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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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## List of Abbreviations

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

## I. Introduction

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

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

3. During the period 15 December 2008 to 18 December 2009, the Special Rapporteur sent 70 letters of allegations of torture to 38 Governments and 175 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 2009 have been included. The responses received after that date will be duly reflected in a future communications report.

4. The Special Rapporteur appreciates the timely responses received from Governments to the letters and urgent appeals transmitted. He regrets that many Governments fail to respond, or do so selectively, and that responses to older cases remain outstanding in large part.

5. Owing to restrictions on the length of documents, the Special Rapporteur has been obliged to reduce considerably details of communications sent and received, with attention given to information relating specifically to allegations of torture and other cruel, inhuman or degrading treatment or punishment. As a result, requests from Governments to publish their replies in their totality could not be acceded to. Moreover, attention is given to information in Government replies specifically relating to the allegations, particularly information on the following:

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

## II. Summary of allegations transmitted and replies received

| Para | Country | Date      | Type | Mandate             | Allegations transmitted   | Government response |
|------|---------|-----------|------|---------------------|---|---------------------|
| 1.   | Algeria | 9/01/2009 | UA   | TOR                 | <p><b>M. Adel Saker</b> serait détenu incommunicado dans un centre secret du Département de la recherche et de la sécurité (DRS), le service de renseignement de l'armée algérienne, depuis le 26 mai 2008. Les autorités n'auraient d'abord pas reconnu la détention. Le 25 octobre 2008, le procureur de Tamalous aurait requis le chef de la sureté de Daira, d'une demande officielle afin d'établir un procès verbal de constat et de notification. Le document No 942/2008 du 16 décembre 2008 du chef de la sureté du Daira de Tamalous indiquerait que M. Saker aurait été convoqué à ce service de manière officielle le 26 mai 2008, que des représentants du Centre Régional de Recherche et d'investigation de Skikda auraient «requis qu'il leur soit remis pour procéder à une enquête dans une affaire similaire», et qu'il aurait été remis à ces derniers avec l'accord express du procureur de la République de Tamalous. M. Saker aurait été, par le passé, détenu et soumis aux mauvais traitements par le Département de la recherche et de la sécurité.</p> |                     |
| 2.   | Angola  | 18/12/09  | JUA  | MIG;<br>TOR;<br>VAW | <p><b>Alleged detention and deportation of a large number of nationals to the Democratic Republic of the Congo (DRC).</b></p> <p>Since January 2009, collective deportations and expulsion of nationals of the DRC have taken place, reaching a peak in August 2009. Overall, approximately 18,800 DRC nationals have been allegedly expelled from Angola; approximately 16,000 of those since late August 2009.</p> <p>In May 2009, in the Ngazi settlement in Lunda Norte province, refugees, asylum-seekers and</p>  |                     |

| Para | Country   | Date     | Type | Mandate | Allegations transmitted  | Government response |
|------|-----------|----------|------|---------|--|---------------------|
|      |           |          |      |         | <p>irregular migrant workers were subjected to ill-treatment, including gender-based violence, and deprived of their belongings. These violations were mostly perpetrated by the security force and intended to force them to return to the DRC.</p> <p>Whereas most of the DRC nationals were expelled from the provinces of Lunda Norte and Lunda Sul, expulsions have also reportedly occurred in the territories of Soyo and Cabinda since early October 2009. Citizens of the DRC were detained and kept in very poor conditions prior to their expulsion. It appears that the administrative detention of asylum seekers is not subject to independent monitoring, takes place without prior authorization from a judicial body, and the detainees are most often denied access to legal counsel. In the context of the expulsions, many of them were subjected to sexual violence at the risk of HIV transmission, body searches without minimum hygienic standards and theft.</p> <p>In this respect, we note the initiative to create a Commission in late November 2009 to discuss this concern with the DRC authorities and the issuance on 13 October 2009 of a joint communiqué announcing the concerted cessation of expulsions and the political will to find sustainable solutions to the issue. In spite of these commitments, reports were received that expulsions have continued to occur, albeit at a lesser scale.</p> |                     |
| 3.   | Argentina | 28/09/09 | AL   | TOR     | <p><b>Los señores Iván Andrés Bressan Anzorena</b> (DNI 25.667.063), <b>Arturo Ernesto Uliarte</b> (DNI 16.963.440), <b>Rafael Antonio Ciriani</b> (DNI 17.853.952) y <b>Cristian Alejandro Cardozo Bustos</b> (DNI 24.067.183).</p> <p>Los señores Bressan Anzorena, Uliarte, Ciriani y Cardozo Bustos fueron detenidos el 27 de marzo</p>  |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
|------|---------|------|------|---------|---|---------------------|
|      |         |      |      |         | <p>de 2008 por personal de la Brigada de Investigaciones de Añatuya y personal de GETOAR, por su presunto involucramiento en un homicidio. Los oficiales los bajaron del vehículo, les colocaron bolsas en la cabeza y comenzaron a patear y golpearlos con los puños y con las culatas de sus escopetas por todo el cuerpo. Les quitaron todas sus pertenencias de valor y sus documentos y los llevaron a Quimilil.</p> <p>Una vez en la comisaría de Quimilil, los pusieron de rodillas mientras les pisaban los pies y los golpeaban con mangueras. También los hicieron acostarse en el barro mientras llovía. A varios de ellos los sometieron a corrientes eléctricas en las piernas y en los órganos genitales. Después fueron llevados a la Brigada de Añatuya, donde también fueron golpeados con una manguera, principalmente en las pantorrillas y en los hombros. En todo momento los oficiales les indicaron que permanecerían detenidos hasta que confesaran, pero nunca les indicaron el motivo de la detención. A los cuatro hombres los obligaron a firmar unos documentos que nunca pudieron leer.</p> <p>Al día siguiente, los llevaron a una dependencia policial en Santiago del Estero, y después fueron separados; el Sr. Bressan Anzorena fue llevado a Sanidad Policial y los demás a distintas comisarías. En Sanidad Policial le realizaron un examen médico, pero fue amenazado por los oficiales para que no dijera nada de los golpes. Al Sr. Cardozo Bustos lo revisó un médico en la Comisaría Quinta. Al Sr. Ciriani le realizaron un examen médico en la Comisaría Sexta, pero no le dieron medicamentos ni atención médica. Al Sr. Uliarte lo vio un médico, quien le dijo que sólo tenía “golpecitos” y no le dio ningún</p> |                     |

| Para | Country   | Date                       | Type | Mandate | Allegations transmitted   | Government response   |
|------|-----------|----------------------------|------|---------|---|---|
|      |           |                            |      |         | <p>tratamiento.</p> <p>Los señores estuvieron incomunicados durante varios días por su presunta participación en un homicidio. Cuando les fue levantada la incomunicación presentaron un recurso de habeas corpus ante la Cámara de Apelaciones y una denuncia penal ante el Superior Tribunal de Justicia. El Habeas Corpus fue rechazado por considerarse que las torturas no fueron demostradas.</p> |   |
| 4.   | Australia | Follow-up to earlier cases |      |         | <p><b>Transportation of prisoners</b><br/>(A/HRC/10/44/Add.4, para. 6).</p>   | <p>By letter dated 17/12/08, the Government indicated that the incident took place at 11.00 on 1 January 2008, when a prison transport vehicle travelling between Broome Regional Prison and Roebourne Regional Prison in Western Australia (WA) lost all power and broke down approximately 50 kilometers south of Bidgydanga. Prisoner transport vehicles in WA are owned by the WA Department of Corrective Services (WA DCS), however, they are operated under contract by officers employed by Global Solutions Limited (GSL) Court Security and Custodial Services. WA DCS records indicate that there were in fact 17 prisoners in custody on board the prisoner transport vehicle and not eight. The maximum capacity for the prisoner transport vehicle in question is 19 prisoners. Both sections of the vehicle (the driver's cabin and the prisoner transport section) are fully air-conditioned, and it was only due to the full power loss and subsequent breakdown of the vehicle that the air-conditioning system ceased to operate. Portable toilet facilities are also available in this type of vehicle. Upon determining that the prisoner transport vehicle could not be repaired at the scene, the two prisoner</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response  |
|------|---------|------|------|---------|-------------------------|--|
|      |         |      |      |         |                         | <p>transport officers contacted the Operations office in Broome to advise of the situation. The outer pod doors on the prisoner transportation section were unlocked and the hatches opened to allow for maximum possible ventilation to the prisoners.</p> <p>Due to the number of prisoners being transported and the fact that the prisoner transport vehicle had broken down in an insecure area, it presented an unacceptable security risk to allow them to exit the vehicle. However, the prisoners were continuously monitored by the officers and were regularly provided with water. Officers from the WA Police, stationed at Bidgydanga arrived on the scene at approximately 14.00, bringing with them additional water supplies for the prisoners. At approximately 15.30, a second prisoner transport vehicle arrived and the 17 prisoners in custody were transferred to this vehicle and transported back to Broome Regional Prison without any incident.</p> <p>Mr. Ward's death is deemed a reportable death under the Coroner's Act of 1996, and an inquest will be held by the WA State Coroner. The inquest will investigate all matters in relation to the quality of management, care and supervision of Mr. Ward, as well as the circumstances and cause of death. As part of the inquest, an investigation is conducted by the WA Police, which will include the results of the post mortem examination and toxicology analysis. If the WA State Coroner considers that an indictable offence has been committed, it shall be reported to the appropriate authorities.</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response  |
|------|---------|------|------|---------|-------------------------|--|
|      |         |      |      |         |                         | <p>The WA State Coroner's Officer has advised that a definite commencement date for the Inquest into the death of Mr. Ward has not yet been finalized. It has also advised that there is usually a period of 18-24 months between a death and the commencement of the actual Coronial Inquest. Additionally, the WA State Coroner's Office cannot proceed to hold an inquest into a matter until the investigation file has been received from the agency concerned. Upon receipt of the investigation file, it is allocated to Counsel Assisting the Coroner to prepare for inquest. The file remains confidential until entered into evidence at the time of the Coronial Inquest.</p> <p>The Thematic Review of Custodial Transport Services in WA became a public document once it was tabled in the WA Parliament. The Review made 42 recommendations, of which 30 were supported by the WA DCS. The responses of the WA DCS are publicly available. The review took place shortly after the death in custody of Mr. Ward and, although not a review occasioned by his death, was a comprehensive inquiry by the WA DCS into the processes, protocols and practices associated with prisoner transport services in WA.</p> <p>No compensation has been provided to Mr. Ward's family, but provisions exist for them to make a public liability claim regarding his death.</p> <p>The high level of importance that the WA Government places on the welfare of prisoners during transportation was strongly demonstrated by the commitment of the WA</p> |

| Para | Country | Date     | Type | Mandate | Allegations transmitted  | Government response  |
|------|---------|----------|------|---------|--|--|
|      |         |          |      |         |  | DCS to host a Custodial Treatment Forum in August 2008.  |
| 5.   | Austria | 23/07/09 | AL   | TOR     | <p><b>Alleged failure by the Austrian Department of Public Prosecution to act on the criminal complaint filed on 13 June 2008 against Chechnya's current president, Ramzan A. Kadyrov.</b> On 13 June 2008, a criminal complaint against President Ramzan Kadyrov of Chechnya was filed at the Office of the Public Prosecution in Salzburg (Staatsanwaltschaft Salzburg). The complaint was based on reports that President Kadyrov would be visiting Salzburg on 14 June 2008 to watch the football match with Russian participation of the UEFA European Football Championship. In the criminal complaint, Mr. Kadyrov was accused of torture and other cruel, inhuman and degrading treatment committed in contravention of § 64 (1) 6 of the Austrian criminal code (Strafgesetzbuch "StGB") and in contravention of Articles 1, 4, 5, and 6 of the UNCAT, as well as severe coercion according to §§ 15, 105 and 106 Austrian StGB. The complaint contained and referenced numerous sources of evidence for the accusations made. The main evidence was contained in the testimony of Chechnyan citizen, Umar S. Israilov. Mr. Israilov, a former rebel fighter in Chechnya, who had become a bodyguard of President Kadyrov in 2003. He testified that, on 15 April 2003, he had been kidnapped and then detained by persons under Kadyrov's command, following which he was forced to work in President Kadyrov's security service (SB). Mr. Israilov further testified that, during his detention, which lasted until June 2003, he was subjected to torture by Mr. Kadyrov personally and by persons under his command. He also witnessed other detainees being tortured and</p> | <p>By letter dated 22 October 2009, the Government responded that the Office of the Public Prosecution in Salzburg, upon receipt of the criminal complaint on 13/14 June 2008 and according to § 25(1) of the Austrian Code of Criminal Procedure (StPO), immediately forwarded the criminal complaint of the European Center for Constitutional and Human Rights against Ramzan Kadyrov to the Office of the Public Prosecution in Vienna (Staatsanwaltschaft Wien) which had local jurisdiction for the complaint as it relates to severe coercion (§§15, 105 (1) Z.1, 106 (1) Z.1 StGB) against Mr. Israilov.</p> <p>Contrary to the description in the allegation letter, criminal proceedings against Ramzan Kadyrov and others relating to Mr. Israilov had already been initiated on 11 June 2008 (501 St 45/08d) based on a report of the Landesamt für Verfassungsschutz und Terrorismusbekämpfung Wien of 11 June 2008. The criminal complaint that was forwarded by the Office of the Public Prosecution in Salzburg was immediately included in these proceedings.</p> <p>Following these events, there were no indications whatsoever that Ramzan Kadyrov entered Austrian territory. Proceedings were indeed started against him for alleged instigation to severe coercion according to §§ 12, 15, 105 (1), 106 (1) and (3) StGB against Mr. Israilov and Muslim Dadaev. However, under Austrian law there was no link for prosecuting the acts of torture that he allegedly committed in Chechnya before</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response  |
|------|---------|------|------|---------|--|--|
|      |         |      |      |         | <p>killed by President Kadyrov and his assistants during the time of his detention and while being part of the security service.</p> <p>Mr. Israilov testified that he had been beaten with gun butts and pistol grips and tortured with electric wires and a hot metal rod. In the autumn of 2004, Mr. Israilov fled Chechnya and entered Austria on 7 September 2005 where he was officially granted refugee status after the Federal Asylum Senate (Unabhängiger Bundesasylsenat) found that Mr. Israilov's testimony about his treatment during his captivity in Chechnya was credible. An expert report dated 14 October 2005 submitted to the Bundesasylamt by a medical doctor confirmed that Mr. Israilov's scars and injuries fit the descriptions of mistreatment in his testimony.</p> <p>After Mr. Israilov left Chechnya, his father, Mr. Sharpudi E. Israilov, was also kidnapped on 27 November 2004 and, according to his testimony, detained and tortured by President Kadyrov's security service for 10 months. This was apparently done to try to force his son, Mr. Israilov, then living in Vienna, to return to Chechnya. Mr. Israilov described in his testimony that, starting on 31 May 2008, he had been contacted repeatedly personally and by phone by a man called Artur Kurmakaev who later stated that he was sent by President Kadyrov to threaten Israilov's family so as to force him to return to Chechnya, and to put pressure on Mr. Israilov to make him withdraw a complaint he had filed with the European Court of Human Rights. Mr. Israilov's father Sharpudi Israilov's testimony was also included in the complaint as further evidence that President Kadyrov had personally tortured detainees and was responsible for acts of torture committed by</p> | <p>Austrian courts as these were acts committed by a foreigner in a country other than Austria and because - as Kadyrov failed to enter Austria - there was also no connection to Austria.</p> <p>As regards Mr. Israilov, his representative applied to the Landesamt für Verfassungsschutz und Terrorismusbekämpfung Wien for his protection on 11 July 2008. At the time, and after consultation with the competent Public Prosecutor, no sufficient reasons to grant such protection were found. Currently, proceedings relating to the killing of Mr. Israilov on 13 January 2009 in Vienna are being conducted by the Office of the Public Prosecution in Vienna.</p> <p>Ramzan Kadyrov is being prosecuted for alleged instigation to severe coercion according to §§ 12, 15, 105 (1), 106 (1) and (3) StGB for criminal acts that he allegedly committed in Austria. As regards the acts of torture that he allegedly committed in Chechnya, due to the fact that Ramzan Kadyrov did not travel to Austria, no link for Austrian jurisdiction according to the relevant provisions of the Austrian penal code.</p> <p>As regards Mr. Israilov, the Austrian Code of Police Practice (Sicherheitspolizeigesetz; SPG) does not provide a legal entitlement for police protection upon the request of an individual. Decisive for the question whether police protection can be granted is the presumption that a dangerous attack is imminent. Mr. Israilov had been questioned in writing and, despite the questioning of additional witnesses and information received</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response   |
|------|---------|------|------|---------|---|---|
|      |         |      |      |         | <p>his security service. In the complaint numerous additional reliable sources from governmental and non-governmental sources were quoted describing President Kadyrov's involvement in acts of torture in Chechnya .</p> <p>After the complaint was filed on 13 June 2008, it was discovered that the Salzburg Office had declared itself incompetent in the matter, stating that, on 11 June 2008, the "Landesamt für Verfassungsschutz und Terrorismusbekämpfung" (LVT) had also filed a complaint against President Kadyrov and others for severe coercion (§§ 15, 105 and 106 StGB) of Mr. Israilov with the Office of the Public Prosecutor in Vienna. The Office in Salzburg did not forward the new complaint to the appropriate office in Vienna as it was obliged to do under § 25 (6) of the Austrian Criminal Procedural Code (Strafprozessordnung, StPO).</p> <p>When the attorney tried to file the complaint with the prosecution office in Vienna in person on 14 June 2008, a public prosecutor, Dr. Herrmann, informed her that the Office of the Public Prosecution could only accept complaints during office hours and not on weekends. She was advised to contact the police in an emergency case. Once President Kadyrov had left Austria, the attorney was told informally by the prosecutor in charge that the issuance of an arrest warrant for President Kadyrov had been refused on the ground of lack of evidence. However, the case is still pending and under investigation. In July 2008, Mr. Israilov began to fear for his personal security as there were indications that he was being monitored. He feared that a politically motivated murder was planned against him. When an attorney applied for protection for him on 8 July 2008, the police</p> | <p>from a human rights organization, there were no indications that a dangerous attack against his life, health or freedom was imminent. Based on the knowledge and the risk assessment at that time, no protective measures were taken by the Landesamt für Verfassungsschutz und Terrorismusbekämpfung Wien. Likewise, the competent Public Prosecutor did not find any reason to commission further measures.</p> <p>With regard to the measures that have been taken to ensure that the relevant Austrian authorities give effect to its obligations under the UNCAT, it is noteworthy that there was no Austrian jurisdiction according to § 64 (1) Z. 6 StGB, as the UNCAT only provides for the obligation of a State Party to the Convention to exercise jurisdiction over acts of torture if: a) such acts were committed in its (extended) territory (territorial principle) or if; b) the suspect (active personality principle) or the victim (passive personality principle) were citizens of the State Party (Art. 5 (1) UNCAT).</p> <p>In addition, State Parties are obliged to exercise their jurisdiction in situations where they refuse to extradite a suspect to another State Party according to Art. 5 (2) UNCAT, which is based on the principle "aut dedere aut iudicare".</p> <p>In the present case, the criminal acts were committed in Chechnya, neither the suspect nor any of the alleged victims were citizens of Austria and the suspect, Ramzan Kadyrov, was not present in Austria. Therefore, the</p> |

| Para | Country    | Date     | Type | Mandate                       | Allegations transmitted   | Government response   |
|------|------------|----------|------|-------------------------------|---|---|
|      |            |          |      |                               | after having discussed the issue with the state prosecutor, refused to comply with this request as he did not believe that there was an actual threat to Mr. Israilov (Note for the file 501 St 45/08d of LVT on 11.07.2008). On 13 January 2009, Mr. Israilov was shot dead on the street in Vienna. On 24 February 2009, Mr. Israilov's wife, children and father filed a complaint with the "Unabhängiger Verwaltungssenat" (UVS) in Vienna against the Sicherheitsdirektion Wien, Landesamt für Verfassungsschutz und Terrorismusbekämpfung – LVT and Bundesministerium für Inneres, Bundesamt für Verfassungsschutz und Terrorismusbekämpfung – BVT for the violation of articles 2, 3 and 8 of the European Convention on Human Rights, claiming the authorities had failed to provide Mr. Israilov with adequate protection. | question of extradition or prosecution did not arise and there was no breach of the obligations arising from the UNCAT. |
| 6.   | Azerbaijan | 04/08/09 | JUA  | FRDX;<br>HLTH;<br>HRD;<br>TOR | <b>Mr. Novruzali Mammadov</b> , Head of the Talysh Cultural Centre and Talysh language expert (see para. XX below and A/HRC/10/44/Add.4, para. 8). In June 2009, Mr. Novruzali Mammadov was diagnosed with several serious medical conditions by a doctor in Prison Colony No. 15, including cataracts, prostate cancer and thyroid problems. On 28 July 2009, Mr. Mammadov was transferred from Prison Colony to the central hospital for the penitentiary system, run by the Ministry of Justice.<br><br>Mr. Mammadov is allegedly not receiving adequate medical care in the hospital, where his health has further deteriorated. Reports claim that he has been denied pain relief by the hospital staff and has received no treatment for his conditions.  | A reply was received from the Government on 6/10/09, but could not be translated in time for inclusion in this report.  |
| 7.   |            | Follow-  |      |                               | <b>Sakit Salim Zahidov</b> , (A/HRC/10/44/Add.4,  | By letter dated 08/09/08, the Government  |

| Para | Country | Date                | Type | Mandate | Allegations transmitted | Government response  |
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|      |         | up to earlier cases |      |         | para. 9).               | <p>indicated that according to the verdict of the Serious Offences Court of the Republic of Azerbaijan of 4 October 2006, Sakit Salim Zahidov was imprisoned for three years and charged under article 234.1 of the Criminal Code.</p> <p>In accordance with the criminal procedure legislation, as well as relevant international instruments, all necessary procedures for Mr. Zahidov's protection were carried out. The appeal filed by his lawyer was considered by the Chamber on Criminal and Administrative Offences Cases of the Court of Appeal, and according to the decision of 15 December 2006, the verdict remained in force. A cassation appeal was considered by the Criminal Chamber of the Supreme Court on 24 April 2007, and the verdict remained in force without amendment. An additional cassation appeal filed with the Plenary of the Supreme Court was not allowed as there were no bases stipulated in the criminal procedural legislation.</p> <p>The application submitted by Mr. Zahidov's lawyer to the Prosecutor-General's Office regarding the threat to his life was taken as a serious warning, relevant instructions were given by the administration of the ministry, and a comprehensive investigation was carried out. However, his allegations, the illegal treatment of convicts by the prison administration and the hunger strikes as a result were not proven during the investigation. Mr. Zahidov, his lawyer or close relatives did not file a previous application regarding the threats to his life by other convicts, or acts of torture, inhuman or forcible treatment against him during his</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response  |
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|      |         |      |      |         |                         | <p>detention.</p> <p>Because of the need to prevent the transfer of prohibited items, measures on the manufacture, storage, carrying, conveyance, or use of prohibited items by detained persons were supplemented to the criminal legislation. The entry into force of this legislation has given additional stimuli for improvements in this field, and cases of violation of the rules and entry of prohibited items in penitentiary establishments has decreased.</p> <p>The legislative initiative on Amendments and Supplements to the Code of Enforcement of Sentences and Criminal Procedural Code of Azerbaijan regarding the humanization of the rules of completion and enforcement of sentences was adopted on 24 June 2008. The law grants convicts the right to psychological assistance, defines the limits to censorship of their correspondence, the number of meetings and telephone calls, and the harmonization of the legislation on enforcement of sentences with international instruments, especially the European Penitentiary rules. The law also establishes the right to know and express opinions about the sentence, as well as the right to petition to higher bodies and courts.</p> <p>According to the principle of prevalence of international norms, specific articles regarding the criminal liability for torture and other cruel, inhuman or degrading treatment or punishment are provided for in the criminal legislation.</p> <p>Azerbaijan acceded to the Convention against Torture, the European Convention for the</p> |

