et n'hésitent pas à engager les poursuites nécessaires contre les agents chargés de l'application de la loi chaque fois qu'il y a des motifs raisonnables laissant croire que des actes de telle nature ont été commis.</p> <p>Il y a lieu d'indiquer enfin que M. Ramzi Romdhani fait l'objet d'un suivi médical régulier à l'instar de tous les autres détenus et qu'aucun des médecins qui l'ont examiné n'a relevé chez l'intéressé aucune trace de mauvais traitements quelle qu'en soit la forme physique ou psychologique.</p> <p>En conclusion, l'intéressé jouit de tous ses droits fondamentaux conformément A la législation en vigueur. Les investigations ont établi que les allégations de torture et de mauvais traitements sont dénuées de tout fondement. Ce cas illustre d'ailleurs parfaitement les risques de manipulation des droits de l'Homme par les individus poursuivis et condamnés pour infractions terroristes.</p>

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					<p>et la protection du droit à la liberté d'opinion et d'expression, le Rapporteur spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants et la Rapporteuse spéciale sur la situation des défenseurs des droits de l'homme. Nous remercions le Gouvernement de son Excellence pour sa réponse en date du 31 mars 2009.</p> <p>Le 6 juillet 2010, la Cour d'appel de Gafsa aurait confirmé la peine d'emprisonnement de quatre ans prononcée en première instance par la Chambre criminelle du Tribunal de première instance de Gafsa à l'encontre de M. Boukaddous, pour « participation à une entente visant à préparer et à commettre des agressions contre des personnes et des biens ». M. Boukaddous n'aurait pu assister au prononcé du verdict en raison de son hospitalisation dans la ville de Sousse pour des problèmes respiratoires. Un nombre d'avocats, journalistes et activistes des droits de l'homme auraient été empêchés, de manière semble-t-il injustifiée, d'accéder au Palais de Justice de Gafsa.</p> <p>Il est allégué que les garanties du droit à un procès équitable n'auraient pas été respectées, des atteintes répétées aux droits de la défense ayant notamment été commises selon plusieurs sources. En l'occurrence, les avocats de M. Boukaddous auraient rencontré des difficultés pour s'entretenir avec leur client avant l'audience. Par ailleurs, les justifications médicales apportées à l'absence de M. Boukaddous n'auraient pas été prises en compte, sous le prétexte allégué d'une vacance du Tribunal au-delà du 15 juillet 2010 ; cette absence justifiée aurait empêché M. Boukaddous de pouvoir s'expliquer directement sur les termes de l'accusation.</p> <p>Le 14 juillet, M. Boukaddous aurait quitté</p>	

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					l'hôpital et aurait été incarcéré le lendemain. Il est rapporté qu'au début du mois de septembre 2010, la santé de M. Boukaddous se serait dégradée en raison du manque de soins médicaux appropriés. M. Boukaddous souffrirait d'exsudation pulmonaire, d'asthme, d'une inflammation de la gorge et de décomposition de ses dents. Les autorités pénitentiaires auraient refusé de transférer M. Boukaddous dans un hôpital.	
221.		Follow-up to earlier cases		Mr. Lotfi Dassi., A/HRC/13/39/Add.1 para 261		Par lettre datée 31/03/2010, le Gouvernement a indiqué Monsieur Lotfi Dassi, ancien condamné pour adhésion à un groupe intégriste salafiste prônant le Jihad comme moyen d'action politique, a fait l'objet de poursuites judiciaires pour collecte de fonds sans autorisation, conformément aux dispositions du décret du 21 décembre 1944 selon lequel « est puni de 15 jours à 3 mois d'emprisonnement quiconque procède sans autorisation à la collecte de fonds ». Les investigations effectuées ont, en effet, révélé que l'intéressé s'était concerté avec des partisans, résidant à l'étranger, du même groupe intégriste en vue de monter un réseau ayant pour objectif de drainer clandestinement des sommes d'argent pour les consacrer au développement des activités du groupe en question. En concrétisation de ce projet et dans le but de déjouer toute tentative de mettre en lumière les activités clandestines et prohibées du réseau de collecte illégale des fonds le prévenu a contacté d'autres personnes les convaincant de jouer à son profit le rôle de prête-noms en procédant, en leurs noms, à l'ouverture de comptes bancaires qui lui serviraient à recevoir les sommes d'argent envoyées de l'étranger. Le système mis en place a, effectivement, permis à Monsieur Lotfi Dassi de recueillir de

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						<p>conséquentes sommes d'argent qui lui ont été envoyées par des partisans du même groupe intégriste résidant dans certains pays européens. Il y a lieu de noter que le prévenu a avoué, dans le procès-verbal de son interrogatoire ainsi qu'à l'audience tenue lors de son procès, les faits qui lui sont reprochés décrivant dans le détail le mode opératoire monté en vue de recueillir clandestinement des fonds au profit de membres et partisans du groupe intégriste auquel il adhère.</p> <p>Outre cet aveu, les investigations ont permis la saisie, au domicile du prévenu, d'une somme d'argent que le prévenu a reconnu avoir pour origine les fonds illégalement collectés au profit du groupe intégriste. De surcroît, les investigations effectuées auprès des divers établissements bancaires tunisiens ont permis l'identification des comptes bancaires utilisés par le prévenu pour la réception des fonds envoyés de l'étranger. L'analyse des mouvements de fonds ayant transité par ce compte a, également, permis de confirmer leur utilisation pour drainer des sommes d'argent provenant de l'étranger aux fins sus-indiquées. Le solde de ses comptes a été immobilisé et mis à la disposition de la justice.</p> <p>Saisi des faits allégués, le procureur de la République près le tribunal de première instance de Tunis a décidé, le 16 décembre 2009, d'émettre un mandat de dépôt à l'encontre du prévenu et de le déférer devant la chambre correctionnelle dudit tribunal pour le juger des faits qui lui sont reprochés. À l'issue des plaidoiries des avocats, le tribunal a rendu son jugement, le 4 janvier 2010, condamnant le prévenu à un mois d'emprisonnement et la confiscation du solde des comptes bancaires utilisés pour la collecte</p>

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						<p>illégal de fonds. Il y a lieu, enfin, de souligner que le prévenu a été remis en liberté, le 10 janvier 2010, et c'après avoir purgé la peine prononcée à son encontre.</p> <p>II- Fondement juridique de la détention du prévenu et sa compatibilité avec les instruments internationaux de protection des droits de l'homme</p> <p>Comme sus-indiqué, les poursuites judiciaires dont Monsieur Lotfi Dassi a fait l'objet trouvent leur fondement dans les dispositions du décret du 21 décembre 1944 selon lesquelles « est puni de 15 jours à 3 mois d'emprisonnement quiconque procède sans autorisation à la collecte de fonds ». S'agissant de la garde à vue dont le prévenu a fait l'objet, elle trouve son fondement dans l'article 13 bis du Code de procédure pénale qui habilite les officiers de la police judiciaire à garder à vue le suspect si les nécessités de l'enquête l'exigent.</p> <p>Il convient de souligner que la garde à vue est soumise au contrôle judiciaire en application de l'article 12 de la Constitution qui interdit tout usage arbitraire de cette mesure. C'est dans ce cadre que la mesure de garde à vue dont le prévenu a fait l'objet a été entourée des garanties légales suivantes :</p> <p>- La durée de la garde à vue :</p> <p>L'allégation selon laquelle le prévenu aurait été arrêté le 23 novembre 2009 à Gafsa est dénuée de tout fondement. En effet, le procès-verbal de garde à vue précise que le prévenu a été arrêté à Tunis et non, comme allégué, à Gafsa et porte clairement la date de cette mesure qui a débuté le 11 décembre 2009 pour prendre fin 5 jours après, l'intéressé ayant été présenté au parquet de Tunis le 16 décembre 2009. Il convient de souligner à cet</p>

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						<p>égard que le droit tunisien soumet les délais de garde à vue à un contrôle strict de la part de l'autorité judiciaire. C'est dans ce sens que les officiers de police judiciaire sont dans l'obligation de tenir un registre spécial coté et signé par le procureur de la République et portant obligatoirement toutes les informations relatives à chaque placement en garde à vue notamment le jour et l'heure exacts du début et de la fin de chaque garde à vue. Les investigations effectuées n'ont révélé aucun dépassement des délais de garde à vue dont le prévenu avait fait l'objet.</p> <p>- Le droit d'informer le prévenu de la mesure de garde à vue :</p> <p>L'officier de police judiciaire est dans l'obligation d'informer le prévenu de la mesure de garde à vue prise à son encontre, de ses motifs, de sa durée et des garanties qui lui sont offertes par la loi. Cette garantie a été pleinement respectée en l'espèce comme l'indique le contrôle du procès-verbal de garde à vue qui précise clairement que le prévenu a été informé des motifs de la mesure prise à son encontre, de sa durée ainsi que de l'ensemble des garanties qui lui sont offertes par la loi. La signature par l'intéressé du procès-verbal constitue la preuve qu'il n'avait exprimé aucune réserve ni soulevé aucune contestation quant à la légalité de sa garde à vue.</p> <p>- Le droit d'informer la famille du prévenu de la mesure de garde à vue :</p> <p>L'officier de police judiciaire est tenu d'informer la famille du prévenu de la mesure de garde à vue. Cette garantie a été, également, respectée puisque la consultation du procès-verbal de garde à vue démontre que l'épouse du prévenu a été immédiatement</p>

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						<p>informée de la mesure de garde à vue. Le procès-verbal porte même le numéro de téléphone de l'épouse du prévenu, numéro contacté aux fins de l'informer que son époux a été placé en garde à vue.</p> <p>-Le droit du gardé à vue à examen médical :</p> <p>Toute personne gardée à vue a le droit de demander, au cours du délai de la garde à vue ou à son expiration, d'être soumise à examen médical. Ce droit peut être exercé, le cas échéant, par les membres de sa famille. C'est dans ce cadre que Monsieur Lotfi Dassi a été informé de son droit de demander d'être soumis à examen médical. L'intéressé a, cependant, déclaré ne pas en avoir besoin. Aucun des membres de la famille de l'intéressé n'a également présenté de demande en ce sens. Il ressort, donc, de ce qui précède que la détention du prévenu avait été décidée dans le cadre d'une enquête judiciaire ouverte à son encontre pour ses activités délictuelles en rapport avec la collecte illégale de fonds.</p> <p>Imposée par les nécessités de l'enquête, la mesure de garde à vue était entourée de toutes les garanties légales prévues par le droit tunisien. Ces garanties, relatives notamment à la limitation de la durée de la garde à vue, à sa soumission au contrôle judiciaire, au droit de l'intéressé d'être soumis à examen médical et au devoir des autorités compétentes d'informer immédiatement les membres de sa famille de la mesure prise à son encontre, obéissent aux standards internationaux en la matière ce qui écarte tout soupçon de violation des instruments internationaux de protection des droits de l'Homme.</p> <p>III- Absence de plainte déposée par Monsieur Lotfi Dassi ou en son nom</p> <p>Les investigations effectuées auprès du</p>

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						<p>parquet de Tunis ont établi qu'aucune plainte n'avait été déposée par Monsieur Lotfi Dassi ou en son nom, pour détention abusive, dépassement des délais de la garde à vue ou mauvais traitements.</p> <p>IV- Garantie de l'intégrité physique et morale du prévenu</p> <p>Il y a lieu de souligner que tout prévenu bénéficie, à l'instar de tout citoyen tunisien, et sur le même pied d'égalité, de tous les droits qui lui sont reconnus par la Constitution tunisienne notamment le droit à l'intégrité physique et morale consacré par les articles 5 et 6 qui WGEIDosent respectivement que « la République tunisienne garantit l'inviolabilité de la personne humaine » et que « tous les citoyens ont les mêmes droits et les mêmes devoirs. Ils sont égaux devant la loi ». Il est à préciser que le respect de l'intégrité physique et morale du prévenu durant la période de sa détention est garanti par la loi et ce, conformément aux WGEIDositions de l'article 13 (alinéa 2) de la Constitution tunisienne selon lequel « tout individu ayant perdu sa liberté est traité humainement » et de l'article premier de la loi du 14 mai 2001 relative à l'organisation des prisons qui WGEIDose que les conditions de détention dans les prisons doivent assurer « l'intégrité physique et morale du détenu ».</p> <p>C'est dans ce cadre que l'intéressé bénéficie, durant la période de sa détention, de tous les soins médicaux nécessaires. Dès son admission en prison, il bénéficie d'une visite médicale afin de faire le bilan global de son état de santé et déterminer, le cas échéant, s'il avait des besoins de soins spécifiques. Cette visite médicale dite de première admission trouve son fondement dans l'article 13 de la loi du 14 mai 2001 relative à l'organisation</p>

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222.					Concernant la situation des 38 membres du mouvement de protestation sociale dans la région de Gafsa, (A/HRC/13/39/Add.1 para 259)	<p>des prisons selon lequel « le détenu est soumis, dès son incarcération, à la visite médicale du médecin de la prison ». Le prévenu bénéficie, en outre, gratuitement de tous les soins médicaux nécessaires conformément à l'article 17 de la loi susvisée selon laquelle « tout détenu a droit à la gratuité des soins et des médicaments à l'intérieur des prisons ».</p> <p>En conclusion, Monsieur Lotfi Dassi, poursuivi pour collecte illégale de fonds, a bénéficié de toutes les garanties d'un procès équitable. Les investigations ont établi que les allégations de détention abusive sont dénuées de tout fondement.</p> <p>Par lettre datée le 25 janvier 2010, le Gouvernement tunisien a précisé que selon les éléments de l'instruction préparatoire diligentée par le procureur de la République de Gafsa, les prévenus visés dans la communication ont constitué une entente, sur fond de certains troubles enregistrés dans la région de Gafsa, sud de la Tunisie, afin d'appeler à la désobéissance publique, transformant ainsi le mouvement de contestation pacifique en une véritable rébellion comme l'indique notamment la diffusion de tracts d'incitation à la commission d'actes d'agression et des voies de fait contre les forces de l'ordre.</p> <p>Les prévenus avaient effectivement mis leur plan à exécution se mettant à la tête d'une manifestation de plusieurs dizaines de personnes au cours de laquelle les agents de l'ordre public étaient la cible de cocktails Molotov et de jets de pierre provoquant ainsi des lésions corporelles à plusieurs d'entre eux. Les édifices publics et privés, voitures et vitrines de commerce n'ont pas été épargnés subissant également des dégâts graves. Il s'en</p>

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						<p>est suivi un état de panique parmi les populations de la région de Gafsa dont la sécurité était bel et bien menacée.</p> <p>Dans le cadre de l'instruction préparatoire, le juge d'instruction en charge du dossier, a procédé à plusieurs auditions et notamment celle de 7 agents de l'ordre ayant présenté chacun des expertises médicales faisant état de blessures et de traces de violence occasionnées par des jets de pierre et des coups de bâton. Par ailleurs, un rapport détaillé des dommages aux édifices publics et privés, appuyé par des expertises techniques et illustré par des photos des édifices saccagés, est inclus dans le dossier de l'instruction.</p> <p>L'allégation selon laquelle la Cour d'appel de Gafsa avait rendu son jugement « sans statuer sur les allégations de torture et les irrégularités du dossier soulevé par les avocats de la défense depuis le début du procès » est, en fait, une allégation dépourvue de tout fondement. En effet, la cour a consigné ces allégations dans les procès-verbaux d'audience. Quant à l'examen des allégations de mauvais traitements et d'irrégularité du dossier, toute la procédure d'instruction a été soumise au contrôle de la Chambre d'accusation puis de la Cour de cassation, saisie sur pourvoi formé par certains des prévenus contre l'arrêt de la chambre d'accusation.</p> <p>En réponse au grief tiré de la nullité des poursuites au motif que les aveux des prévenus aurait été extorqués sous la contrainte, la Cour de cassation a rejeté, par son arrêt du 15 novembre 2008, ledit grief motivant son arrêt par le fait que les allégations des prévenus</p>

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						<p>« n'étaient reflétées dans aucune des pièces du dossier dès lors que les traces d'écorchures et de légers hématomes, constatées sur certains d'entre eux, évoquaient plutôt qu'elles étaient causées par l'affrontement des prévenus aux forces de l'ordre et ne sont nullement en rapport avec les officiers de police judiciaire chargés quant à eux de diligenter l'enquête » et à la Cour de cassation de conclure qu' « aucun acte d'agression ne pouvait être imputé aux officiers en charge de l'enquête préliminaire ce qui est de nature à écarter toute contestation de légalité relative aux actes par eux accomplis ».</p> <p>Ainsi, l'allégation de mauvais traitements a été examinée et tranchée par la Cour de cassation, juridiction dotée du pouvoir de contrôler la régularité des actes d'instruction, laquelle a rendu une décision de rejet, passée en force de chose jugée sur ce grief. En outre l'affrontement violent des prévenus aux forces de l'ordre est certainement de nature à causer des blessures aux deux parties. C'est dans ce cadre que le juge d'instruction a, d'une part, constaté des écorchures et de légers hématomes sur certains des prévenus et a versé, d'autre part, au dossier des expertises médicales dont 7 agents de l'ordre étaient concernés, expertises faisant état de blessures et de traces de violence occasionnées par des jets de pierre et des coups de bâton. La qualification « d'actes de mauvais traitements » ne pouvait être retenue pour les légers écorchures et hématomes des lors qu'ils étaient dus aux affrontements que les prévenus ont eux mêmes provoqués. Il est à préciser qu'aucun des prévenus ou des membres de leurs familles ou de leurs avocats n'a déposé de plainte indépendante pour</p>

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						<p>mauvais traitements.</p> <p>En l'espèce, les autorités tunisiennes n'ont constaté aucun motif raisonnable laissant croire qu'un acte de mauvais traitement ait été commis. En l'espèce, les autorités tunisiennes n'ont constaté aucun « motif raisonnable » laissant croire qu'un acte de mauvais traitement ait été commis. En effet, chacun des prévenus étaient en droit, durant sa garde à vue, de demander, conformément à l'article 13 bis du Code de procédure pénale, qu'il soit soumis à examen médical. Cette possibilité appartient également aux membres de leurs familles qui peuvent demander l'examen médical pour leurs proches même si ceux-ci ne l'ont pas fait. Un tel droit a pour objectif de permettre aux détenus de faire constater les traces, physique ou psychologique, de mauvais traitements subis lors de la garde à vue. Les procès-verbaux de la garde à vue font état de l'information donnée aux prévenus de leur droit de demander d'être soumis à un examen médical, ceux-ci avaient déclaré ne pas en avoir besoin. En outre, aucun des membres de leurs familles n'avait présenté de demande dans ce sens ce qui révèle le caractère infondé des allégations de mauvais traitements formulés par les prévenus.</p> <p>Concernant le respect des droits de la défense des prévenus, les procédures d'instruction et de jugement se sont déroulées conformément à la législation en vigueur et dans le respect total des droits de la défense des prévenus. En effet, Le Procureur de la République a été immédiatement avisé de l'enquête préliminaire et de la mesure de garde à vue décidée à l'encontre des prévenus pour une période de 3 jours conformément aux articles 11 et 13 bis du Code de procédure pénale.</p>

