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

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

**Addendum**

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

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

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## Introduction

1. This addendum to the report of the Special Rapporteur contains, on a country-by-country basis, summaries of reliable and credible allegations of torture and other cruel, inhuman or degrading treatment or punishment that were brought to the attention of the Special Rapporteur, and were transmitted to the Governments concerned. It also contains replies from Governments. This addendum does not illustrate the state of torture and other cruel, inhuman or degrading treatment or punishment throughout the world, but rather reflects the state of information brought to the attention of the Special Rapporteur.

2. The Special Rapporteur would like to recall that in transmitting these allegations to Governments, he does not make any judgement concerning the merits of the cases, nor does he support the opinion and activities of the persons on behalf of whom he intervenes. The prohibition of torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right, and every human being is legally and morally entitled to protection. When the Special Rapporteur receives reliable and credible information that gives grounds to fear that a person may be at risk of torture or other forms of ill-treatment, he may transmit an urgent appeal to the Government concerned. The communications sent by the Special Rapporteur have a humanitarian and preventive purpose, and do not require the exhaustion of domestic remedies. Governments are requested to clarify the substance of the allegations, take steps to protect the person's rights, and are urged to investigate the allegations and prosecute and impose appropriate sanctions on any persons guilty of torture and other cruel, inhuman or degrading treatment or punishment.

3. During the period under review, i.e. from 16 December 2006 to 14 December 2007, the Special Rapporteur sent 79 letters\* of allegations of torture to 51 Governments and 187 urgent appeals\* to 59 Governments on behalf of persons who might be at risk of torture or other forms of ill-treatment. Government responses received up to 31 December 2007 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:

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\* Includes joint action with other special procedures of the Commission on Human Rights. General statistical information on communications sent by special procedures in 2007 is available on OHCHR website : <http://www.ohchr.org>.

- (a) What steps were taken to ascertain the veracity of the facts alleged?
- (b) Has a complaint been lodged by or on behalf of the alleged victim?
- (c) The details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to the case.
- (d) Full details of any prosecutions which have been undertaken (e.g. penal, disciplinary or administrative sanctions imposed on the alleged perpetrator(s)).
- (e) What compensation and rehabilitation have been provided to the victim or the family of the victim?

### Abbreviations

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

AL	Allegation letter
JAL	Joint allegation letter
UA	Urgent appeal
JUA	Joint urgent appeal

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
1.	Afghanistan	02/05/07	JAL	HLTH; TOR;	<p><b>Sanad Ali Yislam al-Kazimi</b>, a 37-year-old Yemeni national, detained at the U.S. Naval Base in Guantanamo Bay, Cuba. In early January 2003, he was arrested in Dubai, United Arab Emirates, where he was held for eight months and 16 days. On or about 16 to 18 August 2003, he was transferred to the custody of United States forces and taken to Kabul, Afghanistan. He was held in the "Prison of Darkness" (also known as the Dark Prison) for nine months. He stated that the worst treatment he has experienced since his capture occurred in this prison. He suffered severe physical and psychological torture by Jordanian interrogators, who were supervised by U.S. personnel. It is reported that the torture was so extreme, going beyond the methods described above, that it prompted Mr. Al-Kazimi to attempt suicide three times by striking his head against the cell wall. As a result he sustained large visible scars on his scalp. Among other things, he was suspended with his arms above his head and beaten with electrical cables. On or about 16 May 2004, he was transferred to Bagram, where he was held in U.S. custody for four months, and where he was tortured in a manner similar to that in the Prison of Darkness. On or about 18 September 2004, he was transferred to Guantanamo Bay, Cuba, where he is currently detained. Mr. Al-Kazimi continues to suffer psychological trauma, inability/unwillingness to discuss details of treatment/torture, has attempted suicide, fears reprisals and continued abuse, and</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>finds himself talking to himself on a regular basis. Mr. Al-Kazimi suffers from chronic constipation, hemorrhoids, and blood in his feces since his detention in the Prison of Darkness. <b>Fahd Muhammed Abdullah al-Fawzan</b>, a 24-year-old Saudi national, detained at the U.S. Naval Base in Guantanamo Bay, Cuba. He was apprehended between October and December 2001 by Pakistani tribesmen who turned him over to the Pakistani military. He was interrogated by Pakistani military, transferred to U.S. military custody shortly thereafter in Kohat, Pakistan, and then transferred to Kandahar, Afghanistan, where he was held for two months. In detention he reports that unidentified U.S. officials threatened him with firearms, strangled him with wires, and shocked him with electricity. In early 2002, he was transferred to Guantanamo Bay, Cuba, where he is currently detained. Mr. Al-Kazimi was not permitted to see a lawyer, relatives, or friends before his transfer to Guantanamo Bay. He has not seen any member of his family since his arrest in early 2003. Mr. Al-Fawzan has not seen any member of his family since his departure for Afghanistan in October 2001. His family only become aware of his imprisonment nearly two years after his capture and could only confirm it from photographs of Guantanamo Bay prisoners posted on the Internet.</p>	
2.	Algeria	29/01/07	JUA	WGAD; TERR; TOR	<b>Abderrahmane Mehalli</b> . M. Abderrahmane Mehalli aurait été arrêté le soir du 26 décembre 2006 à 19h30 à son domicile de Bachdjerah par les services de la brigade mobile de la police	Par lettre datée du 26 juin 2007, le Gouvernement a confirmé que M. Mehali a été arrêté le 27 décembre, inculpé par le juge d'instruction de la 2ème chambre du Tribunal d'Alger et mis en

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					judiciaire de Oued Ouchaeih, et quelques membres des services du département du renseignement et de la sécurité. Il aurait été détenu dans un lieu inconnu pendant 12 jours, durant lesquels les agents des services du département du renseignement et de la sécurité l'auraient roué de coups de poings et de pied. Ils lui auraient aussi bouché le nez en mettant en même temps un chiffon dans la bouche, et ensuite versé du liquide sur la tête. Ils l'auraient également menacé au moment où il devait être entendu par le juge d'instruction. Le 6 janvier 2007, M. Mehalli aurait été présenté devant le juge d'instruction de la 2ème chambre du Tribunal d'Alger. Il aurait été placé sous mandat de dépôt et transféré à la prison de Serkadji où il se trouverait détenu à ce jour. M. Mehalli serait accusé « d'appartenance à un groupe terroriste armé ». Il aurait reconnu les faits qui lui sont reprochés sous la menace et aurait été contraint de signer un procès verbal sans pouvoir le lire auparavant. Par ailleurs, M. Mehalli n'aurait pas reçu de soins médicaux suite aux actes subis mais il aurait été obligé de signer un document attestant du fait qu'il aurait été bien traité.	détention provisoire. L'affaire était pendante devant le juge d'instruction.
3.		20/02/07	JAL	SUMX; TOR	<b>Mounir Hammouche.</b> M. Hammouche aurait été arrêté une première fois à Ain Taghrout, Wilaya de Bordj Bou Arreridj, le jeudi 20 décembre 2006 vers 20 heures à la sortie de la mosquée de la ville par plusieurs personnes armées et en tenue civile circulant à bord d'un véhicule de marque Peugeot 406 de couleur grise et immatriculée à Alger. Conduit dans une caserne militaire relevant	Par lettre datée du 26 juin 2007 le Gouvernement a confirmé les faits et indiqué que l'autopsie entreprise par M. Benharkat, médecin chef du service de médecine légale de l'Hopital Universitaire de Constantine conclut que la mort de M. Hammouche était « consécutive à une asphyxie mécanique par pendaison » et que « cette pendaison est considérée comme suicide,

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>du Département du renseignement et de la sécurité (DRS) il lui aurait été reproché « de ne pas faire la prière dans la mosquée la plus proche de son domicile », et également « le fait qu'il portait une barbe ainsi qu'une tenue vestimentaire islamique ». Il aurait ensuite été libéré le lendemain, 21 décembre 2006. Deux jours plus tard, le 23 décembre, M. Hammouche aurait de nouveau été enlevé par les mêmes personnes circulant à bord du même véhicule toujours à la sortie de la mosquée après la dernière prière du soir. Messieurs Antar Zaibet, Fares Messahel, Walid Laggoune et Mounir Rezazga auraient également été arrêtés dans les mêmes circonstances et conduits à la caserne du DRS de Constantine où ils auraient fait l'objet de tortures et de mauvais traitements. Le 29 décembre au soir, les services de sécurité auraient avisé la famille de M. Hammouche que celui-ci « était décédé lors de sa garde à vue ». Il aurait été également déclaré à la famille que celui-ci « s'était probablement suicidé » et « qu'une autopsie avait de toute façon été pratiquée » et « qu'ils pouvaient enterrer le corps ». Le corps de la victime aurait été restitué dans la soirée à la famille. Celui-ci portait de nombreuses traces de tortures, dont une blessure au niveau de la tête ainsi que des ecchymoses au niveau des mains et des pieds, ce qui laisse penser que M. Hammouche serait décédé à la suite de tortures subies lors de sa garde à vue. Le 30 décembre, la famille aurait procédé à l'enterrement du corps sous surveillance policière. Les quatre hommes</p>	<p>jusqu'à preuve du contraire ».</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					arrêtés en même temps que M. Hammouche auraient été présentés par le département du renseignement et de la sécurité de Constantine au procureur de la république du tribunal de Bordj Bou Arreridj, qui aurait requis l'ouverture d'une information judiciaire pour « apologie du terrorisme » conformément à l'art. 87 bis 4.- Ordonnance n° 95-11 du 25 février 1995.	
4.		01/06/07	JUA	WGAD; TOR	<b>Fethi Hamaddouche.</b> Le 2 mars 2007, M. Fethi Hamaddouche ne serait pas rentré chez lui après être sorti en ville le soir. Le 5 mars 2007, des agents du Département du Renseignement et de la Sécurité (DRS) auraient arrêté Samir Hamaddouche, frère de Fethi, et l'auraient conduit à la caserne de Mostaganem, située dans une zone nommée « le Plateau ». Samir Hamaddouche aurait été battu par les agents du DRS. Les agents du DRS l'auraient ensuite conduit auprès de son frère Fethi (qui aurait eu le visage enflé, comme s'il avait été battu), ils lui auraient demandé de confirmer qu'il s'agissait bien de lui, et l'auraient interrogé à propos de sa famille et de ses amis. Samir Hamaddouche aurait été relâché le soir du même jour. Depuis le 5 mars 2007, la famille de Fethi Hamaddouche n'aurait plus aucun contact avec lui et n'aurait reçu aucun renseignement officiel sur le lieu de sa détention. Ils auraient reçu un appel anonyme début mai 2007. L'interlocuteur non identifié leur aurait dit que M. Hamaddouche avait été transféré à Hydra, dans la région d'Alger. La caserne militaire d'Antar est située à Hydra et celle-ci abriterait un centre de détention non déclaré.	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
5.		15/06/07	UA	TOR	M. X, citoyen algérien, dont le nom n'a pas été communiqué au Rapporteur Spécial pour des raisons de sécurité, mais qui est connu par le Gouvernement. Le 6 juin 2007, M. X aurait été déporté du Royaume Uni vers l'Algérie où il avait résidé à partir de 1994. Depuis son arrivée à l'aéroport d'Alger, il serait détenu incommunicado dans un lieu de détention non-officiel, probablement dans des baraques militaires à Alger par le Département du renseignement et de la sécurité, le département de la sécurité militaire qui est chargé des enquêtes sur les cas liés aux activités terroristes.	Par une lettre datée du 29/06/07, le Gouvernement a invité le Rapporteur Spécial à « lui fournir l'identité complète du citoyen algérien M.X. pour permettre aux autorités compétentes d'instruire cette affaire et de donner suite à la présente communication ».
6.		29/06/07	JUA	IJL; TOR	<b>Mohamed Boucekkine</b> , résidant de Fouka, qui serait détenu incommunicado par les services de sécurité. Le 15 juin 2007 à 18h30, deux individus en civil seraient entrés au domicile de la famille Boucekkine à Fouka sans s'identifier. Ils auraient demandé à Mohamed Boucekkine ses papiers et auraient procédé à une fouille de la maison. Lorsque son épouse a demandé où ils emmenaient son mari, les deux individus lui auraient répondu qu'ils allaient simplement l'interroger. Le visage couvert, M. Boucekkine aurait été amené vers un endroit inconnu où il serait encore détenu. Treize jours après son arrestation, il n'aurait toujours pas pu entrer en contact avec sa famille ni avec un avocat. Mohamed Boucekkine avait déjà été arrêté et purgé une peine d'emprisonnement de 7 ans avant d'être libéré en 1999. En plus, son père aurait été arrêté en 1995 et serait à ce jour toujours porté disparu. Sa mère aurait été arrêtée	

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					en 1997 et serait morte en détention suite aux mauvais traitements qu'elle aurait subis.	
7.		03/08/07	JAL	IJL; TOR	M. <b>Hammouche</b> . Suite aux conclusions de l'autopsie que « cette pendaison est considérée comme suicide, jusqu'à preuve du contraire » (voir ci-dessus, para. 3), les Rapporteurs spéciaux ont rappelé que le droit international des droits de l'homme établit une présomption irréfragable de responsabilité de l'Etat pour les violations du droit à la vie et le droit à l'intégrité physique et morale et demandé le rapport d'autopsie.	
8.		16/11/07	UA	TOR	M. <b>Kamal Akkache</b> . Le 11 septembre 2007, M. Kamal Akkache aurait été arrêté par environ huit hommes en civil devant une mosquée dans la municipalité d'El Mouradia à Alger. Ces hommes auraient déclaré être des agents du Département des Renseignements et de la Sécurité (DRS). Ils auraient forcé M. Kamal Akkache à monter dans sa propre voiture et l'auraient conduit en un lieu inconnu. Le 16 septembre 2007, six hommes en civil qui se présentaient comme des agents de la Sécurité militaire auraient fouillé le domicile de Kamal Akkache devant son père. Les hommes auraient refusé de révéler où il se trouvait et les motifs de son arrestation. Depuis le 11 septembre 2007, la famille de M. Kamal Akkache n'aurait plus aucun contact avec lui et n'aurait reçu aucun renseignement sur le lieu de sa détention. M. Kamal Akkache serait épileptique.	
9.	Angola	14/12/07	JUA	MIG; TOR; VAW;	Detention and deportation of a large number of <b>Congolese nationals</b> from Angola to the Democratic Republic of Congo. There have been	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>serious human rights abuses against the Congolese deportees, which have been committed by the Angolan security forces at the border between the Democratic Republic of Congo and Angola. These abuses have been purportedly targeted toward groups of migrant workers mainly composed of Congolese citizens who are involved in informal diamond mining activities in Angola. The abuses reported include the systematic use of physical and sexual violence, confiscation of the migrant's belongings and separation of family members during the expulsion process. Women were systematically raped by Angolan security forces, on many occasions in front of their children or in public. Women were continuously raped - while being expelled from their homes, in provisional detention facilities, at the checkpoints and during their transport to the border. In addition, the health situation of the expelled migrants is a major concern. As most of them have been involved in informal diamond mining, they and their families, including children, have been forced to submit to invasive bodily searches (including the anal and vaginal cavities) to uncover hidden diamonds. According to the reports, the searches are being conducted in such a manner that they are causing psychological and physical trauma to the deportees. The mental and physical health of female victims of sexual violence is of particular concern. It has been reported that they suffer from various pains in their vagina and lower stomach, and have been deeply traumatized by the abuse</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					they suffered. Most of them have not received any health care upon their arrival to the Democratic Republic of Congo. Furthermore, the migrants have been kept in incommunicado detention in harsh conditions before their deportations, subjected to beatings and other forms of ill-treatment, and denied food and water provisions both during their detention and deportation to the Congolese border. There are also reports of deaths due to exhaustion or maltreatment.	
10.	Armenia	30/05/07	JAL	SUMX; TOR	<b>Levon Gulyan</b> , a 30-year-old Armenian citizen. He was called to a police station in Yerevan several times between 10 and 12 May to testify as a witness in connection with a murder. On 12 May 2007, he was transferred to the police headquarters in Yerevan around 1 p.m. Four hours later he was found dead. When announcing that Mr. Gulyan had died, the police claimed that Mr. Gulyan had died either while trying to escape from the room where he was held by jumping from the third storey window, or that he had decided to commit suicide. However, marks of ill-treatment and bruises that are unlikely to stem from jumping or falling out of a window were discovered on his body.	
11.	Bahrain	14/03/07	JUA	WGAD; TOR	<b>Jaffar Ahmad</b> , a 35-year-old mechanic. On 1 March 2007 at around 8.45 p.m., he was stopped on the street close to his residence by a group of plain-clothed security officers wearing black masks. The men beat him using sticks and kicked and punched him in various parts of his body. He was taken by a car to a police station in the central region, where he is currently being	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>detained. Mr. Ahmad was not permitted to contact his parents or his lawyer after the arrest. On 3 March 2007 at around 9 a.m., Mr. Ahmad was brought before the public prosecutor and accused of arson and riot, pursuant to article 179 of the Penal Law, which states that "if one or more of the crowd starts to use violence in order to achieve the goal of their assembly, it is considered as a riot. He who participated in the riot and knew about it is punished with prison and is fined with no more than 500 Bahraini Dinars." Mr. Ahmad denied the accusations, but was not allowed by the Public Prosecutor to question a state witness and was prevented from defending himself. The Public Prosecutor decided to hold the accused in custody for 15 days. Mr. Ahmad has not had access to a lawyer at any stage of the investigation. After having been transferred back to the police station he was permitted to see family members, who discovered beating marks on his stomach and deep scratches on both arms. Mr. Ahmad's right eye was reddened with a red clot of blood beneath it and he had no sight in this eye. He had not received any medical treatment since the arrest. On the evening of 4 March 2007, Mr. Ahmad was transferred to a clinic, which was not able to diagnose his condition or provide him with appropriate treatment. He was transferred to the military hospital on the morning of 5 March 2007, where he was examined by a group of doctors. Mr. Ahmad was informed that the reason for him not being able to see was because the retina of the eye had been damaged. He was also</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					told that he required an operation. An appointment was set for 21 March 2007. Mr. Ahmad had not suffered from any illness or disability in his eye before he was ill-treated upon arrest. The physical abuse was recorded neither at the police station nor by the public prosecutor.	
12.		25/05/07	JUA	WGAD; FRDX; TOR	<b>Ali Saeed Yacob al-Khabaz</b> , a 22-year-old resident of Sanabis, who was arrested after a demonstration in support of Mr. Hassan Mushiamma, secretary-general of the organisation "Movement of Freedoms and Democracy – HAQ", and Mr. Abdul Hadi al-Khawaja, president of the "Bahrain Center for Human Rights". The latter were subjects of a previously transmitted communication on 2 February 2007, and have since been released. Mr. Ali Saeed Yacob al-Khabaz was arrested by special forces on 20 May 2007 after attending a peaceful demonstration that took place in an area between the cities of Sanabis and Daih. The special forces dispersed the demonstration, using rubber bullets, sound bombs and tear gas. They chased some of the demonstrators and arrested Mr. Al-Khabaz in front of his family home. During the arrest, he was forced to the ground by the special forces, collectively beaten with batons and kicked with boots. For two days he was treated at Bahrain Defence Force Hospital for a broken nose, injuries to his head, lacerations to his face, a dislocated lower jaw, bruises and swelling of both eyes, injuries to his legs, and wounds on his back. Mr. Al-Khabaz is currently unable to walk. The public prosecutor ordered Mr. Al-Khabaz' detention for	By letters dated 14/06/07 and 20/07/07, the Government informed that he was released on 8 June 2007. The "facts" set out concerning the arrest of Ali Said al-Khabbaz are untrue and baseless. He was arrested for attending a peaceful demonstration. The right to express an opinion by peaceful means is guaranteed by the Constitution and by Bahraini law. No one has ever been arrested for exercising this right. Mr. Al-Khabbaz was one of a group of around 40 persons who took part in riots in the Sanabis area on 20 May 2007. They threw Molotov cocktails and stones at the security forces which had been sent to disperse the crowds, quell the rioting and protect the lives of citizens from these irresponsible acts of sabotage. The rioters set fire to rubbish skips on the main road, placing the residents of the area in danger. Mr. Al-Khabbaz was arrested in the Sanabis area while engaging in riotous behaviour and arson. There is no truth to the allegations that he was picked up in front of his home. His injuries were caused by a tumble that he took while fleeing from the security forces in order to evade arrest. He fell on his face, which caused him to have a nose bleed. Immediately afterwards, he assaulted and injured a policeman with a stone which he had in his hand. His

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>one week. On 23 May 2007 he was first transferred from the hospital to Qudhaibeya Police Station and then to Nuaim Police Station in Manama, where he is being held at present. When his family requested to visit him on 22 May 2007 at Nuaim Police Station they were threatened by the station commander and forced to leave.</p>	<p>subsequent injuries were sustained when he resisted arrest by the security forces at the scene of the crime. The accused was informed of the reasons for his arrest and was brought before the public prosecution service which is an independent judicial authority within the statutory 48 hour time limit as prescribed by article 57 of the Code of Criminal Procedures. He was then transferred to the military hospital for medical treatment. He was not detained in a police station. Officers at the station notified his family that he had been detained at the military hospital for having committed a crime. These procedures are consistent with international treaties. The Ministry of Interior did not receive any complaints from or on behalf of this person in connection with the allegations set out in the letter. It may be best to ask the public prosecution service about its investigations and their outcome.</p>
13.		27/06/07	AL	TOR	<p><b>Ahmed Khamees Abdulla Hasan</b>, aged 23, <b>Ali Fardan</b>, aged 22, <b>Ali Marzooq</b>, aged 22, <b>Abbas Kathem</b>, in his thirties and <b>Sayed Ahmed Majeed</b>, in his thirties. Following a protest held close to the sea, on 9 June 2007 at Malekeya, special forces and armed members of secret forces in civilian clothes severely beat the above-mentioned individuals with plastic batons and rifle butts, kicked them with their safety boots, dragged them on the ground and sprayed tear gas on them. The five men sustained injuries, such as broken legs, and bruises. Subsequently the security officers detained them for five hours at Hamad Town Detention Center without providing</p>	

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					medical treatment. At about 2 p.m. they released all five. Mr. Hasam was taken to Ward No. 23 of Salmaneya Hospital the next morning in the second floor of the old medical complex. However, in violation of the officially prescribed procedures, the doctor's name was not revealed and no medical reports were issued.	
14.	Bangladesh	31/01/07	JUA	WGAD; TOR	<b>Muzibur Rahman</b> , a businessman, and <b>Wahed</b> , a relative of Mr. Rahman, <b>Abdul Gafur</b> , aged 38, and <b>Basu Dev</b> , aged 32. Mr. Muzibur Rahman was arrested without a warrant by military officers on 23 January 2007 at around 12.15 p.m. in the vicinity of the Paikgachha magistrate court in the district of Khulna, where he had attended a court hearing on a legal land dispute. Mr. Wahed was arrested by army officers on the same day at around 4 p.m. at his shrimp cultivation project situated in the village of Kamarerabad. The military officers beat both men with goran sticks and fists and kicked them with boots at the time of their arrests. Mr. Muzibur and Mr. Wahed were tied with ropes and taken to a temporary army camp situated at the Saline Water Fisheries Research Institute at Paikgachha town, where they were interrogated and ill-treated by army officers. Since their health conditions were deteriorating the military admitted Mr. Muzibur to the Paikgachha Upazila HLTH Complex at around 10 p.m. and Mr. Wahed at around 8 a.m. the following morning. On 25 January 2007 at around 9 a.m., they were transferred to the local police station in order to be produced before the magistrate's court. At the request of Mr. Muzibur's	By letter dated 28/06/07, the Government informed that on 23 January 2007, at 2 p.m., Mr. Rahman was apprehended by law enforcement agents. He was interrogated about the criminal activities in the area. Based on the information extracted from the interrogation, another notorious criminal Mr. Waheduzzaman was apprehended. After the routine interrogation both the criminals were handed over to Paikgacha Police Station at about 6.35 p.m. On the same day, the police took both of them to the Paikgacha Upazila Health Complex, as they felt ill. They stayed at the health complex for the next seven days and on 31 January 2007, both of them were taken before the court where they were granted bail by the learned court. Mr. Gafur and Mr. Basu Dev were arrested at Kopilmoni on 17 January 2007. Both were brought to the joint forces camp. On the same day they were handed over to the local police station. As per the law of the country, police sent them to the local court under section 54 of the Criminal Procedure Code. After the hearing the learned court granted them bail. Law enforcement agencies arrested Mr. Aman on 18 January 2007. During the arrest, the individual was found intoxicated. Later he was taken to the Paikgacha

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					<p>and Mr. Wahed's family, police officers agreed to take both men back to the hospital. It would have been impossible for them to move or stand in court due to their serious physical condition. As a result of ill-treatment Mr. Muzibur cannot move his right leg and Mr. Wahed has lost strength in the lower part of his body from his waist down. They have not received adequate medical treatment at the Paikgachha Upazila HLTH Complex. Family members hired a medical doctor at their own expense to treat the men. It is believed that military officials who arrested Mr. Muzibur and Mr. Wahed acted under the influence of police officers of the detective branch of Khulna acquainted with Mr. Muzibur's business competitor. Mr. Muzibur and Mr. Wahed had been arrested and ill-treated by military officers and subjected to threats and intimidation by officers of the detective branch and of the Paikgachha police following an earlier arrest on 2 November 2006. Mr. Abdul Gafur and Mr. Basu Dev were arrested by military officers arriving in three pickup trucks on 17 January 2007 at around 7 p.m. at the Kopilmuni Bazar, an area under the law enforcement jurisdiction of Paikgachha Police Station in Khulna district. The soldiers were beating the men at the time of their arrests. Mr. Gafur and Mr. Dev were held incommunicado until 22 January 2007. They were admitted to a hospital in Khulna city on 19 January 2007. On 22 January 2007 the military handed both men over to officers of the Paikgachha Police Station who produced Mr. Gafur and Mr. Dev before the Paikgachha Upazila</p>	<p>law enforcement agencies' camp for interrogation. During the interrogation, he fell ill at 9.45 p.m. and was handed over to Paikgacha Police Station. Police immediately took him to the local health complex for treatment but the duty doctor of the health complex declared him dead. An unnatural death case was registered in Paikgacha Police Station. The body was sent to the morgue for an autopsy. The cause of death will be known once the report is received.</p>

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					magistrate's cognizance court on 23 January 2007. The court remanded them both to prison. Mr. Amanullah (alias Aman), aged 40 , who was arrested together with Mr. Gafur and Mr. Dev, died in army custody on 18 January 2007 due to severe injuries inflicted upon him before he arrived at Paikguchha Hospital. Army officers pressed medical doctors at the hospital to declare that Mr. Amanullah died of natural causes. The police of Paikgachha are investigating the case.	
15.		05/02/07	JUA	WGAD; HRD; TOR	<b>Shahidul Islam</b> , the executive director of Uttaran, a non-governmental organization which promotes the rights of landless people in the Satkhira region. Mr. Islam has also been involved in campaigning against the Khulna Jessore Drainage Rehabilitation Project (KJDRP) project. On the morning of 27 January 2007, he was apprehended by military personnel at the Uttaran training centre in Tala Upazila. He was then escorted to a joint forces interrogation cell where he was beaten all over his body before being transferred to Tala Police Station later that afternoon. As a result of the beating, he suffered a broken toe among other injuries. He was taken to a prison hospital and later to a general hospital in Satkhira district town. On 28 January 2007, he was ordered to remain in detention for one month under the Special Powers Act, which provides for the detention of individuals who might commit prejudicial acts against the State. However, no official charges have been brought against him. Mr. Shahidul Islam has not had access to his family or lawyers since his arrest.	By letter dated 14/05/07, the Government informed that on 27 January 2007, he was arrested by the security joint forces and taken to Tala Joint Forces camp. He was interrogated there as per existing procedures and subsequently handed over to Tala Police Station. The allegation of torture was thoroughly rejected. As some of Mr. Islam's activities went against the interest of public safety, security and peaceful environment, the learned court of Satkhira ordered one month's detention under the Special Powers Act 1974 since the date of his apprehension. The case is under investigation now and Mr. Islam has full access to seek legal recourse.

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16.		20/02/07	JUA	WGAD; IJL; TOR	<b>Nazmul Huda</b> , a lawyer and former Minister of Communications, and several other individuals. During the night of 3 to 4 February 2007, Mr. Huda was detained under Section 3 of the Special Powers Act 1974 for a period of 30 days. Four trucks carrying armed personnel entered the road where Mr. Huda lives and blocked all exits of the road. The armed personnel entered the family's premises, searched it, and apprehended Mr. Huda. The order of detention "for anti-state activities" was issued by a magistrate 36 hours after his arrest and delivered to the police the next morning. Mr. Huda's family was informed that he was being taken to Cantonment Police Station, Dhaka, where they later met him. In addition to Mr. Huda, none of the other individuals arrested under the same detention order have had access to counsel. During the interrogations detainees have been beaten and needles have been pushed under their fingernails and into their private parts, and are being deprived of sleep. Mr. Huda has been deprived of sleep for two nights and days. Mr. Huda's wife has applied several times to visit him. On 12 February 2007, she was granted permission to visit him, however, he has not yet had access to counsel. Mr. Huda's wife filed an application of habeas corpus under section 491 of the Criminal Procedure Code on his behalf in the High Court on 7 February 2007.	By letter dated 21/02/07, the Government informed that due process is being followed in his case, as in the cases of all others arrested, irrespective of party affiliation. As a former Minister, he is being given facilities in jail that are far superior to those enjoyed by regular pre-trial prisoners. The media and civil society are following these high-profile cases very closely. Any allegations of mal-treatment, torture or lack of access, such as those referred in the summary, would be reported without fail by the media.
17.		27/04/07	JAL	IND; SUMX; TOR;	<b>Choles Ritchil</b> , a Garo leader from Beribaid village, and other indigenous persons in Modhupur Upazila. On 10 February 2007, officials from the joint forces raided Beribaid village in	By letter dated 11/10/07, the Government informed that a one-member judicial investigation commission, composed of a retired district judge was set up under the Commission of Enquiry Act,

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					<p>search of Mr. Choles Ritchil. They arrested <b>Protab Jamble, B. S.</b> (Mr. Ritchil's son, a 10th grade student), <b>P. K. S.</b> (also a 10th grade student), <b>Nosil Ritchil</b> (a relative of Mr. Choles Ritchil) and <b>Nokul Chandra Burman</b> (a worker at Mr. Choles Ritchil's residence). The detained persons were beaten during their detention. As a result, they required medical treatment at the HLTH Complex in Modhupur from 11 to 13 February 2007. On 18 March 2007, <b>Choles Ritchil, Piren Simsang, Tuhin Hadima</b> and <b>Protab Jamble</b>, were arrested while they were travelling in a microbus, by six members of the joint forces dressed in civilian clothing at Kalibari, in Muktagacha Upazila. Following the arrest, the men who had arrested Mr. Choles Ritchil and the other three persons travelling with him made telephone calls that led to the arrival of 40 additional agents of the joint forces in two lorries. The security forces took the arrested persons to the nearby Khakraid army camp at around 2 p.m. In the army camp, Mr. Choles Ritchil and Mr. Protab Jamble were kept in one room, and Mr. Piren Simsang and Mr. Tuhin Hadim in another. Mr. Choles Ritchil was tied to the grill of a window and beaten by nine persons. A major entered the room ordering junior officers to "size up Choles", following which they used pliers to press Mr. Ritchil's testicles and insert needles in his fingers. Hot water was poured into Mr. Ritchil's nostrils. He was hung upside down, vomited blood and fainted several times. At one moment, a physician in uniform came into the room, accompanied by the major. Mr. Ritchil was</p>	<p>1956. It carried out an extensive investigation on the allegations. In this connection, four persons belonging to the armed forces were punished, including removal from service and debarment from promotion. A number of other individuals, which include public officials, doctors and forest officials are also being punished accordingly.</p>

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					<p>taken out of the army camp to an unknown location. Mr. Protab Jamble, Mr. Piren Simsang and Mr. Tuhin Hadima were also subjected to torture during their detention. Mr. Piren Simsang and Mr. Tuhin Hadima were released at approximately 5 p.m. on 18 March 2007 from the Kharaid army camp, whereas Mr. Protab Jamble was released at approximately 10 p.m., after he was given medical treatment. On 19 March, Mr. Ritchil's body was handed over by the superintendent and the assistant superintendent of police of Gopalpur Circle, Tangail district, to his family and other indigenous leaders, at approximately 2 p.m. at the Jalchatra Corpus Christi Church compound. During the traditional bath that was given to Mr. Ritchil's body before the burial, witnesses saw that his eyes had been plucked, his testicles removed, his anus mutilated, both his palms had been smashed and had holes, all fingers of his two hands were broken, the nails of three fingers had been removed, there were several blood stains and black marks on his back, wounds in the middle part of both of his thighs, lower legs and black marks on his feet, and a nail of his right foot was missing. The burial took place at Beribaid village at about 1 p.m. on 20 March. On 20 March 2007, Mr. Choles Ritchil's family filed a complaint at Modhupur Police Station, however the station has so far failed to register the case.</p>	
18.		14/05/07	JUA	WGAD; FRDX; HRD; TOR	<p><b>Tasneem Khalil</b>, an investigative journalist with Dhaka-based Daily Star newspaper and part-time consultant for the international human rights</p>	<p>By letters dated 15/05/07 and 31/10/07, the Government informed that the joint forces took Mr. Khalil from his residence on 11 May, and he was</p>

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					organization, Human Rights Watch. Mr. Khalil assisted Human Rights Watch in research for a 2006 report concerning allegations of torture and extrajudicial killings by security forces in the country, and has published several controversial reports of alleged cases of corruption and abuse by members of the security forces. On 11 May 2007, at approximately midnight, four plain-clothed members of the joint task force arrested him, searched his house, confiscating his passport, two computers, documents and two mobile phones, and took him to Sangsad Bhavan army camp outside the parliament building in the city. A warrant was not produced for his arrest nor was he informed of the reason for his detention. Mr. Khalil was called for questioning by military intelligence during recent weeks.	allowed to leave the office within less than 24 hours after he was brought in for interrogation. No information regarding discourteous behaviour with him was reported.
19.		13/07/2007	JUA	TOR, HLTH	Ms. <b>Sigma Huda</b> , a lawyer, the head of the human rights group, Bangladesh Society for the Enforcement of Human Rights, and the United Nations Special Rapporteur on trafficking. Since 5 July 2007, she has been detained in custody in connection with a case of alleged extortion. She has potentially life-threatening heart and kidney conditions, and is not getting adequate treatment in prison. According to a senior consultant in cardiology, she is suffering from coronary heart disease, diabetes mellitus and a chronic renal (kidney) failure. It is known that Sigma Huda has been receiving long-term treatment for diabetes. She was under treatment and observation when she was taken into custody. She was taken to court in an ambulance, and to the courtroom on a	By letters dated 24/07/2007 and 16/08/07, the Government replied that she appears to be in good health, having recovered from an earlier ailment. Ms. Huda is being provided with proper and timely medical treatment as and when required, under the exiting Jail Code of Bangladesh. She is also receiving specialized medical care. As desired by her, a renowned cardiac specialist of BSM Medical University, the country's most reputed Medical Hospital, attended her on 14 July. She was also sent to this specialized hospital recently to obtain medical advice. On 6 August, she was again referred to this hospital. Subsequently, on the advice of the doctors, she was admitted in the same hospital, where she is now receiving the necessary medical

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					stretcher, to hear the charges against her. She was then sent to back to jail.	care. A copy of a medical certificate was provided by the Government.
20.		03/09/07	JAL	SUMX; TOR	<p><b>Zakaria</b>, Bibirhill village, Pohorchandra. On 28 March 2007, he was arrested at home. It is understood that he was arrested in connection with a complaint he had made against a sub-inspector. He was taken to Chokoria Police Station and to the court the same day (along with two others who were arrested at the same time). Although the court ordered the release of the three persons they were returned to the police station at about 7 p.m. Mr. Zakaria was beaten to and from the police station. At 8.30 p.m. policemen carried Mr. Zakaria out of the police station and put him in a rickshaw, telling his wife to take him to see a doctor. Mr. Zakaria was declared dead at Chokoria Upazila Health Complex on his arrival. The police refused to accept a complaint filed by his wife, although the magistrate's court ordered Chokoria Police Station to re-investigate the case. <b>Jahangir Alam</b>, a local leader of the Jubo League in Teknaf. On 3 May 2007, he was arrested by the navy in Cox's Bazaar. He was punched, kicked and beaten by four or five persons who then dragged him into a navy jeep. He was transported to the hospital for the first time on 3 May by the police before being transferred to Teknaf Police Station. On 4 May 2007, he was brought back to the hospital after his condition deteriorated, and he shortly died. Numerous injuries, bruises and marks were found on his body. An unnatural death case was filed at Teknaf Police Station. <b>Torik Miah</b> was arrested on</p>	

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					18 June 2007 by army personnel from Moulovibazar, Kulaura Thana. The army stated that 15 army personnel led by a captain arrested him at the western Bazar area of Moulovibazar town. Army personnel searched his house and forced his wife to sign a blank sheet of paper. His brother, Mr. Mubir Miah, was visited by a police constable from Kalaura Police Station, forced him to sign a blank piece of paper and then informed him that his brother had died from a heart attack and his body was at the hospital. In response to a request by local human rights groups for the inquest report, the officer in charge of Kulaura Police Station replied that army officials had instructed him that the report could not be released. An unnatural death case was filed at the police station. A cleric who bathed the body reported that it was badly bruised and appeared to have been beaten.	
21.		07/11/07	JUA	WGAD; FRDX; HRD; IJL; TOR	<b>Jahangir Alam Akash</b> , a journalist with CSB News Bangladesh, and a human rights defender, Rajshahi (subject of a previously transmitted communication of 22 May 2007). On the night of 23 October 2007, at around 1.30 a.m., 10 to 12 Rapid Action Battalion (RAB) agents in plain clothes went to arrest him and search his house for hidden weapons. The RAB agents grabbed Mr. Alam Akash, began slapping him hard in the face, handcuffed him, wrapped a black cloth around his head and took him away. He was taken to a nearby army camp where he was severely beaten. He suffered severe physical injuries and was taken to Rajshahi Hospital. He is unable to	

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					walk. Mr. Alam Akash remains detained on extortion charges and has not yet appeared in court. Prior to these attacks, Mr. Alam Akash had been broadcasting and publishing news on alleged abuses of power by RAB. In particular, on 2 May 2007 he presented a report on an attempted extrajudicial execution by RAB agents that had taken place in Rajshahi. He has also received numerous death threats due to his work and has suffered physical assaults in the past after publishing critical articles regarding local politicians.	
22.		Follow-up to past cases			<b>M. K. and Rafiqul Islam</b> (A/HRC/4/33/Add.1, para. 13)	By letter dated 4/04/07, the Government informed that the alleged facts stated in the summary are not accurate. On 20 July 2006, a complaint against an assistant sub-inspector of Khulna district police was lodged by M. K. to the Woman and Children Repression Prevention Tribunal, Khulna. Subsequently, the magistrate first class, Zone A, Khulna, was directed by the judge of the tribunal to conduct a judicial inquiry into the matter. The magistrate submitted a report on 25 February 2007, stating that no prima-facie case was made out. An inquiry by an assistant superintendent of police, Khulna, found that on 21 July 2006 at 3 p.m., two constables rushed to the house of a wanted terrorist named Rafiqul Islam. The suspect attempted to flee and fell into a nearby pond. He was arrested, and relatives including M. K. attempted to intervene and prevent Mr. Islam from being taken into custody. The police brought the situation under control and the suspect was brought to Digholia Police Station

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						and charged. The trial is pending. The suspect was arrested by the pond's bank in broad daylight, so the allegations of attempted rape of M. K. and the demand of a bribe from the suspect are baseless. No compensation has been provided.
23.	Bhutan	Follow-up to past cases			<b>John Tamang</b> (alias <b>Purna Bahadur Tamang</b> ) and <b>Benjamin Sharma</b> (alias <b>Budhu Mani Dhungana</b> ) (A/HRC/4/33/Add.1, para. 17).	By letter dated 21/05/07, the Government informed that they were released on 28 July 2006 on payment of a fine.
24.	Brazil	14/08/07	AL	TOR	<b>Events that occurred between 7 and 9 May 2007 at Evaristo de Moraes Prison</b> under the responsibility of the State Secretary of Penitentiary Administration (SEAP) of Rio de Janeiro, where currently about 1500 persons are detained. Between 7 and 9 May 2007, the Tactical Intervention Group (GIT), a specialised unit of SEAP, conducted an "operation" at Evaristo de Moraes Prison, during which the detainees were punched, kicked, slapped, beaten with shoes, police clubs and pieces of wood. The officers screamed war cries and death threats, used pepper spray, tear gas, and fired rubber bullets indiscriminately. They also stripped many of the detainees naked, made them crawl on the floor, eat garbage, imitate animals and repeat the phrase: "the GIT is a good partner". They also forced some detainees to dress in female clothes and parade in front of others, kiss others' mouths, sit on each others laps while naked, smell each others' genitals, or to rub others' buttocks with their genitals. Malnourished and sick prisoners were specifically targeted. As a result, large numbers of detainees bore bruises and wounds.	

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					On 19 May 2007, one of the detainees, José Pereira, aged 24, died. Whereas the autopsy report notes that the cause of death was pneumonia, other testimonies stated that the cause was the ill-treatment described above.	
25.		18/09/07	JUA	SUMX; TOR	<p><b>Rodson da Silva Rodrigues</b>, aged 28 years, <b>Aurina Rodrigues Santana</b>, aged 44, and Aurina's son <b>Paulo Rodrigo Santana</b>, aged 19.</p> <p>On 21 May 2007, military police from the 48th Compañía Independiente de la Policía Militar del estado de Bahia (48th CIPM – Sussurana) invaded the home and tortured Paulo Rodrigo Santana and his <b>sister</b> (unnamed, 13 years old). Over a four hour period, police demanded that weapons, drugs, and money be handed to them, and they beat, punched and suffocated the youth with a plastic bag. Paulo was also abused with an iron bar, and hot oil was poured on his head.</p> <p>Aurina Rodrigues Santana brought the allegations of torture to the attention of the Human Rights Commission of the Legislative Assembly of Bahia, which were then reported in the media. Paulo asserted that the police had told him that attempts to bring the police to account would lead to the deaths of Paulo and his sister. The complaint of torture was presented to the órgano de fiscalización de la policía militar (Corregedoria) on 27 May 2007, and on 6 August 2007 Paulo and his sister provided testimony to the Corregedoria, insisting that they could identify the police officials involved. One week later, on 14 August 2007, Aurina, Paulo and Rodson were summarily executed in their home. The thirteen year old girl</p>	

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					was not in the home at that time. Residents of the community believe that police executed the family, and have testified to the 10th Delegacia de Policia (Comisaria) that the police repeatedly threatened the family after the torture allegations were made public.	
26.	Burundi	16/05/07	JAL	IJL; TOR	Des <b>mineurs incarcérés</b> au Burundi. A la fin du mois de décembre 2006, <b>environ 400 enfants</b> , âgés de 13 à 18 ans, se trouvaient incarcérés dans les prisons du Burundi. Plus de 75 pour cent d'entre eux seraient toujours en attente d'un procès, après des mois, voir des années de détention. La plupart d'entre eux n'auraient pas eu accès à un avocat. Dû à l'absence d'un système de justice juvénile, les enfants seraient traités comme des adultes tant devant les tribunaux que dans les prisons. L'âge limite de la responsabilité criminelle serait de 13 ans et les mineurs qui ont entre 13 et 18 ans et qui sont déclarés coupables d'un crime ne bénéficieraient pas des réductions de peine normalement accordées aux adultes reconnus coupables des mêmes crimes. Bon nombre de prisonniers en attente de procès seraient mélangés avec ceux reconnus coupables. Cela causerait un surpeuplement dû à l'utilisation rare de la mise en liberté sous caution, et les enfants n'ayant pas d'avocat ne seraient souvent même pas au courant de la possibilité légale d'être libérés sous caution. Les enfants et les adultes en prisons seraient détenus ensemble pendant la plupart de la journée, rendant ainsi les enfants vulnérables aux attaques physiques et	

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27.	Cambodia	07/06/07	JAL	HOUS; FOOD; TOR	<p>sexuelles perpétrées par les prisonniers adultes.</p> <p><b>Forced evictions</b> and home demolitions in the coastal town of Sihanoukville that took place on 20 April 2007. Police forcibly evicted 117 families from the community of Mittapheap 4, in the coastal town of Sihanoukville, following a protracted land dispute which came into the open in 2006 when a complaint was filed with the Mittapheap 4 commune chief, claiming the villagers were "illegal squatters". Reports also indicate that on the day of the eviction, the community was surrounded by armed security forces. Violent clashes between the police and members of the community followed with the police firing live ammunition in the air and into the ground, beating people with electric batons and dispersing them using a water cannon, while some villagers defended themselves with machetes, bottles and barbed wire. This resulted in the injury of several people on both sides, including that of a 77-year-old man who is still in hospital. It is reported that 13 of the villagers were subsequently arrested by police, beaten during interrogation, and then taken to Sihanoukville Prison. The detainees have been charged under the UNTAC (United Nations Transitional Authority in Cambodia) law, which is still in force, with "battery with injury" (Article 41) and "wrongful damage to property" (Article 52). On 2 May 2007, one of the detainees, a 16-year-old fisherman, was released on bail, while the 12 others were denied bail. Over 100 homes were destroyed during the evictions that took place on 20 April,</p>	

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					leaving between 200 to 300 villagers without shelter. Many of the forcibly evicted families are now living in destitution along the roadside of National Road 4 under tarpaulins provided by NGOs. Reports indicate that this eviction order was issued without any judicial oversight and was not preceded or followed by any consultation with most of the families concerned. The reports received suggest that the forced evictions and house demolitions carried out were actions taken by the police and military police while executing a separate warrant issued by the Sihanoukville municipal court to search for illegal weapons. No such weapons were found.	
28.		31/07/07	JUA	HRD; TOR	<b>Sath Savuth</b> , a human rights defender working for the protection of forests and land rights of the inhabitants of Thlath commune, Anglong Veng district, Oddar Meanchey province. On 21 July 2007, Mr. Sath Savuth was subject to a grenade attack by unknown assailants at his home in Anglong Veng. His life was previously threatened in July 2005 when he was attacked while working in Tumring commune, Sandan district, Kampong Thom province. No arrests were made, and no investigation into that attack has been carried out.	
29.	Canada	01/02/07	JUA	WGAD; HLTH; TOR	Three men in immigration detention on so-called "security certificates", <b>Mohammad Mahjoub</b> , an Egyptian citizen and accepted as a refugee in Canada in 1996, <b>Mahmoud Jaballah</b> , an Egyptian citizen, and <b>Hassan Almrei</b> , a Syrian citizen and accepted as a refugee in Canada in 2000. Mohammad Mahjoub was arrested in Toronto in June 2000 and has been in immigration	By letter dated 2 March 2007 the Government replied that the detainees' health is being monitored closely in accordance with detailed written directives that conform to Canada's international legal obligations, as well as with international standards for the medical care of detained persons. The detainees are in no immediate risk. Moreover, both the basis of their

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					<p>detention under a security certificate since then. His certificate was upheld in October 2001 and he was denied bail in November 2003 and again in November 2005. Mahmoud Jaballah was arrested under a security certificate in August 2001, days before the hearing on his asylum claim. He had previously been detained under a security certificate for seven months in 1999 before a judge quashed the certificate. The second certificate was quashed by a judge as well, but, a third certificate having been issued, he was not released. Hassan Almrei was arrested under a security certificate in October 2001 and his certificate was upheld by a judge the same year. He has been refused bail twice. While de jure in immigration detention, the three men have spent most of the more than five (in the case of Mr. Mahjoub, more than six-and-a-half) years of their detention in a provincial (criminal) high-security prison, several of those years in solitary confinement. Mohammad Mahjoub, Mahmoud Jaballah and Hassan Almrei are now detained at the Kingston Immigration Holding Centre. The three men are currently on a liquids-only hunger strike. As of today (30 January 2007), Mohammad Mahjoub has been on hunger strike for 67 days, while Mahmoud Jaballah and Hassan Almrei have been on hunger strike for 56 days. They have been drinking only orange juice and occasionally clear broth. The authorities in charge of the Kingston Immigration Holding Centre are not medically monitoring their vital signs (i.e., blood pressure, cardiac and respiratory rate) and</p>	<p>detention and their conditions of detention are under active judicial scrutiny. The detainees are being housed at the Kingston Immigration Holding Centre (KIHC), which opened in 2006 specifically for the purpose of housing persons who are subject to security certificates. Although it is within the confines of the federal penal institution of Millhaven Penitentiary at Bath, Ontario, the KIHC is a separate facility operated by the Canada Border Services Agency (CBSA), the governmental agency responsible for enforcing Canada's immigration laws. The KIHC allows individuals held under security certificates to be housed in isolation from the Millhaven general inmate population. Correctional Services Canada (CSC), the government department that is responsible for federal penitentiary administration, acts as a service provider to the CBSA. Pursuant to the Memorandum of Understanding between the two organizations for the operation of the KIHC, CBSA is responsible, with the support of CSC, for ensuring that all appropriate arrangements with medical and health care practitioners are in place to provide essential and emergency health care services. The CBSA provides funding for a nurse to respond to the needs of the KIHC detainees. Force feeding of a detainee who has the capacity to understand the consequences of fasting at the time he made the decision to fast is expressly not permitted. This is consistent with the principle that no medical or psychological care can be imposed without the detainee's consent. Without providing specific</p>

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					<p>general health status of the three detainees. Moreover, Mohammad Mahjoub has not received treatment for his hepatitis C since September 2006. In addition, Mr. Mahjoub and Mr. Jaballah are particularly vulnerable to a variety of health difficulties because they were tortured in their country of origin.</p>	<p>personal information, Canada can inform the Working Group/Special Rapporteurs that this is not the first occasion that certain of these detainees have undertaken a hunger strike. In fact some of them have undertaken hunger strikes a number of times, at both the provincial facility where they were previously held, as well as at the KIHIC. The Urgent Appeal refers to the detainees being on a "liquids-only" hunger strike, and as "drinking only orange juice and occasionally clear broth". Canada can inform the Working Group/Special Rapporteurs that honey, soy milk, milk and a variety of juices are provided daily. The Urgent Appeal refers to information received that "the authorities in charge of the Kingston Immigration Holding Centre are not medically monitoring the vital signs (i.e., blood pressure, cardiac and respiratory rate) and general health status of the detainees." Canada assures the Working Group/Special Rapporteurs that this information is incorrect. In fact, the detainees have medical and psychological care available should they choose to access it. A nurse visits the KIHIC daily and is able to monitor the vital signs of the detainees if they consent; licensed physicians are also available to provide examinations and treatment. In the past, certain or all of the detainees have refused or obstructed psychological assessment and medical care. Only very recently did two of the detainees agree to a physical examination by a doctor. Health practitioners at the KIHIC remain satisfied that all their detainees are in good condition and that</p>

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						<p>there is no immediate threat to their health. Canada refers the Working Group/Special Rapporteurs to the 15 February 2007 Federal Court decision involving one of the detainees, Mr. Mahjoub, in which some of the conditions of detention, and medical care being provided, are described. Since the conditions of detention were only one of the factors considered by the Federal Court in its decision to release Mr. Mahjoub, it did not have to choose between the sometimes conflicting evidence on the subject. For this reason, Canada refers the Working Group/Special Rapporteurs to the following passages of the judgment for information purposes: paragraphs. 36-39 [summary of affidavit of the manager of the KIHIC respecting provision of health care, and Mr. Mahjoub's health records]; paras. 59-60 and 63-66 [summary of Mr. Mahjoub's testimony concerning his health care]; paras. 76-82 [summary of testimony of nurse in charge of health care at the KIHIC]; paras. 100-102 [judge's consideration of conditions of detention]. The Urgent Appeal further refers to the fact that "the indeterminate nature of confinement and the denial of access to an independent tribunal, prolonged over years, might lead to serious mental health problems and constitute ill-treatment in violation of Article 7 of the International Covenant on Civil and Political Rights." With respect, Canada objects to the suggestion that the detainees' confinement is "indeterminate" and that they have been denied access to an independent tribunal. The cases of</p>

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						<p>all three men related to their prospective removal from Canada are still before the courts; their detention has been reviewed by the Federal Court and maintained only because of their continuing, present danger to national security or to the safety of any person. With respect to the potential mental health problems that may arise out of their confinement, Canada reiterates that the detainees have psychological and medical care available, should they choose to access it. Canada is aware of the risks to the mental health of the detainees but considers that a certain amount of psychological stress is an inevitable consequence of the fact of detention. Nevertheless, it is committed to minimizing the potential impact of their confinement on the detainees. Some of the measures implemented in that regard include the availability of daily family visits and telephone use; spiritual and religious services; availability of special or religious diets on request; daily outdoor activity in the exercise yard; daily access to an indoor gym; shared library material; a common room where table games may be played; personal televisions; and medical care as described above. Therefore, the conditions of detention - including the access to medical care that is the subject of the Urgent Appeal - are presently before the Federal Court, which has indicated its availability to deal with the matter on an expedited and effective basis. Under an agreement with the Government of Canada, the Canadian Red Cross monitors the condition of people held in immigration detention in Canada, including at the</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>KIHC. The Canadian Red Cross is a neutral, independent body that provides independent monitoring of immigration detention facilities to promote humane treatment in accordance with national and international standards. Specially trained teams conduct visits of immigration detention facilities, which include private talks with detainees, individually or as a group, and a private, formal talk with the detaining authority. Any issues or concerns about the detention conditions are raised directly with the detaining authorities and are not publicly disclosed. The Canadian Red Cross has visited the KIHC three times - in June 2006, August 2006, and January 2007. Due to the confidentiality of its arrangement with the Red Cross, Canada cannot disclose further details of the visits. However, generally and as a matter of principle, any concerns that are raised are taken seriously-and are remedied to the furthest extent possible. Canada takes seriously the allegations made in the Urgent Appeal. It assures the Working Group/Special Rapporteurs that the detainees' health is being closely monitored and they are in no immediate risk. Any medical and psychological care that may be required is available to them but cannot be provided without their consent. Canada is in full compliance with its obligations to the detainees under international law and considers that the allegations made in the Urgent Appeal are unfounded.</p>

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30.	Central African Republic	26/02/07	JUA	WGAD; IJL; TOR	Colonel <b>Bertrand Mamour</b> . Le Colonel Mamour aurait été arrêté le 18 novembre 2006 à Bangui par des agents de la Sécurité présidentielle sans mandat d'arrestation et pour des motifs non manifestés. Il serait actuellement détenu au Camp de Roux, à Bangui. Le Colonel Mamour n'aurait pas eu accès à l'assistance d'un avocat et serait privé de tout contact avec sa famille. Le détenu aurait également fait l'objet de traitements inhumains et dégradants, ayant des répercussions immédiates et sérieuses sur son état de santé.	
31.	Chad	15/03/07	JUA	WGAD; TOR	<b>Ibrahim Kale Issa</b> , âgé de 25 ans, actuellement détenu aux locaux de la police chargée de la surveillance du territoire. Le 6 mars 2007, M. Ibrahim Kale aurait été refoulé vers le Tchad par les services de la police de la France. Une fois arrivé à l'aéroport de N'Djamena, l'escorte policière française aurait remis M. Ibrahim Kale aux mains de la police tchadienne. Il aurait été arrêté toute de suite et immédiatement interrogé. Au cours de cet interrogatoire, M. Ibrahim Kale aurait subi des violences physiques. M. Ibrahim Kale aurait ensuite été directement conduit au commissariat central de N'Djamena et, au bout de quelques jours, transféré sous l'autorité de la police chargée de la surveillance du territoire, où il serait détenu à ce jour. Il n'aurait pas eu accès à un avocat. Aucune charge contre lui n'aurait été notifiée. Il ne recevrait pas de nourriture comme les gardés à vue seraient généralement nourris par leurs familles et la sienne habite loin de N'Djamena. M. Ibrahim Kale aurait été membre de	

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					l'Union des forces pour la démocratie et le développement, un parti qui venait d'être créé, depuis le mois de novembre 2006. En janvier 2007, M. Ibrahim Kale aurait été appelé à rejoindre le siège du parti situé à l'extérieur de la capitale. Il aurait été arrêté, puis mis en détention avec d'autres membres de son groupe. Trois jours plus tard, Monsieur Ibrahim Kale aurait été transféré au siège central des services de renseignement, d'où il avait pu s'enfuir et partir vers la France.	
32.	Chile	Follow-up to past cases			<b>Waikilaf Manuel Cadín Calfunao</b> (A/HRC/4/33/Add.1, par. 25, 26).	Por carta de fecha 12/04/07, el Gobierno informó de que el Sr. <b>Waikilaf Cadín Calfunao</b> permanece en prisión preventiva desde el 17 de agosto de 2006 por los delitos de secuestro, desórdenes públicos y daños calificados. El Sr. Cadín fue trasladado desde el recinto penitenciario de Temuco a la Unidad Especial de Alta Seguridad de Santiago, con el fin de resguardar su salud y protegerlo de agresiones de otros reclusos o de acciones irresponsables del propio Sr. Cadín. El Sr. Cadín inició dos huelgas de hambre entre el 9 de octubre y el 27 de diciembre de 2006. El Sr. Cadín pesaba 71,5 kilogramos al inicio de su segunda huelga de hambre el 22 de octubre. Entre esa fecha y el 11 de diciembre perdió 6,6 kilogramos. Durante este periodo el Sr. Cadín fue asistido diariamente por el técnico para médico de turno y regularmente por profesional médico, efectuándosele los exámenes que en rigor se prescriben. Al día 19 de enero de 2007 el Sr. Cadín tiene un peso de 73,1 kilogramos, encontrándose orientado en el

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						tiempo y en el espacio, sin referir molestias y con un estado de salud estable.
33.	People's Republic of China	21/12/06	JUA	FRDX; HRD; IJL; TOR; VAW	<p><b>Chen Guangcheng</b> (subject of previously transmitted communications, E/CN.4/2006/6/Add.1, para. 24, and A/HRC/4/33/Add.1, paras. 34, 38), his wife, Ms. <b>Yuan Weijing</b>, his lawyers <b>Li Jinsong</b> and <b>Li Fangping</b>, a member of his defence team, <b>Teng Biao</b>, and witnesses to his trial, <b>Chen Gengjiang</b>, <b>Chen Guangdong</b>, <b>Chen Guangyu</b> and <b>Chen Guanghe</b>. Notwithstanding the previous replies of the Government, there are consistent reports that a number of individuals involved in his trial have been targeted by the security forces including his wife, his lawyers, a member of his defence team and witnesses to his trial. On 27 November 2006, Chen Guangcheng's retrial before the Yinan County People's Court lasted approximately 10 hours. It is reported that on 1 December 2006, he was sentenced to four years and three months' imprisonment for "gathering crowds to disrupt traffic" and "intentional destruction of property". According to reports, Chen Guangcheng's wife, <b>Yuan Weijing</b>, has been under <i>de facto</i> house arrest from 12 August 2005 until 25 November 2006. Since then, she had been continuously followed by local security personnel and persons in civilian clothes believed to have been hired by the police. On 28 November 2006, around midday, she was arrested by members of the Yinan County Public Security Bureau and detained for questioning. Their one-year-old child was also taken but was</p>	<p>By letter dated 14/02/07, the Government informed that on 10 June 2006, Chen was arrested, in accordance with the law, by the Yinan county public security bureau in Shandong province on suspicion of the offences of wilful age to property and assembling a mob to disrupt the flow of traffic and, on 21 June, he was taken into custody with the approval of the procuratorial authorities. On 19 August 2006, the Yinan county people's court, meeting at first instance, found Chen guilty of the offence of causing wilful damage to property and sentenced him to seven months' fixed term imprisonment; it also found him guilty of the offence of gathering a mob to disrupt the flow of traffic and sentenced him to serve four years' fixed term imprisonment; the court decided that he should serve a combined sentence of four years and three months' fixed term imprisonment. Following his sentencing at first instance, Chen refused to accept the court's verdict and lodged an appeal. The Linyi city people's high court in Shandong province, meeting at second instance, found that the court of first instance had restricted Chen's right to defence (the assigned defence counsel had not been accepted by Chen), a factor which might have adversely influenced the fairness of the proceedings, and, on 31 October 2006, it quashed the original judgement and sent the case back to the court of first instance for retrial. The allegations in the letter that we have received that the case was sent back to the</p>

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					<p>sent home later that day. Approximately eight hours later, Yuan Weijing, was dragged out of police car and left in a barely conscious state on the side of the road near her village. She was taken to Mengyin County Menglianggu Hospital where she was treated for extreme trauma however she was accompanied by up to 20 policemen as an order of “residential surveillance” had been issued while she was in detention. She is also suspected of the offences of “gathering crowds to disrupt traffic” and for “intentional destruction of property”. Furthermore it is reported that the local authorities have intimidated witnesses and withheld evidence in order to prejudice Chen Guangcheng’s retrial. Four other key witnesses have been subject to police harassment in relation to the most recent trial and were subjected to torture in order to provide false testimony against Mr. Chen Guangcheng in his previous trial. According to reports, Mr. Chen Gengjiang was detained on 26 November 2006 and held until after the hearing had taken place. He was forced to sign papers in which he agreed not to participate in the case. On the same day, Mr. Chen Guangdong and Mr. Chen Guangyu disappeared after they had agreed to testify on behalf of the defence. Later the same evening, Mr. Chen Guanghe was abducted by undercover police officers as he was on his way to meet with Mr. Li Fanping regarding the upcoming trial in which he was scheduled to testify the following day. He was formally arrested on 28 November but his family was not informed of his arrest or his</p>	<p>original court because there had been insufficient evidence to convict Chen Guangcheng for the offence of gathering a mob to disrupt the flow of traffic are unfounded. On 27 November 2006, sitting at a reconstituted bench, the Yinan county people’s court reopened the case in open proceedings, Chen’s brother attended the court in the public gallery, and Chen’s defence was conducted by the lawyers Li Fangping from the Beijing Ruifeng law firm and Li Jinsong from the Beijing Yitong law firm. During the proceedings, Chen’s rights in litigation were fully upheld: he exercised his own rights to defence and the lawyers appointed by him also made submissions in his defence. On 1 December 2006 the court ruled at first instance and made public its verdict: for the offence of wilful damage to property, it sentenced Chen to seven months’ fixed term imprisonment and, for the offence of gathering a mob to disrupt the flow of traffic, it sentenced him to four years’ fixed term imprisonment, ruling that he should serve a combined term of four years and three months. After sentencing at first instance, Chen refused to accept the court’s verdict and once again lodged an appeal. The Linyi city intermediate people’s court, after hearing the case at second instance, ruled that Chen, as a means of giving vent to personal grievances, had caused and incited others to cause wilful damage to property, the amount of which was considerable, and that his conduct had infringed public and private ownership rights and constituted the offence of wilful damage to</p>

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					<p>whereabouts until 3 December 2006. Previously, it is alleged that Mr. Chen Guanghe was detained and tortured before the first trial by members of the Yinan police in order to procure a false confession and to testify against Mr. Chen Guangcheng. He was convicted on the basis of the false confession but granted a suspended sentence. It is feared that his recent detention may be related to the fact that that he has submitted written testimony stating that his prior evidence had been coerced through torture. Members of Chen Guangcheng's defence team have also been harassed, including his lawyers Mr. Li Jinsong, Mr. Li Fangping and Dr. Teng Biao. The two lawyers were apparently prevented from interviewing witnesses and obtaining further evidence for the retrial. On 27 November 2006, as the trial was taking place, Dr Teng Biao was detained for five hours during which he was pushed to the ground by six or seven policemen who held him down while they searched him. They also apparently searched his bags and computer and confiscated his mobile phone.</p>	<p>property; it found further that Chen, with the aim of influencing and exerting pressure on the Government, had assembled a mob in order to block the flow of traffic, that the circumstances of his offence had been particularly serious, that he had been responsible for organizing the process of assembling a mob to block traffic, that he had directed the operation and had served as the ringleader and that his conduct had therefore constituted the offence of assembling a mob for the purpose of disrupting traffic. As the original court judgement had been based on clear facts, the conviction had been correct, the sentence had been commensurate with the offence and the trial proceedings had followed due process, the court dismissed the appeal and ruled that the original judgement should stand. This ruling was published on 12 January 2007. During the proceedings at second instance, the court also heard the views of Chen's defence counsel and, in accordance with the applicable evidence, found that the facts set out in the accusation by the procuratorial authorities and the charges brought against the defendant were sound and accordingly handed down the judgement referred to above. In their conduct of the proceedings against Chen, the public security authorities fully upheld his rights in litigation and those of his family members, acted in strict compliance with the law and applied the law in a civilized manner. The proceedings in this case were all conducted in accordance with the law, the facts underlying the court's judgement were clear, the evidence was ample and</p>

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						conclusive, the sentence was commensurate with the offence and the trial proceedings followed due process. With regard to the allegations in the letter which we have received to the effect that, on 30 October 2005, Chen's lawyers endeavoured to lay charges with the Yinan county court against public security officials from Shuanghou township for having caused intentional bodily harm to Chen, but that the court ignored this suit, it is our understanding that the Yinan county court did indeed receive an application from the lawyers to bring charges, but because the lawyers did not have Chen's power of attorney, following an investigation the court determined that the lawyers were not authorized to act for the plaintiff and rejected the application. With regard to the allegations in the letter to the effect that Li Jinsong and Li Fangping filed an administrative and civil action with the Linyi city intermediate people's court against the Linyi city public security bureau (including the bureau chief) and other government agencies, it is our understanding that the court did indeed receive such an application from the lawyers, in December 2006, which had been sent by expedited mail service, and that the matter is currently being investigated and no conclusion has been reached as yet. The allegations in the letter that public security officials have been harassing members of Chen's family, his lawyers and other persons are entirely without substance.
34.		22/12/06	JUA	WGAD; RINT; TOR	<b>Cao Dong</b> , a Falun Gong practitioner. On 21 May 2006, Mr. Cao Dong met with the vice-president of the European Parliament in Beijing. Following this	

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					meeting, he was arrested and transferred to Gansu Province State Security Bureau Detention Centre. On 29 September 2006, Mr. Cao Dong was charged with “producing Falun Gong material”. His current whereabouts are unclear and his family has not been allowed to visit him since the arrest. Gansu local authorities informed Mr. Cao Dong's family that he will be on trial soon. He has previously been placed in administrative custody for being a Falun Gong practitioner.	
35.		04/01/07	JUA	WGAD; FRDX; TOR	<b>Jigme Gyatso</b> , currently detained at Qushui Prison on the outskirts of Lhasa. Mr. Gyatso was already the subject matter of Opinion N° 8/2000 adopted by the Working Group on WGAD on 17 May 2000. Further, the Special Rapporteur on torture visited Mr. Gyatso at Qushui Prison on 27 November 2005 during his mission to China. Mr. Jigme Gyatso was sentenced to 15 years of imprisonment and five years of deprivation of political rights by the Lhasa Municipal Intermediate People's Court on 25 November 1996 on charges of “planning to found an illegal organization and to seek to divide the country and to damage its unity”. During the meeting with the Special Rapporteur on torture, Mr. Gyatso explained that in May 2004 his sentence was extended by two years after shouting pro-Dalai Lama slogans at the Tibet Autonomous Region (TAR) Prison, upon which he was also kicked and beaten, and shocked with electric batons. Since meeting with the Special Rapporteur, Mr. Gyatso has been ill-treated and held in solitary confinement in particularly restricted conditions.	By letter dated 9/03/07, the Government informed that in November 1996, he was sentenced by the Lhasa Intermediate People's Court to 15 years' imprisonment and 5 years' deprivation of political rights for the crime of seeking to divide the State. He accepted the judgement and did not file an appeal. In March 2004, while serving his sentence, Jinmei Jiacao became involved in activities aimed at inciting separation of the State, for which he was indicted by the procuratorial authorities. On 18 May 2004 the Lhasa Intermediate People's Court sentenced him to 3 years' imprisonment for the crime of inciting separation of the State, to be added on to the 7 years and 27 days remaining from his original sentence; he was thus ordered to serve a further 9 years and 27 days, with the expiry of his sentence to fall on 30 March 2014. Jin accepted the judgement and did not file an appeal; he is currently serving his sentence in the Qushui prison in Tibet Autonomous Region. According to article 71 of the Criminal Law of the People's Republic of China, if a convicted criminal, having