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|      |         |      |      |         |                         | <p>Prevention of Torture, and conditions have been created for the European Committee for the Prevention of Torture to visit relevant authorities, as well as penitentiary establishments. Representatives of the International Committee of the Red Cross also visit penitentiary establishments freely and meet with convicts in private. At the same time, new agencies, as well as the Inspectorate of Enforcement of Sentences Control and the Department of Human Rights and Public Relations have been established in the Ministry of Justice during the last few years. Prompt, independent and comprehensive investigations have been conducted into cases of torture and ill-treatment and measures are being taken to prevent torture.</p> <p>Rules on the participation of the community in the reformation of convicts were drawn up and approved by the Minister of Justice, in order to make the enforcement of sentences more transparent and to involve the community. In accordance with these rules, a Social Committee comprising members of Parliament, scientists, public figures and representatives of non-governmental organisations recognized by the Election Committee was set up. Conditions have been created for Committee members to visit penitentiary establishments and to meet with convicts.</p> <p>With respect to Mr. Zahidov's request to be transferred to another penitentiary establishment, the adoption of the relevant decision shall be considered after the termination of the course of his medical treatment. This, despite the fact that he</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response  |
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|      |         |      |      |         |  | <p>repeatedly violated the rules of enforcement of sentences and received more than ten reformatory measures at penitentiary establishment No. 14.</p> <p>Mr. Zahidov's request notes that the administration did not allow his transfer to the medical unit even though he had health problems. During the period he was in detention, Mr. Zahidov's right to in-patient and out-patient treatment, including first aid were ensured. Beginning in 2007, he received treatment in the neurological unit after being diagnosed with a neurasthenia, asthenoneurotic state. Although Mr. Zahidov did not have serious health problems, he was transferred to the Medical unit on 18 September, and his treatment continues. At the same time, he was examined by specialized doctors and no abnormal changes presenting a danger to his life were detected.</p> <p>In order to ensure the independence of medical experts, the Main Medical Department under the Ministry of Justice was established. Conditions have been created for all convicts to apply independently or through their lawyer for the enjoyment of all their rights.</p> <p>During his detention, Mr. Zahidov met with representatives of different international and non-governmental organisations, and he stated that he had no complaints against the administration of the establishment.</p> |
| 8.   |         |      |      |         | <b>Novruzali Mammadov, and his son, Mr. E. Mammadov.</b> (A/HRC/10/44/Add. 4, para. 8) | By letter dated 13/03/09, the Government informed that Mr. Novruzali Mammadov was arrested based on an order by the Yasamal district court of 3 February 2007, and held for 15 days in administrative detention. During  |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response  |
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|      |         |      |      |         |                         | <p>this time, he was represented by a lawyer from the Legal Consultancy Office No. 4. During the primary investigation, a forensic medical examination performed on 7 April 2007 upon request of his lawyer revealed no injuries on his body.</p> <p>On 26 November 2007, the criminal case was taken by the Court of Serious Crimes of the Republic of Azerbaijan. Another forensic medical examination was performed upon the appeal of the dependent, and the Court examining commission concluded that no injuries were found on his body.</p> <p>Mr. Mammadov was sentenced to ten years imprisonment, and his property was confiscated, according to the Judgement dated 27 June 2008 of the Court of Serious Crimes of the Republic of Azerbaijan. He had been accused of treason and received the lowest sanction possible. While deciding the sentence, the Court took into consideration that it was Mammadov's first conviction, his academic activities and the three individuals who were under his guardianship. Mr. Mammadov participated throughout the whole process, made a speech in his defense and was notified about the date of hearings when the Judgment would be read, at which he did not participate.</p> <p>On 25 June 2008, Mr. Mammadov was placed at the investigatory isolator No. 1 of the Penitentiary Service of the Ministry of Justice and is currently being held there. He applied to the medical aid for his disease of hypertonia and received required ambulatory medical care. On 16 September 2008, he had blood tests and an x-ray performed. He</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response  |
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|      |         |      |      |         |                         | <p>expressed his satisfaction of the staff's treatment and the medical care received.</p> <p>Mr. Mammadov's lawyer lodged an appeal against the sentence dated 24 June 2008. The Baku Court of Appeal considered that the decision of the Court of Serious Crimes was legal and reasonable, and the appeal the declined.</p> <p>On 18 July 2008, the Police of Sabail District, Baku City started a criminal process against E. Mammadov and a public defence lawyer was appointed. According to the Decision of the Sabail District Court, E. Mammadov was arrested and placed at the investigatory isolator No. 1 of the Penitentiary Service of the Ministry of Justice. The opinion of the forensic chemical examination dated 19 July 2008 indicated that the substance obtained from E. Mammadov was heroin. During the interrogation, in the presence of his lawyer, E. Mammadov admitted to using the drug. E. Mammadov's mother indicated that he took the narcotic substance because he was depressed as a result of his illness. The opinion of the forensic examination dated 5 August 2008 indicated that E. Mammadov had serious disturbances of personality resulting from narcotic addiction.</p> <p>E. Mammadov's case was examined at Sabail District Court on 28 August 2008. He was found guilty on 7 October 2008 and deprived of liberty for one year. Considering the character of the crime committed, the level of his threat to public safety, and the lack of aggravating situations, his punishment was applied conditionally, and a period of six months probation was defined. No appeal was</p> |

| Para | Country | Date                       | Type | Mandate | Allegations transmitted                                 | Government response   |
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|      |         |                            |      |         |   | lodged against the Court's judgment. E. Mammadov has not applied for medical care, and he did not complain of the prison staff.   |
| 9.   | Bahamas | Follow-up to earlier cases |      |         | <b>Mr. Alutus Newbold</b> , (A/HRC/4/33/Add.1, para. 8) | <p>By letter dated 09/01/09, the Government indicated that Mr. Alutus Newbold was sentenced to receive eight strokes of the rod, and not the cat-o-nine tails. He was found guilty of burglary for which he was sentenced to 16 years, attempted rape for which he was sentenced to six years, and causing harm, for which he was sentenced to two years. Mr. Newbold's sentence is to run concurrently, therefore, he will serve 16 years. Further, under the laws of the Bahamas, the sentences of convicted persons may be reduced by one-third, based on good behaviour.</p> <p>In accordance with the laws of the Commonwealth of the Bahamas, Mr. Newbold appealed his conviction and sentence. However, he abandoned his appeal on 28 June 2007. Judgment in Mr. Newbold's appeal against sentence was delivered on 29 October 2008. The appeal was dismissed, with the Court of Appeal holding that the imposition of corporal punishment in the Commonwealth of the Bahamas was lawful and constitution. The execution of sentence in this case was stayed for 21 days to permit the filing of any contemplated appeals. No appeal or application for a further stay was filed. The first installment of the sentence ordered by the courts was administered at the expiration of the requisite period.</p> <p>The Government of the Bahamas plans to take steps to repeal corporal punishment in the next legislative term.</p> |

| Para | Country | Date     | Type | Mandate               | Allegations transmitted   | Government response |
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| 10.  | Bahrain | 02/02/09 | JUA  | WGAD;<br>TERR;<br>TOR | <p><b>Ahmed Yousef Al-Same'a</b>, aged 26, <b>Mohammed Jamil Taher Al-Same'a</b>, aged 22, and <b>Ali Jamil Taher Al-Same'a</b>, aged 28, all from Sanabis village; <b>Mohamed Abdullah Abdulhusain Al-Shargi</b>, aged 32, <b>Mohamed Ja'afar Isa Ebrahim</b>, aged 32, <b>Hassan Jassim Mohammed</b> and <b>Fathi Jassim Makki Jassim</b>, all from Jidahfs village; <b>Yaseen Ali Mushaima</b>, aged 21 from Daih village; <b>Hasan Ali Fateel</b>, aged 27 from Sar village; <b>Mohammad Khalil Ibrahim Al-Medawob</b>, aged 28 from Jeblat Hebshi village; <b>Mohammed Hassan Saleh Al-Jazeera</b>, aged 20 from Karranah village; <b>Mohsen Ahmed Al-Gassab</b>, aged 31, and <b>Mohamed Salaman Abdul-Rasool</b>, all Bahraini citizens, currently detained at Dry Dock Jail; <b>Abdul-Redha Hassan Al-Saffar</b>, <b>Sami Ahmed Muftah</b>, aged 30 from Tubly village, <b>Sayed Ali Sayed Shubber</b>, aged 30 from Jed Haffs Village, <b>Ali Abdulhadi Mushamai</b>, aged 19 from Al-Daih Village, <b>Abbas Jameel Taher Al-Samee</b>, aged 19 from Sanabis village, <b>Hussain Ali Jummah</b>, aged 15 year from Hamad Town and <b>Abdulredah Taher Al-Samee</b>, aged 26 from al Sanabis village.</p> <p>On 15 December 2008, officers from the National Security Apparatus arrested 13 persons for their alleged involvement in a terrorist attack. They were held in incommunicado detention until 28 December 2008, when an official television channel showed a video about some unrest and confessions of several of the detainees named above. The next day, a number of newspapers printed the names and pictures of the arrested people and their confessions.</p> <p>None of the detainees has been charged with a particular offense to date. While some of these</p> |                     |

| Para | Country    | Date     | Type | Mandate | Allegations transmitted   | Government response |
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|      |            |          |      |         | <p>13 individuals being held at Dry Dock Jail had access to their lawyers and families after 28 December 2008, at least Mohammad Khalil Ibrahim Al-Medawob, Mohammed Jamil Taher Al-Same and Yaseen Ali Mushaima are still in incommunicado detention.</p> <p>During their custody, some of the detainees were subjected to blindfolding, sleep deprivation, standing for long hours, beatings, electrocution of armpits and genital organs, suspension with tied hands for prolonged periods and verbal abuse to extort confessions.</p> <p>On 21 December 2008, Abdul-Redha Hassan Al-Saffar, who had been involved in organizing sit-ins with the relatives of the 13 detainees, was also arrested in Mahooz village and has not yet been charged with any offense.</p> <p>In addition, between 12 and 19 January 2009, officers from the National Security Apparatus arrested six other individuals, Sami Ahmed Muftah, Sayed Ali Sayed Shubber, Ali Abdulhadi Mushamai, Abbas Jameel Taher Al-samee, Hussain Ali Jummah and Abdulredah Taher Al- Samee. They have been held incommunicado reportedly in relation to the same case.</p> |                     |
| 11.  | Bangladesh | 10/06/09 | SL   | TOR     | <p><b>Mr. Farid Tarafdar; Mr. Shahidul Bishwas; Mr. Tarek Mirza; Mr. Uzzal Bishwas; Mr. Kishore Banarjee; Mr. Nil Ratan Banarjee; Mr. Titon Datta; Mr. Alamgir Dewan; Mr. Md. Bazlur Rahman Gazi; Mr. Rafikul Islam; Mr. Ziaur Rahman Zia; and Mr. Swapan.</b></p> <p>On 10 May 2009, there was a clash between two factions of the Bangladesh Chhatra League, the student wing of the ruling party. At around 10</p>   |                     |

| Para | Country | Date                       | Type | Mandate | Allegations transmitted   | Government response  |
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|      |         |                            |      |         | <p>p.m. that night, officers from the Manirampur Police Station arrested the 12 men named above, who had been sitting in a field belonging to the Hakoba Pilot School.</p> <p>The Officer-in-charge of the Manirampur Police Station reportedly called the 12 men into his office and, together with his colleagues, tied their hands behind their backs with ropes and handcuffs. They were then beaten with sticks. After midnight, they were transferred to the Kotowali Police Station, where they were once again beaten. The Sub-Inspector allegedly ordered the police to beat their soles and palms. As a result, Mr. Tarafdar and Mr. Bishwas's right hands were broken, Mr. Gazi's left shoulder was bruised with clotted blood and Mr. Zia's heel was badly injured. Most of the men were severely bruised across the body.</p> <p>At approximately 11 a.m. on 11 May, the men were presented before the Jessore Judicial Magistrate's Court, charged with conspiring to commit a known offence, for which no arrest warrant is required. The 12 men were granted bail. The four men who sustained the most injuries, namely Messrs. Tarafdar, Bishwas, Gazi and Zia, have been unable to work since the arrest, and they cannot afford medical treatment.</p> |  |
| 12.  |         | Follow-up to earlier cases |      |         | <b>Mohammed Aminul Islam Shahin and others.</b> (A/HRC/10/44/Add.4, para. 18).  | By letter dated 17/09/09, the Government indicated that during the investigation, Mr. Aminul Islam Shahin, son of late Mujaffor Gazi; a Sub-Inspector of the Dhaka Police Station; an Assistant Sub-Inspector of Gournadi Police Station; a Constable of Barisal Police Station and a Constable from the Dhaka Police Station provided written statements. Other witnesses were also |

| Para | Country | Date     | Type | Mandate        | Allegations transmitted  | Government response   |
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|      |         |          |      |                |  | <p>examined.</p> <p>During the inquiry, it became apparent that on 8 November 2007, a police officer from Gournadi Police Station went to the Nalchira, Mahilara and Batazore areas to conduct a special operation, when he was informed that Mr. Shahin had been involved in a crime. The police went to his residence with some witnesses and called Mr. Shahin, but there was no response. After several minutes, Mr. Shahin was seen fleeing his house. He ran into a tree and fell unconscious. Two constables then applied force to secure his arrest. After hearing his shouting, the Sub-Inspector and other officers, together with local people went to the spot of the arrest, helped Mr. Shahin escape from the constables and took him to Ashukathi (Gournadi) Upazila Hospital. He received first aid and was referred to SBMCH for better treatment.</p> <p>The Additional Superintendent of Police conducted an inquiry and submitted a detailed report to the Superintendent of Police in Barisal. The two constables were punished with 14 days punishment drill. Departmental proceedings were launched against the Sub-Inspector. Meanwhile, Mr. Shahin lodged a case before the LTD Additional Chief Judicial Magistrate Court in Barisal. The court acquitted the Sub-Inspector and others and the case was subsequently filed.</p> <p>According to Mr. Shahin's and other related witnesses' written statements, they did not admit any torture from the police.</p> |
| 13.  | Belarus | 30/01/09 | JUA  | WGAD;<br>HLTH; | <b>Mr. Emanuel Zeltser</b> was arrested on 12 March 2008 by officers from the State Security Committee (KGB). Following a closed trial, he | By letter dated 17/02/09, the Government indicated that on 12 March 2008, Emanuel Zeltser, a citizen of the United States of  |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response   |
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|      |         |      |      | TOR     | <p>was sentenced on 11 August 2008 to three years' imprisonment on charges of "using false official documents" and "economic espionage". His appeal to the Belarusian Supreme Court was rejected after a closed hearing on 31 October. Following his arrest, Mr Zeltser was kept at a KGB facility until 4 November. Following his arrest, he was beaten on the head on 13 and 15 March. Consular access was only granted on 27 March.</p> <p>Subsequently, he was moved to Volodarskaya Ulica detention facility. There, the sanitary situation was poor, he was denied food and mattress and was deprived of his medication. He was also permanently handcuffed, which adversely affected blood circulation in his hands. In general, the facility was overcrowded (4.5 times above official capacity), and access to daylight and ventilation was extremely restricted.</p> <p>On 11 November 2008, Mr Zeltser was transferred to Mogilev colony. On 17 November he was taken to the prison hospital due to a significant increase of his blood pressure, but did not receive the medicine prescribed by the physician. Although Mr Zeltser is suffering from diabetes, high blood pressure, heart problems and severe arthritis, he has been deprived of critical medicine and received medical treatment only sporadically while in detention. As a result, Mr Zeltser's heart condition has deteriorated and, according to his privately hired doctor, he is in urgent need of heart surgery. In addition, his weak circulation, worsened by severe diabetes, may soon damage his left foot to the point of requiring amputation. He is in constant pain and often unable to walk or feel his legs because of</p> | <p>America, was arrested at the airport in Minsk on a charge of using falsified official documents and with attempted economic espionage.</p> <p>Court proceedings lasted until 11 August, when he was sentenced to three years' deprivation of liberty. On 31 October, the Supreme Court considered the cassation appeal and decided to uphold the conviction. On 18 November, he was placed in corrective colony No. 15 in Mogilev. United States consular staff was granted access to Mr. Zeltser and visited him several times.</p> <p>The competent authorities placed Mr. Zeltser under constant observation by a doctor attached to the prison service. On 26 June, at the request of the US Government, an American doctor carried out a medical examination. He recommended additional painkillers and other medicines which he had been taking before his arrest. On 9 September, he started receiving full supplies of all the necessary medicines.</p> <p>On 6 January 2009, a panel of Belarusian doctors, together with the American doctor examined Mr. Zeltser. The doctors concluded that his condition was satisfactory and that all the required medicines were available in the medical facility of corrective colony No. 15. Mr. Zeltser's doctor stated that a cure would only be possible if he were hospitalized in an American medical establishment. At present, Mr. Zeltser has constant access to a doctor. He was repeatedly turned down the proposal to transfer his to the State hospital attached to the Department for the Execution of Sentences.</p> |

| Para | Country | Date     | Type | Mandate      | Allegations transmitted  | Government response   |
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|      |         |          |      |              | his arthritis.   |   |
| 14.  |         | 13/10/09 | JUA  | SUMX;<br>TOR | <p><b>Reportedly imminent execution of Mr. Vasily Yusepchuk.</b></p> <p>Mr. Vasily Yusepchuk was sentenced to death for murder on 29 June 2009 by the Brest Regional Court. The Supreme Court rejected his appeal on 2 October. Mr. Yusepchuk has until 12 October to apply for clemency.</p> <p>Reports indicate that in Belarus, prisoners are given no prior notification that they are about to be executed. In accordance with prevailing practice, prisoners are informed in the presence of the director of the detention facility, the prosecutor and one other Ministry of Interior employee that their appeal for clemency has been denied and that the death sentence will be carried out. They are then reportedly immediately taken to a room where they are forced to their knees and shot in the back of the head with a pistol. Their families are not informed of the rejection of the clemency petition and not given the opportunity for a last visit to the prisoner. They are informed days or weeks later that the execution has taken place. The body of the executed prisoner is not handed over to the family and the place of burial is not disclosed to them.</p> | A reply was received from the Government on 18/12/09, but could not be translated in time for inclusion in this report. |
| 15.  |         | 5/11/09  | JUA  | TOR;<br>SUMX | <p><b>Reportedly imminent execution of Mr. Andrei Zhuk.</b></p> <p>On 17 July 2009, Mr. Andrei Zhuk was found guilty of armed assault and double murder and sentenced to death by the Minsk Regional Court. The Supreme Court rejected his appeal on 27 October 2009.</p> <p>As indicated in communication dated 13 October 2009 regarding the case of Vasily</p>  | A reply was received from the Government on 18/12/09, but could not be translated in time for inclusion in this report. |

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|      |         |          |      |         | Yusepchuk (See para. XX above), there are concerns of with respect to reports concerning an alleged lack of transparency in the proceedings following Supreme Court confirmation of a death sentence in Belarus.  |                     |
| 16.  |         | 11/12/09 | AL   | TOR     | <p><b>Arrest and ill-treatment of several protesters at Kastrychnitskaya Square.</b></p> <p>On 9 September 2009, approximately 20 people were arrested at Kastrychnitskaya Square in Minsk, following a protest against a military contingent arriving from the Russian Federation. Among the detainees were Ms. Alina Radachynskaya and Messrs. Viktor Ivashkevich, Zmitser Barodka, Zmitser Bandarenka, Uladzimir Lemesh and Aliaksei Sianchyla. Mr. Zmitser Dashkevich, leader of the Young Front, and Mr. Siarzhuk Karpovich, member of BPF Youth were arrested before they were able to reach the square. They were all taken inside a duty bus of the riot police, where they were thrown on the floor, beaten, insulted and threatened with rape.</p> <p>The majority of the detainees were taken to the Tsentralny district police department in Minsk, and 17 of them were held overnight at the isolation centre for delinquents. Although some of the detainees needed medical assistance, none was provided. The next morning, they were taken to the Tsentralny district court in Minsk. Messrs. Barodka, Serhiyets and and Ivashkevich allegedly had traces of the beatings on their faces.</p> <p>In a separate incident on 16 September, dozens of people staged a protest on the tenth anniversary of the kidnapping of the vice-speaker of the Belarusian Parliament. Riot police and other persons in civilian clothes</p> |                     |

| Para | Country | Date                       | Type | Mandate | Allegations transmitted   | Government response   |
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|      |         |                            |      |         | <p>arrested 31 persons. Once on the police bus, Messrs. Korban Aleh Mikhailavich, Siarheyenka Aliaksandr Uladzimiravich, Stsepanenka Aliaksandr Mikalayeovich, Yuliian Valeryievich Misinkevich, Sianchyla Aliaksei Aliaksandravich, Serhiyets Maxim Mikalayeich and others were beaten and threatened with dismissal from their jobs. Messrs. Mikhailavich, Uladzimiravich, Mikalayeovich, Aliaksandravich received multiple blows on their head, torso, legs and arms.</p> <p>They were then taken to the Tsentralny district police department. At the police department, Mr. Mikalai Statkevich was forced to stand with his legs apart, while the police beat him on the legs until he fell. Mr. Mikalayeovich was immobilised by several officers who then proceeded to cut his hair. Mr. Valeryievich Misinkevich was threatened after he refused to have his fingerprints taken. The other detainees were also beaten across their heads and bodies. They were also verbally assaulted. Some of the women who had been detained were also threatened with rape. Most of the detainees were released without charges at approximately 11.00 p.m.</p> |   |
| 17.  |         | Follow-up to earlier cases |      |         | <p><b>Yana Polyakova</b> (A/HRC/10/44/Add.4, para. 19).</p>   | <p>By letter dated 09/01/09, the Government informed that since 2000, Ms. Polyakova has been officially unemployed. She has never held a license to practice law. Ms. Polyakova is not well regarded at her place of residence. Her neighbours have filed numerous complaints of disorderly conduct with residential board No. 4 and with the internal affairs agencies.</p> <p>On 1 September 2008, the Salihorsk district procurator's office received a statement from Ms. Polyakova in which she indicated that</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response   |
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|      |         |      |      |         |                         | <p>she had begun receiving threatening calls on her home phone from unidentified persons demanding that she meet with officers of the State Security Committee (KGB) and internal affairs agencies. In her statement, she also reported that she had been arrested on 31 August 2008 by a neighbourhood police officer, who was accompanied by two unidentified men, and driven to the Salihorsk district internal affairs office (police station). In his office, the officer proposed that she sign some documents. When she tried to read them, he hit her on the arm with an elongated cylindrical object, and subsequently another person hit her on the legs. The forensic medical report concluded that she had bruises on her right palm, her left calf and the outside of her right shin; they were minor injuries and had no short-term health effects. It was impossible to confirm Ms. Polyakova's statements about the calls to her home phone. According to the information from the head of the Salihorsk municipal KGB unit, KGB officers issued no summons for Ms. Polyakova. Her claims that she was arrested on 31 August 2008 by the internal affairs officer, taken to the Salihorsk district police station and assaulted were not substantiated.</p> <p>It was established that on 31 August 2008, during the holiday celebrations in the town of Salihorsk, internal affairs officers were stationed there between the hours of 9 a.m. and 10 p.m. to maintain order. The internal affairs officer was on duty in the town's central square. He did not absent himself for any extended periods, as attested by the deployment plan of the Salihorsk district internal affairs office and by explanations</p> |

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|      |         |      |      |         |                         | <p>given by internal affairs officers. On that day, the officer did not arrest Ms. Polyakova or summon her to the district police station. Ms. Polyakova was summoned to appear before neighbourhood police officer Pugachev on 1 September 2008 in connection with her neighbour's complaint that she had been attacked by Ms. Polyakova. Ms. Polyakova appeared at the Salihorsk district police station on 31 August 2008 at 11.18 a.m., informing the officer on duty that she had been summoned by the internal affairs officer. The duty officer duly recorded her visit in the log and informed her that the officer in question was absent. Ms. Polyakova then stated that she had "no intention of chasing him down", and left the building after a short period of time.</p> <p>Upon examination, the Salihorsk district police station log was found to contain an entry indicating that Ms. Polyakova addressed the duty officer at 11.22 a.m. on 31 August 2008.</p> <p>The police station's video surveillance system shows Ms. Polyakova entering the building unaccompanied at 11.18 a.m. on 31 August 2008. She immediately approached the desk of the duty officer and sat down on a bench next to the officer, who recorded her data in the log. While in the building, Ms. Polyakova did not go to the second floor, where the internal affairs officers's office is located, nor did she speak to anyone other than the duty officer. At 11.34 a.m., she left the building and did not return.</p> <p>The Salihorsk ambulance station received a call from Ms. Polyakova on 31 August 2008</p> |

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|      |         |      |      |         |                         | <p>at 11.41 a.m. An ambulance paramedic explained that on 31 August 2008 at around 11.30 a.m. he arrived at the Salihorsk district police station behind an internal affairs officer who was supposed to assist medical workers in transporting a mentally disturbed individual. Near the building, he was approached by Ms. Polyakova, who stated that she had called for an ambulance, as her right arm was hurting. She had swelling and bruises on the back of the hand. Mr. Sereda replied that he had not come in response to her call. Ms. Polyakova said nothing about having been beaten by internal affairs officers.</p> <p>At the instruction of the ambulance dispatcher, Mr. Sereda returned to the district police station at around noon to assist Ms. Polyakova. She began to cry and claimed that she had been beaten by internal affairs officers. She also complained of pain in her legs. Ms. Polyakova's injuries were not sustained in the police station.</p> <p>On 11 September 2008, the criminal case against Ms. Polyakova was dropped, and she was informed in writing. On 11 December 2008, the Minsk provincial procurator's office overturned the decision of the Salihorsk district procurator's office not to bring a criminal case against Ms. Polyakova for intentionally filing a false report. The case file was referred back to the Salihorsk district procurator's office so that criminal proceedings could be instituted against Ms. Polyakova.</p> <p>An investigation into the injuries sustained by Ms. Polyakova on 9 October 2008 was</p> |

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|      |         |      |      |         |                         | <p>carried out by the Salihorsk district internal affairs office. It concluded that at around 5 p.m. near the door of the corridor in the apartment building where Ms. Polyakova resided, an unidentified man struck Ms. Polyakova. According to the forensic medical report, a bruise was detected on Ms. Polyakova's forehead. The investigation by the Salihorsk district internal affairs office resulted in a decision not to open a criminal case, as the actions of the individual did not constitute a crime. Once the perpetrator is identified, he will be charged with disorderly conduct. There has been no indication that this act is connected to Ms. Polyakova's human rights activities.</p> <p>On 27 October 2008, the Salihorsk district procurator's office received a statement from Ms. Polyakova. In the statement, she claimed that on 9 October 2008, at the entry to her place of residence, an unidentified man struck her twice on the head. According to Ms. Polyakova, at the Salihorsk district police station, where she was taken to be interviewed, an internal affairs officer threw her to the floor, resulting in injuries to her spine and right leg.</p> <p>An investigation conducted regarding this statement established that on at 5.01 p.m. on 9 October 2008, a call was received from Ms. Polyakova, according to which an unidentified person had beaten her in the entrance to her apartment. The ambulance crew took her to the central district hospital, and once medical assistance had been provided, to the police station for interviewing. However, during the interview,</p> |

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|      |         |      |      |         |                         | <p>Ms. Polyakova said that she felt unwell, and at 7.49 p.m. another ambulance was called for her. Ms. Polyakova left the building and did not wait for the ambulance to arrive. As a result, she had to be tracked down on the street. When the doctors remarked that she had already received qualified medical assistance, Ms. Polyakova reacted inappropriately; she began swearing at the medical staff and screaming. She refused medical assistance and attempted to leave the building. A neighbourhood police officer asked her to return, calm down and take a seat on a bench. He took her by the hand to escort her to the bench. In response, Ms. Polyakova abruptly threw herself to the floor. Sitting on the floor, she began to make calls on her mobile phone, saying that internal affairs officers were beating her, that they had “broken [her] spine” and that her “back hurt”. According to the video recordings taken in the entrance hall of the district police station, Ms. Polyakova sat on the floor for at least 35 minutes. During this time, she was on numerous occasions invited to stand up, but she continued to sit there until the arrival of a new ambulance crew.</p> <p>The forensic medical report concluded that apart from the bruise on her forehead referred to above, there were no signs of injury on Ms. Polyakova’s body. The Salihorsk district procurator’s office on 27 November 2008 decided not to institute criminal proceedings against the officers, for lack of evidence that a crime had been committed. Ms. Polyakova failed to appear at procurators’ offices when she was summoned by them. The Office of the Procurator General of the Republic of</p> |