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						<p>Une prolongation de 3 jours supplémentaires a été décidée par ordonnance écrite et motivée du Procureur de la République pour certains prévenus, dictée par les besoins de l'enquête. L'enquête préliminaire menée par la police judiciaire a donc été effectuée en toute légalité sous le contrôle de la justice.</p> <p>Dès clôture de l'enquête préliminaire, le procès verbal a été transmis au Ministère public qui a décidé de la libération des prévenus gardés à vue et ordonné un complément d'information. Une instruction préparatoire a été par la suite ordonnée par réquisitoire du Procureur de la République en date du 20 juin 2008 aux fins d'instruire sur les faits reproches aux prévenus et procéder à tous les actes nécessaires à la manifestation de la vérité.</p> <p>Après accomplissement de tous les actes nécessaires à la manifestation de la vérité, le juge d'instruction a procédé à la clôture de l'information et a ordonné le renvoi des prévenus devant la Chambre d'accusation avec un exposé détaillé de la procédure et une liste complète des pièces saisies.</p> <p>L'ordonnance de renvoi devant la Chambre d'accusation a été notifié à chacun des prévenus qui ont décidé d'interjeter appel de l'ordonnance. La chambre d'accusation a rejeté le recours en appel et renvoyé les trois prévenus devant la juridiction compétente pour répondre notamment des chefs d'accusation suivants :</p> <ul style="list-style-type: none"> • Affiliation à une bande et participation à une entente dans le but de préparer et de commettre un attentat contre les personnes et les propriétés (articles 131 et 132 du Code pénal); • Fourniture de lieux de réunion et de

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						<p>contribution pécuniaire aux membres d'une bande de malfaiteurs (article 133 du Code pénal);</p> <ul style="list-style-type: none"> • Participation à une rébellion armée par plus de dix personnes au cours de laquelle des voies de fait ont été exercées sur un fonctionnaire dans l'exercice de ses fonctions; • Collecte de fonds sans autorisation (décret du 21 décembre 1944); et • Dommage volontaire à la propriété d'autrui (article 304 du code pénal). <p>Les prévenus se sont pourvus en cassation contre l'arrêt de la Chambre d'accusation. La Cour de cassation n'a décelé dans la procédure d'instruction aucune violation de la loi ou atteinte aux droits de la défense et a, par conséquent, décidé le rejet du pourvoi.</p> <p>Le procès des prévenus s'est tenu publiquement en première instance devant le tribunal de première instance de Gafsa. Lors de cette audience, le tribunal a recueilli la constitution des avocats des prévenus puis a donné suite à la demande de libération de huit d'entre eux et au renvoi de l'affaire, sur demande des avocats, à l'audience du 11 décembre 2008 pour leur permettre de préparer leurs moyens de défense et poursuivre l'examen de l'affaire. La poursuite de l'examen de l'affaire devait permettre, au tribunal, selon les termes de l'article 143 du Code de procédure pénale, après lecture de l'acte d'accusation, de procéder à l'interrogatoire des prévenus, de recueillir, le cas échéant, la constitution ainsi que les conclusions de la partie civile pour enfin permettre aux avocats de présenter leurs plaidoiries. Cependant, dès le début de</p>

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						<p>l'audience, certains des avocats de la défense ont affiché leur hostilité au respect de la procédure telle que prévue par la loi s'opposant à la poursuite normale de l'examen du dossier et appelant leurs clients à refuser tout interrogatoire. Appelés par le tribunal à présenter leurs plaidoiries afin que leurs demandes formelles soient examinées en même temps que l'examen du dossier sur le fond, ces avocats s'y sont refusés. Le tribunal a dû alors renvoyer l'affaire en délibéré.</p> <p>Après délibéré, le tribunal a rendu son verdict décidant de la relaxe de certains des prévenus et condamnant les autres à des peines allant de deux ans d'emprisonnement avec sursis à 10 ans et un mois d'emprisonnement ferme du chef d'entente criminelle portant atteinte aux personnes et aux biens et rébellion armée par plus de dix personnes au cours de laquelle des voies de fait ont été exercées sur un fonctionnaire dans l'exercice de ses fonctions , jets de pierres sur les propriétés d'autrui et bruit et tapage de nature à troubler la tranquillité des habitants.</p> <p>Les prévenus condamnés ont interjeté appel du jugement. Au cours de l'audience du 3 février 2009, la Cour a tout d'abord procédé à l'interrogatoire des prévenus. L'allégation selon laquelle le président de la séance aurait refusé de lire l'acte d'accusation est totalement infondée, l'accomplissement de cette formalité étant consigné dans le procès-verbal de l'audience. La Cour d'appel a ensuite donné la parole aux avocats qui ont présenté leurs moyens. La Cour a rendu son verdict le 4 février 2009, revoyant à la baisse les peines prononcées à l'encontre de prévenus, non en état de fuite.</p>

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						<p>Concernant les bases légales de l'arrêt de la Cour de cassation du 21 août 2009, il y a lieu de préciser que le rejet du pourvoi de Béchir Labidi s'explique par l'omission par l'intéressé d'accomplir les formalités nécessaires à la recevabilité en la forme du pourvoi en cassation. L'intéressé a en effet enfreint à une formalité obligatoire exigée par l'article 263 du Code de procédure pénale selon lequel l'auteur du pourvoi doit, à peine de déchéance, présenter au greffe de la Cour de cassation un mémoire indiquant les moyens du pourvoi et précisant les griefs à l'encontre de la décision attaquée. Les pourvois des autres prévenus ont été en revanche déclarés, en vertu du même arrêt, recevables en la forme mais ont été rejetés quant au fond. La Cour de cassation s'est prononcée à deux reprises et par des formations différentes sur les allégations de mauvais traitements écartant à chaque fois ces allégations pour inexistance d'une quelconque violation de la Convention internationale contre la torture et autres peines ou traitements cruels, inhumains ou dégradants.</p> <p>Les prévenus condamnés n'ont jamais été mis en cause pour des faits en rapport avec des activités touchant à la défense des droits de l'homme mais pour des faits érigés en infraction par la loi ayant trait au port d'armes, fabrication de cocktails Molotov, agression des agents de l'ordre et détérioration des biens publics et privés. Aucun des chefs de poursuite ne se rapporte à des activités en rapport avec une quelconque participation à des contestations pacifiques ou défense des droits de l'homme.</p> <p>La condamnation des prévenus n'est donc pas en rapport avec une quelconque participation</p>

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						<p>à des contestations pacifiques ou défense des droits de l'homme. La législation tunisienne et notamment la loi du 24 janvier 1969 régleme les réunions publiques, cortèges, défilés, manifestations et attroupements. Le régime institué par cette loi est très favorable à l'exercice de la liberté de réunion et de manifestation puisqu'il ne les soumet à aucune autorisation préalable. C'est dans ce cadre légal que plusieurs des habitants de la région de Gafsa ont exercé leur liberté de manifester pacifiquement. Il est toutefois regrettable que certains individus, dont les prévenus susvisés, se soient confondus au sein des manifestants pour appeler à la désobéissance publique et porter atteinte aux personnes et aux biens. Dans ce cas, il y a violation de la loi pénale et non exercice de la liberté de réunion et de manifestation. A cet égard, il y a lieu de rappeler que la Constitution tunisienne et le Pacte international relatif aux droits civils et politiques insistent sur le respect de la sécurité et l'ordre public lors de l'exercice du droit de réunion et de contestation. L'article 21 du Pacte précise que le droit de réunion garanti est le droit de réunion « pacifique ». Il est nécessaire de distinguer les activités de défense des droits de l'homme des activités délictueuses qui portent atteinte à la sécurité des personnes et des biens. Etant justifiées par des faits délictueux commis, les condamnations prononcées à l'encontre des prévenus reconnus coupables ne violent donc aucun des instruments internationaux de protection des droits de l'homme.</p> <p>Concernant les conditions de détention des prévenus, l'allégation selon laquelle les prévenus condamnés « seraient détenus dans des centres de détention éloignés de leurs familles dont ils dépendent matériellement »</p>

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223.	Turkey	21/04/10	JUA	WGAD; FRDX; HLTH; TOR	Concerning Mr. Murad Akincilar, born in 1962, secretary of the labour union UNIA at Geneva and political refugee in Switzerland. On 30 September 2009, at 8 a.m., Mr. Murad	<p>mérite éclaircissement. En effet, l'administration pénitentiaire veille à ce que les condamnés soient incarcérés dans les unités pénitentiaires les plus proches des lieux de résidence de leurs familles afin de leur faciliter l'exercice du droit de visite de leurs proches. Cependant, la prison de Gafsa, unité pénitentiaire la plus proche des lieux de résidence des familles des condamnés n'offrant pas, à la date d'incarcération des prévenus, de places libres pouvant les accueillir, ceux-ci ont donc été placés dans les unités pénitentiaires les plus proches offrant des disponibilités d'accueil. Le rapprochement des prévenus incarcérés des lieux de résidence de leurs familles se fait par ordre de priorité selon les disponibilités, les places étant prioritairement affectées aux détenus les plus anciens. L'impératif d'égalité s'oppose absolument à ce que les prévenus visés dans la communication soient préférés à d'autres en les plaçant prioritairement dans la prison de la ville de Gafsa.</p> <p>Les condamnés incarcérés en vertu des jugements rendus à leur encontre ont bénéficié d'une mesure de libération conditionnelle et ont été remis en liberté le 4 novembre 2009. Cette libération, accordée pour des considérations humanitaires, trouve son fondement dans l'article 353 du Code de procédure pénale selon lequel la libération conditionnelle peut être accordée « à tout condamné ayant à subir une ou plusieurs peines privatives de liberté qui aura témoigné de son amendement par sa conduite en détention ».</p>

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					<p>Akincilar was arrested by police in Istanbul, where he wanted to visit his sick mother. He was held and interrogated at length numerous times in a police lock-up in Istanbul until 4 October 2009. He was then transferred to Metris Prison (Istanbul) and later to Edurne Prison, 300 km north of Istanbul, where he is currently being detained without charges.</p> <p>Mr. Murad Akincilar has not been provided with any information on the crime he is suspected of, nor has he received an official indictment. This situation renders it difficult for him to defend himself or challenge his detention. It appears that his detention may be based on political motives, since he has published two articles in a journal critical of the Government ("Demokratik Dönüşüm"), and has been politically active in an organisation named "Devrimci Karagât".</p> <p>In the course of the interrogations at the police in the beginning of October 2009, he was allegedly deprived of sleep on numerous occasions and was a number of times forced to look into extremely bright lights. Due to this treatment, it is reported that Mr. Murad Akincilar is losing his eyesight because of retinal detachment. He started encountering problems with his eyesight on 11 October, while detained in Metris Prison. However, the responsible officials allegedly refused to grant him medical care. During his transfer from Metris to Edurne Prison over a distance of 300 km he was reportedly shackled with chains; a week after the transfer, his wife could still observe that his legs were swollen and that he bore serious haematoma. On 16 October 2009, Mr. Murad Akincilar went on hunger strike, demanding urgent medical consultation for his eyes, which was eventually granted the same evening. Despite two belated operations on his</p>	

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					<p>eyes, he has lost already 65% of his eyesight of his right eye. On 26 March 2010, a further retinal detachment in his left eye was diagnosed and he again underwent surgery.</p> <p>Concern is expressed regarding the physical and psychological integrity of Mr. Murad. With a view to his rapidly deteriorating eyesight, particular concern is expressed at the conditions of detention and the lack of medical care.</p>	
224.	Uganda	31/05/10	JUA	REL; TOR	<p>Concerning Mr. Mohammad Hassan Haji, a Somali national and asylum-seeker in Uganda who is due to be forcibly returned to Somalia after 31 May 2010.</p> <p>Subsequent to his conversion to Christianity, Mr. Mohammad Hassan Haji was threatened in Somalia by the armed opposition group al-Shabab and was forced by them to stop working as a cameraman for a Muslim company. Mr. Haji fled from Somalia in 2008, going first to his uncle in Nairobi and then in April 2009 to Uganda in order to seek asylum. In December 2009, he was arrested in Katuna and charged with illegal entry into Uganda. He was convicted and the court in Kabale ordered on 10 March 2010 that he should be deported back to Somalia. Mr. Haji is currently in police custody in Kampala and the Ugandan authorities indicated that his deportation will take place any time after 31 May 2010.</p> <p>Concerns have been voiced that converts to Christianity face great risk of serious human rights abuses such as torture and other ill-treatment or extrajudicial execution in Somalia.</p>	
225.	Ukraine	13/01/10	UA	TOR	<p>Concerning Mr. Ahmed Chataev, disabled, of Chechen ethnicity.</p> <p>On 3 January 2010, Mr. Chataev was detained by the police in Uzhhorod based on a Russian</p>	<p>Iby letter dated, 23/02/2010, the Government indicated that in accordance with the Act on ratification of the European Convention on Extradition, of 1957, the Additional Protocol,</p>

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					<p>international arrest warrant while being in Ukraine for personal reasons. He is currently being held in a pre-trial detention centre in Uzhhorod.</p> <p>The Russian authorities are seeking his extradition based on terrorism charges. In 2000, during fighting between Russian forces and Chechen separatists in the town of Urus Martan in the Chechen Republic, Mr. Chataev was reportedly wounded in the arm and stomach. Before he was taken to hospital he was kept by Russian forces. During that period, he was reportedly tortured, including with electric shocks. His arm was subsequently amputated.</p> <p>Mr. Chataev and his family subsequently fled to Austria via Azerbaijan. On 24 November 2003, the Federal Asylum Office granted him refugee status in Austria, where he lives with his wife and three children.</p>	<p>of 1975, and the Second Additional Protocol, of 1978, to the Convention, the Ukrainian bodies authorized to consider the extradition of offenders are the Ministry of Justice (requests by courts) and the Office of the Procurator-General (requests by bodies conducting pretrial investigations).</p> <p>The extradition of Akhmed Razhapovich Chataev was considered by the Office of the Procurator-General.</p> <p>Issue of Mr. Chataev's extradition to the Russian Federation</p> <p>Mr. Chataev, born on 4 July 1980 and a native of the village of Vedeno in the Vedeno district of the Chechen Republic of the Russian Federation, was arrested on 4 January 2010, near the Zakarpatska Hotel in Kirill and Mefodii Square in the town of Uzhhorod in Zakarpatska province, by officers of the Department for Combating Organized Crime, a unit of the Central Administration of the Ministry of Internal Affairs of Ukraine, acting under article 106 of the Code of Criminal Procedure. According to information from the General Secretariat of the International Criminal Police Organization (INTERPOL), the internal affairs agencies of the Chechen Republic of the Russian Federation had issued an international warrant for Mr. Chataev's arrest on terrorism charges.</p> <p>On the same day, he was placed in the holding facility operated by the Uzhhorod local office of the Central Administration of the Ministry of Internal Affairs of Ukraine, where he was detained until 6 January 2010.</p> <p>On 6 January 2010, the Uzhhorod city district court remanded Mr. Chataev in custody for a period of 40 days, on the basis of the</p>

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						<p>provisions of the Convention on Judicial Assistance and Legal Relations in Civil, Family and Criminal Cases, of 1993.</p> <p>The Office of the Procurator-General of Ukraine, in letter No. 14/3-38062-10 dated 3 February 2010, informed the Office of the Procurator-General of the Russian Federation that Mr. Chataev's extradition would be inconsistent with the legislation in force in Ukraine and that, in accordance with article 19 of the Convention on Judicial Assistance, the Russian side's request for his extradition could not be fulfilled.</p> <p>Issue of Mr. Chataev's extradition to Georgia</p> <p>On 9 January 2010, the Office of the Procurator-General received from the competent Georgian authorities a package of extradition documents and an application for the extradition of Mr. Chataev, who was charged with committing offences under articles 108 (Murder) and 344, paragraph 2 (Illegal crossing of the State border), of the Criminal Code of Georgia. As required by article 58 of the Convention on Judicial Assistance, the extradition application was accompanied by the texts of the decision to bring criminal charges against Mr. Chataev, the decision to issue an international warrant for his arrest and the decision of the Tbilisi city court to remand him in custody, as well as information on the criminal case against him.</p> <p>On 28 January 2010, the Uzhhorod court decided to remand Mr. Chataev in custody until the issue of his extradition to Georgia was resolved.</p> <p>Neither Mr. Chataev, nor his counsel, objected to his remand in custody.</p>

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						<p>On 3 February 2010, the Office of the Procurator-General decided, on the basis of the checks carried out, to extradite Mr. Chataev to Georgia.</p> <p>The Georgian side provided assurances that, if Mr. Chataev was extradited to Georgia, he would be prosecuted only for the offences envisaged under articles 108 and 344, paragraph 2, of the Criminal Code of Georgia; that he would not be deported, transferred or extradited to a third State without the consent of Ukraine; and that, after he had been tried and had served his sentence, he would be free to leave the territory of Georgia.</p> <p>Grounds for Mr. Chataev's extradition</p> <p>On 24 November 2003, the Austrian Federal Asylum Office issued a decision granting Mr. Chataev refugee status.</p> <p>In accordance with article 32, paragraph 1, of the Convention relating to the Status of Refugees, the Contracting States must not expel a refugee lawfully in their territory save on grounds of national security or public order.</p> <p>Article 33 of the Convention states that the Contracting States must not expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.</p> <p>However, as stipulated in article 33, paragraph 2, of the Convention the benefit of that provision may not be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the</p>

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226.		13/01/10	JAL	TOR; SUMX	<p>Concerning Mr. H.H. Ashakhanov, born in 1973.</p> <p>Mr. Ashakhanov was serving his sentence in Orekhovskaya penal colony No. 88, when he fell sick the first time in September 2009. He approached the medical unit where he allegedly received two injections of unknown drugs. Subsequent to this treatment, Mr. Ashakhanov was permanently ill, lost appetite and often vomited after meals. Mr. Ashakhanov reportedly repeatedly complained to the medical unit with the request to conduct an examination and administer proper treatment. However, no examination was held and no treatment was administered.</p> <p>Since November 2009, Mr. Ashahanov's health condition had severely deteriorated. He was unable to leave his bed as he was severely weak and suffered from nausea and vomiting. His temperature rose above 40 degrees. In two</p>	<p>country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.</p> <p>On 14 January 2010, the Government Commissioner for matters relating to the European Court of Human Rights received notification from the Court of the application in respect of Mr. Chataev, pursuant to rule 39 of the Rules of Court, of an interim measure, namely, the prohibition of his extradition to the Russian Federation; the Office of the Procurator-General of Ukraine was immediately informed thereof.</p> <p>The Office of the Procurator-General assured the Government Commissioner that Mr. Chataev would not be extradited to the Russian Federation prior to the decision of the Court on the merits of his application.</p>

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					<p>months, Mr. Ashahanov lost about 20 kg of weight. On those days, when he was able to walk, he turned with complaints to the medical unit. He was given pills (analginum or diphenhydramine), which decreased his temperature for a very short time. Several times he was placed in the medical unit, however, each time for a period not exceeding 5 days. There was no medical examination and no permanent treatment administered. When Mr. Ashakhanov could not get out of the bed and turn to the medical attendant for help, he did not obtain medical aid at all, because the warders did not respond to his complaints.</p> <p>In mid-January 2010, Mr. Ashakhanov was again placed in the medical unit for several days. In the morning of 19 January 2010, he was suddenly transported away from the colony in an unknown direction. On 20 January 2010, Mr. Ashahanov's cellmates were told that he had died.</p> <p>Information received indicates that Mr. Ashahanov has submitted a complaint to the European Court of Human Rights (application no. 35930/06). Reports further suggest that prison officials more than once intimidated Mr. Ashahanov in connection with this complaint. His correspondence was allegedly intercepted.</p> <p>Reports further indicate a high mortality rate among prisoners at penal colony ? 88 due to the absence of medical aid. Only in the event of exceptionally severe health deterioration, prisoners are taken away from the colony. Information further suggests that neither family members nor other relevant persons are informed to which hospital they are transported.</p> <p>A request has been sent to Orekhovskaya penal colony No. 88 in order to receive information</p>	