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					Further restrictions have been placed upon Mr. Gyatso regarding his monthly family visits rights and that his health is rapidly deteriorating. Earlier in 2006 he was hospitalized for several weeks and is currently unable to walk normally due to a leg injury. Also, contrary to information provided by Mr. Gyatso during his meeting with the Special Rapporteur on torture, Mr. Gyatso's prison term was actually extended by three years for "inciting splittism" following the incident at TAR Prison. This means that Mr. Gyatso is scheduled for release only in 2014.	been sentenced but not having served the sentence in its entirety, commits a new crime, a judgement shall be rendered in respect of the new offence; taking the crime into account, the duration of the combined punishment shall not exceed the length of the individual sentences taken together, nor shall it be any shorter than the longest of the individual sentences. It was pursuant to this provision that the Lhasa Intermediate People's Court issued the above-mentioned sentence in respect of Jinmei Jiacao. After entering prison, Jinmei Jiacao enjoyed the same rights and treatment as other criminals. From November 2005, before he met with the Special Rapporteur on the question of torture in November 2005, until the present he has remained in a double cell, and his conditions of detention have not changed; there is no substance to the allegation in the letter that "since meeting with the Special Rapporteur [he] has been ill-treated and held in solitary confinement in particularly restricted conditions". Jinmei Jiacao is currently in excellent health and receives regular visits from family members, and the allegations in the letter that "restrictions have been placed on [him] regarding his ... family visits and that his health is rapidly deteriorating" are not true.
36.		25/01/07	JAL	RINT; TOR	<b>Organ harvesting</b> (see also A/HRC/4/33/Add.1, para. 40). A critical issue was not addressed in the Government's previous responses, in particular: It is reported that there are many more organ transplants than identifiable sources of organs, even taking into account figures for identifiable	By letter dated 19/03/07, the Government informed that it has carefully examined the matters referred to in the communication and, with particular attention to the request put forward in the communication that the Chinese Government explain the discrepancy in the number of

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					<p>sources, namely: annual estimates of executed prisoners by whom a high percentage of organs are donated, according to the statement in 2005 of the Vice Minister of HLTH, Mr. Huang Jiefu; willing donor family members, who for cultural reasons, are often reluctant to donate their organs after death; and brain-dead donors. Moreover, the short waiting times that have been advertised for perfectly-matched organs would suggest the existence of a computerized matching system for transplants and a large bank of live prospective donors. It is alleged that the discrepancy between available organs and numbers from identifiable sources is explained by organs harvested from Falun Gong practitioners, and that the rise in transplants from 2000 coincides and correlates with the beginning of the persecution of these persons. The Special Rapporteurs note reports that on 15 November 2006, Vice-Minister Huang reiterated at a conference of surgeons in Guangzhou that most organs harvested come from executed prisoners. And notwithstanding the reported stringent criteria in place for donors, including for those sentenced to death, the Government informed in its response of 28 November, that voluntary donations, and donations between relatives are the two other legitimate sources of transplant organs. According to the allegations, based on data from the China Medical Organ Transplant Association, between the years 2000 and 2005 there were 60,000 transplantations performed, or approximately 10,000 per year for six years. This period</p>	<p>transplants between the years 2000-2005 and the numbers from identifiable sources of organs, submits the following response. First, China's annual health statistics are compiled on the basis of categories of health disorder and not in accordance with the various types of treatment provided. For that reason, to date no Chinese authority has compiled official statistics on organ transplants for the period 2000-2005 and the allegations in the communication that we have received that, between the years 2000 and 2005, 60,000 transplantations were performed are drawn from erroneous data cited in a report compiled by two Canadians investigating allegations of organ harvesting of Falun Gong practitioners in China. The report claims: "Professor Bingyi Shi, vice-chair of the China Medical Organ Transplant Association, says there were about 90,000 [organ transplants] in total up until 2005, leaving about 60,000 in the six-year period 2000 to 2005 since the persecution of Falun Gong began." It has been ascertained that, in January 2007, during an interview with the BBC, Professor Shi Bingyi expressly clarified that on no occasion had he made such a statement or given figures of this kind, and these allegations and the related figures are pure fabrication. Given the above situation, the so-called "discrepancy" referred to in the communication that we have received does not make sense. In addition, from the point of view of medical science, during a person's lifetime that person may express the wish to donate one or more organs after his or her</p>

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					<p>coincides with the alleged rise in the persecution of Falun Gong practitioners. In 2005, it is reported that only 0.5% of total transplants were accounted for by donations by relatives; non-relative brain dead donors were around nine in 2006; and estimates—given that the Government does not make public statistics on executions—for 2005 indicate 1770 executions were carried out, and 3900 persons sentenced to death. It is alleged that the discrepancy between the number of transplants carried out and the number of available sources is made up from the harvesting of organs from Falun Gong practitioners. However, it is also reported that the true number of executions is estimated to be around 8,000 to 10,000 per year, rather than the figure of 1770 executions referred above. As the Special Rapporteur on torture recommended in his report on his visit to China, he reiterates that the Government (E/CN.4/2006/6/para. 82, recommendation q) should use the opportunity of the restoration of the power of review of all death sentences by the Supreme People’s Court to publish national statistics on the death penalty. A full explanation of the source of organ transplants would disprove the allegation of organ harvesting of Falun Gong practitioners, particularly if they could be traced to willing donors or executed prisoners. The request for an explanation for the discrepancy in the number of transplants between the years 2000 to 2005 and the numbers from identifiable sources of organs is reiterated.</p>	<p>death, so it is not possible to estimate the number of organ donors on the basis of a one-to-one correlation with the number of organ transplants. Second, as a State member of the World Health Organization (WHO), in carrying out organ transplants China unswervingly respects the WHO Guiding Principles on Human Organ Transplantation of 1991, strictly prohibits the buying and selling of human organs and insists on the principle that donations of human organs may only be made on a purely voluntary basis, with the prior written agreement of the organ donor. On 1 July 2006, the Chinese Government promulgated its interim provisions on the clinical application and management of human organ transplantation, reaffirming that human organs may not be bought or sold; that medical establishments may only use transplanted human organs with the written agreement of the donors; that donors have the right at any time prior to transplantation to refuse donation of their organs; that medical establishments conducting human organ transplantation must be properly equipped to be able to ensure the quality and safety of medical treatment; and that ethical principles must be respected. The aim of these provisions is to standardize and strengthen the clinical application and management of human organ transplantation, and to ensure the quality and safety of medical treatment. In China, it is categorically prohibited to coerce persons sentenced to death into donating their bodies or organs or for their bodies or organs to be resold for profit. The organs and bodies of</p>

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						<p>people sentenced to death may only be used in strict compliance with the relevant regulations. Primary among these are the following: (a) they may only be used with the prior written agreement of the prisoners themselves and of their family members; (b) they may only be used with the approval of the health authorities at the provincial level and of the provincial high court; and (c) units using such organs or bodies must secure the approval of the health authorities at the provincial and higher level and must be properly equipped to conduct the applicable medical research or to carry out the relevant transplantation surgery. Although China has strict prohibitory regulations in place relating to organ transplants, it is still hard to put a stop to certain unlawful practices. As soon as the relevant administrative bodies discover and verify that such unlawful activities are being conducted, the necessary action is taken to punish them in accordance with the law. Currently, regulations on the transplantation of human organs, as drafted by the Ministry of Health, have been issued and submitted to the State Council for its consideration and the State Council is soliciting the views of relevant Chinese and foreign experts and of WHO on the content of the draft text. It is our belief that the formulation of these regulations will help set in place a more standardized system for the management of human organ transplantation. Third, in order to ensure optimal use of the limited sources of organs, by drawing on current international practice, the relevant departments are currently</p>

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						giving close attention to the formulation of laws and regulations governing transplantation of human organs, exploring the creation of a human organ transplantation allocation system and applying the same organ allocation principles as WHO, the United States of America, the European Union and other bodies. It must be noted that the allegation in the report by the United Nations Special Rapporteur that China has “a computerized matching system for transplants” is inaccurate. To date, there is no institution in China responsible for coordinating and allocating organs and no network system in this area, nor does it have a live organ donor base and is not likely to establish such a donor base in the foreseeable future. Currently, the sourcing of organs and surgical operations involving organs are the responsibility of medical institutions. Fourth, the Chinese Government wishes to draw the Special Rapporteur’s attention to the following fact: the situation and the figures alleged in the communication that we have received are merely the product of agitation by Falun Gong; furthermore, most of them have already been revealed to be unfounded rumours.
37.		31/01/07	JUA	WGAD; FRDX; RINT; HRD; TOR	<b>Jamyang Gyatso</b> , a monk at Bora Monastery in Xiahe, Northwest Gansu. On 8 January 2007, Mr. Jamyang Gyatso was arrested by plain-clothed security officials outside Bora Monastery in Xiahe. Officials at the monastery later discovered that Mr. Jamyang Gyatso’s room had been searched and that a bag full of religious scriptures, including CD’s, had been removed. Several calls made to	By letter dated 23/03/07, the Government informed that on 9 January 2007, in accordance with the law, he was placed under investigation by the State security authorities, on suspicion of having conducted unlawful acts which endangered State security. In the course of the investigation Gyatso confessed in full to having committed the offence of incitement to separatism. On 3

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					the listed number for the local police were dismissed as a wrong number, or the recipient hung up when enquiries were made as to Mr. Jamyang Gyatso's whereabouts. Mr. Jamyang Gyatso is currently being detained at an unknown location.	February, the Chinese security authorities ordered that he be placed under restricted freedom of movement, on his own recognizance, pending trial.
38.		13/03/07	JUA	FRDX; HRD; TOR	<b>Ablikim Abduriyim</b> (subject of previously transmitted communications (E/CN.4/2006/95/Add.1, para. 85 and A/HRC/4/37/Add.1, para. 152). He is currently being detained at Tianshan Detention Centre in Urumchi, Xinjiang Uighur Autonomous Region (XUAR). Mr. Abduriyim was arrested on 13 June 2006, along with his brothers Mr. Alim Abduriyim and Mr. Kahar Abduriyim. Subsequently, Mr. Ablikim Abduriyim was subjected to prolonged interrogations and beatings whilst awaiting trial. As a result of this treatment and the detention conditions, he is suffering from ill health. However, he is being denied access to medical treatment. He has also been prevented from wearing warm clothes provided by his family. Furthermore, on 26 November 2006, Mr. Ablikim Abduriyim was seen being carried out of Tianshan Detention Centre on a stretcher. On 28 January 2007, Mr. Abduriyim was charged and tried with "subversion of state power", "ethnic separatism" and "sending information over the Internet to Ms. Kadeer".	By letter dated 17/07/07, the Government informed the on 13 June 2006, he was taken into custody. The Urumchi city people's procurator's office in the Xinjiang Uighur Autonomous Region laid charges against the defendant Ablikim Abdureyim for the offence of incitement to separatism and instituted proceedings against him with the Urumchi city people's intermediate court. On 17 April 2007, the Urumchi city people's intermediate level court handed down its judgement and published its verdict: pursuant to the provisions of article 103, paragraph 2, article 56, article 55, paragraph 1, and article 106 of the Criminal Code of the People's Republic of China, Ablikim Abdureyim was sentenced to nine years' fixed term imprisonment and stripped of his political rights for three years, for the offence of incitement to separatism. In the course of this case, the courts, in accordance with the law, safeguarded Ablikim Abdureyim's lawful rights. Ablikim Abdureyim did not appoint defence counsel, nor did he request the court to assign a defence lawyer on his behalf. Article 34 of the Chinese Code of Criminal Procedure provides that, "if a defendant is blind, deaf or mute, or is a minor, and has not appointed defence counsel," or "could be sentenced to death, but has not

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						appointed defence counsel, the people's court shall designate a lawyer to undertake the duty of providing legal assistance". As in this case there was no duly appointed defence counsel, as stipulated by law, thus during the trial at first instance there was no defence counsel participating in the proceedings. During the trial, the defendant Ablikim Abdureyim made a full confession to having perpetrated a criminal offence. Three days before the trial opened, the court of first instance, as prescribed by law, posted an advance announcement of the date and venue of the trial on the bulletin board and notified the procuratorial authorities and the defence thereof. Following the proceedings at first instance, Ablikim Abdureyim did not lodge an appeal and the judgement has since become enforceable. During the period over which Ablikim Abdureyim has been held in custody, the Chinese public security authorities have conducted all proceedings in strict compliance with the law and there have been no instances of intimidation, excessively long custody, use of torture to extract confessions or other such practices being used against him.
39.		29/03/07	JUA	WGAD; TOR	Ms. <b>Liang Wenjian</b> , aged 39, her husband, <b>Lin Zhiyong</b> , aged 40, Ms. <b>Li Dongmei</b> , <b>Wang He</b> , <b>Wu Jiangyan</b> , and <b>three other persons</b> whose identities have yet to be established. All eight individuals were arrested on 10 February 2007 by around ten plain-clothed police officers for participating in an illegal gathering at the residence of Liang Wenjian. The police also	By letter dated 30/04/07, the Government informed that on 10 February 2007, the five persons named above colluded with others to form an unlawful gathering. Acting in accordance with the law, the public security authorities apprehended these persons, and, at the site of the gathering, seized a large quantity of Falun Gong publicity materials and equipment for the

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					<p>searched their home and confiscated Falun Gong literature and a computer. About one month later seven of the eight individuals mentioned above were assigned to two years of “Re-education through Labour” (RTL) in connection with their Falun Gong activities without formal charges, trial or any other judicial process. One person, an elderly woman whose identity has yet to be established, was assigned to one and a half years of “RTL”. All eight persons are currently being detained at Panyu detention centre in Guangzhou city, Guangdong province, awaiting transfer to an “RTL” camp. Their families have not been notified of their orders of detention and have not been allowed to visit them. Liang Wenjian had previously been assigned to “RTL” at Guangzhou Chaitou Xiaodao from February 2000 to April 2001. During this period she was subjected to ill-treatment. She was hung up by her wrists so that her feet could barely touch the ground for two hours for practicing Falun Gong in detention. Liang Wenjian was also required to work for up to 14 hours per day to make artificial flowers.</p>	<p>preparation of such materials. On 11 March, the labour re-education committee of Guangzhou city government in Guangdong province, in accordance with the law, ordered four of the persons, namely, Liang Wenjian, Lin Zhiyong, Wang He and Wu Jiangyan, to serve terms of two years’ labour education, to run from 10 February 2007 to 9 February 2009; Li Dongmei, Li Qinghua and Zhu Yubiao were ordered to serve terms of one year and six months’ labour re-education, to run from 10 February 2007 to 9 August 2008; and Yu Baozhu was ordered to serve a term of one year and three months’ labour re-education, to run from 10 February 2007 until 9 May 2008. On 22 March 2007, Liang Wenjian, Li Dongmei, Wu Jiangyan, Yu Baozhu and Li Qinghua were admitted to the Chaitou labour re-education facility and Lin Zhiyong, Wang He and Zhu Yubiao to labour re-education facility No. 3 in Guangzhou city to serve their respective terms of labour re-education. As has been ascertained, the eight persons named above, in common with other persons undergoing labour re-education, are accommodated in living quarters holding three to five persons per room, and there is no question of their being held in solitary confinement. In addition, they are able to receive visits from members of their families once per month. The Chaitou labour re-education facility and labour re-education facility No. 3 in Guangzhou city instructed the eight persons to write to their families, notifying them of the location of their particular labour re-education facility. On 28</p>

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						<p>March, Lin Zhiyong's parents and younger brother came to labour re-education facility No. 3 in Guangzhou city to visit him and, on the afternoon of that same day, went to Chaitou labour re-education facility to visit Liang Wenjian. The allegation in the communication that we have received that "their families have not been notified of their orders of detention and have not been allowed to visit them", and that they are being held in incommunicado detention and subjected to ill-treatment, are unfounded. Liang Wenjian underwent a period of labour re-education from December 1999 to April 2001 in the Chaitou labour re-education facility. During that period, the labour re education authorities dealt with her, in accordance with the law, in a civilized manner and there were no instances of her being required to perform overtime work or excessive physical labour, or being subjected to corporal punishment. Furthermore, as she demonstrated that she had responded well to re-education, on 25 April 2001 the labour re-education facility arranged for her to complete her term outside the facility. The legal basis for the labour re-education order served on the eight persons named above is provided by the Chinese State Council directive on labour re-education and the Council's proposed modalities for labour re-education approved by the Standing Committee of the National People's Congress. The eight persons in question were ordered, in accordance with the law, to serve terms of labour re education for disrupting social order and their "arrests and detention" are not, as alleged in the</p>

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						communication which we have received, “solely connected with their legitimate exercise of the right to freedom of religion or belief”. According to the relevant regulations, if persons undergoing labour re-education do not accept the labour re-education order served on them, they may, within a period of 60 days of the date of receipt of the written order, apply to the Guangzhou city people’s government or to the Guangdong provincial labour re-education management committee for administrative review of the order, or, within a period of three months of the date of receipt of the written order, lodge an administrative appeal directly with the people’s court. As has been ascertained, Wu Jiangyan and Liang Wenjian separately submitted applications for administrative review, on 3 April and 6 April respectively. The labour re-education authorities duly referred their applications for administrative review to the relevant department, on 4 April and 7 April respectively.
40.		10/05/07	JAL	HOUS; HRD; IJL; TOR	Ms. <b>Mao Hengfeng</b> (subject of previously transmitted communications, e.g. A/HRC/4/33/Add.1, para. 32). Prior to her trial on 16 April 2007, she was detained in a small cell in which the floor was covered with excrement with the smell preventing her from sleeping. Reports also claim that prison guards had covered the only window in the cell. Ms Hengfeng’s current conditions of detention are unknown.	By letter dated 15/08/07, the Government informed that on 16 April 2007 she was sentenced by the Yangpu district people’s court to two years and six months’ fixed-term imprisonment for the offence of causing malicious damage to property, to run from 30 May 2006 to 29 November 2008. She is currently serving her sentence in the Shanghai women’s prison. Upon being admitted to prison, Mao underwent a physical examination which showed that, apart from an inclination to high blood pressure, all other indications were within the normal range. Mao is currently sharing

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						a cell with two other women prisoners, she has not been sent to the punishment cells nor has she been placed in solitary confinement. Her eating and sleeping arrangements are normal. With regard to the issue of appeal, to date Mao has not submitted any written application, nor has she applied to see her lawyer, so there is no case here of the prison not allowing her to lodge an appeal. The prison officers, acting in accordance with the law, treat the prisoners in a civilized manner. Mao enjoys her rights on the same footing as the other prisoners, including the right to health and the right to appeal. The allegation that Mao has been subjected to ill-treatment is not supported by the facts.
41.		27/06/07	JUA	HRD; IJL; TOR	<b>Chen Guangcheng</b> (subject of previously transmitted communications, see above). On 16 June 2007, several fellow prisoners were ordered by the prison guards to beat him. As a result of the beatings, one of his ribs broke and he suffered from severe pain in the chest area. He was denied medical treatment. That same day, he began a hunger strike to protest against the beatings and the lack of medical treatment. The beatings were aimed at punishing him for having requested to file an appeal with the provincial high court. Being blind from birth, Mr. Chen Guangcheng needs the assistance of a lawyer to draft an appeal, but is now unable to do so, since he is has not been allowed to meet with him for more than 30 minutes per month.	

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42.		12/07/07	JUA	HOUS; HRD; TOR; VAW	Ms. <b>Mao Hengfeng</b> (subject of previously transmitted communications, see above). On 15 May 2007 at approximately 6 a.m., she was transferred from the police detention centre to prison. She was given inadequate clothing which left her virtually naked. When she protested this treatment, she was beaten by police officers and placed in solitary confinement upon her arrival at the prison. Ms. Mao Hengfeng embarked upon a hunger strike as a gesture of protest against her situation. She was subsequently subjected to forced feeding on three occasions by prison guards who tied her hands and forced a tube down her throat. She was placed under constant surveillance by inmates that had been assigned the task by prison guards. They were also ordered to harass and verbally abuse her. Ms. Mao Hengfeng is currently in poor health, suffering from high blood pressure and arthritis. These conditions are further aggravated by her inadequate living conditions. She has neither been provided with a chair, nor a bed. She has no choice but to lie on the floor, often in cold and damp conditions. Ms. Mao Hengfeng was visited by her husband on 28 June 2007. At this time her husband reported her ill-treatment and requested that the prison officials grant her lawyers access to visit her in order to prepare for her upcoming appeal.	
43.		27/07/07	JUA	HOUS; HRD; TOR	<b>Zheng Enchong</b> , a human rights lawyer (subject of a previously transmitted communication, A/HRC/4/37/Add.1, para. 151), and his wife Ms. <b>Jiang Meili</b> , Shanghai. On 24 July 2007 at	By letter dated 18/12/07, the Government informed that the allegations in the letter that "on 24 July 2007 at approximately 7.30 a.m., Mr. Zheng Enchong went to the Shanghai Municipal

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					<p>approximately 7.30 a.m., Mr. Zheng Enchong went to the Shanghai Municipal Higher People's Court with his wife to register to attend the trial of Mr. Zhou Zhengyi, a property developer. On their arrival at the courthouse they were surrounded by six police officers. Mr. Zheng Enchong was knocked to the ground, and they dragged him along the ground and beat him for almost an hour. Mr. Enchong sustained injuries to his left hand in the course of the assault which was witnessed by hundreds of residents in the vicinity. The police officers forced Mr. Zheng Enchong and his wife into a taxi and were driven to his sister-in-law's house, where they were met by five police vehicles and more than 30 police officers who prevented them from leaving.</p>	<p>Higher People's Court ..., in order to register to attend the trial of Mr. Zhou Zhengyi", that he was dragged 200 metres along the ground by six police officers, and subjected to an assault which lasted for one hour and that he was then forced to leave, and that, on that same day, at approximately 9 a.m., "more than 50 displaced residents ... presented themselves ... in order to attend the trial of Mr. Zhou Zhengyi" but that "security guards and police officers prevented them from entering the building" are simply not true. Enquiries have shown that the second division of the Shanghai city people's procurator's office only filed charges against Zhou Zhengyi with the Shanghai people's intermediate court on 17 August 2007: thus it was not possible for anyone to have attended the trial at the Shanghai people's high court on 24 July. The six persons named in the letter are not to be found among the judicial police of the Shanghai people's high court. At about 9 a.m. on 24 July, dozens of people claiming to be forcibly relocated residents from "Dongbakuai" ("Lot East 8") demanded to attend the trial of Zhou Zhengyi. But following a perusal of the schedule of court hearings, and confirmation and notification that the Shanghai people's high court was not holding any hearings that day, the people that had gathered promptly withdrew, no one tried to gain entry to the court and the security guards and police did not need to take any preventive action.</p>

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44.		29/08/07	JUA	WGAD; TOR	<b>Adruk Lopoe</b> , a 45-year-old Tibetan monk of Lithang Monastery. On the evening of 21 August 2007, he reported to the public security bureau and was subsequently arrested without warrant and taken to an unknown location. He is the nephew of Ronggye A'drak, who was the subject of a communication transmitted on 14 August 2007. Adruk Lopoe, had publicly campaigned for his uncle's release. In the evening of 21 August 2007, two of Mr. Lopoe's cousins were also arrested in Yonru Kharshul village, Ponkar township, Lithang county, but later released.	By letter dated 20/11/07, the Government informed that on 22 August 2007 he was taken into criminal custody, in accordance with the law, by the Lithang county public security authorities on suspicion of having unlawfully gathered State secrets and having then transmitted these secrets to persons or bodies outside the country. On 12 September, in accordance with the provisions of paragraph 111 of the Criminal Code of the People's Republic of China, his arrest was approved by the Garzê prefecture people's procuratorate and he is currently being held at the Garzê Prefecture detention centre. Inquiries have established that, in their handling of this case, the public security authorities were not culpable of any acts of torture. After being placed under measures of restraint by the public security authorities, Adruk Lopoe did not submit any complaints to the relevant judicial bodies. His case is currently still at the preliminary investigation and pretrial inquiry stage, in accordance with the law, and has not yet been handed over to the procurator's office.
45.		28/09/07	JUA	HRD; IJL; TOR	<b>Gao Zhisheng</b> (subject of previously transmitted communications, e.g. A/HRC/4/33/Add.1, para. 41). On 22 September 2007, he was taken from his apartment in Beijing by plain-clothed policemen. His whereabouts remain unknown and concern is expressed that he is being held in incommunicado detention. Mr. Gao's arrest is directly related to an open letter he sent to the United States Congress last week expressing his deep concerns over the deterioration of the	By letter dated 18/12/07, the Government informed that he recently left Beijing to travel abroad to visit relatives on family business and he has been able to move freely and to communicate by letter without any impediment. The allegations in the communication which we have received to the effect that, because of an open letter which he sent, he has been taken from his home and is being held in incommunicado detention are not consistent with the facts.

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					human rights situation in China ahead of the 2008 Beijing Olympics. The police had previously threatened Mr. Gao with jail if he released any more open letters or statements.	
46.		03/10/07	JAL	IJL; TERR; TOR	<b>Husein Dzhelil</b> , an ethnic-Uighur of Canadian nationality. On 19 April 2007, he was sentenced to life imprisonment for “plotting to split the country” and to 10 years’ imprisonment for joining a “terrorist organization.” These sentences were the result of an unfair trial and based on a confession extracted through torture. The High People’s Court of Xinjiang Uighur Autonomous Region (XUAR) denied Mr. Dzhelil’s appeal, assessing that the facts were clear, and that the evidence was reliable and adequate. During the trial, the court-appointed lawyer did not make any statements on behalf of Mr. Dzhelil. In relation to Mr. <b>Ismail Semed</b> (subject of a previously transmitted communication, A/HRC/4/33/Add.1, para. 35), the Government’s reply stated that the case is still under consideration. It is regretted that no information was provided in relation to the allegations of torture, especially in light of recent information that Mr. Semed was executed on 8 February 2007, for offences of attempting to split the country and possession of firearms and explosives.	

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47.		09/10/07	JUA	HOUS; WGAD; FRDX; HRD; TOR	<b>Zheng Dajing</b> , a petitioner and human rights defender. He was arrested and detained on 9 September 2007 by officials of the public security bureau of Shiyan city, Yunxi county, Hubei province, on criminal charges of "petitioning leading to disturbance of social order." Mr. Zheng was believed to be held at the Yunxi Detention Centre, however, on 18 September 2007 it appeared that he is being detained at Yancao Station in Hongtai Yuansigou village, where he has been beaten and subjected to other forms of ill-treatment. Yancao Station is an unofficial detention facility established by local authorities for the purpose of detaining petitioners. Local government authorities allege that Yancao Station is in fact merely a "class for petitioners who have adopted unusual means to petition" and was set up following directives of the central government. Before Mr. Zheng was arrested he had been forcibly returned from Beijing to his hometown on 7 September 2007 by unidentified officials believed to be from Hubei province. In Beijing he had met with other petitioners and received information about the destruction of a village where other petitioners were living.	
48.		24/10/07	JUA	TOR; WGAD	<b>C. K., T. K., D. T., and G.</b> , all aged 15, and belonging to nomad families. On 7 September 2007, they were arrested in Amchok Bora village, Xiahe county, Gansu province, on suspicion of writing political statements on the walls of a local police station. They are detained at Xiahe county Detention Centre. They were arrested together with about 36 other students, who have since	

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					been released. Parents of two of these boys had paid fines of 2000 Yuan each and pledged that their sons would never leave the country or ever again engage in any form of political activity. The boys were initially held at a police station in Amchok Bora and allowed to see their families before plain-clothed officers believed to be state security agents transferred them to the city of Xiahe, Xiahe county. All were beaten during or shortly after the arrest, one of whom sustained head injuries and had to be hospitalised in Xiahe county.	
49.		5/11/07	JUA	TOR; HOUS; HRD; VAW	Ms. <b>Mao Hengfeng</b> (subject of previously transmitted communications, see above). On 13 September 2007, prison authorities ordered a fellow inmate to beat her for punishment for revealing that she had been held in solitary confinement for 70 days in July and August 2007, in violation of Article 15 of the Chinese Prison Law, which stipulates a maximum of 15 days for solitary confinement. Ms. Mao was badly bruised as a result of the beating. On 24 September 2007, prison authorities sent her to Nanhui Prison Hospital. She previously refused to undergo a medical examination for fear that she would be forcibly injected with drugs, as had happened when she was held in a psychiatric institution in the 1980s. At the hospital, her clothes were removed and she was tied to a bed and force-fed by other inmates. Ms. Mao's husband was prevented from visiting her at Shanghai Women's Prison until 26 October 2007. During his supervised visit, Ms. Mao was repeatedly silenced	

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					by prison guards when she attempted to inform him of having been force-fed.	
50.		Follow-up to past cases			<b>Shi Xing-wu</b> (E/CN.4/2006/6/Add.1, para. 25).	By letter dated 18/04/06, the Government informed that on 2 November 2001 Wu Zeheng was sentenced by the Beijing Supreme People's Court to 11 years' imprisonment (from 21 July 1999 to 30 July 2010) and deprived of his political rights for two years for the crime of illegal business operations and unauthorized floating of stocks. He is currently serving his sentence in the Huaiji Prison in Guangdong Province. A physical examination conducted after Wu entered prison yielded a positive reaction for tuberculosis. As a carrier of the tuberculin bacillus, he was treated with medication and was cured; he did not "suffer...from a fever of 40.2 Celsius", and his health is now normal. After entering prison Wu was able to visit with family members for the time prescribed by regulation, and he received more than 80 letters and six parcels. He has submitted written appeals to the National People's Council and to judicial bodies, which the prison authorities always transmit promptly. Like other criminals, Wu works eight hours a day; on no day does he ever work more than 13 hours. Wu has never been placed in solitary confinement, and the room where he is detained has a surface area of 26.4 square metres and has excellent light and

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						ventilation. Wu's legitimate rights and interests are guaranteed in accordance with the law. An investigation has revealed that there is no one in any Chinese prison by the name of Shi Xingwu.
51.					<b>Mao Hengfeng</b> (A/HRC/4/33/Add.1, para. 32).	By letter dated 18/04/06, the Government informed that on 28 December 2005, a group of more than 60 people including Mao Hengfeng, Sun Xicheng and He Guoguang gathered about the flagpole at Tianmen Square to cause trouble, disrupting the normal order of the Square. Acting pursuant to article 34 of the Regulations on Public Security Administration Punishment, the Shanghai public security authorities lawfully issued a public order summon to Mao and others. During this process, the Shanghai public security authorities never employed any kind of coercive measures in respect of anyone, nor did any instances of beating occur. Moreover, there is no Yangpu District dispatch station in Shanghai. On 15 December 2005, Zhou Xiudi, Chen Zonglai, Wu Yuping and Jin Huijun convened more than 30 persons to assemble at the entrance of Shanghai Municipal Government in order to cause trouble and create a public disturbance; despite efforts to educate and negotiate with them, they refused to disperse, severely disrupting the normal order of State organs. Acting pursuant to article 19 of the Regulations on Public Security Administration Punishment, the Shanghai public security authorities punished Zhou and others by placing them in administrative detention for 15 days. Careful checking has revealed that during the period from 22 to 28 December 2005 no coercive

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						measures of any kind were taken by the Shanghai public security authorities in respect of Ma Yalian. In dealing with the above cases, the relevant authorities strictly complied with their obligations under the Convention against Torture and acted in accordance with domestic legislation; there was no instance of beating or any other form of ill-treatment.
52.					<b>Bu Dongwei</b> (also known as <b>David Bu</b> ) (A/HRC/4/33/Add.1, para. 42).	By letter date 28/11/06, the Government informed that in July 2000, Bu was ordered to serve a term of one year's labour re-education for using a heretical cult to disrupt law and order. On 13 June 2006, Bu was ordered by the Beijing city labour re-education committee to serve a further two and a half years' labour re-education, to run from 19 June 2006 to 18 November 2008, for using a heretical cult to disrupt law and order. Bu is currently serving this term in the Tuanhe labour re-education facility in Beijing. Inquiries have established that, while being held in the Tuanhe labour re-education facility, Bu has not been subjected to any ill-treatment. The accusations in the letter that we have received that he was beaten by the police in the labour re-education facility and subjected to sleep deprivation are without substance. The Chinese labour re-education facility operates a strict management system, under which the ill treatment of inmates undergoing labour re-education is categorically prohibited, and any persons disobeying this rule shall be punished in accordance with the law. Within the labour re-education facilities there are procuratorial representatives, specializing in

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						<p>supervision of the conduct of law-enforcement activities by the police in the labour re-education facility. As to the question whether Bu lodged an appeal or whether an appeal was lodged on his behalf by a representative, Chinese laws and regulations stipulate that persons undergoing labour re-education may, within 60 days of receipt of the labour re-education order, submit an application for administrative review to the local government office that issued the order or, within three months of receipt of the labour re-education order, lodge an administrative appeal directly with the local people's court. This right is explicitly stated in the labour re-education order that was issued to Bu. On 5 May, Bu presented a power of attorney to the people's police in the labour re education facility, naming his wife as his legal representative in dealing with all matters relating to his application for administrative review. The Chinese Government wishes to draw the attention of the Special Rapporteur to the fact that Falun Gong is not a religion, nor is it a spiritual movement. It is an anti-scientific, anti human, anti-social cult. Falun Gong poses a serious menace to Chinese society, leading great numbers of its duped followers to cause harm to themselves, and even to take their own lives. The Chinese Government conducts patient persuasive counselling and educational work among rank-and-file Falun Gong practitioners, fully upholds all their rights and helps them return to their normal lives. A small number of Falun Gong practitioners receive punishments in accordance with the law,</p>

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						but this is not because of their opinions or belief: it is because their activities have breached the law, harming the interests of the State, society and individuals. In the course of the present case, the relevant departments have strictly observed due process and have guaranteed the exercise by the parties involved of their lawful rights and interests.
53.					<b>Gao Zhisheng</b> (A/HRC/4/33/Add.1, para. 44).	By letter dated 12/02/07, the Government informed that on 15 August 2006, he was placed under investigation by the Beijing public security authorities, in accordance with the law, on suspicion of the commission of a criminal offence, and, on 21 September, his arrest warrant was approved by the procurator's office. Beijing people's procurator's office No. 1 laid charges against Gao for the offence of fomenting subversion of the authority of the State and initiated proceedings against him with Beijing people's intermediate court No. 1. On 22 December 2006, the Beijing city people's intermediate court No. 1 ruled that Gao's conduct constituted the offence of incitement to subversion of the authority of the State, but in view of his meritorious conduct denouncing the offences of other culprits, decided, in accordance with the law, that his penalty should be rendered more lenient and to reduce it below the statutory level. Thus, he was sentenced to three years' fixed term imprisonment, to be suspended for five years, and stripped of his political rights for one year. After the court handed down its judgment at first instance, Gao declared himself willing to accept the verdict and did not lodge an appeal. The

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						<p>judgment has since become enforceable. In the course of the proceedings against Gao on the charge of incitement to subversion of the authority of the State, the public security authorities fully upheld his rights in litigation and those of his family and conducted the proceedings in strict compliance with the law, applying the law in a civilized manner. Three days before proceedings opened in this case, the court of first instance, in accordance with the stipulation of the law, notified the procurator's office and the defence counsel and published in advance the dates and venue of the trial. When the court rendered its judgment, Gao's family were present in the public gallery. When serving papers on Gao, the court expressly informed him of his rights in litigation to appoint a lawyer to conduct his defence. Gao indicated that, as he was himself a lawyer, he did not need to assign a lawyer and he did not agree to his family appoint one for him. For that reason, the lawyers from the Mo Shaoping law firm, appointed by his brother, were unable to act in his defence. Under these circumstances, the court decided, in order to ensure Gao's rights in litigation were fully upheld, that it should appoint two lawyers to defend him, and Gao agreed to this appointment. In the course of the trial, in addition to conducting his own defence, Gao also received full defence services from his defence lawyers. The allegations that the police harassed Gao's family members and others are unfounded.</p>
54.					Zhang Hongwei (A/HRC/4/33/Add.1, para. 45).	By letter dated 26/02/07, the Government informed that on 20 January 2001, Mr. Zhang was

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						<p>sentenced to 13 years' fixed-term imprisonment by the Fangshan district people's court in Beijing for the offence of using a heretical sect to engage in criminal activities and stripped of his political rights for 3 years. He is currently serving his sentence in Jilin city penitentiary in Jilin province. In December 2005, when undergoing a health check-up in prison, Zhang was found to be suffering from tuberculosis, but he maintained his firm conviction that, as a Falun Gong practitioner, when he fell ill he should not take any medicine or receive any injections, and that, as he himself was a disciple of the "dafa" - the major law, the master's "dharma body" would protect and save him, and for these reasons he refused medical treatment. In February 2006, the prison management found that his condition had taken a turn for the worse, and only after being repeatedly advised and encouraged did he agree to receive treatment. While in hospital, Zhang received meticulous medical treatment and nursing care; his condition has now clearly improved and in clinical terms, he has been cured of his illness. He has undergone two medical examinations by Jilin City Central Hospital and showed no symptoms of fever; his breathing was smooth; both lungs free of rales; his heart rate normal and heartbeat regular and without murmur; his blood routine, erythrocyte sedimentation rate and myocardial enzyme count all normal; and his ECG normal. The results of a frontal chest X-ray show a calcification focus in the right pulmonary field. Zhang's family members enquired as to whether</p>

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						he could be released for medical treatment outside the facility; the prison authorities deemed that his case did not meet the conditions for seeking medical attention outside the facility but special dispensation was granted to his family to be able to visit him outside regular visiting hours, with a view to fostering stronger relations between him and his family. To summarize, Zhang has now fully recovered from his illness and has been discharged from hospital, his state of mind is stable. His family members make frequent visits, and have expressed their satisfaction with the work of the prison staff. There is no question here of Zhang being subjected to ill-treatment or of his family being refused permission to visit him.
55.	Colombia	Follow-up to past cases			<b>Incidentes ocurridos con motivo de una serie de manifestaciones</b> (A/HRC/4/33/Add.1, párr. 48).	Por carta de fecha 26/07/07, el Gobierno informó de que según las conclusiones del Informe de la Policía Nacional, la fuerza utilizada por el ESMAD estaba dentro del marco de cumplimiento de los tratados internacionales y normas constitucionales, legales y reglamentarias de policía sobre el empleo de la fuerza y utilización de gases no letales. La intervención policial inicialmente desplegó el personal de la policía como una simple demostración de fuerza. Sin embargo, se aclara que posteriormente se emplearon bastones de mando, agua y gases lacrimógenos, en vista del grado de violencia ejercido por los manifestantes. La Policía Nacional afirma que los manifestantes utilizaron armas y explosivos de fabricación casera tales como: papas explosivas, bombas molotov, lanzas, garrotes, caucheras y hondas. Durante los

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						<p>incidentes decenas de suboficiales y oficiales habrían resultado lesionados, presentando quemaduras, hematomas, heridas con arma blanca, fracturas y diversos traumatismos. La muerte del indígena José Pedro Pascue Canas en el resguardo La María estaría siendo objeto de investigación penal por la Fiscalía Seccional de Piendamó. Dicha investigación inicialmente indicaría que el Sr. Pascue Canas murió como resultado de las lesiones producidas al enfrentarse cuerpo a cuerpo, junto con varios indígenas y campesinos, con miembros de la Policía Nacional. Ante la oficina de Control Disciplinario Interno del Departamento del Cauca, cursa investigación disciplinaria contra algunos oficiales y suboficiales del ESMAD en relación con el caso del Sr. Pacue Canas. Con respecto a la desaparición forzada del indígena Manuel Vicuña Chocue, la Policía Nacional precisa que no se ha tenido conocimiento ni se ha recibido denuncia alguna sobre dicha desaparición. De igual manera tampoco se habría notificado de la existencia de acciones contenciosas o administrativas contra la Policía Nacional sobre el particular. Por otro lado, la Fiscalía General de la Nación informó que la Unidad de Fiscalía 39 Especializada de Derechos Humanos y Derecho Internacional Humanitario y el cuerpo técnico de investigación, quedaron encargados, en su orden, de adelantar la investigación penal y de realizar las labores de verificación de cualquier hecho presuntamente cometido por los ESMAD en la localidad el Pital (Cauca). El Fiscal 3 Seccional</p>

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						de San Juan de Pasto adelanta labores de investigación, por los presuntos atropellos del ESMAD en la localidad de Remolinos. La Procuraduría General de la Nación informó que por los diferentes hechos ocurridos en las localidades de los Departamentos de Nariño y Cauca, cursan investigaciones disciplinarias contra miembros del ESMAD, en las referidas seccionales de la precitada entidad, en etapa de indagación preliminar. Con respecto a los periodistas que habrían sido detenidos, el Gobierno precisa que las siguientes personas mayores de edad fueron “retenidas”, ninguna de las cuales se habría identificado como periodista: Jesús Eduardo López Fernández, Carmen Eugenia León Quintana, Richard Calpa Sánchez y Edgar Marcelo Chaparro. Finalmente, con relación a las agresiones contra periodistas del programa TV Novedades, la Fiscalía General de la Nación informó que el Coordinador de la unidad de Fiscalías seccionales del municipio de Garzón (Huila) y la Unidad de Fiscalía 39 Especializada de Derechos Humanos y Derecho Internacional Humanitario, quedaron encargados de la investigación penal y verificación de los hechos.
56.	Côte d'Ivoire	27/06/07	AL	TOR	<b>Doumbia Mamadou</b> , résidant à Bouaké. Le 7 juin 2007, quatre représentants des Forces de défense et de sécurité des Forces nouvelles (FDS-FN) sous le commandement du chef de sécurité de l'unité, seraient entrés dans la maison de M. Doumbia Mamadou à Bouaké et l'auraient violemment battu avec un bâton en caoutchouc suite à une dispute privée. Les FDS-FN	

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					utiliseraient régulièrement la force et des menaces pour résoudre des conflits entre des privés.	
57.	Cuba	26/06/07	JUA	HLTH; HRD; IJL; TOR	<b>Francisco Chaviano González</b> , ciudadano cubano de 50 años de edad, quien está cumpliendo una sentencia en la prisión del Combinado del Este en La Habana, luego de haber sido condenado el 15 de abril de 1995 por “revelar secretos concernientes a la Seguridad del Estado”. El Sr. Chaviano González fue el fundador de la organización llamada Consejo Nacional por los Derechos Civiles en Cuba. El estado de salud del prisionero se ha agravado seriamente en los últimos días. Los informes indican que tiene un tumor en el pulmón de crecimiento alterado, sufre de serios problemas de circulación sanguínea, hipertensión, cardiopatía isquémica, artrosis y de graves problemas estomacales a raíz de una úlcera duodenal que padeció durante su primer año en la cárcel. Se alega que el prisionero no recibe la atención médica apropiada y que vive en condiciones insalubres, abusivas y negligentes que deterioran aún más su estado de salud. Los informes sostienen que desde diciembre de 2005, fecha en que le diagnosticaron el tumor pulmonar, no se le ha hecho una nueva tomografía para evaluar el crecimiento del mismo. Además, se alega que las condiciones de prisión durante estos 13 años de encarcelamiento ha tenido un fuerte impacto negativo sobre la salud física y mental del Sr. Chaviano González. Por otra parte, desde su encarcelamiento, el 7 de mayo de 1994	Por carta de fecha 09/07/07, el Gobierno informó que el Sr. Francisco Chaviano disfrutó de todas las garantías procesales establecidas en la Ley de procedimiento Penal. El Sr. Chaviano fue encontrado culpable de los delitos de revelación de secretos concernientes a la seguridad del Estado y falsificación de documentos. El Sr. Chaviano fue condenado a 15 años de privación de la libertad. Su sanción extingue el 2 de mayo del 2009. El estado de salud del Sr. Chaviano es perfectamente compatible con sus condiciones de internamiento. El Sr. Chaviano ha disfrutado de servicios de salud de calidad y ha sido atendido sistemáticamente y de modo gratuito por especialistas que cuentan con todos los medios técnicos y los medicamentos necesarios. En febrero de 2007 el Sr. Chaviano recibió la atención de un médico especialista en medicina interna, quien confirmó mediante radiografía del tórax que se mantiene la imagen nodular calcificada diagnosticada con anterioridad, descartando cualquier posibilidad de tumoración asociada, sin otras alteraciones y con buen estado general. En el presente año se le han realizado varias consultas médicas, en las que se le ha indicado el tratamiento médico adecuado dirigido a revertir la sintomatología respiratoria que presenta. El Sr. Chaviano no ha sido objeto de castigo alguno. Durante el año 2006 recibió visitas cada

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					y hasta ser juzgado por un tribunal militar en abril de 1995, el Sr. Chaviano González fue mantenido en detención incomunicada y sin tener acceso a un abogado. Al momento de ser arrestado, el Sr. Chaviano González tenía a su cargo la compilación de información, conducción de entrevistas y documentación de casos de personas desaparecidas en Cuba para el Consejo Nacional por los Derechos Civiles en Cuba.	21 días y se le ha permitido visitar su residencia en el periodo de extinción de su sanción. Desde noviembre de 2006 el Sr. Chaviano se encuentra cumpliendo su sanción en un centro de rehabilitación, en el que tiene la posibilidad de laborar en un huerto agrícola.
58.	Democratic Republic of the Congo	02/03/07	JUA	WGAD; FRDX; TOR	<b>Ernest Che Guevara Bosange</b> , journaliste au journal <i>Alerte Plus</i> paraissant à Kinshasa, actuellement détenu à la prison Makala de Kinshasa. Le 21 novembre 2006 M. Bosange se serait rendu à la Cour suprême de justice pour couvrir le procès en contestation des résultats du second tour de l'élection présidentielle et la manifestation violente qui aurait eu lieu le même jour et au cours de laquelle on aurait mis à feu une partie du bâtiment de la Cour suprême. Le journaliste aurait été interpellé pendant qu'il couvrait cette manifestation. Il aurait été fouillé lors de cette interpellation et les policiers et militaires auraient constaté par sa carte de presse qu'il travaillait pour le Journal <i>Alerte Plus</i> . Ce motif aurait suffi pour l'amener au cachot de la police à Kin-Maziere. Alors qu'il rentrait de la Cour, il aurait été arrêté par des éléments de la Direction de renseignements généraux et de sécurité (DRGS), connus sous le nom de « services spéciaux de la Police Nationale à Kin-Maziere », et des militaires de la Garde Républicaine. Il aurait été conduit dans l'enceinte des locaux de la Police Nationale (PNC) où un commandant lui aurait demandé s'il	Par lettre datée du 7/06/2007 le Gouvernement a répondu que les recherches menées ont établi que le Sieur Ernest Bosange est poursuivi par le Tribunal Militaire de garnison de Kinshasa-Gombe pour vol d'effets militaires. Son procès est en cours devant cette juridiction. En ce qui concerne les allégations, le Ministère des droits humains ne dispose d'aucun élément pour les confirmer ou informer. La Justice congolaise rétablira la vérité. Aucune plainte n'a été déposée par la victime ou en son nom. En effet, se trouvant actuellement sous le coup des poursuites judiciaires, il lui est difficile d'entreprendre une telle action. Si, à l'issue du procès, M. Bosange sera jugé coupable, il sera difficile pour lui d'être dédommagé.

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					<p>était de l'Equateur. M. Bosange aurait répondu par l'affirmative. Quelques temps après, des agents de la DRGS seraient venus le récupérer pour l'amener dans leurs locaux, où il aurait été interrogé par un colonel et deux majors (dont les noms sont connus des rapporteurs). Le colonel lui aurait dit « tu es originaire de l'Equateur, tu es un espion de Bemba, tu vas tout nous dire, tu vas souffrir ». Ensuite, M. Bosange aurait été frappé, ses mains et ses pieds auraient été menottés avec un engin dénommé « mangozo » et il aurait été déshabillé pour subir un électrochoc. Le colonel et les majors l'auraient ensuite remis à un capitaine qui l'aurait menacé avec une arme en disant qu'il était un espion du Mouvement pour la Libération du Congo (MLC). Finalement, M. Bosange se serait évanoui. Il se serait réveillé dans une salle qui ressemblait à un cachot et qui était occupée par une centaine de personnes. Ensuite, une femme serait venue pour l'entendre et établir un procès verbal d'audition. M. Bosange aurait refusé de répondre, mais il aurait été forcé de signer un procès verbal rédigé sur la base de déclarations faites par le colonel à sa place. M. Bosange serait resté un mois et deux semaines à Kin-Maziere. Sa famille aurait été informée de sa détention par un voisin de parcelle qui y travaille. Il aurait été transféré à la prison Makala CPRK, (Centre Pénitentiaire et de Rééducation de Kinshasa) le 27 décembre 2006 et son dossier se trouverait auprès de l'Auditorat de Garnison de la Gombe. Cependant, il n'aurait jamais été entendu par un magistrat. En effet, le magistrat en charge</p>	

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					de son dossier exigerait la somme de 200\$ pour le faire.	
59.		05/10/07	JUA	IJL; TOR	Des magistrats militaires <b>Guillaume Ngembo, David Kazadi, Julien Luemba, Joseph Nganama</b> , de l'Auditorat de Garnison de Kisangani. Le 30 septembre 2007, vers 16h30, une quarantaine 40 militaires lourdement armés, aurait fait irruption en la résidence du Magistrat Guillaume Ngembo, au motif qu'il était à la recherche du Lieutenant Magistrat Julien Luemba. Bien qu'il ait été informé qu'il ne s'agissait pas du magistrat Julien Luemba, un militaire aurait trainé le Magistrat Guillaume Ngembo sur la voie publique, sous la menace d'armes à feu, en lui administrant personnellement des coups de poings. Il aurait ensuite ordonné à son escorte de le ligoter, de le déculotter, de l'allonger par terre et de le fouetter, et ce devant toute sa famille et une foule nombreuse de passants et de voisins. Le pantalon baissé, le Magistrat aurait reçu au moins 50 coups de matraque. Le Général présent aurait ensuite conduit sa victime à l'Etat Major de la 9ème Région militaire où il l'aurait fait maltraiter devant ses collaborateurs ainsi que d'autres militaires et leurs familles résidant dans l'enceinte de l'Etat Major. Il aurait dit pouvoir tout se permettre, y compris de tuer impunément, au seul motif qu'il est cousin du Chef de l'Etat. Ensuite, le Magistrat Guillaume Ngembo aurait été à nouveau embarqué à bord d'un véhicule et conduit sous la contrainte vers la résidence d'autres Magistrats militaires, situé au numéro 4 de l'avenue Kitima, Commune Makiso. Arrivé sur	

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					<p>les lieux, le Général présent rejoint un peu plus tard par son Adjoint chargé des Opérations, et le P2 de l'Inspection provinciale de la Police Nationale, se serait introduit dans l'immeuble pour arrêter le Lieutenant Magistrat David Kazadi, le Sous Lieutenant Magistrat Julien Luemba et enfin le Sous Lieutenant Magistrat Joseph Nganama. Ils auraient été traînés dehors en présence de leurs familles et d'une foule nombreuse, où ils auraient été déshabillés, ligotés, maltraités et humiliés par le Général en personne et les éléments de son escorte. Leurs appareils téléphoniques et d'autres biens comme des sommes d'argent, trouvés sur eux, auraient été emportés. Profitant de l'inattention des militaires, les magistrats Guillaume Ngembo, Joseph Nganama ainsi que le 1er Sergent Major Kuwikila auraient réussi à se sauver. En revanche, les Magistrats David Kazadi et Julien Luemba, toujours ligotés et presque nus, auraient été embarqués dans une jeep de la Police nationale et conduits à l'Etat Major de la 9ème Région Militaire où ils auraient été battus et maltraités toute la nuit, de 19 heures du dimanche à 8 heures du matin. Des manches à balais et de raclettes auraient été utilisées pour la bastonnade. Le Magistrat David Kazadi aurait reçu environ 1.000 coups de bâton sur toutes les parties de son corps. Il aurait de ce fait une côte gauche brisée. Au cours du trajet vers l'Etat Major, le Magistrat David Kazadi aurait tenté de se sauver au passage d'un véhicule de la MONUC. Le Général présent aurait alors</p>	

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					ordonné de l'abattre. Plusieurs coups de feu auraient été tirés sans atteindre le magistrat, mais une balle perdue aurait atteint au bras droit un des membres de l'escorte du Général. Le 1 octobre 2007, les deux magistrats auraient été amenés en tenue débraillée devant la troupe, au cours d'une parade qu'il aurait présidé au Camp Sergent Ketele. Le Général les aurait présentés comme de dangereux criminels qui n'ont été pris dans l'armée que pour avoir étudié le droit, mais qui en réalité n'ont passé leur temps à l'Université qu'à tricher. Pendant cette parade, qui aurait été largement médiatisée sur les chaînes locales de radio et de télévision, le Général se serait vanté d'avoir arrêté les magistrats qui prétendaient ne pouvoir être arrêtés à Kisangani, et aurait indiqué que ce même jour, il les expédierait à Kinshasa où ils seraient jugés et condamnés. Le Gouverneur de Province serait passé rendre visite à ces Magistrats au Centre de Santé CELPA, dans la commune Makiso. Emu par la situation, il leur aurait remis une somme d'argent pour leur permettre de payer la facture des premiers soins reçus.	
60.		25/10/07	AL	TOR	<b>D'un projet de loi concernant la criminalisation de la torture</b> , élaboré par des représentants de la société civile. Pour criminaliser la torture en conformité avec la CAT, il faut que la législation contienne la définition de l'Article 1 de la Convention. L'Article 48 bis du projet de loi propose une définition qui est en conformité avec cette disposition. La définition élargie proposée par le projet de loi (en relation avec des agents	

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					<p>d'états) est tout à fait compatible avec des normes internationales. De plus, les peines prévues se conforment aux recommandations du Comité contre la torture. Cependant, en ce qui concerne les autres paragraphes de l'Article 48 ter, il ne faudrait pas rendre les peines dépendantes des conséquences de la torture dans la mesure où c'est l'acte ipso facto qui doit être pris en considération et non les résultats. Le Rapporteur spécial estimait également que la peine de mort ne doit pas figurer dans une loi visant une amélioration de la situation des droits de l'homme en espérant que la peine capitale sera exclue, cela d'autant plus qu'un moratoire dans ce sens a été signé le 10 décembre 1999 par l'ancien président Kabila et que le dernier alinéa de l'art. 18 de la Charte Congolaise des Droits de l'Homme et des Peuples interdit cette sentence "sur toute l'étendue de la République". Le fait que les Articles 48 quarter and quinto affirment le caractère absolu et non-dérogable de l'interdiction de la torture et introduisent la juridiction universelle en relation avec les auteurs de la torture est louable. Concernant l'Article 48 sexto du projet de loi, le Rapporteur spécial a souligné que la torture doit être imprescriptible. Quand le projet de loi sera adopté, l'Article 67 du Code Pénale devra être modifié pour se conformer à la nouvelle loi. De plus, pour assurer la stricte conformité de votre législation avec les dispositions de la CAT, il faut faire en sorte que le principe du non-refoulement (voir Article 3 CAT) et l'interdiction de l'usage des preuves obtenues</p>	

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					sous la torture dans une procédure (voir Article 15 CAT) soient garantis par cette loi. En vue de l'interdiction absolue de la torture, reflétée entre autre dans l'article 2. 2. de CAT, toutes les mesures appropriées doivent être pris pour que ce projet de loi soit adopté rapidement au sein du Conseil des Ministres, déposé sur le Bureau du Sénat et inscrit, en priorité, à l'ordre du jour de la prochaine session ordinaire des 15 mars-15 juin 2008.	
61.		14/12/07	JUA	MIG; TOR; VAW	Des violations graves des droits de l'homme à l'égard <b>des déportés congolais</b> , qui auraient été commis par les forces de sécurité angolaises à la frontière entre la République démocratique du Congo et l'Angola. Ces violations auraient été sciemment dirigées vers des groupes de travailleurs migrants principalement composés de citoyens congolais qui travaillent dans des activités informelles d'extraction de diamants. Ces violations reportées incluraient l'emploi systématique de violences physiques et sexuelles, la confiscation des effets personnels des migrants, la séparation des membres de la famille pendant le processus d'expulsion, et le viol systématique des femmes par les forces de sécurité angolaises, souvent devant leurs enfants ou en public. Les viols auraient eu lieu à tous les stades du processus de refoulement, lors de l'expulsion des femmes de leurs maisons, dans les lieux de détention provisoires, aux checkpoints et pendant leur transport vers la frontière. De plus, beaucoup d'entre eux ayant menés des activités informelles d'extraction de diamants, auraient été	

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					<p>forcés, avec les membres de leurs familles incluant leurs enfants, de se soumettre à des fouilles corporelles inappropriées et envahissantes (incluant les cavités anales et vaginales) afin de découvrir des diamants cachés. Les fouilles auraient été effectuées de façon à causer des traumatismes, aussi bien physiques que psychologiques, aux déportés. Quelques-unes de femmes victimes souffriraient de différentes douleurs dans leurs vagins et au bas-ventre, et auraient été profondément traumatisées par les abus dont elles ont souffert. La plupart d'entre elles n'auraient reçu aucun soin médical depuis leur arrivée en République démocratique du Congo. Les migrants auraient été détenus secrètement et dans des conditions difficiles avant leur déportation, ils auraient été battus et soumis à d'autres formes de mauvais traitements, et ils auraient été privés d'eau et de nourriture, aussi bien durant la période de détention que pendant la déportation à la frontière congolaise. De plus, il y aurait eu des morts dues à l'épuisement et aux mauvais traitements.</p>	
62.	Egypt	12/01/07	JUA	TERR; TOR	<p><b>Ayman Hkiri, Ahmed Lahbib, Mohamed Almadiri</b> and a fourth individual, all Tunisian nationals studying in Egypt, currently held at the Al-Khalifa detention centre in Cairo. The four men were arrested at the end of November 2005, in connection with the activities of a so-called terrorist cell in Egypt recruiting people to fight against the United States forces in Iraq, but no official charges have been brought against them. After their arrest they were held at the state</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					security intelligence office in Madinet Nasr, Cairo, where they were blindfolded and handcuffed, beaten and given electric shocks to sensitive parts of their bodies. They also were subjected to sleep deprivation and forced to watch others being tortured. Subsequently they were transferred to Al-Khalifa detention centre. Presently the Egyptian authorities are planning to return the four men to Tunisia. Concern is expressed that they might face torture or ill-treatment, if they are returned to Tunisia	
63.		26/01/07	AL	TOR	<b>'Imad al-Kabir</b> (also known as 'Imad Mohamed Ali Mohamed), a 21-year-old minibus driver. On 18 January 2006, he was detained and taken to Bulaq al-Dakrur Police Station, where several police officers slapped him and kicked him with a stick on his hands and legs. On 19 January 2006, the public prosecutor ordered his release on bail, but instead he was taken back to the same police station. In the early morning of 20 January 2006, several police officers beat him, tied him by his wrists and ankles, and raped him with a stick. One of the officers made a video of the rape, which was later circulated and put on the Internet. On 9 January 2007, Mr. Al-Kabir was sentenced to three months in prison by a criminal court in Giza. He is now in a prison in Giza.	By letter dated, 27/02/07, the Government informed that the Department of Public Prosecutions was informed that someone had downloaded from the Internet a section of a video showing acts of torture by the police. The Department of Public Prosecutions investigated the matter. It found that after Mr. Imad Mohammed Ali, a suspect in a case, had been released on 19 January 2006, he had continued to be held in detention by the investigation unit at Bulaq Police Station up until the evening of 21 January 2006. During that time, his hands and feet were bound, his undergarments were removed and he was left naked. A police officer beat him, sexually assaulted him and attempted to insert a stick into his anus. A police sergeant kicked him all over his body and filmed the assault, using a mobile telephone. On 27 December 2006, the Department of Public Prosecutions issued a warrant for the committal for trial before the criminal court of both the police officer and the police sergeant, pursuant to

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						articles 178, 268, paragraph (1), and 282, paragraph (2), of the Criminal Code. The men were charged with unlawful detention, sexual assault, torture, and the making and possession of indecent video images. The prosecution evidence included statements from witnesses, the victim and a voice expert, the results of a forensic examination by the Department of Public Prosecutions of the video images and places in which the assaults had taken place, and police records and logbooks proving that the victim had been released but had continued to be held. In light of the foregoing, it should be noted that torture is a serious offence under Egyptian law and is not time-barred from prosecution. It is dealt with directly by the judicial authorities, i.e. the Department of Public Prosecutions, and action is taken to deal with it regardless of whether the victim is an accused or a convicted person or a prisoner in another case. Compensation is awarded according to the outcome of the criminal proceedings. Under Egyptian law, the criminal or civil courts can order compensation in respect of a proven criminal offence. This shows Egypt's determination, as a matter of general policy, not to tolerate or facilitate torture, to punish anyone found guilty under Egyptian law of committing torture, and to ensure that persons who commit these offences do not evade punishment.
64.		07/06/07	JAL	SUMX; TOR	<b>Muhammad Suleyman Youssef Ahmed</b> , a 40-year-old primary school teacher from Shubra al-Kheima, and his cousin, <b>Ashraf Sa'id Youssef</b> , aged 28. Mr. Ashraf Sa'id Youssef was arrested	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>on 29 April 2005 in Al-Manoufiya in connection with bombings in Cairo on 7 April 2005. He was held incommunicado for 13 days. His relatives learned about his whereabouts only when on 11 May 2005 he was transferred to Al-Minyal University Hospital with serious injuries. He died eight days later, on 19 May 2005. On 21 May 2005, the competent public prosecutor stated that, according to initial police reports, Mr. Ashraf Sa'ïd Youssef had caused his own injuries by repeatedly banging his head against the wall of his cell. The Government has acknowledged, however, that he was also bruised on his chest and arms. The public prosecutor announced that he had ordered the deceased's body to be made available for a forensic examination to establish the cause of death. Two years later, the results of this examination, as well as of any other inquiry into the circumstances of his death, remain unknown. Mr. Muhammad Ahmed was arrested on 29 April 2005 in connection with the bombings. He died in custody on the same day. An official of the Ministry of Interior is reported to have stated, without further details, that Mr. Muhammad Ahmed had health problems that may have caused or contributed to his death. Relatives of the deceased are reported to have told the media that although they suspected that Muhammad Ahmed had died as a result of torture, they had been coerced by the authorities into signing a medical report that attributed the death to natural causes, and burying the body the same day in the presence of police officers.</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
65.		29/06/07	JUA	IJL; SUMX; TOR	<p><b>Muhammed Gayiz Sabbah, Usama 'Abd al-Ghani al-Nakhlawi and Yunis Muhammed Abu Gareer.</b> The three men were tried before the Emergency Supreme State Security Court (ESSSC) sitting in Al-Islamiliya on charges arising from the bomb attacks committed in Taba and Nuweiba on the Sinai Peninsula in October 2004, which killed 34 people and injured more than 100. In September 2006, the ESSSC announced the death sentences against these men, while other defendants were sentenced to long prison terms. The death sentences were then submitted to the office of the Mufti. On 30 November 2006, the ESSSC announced that the Mufti had approved the death sentences and that it now confirmed them. There is no appeal against the sentences of the ESSSC, which can only be commuted by the President. Reports indicate that the men had their first contact with their lawyers when the trial began, months after their arrest, and were only able to communicate with their lawyers during court hearings. The majority of the defendants denied the charges against them and claimed that they had confessed under torture. Upon request of the defence lawyers, the court ordered medical examination of the defendants. The medical exams, which were carried out several months after the alleged torture, did not confirm the allegations of the accused. The cases of the men were submitted to the African Commission on Human and Peoples' Rights, which has declared them admissible in May 2007. The African Commission has also issued provisional</p>	<p>By letter dated 11/07/07, the Government informed that on 7/10/2004 the Taba Hilton Hotel and both Al-Badiya and Gozor Al-Kamar encampment resorts were blown up by car bombs. As a result of the three incidents, 34 persons were killed and 157 were injured. Pursuant to the provisions of the emergency law of the country, and based upon the findings of the security investigations which were sufficient to indicate the involvement of Mohamed Gayez Sabah, Ossama Abdel Ghany al-Nakhlawy, and Mohamed Yunis Elayyan Abu Gareer and others in the aforementioned incidents, the three suspects and other suspects were arrested. The three suspects together with the other suspects were referred to the Public Prosecution Office (PPO) for investigation. The PPO instigated the investigation. Suspect Mohamed Gayez Sabah was interrogated during four investigation sessions. Suspect Ossama Abdel Ghany al-Nakhlawy was interrogated during eight sessions. Mohamed Yunis Elayyan Abu Gareer was interrogated during 25 sessions. All the suspects confessed to the crimes they had committed. The three and others were referred to the court for committing the aforementioned crimes. Throughout all trial sessions, the court responded to all the requests of their defence. The court allowed the attorneys to visit them whenever a visit was requested. The court allowed the attorneys to obtain the certificates and affidavits they needed from different agencies, responded to the request of the defence to obtain photocopies</p>

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					<p>measures asking the Government to stay the executions until it has decided the merits of the case. The Government's delegation before the African Commission in May 2007 indicated that the legal adviser in the office of the President has advised ratification of the death sentences and that the President might ratify at any time.</p>	<p>of the investigation and trial minutes, took heed of the statements of all the witnesses of the defence and responded to the request of the three suspects to refer them to the Forensic Medicine Authority. The court heard the pleadings of the suspects' defence throughout the 12 sessions. On 30 November 2006, the court issued by consensus the death sentences on the three suspects after it received the opinion of the Mufti of Egypt who confirmed that the death penalty concurs with Islamic Shari'a. According to the provisions of the Egyptian law, courts should seek the opinion of the Mufti on the issuance of death sentences in order to confirm how far the death penalty concurs with Islamic Shari'a. The Mufti's opinion in that regards is an advisory one. The court sentenced the lapse of claim on two persons who were dead, life imprisonment on one person, and 5 to 10 years' imprisonment on the other suspects. After the judgment was issued, the three convicts brought two grievances to the Judgments Ratification Office in which they repeated the same pleas that were previously presented to the court. The Counsellor (Judge in High Court appointed by the Supreme Judicial Council) who examined the judgment studied the grievances of the convicts and concluded in his memorandum that: the judgment satisfied all the legal elements according to Egyptian law; the judgment took into consideration evidence upon which the court established the validity of the claim against the accused persons through their statements, testimonies of witnesses, the police</p>

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						<p>investigations and the forensic medicine and criminal laboratory reports; the judgment encompassed the incident appropriately according to the affirmed facts, encompassed all the pleadings and pleas of the defence as contained in the two grievances of the convicts, and responded to them sufficiently without prejudice to the right of the defence; in its response on the “invalidity of the complementary referral order,” the judgment noted that the PPO is not allowed to investigate the same incident with the same accused person after the case is referred to the court, however, this restriction does not jeopardize the prosecution’s right to investigate another person accused of the same incident but who has not been referred to the court, which is what the Court of Cassation concluded in its judgment; and the protested judgment is concurrent with the law, and none of the convicts forwarded whatever may affect its validity. On the basis of the above, the examining Counsellor issued a memorandum supporting the conclusions reached in the judgment of the State Security Emergency Court, hence the President ratified this judgment. Therefore, there remains for the convicts to petition the President to use his constitutional competence of granting pardon. The Government informed that in the PPO’s investigation minutes the lawyers attended the investigation sessions with the suspects. The lawyers were allowed to present their pleadings and affirm their requests in the sessions. The PPO did not refuse any request from the lawyers to appear with their clients. It is</p>

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						<p>worthy to note that the law applicable at the time of investigation did not stipulate that the PPO has to delegate a lawyer to attend the investigation process, but it was mandatory to delegate a lawyer if the case is referred to the court. However, during the past term of the People's Assembly, Article 124 of the Criminal Procedure Law was amended within comprehensive amendment on procedures, controls and rules of preventive detention by virtue of the Law No. 145/2006 which made the appearance of the lawyer with the defendant mandatory before the beginning of interrogation in felonies. The PPO has become obliged to delegate a lawyer for the suspect who does not have a lawyer. It is affirmed in the minutes of the court sessions that the court responded to all the requests of the lawyers to visit the accused whenever a visit was requested and that the court responded as well to their request to obtain photocopies of the investigation and trial sessions. The relatives of the suspects were allowed to visit them: the relatives of Ossama Mohammed al-Nakhlawy visited him 17 times, the relatives of Mohamed Gayez Sabah visited him 30 times, and the relatives of Yunis Mohamed Abu Gareer visited him 16 times until April 2007. Regarding the allegation that the three were subjected to torture, Article 42 of the Constitution provides that "Any citizen arrested, detained or whose freedom is restricted shall be treated in a manner concomitant with the preservation of his dignity. No physical or moral harm is to be inflicted upon him. He may not be</p>

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						<p>detained or imprisoned except in places defined by laws organizing prisons. If a confession is proved to have been made by a person under any of the aforementioned forms of duress or coercion, it shall be considered invalid and futile.” And Article 57 provides that “Any assault on individual freedom or on the inviolability of the private life of citizens and any other public rights and liberties guaranteed by the Constitution and the law shall be considered a crime, whose criminal and civil lawsuit is not liable to prescription. The State shall grant a fair compensation to the victim of such an assault.” The Egyptian penal code criminalizes committing and ordering acts of torture in articles 126 and 282; and criminalizes unjustified detainment and penalties exceeding those decided by articles 127 and 280. In compliance with the constitutional provisions and with article 57 of the Constitution, criminal procedure law stipulates in its article 15 that the aforementioned crimes may not lapse by prescription. Article 203 of the same law stipulates that the court shall not rely on any confession made by a person under any form of duress or coercion. The preceding is in full harmony with the African Charter on Human and People’s Rights and the Convention against Torture, and is confirmed by the precedents and the legal sentences by the Egyptian judiciary. Furthermore pursuant to the judicial principles on the scope of criminal liability, the assessment of the value of confession as an evidence is subject to the principle of “judicial discretion”. Consequently, the</p>

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						<p>adoption of a confession is subject to the discretion of the judge. The judge decides whether he is convinced with the confession as a reliable evidence for conviction, or to disregard it if there is a legal justification. The judge's competence to assess the value of a confession entails as well his competence to interpret it, define its significance and explore its motives. This principle applies whether the confession was judicial or non-judicial, whether it took place in the process of factual investigation, interrogation or even before a normal person. The judge does not rely on a confession if he is not convinced with it even in the case of the accused person insists on his confession. In such a case the judge may issue an acquittal and clarify in the causation why he did not take the confession into consideration. If it is proved that the confession was made under duress or coercion, it should be considered as invalid. But this does not prevent the court from taking other evidence to prove the accusation. In this respect, it is worthy to mention that the court judgment against the suspects took into consideration all the circumstances related to the facts according to the satisfaction of the court based upon the papers of the case, the investigations, the court sessions and the related hearings of witnesses and the written and verbal pleadings of the defence in order to clarify the facts, the elements of the crime and the provisions of the law applicable thereon. The courts considered, scrutinized and analyzed all the evidence of the crime including the related</p>

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						<p>medical and technical reports and the public prosecution investigations to reach the facts upon which its judgment was established. The court responded to all the pleas of the defence during the trial including the plea of the invalidity of the confessions because they were made under physical and moral duress. However, the court was satisfied that the confessions of the suspects and the other accused persons during the investigations were made by persons who have the will and the discernment and are fully aware of the charges against them. Moreover, it was found when the accused persons appeared for the first time before the public prosecutor that they were free from any injuries. The court was certain that the suspects were fully aware that the investigations were made by the PPO and that it had informed them with the charges against them; and the court was convinced that their confessions were valid. The PPO investigation scripts affirmed that the Prosecutor viewed the suspects and remarked that they were free from apparent injuries. The pleadings concerned with torture were forwarded to the court. The court responded to the lawyers' request to refer the suspects to forensic medicine as mentioned in the causes of the judgment. The court had no suspicions about the suspects' confessions before the PPO throughout the numerous investigation sessions. Moreover, the suspects brought complaints to the Judgments Confirmation Office. The documents indicate quite evidently that the right to litigation was not violated. The suspects</p>

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						had a fair and just trial before a legal national and competent court. The trial sessions were public and were attended by the lawyers who represented the respondents; and the trial was concluded in a reasonable period. Hence this negates the occurrence of any violation by the trial of article 14 of the ICCPR. For all the above reasons, the allegations that the rights of the three suspects were violated are incorrect and groundless.
66.	Eritrea	09/03/07	JAL	FRDX; TOR	<b>Joshua Yohannes Fessehaye</b> , aged 48, poet, playwright and a journalist with the weekly "Setit". Mr. Fessehaye died on 11 January 2007 as a result of the treatment he had received in detention and of the very harsh conditions in the Eiraeiro prison camp in the desert of the Red Sea province. The detainees are permanently manacled. Their food consists of bread, lentils, spinach or potatoes. They sleep on the ground with two sheets. Any contact with other prisoners or with guards is absolutely forbidden. In the course of 2005 and 2006 several journalists, such as Said Abdulkader, co-founder and editor of the weekly Admas, Medhanie Haile, co-founder and deputy editor of the weekly Keste Debena, and Yusuf Mohamed Ali, the editor of the weekly Tsigenay, died in Eiraeiro prison camp as a result of the conditions. Yohannes Fessehaye surrendered to the police in September 2001 in a wave of arrests of media professionals and opinion-makers. Around that time the popular weekly "Setit", where he worked, was banned. Fessehaye Yohannes was first held at a police	

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					station in Asmara, then moved to a prison at Dongolo in April 2002. Cells at Dongolo Prison measure 1.5 metres x 1.5 metres x 2.5 metres. They are lit by a bulb that is never turned off. The prisoners are chained to the wall by their feet. Their wrists are manacled. In the course of interrogations at Dongolo, Mr. Fessehaye's fingernails were ripped out.	
67.		25/05/07	JUA	WGAD; RINT; TOR	<b>Zecharias Abraham</b> , the pastor of a Presbyterian Church in Asmara, <b>Mikias Mekonnen</b> , a church elder of the Presbyterian Church, and 76 churchgoers. On 29 April 2007, police forces arrived at the Mehrete Yesus Evangelical Presbyterian Church in Asmara during a service and arrested them. Amongst those arrested were a man and woman from the United States of America and a number of school teachers from India. On 3 May 2007, the two United States citizens were released. The others, however, remain detained at an undisclosed location without access to their families and legal counsel.	
68.		11/10/07	JAL	RINT; TOR	<b>Paulos Eyassu, Isaac Mogos, Negede Teklemariam, Aron Abraha, Mussie Fessehaye, Ambakom Tsegezab, Bemnet Fessehaye, Henok Ghebru, Kibreab Fessehaye, Bereket Abraha Oqbagabir, Yosief Fessehaye, Asmeron Beraki, Tesgabirhan Berhe, Yemane Tsegay, Ms. Akberet Ghebremichael, Ms. Rebka Ghebretinsaye, Fesseha Ghebrezadik, Tekle Kebede, Hagos Woldemichael, Worede Kiros, Tekle Tesfai, Yonathan Yonas, Ghebrenigus Habte, Ghebru Birhane and Tekleab Tesfamichael.</b> These 25 Jehovah's	

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					Witnesses are currently detained solely on the basis of their religious beliefs in the Eritrean prisons of Sawa Camp, Mai Serwa and Sembel Prison Asmara. The first eleven persons have been imprisoned for conscientious objection to military service whereas the others were arrested while attending religious meetings or sharing their faith with people in public. Mr. Paulos Eyassu, Mr. Isaac Mogos and Mr. Negede Teklemariam have been imprisoned since 24 September 1994 in the Sawa Prison for conscientious objection although the maximum legal penalty for refusing to perform national service is 2 years. Furthermore, they are denied any visitors, including their families. No specific charges have been filed against them and they have never been given a trial. The conditions of detention in Sawa Camp are harsh with overcrowding and extremely restricted access to medical care. Most of the prisoners are said to be held in metal containers and underground cells.	
69.	Ethiopia	09/01/07	JUA	WGAD; FRDX; HRD; IJL; TOR	<b>Tilahun Ayalew, Anteneh Getnet</b> (subject of a previously transmitted communication, A/HRC/4/33/Add.1, para. 69), and <b>Meqcha Mengistu</b> , prominent members of the Ethiopian Teachers' Association (ETA). Mr. Tilahun Ayalew was arrested on 14 December 2006 and Mr. Anteneh Getnet on 29 December 2006. Both have since been held incommunicado by police at the headquarters of the central investigation bureau (Maikelawi) in Addis Ababa. Mr. Tilahun Ayalew and Mr. Anteneh Getnet appeared before a judge, but they were neither charged, nor given access to legal counsel or their relatives. Since 15	By letter dated 24/01/07, the Government informed that they were detained by Addis Ababa Police Commission for alleged violations of the criminal law in accordance with the Criminal Procedure Code and accepted international standards. Ethiopian law enforcement agencies have scrupulously followed appropriate legal procedures and due process rights while taking the aforementioned individuals to custody. Hence, the concern expressed regarding their physical integrity is unfounded. The detainees were brought before the Federal High Court within 48 hours. In accordance with the Criminal Procedure

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					December 2006, Mr. Meqcha Mengistu has been detained by the police at a secret location after being under police surveillance for several days. His exact whereabouts are not known and the authorities deny all knowledge about his whereabouts.	Code, the Court has allowed a remand period for police to undertake the necessary investigations. The men are now held at Addis Ababa Police Commission headquarters. The Government assures that they are being treated humanely and in accordance with international norms and standards. While in detention they are allowed visits by their family, friends and religious counselors.
70.		13/02/07	JUA	TERR; TOR	<b>Bashir Ahmed Makhtal</b> , a 42-year-old Canadian citizen, born in Dagahbur, Ogaden, <b>Abdi Abdulahi Osman</b> , a 41-year-old Somali citizen, born in Gunagado, Dagahbur, Ogaden, <b>Ali Afi Jama</b> , a 33-year-old Somali citizen, born in Godey, Ogaden and <b>Hussein Aw Nuur Gurraase</b> , 35-year-old Somali citizen, born in Gunagado, Ogaden, all trading in second-hand clothing. On 31 December 2006, the four men were arrested by Kenyan authorities, who suspected them to be terrorists. The arrests were conducted on the basis of provisions of an anti-terror bill which has not yet been adopted. The four men were held in custody for three weeks without official charges. On 21 January 2007, they were transferred to the Ethiopian armed forces in Mogadishu.	
71.		02/05/07	JUA	WGAD; IJL; MIG; TOR;	<b>Bashir Ahmed Makhtal</b> (see above), Ms. <b>Halima Badrudine Hussein</b> , a citizen of the Comoros, and her children (names and age unknown), <b>Ayub Abdurazak</b> , a resident of France, <b>Tesfaldet Kidane Tesfasgi</b> , a citizen of Eritrea and television cameraman, <b>Saleh Idris Salim</b> , a citizen of Eritrea and television journalist, <b>Osman</b>	By letter dated 23/05/07, the Government informed that the Transitional Federal Government of Somalia handed over to Ethiopia 41 individuals captured in the course of the conflict in Somalia. Most of these detainees have now been released. Only eight of the detainees now remain in custody by the order of the court.