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|      |          |          |      |                   |   | Belarus agreed with the decisions not to open a criminal case in respect of Ms. Polyakova's complaints.   |
| 18.  | Cambodia | 29/12/08 | JUA  | WGAD;<br>IJL; TOR | <p><b>Raids in Beoung Tra Bek</b>, Phnom Penh. Recent police roundups took place in Beoung Tra Bek, a neighborhood of Phnom Penh, where many drug users live. Police beat the drug users while arresting them – sometimes resulting in them losing consciousness. In particular, police hit anyone trying to run away with their sticks. Drug users of Vietnamese origin caught up in the raids were reportedly treated worse than those of Khmer origin, and were hit or punched for being Vietnamese.</p> <p>As a result of the raids, police arrested and detained at least 30 persons. With the exception of one man, no one has been charged. Drug users caught up in the raids were sent to Ogkas Kynom centre.</p> <p>Similar raids had taken place in June 2008, following which approximately 40 out of 350 detainees were sent to Koh Kor, situated on an island in Kandal Province in southern Cambodia. Many others were held in Ogkas Kynom, a drug treatment centre on the outskirts of Phnom Penh. Drug users detained in the past reported experiencing several human rights violations, including: Detainees who suffered from HIV/AIDS, hepatitis C, tuberculosis and other illnesses, had no access to appropriate treatment; inadequate nutrition in the treatment center; detainees were kept in locked cells for 23 hours and released only 40 minutes a day; detainees were beaten regularly with sticks and told that the reason for their beating was to “learn not to use drugs and that being an injection drug user is disgusting and bad”; and</p> | <p>By letter dated 29/04/09, the Government indicated that the competent authorities had conducted the drug control operations from 12 to 17 December 2008, at the outskirts of Phnom Penh. These included the operation at Phaté village, street 435, Tamnup Teuk commune, the operation at the slum area of Building on Sothearos Street, Tonlé Bassac commune and the operation at Boeung Tra Bek, at street 97, Phsa Deum Thakov commune, all in Chamcar Mon District, Phnom Penh.</p> <p>As a result of the operations, the competent authorities arrested 32 young people, most of them abandoned and street children who became victims of drug addictions. The victims were taken into custody and sent to the rehabilitation center in order to receive medical treatment and re-education without any type of abuse.</p> <p>From June to December 2008, the Government received the support of two organizations that opened their doors to all drug addicts. Both centers received a large number of drug users and are designed to provide not only for the health-care services and treatments, but also the opportunity for the victims to take additional vocational training. For those who were in a serious mental and abnormal condition associated with their drug addiction, the centers gave them special care due to safety reasons.</p> |

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|      |         |          |      |                      | <p>instances of other inmates being beaten by guards to the point of near-death, and then removed from the treatment centers so that they would not die there.</p> <p>The raids reportedly follow a pledge by the recently appointed National Police Chief Neth Savoeun on 9 December 2008 to clear the streets of Phnom Penh of all drug users.</p>  |                     |
| 19.  |         | 11/12/09 | JUA  | CAM;<br>TOR          | <p><b>Concerning a group of 22 ethnic-Uyghurs of Chinese nationality currently awaiting refugee status determination</b> by the United Nations High Commissioner for Refugees (UNHCR) and the Cambodian authorities.</p> <p>A group of 22 members of the Uyghur minority are seeking asylum in Cambodia after fleeing the clashes between Uyghurs and Han Chinese, which took place in the Xinjiang region in July 2009. These clashes resulted in numerous people, including many Uyghurs, being detained and severely tortured by the police and the military police. Many others were also killed during these events.</p> <p>The 22 persons have all registered for asylum at UNHCR in Phnom Penh, and have received “Persons of Concern” letters. Only one of them has been interviewed. The Ministry of Interior, for its part, has indicated that they would be returned to their point of entry if they did not have any legal documents.</p> |                     |
| 20.  | Chad    | 07/01/09 | JAL  | FRDX;<br>HRD;<br>TOR | <p><b>M. Bernard Njonga</b>, président, <b>M. Isaac Difakoué</b>, vice-président et <b>MM. Nono Théophile</b> et <b>Mowha Franklin</b>, membres de l’Association Citoyenne de Défense des Intérêts Collectifs (ACDIC). Le 3 décembre 2008, l’ACDIC aurait publié un rapport faisant état d’un cas de corruption au sein du Ministère de</p>   |                     |

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|      |         |      |      |         | <p>l'Agriculture et du Développement Rural qui aurait contribué à une crise du blé dans le pays.</p> <p>Le 10 décembre, l'ACDIC avait prévu d'organiser une manifestation pacifique devant ses locaux, le jour du 60ème anniversaire de la Déclaration Universelle des Droits de l'Homme, afin de protester contre la corruption alléguée au sein du Ministère. Quand les premiers membres de l'ACDIC se seraient rassemblés dans les bureaux de l'organisation, un groupe de policiers serait arrivé et aurait bloqué l'entrée de ces bureaux alors que plusieurs autres membres étaient en train d'arriver. Une heure plus tard, la police anti-émeute du Groupe Mobile d'Intervention serait arrivée sur les lieux. Alors que la tension commençait à monter entre la police et les membres de l'ACDIC, la police aurait demandé à tous les membres qui se trouvaient à l'intérieur des bureaux de l'ACDIC de sortir. La police aurait également demandé à parler à M. Njonga.</p> <p>Alors que certains manifestants tentaient de rester dans les bureaux, la police aurait fait usage de la force à leur rencontre. MM. Théophile et Franklin auraient été sévèrement passés à tabac et leur état aurait nécessité plusieurs points de suture. Il est allégué que MM. Théophile et Franklin auraient été violentés au moment où ils entraient dans le véhicule de police pour être interrogés. La police aurait saisi dans les bureaux de l'ACDIC du matériel destiné à la manifestation.</p> <p>Neuf manifestants, parmi lesquels MM. Njonga, Difakoué, Théophile et Franklin, auraient été arrêtés et conduits au poste de police central n°1. Ils auraient tous été libérés dans la soirée du 11 décembre et auraient reçu l'ordre de comparaître</p> |                     |

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|      |         |          |      |                   | devant le tribunal dans la matinée du 12 décembre. Suite à cette comparution, toutes les personnes auraient été libérées, mais les charges pour « manifestation illégale » seraient toujours pendantes. Ils seraient sommés de comparaître à nouveau le 31 janvier 2009.   |                     |
| 21.  |         | 27/07/09 | JUA  | WGAD;<br>IJL; TOR | <p><b>M. Haroun Mahamat Abdoulaye</b>, Sultan à Dar Tama, région de Wadi Fira à L'Est du pays.</p> <p>Le 20 juillet 2009 il aurait été arrêté à son domicile par le directeur de la police judiciaire accompagné de quelques policiers et conduit à la Direction des renseignements généraux. Puis, il serait privé de tout contact avec ses avocats et sa famille.</p> <p>M. Haroun Mahamat Abdoulaye aurait déjà été détenu entre le 30 novembre 2007 et le 3 mai 2008, accusé d'avoir soutenu le Front Uni pour le Changement Démocratique (FUC), un groupe d'opposition armé. Pendant ce temps, il aurait été détenu dans des conditions très difficiles, notamment sans accès à un avocat et sa famille, à la Direction des renseignements généraux proches de la Présidence de la République, ensuite à Korotoro, un lieu de détention sans statut juridique réel.</p> |                     |
| 22.  |         | 6/10/09  | AL   | TOR               | <p><b>M. Abakar Abakaka</b>, âgé de 22 ans, de la région de Logone Gana, et <b>M. Kadorom Babma</b>, âgé de 21 ans, de la région de Tandjilé.</p> <p>Le 5 décembre 2008, M. Abakar Abakaka aurait été attaqué par un groupe de jeunes au cinéma Tibesti de Kalaye. Après lui avoir mis un sac noir sur la tête, ces jeunes hommes l'auraient embarqué sur une moto et emmené dans un lieu boisé. Ils auraient déshabillé et auraient enroulé son sexe avec un fil, sur lequel ils auraient ensuite tiré jusqu'à ce qu'il se casse. Ils</p>   |                     |

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|      |         |      |      |         | <p>l'auraient aussi frappé. M. Abakar Abakaka se serait ensuite évanoui. Lorsqu'il a repris conscience, des militaires se seraient joints aux jeunes et lui auraient attaché les pieds pour le suspendre à un arbre la tête en bas. Ils l'auraient aussi battu avec des bâtons et des cordes. Les militaires lui auraient demandé de donner le nom de quelqu'un qu'il connaissait et, sous la menace des coups, il aurait indiqué un certain Babma.</p> <p>Les militaires se seraient rendus chez M. Babma avec M. Abakar Abakaka. Ils auraient emmené M. Babma dans une salle au camp des Martyrs. Ils lui auraient ligoté les pieds et l'auraient frappé. Ensuite des militaires, dont un capitaine, lui auraient posé des questions. M. Babma aurait dit qu'il ne savait rien de cette histoire. Les militaires lui auraient alors mis un sac en plastique contenant du piment en poudre sur la tête pour l'empêcher de respirer. Les militaires l'auraient aussi forcé à descendre des marches d'escalier les mains et pieds liés. Menacé d'être jeté dans les escaliers s'il ne s'exécutait pas, M. Babma serait descendu et aurait traversé un couloir et la cour du camp, ce qui l'aurait épuisé. Ensuite, les soldats l'auraient traîné sous un robinet ouvert avec une forte pression et maintenu la tête sous l'eau avec une chaussure. Un enfant soldat aurait éteint son mégot de cigarette sur la jambe de M. Babma. Ensuite, il aurait été emmené à la prison.</p> <p>Simultanément, les militaires auraient attaché les pieds de M. Abakaka à une branche dans la cour du camp des martyrs et auraient continué à le frapper avec des cordelettes et des bâtons.</p> <p>Tous les deux auraient été libérés le 15 décembre suite à l'intervention d'un général,</p> |                     |

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|      |         |          |      |              | <p>mais ni M. Abakaka ni M. Babma n'auraient reçu de la réhabilitation ou compensation à ce jour.</p> <p>M. Abakaka porterait toujours des traces de ces traitements et continuerait à avoir de la peine à marcher.</p>   |  |
| 23.  |         | 18/12/09 | AL   | TOR          | <p><b>M. Pierre Kemaye</b>, cultivateur à Grumango.</p> <p>Le 28 juillet 2009, le détachement des anti-gangs de Badouang, représenté par le capitaine Mahamat-Nour Kouloutou, aurait arrêté M. Pierre Kemaye suite à des allégations de sorcellerie. Ils l'auraient attaché, puis pendu et battu. Le 29 juillet 2009, les mauvais traitements aurais repris dès 5 h du matin, afin de lui forcer à avouer qu'il était sorcier. Il aurait notamment été suspendu par les pieds, immergé dans de l'eau sale et frappé sur tout le corps, y compris en public. M. Kemaye aurait refusé d'avouer qu'il était sorcier.</p> |  |
| 24.  | Chile   | 03/08/09 | JUA  | HLTH;<br>TOR | <p><b>Mireya Figueroa</b>. Según las informaciones recibidas, la salud de Mireya Figueroa, quien se encuentra detenida en la cárcel de Angol, ha empeorado considerablemente. La Sra. Figueroa sufre de cáncer de mama, el cual se ha desarrollado rápidamente con la aparición de cuatro nuevos tumores con metástasis. La cárcel de Angol no cuenta con la atención médica urgente que ella necesita, por lo que no ha sido atendida por un oncólogo.</p>   | <p>Mediante carta de fecha 12/08/09, el Gobierno indicó que la Sra. Mireya Figueroa se encuentra formalizada por el Ministerio Público debido a su eventual participación en el delito de incendio terrorista ocurrido en 2001. El primer juicio se realizó en 2004 y resultaron condenadas varias personas a la pena de 10 años y un día de cárcel.</p> <p>La Sra. Figueroa no se presentó al citado juicio y durante cinco años permaneció rebelde en la causa. El 2 de julio de 2009 fue detenida y trasladada a la ciudad Angol, donde se celebró la audiencia de revisión de su prisión preventiva. El Tribunal Oral en lo Penal celebró una audiencia sobre la prisión preventiva y la mantuvo debido al peligro de fuga concreto de la Sra. Figueroa.</p> |

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|      |         |          |      |               |  | <p>El Tribunal, tomando en especial consideración el estado de salud de la Sra. Figueroa, ordenó a la Gendarmería de Chile que tomara todos los resguardos necesarios con el fin de proteger las necesidades médicas de la Sra. Figueroa. El informe de salud elaborado por el Servicio Médico Legal de Angol, del 20 de julio, concluye que la Sra. Figueroa es portadora de un cáncer mamario avanzado, patología que es terminal e irreversible. Además sufre de hipertensión arterial, diabetes mellitas y dislipidemia en tratamiento.</p> <p>El 4 de agosto se revisó nuevamente la prisión preventiva y se mantuvo por los mismos argumentos. El Ministerio Público solicitó una ampliación del Informe del Servicio Médico con el objetivo de determinar si la Sra. Figueroa puede estar presente en su juicio y ejercer sus derechos.</p> <p>El 7 de agosto la Sra. Figueroa fue trasladada al hospital de Angol, pero fue dada de alta debido a una solicitud escrita de la misma. El juicio oral está fijado para el 25 de agosto. Su presencia y la decisión judicial sobre el mismo se encuentran pendientes debido a su estado de salud.</p> |
| 25.  |         | 12/11/09 | JAL  | INDIG;<br>TOR | <b>La situación de los operativos de funcionarios estatales en las comunidades de Temucucui, Juan Catrilaf, y Yeupeko durante las últimas semanas.</b> Durante el mes de octubre habrían habido múltiples enfrentamientos entre funcionarios carabineros e individuos mapuche, caracterizados por la violencia excesiva, incluso contra mujeres y niños mapuche, durante la realización de operativos y allanamientos. Estos acontecimientos habrían ocurrido en el contexto | Mediante carta de fecha 3/12/09, el Gobierno indicó que la Ley No. 18.314 que sanciona conductas terroristas sólo ha sido aplicado en un número limitado de oportunidades, frente a hechos de violencia que dada su naturaleza y/o la gravedad de los medios empleados, han hecho necesaria la aplicación de una legislación que establece penas más rigurosas. Desde 2006, el Gobierno ha presentado tres querrelas alegando conductas  |

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|      |         |      |      |         | <p>de reivindicaciones de tierras y territorios por parte de las comunidades mapuche.</p> <p>De acuerdo con las informaciones recibidas, se han llevado a cabo enfrentamientos recientes entre los integrantes de la comunidad Temucuicui, Ercilla, y la policía, los cuales han tenido impacto sobre los menores que habitan allí. El 2 de octubre, F.M.M. de 10 años de edad recibió un impacto de bala de goma en la cabeza por parte de carabineros, mientras ellos realizaban un operativo en la comunidad. F. M. M. se encontraba buscando a sus animales cuando fue herido, y aseguró no tener ninguna vinculación con el conflicto actual en Temucuicui. En otro caso similar, el 3 de octubre, A.A.C.H., de 12 años de edad, recibió disparos con balas de goma en sus piernas. Fue herido por los carabineros dentro del predio de la comunidad.</p> <p>El 5 de octubre, en la comunidad de Rofüe, Padre las Casas, F.P.M. estaba en un pitxantu (humedal), cuando varios oficiales del Grupo de Operaciones Policiales Especiales (GOPE) se le acercaron efectuando disparos, mientras perseguían a unos jóvenes. Cuando los oficiales lo vieron, le dispararon en la pierna derecha. F.P.M. se volteó y recibió impactos también en la espalda y el codo derecho. Intentó huir, y cuando los oficiales lo alcanzaron, le apuntaron con un arma y lo amenazaron con matarlo. Más tarde fue llevado hacia un helicóptero, al cual lo subieron con las manos amarradas y la cabeza hacia el exterior. Los oficiales lo amenazaron con lanzarlo a tierra. Después fue llevado con un médico, quién reportó que sólo tenía rasguños. Posteriormente fue llevado a la Comisaría de Padre Las Casas, donde permaneció tres horas sin que sus padres fueran informados. El</p> | <p>terroristas. En esas ocasiones se ha tenido en cuenta únicamente la gravedad de los hechos y los medios empleados para su realización, y no la pertenencia o no de los imputados a comunidades o pueblos originarios.</p> <p>Sobre las denuncias de menores de edad de la Comunidad de Temucuicui, acerca del uso de violencia innecesaria por parte de la policía uniformada y las lesiones causadas como consecuencia de estas acciones, no se registraron procedimientos de entrada y registro durante ese día a dicha Comunidad, ni tampoco se cuenta con denuncias formales ante la Policía o ante el Ministerio Público.</p> <p>Sobre las denuncias del menor F.P.M., el 5 de octubre de 2009, un grupo de personas había iniciado la ocupación ilegal del Fundo Santa Lucía, en la comuna de Padre las Casas. Ante la presencia policial, los ocupantes lanzaron piedras a la policía y se dieron a la fuga, por lo que fueron seguidos. Se detuvo al joven de 14 años, F. P. M., a quien se le dio a conocer sus derechos. Fue ingresado a una aeronave institucional y entregado a personal policial que se encontraba en el fundo Santa Lucía. Después fue trasladado al Hospital de la Comuna de Vilcún, donde fue atendido por el médico de turno, quien diagnosticó “erosiones cutáneas”, tras lo cual fue llevado al cuartel policial de la Zona y entregado a su padre, quien se negó a firmar la respectiva acta de entrega y el Libro de Guardia de Carabineros. No se utilizaron amenazas y agresiones, utilizando sólo la fuerza necesaria y racional para detenerlo.</p> <p>Sobre las denuncias acerca del operativo realizado al interior de la Escuela de la</p> |

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|      |         |      |      |         | <p>Prefecto de carabineros de Cautín negó que le hubieran disparado al menor. Después, los padres llevaron al niño al hospital de Maquehue y de Temuco, donde confirmaron que sus heridos fueron de disparo de perdigones.</p> <p>En otro caso, ocurrido aproximadamente a las 14 horas del 16 de octubre de 2009, se llevó a cabo un operativo de carabineros junto a la Escuela de la Comunidad Tradicional de Temucucui, Ercilla, mientras se realizaba una reunión de 80 miembros de la comunidad, incluidos mujeres y niños, organizada por un funcionario de la Corporación Nacional Forestal. Sin previo aviso, los carabineros empezaron a disparar balas de goma y gases lacrimógenos hacia la escuela. El operativo tuvo una duración de aproximadamente 40 minutos. Siete niños y seis adultos resultaron heridos con impactos de balas, y más de 20 personas, la mayoría menores, sufrieron asfixia.</p> <p>Al concluir el operativo, fueron detenidos el Longko de la Comunidad de Temucucui, Juan Catrillanca, y el vocero, Mijael Carbone. El Sr. Carbone presuntamente fue golpeado e insultado durante el traslado hasta la comisaría de Collipulli. Una vez en la comisaría, le engrillaron un brazo y un pie detrás de la espalda mientras lo golpeaban. Fueron liberados horas después sin que se les presentaran cargos en su contra.</p> <p>Las informaciones indican también que las personas heridas quedaron sin atención médica y que a la fecha, el Gobierno no ha tomado pasos para investigar ni castigar a las personas responsables. De hecho, el Subsecretario del Interior denegó que los perdigones de carabineros hubieran dejado heridos a los niños,</p> | <p>Comunidad de Temucucui, el allanamiento se produjo el 16 de octubre, en cumplimiento con una orden emanada del Juzgado de Letras y Garantía de Victoria. Aproximadamente 80 comuneros con sus rostros cubiertos se opusieron a la medida, lanzando piedras, palos y ladrillos y disparando con escopetas. Cuatro funcionarios de la Policía resultaron lesionados. Fueron detenidos dos comuneros, quienes fueron trasladados al Hospital de Collipulli. El Lonco Juan Catrillanca resultó sin lesiones y Mijael Carvoe Queipul sufrió una “herida por perdigón en la región del antebrazo derecho”. Fueron trasladados a la 2da Comisaría de Collipulli y posteriormente puestos en libertad. Cumpliendo con la orden de entrada y registro emanada del Juzgado de Garantía de Victoria, se ingresó al domicilio del imputado Sr. José Millanao Millaje, no encontrándose personas en el lugar.</p> <p>Sobre las denuncias acerca del operativo de Carabineros al interior de la Comunidad José Guiñon en Ercilla, el 16 de octubre Carabineros de la Prefectura de la Provincia de Malleco cumplió una orden emanada del Juzgado de Letras y Garantía de Victoria, para el Ingreso y Registro de la Comunidad San Ramón, en la Comuna de Ercilla, y en el domicilio del comunero Jorge Andrés Marimán Loncomilla. Durante el procedimiento, se presentaron 10 miembros de la mencionada comunidad, incluido el Sr. José Osvaldo Cariqueo Saravia, quien habría instado a su hijo, M. C. L. a lanzar un objeto contundente a un vehículo de la Policía, resultando éste con el parabrisas totalmente quebrado. El Prefecto dispuso la detención del Sr. Cariqueo Saravio y de su hijo, quienes</p> |

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|      |         |      |      |         | <p>como ha sido alegado. La única medida preventiva adoptada es de una jueza, quién, en respuesta a un recurso de amparo presentado ante el Juzgado de Garantía de Collipulli, se comprometió a comunicarse con los carabineros para que no golpeen a los detenidos y para que no obliguen a los detenidos a declarar sin la presencia de un abogado.</p> <p>En la comunidad José Guiñon, Ercilla, se realizó un operativo la madrugada del 16 de octubre. Como resultado fueron detenidos el Longko de la comunidad, Sr. José Cariqueo y su hijo M. C., de 13 años, así como los comuneros Freddy Marileo y Luis Humberto Marileo y trasladados a la comisaría de Collipulli. La Sra. Adriana Loncomilla, esposa del Sr. Cariqueo, y M. C. fueron golpeados al momento de su detención. El jefe de la unidad de la comisaría de Collipulli, negó que las personas estuvieran detenidas allí. Cuando M. C. fue liberado, tenía sangre en el cuerpo y heridas en la espalda.</p> <p>El 16 de octubre fueron detenidos cuatro comuneros mapuches, Camilo Toris Quiñinao, José Millanao Millape, Victor Queipul Millanao, y Felip Huenchullán Cayul, acusados de haber participado en un asalto durante el fin de semana anterior. Fueron acusados de asaltar una plaza de peaje, incendiar un camión, y disparar contra varios vehículos cerca de la ciudad de Victoria. El 18 de octubre, fue detenido otro comunero en conexión con el mismo caso, José Queipul Huaiquil. El Gobierno, con el apoyo del Subsecretario del Interior, pidió a los tribunales que sean procesados bajo la ley antiterrorista.</p> <p>El 25 de octubre de 2009 en las comunidades mapuches Juan Catrilaf (sector Ñinquilco) y Yeupeko (sector Tres Cerros), ambos parte de la</p> | <p>fueron trasladados al Hospital de Collipulli para un exmane médico. Al Sr. Cariqueo Saravio se le realizó un examen médico, resultando con “contusión codo izquierdo, contusiones leves en región frontal y pierna derecha” y a su hijo “contusión costal izquierda y contusión nasal”. Fueron trasladados al cuartel de la 2da Comisaría de Collipulli. El Sr. Cariqueo Saravio fue puesto en libertad y su hijo fue entregado a su padre. Durante el operativo, no se hizo uso de disuasivos químicos, ni de escopetas antidisturbios.</p> <p>Sobre la detención de cuatro comuneros en el sector de la Comunidad de Temucuicui, el 15 de octubre Carabineros cumplieron una orden emanada del Juzgado de Letras y Garantía de Victoria, donde resultaron detenidas cuatro personas. Los imputados se encuentran en prisión preventiva, mientras dure la investigación de 70 días.</p> <p>Sobre el allanamiento y procedimiento de detención en la Comunidad Juan Catrilaf II de la Comuna de Padre las Casas, el 25 de octubre se procedió al cumplimiento de una orden de detención, entrada, registro e incautación de especies por delitos contra bienes públicos y privados. Seis personas resultaron detenidas y se constataron lesiones en cada uno de ellos. Mientras se cumplían dichas órdenes, los Carabineros fueron interceptados por un grupo de aproximadamente 30 personas, quienes atacaron al personal, arrojándoles piedras, picotas y herramientas agrícolas. El Sr. Juan Darío Catrilaf Nahuelpan arrojó una picota, la cual se abalanzó en contra del Capitán Marcelo Lobos Riquelme, amenazando su</p> |

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|      |         |      |      |         | <p>comuna de Padre las Casas, a las 8:30 de la mañana, 30 funcionarios policiales entraron en la comunidad Juan Catrilaf con microbuses institucionales y carros lanzagases. El operativo demoró tres horas, durante el cual los operativos dispararon balines de goma y lanzaron bombas lacrimógenas contra los comuneros que, según los testigos, no habían provocado a los funcionarios. Asimismo, las fuerzas especiales agredieron y golpearon a los comuneros, entre ellos mujeres y ancianos. Los comuneros han reportado que el operativo ocurrió sin noticia ni explicación y sin haber sido mostrada la orden ni cualquier otra documentación para el operativo.</p> <p>Los carabineros detuvieron al presidente de la comunidad, Sergio Catrilaf, supuestamente bajo una orden del Juzgado de Garantía de Temuco, a petición del fiscal Sergio Moya. Fueron detenidas seis personas más, todas recluidas en comisarías de la Provincia de Cautín, Pedro Cheuque Aedo, Sánchez Blanco, Sergio Hunica, Ignacio Tralcal Lleuful, José Tralcal, Juan Catrilaf Nahuelpan y Mario Catrilaf. Algunos de los heridos fueron trasladados por la tarde al hospital en Temuco, mientras que dos otras personas, con heridas más graves, fueron trasladadas a Santiago.</p> <p>En relación con el mismo operativo, se reportó un robo en la comunidad de Yeupeko. Durante un allanamiento allí, 60 mil pesos y algunos documentos personales fueron retirados de la casa de una familia. Además, cuando los carabineros entraron a la casa, estaban presentes dos mujeres, quienes fueron apuntadas con armas y agredidas. No existe indicación que el allanamiento tenga base en una orden legal.</p> | <p>integridad física, motivo por el cual el oficial hizo uso de la escopeta antidisturbios, apuntando hacia sus extremidades inferiores.</p> |