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					about the cause of Mr. Ashakhanov's death. No reply has been received so far.	
227.		12/08/10	UA	TOR	<p>Concerning Mr. Utkir Akramov, Mr. Kosim Dadakhanov, Mr. Umid Khamroev and Mr. Shodilbek Soibjonov.</p> <p>Mr. Utkir Akramov, Mr. Kosim Dadakhanov, Mr. Umid Khamroev and Mr. Shodilbek Soibjonov were detained between 15 June and 8 July 2010 by Ukrainian law enforcement officials. Their detention was based on the fact that they face charges in Uzbekistan of membership of illegal religious or extremist organizations, dissemination of materials containing a threat to public security, or attempts to overthrow the constitutional order. The four men applied for asylum in Ukraine, which was refused. However, their asylum appeals are pending in the courts.</p> <p>On 26 July, the European Court of Human Rights applied Rule 39, which prevents Ukraine from extraditing Mr. Akramov, Mr. Dadakhanov and Mr. Khamroev. Nevertheless, since extradition requests have been received for Mr. Akramov, Mr. Dadakhanov and Mr. Khamroev, their detention has been prolonged. With regard to Mr. Soibjonov, he was released on 5 August due to the fact that the period of temporary detention had expired and no extradition documents were received from the Uzbek authorities. However, he is afraid that he may be re-arrested.</p> <p>The families of the four men have been threatened by Ukrainian law enforcement officials and asked to provide information about the charges. Additionally, after Mr. Khamroev's arrest, one of his family members was reportedly arrested in Uzbekistan.</p> <p>On 10 June, the European Court of Human Rights found in the case of Garayev v.</p>	<p>By letter dated 15/10/2010 the Government indicated that the extradition of offenders between Ukraine and Uzbekistan is governed by the 1993 Convention on Legal Assistance and Legal Relations on Civil, Family and Criminal Matters and its 1997 Protocol.</p> <p>Under article 80 of the Convention, communications concerning extradition of offenders between Ukraine and Uzbekistan are conducted through the Ukrainian Procurator-General's office.</p> <p>In connection with an application made by the complainants on 26 July 2010 to the European Court of Human Rights, the Ukrainian Government's representative to the Court received an urgent communication, based on Rule 39 of the Court's Rules, prohibiting the complainants' extradition to Uzbekistan. Further, under Rule 54, paragraph 2 (a), the Government was required to submit, by 3 August 2010, comments on whether the procedure for appealing against a refusal to grant refugee status and for judgement on extradition in a national court halts the actual extradition of the individuals concerned.</p> <p>The same day, the Ukrainian Government's representative to the Court informed the Procurator-General of Ukraine of the interim measures adopted by the Court in respect of the case, Khamroev et al. v. Ukraine, pursuant to Rule 39 of the Rules of Court regarding non-refoulement of the complainants to Uzbekistan.</p> <p>On 3 August 2010, the Ukrainian Government's representative submitted information to the Court regarding the</p>

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					<p>Azerbaijan that the extradition of Shaig Garayev from Azerbaijan to Uzbekistan would be in violation of the prohibition of torture found in article 3 of the European Convention on Human Rights. On 29 July 2010, in the case of Karimov v. Russia, the Court found that torture is “pervasive and enduring” in Uzbekistan and that Russia was in violation of the European Convention on Human Rights when it detained an Uzbek asylum-seeker with the intention of returning him to Uzbekistan.</p>	<p>presence or otherwise, in orders of the Procurator-General’s office, of requests from the relevant bodies in Uzbekistan for extradition of the complainants at the “extradition check” stage, and a guarantee was given that the complainants would not be extradited before the Court issued its subsequent guidance. Ukraine also submitted to the Court its comments on the procedure and the outcome of the appeal to the national court against the refusal to grant refugee status and the judgement on extradition, taking account of the amendments concerning extradition introduced into the Code of Criminal Procedure by an act of 17 June 2010. The Government representative affirmed that, under the amendments to the Code, a ruling on extradition can be appealed against in a court of first instance or a court of appeal, which, in its turn, halts the entry into force and implementation of the ruling.</p> <p>On 9 August 2010, the European Court of Human Rights informed the Ukrainian Government’s representative that the interim measures had been extended to 23 August 2010. It also asked the Government to comment on the application by the complainants’ representative concerning the ineffectiveness of the procedure for appealing against extradition rulings laid out in the Code of Criminal Procedure.</p> <p>On 21 August 2010, the Ukrainian Government’s representative submitted to the Court comments on the opinion expressed by the complainants’ representative.</p> <p>Taking account of that information and of the introduction into national legislation of a guarantee of the possibility of appealing against extradition rulings to the national courts, the Court informed the Ukrainian</p>

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						<p>Government's representative on 23 August 2010 that the interim measures prohibiting the extradition of the complainants to Uzbekistan had been withdrawn.</p> <p>As indicated by the State Committee on Ethnic Communities and Religion under article 1 of the Refugees Act, refugees are individuals who are not citizens of Ukraine, and who, owing to a well-founded fear of persecution on the grounds of race, religion, ethnic origin, citizenship (nationality), membership of a certain social group or political convictions, are outside the country of their citizenship and are unable or unwilling to avail themselves of the protection of that country because of the said fear, or, having no citizenship (nationality) and being outside of the country of their previous permanent residence, are unable or unwilling to return there because of the said fear.</p> <p>The foreign citizens listed in the request are not refugees, in that the Kyiv municipal and Kyiv provincial migration services (the local territorial divisions of the State Committee on Ethnic Communities and Religion) have not found grounds for considering their applications for refugee status. The asylum-seekers have appealed to the courts against the migration authorities' decision.</p> <p>On 19 March 2009, Umid Nematovich Khamroev, a citizen of Uzbekistan, submitted an application for refugee status to the Kyiv provincial department of the migration service.</p> <p>On 6 April 2009, the complainant was served with a notice of refusal to consider his application for refugee status. He appealed against this decision to the courts.</p>

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						<p>On 6 May 2009, the case was referred for judicial examination by decision of the Kyiv area administrative court.</p> <p>On 5 May 2010, Shodilbek Solizhonovich Soibzhonov, a citizen of the Russian Federation, submitted an application for refugee status to the Kyiv provincial department of the migration service.</p> <p>On 26 May 2010, the complainant was served with a notice of refusal to consider his application for refugee status. He appealed against this decision to the courts.</p> <p>On 22 June 2010, the case was referred for judicial examination by decision of the Kyiv area administrative court.</p> <p>On 3 December 2009, Kosim Dzhuravich Dadakhonov, a citizen of the Russian Federation, submitted an application for refugee status to the Kyiv municipal department of the migration service.</p> <p>On 23 December 2009, the complainant was served with a notice of refusal to consider his application for refugee status. He appealed against this decision to the courts.</p> <p>On 13 January 2010, the case was referred for judicial examination by decision of the Kyiv area administrative court.</p> <p>On 14 October 2009, Utkin Uktamovich Akramov, a citizen of Uzbekistan, submitted an application for refugee status to the Kyiv municipal department of the migration service.</p> <p>On 14 November 2009, the complainant was served with a notice of refusal to consider his application for refugee status. He appealed against this decision to the courts.</p> <p>On 17 December 2009, by decision of the</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
228.	United Arab Emirates	29/01/10	JUA	WGAD; IJL; TOR	<p>Concerning Mr. Mohamed Mostafa, 21 years, of Palestinian origin.</p> <p>On 22 July 2009, Mr. Mostafa was arrested at a friend's house in Ras al Khayma by members of the State Security forces without an arrest warrant. His family was not informed of the reasons for his arrest. He had then been held incommunicado until 15 December 2009, during which time he was allegedly severely tortured by State Security agents and forced to sign confessions.</p> <p>In December 2009, Mr. Mohamed Mostafa denied the evidence given in his forced confession before the State Security Prosecutor and stated that he had been tortured to force him to sign it. On 25 January 2010, Mr. Mostafa was presented before the State Security Court. Reports suggest that his forced confessions are being used as sole evidence in the trial. During the trial he denied again the evidence against him drawn from his confessions and informed the court that he had been tortured. No investigation has so far been initiated by the prosecutor or the judge.</p> <p>The next court hearing is scheduled for 2 February 2010. His family and lawyers fear</p>	<p>Kyiv area administrative court, proceedings were opened in this case.</p> <p>At this time, no judgement, ruling or decision on the legal status of the asylum-seekers has been adopted.</p> <p>In accordance with the requirements of current legislation in Ukraine, the above-mentioned asylum-seekers are registered in the records of the State Committee on Ethnic Communities and Religion as having submitted appeals to the courts, which legalizes their stay on the territory of Ukraine.</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					that Mr. Mostafa may be expelled to the Syrian Arab Republic, where he studied between September 2007 and November 2008. During his stay in the Syrian Arab Republic, Mr. Mostafa was allegedly closely observed by the Syrian intelligence forces. His family fears that Syrian authorities have requested your Excellency's Government's authorities to arrest Mr. Mostafa.	
					Concern is expressed about the alleged use of evidence obtained by torture and the possible expulsion of Mr. Mostafa to the Syrian Arab Republic.	
229.		02/09/10	JUA	WGAD; TOR	Concerning the situation of Mr. Jamal Mohamed Abdellah Al Hammadi and Mr. Ibrahim Mohamed Al Hammadi. The two men belong to the same family and live in the Khor Fakan area in the United Arab Emirates.	
					On 26 July 2010, both men were arrested at their home by State Security forces dressed in civilian clothes without being presented with an arrest warrant. During the arrest, their houses were raided and their mobile phones were reportedly confiscated.	
					According to reports received, the two men were taken to the State Security force's prison in Abu Dhabi where they remain in custody and incommunicado since then. In addition, the legal basis for their detention has reportedly not yet been communicated to their families.	
					Concern is expressed about the physical and mental integrity of Mr. Jamal Mohamed Abdellah Al Hammadi and Mr. Ibrahim Mohamed Al Hammadi. In this connection, serious concern is expressed about allegations that the two men are being held incommunicado since their detention on 26 July 2010.	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
230.	United Kingdom of Great Britain and Northern Ireland	19/03/10	JUA	REL; TOR; WGAD	<p>Concerning Mr. Amir Sharifi, a national of the Islamic Republic of Iran and resident of Bolton, United Kingdom.</p> <p>Mr. Amir Sharifi, a national of the Islamic Republic of Iran and resident of Bolton since September 2008, is currently detained in the immigration removal centre Harmondsworth and due to be forcibly removed from the United Kingdom on flight BA7531/BD931 to Tehran, Islamic Republic of Iran, on 21 March 2010. Mr. Sharifi used to be a Muslim and learned about Christianity through an underground church in Tehran. He came to the United Kingdom on a student visa in 2007 and applied for asylum in August 2008, before expiry of his visa, as he had converted to Christianity. His asylum application has been refused, reportedly on the grounds that his Christian faith was not genuine but a contrivance in order to gain asylum in the United Kingdom. However, Mr. Sharifi is reported to be a young man with a deep and genuine Christian faith and he has been a covenant member of the Jesus Fellowship Church since August 2009. Concerns have been voiced that converts from Shia Islam to Christianity face great risk of ill-treatment in the Islamic Republic of Iran and are not free to practise their faith openly without fear of persecution and even threat of death as an apostate.</p>	<p>By a letter dated 14/04/2010, the Government indicated that Mr. Sharifi sought judicial review of the decision to remove him from the UK, claiming breaches of Articles 3 and 8 of the European Convention of Human Rights as well as the Refugee Convention. In the course of his application he had an opportunity to set out his reasons for challenging the decision before an independent judge of the High Court, with the benefit of legal representation.</p> <p>The issue of his conversion to Christianity had already been substantively considered, and rejected, in his Asylum and Immigration Tribunal appeal in January 2009. The Judge refused the judicial review claim on paper on 17 February 2010, ordering that the claim was unarguable, lacked any merit and that the removal action could take place even if Mr. Sharifi wished to take further court proceedings. Mr. Sharifi - through his representatives -renewed his application on 01 March but in light of the observations from the court it was not deemed to be a barrier to removal. It was open to Mr. Sharifi to apply to the court for an injunction to prevent removal action from being taken. Consequently the Claimant was removed from the UK on 21 March.</p>
231.		04/05/10	JUA	MIG; HEA; TOR; VAW	<p>Concerning Ms. Bitra Ghaedi, a rejected asylum-seeker who is a national of Iran. Ms. Bitra Ghaedi has exhausted most of the legal remedies available and allegedly received a deportation order to leave the United Kingdom of Great Britain and Northern Ireland on 20 April 2010. The deadline was postponed due to flight disturbances. Her deportation has been rescheduled to take place on 5 May 2010 at</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>19.00 hrs by flight BD931. In the meantime an additional fresh claim for review of her case was submitted by her solicitor on 20 April 2010. The judicial review of the fresh claim submitted is scheduled to take place on 21 July 2010.</p> <p>Ms. Bita Ghaedi is a national of Iran born on 10 September 1974. She allegedly fled Iran escaping from a forced marriage. She allegedly arrived in the United Kingdom on 2 October 2006. Upon her arrival in the United Kingdom, she claimed asylum on grounds of forced marriage in Iran. She had reportedly been forced into the marriage by her father in 2004 and remained in the forced marriage for approximately 2 years until she fled Iran. In addition, she allegedly faced physical and psychological maltreatment by her father, brother and uncle because she was having an extramarital affair with Mr. Hamid Saedi. After filing her asylum claim, Ms. Ghaedi was reportedly taken to Holloway prison for 45 days after which she was released for the consideration of her asylum claim. The reason for her detention was never clarified.</p> <p>In November 2006, Ms. Ghaedi reportedly met Mr. Mohsen Zadshir, a British national with whom she began an informal domestic partnership in October 2008. As a result of her relationship with Mr. Zadshir, in 2007, Ms. Ghaedi become involved in political activities and began working as a political activist with Anglo-Iranian women in the United Kingdom. She also became a supporter of the British Peoples Mojehadin Organization of Iran (PMOI) and the National Council for the Resistance of Iran (NCRI). Ms. Ghaedi campaigned on behalf of the PMOI in the United Kingdom of Great Britain and Northern Ireland to draw attention to the situation of</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>political prisoners and the execution of victims in Iran during a recent unrest.</p> <p>On 16 August 2007, Ms. Bita Ghaedi's asylum claim was rejected by the Home Office and by the Court on 16 October 2007. As a consequence, on 4 December 2007, she attempted to commit suicide by taking an overdose, and was hospitalized. She was allegedly unconscious for three days and was discharged from the hospital on 2 January 2008. Her solicitor requested a revision of the case.</p> <p>On 29 April 2009, she was allegedly detained and removal directions were set for 4 May on the grounds of her immigration status. On 3 May, Ms. Bita Gaedhi's solicitor submitted an application for a leave to remain and she was released on 17 June 2009 as her case was accepted for judicial review. She was allegedly detained again on 11 November 2009 and removal directions were set for 16 November. On the same date she reportedly began a hunger strike. On 16 November 2009 she was taken to Heathrow airport for deportation, but the deportation was canceled by judicial order allegedly on the grounds of the need for further time to review the case. On 2 December 2009 she was allegedly released on bail, conditional upon her presentation twice a week before the United Kingdom Border Agency (UKBA).</p> <p>In January 2010, the UKBA authorities allegedly fixed 16 April 2010 as the date for the review of the conditions of her release. On 27 January 2010, she allegedly commenced another hunger strike after she was informed by Home Office solicitors that her claim has been rejected.</p> <p>Given the health troubles associated with her hunger strikes, she was allegedly unable to</p>	

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					<p>comply with the condition of her release. Mr. Mohsen Zadshir periodically provided medical certificates to the UKBA to justify that it was impossible for Ms. Ghaedi to comply with the condition of her release. The most recent medical certificate is dated 23 March 2010 and justifies one month of sick leave. Her physical and mental health was weakened considerably to the point that she was unable to walk. Following friends' and medical practitioners' advice, she allegedly ended her hunger strike on 20 March 2010.</p> <p>On 25 March 2010 Ms. Ghaedi's solicitor submitted a fresh claim, as the United Kingdom asylum procedure permits rejected asylum applicants to lodge a fresh claim and give the Government the prerogative of deciding whether or not the fresh submission is to be considered.</p> <p>On 12 April 2010, Mr. Zadshir brought Ms. Ghaedi to UKBA authorities in a wheelchair, in order to bring her health condition to their attention, and present a request for the renewal of her release on bail, which was to be reviewed by 16 April 2010. UKBA authorities requested Mr. Zadshir and Ms. Ghaedi to return in the afternoon of 16 April 2010.</p> <p>On 16 April 2010 around 6:30 a.m., Home Office authorities allegedly arrived at Ms. Ghaedi's place of residence with an ambulance, arrested her and detained her at Yarl's Wood. Mr. Zadshir reported that her health remains a concern while she is in detention.</p> <p>Additional documentation was submitted to the Home Office by Ms. Bitra Ghaedi's solicitor on 20 April 2010, who according to Mr. Zadshir will submit an application for urgent injunction to request to suspend Ms. Ghaedi's removal from the United Kingdom scheduled on 5 May</p>	

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					<p>2010 pending the consideration of the judicial review of the fresh claim, which is scheduled to take place on 21 July 2010.</p> <p>Her forcible removal from the United Kingdom was initially planned for 20 April 2010, but was postponed due to flight cancellations. Her deportation has been rescheduled to take place on 5 May 2010 at 19.00 hrs by flight BD931.</p> <p>Information received indicates, if returned to Iran, M. Ghaedi might be subjected to cruel, inhuman or degrading treatment as a result of having abandoned a forced marriage and because of the resulting implications on family honour. Information received also suggests, if returned to Iran, Ms. Ghaedi might encounter harassment, arrest or detention because of her political involvement with the PMOI while in the United Kingdom. Furthermore, her health might be at risk as her physical and psychological condition has considerably deteriorated, at least partly due to the possibility of being deported to Iran. Additionally, she considers that her rights to family and private life with her partner Mr. Zadshir, who is a British national, might also be infringed.</p>	
232.		27/04/10	UA	TOR	<p>Concerning the possible extradition to Algeria of Mr. Rafik Khelifa, an Algerian national who has claimed asylum in the United Kingdom of Great Britain and Northern Ireland (U.K.)</p> <p>Mr. Rafik Khelifa is currently held at HMP Wandsworth in migration and remand custody and is the subject of an extradition request by the Republic of Algeria.</p> <p>Mr. Khelifa is a well-known business man in Algeria where he had established a pharmaceutical company, a bank, an airline, a television and news station. Mr. Khelifa was allegedly actively involved in national politics</p>	

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					<p>and had openly supported the opposition party running for the 2004 presidential elections.</p> <p>Mr. Khelifa arrived to the U.K. in 2003. On 27 February 2007, Mr. Khelifa was arrested in the U.K. on charges of money-laundering. On the same day of his arrest, he claimed asylum in the U.K. arguing fear of persecution due to his political opinions. Mr. Khelifa has reportedly been in detention since that date.</p> <p>On 22 March 2007, Mr. Khelifa was allegedly sentenced in absentia to life imprisonment by the Criminal Court of Blida in Algeria, for what has become known as “the mortgage fraud” and the “desalination plant fraud”. The conduct alleged in this case would constitute an offence in the U.K.. In November 2007, the Algerian Government produced the extradition request before U.K. authorities.</p> <p>Mr. Khelifa has reportedly received a number of death threats. On 13 August 2008, British police officers visited Mr. Khelifa in prison and allegedly warned him that, according to their intelligence sources, his life may be in danger due to threats originating in Algeria. He was then required to sign an “Osman letter” indicating the existence of a concern in the British police about these allegations.</p> <p>In June 2009, the City of Westminster Magistrates’ Court in the U.K. considered Mr. Khelifa’s extradition case and found no evidence that the extradition request had been made with the purpose of prosecuting him for his political opinions. However, the domestic court determined that were Mr. Khelifa to be extradited to Algeria he would face a real risk of being ill-treated. Notwithstanding this the domestic court indicated it would be satisfied by the diplomatic assurances provided by the Republic of Algeria in this case and reached</p>	