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					<p><b>Ahmed Yassin</b>, a citizen of Sweden, and Ms. <b>Sophia Abdi Nasir</b>, also a citizen of Sweden, and her children (names and age unknown), Ms. <b>Ines Chine</b>, a citizen of Tunisia, <b>Abdi Muhammed Abdillahi</b>, a citizen of Kenya, and more than seventy others. In December 2006, the conflict between the militias of the Council of Somali Islamic Courts and the Transitional Federal Government of Somalia, supported by armed forces of Ethiopia, caused a large flow of refugees seeking to cross the border from Somalia into Kenya. On 2 January 2007, Kenyan authorities announced the closure of the border for security reasons. Since then, it is reported that the Kenyan security forces have been patrolling the border and have arrested a number of those seeking to cross it. Kenya has deported at least 84 of those arrested back to Somalia, from where they were taken to Ethiopia. In late March, the Ethiopian Government released five persons arrested and detained under these circumstances. On 10 April 2007, the Government announced that 29 more of the transferred detainees would be released, however, so far none of the 29 persons have been freed. The persons named above were arrested between 30 December 2006 and February 2007 as they tried to cross the border from Somalia into Kenya. They were detained in various locations in Nairobi before being transferred to Somalia on three charter flights between 20 January and 10 February 2007. Once in Somalia they were transferred to Ethiopia. They were not provided with an opportunity to challenge their forcible</p>	<p>The rest have been released because of their marginal roles. These individuals were among the international terrorists who answered the call for Jihad by the Al-Shabab group of extremists against the Governments of Somalia and Ethiopia. The Government of Somalia, due to the lack of adequate and secure facilities or functional prisons, requested that the Government of Ethiopia hold these individuals and undertake investigations into their activities. However, the allegation that there are more than seventy others in addition to those named in the communication is false, as are the allegations that the detainees are held incommunicado, and that they might be at risk of torture. With the exception of three individuals, who refused to exercise their right, embassy or consular officials from their respective countries have visited the detainees. Their embassies or consular officials have been cooperating with the competent Ethiopian agencies in arranging the return of their nationals. It is also not true that they were not afforded the opportunity to challenge the legality of their detention. All detainees have appeared before the competent Court in accordance with the relevant national legal procedures consistent with international obligations of the country. Although security experts from the respective countries of origin of the detainees have been involved in questioning some of the suspects, this was done in the presence of Ethiopian personnel in order to ensure that no detainee was subjected to torture, inhumane or degrading treatment. The physical</p>

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					removal at any stage. Mr. Bashir Ahmed Makhtal, Mr. Tesfaldet Kidane Tesfasgi and Mr. Saleh Idris Salim are held at the facilities of the Central Investigation Bureau in Addis Ababa (also known as Maikelawi). Others are most likely held at the military bases of Debre Zeit, southeast of Addis Ababa, and Jijiga, about 60 km from the border with Somalia. They are all held incommunicado and are not known to have been given any opportunity to challenge the legality of their detention before a court. They are detained on suspicion of having links with the Council of Somali Islamic Courts or with Al-Qa'ida, although no such charges are reported to have been formally filed against them.	and mental integrity of all detainees has been fully respected. With regard to the women detainees, there were 11 women with 14 children. All of them have been released and eight of the women with seven children are released but they are still in Ethiopia only because their countries of origin have yet to finalize their travel documents and arrangements. The remaining eight detained suspected international terrorists will continue to have access to embassy or consular officials of their respective countries and that their due process rights are being fully respected and they have not been in any manner ill-treated.
72.	Fiji	29/01/07	JUA	FRDX; HRD; TOR; VAW	Ms. <b>Laisa Digitaki</b> , a businesswoman. She is associated with the pro-democracy movement in Fiji. On 24 December 2006, at approximately 11.20 p.m., a group of soldiers came to her home and requested that she accompany them to a military camp for questioning. On arrival at the camp, Ms. Digitaki was escorted through a passageway lined with cells, one of which contained her business partner Mr. Imraz Iqbal. Ms. Digitaki was subsequently detained in a dark cell. After a period of 20 minutes she was taken from the cell and asked to accompany a number of soldiers to Mr. Pita Waqavonovono's house, a friend and fellow pro-democracy supporter. Ms. Digitaki complied with the request. On her return to the camp, she was led to a dark hall where Ms. Virisila Baudromo (subject of a previously transmitted communication dated 25 January	

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					<p>2007), Executive Director of the Fiji Women's Rights Movement (FWRM) was being held. Ms. Digitaki and Ms. Baudromo were subsequently subjected to a barrage of verbal abuse and torture, during which Ms. Digitaki was threatened at gunpoint and made to lie face down on the ground. After enquiring if she was pregnant, one of the soldiers proceeded to jump on her back. The ordeal lasted approximately 45 minutes, after which the two women, along with four other pro-democracy activists, including Mr. Iqbal and Mr. Waqavonovono, were ordered to run to the camp gate. The group was followed outside the camp by two military trucks and they were forced to run some distance by the soldiers. Before returning home, Ms. Digitaki passed by her office in. The office had been trashed and raided, the pro-democracy banners were removed, and graffiti was sprayed on the wall. Previously on 9 December 2006, a group of armed men broke into the pro- democracy shrine, tearing down banners and damaging the property. Ms. Digitaki is currently in hiding, in order to protect herself from arrest after a statement she made outlining the events of 24 December 2006, was was later made public. She fears for her physical integrity.</p>	
73.		16/08/07	JAL	SUMX; TERR; TOR	<p>Three incidents this year in which persons are reported to have died in either police or military custody in Fiji, following their arrest. It is reported that investigations into the killings have been inconclusive and that the perpetrators have not been prosecuted. <b>Tevita Malasebe</b> was arrested at the family home in Suva on 4 June, 2007 during</p>	

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					<p>the night by eight members of the Fiji Police (“strike back team”). Shortly after his arrest, members of Tevita’s family travelled to the Valelevu Police Station asking to see him. Officers at the station denied that Tevita was being held, although the van that had transported him to the station was parked outside and three officers involved in Tevita’s arrest were seen at the station. A few hours later, a phone call was received advising the family that Tevita was in CWM Hospital, Suva, where family members later observed Tevita’s bruised corpse. A Police Officers Order for Burial/cremation (form 5) reports the cause of death of Tevita as “shock and internal haemorrhage due to multiple bruises as a complication of multiple blunt impacts”. Post mortem photos appeared to indicate substantial bruising to the body of the deceased. <b>Sakiusa Rabaka</b> was arrested in the course of a joint military police operation on 28 January 2007. He was questioned by the military in Nadi and died three weeks later of a brain haemorrhage, for which he received emergency surgery. Then police commissioner stated that police were treating his death as murder and investigations were ongoing against suspects including one police man and six or seven soldiers. <b>Nimilote Verebasaga</b> was arrested by the police at the family home in Nakaulevu early in the morning of 5 January, 2007 and taken to the military barracks for questioning. He was pronounced dead on arrival at CWM Hospital. The body showed visible signs of broken ribs and a broken neck. The</p>	

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					family later recovered his body from the Suva morgue.	
74.	France	27/07/07	UA	TOR	<b>Hamid Balaei</b> , âgé de 21 ans, d'origine iranienne. Il aurait fui l'Iran pour échapper aux poursuites liées à son orientation sexuelle un an et demi auparavant. Il aurait été arrêté par la police à Paris le 18 juillet 2007 et se trouverait en détention depuis lors. Sa déportation en Iran serait imminente. Des craintes ont été exprimées quant à l'intégrité physique et mentale de M. Balaei, s'il était déporté en Iran. En Iran, l'homosexualité serait considérée un crime passible d'emprisonnement, de punitions corporelles et de la peine capitale.	
75.		07/12/07	JAL	IJL; TOR	L'absence d'intervention de la justice vis-à-vis d'une plainte déposée par quatre organisations non gouvernementales contre l'ancien secrétaire d'Etat à la Défense des Etats-Unis, Mr. <b>Donald Rumsfeld</b> . Le 25 octobre 2007, quatre organisations non gouvernementales, La Fédération internationale des ligues des droits de l'Homme (FIDH), le Center for Constitutional Rights (CCR), l'European Center for Constitutional and Human Rights (ECCHR) et la Ligue française des droits de l'Homme (LDH), auraient déposé une plainte auprès du Procureur du Tribunal de Grande Instance de Paris contre M. Rumsfeld, pour avoir ordonné et autorisé des actes de torture. Ayant informé le Procureur que M. Rumsfeld se trouvait à Paris le lendemain, 26 octobre, à l'occasion d'un débat organisé par la revue « Foreign Policy » qui s'est tenu au 33, rue du Faubourg Saint-Honoré, dans le 8ème	

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					<p>arrondissement, les organisations non gouvernementales auraient demandé au Procureur d'entamer des poursuites à son encontre et de s'assurer qu'il ne puisse quitter le territoire. Après le déroulement de ce débat, M. Rumsfeld aurait quitté le territoire en l'absence d'intervention par le Procureur. La plainte en question a été déposée sur la base des articles 689-1 et 689-2 du Code de procédure pénale français et de l'article 1er de la Convention internationale contre la torture et autres peines ou traitements cruels, inhumains ou dégradants, ratifiée par l'Etat français le 18 février 1986 et entrée en vigueur le 26 juin 1987. La compétence universelle des juridictions françaises pour connaître des crimes de torture commis à l'étranger découle des articles 689-1 et 689-2 du Code de procédure pénale. Selon l'article 689-1 du Code de Procédure Pénale « En application des conventions internationales visées aux articles suivants, peut être poursuivie et jugée par les juridictions françaises, si elle se trouve en France, toute personne qui s'est rendue coupable hors du territoire de la République, de l'une des infractions énumérées par ces articles. Les dispositions du présent article sont applicables à la tentative de ces infractions, chaque fois que celle-ci est punissable. » Dans l'alinéa 2 du même article il est prescrit que « Pour l'application de la convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants, adoptée à New York le 10 décembre 1984, peut être poursuivie et jugée dans les conditions</p>	

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					prévues à l'article 689-1 toute personne coupable de tortures au sens de l'article 1er de la convention ». A la lumière de différents rapports très détaillés et de mémorandums engageant directement la responsabilité de M. Rumsfeld dans les crimes de torture et autres traitements inhumains et dégradants sur des détenus de Guantanamo, d'Abu Ghraib et d'ailleurs, les Rapporteurs spéciaux ont exprimé leur préoccupation qu'aucune mesure n'ait été prise par le Procureur pour s'assurer que M. Rumsfeld ne quitte le territoire français.	
76.	Georgia	05/10/07	AL	TOR	The Government intends to include into this action plan <b>draft guidelines for the use of “diplomatic assurances”</b> against torture in its anti-torture action plan. The Special Rapporteur has stated (A/60/316) that “diplomatic assurances are unreliable and ineffective in the protection against torture and ill-treatment: such assurances are sought usually from States where the practice of torture is systematic; post-return monitoring mechanisms have proven to be no guarantee against torture; diplomatic assurances are not legally binding, therefore they carry no legal effect and no accountability if breached; and the person whom the assurances aim to protect has no recourse if the assurances are violated.” He has indicated “that States cannot resort to diplomatic assurances as a safeguard against torture and ill-treatment where there are substantial grounds for believing that a person would be in danger of being subjected to torture or ill-treatment upon return” and called “on Governments to observe	By letter dated 6/12/07, the Government replied that it is fully committed to the implementation of the absolute prohibition of torture and ill-treatment, crystallized as a ius cogens norm of international law and as entrenched in the Constitution of Georgia. It considers the elaboration of the anti-torture action plan by the inter-agency Council on the Coordination of the Measures Directed against Torture, Inhuman or Degrading Treatment or Punishment an effective tool to fulfil these obligations. Whereas guidelines on diplomatic assurances were included in the initial version of the action plan in accordance with the respective recommendations of the Committee against Torture (CAT/C/GEO/CO/3, 25 July 2006, para. 11), they were deleted after deliberation in the Council taking into account the opposition of non-governmental organizations. As regards the suggestions of the OHCHR Office in Tbilisi in relation to the need for the anti-torture plan to cover all places of detention, improve healthcare

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					the principle of non-refoulement scrupulously and not expel any person to frontiers or territories where they might run the risk of human rights violations, regardless of whether they have officially been recognized as refugees.” (paras 51 and 52). Further he stated (E/CN.4/2006/6, paras 31-33) that “diplomatic assurances with regard to torture are nothing but attempts to circumvent the absolute prohibition of torture and refoulement, and that rather than elaborating a legal instrument on minimum standards for the use of diplomatic assurances, the Council of Europe should call on its member States to refrain from seeking and adopting such assurances with States with a proven record of torture.” In light of the above, the inclusion of guidelines on the use of diplomatic assurances in Georgia’s anti-torture action plan risks undermining the very aim of the action plan – guaranteeing that the absolute prohibition of torture is implemented.	for persons deprived of their liberty, strengthen non-custodial measures and include protective measures for vulnerable groups, the Government assured the Special Rapporteur that they are fully covered by the Action Plan.
77.		13/11/07	JUA	FRDX; HRD; TOR	<b>Police actions in connection to mass protests in Tbilisi</b> as well as the <b>declaration of state of emergency and suspension of some fundamental rights</b> . On 7 November 2007, anti-government demonstrations in Tbilisi were violently curtailed by the riot police. Protesting crowds were dispersed by water cannons, tear gas and rubber bullets. Police officers chased various protestors and physically attacked them using rubber truncheons and by firing rubber bullets. <b>Koba Davitashvili</b> , the leader of the opposition People’s Party, was severely beaten and is currently hospitalized in critical condition.	

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					<p>The police also targeted journalists covering the events as well as independent observers. Two cameramen from Imedi TV were also hospitalized. The Public Defender (Ombudsman) of Georgia, <b>Sozar Subari</b>, was also attacked by the riot police with rubber truncheons. He was present in the protest to document the police actions. The riot police also raided the offices of two television stations, Imedi TV and Kavkasia, taking them off the air. Imedi radio station and Internet website were also suspended. Demonstrators who gathered outside Imedi TV headquarters to protest its suspension were dispersed by the police with tear gas and physical attacks. Later in the evening of 7 November, the Government declared a state of emergency for 48 hours, suspending a number of fundamental rights. The state of emergency was later extended to 15 days. In particular, all public demonstrations in the country were banned and only the state television was allowed to broadcast news. It is believed that around 500 protesters were injured, 100 of which remain hospitalized.</p>	
78.	Germany	18/12/06	JAL	TERR; TOR	<p><b>Organization of secret transfers of terrorist suspects by the United States European Command (EUCOM)</b> headquarters, Stuttgart-Vaihingen. EUCOM played a central role in the secret transfer of six suspected terrorists to Guantanamo Bay, Cuba. EUCOM organized from Germany the abduction of six prisoners of Algerian origin, namely <b>Bensayah Belkacem, Hadj Boudellaa, Saber Lahmar, Mustafa Ait Idir, Boumediene Lakhdar and Mohamed</b></p>	<p>By letter dated 16/02/07, the Government informed that the transfer of the terror suspects to the U.S. authorities by the Bosnia and Herzegovina authorities in January 2002 became known to the public through media reports in November 2006 and had led to violent protests in Sarajevo. The Government does not have further detailed information to conclude whether the allegations are accurate. It is correct that at the time two German liaison officers were deployed to</p>

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					<p><b>Nechle</b>, from Tuzla, Bosnia and Herzegovina to Incirlik, Turkey in January 2002. From there they were flown to Guantanamo Bay, Cuba, where they continue to be detained without charges. Two German military officers, working at EUCOM, were assigned as liaison officers and tasked with obtaining and communicating information between the German and U.S. authorities. Furthermore, information regarding this case was displayed on sources accessible to the public such as the website of EUCOM.</p>	<p>U.S.-EUCOM. The German liaison detachment acts as a point of contact for the U.S. forces in Germany and is mainly responsible for the exchange of information between U.S.-EUCOM and the German territorial commands. From 21 January 2002 onwards this detachment was augmented by an additional officer and senior NCO. These additional soldiers joined a multinational planning group which dealt with issues of support for the U.S. in preparing and implementing Operation Enduring Freedom and developed exercise scenarios for basic planning. None of the liaison officers were involved in planning or activities connected with the transfer and transport of the terror suspects. The case of the transfer of the "Algerian Six" has already been presented and commented on by the Special Rapporteur of the Council of Europe, Mr. Dick Marty. On 27 November 2006, the Association of Public Broadcasting Corporations of Germany (ARD) current affairs television programme Report Mainz broadcast a report about the transfer of six Algerian citizens from Bosnia and Herzegovina to Guantanamo via Turkey, and the alleged role of U.S.-EUCOM headquarters in Stuttgart-Vaihingen. Immediately prior to the broadcast of the report, Südwestrundfunk (SWR) 2 sent a press release to the Stuttgart Public Prosecution Office dated 23 November together with photocopies of various documents intended as evidence of the responsibility of U.S.-ELCOM headquarters. The Stuttgart Public Prosecution office instituted an appraisal of the matter on 27 November 2006 on</p>

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						<p>the basis of the information provided by Südwestrundfunk, and forwarded this to the office of the Public Prosecutor General at the Federal Court of Justice, asking it to examine whether it should potentially take over the matter. This was done in view of the fact that the Public Prosecutor General at the Federal Court of Justice is the competent authority pursuant to section 142a of the Courts Constitution Act (CCA) for criminal prosecution with regard to the offences listed in section 120 (1) and (2) of that Act. Because this list is exhaustive, the Federal Public Prosecutor General can only take over criminal proceedings if there is suspicion of an offence that is listed in section 120 (1) and (2) of the Act. This is due to the fact that under the division of jurisdiction in the German Basic Law, criminal prosecution is fundamentally the remit of the Länder (constituent states of the Federation); section 120 (1) and (2) of the CCA more closely define the exceptional cases of federal jurisdiction referred to in Article 96 paragraph 5 of the Basic Law. The importance of a case on its own cannot give rise to the Federal Public Prosecutor General having jurisdiction. In the present case, the Stuttgart Public Prosecution Office contacted the Federal Public Prosecutor General, because the facts, as they stood, might cover the offence of abduction pursuant to section 234a of the Criminal Code, and could therefore give rise to jurisdiction on the part of the Federal Public Prosecutor General (section 120 (2) first sentence no. 1, in conjunction with section 74a (1) no. 5 of the CCA). As a</p>

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						<p>mandatory requirement within the definition of this criminal offence, the victim must have been exposed to the danger of being persecuted for political reasons. Having regard to Article 16a (1) of the Basic Law, the Federal Public Prosecutor General takes the legal view that political grounds within the meaning of section 234a of the Criminal Code include racial, religious or philosophical grounds, and beyond these, association with a political party or group. The persecution must therefore involve one of these elements. A contravention of the rule of law alone, however, does not necessarily turn persecution into political persecution within the meaning of this penal provision. The Federal Public Prosecutor General therefore decided on 21 December 2006 to refrain from initiating investigation proceedings, because no sufficient factual indications were apparent for any of these criminal offences, which, according to the definitive statutory regulation, can give rise to the Federal Public Prosecutor General having jurisdiction to prosecute. In particular, the Federal Public Prosecutor General did not see sufficient indications for the criminal offence of abduction according to section 234a of the Criminal Code. This decision of the Federal Public Prosecutor General did not mean that the examination of the criminal information process has been concluded. Rather, it meant only that jurisdiction over the criminal persecution remains with the Stuttgart Public Prosecution Office which had the task of examining the facts of the case with respect to other criminal offences such as unlawful</p>

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						<p>deprivation of liberty (section 239 of the Criminal Code). The same criminal procedure instruments are available to it for this purpose as to the Federal Public Prosecutor General. The Stuttgart Public Prosecution Office has therefore undertaken a further examination of the allegations. With its order of 11 January 2007, it then also refrained from initiating investigation proceedings on suspicion of unlawful deprivation of liberty or other criminal offences (not within the remit of the Federal Public Prosecutor General), in accordance with section 152 (2) of the Code of Criminal Procedure. According to this order, there was no suspicion of criminal conduct by German citizens, in particular by German liaison officers working at the U.S.-EUCOM headquarters, which would have required the initiation of investigation proceedings. In this respect, it stated that there is merely information that liaison persons of the German armed forces work at U.S.-EUCOM headquarters in Stuttgart-Vaihingen and were also working there at the time of the action in question. However, there was no information linking these persons to participation in the transfer of the six Algerians to Guantanamo. The Public Prosecution Office also stated that it was not known which persons were involved in arranging the handover, in whatever manner, on the U.S. side, and it also was not known who was responsible for the action (particularly at the U.S.-EUCOM headquarters in Stuttgart). Furthermore - according to the order - members of the U.S. forces are not subject to German jurisdiction. Article VII 3 (a) (u) of the</p>

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						<p>Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces (NATO Status of Forces Agreement - SOFA) of 19 June 1951 establishes a primary right for the U.S. military authorities to exercise jurisdiction over a member of their force or of a civilian component in relation to offences arising out of any act done in the performance of official duty. According to the Public Prosecution Office, the act in the present case - provided that it involved criminal liability - would without doubt constitute such an act done in the performance of official duty. In conclusion, the Stuttgart Public Prosecution Office was not able to establish that anyone subject to German jurisdiction was in fact involved in any criminal offence under German law and therefore no further investigations were carried out. Moreover, it stated there has been no waiver by the U.S. authorities of their primary right to exercise jurisdiction over U.S. military personnel in EU-COM, nor is such a waiver expected. Since the group of prisoners was not transferred through Germany to Guantanamo, Cuba, the question of what safeguards are in place to ensure no such transfers occur, does not arise. Measures taken in the fight against terrorism, such as arrests of individuals, their transfer from the custody of one State to that of another, and the treatment afforded to detainees, must at any time be in conformity with the relevant rules of international law, including – where applicable - the rules of international humanitarian law and recognized human rights standards. The</p>

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						presence of U.S. military in Germany is sanctioned by the Convention on the Presence of Foreign Forces in the Federal Republic of Germany, which was concluded by the Federal Republic of Germany, the United States of America, the United Kingdom of Great Britain and Northern Ireland and the French Republic on 23 October 1954. Their status is regulated by the Agreement between the Parties of the North Atlantic Treaty Regarding the States of their Forces of 19 June 1951 and the Agreement to Supplement the Agreement between the Parties of the North Atlantic Treaty regarding the States of their Forces with Respect to Foreign Forces stationed in the Federal Republic of Germany of 3 August 1959.
79.	Guinea	30/01/07	JUA	FRDX; TOR	La Confédération Nationale des Travailleurs de Guinée (CNTG) et l'Union Syndicale des Travailleurs de Guinée (U.S.TG) conjointement avec l'Organisation Nationale des Syndicats Libres de Guinée (ONSLG), et l'Union Démocratique des Travailleurs de Guinée (UDTG), auraient organisé une manifestation le 17 janvier 2007 pour protester contre le gouvernement et la gestion de l'Etat et du pays qui serait en proie à une grave crise économique. Les forces de sécurité auraient violemment dispersé cette manifestation avec des gaz lacrymogènes, des balles en caoutchouc et des balles réelles. Ils auraient aussi frappé de nombreux manifestants. Quatre personnes auraient été tuées, plusieurs blessées et au moins soixante auraient été arrêtées. Le 22 janvier 2006,	

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					de nombreux membres de la garde rapprochée du Président de la République, se seraient rendus à la Bourse du travail où ils auraient saccagé l'ensemble des bureaux et passé à tabac de nombreux syndicalistes et membres d'organisations de la société civile qui étaient réunis depuis le début de la grève générale. Une vingtaine de dirigeants syndicaux qui avaient organisé la manifestation susmentionnée, parmi lesquels Dr. <b>Ibrahima Fofana</b> , Secrétaire général de l'Union Syndicale des Travailleurs de Guinée (U.S.TG), Mme <b>Hadja Rabiadou Diallo</b> , Secrétaire générale de la Confédération Nationale des Travailleurs de Guinée (CNTG), M. <b>Yamodou Touré</b> , Secrétaire général de l'ONSLG et M. <b>Abdoulaye Baldé</b> , Secrétaire général de l'UDTG, auraient été frappés, puis arrêtés et conduits dans les locaux de la Compagnie mobile d'intervention et de sécurité, et enfin libérés dans la nuit du 22 au 23 janvier 2007. Au moins trois étudiants, MM. <b>Ousman Baldé</b> , <b>Abbas Camara</b> et <b>Mamadou Bobo Barry</b> , arrêtés les 15 et 16 janvier, seraient encore détenus par les forces de police.	
80.	Honduras	05/04/07	JUA	HRD; TOR	<b>Sr. Donny Reyes</b> , miembro de la asociación Arcoiris, asociación que trabaja por la defensa de los derechos de lesbianas, gays, bisexuales y personas transgénero (LGBT). El 18 de marzo, hacia las 3 de la madrugada, el Sr. Donny Reyes salió de las oficinas de la asociación Arcoiris y mientras esperaba un taxi, seis agentes de policía en dos autos de patrulla se detuvieron junto a él y le pidieron que subiera a uno de los autos.	Por carta de fecha 13/06/07, el Gobierno informó que la Fiscalía General de la República sigue realizando investigaciones con relación al caso del <b>Sr. Donny Reyes</b> . Con el fin de esclarecer los hechos, la Secretaría de Seguridad procedió a la conformación de una Comisión Especial, creada mediante acuerdo ministerial N° 0525-07 de fecha 16 de abril de 2007. La Secretaría de Seguridad ha suspendido temporalmente a 10 oficiales de la

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					<p>Cuando Donny Reyes se negó, los agentes empezaron a golpearle y le insultaron diciendo “a estos maricones hay que desaparecerlos de aquí”. El Sr. Donny Reyes fue trasladado a la comisaría de Comayagüela, donde lo encerraron en una celda con otros 57 hombres. Donny Reyes fue golpeado, desnudado y violado por cuatro detenidos, después de que un agente de policía gritara “miren, aquí les traigo a una princesita, ya saben lo que tienen que hacer”. El Sr. Reyes fue dejado en libertad al día siguiente después de pagar un soborno de 200 lempiras. Tres días después el Sr. Donny Reyes denunció lo sucedido ante la fiscalía y desde entonces viene siendo objeto de intimidaciones por parte de la policía. Desde el 27 de marzo autos de patrulla se estacionan varias veces al día por periodos de cinco minutos frente a las oficinas de la asociación Arcoiris, en un aparente intento por presionarle para que abandone sus denuncias. Igualmente, se teme que estos eventos puedan estar relacionados con la actividad en defensa de los derechos humanos del Sr. Reyes, en particular su trabajo por la defensa de los derechos de lesbianas, gays, bisexuales y personas transgénero.</p>	<p>Escala Básica de la Cuarta Estación Policial de la Jefatura Metropolitana N° 3, involucrados en el incidente con el Sr. Donny Reyes. Los 10 oficiales se encuentran concentrados temporalmente en el Comando de Operaciones Cobras para evitar que interfieran en las acciones de investigación. El Gobierno informa de que el Sr. Reyes no es beneficiario de medidas cautelares y que no ha recibido ningún tipo de compensación a modo de indemnización, ya que para tal fin debe acudir a las instancias jurisdiccionales correspondientes.</p>
81.	India	16/02/07	AL	TOR	<p><b>Arun Lal Das</b>, a 30-year-old prisoner at Purnea Jail, Bihar. He is currently on trial for an alleged violation of the Drugs and Narcotics Act. In a statement he gave on 17 January 2007, before the first additional and district sessions judges, Arun Lal Das alleged he had been tortured. Arun Lal Das alleged that the jail superintendent and</p>	

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					<p>jail constable beat him regularly, burned him with cigarettes and denied him food for periods of up to four days. Arun Lal Das also recounted a specific incident on 7 January 2007, when the jail superintendent and jail constable attempted to sever his penis as punishment for refusing to pay them extortion money. Earlier, jail officials as well as the district administration had denied that Arun had been tortured. However both judges witnessed burn marks on his body, and knife marks and cuts on his penis. The court ordered the establishment of an investigative team to examine the evidence of torture, and also ordered that Arun Lal Das undergo medical examination. The results of these investigations have confirmed that he was tortured in Purnea Jail. In response, the State Government has "suspended" the officers, however, both men are now reported to be working at Bhagalpur Jail. Neither of them have been brought to trial.</p>	
82.		14/08/07	JAL	TOR; VAW	<p>Ms. <b>Asha Begum</b>, 19-year-old resident of Lakshmipur, Rajpara, Rajsahi district, Bangladesh. On 7 June 2007, at 6.45 p.m., Ms. Asha Begum was taken into custody together with Ms. Champa Khatun by Indian Border Security Force (BSF) officers stationed at I &amp; II Outposts at Kargil village, Murshidabad district of West Bengal State, while they were trying to cross the border from Bangladesh to India. Some hours after being taken into custody, Ms. Asha Begum was raped by a BSF officer. The incident was witnessed by a senior officer of the intelligence branch at the BSF, who was visiting the outpost that day. The officer</p>	

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					<p>advised Ms. Asha Begum to visit a doctor and to lodge a complaint at Raninagar Police Station. However, when she attempted to do so, the responsible officers refused to register her case and to have a medical examination conducted. On the next day, when Ms. Asha Begum was taken to Raninagar Police Station, the senior divisional police officer from Domkal, ordered that she be sent to the Beharampur District Hospital for a medical examination. However, the BSF put pressure on the medical officer who examined Ms. Asha Begum, and who later declared that she was not raped. No forensic laboratory examination was conducted. On 9 June 2007, Ms. Asha Begum and Ms. Champa Khatun had to appear before the additional chief judicial magistrate in Lalbagh for the hearing of the case against them under the relevant provisions of the Foreigners Act of 1946. The court issued an order to detain Ms. Asha Begum and Ms. Champa Khatun in judicial custody. On 21 June 2007, Ms. Asha Begum's court case commenced. During these proceedings, her lawyer informed the Court that she was raped while in detention.</p>	
83.		26/09/07	JUA	RINT; TOR	<p><b>Sabir Ali, Iqbal Shahi, Ms. Anisa Abdul Jabbar, Muhammad Allauddin Syed, Ms. Zill Gohar, Asad Gohar, Muhammad Ashfaque, Ms. Shaista Gohar, Ayoub Gohar, Muhammad Irshad, Muhammad Sajjad Babar, Ms. Shabana Gohar, Zaheer-ud-din Bukhari, Muhammad Faheem Jaffar, Ms. Rozina Faheem, Farooq Azam, Muhammad Khalid, Sarfaraz Hussain, Muhammad Fiaz, Muhammad Furqan Uddin</b></p>	

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					<p><b>Syed, Muhammad Yasir, Shehzaib Gohar, Ms. Gulnaz, Ms. Samreen Shahzadi, Muhammad Ikhlq, Ms. Kulsoom Khan, Imran Saeed, Ms. Zakia Imran, Imran Pasha, Muhammad Maqsood, Irshad Ali, Ms. Rakhshanda Asim Syeda, Javaid Iqbal, Ms. Qazmi Begum, Muhammad Muzammil, Shahzad Mukhtar, Muhammad Zafar Iqbal, Mansoor Khan, Ms. Bushra Mansoor, Ms. Misbah Nisa, Ms. Ashraf Nisa, Moin-ud-din Ahmed, Ms. Noreen Shahzadi, Abdul Rashid, Ms. Maqsooda Bibi, Ms. Sana Riaz, Hassan AlGohar, Muhammad Shafi, Ms. Safia Shafi, Tanveer Younus, Asim Ilyas, Tahir Rasheed, Usman Rashid, Abdul Waheed, Ms. Sajida Waheed, Ms. Farah Naz Gohar, Waqas Ahmed Gohar, Ms. Samira Wasim, Muhammad Wasim, Aurangzeb, Ms. Qamar Parveen, Akhtar Ali Ansari, A. G., M. G., and A. G..</b> These 65 persons have Pakistani nationality and are currently detained in Central Jail Tihar, New Delhi. The three last-named persons were born during the past three months in Central Jail Tihar. Currently, a total of ten detainees are under six years of age. The first-named 62 persons are members of the Mehdi Foundation International (MFI), a multi-faith institution utilizing mystical principles of Mr. Ra Gohar Shahi. They claim that in Pakistan MFI members are not allowed to practice their beliefs, that they were tortured there and that blasphemy cases against 250 MFI members have been initiated in Pakistan. In early 2007, they traveled from Pakistan to India intending to seek asylum.</p>	

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					<p>On 23 April 2007, the first-named 62 persons staged a protest demonstration at Jantar Mantar, New Delhi, at which they burnt the Pakistani flag as well as their passports and visa papers. In the absence of valid visas and other travel documents, the 62 persons were arrested by the local police and sent to Central Jail Tihar. Subsequently, their application for bail was denied with the reasoning that without local addresses it would not be possible to secure their presence during the trial if released on bail. On 22 June 2007, 31 July 2007 and 24 August 2007, three women of the group gave birth in detention, and; another detained women is pregnant. Several other detainees suffer from severe depression and their constant screaming and weeping frightens the children who are detained in the same ward. Requests to the jail authorities to provide separate accommodation for the female detainees with children was denied by the additional chief metropolitan magistrate of New Delhi on 28 May 2007. The 65 above-mentioned persons are at risk of imminent forcible return to Pakistan.</p>	
84.		26/09/07	JUA	WGAD; TOR	<p><b>M. M. B.</b>, aged 17, detained at Narkeldanga Police Station, Kolkata. He was arrested on 11 September 2007 at Sambhu Babu's factory by policemen from Narkeldanga Police Station, where he was subsequently taken. There he was severely beaten in front of several witnesses. Shortly after, he was transferred to another room and beaten again, this time for a prolonged period. When M.M.B. returned to his cell on the</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>same evening, he was limping. On 12 September 2007 at 7.30 p.m. a relative of M.M.B. met the officer in charge of the case. He took her thumb impression on a blank paper, registered her address and threatened that, if she filed any complaints, M.M.B. would be charged with an offense under the Narcotic Substances Act. M.M.B.'s relative, when leaving the police station, saw him lying on the floor. M.M.B. has not been produced before any magistrate so far.</p>	
85.	Indonesia	28/06/07	JAL	SUMX; TOR	<p><b>Teguh Uripno</b>, a 24-year old resident of Tangerang district. On 20 April 2007 around 11 a.m., he was arrested, handcuffed and taken into custody at Serpong Police Station after a dispute with a police officer. There he was beaten by police officers. When his family heard of the arrest, they went to the police station but were not allowed to see him. They returned the following morning, 21 April 2007, and again were not allowed to see him. The police did not provide specific reasons for the refusal. At around 3.30 p.m. on 21 April several police officers went to the house of Mr. Uripno's family and informed them that he had died while being taken to a local hospital, whereupon they immediately went to the hospital. They found marks of severe beating on the body. Medical reports indicate that he had a fractured skull, his arm was broken, and other parts of his body were severely bruised. According to the medical reports, his death was due to the trauma suffered by his skull. The Criminal Investigation Division (CID) of Tangerang has commenced an investigation into the death. The</p>	<p>By letter dated 31/07/08, the Government informed that he was arrested for assaulting a police officer and then taken to Serpong district Sector Police Station. It has been reported that he died on 21 April as he was being taken to hospital allegedly following a beating while in police detention in the Tangerang district the day before. It has been alleged that he was brutally beaten and that this assault proved fatal. It is also the Government's understanding that while he was remanded into police custody on 20 April, his family was informed of his arrest. Investigations are currently ongoing. The facts of the case are being elucidated by the pertinent authorities in charge. For instance the Criminal Investigation Department (CID) of Tangerang has been involved in the case and has undertaken its investigations since April 2007. The findings of the CID will be communicated to the appropriate authorities as soon as their report is established. However, the process of investigating involves a detailed sifting through of all the facts and allegations, a process which requires time and</p>

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					<p>family of Mr. Uripno filed a complaint with Komnas Ham (National Human Rights Commission). No information has been received on the progress of these proceedings.</p>	<p>dedicated effort. Mr. Uripno was questioned while in custody, then he was taken to hospital the same day where he died. An autopsy was ordered and it was as a result of the findings of this report that his parents sought the assistance of the Jakarta Legal Institute and thereafter went to the Jakarta Police to denounce the treatment and subsequent death of their son. In connection to this case, Indonesia is also aware that his family later sent a letter of complaint to the Komnas Ham (Indonesia's National Human Rights Commission) detailing their concerns. The latter commenced investigations, however, as this also requires a bit of time to verify the facts and reliably identify the perpetrators, their conclusions cannot be publicly transmitted until then. In connection to the response of the local authorities, the Internal Affairs department of the Tangerang Police has also been conducting their independent investigation into this matter. This unit originally questioned 19 police officers working in the Serpong district who were at the time suspected of being implicated in this unfortunate death of a detainee. Nine police officers have since been officially named as suspects in the case and have been duly arrested. Of the nine police officers, two were name key suspects in April. The other seven are still being investigated for complicity in the acts of violence perpetuated against the victim, while he was in their custody. However a chain of causality must be clearly established before any final conclusions can be presented. Furthermore the judiciary and its branches must be allowed the</p>

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						<p>time and space to effectively carry out their functions and come to a concrete solution of the issue before them without interference from the Executive, as clearly stipulated in the 1945 Constitution. The Government reiterates, as it has done on many other similar occasions, its opposition to the use of torture, whether as a means of coercion or punishment. As well as being a signatory to CAT, Indonesia has also provisions in its laws that clearly state that freedom from torture is a non-derogable right. Indeed, this is evident in the provisions of Law No. 39 of 1999 on Human Rights, in particular article 4, as well as articles 9 and 39 of Law No. 26 of 2000 on the Human Rights Court. The latter guarantees any violations of this right will be brought to justice. Moreover, Indonesia continues to do its best to assure the dissemination of information on the implementation and application of CAT and other such provisions within the national security services in order that incidents and tragedies such as those concerning Mr. Urpino do not occur. It is the Government's belief that its local government authority will do everything within its prescribed authority to verify the facts of the case and determine the perpetrators and how they should be prosecuted before the law and whether it will be disciplinary, administrative or penal measures that will be undertaken. The provisions of national law however preclude the interference of the Government from matters that have been constitutionally set to be handled by the judiciary.</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						Furthermore, any considerations for compensation depend entirely on the findings of the courts and subsequent rulings thereof. Until the ruling of the court establishes the chain of events and causality, the right punishment for the perpetrators and the possibility of compensation cannot be anything more than an expectation. The Government further wishes to clarify again that the judiciary can only allow for the stipulation of compensation when the facts of the case determine such would be warranted and not before. However, this decision again lives exclusively within the powers of the judiciary which excludes any interference by the executive.
86.	Iran (Islamic Republic of)	15/12/06	JUA	WGAD, FRDX, HRD, TOR	<b>Sherko Jihani</b> , correspondent of the Turkish news agency Euphrat in Mahabad and a member of the Human Rights Organization of Kurdistan (HROK). On 27 November 2006, he was arrested and detained in Mahabad Central Prison after being summoned to appear before branch 2 of the Revolutionary Prosecutor's Office in Mahabad. It is reported that Mr. Jihani was interrogated about the formation of an investigative committee on the kidnapping on 8 January 2006 of a woman human rights activist, Ms. Sarveh Komkar (Kamkar), and for giving interviews to foreign media about the killing by Iranian security forces of Kurdish activist, Showan (Shivan) Qaderi (subject of a previously transmitted communication, E/CN.4/2006/54/Add.1, page 102) on 9 July 2005. On 30 November, Mr. Jihani went on a hunger strike in protest against his detention after refusing to pay a bail of Rials 50 million. On 4	By letter dated 22/05/07, the Government informed that he was charged with "dissemination of false information" and "participation in illegal demonstrations." A preliminary hearing in court has been carried out and he has been released on bail pending completion of investigations.

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					December, Mr. Jihani began refusing to speak. On the same day, his family was able to visit him. On 6 December, Mr. Jihani was moved from Mahabad Prison to an unknown location, possibly Oromiyeh Prison. On 12 December, Mr. Jihani's family received a phone call from an alleged member of the Mahabad branch intelligence services who told them that Mr. Jihani died of a heart attack after falling into a coma. On 13 December, the family was received a phone call from him but he was unable to tell them anything about his whereabouts and he sounded very weak. Mr. Jihani has been arrested nine times since 1999, and is said to have been tortured while previously in detention.	
87.		20/12/06	JUA	WGAD; TOR	Shi'a cleric Ayatollah <b>Sayed Hossein Kazemeyni Boroujerdi</b> , and followers, namely <b>Mostafa Sheybani Farahani, Yaghoub Sadeghi, Reza Mohseni, Majid Alasti, Mohammad Ansari, Hossin Yazdani, Kambiz Hosseini, Azin Ghotbi, Hamid Sayyadi, Mohammad Reza Sadeghi, Abbas Barghbani, Morteza Abbas Rahim, Ali Shahrabi, Mehrdad Souri, Ahmad Karimiyan, Ali Dah Hijdah, Ali Reza Montazer Sabe, Msoud Samavati, Ali Bahrami, Ramezan Rahimi, Hasan Harischiyan, Seyyed Jafar Seyyed Monir</b> , and Ms. <b>Narges Ghaffar Zadeh</b> . On 8 October 2006, Ayatollah Sayed Hossein Kazemeyni Boroujerdi was arrested at his home. Since 28 September 2006, approximately 300 of his followers have also been arrested, including the Ayatollah's 80-year-old mother and his six-month-old grandson. Tear-gas and electroshock	

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					<p>weapons were used while the arrests were carried out. The majority of those arrested are believed to have been released, some of them on bail. Their personal belongings, confiscated upon arrest, including mobile phones, have not yet been returned. The Ayatollah himself and the above-mentioned individuals are still being detained in Section 209 of Evin Prison for interrogation. It has been reported that the Ayatollah has suffered from a heart attack and was hospitalised for at least three days on or around 24 October 2006. He was returned to Evin Prison thereafter, and there are concerns that he might not be receiving adequate medical treatment. It is not known whether he, or any of the above-mentioned individuals, have been allowed to receive visits from their families or lawyers. The Ayatollah developed heart and kidney problems as a result of ill-treatment.</p>	
88.		31/01/07	JUA	SUMX; TOR	<p><b>Abdullah Farivar Moqaddam.</b> He is at imminent risk of execution by stoning to death. He was arrested on 8 February 2005 and charged with committing adultery. He was convicted and sentenced to death on 21 December 2005 by the second bureau of the Mazandaran penal court and the sentence was confirmed by bureau 41 of the High Court on 1 August 2006. He apparently confessed under fear of torture by the police but later retracted his confession before the court. His application to have the verdict quashed by the Head of the Judiciary and Investigation Board of the High Court was subsequently dismissed. It is believed that Mr. Moqaddam is currently detained at Sari Prison.</p>	

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89.		31/01/07	JUA	SUMX; TOR	<b>Sina Paymard</b> and <b>Mostafa</b> (surname unknown) who are at risk of execution for crimes committed when they were under the age of age 18. Sina Paymard was convicted of murder after a dispute with a man over cannabis during which he stabbed the drug dealer to death in October 2004. The Supreme Court upheld his death sentence but he was granted a reprieve by the victim's family on 20 September 2006. Sina Paymard remains at risk of execution after a demand for payment of diyeh (blood money) was made in the amount of 150 million troumans (over \$ 160 000) which Sina Paymard's family could not afford. In November 2006, his lawyer asked for a review of his case after submitting evidence that the Court had not properly considered that Sina Paymard suffered from a mental disorder. He has had a stay of execution ordered by the Head of the Judiciary. Mostafa was convicted of killing a man in the Pars district of Tehran following a scuffle which ensued after he intervened to stop the deceased from harassing a woman. His sentence has been upheld by the Supreme Court.	
90.		06/03/07	JUA	WGAD; IJL; MIG; TOR	<b>Abdul Rasoul Mazraeh</b> , also known as <b>Abdullah Abdulhamid al-Tamimi</b> , an Iranian Ahwazi and a recognized refugee in Syria. He was arrested by Syrian security forces on 11 May 2006 and handed over to Iranian authorities in Tehran on 15 May 2006. Since his arrest he has not had access to a lawyer and has been detained in solitary confinement. Mr. Mazraeh is expected to go on trial in March, however, it remains unclear what charges are put against him. He was physically	By letter dated 23/08/07, the Government informed that Mr. Abdul Rasoul Mazraeh is the head of the military wing of the terrorist group known as "MIAAD" and following participation in several terrorist operations, he had illegally fled Iran to Syria, where subsequent to his identification by the local pertinent authorities, as well as the issuance of a writ of arrest by INTERPOL, he was arrested and extradited to Iran. All the allegations, including torture, his

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					and mentally ill-treated while in detention. As a result, he carries blood in his urine, his liver and kidneys are not functioning and he lost all of his teeth. Furthermore, he is paralysed because his spine has been damaged.	illness in prison, lack of access to lawyer as well as to his family are categorically denied. Mr. Mazraeh has been in good health. He has, frequently, met his family, and has made phone calls to them. Besides he has enjoyed two times of city leave (out of prison, under police control) in December 2006 and March 2007. This case is presently going through investigations and legal proceedings in the competent court with the information and presence of Mr. Mazraeh's defence lawyers at different stages. No final verdict is, yet issued.
91.		16/03/07	JUA	WGAD; FRDX; HRD; TOR	<b>Esma'il Javadi</b> , a 31-year-old, journalist, <b>Ebulfezl Alilu</b> , a shopkeeper, and <b>Ramin Sadeghi</b> , all Azeri Turks and linguistic rights activists. The three men were arrested at around the time of several peaceful demonstrations marking International Mother Language Day on 21 February 2007. Mr. Esma'il Javadi was arrested on 18 February 2007 in the city of Orumiyeh. He is currently being detained in a detention facility under the auspices of the Ministry of Intelligence in the Dokkuz Pille area of Orumiyeh and has been ill-treated in detention. Mr. Javadi is in poor health and in urgent need of medical care. Family members who were permitted to meet with him have been threatened by security officials and told that they should not speak about Mr. Javadi to anyone. Mr. Ebulfezl Alilu was in a group of around 50 people who were arrested in Orumiyeh on 21 February 2007. Authorities have closed his shop at Orumiyeh Bazaar. Mr. Alilu is currently being detained at Dokkuz Pille detention facility,	

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					where he has been ill-treated. Mr. Ramin Sadeghi was arrested in the city of Ardabil on 19 February 2007 together with around 20 other persons. He was first held in a detention facility of the Ministry of Intelligence and then transferred to Section 1 of Ardabil Prison on 3 March 2007. Authorities have denied him any visits. He has gone on hunger strike and is in poor health, and in urgent need of medical care.	
92.		03/04/07	JUA	SUMX; TOR	<b>Javad Naroui, Ma'soud Nosrat Zahi, Houshang Shahnavazi, Yahya Sohrab Zahi, Ali Reza Brahoui, Abdalbek Kahra Zahi</b> (also known as Abdalmalek), and <b>S. Q. Z.</b> , aged 17, all members of the Baluchi minority and are at risk of imminent execution. They have been tried, convicted and sentenced to death in connection with a series of crimes which took place in the town of Tasuki, in Sistan and Baluchistan provinces in March 2006. Confessions of five of the men (Ali Reza Brahoui, Yahya Sohrab Zahi, S. Q. Z., Houshang Shahnavazi and Ma'soud Nosrat Zahi) were broadcast by Iranian state television. Reports received also indicate that these five men might have been tortured, including by having bones in their hands and feet broken, by being "branded" with a red-hot iron and by an electric drill applied to their limbs.	
93.		19/04/07	JUA	WGAD; TOR;	<b>Hadi Musevi</b> , an Iranian citizen and an active member of Gamoh (Southern Azerbaijan National Awakening Movement). On 7 April 2007, between midnight and 1 a.m., Azerbaijani police went to his home in Baku and arrested him. He was detained in a detention centre run by the immigration	

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					<p>section of the Ministry of Interior and did not have access to a lawyer until 10 April 2007. Hadi Musevi was accused of illegally residing in the country and was told that he will be deported to Iran immediately. On 11 April 2007, he was taken to Baku airport and placed on a plane bound for Iran. Since then, his whereabouts are unknown. In Iran, he has not returned home or otherwise contacted his family. In 2004, he was arrested in connection with the so-called "Babak castle gathering" and imprisoned for two months. Thereafter, he left Iran for Azerbaijan, where he sought asylum through the Office of the UN High Commissioner for Refugees. His application was rejected, but an appeal was still pending. While in Baku, Hadi Musevi participated in numerous demonstrations in front of the Iranian embassy.</p>	
94.		01/06/07	JUA	HRD; SUMX; TOR	<p><b>Hossein Forouhideh</b> (also known as Khatibi), an advocate of linguistic and social rights for Iranians of Azerbaijani ethnicity from the Khoy region. He was sentenced to death by bench 1 of the Revolutionary Court in the city of Orumiyeh. While neither the date of his secret trial nor the precise charges on which he was convicted are known, it would appear that they are connected to accusations of spying for the Turkish Government. After an initial period of detention in an Etelaat (Ministry of Intelligence) detention facility in Khoy, Hossein Forouhideh spent more than nine months incommunicado in an Etelaat detention facility in the city of Orumiyeh, where he was tortured leaving him with extensive bruising to his torso and a number of broken ribs. He was</p>	

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					subsequently transferred to a third Etelaat facility, Dokkuz Pille Prison in Orumiyeh, where he is currently detained. In March 2007, the authorities informed Hossein Forouhideh's mother that he had been executed, and that she should collect his body from the detention facility. When she went there from Khoy, where she lives, the guards told her that her son had not yet been executed. She recently visited the detention facility again, but was not allowed to visit her son. Hossein Forouhideh's wife, who lives in eastern Turkey, has not been able to obtain information about her husband since at least September 2006.	
95.		07/06/07	JUA	WGAD; HRD; TOR	<b>Sa'id Metinpour</b> and <b>Jalil Ghanilou</b> , residing in Zenjan, both advocates of Azerbaijani linguistic and cultural rights in Iran. Mr. Metinpour and his wife were arrested at home in Zenjan on 25 May 2007 at around midnight by plain-clothed officials from the Iranian Ministry of Intelligence. The officers forced them into a vehicle and blindfolded them. Later, they were separated and Mr. Metinpour was removed in one car, while his wife was returned to their home in another. At around 5 a.m. on 26 May 2007, Ministry of Intelligence officials arrived to search the couple's residence. They removed notebooks, tapes and albums containing family photos before searching the home of Mr. Metinpour's father, which is located on a higher floor. Mr. Metinpour's current whereabouts are unknown. His wife has sought information about his fate from the state prosecution authorities (Dadsara) and the judiciary (Dadgostari), but was told by both that	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					they are unaware of his status and that no file exists with his name. Mr. Ghanilou was arrested in Zenjan by security officials at around 10 p.m. on 27 May 2007. He is being detained at an unknown place of detention.	
96.		12/06/07	JUA	WGAD; HRD; TOR	<b>Keyvan Rafiee</b> , a human rights activist. On 9 July 2006, he was arrested for having participated in an event commemorating an earlier crackdown on a large student demonstration ("18 Tir") and for having reported about other student demonstrations. Since then he has been held in Section 209 of Evin Prison, run by the Intelligence Ministry. He spent more than nine months in solitary confinement, has been subjected to ill-treatment, and as a consequence is suffering from several illnesses. Like other prisoners in Section 209, he is handcuffed and blind-folded most of the time. It is unclear whether he has access to medical treatment.	
97.		20/06/07	JUA	SUMX; TOR	Ms. <b>Mokarrameh Ebrahimi</b> and an <b>unnamed man</b> who are due to be executed by stoning on 21 June 2007. Both were charged and convicted of the offence of adultery and sentenced to death by the Office of Showraye Tameen of Ghazvin province. The sentence is due to be carried out in the Behest Zahra cemetery in Ghazvin province. Appeals to the judicial commission for amnesty and clemency were apparently rejected. Both have been held in prison for the past eleven years. Ms. Ebrahimi is currently detained in Choubin Prison in Ghazvin province.	
98.		05/07/07	JUA	FRDX; HRD; TOR;	Ms. <b>Delaram Ali</b> (subject of a previously transmitted communication, A/HRC/4/33/Add.1,	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
				VAW	para. 100), a women's rights defender from Tehran University. The Tehran Revolutionary Court convicted Ms. Delaram Ali on charges of "Propaganda against the System" and "Disturbing Public Order." On 12 June 2006 in Haft Tir Square, she participated in a peaceful demonstration for better recognition of women's rights and the removal of discriminatory clauses against women from Iranian law. Ms. Delaram Ali was sentenced to two years and 10 months' imprisonment and 10 lashes. The sentence has not been suspended and could be carried out at any time. Several other persons arrested during the demonstration have also been convicted and sentenced, but had their sentences suspended.	
99.		09/07/07	JUA	HRD; IJL; TOR	<b>Ali Shakeri</b> , a peace activist and founding board member of the University of California, Irvine, Center for Citizen Peacebuilding, and <b>Kian Tajbakhsh</b> , a social scientist at the New School in New York, who has worked as a consultant for the Open Society Institute and the World Bank. Since early May 2007, Mr. Shakeri and Dr. Tajbakhsh have been held in section 209 of Evin Prison in Tehran on the charge of "acting against national security by engaging in propaganda against the Islamic Republic through spying on behalf of foreigners". Both men are being detained incommunicado and denied access to their lawyers and families.	
100.		10/07/07	JUA	WGAD; FRDX; HRD; TOR	<b>Mohammad Sadiq Kabudvand</b> (subject of a previously transmitted communication, A/HRC/4/27/Add.1, para. 294) the chair of the Kurdish Human Rights Organization (RMMK)	

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					based in Tehran, and editor of Payam-e Mardome Kurdistan (Kurdistan People's Message), a weekly published in Kurdish and Persian, which was suspended in June 2004 for "disseminating separatist ideas and publishing false reports". On 1 July 2007, Mr. Sadiq Kabudvand was arrested at his place of work in Tehran by plain-clothed security officers. He was taken to his house where the security officers confiscated several personal belongings, including three computers, personal documents, books, photographs and family films. He was then taken to ward 209 of Evin Prison where he is currently detained and denied access to a lawyer.	
101.		23/07/07	JUA	SUMX; TOR	<b>Mosleh Zamani</b> , who is at imminent risk of execution for a crime committed when he was 17 years-old. He was charged with abducting and having sexual relations with a woman (with whom he was in a relationship). He was convicted and sentenced to death in 2006. It is reported that Mr. Zamani had inadequate legal representation during his trial and appeals. His sentence was upheld by Iran's Supreme Court in early July 2007 and was referred on 17 July to judicial authorities responsible for implementing the verdict. He is currently detained at Sanandaj Prison.	
102.		24/07/07	JUA	HRD; TOR	<b>Loghman Mehri</b> and his wife. Mr. Mehri is a member of the Kurdistan Human Rights Organisation (RMMK). On 18 July 2007, he and his wife were kidnapped while entering the East Bus Terminal in Tehran. Three men in plain clothes believed to be national security agents, beat Mr. Mehri before forcing him and his wife into	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					a car. Their current whereabouts are unknown. Mr. Mehri had been arrested in August 2005 on charges of acting against internal security; membership of an illegal group, and incitement to riot. He was released on bail and was due to appear in court at Sanandaj Prison next week.	
103.		02/08/07	UA	TOR	<b>Abdolwahed Butimar</b> (subject of a previously transmitted communication dated 26 July 2007). During his detention in a Ministry of Intelligence facility in Marivan and at Marivan Prison, Mr. Butimar was beaten and repeatedly taken to a room in the basement of the jail, which was filled with sewage and excrement, hung by his hands and forced to keep his head lifted in order to avoid drowning in the sewage. As a result he suffers from severe pain, has bruises on his face and hands. Moreover, he was held in a cell 1 x 1m, where there was a toilet, a faucet and a cup. He was fed only a small amount of bread. He was on several occasions taken from his cell during the night and told that he would be executed.	
104.		23/08/07	JUA	SUMX; TOR	<b>Mohamed Latif</b> . Convicted in 2004 for a murder committed when he was 14-years-old, he is at imminent risk of execution. An appeal was apparently lodged with the Supreme Court concerning his mental age but was rejected.	
105.		30/08/07	JUA	WGAD; RINT; HLTH; IJL; TOR	Shi'a cleric Ayatollah <b>Sayed Hossein Kazemeyni Boroujerdi</b> (subject of a previously transmitted communication, see above), aged 49. On 10 June 2007, he was tried before the Special Court for the Clergy. He was denied legal counsel. It is unclear whether he was sentenced to death or whether his case is still under consideration. Mr.	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Boroujerdi is currently detained in Evin Prison, where, on top of the severe conditions of detention, he has been beaten and had cold water spilled on him while he was sleeping. Although he suffers from Parkinson's disease, diabetes, high blood pressure and heart problems, Mr. Boroujerdi was denied permission to seek treatment at the prison's medical facility until he started a hunger strike on 22 July 2007.	
106.		04/09/07	JUA	WGAD; HRD; TOR	<b>Amir Abbas Banayi Kazimi.</b> On 14 May 2007, he was arrested at his home in Tabriz and was taken to a Ministry of Intelligence detention centre. He was transferred around 1 August to Tabriz's Central Prison. He was again transferred to a Ministry of Intelligence detention centre somewhere in Tabriz, where he is now detained. He has not been formally charged with any offence. Mr. Banayi Kazimi was beaten in the course of his arrest and was subjected to other forms of ill-treatment during his detention. This has resulted in his teeth being broken, hair being pulled from his scalp and blueish bruise marks all over his face and body. He has also initiated a hunger strike.	
107.		04/09/07	JUA	SUMX; TOR	<b>Behnam Zare,</b> who is at imminent risk of execution having been sentenced to death for a murder committed when he was 15 years of age. Behnam was convicted of murder by the Fars criminal court. A subsequent appeal was apparently lodged with branch 33 of the Supreme Court but rejected. Behnam was not aware that he had been sentenced to death until a recent visit by his lawyer. It was reported that the victim's family	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					have refused to pardon Behnam and the case has now been passed to the Office for the Implementation of Sentences.	
108.		17/10/07	JUA	WGAD; HRD; TOR; VAW	Ms. <b>Ronak Safazadeh</b> , a campaigner for women's rights and a member of the One Million Signatures campaign, which calls for an end to discriminatory laws against women in Iran. On 8 October 2007, she participated in an event to mark the International Day of the Child during which she collected signatures for the One Million Signatures campaign. On 9 October 2007, nine agents of the security forces entered her home and seized literature pertaining to the campaign, her computer as well as some other personal belongings. Ms. Ronak Safazadeh was arrested shortly afterwards and placed in detention at the local office of Information and Security Ministry in Sanandaj, Kurdistan. It is alleged that she is being held in incommunicado detention as all efforts on the part of family members to contact her have as yet failed.	
109.		05/11/07	JUA	SUMX; TOR	<b>Soghra Najafpoor</b> , who after having spent 18 years in prison is at imminent risk of execution, having been sentenced to death for a murder committed when she was 13 years of age. The victim's family had filled out the request for execution following Ms. Najafpoor's recent release from prison.	
110.		14/12/07	JAL	SUMX; TOR;	<b>Makwan Mouloudzadah</b> , who was executed on 5 December 2007 for rapes committed when he was a minor. Mr. Mouloudzadah aged 20 at the time of his execution was sentenced to death on 25 May 2007 by branch 7 of the penal court of the	By letter dated 10/12/07, the Government informed that statements of several witnesses and victims and the repeated confessions made by Makwan Moloudzadeh and members of his hooligans group, as well as the conformity and