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| 26.  | People's Republic of China | 12/02/09 | JUA  | WGAD;<br>FRDX;<br>HRD; IJL;<br>TOR | <p><b>Mr. Gao Zhisheng</b> was taken away from his home in Shaanxi Province by more than 10 security agents on 4 February 2009. He had previously been taken into custody on or shortly after 19 January 2009 and held incommunicado at an unknown location. He is considered to be at high risk of torture and other ill-treatment in light of the harsh treatment he received while in detention in 2006 and 2007. His whereabouts are unknown.</p> <p>Mr. Gao Zhisheng had been previously detained on 22 September 2007 and held incommunicado for six weeks. During this time, he was allegedly stripped and beaten by a group of police officers in civilian clothes. He was also beaten, given electric shocks to his genitals and had cigarettes held close to his eyes for several hours, leaving him partially blind for a number of days. During his detention in 2006, he was reportedly handcuffed and forced to sit in an iron chair or cross-legged for more than four days at a time, in addition to having bright lights shone in his eyes. In April 2007, Mr. Gao Zhisheng publicized the torture and ill-treatment he had suffered while in custody, which led to an escalation of harassment of his family.</p> | <p>By letter dated 01/04/09, the Government indicated that on 15 August 2006, Gao Zhisheng was placed in criminal detention on suspicion of inciting subversion of State power, and was arrested by order of the procuratorial authorities on 21 September. On 22 December, the Beijing First Intermediate People's Court sentenced Mr. Gao to three years imprisonment with five years probation, and to one year's deprivation of his political rights. At present he is still in Beijing serving his term of probation.</p> <p>While Mr. Gao was in criminal detention in 2006, the public security authorities never tortured him. Since 2007, he has never been subjected to any coercive measures or held in any covert form of imprisonment by the Chinese Government. The Chinese public security authorities have never received any complaint from Mr. Gao or from anyone else.</p> |
| 27.  |                            | 18/02/09 | JUA  | WGAD;<br>FRDX;<br>HRD; IJL;<br>TOR | <p><b>Mr. Lobsang Lhundup</b>, 38 years old, born in Gemo Village, in Litang County, Ganzi, Tibetan Autonomous Prefecture, Sichuan Province, a monk of Nekhor Monastery; his brother, <b>Mr. Sonam Tenpa</b>, 29 years old; <b>Mr. Jampa Thokmey</b>, 30 years old; <b>Mr. Gelek Kunga</b>, 26 years old; <b>Mr. Lobsang Tenzin</b>, 23 years old; <b>Mr. Lobsang Phendey</b>, 37 years old; <b>Mr. Jampa Yonten</b>, 30 years old; <b>Mr. Sanggey</b>, 29 years old; <b>Mr. Jampa Tsering</b>, 28 years old; <b>Mr. Lobsang Wangchuk</b>, 30 years old; <b>Mr. Lobsang Tashi</b>, 21 years old; <b>Mr. Gendun</b></p>  |   |

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|      |         |      |      |         | <p><b>Choephel</b>, 30 years old; <b>Mr. Dargye</b>, 37 years old; <b>Mr. Gedhun</b>, 29 years old; <b>Mr. Jampa</b>, 40 years old; <b>Mr. Amdo Gyaltzen</b>, 41 years old; and <b>Mr. Damdul</b>, head of Dekyi village, all of them residing in Litang County.</p> <p>Mr. Lobsang Lhundup was arrested on 15 February 2009 for staging a peaceful solo demonstration at the main market square of Litang town for about 15-20 minutes, chanting slogans such as “Long live the Dalai Lama”, “Independence for Tibet”, “Swift return of the Dalai Lama to Tibet”, or “No Losar celebration this year” (Losar is the New Year celebrated by ethnic Tibetans). He was arrested and detained by officials of the Public Security Bureau (PSB) and People’s Armed Police (PAP) and taken to the Litang PSB Detention Centre for further interrogation.</p> <p>In the morning of 16 February 2009, a group of 20 Tibetans from Litang County was also arrested after staging a similar peaceful protest march at Litang main market square. In addition to the 16 individuals named above, they include two Tibetans, whose identities are not known, and Yanglo and Dolma, two Tibetan Nomad women from Sako village, who were released on the evening of the same day.</p> <p>Mr. Sonam Tenpa, who led the peaceful protest, was carrying a portrait of the Dalai Lama adorned with a traditional Tibetan scarf, while the group chanted slogans such as “Long Live the Dalai Lama”, “Independence for Tibet”, “Swift return of the Dalai Lama to Tibet” and “No Losar celebration this year”.</p> <p>Eyewitnesses to the scene reported that the members of the group were beaten, manhandled and forcibly loaded into military trucks by PSB</p> |                     |

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|      |         |          |      |              | <p>and PAP forces. Some of the protesters were badly bruised and injured, bleeding from their nose, head and arms. Mr. Sonam Tenpa and Mr. Lobsang Tenzin sustained particularly serious injuries from the beatings at the site of the demonstration.</p> <p>Mr. Lobsang Lhundup is currently detained at Litang County PSB Detention Centre, whereas the other detainees are said to be held at Tsagha PSB Detention Centre. However, when Mr. Gelek Kunga's family members arrived for a visit they could not find him at this detention centre.</p>   |                     |
| 28.  |         | 26/02/09 | JUA  | WGAD;<br>TOR | <p><b>Mr. Jin Haike</b>, 32 years old, geophysicist, currently held at Beijing No. 2 Prison. Mr. Jin Haike's health has deteriorated significantly while in detention, and he has been unable to receive adequate and timely medical treatment. He, his family and his lawyer have applied for medical parole several times, but his applications were rejected by prison officials arguing that Mr. Jin does not admit his guilt and that his illness was not serious enough to qualify for medical parole.</p> <p>Mr. Jin Haike's illness, however, does qualify for medical parole according to a 1990 regulation on medical parole and its attachment regarding the scope of qualifying illnesses. Item 16 of the attachment permits medical parole if a prisoner suffers from a serious multi-symptom illness after surgery on the abdomen or digestive system, such as intestinal adhesion or reoccurring symptoms that are not easily curable.</p> <p>Mr. Jin Haike's health condition has been in decline since October 2007, when he developed appendicitis. The prison authorities did not treat</p> |                     |

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|      |         |      |      |         | <p>the appendicitis until 20 November 2007, when his appendix was removed. Since then he has developed multiple complications, such as persistent, severe abdominal pain, and at least ten instances of diarrhea on a daily basis, regardless of his diet. After a checkup at the prison hospital, the doctor told Mr. Jin Haike there was no major problem, and that he was merely suffering from frequent bowel movement. The prison hospital's medical records, however, stated that he had developed an "intestinal adhesion". Mr. Jin Haike's certificate of diagnosis noted the problem as enteritis.</p> <p>In early December 2008, Mr. Jin Haike was hospitalized again in the Beijing Prison Center Hospital for intestinal blockage. He was diagnosed as suffering from enteritis, intestinal adhesion, and intestinal blockage. The prison hospital staff recommended that Jin Haike undergo surgery, but told his family that the surgery would have only a 30 percent chance of success. Mr. Jin's father therefore did not agree to the procedure. Instead he asked permission from the prison to transfer his son to an outside hospital for the operation, which was declined.</p> <p>Since 18 January 2009, in addition to his intestinal ailments, he suffers new symptoms such as high blood pressure, giddiness, and headaches. He only weighs approximately 110 pounds.</p> <p>It is alleged that prison hospital staff have repeatedly failed to provide adequate medical treatment. Without any surgical treatment, Mr. Jin Haike's intestinal blockage has become more severe. The medicine given by the prison hospital also was of no use as he still</p> |                     |

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|      |         |          |      |                       | <p>experiences diarrhea more than ten times daily and, consequently, he has refused to take any medicine since January 2009. In addition, Mr. Jin Haike can no longer digest most of the food provided. He has become dangerously emaciated.</p> <p>Mr. Jin Haike has only had limited access to his family. The distance between Beijing and a remote village in the Henan Province, where his parents reside, make it very difficult for them to visit. He is also not permitted to make phone calls. His letters to friends never reached them, and their letters to Mr. Jin were likewise not delivered.</p> <p>Mr. Jin Haike was arrested in March 2001 and sentenced to ten years' imprisonment and two additional years of deprivation of political rights for "incitement to subvert state power." He is not due for release before 12 March 2011.</p> |                     |
| 29.  |         | 13/03/09 | JAL  | SUMX;<br>RINT;<br>TOR | <p><b>16 deaths of Falun Gong practitioners</b> due to injuries allegedly sustained in custody in China.</p> <p><b>Ms. Hu Yanrong</b>, from Xiaoyushulin Village, Beilu Township, Lingyuan City, Liaoning Province.</p> <p>On 1 August 2007 around 10 p.m., police officers blocked the entrance of the home of a Falun Gong practitioner, where some 40 persons including Hu Yanrong were present. At about midnight, a dozen police officers arrested those practitioners trapped in the house. They beat the practitioners with electric batons and two-inch long metal rods and forced them into police vehicles. The police claimed that Hu Yanrong tried to jump out of a police car. She sustained severe injuries and fell into a coma after being taken to the Lingyuan Prison Hospital. Her head</p>   |                     |

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|      |         |      |      |         | <p>was swollen, her eyes, nose and mouth were bruised, the area between her temples and eyes was coloured in dark purple and there were traces of blood on her face. Doctors at Lingyuan Prison hospital performed two brain surgeries, but Ms. Hu died at 2 a.m. on 5 August 2007.</p> <p><b>Mr. Huang Fajun</b>, resident of Acheng District, Harbin City, Heilongjiang Province. On 24 July 2007, policemen from the Sougfengshan Town Police Station arrested Mr. Huang and beat him until both of his feet broke. The police detained him in the Acheng District First Detention Centre. He went on a hunger strike to protest the detention and was force-fed. He developed open sores, and his hands and feet were swollen and showed deep scars caused by shackles and cuffs. On 2 November 2007, the police notified his family that he was dying and that they could visit him at the Archeng District Traditional Medicine Hospital. He was allowed to return home on 4 November 2007, where he died at around 8 p.m. on 6 November 2007.</p> <p><b>Mr. Xiong Zhengming</b>. On 15 March 2007, police officers took Xiong Zhengming to the Wanyuan City First Detention Center, indicating that they had detected that Mr. Xiong visited overseas websites. Following eight months of detention, the police sentenced Mr. Xiong to one year of forced labour. Later, he was transferred to the Wanyuan City Second Detention Center. On 3 December 2007, he was informed of a second transfer to a forced labour camp outside the town. He refused to go, but was taken away at around 9 a.m. on 4 December 2007. On 5 December 2007, Mr. Xiong's family was notified that he had committed suicide while on his way to the Sichuan Province Xinhua Forced Labor Camp, by jumping out of the vehicle. Mr.</p> |                     |

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|      |         |      |      |         | <p>Xiong's father was forced to sign the paper authorizing his body to be cremated immediately. He was also asked not to leak any information to the public; otherwise, his other two sons would lose their jobs. According to the information received, the authorities gave inconsistent accounts of the cause of death, saying that he had committed suicide in one instance and that he died in a traffic accident in other instances.</p> <p><b>Mr. Bai Heguo</b>, lived in Xiguangshan Village, Liutiao Town in Dengta City, Liaoning Province.</p> <p>Bai Heguo was taken into custody on 9 June 2002 by police officers from Tongerpu District Police Department, for practicing Falun Gong. He was sentenced to 11 years in prison and was held in Liaoning Province Huazi Prison. He was secretly transferred to the Nanguanling Prison in Dalian city at the end of December 2007. On 5 January 2008, at 3 p.m., the prison administration notified Mr. Bai's family that he had died. His body was covered in bruises and he had a bump on his head and a cut in his tongue. His leg was broken and his testicles were crushed. Authorities hurriedly cremated the body. The Nanguanling prison authorities claimed that Mr. Bai had committed suicide.</p> <p><b>Ms. Zong Xiuxia</b>, lived in the Fangzi District in Weifang City, Shandong Province. In February 2008, Zong Xiuxia was taken to the Guangwen Police Station in Kuiwen District, at around 11.30 a.m., after she had discussed issues relating to Falun Gong at a supermarket. Police said that they took Ms. Zong to the Weifang City People's Hospital for a physical check-up at around 1 p.m., where she died at 3 p.m. The</p> |                     |

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|      |         |      |      |         | <p>family was told that she died from jumping out of the elevator in the hospital.</p> <p><b>Mr. Yu Zhou</b>, a well-known singer from Beijing</p> <p>Yu Zhou was arrested in Tongzhou District, Beijing, on 26 January 2008, along with his wife, Xu Na. The police stopped their vehicle when they were on their way home, arrested them and took them directly to the Tongzhou District Detention Centre. On 6 February 2008 Yu Zhou died at the Qinghe District Emergency Centre. The police claimed that this was a result of him going on hunger strike although he had diabetes. However, other sources indicate that he had been healthy and had never been suffering from diabetes. When the family requested to see the body and have an autopsy performed, the authorities refused and threatened them.</p> <p><b>Ms. Gu Jianmin</b>, lived in Pudong New District, Shanghai. Gu Jianmin was arrested on 1 March 2008, by officers from the Yangjing Police Station in Pudong New District, Shanghai. Her husband was called and told to go to the Pudong New District Police Department and to the Neighbourhood Administration to do some medical parole paper work. When he arrived at the hospital, he saw that his wife's eyes were protruding, her pupils were enlarged, and that she was bleeding from the mouth. No one treated her although more than thirty agents of the 610 Office were present. She died on 13 March 2008.</p> <p><b>Mr. Gu Qun</b>. Gu Qun was arrested and taken to the Tianjin Street Police Station, for distributing Falun Gong materials, on 16 March 2008. On the following day, he was transferred to the</p> |                     |

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|      |         |      |      |         | <p>Yaojia Detention Center. To protest his detention, he went on a hunger strike, but was forced-fed. On 7 April 2008, the detention centre took him to the Dalian City Third People's Hospital. The doctor there said he was in need of treatment, but the detention staff indicated that he would be taken to the Police hospital. However, they returned him to the detention centre. At 9 a.m. on 8 April 2008, he died on the way to the hospital.</p> <p><b>Mr. Fan Dezhen</b>, lived in Huludao City, Liaoning Province. On 25 February 2008, Fan Dezhen was arrested with eleven other Falun Gong practitioners, by the Suizhong Country Domestic Security Division Leader. He died at around 7 a.m. on 20 April 2008, in the Suizhong Country Detention Centre. Officers notified his family after 4 p.m., indicating that, if they wanted to see the body, they had to do so on that same evening, because an autopsy and cremation would be performed on the following day.</p> <p><b>Mr. Liu Quan</b>, lived in Benxi City, Liaoning Province. On 4 May 2008, the Nan'guanling Prison Administration in Dalian City called Mr. Liu Quan's family to inform them that Liu Quan had died at 2 a.m. due to a heart attack. His face was yellow, the flesh around his eyes and lips was purple, there were large purple bruises on his back, and his nose was filled with cotton balls. No autopsy was carried out and the authorities refused to authorize the transfer of Liu's body to Benxi City, where he had lived.</p> <p><b>Mr. Wu Xinming</b>, a resident of Xuanwuo Town, Hanyin County, in Shaanxi Province. Mr. Wu was arrested on 15 June 2006 after talking about Falun Gong to people in the countryside.</p> |                     |

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|      |         |      |      |         | <p>The police sent him to Zaozihe Forced Labor Camp. There, the guards tied him with a rope. When he went on a hunger strike to protest the detention, the guards force-fed him with a highly concentrated salt solution, chilli powder, water and laundry detergent. They also tied him up and whipped him with wire, resulting in extensive bruising. He returned home on 25 June 2008 after he began coughing up and vomiting blood. He died the following day.</p> <p><b>Ms. Chen Yumei</b>, resident of Shenyang City, Liaoning Province. On the evening of 3 July 2008, officers from the Chang'an Police Station in Dadong District, Shenyang City, arrested Chen Yumei on Pangjiang Street. During the arrest, they beat and kicked her. Her family was asked to identify her in the ambulance, at around 9 p.m. of the same day, before she was taken to #463 Military Hospital. Having detected bleeding in her skull, the doctor had to perform an operation, for which the family paid. Her arms and legs were covered in bruises, and there were deep scratches on her body. Doctors said the marks were caused by beating or dragging. She died at around 8.30 p.m. on 4 July 2008.</p> <p><b>Mr. Zhong Zhenfu</b>, lived in Zhongjia Village, Changle Town, Pingdu City, Shandong Province. On 4 May 2008, Zhong Zhenfu was arrested at his house at around 6 p.m., as officers from the Pingdu City 610 Office and the City Police Department stormed into houses rented by Falun Gong practitioners in Pingdu City. The police confiscated some of their possessions and interrogated them at the police station. When they refused to reveal any information, the officers poured boiling water over their necks and bodies. Three days later, they were taken to Pingdu City Detention Centre. Guards put</p> |                     |

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|      |         |      |      |         | <p>shackles on Zhong Zhenfu and whipped him about the head with metal wires. He was detained in a metal cage with the shackles still on, and the guards ordered other inmates to ill-treat him. The latter tried to force him to curse the founder of Falun Gong. When he refused, they beat him for over an hour. He was sent to the hospital and released on medical parole, after having been forced to pay over 100,000 Yuan in medical expenses. He died on 20 July 2008.</p> <p><b>Ms. Yang Jingfen</b>, a resident of Panjin City, Liaoning Province. At approximately 7:30 a.m. on 18 August 2008, six police officers from the Xinglongtai District State Security Division entered the apartment of Ms. Yang Jingfen, aged 59, to arrest her and search the apartment on the ground that she practiced Falun Gong. At around 9 a.m., her husband had to run an errand and left Ms. Yang alone with the police officers. When he returned at around 9:30 a.m. he found Ms. Yang's lifeless body in front of their apartment building. The police officers claimed that she had jumped out of a window of her sixth floor apartment to commit suicide.</p> <p><b>Ms. Sun Aimei</b>, resident of Xinhua Village, Zhucheng City, Shandong Province. Sun Aimei, aged about 60, was sentenced to detention at the Wangcun Women's Forced Labour Camp on 28 March 2008, three days after being arrested for distributing literature about the persecution of Falun Gong. At the end of 2008, her family was informed that she had suffered a stroke and had undergone surgery. They were not allowed to see her. On 1 February 2009, Ms. Sun's family was told to go to Wangcun Women's Forced Labour Camp to collect her ashes.</p> <p><b>Ms. Hou Lihua</b>, resident of Dongan District,</p> |                     |

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|      |         |          |      |                                | Mudanjiang City, Heilongjiang Province. Hou Lihua was arrested at her workplace on 17 November 2008 and taken to the Mudanjiang City State Security unit. According to witnesses, she was beaten and otherwise ill-treated while in custody there. She was released in December 2008 but died on 14 February 2009 due to the injuries sustained in custody.  |   |
| 30.  |         | 16/03/09 | JUA  | WGAD;<br>FRDX;<br>TOR          | <b>Mr. Jigme Gyatso.</b> Mr. Gyatso was visited by the Special Rapporteur on 27 November 2005 at Qushui Prison (E/CN.4/2006/6/Add.6, Appendix 2, para. 21). Mr. Gyatso was recently transferred to the hospital at Drapchi Prison, although the exact date is not known. His family was informed of his hospitalization by prison officials during their monthly meeting at Qushui Prison in late February. Information was also received that Mr. Gyatso's health has deteriorated, and that he could no longer stand up.   | A reply was received from the Government on 15/05/09, but could not be translated in time for inclusion in this report. |
| 31.  |         | 09/04/09 | JAL  | FRDX;<br>RINT;<br>SUMX;<br>TOR | Death of <b>Mr. Phuntsok Rabgay</b> , a 27-year-old monk, in Drango County, Garzê Tibetan Autonomous Prefecture, Sichuan Province.<br><br>On 25 March 2009, Phuntsok Rabgay was pasting leaflets containing allegations that monks had been tortured and imprisoned by the authorities and an appeal to the local population to forego crop cultivation and harvest as a gesture of mourning and disobedience. He was detected by Drango County Public Security Bureau (PSB) personnel and tried to elude arrest by fleeing on a motorcycle. The PSB personnel, however, managed to pursue and catch him. Upon arrest, they beat him with batons. He died shortly thereafter. The PSB officers reportedly dropped his body from a hill in order to create the appearance of a case of a suicide. | A reply was received from the Government on 2/07/09, but could not be translated in time for inclusion in this report.  |

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| 32.  |         | 19/05/09 | JUA  | HRD; IJL;<br>TOR | <p>Two lawyers, <b>Mr. Zhang Kai</b> and <b>Mr. Li Chunfu</b>.</p> <p><b>Zhang Kai</b> and <b>Li Chunfu</b> were hired by the family of Jiang Xiqing, a Falun Gong practitioner who died in the Chongqing Xishanping Reeducation Center on 28 January 2009. Authorities stated that he died of a heart attack, but the family, suspicious of the cause of death, decided to hire a lawyer for legal support. A first lawyer was hired from Chongqing, but he declined to be retained by the family after having formally inquired with the police. Zhang Kai, from a Beijing Yijia Law Firm, and Li Chunfu, from the Beijing Globe Law Firm, were hired afterwards.</p> <p>On 13 May 2009, they met with their clients at their home in the Jiangjin District, Chongqing, to discuss the case. At around 4 p.m., four policemen went to the home claiming that they were delivering materials from the public security bureau's judicial administrative office. They then started to interrogate the two lawyers and their clients. Subsequently, about 20 more individuals from the state security unit of the Jiangjin District Public Security Bureau and the Jijiang Police Substation also came to the house. When the police asked the two lawyers to show their identity cards, Li Chunfu presented his lawyer's license and Zhang Kai his passport, which were, however, not accepted by the police. Subsequently, the police officers began pulling their hair, twisting their arms and beating them while pinning them on the ground. Afterwards, the two lawyers were handcuffed and taken to the police station.</p> <p>At the police station, Zhang Kai was hung by his handcuffs in an iron cage and Li Chunfu was</p> | A reply was received from the Government on 9/06/09, but could not be translated in time for inclusion in this report. |

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|      |         |          |      |             | slapped in the face by a police officer. During their interrogation they were both threatened not to defend any Falun Gong cases. They were released at 12:40 a.m., on 14 May 2009. Their hands were covered in bruises and scars; Zhang Kai's hands were also numb and swollen and Li Chunfu had troubled hearing in one ear. They are currently being examined at the Jiangjin District People's Hospital.  |   |
| 33.  |         | 02/06/09 | JAL  | HRD;<br>TOR | <p><b>Mr. Jiang Cunde</b>, sentenced to life in prison in 1987. Jiang Cunde was active in the democracy movement that began in China in December 1986. In late 1986, he was arrested after giving a speech supporting the students at Shanghai's People's Square. He was charged with plotting to hijack an aircraft and sentenced to life in prison for the crime of counterrevolutionary sabotage and related offenses. In early 1993, he received parole on the grounds of mental illness. It is believed that this illness developed while he was in prison, since he would not have been given that sentence if he had been diagnosed as mentally ill at the time of his conviction. After his release, Jiang Cunde returned to his previous activities. In June 1999, he was arrested and returned to Tilanqiao Prison to continue serving his sentence. However, the reasons given for his re-incarceration do not include the cure of his mental illness.</p> <p>In 2004, Jiang Cunde's life sentence was commuted to a fixed term of 20 years. The latest information reportedly provided by the Government in late 2007 indicated that Jiang is serving a sentence for "endangering state security" and is due for release in 2024. His conviction in 1986 had been for counterrevolution, and not endangering state security, since it did not exist as a crime at the</p> | A reply was received from the Government on 22/07/09, but could not be translated in time for inclusion in this report. |

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|      |         |          |      |                               | time. Moreover, hijacking an airplane was not included in the amended criminal law as a crime of endangering state security, but as a crime against public security. Although the crime of counterrevolution was removed from China's Criminal Law in 1997, he is still serving his prison sentence for this crime.  |   |
| 34.  |         | 09/06/09 | JUA  | WGAD;<br>TOR                  | <p>Two monks of Labrang Monastery, <b>Tsundue Gyatso</b>, 35 years old, from Gyengya Village, and <b>Sonam Gyatso</b>, aged 38, from Sangkok Village, both in Labrang County, Kanlho "Tibetan Autonomous Prefecture", Gansu Province.</p> <p>Mr. Tsundue Gyatso and Mr. Sonam Gyatso were arrested on 14 May 2009 by agents of the Public Security Bureau (PSB) during a raid in their residences at Labrang Monastery. They were taken to an unknown destination.</p> <p>Following their arrest, their family members and close associates approached the local Public Security Bureau office to ascertain their status and to inquire whether food and clothes could be delivered to the detainees. The security officers reportedly told them that a further fresh interrogation was needed to clarify certain things related to 2008's protests in Labrang and that they would be released shortly. However, they continue to be kept in detention and their whereabouts and current status remain unknown to their relatives.</p> | A reply was received from the Government on 21/08/09, but could not be translated in time for inclusion in this report. |
| 35.  |         | 23/06/09 | JUA  | WGAD;<br>RINT,<br>MIN;<br>TOR | <p><b>Yusufjan (Yuesefujiang)</b> and <b>Memetjan (Maimatjiang)</b>, ethnic Uighurs belonging to the Muslim Fellowship.</p> <p>On 10 May 2009, Yusufjan and Memetjan, along with five other students of the Muslim Fellowship, held a meeting at Xinjiang University in Urumqi, capital of Xinjiang</p>  | A reply was received from the Government on 21/08/09, but could not be translated in time for inclusion in this report. |

| Para | Country | Date     | Type | Mandate                        | Allegations transmitted   | Government response  |
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|      |         |          |      |                                | Uighur Autonomous Region, in northwest China. The meeting was broken up by two officers from the local internal security police force, accompanied by more than ten men in plain clothes, who proceeded to take all seven men away for interrogation. The five other students were released after 15 days and fined 5.000 yuan for “holding an illegal gathering”. The current legal status and whereabouts of Yusufjan and Memetjan remain unknown.  |  |
| 36.  |         | 14/07/09 | JUA  | WGAD;<br>FRDX;<br>HLTH;<br>TOR | <p><b>Mr. Zhou Xiangyang</b> was sentenced to 9 years in prison in May 2003, for allegedly refusing to give up his belief in Falun Gong. Reportedly, he was brutally tortured and was locked in a solitary cell for four months in the winter. At Gangbei Prison, Mr. Zhou was verbally and physically abused, and was detained in isolation numerous times.</p> <p>In February 2009, the guard captain at Gangbei Prison informed that Mr. Zhou was being forced five times per day and that he could die at any moment. When his family visited him two months later, four prisoners had to carry Mr. Zhou out of his cell as he was too weak to walk by himself. During the visit, the other prisoners monitored his conversation and would kick him as a warning to change the subject when they had the impression that he was disclosing information about the treatment he had experienced in prison.</p> <p>In April and mid-May 2009, Mr. Zhou was taken to the Police Hospital for emergency treatment, including intravenous injections. Mr. Zhou’s family requested his release on bail for medical treatment, but this was refused by the Gangbei Prison. The prison authorities allegedly indicated that he had to renounce his beliefs</p> | A reply was received from the Government on 4/09/09, but could not be translated in time for inclusion in this report. |

| Para | Country | Date     | Type | Mandate                                | Allegations transmitted   | Government response  |
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|      |         |          |      |  | before he could be released for medical treatment.  |  |
| 37.  |         | 30/07/09 | JUA  | WGAD;<br>FRDX;<br>HLTH;<br>HRD;<br>TOR | <p>Detention of <b>Mr. Huang Qi</b>. Mr. Huang Qi is the head of the human rights organization Tianwang Human Rights Service and founder of the human rights website 64tianwang. He has also advocated on behalf of parents whose children were killed when their school buildings collapsed in the Sichuan earthquake in May 2008 (See E/CN.4/2004/56/Add.1, para. 363).</p> <p>In spite of deteriorating health conditions, Mr. Huang Qi has allegedly been denied medical treatment while in detention. He suffers from headaches and insomnia, has an irregular heart beat and has reportedly recently discovered four lumps on his chest and abdomen. He has not been permitted access to any medical care.</p> <p>Following a meeting with Mr. Huang Qi on 26 May 2009, during which the human rights defender described his health concerns, his lawyer submitted an application for bail. However, the authorities have not yet responded to this request. His family has also been denied visitation rights since he was first arrested on 10 June 2008.</p> <p>On 18 July 2008, he was formally charged with “illegal possession of state secrets” having been previously detained for over a month without charge. His detention is believed to be connected to articles posted on his website regarding allegations made that the buildings which collapsed in the Sichuan earthquake in May 2008, and which resulted in the deaths of many children, were structurally faulty.</p> | A reply was received from the Government on 7/12/09, but could not be translated in time for inclusion in this report. |