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					<p>the conclusion that the extradition of Mr. Khelifa would be compatible with articles 2, 3 and 6 of the European Convention of Human Rights. The U.K. Secretary of State would have until 30 April 2010 to decide on whether to sign the extradition order.</p> <p>On 5 March 2010, the U.K. Border Agency, on behalf of the Secretary of State, refused Mr. Khelifa's asylum claim on the basis that it found no evidence that his life would be at risk or that he would suffer any kind of ill-treatment from the authorities on return to Algeria. The Secretary of State referred to the diplomatic assurances provided by the Algerian authorities in this extradition case guaranteeing the fair treatment of Mr. Khelifa upon his return to Algeria and reportedly deemed such assurances as reliable and serious. Further, the Secretary of State referred to the experience of the Special Immigration Appeals Commission (SIAC) with previous removals and assurances received by the Algerian authorities as well as to the fact that the House of Lords upheld SIAC's judgment in respect of Algerian assurances in February 2009.</p> <p>On 23 March 2010, Mr. Khelifa's lodged an asylum appeal before the Immigration and Asylum Chamber of the First-Tier Tribunal. On 25 March 2010, Mr. Khelifa was notified that although his asylum appeal was pending with this tribunal, the Secretary of State would be considering that his case be heard by the Special Immigration Appeals Commission (SIAC). The SIAC deals with appeals against decisions made by the Home Office to deport, or exclude, someone from the U.K. on national security grounds, or for other public interest reasons. It also hears appeals against decisions to deprive persons of citizenship status.</p> <p>Furthermore, under the Data Protection Act</p>	

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					<p>(1998), the Home Office disclosed certain materials indicating that the U.K. Government (requested State) would provide the Algerian authorities (requesting State) with details about Mr. Khelifa's asylum request before its final determination.</p> <p>In connection with the information referred to above, concern is expressed about the use of diplomatic assurances as a safeguard against the risk of torture and ill-treatment. Concern is also expressed about the fact that the case might be heard by the Special Immigration Appeals Commission (SIAC). Further, concern is expressed about the indications referred above that the confidentiality of the pending asylum claim might have not been respected by the U.K. authorities, which may expose the applicant to a greater risk.</p>	
233.	United States of America	01/03/10	UA	TOR	<p>Concerning R.P.K., male, eighteen years old. Mr.R.P.K. has been imprisoned by the State of Montana following his conviction on 20 September 2007 on two counts of assault on a peace officer while incarcerated in a state juvenile facility. At the time of the conviction, Mr.R.P.K. was fifteen years old.</p> <p>Mr.R.P.K. was convicted to the Montana Department of Corrections for five years, with a recommendation that he be placed in a three-month "boot camp" programme before being paroled for the remainder of his sentence. Mr.R.P.K. was sent to the Department's assessment centre. However, after he was involved in a verbal and physical altercation with a supervisor in February 2008, he was transferred to the Montana State Prison, which is an adult detention facility.</p> <p>Mr.R.P.K. has been diagnosed as suffering from mental illness, including Post-traumatic Stress Disorder, Major Depression, and</p>	<p>By letter dated 3/5/2010, the Government of United States of America indicated that it had contacted Montana state authorities and their representatives, who have provided the following information. We note that Mr. K has a case pending in state court against the State of Montana and the Montana Department of Corrections alleging, inter alia, that his treatment in Montana State Prison constitutes cruel and unusual punishment, in violation of Montana's constitution. In this case, Mr. K is also seeking a preliminary injunction to enjoin the State of Montana from, inter alia, confining Mr. K in the High Side or using the Behavior Management Program. The parties have scheduling conference in this case on May 4, 2010 to set a briefing schedule. Generally, the State of Montana denies the allegations raised in the lawsuit and asserts Mr. K's rights are being safeguarded. For your information, we attach a copy of Mr. K's amended complaint and the</p>

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					<p>Conduct Disorder. Despite his child status and known history of mental illness, he has been incarcerated in an adult facility and placed in the general prison population. After his involvement in a series of incidents at Montana State Prison for which he received disciplinary sanctions, in February 2009, Mr.R.P.K. was transferred to the Special Housing Unit (SHU) facility of the prison and has been held there ever since, nearly twelve months now. In addition, he has been placed six times on Behaviour Management Plans (“BMPs”) while in the SHU.</p> <p>According to the information received, the SHU, which is also known as Restricted Administrative Segregation, is a minimum of two-year punitive segregation, where inmates are housed in solitary confinement for 23-hours a day, five days a week. Inmates placed in the SHU are not permitted visits or phone calls until achieving one year of clear conduct.</p> <p>Reports which were received suggest that while in the SHU, Mr.R.P.K. has been subjected to prolonged periods of isolated confinement and sensory deprivation. He is unable to receive phone calls or visits from family or friends. In accordance with policies implemented by the Montana Department of Corrections, only after he maintains one year of clear conduct will Mr.R.P.K. be permitted contact with the outside world; one visit per month and one 15-minute phone call per month to immediate family members. As a consequence, to date, Mr.R.P.K. has spent almost ten months in isolation, deprived of normal, social interactions with his family and even other inmates. Mr.R.P.K. is mostly confined to his cell. His limited recreation time consists of walking alone in a small caged pen, with only a small area open to the outside for</p>	<p>State’s answer (the exhibits to these documents are also attached).</p> <p>The State of Montana notes it cannot provide copies of medical evaluations due to privacy interests, but these records are available to Mr. K and his attorneys, subject to the applicable rules of civil procedure. The State of Montana notes that Mr. K has had numerous evaluations by mental health professionals, is seen weekly by mental health staff, and has been given one-on-one therapy by a professional counselor within the prison. The mental health professionals employed by the State of Montana have determined in their professional judgment that Mr. K is not seriously mentally ill and is unsuitable for placement in a mental health treatment facility. These professionals have offered treatment and are attempting to work with Mr. K to take advantage of programs available in the facility and to help him modify his behavior so that he may be in a less restrictive environment in the prison. The State of Montana is also seeking independent mental examination in the context of the litigation.</p> <p>We note generally that the Stat of Montana’s prison system went through litigation, and subsequently reform, of its medical and mental health programs in the mid- 1990s. The settlement of the litigation required specific changes to the programs, which were reviewed over a several year period by independent court-appointed monitors. By stipulation of the parties, the mental health and medical care provisions of the settlements have been approved by the federal court.</p> <p>As noted in the State of Montana’s answer to Mr. K’s amended complaint, the state disagrees that Mr. K is denied educational</p>

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					<p>fresh air and sunlight.</p> <p>While in SHU, Mr.R.P.K. is provided with only the minimum of canteen items and every meal is delivered to his cell and he has to eat on his own. He is reportedly not permitted to apply for prison jobs or to engage in hobbies. He is also denied access to educational and recreational opportunities that other inmates enjoy. It appears that while detained in Montana State Prison, Mr.R.P.K. has been subjected to conditions of imprisonment that have caused him to relive his childhood trauma. As a result, Mr.R.P.K. has twice attempted suicide by biting through the skin on his wrist, puncturing a vein with his teeth and then spraying his blood on the window and walls of his cell. Despite these recent suicide attempts and the overall fragile state of his mental health, he appears not to be provided with adequate mental health treatment. The current treatment consists of a mental health staff member walking through the unit once a week. During these rounds, the staff member knocks on each cell door and asks if the inmate has any mental health concerns. If he believes he does, he is forced to relay his mental health concerns by shouting from behind the cell door, within hearing range of other inmates and no allowance for confidentiality.</p> <p>When placed in BMP, which according to information received aims at changing dangerous or assaultive behaviour that is not associated with a mental illness, as a first step, which lasts at least 48 hours, Mr.R.P.K. is virtually stripped naked, except for a short gown which provides minimal coverage and warmth. He is then placed in a bare, padded cell that is constantly illuminated. There is no running water in the cell and a hole in the floor serves as a toilet. Mr.R.P.K. is provided with a</p>	<p>opportunity and notes that he was enrolled and actively participated in cell study towards his General Educational Development test until his continued detention status for disruptive behavior resulted in his termination for the program. The State of Montana also notes that Mr. K has not been on an activated Behavior Management Plan for nearly eight months.</p> <p>We are happy to provide you with an update on how Mr. K's court case is ultimately resolved.</p> <p>The Permanent Mission of the United States of America avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.</p>

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					<p>security mattress and blanket for sleeping, which seems almost impossible given the brightness of the cell. Mr.R.P.K. receives minimal water and is only allowed to eat NutraLoaf, a food substitute comprised of different ingredients mixed together. If he maintains what prison staff consider good behaviour over this initial 48-hour period he 'progresses' to the second phase of the programme. Although housed in isolation in the same illuminated cell, during this phase, Mr.R.P.K. is given regular prison clothing and a pillow. If he maintains good conduct for a further 24 hour period, Mr.R.P.K. then 'progresses' to phase three; water is turned on in his cell and he is given regular meals and regular bedding materials. While the BMP is in effect, if Mr.R.P.K. breaks any of the prescribed rules during these three phases or even after returning to solitary confinement, the BMP is implemented commencing at phase 1 until he maintains the requisite period of good conduct.</p> <p>Mr.R.P.K. has a long and well documented history of severe physical and emotional abuse and neglect. For several years during his early childhood, his father beat him with belt buckles and wire clothes hangers and encouraged his half-siblings to beat him with bats. Several times, Mr.R.P.K.'s father locked him in a room for days or a week at a time, and would verbally abuse him.</p>	
234.		11/05/10	JUA	EDU; TOR	<p>Concerning the treatment suffered by children and young adults enrolled in the residential programme of the Judge Rotenberg Centre (JRC). The JCR, located in Canton, Massachusetts, is an educational centre providing treatment to children and young adults with mental disabilities.</p> <p>According to the information received, the JRC</p>	<p>By letter dated 28/06/2010, the Government of the United States of America acknowledged receipt of Joint Allegation Letter dated May 11, 2010 regarding the Judge Rotenberg Center in Massachusetts, which contains very serious allegations. The United States Department of Justice has an open and ongoing investigation into possible</p>

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					<p>would be supplementing its educational programme with a type of therapy known as “aversive therapy”, which would include electric shocks, physical means of restraint and food rewards as measures to punish students and encourage change in behaviour.</p> <p>Electric shocks would be administered by a remote-controlled device manufactured by the Centre, referred to as Graduated Electronic Decelerator, and it would be carried by students in a backpack with electrodes attached to the skin. The electric shocks will be reportedly applied on the legs, arms, soles of their feet, finger tips and torsos. The intensity of the shocks would be such that they would produce blisters on the skin.</p> <p>The JRC would also use physical means of restraint, also referred to as “limitation of movement”, including shackles and isolation rooms. Physical restraint would reportedly be used in combination with electric shocks. In such instances, children and young adults would be tied down while receiving the electric shocks. Moreover, it has been reported that JRC’s staff practice mock assaults on students to provoke unacceptable behaviour which would then justify the use of electric shock treatment.</p> <p>According to the information received, food “rewards” would also be used by the JRC to encourage behavioural change. The “Contingent and Specialized Food Programmes” would imply the administration of the main meals of the day into small portions of food that would be earned with the positive behaviour of the student during the meal. Foods portions would be denied if students failed to behave during the meal. Students under the “contingent” food programme are offered the possibility to make</p>	<p>violations of civil rights laws at the Judge Rotenberg Center. When the investigation is completed, the United States will be pleased to provide a response.</p>

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					<p>up for the meal at the end of the day while those under the “specialized” food programme will not be able to compensate the food they may have missed.</p> <p>The JRC’s use of such methods as part of the aversive therapy to complement its educational programme has allegedly been reported to state regulatory bodies.</p> <p>Serious concern is expressed about the physical and mental integrity of the students residing at the Judge Rotenberg Centre who are children and young adults with mental disabilities. In this connection, serious concern is expressed about the use of electric shock therapy and physical means of restraint as part of the educational programme of the Centre and the fact that they can sometimes used in combination. Moreover, grave concern is expressed about the practice of food rewards to change behaviour which, in some instances, may lead to food deprivation.</p>	
235.		16/07/10	UA	TOR	<p>Concerning the situation of six men of Algerian nationality currently being held at the U.S. Military base in Guantanamo Bay, Cuba.</p> <p>If repatriated to Algeria, these six individuals would reportedly face a real and serious risk of being subject to torture or ill-treatment.</p> <p>On 8 July 2010, the U.S. Court of Appeals for the District of Columbia overturned a decision of the U.S. District Judge Gladys Kessler which ruled that the fear of one of these men of being subject to torture and/ or ill-treatment if returned to Algeria were of great concern. This individual had reportedly expressed fear of torture by the Algerian security services as well as by terrorist groups in the country which could allegedly kill him if he refuses to join them.</p>	<p>By a letter dated 13/8/2010, the United States reiterated its committed to ensuring that transfers from Guantanamo conform to our post-transfer humane treatment policies and welcomes this opportunity to respond. On his second full day in office, President Obama ordered Guantanamo closed. His commitment to doing so has not wavered, even as closing Guantanamo has proven to be an arduous and painstaking process. A task force comprised of representatives from six federal agencies scrupulously considered each Guantanamo detainee’s case to assess whether the detainee could be transferred or repatriated consistent with U.S. national security, the interests of justice, and our policy not to transfer individuals to countries where they would more likely than not face torture or, in appropriate cases, where the individual has a</p>

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					<p>Moreover, Judge Kessler reportedly indicated in her ruling that any diplomatic assurances obtained by the Government on such cases should ensure that detainees repatriated are not subject to torture or ill-treatment. The decision of the Appeals Court of Columbia has granted the emergency appeal of the U.S. Government where it upheld the executive's branch's prerogative to decide on the transfer of detainees.</p> <p>According to the information received, the U.S. Government has been preparing the imminent repatriation of these men to Algeria. If these repatriations take place it would reportedly be the first involuntary transfers of a detainee out of Guantanamo by the current administration.</p> <p>In connection with the information referred to above, concern is expressed about the physical and psychological integrity of the six individuals of Algerian nationality if they are transferred to Algeria. Concern is further expressed about the allegations of the use of diplomatic assurances as a safeguard against the risk of torture and ill-treatment.</p>	<p>well-founded fear of persecution. The United States considers detainee transfers on a case-by-case basis, taking into account a wide variety of information from a range of sources –including submissions received from the detainee and/or his counsel— regarding the particular circumstances of the transfer, the proposed receiving country (including both its general human rights record and its record in handling previously – transferred detainees), the individual concerned and any concerns about serious mistreatment that may arise in the context of the transfer, whether from Governmental or private actors.</p> <p>Since the beginning of the Obama Administration, the United States has transferred 64 detainees to 25 different destinations. More than half of these 64 detainees were resettled in third countries because the U.S. Department of State, working together with the other five agencies, determined that they could not be returned to their country of origin due to humane treatment concerns. We are not aware of any credible reports of mistreatment occurring in the aftermath of any of these transfers.</p> <p>The United States has applied the aforementioned policies and practices in determining whether particular Algerian detainees held at Guantanamo could be appropriately repatriated to Algeria. Due to restrictions related to litigation involving some of these individuals, we limit our discussion here to the cases of Abdul Aziz Naji and Saiid Farhi. Both individuals alleged generalized fears of mistreatment by either the Government of Algeria or terrorist groups in Algeria. In considering whether these fears were credible, the United States considered</p>

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						<p>not only the claims asserted by these two individuals, but also whether there were any credible allegations of serious mistreatment related to past transfers to Algeria. In particular, we considered the fact that ten detainees previously have been repatriated from Guantanamo to Algeria without any credible allegations brought to our attention of post-transfer mistreatment, and that neither Mr. Naji nor Mr. Farhi presented treatment concerns in a manner that suggested any particularized likelihood of harm that would set their cases apart from the previously repatriated Algerian detainees. Upon reviewing and considering all of the concerns they raised in this context, the United States concluded that both Mr. Naji and Mr. Farhi could be repatriated consistent with the aforementioned policies on post-transfer humane treatment.</p> <p>Both Mr. Naji and Mr. Farhi filed several motions in U.S. federal courts to stop their transfer to Algeria. Mr. Naji's motions were considered and denied by two U.S. federal district court judges, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit), and the U.S. Supreme Court. Mr. Farhi, sought and obtained from the district court an injunction barring his transfer to Algeria, but the D.C. Circuit reversed that decision, and the U.S. Supreme court declined to block his transfer. In reaching these decisions, the courts have relied upon the policy of the United States not to transfer detainees where it determines that they are more likely than not to be tortured, and the determination of the Department of State that Mr. Naji and Mr. Farhi can be repatriated to Algeria consistent with that policy.</p> <p>The United States transferred Mr. Naji to the</p>

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236.		27/07/10	JUA	TOR; TERR	Concerning the recent repatriation of Mr. Abdul Aziz Naji to Algeria. Mr. Abdul Aziz Naji was part of a group of six Algeria nationals held at the U.S. Military base in Guantanamo Bay, Cuba. We sent a communication to Your Excellency's Government on the situation of this group of Algerian nationals on 16 July 2010.	<p>custody of the Government of Algeria on July 18, 2010 . He was held for questioning in accordance with Algerian law, which allows terrorism suspects to be held in detention for up to twelve days before appearing in court. Reports that Mr. Naji has been indicated are inaccurate. He was released on July 25 after appearing before a magistrate, who opened criminal proceedings against Mr. Naji and ordered that the report to the local police station on a weekly basis pending further investigation of this case. As indicated in numerous press reports, as well as a statement issued by his lawyers, Mr. Naji is at home with his family. He has indicated that he was treated well by the Government of Algeria during the initial period of detention. Mr. Farhi currently remains at Guantanamo.</p> <p>The United States has and will continue to apply its post-transfer humane treatment policies to all detainee transfers, including any future transfers to Algeria. In the event we determine that a particular Algerian national cannot be appropriately repatriated to Algeria consistent with these policies, either because of information that comes to light about the general treatment of transferred Guantanamo detainees, or because of particularized concerns, then the repatriation will not occur until such concerns are addressed.</p> <p>By a letter dated 13/8/2010, the United States reiterated its committed to ensuring that transfers from Guantanamo conform to our post-transfer humane treatment policies and welcomes this opportunity to respond. On his second full day in office, President Obama ordered Guantanamo closed. His commitment to doing so has not wavered, even as closing Guantanamo has proven to be an arduous and</p>

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					<p>would reportedly face a real and serious risk of being subject to torture or ill-treatment. The risk would reportedly originate from the Algerian security services as well as from non-State actors operating in the country. According to reports received, the U.S. Government would have obtained diplomatic assurances from the Algerian authorities with regard to this case.</p> <p>If this repatriation has taken place it would reportedly be the first involuntary transfers of a detainee out of Guantanamo by the current administration.</p> <p>In connection with the information referred to above, concern is expressed about the physical and psychological integrity of Mr. Abdul Aziz Naji if repatriated to Algeria. Concern is further expressed about the allegations of the use of diplomatic assurances as a safeguard against the risk of torture and ill-treatment.</p>	<p>painstaking process. A task force comprised of representatives from six federal agencies scrupulously considered each Guantanamo detainee's case to assess whether the detainee could be transferred or repatriated consistent with U.S. national security, the interests of justice, and our policy not to transfer individuals to countries where they would more likely than not face torture or, in appropriate cases, where the individual has a well-founded fear of persecution. The United States considers detainee transfers on a case-by-case basis, taking into account a wide variety of information from a range of sources –including submissions received from the detainee and/or his counsel— regarding the particular circumstances of the transfer, the proposed receiving country (including both its general human rights record and its record in handling previously – transferred detainees), the individual concerned and any concerns about serious mistreatment that may arise in the context of the transfer, whether from Governmental or private actors.</p> <p>Since the beginning of the Obama Administration, the United States has transferred 64 detainees to 25 different destinations. More than half of these 64 detainees were resettled in third countries because the U.S. Department of State, working together with the other five agencies, determined that they could not be returned to their country of origin due to humane treatment concerns. We are not aware of any credible reports of mistreatment occurring in the aftermath of any of these transfers.</p> <p>The United States has applied the aforementioned policies and practices in determining whether particular Algerian</p>

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detainees held at Guantanamo could be appropriately repatriated to Algeria. Due to restrictions related to litigation involving some of these individuals, we limit our discussion here to the cases of Abdul Aziz Naji and Saïid Farhi. Both individuals alleged generalized fears of mistreatment by either the Government of Algeria or terrorist groups in Algeria. In considering whether these fears were credible, the United States considered not only the claims asserted by these two individuals, but also whether there were any credible allegations of serious mistreatment related to past transfers to Algeria. In particular, we considered the fact that ten detainees previously have been repatriated from Guantanamo to Algeria without any credible allegations brought to our attention of post-transfer mistreatment, and that neither Mr. Naji nor Mr. Farhi presented treatment concerns in a manner that suggested any particularized likelihood of harm that would set their cases apart from the previously repatriated Algerian detainees. Upon reviewing and considering all of the concerns they raised in this context, the United States concluded that both Mr. Naji and Mr. Farhi could be repatriated consistent with the aforementioned policies on post-transfer humane treatment.