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>city of Kermanshah for the rape of three boys when he was 13 years of age. On 19 July 2007, the Supreme Court upheld the death sentence. The execution occurred despite the retraction on the part of the witnesses during the trial of their evidence, despite reports that Mouloudzadah's confessions were coerced, and despite the fact that the Head of the Judiciary had ordered that the death sentence be suspended, and ordered a review. The case was supposed to be reviewed in Tehran, but was sent back to Kermanshah, where local judicial authorities quickly approved the execution.</p>	<p>correspondence between the confessions and the details expressed by victims and witnesses led to substantiation and further confirmation of the charges by the Court and issuing of verdict on one of the cases, from amongst the collection of charges filed against him in relation with raping of juveniles. Commander of Gendarmerie Forces of Paveh had already reported and confirmed the existence of the hooligan network of Mr. Moloudzadeh being involved in ravishment, raping, blackmail, assault and battery and knife-stabbing. Repeated commitment of crimes after the age of 18, are ascertained by the court of justice and the allegation of his minority, or under age at the time of committing crimes is categorically unfounded and denied. The Provincial Court, comprised of five judges, unanimously found him guilty through Verdict No. 35 of 7 June 2007, and sentenced him to punishment in accordance with the law. Therefore, the allegation of issuing a verdict on the basis of the judge's personal knowledge is baseless and rejected. The State Supreme Court, pursuant to exhausting of examinations and domestic remedies confirmed the verdict No. 423 of 1 August 2007. In the course of investigations the accused enjoyed the services of two lawyers. None of the Judiciary Branches and Appeal had any hesitation in confirming the verdict and the delay was merely due to making further examination and assurance of the age of Mr. Moloudzadeh (21 years of age was ascertained); and the verdict was carried out upon the approval.</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						The Government informed that the use of hanging as a punishment against a criminal who had repeatedly (even after the age of 18) committed crimes such as raping and organization of gang groups which inter alia have destroyed lives of eleven juveniles (boys and girls) and has left irreparable and everlasting psychological bitter impacts on their lives, is considered a major crime and no international document or commitment disapproves that.
111.	Iraq	02/03/07	JAL	TOR; VAW	Ms. <b>L. T. S.</b> , Mr. <b>E. K.</b> and Mr. <b>G. S.</b> , three teenagers from Ain Sefni, Ninewah Governorate. L.T.S. was the granddaughter of the leader of the Yezidi ethnic group. Despite her parents wishes, she began a romantic relationship with E.K. who came from a lower social class than her family. L.T.S.' family had already arranged her marriage with her cousin, and her relationship was seen as a stain on the honour of her family. On 10 August 2006, E.K. together with L.T.S. and his friend G.S. sought refuge at E.K.'s home. Several armed men led by L.T.S' uncles, came to the house and burned it down. E.K.'s family had to flee the area. The three youth fled to Mosul to hide at the house of an acquaintance, who later handed them over to L.T.S.' family at the Shalalat checkpoint in Mosul on 11 August 2006. They were taken to Baathree village, close to Ain Sefni. L.T.S' father was already present in the village along with about fifty armed men affiliated with the her family. With a crowd of local villagers watching, the armed men broke E.K.'s hands and legs, gouged his eyes out, and shot him dead, riddling his body	

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					with bullets. G.S. and then L.T.S. were shot dead. Several influential members of her family directly took part in the planning and the execution of the murders. The bodies of the three teenagers were buried in an undisclosed location and have yet to be found. As of 1 February 2007, not a single person had been formally investigated, indicted or arrested in connection with the crimes. Many family members of E.K. and G.S. have repeatedly fled the Ain Sefni area and are afraid to return for fear of further retribution.	
112.		13/06/07	JUA	WGAD; IJL; TOR	<b>Muhammed Khalid Shelal</b> , 34-year-old brother of a staff member of the United Nations Assistance Mission for Iraq (UNAMI). He was the subject matter of a letter sent by the Special Representative of the Secretary-General, Mr. Ashraf Jehangir Qazi, to the Iraqi Minister for Human Rights, H.E. Ms. Mika'il Wijdan, on 29 April 2007, which has remained unanswered to date. Mr. Shelal was arrested by Iraqi authorities 6 March 2007 at 4 a.m. without an arrest warrant produced and is currently held at Al-Harthia detention centre, where he has been ill-treated. Mr. Shelal received one visit by members of a Ministry of Justice's observatory committee, who took pictures of him, and submitted information on his case to the Ministry for Human Rights. On 17 April 2007, the Ministry for Human Rights' prison monitoring team conducted its own visit to Al-Harthia. Mr. Shelal has been denied access to legal counsel or his family.	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
113.		13/06/07	JUA	WGAD; IJL; TOR	<p><b>Ghasan Ibrahim Hussein, Ibrahim Mustafa Abdulrahman Ayash</b>, a 70-year-old retired teacher, <b>Jamal Khalil Abdulrahman, Mohammed Khalid Ahmed, Kamal Ribhi Asa'ad, Ra'fat Mohammed Awath</b>, and <b>Salih Mustafa Lutfi</b>, all of whom are Palestinian refugees. The seven men were among a group of Palestinians, who were arrested on 13 and 14 March 2007 at the compound Al-Baladiyat in Baghdad. The arrests were carried out by the 4th Brigade of the special forces of the Ministry of Interior, and police officers from Al-Rashad Police Station. They were supported by MNF-I troops. The men were initially detained in Al-Rashad Police Station. Starting on 23 March 2007, the Ministry of Interior began to transfer them to the Serious Crimes Unit detention facility in Al-Adhamiyah, and from there to the Serious Crime Unit - Eastern Canal (the former Al-Hakimiyah Directorate) in Baghdad, where they are currently detained. Both detention facilities are run by the Ministry of Interior. The detainees are shifted back and forth between the two facilities. On 24 April 2007, upon an order of the competent judge attached to the Serious Crimes Unit at Al-Adhamiya, these men were transferred to the Serious Crimes Unit - Eastern Canal. They were interrogated and ill-treated for four hours, then returned to Al-Adhamiya. On 29 April 2007, the authorities sought to transfer the detainees again to the Serious Crimes Unit - Eastern Canal, however, their lawyer successfully instituted legal proceedings to prevent the transfer. The transfer</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>took place on 2 May 2007. On 8 and 9 May 2007, the detainees' lawyers went to the Serious Crimes Unit - Eastern Canal to provide their clients with food and money, but were prevented by the officers from meeting with them. On 9 May 2007, one of the lawyers was detained for two hours by the officials. The detainees are charged with terrorism related crimes. Until the end of May, none of them have been allowed to receive visits from their lawyers or families. In the absence of any incriminating evidence against them the competent judge would have been willing to issue a decision for their release on 24 April 2007. However, the judge declined to do so for fear of reprisals and ordered their transfer to the Serious Crimes Unit – Eastern Canal. It is alleged that the investigating officer, together with another, were involved in fabricating evidence against them. Photomontages were made of the detainees holding explosives for use as evidence. After their interrogation and ill-treatment at the Serious Crimes Unit – Eastern Canal on 24 April 2007, two of the detainees, Mr. Ghasan Ibrahim Hussein and Mr. Jamal Khalil Abdulrahman, were severely ill-treated again by the investigator to extract false confessions.</p>	
114.		13/06/07	JUA	WGAD; IJL; TOR	<p><b>Jihad Mahmoud Humadi al-Dulaimi, Munther Khudair Abbass al-Dulaimi, Talal Khudair Abbass al-Dulaimi, Abd al-Karim Shaker Mahmoud al-Akeedi, Omar Abbass Jawad al-Ta'ee, Ra'ad Sabar Najim al-Dulaimi, Bashar Latif Hameed al-Dulaimi, Mustafa Latif Hameed al-Dulaimi, Omar Jihad Abd al-Jabar</b></p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p><b>al-Dulaimi, Ahmed Jasim Mohammed al-Jubouri, Omar Abbass, Abed Baker Abed, Ali Sa'eed Al-Azawi, Esam Satar Mahmoud al-Dulaimi, Mus'ab Ali Enad al-Azawi, Salah A'arif Alwan al-Azawi, Majid Hameed Sabri Sultan, Ahmed Abbass Mahmoud al-Akeedi, Ali Abbass Mahmoud al-Akeedi, Qusai Numan Khathim Shihab, Alaaldeen Hussein Khathim al-Marsoumi, Amer Majid al-Janabi, Thair Jalal Mohammed, Ali Nasir Kareem al-Nidawi, Waleed Mohammed Abd al-Shujairi, Mustafa Mohammed Abd al-Shujairi, Ahmed Abdal-Khaliq Younis al-Hariri, Hameed Hussein Alwan Jado'o al-Obaidi, and Ali Ewai'ed</b>, all of whom are Sunni men, aged between 20 and 30 years. The above-mentioned persons, together with about 20 to 24 other young Sunni men, who have since been released, were arrested on 3 March 2007 at about 1.30 a.m., by Iraqi Army Forces in Al-Shamasiya district, Al-Sulaik area, Baghdad. While Multi-National Forces in Iraq (MNF-I) cordoned off the area, the Iraqi forces carried out the arrests and searched their homes. It is not known whether an official arrest warrant was shown. 1.5 million Iraqi dinars were taken by the forces from one of the searched homes. The arrested persons were transferred to the Iraqi army investigation centre, which is located in the security school in the Sader al-Qanat area. While the first group of detainees was released on 4 March 2007, the remaining 29 detainees were transferred to an undisclosed detention centre of the National Police Force of the Ministry of</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Interior, possibly in the Al-Qanat area. There is a release order for at least some of the detainees issued by a competent judge about a month ago. It is not clear whether the release order covers all of the detainees or just some of them, but no detainee has as of yet been released. Some of the detainees' families are still unable to visit their relatives. The family members were told that they could make their visits only after the court proceedings.	
115.	Italy	17/10/07	AL	TOR	<b>Nassim Saadi</b> , a Tunisian resident of Italy. He was acquitted of terrorism charges in Italy in May 2005. In August 2006, the Italian Minister of Interior ordered his deportation under the so-called "fast track procedure", which can be used for terrorism suspects and denies them the right to remain in Italy while their appeal against deportation is considered. Mr. Saadi appealed to the European Court of Human Rights, claiming that he will be at risk of torture if returned to Tunisia. In July 2007 the Government argued before the Court that promises to treat Mr. Saadi humanely made by the Government of Tunisia reduced the risk that he might be subjected to ill-treatment.	
116.	Jordan	13/06/07	JUA	IJL; TOR	<b>Issam Mahamed Tahar al-Barqaoui al-Uteibi</b> , a 49-year-old writer and theologian, detained at an unofficial place of detention. He was arrested on 5 July 2005 following an interview with Al-Jazeera, in which he criticised the U.S. occupation of Iraq. The Vice Prime Minister indicated in a public statement that he was charged with "contacts with foreign entities considered	By letter dated 26/07/07, the Government informed that Mr. Al-Barqaoui is neither a writer nor a theologian as he has not acquired any academic or intellectual qualifications in these areas. Conversely, he is well known for his radical ideas and extreme statements which constituted a platform that has been widely used by many radical groups around the globe propagating

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					terrorist". He was then held incommunicado for more than a year, at which point the General Intelligence Directorate finally allowed his family to visit him. Mr. Al-Uteibi was repeatedly ill-treated while in detention. Notably he was severely beaten in his cell on 25 April 2007 because he asked to see a judge or be released. He went on a hunger strike on 15 May 2007 to protest his detention without a judicial decision and his lack of access to a lawyer. Mr. Al-Uteibi had been arrested already on 28 November 2002 together with 11 other persons and accused of "plotting to commit terrorist acts". He was acquitted by the State Security Court on 27 December 2004. However, after the acquittal he was transferred to a secret detention centre, where he was held without new charges until 28 June 2005. He was repeatedly ill-treated while in secret detention.	hatred and intolerance. He was arrested after an arrest warrant that had been issued by the public prosecutor on charges of conspiring with the objective to commit terrorist acts. At the time of arrest, he was promptly informed of the charges against him and had been shown the arrest warrant as required by Article 9(2) of ICCPR. Mr. Al Baraqaoui was not deprived of the right of the visit by his family members or any national or international human rights organization. Indeed, he has been granted the right to be visited like any other inmate in the correctional and rehabilitation centre. Representatives of the ICRC and the National Centre for Human Rights have been visiting him regularly. As for the legality of his arrest, it was according to the applicable laws and regulations, and he has a lawyer who is acting on his behalf and communicating with him.
117.		23/10/07	JAL	RINT; SUMX; TOR	<b>`Ala' Abu `Utair and approximately 2100 prisoners held at Siwaqa Correction and Rehabilitation Centre.</b> In July and August 2007, they were subjected to repeated beatings with truncheons, electrical cables and steel balls attached to steel chains by about 300 officers of a "special police force". The officers entered the cells, dragged out the prisoners and beat them in the adjacent courtyard. The prisoners did not receive any medical care following these beatings, although some were severely injured. Several prisoners were unable to walk because of injuries to their legs. Two prisoners, one of them `Ala' Abu `Utair, died as a result of the ill-treatment. During the same period, the Muslim prisoners who had	

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					<p>beards were forcibly shaved and subjected to other restrictions, e.g. they were not allowed to leave their cells 24 hours per day. Starting in September, the situation improved slightly in terms of access to food, to family members, and exercise. The prison director was removed. However, no investigations into the allegations of the deaths in custody or torture were initiated and none of the perpetrators were brought to justice.</p>	
118.	Kazakhstan	19/10/07	AL	TOR	<p><b>Bolgonbaev Salavat Zhomartovitch</b>, aged 28, formerly resident in Almaty, and presently detained at a correctional facility in Almaty oblast. Mr. Bolgonbaev was detained on 31 August 2006 in the afternoon at the intersection of Auezov and Abay streets in Almaty. He was apprehended, put in a police car and driven around the city for about an hour before being taken to the city department of internal affairs. During that ride, two police officers beat him inside the car while he remained handcuffed. Between 1 and 8 September 2006, while he was in the investigators' offices, he was beaten with hands and different objects on various parts of his body, needles were pushed under his nails, plastic bags were put over his head and he was threatened with rape in order to extract a confession for the murder of a foreign journalist. On 10 September 2006, Mr. Bolgonbaev was transferred to the Ministry of Justice pre-trial detention center in Almaty, where he remained until the appeal court rendered its decision in September 2007. In mid-December 2006, Mr. Bolgonbaev was taken from the pre-trial detention facility to the city department of internal affairs for</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>additional investigation. In the office of the investigator he was heavily beaten by an investigator to punish him for having revoked his previous confession during the trial. In May 2007, Mr. Bolgonbaev was found guilty on charges of robbery and unpremeditated murder and sentenced to 13 years in prison. His appeal for reversing the lower court decision was denied by the Supreme Court on 4 September 2007. According to a medical examinations carried out by different doctors between 1 and 8 September 2006, and 15 December 2006, injuries documented included bruising on his arms, collarbone, shoulder, back, forehead and face, chest, legs and stomach. Around 10 September 2006, during a first meeting with the prosecutor, Mr. Bolgonbaev alleged that he had been ill-treated. The Almaty internal affairs department (the same department to which the alleged perpetrators belonged to) carried out an internal investigation and concluded that the allegations were unfounded. However, the investigation merely consisted of Mr. Bolgonbaev being asked to identify his torturers in a face-to-face meeting. During this "investigation" Mr. Bolgonbaev, for fear of further torture, withdrew his allegations. In September 2006, Mr. Bolgonbaev submitted complaints to the Prosecutor General of, to the Presidential Commission on Human Rights, and the Ministry of Internal Affairs. No replies were received. Despite of the forensic evidence and several witnesses who stated that they had seen Mr. Bolgonbaev return to his prison cell thoroughly</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					beaten-up after interrogations by police, the court used the results of the internal investigation to refute the allegations of ill-treatment and to conclude that all evidence collected against him was obtained lawfully.	
119.	Kenya	14/02/07	JUA	IJL; TERR; TOR	<b>Detention of over 70 persons</b> , Kenyans and non-Kenyans. During the month of January 2007, about 70 individuals of Kenyan and other nationalities were arrested by units of the Kenyan Police apparently for terrorism-related reasons. A significant number of these individuals have been held or continue to be held incommunicado. Information has been received about Bashir Ahmed Makhtal, a 42-year-old Canadian citizen, born in Dagahbur, Ogaden, Abdi Abdulahi Osman, a 41-year-old Somali citizen, born in Gunagado, Dagahbur, Ogaden, Ali Afi Jama, a 33-year-old Somali citizen, born in Godey, Ogaden and Hussein Aw Nuur Gurraase, 35-year-old Somali citizen, born in Gunagado, Ogaden, all trading in second-hand clothing. On 31 December 2006, the four men were arrested by Kenyan authorities, who suspected them to be terrorists. The arrests were conducted on the basis of provisions of an anti-terror bill which has not yet been adopted. The four men were held in custody for three weeks without official charges. For two weeks the authorities interrogated them in the absence of lawyers, or Canadian Embassy officials for Mr. Makhtal. He was denied access to the Canadian High Commission for the first two weeks, and only on 15 January 2007, was he granted a brief meeting with a Canadian High	

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					Commission official and a lawyer his family had hired for him. On 21 January 2007, the four men were transferred to the Ethiopian armed forces in Mogadishu without any legal basis and without having been given the opportunity to appeal the transfer.	
120.	Kuwait	16/02/07	AL	TOR	<b>Zhiya Khassem Khammam al-Hussain</b> , a 40-year-old Iraqi citizen, resident in Al-Farounania Kuwait, currently in detention in Saudi Arabia. On 15 January 2007, Mr. Al-Hussain was arrested at his home by approximately 20 state security service agents (Amn Addaoula), his home was searched, and he was taken to the state security headquarters under the Ministry of Interior. At the detention facility, he remained for one week and was repeatedly beaten by sticks on the soles of his feet and on other parts of the body, hung from the ceiling by his wrists and threatened with expulsion to Iraq, although he does not have any family or other links there. As a result, his body bears numerous traces of the treatment, such as swelling in his face, bruises and traces of lashing. He was then transferred to an administrative detention centre where foreigners are held before they are expelled from Kuwait. On 31 January 2007, without any judicial procedure, he was deported to Riyadh, Saudi Arabia, where he is currently detained in a detention centre of the Ministry of Interior.	
121.	Kyrgyzstan	02/05/07	JAL	HRD; TOR;	<b>Bektemir Akunov</b> , a member of the movement "For the Worthy Future of Kyrgyzstan", based in Naryn. On 13 April 2007, at approximately 7.30 p.m., Mr. Akunov was arrested by police, without	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					a warrant, and taken to the Naryn department of internal affairs where he was detained. The following day, Mr. Akunov was found dead in his cell. The official explanation given was that he committed suicide by hanging himself with his shirt. On 16 April 2007, the preliminary results of a postmortem examination conducted at Naryn Hospital revealed that he died of asphyxiation. However, there were wounds and clear signs of beatings on his body. Mr. Akunov was arrested for his alleged involvement in persuading heads of local authorities to join the opposition.	
122.		15/05/07	JAL	SUMX; TOR	<b>Akylbek Sakeev</b> , aged 48, from Naryn. On 22 November 2006 at 7.15 p.m., he was arrested at home by two officers from the city department of Naryn police on suspicion of having stolen a calf. He was taken to the city department of internal affairs of Naryn, where he was heavily beaten on his head, torso and legs with hands and objects by five officers, including two majors, a captain, and a senior lieutenant. Three hours later an ambulance was called to the police station. On 23 November 2007, he died in hospital without regaining consciousness. The autopsy showed that five ribs were broken, as well as both legs below the knees, that his skull was fractured (with a piece of a skull bone damaging the brain) and that his internal organs were damaged. He also had bruises all over his body. The police stated that, when they found Mr. Sakeev on the street, he was already in a coma. In late November or early December 2006, the police unofficially offered US\$ 6000 to the victim's family, which they	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>accepted. On 25 November 2006, the city prosecutor's office for Naryn opened an investigation into the death of the victim. In early January 2007 a forensic examination of the report from the initial autopsy concluded that the damage to the head, which caused Mr. Sakeev's death, had been sustained prior to the detention. Based on the result of that examination, combined with a vague testimony of the victim's brother obtained in unknown circumstances, the prosecutor's office concluded that the cause of the victim's death was natural and therefore the case was closed "for lack of evidence" on 22 January 2007. Subsequently, the regional prosecutor's office examined this decision as a matter of their routine review of all dismissed cases. On 14 February 2007, it returned the case back to Naryn city prosecutor's office requiring an additional investigation into the facts of Mr. Sakeev's death. The alleged perpetrators continue to work in the police and one of them recently received a promotion.</p>	
123.		18/05/07	JAL	EDU; TOR	<p><b>Children's psychiatric hospital in Ivanovka village, Chuy region.</b> The hospital has a patient population of 27 children, 80 percent of whom are orphans, and who previously stayed in other state orphanages. The children are not allowed to go outside sometimes for months on end, and look pale, emaciated and malnourished. The food is insufficient. Several of the children are not mentally ill, but are detained simply because they have no papers or guardians or because the personnel at another facility disliked their</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					behaviour. Some of the children have been at the clinic for four or more years. Corporal punishment is regularly used. The nurses punish the children by tying them to radiators or chairs for many hours. Sometimes the children are forced to sit down on the floor with their hands bound behind their back, their feet tied together, and with their heads tucked between their knees. Another form of punishment is forcing the children to stand still for long periods with their hands tied behind their backs with short breaks during meals. As a result of ill-treatment, half of the children have bruises and marks from being bound. The drug "aminazin", which has strong side-effects, is regularly used as means of punishment. Some children suffer from tuberculosis and receive no medication, and are not separated from the others. One 12-year-old girl had a groin hernia and suffered from severe pain, and did not receive any treatment. There is no running water in the facility. The children drink the water from the same container in which they wash. All the children sleep in one overcrowded room. They have no access to education or any means of communication with the outside world. Threats of being sent to Ivanovka hospital are apparently being used to intimidate children in other orphanages in Chuy region.	
124.		05/07/07	AL	TOR	<b>Otabek Muminov</b> , aged 34, born in Tashkent. An alleged Hisb ut Tahrir member, he fled from Uzbekistan to Kazakhstan in 2001 and later to Kyrgyzstan. He was detained in Osh on 28 November 2006. On 20 March 2007, he	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					addressed a request for asylum to the state committee on migration and employment, which was denied. On 1 June 2007, he was extradited to Uzbekistan.	
125.		05/07/07	JUA	WGAD; IJL; TOR	<b>Mukumdzhon Makhmudov</b> , aged 43, currently in custody of the committee of state security in Osh. He was arrested around the end of June 2007 by officials of the Kyrgyz committee of state security in the city of Jalalabad. The charges against him include terrorism, sabotage and the establishment of a criminal organization under Sections 155, 161 and 242 of the Criminal Code for his involvement in Hizb ut Tahrir. Mr. Makhmudov faces extradition to Uzbekistan. The authorities deny him access to a lawyer and his arrest has not been confirmed by court. The committee on migration and employment, the state body responsible for registration of asylum claims, has not responded to an interview request of Mr. Makhmudov and he is therefore unable to file an asylum claim. UNHCR is equally denied access to Mr. Makhmudov.	
126.		Follow-up to past cases			<b>R. I.</b> (A/HRC/4/33/Add.1, para. 131).	By letter 22/03/07, the Government informed that it has been reliably established that, on 9 July 2006, the internal affairs and national security bodies of Jalalabad province conducted a special operation to arrest persons suspected of committing terrorist acts and other serious offences. During the special operation, R.I., whose husband, D. Abdrashitov, is a member of a terrorist group, provided law enforcement bodies with knowingly false information concerning the absence of strangers in the house on 25

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>Kuznechnaya St. in Jalalabad, in Jalalabad province of Kyrgyzstan. This enabled the criminals to open fire, as a result of which the deputy chief of the Jalalabad province internal affairs office, S. Mamytov, and operations officers Z. Shermatov and M. Zhanybekov received serious gunshot wounds and were hospitalized. The group that had put up resistance subsequently fled the scene. During the search of the aforementioned domicile, one RG-5 hand grenade, one Kalashnikov AK automatic rifle with 178 cartridges and one IZH-18 rifle with 17 cartridges, as well as 45 books, 12 audio cassettes and 17 compact discs with religious extremist content, were confiscated. The procurator's office instituted criminal proceedings in connection with this incident, and R.I. was arrested on the basis of article 94 of the Code of Criminal Procedure of Kyrgyzstan. She was accused of committing a number of offences. In the case of R.I., the preventive measure of remand in custody was chosen. In the course of the investigation, the parents of R.I. stated that their daughter had had psychological problems since childhood. At present, R.I. is undergoing forensic psychological testing; on 23 August 2006, when her health deteriorated, R.I. was taken to the gynaecological department of Tashkumyr city hospital, where an incomplete abortion was performed owing to the threat of a miscarriage. Neither the procurator's office nor other law enforcement bodies have received written or oral complaints from R.I. or her relatives concerning R.I.'s beating by police</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>officers. R.I. has stated that she does not know the chief of the internal affairs office, that neither he nor other internal affairs officers beat her, and that her miscarriage was not related to the actions of law enforcement bodies. According to the information provided by Tashkumyr Hospital, R.I. miscarriage was caused by psychological stress; there were no indications that she had been subjected to violence. She was placed in a psychiatric hospital where she received the necessary medical care. On 6 October 2006, the Jalalabad procurator's office decided not to institute criminal proceedings owing to the lack of evidence that the police officers had committed an offence. This decision was well-founded, and no reasons have been adduced for rescinding it. It has not been established that R.I.'s rights, either at the time of her arrest or during the investigation, were violated. Considering that R.I. was accused of committing particularly serious offences and that, as a result of her actions, officers of the Jalalabad province internal affairs office received serious bodily harm, there is no provision in Kyrgyzstan's national legislation that would make R.I. or members of her family eligible for monetary or other compensation.</p>
127.					R. G. D. (A/HRC/4/33/Add.1, para. 131).	<p>By letter dated 22/03/07, the Government informed that on 23 April 2005 the investigation department of the Issyk-Kul district internal affairs office of Issyk-Kul province of Kyrgyzstan instituted criminal proceedings on the basis of evidence of an offence contrary to article 129, paragraph 1 (Rape), of the Code of Criminal</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>Procedure of the Kyrgyz Republic. In accordance with the requirements of Kyrgyz criminal procedural legislation, a police line-up of suspects was held, during which R.G.D. identified the perpetrator. Forensic medical and biological examinations were ordered. Subsequently, an investigator of the district internal affairs office repeatedly took unwarranted decisions to terminate criminal proceedings against the perpetrator on the grounds of lack of sufficient evidence. The Issyk-Kul district procurator's office made a recommendation to the Issyk-Kul provincial internal affairs office concerning the investigator; as a result, he was subjected to a disciplinary measure, which took the form of a reprimand. On 20 December 2006, the perpetrator was indicted for the commission of an offence contrary to article 129, paragraph 1, of the Code of Criminal Procedure and was placed under house arrest. On 23 December 2006, he was arrested and, on the basis of article 94 of the Code of Criminal Procedure, placed in pretrial detention. On 21 December 2006, the criminal case involving the rape of R.G.D. was referred to the Issyk-Kul interdistrict court, where it is being heard. With regard to the enquiry concerning "bride-kidnapping" in Kyrgyzstan, the following information is provided. In 2006, 73 statements and communications from citizens concerning the coercion of women into marriage were registered. With regard to 57 of the reported incidents, investigators of internal affairs offices took decisions not to institute criminal proceedings</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						because citizens withdrew their original statements. Criminal proceedings were instituted in connection with the remaining 16 incidents. The results of investigations of nine incidents were referred to the courts (in five cases, the courts handed down the verdict of guilty, four cases are still being heard). In two criminal cases, the investigation was suspended in connection with the search for the accused persons. Five criminal cases are being investigated. For the period under consideration, no criminal cases have been terminated and no defendants have been acquitted by the courts.
128.	Latvia	15/03/07	JUA	HLTH; TOR	<b>Vasily Grilyanov</b> , in preliminary detention at Riga Central Prison since December 2006. Mr. Grilyanov is alleged to be suffering from severe spinal atrophy and has been officially recognised as a "1st group invalid". In spite of his illness, he has not been receiving any special assistance in the prison, which means that he can go to the toilet and wash himself only occasionally. Guards or other members of staff do not come to his cell for several days in a row, and therefore he does not receive food and water regularly. Mr. Grilyanov has not received medical treatment or any medication for his condition, which causes it to deteriorate further and exacerbate his pain. He has filed complaints with the prison administration, prison doctors and the prosecutor's office, but has not received any replies.	By letter dated 30 April 2007, the Government replied that it was unable to identify the person who was the subject of the Special Rapporteur's communications.
129.	Lebanon	31/05/07	JUA	WGAD; TOR	<b>Mudhar Abdulkareem al-Khirbit</b> , de nationalité Irakienne, âgé de 51 ans. Il est actuellement détenu à l'hôpital de la prison Al-Hayat à Ain	Par une lettre datée du 31/07/07, le Gouvernement a répondu que le 20 juin 2007 le dénommé Mudhar Abdulkareem Al – Khirbit, né

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Remaneh, Beirut. M. Al-Khirbit se serait enfui d'Iraq avec quelques membres de sa famille en 2004 après une attaque aérienne sur sa maison à Ramadi en avril 2003, qui aurait tué 21 membres de sa famille. Il aurait été arrêté le 19 janvier 2007 par des policiers libanais près de Masnaa alors qu'il était en train de traverser la frontière entre la Syrie et le Liban. Cette arrestation était basée sur un mandat d'arrêt d'INTERPOL. Bien que le Liban n'ait pas ratifié la Convention relative au statut des réfugiés de 1951, M. Al-Khirbit aurait fait une demande d'asile. Le Gouvernement de l'Iraq aurait demandé son extradition en mai 2007. M. Al-Khirbit serait un homme d'affaires et le chef sunnite de la tribu Dulame à l'Ouest de l'Iraq. Il serait soupçonné d'avoir financé et de soutenir des activités terroristes en Iraq. M. Al-Khirbit risquerait d'être renvoyé en Iraq.	en 1956, de nationalité iraquienne, a été conduit à l'hôpital Al - Hayat pour y obtenir des soins. L'intéressé a été gardé à l'hôpital à la demande de la brigade de Baadba (ordre télégraphique n° 5976 en date du 13 mars 2007). Il a été placé dans une chambre individuelle et a eu la possibilité d'utiliser le téléphone pendant une demi-heure chaque jour. Le 14 mai 2007, un mandat d'arrêt émanant du Procureur général près la cour d'appel, M. Saïd Mirza, a été expédié contre le dénommé Mudhar Abdulkareem Al – Khirbit. Le 7 juin 2007, l'administration de l'hôpital Al – Hayat a présenté un rapport médical établi par le médecin qui avait soigné l'intéressé depuis le 25 janvier 2007, indiquant qu'en raison de son état de santé, ce dernier avait besoin d'un suivi constant.
130.		04/07/07	UA	TOR	M. <b>Yehya Mohammad Aziz Alajaf</b> , âgé de 26 ans, citoyen irakien. Reconnu réfugié sous la Convention relative au statut du réfugié de 1951, M. Alajaf serait actuellement détenu par le service de la Sûreté Générale à Beyrouth. Sa déportation en Iraq serait imminente. Début octobre 2006, il aurait été informé par un voisin que trois hommes armés étaient venus à bord d'une Opel Vectra et avaient posé des questions sur lui. Trois jours plus tard, cette même voiture aurait suivi M. Alajaf, mais il aurait pu s'enfuir. Il aurait aussi reçu une lettre d'un groupe armé inconnu le menaçant d'être tué s'il refusait de payer 20.000\$. Suite à ces menaces, M. Alajaf aurait quitté l'Iraq pour aller au Liban, où il serait arrivé en octobre.	Par une lettre datée du 27/08/07, le Gouvernement a répondu que la Direction Générale des Forces de Sécurité Intérieure n'a pas de renseignement au sujet du dénommé Yehy Mohammed Aziz Alajaf.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Auparavant, M. Alajaf s'était enfui au Liban en 1999 où il avait été reconnu réfugié, mais aurait ensuite été déporté en Syrie, puis en Iraq. Vraisemblablement on l'aurait ciblé parce que, ayant des relations aux Etats-Unis et d'origine ethnique kurde, il serait perçu comme sympathisant de l'invasion de l'Iraq et de la présence militaire internationale en Iraq.	
131.		03/10/07	JUA	IJL; TOR	<b>Ghassam Sulayman al-Sulaiby</b> , âgé de 46 ans, comptable, demeurant à Baabda, Sibani-Al Ouarouar, <b>Mohamed Ghassan al-Saulaiby</b> , âgé de 21 ans, collégien, son fils, demeurant à Baabda également, <b>Ibrahim Sulayman al-Sulaiby</b> , âgé de 37 ans, demeurant à Baabda, <b>Siradj Eddine Mounir Sulayman al-Sulaiby</b> , âgé de 25 ans, pâtissier, demeurant à Baabdi, <b>Zyad Tarek Yamout</b> , âgé de 27 ans, comptable, demeurant Corniche Al Mazraa, <b>Youcef Mounir Koubrously</b> , âgé de 23 ans, demeurant avenue principale, Camp de Sabra, <b>Safy Ibrahim al-Arab</b> , âgé de 26 ans, chauffeur de camion, demeurant Corniche Al Mazraa, Route neuve, <b>Ahmed Issam Rachid</b> , âgé de 23 ans, palestinien, demeurant au Camp de Sabra, Carrefour du centre pour les personnes âgées et <b>Ali Amine Khaled</b> , âgé de 21 ans, demeurant Ard Jelloul, Camp de Chatila. Ghassam Sulayman Al Sulaiby, Mohamed Ghassan Al Saulaiby et Ibrahim Sulayman Al Sulaiby auraient été arrêtés à leur résidence par les services de renseignement militaire le 31 mars 2006 vers 21h00. Siradj Eddine Mounir Sulayman Al Sulaiby et Zyad Tarek Yamout auraient été arrêtés par les	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>services de renseignement militaire le 2 avril 2006 au domicile de M. Ghassan Sulayman Al Sulaiby. Safy Ibrahim Al Arab et Ahmed Issam Rachid auraient été arrêtés le 3 avril 2006 à leurs domiciles respectifs. Ali Amine Khaled aurait été convoqué au siège du ministère de la défense, où il se serait rendu le jour même et où il aurait été arrêté immédiatement. Toutes ces arrestations auraient eu lieu sans mandat de justice et sans que les motifs ne soient notifiés. Toutes les personnes mentionnées ci-dessus auraient été emmenées au siège du ministère de la défense à Beyrouth où elles auraient été détenues au secret. Au bout de 15 jours, elles auraient été transférées à la prison civile de Roumié. Au cours de leur détention au secret au ministère de la défense, ces personnes auraient été battues à coups de poing et de pied sur toutes les parties du corps et fait l'objet d'insultes et de menaces. Elles auraient aussi été contraintes de rester debout contre un mur durant de longues périodes ou assises parfois pendant plusieurs jours sur un petit tabouret. Elles auraient aussi été privées de sommeil. Le but de ces traitements aurait été de leur faire faire des aveux ou des témoignages. Ghassan Sulayman Al Sulaiby aurait fait l'objet de chocs électriques, des électrodes étant branchées sur ses parties génitales pendant 15 jours, en présence de son fils. Il aurait aussi été forcé d'assister aux « séances » de mauvais traitements pratiqués sur son fils. Ils n'auraient pas eu accès aux soins médicaux pendant leur détention à la prison et le juge d'instruction aurait</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					refusé de déférer à leur demande de désignation d'un expert médical pour les examiner et constater les traces de mauvais traitements qu'ils auraient subis. Mohamed Ghassan Al Sulaiby aurait été libéré au mois d'août 2006. Leurs procès seraient actuellement en cours devant le tribunal militaire de Beyrouth, en dépit du fait que les personnes mentionnées ci-dessus ne seraient pas militaires et que les charges ne constitueraient pas des infractions à caractère militaire.	
132.		04/10/07	JUA	IJL; TOR	<b>Houssam Issam Dallal</b> , âgé de 21 ans, étudiant à l'Université de Beyrouth, demeurant à Tripoli, arrêté le 1er avril 2007 à son domicile par les services de renseignement militaire, <b>Naif Salem al-Baqqar</b> , âgé de 23 ans, étudiant à l'Université de Sidon (Tripoli), convoqué le 23 mars 2007 par les services de renseignement militaire et arrêté lorsqu'il s'est présenté à cette convocation, <b>Mahmoud Ahmed Abdelkader</b> , âgé de 29 ans, mécanicien auto, arrêté le 31 mars 2007 près de son domicile à Al Qubba (Tripoli), <b>Ahmed Fayçal Arradj</b> , âgé de 24 ans, fonctionnaire, arrêté le 31 mars 2007 à 12 heures sur le lieu de son travail à Akkar (Tripoli), <b>Billal Ahmed al- Badwi Assayed</b> , âgé de 30 ans, comptable, arrêté à son domicile le 4 mars 2007, <b>Assad Mohamed al-Nadjar</b> , palestinien, né au Liban âgé de 32 ans, employé dans une entreprise de construction, arrêté à son domicile à son retour du travail le 2 avril 2007, <b>Omar Azzedine al-Ali</b> , âgé de 33 ans, chauffeur de taxi, arrêté à son domicile le 23 mars 2007, <b>Omar Mohamed Ghenoum</b> , âgé de 28 ans,	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>comptable, arrêté le 31 mars 2007 sur son lieu de travail, <b>Ahmed Mohamed Ghazi al-Ratl</b>, âgé de 34 ans, arrêté à son domicile le 31 mars 2007 et <b>Tarek Mamdouh al-Hadjamine</b>, âgé de 24 ans, menuisier, arrêté à son domicile le 31 mars 2007. Ils demeurent tous à Tripoli. Toutes les personnes précitées auraient été arrêtées par les services de renseignement militaire dans le courant du mois de mars et au début du mois d'avril à Tripoli sans mandat de justice et sans que les motifs ne soient notifiés aux prévenus. Tous les individus auraient été détenus d'abord au siège régional des services de renseignement de l'armée de Tripoli et transférés quelques jours plus tard au siège du ministère de la défense à Beyrouth où leur détention au secret se serait poursuivie pendant une période allant jusqu'à une quinzaine de jours. Au cours de ces détentions au secret, ils auraient tous été battus soit à l'aide de bâtons soit avec un tuyau en caoutchouc sur toutes les parties de leurs corps. Tous auraient été privés de sommeil durant parfois plusieurs jours de suite ainsi que de se rendre aux toilettes pour leurs besoins naturels. Egalement ils auraient été contraints à rester debout contre un mur durant de longues périodes ou assis plusieurs jours sur un tabouret. Ainsi Naif Salem Al Baqqar aurait été obligé de rester assis sur un tabouret pendant six jours ininterrompus. Il aurait été violemment battu dès qu'il aurait montré un signe de faiblesse ou de fatigue. Il aurait ensuite été pendu au plafond par les poignets durant plusieurs heures et menacé par les militaires de faire venir son épouse pour la</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>violer. Omar Azzedine Al Ali aurait également, malgré son état de santé déficient, été contraint de rester debout durant 48 heures, puis assis sur un tabouret durant trois jours consécutifs et enfin pendu par les poignets lorsqu'il serait tombé évanoui sur le sol. Il aurait également été menacé de viol ainsi que son épouse. Certains auraient reçu des coups de bâtons sur la plante des pieds. A l'issue de leur détention au siège du ministère de la défense, ils auraient été présentés devant un magistrat militaire qui les aurait inculpés de tentative de constitution de groupe armé et d'atteinte à la sûreté de l'état. Ils auraient ensuite été transférés dans une division spéciale de la prison de Roumié où ils se trouvent actuellement. Ils auraient été privés de soins en dépit des blessures subis. Le juge d'instruction militaire sollicité par plusieurs d'entre eux pour désigner un expert médical à l'effet d'établir les mauvais traitements dont ils auraient fait l'objet, aurait refusé leur requête. Toutes les personnes précitées font actuellement l'objet de poursuites pénales devant le tribunal militaire de Beyrouth en dépit du fait qu'ils soient tous civils et que les faits qui semblent leur être reprochés par la juridiction militaire ne constituent pas des infractions à caractère militaire.</p>	
133.		17/10/07	JUA	IJL; TOR	<p><b>Mahmoud Abou Rafeh</b>, âgé de 60 ans. Le 7 juin 2006, aux environs de 5 heures, plusieurs hommes en civil auraient percuté la voiture de M. Mahmoud Abou Rafeh. Ils l'auraient emmené en laissant la voiture sur le lieu de l'accident. M. Mahmoud Abou Rafeh aurait été conduit au</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					centre de détention du Ministère de la Défense à Beirut, où il aurait été détenu pendant plusieurs jours sans que cette situation n'ait été notifiée à sa famille. On lui aurait dit ensuite qu'il avait été arrêté par les services de sécurité de l'armée car on le soupçonnait d'être membre d'un réseau libanais agissant dans l'intérêt des services de sécurité israéliens. Sa famille aurait pu effectuer des visites sous surveillance entre juillet 2006 et mai 2007, mais depuis mai 2007 les autorités, en se référant aux besoins sécuritaires, leur auraient refusé toute visite. L'avocat de M. Mahmoud Abou Rafeh n'aurait jamais pu obtenir de permission pour rencontrer son client. Il aurait eu plusieurs audiences devant une cour militaire sans la présence de son avocat.	
134.	Liberia	30/07/07	JAL	IJL; LIB; SUMX; TOR	Ms. <b>Oldlady Parker Geieh</b> , aged 85, Ms. <b>Kargonal Jargue</b> , aged 75, Ms. <b>Tuakarseh Gborgan</b> , aged 70, Ms. <b>Martha Suomie</b> , aged 49 and Mr. <b>Zaye Bonkre</b> , aged 75, resident in Boutou, Nimba county. In September 2006, the Buotou Town Chief, the Zone Chief, and the Youth Leader demanded money from various members of the community to cover the fees of a trial by ordeal practitioner, payment of which would save the victims from being subjected to the trial. Thirty four women and three men, who were unable to pay the fee, were detained by local authorities in Buotou. A team of witchdoctors from Cote d'Ivoire, was hired to perform the trial by ordeal. The town authorities later claimed that the persons to be subjected to the trial by ordeal had committed witchcraft and were responsible for causing a lack	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>of development and employment in Buotou. The 37 persons were then severely assaulted and forced to sit outside in the rain and sun and were denied food (only some received some food from their relatives). Their heads were shaved and mud and chilli pepper was rubbed on their heads, into wounds caused during the beating and into the women's vaginas. They were threatened that they would be subjected to the "sassywood procedure", wherein the victim must prove his or her innocence by consuming poison without dying, and were ordered to confess to being witches. They were released on 24 October 2006 following the intervention of Liberia National Police (LNP) and United Nations Police (UNPOL). On 24 December 2006, Ms. Tuakerseh Gborgan died in Sanniquillie, apparently as a result of the injuries sustained during the trial by ordeal. Hunger and lack of adequate medical treatment may also have contributed to her death. On 24 November 2006, police arrested eight people alleged to have participated in this procedure, among them the witch doctor, Buotou Town Chief, and the Zone Chief. The eight men were charged with aggravated assault on 27 November 2006 and released on bail by the Sanniquillie magistrate's court the same day. The Youth Leader was not arrested. On 22 June 2007, the witch doctor was indicted for murder in the Nimba county circuit court. However, on 16 July, he was acquitted after the circuit court judge granted a defence motion to dismiss the case on the ground that there was inadequate evidence to prove the</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>charge beyond a reasonable doubt. In his decision, the judge referred to the lack of a valid coroner's report and forensic investigation. There is neither a morgue nor a forensic practitioner in Nimba county. The prosecution case had also been weakened by a medical report it had tendered which was inconclusive in its findings regarding the deceased's condition at the time she first sought medical treatment. That medical report had been prepared by the son-in-law of one of the men who ordered the trial by ordeal, raising further concerns that the available medical evidence was neither impartial nor comprehensive. None of the other alleged perpetrators has been brought to justice as of now. In accordance with the Executive Law, the Ministry of Internal Affairs (MIA) has responsibility for overseeing "tribal government" and "administering the system of tribal courts" in Liberia. The MIA's role includes the issuance of licences to sassywood practitioners and herbalists, among others, and it would appear that in practice this includes authorizing instances of trial by ordeal. Use of poison sassywood was publicly declared illegal at the end of 2006, but, in spite of the fact that the Ministry of Justice has initiated some prosecutions against practitioners of sassywood, it is reported that the Government has failed to send a strong and unambiguous message regarding the illegality of all forms of trial by ordeal and other arbitrary practices. Furthermore, MIA officials still authorize such ceremonies to go ahead. For example, in the case</p>	

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					<p>of a farmer and security guard who lives in the Po River area of Montserrado county, MIA officials were going to authorize a trial by ordeal to take place, until the Solicitor-General was seized of the matter and the case was transferred to the office of the county attorney in Monrovia. Judging by the description given by MIA personnel to UN personnel, the intended ceremony appeared to resemble a trial by ordeal in that there was a threat of serious harm as punishment, the procedure was arbitrary and it was to take place in the context of witchcraft or supernatural phenomena. It further appears that the farmer had been deemed to be guilty and the aim of the ceremony was not to determine guilt or innocence but was an attempt to prevent alleged future crimes. He was to take an oath and consume a substance that would punish him in the future if he broke that oath. The ceremony, which would not be permitted even under the Revised Rules and Regulations of the Hinterland, clearly violates the human rights guarantees contained in the Constitution and the international human rights treaties ratified or acceded to by Liberia. It is also reported that trial by ordeal that is of a "minor nature" and does not "endanger life" is permitted by Art. 73 of the Regulations. Article 2 of those Regulations provides that they are to be applied to "such areas as are wholly inhabited by uncivilized natives". The discriminatory basis of the Regulations is a breach of human rights guarantees under the Constitution and international treaties, such as the International</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Covenant on Civil and Political Rights, which has been ratified by Liberia. Moreover, the Regulations, which are subordinate legislation, are contrary to provisions of a variety of national legislation, including the Judiciary Law, the Penal Code and the Criminal Procedure Law.	
135.		06/08/07	JUA	WGAD; LIB; TOR	<b>G. M.</b> , a 15-year-old Sierra Leonean national, currently detained at Robertsport detention facility, Grand Cape Mount county. G.M. was arrested on 15 June 2007 and charged with statutory (first-degree) rape. Following a hearing at the Robertsport city magistrate's court on 20 June 2007, he was remanded in pre-trial detention at the Robertsport facility, which is not a national prison and thus not run by correctional services personnel from the Ministry of Justice. The Superintendent is a retiree who serves in his capacity as volunteer. Since there has been no public defence counsel appointed to the Grand Cape Mount county after the re-opening of the court in 2006, G.M. has not had access to a lawyer since his arrest. According to article 4.1 of the Act "On Adopting a New Penal Law", the age of criminal responsibility in Liberia is 16 years. All criminal cases involving juveniles below the age of 16 may only be handled as cases of juvenile delinquency as provided by the Liberian Juvenile Court Procedural Code. Furthermore, article 11.42 of the Code stipulates that "no juvenile under the age of 16 years shall be detained or placed in any prison, jail, lockup or a police station except for good cause upon an order of the judge of a juvenile court in which the reasons therefore	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					shall be specified.” Article 11.21 of the Code provides that criminal cases involving minors below the age of 16 are within the exclusive jurisdiction of the juvenile courts, unless the magistrate court assumes juvenile court jurisdiction following a separate hearing no later than after two weeks of detention. Neither a separate hearing to this effect has been held in the Robertsport city magistrate’s court nor did the Court state the grounds for the detention of G.M. He is currently detained in a cell together with an adult pre-trial detainee who is believed to be mentally ill. The latter had been separated from other detainees because he had urinated on them and had shown other forms of behaviour consistent with a mental illness. On 11 July 2007, G.M. was attacked by his co-inmate who bit his hand, leaving a deep wound. By 17 July 2007, the injury had not been treated. The prison superintendent did not seek authorisation from the county attorney to take G.M. to St. Timothy’s Hospital, as he was away from Robertsport. However, he later obtained permission from the city solicitor and G.M.’s wound was examined and treated, including through a tetanus vaccination, but no HIV/AIDS post-exposure prophylaxis was administered. G.M. also suffers from frequent epileptic fits.	
136.	Libyan Arab Jamahiriya	13/02/07	JUA	RINT; MIG; TOR	<b>430 Eritrean nationals, including over 50 women and children.</b> One hundred-thirty detainees, including several women and children, are detained at a detention centre in Al-Marj, 1,000 km from Tripoli, while the remaining 300 are	By letter dated 10/05/07, the Government informed that this information has no basis in truth. It is taken from sources whose credibility is doubtful, relying as it does on reports from some Eritrean nationals and non-governmental

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>detained in Misratah, about 200 km from Tripoli. The majority of the detainees are conscripts who fled Eritrea to avoid military service. The right to conscientious objection is not recognized in Eritrea. Military service in Eritrea is compulsory for men aged 18 to 40 and for women aged 18 to 27. Military offenders are punished without due process. The 430 individuals are facing imminent deportation to Eritrea. During their detention, Libyan authorities have beaten and raped or sexually abused some detainees.</p>	<p>organizations. The fact of the matter is that there are 164 Eritreans who are currently being held in centres for illegal migrants after being caught attempting to migrate illegally to Europe. They are being well-treated and are provided with humanitarian and health assistance, as witnessed by many foreign media representatives and delegations from States and non-governmental organizations which have visited these camps. Eritrean nationals come to the Great Jamahiriya, either because they are fleeing from compulsory military service or for other reasons. The truth is that most of them enter Libya as a transit zone and are bound for the northern shores of the Mediterranean Sea. This is a breach of the laws in force in the Great Jamahiriya. The above-mentioned special rapporteurs should therefore address this outrageous situation, in accordance with their mandates, with the State of origin, instead of directing insults and rash accusations at the Great Jamahiriya. The repatriation of these Eritrean nationals is an appropriate step to take, especially as this is what most of them want after failing in their attempt to migrate illegally to European shores. It is important to distinguish between persons who enter the Great Jamahiriya illegally with a view to migrating to other States and those who enter as refugees seeking protection from persecution on account of their political views, race, religion or social status. Many people tend to confuse the two. Act No. 6 of 1987 regulates alien entry, residence and departure from Libya. Anyone who breaches this Act will be</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>arrested and detained in designated places of detention and the competent authorities shall take legal proceedings against them. According to the Great Green Document on Human Rights, the Promotion of Freedom Act and the relevant laws, and pursuant to the International Covenant on Civil and Political Rights and the Convention against Torture, to which Libya is a party, the competent Libyan authorities have no right to extradite or repatriate an individual where there is evidence to show that that individual will be subjected to torture or an unfair trial. The Great Green Document and the Freedom Act guarantee freedom of conscience, expression and opinion and freedom of worship. Everyone is entitled to security of person and not to be subjected to cruel, degrading or inhuman treatment. Article 431 of the Criminal Code prescribes a sentence of imprisonment for public officials who use violence against individuals. Article 435 of the Code prescribes a term of imprisonment for any official who commits or orders torture. Some members of the police may use force during arrests in order to deal with individuals who resist arrest. One police officer has been convicted for abuse of authority. Such cases are isolated cases and those responsible face the most severe criminal and disciplinary penalties when evidence of their guilt is presented.</p>
137.		28/06/07	JAL	SUMX; TOR	<b>Ismail al-Khazmi</b> , born in 1976, was an engineer working in the oil fields of AGB GAS in Melita (Sebrata). On 17 June 2006 at 11 a.m. agents of the internal security services (Al-Amn Addakhili)	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>arrested Mr. Al-Khazmi at his place of work. According to the statements of his co-workers, the detaining officers neither showed an arrest warrant nor informed him of the reasons for his arrest. It is not known where he was taken by the security officers. His parents repeatedly sought information on his fate, but the authorities refused to acknowledge that he had been detained and thus to provide any information. It would appear, however, that Mr. Ismail Al-Khazmi was held at Asseka Prison in Tripoli, where he was repeatedly severely ill-treated. On 29 June 2006, he was again beaten and then suspended from the ceiling in the presence and under the direction of an Al-Amn Addakhili officer. Three further Al-Amn Addakhili officers were present. In the afternoon of 29 June 2006, Mr. Al-Khazmi was taken away from the prison in a Peugeot car, unconscious but still alive. He has not been seen again thereafter. On 1 May 2007, Mr. Ibrahim Aboubekr Al-Khazmi, the father of Mr. Ismail Al Khazmi, was summoned to the office of the commander of Asseka Prison. The prison commander told him that his son was dead and asked him to sign a document in order to obtain the remains. The father asked for explanations concerning the death of his son and, not having received a satisfactory reply, insisted that an autopsy be carried out by a physician of his choice. The prison commander refused this request. Mr. Ibrahim Aboubekr Al-Khazmi therefore retained a lawyer, who requested formally that an autopsy be carried out and filed a complaint against those responsible for Ismail Al-</p>	

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					Khazmi's death. The prosecutor general summoned the officers on duty at Asseka Prison at the time of Ismail Al Khazmi's detention to obtain their statements. The Secretary of the Popular Committee on General Security, who is the secretary in charge of the Ministry of Interior, opposed their appearance and refused to authorise an inquiry. As of today, notwithstanding the threats and other forms of pressure received, Mr. Ibrahim Aboubekr Al-Khazmi refuses to pick up his son's body at the morgue of the Tripoli hospital as long as the circumstances of his son's death are not clarified.	
138.		17/08/07	JUA	FRDX; TOR	<b>Al-Mahdi Humaid, Al-Sadiq Salih Humaid, Faraj Humaid, `Adil Humaid, `Ali Humaid, Ahmad Yusuf al-`Ubaidi, `Ala' al-Dirsi, Jamal al-Haji, Idris Boufayed, Farid al-Zuwi, Bashir al-Haris, Al-Sadiq Qashut</b> , currently on trial for planning to hold a political demonstration in Tripoli, as well as <b>`Abd al-Rahman al-Qotaiwi</b> and <b>Jum`a Boufayed</b> , who have disappeared since their arrest in connection with the same demonstration. The fourteen men listed above were arrested on 15 and 16 February 2007 for organizing a demonstration in Tripoli. The demonstration aimed to mark the first anniversary of the death of eleven people in a clash with the police on 17 February 2006 during a protest against the publication of the cartoons of the Prophet Mohammed in a Danish newspaper. Twelve of the fourteen men detained are currently on trial for planning to overthrow the Government, possession of arms, and meeting with an official	By letter dated 5/11/07, the Government informed that these persons were accused of committing acts that are punishable under Libyan law. They were charged and brought before the competent court of appeal to be tried for offences including unlawful political activities; possession of weapons, ammunition and explosives; and the prohibition of alcohol. The case was heard by the court during four sessions, the last of which was held on 4 August 2007. No criminal verdict was handed down in the case. The court applies the Code of Criminal Procedures and the Libyan Criminal Code to the defendants.

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					from a foreign government. According to Articles 166, 167 and 206 of the Libyan Constitution, these men could be sentenced to death. `Abd al-Rahman al-Qotaiwi and Jum`a Boufayed, who have been arrested as organizers of the demonstration, have disappeared since their arrest and not been brought to court.	
139.		28/08/07	AL	TOR	<b>Five Bulgarian health professionals and one Palestinian doctor</b> (subject of previously transmitted communications, to which your Government had responded, see E/CN.4/2005/62/Add.1, para.886-887 and E/CN.4/2006/6/Add.1, para. 140). Following the release of above-mentioned persons from detention on 24 July 2007, Mr. Saif al-Islam, the son of President Qadhafi, and head of the Qadhafi International Charitable Foundation, which played an important role in the negotiations, acknowledged on 8 August 2007 that the foreign medics had been tortured in custody by electricity and had been threatened that their family members would be also be targeted. The Special Rapporteur recalls that by letter dated 10 December 2004 (E/CN.4/2005/62/Add.1, para. 887), the Government informed that: "the accused persons claimed that their confessions had been extracted under torture. The investigating authorities looked into those claims and the accused persons were given medical examinations. At the same time, some police officers who had been accused of torture were questioned and were arraigned before the Benghazi Criminal Court. Having reviewed the	

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					charges against the police officers, the Court determined that it did not have competence to rule on the matter, since the offence had not been committed within its jurisdiction. (It had occurred in Tripoli.) The Department of Public Prosecutions intends to refer the police officers to the Tripoli Criminal Court, since it has competence for hearing the case against them." No information has been provided concerning the details of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to the allegations of torture. Further, no information has been provided of any prosecutions which may have been carried out.	
140.	Malaysia	13/04/07	JUA	TOR, WGAD	<b>Detention of asylum-seekers</b> , including minors. On 4 April 2007 at around 11 a.m., 33 asylum-seekers and refugees from Myanmar were arrested during a RELA (People's Volunteer Corps) raid in Pudu market, downtown Kuala Lumpur. They were arrested on the basis of illegal entry or lack of proper documents. Five persons are recognized refugees, and the others are undergoing verification. The names of 18 of them were given as follows: <b>Dawt Zing, Mang Hlei Sung, Ms. Hgoi Mai, Ms. Bawi Sung, Ms. Hniang Zitial, Nani, Lal Khar, Ngun Tha Sui, Kip Vung Thang, Tawk Kung, Sui Mang, Duh Za Tim, Biak Hu Lian, Tuan Cung, Tan Zaw Jonathan, Mang Chum, Dawt Si, and Sang Awi.</b> Two nursing mothers with their babies were released on 4 April 2007. The remaining 31 are being detained at Lenggeng camp, a detention camp for illegal immigrants in Negeri Sembilan. It	By letter dated 16/05/07, the Government informed that in an operation conducted at Pasar Pudu, Jalan Pudu, Kuala Lumpur, on 4 April 2007 between 10 and 12 a.m., the Ikatan Telawan Rakyat or the People's Volunteer Corps (RELA) apprehended 74 foreign nationals suspected of not being in possession of valid documents, in contravention of Section 6(1)(c) of the Immigration Act 1959/63 (Act 155). RELA was formed on 11 January 1972 as a governmental security body to provide opportunities for citizens, on a voluntary basis, to become members of an agency whose aim it was to maintain peace and security in the country. It has proven beneficial in assisting the Government in the fight against the communist insurgency during the 1970s and 1980s. RELA units are present in almost all districts and regularly mobilised during security operations. Organisationally RELA is a division within the

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					<p>was alleged that Lenggeng Camp presents overcrowding problems and harsh detention conditions. Thirty-one individuals might face jail sentence and whipping under Malaysian immigration law. They are also in danger of being deported to Myanmar.</p>	<p>Immigration Department, which is a Department under the Ministry of Home Affairs. Following the increased influx of illegal immigrants in recent years, the relevant laws were amended in 2005 to empower RELA officers to complement the enforcement unit of the Immigration Department. The amendments allow RELA officers to conduct operations to arrest illegal immigrants in the country. Following the operations conducted in Pudu, RELA filed THSL Police Report No. 9326/07 relating to the detentions resulting from the operation. The matter was subsequently handed over to the Enforcement Division of the Immigration Department, Federal Territory of Kuala Lumpur. Further investigations revealed that 30 Myanmar national were those arrested, all of whom had entered the country illegally, but some had a UNHCR card. The Investigation Paper was subsequently referred to the Deputy Public Prosecutor, but no charges were brought against the 30 detainees from Myanmar. They were detained at Leggeng Camp pending repatriation and/or resettlement. The Government then assured the Special Rapporteur that it is fully committed to human rights regardless of the citizenship. When RELA officers undertake checks on illegal immigrants, they first receive intensive training to ensure that they abide by the relevant laws, i.a. on the Passport Act/Immigration Enforcement Procedures and simulation training prior to the launching of a particular operation, which comprise sessions of dry runs and exercises. The Government appended the</p>

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						relevant laws and stressed again that all the actions taken by the Government of Malaysia in relation to the above operation were in full compliance with the provisions of the relevant domestic legislation and the Universal Declaration on Human Rights.
141.		03/09/07	AL	TOR	<b>Practice of caning.</b> Up to 40 crimes and other offences are punishable by caning (often in combination with prison terms or fines) under various provisions of Malaysian legislation (e.g. persons convicted of drug-related offences, as well as persons whom the Government views as “illegal migrants” are subject to caning).	
142.		Follow-up to past cases			<b>Heng Peo</b> (A/HRC/4/33/Add.1, para. 135)	By letter dated 13/02/07, the Government informed that prior to his dismissal, Mr. Heng Peo was the Personal Advisor to the Prime Minister of Cambodia on Security Issues, Undersecretary of State to the Minister of Interior and former Police Commissioner of Phnom Penh. Mr. Heng Peo left Cambodia for Singapore on 23 July 2006. Based on the information obtained by the Malaysian authorities, while in Singapore, he sought political asylum from the Government of Australia, without success. He had also submitted a claim for refugee status to the UN High Commissioner for Refugees (UNHCR). The UNHCR declined to grant him such status on 25 August 2006. Mr. Heng Peo subsequently submitted an appeal, which was also rejected. The Singapore authorities subsequently detained Mr. Heng Peo at the end of August 2006 for violating immigration laws and ordered him to leave the country. The Malaysian authorities have ascertained that Mr.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>Heng Peo had entered Malaysia through the Immigration entry point at the Johor Causeway on 1 September 2006 at 7.57 p.m. On 5 September 2006, the Cambodian Government made an official request to the Government of Malaysia for the latter to arrest and deport Mr. Heng Peo to Cambodia, who is wanted in connection with the murder of a judge in 2003, as well as for charges of attempted murder and kidnapping in Cambodia. On 3 October 2006, Mr. Heng Peo was arrested by the Malaysian authorities for exceeding his entry permit, which allowed him to stay in the country for a period of 30 days. On the same day, an Australian firm representing Mr. Heng Peo, filed an application in the High Court in Kuala Lumpur seeking an interim order for a stay of deportation to prevent the Malaysian authorities from deporting Mr. Heng Peo to Cambodia, requested for his deportation to the 'Last Port of Embarkation', and Mr. Heng Peo also filed a writ of habeas corpus. Following the suit, the judge allowed Mr. Heng Peo to remain in Malaysia until his application for habeas corpus was heard in the High Court on 17 October 2006. The order for a stay of deportation was further extended and a new hearing date set for 3 November 2006 when Mr. Heng Peo's previous counsel discharged himself and a new counsel was appointed in his stead. On 19 October 2006, the High Court decided that Mr. Heng Peo should be deported, and that the deportation should be to the 'Last Port of Embarkation', i.e. Singapore. The Prosecution, however, appealed the ruling of the</p>

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						<p>High Court on the grounds that the authority to determine the destination of deportation was the sole prerogative of the Director-General of Immigration, as provided by the Immigration Act, and that the High Court could not usurp such authority. The Court of Appeal affirmed on 21 December 2006 that such authority was vested solely in the Director-General of Immigration and thus overturned the decision of the High Court. In any case, Mr. Heng Peo could not have been deported to the 'Last Port of Embarkation' i.e. Singapore following a letter which had been issued by the Commissioner of Immigration and Checkpoints Authority of Singapore to the effect that Mr. Heng Peo was barred from entering that country. Following the decision by the Court of Appeal, the Malaysian authorities had to proceed to deport Mr. Heng Peo to Cambodia on 21 December 2006 in accordance with the rules and procedures currently in force in the country pertaining to such matters. Regarding the appeal to the Malaysian Government to take all measures to guarantee the rights and freedoms of Mr. Heng Peo, to ensure the accountability of any person guilty of the alleged violations and to adopt effective measures to prevent the recurrence of these acts, clearly, the substance of your communication pertains to a matter of deportation, and not of torture or ill-treatment of Mr. Heng Peo while in Malaysia. In this context, this portion of the communication is not relevant insofar as the Malaysian Government is concerned, and it should instead be addressed to the appropriate</p>

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						party. It is of paramount importance to ensure that responsibilities are not inadvertently placed on a particular party whereas they are rightfully the remit of another.
143.	Maldives	21/06/07	JAL	SUMX; TOR	<p><b>Hussein Salah</b>, a 29-year-old sand-miner, and a well-known opposition activist, resident at Naazukeege, Hithadhoo Island, Addu Atoll. On 9 April 2007, he was arrested on Hithadhoo Island. Subsequently he was transferred to Male, where he arrived in the evening of 12 April. There he was held at the Alhoulhu Vehli Detention Centre, where, according to witnesses, he was severely beaten for several hours resulting in injuries to his face and legs. He died on 13 or 14 April. His body was discovered floating in the inner harbour of Male on 15 April 2007. At first there were attempts by officials to bury the body without a death certificate, but in the end a government employed doctor issued one. Initially the family's request for an independent forensic examination was refused. However, following protests, on 20 April the body was transferred to Colombo, Sri Lanka, where a Judicial Medical Officer examined the body. The report that resulted from this examination contradicted earlier findings of Maldivian police and lacked credibility because of inexplicable delays and because the Government intervened.</p>	<p>By letter dated 28 September 2007 the Government replied, with reference to police investigations, that Mr. Hussain Salah had been taken into police custody on 9 April 2007 in Addu Atoll on suspicion of possessing drugs. He had prior criminal convictions for banned substance abuse and burglary. Although drugs were found at his arrest location, no further drugs were discovered during the body search. However, Mr. Salah's urine tested positive for opiates. Mr. Salah was kept in custody for further investigation and then transferred to Male' by boat as is normal practice. The journey from Addu to Malé takes about two days by boat. On the way to Male', when the vessel was in transit in the island of Gadhdhoo, Mr. Salah complained of a headache and requested to be taken to the health centre on the island. He was attended by the doctor at the Gadhdhoo Health Centre who prescribed him medication which was administered to him. On arrival in Male', Mr. Salah was detained at Atholhu Vehi (police custodial centre) and, following established procedure, was asked about his health and well-being. In response, Mr. Salah noted that he suffered from intermittent headaches. This information was recorded in writing along with Mr. Salah's signature and fingerprint. Mr. Salah was released from custody by the police on the night of 13 of April. Records</p>

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						<p>show that Mr. Salah left custody with his personal possessions around 9.10 p.m. His mother was notified of his release over the phone. Mr. Salah's body was discovered around 7.45 a.m. on 15 April 2007 floating in the harbour on the south-side of Male'. When the Maldives Police Service received this information, an investigating team was dispatched to the scene. Since the body was covered in mud, no external injuries were evident on the body. Without further delay, the body was removed and taken to the Indhira Gandhi Memorial Hospital and then transferred to the new Cemetery in Male'. A team of doctors examined the body. During the examination bleeding was noted from the nose and ear as well as swelling of the left cheek. The doctors recommended that a post-mortem be carried out to ascertain the cause of death. The Government wishes to reiterate that it did not attempt to bury the body without a death certificate. On 21 April, following a request by Mr. Salah's family and given that the Maldives did not have the required facilities, an independent post-mortem examination was carried out at the Office of the Judicial Medical Officer in Sri Lanka. The body had been transferred by the Government in order to respond to the request of the family of the deceased. The preliminary findings of the post-mortem concluded that death was caused by drowning. It ruled out the possibility that death had been caused by physical violence. The subsequent report further confirmed these findings. Mr. Hussein Salah was buried on 28 April 2007 in Male'. Copies of the report have been</p>

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						<p>provided to the OHCHR. The Government wishes to reiterate that it did not attempt to intervene in this process. Throughout the process, the Government sought to balance the need to follow due legal process to discover the precise cause of death with the equally important need to be sensitive to and respond to the particular needs of Mr. Salah's family. Further, the Government facilitated at its own expense the transfer to Sri Lanka for the post-mortem examination since the Maldives do not have the facilities not the trained professionals to conduct this procedure. Representatives of the Human Rights Commission also traveled to Colombo to oversee the process. The Government invited Amnesty International to be present, but they were not able to respond in time. The Maldives Police Service is conducting a full investigation into the death of Mr. Salah. Their findings so far indicate that the death did not happen in custody and that there is no cause to believe that Mr. Salah had suffered any ill-treatment at the hands of Police Officers. Similarly, the Human Rights Commission of the Maldives is conducting a full investigation into the matter. The results have not been published yet. Also, an independent inquiry was carried out by the Petition Committee of the People's Majlis (Parliament). This inquiry focused on procedural matters relating to how the body was dealt with from the time it was discovered until the time it was buried. The Committee found that all parties involved in the case had acted in good faith. There were nonetheless procedural issues that needed</p>