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| 38.  |         | 07/08/09 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR  | <p><b>Mr. Xu Zhiyong</b> and <b>Mr. Zhuang Lu</b>. Mr Xu is the founder of the legal aid and research center Open Constitution Initiative (OCI, also known as Gongmeng in Chinese), law professor at Beijing University of Post and Telecommunications and elected representative of the People’s Congress for Haidian District. Mr Zhuang is a staff member of the OCI. The Open Constitution Initiative addressed issues such as the death penalty, the existence of unofficial “black jails” and represented parents of the victims of a recent tainted milk scandal (See A/HRC/4/33/Add.1, para. 34).</p> <p>On 29 July 2009, at approximately 5.00 am, Mr. Xu was taken from his home in Beijing by several policemen. Mr. Zhuang was also taken from his home at around the same time. Both remain in police detention at an unknown location.</p> <p>On 30 July 2009, the State Administration of Taxation held a hearing about its decision of 14 July 2009 in which it imposed a fine of 1.42 million RMB on OCI for tax evasion. The hearing was reportedly held without the presence of Mr. Xu and was closed to the public. The lawyers of Mr. Xu and Mr. Zhuang attended the hearing.</p> <p>On 17 July 2009, three days after the State Administration of Taxation fined the OCI for tax evasion, the Beijing Municipal Bureau of Civil Affairs declared the OCI illegal and raided its offices.</p> | A reply was received from the Government on 24/12/09, but could not be translated in time for inclusion in this report. |
| 39.  |         | 28/08/09 | JUA  | WGAD;<br>FRDX;<br>RINT;<br>TOR | <p><b>Mr. Wang Yonghang</b>, a former lawyer from Dalian City, Liaoning Province. On 4 July 2009, Mr. Wang Yonghang was arrested by two dozen Dalian police officers for “using a cult to damage the social and legal system”. He was</p>  | A reply was received from the Government on 26/10/09, but could not be translated in time for inclusion in this report. |

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|      |         |          |      |                       | <p>severely beaten during his arrest, resulting in a broken right ankle. He did not receive adequate medical treatment until 11 August, when he had surgery as a result of a serious infection. Mr. Wang's family was not informed about the operation, but received an arrest warrant dated 10 August.</p> <p>Mr. Wang Yonghang is currently being detained at Dalian City Detention Center, where he has allegedly been subjected to beatings. His family and lawyer have not been able to see him because his case allegedly involves "state secrets". His family has repeatedly complained to the relevant authorities about Mr. Wang Yonghang's ill-treatment, but has not received any response. Mr. Wang Yonghang's license to practice law was not renewed following his annual review period on 31 May 2008. Mr. Wang Yonghang has also published several open letters online in which he advocated for religious freedom and explained his views on the treatment of Falun Gong practitioners.</p> |                     |
| 40.  |         | 02/09/09 | JAL  | FRDX;<br>RINT;<br>TOR | <p><b>Sentencing of Mr. Palden Gyatso, Mr. Tsultrim, Mr. Sangpo, Mr. Jamyang Khedrub, Mr. Gendun, and Mr. Shrab Sangpo</b>, six monks from Ragya Monastery in Qinghai Province, Tibet Autonomous Region, together with <b>Mr. Hu-lo</b> and <b>Mr. Yang-kyab</b> from Gya-sa village.</p> <p>On 10 March 2009, Mr. Tashi Sangpo, a monk from Ragya Monastery in Magin County, Qinghai Province, was arrested after the authorities allegedly found political leaflets and the banned Tibetan flag in his room. He was reportedly subjected to beatings, inhumane treatment and long interrogations during his detention. On 21 March 2009, Mr. Tashi Sangpo</p>  |                     |

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|      |         |      |      |         | <p>allegedly escaped from the detention centre after he asked to use the bathroom, and committed suicide by jumping into the Yellow River.</p> <p>On the same day, several thousand monks and local Tibetans in and around Ragya Monastery gathered to demand an answer for Mr. Tashi Sangpo's death. In response, the authorities allegedly arrested monks from the Ragya Monastery, as well as local Tibetans.</p> <p>On 13 August 2009, the Machen County People's Court in Golog, Qinghai Province, tried and sentenced the following persons to prison terms:</p> <ol style="list-style-type: none"> <li>1. Mr. Palden Gyatso, monk and disciplinarian at Ragya Monastery, sentenced to seven years of imprisonment;</li> <li>2. Mr. Tsultrim, monk and former disciplinarian at Ragya Monastery, sentenced to four years of imprisonment;</li> <li>3. Mr. Sangpo, monk and former treasurer at Ragya Monastery, sentenced to three years of imprisonment;</li> <li>4. Mr. Jamyang Khedrub, monk and secretary of the Board of Directors at Ragya Monastery, sentenced to two years of imprisonment;</li> <li>5. Mr. Gendun, monk, sentenced to one year of imprisonment;</li> <li>6. Mr. Sherab Sangpo, monk, sentenced to two years of imprisonment;</li> <li>7. Mr. Hu-lo from Gya-sa village, sentenced to one year of imprisonment; and</li> <li>8. Mr. Yang-kyab from Gya-sa village, sentenced to six months of imprisonment.</li> </ol> |                     |

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|      |         |      |      |         | <p>These persons were allegedly found guilty of “inciting protests and demonstrations against the Chinese government” for taking part in demonstrations on 21 March 2009.</p> <p>Furthermore, according to reports received, psychological trauma has been inflicted on the monastic community through the imposition of “patriotic education”, requiring them to denounce the Dalai Lama, which has reportedly intensified in the aftermath of region-wide protests in the Tibet Autonomous Region beginning in March 2008. Reports claim that since March 2008, 15 persons, including monks and nuns, have committed suicide in addition to Mr. Tashi Sangpo, and that three monks have attempted to commit suicide. These persons include:</p> <ul style="list-style-type: none"> <li>▪ Mr. Namdrok Khakyab, visiting scholar at Samye Monastery from Dorjee Drak Monastery, committed suicide on 19 March 2008</li> <li>▪ Mr. Thokmey, also known as Tsanga Thokmey, monk at Ramoche Temple in Lhasa, committed suicide on 22 March 2008</li> <li>▪ Mr. Lobsang Jinpal, monk at Ngaba Kirti Monastery in Ngaba County, Sichuan Province, committed suicide on 27 March 2008</li> <li>▪ Mr. Legtsok, 75-year old monk at Ngaba Gomang Monastery in Ngaba County, Sichuan Province, committed suicide on 30 March 2008</li> <li>▪ An unnamed nun in her thirties from Cholung nunnery committed suicide on 12 April 2008</li> </ul> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
|------|---------|------|------|---------|---|---------------------|
|      |         |      |      |         | <ul style="list-style-type: none"> <li>▪ Ms. Lobsang Tsomol, nun at Chokhor Nunnery in Sibook Township, committed suicide on 12 April 2008</li> <li>▪ An unnamed nun from Choekhor Nunnery in Sibook Township, committed suicide on 12 April 2008</li> <li>▪ Three unnamed monks from Dogu Monastery committed suicide in April 2008</li> <li>▪ Mr. Thoesam, 29-year old monk at Ngaba Gomang Monastery in Ngaba County, Sichuan Province, committed suicide on 16 April 2008</li> <li>▪ Mr. Tusong, 19-year old monk at Kirti Monastery committed suicide on 16 April 2008</li> <li>▪ Mr. Trangma, monk at Drapa Yangden Monastery in Minyang Township, Nyagchuka County, Sichuan Province, committed suicide on 18 June 2008</li> <li>▪ Mr. Lobsang Tsultrim, monk at Kirti Dhongri Monastery in Mehu-ru-ma Village, Ngaba Country, Sichuan Province, committed suicide on 3 July 2008</li> <li>▪ Mr. Shedup, monk at a monastery in Tongren Country, Qinghai Province, committed suicide on 2 April 2009</li> <li>▪ Mr. Kelsang and Mr. Damchoe, monks from Drepung Monastery, both originally from Kirti Monastery in Sichuan Province, attempted to commit suicide in April 2008 by stabbing themselves in the chest, hands and wrists and</li> <li>▪ Mr. Tapey, monk at Kirti Japa Monastery in Ngaba Country, Sichuan Province, attempted</li> </ul> |                     |

| Para | Country | Date     | Type | Mandate               | Allegations transmitted   | Government response |
|------|---------|----------|------|-----------------------|---|---------------------|
|      |         |          |      |                       | to commit suicide by self-immolation on 27 February 2009 as protest against the ban on Monlam religious festival. Reports claim that when Tapey was on fire, three gun shots were fired at him by the Chinese police  |                     |
| 41.  |         | 18/09/09 | JUA  | FRDX;<br>RINT;<br>TOR | <p><b>Mr. Li Feng and Mr. Yu Ming.</b> On 4 October 2002, Mr. Li was sentenced to 15 years in prison at Prison No. 4 in Shijiazhuang City, due to his involvement in broadcasting a television program about Falun Gong. Mr. Li was allegedly tortured in prison, which resulted in him suffering from seizures, high blood pressure, breathlessness, bowel and urinary disorders. He also lost consciousness several times. In January 2006, he was kept in the hospital for two days after he lost consciousness for 12 hours. His family was not allowed to visit him.</p> <p>Mr. Li is currently in critical condition. He suffers from lower limb edema, dizziness and needs support to talk. He also suffers from constant vomiting.</p> <p>According to additional information, on 3 March 2006, Mr. Yu Ming was sentenced to two and a half years of forced labor. He was detained at several centers and transferred to the Tuanhe Forced Labor Camp on 1 September.</p> <p>Mr. Yu refused to renounce Falun Gong and held a hunger strike to protest his detention. As a result, he was tortured, force-fed and tied to a chair with ropes around his neck, chest, waist, hands and legs. A dozen inmates allegedly took turns torturing him. He remained tied to the chair from mid-September to the end of 2006. He was untied after suffering cardiac arrest. He</p> |                     |

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|      |         |          |      |  | <p>was later detained in a solitary cell and tied to the bed.</p> <p>On 21 May 2007, Mr. Yu was transferred to the Masanjia Forced Labor Camp in Shenyang City, where he was taken to the camp hospital due to his overall weakness and stiff limbs. He was later transferred to the Luotaishanzhuang Brainwashing Center in Fushun City.</p> <p>On 2 September 2008, Mr. Yu's term was extended for another year. He was sent back to the Masanjia Forced Labor Camp in October, and has been held in solitary confinement since then. At the camp, Mr. Yu was forced to sign a suicide letter before he was beaten, including on his head with a steel baton, hung and shocked with electric batons. As a result, he bled severely and lost consciousness for more than a week. Repeated requests by his family to visit him have been denied.</p> |                     |
| 42.  |         | 12/10/09 | JUA  | WGAD;<br>WGED;<br>FRDX;<br>HRD;<br>TOR | <p><b>Mrs. Liang Liwan</b>, a petitioner from Hangzhou, Zhejiang Province. Mrs. Liang Liwan has been active as a petitioner in relation to forced evictions and demolition. It was reported that, on 22 September 2009, three men and one woman forced their way into her temporary home and attempted to force her to sign an agreement for the demolition of her home, which she refused.</p> <p>The next day, she was arrested and detained in police custody in Beijing by officers of the security police and other Government officials based in the city of Hangzhou. On 27 September, she was taken to Hangzhou and detained at two different locations before being transferred to an undisclosed location on 3 October. Her family has no information concerning her whereabouts. It is reported that</p>                                  |                     |

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|      |         |          |      |                       | <p>members of the Hangzhou police only informed her husband on 23 September that “we have picked up your wife.”</p> <p>In December 2008, Mrs. Liang Liwan sent information about the impending demolition of her home by the local government to a convener of the United Nations Advisory Group on Forced Evictions. Later that month, her husband sustained serious injuries from beatings by unidentified individuals.</p> <p>In mid-August 2009, at a conference at the School of Public Management of Zhejiang University, Mrs. Liang Liwan, using her own case as an example, spoke about social problems faced by ordinary Chinese citizens. The convener attended the conference, which was organized by the Friedrich-Ebert-Stiftung, a German foundation, the Centre Marc Bloch, a German social sciences research institution, and Zhejiang University. After the conference, Mrs. Liang Liwan invited the convener and others to see the site of her home, which is being requisitioned by the Chinese Government for expansion of the city’s East Railway Station. During the tour, the police took the convener and others to the local police substation for questioning. Mrs. Liang Liwan escaped and returned to the outskirts of Beijing to her temporary home, which she was renting while petitioning the Government.</p> |                     |
| 43.  |         | 16/12/09 | JUA  | WGAD;<br>FRDX;<br>TOR | <p><b>Mr. N. S.</b>, aged 17, was arrested by the police on 27 July 2009 in Urumqi, for his alleged participation in the demonstrations in Xinjiang Uighur Autonomous Region on 5 July. Since his arrest, Mr. S. has been held in incommunicado detention in Shisen prison. No one has been able to visit him and it is believed that he is forced to</p>   |                     |

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|      |         |                            |      |         | stay in his cell 24 hours a day.                    |   |
| 44.  |         | Follow-up to earlier cases |      |         | <b>Ms. Liu Jie</b> , (A/HRC/10/44/Add.4, para. 30). | <p>By letter dated 17/11/08, the Government indicated that prior to undergoing re-education through labour, Ms. Liu Jie was unemployed. She was ordered to undergo labour re-education for a period of 18 months for having incited a disturbance and disrupting public order, with the re-education period to run from 13 October 2007 to 12 April 2009. On 14 November 2007, she was sent from the Bei'an Land Reclamation Public Security Bureau to the Qiqihar Labour Rehabilitation Facility to undergo re-education.</p> <p>In May 2008, the re-education bureau revised the living arrangements, and on 17 May, all women undergoing re-education at the Qiqihar re-education facility, including Ms. Liu, were sent to the Heilongjiang Province Women's Labour Re-education Facility (drug rehabilitation facility).</p> <p>In mid-August, a woman who was in the same group as Ms. Liu, got into an argument, refused her punishment and shoved a police officer, whereupon the facility put her in isolation. As Ms. Liu was on good terms with Ms. Gao, she applied to the police to lift Ms. Gao's isolation and cursed the police, disrupting normal administrative procedures. After the police "educated" her, Ms. Liu indicated that she understood the police's</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response   |
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|      |         |      |      |         |                         | <p>law-enforcement activities. Throughout the entire incident, the police never assaulted her, nor was she forced to sit on a ‘tiger bench’.</p> <p>Ms. Liu claimed that she had previously had eye surgery and that she continued to suffer from rheumatoid arthritis, coronary heart disease, cholecystitis and rachopathy. The re-education facility conducted a physical examination, the results of which clearly indicated that apart from her eye condition, she continued to suffer from mild fatty liver disease and slight sinus arrhythmia. Given her relatively advanced age and poor health status, the facility conducted frequent physical examinations. When Ms. Liu claimed that her head hurt, the police immediately took her to the re-education facility clinic to have her blood pressure taken, whereupon it was discovered that her blood pressure appeared to have gone up. The labour re-education facility immediately treated her with medication, and her illness stabilized. On 17 July, the re-education facility police took her to the Harbin No. 2 Hospital for an examination, where a physician diagnosed her as having “diminished vision in the right eye, requiring surgery”. On 17 September, at her request, Ms. Liu was taken to the First Affiliated Hospital of Harbin Medical University for further examinations. The doctor recommended that she have glasses fitted, but she refused and asked to have cataract surgery and a further keratectomy at the hospital. According to the doctor, she did not require any surgical correction at present.</p> <p>In view of the fact that Ms. Liu is relatively advanced in age and that her vision and</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response  |
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|      |         |      |      |         |   | overall health are poor, the labour re-education facility has arranged for her to participate in activities through which she can acquire skills. In order to safeguard her health, the re-education facility monitors her illnesses closely, and is taken to the clinic when she is ill. In no case has she been “forced to work fourteen hours a day, six days a week at the RTL camp”.  |
| 45.  |         |      |      |         | <b>Ms. Wang Guilan</b> (A/HRC/10/44/Add.4, para. 34).   | By letter dated 17/11/08, the Government indicated that Wang Guilan, female, born on 20 May 1961, a native of Hubei Province, is a laid-off employee of the Wuyang Shopping Mall in Enshi. In August 2005, she was ordered by the Re-education through Labour Committee of the Enshi Tujia-Miao Autonomous Prefecture to undergo re-education through labour for a period of one year and three months for having disrupted social order. On 2 November 2005, she was sent to the Hubei Women’s Labour Re-education Facility to undergo re-education; she was released on 3 October 2006. The communication alleges that Wang was ordered to undergo further re-education on 28 August 2008; inquiries have revealed that the person in question is not currently in a labour re-education facility. |
| 46.  |         |      |      |         | <b>Reports of violence during demonstrations in the Tibet Autonomous Region and surrounding areas in China and Gan Zi Xian, Sichuan Province, and the arrests of over 570 Tibetan monks, including children, in Aba Xian and in Ruangui/Zoige Xian the Tibetan Autonomous Region</b> (A/HRC/10/44/Add.4, paras. 35 and 37). | By letter dated 21/05/08, the Government indicated that the incidents that occurred in Lhasa and other places were incorrectly described as “peaceful demonstrations”, since they were serious acts of criminal violence. They seriously disrupted public order and did damage to human life, property and security. The judicial authorities of the Tibet Autonomous Region and the other areas in question dealt with the criminal suspects  |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response  |
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|      |         |      |      |         |                         | <p>severely, in accordance with judicial procedures. Those whose offences were lesser and who displayed a positive attitude, and acknowledged their guilt were released. Those whose situations were more serious had their criminal responsibility investigated in accordance with the law.</p> <p>In mid-March 2008, a group gathered illegally to create a disturbance. When police officers arrived to dissuade them, they clashed and violently attacked the officers with clubs, rocks and knives. At approximately 11.00 a.m. on 14 March, some monks at the Ramoche Temple threw stones at the police officers on duty. Subsequently, a group of rioters began to gather in Barkhor Street, shouting separatist slogans and wantonly beating, smashing and looting. The situation quickly spread. It resulted in the slashing or burning to death of 18 innocent persons; 382 persons were injured, 58 of them seriously. The rioters also set fire to 300 sites, burning down seven schools, five hospitals, 120 homes and more than 1,300 stores.</p> <p>While enforcing the law, the authorities acted in a lawful and civilized manner; they did not carry or use and lethal or injurious weapons. The People's Liberation Army was not involved.</p> <p>At 11 a.m. on 16 March, more than 300 monks in Aba, Sichuan Province assaulted and beat police officers; they threw rocks and homemade Molotov cocktails at the police. The rioters burned down 24 stores and two police stations, and set fire to 81 police and civilian vehicles. Some 200 persons were</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response   |
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|      |         |      |      |         |                         | <p>injured. Seeking to restore law and order, the local Government immediately took steps to bring the situation under control and protect life, property and fundamental human rights. During these incidents, law enforcement was carried out in a civilized manner by the local police, who consistently displayed a high degree of restraint. Scores of police officers were injured and no lethal or injurious weapons were used. The Chinese People's Liberation Army did not take part in the response to these incidents.</p> <p>On 16 March, rioters broke into the Aba Township police station and stabbed the police officers. When the rioters stole police firearms, the police fired warning shots, in accordance with the law, to no effect. They were thus compelled to open fire in self-defence, striking and injuring four rioters, who managed to escape. The firing of weapons was fully consistent with the Basic Principles on the use of Force and Firearms by Law Enforcement Officials.</p> <p>The competent authorities of China and the Tibet Autonomous Region arrested a number of major criminal suspects who had participated in the events, including a number of monks and nuns. The investigations and inquiries were conducted in accordance with the law.</p> <p>On 29 April 2008, the Lhasa Municipal Intermediate People's Court held an open trial for some of the persons accused of participating in the events of 14 March. The court found 30 of the accused guilty of the crimes of arson, looting, instigating fights and troublemaking, assembling a group to attack a</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted                                  | Government response  |
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|      |         |      |      |         |  | <p>State organ, disrupting public service and theft. The defendants received sentences varying from 3 years to life imprisonment. The court informed the accused that they could file an appeal if they refused to accept the judgments. For the trials, the Lhasa Court appointed defence attorneys for 30 defendants. The defence arguments presented during the trial were given full value and the mitigating circumstances they cited were all accepted in court.</p> <p>China's Criminal Procedure law stipulates that all citizens who are members of ethnic minorities have the right to use their own spoken and written language in an appeal. Of the 14 open hearings held in the Lhasa Court, 9 were conducted in the Tibetan language, while interpretation was provided for the other five. The costs associated with the defence lawyers and interpreters were covered by the Tibet Autonomous Regional Legal Aid Centre.</p> |
| 47.  |         |      |      |         | <b>Mr. Yang Chunlin</b> , (A/HRC/10/44/Add.4, para. 36). | <p>By letter dated 1/07/08, the Government indicated that Yang Chunlin (also known as Wei Houren), male, born on 29 July 1956, is a farmer from Jiamusi, Heilongjiang Province. From June 2006 to 2007 he posted dozens of articles on the Internet in which he claimed that incitement of subversion of State power could not be stopped. Such articles used rumours and libel, inter alia, to incite subversion of the political authority and fundamental political system of the State. On 7 July 2007, the Jiamusi public security authorities placed Yang in criminal detention on suspicion of the crime of inciting subversion of State power. On 13 August he was arrested on the order of the procuratorial</p>  |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response   |
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|      |         |      |      |         |                         | <p>authorities. The authorities immediately notified Yang's family members.</p> <p>On 8 October 2007, Yang's case was transferred to the Jiamusi People's Procuratorate for review and prosecution. After accepting the case, the Jiamusi Intermediate People's Court sent Yang a copy of his indictment on 9 January 2008. On 19 February 2008, the court conducted the trial in an open courtroom. During this period Yang was given ample time to prepare his defence. Throughout the trial the court fully respected Yang's procedural rights; his two designated defence attorneys submitted a full defence on his behalf. Yang frankly confessed to the charges contained in the indictment and did not wear handcuffs or leg-irons. During the trial, the court acknowledged that the prosecution authorities had charged Yang with colluding with others in forging farmers' signatures. However, while one of his Internet articles posed a definite harm to society, it was not in itself sufficient to convict him of a crime. The other 45 articles posted by Yang on the Internet were sufficient to constitute the crime of inciting subversion of State power; the facts of the case were clear, the evidence was conclusive and punishment was mandated by law. On 24 March 2008, the Jiamusi Intermediate People's Court issued its verdict and publicly delivered its sentence, finding Yang guilty and sentenced him to five years' imprisonment and two years' deprivation of his political rights. Yang did not accept this verdict. The case is now being appealed before the Heilongjiang Province Supreme People's Court.</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted                               | Government response  |
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|      |         |      |      |         |   | The allegation that the defendant was beaten with electric batons while in the courtroom is something that could not have occurred. Inquiries have revealed that during the trial Yang did not seek to converse with family members and that the court did not take any restraining measures in respect of him. While Yang was in detention, China's law enforcement authorities safeguarded all of his rights and his state of health was normal.   |
| 48.  |         |      |      |         | <b>Ms. Jamyang Kyi</b> (A/HRC/10/44/Add.4, para. 39). | <p>By letter dated 07/08/08, the Government indicated that Jamyang Kyi is an editor at the Qinghai provincial television station. On 1 April 2008, she was taken to the public security bureau for questioning by Xining police officers, who first showed her their badges, in response to accusations that she was suspected of having committed a criminal offence. The public security authorities questioned Mrs. Jamyang further and conducted a search of her home, seizing certain items, including her computer. On 3 April, the public security authorities placed her in criminal detention and held her in the Xining municipal detention facility. On 20 April, the Xining police, taking into consideration the serious illness of her father and the young age of her child, modified the coercive measures taken in respect of her and released her on bail on humanitarian grounds.</p> <p>Mrs. Jamyang was not arrested but was placed in criminal detention. Her personal property was not confiscated but was lawfully seized. The public security authorities handled the case in strict accordance with Chinese legislation, and she was neither subjected to or at risk of ill-treatment.</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response  |
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| 49.  |         |      |      |         | <b>Qi Chonghuai and He Yanjie</b><br>(A/HRC/10/44/Add.4, para. 40). | <p>By letter dated 7/08/08, the Government indicated that Qi Chonghuai and He Yanjie, whose pen name is Yanhe, were arrested on 2 August 2007. The People's Procuratorate of Tengzhou, Shandong Province, brought proceedings against Qi and He on charges of having passed themselves off as writers and conducting interviews at a dozen or so administrative units in Tengzhou and Zhucheng, county-level cities in Shandong Province. They then used articles which reported negatively about the aforementioned administrative units in order to make threats and extort large sums of money. Qi and He were also charged with fraud. Qi was sentenced to four years imprisonment and He was given a two-year sentence. Following the sentencing, Qi lodged an appeal. The case was tried in an open courtroom, and during the trial, appointed defence attorneys also made a full submission in their defence. During the trial Qi applied to communicate with his wife. The presiding judge did not permit this but informed Qi that following the trial, he could apply to see his relatives. After the trial, Qi made no such application. There were no instances of the court police beating the defendant during the trial. From the time they were placed under restraining measures by the procuratorial authorities, Qi and He were detained and looked after in the detention facility in accordance with the law. They were not beaten, threatened or subjected to any other form of ill-treatment by prison staff. Neither defendant raised any such issues in court.</p> <p>This case is now in appeal in the Zaozhuang Intermediate People's Court in Shandong</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted                                | Government response  |
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|      |         |      |      |         |  | Province, and if Qi and He have a defence or any submissions to make, they may bring them before the court of second instance.   |
| 50.  |         |      |      |         | <b>Ms. Mao Hengfeng</b> (A/HRC/10/44/Add.4, para. 44). | <p>By letter dated 02/09/08, the Government indicated that Mao Hengfeng is a native of Shanghai, born in 1961. On 16 April 2007, she was sentenced by the Yangpu District People's Court to a term of imprisonment of two years and six months for willful destruction of property. She is currently serving her sentence in the Shanghai Women's Prison.</p> <p>A medical examination of Ms. Mao upon her admission to the prison indicated that she suffered from hypertension but that otherwise her health was normal. She was ordered to follow the medical treatment prescribed by the doctor and given an appointment for a subsequent exam. On 3 June she entered the infirmary with a stomach ache, diarrhea and an elevated white blood cell count. She was treated and a follow-up exam on 11 June revealed no symptoms of any kind, so the treatment was stopped.</p> <p>In prison Ms. Mao shared housing with two other persons. The prison cell had four windows, each with a surface area of 2.8 square metres. The cell itself had a surface area of 36.7 square metres and was open from north to south, so that there was excellent light and ventilation; the cell also had a separate washroom. In late 2007 the prison was in the process of rebuilding the dormitory roof. In order to provide temporary protection against the dust, newspapers were pasted over all the windows in the building. The intent was not to block off Ms. Mao's windows. To</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response   |
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|      |         |      |      |         |  | date, Ms. Mao has not drafted any complaint, nor has she applied to meet with a lawyer.   |
| 51.  |         |      |      |         | <b>Ye Guozhu</b> (A/HRC/10/44/Add.4, para. 45).                      | <p>By letter dated 17/11/08, the Government indicated that Ye Guozhu is an ethnic Manchu male born in 1955 and residing in Beijing. On 18 December 2004, the Donghcheng District People's Court in Beijing sentenced him to four years' imprisonment for picking quarrels and stirring up trouble. While he was serving his sentence, the public security authorities discovered additional criminal facts that required further investigation and action. On 22 July 2008, the public security authorities released him for retrial. On 26 July, the Xuanwu Sub-Station of the Beijing Public Security Bureau placed him in criminal detention. On 23 August, with the authorization of the Xuanwu District People's Procuratorate, Mr. Ye was arrested on suspicion of assembling a crowd to disturb public order.</p> <p>Upon examination, Mr. Ye confessed to the above-mentioned facts and acknowledged his guilt. On 15 October, the Xuanwu Sub-Station, acting in accordance with the Criminal Procedure Law of the People's Republic of China decided to release him on bail.</p> |
| 52.  |         |      |      |         | <b>Xie Changfa and Mr. Lü Honglai</b> (A/HRC/10/44/Add.4, para. 46). | By letter dated 03/09/08, the Government indicated that on 26 June 2008, Xie Changfa was placed in detention on suspicion of subverting State power. On 31 July, he was presented with an arrest warrant. While under investigation, Xie confessed his crime. He is currently in prison at the Hunan provincial penitentiary, in excellent health. When taking  |