Both Mr. Naji and Mr. Farhi filed several motions in U.S. federal courts to stop their transfer to Algeria. Mr. Naji's motions were considered and denied by two U.S. federal district court judges, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit), and the U.S. Supreme Court. Mr. Farhi, sought and obtained from the district court an injunction barring his transfer to Algeria, but the D.C. Circuit reversed that decision, and the U.S. Supreme court

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						<p>declined to block his transfer. In reaching these decisions, the courts have relied upon the policy of the United States not to transfer detainees where it determines that they are more likely than not to be tortured, and the determination of the Department of State that Mr. Naji and Mr. Farhi can be repatriated to Algeria consistent with that policy.</p> <p>The United States transferred Mr. Naji to the custody of the Government of Algeria on July 18, 2010 . He was held for questioning in accordance with Algerian law, which allows terrorism suspects to be held in detention for up to twelve days before appearing in court. Reports that Mr. Naji has been indicated are inaccurate. He was released on July 25 after appearing before a magistrate, who opened criminal proceedings against Mr. Naji and ordered that the report to the local police station on a weekly basis pending further investigation of this case. As indicated in numerous press reports, as well as a statement issued by his lawyers, Mr. Naji is at home with his family. He has indicated that he was treated well by the Government of Algeria during the initial period of detention. Mr. Farhi currently remains at Guantanamo.</p> <p>The United States has and will continue to apply its post-transfer humane treatment policies to all detainee transfers, including any future transfers to Algeria. In the event we determine that a particular Algerian national cannot be appropriately repatriated to Algeria consistent with these policies, either because of information that comes to light about the general treatment of transferred Guantanamo detainees, or because of particularized concerns, then the repatriation will not occur until such concerns are addressed.</p>

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237.		08/09/10	AL	TOR	<p>Concerning the physical and mental integrity of Mr. Mahmoud Hekmat Rashid Al-Khayat, a Palestinian refugee who lived in Al Badawi Camp in Tripoli, Lebanon. Mr. Al-Khayat spent the last 20 years in Karrada, a district of Baghdad, Iraq, where he worked as a general trader in Iraq. He is currently living in Syria with his wife and children.</p> <p>On 15 February 2005, Mr. Al-Khayat was arrested in the Karrada District of Baghdad by Multinational Forces, American Battalion 101, who were reportedly wearing uniforms at the time of the arrest.</p> <p>Mr. Al-Khayat was reportedly initially detained in the Saddam Hussein International airport for a week, from 15 to 22 February 2005, and was then transferred to the Abu Ghraib prison where he allegedly remained for a period of five months, from the end of February to the end of July 2005. According to reports received, Mr. Al-Khayat was then transferred to the Bouka Prison in Basra where he was detained for a period of one year, until the end of July 2006. During this time, he was visited for the first time by the International Committee of the Red Cross (ICRC) on 17 October 2005. Mr. Al-Khayat was then reportedly transferred back to the Abu Ghraib prison for two months, until the end of September 2006. His detention then allegedly continued at the Saddam Hussein International airport for a period of 7 months, until April 2007. It has been reported that during the time that Mr. Al-Khayat was under the custody of the American Battalion 101, he was held in secret detention for a period of three months, between 15 February and 15 May 2005.</p> <p>According to the information received, on 24 April 2007, Mr. Al-Khayat was handed over to the Iraqi authorities. Following his transfer,</p>	

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					<p>Mr. Al-Khayat was detained in the Badush prison in Mosul city for 8 months, during which he was tried. In November 2007, he was reportedly transferred to the Soussa Castle where he remained for a period of sixteenth months, during which time he was again visited by the ICRC on 3 June 2008. In April 2009, he was transferred to the Al Rasafa prison. Mr. Al-Khayat was finally released, having been considered to have completed his sentence, on 18 October 2009, after 4 years and 8 months of detention, and repatriated to the Syria Arab Republic under the auspices of the ICRC that same day.</p> <p>According to the information received, Mr. Al-Khayat suffered torture and ill-treatment while in detention both in the hands of the American Battalion 101 and the Iraqi authorities. Under the custody of the American Battalion 101, in addition to being severely beaten, Mr. Al-Khayat was reportedly tortured with an electric gun, had pepper spray sprayed in his eyes, his front teeth were broken, and a vein on his wrist was cut allegedly as a result of being shot by a U.S. soldier. It has been reported that, while in the hands of the Iraqi authorities, Mr. Al-Khayat was forced to stand in the sun for extended periods of time and was severely beaten. It is alleged that the aim of this torture was to force Mr. Al-Khayat to make confessions, which he did. He was not allowed to read these confessions, which were later used in his trial.</p> <p>Mr. Al-Khayat was tried in 2006 by the Iraqi authorities reportedly without being allowed to appoint a lawyer. It is alleged that during the trial, he informed the court that these confessions had been taken under torture but the court reportedly did not take this into account. He was sentenced to three years, on</p>	

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238.		26/11/10	JAL	TOR; TERR	<p>charges of breaching the residency law but was released on 18 October 2009.</p> <p>Concerning information which originates from your Excellency's Government's own files, and has become publicly dubbed "the Wiki leaks Iraq War logs" relating to the alleged complicity in the torture and ill-treatment of Iraqi citizens by forces of United States of America in Iraq. We wish to inform your Excellency's Government that we have addressed a similar letter to the Government of Iraq.</p> <p>According to the information received, there was extensive abuse of detainees by Iraqi security forces over a five-year period between 2004 and 2009. United States authorities had knowledge of the systematic use of torture and other ill-treatment by Coalition, Iraqi and private security officials; and, in most cases, failed to intervene to prevent and/or investigate hundreds of reports of systematic abuse and torture. The information also suggests that such acts were conducted with impunity and appear to go normally unpunished. The information contains allegations that US forces acting under "fragmentary orders," "Frago 242" and "Frago 039" were required to make no intervention in cases of abuse and/or torture involving Iraqis if the US troops were not initially involved. The orders also required US forces to report abuse to the US command but not to conduct any further investigation or take any further action to stop abuse or torture unless instructed to do so by higher order.</p> <p>We wish to draw your attention to three examples from "the war logs" as illustrations of several hundred allegations of systematic torture and ill-treatment recorded by US personnel.</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>1. ALLEGED DETAINEE ABUSE BY TF ___ IN ___ 2006-02-02 17:50:00</p> <p>AT 2350C, IN ___, WHILE CONDUCTING OUT-PROCESSING, DETAINEE # ___ REPORTED THAT HE WAS ABUSED DURING HIS CAPTURE. DETAINEE IS MISSING HIS RIGHT EYE, AND HAS SCAR___ ON HIS RIGHT FOREARM. DETAINEE STATES THAT HIS INJURIES ARE A RESULT OF THE ABUSE THAT HE RECEIVED UPON CAPTURE. DIMS INDICATE THAT THE DETAINEE WAS CAPTURED ON ___ IN ___, AND THE CAPTURING UNIT WAS TASK FORCE ___. THE DETAINEES CAPTURE TAG NUMBER IS ___. IN PROCESSING PERSONNEL STATE THAT THE DETAINEE___ CAPTURE PHOTO DEPICTS A BANDAGE OVER HIS RIGHT EYE, AND INJURY TO HIS RIGHT FOREARM. THE DETAINEE HAS COMPLETED THE DETAINEE ABUSE COMPLAINT FORM, AND WE ARE SEEKING A SWORN STATEMENT FROM THE DETAINEE. PER ORDER OF Task force ___, THE DETAINEE ___ TRANSFERRED AS SCHEDULED, AND CONTINUE CID INVESTIGATION UPON ARRIVAL AT ___ GHRAIB.</p>	
					<p>2. ALLEGED DETAINEE ABUSE BY IA AT THE DIYALA JAIL IN BAQUBAH</p> <p>2006-05-25 07:30:00</p> <p>AT 1330D, ___ REPORTS ALLEGED DETAINEE ABUSE IN THE DIYALA PROVINCE, IN BA'___ AT THE DIYALA JAIL, vicinity. ___. 1X DETAINEE CLAIMS THAT HE WAS SEIZED FROM HIS HOUSE BY IA IN THE KHALIS AREA OF THE DIYALA PROVINCE. HE WAS THEN</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>HELD UNDERGROUND IN BUNKERS FOR APPROXIMATELY ___ MONTHS AROUND ___ SUBJECTED TO TORTURE BY MEMBERS OF THE /___ IA. THIS ALLEGED TORTURE INCLUDED, AMONG OTHER THINGS, THE ___ STRESS POSITION, WHEREBY HIS HANDS WERE BOUND/___ AND HE WAS SUSPENDED FROM THE CEILING; THE USE OF BLUNT OBJECTS (.___. PIPES) TO BEAT HIM ON THE BACK AND LEGS; AND THE USE OF ELECTRIC DRILLS TO BORE HOLES IN HIS LEGS. FOLLOW UP CARE HAS BEEN GIVEN TO THE DETAINEE BY US ___. THE DETAINEE IS UNDER US CONTROL AT THIS TIME. ALL PAPERWORK HAS BEEN SENT UP THROUGH THE NECESSARY ___ AND PMO CHANNELS. CLOSED: 260341MAY2006. Significant activity MEETS MNC- ___</p> <p>3. ALLEGED DETAINEE ABUSE BY IP IVO BA': ___ DETAINEES INJ, ___ CF INJ/DAMAGE</p> <p>2006-05-27 11:00:00</p> <p>AT 1700D, ___ REPORTS ALLEGED DETAINEE ABUSE IN THE DIYALA PROVINCE, IN BA'___ AT THE DIYALA JAIL, vicinity. ___. 7X DETAINEES CLAIMS THEY WERE SEIZED BY IA IN THE KHALIS AREA OF THE DIYALA PROVINCE. THEY WERE DETAINED AROUND - ___ AND SUBJECTED TO TORTURE BY MEMBERS OF THE IA AND IP. THIS ALLEGED TORTURE INCLUDED, AMONG OTHER THINGS, STRESS POSITIONS, BOUND/___ AND SUSPENDED FROM THE CEILING; THE USE OF VARIOUS BLUNT OBJECTS (.___. PIPES AND ANTENNAS) TO BEAT THEM,</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
239.			Follow-up to earlier cases		<p>AND FORCED CONFESSIONS. ALL DETAINEES WERE DETAINED FOR ALLEGED INVOLVEMENT IN AN ATTACK ON A IA Check Point IN KHALIS. FOLLOW UP CARE HAS BEEN GIVEN TO THE DETAINEES BY US _____. THE DETAINEES ARE UNDER US CONTROL AT THIS TIME. ALL PAPERWORK HAS BEEN SENT UP THROUGH THE NECESSARY _____ AND PMO CHANNELS. Serious Incident Report TO FOLLOW. CLOSED: 280442MAY2006. MEETS _____</p> <p>In addition, we have received information that thousands of Iraqi nationals who had been detained by US forces were handed over from US to Iraqi custody between early 2009 and July 2010 under a November 2008 US-Iraq agreement that contains no provisions for safeguarding the detainees' physical and mental integrity after the transfer. Article 4(3) of the Status of Forces Agreement (SOFA), taking effect at midnight on 31 December 2008, only states in broad terms that: "It is the duty of the United States Forces to respect the laws, customs, and traditions of Iraq and applicable international law." Many of the detainees transferred into Iraqi custody are suspected of terrorism-related offences on the basis of the 2005 Iraqi Anti-Terrorism Law.</p>	<p>Mr. Mustafa Setmariam Nassar (A/HRC/13/39/Add.1 para. 277)</p> <p>By letter dated 30/06/2010, the Government indicated that while they are not in a position to comment on the specific allegation referred to, we would like to take this opportunity to emphasise that the United States is committed to the promotion and protection of human rights and fundamental freedoms for all individuals at home and abroad and to share specific steps taken by the Obama administration that relate to the broader concerns expressed in your correspondence.</p>

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						<p>During the second full day in Office, President Obama issued Three Executive Orders providing for comprehensive review and reform of U.S. detention, interrogation and transfer policies. These Executive Orders reaffirmed that all persons in U.S. custody must be treated humanely as a matter of law. For example, it is required that the International Committee of the Red Cross (ICRC) be given notice and timely access to any individual detained in any armed conflict in the custody or under the effective control of the United States Government, consistent with Department of Defense regulations and policies.</p> <p>One of the orders, Executive order 13491, created a special task force on Interrogation and Transfer Policies. Following a review of U.S. transfer policies, on August 24, 2009, the Task Force made a number of recommendations to the President on order to ensure that U.S. transfer practices comply with the domestic laws, international obligations, and policies of the United States and do not result in the transfer of individuals to other nations to fact torture or otherwise to undermine or circumvent the obligations of the United States to ensure the humane treatment of individuals in its custody or control. These recommendations have been accepted by the President.</p> <p>As President Obama reiterated to the General Assembly in September, “living our values doesn’t make us weaker, it makes us safer and it makes us stronger.” We look forward to continuing to work closely with U.N Member States and to remaining in an open dialogic with the Special Procedures mandate holders to advance this collective goal.</p>

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240.					Mr. William Coleman (A/HRC/13/39/Add.1, para.,279)	<p>By a letter dated 9/3/2010, the Government of the United States of America indicated that Mr. Coleman was transferred from MacDougall-Walker Correctional Institution to Corrigan-Radgowski correctional Institution on October 6, 2009. Your December 11, 2009 letter alleges that since April 2009, Mr. Coleman has been force-fed at least six times. Unfortunately, without a medical release details of his medical treatment to the Department of States or the United Nations, the Department of Corrections is unable to respond to these allegations in any detail. Please note that the Connecticut Department of Corrections continues to treat Mr. Coleman in a humane manner, consistent with medical necessity and the court order currently in effect.</p> <p>In your letter, you also assert that Mr. Coleman was placed in a “restrictive suicide/observation cell,” even though he was allegedly not suicidal. The Connecticut Department of Corrections states that inmate observation cells within Connecticut’s prisons can be and are used for purposes other than housing suicidal inmates. The cells are used when an inmate needs to be closely observed, which may occur for a variety of reasons. The cells are not used for punitive reasons.</p>
241.					Mr. Romell Broom, (A/HRC/13/39/Add.1, para.,278)	<p>By letter dated 14/01/2010, the Government indicated that 35 other states and the Federal Government, Ohio has chosen to impose capital punishment for certain crimes. Virtually all states, as well as the Federal Government, use lethal injection as an exclusive or alternate method for the execution of condemned prisoners. Lethal injection generally involves a so-called "three-drug protocol" employing the</p>

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
						<p>intravenous (IV) administration of a massive dose of sodium thiopental, an anesthetic which renders the prisoner unconscious, followed by intravenous administration of pancuronium bromide, a paralytic agent, and potassium chloride, a drug that stops the heart. The process for obtaining IV sites is identical to the process used by hospitals to administer drugs or fluids to patients. It involves inserting a needle (catheter) into a vein. Lethal injection has been regarded by the courts of the United States as the most modern and humane method for the execution of prisoners sentenced to death. Nevertheless, during the past five years, prisoners in virtually every state have brought suits claiming that the lethal injection process constitutes cruel and unusual punishment in violation of the U.S. Constitution. In April of 2008, the Supreme Court of the United States substantially laid this issue to rest when it upheld Kentucky's lethal injection procedure and "three-drug protocol" for the execution of condemned prisoners.</p> <p>The Ohio Department of Rehabilitation and Correction (ODRC) is the Ohio state agency with the responsibility for carrying out executions. Executions generally commence at 10:00 a.m. on the date specified by the warrant issued by the Supreme Court of Ohio. However, it is the policy of ODRC to delay the commencement of an execution when a request for a stay of execution or other legal action by the prisoner remains pending before the courts. Until its formal modification on November 30, 2009, the ODRC written directive for the conduct of executions required the use of the so-called "three-drug protocol" for carrying out court-ordered executions. Ohio's "three-drug protocol" is substantially similar to the "three-drug</p>

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						<p>protocol" used by Kentucky and the other states. The directive provided that in the event of difficulties in obtaining viable sites for the intravenous administration of the three drugs, the Warden of Southern Ohio Correctional Facility (SOCF), in consultation with the Director of the ODRC and other state officials, would determine whether or how long to continue efforts to obtain intravenous (IV) access.</p> <p>On October 22, 1985, Mr. Broom was sentenced to death for the aggravated murder of 14-year-old Tryna Middleton. On June 25, 2007, Broom, along with several other convicted prisoners in Ohio, joined in a lawsuit filed by another condemned prisoner under Title 42, Section 1983 of the United States Code, which permits prisoners to seek redress in the federal courts for alleged violations of their constitutional rights. Like the prisoners in Kentucky and other states, Mr. Broom and all of the Ohio prisoners claimed that Ohio's use of a so-called "three-drug protocol" to execute them would violate their constitutional right to be free from cruel and unusual punishment. Mr. Broom and several other prisoners subsequently were permitted to join the original suit as intervenors, alleging the same or similar claims with the assurance that the judge presiding over that suit would also preside over their complaints. However, the district court held that Mr. Broom and several other prisoners had waited too long to bring suit and that therefore their suits were untimely. On September 1, 2009, that judgment was upheld by the United States Court of Appeals for the Sixth Circuit.</p> <p>In the meantime, the Supreme Court of Ohio scheduled Mr. Broom's execution for</p>