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						to be looked at and improved in the future. The Committee therefore recommended that improved guidelines and regulations be put in place for dealing with cases such as that of Mr. Salah, when there is uncertainty as to cause of death. So far no prosecutions have been undertaken in relation the case and no compensation has been paid. Finally, the Government reiterated its commitment to the protection and promotion of human rights.
144.	Mexico	18/12/06	JAL	TOR; VAW	<p><b>Miembros del movimiento social Frente de Pueblos en Defensa de la Tierra.</b> El 3 y 4 de mayo de 2006 hubo sangrientos enfrentamientos entre fuerzas de seguridad y habitantes de los Municipios de Texcoco y San Salvador Atenco, Estado de México, que mantenían bloqueada la carretera Lechería- Texcoco. Durante las protestas, varios manifestantes se enfrentaron de forma violenta a los cuerpos policiales del Estado de México. Durante los enfrentamientos varios policías resultaron lesionados y manifestantes retuvieron a varios agentes. Agentes de la Policía Federal Preventiva y la Agencia de Seguridad Estatal reaccionaron con uso de fuerza aparentemente excesivo contra la mayoría de los manifestantes. Entre otras cosas, unos policías caminaron sobre personas que se encontraban acostadas y esposadas. Dos personas, entre ellos un menor de 14 años, fallecieron a consecuencia de los disturbios sin que hasta la fecha se hayan esclarecido las circunstancias de las muertes. Las fuerzas de seguridad detuvieron a 211 personas, incluidas 47 mujeres. Las</p>	<p>Por carta de fecha 17/05/07, el Gobierno informó que se determinó aplicar procedimientos administrativos y judiciales en contra de los elementos de la Agencia de Seguridad Estatal (ASE) por los hechos suscitados en Texcoco y San Salvador de Atenco el 3 y 4 de mayo de 2006. Se informa que la autoridad judicial emitió 17 órdenes de aprehensión en contra de elementos de la Policía Estatal por la probable responsabilidad en el delito de abuso de autoridad. Sin embargo, dichos mandamientos no han sido cumplidos en virtud del amparo concedido por el juez federal en favor de los policías acusados. Cuatro jefes de destacamento del grupo de la ASE fueron destituidos de sus cargos y cinco fueron suspendidos por 90 días por “tolerar tratos violentos por parte de sus compañeros a las personas con las cuales tuvieron contacto para su traslado y no velar por su integridad física”. En cuanto a las investigaciones sobre los supuestos abusos sexuales cometidos en contra de las mujeres detenidas, el Gobierno menciona que el 15 de mayo de 2006 la Fiscalía Especial</p>

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					<p>mujeres tenían entre 18 y 40 años. Durante su detención ellas fueron objeto de diversas modalidades de violencia sexual, física y/o verbal. Al menos 23 de ellas comunicaron agresiones sexuales, tales como pellizcos y mordidas en los senos, tocamientos en sus genitales, violación por vía vaginal y anal con dedos y otros objetos y violación por vía oral. Los policías también ejercieron violencia sexual al amenazar verbalmente con violación y utilizar un lenguaje altamente discriminatorio relativo a la condición sexual de las mujeres detenidas. A algunas mujeres les fueron retiradas sus ropas violentamente. En contravención a lo dispuesto en los artículos 129 y 130 del Código de Procedimientos Penales para el Estado de México, relativos a la custodia de los instrumentos y de las cosas objeto o efecto del delito, el personal del Centro Preventivo y de Readaptación Social Santiaguito de Almoloya de Juárez (Estado de México), no preservó las evidencias que las secuelas de las lesiones y abusos ocasionados por los policías que dejaron en la vestimenta de las mujeres agraviadas. Al ingreso de las mujeres agraviadas al Centro, empleados del Centro les quitaron algunas prendas de vestir a algunas de ellas y a otras las obligaron a lavarlas. Aunque las mujeres solicitaron desde un primer momento poner en conocimiento de las autoridades sus denuncias, no las registraron hasta la llegada de la Fiscalía Especializada de Delitos Violentos contra las Mujeres que tuvo lugar el 12 de mayo de 2006.</p>	<p>para la Atención de los Delitos Relacionados con Actos de Violencia contra las Mujeres (FEVIM) dio motivo al inicio de la averiguación previa AP/FEVIM/003/05-2006. El 22 de mayo de 2006 la Comisión Nacional de Derechos Humanos (CNDH) emitió un informe preliminar en el que señala que 211 quejas fueron interpuestas ante este organismo nacional por los hechos ocurridos el 3 y 4 de mayo del 2006. De las 23 mujeres que señalaron haber sido víctimas de abusos sexuales ante la CNDH, 17 ratificaron su denuncia ante la Procuraduría General de Justicia del Estado de México y dos de ellas han reconocido a sus agresores.</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Hasta el 4 de noviembre de 2006, 23 agentes de la Agencia de Seguridad Estatal fueron consignados por delito de abuso de autoridad por la Fiscalía Estatal. Solamente un agente policial de la referida Agencia Estatal fue consignado por actos libidinosos. Ningún agente fue consignado por el delito de violación o abuso sexual. La Fiscalía Federal Especial para Delitos Violentos contra Mujeres, que también tiene competencia de investigar el caso, todavía no ha formulado acusación contra ningún agente.	
145.		26/01/07	JUA	WGAD; FRDX; TOR	El 13 de enero de 2007, entre las 16.30 y las 17.00 horas, varias de las personas que participaban en una demostración en Miahuatlán (Oaxaca), demandando la liberación de los detenidos el 25 de noviembre de 2006, fueron detenidas por miembros de la Unidad Policial de Operaciones Policiales (UPOE), de la Policía Preventiva y de la Policía Municipal. Las detenciones se efectuaron al finalizar la demostración, mientras los manifestantes se encontraban comiendo frente al penal Porfirio Díaz (CERESO). Los agentes policiales llevaban los rostros cubiertos con pasamontañas y estaban armados con fusiles AK-47 y otras armas largas. Los policías llegaron al lugar sorpresivamente a bordo de diversos vehículos y procedieron a detener a los manifestantes haciendo uso excesivo de la fuerza. En otro hecho simultáneo, algunos de los manifestantes que regresaban de una marcha a la ciudad de Oaxaca a bordo de camionetas, fueron también detenidos e interrogados por funcionarios de la Procuraduría	

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					General de la República y del Ministerio Público de Oaxaca. Se trata de <b>Rogelio García Hernández</b> (de 18 años de edad); <b>Vladimir González Martínez</b> (menor de 17 años); <b>José de Jesús Villaseca Pérez</b> (de 19 años), estudiante de la UNAM; <b>Miguel López Cruz</b> (de 28 años de edad); <b>José Ponciano Neri</b> ; <b>Arnulfo Ezequiel Vázquez</b> y <b>Humberto Vázquez</b> . Algunas de las personas detenidas en los hechos descritos, fueron liberadas luego de pagar fianzas de entre 5.000 y 10.000 pesos mexicanos (entre 457 y 913 dólares de los Estados Unidos de América, aproximadamente). Otras personas fueron acusadas del delito de porte ilegal de armas de fuego de uso exclusivo militar o policial. Algunos detenidos han denunciado que durante su arresto e interrogatorio fueron víctimas de amenazas de violación y de muerte. Todos los detenidos habrían sido golpeados y algunos obligados a fotografiarse con armas de fuego proporcionadas por los agentes.	
146.		26/01/07	JUA	WGAD; TOR	Sr. <b>Diego Arcos Meneses</b> , perteneciente al pueblo indígena chol, de 41 años de edad, originario de Cololil (Tumbalá), de ocupación agricultor y Consejero de Vigilancia del Ejido Nuevo Tila en Ocosingo (Chiapas). El Sr. Diego Arcos Meneses fue arrestado el 14 de noviembre de 2006, cuando se dirigía a la comunidad de Viejo Velasco, municipio de Ocosingo, para recoger maíz en una parcela. Luego de su arresto, fue llevado al poblado, en una de cuyas casas se encontró el cadáver de la Sra. María Núñez González. Tras su arresto, el Sr. Arcos	Por carta de fecha 11/10/07, el Gobierno informó que el 13 y 14 de noviembre de 2006 se realizaron operativos en el Ejido Viejo Velasco, Municipio de Ocosingo (Chiapas). Durante los operativos se habrían hallado los cuerpos sin vida de tres personas: Antonio Mayor Benítez Pérez, Filemón Benítez Pérez y María Núñez González. El Gobierno informa que en el operativo del 14 de noviembre se localizó en el lugar a una persona que se identificó como Diego Arcos Meneses, quien manifestó tener el cargo de Sub-comisario. Se menciona que la autoridad responsable solicitó

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					<p>Meneses fue conducido en helicóptero a Palenque, donde fue interrogado por agentes del Ministerio Público. El interrogatorio se llevó a cabo en español, idioma que no lee y que habla con dificultad, sin la asistencia de un intérprete. Posteriormente, el Sr. Arcos Meneses fue acusado de haberse dirigido a la comunidad Viejo Velasco con el objeto de robar. Al negarse a firmar la declaración que se le leyó, por no saber firmar y por temer una autoinculpación, fue agarrado del pelo y de la nuca y golpeado en la boca y en las rodillas, lo que le produjo una herida en la boca y dificultades para caminar. Practicada la prueba de rodizonato de sodio (parafina), se demostró que esta persona no había utilizado armas de fuego. El Ministerio Público solicitó la detención de esta persona en la modalidad de arraigo, pese a no haber encontrado pruebas inculpatorias. El Sr. Arcos Meneses fue conducido a la Casa de Seguridad "Quinta Pitiquitos", ubicada en el kilómetro 10 de la carretera Chiapa de Corzo-Tuxtla Gutiérrez, municipio de Chiapa de Corzo. El pasado 16 de enero de 2007, la detención fue prorrogada por 30 días más, por auto del Juez del Ramo Penal de Primera Instancia del Distrito Judicial de Playas de Catazajá (Chiapas), ante solicitud formulada por el Fiscal Titular de la Mesa 2 de la Fiscalía Regional Zona Selva. Se informa también de que el recurso de amparo y protección de la justicia federal contra la detención del Sr. Arcos Meneses, que alegaba exceso de autoridad en violación de la Constitución mexicana, resultó</p>	<p>la autorización para arraigar al Sr. Diego Arcos Meneses, mientras se aclaraba su participación en los hechos en que perdieran la vida las tres personas mencionadas. El 17 de noviembre del 2006, el Juez Penal de Primera instancia de Playas de Catazajá (Chiapas), habría decretado el arraigo domiciliario por 30 días del Sr. Diego Arcos Meneses.</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					inefectivo, dado que el Juzgado Quinto declinó su competencia en favor del Juzgado Primero de Distrito de Tuxtla Gutiérrez. La declinación de competencia motivó la prórroga de la audiencia constitucional, que no se ha realizado.	
147.		12/03/07	JAL	IND; TOR; VAW;	<p><b>Sra. Ernestina Ascencio Rosario</b>, indígena de 73 años de edad, quien falleció el 26 de febrero de este año en Tetlalzingo, municipio de Soledad Atzompa (Veracruz). El 25 de febrero del 2007, la Sra. Rosario habría sido violada por miembros del 63 Batallón de Infantería de la 26 zona militar de Lencero (Veracruz). La Sra. Rosario fue hallada por sus familiares a quienes les habría dicho “los militares se me vinieron encima”. Debido a su crítico estado de salud, fue trasladada al hospital regional de Río Blanco en donde falleció al día siguiente. El certificado de defunción señalaría que la Sra. Rosario murió como consecuencia de una infección en los intestinos y en el hígado. Dicho informe también mencionaría que el cuerpo presentaba huellas de tortura y perforación del recto.</p>	<p>Por carta de fecha 17/05/07, el Gobierno informó que el 7 de marzo de 2007 la Comisión Nacional de Derechos Humanos (CNDH) solicitó la exhumación del cuerpo de la Sra. Ernestina Ascencio Rosario debido a que se detectaron diversas omisiones e inconsistencias en la primera necropsia practicada por personal médico de la Procuraduría General del Estado de Veracruz. Durante la exhumación, los peritos médicos de la Comisión Nacional evidenciaron que la causa de la muerte establecida en la primera necropsia “traumatismo craneo-encefálico, fractura y luxación de vértebras cervicales” no se encontraba debidamente sustentada. Con base en los resultados de la segunda necropsia, la CNDH emitió cuatro comunicados de prensa en los que se indica como causa de muerte una anemia aguda por sangrado del tubo digestivo secundario y úlceras gástricas pépticas agudas, sumado a la presencia de tumoraciones hepáticas malignas, un proceso neumónico en etapa de resolución, isquemia intestinal y trombosis mesentérica. El 30 de abril de 2007, la Procuraduría General de Justicia del Estado de Veracruz concluyó que la muerte de la Sra. Ernestina Ascencio Rosario se debió a “causas fisiológicas y mecánicas y no a factores externos a la fisiología de su organismo”. El</p>

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						Procurador y el Fiscal especial del caso informaron en rueda de prensa sobre la decisión de cerrar el caso al no encontrar elementos probatorios de los delitos de violación y homicidio.
148.		23/04/07	JUA	WGAD; TOR;	<b>David Venegas Reyes.</b> El Sr. David Venegas Reyes fue arrestado el 13 de abril de 2007, hacia las 13.15 horas, por ocho agentes de la Policía Federal frente a los locales de los Juzgados Federales del Décimo tercer Circuito, ubicados en la Avenida Juárez, Parque El Llano, de la Ciudad de Oaxaca de Juárez, Estado de Oaxaca. Los agentes policiales no presentaron orden de detención alguna. El Sr. Venegas Reyes fue fuertemente golpeado y recibió amenazas durante su arresto proferidas por los agentes policiales, quienes portaban uniforme azul, chaleco antibalas, casco negro y armas de fuego de alto calibre. Los agentes antes mencionados descendieron de un vehículo tipo pick up de color rojo. El titular del área jurídica de la organización no gubernamental Liga Mexicana de Derechos Humanos- Oaxaca (LIMEDDH-OAXACA), el Sr. Isaac Torres Carmona, fue testigo de la agresión que el Sr. Venegas Reyes sufrió al momento de su arresto. El Sr. Venegas Reyes fue colocado en régimen de incomunicación. Un recurso de amparo interpuesto en su favor bajo el número AV Prev. 607/PME/2007 ante la Agencia del Ministerio Público del tercer turno adscrita a la Policía Ministerial de la Procuraduría General de Justicia del Estado (PGJE) de Oaxaca, no ha sido resuelto hasta la fecha. No se han formulado	

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					cargos legales contra el Sr. Venegas Reyes ni presentado acusación alguna. El Sr. Venegas Reyes no ha sido conducido ante una autoridad judicial.	
149.		07/09/07	JUA	HRD; IND; TOR; VAW	<p><b>Fortunato Prisciliano</b>, miembro del pueblo indígena tlapaneca, quien ha sido supuestamente víctima de golpes e intimidaciones por parte de personas presuntamente al servicio del Ejército. Dichas agresiones ocurrieron después de que el Sr. Fortunato Prisciliano se presentara en audiencia ante la Comisión Interamericana de Derechos Humanos (CIDH) para denunciar la violación sexual de su esposa, la Sra. Inés Fernandez Ortega, por parte de tres miembros del Ejército en marzo del 2002. El 30 de junio de 2007, el Sr. Fortunato Prisciliano habría sido golpeado por los Sres. Hilario y Alfonso Morales Silvino al frente de la Comisaría Municipal de Ayutla de los Libres (estado de Guerrero). Mientras el Sr. Fortunato Prisciliano se encontraba tendido en el suelo, uno de los hombres le mostró un arma que llevaba oculta bajo la ropa y le habría dicho: "Si intentas decir algo aquí te traigo tu comida...lo que estás denunciando con tu esposa Inés en contra de los guachos es mentira y ya sabemos que hasta Estados Unidos vas a ir, pero no te va a servir de nada porque es mentira lo que estás diciendo". El 27 de julio de 2007, cuando el Sr. Fortunato se dirigía a su domicilio, se le acercó el tío de los dos hombres que lo habían agredido frente a la Comisaría Municipal de Ayutla y le habría dicho: "deja de chingar a los guachos, sabemos que</p>	

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					quieres ir hasta Estados Unidos a denunciar y si no paras algo feo te puede pasar". El 1 de agosto, el mismo individuo lo volvió a amenazar con las siguientes palabras: "Hijo de tu chingada madre, ya deja de decir que a tu esposa la violaron los guachos. Ya te dije que te vamos a partir tu madre".	
150.		13/09/07	UA	TOR	<b>Francisco Velasco Hernández</b> , quien supuestamente está siendo objeto de amenazas de muerte e intimidaciones por haber presentado una denuncia contra tres agentes de la Policía Judicial de Oaxaca, acusándolos de "abuso de autoridad, lesiones, violación equiparada, robo y amenazas". El 13 de enero de 2007, el Sr. Velasco fue detenido en la ciudad de Oaxaca por tres agentes de la policía judicial. Los agentes golpearon en repetidas ocasiones al Sr. Velasco, lo amenazaron de muerte, lo agredieron sexualmente y lo obligaron a firmar una declaración que no le permitieron leer. Tras quedar en libertad bajo fianza el 23 de enero, el Sr. Velasco presentó una denuncia contra los agentes que lo agredieron ante la unidad de delitos sexuales de la PGJE. El 5 de febrero del 2007, el Sr. Velasco fue citado a comparecer ante la PGJE, sin embargo, por motivos de seguridad unos familiares se habrían presentado en su lugar. Los tres agentes que agredieron al Sr. Velasco estuvieron presentes durante la vista oral y les advirtieron a sus familiares que si no se retiraba la denuncia "tomarían acciones en contra del Sr. Velasco". El 25 de junio del 2007, mientras el Sr. Velasco asistía a una vista judicial en	Por carta de fecha 24/09/07, el Gobierno informó de que el Sr. Francisco Velasco Hernández fue detenido el 13 de noviembre de 2007 por la Policía Municipal de Oaxaca. Ese mismo día el Sr. Velasco fue puesto a disposición del Ministerio Público y se le practicó un examen que dio fe de su integridad, sin que fueran señaladas lesiones o alteraciones físicas o psíquicas. El 21 de enero fue resuelta su situación jurídica por un juez penal, quien acordó su libertad por los delitos de extorsión y resistencia de particulares y un auto de formal prisión por los delitos de robo de vehículo y lesiones dolosas en agravio de un agente de policía. Actualmente la causa penal se encuentra en instrucción. El 8 de febrero de 2007, el Sr. Velasco interpuso una denuncia penal ante la Procuraduría General de Justicia del Estado de Oaxaca contra cinco agentes, por supuestas agresiones sufridas durante su detención. Esta denuncia se encuentra actualmente en investigación por los delitos de abuso de autoridad, lesiones, violación equiparada, robo y amenazas. El 11 de julio de 2007, la Comisión Interamericana de Derechos Humanos (CIDH) otorgó medidas cautelares a favor del Sr. Francisco Velasco Hernández. Las

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					relación con el procesamiento de los tres agentes que lo agredieron, uno de ellos le habría dicho: "Si no desistes de la denuncia que presentaste en nuestra contra te vamos a desaparecer, hijo de la chingada". Igualmente, el 29 de junio de 2007 un hombre armado se le habría acercado al Sr. Velasco para decirle que si no retiraba la denuncia no iba a "vivir para contarlo". Finalmente, en la tarde del 27 de agosto, el Sr. Velasco habría sido amenazado por dos hombres que supuestamente le dijeron: "Si no te matamos afuera, te vamos a matar adentro, cabrón, porque te vamos a regresar a la cárcel".	autoridades mexicanas acordaron con el Sr. Velasco los siguientes mecanismos para la implementación de las medidas cautelares: a) agilización de las investigaciones; b) la disposición de números telefónicos para comunicarse con las autoridades ante una situación de emergencia; c) la entrega de un teléfono celular. El 24 de septiembre se tenía prevista una reunión con las autoridades involucradas, el Sr. Velasco y su representante para dar seguimiento a los acuerdos concertados y presentar los avances de las investigaciones.
151.		01/11/07	UA	TOR	<b>Geovanni Alcaraz Vielman</b> , quien desertó del Ejército mexicano y huyó a Estados Unidos de América tras ser presuntamente acusado de estar implicado en la muerte de un oficial del ejército en el 2004. El 22 de octubre de 2007, el Sr. Geovanni Alcaraz Vielman fue devuelto de los Estados Unidos de América a México como inmigrante ilegal. Las autoridades mexicanas detuvieron al Sr. Alcaraz a su llegada a la ciudad de Tijuana y el 23 de octubre de 2007 lo trasladaron a Ciudad de México, donde quedó bajo la custodia de la Policía Judicial Militar en el cuartel de este cuerpo. Esa noche cinco soldados vestidos de civil lo golpearon durante tres horas, al parecer para obligarlo a confesar el homicidio de un oficial del ejército en el 2004. Cuando el Sr. Alcaraz pidió ver a un abogado, lo habrían amenazado diciéndole: "si abres la boca para denunciar, nosotros mismos nos vamos a encargar de matarte y de mandar a alguien para	

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					<p>que viole a tu mamá y a tu hermana". Posteriormente, los agentes de la Policía Judicial Militar lo habrían obligado a leer en voz alta una confesión, que grabaron en video. El Sr. Alcaraz habría sido trasladado a una prisión militar, donde un médico lo examinó y procedió a medir y fotografiar las lesiones que presentaba en las piernas y en la clavícula. El Sr. Alcaraz también sufría dolores de cuello y de estómago. El 24 de octubre el Sr. Alcaraz se entrevistó con su abogado, a quien se le habría negado acceso a los resultados de los exámenes médicos. Durante una entrevista con el director de la prisión militar, el Sr. Alcaraz habría dicho que los agentes de la Policía Judicial Militar que lo golpearon también lo habían amenazado con matarlo durante su estadía en prisión.</p>	
152.		14/11/07	JAL	HRD; IJL; TOR	<p><b>Pedro Alvarado Delgado.</b> El 4 de mayo de 2006, Pedro Alvarado Delgado, defensor de derechos humanos, mexicano y de 59 años de edad, se encontraría tomando fotos e imágenes en video de la operación policial llevada a cabo en San Salvador Atenco, en la que resultaron detenidas y agredidas más de 150 personas cuando habría sido detenido por agentes de la policía. Al ser detenido, el Sr. Alvarado alegó su condición de observador de derechos humanos. Los agentes de la policía lo habrían golpeado repetidas veces en diversas partes de la cabeza y le habrían propinado patadas hasta arrojarlo al suelo, donde habrían vuelto a golpearlo y amenazado de muerte. Al igual que a otros detenidos, después de esposarlo y obligarlo a taparse la cabeza, lo</p>	

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					<p>habrían obligado a permanecer acostado boca abajo, encima de las otras personas detenidas, durante las cinco horas que duró el trayecto en autobús hasta la prisión de Santiaguito. Durante el trayecto, le habrían golpeado y amenazado. El Sr. Alvarado habría escuchado a la policía amenazar a las mujeres detenidas con violarlas, así como los gritos de dolor de las otras personas que se encontraban a su alrededor. Posteriormente, en la cárcel, se le habría denegado el acceso a una atención médica adecuada, a pesar de las heridas que presentaba, así como también se le habría denegado el derecho a un abogado defensor elegido por él. Tampoco se le habría informado los motivos de su detención. El 5 de mayo de 2006, representantes de la Comisión Nacional de los Derechos Humanos habrían documentado las lesiones físicas que había sufrido el Sr. Alvarado. El 8 de mayo el Sr. Alvarado habría prestado declaración judicial pero sin la presencia de un juez. El 10 de mayo de 2006, en una audiencia conjunta de más de 200 personas detenidas en San Salvador Atenco, se le habría acusado formalmente del delito de ataques a las vías de comunicación y medios de transporte. El juez no habría tenido en cuenta las pruebas de malos tratos de que fue objeto el Sr. Alvarado, las cuales constan en un certificado médico, ni su declaración, según la cual, en el momento de la detención, llevaba a cabo actividades legítimas de derechos humanos. El 13 de mayo de 2006, quedaría en libertad bajo fianza. El proceso en su</p>	

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					<p>contra continúa abierto. La defensa presentó una solicitud para dar vista del caso al Ministerio Público, a efectos de investigar la alegación de torturas sufridas por Pedro Alvarado, que ha sido denegada por el juez. La defensa habría pedido juicio de amparo. En el fallo, el juez federal de amparo no habría reconocido la obligación del juez estatal de informar a la Procuraduría General de Justicia del Estado, de las pruebas sobre las supuestas torturas sufridas por el Sr. Alvarado. El tribunal federal habría resuelto que los tribunales estatales no están obligados a informar al Ministerio Público sobre la necesidad de iniciar una investigación por tortura. No existirían pruebas que vinculen al Sr. Alvarado con los delitos que se le imputan. El juez habría sostenido que corresponde al Sr. Alvarado probar su inocencia de haber participado en el delito que se le imputa, lo cual podría transgredir sus derechos a un debido proceso y a la presunción de inocencia. En tal virtud, no conforme con su procesamiento, el Sr. Alvarado promovió un juicio de amparo contra la resolución del 10 de mayo de 2006. El Sr. Alvarado ganó dicho juicio, en el que el juez federal habría reconocido la ausencia de pruebas en la acusación formal y habría ordenado que el juez competente precisara los elementos de prueba que acreditaran su responsabilidad y dictara una nueva resolución sobre el formal procesamiento. Sin embargo, el juez estatal habría dictado una nueva resolución el 28 de noviembre de 2006, ordenando de nuevo el procesamiento de Pedro Alvarado, sin precisar</p>	

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					<p>las pruebas de la imputación como lo ordenaba la autoridad federal. El Sr. Alvarado habría vuelto a presentar un recurso de amparo contra esa resolución, volviendo a ganar dicho juicio. La autoridad federal habría ordenado al juez estatal, por segunda vez, precisar las circunstancias específicas que demostraran la supuesta responsabilidad del Sr. Alvarado. No obstante, el 10 de mayo de 2007, el juez estatal habría emitido una resolución en la que se ordenaba el formal procesamiento de Pedro Alvarado, omitiendo nuevamente precisar los elementos probatorios que acreditaban su supuesta responsabilidad. En contra de dicha resolución, el Sr. Alvarado habría acudido a un tribunal federal, por considerar que el juez estatal omitió dar cumplimiento a la sentencia de amparo en la que se ordenaba precisar las circunstancias específicas de la conducta que se le imputa. Sin embargo, el tribunal federal declaró improcedente tal inconformidad. El Sr. Alvarado, por tercera vez, habría presentado una demanda de amparo por no existir prueba que acreditara su participación en el delito que se le imputa. Dicho juicio se encontraba pendiente de resolver. Tras haber transcurrido más de un año desde que tuvo lugar la detención, acusación y torturas del Sr. Alvarado, los responsables aún no han sido enjuiciados y no existe una investigación al respecto.</p>	
153.		Follow-up to past cases			<p><b>Alejandro García Hernández, Pedro García García, José Jiménez Colmenares, Ramiro Aragón Pérez, Juan Gabriel Ríos, Elionai</b></p>	<p>Por carta de fecha 24/04/07, el Gobierno informó de que la Fiscalía Especial para Asuntos Magisteriales de la Procuraduría General de</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p><b>Santiago Sánchez, Germán Mendoza Nube y Renato Cruz Morales.</b> (A/HRC/4/33/Add.1, párrs. 143 y 145).</p>	<p>Justicia del Estado, dio inicio a las averiguaciones previas 67(FEPAM)/06 por el delito de homicidio calificado en contra del Sr. <b>Alejandro García Hernández. Pedro García García</b> fue detenido en flagrante delito por elementos de la Policía auxiliar Bancaria, Industrial y Comercial (PABIC), cuando estaba cometiendo el delito de robo en perjuicio del Sr. Abel Reyes Mijangos. El Sr. Pedro García obtuvo su libertad bajo caución el 8 de octubre de 2006. Posteriormente se enviará una copia de su certificado médico, expedido el 1 de octubre por el Departamento Médico del Reclusorio Femenil de Valles Centrales, Tlacolula, (Oaxaca). El Sr. <b>José Jiménez Colmenares</b> falleció el 10 de agosto de 2006, después de recibir un disparo durante una riña entre manifestantes y particulares, en el marco de una protesta organizada por el magisterio y la APPO. La Procuraduría General de Justicia de Oaxaca (PGJOAX) inició una investigación por el delito de homicidio, tentativa de homicidio y lesiones, en contra de quien o quienes resulten responsables. Los Sres. <b>Ramiro Aragón Pérez, Juan Gabriel Ríos y Elionai Santiago Sánchez</b> fueron detenidos el 10 de agosto de 2006, por elementos de la Policía Preventiva del Estado, durante uno de los recorridos de seguridad y vigilancia efectuados en la Agencia municipal de San Felipe de Agua, Centro Oaxaca. Los tres hombres fueron trasladados a la cárcel municipal de la población de Ejutla de Crespo (Oaxaca), previa certificación médica, realizada por personal de los Servicios de Salud de Oaxaca. El 10 de agosto de</p>

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						<p>2006 fue dictado auto de formal prisión en contra del Sr. Ramiro Aragón Pérez por estimarse probable responsable del delito de porte de armas de fuego y cartuchos de uso exclusivo de las fuerzas armadas. Elionai Santiago Sánchez y Juan Gabriel Ríos fueron liberados bajo caución. El Sr. <b>Germán Mendoza Nube</b> se encuentra detenido desde el 9 de agosto de 2006 en el Reclusorio Regional de Miahuatlán de Porfirio Díaz (Oaxaca). Al Sr. Mendoza se le dictó auto de formal prisión dentro de dos procesos penales por la comisión del delito de tentativa de homicidio calificado y robo calificado. Al momento de su detención, el Sr. Mendoza fue valorado por peritos médicos legistas de la PGJOAX y a su ingreso al reclusorio fue valorado por personal médico de la Dirección de Prevención y Readaptación Social, que recomendó darle un seguimiento especial debido a la diabetes mellitus que padece. Al Sr. Mendoza se le han brindado todas las condiciones médicas para la atención de su salud, e incluso el 10 de agosto de 2006 fue excarcelado para brindarle atención médica en el Hospital General de la Ciudad de Puebla. Con relación al Sr. <b>Renato Cruz Morales</b> no existe antecedente de que haya sido detenido por ninguna corporación policiaca del Estado. Por lo tanto no hay registro de que hubiera sido internado en ninguno de los centros penitenciarios del país.</p>

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154.	Morocco	01/02/07	JUA	FRDX; HRD; TOR	<p><b>Brahim Sabbar</b>, Secrétaire général de l'Association Sahraouie des Victimes des Violations Graves des Droits de l'Homme Commises par l'Etat du Maroc (ASVDH), et <b>Ahmed Sbai</b>, membre du Conseil de coordination de l'ASVDH et du Comité pour la Protection des Détenus de la Prison Noire. Tous les deux ont fait l'objet d'un appel urgent envoyé le 29 juin 2006 (A/HRC/4/33/Add.1, para. 148). Ils seraient actuellement détenus dans la 'Prison Noire' de Laâyoune. Le 19 janvier 2007 des policiers de la Compagnie mobile d'intervention auraient pénétré dans la cellule où étaient détenus Brahim Sabbar et Ahmed Sbai, ainsi que 16 prisonniers politiques, et les auraient battus violemment, quelques uns avec des matraques. Ils auraient cassé la jambe de Brahim Sabbar au cours de l'attaque. Ensuite les policiers auraient menotté tous les prisonniers présents. Brahim Sabbar et Ahmed Sbai auraient été arrêtés à Boujdour, au Sahara occidental, le 17 juin 2006. Leur arrestation aurait fait suite à la réunion inaugurale d'une branche de l'ASVDH à Boujdour et à la publication d'un rapport contenant des allégations d'arrestations arbitraires, de torture et de mauvais traitement au Sahara occidental. Le 27 juin 2006, Brahim Sabbar aurait été condamné à deux ans d'emprisonnement pour avoir attaqué et désobéi à un officier de police, ce que Brahim Sabbar nierait. De plus, on aurait nié le droit à M. Sabbar de lire et de vérifier le rapport de police sur lequel se base l'accusation. Une Cour d'appel aurait confirmé cette décision le 20 juillet 2006.</p>	<p>Par une lettre datée du 17/08/07, le Gouvernement a répondu que MM. Ahmed Sbai et Brahim Sabbar ont été arrêtés le 17 juin 2006. Présentés à la justice pour refus d'obtempérer aux sommations de la force publique, violence et outrage à des agents publics dans l'exercice de leur fonction avec tentative d'atteinte à leur intégrité physique, MM. Ahmed Sbai et Brahim Sabbar ont été condamnés à deux ans de prison ferme. Le Gouvernement affirme qu'ils ont bénéficié de procès publics et équitables conformément à la législation nationale en vigueur, en respectant les standards internationaux et avec la présence d'observateurs étrangers. Selon le Gouvernement, l'Administration pénitentiaire de la prison civile de Laâyoune a procédé, le 19 janvier 2007, à une opération de fouille des cellules des détenus, notamment celles MM. d'Ahmed Sbai et Brahim Sabbar. Cette opération a été menée par les gardiens de la prison et non par des éléments de la Compagnie Mobile d'Intervention. L'opération en question a été menée en conformité avec la réglementation en vigueur, en respectant les droits des prisonniers à préserver leur dignité. Les personnes chargées de l'inspection n'ont pas eu recours à la force. Concernant la fracture de M. Brahim Sabbar, il s'agit d'une fracture du métatarse du pied gauche qu'il a contracté le 17 novembre 2006 (deux mois avant l'opération de fouille du 19 janvier 2007), suite à une glissade dans les toilettes. Il a, par la suite, été évacué au service de traumatologie à l'Hôpital de Laâyoune</p>

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						où il a reçu les soins appropriés. Le Gouvernement a joint à sa réponse les copies des rapports sur l'état de santé MM. d'Ahmed Sbai et Brahim Sabbar en date du 8 février 2007. Les rapports affirment que les deux sont en bon état général.
155.		18/06/07	JAL	SUMX; TOR	<p><b>Soulaymane Chouihi.</b> Le 27 April 2004, M. Soulaymane Chouihi se serait rendu au poste de police de Goulmim dans le cadre d'une enquête ouverte sur le vol de son fusil de chasse. Quelques heures plus tard il aurait été conduit du poste de police à l'hôpital de Goulmim, où il serait décédé le même jour. Un rapport d'autopsie rédigé le 4 mai 2004 par le Dr. Saïd Louahlia, Directeur de l'Institut de médecine légale au Centre Hospitalier Universitaire de Casablanca, aurait conclu « qu'il s'agit d'une mort violente traumatique secondaire à une hémorragie méningée, suite à un traumatisme crânien récent direct pariétal gauche de nature contondante. [...] » L'autopsie aurait révélé aussi « un traumatisme thoracique récent direct » et des « traces de violences minimales sur le coude droit (écorchures) ». Une deuxième autopsie par une commission composée de trois médecins du Bureau d'Hygiène de Rabat, ordonnée par le parquet auprès de la Cour d'Appel de Goulmim, et exécutée le 11 mai 2004 à la morgue du Bureau d'Hygiène de Rabat, aurait confirmé les conclusions du Dr. Louahlia: « Le décès semble faire suite aux complications d'un traumatisme crânien et thoracique. » Le 11 mai 2004, le juge d'instruction aurait inculpé trois officiers de la</p>	

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					<p>poste de police de Goulmim de « violence volontaire dans l'exercice de leurs fonctions sans intention de donner la mort », et de falsification du procès-verbal, et aurait demandé leur détention. Les trois officiers auraient été renvoyés à la Chambre criminelle de Première Instance auprès de la Cour d'Appel d'Agadir. Durant le procès devant la Chambre criminelle, deux femmes qui avaient déclaré au juge d'instruction avoir vu M. Chouihi vomir dans la cour du poste de police, atteint par une attaque d'épilepsie, auraient rétracté leurs déclarations. Elles auraient expliqué à la Chambre criminelle que ces déclarations avaient été faites sous menace de la part de la police. Le 15 novembre 2005, la Chambre criminelle aurait jugé coupable un des officiers et l'aurait condamné à 10 ans de prison ferme, tout en acquittant les deux autres inculpés. La Chambre criminelle aurait condamné aussi le premier à payer des réparations aux parents de M. Chouihi (20,000 dirhams chacun) et à la femme et aux enfants (40,000 dirhams chacun). Le 11 décembre 2006, la Chambre criminelle d'Appel aurait annulé le jugement de Première Instance et acquitté l'accusé. Il paraît que la Chambre d'Appel aurait donné foi aux déclarations de deux nouveaux témoins qui avaient déclaré que M. Chouihi souffrait d'attaques d'épilepsie. La Chambre aurait écarté les rapports d'autopsie, en les jugeant insuffisamment argumentés. Le 14 décembre 2006 les parents de M. Chouihi auraient fait recours à la Cour Suprême pour contester la</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					décision de la Cour d'Appel. La décision de la Cour Suprême est attendue dans les prochaines semaines. La Chambre d'Appel aurait ignoré le témoignage des femmes qui avaient rétracté leurs déclarations au juge d'instruction selon lesquelles M. Chouihi aurait été saisi d'une attaque d'épilepsie. En plus, la décision de la Chambre d'Appel indiquerait que plusieurs témoins avaient déclaré que la victime souffrait d'épilepsie sans identifier ces témoins. La Chambre d'Appel aurait décidé d'écarter les deux rapports d'autopsie qui établissaient que M. Chouihi est décédé à cause d'un « traumatisme crânien et thoracique récents » comme insuffisamment expliqués.	
156.		30/08/07	JUA	HRD; TOR	<b>Benamar Idir, Ettahery Brahim, Hachami Rachid et Oulhadj Mohamed</b> ; actuellement détenus à la prison d'Errachidia ; <b>Addouch Hamid, Ait Lbacha Youssef, Ait-Lkaid Idir, Chami Mohamed, Hjjja Younes, Nouri Mohamed, Oussay Mustapha, Ouddi Amer, Taghlaoui Amer et Zaddou Mohamed</b> ; actuellement détenus à la prison de Meknes ; tous membres du Mouvement Culturel Amazigh (MCA), un mouvement étudiant pacifique et démocratique qui milite pour les droits fondamentaux du peuple amazigh. Ils auraient tous été arrêtés au mois de mai en relation avec deux meurtres dont ils seraient accusés. Ceux qui étaient détenus dans les locaux de la police de Meknes auraient fait l'objet de violences physiques durant leur séjour. Tous les 14 étudiants seraient depuis détenus en prison. Les accusations seraient basées sur des aveux	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					arrachés par la police sous la menace et auraient été reniés par leurs auteurs devant les juges d'instruction lors des audiences du 27 juin et du 3 août 2007. Par ailleurs, les 14 étudiants seraient régulièrement insultés, frappés et piétinés en prison et les gardiens confisqueraient la nourriture apportée par leur famille.	
157.		Follow-up to past cases			<b>Brahim Dahane, Hammud Iguilid, Djimi el Ghalia et Dah Mustafa Dafa</b> (A/HRC/4/33/Add.1, para. 147)	Par une lettre daté du 28 mars 2007, le Gouvernement a répondu que Hammoud Iguilide a été interpellé le 18 mars, mais libéré le soir même. Brahim Dahane, Djimi el Ghalia, et Dah Mustafa Dafa ont été arrêtés le 24 mars et libérés le lendemain. Les allégations ne se basent sur aucun fondement, les personnes mentionnées n'ont fait l'objet d'aucun acte de torture ou de mauvais traitement lors de leurs interpellations. Aucune requête a été déposée à ce sujet. Toutefois il est à préciser qu'à chaque fois que des présomptions sérieuses sur des cas de torture existent, les autorités marocaines entreprennent les investigations nécessaires à leur sujet et, le cas échéant, leur donnent suite, sur le plan administratif d'abord, judiciaire ensuite.
158.	Myanmar	09/03/07	JUA	WGAD; TOR; VAW	Ms. <b>R. N.</b> , Ms. <b>C. N. R.</b> , Ms. <b>N. H. D.</b> and Ms. <b>P. R.</b> , four girls aged between 14 and 16 from Kachin state. They are detained at Putao Prison, Kachin state. In early February 2007, the four girls were gang-raped by three army officers and four soldiers of Infantry Battalion No. 138, based in Munglang Shidi, Putao District, Kachin state. Army officials gave money to the girls and their parents to persuade them not to report their case to the police. However, in late February, the	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					incident was reported by an independent news agency. After the information was released, the four girls were immediately arrested and are now detained at Putao Prison, Kachin state.	
159.		12/03/07	JAL	SUMX; TOR	<b>Maung Chan Kun.</b> He was arrested at his home in the Irrawaddy Delta region by the police during the night of 11 January 2007. The next morning the family of Mr. Chan Kun went to Pantanaw Township Hospital upon being advised about his whereabouts by the police. Mr. Chan Kun was dead with a hole in the back of the head. There was bruising from his neck to the back of his ears, and to the sides of his face and forearms. Mr. Chan Hun was found lying on a wooden bed frame with one arm apparently chained to it.	By letter dated 22/05/07, the Government informed that Maung Chan Kun was sentenced on 30 October 2006 to two years' imprisonment in Maubin Prison for cheating and dishonestly inducing donations from others while he was in monkhood (sections 295(A) and 420 of the Penal Code). On 13 December 2006, he escaped during a transfer from Maubin Prison to Pantanaw Prison. On 11 January 2007, the Pantanaw Police found him again. He was seriously ill from malaria and was immediately sent to Pantanaw Hospital for treatment, however he died on the same day in hospital.
160.		10/05/07	JAL	MIN; MMR; SALE; TOR	Military forces continue to commit rape in several regions, including <b>Karen/Kayin, Mon, Shan and Chin</b> . Over the last 18 months, 125 cases of rape have been reported in Karen areas, and about 30 cases of rape against women and minor girls have been reported in Chin areas. The soldiers committing rape employ extreme violence, sometimes torturing and murdering their victims.	
161.		28/09/07	JUA	WGAD; RINT; HRD; MMR; SUMX; TOR	The military has dispersed demonstrations, peacefully initiated by Buddhist monks in Yangon and other cities by use of force, including teargas and beatings. The armed forces fired indiscriminately into the crowds, thereby killing and injuring a significant number of persons. Allegations are that raids on at least six monasteries have resulted in numerous monks	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					being beaten and arrested. About 200 monks are said to be detained in two monasteries in Yangon alone.	
162.		17/10/07	JUA	FRDX; HRD; MMR; TOR	<b>Htay Kywe</b> , Ms. <b>Mie Mie</b> (also known as Ms Thin Thin Aye) and <b>Aung Thu</b> , all human rights activists, and members of the 1988 Generation Students Group. On 13 October 2007, in the early hours of the morning, approximately 70 members of the security forces broke into the house where they were staying. The officers arrested the three of them, as well as the owner of the house and two other members of the 1988 Generation Students Group who were also present. Mr. Htay Kywe, Ms. Mie Mie and Mr. Aung Thu were initially involved in the protests in August 2007, but once the authorities began searching for the members of the 1988 Generation Students Group, they went into hiding. On 21 August 2007, thirteen activists who were members of the 1988 Generation Students Group were arrested (subject of a previously transmitted communication dated 28 August 2007). The current whereabouts of the three persons are unknown. Before his arrest Mr. Htay Kywe was in poor health.	
163.		10/12/07	JUA	WGAD; FRDX; HRD	<b>Aung Zaw Oo</b> , a member of the Human Rights Defenders and Promoters (HRDP) network. On 26 November 2007, he was arrested by plain-clothes policemen while sitting in a tea-shop in downtown Yangon. Mr. Aung Zaw Oo's whereabouts are currently unknown. Mr. Aung Zaw Oo had recently been involved in organising events on behalf of HRDP in preparation for International Human	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Rights Day on 10 December 2007.	
164.	Nepal	17/04/07	JUA	WGAD; TOR;	<p><b>K. B. B.</b>, aged 15, <b>L. B. O.</b>, aged 16, <b>M. B. S.</b>, aged 16, <b>R. B. B.K.</b>, aged 16, <b>M. P. R.</b>, aged 16, and <b>Tilak Rawal</b>, aged 26, all of Naubasta Village Development Committee (VDC)-8, Banke district, and <b>Budhda Pariyar</b>, aged 19 of Bankatwa VDC-4, Banke. They are currently detained at the District Jail, Banke. Between 10 and 11 March 2007, they were arrested at their homes in connection with a theft, without arrest warrants, by a group of around eight to twelve plain-clothed police officers from Kohalpur Area Police Station, Banke district, and taken to the station. All were beaten during their transport and upon their arrival at the police station. They were handcuffed and ordered to lie down on the floor with their feet up for around 20-30 minutes. They were beaten with wooden sticks on their feet and chest and kicked, while some of them were also threatened with death or electric shock. Initially accused of a shop theft, they were later charged with the looting of a vehicle on Nepalgunj-Surkhet road one month earlier. All of them were forced to confess. The seven individuals were then transferred to the District Police Office, Banke district on 12 March 2007 for further investigation. On 6 April 2007, the district court ordered their transfer to District Jail, Banke. The five children are detained together with adults. Lawyers from the human rights organisation Advocacy Forum were unable to gain access to their clients until 22 March 2007.</p>	
165.		02/05/07	JAL	TOR; VAW;	<p><b>D. C.</b>, a 16-year-old from Tarahara VDC-8, and Ms. <b>Sarita Choudhary</b>, a 20-year-old from Pakali</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>VDC-1. Both women belong to a low caste in the Sunsari district of Terai, where the Communist Party of Nepal (Maoist) is exercising delegated authority. On 9 April 2007, the couple filed an official complaint to the Nepal National Human Rights Commission in relation to harassment and threats of abduction from their families or Maoists in relation to their homosexual relationship. The couple is currently hiding. On 2 March 2007, the women were abducted by Maoists from Pakali village when they were on their way to celebrate the annual Hindu Holi festival. They were taken into custody at the Maoist camp in Singiya village, Sunsari district, and intensively interrogated about their sexuality. They were told that their blood would be tested to determine whether they were lesbian. The women were released after ten hours on the condition that they return with staff from the Human Welfare Society to their parents. Staff of the Human Welfare Society was also summoned to the camp and subjected to part of the interrogation. D.C. was forcibly returned by her parents to her family home on several occasions, most recently on 22 March 2007. Her parents and her brother (who is a Maoist) informed the Maoists about their relationship in order to encourage them to discontinue their relationship and lifestyle. The two young women, who commenced living together in the beginning of 2006, have been hiding in different places since their respective families do not approve. In October 2006, Ms. Dukhani Choudhary and Ms. Sarita Choudhary were abducted and held in the Maoist camp in</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Lochani village in Morang District. At the camp, the Maoists called the couple derogatory names for homosexuals including “chakka” and “hijara” and ordered the girls to join the Maoist party and undergo the training for the Maoist militia. As the young women refused to join the Maoist party and carry weapons, they were beaten, verbally abused, and deprived of food almost everyday. After being detained for almost one month, they managed to escape from the camp and went into hiding.	
166.		07/06/07	JUA	WGAD; TOR	<b>Bablu Rai</b> (also known as Sojhe), aged 34. On 6 May 2007, he was arrested at around 7 p.m. by a police officer of the Nepalgunj Customs Office, Nepalgunj, Banke district. He had been returning from work in the city of Rupediha in neighbouring India. He was arrested on charges of drug smuggling. Immediately after his arrest, the customs official handed him over to Jamunaha Police Station in Nepalgunj. Upon Mr. Rai’s arrival at the police station, between six and seven police officers made him lie down on the floor, beat him on the soles of his feet with a plastic pipe and stick, and all over his body for about two hours while interrogating him. Bruises and cuts were visible on his body. Around midnight Mr. Rai was transferred for further investigation to the District Police Office, Banke district, where he is currently being detained. On 6 May 2007, Mr. Rai was remanded for a period of five days and taken to the Bheri Zonal Hospital, Banke district. He did not receive any medication. On 22 May 2007, Advocacy Forum filed a complaint on his behalf	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>before the district court of Banke in order to obtain a medical check for him. The court rejected the petition, reasoning that a complaint could be filed in connection with the next remand decision. When Mr. Rai was remanded for a second time on 10 May 2007 for a period of 30 days, Advocacy Forum appealed to the appellate court of Nepalgunj against the decision of the district court. However, the appellate court rejected the application stating that the complaint had not been previously registered with the District Court.</p>	
167.		28/06/07	AL	TOR	<p><b>M. C.</b>, aged 17, <b>Surya Chaudhary</b>, aged 18, <b>A. C.</b>, aged 15, <b>S. L. C.</b>, aged 17, <b>Deshu Lal Chaudhary</b>, aged 17, <b>Maya Ram Chaudhary</b>, aged 18, <b>M. L. C.</b>, aged 17, <b>Jeevan Chaudhary</b>, aged 18, all from Kohalpur, Banke district. On 4 May 2007 around 9.30 p.m., they were arrested by seven or eight officers of District Police Office (DPO) at Piprahawa Chowk, Ganapur village, Banke district. During the arrest the police beat them with bamboo sticks, the butts of their guns, torches and boots, and also kicked, slapped and verbally abused them for about an hour. The police officers then tied their hands behind their backs, loaded them into police vans and took them to Bheri Zonal Hospital, Nepalgunj, Banke district, for a medical check-up. No medical check-up was performed. At 1 a.m. on 5 May 2007, all of them were taken to District Police Office, where they were interrogated and beaten with sticks several times that night. On 6 May 2007, all eight persons were produced before Banke district court on charges of robbery. The court remanded</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>them for 10 days and renewed the remand on the same basis on 11 May 2007. On 11 May 2007, an application for a medical check-up was filed with the district court on behalf of M.L.C., Jeevan Chaudhari and Maya Ram Chaudhari, and an order was issued by the judge on the same day, but they were not taken to Bheri Zonal Hospital until on 14 May 2007. As a result of the beatings Jeevan Chaudhary's eardrum swelled, but when he was later examined at the hospital, the doctor stated that he was simply suffering from a common cold. From the following day, for five days, some of the members of the group were forced to dig a ditch on the DPO premises. On 23 May 2007, they were released on bail, except for A.C., who was released later that day on condition he report to the district police office a week later.</p>	
168.		13/07/07	JAL	TOR; VAW	<p><b>K.K.</b>, a 15-year-old-girl with a mental disorder from Dekhatbhuli VDC, Kanchanpur. On 4 June 2007, when she was on her way to visit her uncle, two police constables from Zonal Police of Mahakali and Police Battalion Kanchanpur, requested her to accompany them. The two men took her to a house, which is situated next to a tea shop owned by one of the officers' brother. They raped her and later took K.K. to the home of another officer from Mahakali Zonal police, and left her there with his wife. In the evening, K.K. was raped throughout the night by this officer and his nephew. The next morning the officer's wife tore off K.K.'s clothes, accusing her of wanting to become her husband's second wife, and took her to Zonal Police Office. After a preliminary</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					investigation both women were referred to District Police Office. K.K. was taken to Mahakali Zonal Hospital in Kanchanpur for a medical examination, which confirmed that she had been raped. K.K. was bleeding for several days after the incident. The doctors who examined the victim prescribed medication for her physical injuries however, no counselling or specific protection measures have been provided to K.K. Three persons were arrested on 5 June 2007, charged with rape by the district court, and are detained. The police constables from Zonal Police are still at large despite the arrest warrants issued against them. All three police constables have been suspended from their jobs.	
169.		17/08/07	AL	TOR	<b>Kalam Miya</b> , a 27-year-old resident of Pakali VDC-3, Sunsari district. He is currently detained at District Police Office (DPO), Morang. On 29 July 2007 at about 8.30 p.m., he was arrested at Saraswati Tole, Biratnagar by policemen from Hathkhola Ward Police Station on charges of robbery. After having been detained at the police station for two hours, he was transferred to DPO. In the morning of 30 July 2007, Mr. Kalam Miya was locked inside the women's cell at Morang DPO and interrogated by three policemen, including a sub-inspector. The three officers made him lie on the floor, restrained his legs and chest, and beat him with a stick on his feet, legs, ankles, fingers and joints of hands and legs. They also kicked and punched him. When he protested, they stuffed his mouth with a cloth and continued to beat him for about 90 minutes. They also	

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					<p>threatened that they would torture him to death if he refused to confess to the charges. Mr. Kalam Miya was then taken to another cell for the night. On 31 July 2007 at around 9 p.m., Mr. Kalam Miya was again beaten for about one hour by the same perpetrators. He was forced to lie on the floor with his legs on a chair and beaten randomly on his feet, ankles, and joints of legs and hands. The beatings ceased when he agreed to sign a prepared statement. He was taken for a medical check up at the Kosi Zonal Hospital, Morang district, but no medical treatment was provided to him. Subsequently he was taken to Morang district court. He was remanded for five days initially, which was extended for another seven days on 5 August 2007. At his remand hearing, he tried to file a complaint about the treatment by the police with the district court but the judge did not take it into account. As a result of the treatment his legs are still swollen and the joints of his legs and hands hurt.</p>	
170.		17/10/07	JUA	TOR	<p><b>Bikash K.C.</b>, an 18-year-old school teacher, residing at Khara VDC - 8, Rukum district, <b>Man Prasad Dahal</b>, a 23-year-old farmer, residing at Kausila Nagar, Rjhina VDC - 5, Banke district, and <b>K. B. T.</b>, aged 17, from Kohalpur village, Banke district. <b>K. B. T.</b> was placed in detention on 14 August 2007 by police officers at the APO Kohalpur after voluntarily reporting to the police station because of rumours that he was wanted for theft. Upon arrival, a police inspector called him to his office and started beating him with a stick between eight and ten times on his back and</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>thighs, while verbally abusing him. On 16 August 2007, at about 11 p.m., the inspector handcuffed K.B.T. and Mr. Man Prasad Dahal and forced both to jump like frogs in the yard of the police station. The inspector beat K.B.T. with a stick on his back and forced him to drink large amounts of water. Different practices of ill-treatment were applied to K.B.T. for one week on a daily basis. On 11 September 2007, the single bench of the district court of Banke charged K.B.T. with theft. As he was not able to pay the bail set at Rs. 532,000 the court ordered his detention at Banke District Jail, where he is being held together with adults. <b>Man Prasad Dahal</b> was arrested on 16 August 2007 at around 8 p.m. on charges of theft by police officers from the APO at Kohalpur. Following his arrest, he was insulted and beaten with a stick 8 cm x 1 m long for about ten minutes by the senior police constable. He was then taken to the APO Kohalpur where he was again beaten by a police inspector for about 20 minutes with a bamboo stick on his back, calves and hands. He was beaten every day for the whole week. The police inspector threatened Mr. Man Prasad Dahal that he would be skinned if he disclosed the incident. On 18 August 2007, Mr. Man Prasad Dahal was transferred to the District Administration Office, Banke and remanded for 22 days. From there he was taken to the Teaching Hospital at Kohalpur, treatment. He was neither provided with medication nor x-rayed as recommended by a doctor. Mr. Man Prasad Dahal is suffering from pain in his arms, back, and chest. He coughed</p>	

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					<p>blood and had respiratory problems for two days and has scars on his back. Since 10 September 2007, Mr. Man Prasad Dahal has been detained at the District Jail as he was not able to pay the bail of Rs. 14,000. He has been able to hire a lawyer. <b>Bikash K.C.</b> was arrested at Bidhayanagar on 13 September 2007 at around 2 a.m. by police officers from the Area Police Office (APO) Kohalpur, including an assistance sub-inspector. Mr. Bikash K.C. was arrested after his cousin, a sub-inspector of the APO, accused him of conspiring to kill him on 13 September 2007. From the time of his arrest until 26 September 2007, Mr. Bikash K.C. was subjected to ill-treatment by his cousin and the arresting officer of APO. He was forced to stand for many overs, prevented from sleeping, kicked and beaten with iron rods, forced to eat a nail covered with paper, was threatened with death, and given food mixed with glass shards. Bikash K.C. was handcuffed throughout. When human rights activists attempted to meet with him he was shifted to another cell. On 26 September 2007, Mr. Bikash K.C. was able to briefly meet with a lawyer, who was informed by the APO inspector in charge that the the situation was a private family matter, that Mr. Bikash K.C. was detained and not brought to court at the request of sub-inspector, and requested the lawyer not to disclose the incident. After the meeting with this lawyer, Mr. Bikash K.C. was punished by his cousin and two other police officers. He was forced to lie down on a bed in a room of the communication department and</p>	

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					<p>beaten with iron rods on his buttocks and back. When Mr. Bikash K.C. asked for water the police officers forced him to drink urine. Mr. Bikash K.C. was remanded on 27 September 2007 on charges of attempted murder by the district court, Banke. On 30 September 2007, when representatives of a human rights organisation met Mr. Bikash K.C. again, he informed them about the ill-treatment. He is still in detention at the APO in Kohalpur. A local NGO is now able to provide him with legal aid and he has access to food. However, Mr. Bikash K.C. has not received any medical assistance and a request to have him transferred to another detention centre was rejected by the responsible police inspector of the APO.</p>	
171.	Nicaragua	21/08/07	AL	TOR	<p><b>La comisaría Bluefields.</b> El Grupo de Trabajo sobre Detención Arbitraria, en su informe adoptado tras la visita a Nicaragua en mayo de 2006 (véase doc. A/HRC/4/40/Add.3, párrs. 90 a 93), menciona que las condiciones en este establecimiento son "intolerables". "hay una cama por cada tres detenidos; el resto debe dormir sobre el piso o sobre hamacas instaladas en lo alto de las celdas. Éstas son sucias, oscuras y húmedas, sin ventilación. Los detenidos no pueden salir de las celdas para tomar aire fresco o hacer un mínimo de ejercicio físico. [...] Algunos detenidos pueden estar varios meses y hasta años en las celdas de la policía. [...] [Los detenidos] denunciaron también que los agentes recurren sistemáticamente a la tortura y a los malos tratos, golpeándoles con el objetivo de obtener informaciones y confesiones y de</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>mantener la disciplina en las mencionadas celdas. La delegación visitó la oficina utilizada para los interrogatorios, que los detenidos denominan "cuarto de torturas". En ella encontró uno tras otro los objetos que los detenidos denunciaban que eran utilizados para torturarles. La delegación encontró también a un detenido encadenado a un mástil en el patio de la comisaría. Hacía más de tres meses que pasaba días y noches ahí, repitiendo palabras incoherentes." En relación con los hechos arriba mencionados y siendo que hace más de una año que la visita del Grupo de Trabajo tubo lugar, agradecería recibir información con relación a las medidas adoptadas por el Gobierno con vistas a asegurar que los derechos de los detenidos en la comisaría de Bluefields sean respetados y que se adopten las medidas necesarias con relación a las personas involucradas en dichas violaciones.</p>	
172.	Nigeria	04/05/07	UA	TOR	<p><b>Kuje Prison</b>, Federal Capital Territory. On 4 March 2007, the Special Rapporteur visited Kuje Prison, where he spoke in private with several detainees, as well as held discussions with the Controller, Mr. Abdul-Rahman Ashafa, and Mr. Kabir Umar Funtua, Assistant Controller of Prisons. On 28 March 2007, the inmates sought to complain to the yard master about the shortage of clean drinking water provided to them. When they insisted to see the yard master, the warders attempted to use batons to force the inmates back into in Medium Custody 1 cell. An armed squad arrived shortly thereafter and shot three inmates. Other warders armed with sticks, iron and other</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					objects proceeded to beat the inmates. Seven inmates were identified by the warders as leading the protestors and were taken to a cell in the yard where they were beaten and tortured until they gave up their protest three days after the incident. As a result, two of these prisoners died: Mr. Mathew Mato, a mobile police constable charged with armed robbery, and an elderly inmate named Joseph, who was facing charges of corruption. It has been reported that since the violence, inmates in the yard are served one cup of water in the morning and in the evening; complaints are ignored; and at the slightest provocation, the warders bring out and beat the offending inmate.	
173.	Pakistan	09/03/07	JUA	WGAD; HRD; IJL; TOR	<b>Khalid Khawaja</b> , a resident of Rawalpindi, currently detained in a high-security detention facility in Faisalabad. Mr. Khawaja has been active with an organisation called Defence for Human Rights, which brings together relatives of people who were disappeared, especially those who were held by the security forces on suspicion of having links with terrorist networks. Khalid Khawaja was taken into custody by security forces at daybreak on 26 January 2007 outside his family home in Rawalpindi. After some hours of inquiries his family was told that he was held in Adiala Jail, in Rawalpindi, charged with "distributing pamphlets that incite sectarian violence." On 21 February 2007 the Islamabad additional and sessions court granted him bail, but instead of being released that night he was moved to a different detention facility on the orders of the Home Secretary of Punjab. News reports claimed	

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					that he had been moved to a high-security detention facility in Faisalabad, but when his lawyer called the detention centre to confirm the reports, he was told that no one by that name was in custody there. On 22 February 2007 the district magistrate of Islamabad ordered Mr. Khawaja's detention to be extended by 30 days under the Maintenance of Public Order Act 1960. Mr. Khawaja's family and lawyer filed an appeal with the Lahore High Court (Rawalpindi Bench). On 28 February 2007, the High Court directed the provincial and federal authorities to establish Khalid Khawaja's whereabouts and produce him in court by 2 March 2007, and make known the charges against him. The authorities did not comply. In a hearing on 2 March 2007 they disclosed that he is currently held in a high security detention facility in Faisalabad. The High Court ordered that he be transferred to Adiala Jail in Rawalpindi by 5 March at the latest. Mr. Khawaja remains detained incommunicado with no access to his lawyer or family.	
174.		16/03/07	JUA	FRDX; HRD; TOR;	Situation of <b>demonstrators, including lawyers from the prime bar associations, political activists, civil society actors and members of the public</b> , engaged since 13 March 2007 in protests against the decision of the President to suspend the Chief Justice. On 16 March 2007, law enforcement authorities used excessive force against peaceful protestors in Islamabad, Lahore and Karachi. Several of these protestors were physically assaulted by the forces, and subsequently arrested. According to reports, in	

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					Islamabad, Lahore and Karachi, law enforcement authorities fired tear gas shells at the protesters leading to several injuries. Rubber bullets were also used in Islamabad to disperse the demonstrators in different parts of the city. Furthermore, journalists were denied access to key points from where the public protests could be covered, and several of them were physically and verbally abused, and their cameras and other equipment damaged by the police. Finally, law enforcement authorities raided the premises of the private GEO TV station, using tear gas and beat the journalists present inside.	
175.		03/10/07	JAL	IJL; TOR	<b>Ghulam Nabi</b> , a lawyer in Peshawar. Around 7 p.m. on 12 September 2007, in the vicinity of his office in the Khyber Bazaar, six or seven men from the intelligence agency forced a black hood on him, put him in a vehicle and took him to an unknown destination about 20 minutes away. He was severely beaten for several hours. The next morning he was hooded again, taken away in a vehicle and abandoned in a deserted place.	
176.		18/10/07	JAL	RINT; TOR	<b>Raja Fiaz, Muhammad Bilal, Nazar Zakir Hussain, Qazi Farooq, Muhammad Rafique, Muhammad Saddique</b> and <b>Ghulam Hussain</b> . The seven persons are members of the Mehdi Foundation International (MFI), a multi-faith institution utilizing mystical principles of Mr. Ra Gohar Shahi. On 13 July 2006, the Anti-Terrorism Court No. 1 in Lahore sentenced each of these persons to five years' imprisonment, inter alia, under section 295A of Pakistan's Penal Code for having outraged others' religious feelings. Since	

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					27 August 2006, the seven men have been detained in Sahiwal Jail, Punjab, where they were forced to parade naked, hung up in the air and beaten. Their prisoners' records are posted outside the cell, falsely indicating that they had been sentenced on charges of blasphemy under section 295C of the Penal Code. For this reason, they are constantly threatened and intimidated by prison staff as well as by other detainees. In particular, Mr. Ghulam Hussain was targeted by several other inmates and sexually assaulted. Staff members also sexually abused him and pushed burning cigarette butts in his anus, which left scars that can still be seen. They were arrested on 23 December 2005 in Wapda Town and the police confiscated posters on which Mr. Gohar Shahi was shown as "Imam Mehdi".	
177.		23/11/07	JUA	FRDX; HRD; IJL; TOR	Situation of lawyers, judges and human rights activists in Pakistan, including the lawyers <b>Munir A. Malik, Aitzaz Ahsan, Tariq Mahmood, Ali Ahmed Kurd, Abrar Hassan and Ahsan Bhoon,</b> and <b>Ifetkhar Choudhry</b> , Chief Justice of Pakistan, other judges of the Supreme Court, <b>Sabih Uddin Ahmed</b> , Chief Justice of Sindh, <b>Justice Shahani</b> , and <b>Justice Musheer Alam</b> , judges of the Sindh High Court. Mr. Malik and Mr. Kurd have been subject to previous communications. No reply to these communications has been received so far. The situation of lawyers and judges, including the judges of the Supreme Court, has also been addressed by an urgent appeal sent on 6 November 2007. Since 3 November 2007, when	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>President Musharraf declared the state of emergency, thousands of lawyers have been arrested and detained in all provinces of Pakistan. Many of them are being held for up to 90 days under the Maintenance of Public Order law. It is reported that Mr. Munir A. Malik, former president of the Supreme Court Bar Association (SCBA), is being held in Attock Fort under the custody of the military intelligence service. Numerous instances of torture are said to have occurred here during the past months. Munir A. Malik, who is known to suffer from a heart condition, was visited by government doctors on 10 November. There have been no further reports on his current condition. Aitzaz Ahsan, current president of the SCBA, is being held in Adiala Prison in Rawalpindi. His lawyer has repeatedly been denied access to him. On 6 November, the authorities at the Adiala Prison denied access to Aitzaz Ahsan's lawyer, even though the deputy commissioner of Islamabad administration had given permission. Mr. Tariq Mahmood, former President of the Supreme Court Bar Association had been imprisoned in Adiala Prison. No one has been allowed to see him and it is reported that he has been transferred to an unknown place. The whereabouts of Ali Ahmed Kurd, former Vice Chair of the Pakistan Bar Council, who was also detained on 3 November is unknown. Mr. Ali Ahmed Kurd has been handed over to intelligence agencies and has been maltreated. Mr. Abrar Hassan and Mr. Ahsan Bhoon are said to be held incommunicado since their arrest on 3 November.</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Although some lawyers have been freed around 20 November, it appears that many of them have been re-arrested, and that the vast majority still remain in detention. Mr. Ifetkhar Choudhry, Chief Justice of Pakistan, remains in detention, as well as other judges of the Supreme Court who have refused to take the new oath under the new state of emergency regulations. Other judges are detained in the country, including the following judges of the Sindh High Court who have been brought under house arrest: Mr. Sabih Uddin Ahmed, Chief Justice of Sindh, Mr. Justice Shahani, Mr. Justice Musheer Alam and Ms. Noor Naz Agha.	
178.	Philippines	14/02/07	JUA	WGAD; TOR	<b>Oting Mariano</b> , aged 21, resident of Barangay (village) Kadiis, Carmen municipality, North Cotabato province. On 13 January 2007, Mr. Oting Mariano was arrested by four unidentified men wearing plain clothes, presumably operatives of Autonomous Region of Muslim Mindanao Police Regional Office (PRO-ARMM) at Mega Market in Poblacion Carmen. He was forced into a white van, where he was handcuffed and blindfolded with a piece of cloth while his mouth was wrapped with packing tape. He was punched several times in his chest and back. After a drive of several hours he was brought to a room in a building, where over the next seven days, he was electrocuted by means of wires placed on the sides of his head and arms, his head was wrapped with cellophane and dunked in water, and removed only when he was about to faint from suffocation. He was thrown into a shallow	

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					grave in order to threaten him with death. He was deprived of food. On 19 January 2007 a senior police officer took him to the North Cotabato Provincial Detention and Rehabilitation Center at Amas, Kidapawan city, where he is currently detained. As a result of the treatment his body bears several marks of torture.	
179.		02/03/07	JUA	WGAD; TOR; VAW	Ms. <b>Marilou Aligato</b> , aged 29, six-months pregnant. On 7 November 2006, around 3.30 p.m., she was apprehended by a group of military officers of the 19th Infantry Battalion as she disembarked from a bus at Kananga. They covered her eyes and took her to the military headquarters at Barangay Aguitinh, Kananga. She was suspected of involvement in the killing of a soldier at the Kananga market earlier that day. Ms. Marilou Aligato was tortured in order to force her to reveal the whereabouts of her alleged companions from the paramilitary group, the New People's Army. One of the officers put a plastic bag over her head and tied it around her neck, and two other men hit her legs with their weapons. She was hit in the chest, head and back by other soldiers. She was kept in military custody for three days and later moved to Kananga Municipal Prison. On 26 January 2007, Ms. Marilou Aligato was transferred to the sub-provincial jail in Ormoc City, where she is currently being detained in a small and crowded cell. Ms. Aligato almost lost her unborn child as a result of the torture and still feels pain in her chest.	By letter dated 7/06/08, the Government informed that on 7 November 2006, at around 2 p.m., a member of the 19th Infantry Battalion of the Philippine Army based in Kananga, Leyte was shot to death at the public market of Kananga by two unidentified assailants. The gunmen reportedly left the crime scene in a hurry on a motorcycle. A sergeant and corporal immediately followed the assailants and arrested at the scene was a woman suspected to be an accomplice, who was later identified as Marilou Cabagoy Alegato. She was left behind allegedly to monitor the situation. Confiscated from her was a cellphone containing text messages implicating her as the lookout and accomplice in the killing of the soldier. On 8 November 2006, Ms. Alegato signed a waiver of her rights pursuant to the provisions of Art. 125 of the Revised Penal Code, duly subscribed and sworn to her before the assistant prosecutor of the provincial prosecutor's office in Ormoc City. In the morning of 9 November 2006, Ms. Alegato was, brought for questioning before the provincial prosecutor's office for the crime of murder. In the afternoon of the same date, she was turned over to the Kananga Municipal Police Station where she was temporarily detained while awaiting proper

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						disposition of her case. On 25 January 2007, she was physically examined at the Ormoc District Hospital, Ormoc City. On that same date, she was transferred from her detention to the Leyte Sub-Provincial Jail, Ormoc City pending hearing of her murder case in court. It does not appear that Ms. Alegato has instituted any complaint for the alleged human rights violations committed against her.
180.		20/04/07	JUA	HRD; SUMX; TOR; VAW;	<b>Nilo Arado</b> , a national council member of Kilusang Magbubukid ng Pilipinas (Peasant Movement of the Philippines) and chair of Bayan - Bagong Alyansang Makabayan, an alliance of human rights organizations which promote and defend the rights of peasants, workers, women, students and minorities; Ms. <b>María Luisa Posa-Dominado</b> , an active campaigner for women's rights and a member of the Society of Ex-Detainees for Liberation, Against Detention and for Amnesty (SELDA); and <b>Jose Ely Garachico</b> , secretary-general of the Panay of Karapatan. On 12 April 2007, they were driving back home from the Antique province when they were ambushed by unidentified armed men in Oton town in Iloilo province. The gunmen opened fire at the vehicle and hit Mr. Garachico in the left side of his neck. Mr. Arado and Ms. Posa-Dominado were forced into the assailants' van. It was later found charred in Barangay Guadalupe, Janiuay, 30 kilometres northwest of Iloilo City. The whereabouts of Mr. Arado and Ms. Posa-Dominado remain unknown as of today. Mr. Ely Garachico, was taken to the Iloilo Hospital for surgery, and remains in critical	By letter dated 7/06/07, the Government informed that an investigation conducted by the Iloilo City Police Office disclosed that on 12 April 2007 at around 9.30 p.m., Mr. Jose Ely Garachico, Secretary-General of KARAPATAN-Panay, was driving a Mitsubishi L-200 van with plate no. FEA-789, together with Ms. Maria Luisa Posa-Dominado, member of the New People's Army (NPA) Reaffirmist Group and spokesperson of the Society of Ex-Detainees for Liberation against Detention and for Amnesty (SELDA) and Mr. Nilo Arado, Chair of BAYAN-Panay. The group was traveling from Antique province to Iloilo City to attend the Anak-Pawis assembly in San Jose, Antique when they noticed a Delica van with plate no. FVF-463 tailing them from Guimbal, Iloilo. Upon reaching Barangay Cabanbanan, Oton, Iloilo, they were overtaken and blocked the van. At that juncture, about three unidentified men wearing fatigue pants and armed with pistols alighted from the vehicle. One of them shot Mr. Garachico in the neck while the other smashed the left side window of the L200 van. The men pulled out Mr. Garachico from the L200 van and

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					condition.	left him along the highway then drove said vehicle towards Iloilo City taking with them Ms. Posa-Dominado and Mr. Arado. Concerned residents in the area brought Mr. Garachico to the hospital for medical treatment. On the following day, the L200 van was found burned at the sugarcane plantation in Barangay Janiuay, Iloilo City. Verification made with Land Transportation Office (LTO) Region 6 revealed that the Delica van plate no. FVF-463 was registered to a passenger jeepney. The owner of the jeepney denied owning a Delica van and told the police that said plate number was lost a long time ago and had reported the same to the LTO. A petition of Writ of Habeas Corpus for Ms. Posa-Dominado and Mr. Arado was filed by the counsels for the petitioners before the regional trial court (RTC) branch 35, Iloilo City against the Armed Forces of the Philippines (AFP). Continuous investigation is being undertaken by the Police Regional Office 6 to locate the whereabouts of Mr. Arado and Ms. Posa-Dominado and for the possible identification and apprehension of the suspects. No penal, disciplinary or administrative sanctions have been imposed as the identity of the suspects are not yet established.
181.		13/06/07	JUA	WGAD; RINT; TOR	<b>V. Berlin Guerrero</b> , a 46-year-old, pastor of the United Church of Christ in the Philippines ("UCCP"), Malaban. He is currently in the custody of the Philippine National Police at Camp Pantaleon Garcia in Cavite. On 27 May 2007 at 5.45 p.m., he was arrested in front of Seven Star gas station at Bgy. Casile, Binan, Laguna, by a	By letter dated 8/11/07, the Government informed that the case is being monitored by the Commission on Human Rights of the Philippines (CHRP), which indicated that Pastor Berlin Guerrero had been held in unofficial detention for 22 hours, when he was taken to Camp Pantaleon Garcia, Imus, Cavite and allowed to call his wife.