| Para | Country  | Date     | Type | Mandate | Allegations transmitted  | Government response   |
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|      |          |          |      |         |  | <p>the coercive measures with Xie as they are required to do in a criminal case, the authorities protected all his rights.</p> <p>On 9 July 2008, Lü Honglai was placed in detention by the public security authorities of Tianjin Municipality on suspicion of subverting State power. This was converted to house arrest on 15 July. At present the public security authorities are moving forward in their processing of this case.</p> <p>The allegations that coercive measures were taken because of these individuals' previous activities in defence of human rights and in relation to the forthcoming Olympic Games are totally groundless.</p> |
| 53.  |          |          |      |         | <b>Wo Weihai</b> (A/HRC/10/44/Add.4, para. 51).  | A reply was received from the Government on 17/02/09, but could not be translated in time for inclusion in this report.   |
| 54.  | Colombia | 08/01/09 | UA   | TOR     | <p><b>Los señores José Adelmo Esguerra Lozano</b> (Identificación interna No. TD3010), <b>Frank Herrera</b> (Identificación interna No. TD3005), <b>Robinson Camargo</b> (Identificación interna No. TD3101), <b>Juan Guillermo Barrientos</b> (Identificación interna No. TD687) y <b>Jhon James Silva López</b>. Según las informaciones recibidas, durante la mañana del 4 de enero de 2009, los señores arriba mencionados, reclusos en el Establecimiento Penitenciario de Alta y Mediana Seguridad de la ciudad de Valledupar, Departamento de Cesar, fueron golpeados y sacados del Pabellón 2 por miembros del cuerpo de custodia y vigilancia bajo el mando de un teniente. Los hechos presuntamente ocurrieron cuando solicitaron que no les fueran destruidas sus pertenencias durante una requisa que se estaba realizando. De acuerdo con las denuncias, los reclusos fueron retornados al pabellón esa</p> |   |

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|      |                |          |      |                        | tarde en condiciones lamentables de salud e irreconocibles debido a las inflamaciones que presentaban en sus rostros, como consecuencia de los golpes recibidos. Se cree que el Sr. Esguerra Lozano no era capaz de abrir la boca para pedir agua.  |                     |
| 55.  |                | 11/12/09 | AL   | TOR                    | <p><b>Jonathan Ricaurte y Óscar Beltrán.</b></p> <p>El 8 de febrero de 2009, Jonathan Ricaurte y Óscar Beltrán, de 14 y 15 años, respectivamente, fueron detenidos por oficiales de la Policía Nacional. El arresto se produjo durante un toque de queda en la localidad de Rafael Uribe Uribe, y los menores fueron llevados a la Estación de Policía de la localidad, donde fueron puestos en una celda junto con personas adultas. En la celda, un adulto detenido se quejó por unas quemaduras que había recibido y culpó a los menores. Los menores Ricaurte y Beltrán fueron acusados de dicho acto, por lo que fueron sacados de la celda y esposados a una reja. Después, los oficiales de la policía les rociaron el cuerpo con gasolina y les prendieron fuego. Los dos menores sufrieron de quemaduras de primer y segundo grado.</p> <p>Las detenciones se habrían llevado a cabo con base en el Decreto 587 de 2007, por medio del cual menores de 18 años que circulen entre las 23 y las 5 horas sin la compañía de sus padres o un pariente responsable, deben ser llevados a uno de los Centros de Emergencia del Instituto Colombiano de Bienestar Familiar y no a una estación de policía.</p> |                     |
| 56.  | Czech Republic | 15/07/09 | JUA  | WGAD;<br>RINT;<br>MIG; | <b>Mr. Bauyrzhan Imangaliev</b> , aged 30, citizen of Kazakhstan, who is currently awaiting deportation from the Czech Republic to his  |                     |

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|------|---------|------|------|---------|--|---------------------|
|      |         |      |      | TOR     | <p>country of origin.</p> <p>Mr. Imangaliev is awaiting deportation in the refugee camp “Bélá Jezová” in the Czech Republic together with his pregnant wife and two small children. He claimed that in his country of origin, Kazakhstan, he was subjected to persecution on the part of the authorities for religious reasons as a member of an independent Muslim community which is not controlled by the official religious structures in Western Kazakhstan. However, his asylum claim in the Czech Republic was recently rejected and the conclusions of the migration service of the Czech Republic, which made a decision on his deportation, reportedly failed to take into account that four of his Muslim associates who stayed in Kazakhstan were imprisoned under falsified charges. Also, some procedural violations have been reported, such as incorrect translations of interviews, which failed to reflect some of the accounts relevant to the asylum claims.</p> <p>While still in Kazakhstan, Mr. Imangaliev reportedly was subjected to persecution on the part of the authorities for religious reasons, namely in connection with alleged extremist views. Between 1999 and 2005, he was regularly called in by the National Security Committee (KNB) and questioned. In 2005, he was held in custody in a KNB isolator in Atyrau on two occasions. In early 2005, he was suspended from handcuffs and beaten on his kidneys by the officers. In late 2005, he was held for five days without his family being notified. Several members of his religious community have been arrested in recent years and some are still in detention. They were reportedly being harassed by prison staff to</p> |                     |

| Para | Country | Date     | Type | Mandate                            | Allegations transmitted  | Government response  |
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|      |         |          |      |                                    | <p>force them to give up their religious convictions. Mr. Imangaliev and his family subsequently fled from Kazakhstan and founded a human rights organization in Prague, where demonstrations have repeatedly been organized to protest against the violations of freedom of religion or belief by Kazakh authorities, which may lead to reprisals by the latter, in case he is returned to Kazakhstan.</p> <p>It appears that a large number of asylum seekers from Kazakhstan (222 persons, of who 54 minors born in emigration) are currently at risk of involuntary return to Kazakhstan. All of them claim to have been persecuted by Kazakhstani authorities on the basis of their beliefs, which have been labeled as “extremism”.</p>  |  |
| 57.  |         | 37/07/09 | JUA  | WGAD;<br>IJL; MIG;<br>RACE;<br>TOR | <p><b>Mr. Shakhzod Maksudov</b>, aged 30, citizen of Uzbekistan, currently held at Vazebni Veznice in Prague. Mr. Maksudov was arrested on 21 October 2008 without any explanation and taken to the main police criminal investigation department in Prague. There he was severely beaten and called “dirty and black foreigner”. In the process, he was stripped of his clothes. As a result of the beatings, he kneeled down and begged the police to tell him why he had been arrested, to inform his consular authorities and to allow him access to a lawyer, to no avail. Rather, the officers continued to beat him and forced him to sign some papers, which he did, despite the fact that everything was written in Czech, of which he has limited knowledge. As a result his head was bleeding and he felt the taste of blood in his mouth. The treatment continued on 22 October, when he received even stronger blows and his hands were handcuffed to a tube. The handcuffs were so tight he could not feel</p> | <p>By letter dated 1/10/09, the Government indicated that the first complaint against the police was received by the Ministry of Foreign Affairs from the Embassy of Uzbekistan in Austria, dated 27/03/09, pursuant to the demand of Mr. Shakhzod Maksudov’s parents asking for help against the arbitrary detention of their son. The Inner Control Section at the Regional Police Directorate in Prague investigated this complaint. The result was that no violation of the law or service instruction had occurred during the actions performed by the police. The report of the investigation was sent to the attention of the International Relations Section at the Ministry of Internal Affairs on 27 May 2009.</p> <p>A second complaint was received from Mr. Maksudov on 19 May 2009, regarding his dissent with the official action of four unnamed police officers who reportedly beat</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response   |
|------|---------|------|------|---------|--|---|
|      |         |      |      |         | <p>one of his hands.</p> <p>It subsequently turned out that he and his brother were accused of having committed a murder. The brother was held in the neighbouring room, and Mr. Shakhzod Maksudov could hear him beg for help. When he reiterated his request for a lawyer and an interpreter, one of the police officers took out a rifle and put it to his head, threatening to kill him. The policemen also allegedly indicated that foreigners were considered “shit and litter”, so nobody would believe them, in case they decided to file any complaints.</p> <p>Once he had made a confession, he was finally led to an office, where a defence lawyer was present. He said that he had nothing to do with the crime, but nobody listened to him.</p> | <p>and kicked him, served him no food or drink and refused his request to call a lawyer on 21 and 22 October 2008. During the investigation of this complaint, two other complaints were received by the Regional Police Directorate of Prague on 30 July 2009. The first was addressed by the Ministry of Foreign Affairs and the second by the Ministry of Internal Affairs. The content was nearly the same as in the complaint from 19 May. The result of the common investigation was that no police officer had treated the accused in a manner that was in violation of law or service instructions and that no reduction of the rights of the accused had occurred. Mr. Maksudov was not subjected to physical cruelty, verbal assaults, threats or other similar acts. In addition, he was regularly served meals and drinks. On 17 December 2008, the Municipal Court in Prague did not find any violation of the law in the actions performed by the police. No other complaint has been submitted during the criminal proceedings.</p> <p>There was a justified suspicion that Mr. Maksudov and others had participated in a murder. The state attorney of the Metropolitan prosecuting Attorney’s Office in Prague then approved their detention. On 21 October, Mr. Maksudov was detained in the parking of the Imperial Hotel in Prague, where he had been employed. In the course of his detention, holds and grasps were used, in accordance with Police Act No. 283/1991. He was also handcuffed due to his active resistance. Three other persons were also arrested.</p> <p>The investigation continued, and one of the</p> |

| Para | Country                          | Date     | Type | Mandate              | Allegations transmitted  | Government response   |
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|      |                                  |          |      |                      |  | <p>detainees was released. The other men, including Mr. Maksudov, were handed over to the detention cell in the Regional Police Directorate.</p> <p>On 22 October, the criminal prosecution began. The resolution to commence prosecution was handed over to Mr. Maksudov in the presence of his appointed counsel. His interrogation was then conducted in the presence of his defending counsels and an interpreter.</p> <p>On 24 October, through the resolution of the District Court Judge, Mr. Maksudov was remanded in custody, and he was transferred to Remand Prison Pankrac, where he is currently detained.</p> |
| 58.  | Democratic Republic of the Congo | 20/01/09 | JUA  | WGAD; IJL; SALE; TOR | <p><b>L. M., B. P., T. K., J. K., S. B., J. T., D. M., M. D., P. R., S. N.</b>, tous détenus à la prison centrale Munzenze, ville de Goma, province Nord-Kivu.</p> <p>L. M., âgé de 12 ans, serait détenu depuis le 29 décembre 2008, pour motif de vol simple.</p> <p>S. P., âgé de 15 ans, serait détenu depuis le 29 décembre 2008, pour motif de viol.</p> <p>T. K., âgé de 17 ans, serait détenu depuis le 29 décembre 2008, pour motif de viol. Il n'aurait jamais été présenté devant un juge.</p> <p>J. K., âgé de 16 ans, détenu depuis le 10 décembre 2008, pour motif de vol simple. Il n'aurait jamais été présenté devant un juge. Ses parents ne seraient pas informés de sa détention.</p> <p>S. B., âgé de 12 ans, serait détenu depuis le 14 novembre 2008, pour motif de viol. Il aurait été maltraité dans sa cellule par des détenus</p> |   |

| Para | Country | Date     | Type | Mandate      | Allegations transmitted  | Government response |
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|      |         |          |      |              | <p>majeurs.</p> <p>J. T., âgé de 14 ans, serait détenu depuis le 29 décembre 2008, pour motif de viol.</p> <p>D. M., âgé de 16 ans, serait détenu depuis le 15 novembre 2008 pour motif de viol. Il aurait été détenu dans les cellules de la police nationale congolaise pendant une semaine, où il aurait été soumis à des mauvais traitements par des policiers dont l'un parmi lesquels était également détenu.</p> <p>M. D., âgé de 16 ans, serait détenu depuis le 23 juillet 2008 pour motif de raison d'enquête. Il n'aurait jamais été présenté devant un juge.</p> <p>P. R., âgé de 16 ans, serait détenu depuis le 25 septembre 2008 pour motif d'abus de confiance.</p> <p>S. N., âgé de 16 ans, serait détenu depuis le 15 novembre 2008 pour motif de raison d'enquête. Il aurait été détenu dans les cellules de la police nationale congolaise pendant une semaine, où il aurait été soumis à des mauvais traitements par des policiers dont l'un parmi lesquels était également détenu.</p> |                     |
| 59.  |         | 26/03/09 | JUA  | WGAD;<br>TOR | <p><b>M. Mulumba Kapepula</b>, agent de la Société Nationale des Chemins de fer du Congo (SNCC), et résident de Lubumbashi.</p> <p>Le 16 mars 2009 vers 18.00h, M. Kapepula, qui se trouvait au restaurant Nazem à Lubumbashi, aurait été arrêté sans mandat et emmené de force dans une jeep non-identifiée, par cinq agents de l'Agence Nationale de Renseignements (ANR). Ceux-ci auraient été envoyés par le Chef de poste de l'ANR/Lubumbashi pour avoir exprimé ses opinions lors du rassemblement des agents en SNCC en grève devant la place de la Gare en date du 16 mars 2009.</p>   |                     |

| Para | Country | Date     | Type | Mandate                       | Allegations transmitted  | Government response |
|------|---------|----------|------|-------------------------------|--|---------------------|
|      |         |          |      |                               | <p>Selon les allégations, à son arrivée à la direction provinciale de l'ANR - Direction Provinciale du Katanga (ANR/Katanga), M. Kapepula aurait été soumis à des tortures et autres traitements inhumains de la part de six agents de l'ANR/Katanga, et incluant des coups de fouets, de bottes, de poings et même branché au courant électrique. Aucune visite n'aurait été autorisée.</p> <p>Le 17 mars 2009, en raison de l'état de plus en plus critique de M. Kapepula, le médecin de l'ANR qui le traitait aurait jugé nécessaire de le transférer à la Polyclinique Flora aux fins de bénéficier des soins intensifs, et où aucune visite n'aurait été autorisée non plus par les agents de l'ANR et de la police. Le 20 mars 2009, au soir, M. Kapepula aurait été transféré de l'hôpital malgré son état de santé encore très préoccupant, vers Kinshasa le 21 mars 2009, par l'ANR.</p> <p>M. Kapepula serait actuellement détenu à Kinshasa dans un lieu gardé secret.</p> |                     |
| 60.  |         | 29/07/09 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | <p><b>M. Golden Misabiko</b>, Président de l'Association africaine pour la défense des droits de l'Homme (ASADHO)/Katanga.</p> <p>Le 24 juillet 2009, suite à une convocation, M. Misabiko et M. Thimothée Mbuya, Vice-Président de l'ASADHO/Katanga, se seraient rendus en début de l'après-midi à la direction provinciale de l'Agence nationale des renseignements (ANR) à Lubumbashi où ils auraient été interrogés sur la publication d'un rapport publié le 13 juillet 2009 intitulé : « Mine uranifère de Shinkolobwe: de l'exploitation illicite artisanale à l'accord entre la RD Congo et le groupe nucléaire français AREVA ». Dans ce rapport, l'ASADHO/Katanga dénonçait la poursuite clandestine de l'exploitation de la mine uranifère de Shinkolobwe, suite à sa</p>   |                     |

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|      |         |      |      |         | <p>fermeture officielle par décret présidentiel n° 04/17 du 27 janvier 2004 portant classement de Shinkolobwe comme zone interdite à l'activité minière. Selon l'ASADHO/Katanga, les exploitants bénéficieraient de la complicité de membres des Forces armées de la RDC, de la Police nationale congolaise et de l'Auditorat militaire. Le 22 juillet, les autorités provinciales civiles et militaires auraient dépêché à Shinkolobwe une mission de vérification des allégations de l'ASADHO-Katanga, à laquelle l'ASADHO-Katanga aurait refusé de participer au motif que les militaires impliqués dans l'exploitation illicite auraient reçu l'ordre de quitter les lieux avant l'arrivée de la délégation.</p> <p>M. Mbuya aurait été libéré le 24 juillet en début de la soirée et M. Misabiko aurait passé la nuit dans le cachot de l'ANR. Le 25 juillet, M. Misabiko aurait été transféré vers le Parquet du Tribunal de grande instance (TGI) de Lubumbashi et serait depuis détenu au dépôt du TGI. M. Misabiko serait accusé d'« atteinte à la sûreté de l'Etat », de « diffamation » et de « mouvement subversif ». Le 28 juillet, M. Misabiko aurait été présenté en chambre du Conseil pour régulariser sa détention conformément à la procédure pénale congolaise. Le Ministère public aurait sollicité la prorogation de la détention arguant qu'il attendait que l'ANR régularise le PV d'audition car celui-ci serait entaché d'irrégularités (sans identité, ni signature de l'Officier de police judiciaire instructeur) et que le rapport de l'ASADHO/Katanga lui soit transmis. Les avocats de M. Misabiko auraient invoqué l'irrégularité de la détention et ainsi introduit une requête de mise en liberté provisoire. Le délibéré sur cette question devrait être rendu le</p> |                     |

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|      |                    |          |      |                               | 29 juillet 2009.   |                     |
| 61.  |                    | 07/09/09 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | <p><b>M. Robert Llunga Numbi</b>, président national des Amis de Nelson Mandela pour la défense des droits humains (ANMDH), <b>Mme. Marie-Thérèse Kalonda</b>, chargée de programme à l'ANMDH, <b>M. Jean-Paul Itupa</b>, chargé des Relations publiques au sein de la section ANMDH de Kalamu et <b>M. Ndumba Toutou</b>. Selon les informations reçues, le 31 août 2009, vers 16 h, M. Numbi, Mme. Kalonda, M. Itupa et M. Toutou auraient été arrêtés sur leur lieu de travail à Matonge.</p> <p>Mme. Kalonda, M. Itupa et M. Toutou auraient été libérés dans la soirée du 31 août. M. Llunga Numbi serait toujours détenu dans les locaux de l'Agence nationale des renseignements (ANR) à Kinshasa/Gombe sans qu'aucune charge n'ait été retenue contre lui. Il est allégué qu'il n'aurait accès ni à son avocat, ni à sa famille. Le 1<sup>er</sup> septembre, des membres de sa famille auraient essayé de lui faire parvenir des vivres, mais auraient essuyé un refus des agents de l'ANR.</p> <p>Il est allégué que ces arrestations seraient liées à la publication par l'ANMDH d'un communiqué de presse en date du 17 août 2009, dénonçant les conditions de travail des ouvriers de la Société Générale Industrielle à Kasangulu, province du Bas-Congo, et à la tenue d'une conférence de presse le 24 août à Kinshasa sur ce thème.</p> |                     |
| 62.  | Dominican Republic | 14/10/09 | JUA  | WGED;<br>TOR                  | <p><b>Sr. Juan Almonte Herrera</b>, miembro de la organización comunitaria Mundo.</p> <p>El 28 de septiembre, el Sr. Juan Almonte Herrera caminaba rumbo a su oficina en Santo Domingo, cuando fue parado por dos hombres armados, quienes lo subieron a la fuerza a su vehículo. Testigos oculares identificaron a los</p>  |                     |

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|      |         |          |      |                               | <p>hombres como oficiales del Departamento Antisecuestro de la Policía Nacional. Dos horas después de su detención, la policía anunció por televisión que el Sr. Almonte Herrera era buscado en relación con la investigación de un secuestro.</p> <p>A la fecha, se desconoce la suerte y el paradero del Sr. Almonte Herrera. Un tribunal concedió un habeas corpus el 2 de octubre, solicitando su inmediata liberación.</p>   |  |
| 63.  | Ecuador | 13/01/09 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | <p><b>Sr. Vicente Zhuño Samaniego</b>, líder campesino, presidente de la Asociación de Campesinos de Limón Indanza, y miembro de la Coordinadora Nacional por la Defensa de la Vida y la Soberanía (CNDVS) El 6 de noviembre de 2008, el CNDVS presentó una denuncia ante el Defensor del Pueblo de Ecuador, en la que destacaron el patrón de persecución particularmente contra miembros del Comité. El Sr. Zhuño fue uno de los líderes comunitarios mencionados en esta denuncia.</p> <p>El 5 de enero de 2009, aproximadamente a las 18h30, El Sr. Zhuño fue arrestado en las cercanías del centro de salud ubicado en la calle principal del vecindario de Indanza, en el departamento de Limón Indanza, provincia de Morona Santiago. Los funcionarios policiales actuantes habrían cumplido órdenes del jefe político del departamento. Presuntamente, el arresto se habría sido llevado a cabo sin que hubiera una orden de arresto ni que el Sr. Zhuño estuviera involucrado en actividad alguna en el momento de la detención. El Sr. Zhuño habría sido trasladado a un lugar desconocido a bordo de una patrulla de la policía nacional.</p> <p>El 6 de enero de 2009, el Sr. Zhuño fue localizado en el Hospital de Macas, con heridas</p> | <p>Mediante cartas de fecha 20/03/09 y 17/04/09, el Gobierno indicó que la detención del señor Vicente Zhunio Samaniego ocurrió cuando se encontraba abasteciendo de víveres a las personas que obstaculizaban la vía que conduce al Plan de Milagros-Indanza-San Juan Bosco. Los agentes de policía procedieron a pedirle sus documentos de identificación. El señor Zhunio se negó a presentarlos, situación que derivó en la reacción agresiva del señor Zhunio en contra de los atentes de policía. Estos procedieron a su detención. Cuando ingresaban al patrullero, personas desconocidas, ocultas en la vegetación del lugar empezaron a disparar en contra del personal policial. De este suceso resultaron heridos tanto el señor Zhunio como un agente de la policía. Asimismo, fueron aprendidas cuatro personas, acusadas de terrorismo organizado.</p> <p>Se inició la Instrucción Fiscal por el delito flagrante de sabotaje a servicios públicos o privados, en contra de Joel Vicente Zhunio Samaniego con orden de prisión preventiva, quien luego de su recuperación en el Hospital del Seguro Campesino en la ciudad de Cuenca fue trasladado al centro de</p> |