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						<p>September 15, 2009, at SOCF in Lucasville, Ohio. On the morning of September 15, 2009, the commencement of Mr. Broom's execution was delayed approximately three and a half hours to permit the U.S. Court of Appeals for the Sixth Circuit to consider Mr. Broom's final request for a stay of execution. At about 12:50 p.m., the prison officials received notification that the Sixth Circuit had denied Mr. Broom's request, and the execution was set to commence at 1:30 p.m.</p> <p>At about 2:00 p.m., the medical team members of Ohio State's execution team entered Mr. Broom's cell to insert IV catheters in his arms, for the purpose of intravenously administering the drugs used in Ohio's execution process. The medical team included persons certified as Emergency Medical Technicians. The medical team made periodic efforts to insert IV catheters (needles) until about 3:48 p.m. During that time, a physician employed by the prison also attempted to insert an IV catheter. Eighteen total attempts were made to insert IV catheters, all of which were unsuccessful. It is believed that Mr. Broom's prior illegal drug use may have caused his veins to have become degraded, thus making vein access more difficult. As is standard practice, witnesses to the execution, which included victim representatives, media representatives, and counsel for Broom, were able to observe by means of a video monitor the efforts to gain vein access.</p> <p>At about 4:07 p.m., the Director of the ODRC contacted the Office of the Governor of Ohio and requested that the execution be postponed, due to the inability to insert IV catheters capable of administering the drugs to be used in the execution. This action was</p>

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						<p>consistent with the Department's written policy governing the conduct of executions. At about 4:24 p.m., the ODRC Director was informed that the Governor of Ohio had issued a reprieve postponing Mr. Broom's execution.</p> <p>After the postponement of Mr. Broom's execution, the district court permitted the other prisoners remaining in the suit to depose under oath the members of the execution team who participated in Mr. Broom's attempted execution, their supervisors, and Mr. Broom himself. Mr. Broom testified that he cried during the attempted execution as the result of severe pain he claimed that he suffered during the unsuccessful attempts to insert IV catheters in his arm and foot. Mr. Edwin Voorhies, an Ohio Department of Corrections Official who was present during the attempted execution, testified that after several initial attempts to insert IV catheters were unsuccessful, Mr. Broom held one of his arms over his face and appeared to be crying.</p> <p>Following the postponement of Mr. Broom's execution, attorneys for Mr. Broom filed with the United States District Court for the Southern District of Ohio a new complaint on his behalf alleging violations of his rights under the Constitution of the United States. In the complaint, Mr. Broom alleged that the attempted execution (and the state's failure to effectively insert IV catheters) had violated his right to be free from cruel and unusual punishment. Without objection by the state government of Ohio, the federal district court temporarily enjoined Mr. Broom's execution and set a hearing for November 30, 2009. Without objection by the state, the federal district court delayed the hearing until</p>

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						<p>December 9, 2009.</p> <p>In the meantime, on November 13, 2009, Ohio announced that it has modified its execution procedures to require the use of a single drug to be administered intravenously. The "one drug procedure" involves a single, fatal dose of sodium thiopental intravenously administered. An alternative procedure is also now provided, to be used where the state encounters difficulties in inserting IV catheters. In such cases, the state will administer intramuscularly a lethal dose of a combination of hydromorphone and midazolam, drugs commonly used in hospital settings for pain and anxiety relief. These drugs, which are used in the clinical setting as anti-pain and anti-anxiety medications, are administered for the purpose of execution in dosage amounts which bring about death painlessly by rendering the prisoner unconscious and causing the prisoner to stop breathing. The advantage of using these drugs is that they can be administered via an injection into the muscles of the arm, a relatively uncomplicated process that causes an extremely low degree of pain comparable to the pain experienced in receiving an influenza vaccine or an antibiotic shot. On November 25, 2009, the United States Court of Appeals for the Sixth Circuit held that Ohio's changes to its execution procedures, specifically, its discontinued use of the so-called "three drug protocol," rendered moot the question of whether Ohio's previous procedures were unconstitutional.</p> <p>After the modification of Ohio's procedures and the postponement of Mr. Broom's execution, another convicted prisoner, Kenneth Biros, filed a new suit in which he claimed that Mr. Broom suffered severe pain</p>

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						<p>and that, as a result, the state's procedures for inserting IV catheters posed a substantial risk that he (Mr. Biros) would also suffer severe pain in violation of his rights under the Eighth Amendment to be free from cruel and unusual punishment. In a hearing held on December 4, 2009, the district court found that Mr. Biros could not substantiate his claims. This decision was affirmed by the United States Court of Appeals for the Sixth Circuit on December 7, 2009. In rejecting Mr. Biros' argument, and permitting his execution to go forward, the Sixth Circuit concluded that Mr. Biros had not effectively demonstrated that the attempted execution of Mr. Broom had violated his Eighth Amendment rights to be free from cruel and unusual punishment. Specifically, the Court found "[t]he extensive depositions of Broom, members of his execution team, and other corrections personnel were part of the record before the district court and before us. We have reviewed those depositions and conclude that further discovery regarding the Broom incident-including deposing Governor Strickland, who has declined questioning-would not bring to light evidence sufficient to enable Biros to demonstrate a likelihood of success on the merits of his Eighth Amendment claim based on the new protocol."</p> <p>On December 9, 2009, the district court convened the hearing on Mr. Broom's new complaint. The district court found that Mr. Broom's complaint concerned the previous "three- drug protocol" and that, therefore, his suit was mooted by the change to the new "one drug" procedure. The district court, therefore, ordered Mr. Broom to file by January 8, 2010, an amended complaint to present any challenges he may have to the</p>

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						Ohio's "one drug" procedure. The district court also ordered several other prisoners, whose complaints remain pending, to amend their complaints by the latter deadline. In so ruling, the district court did not rule on any of Mr. Broom's claims. However, the district court noted that many of Mr. Broom's claims appeared foreclosed by the December 7, 2009 decision of the United States Court of Appeals for the Sixth Circuit.
						As indicated above, the attempted execution of Mr. Broom on September 15, 2009, has been reviewed thoroughly by the federal courts, in conjunction with legal challenges to Ohio's execution procedures by Mr. Broom and other prisoners, and Mr. Broom's challenge to the new procedure continues to this day.
242.	Uzbekistan	22/01/10	AL	TOR	<p>Concerning the rape of several men and women by the police while in custody.</p> <p>On 9 May 2009, three sisters, K., R., aged 26 and N.S., aged 21 were detained and taken to the Mirzo Ulughbek district police station in Tashkent, where they were allegedly raped by several police officers and investigators. Subsequently, Ms. K. and R. S. were charged for hooliganism and robbery and sentenced to seven and a half years in prison. Ms. N.S. was released on bail and is currently at a mental hospital. She is in a poor state of health, reportedly as a result of the violence she was subjected to while in police custody. On 17 December, R. S. gave birth to a premature baby at a hospital near the prison. Her relatives were not allowed to visit her. It is believed that the Tashkent city Prosecutor's Office began an investigation, but no information has been provided to the relatives and other interested parties.</p>	<p>By letter dated 10/03/2010, the Government indicated that on 9 May 2009, the investigative unit of the Internal Affairs Office for the Mirzo-Ulugbek district of Tashkent instituted criminal proceedings against sisters Ms. N. S., Ms. R. S. and Ms. K. S. under article 164, paragraph 3 (b) (Large-scale robbery involving unlawful entry of a dwelling, storehouse or other premises), of the Criminal Code of Uzbekistan.</p> <p>The criminal case was opened on the basis of a statement given by Ms. N. Ashirmetova on 9 May 2009 to the effect that, on 8 May 2009, Ms. N. S., Ms. R. S. and Ms. K. S. had entered her home unlawfully, attacked her, bound her hands and feet, cut off her hair to the roots and inflicted bodily harm on her.</p> <p>Furthermore, the S. sisters had caused material damage totalling 2 million sum and</p>

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					<p>In Yunusobod District in Tashkent, four 16 and 17 year-old boys were detained for theft, and were raped by the police. One of the boys obtained a medical certificate confirming the rape. The boys were sentenced to long prison terms, and the perpetrators have not been punished.</p> <p>In a separate case, a woman was allegedly raped by several men at the Sabir Rahimov district police office in Tashkent. Her husband threatened to divorce her if she publicized the case. Ms. D.S, whose two sons were sentenced to death for terrorism was taken into police custody. She was undressed in front of her sons and threatened with rape. In yet another case, a woman suspected of being the leader of Hizb Uz Tahrir, an Islamic group, was detained and raped by the police in the Kashkadarva region in 2009. She did not file a complaint due to the shame it would produce to her family.</p>	<p>taken cash in an amount of 2 million sum, gold items worth a total of 1,950,000 sum and a Nokia-6300 mobile telephone worth 280,000 sum.</p> <p>In the course of the investigation, Ms. Ashirmetova was interviewed and declared the victim in the case. During the interview, she was shown photographs of the suspects, Ms. N. S.,</p> <p>Ms. R. S. and Ms. K. S., whom she identified as the persons who had robbed and assaulted her.</p> <p>When the scene of the incident was examined, a knife, a pair of scissors, strands of female hair, a shampoo bottle and other items were removed as material evidence.</p> <p>A fingerprint expert concluded that the prints found on the shampoo bottle removed from the scene were those of Ms. R. S..</p> <p>On 9 May 2009, a search was conducted of the S. sisters' home, during which gold items and a Nokia-6300 mobile telephone were found and removed.</p> <p>On 16 May 2009, Ms. N. S., Ms. R. S. and Ms. K. S. were declared suspects in the criminal case and arrested on the basis of article 221 of the Code of Criminal Procedure of Uzbekistan. From the time of their arrest, they were fully informed of their rights and duties under article 48 of the Code, and they were guaranteed State protection.</p> <p>A confrontation between the victim, Ms. Ashirmetova, and the suspects, Ms. N. S., Ms. R. S. and Ms. K. S., took place.</p> <p>On 18 May 2009, in the presence of their lawyers, the suspects were formally charged under article 164, paragraph 3 (b), of the</p>

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						<p>Criminal Code. Ms. N. S. and Ms. R. S. were remanded in custody by a decision of the Mirzo-Ulugbek district criminal court. Given that she was a student and had not played an active part in the offence, Ms. K. S. was released on a recognizance.</p> <p>According to the findings of the forensic medical examination conducted on 21 May 2009, Ms. Ashirmetova had suffered minor bodily harm resulting in short-term damage to health.</p> <p>As required by criminal procedure legislation, on 21 May 2009 the gold items and mobile telephone removed during the search of the home of the accused persons were shown to the victim, Ms. Ashirmetova, for identification; among other items, she picked out a gold chain, a wedding ring and a Nokia-6300 mobile telephone as belonging to her.</p> <p>Ms. Ashirmetova's neighbours and Mr. O. Isakhodzhaev, husband of Ms. N. S., were questioned as witnesses in the case.</p> <p>In the course of the investigation, the alibis and claims put forward by the accused persons were fully verified, but the witness statements of Ms. P. Prosyankova, Mr. S. Zakirov, Mr. G. Daminov and others did not corroborate their claims.</p> <p>Pursuant to an application by her lawyer, Ms. K. S. underwent a forensic psychiatric examination and was found to be in good mental health. The pretrial investigation was concluded on 26 June 2009, and the case was sent, under the established procedure, to the Mirzo-Ulugbek district criminal court.</p> <p>By a judgement of the Mirzo-Ulugbek district criminal court of 22 September 2009, upheld by a decision of the appeals division of the</p>

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						<p>Tashkent criminal court of 23 October 2009, Ms. N. S., Ms. R. S. and Ms. K. S. were found guilty of the offences specified in articles 164, paragraphs 3 (b) and 3 (c), 227, paragraph 2 (a), and 173, paragraph 1, of the Criminal Code and sentenced to imprisonment for terms of 7 years and 6 months, 7 years and 2 months and 6 years and 2 months, respectively. On the basis of article 72 of the Code, Ms. K. S.'s sentence was suspended with two years' probation.</p> <p>On 6 November 2009, convicted person Ms. R. S. was transferred to the 1st ordinary-regime colony in Tashkent province's Zangiatin district.</p> <p>On 20 November 2009, in response to a report by Ms. R. S. that she had been raped, the Mirzo-Ulugbek district prosecutor's office opened criminal case No. 28/09-317 under article 118, paragraph 1, of the Criminal Code. The necessary investigative actions were carried out, and it was established that, prior to her arrest, Ms. R. S. had been intimate with two men.</p> <p>The district prosecutor's office has ordered a DNA test to ascertain the paternity of Ms. R. S.'s child. Convicted person Ms. R. S. gave birth at the Yangiyul district maternity hospital in Tashkent province on 16 December 2009.</p>
243.		29/01/10	JUA	WGEID; HRD; TOR	Concerning the deteriorating health conditions in detention of Mr. Norboy Kholjigitov and Mr. Khalibula Akbulatov as well as to the alleged disappearance of the latter. Mr. Kholjigitov is the former president of the Human Rights Society of Uzbekistan (HRSU), Ishtikan District. Mr. Khalibula Akbulatov is a member of the Ishtikan regional branch of HRSU. Both Mr. Kholjigitov and Mr.	<p>By letter dated 23/02/2010 the Government indicated that the allegations concerning Mr. N. Kholjigitov and Mr. K. Okpulatov (Akbulatov) were not reliable.</p> <p>Mr. Khabibullo Okpulatov, born in 1950, was convicted by a judgement of the Samarkand provincial criminal court of 18 October 2005 under articles 165, paragraph 2 (b) (Extortion), and 139, paragraph 3 (d)</p>

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					<p>Akbulatov have been detained since 4 June 2005. Mr. Kholjigitov was sentenced by the Samarkand Regional Criminal Court to ten years' imprisonment on 18 October 2005 and has been detained in the Ou/la 64/49 colony in Karshi.</p> <p>Mr. Kholjigitov and Mr. Akbulatov were the subjects of an allegation letter sent on 25 July 2005, by the then Special Representative of the Secretary-General on the situation of human rights defenders, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. The response from your Excellency's Government was received on 28 November 2005. A further urgent appeal regarding Mr. Kholjigitov was sent on 27 October 2008, by the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture, and other cruel, inhuman or degrading treatment or punishment. No response has yet been received to that communication from your Excellency's Government.</p> <p>The health condition of Mr. Kholjigitov and Mr. Akbulatov has deteriorated significantly over the past year. Mr. Kholjigitov has diabetes and his blood sugar levels have become very high. As a result of his untreated condition, gangrenes have appeared on his left leg, hands and face and he has now lost all his teeth. Mr. Kholjigitov has also contracted bronchial asthma at the end of last year.</p> <p>Mr. Akbulatov lost a significant amount of weight and now weighs only 55 kilograms His eyes have been infected and his right leg has almost completely lost sensitivity. Moreover, it was reported that Mr. Akbulatov was being held in Navoi prison No. 64/29, but that he was recently transferred to an unknown location.</p>	<p>(Defamation), of the Criminal Code of Uzbekistan and sentenced to six years' imprisonment.</p> <p>The judgement was upheld by a decision of the Samarkand provincial criminal court of 22 November 2005. Mr. Okpulatov is serving his sentence in institution UY 64/45 in Tashkent province. Mr. Okpulatov has been disciplined on several occasions for failing to comply with the lawful demands of the prison administration and breaching internal regulations. In this connection, criminal proceedings were instituted against him, and he was convicted by a judgement of the Navoi criminal court of 30 September 2009 under article 221, paragraph 2 (b), of the Criminal Code and sentenced to imprisonment for a term of three years and eight days, to be served in a strict regime colony.</p> <p>In accordance with standard procedure, convicted person Mr. Okpulatov underwent a full medical examination on entering prison and was registered as a clinic patient with a diagnosis of post-traumatic cataract of the left eye (the injury was sustained in childhood). He has not recently complained of any deterioration in his health. At present, the state of health of the convicted person is satisfactory, and his weight is within normal range (75 kilograms for a height of 172 centimetres).</p> <p>Mr. Norboy Abduraipovich Kholjigitov, born in 1952, was convicted by a judgement of the Samarkand provincial criminal court of 18 October 2005 under articles 165, paragraph 2 (b) (Extortion), and 139, paragraph 3 (d) (Defamation), of the Criminal Code of Uzbekistan and sentenced to 10 years'</p>

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					<p>His fate and whereabouts are unknown.</p> <p>It is reported that neither Mr. Kholjigitov, nor Mr. Akbulatov as long as his condition could be monitored before being transferred to an unknown location, receive adequate medical care in detention.</p> <p>Concern is expressed that the alleged denial of medical treatment of Mr. Norboy Kholjigitov and Mr. Khalibula Akbulatov, as well as the alleged disappearance of the latter, may be related to their work in the defense of human rights. Serious concern is expressed for the physical and psychological integrity of Mr. Kholjigitov and Mr. Akbulatov.</p>	<p>imprisonment.</p> <p>The judgement was upheld by a decision of the Samarkand provincial criminal court of 22 November 2005.</p> <p>Mr. Kholjigitov is serving his sentence in institution UY 64/61 in Kashkadarya province. In accordance with standard procedure, convicted person Mr. Kholjigitov underwent a full medical examination on entering prison and was registered as a clinic patient with a diagnosis of sugar diabetes and angiopathy of the vessels in both eyes. He has been treated for these conditions in the prison hospital on six occasions while serving his sentence. He has not complained of any deterioration in his health subsequently. At present, the state of health of the convicted person is satisfactory.</p> <p>From 7 to 31 December 2009, Mr. Kholjigitov received inpatient treatment at the national hospital of the Central Penal Correction Department of the Ministry of Internal Affairs. On being examined, Mr. Kholjigitov was not found to be suffering from gangrene or bronchial asthma. At institution UY 64/61 in the city of Karshi, where Mr. Kholjigitov is being held, he has been disciplined eight times for breaching the regulations on the serving of sentences.</p> <p>2. No complaints or representations have been received from Mr. Kholjigitov or Mr. Okpulatov.</p> <p>3. Mr. Okpulatov is serving his sentence in institution UY 64/45 in Tashkent province.</p> <p>Mr. Kholjigitov is serving his sentence in institution UY 64/61 in Kashkadarya province.</p> <p>4. Mr. Kholjigitov and Mr. Okpulatov, like all</p>

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244.		Follow-up to earlier cases			Mr. S.Z. and Mr N.Z. (A/HRC/13/39.Add.1 para 290)	<p>other convicted persons needing outpatient or inpatient treatment, receive medical care in a timely fashion.</p> <p>In Uzbekistan, the protection of the health of persons sentenced to prison terms is guaranteed in national legislation: in article 40 of the Constitution of Uzbekistan, entitled “Protection of citizens’ health”, and in the Penal Enforcement Code.</p> <p>Medical care is available round the clock in all facilities of the penal correction system. Every institution has a medical unit WGEIDensing inpatient and outpatient care. No convicted person may be denied his lawful right to receive medical care.</p> <p>By letter dated 13/10/2009, the Government indicated that N.Z., born in 1964, was a citizen of the Republic of Uzbekistan with a criminal record. He worked as the director of a private company until his arrest.</p> <p>By a judgement of 3 April 2000 the Tashkent provincial court sentenced him to 20 years’ deprivation of liberty under article 159, paragraph 3 (a) and (b) (infringement of the constitutional order of the Republic of Uzbekistan), article 244-1, paragraph 3 (a) (manufacture or distribution of materials entailing a threat to public security and public order), article 244-2, paragraph 1 (establishment, leadership or participation in religious, extremist, separatist, fundamentalist or other prohibited organizations), article 190, paragraph 2 (b) (engaging in unlicensed activity), and article 273, paragraph 3 (b) (illegal manufacture, acquisition or possession of and other activities with narcotic substances or psychotropic materials with a view to their sale or the equivalent), of the Criminal Code of the Republic of</p>