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					<p>sub-unit of the Philippines Armed Forces on board two L 300 FB vans whose plate numbers were covered. He was handcuffed and taken to a place he did not know and interrogated. Mr. Guerrero was forced to give names and addresses of family members, colleagues and of leaders of non-governmental organizations in Southern Tagalog, as well as his password to access his computer and e-mails. During the interrogation he was severely beaten on his head with a water bottle and fists. Plastic bags were put over his head and tightened until he could not breathe any more. He was forced to shake his head for about an hour and was beaten when he stopped. He was threatened that his family would suffer if he did not cooperate. He was also threatened with death, burning or burial. He continued to be beaten throughout the whole interrogation session. He was also called "pastor-impostor", which offended his religious feelings. After about twelve hours, he was put back in the van, still handcuffed and blindfolded, and taken to Camp Pantaleon Garcia. Mr. Guerrero has been charged in connection with a murder case of 1990 and with inciting to sedition. Mr. Guerrero's abduction is said to be linked to the fact that the UCCP has been included in a military orientation document called "Knowing the Enemy" and listed as a leftist front organization. About 30 UCCP pastors, and lay workers have been killed since 2001.</p>	<p>According to the CHRP, the Provincial Director of Cavite PNP, Fidel Posadas, said that Pastor Berlin Guerrero was lawfully arrested by elements of the Naval Intelligence and Security Force, Philippine Navy with the assistance of the intelligence based on two standing warrants of arrest for murder and inciting to sedition. The Government further informed that Pastor Berlin Guerrero's case was pending before the Regional Trial Court Branch 18 in Bacoor, Cavite under Criminal Case No. B-91-254. The judge, on 2 August 2007 ruled that there was no basis for release of the accused as he was charged with a non-bailable offense. He reset arraignment to 14 November 2007. The Government also attached a medical report, which identified several contusions and abrasions on the body and concluded that these injuries corroborated the allegations of ill-treatment and that Pastor Berlin Guerrero is likely to have been ill-treated.</p>
182.	Romania	05/07/07	AL	TOR	<p><b>Ibram Manet</b>, aged 22, currently held at Oradea High Security Prison, and <b>Prisacaru Radu Alexandru</b>, aged 20, currently held at Iasi High</p>	

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					<p>Security Prison. Mr. Ibram has been mistreated by prison officials several times over a prolonged period, most recently on 11 April 2007. In section no. 8, cell no. 117, two officers chained Mr. Ibram to the bed, sealed his mouth with tape, and punched him in the chest and abdomen with gloves filled with lead, and a hammer. As a result of that treatment he broke an arm and sustained numerous bruises. While Mr. Ibram has submitted several complaints about previous mistreatment and also about the incident described above to the National Penitentiary Administration, to the Prosecutor's Office and Courts, no measures have been taken in response. On the night of 14 to 15 January 2006, Mr. Prisacaru was raped in the medical unit (room no. 54) of Iasi High Security Prison by a fellow prisoner. The three other prisoners present in the room pretended not to hear his screams and no guard intervened. When he consulted the Iasi Legal Medical Institute, it was found that he had been raped, but no treatment was administered. When he filed a complaint with the local prosecutor's office, the prosecutor advised him to withdraw the complaint because of lack of evidence and witnesses, and because the medical certificate's conclusions did not exclude that he might have consented to the sexual act. The alleged perpetrators and their relatives threatened to kill him if he complained. On 7 March 2007, Mr. Prisacaru was again raped in room no. 50, department VI of the same facility, by one prisoner while four or five others watched and beat him before and after the rape. As a</p>	

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					result, he was covered in blood and sustained several rib fractures, bruises all over his body and a black eye. In this state he was raped again by another inmate. The guards did not intervene and the inmates prevented him from reaching the door. The next day he consulted the medical unit, but no mention was made of his injuries in the medical report and no treatment was administered. In general, in Iasi Prison inter-prisoner violence is not only common, but also tolerated and often encouraged by officers who use it to maintain discipline.	
183.	Russian Federation	06/08/07	JUA	WGAD; HRD; TOR; VAW	Ms. <b>Larissa Arap</b> , a Russian journalist and member of an organization called "United Civil Front", resident in Murmansk. Ms. Larissa Arap was arrested on 5 July 2007 in a clinic in Murmansk where she had gone for a medical examination needed to renew her driver's license. Following her arrest, Ms. Arap was transferred to a psychiatric hospital 150 km outside Murmansk, where she was injected with drugs against her will. She was also beaten and tied to a bed. On 18 July 2007, the local district court ordered that Ms. Arap be subjected to compulsory treatment. Since then she has been held in a wing for violent patients. On 8 June 2007, Ms. Arap's article on the reported ill-treatment of children in psychiatric hospitals in the Murmansk region was published in a newspaper of the "United Civil Front". In particular, she had reported about the use of electroshock and alleged that patients had been beaten and raped repeatedly.	By letter dated 19/09/07, the Government informed that she had been under psychiatric observation at the municipal outpatient clinic in the closed city of Severomorsk since 18 June 2004 for an acute psychotic disorder with suspected schizophrenia and a paranoid syndrome. She had been committed to the Murmansk provincial neuropsychiatric clinic, a State health facility, for treatment in 2004. Ms. Arap saw a psychiatrist on several occasions in 2006, sometimes at the insistence of family members. She received the necessary outpatient psychiatric care. On 5 July 2007, Ms. Arap visited a psychiatrist from the Severomorsk municipal outpatient clinic for the medical clearance that she needed to obtain a driving licence. During the consultation, the psychiatrist found medical reasons why Ms. Arap should not drive. It was explained to Ms. Arap that she would need to undergo psychiatric tests before a panel in accordance with article 3 of Federal Act No. 3185-1 of 2 July 1992 on

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						<p>psychiatric assistance and guarantees concerning its availability to the public (hereinafter referred to as "the Act"). Ms. Arap disagreed with the psychiatrist's opinion, however, and turned aggressive, screaming and running around the consultation room. She also started threatening to complain to the procurator's office and accused the physician of trying to "stick her in the madhouse", motivated, according to Ms. Arap, by plans to take over her apartment. Ms. Arap also began to make threats against various people and to claim that her telephone was being tapped by the secret service and that her neighbours were "gassing her". Moreover, her speech was confused and irrational and she jumped from one subject to another without responding to the physician's remarks. The psychiatrist diagnosed Ms. Arap's condition as an acute psychotic disorder, as evidenced by the thought disorders manifested as irrationality, incoherence, delusions and confused behaviour. It was impossible to leave Ms. Arap without qualified psychiatric help under such circumstances and, acting on the grounds stipulated in article 29, paragraph (a), of the Act, the psychiatrist took the decision to commit her to the Murmansk provincial neuropsychiatric clinic for treatment, until such time as a court could take a decision. In accordance with article 303 of the Code of Civil Procedure of the Russian Federation and article 32 of the Act, Ms. Arap was examined by a panel of experts from the Murmansk provincial neuropsychiatric clinic on 6 July 2007 and was</p>

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						<p>diagnosed with “paranoid-type schizophrenia and a shift-like affective paranoid syndrome”. On the basis of the panel’s findings, an application was submitted to the Leninsky district court in Murmansk, for Ms. Arap to be committed to a psychiatric hospital under article 29, paragraph (a), of the Act. On 18 July 2007, a special session of the Leninsky district court was convened (case No. 2 1483), with the participation of a procurator and a lawyer. The application by the Murmansk provincial neuropsychiatric clinic for Ms. Arap to be committed to hospital was granted. As a result of ward overcrowding (one member of nursing staff for every 30 patients, instead of every 25, as recommended), Ms. Arap was transferred along with 20 other patients of the Murmansk provincial neuropsychiatric clinic, following standard procedure, to the Murmansk provincial psychiatric hospital on 26 July 2007. Ms. Arap was examined by the psychiatrist in the hospital’s admissions unit and presented no signs of injury or physical deterioration. On 27 July 2007, she was examined in the ward by a panel of psychiatrists consisting of the chief consultant of ward No. 3, the chief of ward No. 2, and the chief of ward No. 1. The panel found that the patient was suffering from paranoid-type schizophrenia with affective paranoid syndrome and confirmed that compulsory hospital treatment was necessary. On 9 August 2007, as Ms. Arap had been in hospital for an entire month and in the light of the recommendation of the principal outside psychiatric expert of the Murmansk provincial health committee that</p>

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						<p>another medical examination should be carried out in accordance with the legally prescribed schedule (as from the time of hospitalization), a medical examination of Ms. Arap was carried out by a panel of psychiatrists. The panel found that Ms. Arap met the criteria for compulsory hospital treatment set out in article 29, paragraph (c), of the Act; this necessitated a further consideration by the court of the issue of extending Ms. Arap's compulsory hospital treatment. On 11 August 2007, a special session was convened of the Apatity municipal court in Murmansk province, by decision of which Ms. Arap's compulsory hospital treatment was extended. On 28 August 2007, pursuant to the findings of the psychiatrists of the Murmansk provincial neuropsychiatric hospital and in accordance with article 40 of the Act, Ms. Arap was released from hospital into outpatient care at her place of residence consequent to an improvement in her state of health. The Leninsky administrative district procurator's office in Murmansk closely examined Ms. Arap's committal to the psychiatric hospital, but did not find that the law had been breached in any way where the committal procedure was concerned.</p>
184.		29/11/07	JAL	FRDX; HRD; TOR	<p><b>Oleg Orlov</b>, head of the human rights organization Memorial, and three journalists from the Russian TV station REN TV, <b>Artem Vysotskii</b>, <b>Karen Sakhinov</b> and <b>Stanislav Goriachikh</b>. On the night of 23 to 24 November 2007, armed masked men in camouflage awoke them at the Assa Hotel in Nazran, Ingushetia, took their possessions, including computers, money,</p>	

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					<p>notebooks, their clothes and mobile phones, and put plastic bags over their heads, threatening to shoot them. The four men were taken to an unknown place, where they were beaten and abandoned after two hours. As they had not been given time to dress or take their shoes before they left the hotel, they had to walk barefoot to the nearest police station in the village of Nesterovskoye, where they sought assistance. They were taken to Sunzhenkoye Police Station where they reported on what had happened. On the morning of 24 November, the four men also told the police of Nazran about their abduction and ill-treatment. At the police station they were examined by a medical doctor who recommended that Artem Vysotskii should be urgently hospitalized. However, the police did not allow him and the other two journalists to leave until 1 p.m. Oleg Orlov was allowed to leave the police station at around 11.30 a.m. It is feared that this attack was an attempt to prevent the media and the human rights defender from monitoring and reporting about a demonstration, which was scheduled to take place in Nazran on that day, in which about 70 or 80 persons took part. During the demonstration, several of the persons, who protested against repressive actions by law enforcement officials, including enforced disappearances, unlawful killings, torture and ill-treatment were ill-treated. According to participants in the demonstration, Special Forces (OMON) fired in the air and beat several demonstrators with batons. The police detained</p>	

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					several young men and took them to a police station.	
185.		Follow-up to past cases			<b>Ismoilov Ilhomjon Gulomovich, Makhmudov Obboskhon Zakir'jahanovich, Usmanov Iskandarbek Mamadalievich, Ulughodjaev Sardorbek Kamalhan ugli, Muhamadsobirov Abdurrauf Abdulhapizovich, Muhametsobirov Izzatullo Abdulhapizovich, Kasimhujayev Kabul Alimdjanovich, Rustamhodjaev Mahmud Rustamovich, Alimov Umarali Sharipjanovich, Sabirov Shkrullo Nadjimitdinovich, Naimov Rustam Yakubjonovich, and Hamzaev Hurshid Hamralievich</b> (A/HRC/4/33/Add.1, para. 228).	By letter dated 26/02/07, the Government informed that I. Ismoilov, O. Mahmudov, I. Usmanov, S. Ulughodjaev, A. Muhamadsobirov, I. Muhametsobirov, K. Kasimhujayev, U. Alimov, S. Sabirov, R. Naimov, H. Hamzaev, M. Tashtemirov, H. Hadjimatov and M. Rustamhodjaev are accused of having actively participated, in May 2005, with a view to disrupting the national sovereignty and the territorial integrity of Uzbekistan, in the terrorist acts and mass disorders which took place in Andijon and which had the following serious consequences: the deaths of more than 180 persons, including law enforcement officers and military personnel; they also stole a significant quantity of firearms and ammunition and caused particularly extensive damage to State property. On 20 June 2005, the above-mentioned persons were arrested in the city of Ivanovo and remanded in custody. They are all charged with membership of the religious extremist organizations Islamic Party of Turkestan and Hizb ut-Tahrir al-Islami, which were declared to be terrorist organizations by the Supreme Court of the Russian Federation on 14 February 2003 and whose activities are prohibited in the territory of the Russian Federation. During the investigation, some of the detainees alleged that their prosecution by the procuratorial authorities of Uzbekistan was politically motivated. At the request of the Office of the Procurator-General of the Russian Federation, Uzbekistan has given

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>assurances that the detained persons will be criminally prosecuted only for those offences for which they will be extradited by the Russian Federation, that after the completion of the judicial proceedings and the serving of their sentences they will be free to leave the territory of Uzbekistan and will not be expelled, transferred or extradited to a third State without the consent of the Russian Federation, and also that the death penalty will not be imposed on them. Furthermore, the Office of the Procurator-General of Uzbekistan has provided assurances that the purpose of the request for extradition is to bring the suspects to criminal account for the commission of especially heinous crimes and is not aimed at persecution for political motives or in connection with racial background, religious belief, nationality or political views. They will be afforded every opportunity in the territory of the Republic of Uzbekistan for defence, including the assistance of lawyers, and they will not be subjected to torture, coercion or any other form of cruel or degrading treatment or punishment. In the Russian Federation, the above-mentioned persons are guaranteed the right of defence and have access to defence lawyers to provide them with legal assistance in connection with their extradition. The Ivanovo provincial office of the Russian Federal Immigration Service has refused to grant I. Ismoilov, O. Mahmudov, I. Usmanov, S. Ulughodjaev, A. Muhamadsobirov, I. Muhametsobirov, K. Kasimhujjev, U. Alimov, S. Sabirov, R. Naimov, H. Hamzaev,</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>M. Tashtemirov, H. Hadjimatov and M. Rustamhodjaev refugee status. On 27 July, 31 July and 1 August 2006, the Office of the Procurator-General handed down rulings on the extradition to the law enforcement agencies of Uzbekistan of I. Ismoilov, O. Mahmudov, I. Usmanov, S. Ulughodjaev, A. Muhamadsobirov, I. Muhametsobirov, K. Kasimhujjev, U. Alimov, S. Sabirov, R. Naimov, H. Hamzaev, M. Tashtemirov, H. Hadjimatov and M. Rustamhodjaev to face criminal proceedings. In connection with the decision of the Vice-President of the European Court of Human Rights and President of Section on the applicability of rule 39 of the rules of the Court to the case of Ismoilov and Others v. Russia (application No. 2947/06), the Office of the Procurator-General of the Russian Federation instructed the Director of the Federal Penal Correction Service to suspend any action to extradite, deport or forcibly remove the above-mentioned persons to Uzbekistan until further notice. At the beginning of December 2006, the Oktyabr district court of the city of Ivanovo granted the appeals of the applicants, ruled that the decisions of the Federal Immigration Service to refuse to grant Ismoilov and the others temporary asylum in the territory of the Russian Federation were unlawful and ordered the Ivanovo provincial office of the Federal Immigration Service to rectify the violations committed. The Ivanovo provincial office of the Russian Federal Immigration Service is currently appealing against the decision of the Oktyabr</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						district court of Ivanovo in accordance with established procedure.
186.	Rwanda	22/06/07	UA	TOR	<b>Francois Ruceba</b> , âgé de 45 ans, <b>Jackson Safari</b> , âgé de 43 ans, <b>Peter Kabagambe</b> , âgé de 34 ans, <b>Peter Bisamaza</b> , âgé de 22 ans, <b>Vedaste Lyarwema</b> , âgé de 40 ans, <b>Paul Rwangabo</b> , âgé de 28 ans, <b>Daniel Kazungu</b> , âgé de 22 ans, <b>Aloysius Badege</b> , âgé de 20 ans, <b>Asumani Rutigana</b> , âgé de 31 ans et <b>Ismail Salomo</b> , âgé de 18 ans, citoyens rwandais. Le 13 mars 2007 à Kibale à l'ouest d'Ouganda, ces 10 personnes, soupçonnées d'être impliquées dans le « Rassemblement du Peuple Rwandais », un groupe armé, auraient été remises au Directeur de la Sécurité Extérieure du Rwanda, Joseph Nzabamwita, par les autorités ougandaises. Elles auraient été transférées à Kigali, où elles seraient actuellement détenues dans les locaux militaires de Remera.	
187.	Saudi Arabia	22/12/06	JUA	WGAD; HRD; TOR	<b>Abdelwahab al-Humaikani</b> , a Yemeni citizen from Sanaa, Secretary-General of the charity Al-Rochd, and a member of the Geneva-based non-governmental organization Al-Karama for Human Rights. Mr. Al-Humaikani also collaborates with the Arab Commission for Human Rights and attended the 62nd session of the Human Rights Council in Geneva in April 2006 as their representative. On 19 December 2006, he was arrested by the Saudi security services at about 2.30 p.m. at the Al-Toual checkpoint on the border between Saudi Arabia and Yemen. He was on a pilgrimage to Mecca with his mother, sister and brother-in-law. He was taken to Jizane where he	By letter dated 5/02/07, the Government informed that Mr. Al Humaikani was detained on 19 December 2006 in the light of information pertaining to his activities in Afghanistan, Bosnia and Herzegovina, and his links with presumed terrorist organizations. Since this coincided with the period of the Hajj, he was permitted to perform the pilgrimage rites by arrangement with the authorities in his country, who were notified when he was detained and when he departed to his country on 3 January 2007 in furtherance of the joint Saudi-Yemeni endeavours to combat terrorism.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					is being detained by Saudi security services in incommunicado detention. The exact whereabouts of Mr. Al-Humaikani are unknown as of today.	
188.		24/01/07	JUA	IJL; SUMX; TOR	<b>Sufun Muhammed Ali Ahmed al-Zafifi</b> , a Yemeni national who is at risk of imminent execution. He was arrested on 25 April 2006 and confessed to the abduction and rape of a boy. He was convicted and sentenced to death on 11 July 2006 and his sentence was upheld on appeal. Reports allege that his confession was extracted under duress, that the trial took place behind closed doors and that he was not afforded defense counsel.	
189.		08/02/07	JUA	WGAD; HRD; IJL; TERR; TOR	<b>Sulieaman al-Rushudi</b> , a lawyer, <b>Essam al-Basrawi</b> , lawyer, <b>Saud al-Hashimi</b> , a medical doctor, <b>Al-Sharif Saif al-Ghalib</b> , <b>Musa al-Qirni</b> , a university professor, <b>Abdel Rahman al-Shumayri</b> , a university professor, <b>Abdelaziz al-Khariji</b> , and at least three other persons, whose identities are yet to be confirmed. All these individuals have been active as human rights defenders. They were arrested in the cities of Jeddah and Madinah on 3 February 2007 where they had met to discuss the organisation of peaceful activities in favour of political and democratic reforms in Saudi Arabia. The 10 men are currently being held incommunicado at the offices of the General Intelligence Service (Al-Mabahith al-'Ammah) in Jeddah. Requests for access by their families and to appoint lawyers have been denied by the General Intelligence Service. On 5 February 2007 Mr. Al-Basrawi's son	

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					asked for a visit and attempted to hand over medicine for his ill and disabled father. He was ordered to return home and warned never to ask again to meet with Mr. Al-Basrawi. The Ministry of the Interior has issued a statement alleging that the detainees were arrested on suspicion of fund-raising to support terrorism. Mr. Al-Rushudi and Mr. Al-Ghalib had been detained before and released after several weeks following the signing of a petition in March 2004 calling for political change in Saudi Arabia.	
190.		13/02/07	JUA	WGAD; TOR	<b>Zhiya Khassem Khammam al-Hussain</b> , a 40-year-old Iraqi citizen, resident in Al-Farounania Kuwait, currently in detention in Saudi Arabia. On 15 January 2007, Mr. Al-Hussain was arrested at his home by approximately 20 state security service agents (Amn Addaoula), his home was searched, and he was taken to the state security headquarters under the Ministry of Interior. At the detention facility, he remained for one week and was repeatedly beaten by sticks on the soles of his feet and on other parts of the body, hung from the ceiling by his wrists and threatened with expulsion to Iraq, although he does not have any family or other links there. As a result, his body bears numerous traces of the treatment, such as swelling in his face, bruises and traces of lashing. He was then transferred to an administrative detention centre where foreigners are held before they are expelled from Kuwait. On 31 January 2007, without any judicial procedure, he was deported to Riyadh, Saudi Arabia, where he is currently detained in a detention centre of the	By letter dated 11/04/07, the Government informed that he was handed over to the authorities on 31 January 2007, after being found to have illegally raised and received funds and transmitted them to Iraq through Qatar and Jordan with the help of Saudis and Qataris. These funds were allegedly delivered to groups in Iraq. He underwent the requisite medical examinations immediately after his arrival at the detention centre and was permitted to contact his family on three occasions on 2 February 2007. During these contacts he reassured his relatives of his situation and his health and informed them of his place of detention, where he is still being questioned.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
191.		16/03/07	JUA	IJL; TOR	<p>Ministry of Interior.</p> <p><b>Tallal Nedjm Abdullah al-Majed</b>, aged 31. He is held in solitary confinement at Al-Hayr Prison, where he has frequently been subjected to ill-treatment. He has not had access to a lawyer, no charges have been brought against him, and he has not been brought before a judge. On 1 March 2007 he went on a hunger strike to protest against his prolonged detention without any judicial procedures having commenced. On 20 June 2002 at 7 a.m., he was arrested in Doha, Qatar by several persons in plain clothes and flown to Riyadh, and has been detained in Al-Hayr Prison since.</p>	
192.		22/03/07	JUA	TOR; VAW	<p><b>A.A.</b>, a 19-year-old woman from Al-Qatif. Shortly after the woman met with a male companion, the two were kidnapped at knifepoint by a gang of seven men. The companion was attacked by the gang, but was then released. The woman was then raped by the gang. On 1 November 2006, four members of the gang were sentenced to prison terms ranging from one to five years, in addition to sentences of flogging ranging from 80 to 1,000 lashes. The legal status of the remaining three defendants is not known as they had surrendered to the police only shortly before the conclusion of the trial. A.A. was convicted in the same trial of Khilwa for being alone in private with a man who was not a member of her immediate family. Her companion was convicted on the same charge. Both have been sentenced by a court in al-Qatif to 90 lashes and both are at risk of imminent corporal punishment.</p>	<p>By letter dated 16 July 2007 the Government replied that the case in question was investigated by the security authorities on the basis of a complaint lodged by the woman's husband, in his capacity as her legal guardian, in which claimed that his wife had been the victim of abduction and rape. The sentences handed down against the women, her companion and those who raped her were based on their commission of offences designated as criminal acts under Saudi law and substantiated by legally valid evidence and other means of proof consistent with international legal standards. After the judgement was pronounced, the offenders declared themselves satisfied with the fairness of their sentences.</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
193.		20/04/07	JUA	IJL; MIG; SUMX; TOR;	<b>Suliamon Olyfemi</b> (subject of a previously transmitted communication, E/CN.4/2005/62/Add.1, para. 1444). He is at imminent risk of execution. The twelve other Nigerian men were sentenced to prison terms and corporal punishment. During the trial, Suliamon Olyfemi and his co-defendants neither had access to legal representation nor to consular assistance, nor did they benefit from adequate translation. During interrogation they had been told to put their fingerprints, which can act as a signature, on statements written in Arabic, which they do not read. It is possible that these statements were used as evidence against them during the trial proceedings. Staff from the Nigerian consulate in Jeddah attempted to visit the men in prison on 19 May 2005, but were not allowed to see them. The death sentence imposed on Suliamon Olyfemi has recently been upheld by the Court of Cassation and ratified by the Supreme Judicial Council.	
194.		30/04/07	UA	TOR;	<b>Nine pupils from Amayer Hudayan Middle School and seven pupils from Al-Majsa Secondary School</b> (both located south of Hail city), aged between 12 and 18, currently serving prison sentences. The pupils were sentenced by a court in a northern district of Hail to receive between 300 and 500 lashes and to prison sentences ranging from six to eight months. The flogging is to be shown to other pupils and can be carried out any time.	
195.		02/05/07	JUA	WGAD; HRD; TOR;	<b>Walid Ali Lamri</b> , a 24-year-old student, and member of the non-governmental organization Al-Karama for Human Rights (AHR). On 27 April	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					2007, he was arrested at his parents' residence in Taif by agents of the intelligence services, and has been detained incommunicado in the Al-Mabahit al-Aama intelligence facilities in Taif. The arrest took place after Mr. Lamri had met with several relatives of victims of arbitrary detention who shared information regarding alleged acts of torture, poor conditions of detention, and cases of arbitrary detention. Mr. Lamri intended to share the information he collected with different United Nations human rights mechanisms.	
196.		25/05/07	JUA	SUMX; TOR	<b>Dhahian Rakan al-Sibai'i</b> , who was sentenced to death for a crime committed when he was still a minor. Both the murder attributed to Dhahian Rakan al-Sibai'i and his trial took place while he was under 18 years of age. He was held in a juvenile detention facility until he was 18 years old, when he was moved to Al-Taif Prison. The Pardon and Reconciliation Committee is facilitating negotiations with the victim's family to obtain a pardon without compensation or against payment of blood money. Moreover, reports indicate that the death sentence still needs to be ratified by the Supreme Judicial Council.	
197.		23/08/07	JUA	HRD; IJL; TOR	<b>Saad Ben Zair</b> , a 28-year-old defense lawyer, human rights defender active in the Reform Movement, and resident of Riyadh, and his father, <b>Said Ben Zair</b> . Mr. Saad Ben Zair's car was stopped on 10 April 2007 when he was driving along King Abdullah Avenue in Riyadh with his wife and his one-year-old daughter. The three of them were taken to the secret services premises and detained separately. Some days later Mr.	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>Saad Ben Zair's wife and daughter were released, but he is still being held in secret detention. When his father, Dr. Said Ben Zair, another prominent human rights defender, publicly protested against his son's detention, he was arrested himself on 6 June 2007 and remains in secret detention as well. Before his arrest in April, Mr. Saad Ben Zair had worked as lawyer defending proponents of constitutional reform and other critics of the Government. In connection with his work as lawyer, he had regularly demanded that Royal decree No. M. 39 of 16/10/01, which guarantees basic rights for detainees, include a specific term of detention which should be determined by a competent authority, and prohibit torture. He had already spent three years in secret detention without any judgment starting from 17 July 2002 presumably for having protested against the imprisonment of his father, who had been imprisoned for eight years without any legal process. He had been secretly detained again for several months starting from 19 June 2006.</p>	
198.		22/11/07	JUA	RINT; IJL; TOR	<p><b>19-year-old Shiite woman from Al-Qatif</b> (subject of a previously transmitted communication, see above). Following the request of the review of the verdict by the woman and her lawyer, on 15 November 2007, a court in eastern Saudi Arabia increased the original sentence against the seven members of the gang, and also increased the sentence against the 19-year old woman from 90 lashes to 200 lashes and a six month prison term. In addition, it is reported that the court revoked the professional license of her lawyer and banned him</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					from defending her.	
199.	Sierra Leone	27/07/07	JUA	HLTH; TOR	<b>Omrie Golley</b> , a British-born lawyer of Sierra Leonean descent, currently at Pademba Toad Prison, Freetown. Mr. Golley was arrested in a hotel room in Freetown without a warrant on 12 January 2006. He was later charged with treason, which carries the death penalty. He was transferred to Pademba Road Prison on 21 January 2006. Since his incarceration Mr. Golley's health has deteriorated. He suffers from a serious heart problem resulting in palpitations and daily angina attacks, very high and fluctuating blood pressure despite medication, high cholesterol, impaired liver and kidney function, a kidney infection and anaemia. During a previous visit in March 2007 to the local hospital the doctor stated that he should return for further tests after a period of about a month, but he has not been allowed to do so. On 26 July 2007, Mr. Golley was unable to attend a court hearing because of the state of his health, but the prison doctor was subpoenaed to give evidence on Mr. Golley's condition. The doctor offered no date for Mr. Golley's return to court and stated that he was in immediate need of diagnosis and treatment which he could not offer within the prison. Pademba Road Prison offers only restricted access to water, and typhoid and malaria are recurrent. Since May 2007, 16 prisoners are said to have died at the prison.	
200.	Slovakia	01/06/07	UA	TOR	<b>Mustafa Labsi</b> , Algerian national, currently held at Ustav na vykon vazby Bratislava. His deportation to Algeria, where he is wanted as a	By letter dated 18/06/07, the Government informed that he is under the jurisdiction of Slovak authorities having been returned from Austria on 2

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					terrorist suspect, is imminent. Mr. Mustafa Labsi had been returned to Slovakia from Austria on 2 May 2007 after his asylum claim had been found unfounded. The Slovak authorities do not consider him an asylum seeker as his claim for asylum had been denied by a valid decision even before he left for Austria.	May 2007. On 9 June, the Government received the extradition request of the Algerian authorities. At present, the case is being considered by an independent court which is the sole authority to take a decision in this matter. The Government is proceeding in compliance with its international obligations, including those in the area of human rights. Further information will be sent as it is available.
201.	Somalia	13/02/07	JUA	TERR; TOR	<b>Bashir Ahmed Makhtal</b> , a 42-year-old Canadian citizen, born in Dagahbur, Ogaden, <b>Abdi Abdulahi Osman</b> , a 41-year-old Somali citizen, born in Gunagado, Dagahbur, Ogaden, <b>Ali Afi Jama</b> , a 33-year-old Somali citizen, born in Godey, Ogaden and <b>Hussein Aw Nuur Gurraase</b> , 35-year-old Somali citizen, born in Gunagado, Ogaden, all trading in second-hand clothing. On 31 December 2006, the four men were arrested by Kenyan authorities, who suspected them to be terrorists. The arrests were conducted on the basis of provisions of an anti-terror bill which has not yet been adopted. The four men were held in custody for three weeks without official charges. On 21 January 2007, they were transferred to the Ethiopian armed forces in Mogadishu.	
202.		17/10/07	JUA	WGAD; FRDX; TOR	<b>Abduallahi Ali Farah</b> , manager, and <b>Mohamed Farah</b> , a journalist, both of Mogadishu Radio Simba. On 11 October 2007, Radio Simba broadcast an interview with Sheikh Robow, the military chief of the Council of Islamic Courts, where he claimed responsibility for a suicide car-bomb attack on an Ethiopian army checkpoint in	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Baidoa. After the broadcast, members of the Somali security services arrived at the station, arrested the two men and took them to an undisclosed location.	
203.	Sri Lanka	07/03/07	JUA	WGAD; TOR	<b>Sothiraja Mokanaganth</b> , aged 21, <b>Kandasamy Sasiskanna</b> , aged 31, and <b>Thiravianathan Thiraviaventhan</b> , aged 20, from Jaffna. On 24 January 2007 at about 1.15 a.m. five uniformed Sri Lankan army personnel beat the men, arrested them and took them away. Their current whereabouts are unknown.	
204.		21/06/07	AL	TOR	<b>Barandulage Sumith Priyantha Fernando</b> , a 29-year-old resident of Kumara Kanda, Maggona. On 26 March 2007, he was arrested at his workplace and taken to the Special Intelligence Unit (SIU) in Katukurunda, Kalutara police division, where he was interrogated by the officer-in-charge. He was beaten with a wooden club for one hour to extract a confession. The beating resulted in injuries to Mr. Fernando's, body and feet. He did not receive any medical treatment. He was released on 5 May, but threatened that he would soon be arrested again.	
205.		22/06/07	UA	TOR	<b>R. C. D.</b> , a 17-year-old resident of Tekkawatte, Vavuniya and <b>Gnanapragasam Benedict Rosery</b> , aged 25, of Uda Peradeniya, Kandy. On 22 May 2007, R.C.D. was picked up by the Special Intelligence Unit (SIU) of the Vavuniya police, and brought to the police station. The police did not produce any arrest warrant. At the station his clothes were removed and he was beaten to force him to admit to possessing five bullets. According to the Criminal Code, a person	By letter dated 5/07/07, the Government informed that R.C.D. was taken into custody by the Intelligence Unit of the Vavuniya Police on 22 May 2007 for possessing 5 x 9mm live ammunition, and kept in detention for further investigations. He was produced before the magistrate on 12 June 2007, and was released on bail. The Sub-Inspector of the Intelligence Unit of Vavuniya Police totally denies the allegation that R.C.D. was inhumanely assaulted. Further, he was produced

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					arrested must be produced before a magistrate within 24 hours of arrest, but R.C.D. was only brought before the court on 7 June. He was then remanded by the magistrate until June 11 and is currently detained at Anuradapura Prison. On 21 May 2007, Mr. Gnanapragasam Benedict Rosery went to Peradeniya Police Station where he was beaten by the police and taken into custody. He was then heavily beaten to force him to confess to a murder. He was produced before the court only on 23 May 2007. The court then remanded him until 4 June, when the remand was prolonged again.	before a medical officer as is routinely done in all such complaints and he was confirmed that there were no physical injuries on R.C.D. Investigations are continuing. On 21 May 2007, Gnanapragasam Benedict Rosery was arrested on suspicion of murder, and remanded in custody. The Chief Inspector/Officer in Charge of Peradeniya Police Station totally denies the allegation of beating the accused. Investigations are continuing.
206.		14/12/07	JAL	MIN; TOR;	<b>Indiscriminate mass arrests of Tamils</b> following the bombing in Colombo on 28 November 2007. At least 2,200 Tamils, including women and children, were detained by the police in the greater Colombo area. Most of the arrested persons, however, were released within few days. At least 200 persons still remain in custody. Based on his preliminary conclusions of his visit, the Special Rapporteur reiterated his concerns over the treatment of persons detained under emergency legislation or generally in the context of counter-terrorism. The Government is urged to take every measure to prevent acts of torture and other cruel, inhuman or degrading treatment by the police, especially officers of the Terrorist Investigation Division (TID), against any person detained in connection with last week's incident.	
207.	Sudan	23/01/07	JUA	SUMX; TOR	<b>Paul John Kaw, Fathi Adam Mohammed Ahmad Dahab, Idris Adam Alyas, Nasr-al-Din Ahmad Ali, Mr. Sulayman Jum'a Timbal,</b>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p><b>Badawi Hasan Ibrahim</b> and <b>Abd-al-Rahim Ali</b> were sentenced to death on 23 November 2006 for the murder of 13 police officers killed during riots which took place in May 2005 at a camp for internally displaced people. The men were sentenced to death after the relatives of the dead police officers refused to spare their lives in return for payment of diya (blood money). It is alleged that the seven men confessed to their murder charges under torture, including severe beatings. From their arrest in May 2005 until October 2005, they had no access to legal counsel. Three members of the family of Fathi Adam Mohammed Ahmad Adam, including his 70-year-old mother and 15-year-old brother, were arrested and held for three days to force him to give himself up. On 18 May 2005 there were riots at the Soba Aradi camp, 30km south of Khartoum, when the inhabitants resisted the authorities' attempt to forcibly evict all of them. There were violent clashes, and 13 policemen and about 30 residents, including children, were killed. On 24 May the security forces threw a cordon round the area, not allowing anyone to enter or leave while they raided the residents' houses and shacks, arresting some 240 people, most of whom were subsequently released. They were held in various police stations and most were severely beaten in the following weeks. At least one died in custody in circumstances where torture appears to have caused his death.</p>	

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208.		21/03/07	JUA	IJL; SUMX; TOR; VAW	<p>Ms. <b>Amouna Abdallah Daldoum</b>, aged 23, and Ms. <b>Sadia Idries Fadul</b>, aged 22, of the Tama ethnic group. On 13 February 2007 and 6 March 2007 respectively, the criminal court of Al-Azazi, Managil province, Gazeera state, convicted the two women on charges of adultery and sentenced them to death by stoning. The two women are currently in detention in Wad Madani Women's Prison, Wad Madani, Gazeera State. Ms. Sadia Idriss Fadul has one of her children with her in prison. They were convicted under article 146 (a) of Sudan's 1991 Penal Code, which states that "whoever commits the offence of sexual intercourse in the absence of a lawful relationship shall be punished with: a) execution by stoning when the offender is married (muhsan); b) one hundred lashes when the offender is not married (non-muhsan)." Sadia Idriss Fadul and Amouna Abdallah Daldoum do not fully understand Arabic, the language used during the entire judicial proceedings, and were not provided with an interpreter. The two women also had no legal representation.</p>	<p>By letter dated 20/04/07, the Government informed that on 26 June 2006, a report was filed with the Azazi police in Jazirah State against Ms. Sadia Idries Fadul. Following the completion of inquiries, the report was referred to a court of first instance of Jazirah State, which delivered its verdict on 13 March 2007, convicting the accused for adultery, based on her confession. Ms. Amouna Abdallah Daldoum was tried before a court of first instance of Jazirah State, and was convicted by the court on 6 March 2007 of adultery, based on her confession. Both accused are married and engaged in intercourse with others during their husbands' absence. They appealed the verdicts and the Jazirah State Appeal Court issued a ruling overturning the convictions and sentences, and returning the case files for retrial for a number of reasons, including the fact that they had not had legal assistance during the proceedings. The two women know Arabic very well and so the court did not have to appoint an interpreter, in accordance with the Criminal Procedure Code. The case files are before the Jazirah State Court of First Instance.</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
209.		19/04/07	JUA	WGAD; HRD; TOR;	<b>Osman al-Magdum, Abdel Rahman Zaidan, Abdel Aatti Abdel Khair, Hassan Sidiq Atolabi, Haitham Aldusogi</b> , all members of the Manasir Association Executive Committee (MAEC), and <b>Ahmed Abdel Fatah Gabriel</b> . On 29 March 2007, the six men were arrested at their homes in Khartoum by plain-clothed national security officers. Ever since they have been held incommunicado in Kober Prison in Khartoum. No charges are known to have been filed against them.	
210.		22/05/07	JUA	SUMX; TOR	<b>A. Z. M.</b> and <b>A. A. S.</b> , both aged 16. On 3 May 2007, they were sentenced to death by the criminal court, in Nyala in connection with a murder in February 2007. An appeal against the sentences was due to be submitted to the court of appeal in Nyala on 15 May.	By letter dated 26/06/07, the Government informed that on 3 May 2007, the two defendants were convicted under articles 130 and 175 (murder and robbery) of the 1991 Criminal Code and were sentenced to death by the Criminal Court. The verdict was appealed and the Appeal Court rendered its decision on 10 July 2007, quashing the death sentence, because the defendants were under the legal age, and directing the authorities to take such appropriate measures as have been established for the rehabilitation and reform of minors.
211.		22/06/07	JUA	WGAD; FRDX; HRD; IJL; TOR	Detention of eight persons in connection with protests against the construction of the Kajbar dam. These eight persons are: <b>Saad Mohamed Ahmed</b> , a journalist with <i>Ilaf</i> weekly newspaper and an activist on the dam issue, two lawyers, <b>Imad al-Deen Murgani</b> and <b>Alam al-Deen Abdulghani</b> ; <b>Abdulaziz Mohamed Ali Khairi</b> , an engineer and head of foreign relations committee of the Kajbar Dam Popular Committee, <b>Raafat Hassan Abbas</b> , information officer of the Kajbar	By letter dated 17/09/07, the Government informed that for several months, some inhabitants who declared themselves as the representatives of the inhabitant of the Kajbar Dam Area, started rallying the inhabitants against the establishment of the Kajbar Dam, the biggest development project in the long neglected area. When the dam authorities started to conduct an initial survey, a big demonstration blocked such a step. A group of people attacked the workers, and

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					<p>Dam Popular Committee, <b>Mohamed Jalal Ahmed Hashim</b>, a leader of the Mahas community, <b>Abdallah Abdelgayoum</b>, a member of the Mahas community and former national security officer, and <b>Osman Osman</b>, a driver. On 13 June 2007 four persons were killed and nine other civilians were injured when police used violence to disperse a protest by members of the Nubian population opposed to the building of the Kajbar Dam. Mr. Imad Al Deen Murgani, Mr. Alam Al Deen Abdulghani, Mr. Abdulaziz Mohamed Ali Khairi, Mr. Abdallah Abdelgayoum and Mr. Osman Osman were arrested on the same day in Dongola on their way to investigate and report on the demonstrations and the violence. After being questioned about the purpose of their trip, the five men were arrested. They are currently detained in the National Security Section in Kober Prison. Mr. Raafat Hassan Abbas was arrested by National Security officers at a private house in EI-Dim, southern Khartoum, at 2 a.m. on 15 June 2007. He is believed to be in the custody of Khartoum State Security in Riyadh, but a member of his family has been denied permission to visit him. Dr. Mohamed Jalal Ahmed Hashim was arrested at his home in Riyadh after participation in a press conference organized by the SPLM on 16 June 2007. His current whereabouts are unknown. On 20 June, Mr. Saad Mohamed Ahmed was arrested at his office in Khartoum. He is detained in the National Security Section in Kober Prison. None of the detainees have been allowed to contact their families or a lawyer.</p>	<p>destroyed the equipment. When the small group of police who escorts the equipments intervened, it was equally attacked. The police used force , and as a result two individuals died. To prevent further escalation of the tense situation, the police arrested the leaders of the mob. Accordingly the security authorities took preventive measures under the provisions of the National Security Act in order to stop the escalation of violence by arresting some persons who incited the mobs to use violence through rumours and unauthentic information. All the detainees were release on 19/08/07 except Dr. Mohammed Jalal Hashim, who was released on 24/08/07. All the detainees were treated humanely and according to the law.</p>

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212.		25/07/07	JUA	HOUS; WGAD; FRDX; HRD; TOR	<b>Osman Ibrahim</b> , spokesperson for an organisation called Committee against the Kajbar Dam. He was arrested in the early morning of 20 July 2007 by police officers at his home in Farraig village, Halfa municipality, Northern State, without a warrant, and taken to an unknown place. His arrest followed incidents on 13 June 2007, when Sudanese security forces killed and injured civilians in the Farraig village by shooting at them during a non-violent demonstration against the construction of the Kajbar Dam in the area. On that occasion, several individuals were arrested and detained in Dongola, and in Khartoum.	By letter dated 29/09/07, the Government informed that Mr. Ibrahim, Osman Osman Shamat, Alam Eldin Abdulgani, Abdulla Abd Alqaom, Imad Eldin Mergani, Abdul Aziz, Mojahid Abdulla and Saad were set free, while Dr. Mohammed Jalall Hashim is still in prison.
213.	Sweden	11/01/07	JUA	MIG; TOR; VAW	Ms. <b>Leyla Kasim</b> , a 35-year-old of Kurdish origin of Elazig province, Eastern Anatolia, Turkey. She is at imminent risk of deportation. In 1988, while still living in Turkey, Leyla Kasim, then 16, was forced by her parents to enter a marriage with a 31 year-old man. Her husband abused her and their two sons, both physically and mentally, almost every day throughout their marriage. Sometimes he would lock her and their two children out of the house and they would be forced to sleep outside. He also repeatedly threatened Leyla Kasim that he would hang her and make it look like suicide if she did not obey him. Leyla Kasim sought support from her family several times, but was told to return to her husband. Moreover, her mother threatened to marry her again to an even older man if she did not obey. In 2004, following a relationship with one of her husband's friends, which was discovered by her family and discussed in a	By letters dated 17/01/07, 01/02/07, and 12/06/07 the Government requested a letter of attorney signed by Ms. Kassim, due to secrecy legislation, in order to provide comprehensive information. While awaiting further examination, her deportation has been temporarily suspended. The Government informed that the facts alleged in the summary corresponded to the facts that Ms. Leyla Kasim had indicated in her asylum application. However, the Swedish Migration Board and the former Swedish Appeal Board had found strong reasons to question the credibility of Ms. Leyla Kasim's story. The lack of credibility was the main reason that her application for asylum was rejected. In the decision of the Swedish Migration Board of 26 August 2005, the Board concluded, on the basis of a thorough investigation, that Ms. Leyla Kasim would not be subjected to violence or honour killings in case she is returned to Turkey. The former Swedish Appeal Board, in its decision

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					<p>village meeting, Leyla Kasim went into hiding. According to reports, her brothers announced that they would kill her if they found her. Subsequently, she received help in leaving her village and fleeing the country. Leyla Kasim arrived in Sweden on 31 March 2005, where she applied for asylum on 1 April 2005, referring to the risk of violence committed in the name of honour. Her asylum application was rejected by the Swedish Migration Board (Migrationsverket) on 26 August 2006. Following that decision Leyla Kasim appealed to the Swedish Alien's Board (Utlänningsnämnden), which rejected her application on 29 October 2005. This decision could not be appealed, and the authorities prepared for her deportation. On 15 November 2005, temporary legislation came into force, which allowed for a review of rejected asylum applications. Leyla Kasim's application was reviewed in accordance with the new legislation, but once again rejected. The latter decision could not be appealed. In March 2006 a new Aliens' Act came into force, according to which asylum applications are tried in first instance by the Swedish Migration Board. This decision of the first instance can be appealed to the Migration Court. If there are exceptional reasons or if there is a need for a legal precedent, this decision can be appealed a second time to the Appellate Migration Court. However, the procedure in the new Aliens' Act does not apply to those asylum-seekers who, like Leyla Kasim, already had their case tried in full. Leyla Kasim, after having exhausted all the</p>	<p>of 29 October 2005, comes to the same conclusions. According to the Swedish Aliens Act's chapter 12 paras 18 and 19, once the rejection of an asylum claim has entered into force, Ms. Kasim can only apply for a stay of deportation. The applicable legislation is much more restrictive. However, for the purpose of further investigation, Ms. Leyla Kasim's deportation has been suspended. The Board has appointed a public counsel for her and has held an oral investigation with the two of them. As a result, the Migration Board has decided to reject the stay of deportation because, in its view, it is unlikely that Ms. Layla Kasim will be subjected to honour related violence when deported to Turkey.</p>

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					remedies in Sweden, is now facing the risk of being deported to Turkey. The forthcoming report of the Special Rapporteur on violence against women's mission to Turkey (A/HRC/4/34/Add.2), focused on the continued severe problems of "honour"-related violence, including murder and forced suicides, in Southeastern and Eastern Anatolia and highlights serious protection gaps for women at risk of "honour"-related violence.	
214.	Syrian Arab Republic	08/01/07	JUA	WGAD; FRDX; IJL; TOR	' <b>Ali Nizar 'Ali</b> , a 21-year-old student, ' <b>Husam 'Ali Mulhim</b> , a 21-year-old student (both subjects of a previously transmitted communication, A/HRC/4/33/Add.1, para. 281), ' <b>Tarek Ghorani</b> , a student, ' <b>Maher Ibrahim</b> , a 25-year-old shop owner, ' <b>Ayham Saqr</b> , a 30-year-old employee of a beauty salon, ' <b>Alam Fakhour</b> , a 26-year-old, ' <b>Omar 'Ali al-'Abdullah</b> , a 21-year-old student, ' <b>Diab Sirieyeh</b> , a 26-year-old part-time student. They are all currently detained at Sednaya Prison near Damascus. In addition to a request to the Government for additional information relating to Mr. 'Ali Nizar 'Ali and Mr. Husam 'Ali Mulhim, information has been received on the other persons above. They were arrested between 26 January and 18 March 2006 and have been detained incommunicado ever since, three months of which were in solitary confinement. While in detention they were ill-treated during interrogation at the air force intelligence branch in the town of Harast near Damascus. The trial of the eight persons commenced on 26 November 2006 before the Higher State Security Court in Damascus. Each defendant denied the charges	By letter dated 27/04/07, the Government informed that Mr. Ali Nizar Ali was released pursuant to a presidential amnesty issued on the occasion of Eid al-Adha. He had been convicted under article 287 of the Syrian Criminal Code for broadcasting false information regarded as damaging to the State. As for the remaining persons, they were referred to the competent court after a public prosecution case was brought against them, under article 287 of the Syrian Criminal Code, for committing criminal offences involving acts that are prohibited by the Government, since such acts could expose the Syrian Arab Republic to the threat of hostilities and damage its relations with foreign States. These individuals are currently on trial.

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					brought against him in court, since their confessions had been obtained by ill-treatment. The eight individuals were denied access to counsel until the hearing in court, where they were able to meet briefly with their lawyers, in the presence of guards. At least one of the persons was allowed to meet with his parents inside the courtroom for three minutes with a guard present. The families of the defendants were not permitted to provide them with warm clothing on the occasion of the court hearing in order to protect them from the chilly conditions in prison. The trial has been adjourned until 14 January 2007.	
215.		11/01/07	JUA	WGAD; TOR	<b>Muhi al-Din Sheikh A'ali</b> , a member of an organization called Syrian Kurdish Democratic Unity Party, <b>Yassin Suleiman</b> , aged 35 years, and <b>his father</b> , aged 60 years, resident of al-Hassaka close to the city of Qamishli. Mr. Muhi al-Din Sheikh A'ali was arrested by plain-clothed military intelligence officers on 20 December 2006 at around 6 p.m. at a cafe in the city of Aleppo after having failed to report for questioning by the military intelligence. He is now being detained incommunicado at an unknown place of detention, probably an interrogation centre of the Syrian military intelligence service, or held by state security officials (Amn al-Dawla). When Mr. Al-Din Sheikh A'ali attempted to resist arrest, the officers threatened that he "would disappear from the face of the earth". On 25 December 2006, relatives inquired without success with officials of the Al-Sarayan military intelligence branch in Aleppo about his whereabouts. Mr. Yassin Suleiman and	By letter dated 26/04/07, the Government informed that Mr. Yassin Suleiman and his father were released on 22 January 2007 and Mr. Muhi al-Din Sheikh Ali was released on 16 February 2007. We should point out that these individuals were detained for broadcasting false and exaggerated news stories of a kind likely to damage the good name of the State at home and abroad. Such acts are punished under articles 286 and 287 of the Syrian Criminal Code.

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					his father were arrested on 21 December 2006 by officials of the state security branch in Damascus, and they have been detained incommunicado since. On 3 January 2007, officers of the state security branch explained to a family member that the family is not allowed to visit Mr. Suleiman or his father, who suffers from high blood pressure.	
216.		19/03/07	AL	TOR	<b>Abdul Rasoul Mazraeh</b> , also known as <b>Abdullah Abdulhamid al-Tamimi</b> , an Ahwazi from Iran, and a recognised refugee in Syria, accepted for resettlement by Norway. He was arrested by Syrian security forces on 11 May 2006 and handed over to Iranian authorities in Tehran on 15 May 2006. Since then he has been held incommunicado in solitary confinement and ill-treated. As a result of the ill-treatment he has blood in his urine, his liver and kidneys are not functioning and he lost all of his teeth. Furthermore, he is paralysed because his spine has been damaged.	
217.		16/05/07	JAL	FRDX; HRD; IJL; TOR	<b>Anwar al-Bunni</b> (subject of a previously transmitted communication, A/HRC/4/33/Add.1, para. 286). He is currently held at Adra Prison near Damascus. On 31 December 2006, Mr. Al-Bunni was pushed down some stairs and then beaten up by another detainee in the presence of prison guards who failed to intervene. On 25 January 2007, prison guards made Mr. Al-Bunni crawl on the ground and forcibly shaved his head as punishment during a crackdown on a ward where criminal detainees had mounted a protest after being excluded from a recent amnesty. On 24 April 2007, he was sentenced to five years in	

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					prison by the first Damascus criminal court for “spreading false or exaggerated information that weaken the spirit of the nation,” and ordered to pay a fine of U.S.\$2,000 to the Ministry of Social Affairs and Labour for his membership in an unlicensed human rights centre. Earlier on, Mr. al-Bunni was charged with “spreading false news” for a statement he had made about the inhumane conditions that led to the death of a man in a Syrian prison.	
218.		01/06/07	JUA	WGAD; TOR	<b>Mohammed Abdul Qader Talib</b> , a 20-year-old student at the Engineering College in Al-Itihad University, Manbij, and <b>Madhar Abdul Rahman al-Weis</b> , a 27-year-old general practitioner. Mr. Mohammed Abdul Qader Talib was arrested in Aleppo on 10 January 2007 by military intelligence. Since then his whereabouts have been unknown and he has not been heard of or seen. Dr. Madhar Abdul Rahman al-Weis, together with about ten other persons, was arrested on 11 or 12 May 2007 in his surgery in Al-Ishaara in the province of Dayr Az-Zawr. He was taken to an office of the security forces in Damascus, separated from those he was arrested with, and his whereabouts since are unknown.	By letter dated 9/10/07, the Government informed that they were legally detained on 10 January 2007, having been charged with membership of a terrorist organization, which is a punishable offence under Syrian law. The two men were duly and promptly brought before a court. They are currently on trial before an independent, fair and impartial court. The court will convict or acquit either or both of these men in conformity with Syrian law, which is based on the Constitution, having due regard to articles 9 and 10 of the Universal Declaration of Human Rights, and articles 9 and 14 of the International Covenant on Civil and Political Rights. The Government affirms that their arrest was not effected in an arbitrary manner. Both men benefit from Syrian law, which guarantees them protection from torture and safeguards their physical and mental integrity. The two men are in excellent health and have regular, free medical tests. They are protected and well-nourished and have access to a wide range of free services. Any complaints or objections that either of them may wish to make will be

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						investigated by the competent authorities.
219.		15/08/07	JAL	FRDX; TOR	<b>Saif al-Khayat</b> , an Iraqi journalist working for the Japanese news agency Jihi Press' bureau in Damascus. He travelled to Syria to work as a member of the local Jihi Press team. Before receiving permission to work in the country, Mr. Al-Khayat was questioned more than once by Syria's political security officials concerning the nature of his journalism, his political positions and previous work in Iraq. On 19 June 2007, after he wrote two news reports about the presidential referendum in Syria, a number of Syrian political security personnel raided his apartment and arrested him. According to reports received, he was taken to branch 701 of the political security's headquarters, where he was told that the two reports were not satisfactory to Syrian authorities. He suffered physical assault and was forced to sign a document testifying that he would leave the country within three days.	
220.		21/08/07	JUA	WGAD; HRD; TOR	<b>Ma'rouf Mulla Ahmed</b> , aged 53, resident of Qamishli, a leading member of the Syrian Kurdish Democratic Unity Party (or Yeketi Party) which calls for an improvement of basic rights for the Kurdish population in Syria. On 12 August 2007, he was asked to leave the bus at a Syrian checkpoint controlled by state security (Amn al-Dawla) at the Syrian-Lebanese border. He is now detained incommunicado at branch 285 of state security in Damascus.	By letter dated 29/11/07, the Government informed that he was arrested by the police for belonging to a terrorist organization that seeks to create discord among Syrian citizens. He also took part in, and incited others to participate in, riots in breach of public order. He was charged with these offences by the public prosecution service and was duly brought before the competent court, with his legal counsel in attendance. The impartial and just Syrian court will have the last say in deciding whether to dismiss or confirm the charges against him and then convict or acquit him. The Government therefore

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						maintains that Mr. Mullah Ahmad's detention was not arbitrary, that his full rights to legal representation as provided for under Syrian law were protected and that he was not subjected to any form of torture. It should like to draw the attention to the fact that Mr. Mullah Ahmad was tried in accordance with Syrian law and international norms and laws to which the Syrian Arab Republic subscribes.
221.		23/08/07	JAL	SUMX; TOR	<b>Abdul Moez Salem</b> , from Areeha (Idlib). He disappeared from Areeha two years ago, and was found detained in the Palestine branch for military interrogation (branch 235). It is alleged that several months ago Abdul Moez died following injuries he received during his time in custody, and his body was kept in storage. On 4 July 2007, his body was handed to his family in a black bag, but military intelligence did not allow the family to view him or prepare his body for burial. The officers refused to bury Abdul Moez in the town's graveyards and supervised the burial.	
222.		Follow-up to past cases			<b>Ali al-Abdullah</b> (A/HRC/4/33/Add.1, para. 282, and E/CN.4/2006/6/Add.1, para. 475).	By letter dated 14/07/06, the Government informed that the two men were arrested for causing trouble and creating havoc in front of the higher state security court and for using foul language to the court and presiding judge. They were sent before the chief public prosecutor of Damascus, a member of the "ordinary" judiciary, on 11 June 2006, to be prosecuted in conformity with applicable Syrian law. Neither of them was subjected to any unlawful procedure. A detention order was issued. Everyone in Syria knows the place where they were detained, Civil Prison,

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						under instructions from an established judicial authority, namely the chief public prosecutor of Damascus. Syrian law protects these two men and ensures that they are treated properly and not subjected to any ill-treatment.
223.					<b>Ali Shahabi</b> (A/HRC/4/33/Add.1, para. 290).	By letter dated 13/02/07, the Government informed that he was arrested and brought before the courts on 10 August 2006 for establishing a secret association, for infringing the laws and regulations, and for engaging in this association's activities without an official permit from the competent institutions. He engaged in clandestine activities, distributing unlicensed publications of a kind likely to make Syria vulnerable to attack, to sour its relations with foreign States and to leave Syrians or their activities open to revenge attacks. Indeed, many Syrians living in Lebanon have been physically attacked and some have died at the hands of Lebanese nationals. The Syrian courts will have the final say as to whether this man will be convicted or acquitted in accordance with the laws and regulations in force in Syria.
224.	Thailand	07/05/07	JUA	WGAD; TOR	<b>Sukri Ar-dam</b> , a 23-year-old teacher in southern Thailand. On the evening of 11 April 2007, en route from central Pattani district to Napradoo in southern Thailand, he was stopped at a police checkpoint at the village entrance. Upon identification, he was informed by the police that an arrest warrant for him was issued by the local police station in connection with a murder committed on 8 February 2007. He was taken to Inkayuthboriharn army camp in Nongchick district, Pattani. In an inquiry room he was kicked,	

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					<p>assaulted and strangled by a muscular man in civilian clothes. Mr. Sukri Ar-dam was then brought to another room, where seven to eight plain-clothed men beat him all over his body, as well as his genitalia. They forced him to take off his underwear and put it on his head. After approximately three hours he lost consciousness. He had scars and severe injuries on his knees, back and mouth. In the weeks following his arrest family members repeatedly tried to gain access to him, but were denied. On 1 May 2007 the police filed an application with the Pattani provincial court requesting an extension of Mr. Sukri Ar-dam's detention pursuant to emergency legislation. His lawyers sought his release under section 90 of the Criminal Procedure Code of Thailand. On 2 May 2007, a 12-day extension of his detention and transfer to Kokpho district police station was granted. On 3 May 2007, Mr. Sukri Ar-dam's family sought bail, but this application was rejected by the court.</p>	
225.		10/08/07	JUA	HOUS; WGAD; FOOD; HLTH; TOR	<p><b>149 Lao Hmong people at Nong Khai Immigration Detention Centre (IDC)</b>, of whom 90 are children and babies. All are recognized refugees. The Hmong group was arrested by immigration police in Bangkok on 17 November 2006. On 8 December 2006, the group was transferred from Bangkok to Nong Khai IDC. On 30 January 2007, the authorities attempted to deport them to Laos, but failed due to strong resistance by the group. On 12 and 29 June 2007, seven Lao Hmong men escaped from Nong Khai IDC. Following these escapes in early July,</p>	<p>By letter dated 7 November 2007 the Government replied that the Nong Khai centre had not been constructed to respond to this particular situation or for a large influx of illegal migrants entering Thailand. As for the particular group of 154 Laotian Hmong detainees, since the beginning of their stay in Nong Khai IDC, the Immigration Bureau had tried to alleviate the congested conditions by allowing the detainees to go outside the detention rooms during the day. In addition, the Immigration Bureau sent a medical doctor to provide regular medical check-ups, which is the</p>

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					<p>immigration officials have applied stricter measures toward the Lao Hmong which resulted in deterioration of their conditions of detention. All of them are confined to tiny cells, without access to daylight and are not allowed to leave the cells. They have no access to clean, potable water but have to drink water from bathrooms inside the cells. These restrictions, as well as limited access to medical care, have caused the spreading of diseases, such as rashes, diarrhea, respiratory infections and fever, especially among children. Furthermore, contact with the outside world is not permitted as no visits or phone calls are allowed. Ten video cameras, directly connected to Bangkok Immigration, have been installed to monitor detainees' activities.</p>	<p>normal practice of the Immigration Bureau at all detention centers. For this particular group, the Thai authorities have paid special attention to the needs of the large number of children and arranged that the medical doctor visit the children on a daily basis between 9 and 12 a.m. Also a physician from a non-governmental organization was allowed to visit during these hours. After seven Laotian Hmongs escaped from the detention centre, with only two of them apprehended to date, immigration officials were compelled to take more stringent security measures. The hunger strike staged by the Laotian Hmongs protesting the congested living conditions began on 15 August and ended on 19 August 2007. Even before the hunger strike occurred, the Immigration Bureau was requesting, and will continue to do so, funds from the Government to expand facilities at IDC. Fully aware of the urgency of the situation the Immigration Bureau is also looking into expanding the facilities in a temporary manner with a third party, which is expected to be completed within the next two months. In the meantime the detainees have been allowed to move around outside the detention rooms during the day. With regard to access to safe drinking water and food from outside, it is important to note, that there have never been any restrictions and that nobody had to drink water from bathrooms as alleged. It should also be stressed that officials from the UN High Commissioner for Refugees' office have regularly visited the group. The Royal Thai</p>

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						<p>Government considers the above-mentioned Laotian Hmongs illegal immigrants, subject to judicial process in accordance with the Thai Immigration Act of 1979 (B.E. 2522). Once these illegal immigrants are arrested, they will be detained in a detention facility of the Immigration Bureau before being repatriated to their countries of origin. This modus operandi is practiced by all countries around the world. However, the Royal Thai Government has treated these illegal immigrants in compliance with humanitarian principles and with international norms under international human rights and humanitarian law, including the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. In addition, although Thailand is not party to the 1951 Refugee Convention, she has principally attempted to observe the non-refoulement principle and has never repatriated people with POC status accorded by UNHCR. It should also be noted that the context and circumstances of illegal migration in Thailand is different from those in other countries, especially in Europe since Thailand is a country of first asylum and faces a large influx of several thousand displaced persons and illegal immigrants who enter the country in search of better economic conditions. Furthermore, Thailand is a developing country with limited financial resources and needs to take into consideration concerns relating to national security when dealing with illegal immigrants. In relation to the case of the Laotian Hmongs in Nong-Khai IDC,</p>