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|      |         |                            |      |         | de bala en la cabeza. Habría sido incomunicado por más de 16 horas y transportado a Macas, a una distancia de 6 horas de Indanza. Permanece allí bajo custodia policial. Será sometido a una intervención quirúrgica para extraerle un perdigón localizado en la lengua. El 13 de enero se habría presentado una petición para la revocatoria de la orden de prisión preventiva. | <p>Rehabilitación Social de macas el 21 de enero de 2009.</p> <p>Posteriormente, el imputado recuperó su libertad el 5 de febrero de 2009 por disposición de la Sala de la Corte de lo Penal de Morona Santiago. En la actualidad el señor Zhunio se encuentra en libertad, ejerciendo su derecho a al defensa dentro de la Institución Fiscal No. 04-2009.</p> <p>El Ministerio de Justicia y Derechos Humanos envió una comunicación a la Defensoría del Pueblo para la realización de una veeduría del debido proceso del caso señalado.</p>   |
| 64.  |         | Follow-up to earlier cases |      |         | <p><b>José David Penafiel Minton, Paulina Penafiel, Fernanda Penafiel, Nicolas Klaus Graetzer, Peter Graetzer, Santiago Yopez Penafiel, Paulina Yephey, Alejandra Delgado, Zoila Marina Estrada Lopez, José Vicente Minda y Carmen Edith Minda</b> (A/HRC/10/44/Add.4, para. 60).</p>  | <p>Mediante carta de fecha 17/04/09, el Gobierno indicó que todas las acciones fueron aplicadas de acuerdo al marco constitucional y legal vigente, fueron desarrolladas de manera absolutamente pacífica y en presencia de los medios de comunicación.</p> <p>La Agencia de Garantía de Depósitos (AGD) tiene facultad legal para incautar los bienes que sean de público conocimiento de aquellos accionistas y administradores de las instituciones financieras que han incurrido en los delitos en conformidad con la Ley de Reordenamiento en materia económica en el Área Tributario-Financiera.</p> <p>El Tribunal Segundo de lo Penal de Pinchincha condenó al señor José Alejandro Peñafiel Salgado a la pena de ocho años de reclusión mayor ordinaria por conductas ilícitas que llevaron al cierre del banco y sus subsidiarias, cierre que obligó al estado ecuatoriano, por medio de la AGD, a efectuar</p> |

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|      |         |      |      |         |                         | <p>el pago de la garantía contemplada en la ley, lo cual ha devenido en un grave perjuicio al erario público y a los depositantes. Mediante memorándum No. AGD-UIO-SG-2007-23, el Subdirector de Fideicomisos afirma que el Sr. David Peñafiel Minton, hijo de Alejandro Peñafiel Salgado, fue accionista del banco de Préstamos S.A. En septiembre de 2008, llegó a conocimiento de la AGD que los señores Peñafiel Salgado y Peñafiel Minton eran propietarios de varias haciendas en el sector de Aloasí, cantón Mejía, provincia de Pichincha.</p> <p>Mediante resoluciones Nos. AGD-UIO-GG-2008-62, AGD-UIO-GG-2008-66 y AGD-UIO-GG-2008-67, la AGD dispuso la incautación de varias haciendas de los ex accionistas del Banco de Préstamos S.A. Entre las haciendas incautadas se encuentran: Hacienda Tambo alto; Hacienda Tambo bajo; Hacienda San Javier; Hacienda Agrotambo y Hacienda San Juan, todas en el sector de Aloasí.</p> <p>La noche del 29 de septiembre se diseñó el plan de incautación, el cual inició a las 23.00. Todos los operativos de incautación fueron filmados y fotografiados íntegramente por personal especializado y contaron con la cobertura de los medios de comunicación. El operativo se dio en forma pacífica. Las pocas personas que se encontraban en el interior de las haciendas, en calidad de cuidadores, brindaron toda la colaboración al personal de la Policía y de la AGD. En las propiedades incautadas se observó que la mayor parte de bienes muebles habían sido retirados previos al operativo. Un cuidador indicó que habían sido retirados horas antes, por lo que se</p> |

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|      |         |          |      |              |  | <p>asume que la familia Peñafiel estaba enterada de la incautación. El operativo concluyó exitosamente a las 2.00.</p> <p>Sobre las eventuales quejas, investigaciones, diligencias judiciales o administrativas e indemnizaciones, se aguarda el reporte de las instancias competentes.</p> |
| 65.  | Egypt   | 15/01/09 | JUA  | WGAD;<br>TOR | <p><b>The forcible return of Ms. Bisrat Temsegen Zeray, Ms. Zewdi Gebremedhin Gebrehiwot, Ms. Azeb Mewael Berhane, Ms. Mebrhit Berhane Druy, Ms. Terhas Lule Gaim, Ms. Genet Weldeyesus Tewelde, Ms. Amleset Habte Melake, Ms. Askalu Tewelde Araya, Mr. Alexander Gebreamlak Michael, Mr. Michael Andai Tekie, Mr. Alem Asmelash Berhe, Mr. Filmon Gebreyohannes Gebre, Mr. Tsegezeab Berhane Gebru, Mr. Saerom Mehreteab Semere, Mr. Kidane Gebre Tesfay, Mr. Yemane Tesfat Tesfamariam, Mr. Kibrom Haile Gebrehiwot, Mr. Zeresenai Tsegay Astbeha, Mr. Neguse Weldelibanos Sengal, Mr. Hagos Gebreyesus Aman, Mr. Teoumai Mnuye Zerue, Mr. Samuel Abraham Berhane, Mr. Semere Beraki Hagos, and of other Eritrean nationals, at least 64 in total whose identities are not known, from Egypt to Eritrea and that these returns are on-going</b> (see A/HRC/10/44/Add. 4, para. 64).</p> <p>In December 2008, the Egyptian authorities detained an unspecified number of Eritreans, at least 98, including the abovementioned persons, at the Nakhil detention centre in North Sinai and in police detention facilities in al-Arish, after they had tried to enter Israel and been sent back to Egypt by Israeli authorities. While in detention in Nakhil, Eritrean officials visited and</p> |  |

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|      |         |          |      |                                    | <p>registered them. The guards of Nakhil detention centre allegedly beat several persons including a pregnant woman.</p> <p>Subsequently, on 19, 24 and 28 December 2008 and 7 and 11 January 2009, an unknown number of, but at least 64 persons, including twelve women and two children, were forcibly returned from Egypt to Eritrea without the UN High Commissioner for Refugees (UNHCR) having had access to them. The individuals named above were returned on 24 December. The returns appear to be on-going.</p>  |                     |
| 66.  |         | 20/02/09 | JUA  | WGAD;<br>FRDX;<br>HRD; IJL;<br>TOR | <p><b>Mr. Dia' el Din Gad</b>, an Egyptian citizen and student blogger. On 6 February 2009, Mr. Dia' el Din Gad was arrested outside his home in Qotour city, near Tanta city (north of Cairo) by State Security Investigations (SSI) officers. Just before his arrest, Dia' el Din Gad had returned to his home. When he left the house, he was immediately arrested by SSI officers and allegedly beaten as he was taken away.</p> <p>He is reportedly held incommunicado in an unknown location, and his whereabouts have not been disclosed by the Egyptian authorities, despite inquiries by his family and his lawyer with the Ministry of the Interior and the office of the Public Prosecutor.</p> <p>According to local activists, a few days before he was arrested, Dia' el Din Gad had taken part in demonstrations organized by the liberal Wafd opposition party in Cairo in solidarity with the people of Gaza. On his blog, Dia' el Din Gad criticized the Egyptian policy regarding Gaza, including the restrictions on humanitarian aid delivered through Egypt to Gaza, and regarding the 4 February arrest of Ahmed Doma, a leading member of a youth movement, the Popular</p> |                     |

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|      |         |          |      |              | <p>Movement to Free Egypt.</p> <p>Mr. Dia' el Din Gad reportedly suffers panic frequent attacks which make it difficult for him to breathe. He also has difficulty walking and bending one of his legs, due to injuries suffered in childhood. He takes medication, which he did not have with him when he was arrested.</p>  |   |
| 67.  |         | 12/03/09 | JAL  | SUMX;<br>TOR | <p><b>Death in custody of Mr. Abdessadek Zaharane Chahine</b>, aged 54, as well as the alleged failure to exhaustively clarify the circumstances of three further cases of death in custody: <b>Messrs. Ahmed Hassane Fouad</b>, aged 35, resident in Alexandria, <b>Mohamed Neboua Abdelhafid</b>, aged 24, and <b>Nasser Sadek Djadallah Georges</b>, aged 45, in Egypt.</p> <p>M. Abdessadek Zahrane Chahine was arrested on 5 February 2009, at his daughter's wedding, in Tanta. The officers beat him in front of several witnesses. They hit him with a stick, in addition to kicking and punching him. He then lost consciousness and was taken to the hospital where the doctor certified his death. The authorities claim that an autopsy has been performed, but no information has been communicated to the family.</p> | <p>By letter dated 14/05/09, the Government indicated that the Santah police station wrote crime report No. 9266 of 2009 on the death of Mr. Abdessadek Zaharane Chahine. A post-mortem report is being expedited and investigations are being concluded.</p> <p>With regard to the death of Mr. Ahmed Hassane Fouad, the Office of the Public Prosecutor questioned the brother of the deceased in the context of the investigation. It established that the deceased had been in poor psychological condition, due to the death of his wife and parents. Abuse in the police station prior to his death was ruled out. The post-mortem examination established that the cause of death was asphyxia by hanging; there was no evidence of recent vital injuries that would indicate criminal violence or resistance. The Office of the Public Prosecutor decided to discontinue consideration of the case, since it was a suicide.</p> <p>Concerning Mr. Mohamed Neboua Abdelhafid's death, the chemical laboratory report stated that the substance seized from Mr. Abdelhafid was narcotic cannabis resin. According to the forensic report, no injuries were found on the body that would indicate criminal violence. The cause of the injuries that led to his death was a fall. The Office of</p> |

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|      |         |          |      |         |  | the Public Prosecutor decided to discontinue consideration of the case. |
| 68.  |         | 20/05/09 | UA   | TOR     | <p><b>Mohamed Ragab Mohamed, Abdessalam Mohamed Ismail, Hazem Shihata Ahmed, Mohamed Ismail, Islam Ahmed Khalil, Mohamed Ramadan Ragab, Abdel-Azim Khairy Abdel-Azim, Ibrahim Zakariya, Karim Mohamed Abdel-Naby, and Ali Samir Ali.</b></p> <p>On 2 January 2009, the above named men were arrested without warrant in a private apartment on Ahmed Orabi Street in Mohandesine, Giza. However, their arrest was recorded as having taken place on 4 January. The men were taken to the Morality Police Department in Mogamma'a al-Tahrir, where some of them were subjected to beatings with a stick, slaps, kicking and insults. On 4 January, they appeared before the al-Agouza prosecutor, who authorized four days of preventive detention and ordered an HIV and a forensic medical test including forcible anal examinations. Subsequently, the ten men were moved to the police station "al-Agouza", where they were forced to take off their clothes, and were beaten and verbally abused. On 6 January, the individuals were moved to the Giza police station, and the detention was once again prolonged by 15 days. On 20 January 2009, a district judge authorized their preventive detention for another 15 days, against which an appeal was lodged. However, the decision to prolong preventive detention was upheld by the Appellate Court of Misdemeanours on 21 January. On 3 February, the men's preventive detention was renewed for a further 15 days by the district judge. On 19 February 2009, another prolongation for 45 days was authorized, and the men were transferred to el-Qatta Prison. An</p> |   |

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|      |         |          |      |                       | <p>appeal against the latest prolongation was rejected.</p> <p>The men have been charged with “habitual practice of debauchery” (which appears to cover consensual same-sex relations) under article 9(c) of the Law on Combating Prostitution (Law 10/1961). In addition, Mohamed Ragab Mohamed faces charges of “running a residence for the practice of debauchery”, under article 8 of the same law</p>   |                     |
| 69.  |         | 05/06/09 | JUA  | WGAD;<br>HLTH;<br>TOR | <p><b>Mr. Fares Barakat</b>, aged 43, residing at Damanhour, Beheira Governorate in Lower Egypt.</p> <p>On the evening of 17 May 2009, Mr. Barakat was at a friend’s apartment in Damanhour. Officers from the State Security Investigations (SSI) and Ministry of Interior dressed in civilian clothing came to the apartment, searched it, and began to arrest some of those present. When Mr. Barakat asked for the arrest warrant, he was pushed toward the balcony. As he tried to resist, an SSI officer allegedly ordered “to throw this man from the balcony”. Mr. Barakat was thrown from the balcony on the fourth-floor, sustained serious injuries and is now in a critical condition. The injuries he suffered as a result of allegedly being thrown from the balcony, include a fracture of his right leg, hip and shoulder, three pelvic fractures, a fractured nose, fracture of three vertebrae, facial injuries, blood accumulation in the stomach and around the liver, concussion and difficulty in breathing due to the upward pressure of abdominal blood collection. However, he has not been transferred to a proper hospital and is not receiving adequate medical care.</p> <p>Mr. Barakat was subsequently arrested and is</p> |                     |

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|      |         |          |      |          | <p>now detained in the National Medical Institute in Damanhour. He is handcuffed to his bed and remains under strict police surveillance. A formal request has been filed with the Prosecutor for him to be transferred to a suitable hospital, as the National Medical Institute has inadequate care facilities. This request has been refused.</p> <p>Mr. Barakat's case is part of a larger case of 24 other individuals subsequently arrested on 17 May 2009, who, along with Mr. Barakat, are accused of being members of the banned Muslim Brotherhood.</p>   |                     |
| 70.  |         | 17/06/09 | JUA  | IJL; TOR | <p><b>25 individuals resident in Egypt. Mr. Emad Mohamed Fathi Abdel Hafez</b>, aged 40, living at Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Mohamed Mohamed Ismail El Erian</b>, aged 52, living at Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Ahmed Ali Hussein Eid</b>, aged 38, and living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Hani Mohamed Gaber El Bakatouchi</b>, aged 45, living in Abu Rish, Damanhur, Al Bahira Governate;</p> <p><b>Mr. Said Mabrouk El Sayed Baraghit</b>, aged 54, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Mohamed Abdel Nazir Mohamed Etman</b>, aged 46, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Mohamed Abdel Hakim Abdel Rashid Abdel Moawad</b>, aged 50, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Abdel Hakim Abdel Raouf Hassan Soliman</b>, aged 44, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Mohamed Ahmed Abdel Mawogoud Mohamed</b>, aged 31, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Ali</b></p> |                     |

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|      |         |      |      |         | <p><b>Abdel Fattah Mohamed El Sheikha</b>, aged 46, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Sayed Hassan Salem El Bakatouchi</b>, aged 55, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Ashraf Mohamed Nagib El Kateb</b>, aged 43, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Ahmed Hassanen Ahmed Hegazi</b>, aged 36, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Ahmed Ali Ghoneim Wahba</b>, aged 37, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Magdy Zaky Atya Oda</b>, aged 43, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Mohamed Mamdouh Ali Salman</b>, aged 32, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Khaled Mahmoud Meligi Ali</b>, aged 37, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Mohamed El Esawi El Zahabi</b>, aged 46, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Ali Anwar Nasr</b> aged 42, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Ahmed Abdel Fattah Abdel Aziz El Sammad</b>, aged 48, living in Abu Rish, Damanhur, Al Bahira Governate; <b>Mr. Hassan El Sayed Abou Hassan</b>, aged 38, living in Choubbra, Al Bahira Governate; <b>Mr. Mohamed Abdel Monem Ibrahim Zeidan</b>, aged 35, living in Choubbra, Al Bahira Governate; <b>Mr. Mohamed Hassan Mahmoud El Sakhawy</b>, aged 43, living in Salah Eddine, Damanhur, Al Bahira Governorate; <b>Mr. Aboul Fotouh Mohamed Abou El Yazid Aboul Fotouh</b>, aged 45, living in Maidan Al Mahattah, Damanhur, Al Bahira Governorate; and <b>Mr. Osama Mohamed Ibrahim Soliman</b>, aged 45, living in Choubra, Damanhur, Al Bahira Governorate. They are reportedly currently detained in Sahrawi Prison</p> |                     |

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|      |         |          |      |              | <p>2 in Wadi El Natroun.</p> <p>On 17 May 2009, the 25 individuals were arrested by approximately 100 officers from the Special Forces of the State Security Investigative Service (SSI), from General Investigation and from General Security, without a warrant. They were taken to the Headquarters of the SSI Bureau, Opera Square, Damanhur, where they were subjected to ill-treatment. In addition, the conditions of detention at Sahrawi Prison 2 in Wadi El Natroun are poor, including overcrowding, and a lack of mattresses and food.</p> <p>On 18 May 2009, the 25 men were charged with membership in the Muslim Brotherhood. Initial hearings were held from 18 - 31 May 2009, during which time the court used proof which may have been extracted under torture and ill-treatment. However, when allegations of torture were raised, the judges did not take them into account or order any investigation.</p> |   |
| 71.  |         | 07/08/09 | JUA  | WGAD;<br>TOR | <p><b>Dr. Ashraf Abdel Ghaffar</b>, aged 53, Vice-Secretary General of the Egyptian Medical Association and Rapporteur for the Cairo based Human Relief Agency.</p> <p>Dr. Ghaffar was arrested on 2 July 2009 by the Egyptian State Security Services at the airport in Cairo. It is believed that he was arrested on suspicion of membership in the International Organization of the Muslim Brothers, although he was not presented with an arrest warrant and no information was given to him on the reasons for his arrest. He was held incommunicado for 48 hours at the airport and was forced to sit on a chair with no sleep, food or drinks. He was also prevented from contacting the outside world.</p>  | By letter dated 3/09/09, the Government indicated that Dr. Abdel Ghaffar, who is currently detained in custody pending investigation in case number 404/2009, Supreme State Security, is in a stable health condition and is being provided with the necessary medical treatment. |

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|      |         |          |      |              | <p>On 4 July, he was transferred to a State Security Services center for a further 48 hours of incommunicado detention. He was continuously interrogated regarding his alleged political activities. On 6 July, he was transferred to Al Marg Prison in Cairo and placed in a cell with dozens of other detainees accused of membership in the Muslim Brotherhood. Nine days later, Dr. Ghaffar was asked to sign a confession stating that he was a leader of the Muslim Brotherhood, which he refused to sign. As a result, he was not allowed to receive any visits for 15 days.</p> <p>During his time in detention, he has not been allowed to take any medication to treat his ailments and can no longer walk.</p>  |                     |
| 72.  |         | 07/09/09 | JUA  | WGAD;<br>TOR | <p><b>Muhamed Al-Safi Ibrahim Othman</b>, aged 47, <b>Mustafa Slaiman Abdullah Sulaiman</b>; <b>Abdel Abdul Wahab Mergi</b>; <b>Yahia Abdulati Ibrahim</b>; <b>Yasser Ali Abdelrafea</b>; <b>Ibrahim Mustafa Abu Al-Saud</b>; <b>Sami Mohammed Abdel Mohsen</b>; <b>Osama Abdel Nabi Ahmad</b>; <b>Hazem Suleiman Kamel</b>; and <b>Yahia Mohamed Mohamed Hegazi</b>, aged 57, <b>detained at the Borg el Arab Prison.</b></p> <p>Additionally, according to the information received, <b>the following five individuals are being detained at the Wadi Natroun Prison: Al Sayed Darwish Mwaanis</b>, aged 55, of Edco, Al Qaid Jawhar Avenue; <b>Ali Mahmoud Taha</b>, aged 41; <b>Mohamed Suleiman Al Sheikh</b>, aged 29; <b>Naji Abdul Rahim Sarhan</b>, aged 37; and <b>Fatah Allah Mansour</b>, aged 25.</p> <p>The fifteen above-named individuals were arrested on 20 August 2009, from their homes, by members of the State Security Investigation (SSI) in the Al-Bahira Governate accompanied</p> |                     |

| Para | Country | Date     | Type | Mandate      | Allegations transmitted  | Government response |
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|      |         |          |      |              | <p>by the special forces of Central Security. These arrests were reportedly carried out forcibly and without arrest warrants. All individuals were initially detained at the SSI facility in Dawar village, and continued to be detained there, after being brought before the prosecutor on 21 August 2009.</p> <p>On 23 August 2009, the first ten named individuals were transferred to Borg el Arab Prison. The remaining five individuals remained in detention in the SSI until they were released on 29 August 2009, only to be immediately re-arrested and transferred to Wadi Natroun Prison. All detained individuals have been accused of belonging to the Muslim Brotherhood and being a threat to public order. No information has been released in relation to the situation of any of the individuals, who have been kept in incommunicado detention since their arrests.</p> |                     |
| 73.  |         | 17/11/09 | JAL  | SUMX;<br>TOR | <p><b>Death in custody of Mr Yusuf Hamdane Awad (Abu Zahri), aged 38, Palestinian national.</b></p> <p>On 28 April 2008, Mr. Awad (Abu Zahri) was arrested at the Egyptian-Palestine Border by the Egyptian State Security Intelligence (SSI). He was held at the SSI headquarters in Al Arish for a period of two weeks before being transferred to the SSI headquarters in Nasr City, Cairo. Forty-five days later, he was moved to Burj al Arab Prison near Alexandria. During his detention he was frequently moved between the regional SSI building in Kom Dekka and the SSI headquarters in Nasr city for questioning. It is alleged that, while in custody, he was subjected to beatings, electrocution and sleep deprivation.</p> <p>On 15 September 2009, he was taken to Kom Dekka for questioning and on 19 September</p>  |                     |

| Para | Country | Date    | Type | Mandate              | Allegations transmitted   | Government response |
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|      |         |         |      |                      | <p>2009, he was returned to Burj Al Arab prison. By this time his health had deteriorated, and he was sent to Alexandria University hospital for medical treatment. He was diagnosed with massive internal bleeding in his head and was kept at the intensive care unit for a period of two weeks. On 8 October 2009, he was taken back to Burj Al Arab Prison although he had not fully recovered.</p> <p>On 10 October 2009 Mr. Awad (Abu Zahri) was pronounced dead. The Egyptian authorities stated publicly that he had died of a heart and kidney failure due to a pre-existing condition. However, the permit for his burial issued by the Egyptian Ministry of Health and Population indicated that the cause of death was under investigation. His body was sent to his family in Gaza, where an autopsy was conducted which indicated that the cause of death was a massive internal haemorrhage in the head.</p> <p>It is alleged that the deceased was a brother of the spokesman for the Harakat al-Muqāwamat al-Islāmiya (HAMAS) and that he may have been detained because of his brother's political affiliation.</p> |                     |
| 74.  |         | 2/12/09 | JUA  | WGAD;<br>MIG;<br>TOR | <p><b>Ms. Medhine</b>, an Ethiopian asylum seeker, reportedly detained at El Quanater Prison, El Qaliubiya, Egypt.</p> <p>Ms. Medhine fled Ethiopia with her baby, G., in April 2008 to seek asylum in Egypt. They travelled to Egypt by land via Sudan where they initially faced the risk of being deported to Ethiopia. At the Egyptian border, they were arrested by the authorities for their irregular entry into the country and detained at El Quanater Prison. While the exact date of the arrest is unknown, her sister learned of the</p>  |                     |

| Para | Country | Date    | Type | Mandate        | Allegations transmitted   | Government response |
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|      |         |         |      |                | <p>arrest in August 2008.</p> <p>It is reported that the conditions at El Quanater Prison are harsh. 25 to 30 persons are allegedly detained in one cell and asylum seekers are detained together with Egyptian inmates. The hygiene standards are not adequate and G. suffered from diarrhea and vomiting for days. There is allegedly no medical care inside the prison and the prison officers did not seek external medical attention, despite the fact that Ms. Medhine requested them to seek medical attention for her child. As a result, G. died in El Quanater Prison on 27 September 2009.</p> <p>In June 2009, a complaint had been submitted to the High General Prosecutor, seeking orders to stop the deportation procedures against Ms. Medhine and G., as well as to release them from prison. While the deportation procedures were successfully suspended, Ms. Medhine remains detained to date. Although Ms. Medhine is an asylum seeker who is in need of international protection, she was denied any contacts with the outside world, including with the United Nations High Commissioner for Refugees (UNHCR), until the Egyptian authorities finally granted UNHCR access to Ms. Medhine on 9 November 2009. Following the death of G., another complaint was submitted to the High General Prosecutor requesting an investigation into her death. The Prosecutor is still investigating the case.</p> |                     |
| 75.  |         | 9/12/09 | JUA  | WGAD; IJL; TOR | <p><b>Mr. Ahmed Rajab Abdelradi</b>, aged 23 years, a chemist at the Aswan drinking water and sanitation company, usually residing at Al Akkad neighbourhood, Aswan City, Egypt, <b>Mr. Ghanam Abu Dar</b> and <b>Mr. Alaa Bakir</b>.</p> <p>On 12 November 2009, Mr. Ahmed Rajab</p>   |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
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|      |         |      |      |         | <p>Abdelradi was arrested at his home by officials of the State Security Intelligence (SSI) supported by officers of the Investigative Branch of the Aswan Police Department, to whose offices he was then taken. The agents did not inform him about the reasons for his arrest and failed to produce a warrant for his arrest. The Office of the Prosecution of Aswan accused him of belonging to the Muslim Brotherhood.</p> <p>Mr. Abdelradi has not been allowed visits from his lawyer or his family and remains detained in the offices of the Investigative Branch of the Aswan Police Department despite an order for his release from the Aswan Correctional Court of 18 November 2009. The prosecution appealed this decision, and the next day the Criminal Court of Aswan overturned the decision of and ordered his detention for 15 days. During the hearing before the Criminal Court of Aswan on 19 November 2009, Mr. Abdelradi stated that he had been stripped naked and insulted. The officers applied electric shocks to sensitive parts of his body. He was also punched, slapped and kicked all over his body. These torture sessions took place on 13, 14, 15 and 18 November 2009 at the offices of the Investigative Branch of the Aswan Police Department. They were carried out under the supervision of several officers from the SSI and the Aswan Investigative Branch. The officers of the SSI in particular questioned him about the activities of the Muslim Brotherhood in Aswan. The Court however responded that it had no jurisdiction to deal with allegations of torture and that only the Prosecutor-General was competent. The Court did not order for him to be examined by a doctor to ascertain the truth of his allegations nor did it order an investigation. Mr. Abdelradi will again</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
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|      |         |      |      |         | <p>appear before the Criminal Court of Aswan on 9 December 2009, where his detention may again be renewed.</p> <p>In a separate incident, on 1 September 2009, Mr. Ghanam Abu Dar and Alaa Bakir were arrested at a mosque in Al Arish, North Sinai, by officers from the SSI. They were held in incommunicado detention at the SSI Branch Headquarters in Al Arish for ten days. During their incommunicado detention, they were whipped on the soles of their feet, were beaten, hung from the ceiling from their hands and feet and subjected to electric shocks. They were both forced to sign confessions under duress. On 10 September, the Ministry of Interior issued an order for their administrative detention and transferred them to the Wadi Natroun 2 Prison. Upon arrival, they were forced to sign a medical report indicating that they were in good health, despite their physical injuries. They have not yet been presented before a judge.</p> <p>Mr. Abdullah Awad was arrested on 25 March 2009 by the SSI in Al Arich. He was held in incommunicado detention at the SSI Headquarters in Nasr City, Cairo, for two months. During this time, he was hit on the head, whipped on his feet, hung from the ceiling by his feet and hands on numerous occasions, in an effort to force him to confess. On 25 May, the Ministry of Interior issued an arrest warrant and transferred him to Al Marg Prison, where was held in solitary confinement. The authorities refused to have an independent doctor examine him. On 30 June, the Penal Court of Cairo ordered his release, but the Ministry of Interior issued an administrative order for his arrest and transferred him to Burj al Arab prison. He had surgery in mid-July and was released on 18</p> |                     |