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						<p>Uzbekistan. By a decision of the criminal chamber of the Supreme Court of 17 July 2000, the length of the penalty was reduced to 18 years' deprivation of liberty.</p> <p>While serving his sentence in places of detention, the convict N. Z. continued his criminal activity, for which criminal action was again brought against him. By a judgement of 14 May 2004 of the Navoi provincial criminal court N. Z. was found guilty under article 159, paragraph 3 (a) and (b) (infringement of the constitutional order of the Republic of Uzbekistan), of the Criminal Code and sentenced to 15 years' deprivation of liberty to be served in a strict regime colony.</p> <p>As from 14 April 2009 the convict N. Z. served his sentence in institution UYA-64/48 (in Zarafshan, Novoi province). While serving his sentence N. Z. incurred a disciplinary penalty 13 times for admitted breaches of the rules governing the serving of his sentence.</p> <p>On 3 June 2009 the convict N. Z. was granted a long meeting with his parents. The administration did not receive any complaints or representations thereafter from his parents.</p> <p>On 15 June 2009 the convict N. Z. committed suicide by hanging himself. Forensic report No. ZA 31 of 15 June 2009 came to the conclusion that N. Z.'s death was caused by mechanical asphyxiation.</p> <p>A further investigation did not show that N. Z. had been subjected to any violence by the staff of the colony or other persons. Hence the decision of 25 June 2009 of the investigator of the Navoi Procurator's Office responsible for the supervision of compliance with the law in places of detention to initiate</p>

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						<p>criminal proceedings was dismissed pursuant to article 83, paragraph 2, of the Code of Criminal Procedure.</p> <p>The senior managers of the colony K. Nuraliev, S. Boimuratov and Inspector T. Safarov were disciplined for failure to exercise due supervision of the conduct and actions of N. Z., who committed suicide.</p> <p>It must be noted in response to the unfounded accusations in the complaint from the special procedures of the United Nations that, in all penal institutions, all the conditions allowing convicts to observe religious rites have been created in accordance with penal enforcement legislation.</p> <p>Convicts are allowed to perform religious rites and to use religious articles and religious literature. The performance of religious rites is voluntary and must not “breach the regulations of the penal institution or prejudice the rights and lawful interests of other persons”.</p> <p>In UYA-64/48, as in all other penal institutions, convicts are not punished for the performance of religious rites, they are not tortured in any way and they are not put in the disciplinary section.</p> <p>2. S.Z., born in 1968, is a citizen of the Republic of Uzbekistan with a criminal record. He worked as a conductor before his arrest.</p> <p>By a judgement of 22 June 2000 of the Yakkasarai district court in Tashkent he was sentenced to eight years’ deprivation of liberty under article 159, paragraph 3 (b) (infringement of the constitutional order of the Republic of Uzbekistan), article 244-1, paragraph 3 (a) (manufacture or distribution</p>

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						<p>of materials entailing a threat to public security and public order), and article 216 (breach of the legislation concerning religious organizations) of the Criminal Code of the Republic of Uzbekistan.</p> <p>The convict S. Z., who is serving his sentence in institution UYA-64/3, situated in the Bostanlyk district of the Tashkent region, has incurred a disciplinary penalty eight times, including on one occasion one month in the punishment cell, for failure to comply with the lawful demands of the prison administration and breach of the prison regulations. In connection therewith he has been prosecuted and by a judgement of 11 January 2008 of the Bostanlyk district criminal court he was found guilty under article 221, paragraph 2 (b) (failure to comply with the lawful demands of the administration of a penal institution), of the Criminal Code of the Republic of Uzbekistan and sentenced to three years and six months' deprivation of liberty to be served in a strict regime colony.</p> <p>The convict S. Z. has been serving his sentence in institution UYA-64/46 (in Navoi) since 3 February 2008. During this period he has had three disciplinary penalties. According to the prison administration's records, S. Z. shuns participation in educational measures and work, he does not attend educational talks, he does not understand the essence of the crime which he committed and he does not regret its commission.</p> <p>On entering the penal institution he underwent a full medical examination and his medical record shows him as having been diagnosed with "osteocondrosis of the lumbar vertebrae, chronic pyelonephritis and prostatitis". At intervals prescribed by the</p>

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						<p>prison hospital he receives outpatient and inpatient treatment. At present the convict's state of health is deemed to be satisfactory.</p> <p>The use of torture and other unlawful methods of physical or psychological pressure on N. Z. and S. Z. and the alleged hunger strike of N. Z. were not borne out by the investigation conducted in response to the communication from the special procedures of the United Nations Human Rights Council.</p>
245.	Venezuela	26/07/10	JUA	HLTH; TOR	<p>En relación con la situación de la Jueza María Lourdes Afuini, la cual se encuentra detenida en el Instituto Nacional de Orientación Femenina (INOF) desde el 18 de diciembre de 2009 en espera de ser juzgada.</p> <p>La Sra. María Lourdes Afiuni ha sido objeto de dos llamamientos urgentes, el último de ellos enviado por el Relator Especial sobre las ejecuciones extra-judiciales, sumarias y arbitrarias; la Relatora Especial sobre la independencia de magistrados y abogados; y la Relatora sobre la situación de los defensores de los derechos humanos de fecha 1 de abril de 2010. Hasta el día de hoy no se ha recibido respuesta.</p> <p>El estado de salud de la Jueza María Lourdes Afuini se habría deteriorado considerablemente durante los últimos meses. Según informes médicos esto se debería tanto al estado de ansiedad permanente por las constantes amenazas y ataques de los que habría sido víctima desde su ingreso en el mencionado centro penitenciario, como a las condiciones de detención que estaría soportando.</p> <p>Debido a las repetidas amenazas y ataques, desde su ingreso en el centro penitenciario hace siete meses, la Jueza Afuini se encontraría confinada en una celda del pabellón de admisión del centro penitenciario aislada las 24</p>	

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					<p>horas del día sin poder salir a caminar, sin tener acceso a la luz del sol y sin poder asistir al servicio religioso ofrecido por el centro.</p> <p>Según las informaciones recibidas, la salud de la Jueza Afuini se habría deteriorado durante los últimos meses durante los cuales se habrían detectado lesiones e irritaciones cutáneas, falta de coordinación motora y visual así como síntomas de un cuadro ansioso-depresivo. Recientemente se le habría diagnosticado un tumor que requeriría atención médica especializada.</p> <p>El 23 de abril de 2010, la Jueza María Lourdes Afuini habría solicitado su traslado de a otro centro penitenciario donde su seguridad pueda ser garantizada y donde pueda disfrutar de mejores condiciones de detención.</p> <p>Se expresa grave preocupación por la seguridad y por la integridad física y psicológica de la Sra. María Lourdes Afuini. Las alegaciones acerca de las condiciones de detención de cuasi-aislamiento que estaría soportando, de ser confirmadas, y debido a su prolongación en el tiempo, podrían constituir trato cruel, inhumano o degradante. Se expresa asimismo preocupación por el estado de salud de la Jueza María Lourdes Afuini y por las alegaciones de considerable deterioro durante los últimos meses.</p>	
246.		23/11/10	JAL	SUMX; TOR	<p>En el Centro Penitenciario de la Región Centro Occidental de Venezuela, se organizarían riñas entre prisioneros conocidas como el "Coliseo." Estas riñas, programadas para "arreglar cuentas" entre los prisioneros serían organizadas y dirigidas por los jefes de las organizaciones criminales que controlan la prisión.</p> <p>Estos combates además tendrían lugar en presencia de los funcionarios encargados de</p>	

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					<p>hacer cumplir la ley en la cárcel. Se nos informó que en los "códigos" establecidos por los reclusos y los organizadores, los participantes podrían utilizar armas blancas y podrían herir a sus oponentes en ciertas zonas del cuerpo. Desde enero hasta noviembre de 2010, habrían muerto cuatro presos y más de 113 habrían resultado heridos en los combates antes mencionados.</p> <p>Durante el presente año, en las cárceles venezolanas se habría producido un aumento del 25% de muertes (352), mientras que las lesiones habrían aumentado en un 31% (736) en relación a las cifras del 2009.</p>	
247.	Viet nam	21/12/09	JUA	WGAD; FRDX; HRD; IJL; TOR	<p>Concerning Mr. Le Cong Dinh, a prominent human rights lawyer. Mr. Dinh is well known for his defense of human rights advocates, bloggers, labor rights and democracy activists, and for his activities to promote democracy and the rule of law in Viet Nam. He is also known for expressing his views and criticisms regarding the policies of the Government of Viet Nam.</p> <p>Mr. Dinh was the subject of an urgent appeal sent by the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the situation of human rights defenders on 23 June 2009. We acknowledge receipt of your Excellency's Government's response dated 6 July 2009.</p> <p>On 13 June 2009, Mr. Le Cong Dinh was arrested in his law office by the Investigation Agency of Viet Nam and detained in Ho Chi Minh City.</p> <p>Although it has been first stated that Mr. Dinh</p>	<p>In a letter dated 7 April 2010, the Government indicated that Mr. Le Cong Dinh was arrested on 13 June 2009 and accused of activities violating Vietnamese laws. On 20 January 2010, the People's Court of Ho Chi Minh City sentenced him to 5 years in prison and 3 years of probation according to article 79 of the Penal Code which reads "those who carry out activities, establish or join an organization with intent to overthrow the people's administration shall be subject to between five and fifteen years imprisonment". Investigations results show that Mr. Le Cong Dinh directly contacted and colluded with hostile forces and exile Vietnamese organizations and groups abroad, including those listed by the Vietnamese Government as terrorist groups in an attempt to prepare for riots and social instability and public disorder with the ultimate goal of overthrowing the State of Viet Nam. Mr. Dinh also attended a training on rioting and violence operations organized in Thailand. During the period of provisional detention for investigation and trial, Mr. Le Cong Dinh is entitled to enjoy the rights of the suspected</p>

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					<p>was arrested on the basis of Article 88 of Viet Nam's Penal Code ("conducting propaganda against the Government"), he had been formally charged under Article 79 of the Penal Code, which punishes conspiring or planning to overthrow the Government. The trial has been set for 25 December 2009, and the charges against Mr. Le Cong Dinh carry a penalty of life imprisonment or the death penalty.</p> <p>Mr. Le Cong Dinh has been held incommunicado since his arrest, except for two short visits by his wife. Although a legal counsel was appointed, Mr. Dinh has not been allowed to meet his attorney and in fact refused the appointed attorney as his legal counsel.</p> <p>As a result of his arrest, Mr. Le Cong Dinh has been disbarred by the Ho Chi Minh City Bar Association, and the Ministry of Justice has revoked his license to practice law.</p> <p>On 18 July 2009, a statement by Mr. Le Cong Dinh was broadcast on Viet Nam State Television, in which Mr. Dinh read a prepared statement confessing to the unofficial charges against him and denouncing democracy, the United States of America, and stating that the Viet Nam Reform Party was a terrorist organization.</p> <p>Concern is expressed that the arrest and detention of, and subsequent charges against, Mr. Le Cong Dinh may be related to his peaceful activities in defense of human rights, democracy and the rule of law in Viet Nam. Further serious concern is expressed regarding the physical and psychological integrity of Mr. Le Cong Dinh in light of his incommunicado detention. We would also wish to register their concern that the public statement and confession of Mr. Dinh may have been</p>	<p>offender without discrimination or ill-treatment, including the rights to be assisted by a lawyer of his own choosing and to be visited by his family. However, he refused the lawyer's assistance and wanted to be defended by himself. His personal decision, confirmed by his family, was respected. The decision of the Ho Chi Minh City Bar Association disbarring Mr. Dinh resulted from his activities violating the rules and regulations of the Bar Association, such as article 2 of the Rules of the Ho Chi Minh Bar Association, which in parts reads "the lawyer has to respect and obey the law" and the article 7 (on the rights and obligations of a lawyer) of the Vietnamese Bar Association. According to the 2006 Law of Lawyer (article 18), the Ministry of Justice has revoked the license to practice law of Mr. Dinh. All these decisions, made by the Ho Chi Minh Bar Association and the Ministry of Justice, are strictly in accordance with the existing laws of Viet Nam.</p>

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					obtained under duress.	
248.		24/12/09	JUA	WGAD; FRDX; HLTH; HRD; TOR; IJL	<p>Concerning Father Thadeus Nguyen Van Ly, a Catholic priest, aged 63 years. Father Ly was already the subject of the Working Group on Arbitrary Detention's Opinion No. 20/2003 (Viet Nam), adopted on 27 November 2003 and a joint urgent appeal by the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression dated 23 February 2007. We acknowledge receipt of your Excellency's Government's response dated 18 May 2007. The Special Rapporteur on freedom of religion or belief has previously sent two communications to the Government of Viet Nam regarding Father Thadeus Nguyen Van Ly (see E/CN.4/1993/62, para. 68 and A/56/253, para. 77) to which your Excellency's Government replied (see E/CN.4/1994/79, para. 80 and E/CN.4/2002/73, para. 114).</p> <p>On 11 December 2009 Father Nguyen Van Ly was transferred back to Ba Sao prison, where he is currently serving an eight-year prison sentence for "carrying out propaganda against the Socialist Republic of Vietnam," (Article 88 of the Vietnamese Criminal Code). He was arrested on 18 or 19 February 2007 and sentenced on 30 March 2007 following a trial that lasted approximately four hours. He was denied access to counsel before and during the trial.</p> <p>At Prison Hospital 198, which is run by the Ministry of Public Security in Hanoi, Father Ly had been recovering from a second stroke suffered in detention on 14 November 2009. Father Ly remains partially paralyzed on the right side of his body.</p>	<p>By letter dated 19/03/2010, the Government indicated that Mr. Nguyen Van Ly was accused of activities violating Vietnamese laws and sentenced to 8 years in prison by the People's Court of Thua Thien Hue Province on 30 March 2007 according to the article 88 of the Penal Code. He was allowed to have counsel but he refused to do so. The arrest, provisional detention and trial against Mr. Ly have been carried out in strict compliance with the sequence and procedures stipulated in existing Vietnamese laws, particularly the Criminal Procedures Code and also in line with international standards on human rights, particularly the Universal Declaration on Human Rights and the International Convention on Civil and Political Rights. Many foreign diplomats and journalists, including those who came from the US and some European countries, were allowed to attend the court. There is no complaint lodged by and on behalf of Mr. Ly.</p> <p>2. In the mid-year of 2009, when serving his eight-years prison sentence in Nam Ha prison, Mr. Ly had high blood pressure symptoms and was provided adequate medical treatment by the health care service of Nam Ha prison. On 25 May 2009, Mr. Ly suffered a stroke which caused temporary paralysis of his arms and legs and some brain injuries, but was later recovered. Speaking with visitors, including the US Ambassador in Vietnam (on October 2009), Mr. Ly recognized that he has been provided adequate health care. On 14 November 2009, Mr. Ly again found paralysis on his right arm and leg. He was immediately moved to hospital for better medical treatment. Diagnosis results shown that this paralysis</p>

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					<p>During his detention, Father Ly has been mainly held in solitary confinement. He has suffered from high blood pressure and other health problems. In the seven months before the stroke, he had several bouts of ill-health for which the prison authorities neither provided a proper diagnosis nor adequate medical treatment.</p> <p>Father Ly was first imprisoned for his criticism of the policies of the Vietnamese Government on religion in the late 1970s, and has already spent approximately 17 years in prison in relation to his activities promoting respect for human rights, including freedom of opinion, expression and religion. He is one of the founders of the internet-based movement “Bloc 8406” which supports democracy, and has helped to set up other political groups which have subsequently been banned in Viet Nam. He also secretly published a journal entitled “To Do Ngon Luan”.</p> <p>Grave concerns are expressed in respect of Father Nguyen Van Ly’s state of health, particularly in view of reports that he has been transferred back to the prison despite not having fully recovered from a stroke.</p>	<p>was caused rather by brain injuries he suffered from last strike than by a new stroke. His health situation has been also informed to his family and the Hue Bishop. His family was allowed to look after him when he was at the hospital. A group of priests of Hue’s diocese lead by Archbishop Nguyen Nhu The also came to visit him. When his arm and leg were recovered and his health situation became better, he was moved back to the prison for the continuation of his sentence</p> <p>3. Given Mr.Ly’s health situation and the risks of stroke are high and in the spirit of amnesty, on 12 March 2010 the People’s Court of Ha Nam Province had decided to postpone his imprisonment for a period of 12 months, beginning from 15 march 2010, according to the article 61 of the Penal Code and allowed him to come back to Thua Thien Hue Province for health treatment. He is now residing at Hue’s Bishop.</p> <p>Allegations that Mr. Ly was denied access to counsel, not provided adequate medical treatment are totally no true.</p>
249.		06/10/10	JUA	WGAD; FRDX; TOR	<p>Concerning the situation of Degar Christians in 32 villages in Gia Lai Province, Central Highlands of Vietnam.</p> <p>On 22 August 2010, Vietnamese soldiers, riot police, security forces and local police forces reportedly surrounded, attacked and threatened Degar Christians in the following 32 villages in Gia Lai Province: Ploi Ngol Grong, Ploi Ngol Le, Ploi Khop, Ploi Ge, Ploi Sung Kep, Ploi Sung Tung, Ploi Bak, Ploi Phun, Ploi Bang, Ploi Kuao, Ploi Klah, Ploi lam Klah, Ploi Bang, Ploi Bui Hle, Ploi Kenh, Ploi Phin, Ploi Le Ngol, Ploi Ho Bi, Ploi Hreng, Ploi Mrong</p>	

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					<p>Yu, Ploi Wan, Ploi Kom, Ploi Bang, Ploi Beng, Ploi Del, Ploi Te, Ploi Nang, Ploi K'mong, Ploi Krung, Ploi Hluh, Ploi Ciam and Ploi Khop.</p> <p>Reportedly, the Christian villagers were told to renounce their faith and officially join the State-approved church, the Evangelical Church of Vietnam (ECVN). The soldiers and police allegedly sprayed chemicals in some villagers' eyes, beat them up until they fell down to the ground unconscious, hand cuffed them and arrested them.</p> <p>Ms. Puih H' Bat, who had lead prayer services for Christians in her house in Ploi Bang village, Ia Chia commune, Ia Grai district, Gia Lai province, has already been detained for more than two years. On 11 April 2008, Ms. Puih H' Bat was arrested by police officers and she was taken to Ia Grai district prison. A few days earlier, police had allegedly threatened her and demanded that she sign documents agreeing to follow the ECVN. Ms. Puih H' Bat was subsequently convicted of violating the law by "destruction of the unity of the people's solidarity" and sentenced to five years imprisonment in her home province.</p>	
250.			Follow-up to earlier cases		Mrs. Tran Khai Thanh Thuy (A/HRC/13/39/Add.1 para. 297)	By letter dated 31/01/2010, the Government indicated that on the 8 October 2009, Mr. Do Ba Tan, spouse of Mrs. Tran Khai Thanh Thuy parked his motor in front of his house at N° 46, alley 178, Kham Thien Street, Dong Da District, Hanoi and therefore obstructed the traffic. When Mr. Nguyen Manh Diep, living nearby, asked Mr. Do to move his motor out of public area, Mr. Do has refused, quarrelled with and then used a helmet to beat on the head and face of Mr. Nguyen. Instead of preventing her husband's act of violence, Mrs. Tran has attacked Mr. Nguyen on his head with bricks. Another man, named Nguyen Van Thinh, wanted to intervene but