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						the Royal Thai Government has suspended all actions based on humanitarian principles and given the lack of clarity as to the cause for which they have left their country. The Royal Thai Government has recently established a screening mechanism, an internal body to transparently verify the identity and nationality of more than 7000 Laotian Hmong illegal immigrants in Petchaborn Province. This mechanism will also identify the persons with genuine fear of persecution and help to find avenues for further action acceptable to all parties concerned. Thailand has to bear the heavy burden of sheltering illegal migrants for decades. Our responses have always been based on humanitarian considerations. The Royal Thai Government hopes that all parties concerned understand the difficult position faced by Thailand and take appropriate steps in finding a durable solution.
226.		14/08/07	JAL	SUMX; TOR	<b>Yaga Pa-o-mani</b> from Banang Sata in Yala. On 27 June 2007 at 5 a.m., he was arrested at his home by a large group of soldiers who travelled in 10 army vehicles. Two days later, on 29 June, his body was discovered at the Yala Central Hospital. The family was notified by a Bajoh subdistrict administrative officer, who had been contacted by police officers from Banang Sata District Police Station. An autopsy was performed at Raman District Hospital, which found injuries to the back and a bullet wound to the left shoulder, in addition to other wounds. The body was bruised on the chest and the skull was fractured. The forensic	By letter dated 5 September 2007 the Government indicated that the official response on the case will be submitted later and provided the Special Rapporteur with a general clarification of the Royal Thai Government on the Executive Decree on Government Administration in Emergency Situations, which was applicable to the present case. The Government reiterated that the Decree did not limit the rights contained in the International Covenant on Civil and Political Rights, that all safeguards required under international law are guaranteed by national legislation and that torture or cruel, inhuman or

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					scientist from Bangkok testified to the ad-hoc committee to study and investigate violence in the deep south provinces that he was subjected to ill-treatment before he died. A investigating officer at tRaman District Police Station, told the local independent news media that Yaga had been shot and killed in an attack by a group of militants during his transport from military custody into police custody.	degrading treatment are prohibited by the Criminal Code.
227.	Tunisia	16/01/07	JUA	WGAD; TOR	M. <b>Mohammed Mejdi Mechri</b> , 21 ans, étudiant en première année d'informatique, Mlle. <b>Sondes Riahi</b> , lycéenne en sixième année, M. <b>Ahmed Bachkoual</b> , M. <b>Brahim El Ouaer</b> , M. <b>Kamel Hmidi</b> , M. <b>Hichem Hmidi</b> , M. <b>Mohammed Hmidi</b> et M. <b>Zoubaïer Larbi</b> . Le 20 décembre 2006, une escouade de policiers aurait fait irruption au domicile de M. Mohammed Mejdi Mechri à Sejnane à 90 km au nord de Bizerte. Les forces de l'ordre l'auraient enlevé après avoir fouillé son domicile. A ce jour, sa famille ne saurait pas où il est détenu ni s'il a été inculpé d'un crime. La nuit du 30 décembre 2006, les forces de l'ordre auraient arrêté à Solimane les frères Kamel, Hichem et Mohammed Hmidi ainsi que M. Zoubaïer Larbi. A ce jour, leurs familles ne sauraient pas où ils sont détenus, ni s'ils ont été inculpés d'un crime. Le 3 janvier 2007, à Solimane, la Sûreté aurait entre autres arrêté une jeune lycéenne, Mlle. Sondes Riahi, M. Ahmed Bachkoual, et M. Brahim El Ouaer. Ils seraient toujours détenus dans un lieu inconnu.	Par une lettre datée du 07/09/07, le Gouvernement a répondu que MM. Mohamed Majdi Mechergui, Ibrahim El Ouaer et Ahmed Chakoual, font l'objet de poursuites judiciaires pour perpétration d'actes terroristes. Ils ont été placés en garde à vue respectivement le 24 janvier, 29 janvier et 3 février 2007. Ils ont été déférés respectivement le 27 janvier, 31 janvier et 5 février 2007 devant le Ministère public qui a décidé l'ouverture d'informations judiciaires. Après interrogatoires par le Juge d'instruction auprès du Tribunal de première instance de Tunis, ils ont été placés sous mandats de dépôt à la Prison civile d'Elmornaguia. Mlle Sondes Riahi a été déférée, en état de liberté, devant le ministère public qui a décidé l'ouverture d'une information judiciaire pour perpétration d'actes terroristes. L'instruction suit son cours. S'agissant de MM. Kammel Houimdi, Hichem Houimdi, Mohamed Houimdi et Zouheir Larbi, le Gouvernement informe qu'aucune affaire les concernant n'a été enregistrée.
228.		23/01/07	JUA	WGAD; TOR	<b>Mohammed Amine Jaziri</b> , Mme <b>Wissam Aissaoui</b> . Mohammed Amine Jaziri aurait été	Par une lettre datée du 07/09/07, le Gouvernement a répondu que M. Mohamed

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					arrêté le 24 décembre à Sidi Bouzid. Trois jours plus tard son domicile aurait été fouillé par la police, qui aurait utilisé la clé de M. Jaziri pour ouvrir la porte. Mme Wissam Aissaoui aurait été arrêtée le 29 décembre 2006 à Soliman par les forces de sécurité. Depuis, ils seraient détenus dans un lieu inconnu. Les arrestations auraient eu lieu à la suite d'échanges de tirs entre les forces de sécurité et des membres présumés du "Groupe salafiste pour la prédication et le combat", qui serait soupçonné de maintenir des liens avec al Qaeda. Ces événements auraient eu lieu le 23 décembre 2006 au sud de Tunis.	Amine Jaziri a été placé en garde à vue le 22 janvier 2007 en exécution d'une commission rogatoire émise par le Doyen des juges d'instruction et ce, pour perpétration d'actes terroristes (affaire n° 7717). Déféré, le 27 janvier 2007, devant le juge d'instruction chargé de l'affaire, il a été interrogé puis placé sous mandat de dépôt à la prison civile d'Elmornaguia. Quant à Mme Wissam Aissau, le Gouvernement affirme qu'elle a été interrogée puis libérée.
229.		14/05/07	AL	TOR	<b>Mohammed Ben Mohammed</b> , âgé de 30 ans, titulaire d'une maîtrise, gestionnaire financier en Tunisie Télécom, <b>Oualid Ben Mohammed Salah Ben Ahmed Layouni</b> , détenu à la prison civile de Mornaguia dans l'affaire instruite sous le numéro 7790/10, M. <b>Houssine Ben Mohammed Diouri</b> , détenu à la prison civile de Mornaguia dans le cadre de l'affaire instruite sous le numéro 8066 et M. <b>Zied Fakraoui</b> , âgé de 27 ans. Le 20 janvier 2007, Mohammed Ben Mohammed aurait été arrêté par la police. Au bout de 15 jours il aurait été transféré à la prison de Mornaguia, où, le 6 mars 2007, des agents l'auraient frappé à coups de bâtons, de poings et de pieds, lui occasionnant des blessures graves sur le visage près de l'œil. M. Mohammed Ben Mohammed avait déjà été en détention entre le 3 avril 2004 et le 3 juillet 2005, quand il aurait été acquitté en appel. Oualid Ben Mohammed Salah Ben Ahmed Layouni aurait été frappé à la tête à coups de matraques, de pieds et	

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					de bottes par plusieurs agents à la prison de Mornaguia entre 1 et 15 avril 2007, ce qui lui aurait causé des blessures dans le visage et réduit sa vision. Egalement, en résultat du traitement subi, il n'entendrait plus de l'oreille gauche. Houssine Ben Mohammed Diouri aurait été soumis à des mauvais traitements lors de sa garde à vue, ce qui lui aurait causé des blessures à la tête et à l'œil gauche, ainsi qu'une fracture du nez. Il aurait été conduit à plusieurs reprises à l'hôpital Razi pour y recevoir des soins, mais son état continuerait à se dégrader. M. Zied Fakraoui aurait été arrêté le 18 avril 2005 à son domicile situé à Mhamdia par un groupe de 6 policiers en tenue civile. Il aurait été détenu dans le sous-sol du Ministère de l'Intérieur pendant 14 jours avant d'être transféré à la prison de Borj El Amri, où il aurait été déshabillé, ligoté et maltraité par Abderrahmane Gasmî. Du fait de ce traitement, il aurait eu du sang dans l'urine et des traces de brûlures de cigarettes sur le visage. Il n'aurait pas reçu de soins médicaux à ce jour. Lors de son procès, M. Zied aurait décrit les traitements qu'il avait subis, mais le juge Tarek Brahem aurait refusé d'enregistrer au procès verbal les déclarations de la victime.	
230.		27/06/07	JUA	WGAD; TOR	<b>Abdullah Bin Omar al Hajji et Lutfi Ben Swei Lagha</b> , citoyens tunisiens. Le 17 juin 2007, M. Al Hajji et M. Lutfi Ben Swei Lagha auraient été renvoyés en Tunisie depuis la base navale des Etats Unis à Guantanamo. M. Al Hajji serait actuellement détenu à la prison "Mornaguia", près de Tunis, où il aurait fait l'objet de mauvais	

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					traitements et où il aurait été menacé du viol de sa femme et de ses filles. Sous pression, il aurait avoué avoir commis des actes criminels. En 1989, M. Al Hajji avait quitté la Tunisie pour s'installer au Pakistan suite à des persécutions religieuses. En 1992, dans le cadre des procès collectifs contre des personnes soupçonnées d'être des islamistes préparant une conspiration contre l'état tunisien, il avait été condamné par contumace à une peine de 23 ans d'emprisonnement. Ces procès avaient été largement critiqués pour ne pas répondre aux standards internationaux relatifs au procès équitable. M. Lutfi Lagha aurait été détenu à la Base de Guantanamo pendant plus de cinq ans sans jamais avoir eu accès à un avocat. Il serait actuellement détenu dans un endroit inconnu en Tunisie, en attendant que des accusations soient formulées. En dépit du fait que les autorités des Etats-Unis auraient trouvé que M. Lagha ne constituait pas une menace et qu'elles n'auraient pas d'informations relatives à la participation de M. Lagha à des actes terroristes, il n'est pas exclu que l'information fournie par les Etats-Unis soit la base de la détention actuelle de M. Lagha.	
231.		18/07/07	UA	TOR	<b>Sayfallah Ben Omar Ben Hassine</b> , âgé de 42 ans, actuellement détenu à la prison de Mornaguiya à Tunis. M. Ben Hassine aurait fui la Tunisie à la suite d'une vague d'arrestation des militants du mouvement étudiant en 1987. Il aurait été arrêté en Turquie en février 2003 et extradé vers la Tunisie au cours de la même année. Il aurait été condamné par le tribunal militaire de Tunis, juridiction d'exception, à une	

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					peine de 46 années de réclusion criminelle. A la prison de Mornaguyia M. Ben Hassine serait détenu dans des conditions extrêmement difficiles et serai soumis à un régime spécial de détention : il serait reclus dans un cachot de 4 mètres carrés, sans accès à l'eau pour se laver, sans aération et sans lumière naturelle. Il aurait été régulièrement soumis aux mauvais traitements pour avoir protesté contre les conditions de détention, le plus récemment en juin 2007, suite auxquelles il portait des traces de coups dans son visage. Etant donné les mauvaises conditions de détention et les maladies, dont il souffrirait (l'asthme et une infection rénale chronique) il serait très affaibli. Il ne serait pas clair s'il a accès au traitement médical approprié.	
232.	Uganda	19/09/07	AL	TOR	<b>Patrick Kabula, Kahindo Balilie and Bikay Kusimuweri</b> , all of them Congolese refugees/asylum seekers. Together with 38 other persons, they were detained incommunicado from 13 to 17 August 2007. On 17 August, they were transferred to the custody of Kampala magistrate's court, before being remanded to Luzira Prison in Kampala until their court hearing on 23 August 2007, following which they were released on bail. All the detainees have been charged with "conspiracy to commit a felony". While in detention Kahindo Balilie, Patrick Kabula and Bakay Kusimuweri were repeatedly beaten and kicked. They suffered bruising and injuries to their backs. Kahindo Balile suffered internal bleeding after being beaten and kicked, including in the groin, and jumped on. All 41 of the detainees were	

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					held in harsh conditions at the headquarters of the RRU in Kireka, Kampala, squeezed into small rooms and forced to sleep in turns on cement floors covered in water. They received food only three times in five days.	
233.	Ukraine	20/06/07	JUA	HLTH; TOR	<b>Donchu</b> , currently held at Artemovsky SIZO (pre-trial detention centre), Donetsk Region. Mr. Donchu was arrested on 22 June 2005, already in poor health at that time. At present, he is diagnosed with various chest ailments. The ward's medical chief concluded that "at present, patient G.P. Donchu is seriously somatically ill, [...] the forecast regarding G.P. Donchu's health condition is unfavorable given his prolonged detention" and stated that Mr. Donchu "requires treatment and further examination at a specialized (cardiologic) institution". At a recent court hearing, when an ambulance had to be called to treat Mr. Donchu, the treating doctor found that Mr. Donchu "was on the brink of a micro stroke or a micro infarction".	By letter dated 15/08/07, the Government informed that he was arrested on 22 June 2005 on suspicion of the commission of an offence covered by article 364, paragraph 3, of the Criminal Code of Ukraine. On being admitted to the Artemovsk remand centre on 4 July 2005, Mr. Donchu was examined at the centre's medical unit, following which he was referred for treatment for chronic illnesses from which he was found to be suffering. Since 4 July 2005, Mr. Donchu has been in custody at the Artemovsk remand centre of the Ukrainian Criminal Corrections Service in Donetsk province. The following diagnosis was drawn up after his medical examination: "Rheumatism (inactive phase), combined heart valve disease with a stenosis of the aortic isthmus, cardiac decompensation at the 2B stage, hypertension, chronic ciliary tachyarrhythmia accompanied by chronic bronchitis and respiratory failure of degree 1-2." During his custody in the remand centre, the detainee has repeatedly received medical assistance (including, in 2005, specialized treatment in the local health care unit of the Ukrainian Ministry of Health), in accordance with the recommendations of the Ukrainian Ministry of Health, in response to symptoms of rheumatism, combined mitro-aortal insufficiency, relative incompetence of the tricuspid valve,

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						<p>cardiac fibrillation in the tachysystolic phase, cardiac decompensation at the 2A stage and chronic obstructive bronchitis. In addition, on five separate occasions (8 February 2006, 18 October 2006, 4 December 2006, 27 March 2007 and 12 June 2007), Mr. Donchu was examined by specialists from the cardiology division of Artemovsk central district hospital. In order to meet Mr. Donchu's need for inpatient treatment in a specialized hospital unit, on 12 June 2007, he was sent for a consultation at the cardiology division of Artemovsk central district hospital. His examination confirmed the original diagnosis and recommendations were drawn up for his treatment in the medical unit of the remand centre with prescribed medication under the supervision of a doctor. At the current stage, the detainee's health state is consistent with the chronic illnesses from which he has been found to be suffering. He undergoes regular check-ups and when his chronic conditions worsen, he is properly treated with the prescribed medication. On 23 October 2006, the remand centre authorities submitted report No. 9/11575, to the Nikitinsk district court in the city of Horlivka in Donetsk province, which, since 11 October 2006, has been responsible for considering Mr. Donchu's case, confirming that the defendant is suffering from the specified illnesses and reporting on his worsening state of health. In this connection, Mr. Donchu and his legal counsel have applied to the court (twice in 2006 and twice in 2007 - in January and in June) for the measure of restraint applied against him to</p>

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						<p>be replaced by a non-custodial measure. By its decisions of 11 January and 12 June 2007, the court rejected those applications. During the court hearings on 12 and 26 June 2007, emergency medical services were called when Mr. Donchu suffered health crises. When questioned on this matter, a doctor from the emergency medical services (who was called out on 12 June) explained that, following a diagnosis of increased arterial pressure and having reviewed the results of a cardiogram, injections of verapamil and corglycon were administered to the defendant to bring down his blood pressure and heart rate. The doctor also confirmed that Mr. Donchu was in no danger of a heart attack and did not need to be hospitalized, although he did recommend that the court proceedings be deferred. A paramedic with the emergency medical services (who was called out on 26 June), said that Mr. Donchu had complained of discomfort in his chest area and of feeling weak. An examination showed that his cardiogram was within the normal range. In order to alleviate his heart pain and to stimulate cardiac activity, injections of analgin, dimedrol and corglycon were administered. Mr. Donchu's state of health improved and he did not need hospitalization. Mr. Donchu is being treated in accordance with the doctor's recommendations and his state of health is being monitored by specialists from the central district hospital in Artemovsk and the medical unit at the remand centre. At the current time, Mr. Donchu is in sufficient health to be able to participate in the</p>

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						court hearings. Neither Mr. Donchu nor any other persons acting on his behalf have submitted complaints to the procuratorial authorities of Donetsk province; accordingly, there had been no grounds to conduct an investigation. No compensation has been awarded to Mr. Donchu or to members of his family.
234.		21/06/07	AL	TOR	<b>Buchanska Correctional Colony No. 85</b> , at 3 Mirnaya Street, Gostomel, Kyiv region. On 7 June 2007, between 6 and 7 p.m., a special anti-terror unit, consisting of officers wearing masks and special uniforms, was deployed to a high security section of the colony, presumably in response to numerous complaints by the prisoners about poor conditions of detention. For an hour, the officers severely beat up the prisoners held in that section. Later that day, around 8 p.m., 12 prisoners with serious bodily injuries were admitted to the infirmary. The injured prisoners, some of them on stretchers, were taken to the hospital by officers of the special unit.	By letter dated 15/08/2007, the Government informed that pursuant to the Ukrainian Counter-Terrorism Act, six special detachments have been set up under the Ukrainian Criminal Corrections Service, which include an interprovincial detachment reporting to the Criminal Corrections Service for Kiev city and province. The special detachment regulations were ratified by order No. 167 of 10 October 2005 of the Criminal Corrections Service. Under the regulations, the special detachment is a paramilitary formation designed to intercept and prevent both crimes of a terrorist nature within the facilities of the criminal corrections system and activities intended to disrupt the work of the corrections services, to ensure the protection of their staff and to carry out other measures to maintain the necessary conditions for the serving of punishments and the conduct of searches. In accordance with the Service's rules and regulations and pursuant to order No. 94 of 7 June 2007 passed by the chief of the Criminal Corrections Service for Kiev city and province and the duly ratified plan of action, on 8 June 2007 a special detachment was deployed to Buchansk correctional colony No. 85, to provide practical assistance for the conduct of

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						<p>searches and the monitoring of the prisoners' daily routine. Between 6 a.m. and 12.10 p.m. officers from the detachment, working together with employees of the facility itself, conducted searches and technical inspections in the high security section of the colony and in units of rehabilitation section No. 4, and also of the prisoners held in those facilities. Those searches led to the discovery and confiscation of a large quantity of prohibited items: kitchen knives, medical syringes, sharpened metal blades, home-made electrical appliances and playing cards. During the spot searches, no physical coercion was employed against the prisoners. After the conduct of the searches, the relevant reports were drawn up and a drop-in session organized for the prisoners to come and discuss personal matters. No complaints or applications were filed by the prisoners. Following those procedures, a number of complaints were filed with the Office of the Procurator-General by human rights groups from Kharkiv and Sevastopol, the Ukrainian chapter of the International Helsinki Federation for Human Rights, the Public Committee for the Protection of Constitutional Rights and Civil Freedoms, the Kherson Provincial Charity Fund, the International League for the Human Rights of Ukrainian citizens and by a people's deputy in the country's fifth parliamentary session. These complaints alleged that physical force and special measures had been applied by staff of the special detachments against the prisoners, as a result of which many prisoners suffered bodily injuries and some were</p>

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						<p>admitted to hospital for medical treatment. No reports or complaints to this effect were submitted to the law enforcement agencies by the prisoners themselves or by their relatives. Acting on the instructions of the Procurator-General of Ukraine, officials from the Ukrainian procuratorial service undertook to check these allegations, making on-site visits in the company of representatives of human rights organizations, who had the opportunity freely to interview the prisoners. The checks established that, during the procedures described above, no physical force or special measures had been applied, no prisoners had suffered bodily injuries and none had been admitted to hospital for medical treatment. In the light of the findings of this check, the actions taken by officers of the special detachment under the State Corrections Service for Kiev city and province and by the staff of Buchansk correctional colony No. 85 were deemed lawful, a finding which was accepted by the chairman of the board of the International League for the Human Rights of Ukrainian citizens, who also took part in the check. Certain media outlets published distorted information about this exercise. For the purpose of the check, the colony was visited by staff from the Office of the Ukrainian Procurator-General and from the secretariat of the Human Rights Commissioner of the Supreme Council of Ukraine. In his article entitled "Special detachment officers address convicts as Sir", published on 12 June 2007 on the Internet site "Criminal Ukraine", a correspondent from Segodnya newspaper, refuted</p>

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						misleading information about the exercise. Following the various checks, the information published in the media was declared to have been untrue and unsupported by the facts.
235.		13/08/07	UA	TOR	<p><b>Lema Susarov</b>, aged 25, ethnic Chechen, currently detained in Kyiv detention facility No. 13, and a recognized refugee in Azerbaijan in 2006. The Russian Federation called for his extradition on 16 February 2007, on charges of robbery, and he was detained in Ukraine on 20 July 2007. On 27 July the office of the Prosecutor General decided to extradite him. He has been registered as an asylum-seeker in Ukraine with the Kyiv City Migration Service since 8 August 2007. Mr. Lema Susarov's forcible return to the Russian Federation is imminent. With a view to credible reports that Chechen men are at increased risk of torture and ill-treatment, concern is expressed for the physical and mental integrity of Mr. Lema Susarov, should he be forcibly returned to the Russian Federation.</p>	<p>By letter dated 21/09/07, the Government informed that Lema Lechievich Susarov, a Russian citizen, was arrested in Kyiv on 20 July 2007 by railway police officers of Kyiv passenger station on the south-western railway line of the Ukrainian Transport Authority, and, on the decision of the Solomensk district court of 22 July 2007, was sent to remand centre No. 13 of the State Penal Correction Department in Kyiv. Mr. Susarov was arrested as a person for whom the law enforcement agencies of the Russian Federation had issued an international search warrant for having committed an offence under article 162, section 2, of the Criminal Code of the Russian Federation ("Aggravated theft"). According to information provided by the Ukrainian State Committee on Ethnic and Religious Affairs, Lema Susarov, submitted an application for refugee status through his lawyer to the Kyiv Migration Department on 8 August 2007. As required by the Refugees Act, on 23 August 2007, officers from the Kyiv Migration Department interviewed Mr. Susarov at Kyiv remand centre No. 13. On the basis of the consideration of his application and the interview conducted, during which the applicant provided information which requires further investigation, on 28 August 2007, the Migration Department decided to process the documents relating to his application for refugee</p>

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						status (in other words, Mr. Susarov's application form was accepted). In accordance with the Refugees Act, Mr. Susarov was officially registered with the relevant document. The decision as to whether to grant Mr. Susarov refugee status will be taken by the State Committee on Ethnic and Religious Affairs and may be appealed in a court of law. The question of Mr. Susarov's extradition will be taken up only after his application for refugee status has been dealt with. The Ukrainian Security Service in cooperation with the Ministry of Internal Affairs, the Office of the Procurator-General and the State Committee on Ethnic and Religious Affairs has considered the matter of the extradition to the Russian Federation of the Russian citizen, Lema Susarov. For the time being, the case concerning Mr. Susarov's extradition has been suspended pending consideration of his application for refugee status and the complaint concerning the unlawfulness of his extradition. All measures taken by the competent authorities in respect of Mr. Susarov have been in conformity with national and international legislation.
236.		19/10/07	JUA	WGAD; TOR	<b>Igor Koktysh</b> , a 27-year-old rock musician and citizen of Belarus. He was arrested on 25 June 2007 and has since been detained by Ukrainian police forces to await extradition to Belarus on charges of "premeditated, aggravated murder", which carries the death sentence. Mr. Koktysh was first arrested and detained in January 2001 in the city of Baranovici in Belarus on charges of the murder of a friend's relative. While in police	

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					detention awaiting trial for one year, Mr. Koktysh was subjected to beatings and other forms of ill-treatment, such as placing him naked in a freezing cell and depriving him of the medication he needed against his asthma, in order to force him to confess to the murder. On 7 December 2001, the district court of Brest found him not guilty. The decision was confirmed by the Supreme Court of Belarus on 1 February 2002. Following an appeal on 11 April 2002 by the Prosecutor General of Belarus, the case was referred back to the competent court for re-trial. In October 2003, Mr. Koktysh left Belarus, for fear of an unfair trial resulting in a death sentence, and moved to Ukraine. Prior to his arrest, he had been engaged in social activities supporting the youth in Baranovici and organised music festivals. After he had established a Catholic youth organisation, local police urged Mr. Koktysh not to register the organisation and, when he persisted, warned him that they would find a reason to arrest him.	
237.	United Arab Emirates	21/02/07	JUA	WGAD; FRDX; IJL; TOR	<b>Abdullah Sultan Sabihat al-Alili</b> (subject of previously transmitted communications, E/CN.4/2006/6/Add.1, para. 516). He was arrested without warrant by the state security forces (Amn al-Dawla) on 15 February 2007 at his residence. His home was searched and his personal documentation and library confiscated. Since then neither his family nor his lawyer have received any information about his whereabouts or the reason for his arrest. During a previous period of detention, between 8 August 2005 and 25 October 2005, he was held in secret detention	

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					and was never brought before a court. He was interrogated about his political opinions and his criticism related to the state of democracy in the country. He was repeatedly beaten by the state security forces.	
238.		02/05/07	JAL	HLTH; TOR;	<b>Sanad Ali Yislam al-Kazimi</b> , a 37-year-old Yemeni national, detained at the U.S. Naval Base in Guantanamo Bay, Cuba. In early January 2003, he was arrested in Dubai, United Arab Emirates. He was held for eight months and 16 days. For the first two months, he was held in an unknown location in or near Dubai. Thereafter, he was transferred to a location about a two-hour car drive away, believed to be the State Security facility in the vicinity of Dubai Airport. Here he was held for approximately six months before being transferred to United States of America military custody in Afghanistan, despite being told that he was being returned to Yemen. While in detention in Dubai, he was subject to: spatial disorientation, where his eyes and ears were covered, and a black bag covered his head; temporal disorientation by being held in complete darkness with no indication of the time of day; beatings with fists; extreme climate conditions due to frigid and excessive air conditioning; was kept naked for 22 days, sometimes shackled; subject to simulated drowning, where black goggles were placed over his eyes, his arms and legs were tied together then lifted by a machine into a pool of cold water, held under water and then pulled out; he was threatened with rape; his genitals and buttocks were fondled by his captors; and he was regularly	

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					insulted. On or about 16 to 18 August 2003, he was transferred to the custody of United States forces and taken to Kabul, Afghanistan.	
239.		14/06/07	AL	TOR	<b>Anthony Okwuchukwu Okeke</b> , a Nigerian citizen, held at Sharjah Central Jail. On 15 July 2004, already in detention, he was heavily beaten up by a group of criminal investigators from Dubai and Sharjah and resulted in injuries to his chest, neck and eyes. For several weeks following the incident his eyes remained swollen and he coughed blood. He has tried several times to file a complaint about this treatment, but to no avail.	
240.		01/11/07	JUA	IJL; TOR	<b>'Abdullah Sultan al-Subaihat</b> (subject of previously transmitted communications, see above, and E/CN.4/2006/6/Add.1, para. 516). He was held incommunicado for months before he was charged with "obtaining secret information on State security." He appeared before the Federal Supreme Court in Abu Dhabi for the first time on 25 June 2007. Mr. 'Abdullah Sultan al-Subaihat was granted access to a lawyer, however, the court sessions were closed and no family members were allowed to attend the hearings. His application for bail was denied. During the final court session on 10 September 2007 he alleged that he had been ill-treated in detention by members of the state security forces. Mr. 'Abdullah Sultan al-Subaihat reported that he had been beaten with a hosepipe all over his body, deprived of sleep, forced to carry a chair above his head every day for two weeks, and threatened with sexual assault. The Federal Supreme Court did not investigate these allegations. Testimony of	

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					witnesses appearing for the prosecution were the very members of the state security forces who had ill-treated him in detention and was the only evidence presented by the State. On 1 October 2007 Mr. 'Abdullah Sultan al-Subaihat was sentenced to three years' imprisonment. There is no right to appeal. Mr. 'Abdullah Sultan al-Subaihat is currently being detained at Al-Wathba Prison, located 60km outside of Abu Dhabi, where he is allowed to receive family visits once a week.	
241.		07/12/07	AL	TOR	<b>Cherif Haidara</b> , a national of Niger and Mali. He is presently in Dubai Central Prison. He was sentenced to a prison term of three years but has now been in prison for a total of nine years. On several occasions he was beaten with batons and with a hosepipe by guards and police officers. Each beating has left Mr. Haidara with severe injuries and bruises all over his body. Mr. Haidara has been denied access to a doctor or any other medical treatment for several days following the beatings. He has also been hung on the walls of the prison for long periods of time. For instance, in March 2007 he was handcuffed and hung up by his arms so that he was on tiptoes for five hours. On 24 November 2004, the UN Working group on arbitrary detention stated that "the deprivation of liberty of Mr. Cherif Mohammed Haidara since 5 December 2002 is arbitrary as being in contravention of article 9 of the Universal Declaration of Human Rights and falls within category 1 of the applicable categories to the consideration of the cases by the Working Group" (Opinion number 22/2004, United Arab Emirates).	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
242.	United Kingdom of Great Britain and Northern Ireland	08/03/07	JUA	MIG; TOR	<p><b>Armand Marcel Koiman</b>, a Cameroonian national, a former police officer in Loum, and currently held at Oakington detention centre in Cambridge. He is due to be deported on 9 March 2007 at 9 pm. Mr. Koiman was detained in his home country Cameroon between 20 November 2004 and 11 February 2005 based on allegations that he supported the political opposition. He was at first held in solitary confinement in a detention centre in Douala in a very dark cell measuring 1.5 m x 2.0 m. During that time he was frequently forced into uncomfortable positions and severely beaten with rubber whips on his buttocks and soles. After three weeks he was transferred to a disciplinary prison in Edear, where he shared a cell with other inmates. The cell was extremely dirty, light was scarce, he frequently had no access to water, and the little water that he received was of poor quality, as was the food. He was not given food for prolonged periods and not allowed to exercise. During his custody, he had no access to a lawyer and was never produced before a court. As a result of the treatment and the detention conditions, he sustained eye and stomach conditions, and scars mainly on his buttocks and the soles of his feet. He also suffers from depression. In February 2005 Mr. Koiman fled to the United Kingdom, where he asked for asylum on 14 April 2005. His claim, after having been considered by several instances, was finally rejected on 22 February 2007 based on the argument that the medical evidence was not "completely conclusive" and did not constitute</p>	<p>By letter dated 28/10/07, the Government responded that Mr. Koimon claimed to have entered the United Kingdom at Gatwick on 3 April 2005 using a French passport to which he was not entitled. There is no evidence to substantiate this. He sought asylum on 14 April 2005, on which date he was informed of his liability to removal from the United Kingdom as an illegal entrant. His case was accepted into the fast track procedure and, as an integral part of that procedure, he was detained at Harmondsworth. He was interviewed on 22 April 2005 about the basis of his claim. On 25 April 2005 his asylum claim was rejected. The Immigration and Nationality Directorate (IND) accepted that Mr. Koimon had been a policeman in Cameroon at some point but did not accept as true any other aspect of his claim. IND took the view that Mr. Koimon's motives for coming to the United Kingdom were primarily for economic self-betterment. Mr. Koimon's appeal against this decision was heard by an Immigration Judge and dismissed on 4 May 2005. The Immigration Judge, who had the benefit of hearing evidence from Mr. Koimon in person, held that the appellant had not been able to satisfy him that he had suffered persecution for a Convention reason whether of race or imputed political opinion or otherwise. If the appellant were genuinely at risk of a material period of detention in Cameroon it might be possible for him to argue that he would be subjected to treatment violating his rights under Article 3 of the Human Rights Convention. However, the Judge did not believe that Mr.</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					"independent corroborative evidence".	<p>Koimon had been detained and escaped in the manner that he described and he therefore did not believe that he was at further risk of detention. There was no evidence to support the appellant's assertion that he might be at risk of his life if he were to return. Mr. Koimon applied to the Asylum and Immigration Tribunal for a reconsideration of that decision. In rejecting his application a Senior Immigration Judge held that: "The application identifies no error of law on the part of the Immigration Judge. When read as a whole, the determination is a full, fair and properly reasoned one which accurately describes the appellant's account and adequately explains why the claims are dismissed. There is no real possibility that the Tribunal would decide the appeal differently on reconsideration. An appeal would have no prospect of success. " Mr. Koimon refused to cooperate with procedures to obtain a travel document for him and because his return to Cameroon was therefore no longer imminent he was released from detention on 14 July 2005. On 12 December 2006 Mr. Koimon's solicitors made a purported fresh application on his behalf citing an asserted interference with his human rights under Articles 2, 3, 5, 6, 7, 8, and 13 of the ECHR. Those representations were rejected on 22 February 2007. On 23 February 2007 Mr. Koimon was detained under Immigration Service powers and directions were set for his removal to Cameroon on 2 March 2007. These were deferred for administrative reasons on 1 March 2007 and were reset for 9 March 2007. On 5 March 2007,</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>Mr. Koimon's legal representatives lodged an application for judicial review with the Administrative Division of the High Court. Mr. Koimon was released from detention on 9 March 2007 pending the outcome of his application to the Court. With regard to the specific concerns raised by the Special Rapporteur, the Government replied that the standard of proof required in an asylum claim is referred to as "reasonable likelihood". The asylum case worker is guided in this by the published Asylum Policy Instructions (API). The API on Assessing the Claim states: "The decision maker will seldom be able to say with certainty whether or not an applicant will be persecuted if returned to their country of origin. The appropriate test for a decision maker to apply is to consider whether, at the date when they are making their decision, there is a reasonable degree of likelihood of the applicant being persecuted in their country of origin. The courts have said that a "reasonable degree of likelihood" has the same meaning as the term "real risk", which is the test used by decision makers when assessing whether an applicant will be subjected on return to treatment which violates Article 3 of the European Convention on Human Rights. This does not require the decision maker to be satisfied on the balance of probabilities that the applicant is more likely than not to suffer persecution for a Convention reason in their country of origin. Where the objective country evidence, applied to the applicant's case, suggests that there is a continuing reasonable likelihood that the applicant</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>would face persecution in their country of origin, the applicant should normally be granted refugee status. Decision makers should bear in mind that however well-founded an applicant's original/historic reasons for fleeing their country of origin, they are only entitled to a grant of asylum where at the date of decision they continue to have a well-founded fear of persecution for a Convention reason. However, if an applicant has already been subjected to, or threatened with, persecution or serious harm, this could be a serious indication that persecution or harm might happen again. The Government also underlined that, in order to maintain the integrity of the asylum system and to deter unfounded applications it is important that it is able to enforce the return of those who are found not to be genuinely in need of international protection and who have no right to remain in the United Kingdom. It only enforces the return of those it is satisfied were not in need of protection, and the UK would not seek to enforce the return of Mr. Koimon to Cameroon unless it is satisfied it was safe to do so. The rationality of this decision has been confirmed by the independent Asylum and Immigration Tribunal. As with returns to all countries, the Home Office does not actively monitor the treatment of individual Cameroonian nationals once they have been removed from the United Kingdom. Had it been considered that an individual was likely to suffer persecution on his return then he would not be removed. It would generally be inappropriate and impractical for the</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						United Kingdom to actively monitor individual citizens of another country once they return there. It is necessary to take a pragmatic approach, but one that certainly should not be interpreted as disinterest. The Foreign and Commonwealth Office follows the human rights situation through its network of posts around the world, including in Cameroon. It will pass to the Home Office any allegations that returnees have been mistreated, and where appropriate may be asked to make discreet enquiries, often through NGOs or other third parties. Such information will always be taken fully into account as a factor in the formulation of asylum policies and hence in the decision whether it is safe to return an individual.
243.		04/04/07	UA	TOR	<b>Omar Mahmoud Mohammed Othman</b> (also known as <b>Abu Qatada</b> ), a Jordanian national. He is at risk of being forcibly returned to Jordan. This follows the decision on 26 February 2007 by the Special Immigration Appeals Commission (SIAC) to dismiss his appeal against his deportation, on "national security" grounds. He is expected to be transferred to Jordan in accordance with the August 2005 memorandum signed by the UK Government. Home Secretary Reid stated: "We welcome the decision of the Special Immigration Appeals Commission that Mr. Abu Qatada presents a threat to our national security and can be deported. We are also pleased that the court has recognised the value of Memoranda of Understanding. It is our firm belief that these agreements strike the right balance between allowing us to deport individuals who threaten the	By letter dated 10/05/07, the Government replied that its position on torture was clear: it rejects all forms of torture absolutely and without exception, wherever and by whomever it is committed. It works hard with our international partners to eradicate this abhorrent practice and abides strictly by its human rights obligations under international law. On 11 August 2005, the Home Office notified Mr. Othman that it intended to deport him to Jordan. Mr. Othman was entitled to appeal against this decision and he did so. His appeal was heard before the Special Immigration Appeals Commission (SIAC) (an independent Court in the UK) in May 2006. SIAC considered all the written and oral evidence on national security and on Mr. Othman's safety on return to Jordan, and ruled on 26 February 2007 that he presents a threat to the national security of the UK, and

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>security of this country and safeguarding the rights of these individuals on their return. I am very pleased that the court has confirmed this and that this procedure will enable us to meet our international obligations." Article 3 of the Convention against Torture provides that no State party shall expel, return (refouler), or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture. In this regard, paragraph 9 of General Comment 20 on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, in which the Human Rights Committee, states that State parties "must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of extradition, expulsion or refoulement." Furthermore, paragraph 5 of the Resolution 2005/39 of the Commission on Human Rights urges States not to expel, return (refouler), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture. In the Special Rapporteur's report of his mission to Jordan (A/HRC/4/33/Add.3), he concluded that in the General Intelligence Directorate, which is the pre-eminent institution entrusted with counter-terrorism activities in Jordan, torture is routinely practiced. Moreover, with reference to previously transmitted communications (E/CN.4/2006/6/Add.1, para. 518), he reiterated</p>	<p>importantly, that it would be safe to return him to Jordan. The evidence that the Court considered included the Special Rapporteur's report on his mission to Jordan. In a lengthy and considered judgment, the Commission explained how it reached its conclusion. SIAC noted that safety of return of an Individual depends on all the circumstances relating to him, which is a conclusion that the European Court of Human Rights (ECtHR) and SIAC have also reached in various other cases (see the Othman vs Secretary of State judgment by SIAC considering this point of principle). The circumstances relevant to Mr. Othman's case are his profile in Jordan and the significant media interest in any story surrounding him; that he will benefit from assurances in the Memorandum of Understanding (MOU); and that there will be independent monitoring of the conditions under which he is detained in Jordan (these circumstances are outlined further below). The Commission's conclusion was therefore that, notwithstanding the evidence on the conditions of detention by the General Intelligence Directorate (GID), Mr. Othman would be safe on return. The UK is not ignoring its obligations, but vigilantly observing them, and an independent court has found that deportation would be consistent with international obligations because of Mr. Othman's particular circumstances. Mr. Othman is appealing this judgment to the Court of Appeal. Once domestic remedies have been exhausted, Mr. Othman will also have the opportunity to bring a case before the ECtHR. At no stage during</p>

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					<p>that such memoranda of understanding do not provide any additional protection to deportees. They do not relieve the Government of its obligation to respect the principle of non-refoulement under article 3 of the Convention against Torture.</p>	<p>these proceedings will Mr.Othman be deported until his case has been finally determined by the courts. The British Government's priority is to protect public safety and national security. The British Government does not believe that foreign nationals who pose a threat to national security should be allowed to remain in the UK if they face no real risk of torture or other cruel, inhuman or degrading treatment in their country of nationality. In its judgement, SIAC ruled that: "the national security basis for deportation is well proved. There is no evidence that Abu Qatada's views have moderated nor his desire to propagate them. His Control Order did not remove the threat he poses. His deportation would further reduce the risk and remove his presence as an adviser and preacher in this country, making the lives and well being of those resident here safer." The British Government signed an MOU on Deportation with Assurances (DWA) with the Hashemite Kingdom of Jordan on 10 August 2005. The MOU provides for assurances between the two governments that anyone returned under the MOU will not be mistreated or suffer inhuman or degrading treatment. The MOU also provides for a monitoring mechanism for those returned. SIAC found no justification for comments from some NGOs that the UK Government's efforts to negotiate and rely on MOUs are an attempt to evade the UK's international obligations. In addition, SIAC noted that, according to the jurisprudence of the ECtHR, reliance can lawfully be placed on diplomatic assurances; the weight to</p>

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						<p>be given to them depends upon the circumstances of each case. The UK Government will not remove someone where there is a real risk of torture, even where assurances have been given.</p> <p>Arrangements for independent monitoring provide an additional layer of protection. The UK is providing training to support the bodies appointed in respect of the MOU agreed to date, including in Jordan, and is also working on human rights capacity building more generally. The UK Government acknowledges that SIAC also concluded that torture does take place in Jordan within the GID. However, SIAC also concluded that the fact that the MOU had been accepted at a high level, and that the GID had been involved in negotiations at a high level, meant that the GID would not ignore the MOU. Mr. Othman has been convicted in absentia by the Jordanian courts on two charges, and will be retried should he return to Jordan. SIAC's view was that there was no real risk that Mr. Othman's Article 3 ECHR rights would be breached in the period up to the conclusion of a retrial. SIAC also took the view that, regardless of the MOU, Mr. Othman's return and subsequent treatment would be a matter of intense local and international media interest and scrutiny. If he were to be tortured or ill-treated, there would probably be a considerable outcry in Jordan, regardless of the MOU. SIAC concluded that the existence of the MOU and the monitoring arrangements significantly reinforced the conclusion that there would be no real risk of ill-treatment. The Government also noted the report</p>

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						of the Special Rapporteur's mission to Jordan in June 2006 and its content which was also considered by SIAC in reaching its conclusion. The visit took place at the invitation of the Jordanian Government. A Jordanian spokesman said on 29 June 2006 that Jordan will "carefully examine and seriously look into every allegation made". We also note that the Al-Jafr Prison, mentioned in your report as a place where beatings were "routinely practiced", was subsequently closed by the Jordanian Government in December 2006. The UK Government continues to work with the Government of Jordan to support improvements in the human rights situation in Jordan.
244.		19/07/07	JUA	WGAD; RINT; TOR	Ms. <b>Samar Hoseyn Razavi</b> , a 30 year-old Iranian national, who is currently detained at an immigration removal centre near Heathrow airport, London. She is at risk of imminent forcible return to Iran following the failure of her asylum application. Ms. Razavi converted from Islam to Christianity before leaving Iran, and claims that she is the subject of a death warrant for apostasy in her home country. According to verdict no. 96/19/181 of the Iranian Islamic Revolutionary Court no. 19, confirmed by case no. 1296 of the Judiciary High Constitutional Court, she is an apostate who deserves to be stoned to death. At the most recent Court of Appeal hearing on 17 May 2007, the Lord Justices found that Ms. Razavi's case did not reach the threshold of being at a real risk of persecution on return to the Islamic Republic of Iran and dismissed her	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					appeal. On 21 May 2007, the Islamic Revolutionary Court no. 9 declared its verdict to be enforceable within ten days.	
245.		09/08/07	UA	TOR	<b>Palanivelautham Pathmanathan</b> , aged 27, and <b>Ratnasingam Suthakaran</b> , aged 29, both ethnic Tamils from Sri Lanka. They are scheduled to be returned to Sri Lanka at 2.25 p.m. from Heathrow airport on 9 August 2007, despite credible reports that the current situation in Sri Lanka is characterised by wide-spread torture, killings and disappearances, in particular vis-a-vis Tamils.	By letter dated 11 October 2007, the Government replied that, Mr. Palanivelauthan Pathmanathan claimed to have entered the UK illegally on 20 April 1997. He claimed asylum on 28 April 1997. He was initially not interviewed about his claim on account of his being a minor. His asylum claim was refused on 28 November 2001, the decision being served on him on 3 January 2002. He appealed against this decision. A supplementary refusal letter containing a human rights consideration was served on him 27 June 2002. His appeal was dismissed by an independent immigration Adjudicator on 27 June 2003. The Adjudicator did not find Mr. Pathmanathan's account at all credible and did not accept that he was of an adverse interest to the Sri Lankan authorities. He accepted that Mr. Pathmanathan had been compelled to work for the LTTE for a month but on his release there was no further interest in him. The Adjudicator did not accept that Mr. Pathmanathan had been tortured. Whereas he had claimed that the Sri Lankan authorities had broken his arm with iron bars and that he had treated this most serious and painful injury himself with cream supplied by the agent rather than seek professional medical help even after his arrival in the UK. This account was simply not believed. His application for permission to appeal to the Tribunal was refused on 25 August 2003 and he had exhausted all available avenues of appeal on

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						<p>18 September 2003. On 7 August 2006 his solicitors made a purported fresh application for asylum on Mr. Pathmananthan's behalf. This was treated as further representations and rejected on 4 July 2007. His return to Sri Lanka was set for 11 July 2007, but was deferred by his solicitors making an application to the High Court of Justice for permission to apply for a judicial review of the decision to remove him from the UK. That application was rejected by the High Court on 24 July 2007 as being entirely without merit and the judge directed that renewal of the application should not be a bar to removal. Mr. Pathmananthan's removal was reset for 9 August 2007, but he refused to board the aircraft and became so disruptive that the aircraft's crew refused to take him. He will be returned to Sri Lanka under escort. Mr. Ratnasingham Suthakaran arrived in the UK at Dover on 6 November 1999, without documents, and claimed asylum. His application for asylum was refused on 5 July 2004 and his appeal was dismissed on 16 December 2004. The Adjudicator made adverse findings on his credibility. At his appeal Mr. Suthakaran produced a medical diagnosis document, which stated he had symptoms of suffering from reactive depression, and which he claimed was proof that he needed medical care after being ill-treated by the Sri Lankan army. On the sole basis that the authenticity of that document had not been challenged the Adjudicator found that there was a reasonable likelihood that Mr. Suthakaran had on one</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>occasion been detained by the army and tortured but that he had been released without further interest and that there was no connection with the LTTE. Mr. Suthakaran's application for permission to appeal to the Asylum and Immigration Tribunal was refused on 14 March 2005. He exhausted all available avenues of appeal on 13 April 2005. Since then his solicitors have made a series of purported fresh asylum claims on his behalf, all of which have been rejected. On 14 June 2006 his solicitors lodged an application in the High Court for permission to apply for judicial review of the rejection of Mr. Suthakaran's third purported fresh asylum claim, which was refused by the Court as being wholly without merit on 11 October 2006. An oral hearing set for 16 February 2007 was adjourned after the solicitors lodged a considerable quantity of what was said to be fresh material. The application was rejected at an oral hearing on 11 June 2007. On 28 June 2007 he made further submissions which were rejected on 12 July 2007. Removal directions in place for 13 July 2007 were deferred when his solicitors made another application for permission to apply for judicial review, which was refused on 31 July 2007. Removal was set for 3 August 2007, but Mr. Suthakaran became disruptive on board the aircraft and the airline removed him from the flight. Mr. Suthakaran was removed to Sri Lanka, under escort, on 9 August. As with returns to all countries, the Home Office does not actively monitor the treatment of individual Sri Lankan nationals once they have been removed from the</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						UK: Had it been considered that an individual was likely to suffer persecution on his return, then he would not have been removed. It would generally be inappropriate and impractical for the UK to actively monitor individual citizens of another country once they return there. It is necessary to take a pragmatic approach, but one that certainly should not be interpreted as disinterest. The Foreign and Commonwealth Office follows the human rights situation through its network of posts around the world, including Sri Lanka. It will pass to the Home Office any allegations that returnees have been mistreated, and where appropriate may be asked to make discreet enquiries, often through NGOs or other third parties. Such information will always be taken fully into account as a factor in the formulation of asylum policies and hence in the decision whether it is safe to return an individual.
246.		28/09/07	JUA	TOR; VAW	<b>Shayikeetha Manivasagam</b> , a 24-year-old a Sri Lankan national of Tamil ethnicity. She is currently detained at Yarl's Wood detention centre near Bedford, and is at risk of removal to Sri Lanka on Monday, 1 October 2007. Between April 2000 and April 2007, she was tortured by the security forces for her alleged support for the LTTE. She suffered beatings, sexual assault and was threatened with death. Within the same period, she was also forced into providing assistance to LTTE activities, such as working in a LTTE-run hospital and collecting food. She fled Sri Lanka for the United Kingdom on 22 April 2007. Concern has been expressed that Ms. Shayikeetha	

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					Manivasagam may be at risk of torture or ill-treatment at the hands of the Sri Lankan security forces upon return. She may further be at risk of being abducted and extra-judicially killed by the LTTE for refusing to continue supporting them.	
247.		20/11/07	JUA	WGAD; TOR	<b>Jahongir Sidikov</b> , a 27 year-old Uzbek citizen of Zangiain district of the Tashkent province, currently residing in London. He requested asylum in the United Kingdom, and his deportation is scheduled for 21 November 2007 and tickets have already been purchased in his name. The report of the Special Rapporteur on torture's visit to Uzbekistan (E/CN.4/2003/68/Add.2) stated that "torture or similar ill-treatment is systematic as defined by the Committee against Torture [and that] torture and other forms of ill-treatment appear to be used indiscriminately against persons charged for activities qualified as serious crimes such as acts against State interests, as well as petty criminals and others." Mr. Sidikov entered the United Kingdom on a student visa in September 1999. He is a member of the Uzbek opposition Democratic Party (ERK). During his stay in the United Kingdom he became the co-organiser of a demonstration in memory of the victims of Andijan incident on 13 May 2006 near the office of the Prime Minister of the United Kingdom. This demonstration was recorded on video by representatives of the embassy of Uzbekistan in the United Kingdom. Mr. Sidikov can also be seen on the footage. His relatives have reported that law enforcement authorities summoned the neighbours of Mr. Sidikov for	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					questioning in Uzbekistan. During the meeting they were asked to identify Mr. Sidikov on the video footage.	
248.	United States of America	18/12/06	JAL	TERR; TOR	<b>Organization of secret transfers of terrorist suspects by the United States European Command (EUCOM)</b> headquarters, Stuttgart-Vaihingen. EUCOM played a central role in the secret transfer of six suspected terrorists to Guantanamo Bay, Cuba. EUCOM organized from Germany the abduction of six prisoners of Algerian origin, namely <b>Bensayah Belkacem, Hadj Boudellaa, Saber Lahmar, Mustafa Ait Idir, Boumediene Lakhdar and Mohamed Nechle</b> , from Tuzla, Bosnia and Herzegovina to Incirlik, Turkey in January 2002. From there they were flown to Guantanamo Bay, Cuba, where they continue to be detained without charges. On 17 January 2002, the investigative judge of the Supreme Court of the Federation of Bosnia and Herzegovina issued a decision terminating the applicants' pre-trial detention on the grounds that there were no further reasons or circumstances upon which pre-trial detention could be ordered. Furthermore, the Human Rights Chamber for Bosnia and Herzegovina, in its decision of 11 October 2002, concluded that the hand-over of the six individuals to the U.S. authorities was in violation of a number of provisions of the European Convention of Human Rights and Fundamental Freedoms (ECHR), including article 5 (para. 1) and article 6 (para.2) and also article 1 of Protocol No. 6 to the ECHR.	
249.		01/05/07	JAL	HLTH;	<b>Sanad Ali Yislam al-Kazimi</b> , a 37-year-old	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
				TOR;	<p>Yemeni national, detained at the U.S. Naval Base in Guantanamo Bay, Cuba. In early January 2003, he was arrested in Dubai, United Arab Emirates. He was held for eight months and 16 days. For the first two months, he was held in an unknown location in or near Dubai. Thereafter, he was transferred to a location about a two-hour car drive away, believed to be the State Security facility in the vicinity of Dubai Airport. Here he was held for approximately six months before being transferred to United States of America military custody in Afghanistan, despite being told that he was being returned to Yemen. While in detention in Dubai, he was subject to: spatial disorientation, where his eyes and ears were covered, and a black bag covered his head; temporal disorientation by being held in complete darkness with no indication of the time of day; beatings with fists; extreme climate conditions due to frigid and excessive air conditioning; was kept naked for 22 days, sometimes shackled; subject to simulated drowning, where black goggles were placed over his eyes, his arms and legs were tied together then lifted by a machine into a pool of cold water, held under water and then pulled out; he was threatened with rape; his genitals and buttocks were fondled by his captors; and he was regularly insulted. On or about 16 to 18 August 2003, he was transferred to the custody of United States forces and taken to Kabul, Afghanistan. He was held in the "Prison of Darkness" (also known as the Dark Prison) for nine months. He stated that the worst treatment he has experienced since his</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>capture occurred in this prison. He suffered severe physical and psychological torture by Jordanian interrogators, who were supervised by U.S. personnel. It is reported that the torture was so extreme, going beyond the methods described above, that it prompted Mr. Al-Kazimi to attempt suicide three times by striking his head against the cell wall. As a result he sustained large visible scars on his scalp. Among other things, he was suspended with his arms above his head and beaten with electrical cables. On or about 16 May 2004, he was transferred to Bagram, where he was held in U.S. custody for four months, and where he was tortured in a manner similar to that in the Prison of Darkness. On or about 18 September 2004, he was transferred to Guantanamo Bay, Cuba, where he is currently detained. On the evening of 14 January 2007, it is reported that Mr. Al-Kazimi was "IRF'ed" (the acronym for beating given by Initial Reaction Force team – used to subdue prisoners and deal with discipline issues). While he was using the toilet in his cell, he covered his lower body with a blanket, a common and accepted practice at Guantanamo. On this evening, two guards, one female and one male, ordered him to remove the blanket that was covering his lower body. Not wanting to expose himself to a female, Mr. Al-Kazimi refused. The IRF team was then summoned. It arrived in full riot gear, bunched together behind a large plastic shield, marching in formation, and stomping and chanting loudly. They marched into the cell and piled on top of him</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>to secure his arms and legs and hold his head down. Mr. Al-Kazimi did not resist. He was punched, kicked, and otherwise beaten by the IRF team who used their shield, fists, elbows, knees, and boots on his face, neck, arms, torso, and back. He sustained multiple bruises on face, neck, arms, and torso, severe swelling in face and neck associated with the bruising, pain and soreness in his joints and muscles, and a painful headache. Two military officers (not doctors) took Mr. Al-Kazimi's blood pressure on the morning of 15 January 2007. He continues to suffer psychological trauma, inability/unwillingness to discuss details of treatment/torture, has attempted suicide, fears reprisals and continued abuse, and finds himself talking to himself on a regular basis. Mr. Al-Kazimi suffers from chronic constipation, hemorrhoids, and blood in his feces since his detention in the Prison of Darkness. He attributes this to his torture and abuse there as well as currently receiving a diet that is low in fiber (which he believes exacerbates his condition). <b>Fahd Muhammed Abdullah Al-Fawzan</b>, a 24-year-old a Saudi national, detained at the U.S. Naval Base in Guantanamo Bay, Cuba. He was apprehended between October and December 2001 by Pakistani tribesmen who turned him over to the Pakistani military. He was interrogated by Pakistani military, transferred to U.S. military custody shortly thereafter in Kohat, Pakistan, and then transferred to Kandahar, Afghanistan, where he was held for two months. In detention he reports that unidentified U.S. officials threatened</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>him with firearms, strangled him with wires, and shocked him with electricity. In early 2002, he was transferred to Guantanamo Bay, Cuba, where he is currently detained. While in Guantanamo he reports that he suffered severe abuse and torture in the course of over 20 interrogations which were carried out during his first three years' of imprisonment. Mr. Al-Fawzan reports that interrogators focused on groups of ten prisoners at a time for two-month periods. He no longer actively participates during interrogations and consequently U.S. personnel rarely interrogate him. Among the abuse he was subjected to: coffee, water and disinfectant were sprayed on him; interrogators flicked their cigarette ashes on him; his genitals and buttocks were fondled and groped by female interrogators; was forced to watch simulated sex acts between soldiers; interrogators would offer him sex with women to entice him to speak; was subjected to loud music and strobe lights for long periods of time meant to disturb sleep and concentration; was subdued with pepper spray; and frightened and intimidated by the use of dogs. He was subjected to simulated drowning, where interrogators would put a hose to his mouth and nose and then turn the water flow on full. One interrogator would hold Mr. Al-Fawzan's mouth open by grabbing the tender part of the jaw while other soldiers would pin him to the ground. The hose would then be turned on full and left on for approximately ten seconds. The interrogators would then spray him with cold water from the hose before repeating the process again.</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>Further, he received beatings from six-person Initial Reaction Force (“IRF”) teams during interrogations. The IRF team would pile up on Mr. Al-Fawzan with their plastic shields, pin down his arms and legs and beat him with their fists and feet. It is reported that since the detainees were arrested, they were tortured for purposes of intimidation, coercion to extract information, and punishment (i.e. “IRFing”) for not complying with demands by U.S. personnel. It is reported that prisoners at Guantanamo routinely refuse to ask for medical treatment due to a fear that treatment will be withheld, or that knowledge of their medical condition by interrogators will be exacerbated during interrogations. Likewise, they refused medical treatment. Mr. Al-Kazimi was allowed to call his wife once and with his own cell phone during his imprisonment at the UAE state security headquarters. He was told to act as if everything was normal. Mr. Al-Kazimi was not permitted to see a lawyer, relatives, or friends before his transfer to Guantanamo Bay. He has not seen any member of his family since his arrest in early 2003. Mr. Al-Fawzan has not seen any member of his family since his departure for Afghanistan in October 2001. His family only become aware of his imprisonment nearly two years after his capture and could only confirm it from photographs of Guantanamo Bay prisoners posted on the Internet. At Guantanamo, the detainees’ lawyers have visited them five times: July 2006, September 2006, November 2006, January 2007, and March, 2007.</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
250.		01/06/07	JUA	WGAD; MIG; TOR	<p><b>Sameh Sami Khouzam</b>, aged 37, an Egyptian national, currently detained in York County Prison, Pennsylvania. He is at imminent risk of forcible return to Egypt. He arrived from Egypt at John F. Kennedy Airport on 11 February 1998, where he applied for asylum. Wanted on a murder charge in Egypt, he was taken into custody upon his arrival. On 24 February 2004, a review of the decision of removal by the Board of Immigration Appeals by the 2nd Circuit Court of Appeals granted him relief from removal under the Convention Against Torture. The Court found that there was a substantial likelihood that he would be tortured if returned to Egypt. On 6 February 2006, the United States District Court for the District of New Jersey granted a petition for habeas corpus, and ordered his release from detention, subject to monthly reporting to the Department of Homeland Security. On 29 May 2007, he was detained when he appeared for his monthly appointment. He was informed that diplomatic assurances had been received from the Government of Egypt on 24 January 2007. The assurances were sufficient to ensure that he could be removed without any danger of torture upon his return. The Secretary of the Department of Homeland Security was thereby revoking the deferral of his removal.</p>	<p>By letter dated 3/07/07 the Government replied that Mr. Khouzam arrived in the United States on 11 February 1998 and was denied admission because the U.S. Department of State had cancelled his non-immigrant visa while he was en route to New York after the Government of Egypt notified the U.S. Embassy in Cairo that Mr. Khouzam was suspected of committing the brutal murder of Ms. Hekmat Zaki Mohammend Youssef just hours before leaving Egypt. U.S. immigration laws allow inadmissible aliens to pursue certain forms of relief and protection from removal. Mr. Khouzam has been afforded a full and fair opportunity to do so. Among these safeguards is protection based on regulations that implement U.S. obligations under Article 3 of the UN Convention Against Torture, under which the United States has agreed not to remove a person from the United States to a country in which it is more likely than not that the person would be tortured. The U.S. Court of Appeals for the Second Circuit, in a decision published on 24 February 2004, upheld a Board of Immigration Appeals (BIA) decision finding Mr. Khouzam removable from the U.S., but granting him a deferral of removal to Egypt on the basis that it would be more likely than not that he would be tortured there, in that same 2004 opinion, based on credible evidence, the court of appeals also upheld a BIA finding that there are serious reasons to believe that Mr. Khouzam murdered Ms. Youssef. Pursuant to regulatory procedures that implement U.S. obligations under the</p>

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						<p>Convention Against Torture (CAT) in the immigration context, the U.S. Department of State engaged in discussions and other communications with the Government of Egypt concerning the treatment that Mr. Khouzam would receive if he were removed to that country, in the course of these classified diplomatic communication, the Government of Egypt provided formal written assurances to the United States Government that Mr. Khouzam will not be tortured if he is removed to Egypt. The United States does not agree with the non-binding opinion of the Human Rights Committee that Article 7 of the ICCPR creates a non-refoulement obligation on States Parties, not does it share the view that diplomatic assurances are never reliable or effective in protecting against torture. At the same time, the United States does not believe that diplomatic assurances are appropriate in every case or that they would serve as a substitute for a case-by-case analysis of whether U.S. obligations under Article 3 of the CAT would be met. As the U.S. has previously explained, including when it appeared before the Committee Against Torture in May 2006, the U.S. employs properly tailored diplomatic assurances from foreign governments related to torture in appropriate cases. After careful review, the Department of State determined and formally conveyed its view to the Department of Homeland Security that the assurances received from the Government of Egypt regarding the treatment of Mr. Khouzam were of sufficient reliability to enable the Secretary</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>of Homeland Security to conclude that if Mr. Khouzam were removed to Egypt with these assurances, it would not be more likely than not that he would be tortured. In evaluating the credibility of assurances of this nature, the U.S. Government considers, among other relevant information, information concerning the judicial and penal conditions and practices of the country providing assurances; political and legal developments in the country providing the assurances, the identity and position of the official relaying the assurances and the ability of that person to speak on behalf of that government; and U.S. diplomatic relations with the country providing the assurances. In this case, the Department of Homeland Security agreed with the Department of State's assessment and concluded that the assurances were sufficiently reliable to permit Mr. Khouzam's removal to Egypt. The Secretary of Homeland Security thereby terminated his deferral of removal. Mr. Khouzam, who had been released with monitoring, was retaken into custody by the Department of Homeland Security on 29 May 2007 for the purpose of effecting his removal to Egypt. Mr. Khouzam challenged the U.S. Government's actions by means of a federal court litigation in both the U.S. Court of Appeals for the Second Circuit and the U.S. District Court for the Middle District of Pennsylvania. On 15 June 2007, Federal District Court Judge ruled to grant Mr. Khouzam a hearing on the question of whether the may be lawfully removed to Egypt to face trial</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						for murder. The court further ordered that Mr. Khouzam not be returned to Egypt pending the conclusion of the case.
251.		25/06/07	UA	TOR	<b>Abdul Ra'ouf Omar Mohammed Abu al-Qassim</b> , aged 42, Libyan national, currently detained at Guantanamo Bay. He was arrested in late 2001 or early 2002 in Pakistan and soon after transferred to Guantanamo Bay, where he has been in detention ever since without charge or trial. He is accused of being associated with the Libyan Islamic Fighting Group (LIFG), an unauthorized opposition group. He is at imminent risk of being deported to Libya.	
252.		27/06/07	UA	TOR	<b>Abdullah Bin Omar al-Hajji and Lutfi Ben Swei Lagha</b> , both Tunisian nationals. On 17 June 2007, they were returned to Tunisia from the United States Naval Station in Guantanamo Bay. Mr. Al-Hajji is currently being held in Mornaguia Prison, outside Tunis, where he has been subjected to ill-treatment and threats, e.g. that his wife and daughters would be raped. Under pressure he confessed. In 1989 Mr. Al Hajji had left Tunisia for Pakistan because of religious persecution. In 1992, Mr. Al Hajji was convicted in absentia and sentenced to 23 years of imprisonment as part of mass trials of Islamists accused of plotting against the Government of Tunisia. These trials were widely criticized as not conforming to international fair trial standards. Mr. Lutfi Lagha had been detained at Guantanamo Bay for over five years without any access to a lawyer. He is currently held at an unknown place of detention in Tunisia presumably pending criminal charges for his	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
253.		13/08/07	UA	TOR	<p>alleged conduct in Afghanistan.</p> <p><b>Ahmed Belbacha</b>, an Algerian national and former resident of the United Kingdom. He has spent more than five years in detention at Guantanamo without charge or trial. Mr. Belbacha was to be deported from Guantanamo Bay to Algeria on 6 August 2007, but the transfer has been delayed for an unspecified period. He previously lived in the UK, applying for asylum on the grounds that in Algeria he faced persecution by both the government and an armed opposition group.</p>	
254.		24/08/07	JUA	FRDX; HLTH; TOR	<p><b>Samil al-Haj</b>, a Sudanese cameraman who worked for Al-Jazeera and who has been detained in Guantanamo since June 2002. Samil Al-Haj was arrested by Pakistani security forces at the Afghan border in December 2001 and transferred to Guantanamo Bay in June 2002, where he has remained in detention ever since. Mr. Al-Haj began a hunger strike in December 2006 to protest against his detention. According to his lawyer, he has already lost 18 kilograms and is suffering from intestinal problems. It is alleged that Mr. Al-Haj's hunger strike has been followed by reprisals from medical and military personnel, including punishment by placing him in more painful chains. It is also reported that he was force-fed. Medical personnel have inflicted injuries on Mr. Al-Haj and other detainees on hunger strike by using large-diameter tubes or by inserting them into the lungs rather than the stomach. Four prisoners have died since June 2006 as a result of hunger-strikes and force-</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					feeding. According to reports, the mental condition of Mr. Samil Al-Haj has deteriorated and he exhibits signs of anxiety and paranoia attacks. At present, no charges have been brought against Mr. Al-Haj.	
255.		Follow-up to past cases			<b>135 African American men</b> (A/HRC/4/33/Add.1, para. 321).	By letter dated 14/08/07, the Government replied that from 2002 through July 2006, allegations of physical abuse at Areas 2 and 3 of the Chicago Police Headquarters were investigated by an independent Special Prosecutor appointed by the Chief Judge of the Criminal Division of the Circuit Court of Cook County. The Special Prosecutor assembled a team of attorneys and investigators to assist him in the on-going investigation of the approximately 150 allegations of abuse. After an exhaustive and independent inquiry, the Special Prosecutor presented his report on 19 July 2006. The report concluded that only three of the 150 cases presented credible allegations that would support indictment of a handful of police officers. Therefore, the United States respectfully posits that the statement that 135 African American men were abused is not correct. The three cases identified by the Special Prosecutor as rising to the level of potential indictment involved complainants Phillip Adkins, Alfonso Pinex and Andrew Wilson. The specific forms of alleged abuse identified by the Special Rapporteur are also not fully supported by the factual record. Neither Phillip Adkins nor Alfonso Pinex alleged the types of physical abuse identified in the Special Rapporteur's letter. The Special Rapporteur's letter identifies 68 persons who have

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>allegedly been accused of abuse. A number of police officers are the subject of allegations of misconduct involving citizens, many of which are found to be not sustained or unfounded. Not all of the individuals identified have had allegations of torture made against them. We would like to note that investigator Michael Goldston's report from 1990, which the Special Rapporteur refers to, was found to be unreliable and methodologically unsound by the Police Foundation (a private independent organization that works to improve American policing and enhance the capacity of the criminal justice system to function effectively). Mr. Goldston did not interview any complainants, police officers or witnesses to allegations of abuse during his investigation, but simply reviewed old records, many of which were previously not sustained by the Office of Professional Standards (OPS) investigator who actually interviewed the individuals. (The OPS is an all-citizen investigatory force employed by the City of Chicago since the 1970s that investigates any and all complaints of physical abuse by Chicago police officers. The Special Rapporteur notes that the City of Chicago suspended a commander and instituted formal disciplinary hearings before the Police Board resulting in his separation from the Chicago Police Department in 1993. Two former detectives were also alleged to have been involved in the abuse of Andrew Wilson. The Police Board recommended discipline against them, but its findings were ultimately overturned on appeal to the Circuit Court of Cook County.</p>

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						<p>The letter is also correct in asserting that Dr. John Raba of Cermak Health Services at the Cook County Jail requested that the then-Superintendent of the Chicago Police Department investigate the allegations of abuse made by Andrew Wilson. The letter fails to mention that a complaint register investigation was opened by OPS with respect to Andrew Wilson, but it was closed in 1985 and found to be not sustained based on Andrew Wilson's unwillingness to cooperate with OPS. Dr. Raba's letter was forwarded to the former State Attorney and action was taken. The letter was provided to the head of the Special Prosecutions Unit of the Cook County State's Attorney's office with the specific responsibility to investigate allegations of misconduct by the Chicago police officers. Dr. Raba's letter was also forwarded to the Assistant State's Attorney who prosecuted Andrew Wilson. As he did with OPS, Andrew Wilson refused to cooperate with the Special Prosecutions Unit of the Cook County State's Attorney's office. The U.S. Department of Justice currently has the matter open and is reviewing the Special Prosecutor's report and will review any additional information regarding the mistreatment of persons by those who are acting under the color of law. There are several pending civil suits in the U.S. District Court for the Northern District of Illinois arising from allegations of physical abuse at Area 2. Those cases include Madison Hebley v. Burge et al., 03 C 3678, Aaron Patterson v. Burge et al., 03 C 4433, Stanley Howard v. City et al., 03 C</p>

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						<p>8481, Leroy Orange v. Burge et al., 04 C 168, and Darrel Cannon v. Burge et al., 05 C 2192. As stated above, in the three cases the Special Prosecutor found to support an indictment, he also found that prosecution of the officers in these three cases is barred by the statute of limitations. The Illinois statute of limitations bars initiating prosecution of felonies more than three years after the commission of the crime. Thus no offenses alleged to have been committed by police officers under the command of the above commander can be prosecuted. The investigation of the commander by the Civil Rights Section of the U.S. Department of Justice was closed as of December 2001 because of the statute of limitations. The case of Shadeed Mumin and the case of Andrew Wilson were reopened by the Department of Justice, and on 18 May 1993 prosecution was again declined because of the statute of limitations. The UN Committee Against Torture has called upon some States Parties to remove statutes of limitations for the crime of torture. In February 2007, Illinois passed a new law relating to the issue of statutes of limitations in regard to police mistreatment of prisoners. Public Law 094-1113 (the Illinois Civil Rights Act of 2006) states that "if the compelling of a confession or information by imminent bodily harm or threat of imminent bodily harm results in whole or in part in a criminal prosecution of the plaintiff, the 2-year period set out in this Section shall be tolled during the time in which the plaintiff is incarcerated, or until criminal prosecution has been finally</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>adjudicated in favour of the above referred plaintiff, which ever is later.” The law, which will go into effect on 1 January 2008 will also provide enhanced civil remedies for victims and boost the penalty for authorities convicted of inflicting bodily or great bodily harm (or threatening such har) to obtain a confession. The statement that 24 individuals are currently serving prison terms on the basis of confessions that may have been obtained by torture or ill-treatment is incorrect. None of the individuals identified by the Special Rapporteur were found by the Special Prosecutor to have made credible allegations supporting an indictment of any Chicago police officer, and many of the identified individuals, allegations were found by the Special Prosecutor to be unreliable, not credible, inconsistent or otherwise uncorroborated. Further, the defendant’s confessions were not necessary for the convictions obtained. For example, with respect to Reginald Mahaffey, the U.S. Court of Appeals for the Seventh Circuit stated that, “even disregarding Mahaffey’s confession, the state presented powerful evidence at trial of his guilt.” Similarly, Leonard Hinton is incarcerated upon substantial evidence other than his confession; the Seventh Circuit concluded that “the trial court would have convicted (Hinton) even if the confession were not introduced at trial due to the wealth of other corroborating evidence that the State produced which established Hinton’s guilt beyond a reasonable doubt.” We also note that Andrew Wilson’s conviction was likewise obtained without</p>

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						<p>the use of the confession he provided to detectives at Area 2. Over the past two decades the U.S. Department of Justice has opened and closed several cases relating to this matter. As previously stated, the U.S. Department of Justice currently has the matter open for review but cannot release any further details about its investigation. The U.S. would like to emphasize that its law continues to provide strict rules regarding the exclusion of coerced statements and the inadmissibility of illegally obtained evidence in criminal trials. The Fifth Amendment to the U.S. Constitution not only bars the government from calling the defendant as a witness at his trial, but also from taking statements from the accused against the accused's will. If a defendant confesses, he may seek to exclude the confession from trial by alleging that it was involuntary. The court will conduct a factual inquiry into the circumstances surrounding the confession to determine if law enforcement officers acted in a way to pressure or coerce the defendant into confessing and, if so, whether the defendant lacked a capacity to resist pressure. See <i>Colorado v. Connelly</i>, 479 U.S: 157 (198). Physical coercion will render a confession involuntary. See <i>Brown v. Mississippi</i>, 297 U.S. 278 (1936). In addition, the laws of the State of Illinois and the United States provide opportunities for the identified individuals to challenge their convictions. Among other things, the Illinois Post-Conviction Hearing Act, 725 ILCS 5/1-122 et seq., is available to all of the identified individuals. Thirteen of the individuals have</p>

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						<p>availed themselves of the opportunities provided to make their allegations under the Post-Conviction Hearing Act. After exhausting state court remedies, these individuals have the additional opportunity to seek a writ of habeas corpus in the federal district court. All pending post-conviction matters involving allegations of abuse at Area 2 are being handled and responded to by the Attorney General of the State of Illinois. The identified individuals could also request executive clemency from the Governor of the State of Illinois.</p>
256.						<p>By letter dated 17/04/07 the Government provided the following information in response to an oral request by the Special Rapporteur concerning Guantanamo Bay: The total number of detainees up to April 2007 was approximately 785. About 390 detainees have been released or transferred. They have generally been returned to the country of their nationality or residence with the exception of nine detainees who were accepted by the Government of Albania. Included in the list of countries to which detainees have returned are: Afghanistan, Australia, Bangladesh, Bahrain, Belgium, Denmark, Egypt, France, Great Britain, Iran, Iraq, Jordan, Kuwait, Libya, Maldives, Morocco, Pakistan, Russia, Saudi Arabia, Spain, Sweden, Sudan, Tajikistan, Turkey, Uganda, United Kingdom and Yemen. In April 2007, three detainees (Mr. Hicks, Mr. Khadr and Mr. Hamdan) had had charges sworn against them. Mr. Hicks has pleaded guilty to material support for terrorism and was sentenced to seven years' imprisonment,</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						all but nine months suspended, which he will serve in Australia. Mr. Khadr and Mr. Hadam's charges are with the Convening Authority, who will decide whether to refer any or all charges to trial by military commission. About 385 persons were being held in Guantanamo Bay. Of these, 25 detainees had been determined eligible for transfer or release but were difficult to repatriate. Included in this group were detainees from China, Sudan, Somalia and Uzbekistan.
257.	Uzbekistan	23/01/07	JAL	HRD; TOR	<b>Ihtiyor Hamroev</b> , a member of the Human Rights Society of Uzbekistan (HRSU). On 26 December 2006, Mr. Ihtiyor Hamroev, while in detention at Prison 64/78, Chikurgan village, Zafarabad district, Djizak region, complained of stomach pains related to an ulcer and asked the prison guard on duty to call a doctor. The head of the prison was made aware of his condition. The following day, on 27 December 2006, Mr. Ihtiyor Hamroev was handcuffed and severely beaten by prison guards. He was also repeatedly kicked in the stomach, and subsequently dragged across the floor by the hair. He was then transferred to an isolation unit for 24 hours. Mr. Ihtiyor Hamroev's health deteriorated considerably after the incident and he was transferred to Zafarabad district hospital. He was arrested on 25 September 2006, and sentenced to three years in prison on charges of "hooliganism". Since his arrest, prison guards at Prison 64/78, have attempted to provoke Mr. Ihtiyor Hamroev into violating disciplinary regulations in order to prevent him from being released under the amnesty declared by the	By letter dated 6/02/07, the Government informed that the claims that on 26 December 2006, I. Khamraev reported stomach pains, and the camp personnel failed to provide him with the necessary medical attention, beat him instead, and the following day placed him in a punishment cell for 24 hours, are unfounded. In order to check these claims, personnel of the relevant law enforcement agencies of Uzbekistan visited the camp where I. Khamraev is being held on 5 January 2007, and talked to persons who are serving sentences in the camp. It emerged from the conversations that the prisoners being held in the camp have been provided with all necessary facilities for work, housing and medical treatment. Camp personnel deal with the prisoners in accordance with the legislation in force, and do not exceed their authority. The prisoners categorically denied that camp personnel beat them or exerted any pressure on them. An interview was also held with the prisoner I. Khamraev, during which it was established that he did indeed suffer acute gastritis in 2006, because of which he underwent

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Senate on 30 November 2006.	<p>treatment on several occasions at the Zafarabad district hospital in Djizak oblast. After I. Khamraev's condition worsened, he was sent for treatment to the above-mentioned hospital on the orders of the head of the camp. In addition, he was taken to the central oblast hospital, where he underwent some tests. He was then prescribed the necessary medicines, which he received. On 5 January 2007 a full medical examination of I. Khamraev was carried out in the surgery department of the Djizak section of the Scientific Centre for Emergency First Aid. As a result it was established that I. Khamraev is suffering from "Catarrhal/erosive gastritis of the gastric antrum", and he was given the necessary medical treatment. No indications were found of other disorders, or traces of any bodily injuries. When the findings of the medical examination of I. Khamraev were examined, no mention was found of any bodily harm. However, there are references to signs of stomach and intestinal disorders. Currently I. Khamraev is undergoing a course of treatment in the camp's medical unit. In addition, I. Khamraev himself stated that he is in good condition, and has no grievances against the camp personnel. I. Khamraev's cell-mate stated that when he felt unwell one night, a doctor was called, who placed him in the medical unit. He added that other prisoners had not heard of a single incident of beating of prisoners by the camp personnel. As a result of the checks it was clear that the claims set out in the complaint are unfounded and bear no relation to reality.</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
258.		02/02/07	JUA	WGAD; IJL; TOR	<p><b>Sanjar Umarov</b> (subject of a previously transmitted communication, E/CN.4/2006/6/Add.1, para. 539). Mr. Umarov's case is also pending before the Human Rights Committee with a request for interim measures of protection. He was convicted in March 2006 of a number of offences including fraud, embezzlement and membership in a criminal organization. On appeal Mr. Umarov's sentence was reduced from ten and a half years to seven years and eight months. He has been detained incommunicado since July 2006 when he was last allowed a visit by his son. On this occasion Mr. Umarov specifically requested to meet with his attorney. Numerous other attempts by his counsel to gain access to him were denied by the head of prison, stating that it is the prison inmate who has to file a request for a meeting with counsel. The attorneys of Mr. Umarov's choice are not the two identified as his defence counsel in the Government's reply dated 29 November 2005. Several attempts by members of his family to see him in prison since July 2006 were met with official denials for the reason that Mr. Umarov has been placed in solitary confinement for 15 days. Each time this period expired his family was notified that Mr. Umarov has been subjected to solitary confinement again for 15 days. Questions about his state of health were met with the standard reply as being "satisfactory". Beginning 22 October 2006 Mr. Umarov was placed under solitary confinement for a period of three months for inappropriate behaviour in prison. Although</p>	<p>By letter dated 21/02/07, the Government informed that since 23 May 2006 until the present, the convict Sanjar Umarov has been held in prison Uya 64/47 in Kyzyl-tepa in Navoi province. In accordance with the law in force and the regulations of the Central Penal Correction Department of the Ministry of Internal Affairs of Uzbekistan, the administration of the aforementioned institution has repeatedly taken disciplinary measures against Mr. Umarov by placing him in a punishment cell for violating the prison's custodial system. However, Mr. Umarov was never once subjected to solitary confinement in the punishment cell (the regulations of the Central Penal Correction Department of the Ministry of Internal Affairs do not provide for solitary confinement). He was always with other inmates who were also being subjected to disciplinary measures for violating the prison's custodial system. An investigation conducted by the Navoi procurator's office relating to the supervision of the observance of laws in places of deprivation of liberty found that the disciplinary measures taken against Mr. Umarov were justified. During the time that Mr. Umarov was serving his sentence, his lawyers requested to meet with Mr. Umarov on 26 June, 11 July and 20 July 2006, respectively. However, in accordance with Mr. Umarov's own handwritten statement, all of the lawyers were denied a meeting with the convict. At the same time, it should be pointed out that, during his imprisonment in the aforementioned institution, Mr. Umarov was</p>

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					<p>this period expired on 23 January 2007 his family members were refused a visit on this day. Prison officials informed his family that he has been subjected to solitary confinement for another 15 days beginning 18 January 2007. Various letters addressed to the office of the General Procurator by Mr. Umarov's family with respect to denials of family visits and access to counsel have so far remained without reply.</p>	<p>allowed two meetings: on 27 June 2006, he met briefly with his son, and, on 4 July 2006, he had a long meeting with his son and sister. In addition, on 7 July 2006 and 30 September 2006, Mr. Umarov received two parcels. On a number of occasions, when his son requested the institution to allow him to meet with the Mr. Umarov, the meetings did not take place because he had been subjected to the disciplinary measure of being placed in a punishment cell for violating the prison's custodial system. It should be pointed out that, according to the medical report on Mr. Umarov (which was signed by members of the medical commission consisting of the chief physician, therapist, duty doctor, and psychiatrist), his health was satisfactory at the time of his transfer to the aforementioned institution, and he has not complained about his general state of health or prison conditions.</p>
259.		09/03/07	JUA	IJL; TOR	<p><b>Erkin Musaev</b>, an Uzbek national and a UNDP local staff member in Uzbekistan (UNDP Country Manager, Border Management Programme Central Asia). Mr. Musaev was arrested by the Uzbek National Security Service on 31 January 2006, when he was on his way to attend a UN Conference in Bishkek, Kyrgyzstan in his capacity as a UN staff member. His family was not informed about his whereabouts for 20 days. He was not allowed to see a lawyer of his choice. During detention he was subjected to various forms of pressure, including threats by the interrogators who tried to force him to sign a confession. He was also subjected to beatings by</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>fellow inmates at the instigation of the interrogators. Furthermore he was beaten on his chest three nights in a row, which resulted in pain in the inner organs. He was put on a bed with his hands tied up and hit him on his heels, and he was unable to walk for several days. He was also subjected to a method called "Northern Aurora", which means hitting somebody hard on his head for a prolonged period. The beatings and other ill-treatment resulted in a broken jaw. First aid was provided by other inmates. On 13 June 2006, following a secret and flawed trial, Mr. Erkin Musaev was found guilty of high treason (article 157 of the Uzbek Criminal Code), disclosure of state secrets (article 162), abuse of office (article 301) and negligence (article 302) and sentenced to 15 years of imprisonment by the Uzbek military court in Tashkent. The verdict reads that the information that he provided was utilised by unfriendly forces in order to organize the disturbances in Andijan in May 2005. It took the presiding judge four hours to read the 72-page verdict. No family and no independent observers were allowed to be present at the trial. On 14 June 2006, a second trial against Mr. Erkin Musaev commenced. This time he was accused of embezzlement of UN funds. The presumed purpose of the second trial was that, in accordance with Uzbek law, a second sentence would make it impossible to ever get amnesty for the first sentence. Mr. Erkin Musaev was sentenced to six years' imprisonment. A related UNDP-statement, dated 4 July 2006, read: "...</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					UNDP conducted its internal investigation on the matter and found no basis for the accusations ...".	
260.		13/04/07	JUA	TOR; VAW, HRD	<p>Ms. <b>Mutabar Tadjibaeva</b>, Chairwoman of the human rights organization Plammenoe Serdtse, Ardent Hearts Club, based in Ferghana City. On 6 March 2006, Ms. Tadjibaeva was sentenced to eight years in prison. She is currently being detained at Tashkent Prison. Ms. Tadjibaeva spent seven months in solitary confinement and was held in a psychiatric unit for mentally ill and drug-addicted persons, located in a women's detention centre in the Mirabad district of Tashkent. Ms. Tadjibaeva's health is deteriorating as a result of the conditions in which she is being held and is in need of urgent medical attention. It is reported that she has lost approximately 20 kilograms in weight and is suffering from a kidney-related illness caused by cold and low blood pressure. Ms. Tadjibaeva was last seen by her family on 9 January 2007 despite numerous attempts by relatives to visit her at the detention centre in order to bring her medication and food. According to reports, members of Ms. Tadjibaeva's family, including her brother and daughter, have been subjected to harassment and intimidation. On 22 December 2006, Mr. Tadjibaev was evicted from his apartment and is under constant surveillance by the authorities. He has also received a warning that if he continues to object to the detention of his sister it will be difficult for him to continue to work and he will be forced to leave Tashkent. She was also warned that if she would then travel to Tashkent again (to</p>	<p>By letter dated 26/04/07, the Government informed that according to article 27 of the Constitution, everyone shall be entitled to protection against encroachments on his honour, dignity, and interference in his private life, and shall be guaranteed immunity of domicile. No one may enter a dwelling place, carry out a search or an examination. Besides the State shall safeguard the rights and freedoms of citizens proclaimed by the Constitution and laws of Uzbekistan. Everyone shall be entitled to judicial defence of his rights and freedoms, and shall have the right to appeal unlawful actions of state bodies, officials and public associations. In accordance with the Law "On citizens' applications", citizens have the right to appeal to competent bodies in order to protect legitimate rights and interests, and also to restore infringed rights. Criminal and administrative legislations of Uzbekistan make provisions for relevant punishment against unreasonable refusal in consideration of an application, infringement of term of consideration of an application without a valid excuse, adoption of a decision contradicting the law and consequently causing essential harm to rights, or interests of citizens protected by law. Besides the Authorized Person of the Oliy Majlis for human rights (Ombudsman) considers complaints and applications about violations of rights and freedoms of citizens and takes measures on their restoration. The judicial and non-judicial institutions on protection of human</p>

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					see her mother) she will be killed. Ms. Akramova has been followed by individuals believed to be law enforcement agents.	rights and freedoms are established and successfully function in Uzbekistan, and which facilitate timely reaction to citizens' applications and adoption of decisions upon issues raised. Despite this, some citizens, pretending to be victims of alleged violations by state bodies, refuse to submit applications to such institutions and instead target the attraction of attention of international human rights or other organizations to themselves. Thus, they pursue a political purpose to cause a wave of criticism against Uzbekistan. In this regard the Special Procedures mechanisms are advised to inform their sources of allegations on violations, and consequently Ms. Tadjibayeva, to appeal to competent bodies of Uzbekistan to restore her rights provided that alleged violations indeed have taken place.
261.		24/05/07	JUA	WGAD; RINT; TOR	<b>Mirkarim Saitkarimov</b> , a 28-year-old student of the Tashkent Culinary College. He is currently detained in the high security prison in Andijan "SI-1" since December 2006. The prison administration, including the head colonel and some guards, together with another prisoner regularly subject religious believers to ill-treatment. On 31 May 1999, Mirkarim Saitkarimov's house was searched and he was arrested by ten National Security Service (NSS) and transferred to the Tashkent City Department of Internal Affairs. While Mr. Saitkarimov was held there, he was subjected to ill-treatment in order to force him to confess. On 14 August 1999 Mr. Saitkarimov was sentenced to 15 years of imprisonment by the Tashkent Criminal Regional	By letter dated 12/06/07, the Government informed that the Yangiyul Municipal Court in Tashkent oblast declared him guilty of the crimes provided for under article 159, paragraph 3 (a), "Crime against the constitutional order of the Republic of Uzbekistan", and article 244-1, paragraph 3 (a), "Preparation or distribution of material containing threats to public order and security", of the Criminal Code of the Republic of Uzbekistan, and sentenced him to 15 years' deprivation of liberty under article 59 of the Criminal Code. The term of sentence began on 1 June 1999 and will end on 1 June 2014. In accordance with a decision taken on 16 November 2006 by Zangiata District Court in Tashkent oblast, M. Seitkarimov was transferred

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					<p>Court on the basis of this confession for being a Hisb-ut-Tahrir member. The Appeal Board of Tashkent Regional court upheld the verdict. Since then Mr. Saitkarimov has served his sentence in a series of prisons, initially Prison Colony No. 64/49 in Karshi town, where the deputy head of the colony struck him every day on the soles of his feet, raped him by inserting a baton in his anus, electro shocked him and forced him to stay outside naked during winter time. In 2001 Mr. Saitkarimov was transferred to Colony No. 64/61 of Karshi town, in 2003 he was transferred to Colony 64/3 in Tavaksai village of Tashkent Region. In both facilities he was subjected to ill-treatment by prison officials. In March 2005, he was transferred to Colony 64/65 in Zangiata not far from Tashkent, where he was regularly ill-treated by fellow-prisoners from Zhaslyk Colony (No. 64/71) with the participation of the deputy head of the colony.</p>	<p>for one year of the unfinished part of his sentence to a prison regime, since, under article 112 of the Penal Correction Code, entitled "Serious violator of the prison regime", he is a serious violator of the prison regime. At present, M. Seitkarimov is serving his sentence in prison colony No. 64/T-1 in the city of Andijon in Andijon oblast. No illegal acts were carried out by the administration of the penal institution against M. Seitkarimov when he arrived at prison colony No. 64/T-1. Furthermore, every person who enters the penal institution undergoes a full medical examination, including checks of whether his or her body bears any traces of torture or other forms of cruel treatment. No traces of torture or any other forms of cruel treatment were found on M. Seitkarimov when he arrived at prison colony No. 64/T-1 to serve his sentence. The conditions under which sentences are served in the institutions of the Uzbekistan Ministry of Internal Affairs penal correction system conform rigorously with the established rules for the internal regulation of penal institutions, Ministry of Internal Affairs regulations and the relevant legislation of Uzbekistan. The allegations transmitted in the joint letter of the Special Rapporteurs are without foundation and bear no relation to reality. It should also be mentioned that the convicted offender M. Seitkarimov has not complained to the prison administration about the use of illegal forms of treatment against him by employees of the institution or other prisoners. No foundation for the allegations that the convicted offender M. Seitkarimov is subject to severe</p>

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						torture and illegal forms of treatment was found during investigation. In prison colonies No. 64/49, No. 64/61, No. 64/3 and No. 64/65, where the convicted offender M. Seitkarimov had previously been held, the information on the use of moral and psychological pressure, torture or other illegal acts by the administration against M. Seitkarimov was not substantiated. In addition, religious rituals are respected in penal institutions in compliance with article 12 of the Penal Correction Code, "Ensuring the freedom of conscience of convicted persons": convicted persons are guaranteed the right to freedom of conscience. They are entitled to follow any religion, or none at all.
262.		09/07/07	JUA	IJL; TOR	<b>Muminov Otabek</b> , aged 34. An alleged Hisb ut Tahrir member, he fled from Uzbekistan to Kazakhstan in 2001 and later to Kyrgyzstan. He was detained in Osh on 28 November 2006 and, on 1 June 2007, extradited to Uzbekistan. He is currently being held in the detention facility of the National Security Services (SNB) in Tashkent. He has been denied access to an independent lawyer.	By letter dated 6/08/07, the Government informed that, an ardent supporter of the religious extremist organization Hizb-ut-Tahrir since 1998, he was engaged in the preparation and distribution of the organization's religious extremist literature but fled his place of residence after his associates were arrested. In April 2002, the investigation department of the Uzbekistan National Security Service opened criminal proceedings against him under articles 159 (Attacks on the constitutional order) and 244-2 (Establishing, leading or participating in religious extremist, separatist, fundamentalist or other prohibited organizations) of the Criminal Code of Uzbekistan and placed him on their list of wanted persons. It has been established that, from 2001, Mr. Muminov continued his extremist activities in the Kazakh province of South Kazakhstan. In 2004, he entered the Kyrgyz province of Osh on a fake

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>Kyrgyz passport. Mr. Muminov occupied one of the top positions in the Hizb ut Tahrir hierarchy and was responsible for preparing and reproducing the religious extremist organization's anti-constitutional literature. While carrying out these subversive activities, Mr. Muminov was taken into custody in November 2006 by the Kyrgyzstan law enforcement agencies and, in accordance with the Minsk Convention on Judicial Assistance and Legal Relations in Civil, Family and Criminal Cases of 22 January 1993, was extradited to Uzbekistan for investigation in the context of the criminal proceedings against him. Pursuant to article 46 of the Code of Criminal Procedure of Uzbekistan, Mr. Muminov was provided with a lawyer. No requests for additional legal counsel or complaints have been received from either the accused or his representatives.</p>
263.		10/07/07	JUA	HRD; TOR; VAW	<p><b>Mutabar Tadjibayeva</b> (subject of a previously transmitted communication, see above). Ms Tadjibaeva is being ill-treated by prison wardens whilst in detention in Tashkent Prison, and this ill-treatment is having adverse effects on her health. She is frequently being humiliated and threatened with acts of violence against her daughter. She is also placed in solitary confinement, and has been denied access to medical treatment which she urgently requires. In addition, she has been denied her visitation rights, and delegates from the International Committee of the Red Cross have been prevented from seeing her.</p>	<p>By letter dated 14/08/07, the Government informed that recently some mass media and foreign non-governmental organizations disseminate false reports as if "Ms. Mutabar Tajibayeva's health has deteriorated". According to the decision of the Court, she was found guilty of committing such crimes as blackmail, robbery, embezzlement through appropriation and misapplication, fraud, evasion from tax payments, violation of trade rules and land tenure conditions, functional forgery, arbitrariness, distribution of materials containing threat to public safety and order. On 6 March 2007, she was convicted and sentenced to eight years' imprisonment with deprivation of the right to take up any</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>administrative and financially liable position within three years. Since 7 July 2006, Ms. Tajibayeva is serving a sentence in the colony of general regime. She has a right for health protection, including medical care outlined in the Criminal Executive Code. For the term of sentence she has had so far, she contacted the medical unit of the colony, where she was provided with the necessary treatment in the outpatient setting and twice underwent inpatient treatment. According to the medical examination, findings made on 11 August 2007, the health condition of Ms. Tajibayeva is satisfactory and she is able to work. During serving the punishment sentence, Ms. Tajibayeva in accordance with article 9 of the Criminal Executive Code carried out on four occasions short and long-lasting meetings with her relatives: on 19 July 2006, a short meeting with her nephew; on 10 August 2006, long-lasting meeting of three days with her sister; on 9 January 2007, short meeting with her daughter; and on 10 August 2007, short meeting with her brother. In accordance with a written request, she was visited by her lawyer on 13 July 2006. Afterwards, Ms. Tajibayeva did not make another request. She regularly receives parcels and packets from relatives (six times), the last time being on 28 June 2007. She also exchanges correspondence with relatives (34 times received and 46 times sent). The above-mentioned facts show that misinformation disseminated by some mass media and NGOs is based on unchecked information, and bears a tendentious nature. It is</p>

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						obvious that such actions are aimed at damaging the image of Uzbekistan in the international arena.
264.		24/07/07	JUA	IJL; TOR	<p><b>Akhadov Gafur Gulamovich; Aliyev Dzhamshid Amriyevich; Usupov Azam Rakhimbayevich; Ekubov Rofe Nazhmiyevich; Ibodullayev Azam Hikmatullayevich; Dadamirzayev Ibrokhim Akhmadzhanovich; Batyrov Ilkhom Rakhmanovich; Gaphurov Sobir Uktamovich</b> and <b>several witnesses interrogated in connection with their criminal case</b>, all resident in the Urgutsk region of Samarkand oblast. On 29 April 2006, the Samarkand oblast department of internal affairs arrested the above persons, initiating criminal charges against them. In order to obtain confessions to support their case, several employees of the oblast department of internal affairs severely beat the arrested persons and several witnesses, including close relatives of those arrested, including women and children, some of them only 14-years-old. They also subjected them to electric shocks. More specifically, policemen beat the heels of Gafur Akhadov with a baton, sent electric shocks through parts of his body and drove needles under his nails. Mr. Akhadov fainted several times during the treatment. A forensic medical examination recorded that the injuries and bruises on his body and under his eyes, noticeable even after six months after the interrogation, resulted from "falling off a mulberry tree". Police also beat Mr. Aliyev with a baton on his heels and all over his body and subjected him to electroshock. The forensic medical examination indicates that the</p>	<p>By letter dated 28/08/07, the Government informed that it has been established that a pretrial investigation in the criminal case concerning the aforementioned persons was conducted by the investigative units of the Samarkand province internal affairs department. On 1 May 2006, Gafur Akhadov, Jamshid Aliev and Azam Yusupov were detained under article 221 (Grounds for detention) of the Code of Criminal Procedure of Uzbekistan and were remanded in custody as a preventive measure. According to the report of 1 May 2006 by service officers and duty officers at the holding facility of the Samarkand internal affairs department, on the day of their arrest, abrasions were noted on the arms and legs of Mr. Akhadov, Mr. Aliev and Mr. Yusupov, and they were requested to explain how they had sustained those injuries. Mr. Akhadov explained that he had sustained his injuries on 30 April 2006 when he had fallen from a mulberry tree. Mr. Aliev explained that he had sustained his injuries when, out of carelessness, he had slipped off the roof of a shop where, on 29 April 2006, he had been repairing a broken power line. Mr. Yusupov explained that he had sustained his injuries on 28 April 2006 when holidaying in the mountains. As a preventive measure, Rofe Ekubov, Azam Ibodullaev, Ibrokhim Dadamirzaev, Ilkhom Batirov and Sobir Gafurov were asked to sign a pledge of good conduct. The investigation into the case was conducted in accordance with</p>

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					<p>injuries and bruises on his body were "the results of falling from the roof". When he refused to sign a confession, the police officer threatened to throw him out of the third story window of the Department on Internal Affairs and register his death as suicide "during an effort to escape". Mr. Usupov was equally subjected to beatings, resulting from which his feet and his body were covered with bruises. The forensic medical examination indicated that "the bruises on the body of the defendant resulted from falling from a hill". Mr. Usupov also shows clear signs of trauma resulting from the treatment. The persons were charged under articles 159 (Encroachment on the constitutional status of the Republic of Uzbekistan), 244-1 (Production and distribution of materials against public security and public order), 242 (Organizing a criminal association), 165 (Extortion), 189 (Violation of trading and servicing rules), 190 (Practicing business without a license), 209 (Official forgery) of the Criminal Code because of alleged association with Hizb-ut-Tahrir. The eight men were not allowed to consult with the attorneys their parents had hired and were given access to state appointed attorneys only on 1 May 2006. Among the 40 witnesses interrogated in connection with the above case, 28 were subjected to beatings and ill-treatment during their interrogations. Some of the women were stripped naked or forced to sit in their underwear in the presence of a large number of men. Several witnesses were forced to sign statements that they will refrain from filing official</p>	<p>the provisions of Uzbek legislation governing criminal procedure and with respect for the rights of the accused, including their right to a defence. In accordance with article 50 (Engagement of defence counsel) of the Code of Criminal Procedure, the defence counsel is engaged by suspects, the accused, defendants, their legal representatives and other persons at the request or with the consent of the suspect, accused or defendant. At the request of the suspect, accused or defendant, the defence counsel's participation in the case is ensured by the person conducting the initial inquiry, the investigator, the procurator or the court. During the investigation into the criminal case, the accused were represented by lawyers according to arrangements made with their relatives. The proceedings and investigations in which the accused participated were conducted in the presence of the aforementioned lawyers. In addition, on several occasions the lawyers met with the accused in private while they were being held in custody.</p>

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					complaints and threatened with more violence should they file any.	
265.		24/08/07	JUA	WGAD; IJL; TOR	<p><b>J. N. T.</b>, a 16-year-old student and resident of Djavgashti village, Tashkent region. He is currently detained at UYA-64/IZ-1 in Tashkent. He was arrested by the police on 2 April 2007 and taken into custody in accordance with the order of the prosecutor of Yukori-Chirchik district on 6 April 2007. At about 7.30 p.m. on 2 April, two men in civilian clothes and seven policemen beat him on different parts of his body with clubs, fists and plastic bottles. One of the men beat him with a rubber club on his heels and pushed him to the floor. As a result of this treatment, which went on until 3 a.m. the next morning, J.N.T. confessed to having committed the homicide he was accused of. No defence lawyer was present, although the presence of one is registered in the record. On the morning of 3 April 2007, J.N.T. was told by the police post's chief that he should plead guilty when he will be presented to the prosecutor: However, J.N.T. withdrew his confession. The police chief reminded him that "last night's work would continue" and urged him again to confess his guilt. When he was interrogated for the second time on 4 April 2007, a defence lawyer was present, but she remained passive. Further she did not react react or complain about J.N.T.'s injuries (bruises, inability to walk), which were confirmed by medical personnel who examined him on 4 April. The police explained his injuries as being sustained in a fall. On 4 April 2007, J.N.T.'s grandmother was appointed his legal</p>	<p>By letter dated 8/10/07, the Government informed that on 2 April 2007 J.N.T. was taken into custody in connection with a murder and handed over to the internal affairs office of Yuqori-Chirchiq district of Tashkent province. From the moment that he was handed over, J.N.T. was ensured the services of a lawyer, in accordance with the rules on the procedure for upholding the right to defence, signed on 21 August 2003 by the Central Investigations Office of the Ministry of Internal Affairs and the Bar Association of the Republic of Uzbekistan. She represented J.N.T.'s interests throughout the pretrial investigation. During the pretrial investigation, no reports or complaints were submitted by the defence of unlawful acts by employees of the internal affairs office of Yuqori-Chirchiq district of Tashkent province. On 3 April 2007, J.N.T. was charged under article 97, part 2, paragraph (g), of the Criminal Code of the Republic of Uzbekistan and remand in custody was ordered as the measure of restraint against him. On 4 April 2007, during his questioning in the presence of his lawyer and his legal representative, J.N.T. confessed to the offence that he had committed and described his actions in detail. On 12 April 2007, J.N.T. complained of headaches and received medical attention from staff of the emergency medical service. In addition, arrangements were made for J.N.T. to be visited by his grandmother. On 29 July 2007, on the basis of the materials gathered during the</p>

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					<p>representative, yet in apparent violation of Article 121 of Criminal Code, she was never allowed to be present during her grandson's interrogations. She did not sign the interrogation records, although she had repeatedly gone to the police department. The investigator ignored the fact that J.N.T.'s mother tongue is Kazakh and that he is unable to read Uzbek. Petitions were filed with the prosecutor of Tashkent region and the General Prosecutor. A complaint was filed with the office of internal affairs of Tashkent region. However, there have been no reactions to date.</p>	<p>pretrial investigation, J.N.T. was charged under article 169, part 1, and article 97, part 2, paragraphs (g) and (n), of the Criminal Code of the Republic of Uzbekistan and the investigation was closed that same day. Over the periods from 29 June and 10 July 2007, the defendant J.N.T., his lawyer and his legal representative were familiarized with the materials of the criminal case against him. On 13 July 2007, the indictment was transmitted to the Tashkent provincial court for its consideration. The court, having comprehensively studied and analysed the materials of the criminal case against J.N.T., found him guilty of the commission of an offence under articles 97, part 2, paragraph (o) and 169, part 1, and, on 14 September 2007, sentenced him to 7 years and 11 months' deprivation of liberty, his sentence to be served in a young offenders' institution. In addition, J.N.T.'s guilt was proved during the investigation by fingerprint tests, biological and trace evidence analysis and forensic studies. The reports received by the Special Rapporteur alleging that the investigative authorities disregarded the fact that J.N.T. does not know Uzbek because he is an ethnic Kazakh are unfounded. A teacher of Uzbek language confirmed that J.N.T. spoke and understood Uzbek well. She also confirmed that, on 3 April 2007, she had been present during J.N.T.'s questioning and that no unlawful actions had been taken against J.N.T. by officers of the internal affairs office of Yuqori-Chirchiq district of Tashkent province. During the investigation, no instances</p>

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						came to light of the use of unlawful interrogation methods or of torture by staff of the internal affairs office of Yuqori-Chirchiq district.
266.		02/10/07	JUA	WGAD; HRD; TOR	<b>Sobir Tulaganov</b> , director of the Tashkent branch of the Human Rights Society of Uzbekistan (HRSU). On 19 September 2007, he went to the criminal court of the Yuzunabad district in order to obtain information pertaining to slander charges that were filed against him on 13 April 2007. Mr. Tulaganov was denied access to this information and was arrested upon the orders of the judge presiding over the case. Since his arrest he has been held in incommunicado detention and his current whereabouts are unknown.	
267.		15/10/07	JUA	WGAD; HRD; TOR	<b>Hurram Berdiev</b> , a member of Mazlum, a non-governmental human rights organization. On 15 August 2007, he went to the department of internal affairs in the Kumkurgan district of Surhandaria oblast, in order to obtain permission to travel to Turkmenistan in September 2007. When he did not return, his relative contacted the department of internal affairs and was informed that he had been arrested for hooliganism, administratively sentenced to 15 days in prison, and was being held in Djarkurgan District Police Station. This information was not confirmed by Djarkurgan Police Station and the whereabouts of Mr. Hurram Berdiev are currently unknown. On 20 August and 4 September 2007, a relative attempted to report Mr. Berdiev's case to the regional police station in Termez but the request was declined on both occasions without any reasons given.	

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268.		10/12/07	JUA	HRD; TOR	<b>Ihtiyor Hamroev</b> (subject of a previously transmitted communication, see above). On 30 November 2007, Mr. Bahtiyor Hamroev, Mr. Ihtiyor Hamroev's father and also a human rights defender, received a telephone call from an anonymous prison guard informing him that the guard had witnessed other prison guards transferring Mr. Ihtiyor Hamroev to another room on the night of 29 November 2007. The guards attempted to force him to sign a statement confessing to having used forbidden language to a prison employee. At Mr. Ihtiyor Hamroev's refusal, they beat him, and then he stabbed himself in the stomach, although it remains unclear as to how a knife could have been in his possession. Following this incident, Mr. Ihtiyor Hamroev was hospitalised. His current whereabouts are unknown and his family has been denied information with regard to his physical condition. Moreover, Mr. Ihtiyor Hamroev's sentence has recently been extended by seven months.	
269.		Follow-up to past cases			<b>Ismatillo Abasov</b> (A/HRC/4/33/Add.1, para. 327).	By letter dated 26 January 2007, the Government informed that the case materials do not contain any evidence that the accused were subjected to any forms of unlawful treatment before or during the investigation. All the procedural measures were taken in accordance with the provisions of legislation concerning criminal procedure. All the lawful rights of the accused were assured, and specifically the services of a lawyer. Before and during questioning as part of the investigation, in the presence of his lawyer, he confirmed that he

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						had given evidence of his own free will without any coercion on the part of the investigators. During court proceedings Abasov I. made no mention of the use of unlawful methods against him. The investigations and judicial proceedings were conducted strictly in accordance with the applicable legislation. Abasov I.'s criminal acts were correctly evaluated by the court. Despite two previous convictions, Abasov I. did not draw the appropriate conclusions and continued to pursue a lifestyle which posed a major danger to society. The court, judging the re-education of Abasov I. impossible, and taking into account the absolute danger his personality posed to society, decided to impose the supreme punishment - the death penalty.
270.					<b>Komiljon Usmanov</b> (A/HRC/4/33/Add.1, para. 332).	By letter dated 18/01/07, the Government informed that the criminal proceedings against K. Usmanov were conducted in accordance with the requirements of the country's Code of Criminal Procedure. The court examined the testimony of all those participating in the trial, correctly evaluated the evidence and reached the justified conclusion that K. Usmanov was guilty. After categorizing his criminal actions in accordance with the law, the court imposed the appropriate punishment.
271.					<b>Nozim Rakhmonov, Azomodin Kosimjonov, Abdurakhman Ibragimov, Tohirjon Abdusamatov, Shoimat Shorakhmedov, Alisher Mirzakholov, Abdurauf Kholmuratov, Alijon Mirganiev, Farkhod Islamov, Rukhiddin Fakhrutdinov and Sharafutdin Latipov</b>	By letter dated 19/01/07, the Government informed that the defendants were sentenced for various offences to serve terms of imprisonment from five to 17 years. All investigatory activities involving the accused were conducted in the presence of their lawyers. They were allowed

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					(E/CN.4/2006/6/Add.1, para. 540).	unlimited contact with their lawyers, and to have repeated visits from close relatives. In the course of the investigation it was established that the accused S.S. Sharahmetov suffered from schizophrenia. As stated in the court psychiatrist's report, S.S. Sharahmetov was found to be unfit to plead and in need of compulsory treatment. On 31 March 2006, the criminal proceedings against S.S. Sharahmetov were referred to the courts, so that he could be subjected to the necessary compulsory medical treatment. On 20 April 2006, the Tashkent City Criminal Court ordered S.S. Sharahmetov to undergo compulsory treatment in Tashkent city psychiatric hospital No. 1, where he is still being held.
272.	Viet Nam	30/01/07	JUA	WGAD; RINT; HRD; TOR	<b>Ksor Daih</b> , aged 45, <b>Ksor Jak</b> , aged 24, and <b>Ksor Har</b> , aged 54 years old, all from commune Dang Ya, district Cu Pah, Gialai province. All of them are currently held at Trai Ba-Sao Prison in Ha Nam province. Ksor Daih was arrested in 2004 after having spent two years in hiding, for participating in the 2001 peaceful protest for religious rights and supporting an organization called "Montagnard Foundation". He was then sent to prison, where he has been subjected to beating and kicking on a regular basis. During one incident he was blinded in one eye. As a result of the treatment in prison, his body is covered in scars and bruises, his eye socket gorged and he can barely stand. Ksor Jak was arrested in 2004 for supporting the "Montagnard Foundation" and participating in the peaceful demonstration in 2001 for religious freedom. After the 2001	By letter dated 24/04/07 the Government replied that all three are members of of "Fulro Organisation", which aimed at the creation of in independent Dega State. They are detained at Nam Ha prison camp. Ksor Daih was arrested by the Investigation Agency on 26 February 2004. When he was searched explosives and weapons were found. On 25 January 2005 the People's Court of the Gia Lai Province sentenced him to seven years' imprisonment in accordance with art. 87 of the Penal Code. Ksor Jak was arrested on 25 February 2004. When he was searched, explosives and weapons were found. On 25 January 2005, the People's Court of the Gia Lai Province sentenced him to seven years' imprisonment. In 2007 it was decided that his term should be reduced due to his good attitude towards re-education. Ksor Har was arrested on

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					demonstration he went into hiding, but was captured on 24 February 2004 by Vietnamese soldiers and imprisoned at Trai-Ba-Sao, where his leg was broken and disfigured and he was subjected to taunting by the authorities. Also, guards forced him to eat rice mixed with broken glass. Ksor Har was arrested in 2004 for participating in the 2001 peaceful protest for religious rights and supporting the "Montagnard Foundation". He went into hiding but was captured by Vietnamese soldiers in August 2004. As a result of the treatment he has received in prison, his left ear has been torn into pieces. Guards continue to regularly pull his wounded ear.	13 October 2004 and on 17 October 2005 he was sentenced to six and five years' imprisonment. In the prison camp, all three have received the right ration of food and drink in strict accordance with provisions of the relevant laws on prison regime. According to a health examinations conducted on 9 March 2007 he has not health problems. According to the minutes of meetings, reports of other prisoners, reports of the superintendent, reports of the educator-warden and the minutes of an inspection conducted by a delegation from the Department of the Management of Prison Camps, they have not been subjected to cruel treatment.
273.		11/05/07	JUA	SUMX; TOR	<b>Le Manh Luong, Tran Van Hoi, Nguyen Minh Tuan and Nguyen Van Can</b> , who are at imminent risk of execution. They were arrested in 2004 (along with three others), tried and convicted of trafficking in heroin, illegally buying and selling a pistol and bullets and forgery of identity documents. They were sentenced to death by the People's Court, Quang Binh province on 25 November 2006. Mr. Luong, Mr. Tuan and Mr. Can appealed to the People's Supreme Court in hearings that took place on 5 and 6 April 2007, and the Court upheld the sentences. It is understood that applications for clemency were submitted to President Nguyen Minh Triet. Mr. Luong currently suffers from a mental disorder. The four men are shackled at the ankles and the wrists twenty four hours a day, at the custody centre for the police, where they are currently detained. Such shackling normally continues until	By letter dated 2/08/07, the Government informed that they were core actors of a transnational drug crime organization. Due to the extremely serious offences, the four said persons were tried and sentenced to death upon their crimes of drug-trafficking (article 194 of the Penal Code), illegally buying, selling and using military weapons (article 230 of the Penal Code), and using forged certificates and other important documents (article 266 of the Penal Code). With regard to a specific crime of drug-trafficking, the Penal Code stipulates that illegally buying and selling over 100g of heroin is a commission of an extremely serious crime, and for an amount over 600g, the trafficker will face the death sentence. Currently Luong, Tuan and Can are detained at a prison in Nghe An province. They are strictly supervised in accordance with law provisions on death-sentenced offenders. With regard to Le Manh

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					the time of execution.	<p>Luong in particular, he had 16 previous convictions and offences tried by courts of the United Kingdom upon various types of crimes. During the investigation and trial on Luong in Viet Nam, he played many cunning tricks against the concerned agencies, inter alia, he pretended to be suffering from mental sickness, with a view to avoiding criminal responsibilities. The investigation agency sent Luong to the Central Council of Mental Medical Jurisprudence for examination. The results were negative and showed he had full civil capacity to carry out his criminal responsibilities. During the time he was monitored and examined, he was able to communicate with his family members, bribe cadres of the concerned agencies and the Central Council, and organize his escape from the Central Institute of Mental Health. This demonstrates that Luong was not mad at all; he was fully able to be aware of and control his behaviour. The trial on the above-mentioned individuals was totally lawful and in full accordance with criminal procedures recognized by the international community. The trial was attended by representatives of the British Consulate because a few offenders held British passports (like Le Manh Luong). The Government is of the view that the application of the death penalty must be based on the specific conditions of each country. In Viet Nam, it is necessary to maintain the death penalty on persons who commit to extremely dangerous crimes. The death penalty is a necessary and effective deterrence to crimes.</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
274.		19/10/07	JAL	RINT; SUMX; TOR	<p><b>Kpa Kin</b>, a Christian believer aged 35 of Ploi Tao Or village, commune Ia Hru, district Cu Se in Gialai province. In April 2004, Mr. Kpa Kin participated in a demonstration calling for religious freedom and land rights, following which he went into hiding. He was arrested on 16 December 2005 by security police and detained in Cu Se district. He was then transferred to T-20 prison in Pleiku province and later to Phu Yen Province Prison. Upon each transfer he was beaten with batons, kicked and electro-shocked on all parts of his body. As a result, he became seriously ill and needed to be taken to the hospital in Phu Yen province, where the doctors, since they were unable to help him, recommended that he be released for medical reasons. However, on 24 August 2007, Mr. Kin died in Phu Yen Province Hospital. When his family asked for his corpse to be returned to his home in order to be able to bury him, the request was refused. The authorities argued that since Mr. Kin was sentenced to three years in prison and had not yet finished his prison term, his body will be buried at the prison. After the expiration of the three-year term, his relatives may collect the corpse.</p>	<p>By letter dated 18/12/07, the Government informed that on 7 August 2006, he was brought to an open trial by the People's Court of Gia Lai Province for suspicion that he had carried out activities violating the existing laws and he was found guilty. Basing itself on point (b), paragraph 1 of Article 87, point (p), paragraph 1 of Article 46 and point (a), paragraph 1 of Article 48 of the Penal Code, the People's Court of Gia Lai Province sentenced Kpa Kin to 11 years' imprisonment. He carried out his sentence at Xuan Phuoc Prison. He enjoyed medical care, regular health examinations in accordance with provisions of the existing laws, and he was allowed to follow the vocational training course in the prison. Early July 2007, he felt tired and had a poor appetite. The medical doctors of the prison examined his health and he was diagnosed with liver cancer. On 13 July 2007, Kpa Kin was admitted to the clinic of the prison for health care and medical treatment, but his illness did not recede. On 24 July 2007, he was sent to a general hospital of Phu Yen Province. At this hospital, he was given wholehearted and thoughtful care by doctors and his family members, but due to his liver cancer he passed away on 24 August 2007. Immediately after he died, the Board of Superintendents of the prison made an announcement to his family, local administration where he had his permanent residence, and the People's Court of Phu Yen Province in order to follow the rules of procedures to register the death of a prisoner in accordance with provisions of the</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>laws. During his hospitalization at the general hospital of Phu Yen Province, the Board of Superintendents of the prison informed his family of his health status so that his family members could take care of him. His wife stayed in the hospital until he died. She witnessed the passing away of her husband and signed the minutes on a forensic examination identifying the cause of her husband's death, namely because of his liver cancer. After he died, members of his family and clan went to the hospital to prepare for his funeral. They requested (in writing) the Board of Superintendents of the prison to make arrangements to bury him at a cemetery of Phu Yen Province. On behalf of his family and clan, his stepfather wrote to express thanks to the doctors of the hospital. He also wrote to the cadres of the prison for their wholehearted care accorded to Kpa Kin during the time of his illness and for providing his wife with accommodation, and to the superintendents for providing all the costs for the funeral and financial assistance to cover the travel costs of his family members. He confirmed that his family and clan did not have any complaint about the death of Mr. Kpa Kin.</p>
275.	Yemen	08/02/07	UA	TOR	<p><b>Qursan Ahsan Qursan</b>, a farmer, <b>'Abdullah Mohamed Saliha</b>, <b>'Ali 'Abdulla Tahoos</b>, <b>Ibrahim al-Huthi</b> and about 50 other persons whose identities are unknown. Qursan Ahsan Qursan, 'Abdullah Mohamed Saliha and 'Ali 'Abdulla Tahoos were arrested by members of the armed forces in the Sala area of Sa'da on 29 January 2007. Ibrahim al-Huthi was arrested by security</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					forces at the airport in Sana'a on 1 February 2007. He is the brother of Hussain Badr al-Din al-Huthi, Shi'a Zaidi cleric and former member of the Yemeni Parliament, who was killed in September 2004 during clashes with Government forces. The detention of these four men and of about 50 other unidentified persons followed clashes between security forces and members of the Shi'a Zaidi community in Sa'da in northern of Yemen, at the end of January 2007. All of them are held incommunicado in undisclosed locations.	
276.		14/06/07	JUA	WGAD; TOR	<b>Nabil Mohamed Alaazi al-Mutawakel</b> , aged 32, from Sanaa, <b>Ali Mohamed Ahmed al-Abiad</b> , a 20y-year-old student from Sanaa, <b>Mu'amar al-'Abdali</b> , a 34-year-old student, <b>Basam al-Humaidan</b> , aged 25 and his brother, <b>'Ali al-Humaidan</b> , aged 18. They wre arrested by security forces between 16 February and 6 June 2007 in relation to suspected links with followers of the opposition figure and cleric Al-Huthi. Their current whereabouts are unknown.	
277.		25/06/07	JUA	HRD; IJL; TOR	<b>Maamar Mohamed Ahmed Salah al-Abdelli</b> , an academic, president of the Committee for Freedom of Conscience and the Release of Political Prisoners, and correspondent of the non-governmental organization Al-Karama for Human Rights. On 26 May 2007, Mr. Al-Abdelli was arrested on the campus of the University of Sanaa by unknown persons. Since then, he has been detained at the Al-Amn Assiyassi intelligence facilities of Sanaa. He has been denied access to a lawyer and his family.	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
278.		15/08/07	JUA	WGAD; FRDX; IJL; TOR	<p><b>'Abbas al-'Assal</b>, aged 42, and <b>Nasser al-'Awlaqi</b>, aged 40. They were arrested on 2 August 2007 by security forces together with other retired soldiers, including Brigadier Nasser al-Nouba and Mr. Shallal Ali Shaya, who were released on 7 August. The arrests were carried out following a protest in form of a "sit-in" at Liberty Square in central Aden. The protesters intended to voice their concern that their pension payments had either not been made or been significantly delayed. Security forces dispersed the protesters using tear gas, water cannons and live ammunition. Several persons were injured and it is feared that one protester was killed. Mr. 'Abbas al-'Assal and Mr. Nasser al-'Awlaqi continue to be held in incommunicado detention at Sheikh Osman Police Station in Aden without access to family members or lawyers. The reason for their arrests and continued detention and whether they have been charged with any offence is still unknown.</p>	
279.		04/09/07	JAL	FRDX; HRD; TOR	<p><b>Abdel Karim al-Khaiwani</b>, a former editor of the online newspaper Al-Shoura. On 27 August 2007, he was abducted by six gunmen wearing civilian clothes outside the offices of the weekly newspaper Al-Nedaa in central Sana'a. It appears that at least one of his abductors was a Yemeni security service officer. Mr. A-Khaiwani was then blindfolded and forced into a vehicle. On the way to a remote area in the outskirts of Sanaa he was interrogated, kicked and beaten in his face, which caused an injury to his eye. The gunmen also put the fingers of Mr. Al-Khaiwani's writing hand into a</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					metal finger cutter. Upon arrival he was beaten again on the face and chest. The gunmen threatened to kill Mr. Al-Khaiwani and his family if he continued to write "words harmful to government officials or to national unity". They also confiscated his passport, identification card and cell phone before leaving him. Mr. Al-Khaiwani's home had been raided in June 2007, when he was last detained by the security services. According to reports, since 2005 six other journalists have been the target of assaults that were believed to be politically motivated.	
280.		03/10/07	JUA	WGAD; MIG; TOR	<b>Adel Ferhane al-Fellahi</b> , a 34-year-old Iraqi national, teacher, and resident of Sanaa since 2002. He was arrested by agents of the intelligence services (Al- Amn Assiyassi) in Sanaa on 16 January 2007. He was secretly detained in their premises for more than two months before being transferred to an administrative detention centre for persons to be expelled in late March. On 18 April 2007, he was returned to the headquarters of the intelligence service in Sanaa, where he is still being held in incommunicado detention. No charges have been brought against him. A request for release dated 15 August 2007, filed with the Prosecutor General of Sanaa, has not been answered.	
281.		01/11/07	JUA	WGAD; FRDX; TOR	<b>Muhammad Ahmed 'Abdullah al-Sha'wi</b> . On 12 October 2007, he was arrested at the airport in Sana'a by officers from the national security forces. Mr. 'Abdullah al-Sha'wi had just returned from receiving medical treatment in Egypt, and still needs regular medical checkups. Since his	

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					arrest he has been held in incommunicado detention and his current whereabouts are unknown.	
282.		Follow-up to past cases			<b>Amina Ali Abduladif</b> (E/CN.4/2006/6/Add.1, para. 546).	By letter dated 10/12/07, the Government informed that the case has been closed and finalized. She has been released on 9 October 2007, based on the victim's family's decision to waive their retribution rights.
283.					<b>A. M. S. A.</b> (A/HRC/4/33/Add.1, para. 336)	By letter dated 2 July 2007, the Government replied that Mr. Adil Saif al-Ma'amari' was executed on 31 January 2007, having admitted to the murder of which he was accused, in accordance with the decision of the Primary Court, the Yemeni Supreme Court and the Supreme Council signed on 31 January 2007. Confirmed documentary evidence stated that Mr. Adil Saif al-Ma'amari' was 18 years old when he committed the crime.
284.	Zimbabwe	19/01/07	JAL	FRDX; TOR	<b>Nyamutata Margaret</b> , aged 52, associated with the Movement for Democratic Change. On 12 December 2006, as she was reading flyers at C-junction, ZANU PF youth police arrested her and took her to Makoni Police Station, where she was severely beaten by several officers. On the next day at around 6 p.m. she was taken to Harare Central Police Station. She was released on 14 December 2006 at 11 a.m. As a result of the beating, Ms. Nyamutata suffers from pain in her	By letter dated 8 May 2007 the Gouvernement replied that Nyamutata Margaret was arrested on 12 December 2006 for contravening section 41 (b) of the Criminal Law Codification and Reform Act, Chapter 9: 23 for "Behaving in a threatening, abusive and insulting manner intending to provoke the breach of peace" by the police. She paid an admission of guilt fine without any undue influence. Nzimba Kelvin was assaulted by two persons following a dispute. However, these

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					head, shoulders, legs, feet, back, stomach and impaired concentration and sleep disturbances. She has bruises on her back, arms, face, thighs and buttocks. <b>Nzimba Kevek</b> , a 32-year-old farmer, resident at Chibara Primary School, Mt. Darwin, and an activist with the Movement for Democratic Change. On 7 December 2006, he was assaulted by members of the ZANU PF youth police with bricks and stones. The assault resulted in severe pain in his head shoulders, legs, feet, chest and back. Since the incident Mr. Nzimba also suffers from sleep disturbances.	individuals do not belong to what was referred to as "ZANU PF youth police." Such a police unit does not exist. The two assailants were charged with contravening section 46 of the Criminal Law Act, Chapter 9:23 and each paid admission of guilt fines at Dotito Police Station. Nzimba Kelvin did not sustain any serious injuries.
285.		20/03/07	JUA	WGAD; FRDX; TOR	On 11 March 2007 police arrested around 50 opposition activists in connection with a "prayer meeting" organized by the "Save Zimbabwe Campaign" of Harare, which was declared illegal. Police had imposed a temporary ban on rallies and demonstrations on the basis of section 24 of the Public Order and Security Act (POSA). As citizens approached the sports field where the meeting was to be held on 11 March 2007, riot police forcefully blocked the entrance to the grounds and fired tear gas onto the crowds. <b>Gift Tandare</b> , the Youth Chairperson of the National Constitutional Assembly (NCA) was shot dead. On 11 March 2007, various leaders and members of the Movement for Democratic Change (MDC) and 50 more activists were arrested and detained in different police stations in connection with the said meeting. The detainees included: <b>Morgan Tsvangirai</b> , president of MDC, <b>Arthur Mutambara</b> , senior official of MDC and Ms. <b>Grace Kwinjeh</b> , MDC's deputy-secretary for	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>international relations, who were beaten and seriously injured while in police custody. <b>Chamisa</b>, the current spokesperson of MDC, <b>Tendai Biti</b>, the secretary general of MDC and member of Parliament for Harare-East, Ms. <b>Sekai Holland</b>, <b>Elton Mangoma</b> of MDC, and <b>Lovemore Madhuku</b>, a known civil society activist, and chairperson of the NCA, were also detained. The latter two were severely beaten while in police custody. None of them received medical attention while in detention. <b>Harrison Nkomo</b>, the legal representative for the arrested parties, was not only denied access to his clients, but was himself assaulted for seeking to protect their rights. All the above detainees were released following the order of the High Court on 12 March, to allow the arrested opposition leaders to be seen by medical doctors and their lawyers, to be brought to court by 12 p.m. on 13 March. Several participants of the meeting are said to have sustained injuries following excessive use of force by riot police, in their attempt to disperse the demonstrators. Moreover, arrests have been reported in Masvingo and in Mutare, where 125 activists of the opposition have been picked up. In addition, student leaders at the University of Zimbabwe, <b>Zwelithini Viki</b> and <b>Kudakwashe Mapundu</b>, who were arrested for distributing fliers calling for the meeting, are still detained at Harare Central Police Station. On 13 March, the vice-president of Zimbabwe National Students Union (ZINASU) was arrested in Masvingo, <b>Lynnette Mudehwe</b>, information and publicity secretary of</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					ZINASU, and a youth activist, <b>Sydney Chisi</b> are currently being held at Southerton Police Station together with others 6 activists. On 13 March 2007, police prevented and forcefully dispersed another crowd that had gathered to attend the funeral of Mr. Tandare in Glen View, which also resulted in several injuries including the shooting of two MDC activists at point blank in the early hours of the morning. The two, Mr. Nickson Magondo and Mr. Naison Mashambanhaka were among a group of about 500 mourners observing a vigil. The two are said to be recuperating in hospital. Finally, it is reported that on 17 March 2007, Arthur Mutambara, Sekai Holland and Grace Kwinje were re-arrested, the latter two being under armed guard in their hospital beds. On 18 March 2007, Mr. Chamisa was severely beaten by unknown men at Harare airport when he was on his way to attend an Africa Caribbean Pacific-EU meeting in Belgium.	
286.		02/05/07	JAL	FRDX; SUMX; TOR;	On 29 March 2007, <b>Edward Chikombo</b> , a cameraman for the state broadcaster Zimbabwe Broadcasting Corporation (ZBC), was abducted by armed men from his home in a township outside the capital Harare. His body was found a few days later, in bushes 50 miles west of Harare. Mr. Chikombo was a sympathizer of the opposition Movement for Democratic Change (MDC) and his murder could be linked to the dissemination, out of Zimbabwe, of television images of the opposition leader Morgan Tsvangirai after he was beaten up by police on 11 March. On 1 April 2007, police arrested Mr. <b>Gift</b>	By letter dated 4/09/07, the Government informed that the Zimbabwe Republic Police is not aware of any beatings on Gift Phiri while he was in police custody or the motive for the alleged kidnapping and subsequent death of Edward Chikomba. Regarding Gift Phiri, he is a stringer for a weekly newspaper, "The Zimbabwean." Gift Phiri was practicing journalism without having been accredited by the Media and Information Commission, which is a statutory requirement under the Access to Information and Protection of Privacy Act, Chapter 10:27, for all practicing journalists. On 1 April 2007, he was arrested and

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p><b>Phiri</b>, a reporter of the exiled weekly <i>The Zimbabwean</i> and beat him severely while in detention. On 5 April, he was released on bail, and immediately hospitalized for treatment. He has been charged with “practicing as a journalist without accreditation and publishing false news”.</p>	<p>detained by the police. At no time was he assaulted while in police custody. On 5 April, he was taken to court where he was remanded out of custody to June 4. While in court, Gift Phiri never raised any allegations of assault by the police while in custody. It is custom in Zimbabwe that all suspects brought to court are asked by the presiding magistrate if they have any complaints against the police or about their treatment while in custody. If such complaints had been raised at this stage, the magistrate would have, as is the norm, ordered that an investigation into the allegations be looked into before the case the suspect is facing goes to for trial. He last appeared in court on 4 June and the case was remanded to 9 July for trial. Regarding Edward Chikomba, at the time of his alleged kidnapping and subsequent death, he was not a cameraman for the state broadcaster (Zimbabwe Broadcasting Corporation) as was alleged. He was retrenched together with others during the retrenchment exercise carried out by the ZBC in 2001. The circumstances of his disappearance are that on 29 March 2007, at around 6 p.m., it is alleged that Mr. Chikomba was bundled into an Isuzu twin cab as he was about to get to his house. Four men are said to have been involved in the abduction. The truck is said to have driven at high speed towards the city centre of Harare. On the same day his relatives who indicated that they had heard him shouting for help as he was taken away made a report at Glenview Police Station. The police opened a kidnapping docket. On 1 April, his body</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						was found at Old Lands farm in Darwendale. The police took it to Chinhoyi Hospital mortuary, and the body was collected on 5 April by a relative for burial. The Criminal Investigation Department is carrying out an investigation of the murder in connection with the case. So far no one has been arrested in connection with the case.
287.		12/06/07	JUA	WGAD; FRDX; HRD; IJL; TOR	Members of the <b>Women and Men of Zimbabwe Association (WOZA-MOZA)</b> . On 6 June 2007, around 200 members of the Women and Men of Zimbabwe Association (WOZA-MOZA) undertook a silent and peaceful march through the city of Bulawayo to launch a document entitled "Ten steps to a new Zimbabwe". The Association was also expressing its concern that Zimbabwean civil society was excluded from the ongoing dialogue initiated by the Movement for Democratic Change (MDC) and mediated by South African President Thabo Mbeki, creating the danger that pertinent issues on civil, political, economic and social rights and democracy would be given not enough attention. After having walked one block, one group of participants was violently dispersed by the riot police. Five WOZA members, namely Ms. <b>Rosemary Sibiza</b> , Ms. <b>Angeline Karuru</b> , Ms. <b>Martha Ncube</b> , Ms. <b>Sangeliso Dhlamini</b> and Ms. <b>Pretty Moyo</b> , were badly beaten with baton sticks, arrested and detained at Bulawayo Central Police Station. Upon hearing that five of their colleagues had been beaten, another group of women went to the police station. The police officers then assaulted the women, before arresting Ms. <b>Jenni Williams</b> , WOZA National	By letters dated 19/06/07 and 4/09/07, the Government informed that this is not the first time that the Woman of Zimbabwe Arise (WOZA) has deliberately violated the laws of Zimbabwe with the sole intention of attracting the attention of human rights groups. Similar allegations have been raised and responded to before. Laws are put in place to regulate human behaviour in the absence of which would be chaos and a breakdown in law and order. Such laws are not unique to Zimbabwe, but are also found in most other countries including those which claim to be first democracies. For as long as a section of the society makes it its prime concern activity to violate the laws of the country, the police as custodians of the law will not tire in enforcing such laws, even if they are deemed to be unpopular. The police is fully committed in the observance of human rights. Courses on human rights are part of the teaching curriculum. On 6 June 2007, a group of about 30 members of WOZA converged at the Bulawayo city centre with the intention to hold an illegal demonstration. At about 11:30am the group started to march along George Silundika Street between 8 <sup>th</sup> and 9 <sup>th</sup> Avenue. They were waving placards denouncing the President of South

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>Co-ordinator and Ms. <b>Magodonga Mahlangu</b>, another WOZA leader. Following the arrest of the WOZA women, attorney Kossam Ncube went to the police station to represent them. At the police station, superintendent accused him of being “unethical” and “irresponsible” and stated that lawyers had no business at the police station as he sought to speak to his clients. He also ordered Mr. Ncube to leave and pushed him out of the station. On 7 June 2007, Mr. Ncube tried again to meet with his clients but was denied access by the police.</p>	<p>Africa, Thabo Mbeki’s mediation in Zimbabwe. The police ordered the demonstrators to disperse and five members who defied the order were arrested. Those arrested were Sizimisele Ndlovu, aged 23, Samkeliso Dlamini, aged 38, Angeline Karuru, aged 25, Rosemary Siziba, aged 43, and Martha Ncube, aged 47. They were taken to the police station. Meanwhile another group of WOZA members numbering about 25 and led by Jennipher Williams and Magodonga Mhlanga regrouped and marched towards Central Police Station, where they staged a demonstration in solidarity with their arrested colleagues. This group was also ordered to disperse by the Officer in Charge of the police station. They did not hand themselves over as alleged in some circles. While at the station, they were allowed access to their lawyers Cossam Ncube and Caca Phulu of Goglan and Welsh legal practitioners. Ironically, the said lawyers are reported to have arrived at the police station and sought to see their clients well before the arrest of their clients. At no stage were the accused denied access to their lawyers. The first group of five accused persons were charged in relation to criminal nuisance, taken to court on 8 June, remanded out of custody to 21 June on \$100,000. Jennipher Williams and Magodonga Mhlanga were charged with participating in an unlawful demonstration and criminal nuisance. They were released on \$100,000 bail and will appear in court on 22 June 2007.</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
288.		20/07/07	JAL	HRD; TOR	<p><b>Beloved Chiweshe</b>, the Secretary-General of the Zimbabwe National Students' Union (ZINASU), and <b>Munjodzi Mutandiri</b>, former President of Chinhoyi University of Technology (CUT) Students' Union. On 26 June 2007, at approximately 6 p.m., they were driving to Sotherton when their car was intercepted by police who ordered them to go to Sotherton Police Station. At the police station, Mr. Chiweshe and Mr. Mutandiri were identified as having appeared on a list of activists currently being sought by the Government. They were questioned as to the whereabouts of other known activists. Mr. Chiweshe and Mr. Mutandiri were then forced onto a truck and brought to a sewer discharge river where they were instructed to drink the sewer water and perform 83 press-ups in honour of President Mugabe's age and 27 to represent Zimbabwe's national sovereignty. Mr. Mutandiri collapsed as a result. After taking their belongings, including their clothes, mobile phones and money, the police left them in the river where they were found two hours later. The two are currently receiving medical treatment.</p>	<p>By letter dated 10/12/07, the Government informed that the police does not have any record of this matter. It is puzzling that academics at the highest institutions of learning would sink so low as to fail to know that if they are assaulted, ill-treated or handled in any manner that constitutes an offence in a democratic country such as Zimbabwe, the first port of call would be a police station where such threats are reported and investigations instituted. True the perpetrators of the alleged assault could have been police officers from Southerton as alleged, but Southerton is not the only police station in the country. They should have made a report immediately or any time after the alleged ill-treatment. Given that the two were so ignorant of this fact, by virtue of their level of education should at least have been brave enough to consult other members of the student fraternity, as to the way forward when face with such a situation. Therefore, it is puzzling that learned people of the caliber of Mr. Chiweshe and Mr. Mutandiri want to blame the police or the Government of inaction when it is clear that no report of the alleged treatment was ever made to the police, an institution that has the sole duty of investigating all cases brought before it. One would not be amiss in concluding that the allegations are completely false and only meant to tarnish the image of the Government and its various arms like the police. In the absence of an official report there is little the police can do to investigate the allegations.</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](mailto:urgent-action@ohchr.org)

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

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

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

## **II. Circumstances surrounding torture**

- A. Date and place of arrest and subsequent torture
- B. Identity of force(s) carrying out the initial detention and/or torture (police, intelligence services, armed forces, paramilitary, prison officials, other)
- C. Were any person, such as a lawyer, relatives or friends, permitted to see the victim during detention? If so, how long after the arrest?
- D. Describe the methods of torture used
- E. What injuries were sustained as a result of the torture?
- F. What was believed to be the purpose of the torture?
- G. Was the victim examined by a doctor at any point during or after his/her ordeal? If so, when? Was the examination performed by a prison or government doctor?
- H. Was appropriate treatment received for injuries sustained as a result of the torture?
- I. Was the medical examination performed in a manner which would enable the doctor to detect evidence of injuries sustained as a result of the torture? Were any medical reports or certificates issued? If so, what did the reports reveal?
- J. If the victim died in custody, was an autopsy or forensic examination performed and which were the results?

## **III. Remedial action**

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

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

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

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