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						<p>was beaten on arms by Mrs. Tran by bricks and a long wooden stick.</p> <p>Due to the seriousness of the case and based on evidences found, the Dong Da district's police has decided to institute the criminal case named "intentionally causing injury" and initiated criminal proceedings against Mrs. Tran according to the article 104 of the Penal Code. Mrs. Tran and her husband have also been provisionally detained for investigation. In the 12 October 2010, the police has decide to cancel deterrent measures against Mr. Do but still initiated criminal proceedings against him in the 27 October.</p> <p>The arrest and detention for investigation of and criminal proceedings initiation against Mrs. Tran Khai Thanh Thuy and her husband, Mr. Do Ba Tan, are carried out in strict compliance with the sequence and procedures stipulated in existing Vietnamese laws, particularly the Criminal Procedures Code and also in line with international standards on human rights, particularly the Universal Declaration on Human Rights and the International Convention on Civil and Political Rights. During the period of provisional detention for investigation, Mrs. Tran Khai Thanh Thuy is entitled to enjoy the rights of the suspected offender without discrimination or ill-treatment. AI informations which states that Mrs. Tran Khai Thanh Thuy was placed under house arrest or beaten are totally not true.</p>
251.	Yemen	21/01/10	JUA	FRDX; TOR	<p>Concerning Mr. Hisham Bashraheel, editor-in-chief of the Al-Ayyam newspaper and his son, Mr. Hani Bashraheel.</p> <p>On 4 January 2010, a protest took place at the Al-Ayyam newspaper office in Aden, to mark the anniversary of the banning in May 2009 of</p>	

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					<p>Al-Ayyam and other newspapers. The security forces allegedly opened fire on the protestors, which the security guards returned. One member of the security forces and one security guard were killed as a result, while six others were wounded.</p> <p>Approximately 12 people were arrested on 5 January, and most of them were subsequently released. On 6 January, Mr. Hisham Bashraheel and his son, Mr. Hani Bashraheel, were arrested following their participation in the protest. Their whereabouts remain unknown.</p>	
252.		13/07/10	JUA	WGAD; TOR	<p>Concerning the situation of Mr. Ammar Hamid Moqbil Mahyoub ATTAYIAR, aged 23 and technician at the international airport of Sanaa.</p> <p>On 11 January 2010, Mr. Attayiar was arrested at Char'ab Assalam in the Mouhafada of Taaz by agents of the security services wearing plain clothes. He was reportedly taken to the building of the security services where he remained until 16 January. Mr. Attayiar was then allegedly transferred to the Al-Baht-al-Jinaii detention centre, which belongs to the criminal investigation services.</p> <p>On 27 January, Mr. Attayiar was reportedly taken to the police station of Bir Bacha where he remained until 3 February when he was transferred to the central prison of Taaz. Mr. Attayiar would be currently detained in the Taaz prison.</p> <p>According to the reports received, between 16 and 27 January, while he was held in detention by the criminal investigation services, Mr. Attayiar received electro-shocks in his hands and feet which caused second degree burns. The electro-shocks were reportedly administered by three officials during the interrogation of Mr. Attayiar with the purpose</p>	

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					<p>of obtaining a confession from him.</p> <p>Moreover, while Mr. Attayiar was detained in the police station of Bir Bacha, between the 27 January and 7 February, he was reportedly blind-folded and severely beaten during six days.</p> <p>According to the information received, Mr. Attayiar was later visited by a doctor in the prison of Taaz who conducted an examination that confirmed the existence of different burns and bruises all over his body.</p> <p>On 4 April 2010, by virtue of a decision of the court in charge of the process, Mr. Attayiar was expected to be released on probation. Reportedly, to date, the authorities in charge of his detention have not released him.</p> <p>Concern is expressed about the physical and mental integrity of Mr. Attayiar. In this connection, serious concern is expressed about the allegations of torture, in the form of electro-shocks and severe beatings, suffered by Mr. Attayiar during the different phases of his detention. Furthermore, concern is expressed about allegations that the abuse that Mr. Attayiar suffered during the interrogation by the criminal investigation services had the purpose of obtaining a self-accusatory statement.</p>	
253.	Zimbabwe	17/06/10	JAL	HRD; TOR	<p>Concerning the situation of Mr. Chesterfield Samba, Ms. Ellen Chademana and Mr. Ignatius Muhamba, respectively Director and employees of Gays and Lesbians of Zimbabwe (GALZ). GALZ is an association advocating for social tolerance for sexual minorities and the repeal of homophobic legislation in Zimbabwe, and is officially authorized to operate in Zimbabwe.</p>	

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					<p>According to the information received:</p> <p>On 21 May 2010, police officers from the Criminal Investigations Department (CID) raided GALZ offices in Milton Park, Harare, reportedly searching for dangerous narcotics and pornographic material. The police had a warrant to search for dangerous drugs and pornographic material citing contravention of Section 157 (1) of the Criminal Law (Codification and Reform) Act Chapter 9:23 and Section 32 (1) of the Censorship and Entertainment Control Act Chapter 10:04.</p> <p>It is alleged that the police confiscated computers, records and banners and reportedly seized pornographic material as evidence for the case. They arrested Ms. Chademana and Mr. Muhamba and transferred them to the Harare Central Police Station.</p> <p>On 23 May 2010, the police allegedly returned to GALZ offices claiming that they were notified that the office had been raided. They requested entry into the office, but the guard did not have the keys. They left a message that they were to return on Monday 24 May 2010 to carry out another search.</p> <p>On 24 May 2010, the police took Ms. Chademana and Mr. Muhamba from Harare Central Police Station to GALZ offices for a further search, without notifying their lawyers. Later the same day, both employees were reportedly formally charged of "possessing pornographic material" and "undermining the office of the President" but the police failed to bring them before the court. On 25 May 2010, Ms. Chademana and Mr. Muhamba reportedly appeared before the court.</p> <p>On 26 May 2010, five police officers searched the house of Mr. Samba during his absence. They allegedly seized magazines, books, Mr.</p>	

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					<p>Samba's birth certificate and business cards. They asked his sister in law and niece, who were present at the time of the search, of Mr. Samba' whereabouts and when he would return to town.</p> <p>On 27 May 2010, Ms. Chademana and Mr. Muhamba were reportedly released on bail. It is alleged that they are however required to report to the police twice a week and to stay in Harare until the next hearing, which is expected to be held on 10 June 2010. It is further alleged that GALZ staff members have been asked to report to the police to appear as witnesses the case against their colleagues Ms. Chademana and Mr. Muhamba.</p> <p>Furthermore, is is reported that Ms. Chademana and Mr. Muhamba were subjected to ill-treatment during their detention. They reported that during their detention the police used empty soft drinks bottles to assault them on their knees and forced them to 'sit' in a position without a chair or any other tool for a prolonged period. They were allegedly subjected to assaults all over their bodies.</p> <p>Concern is expressed that the arrests of Ms. Chademana and Mr. Muhamba and the searches of GALZ' premises and Mr. Samba's house might be directly related to the peaceful activities of Mr. Samba, Ms. Chademana and Mr. Muhamba in the defense of human rights. Further concern is expressed for the safety of all staff members of GALZ.</p>	
254.		17/06/10	JUA	WGAD; FRDX; HRD; IJL; TOR	Concerning the case of Mr. Farai Maguwu, director of the Zimbabwean non-Governmental organization Centre for Research and Development (CRD). The CRD has documented human rights abuses in the Marange diamond fields, and is involved in the Kimberly Process, an international coalition of	

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					<p>Governments, industry and civil society organizations which aims at breaking the links between the diamond trade and the funding of violence.</p> <p>On 26 May 2010, Mr. Farai Maguwu shared information with an independent monitor for the Kimberley Process in Zimbabwe on alleged human rights abuses in the diamond fields.</p> <p>On 27 May, armed security agents reportedly raided both the office and home of Mr. Farai Maguwu, and confiscated his passport, computer and other personal belongings. Mr. Farai Maguwu escaped and went into hiding.</p> <p>On 3 June, Mr. Farai Maguwu handed himself to the Harare Central Police Station, and was immediately arrested.</p> <p>On 7 June, Mr. Farai Maguwu was charged with communicating information prejudicial to the State. Mr. Farai Maguwu has been denied bail, and remains detained at the Harare Central Police Station. He has further been denied access to his medication to treat a chest and throat infection. A court has reportedly ordered that he be allowed to receive his medication.</p> <p>During the aforementioned raid, the nephew of Mr. Farai Maguwu, Mr. Lisbern Maguwu, was arrested and was subsequently beaten in custody. Lawyers attempting to meet him received threats from police officers. Mr. Lisbern Maguwu was released on bail after being charged with violence against security agents. He is currently awaiting trial. Since the raid, other members of Farai Maguwu's family have reportedly been interrogated and beaten by police officers. Other CRD staff members went into hiding in fear for their safety.</p> <p>Serious concern is expressed that the arrest and</p>	

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					detention of Mr. Farai Maguwu may be related to his legitimate human rights activities, in the exercise of the right of Mr. Farai Maguwu to freedom of opinion and expression. Further concern is expressed that the arrest and detention of and charges against Mr. Lisbern Maguwu, as well as the acts of ill treatment against him, may be linked to the human rights activities of his uncle, Mr. Farai Maguwu. Finally, serious concern is expressed for the physical and psychological integrity of Mr. Farai Maguwu, members of his family, including Mr. Lisbern Maguwu, and CRD staff members.	
255.	Palestinian Authority	08/01/10	JUA	IJL; OPT; TOR	<p>Concerning the case Mr. Mohammad Abu-Shalbak, aged 46, who is being detained by the Palestinian General Intelligence Force.</p> <p>On 19 July 2009, members of the Palestinian General Intelligence Force went to Mr. Mohammad Abu-Shalbak's home and arrested him, without presenting him with a warrant. For approximately two months, he was denied access to meet with his lawyer and his place of detention was unknown to his family. On 21 September 2009, his family was allowed to visit him for the first time. They were informed that they were allowed to see him for only 10 minutes and they should not ask him questions relating to the reasons for his arrest or the conditions of his place of detention. It is alleged that when his family saw him he was wearing dirty clothes, smelt bad, had lost about half of his weight, had long hair on his face and head and a very pale face. He appeared to be afraid and unable to focus.</p> <p>Mr Abu-Shalbak was brought before a military justice tribunal and not before the civil prosecution within 24 hours of arrest, as required by Palestinian Criminal Procedure No. 3 of 2001. On 13 September 2009, his lawyer</p>	

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					<p>obtained a judgment with the High Court of Justice which held that Mr Abu-Shalbak was a civilian and that the case was not under the mandate of military prosecution. The court ordered that he be immediately released.</p> <p>On 7 October 2009, Mr Abu-Shalbak was released, re-arrested eight hours later and was brought before the military prosecution tribunal. During his brief release, Mr Abu-Shalbak indicated that he had spent 43 days standing on his feet, with his eyes covered, his arms and legs tied. During these days he was allowed to rest for one hour and to use the bathroom once a day. It is reported that during his detention his front teeth were broken. During the summer, he was placed in small hot room, and in a small cold room during the winter.</p> <p>Mr Abu-Shalbak suffered from severe abdominal cramps and was taken to military medical services. It is reported that the doctor who examined him ordered that an abdominal ultrasound be done, however it has not yet been performed.</p>	
256.		29/04/10	JUA	IJL; OPT; TOR	<p>Concerning the recent executions of Mr. Mohammad Ismaeil (el Saba') and Mr. Nasser abu Freih and the alleged imminent execution of several people who were sentence to death by the Gaza Military Court.</p> <p>Mr. Mohammed Ibrahim Isma'il (al-Sabe'), aged 37 and a resident of Rafah, was sentenced to death on 3 November 2009, by the Gaza Military Court after he was convicted on charges of treason and involvement in a killing. He was partly convicted on the basis of his own confession which had allegedly been made as a result of torture.</p> <p>Mr. Nasser abu Freih, aged 34, was sentenced to death by the Gaza Military Court on 22</p>	

<i>Para</i>	<i>Country</i>	<i>Date</i>	<i>Type</i>	<i>Mandate</i>	<i>Allegations transmitted</i>	<i>Government response</i>
					<p>February 2009, after being convicted of charges of “collaboration with hostile parties”.</p> <p>It is reported that on 15 April 2010, the authorities in Gaza executed Mr. Mohammad Ismaeil (el Saba') and Mr. Nasser abu Freih.</p> <p>We have also received information that since 2007 the Gaza Military Court has sentenced several people to death after being convicted on charges of treason. These people are at imminent risk of execution including:</p> <p>(1) Emad Mahmoud Sa'd Sa'd, aged 25, a resident of the West Bank who was sentenced to death on 28 April 2008;</p> <p>(2) Wael Saéed Sa'd Sa'd, aged 27, a resident of the West Bank who was sentenced to death on 15 July 2008;</p> <p>(3) Mohammad Sa'd Mahmoud Sa'd, a resident of the West Bank who was sentenced to death on 15 July 2008. He was tried in absentia;</p> <p>(4) Ayman Ahmad Awad Daghamah, aged 28, a resident of the West Bank who was sentenced to death on 12 November 2008;</p> <p>(5) Mahran Abu Jodah, aged 28, a resident of Hebron who was sentence to death on 25 January 2009;</p> <p>(6) Anwar Bargheet, aged 59, a resident of Hebron who was sentenced to death 28 April 2009;</p> <p>(7) Saleem Mohammad El Nabheen aged 27, from Al-Boreij camp in Hebron who was sentenced to death 7 October 2009. He is currently being held at Gaza Central Prison;</p> <p>(8) Abed Kareem Mohammad Shrier, aged 35, from Gaza who was sentenced to death 29 October 2009. He is currently being held at</p>	

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					Gaza Central Prison; (9) Izz El Din Rasem Abed El Salam Daghri, aged 38, who was sentenced to death on 9 November 2009, after being convicted on charges of treason. We have previously addressed a communication dated 16 November 2009, to the authorities in Gaza regarding the case of Saleem Mohammed Saleem al-Nabahin, (A/HRC/13/39/Add.1, para 305) who was sentenced to death by a military court in Gaza, to which we are yet to receive a response. In that communication we expressed concern regarding imposition of the death penalty on grounds of treason and the provisions of Article 131 of the Revolutionary Penal Code which permits the imposition of the death sentence for conduct which does not involve intentional killing, as required by international law which restricts imposition of the death penalty to the most serious crimes.	
257.		14/05/10	JUA	WGAD; WGEID; HRD; OPT; TOR	Concerning the situation of Mr. Mohanad Salahat, a representative of the Palestinian Human Rights Foundation (Monitor) in Jordan. The Monitor is a Palestinian human rights organization with its headquarters in Lebanon. On 28 March 2010, Mr. Salahat was allegedly arrested by Palestinian Intelligence officers at the Allenby Border Terminal while travelling from Jordan to the West Bank. His belongings and laptop were confiscated. It is reported that he was transferred to the central interrogation headquarters of the Palestinian Intelligence office in Ariha city (Jericho) and held in solitary confinement for fifteen days. He was allegedly interrogated daily by Intelligence officers between 11.30 pm and 5 am, threatened and forced to open his email account. He is reportedly accused of working	

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					<p>for other Arabic countries such as Syria and Qatar, and campaigning against funding for Palestinian institutions.</p> <p>It is reported that Mr. Salahat was released on 11 April 2010 but his laptop was not handed over to him. Furthermore, Mr. Salahat was allegedly requested to return to the Palestinian Intelligence office for further questioning on 13 and 15 April 2010 and threatened to be re-arrested should he fail to do so.</p> <p>On 19 April 2010, Mr. Salahat was allegedly re-arrested by the Palestinian Intelligence at the “Karama” border while crossing on his way to Jordan. It is alleged that he was detained at this checkpoint for six hours and had his identification papers confiscated before being released.</p> <p>Following his release from the checkpoint, Mr. Salahat went to the Jordanian border where he was prevented from entering Jordan by the Jordanian authorities. He was allegedly given a document signed by the Director of the Jordanian Intelligence ordering the competent security authorities in Jordan to send him back to the Palestinian territories. It is reported that Mr. Salahat was told by the Jordanian forces that this travel ban was due to a request from the Palestinian Intelligence to the Jordanian authorities which banned him from travelling and forced him to return to the Palestinian territories.</p> <p>On 26 April 2010, Mr. Salahat, who was staying in Palestine following his travel ban, allegedly received a summons from the Palestinian Intelligence demanding his presence at the headquarters of the Intelligence department in Nablus on 1 May, with a warning that he would be re-arrested if he failed to show up.</p>	

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					<p>On 1 May 2010, Mr. Salahat presented himself at the Intelligence Department and was allegedly re-arrested by members of the Palestinian Intelligence in Nablus. It is alleged that his current fate and whereabouts are unknown.</p> <p>Concern is expressed that the summons, arrests and current incommunicado detention of Mr. Salahat might be directly related to his legitimate work in defense of human rights. Given the fact that his current fate and whereabouts of Mr. Salahat are unknown, further concern is expressed about his physical and psychological integrity.</p>	
258.	Other	29/04/10	JUA	IJL; SUMX; TOR	<p>Concerning the recent executions of Mr. Mohammad Ismaeil (el Saba') and Mr. Nasser abu Freih and the alleged imminent execution of several people who were sentenced to death by the Gaza Military Court.</p> <p>Mr. Mohammed Ibrahim Isma'il (al-Sabe'), aged 37 and a resident of Rafah, was sentenced to death on 3 November 2009, by the Gaza Military Court after he was convicted on charges of treason and involvement in a killing. He was partly convicted on the basis of his own confession which had allegedly been made as a result of torture.</p> <p>Mr. Nasser abu Freih, aged 34, was sentenced to death by the Gaza Military Court on 22 February 2009, after being convicted of charges of "collaboration with hostile parties".</p> <p>It is reported that on 15 April 2010, the authorities in Gaza executed Mr. Mohammad Ismaeil (el Saba') and Mr. Nasser abu Freih.</p> <p>We have also received information that since 2007 the Gaza Military Court has sentenced several people to death after being convicted on charges of treason. These people are at</p>	

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					<p>imminent risk of execution including:</p> <p>(1) Emad Mahmoud Sa'd Sa'd, aged 25, a resident of the West Bank who was sentenced to death on 28 April 2008;</p> <p>(2) Wael Sa'eed Sa'd Sa'd, aged 27, a resident of the West Bank who was sentenced to death on 15 July 2008;</p> <p>(3) Mohammad Sa'd Mahmoud Sa'd, a resident of the West Bank who was sentenced to death on 15 July 2008. He was tried in absentia;</p> <p>(4) Ayman Ahmad Awad Daghmah, aged 28, a resident of the West Bank who was sentenced to death on 12 November 2008;</p> <p>(5) Mahran Abu Jodah, aged 28, a resident of Hebron who was sentenced to death on 25 January 2009;</p> <p>(6) Anwar Bargheet, aged 59, a resident of Hebron who was sentenced to death 28 April 2009;</p> <p>(7) Saleem Mohammad El Nabheen aged 27, from Al-Boreij camp in Hebron who was sentenced to death 7 October 2009. He is currently being held at Gaza Central Prison;</p> <p>(8) Abed Kareem Mohammad Shrier, aged 35, from Gaza who was sentenced to death 29 October 2009. He is currently being held at Gaza Central Prison;</p> <p>(9) Izz El Din Rasem Abed El Salam Daghri, aged 38, who was sentenced to death on 9 November 2009, after being convicted on charges of treason.</p> <p>We have previously addressed a communication dated 16 November 2009, (A/HRC/13/39/Add.1 para 305) to the authorities in Gaza regarding the case of Saleem Mohammed Saleem al-Nabahin, who</p>	

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					<p>was sentenced to death by a military court in Gaza, to which we are yet to receive a response. In that communication we expressed concern regarding imposition of the death penalty on grounds of treason and the provisions of Article 131 of the Revolutionary Penal Code which permits the imposition of the death sentence for conduct which does not involve intentional killing, as required by international law which restricts imposition of the death penalty to the most serious crimes.</p>	

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. 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)
- H. Activities (trade union, political, religious, humanitarian/ solidarity, press, etc.)
- I. 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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