| Para | Country  | Date                       | Type | Mandate        | Allegations transmitted  | Government response   |
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|      |          |                            |      |                | August due to his poor health.   |   |
| 76.  |          | Follow-up to earlier cases |      |                | <b>Kamal Murad</b> (A/HRC/10/44/Add.4, para. 65).  | By letter dated 22/04/09, the Government indicated that on 27 June 2008, Mr. Kamal Murad Abd al-Hamid Mahmud was arrested for inciting persons to resist the enforcement of a police order and for verbally abusing and threatening a chief investigator. Mr. Murad was questioned by the Public Prosecutor's Office and denied the charges. His lawyer was present during questioning and requested that he be released. On 18 June, after concluding the investigation, the Public Prosecutor's Office referred Mr. Murad to a criminal court and his portable telephone and cassette recorder were returned to him. His defence counsel was allowed to attend the interviews and to see all the case documents. The requests of the defence counsel were acknowledged. No injuries to the accused were noted during the investigations. Three witnesses stated that Mr. Murad had committed the act. Their statements were corroborated by the police inquiries and the statement of the officer present during the incident. The accused did not present any evidence that he was a journalist assigned to cover a particular story, nor did he present any evidence of any assault against him. The criminal investigation ascertained that Mr. Murad works as an editor for a newspaper and is not registered in the journalists' union. Under Act No. 76, journalists are required to register with the union in order to be considered as journalists and pursue their professions. |
| 77.  | Ethiopia | 14/01/09                   | JUA  | WGAD;<br>FRDX; | On 29 December 2008, Ms. <b>Birtukan Mideksa</b> was arrested by several officers of the security forces and since then has been detained in | By letter dated 12/02/09, the Government indicated that the revocation of the pardon granted to Ms. Birtukan Mideksa by the   |

| Para | Country | Date | Type | Mandate  | Allegations transmitted   | Government response  |
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|      |         |      |      | IJL; TOR | <p>solitary confinement at Qaliti prison outside Addis Ababa, in a cell measuring 2 m2 which is reported to be often unbearably hot. It is believed that her arrest might have been carried out in connection with a trip to Europe in November 2008 during which she discussed the terms of her previous release from prison. Ethiopian government media reported that she had denied apologizing for the crimes she had allegedly committed and that she was given three days to revoke her statement. Shortly afterwards, the Pardons Board decided to recant her pardon and to re-impose her original life sentence passed in 2007.</p> <p>Ms. Mideksa, together with thousands of individuals including opposition parliamentarians, opposition party leaders, journalists and human rights defenders, had been arrested in 2005 following demonstrations against the results of elections held in May 2005. In 2006, Ms. Mideksa was charged with treason, tried and sentenced to life imprisonment. The majority of those found guilty were released in 2007 following pardons after they had negotiated an agreement with the Government and signed letters of apology. However the exact terms and conditions of pardon remain unclear. Since her arrest Ms. Mideksa has reportedly been allowed one visit from her close family but has not been granted access to legal counsel or medical treatment. She has refused food to protest against her arrest and detention.</p> <p>During her arrest a person who was with her, Professor Mesfin Weldemariam, was severely beaten by one security officer with a rifle butt. He sustained injuries to his leg as a result of the</p> | <p>Government was carried out in accordance with the law in force on the subject. She was arrested and detained also in accordance with the law, with due regard to her rights under the Constitution and international human rights instruments. Her case was tried in fair proceedings before an independent and impartial court. She was convicted of crimes against the constitutional order and sentenced to life imprisonment. She was not subjected to special treatment, nor was she denied her right to be visited by her family. Federal Prison Administration reported that since her detention, she has maintained contact with her family, in particular with her mother, daughter and sister on Saturdays and Sundays. The Government is unaware of Ms. Mideksa's refusal of food to protect against her detention. In contrast, her family is providing her with daily meals. Ms. Mideksa is also in contact with her lawyer. She is being treated as any other person under the protection of the law, with due regard to her physical and mental integrity.</p> <p>Ms. Mideksa and others in the leadership of the former Coalition for Unity and Democracy (CUD) party were granted conditional pardon by the President on 19 July 2007, after submitting a signed written petition. Ms. Mideksa misrepresented the circumstances of the pardon on several occasions, by making an open statement to her supporters saying "she did not make any plea for pardon", and rather that the pardon had been granted solely through the intervention of elders and by pressure from her supporters. Ms. Mideksa denied her request for pardon to the Ethiopian</p> |

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|      |         |         |      |              | assault.   | Government and the people and therefore violated the very premise and basis of the pardon by making it manifest that she was not remorseful and did not have any regrets about her former illegal acts. In the hope that Ms. Mideksa could have made an honest mistake, the Federal Police talked to Mr. Mideksa on more than one occasion about her statement. After she made it clear that she had made no request for pardon, the Federal Police asked her to officially rectify her statement within three days, failing which appropriate legal action would be taken to revoke her pardon. On the basis of the Pardon Proclamation, the Federal Police, having observed Ms. Mideksa's final statements of refusal to rectify her misrepresentation, requested the Board of Pardon for revocation. Due to the conditional nature of the pardon, the penalty of life imprisonment imposed by the Federal high court was reactivated starting from the day of the revocation. |
| 78.  | Georgia | 1/10/09 | JUA  | WGAD;<br>TOR | <p><b>Mr. Nizomhon Samiyev</b>, citizen of Uzbekistan, born on 27 June 1975. He is a disciple of hafiz Rahmatov Rasuljon Abdurahimovich.</p> <p>Following a wave of arrests of disciples of hafiz Rahmatov Rasuljon Abdurahimovich in Shamrikha city, Andijan region this between June and September 2009, Nizomhon Samiyev escaped to Turkey. Because he had to extend his visa, he was obliged to leave the territory of Turkey to return later. For this reason, on 22 September 2009, at 10.45 a.m. he boarded a «Turkish Airlines» flight, TK1390, at «Ataturk» airport in Istanbul to the Batumi in Georgia, where he was supposed to arrive at 1.45 p.m. He intended to come back using a flight TK1391 as early as September 23. However, since he</p> | <p>By letter dated 29/10/09, the Government indicated that on 22 September, the Georgian Border Police Officers arrested Nizomjon (Nizomhon) Samiyev, wanted by the Uzbek authorities through Interpol channels.</p> <p>On 24 September, the Batumi City Court ordered the provisional arrest pending extradition based on the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, to which Georgia and the Republic of Uzbekistan are parties. Currently, Mr. Samiyev remains under provisional arrest and the Ministry of Justice of Georgia is considering the request of the relevant authorities of the Republic of Uzbekistan for his extradition. The</p>   |

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|      |           |                            |      |         | boarded the above flight in Istanbul, which was confirmed by eyewitnesses, his whereabouts have been unknown. Informally, a family member was told that he had been detained and that his extradition from Georgia to Uzbekistan was being prepared and may be imminent. | allegations indicated in the letter will be carefully examined by the Ministry of Justice at the time of considering Mr. Samiyev's possible extradition.  |
| 79.  | Guatemala | Follow-up to earlier cases |      |         | <b>Mario Morales, Oscar Benavente y Danilo de Jesús</b> /A/HRC/10/44/Add.4, para. 76).   | <p>Mediante carta de fecha 25/05/09, el Gobierno indicó que de conformidad con el informe 887-2008-SCT.rc del Ministerio Público, del 14 de abril de 2009, el caso se encuentra en fase de investigación por parte del Ministerio Público. El Ministerio Público tuvo conocimiento del hecho e inició las investigaciones correspondientes a cargo de la Fiscalía de Derechos Humanos, la Unidad de Sindicalistas y Periodistas, bajo el expediente No. MP/228/40259.</p> <p>Para llevar a cabo la investigación se solicitó información a la Policía Municipal de Tránsito en relación con los agentes que practicaron el desalojo de los vendedores, solicitud que se reiteró en varias oportunidades con resultados negativos. Los señores Mario Morales, Oscar Benavente y Danilo de Jesús se presentaron a dicha fiscalía, donde manifestaron que no tenían interés de continuar con el caso, porque habían acordado una reparación económica con los agentes municipales de tránsito. El 4 de noviembre de 2008, el Ministerio Público solicitó el desistimiento de la denuncia ante el Juez jurisdiccional, habiendo accedido a lo solicitado.</p> <p>Actualmente no existe ninguna medida disciplinaria en contra de los agentes de la Policía Municipal de Tránsito que participaron en el desalojo de los vendedores.</p> |

| Para | Country | Date     | Type | Mandate  | Allegations transmitted  | Government response |
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| 80.  | Guinea  | 20/08/09 | JUA  | WGAD;<br>TOR   | <p>Détention au secret des personnes suivantes : le colonel <b>Bacar Fodé Sylla</b>, le colonel <b>Soryba Yansané</b>, le lieutenant-colonel <b>David Syllah</b>, le commandant <b>Issiaka Camara</b>, le commandant <b>Pathio Bangourah</b>, le capitaine <b>Mamadou Bah Syllah</b>, le capitaine <b>Lansinet Keita</b>, le lieutenant <b>Kadja Ibrahima Barry</b>, le sous-lieutenant <b>Alpha Oumar Diallo</b>, le sous-lieutenant <b>Hassiniou Pendessa</b> et le sergent <b>Moussa Sylla</b>.</p> <p>Selon les informations reçues, le 2 août 2009, onze des douze soldats arrêtés en janvier après le coup d'état militaire en Guinée ont été transférés à un lieu de détention sur l'île de Kassa, à l'ouest de Conakry, où ils sont détenus au secret, sans contact avec le monde extérieur. Le capitaine Ibrahima Sory Bangourah a été libéré sans inculpation le 16 août, après plus de sept mois en détention. Les douze soldats ont apparemment travaillé pour l'ex-Président de la Guinée, Lansanna Conté. Selon des sources locales, les hommes portaient uniquement des sous-vêtements et leurs mains étaient attachées lorsqu'ils ont été transférés au centre de détention à Kassa. Le lieu où ils sont actuellement détenus n'est pas un centre légitime de détention.</p> |                     |
| 81.  |         | 6/10/09  | JUA  | WGAD;<br>WGED;<br>FRDX;<br>MERC;<br>SUMX;<br>TOR;<br>VAW | <p><b>Opérations de forces de sécurité guinéennes au cours des journées du 28 et 29 septembre 2009 à Conakry.</b></p> <p>Le 28 septembre 2009, près de 50.000 personnes manifestant contre une éventuelle candidature du Capitaine Moussa Dadis Camara aux élections présidentielles de janvier 2010 auraient défilé dans les rues et se seraient ensuite regroupées dans un stade de Conakry à la mi-journée.</p>   |                     |

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|------|---------|------|------|---------|--|---------------------|
|      |         |      |      |         | <p>Les forces de sécurité seraient alors intervenues afin d'évacuer le stade en utilisant des gaz lacrymogènes ainsi que leurs armes à feu. Des membres des forces de sécurité auraient tiré en l'air mais également ouvert le feu en direction de la foule. Certaines sources font état de la participation de mercenaires d'origine du Liberia parmi les forces de sécurité lors de la répression de la manifestation. Plus de 150 personnes auraient été tuées et plus d'un millier blessées. Plusieurs corps de manifestants porteraient des traces de blessures multiples, causées par arme à feu et par des armes blanches, notamment des couteaux et baïonnettes.</p> <p>De nombreuses femmes participant à la manifestation ou se trouvant dans la zone auraient été arrêtées par les forces de sécurité, déshabillées et soumises à des violences sexuelles, notamment des attouchements, des viols, y compris collectifs, aussi bien dans le stade que plus tard dans des lieux de détention.</p> <p>Suite à la manifestation, pendant plusieurs heures, de nombreuses personnes, y compris des blessés, auraient été arrêtées à leur domicile, dans la rue ainsi que dans des hôpitaux. Il a été rapporté que ces personnes risquent d'être torturées ou de disparaître. Certaines familles n'auraient toujours aucune nouvelle de leurs proches qui auraient participé à la manifestation.</p> <p>Plusieurs dizaines de manifestants seraient encore détenus, notamment dans les camps militaires de Alpha Yalla Diallo et Koundara, au quartier général de la Compagnie mobile d'intervention et de sécurité ainsi que dans un centre de détention géré par la Gendarmerie, le PM-3. Selon les informations reçues, aucune de</p> |                     |

| Para | Country       | Date     | Type | Mandate                   | Allegations transmitted  | Government response |
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|      |               |          |      |                           | <p>ces personnes détenues depuis le 28 septembre n'aurait été présentée à un juge.</p> <p>Le 29 septembre 2009, dans la banlieue de Conakry, les forces de sécurité auraient ouvert le feu sur des jeunes qui se trouvaient dans la rue causant la mort de trois adolescents, un à Cosa et deux à Wanidara.</p> <p>Des membres des forces de sécurité auraient procédé à l'enlèvement de cadavres des lieux de la manifestation ainsi que des hôpitaux et les auraient emmenés dans des lieux inconnus. A l'hôpital Ignace Deen de Conakry, plusieurs dizaines de corps auraient ainsi été emportés. Selon les informations reçues, ces enlèvements de cadavres auraient pour objectif de dissimuler les corps des victimes.</p>   |                     |
| 82.  | Guinea-Bissau | 06/04/09 | JUA  | FRDX;<br>HRD; IJL;<br>TOR | <p><b>M. Luís Vaz Martins</b>, avocat et président de la Ligue des droits de l'homme de Guinée-Bissau, <b>M. Pedro Infanda</b>, avocat et <b>M. Francisco José Fadul</b>, Président de la Cour des Comptes et du parti d'opposition Partido para a Democracia Desenvolvimento e Cidadania (PADEC).</p> <p>Le 1er avril 2009, un homme armé habillé en civil se serait rendu aux bureaux de la Ligue des droits de l'homme à la recherche de M. Vaz Martins, qui n'était alors pas présent. L'homme aurait demandé l'adresse du domicile de M. Vaz Martins et aurait déclaré qu'il voulait tuer celui-ci car la Ligue des droits de l'homme était trop « bavarde ». Auparavant, M. Vaz Martins aurait dénoncé l'arrestation et la torture de M. Infanda.</p> <p>M. Infanda aurait été arrêté par des militaires le 23 mars 2009 quelques heures après qu'il ait tenu une conférence de presse au cours de laquelle il déclarait, au nom de son client, l'ancien Chef de la Marine de Guinea Bissau,</p> |                     |

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|------|---------|----------|------|-----------------------|---|---------------------|
|      |         |          |      |                       | <p>que le nouveau Chef du personnel des Forces Armées n'était pas compétent pour le poste. M. Infanda aurait été conduit de son bureau à l'installation militaire Quartel Amura de Bissau, où il aurait été gravement battu avec des bâtons, pendant quatre jours. Il se serait vu refuser l'accès à un traitement médical, à sa famille et à son avocat. Son corps serait intégralement couvert de bleus.</p> <p>Il est également allégué que M. Fadul aurait été agressé le 1er avril 2009 par quatre militaires qui l'auraient frappé avec la crosse de leurs fusils et lui auraient dit qu'il était « trop bavard ». En l'occurrence, le 30 mars 2009, M. Fadul aurait tenu une conférence de presse appelant le Gouvernement à traduire en justice les militaires coupables de corruption et autres crimes. M. Fadul aurait des blessures sur tout le corps, notamment à la tête et une blessure à l'arme blanche sur un bras. MM. Infanda et Fadul seraient actuellement en soins intensifs à l'hôpital national Simão Mendes à Bissau.</p> |                     |
| 83.  |         | 30/07/09 | JUA  | WGAD;<br>HLTH;<br>TOR | <p><b>L'arrestation et la détention de l'ancien Premier Ministre, M. Faustino Imbali</b>, ainsi que de <b>M. Domingos Brosca</b>. Selon les informations reçues, M. Imbali, avec trois autres personnes, aurait été arrêté et détenu par les forces armées le 7 juillet 2009, en relation avec un coup d'état présumé qui a eu lieu les 4 et 5 juin 2009, bien que les forces armées n'aient pas la compétence d'effectuer des arrestations. Les quatre personnes soupçonnées auraient ensuite été transférées au bureau du Procureur Général et présentées devant un magistrat. Deux personnes auraient été libérées suite à cette audience, mais M. Imbali et M. Brosca, seraient toujours en détention préventive au quartier</p>  |                     |

| Para | Country | Date    | Type | Mandate      | Allegations transmitted   | Government response  |
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|      |         |         |      |              | <p>général de l'armée.</p> <p>M. Imbali, ayant souffert des traitements inhumains pendant l'arrestation, aurait de toute urgence besoin d'un traitement médical. Une demande formelle aurait été soumise au magistrat à cet effet, ainsi que pour obtenir la libération de M. Imbali pour lui permettre d'être traité en dehors du pays, comme recommandé dans un certificat médical.</p>   |  |
| 84.  | Guyana  | 2/11/09 | UA   | WGAD;<br>TOR | <p><b>T. T.</b>, aged 14, student, usually residing at Canal Number 2, West Bank Demerara.</p> <p>On 27 October 2009, T. T. was arrested by officers of the Guyana Police Force and detained at the Leonora Police Station. While in custody a flammable substance was poured on his genital area and he was set alight by officers of the Guyana Police Force. T. T. suffered severe burns and was not given any medical attention. His parents, who do not have the financial means to afford legal representation, were not permitted to see their son for four days.</p> <p>Following the reporting of the incident in the media and an intervention of an Attorney at Law, T. was finally taken to a hospital where he remains under heavy police guard.</p> | <p>By letters dated 3/11/09 and 22/12/09, the Government indicated that the Guyana Police Force has begun a prompt and impartial investigation of the allegations. Investigations so far have revealed that Deonarine Rafeik and a male who told the police he was 18 years old were arrested following a murder. They were interviewed by two ranks attached to the Criminal Investigation Department who are alleged to have used excessive force on the prisoners, injuring them. They then received medical treatment and remained in custody. The two ranks who conducted the interviews were taken into police custody.</p> <p>On 31/10/2009, T. T. was taken to the West Demerara Regional Hospital and was referred to the Burnt Care Unit at Georgetown Public Hospital Corporation, where he was admitted and discharged on 13 November.</p> <p>Following this incident, the Police Commander was relieved of her post, and the charges of "felonious wounding" and "unlawful wounding" recommended by the Director of Public Prosecutions against three police officers are before the Courts. The officers were interdicted from their duties pending the outcome of the investigations, and action is also being taken in relation to</p> |

| Para | Country  | Date                       | Type | Mandate               | Allegations transmitted   | Government response  |
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|      |          |                            |      |                       |   | the departmental charges.  |
| 85.  |          | Follow-up to earlier cases |      |                       | <b>R. C., Patrick Sumner, Victor Jones, and Damyoun Wordsworth</b> , (A/HRC/10/44/Add. 4, para. 78).  | <p>By letter dated 31/12/08, the Government indicated that any victim and/or his/her relatives may approach any or all of the following entities to report, investigate and seek redress: the Police Service Commission in relation to the Guyana Police Force; the Police Complaints Authority; the Office of Professional Responsibility, Guyana Police Force; the Heads of the Disciplines Forces, i.e. the Guyana Defence Force, the Guyana Police Force, the Guyana Prison Service and the Guyana Fire Service, who would established Boards of Inquiries whenever required; the Parliament, through the relevant Oversight Committee or Individual Member of Parliament to raise the issue publicly in the House; and the Judiciary.</p> <p>The relevant authorities have conducted inquiries concerning this matter and determined that no reports of allegations of torture or abuse of human rights were made to any of the designated complaint agencies by any of the persons listed in the letter. The Government is therefore not in a position to verify or otherwise comment on the accuracy of the allegations made.</p> |
| 86.  | Honduras | 28/07/09                   | JUA  | WGED;<br>SUMX;<br>TOR | <p><b>Tortura y muerte del Sr. Pedro Mandiel así como de la desaparición forzada del Sr. Gerson Evelar Vilches Almendares.</b></p> <p>Se ha informado que el Sr. Pedro Mandiel, uno de los simpatizantes del presidente Zelaya que trataba de llegar a la frontera con Nicaragua para expresarle su apoyo, habría sido detenido la noche del 24 de julio de 2009 por agentes de la policía por presunto incumplimiento del toque de queda. Según la información recibida,</p> |  |

| Para | Country | Date     | Type | Mandate | Allegations transmitted  | Government response |
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|      |         |          |      |         | <p>existirían testigos que habrían presenciado cómo el Sr. Mandiel era introducido en un automóvil de la policía. Asimismo, se informó que, alrededor de las 9 horas del día siguiente, su cuerpo fue encontrado sin vida a unos 200 metros de un retén policial y militar situado a la altura del desvío a Alacuca, en la carretera que conduce a Las Manos. La información recibida también señala que su cuerpo tendría signos de tortura.</p> <p>Además, se ha informado que el Sr. Vilches Almendares habría sido detenido el mismo día y bajo las mismas circunstancias. Según la información recibida, en los registros policiales constaría que el Sr. Vilches Almendares habría sido detenido y liberado esa misma noche. Sin embargo, su destino y paradero continúan desconocidos.</p>  |                     |
| 87.  |         | 12/08/09 | AL   | TOR     | <p><b>Sr. Omar Enrique Palacios Bardales</b>, activista político de 44 años de edad, con cédula de identidad No. 0509-1964-00033.</p> <p>El 3 de agosto de 2009, el Sr. Omar Enrique Palacios Bardales fue detenido en la entrada de la Colonia San Ignacio, en Tegucigalpa, por un policía vestido de civil. El policía no le indicó el motivo de su detención pero le subió al carro apuntándole con una pistola. La policía detuvo a otro hombre, y después los llevó a la Estación de Policía de la Colonia Villa Nueva, donde la policía subió a un tercer hombre.</p> <p>Los tres hombres fueron llevados al CORE VII, donde el Sr. Palacios Bardales se tuvo que quitar los cordones de los zapatos y la faja, y sacar el celular del bolsillo. El Sr. Palacios Bardales pidió acceso a un abogado, pero se lo negaron indicando que no había nadie disponible.</p> |                     |

| Para | Country | Date     | Type | Mandate                                  | Allegations transmitted   | Government response |
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|      |         |          |      |  | <p>Una vez en la celda, fue cuestionado por una de las personas que se encontraba en la celda, quien le preguntó sobre su conocimiento de Nicaragua y sus actividades en Ocotal. Una vez que salieron las otras personas de la celda, le preguntó a qué había ido a Ocotal, donde estaban los campamentos de entrenamiento y las armas. Cuando el Sr. Palacios Bardales le dijo que no lo sabía, le pegó con la cachá y la punta de la pistola y le amenazó. Asimismo, encendió cigarrillos y se los puso en el cuerpo haciendo presión. Luego salió y le indicó que regresaría en 20 minutos. Cuando regresó, quiso forzar al Sr. Palacios Bardales a que tomara un líquido blanco, pero al esquivarlo, se lo echó sobre la cabeza. Siguió quemándolo con el cigarrillo y le puso un encendedor bajo los genitales. Un policía le avisó que se aproximaban más personas, por lo que el hombre le pegó en el estómago y lo pateó. Se cree que este era un militar vestido de civil.</p> <p>En ese momento llegó una Fiscal del Ministerio Público y un abogado del Colegio de Profesores de Educación Media de Honduras (COPEMH) y el Sr. Palacios Bordado fue liberado.</p> <p>Después de su liberación, el Sr. Palacios Bordado fue examinado por un médico forense, quien le diagnosticó múltiples quemaduras de primer grado en la región torácica, antebrazo y muñeca izquierda, y dorso de ambos pies. Asimismo presentó traumas contusos en al región parieto-occipital en el muslo derecho.</p> |                     |
| 88.  |         | 30/09/09 | JUA  | WGAD;<br>WGED;<br>HRD;<br>FRDX;<br>SUMX; | <b>Decenas de personas que se manifestaban ante la Embajada de Brasil en Tegucigalpa en favor de la restitución en el poder del presidente destituido Manuel Zelaya, habrían sido detenidas desde que éste regresó al país</b>  |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
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|      |         |      |      | TOR     | <p><b>el 21 de septiembre de 2009.</b> Se afirma que elementos policiales habrían recurrido al uso excesivo de la fuerza en la disolución de las manifestaciones callejeras en favor del presidente Zelaya y en la detención a gran escala de los manifestantes. A algunos manifestantes los elementos policiales los habrían golpeado e incluso habrían sido víctimas de disparos. Otros habrían sido conducidos a centros de detención no autorizados, sin contar con ningún registro de su detención. Aunque la mayoría habrían sido liberados, otros permanecen en detención.</p> <p>Asimismo, se ha recibido información de que cinco personas habrían resultado muertas en los disturbios políticos que han tenido lugar desde el 21 de septiembre. El 22 de septiembre José Jacobo Euceda Perdomo, de 18 años, resultó muerto por disparos de la policía en San Pedro Sula. Las cuatro otras personas habrían muerto en Tegucigalpa, incluyendo al Sr. Francisco Alvarado, de aproximadamente 65 años de edad, quien habría muerto a consecuencia de heridas de bala recibidas durante una manifestación en favor del presidente Zelaya.</p> <p>Se informa también que el 22 de septiembre de 2009, agentes policiales arrojaron botes de gas lacrimógeno al interior de la sede del Comité de Familiares de Detenidos Desaparecidos en Honduras (COFADEH) en el Barrio La Plazuela de Tegucigalpa, donde se encontraba un centenar de participantes en las manifestaciones dando su testimonio sobre la represión de las manifestaciones frente a la Embajada.</p> <p>Ante esta situación, se ha expresado seria preocupación por la seguridad de los miembros de COFADEH y de otras organizaciones defensoras de los derechos humanos.</p> |                     |

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|      |         |      |      |         | <p>Asimismo, se ha tenido conocimiento del establecimiento del estado de sitio en todo el territorio nacional, suspendiéndose las garantías constitucionales de libertad de expresión, libertad de circulación y el derecho a reunión durante 45 días. La suspensión de estos derechos fue aprobada por decreto ejecutivo de fecha 22 de septiembre de 2009, publicado el 26 de septiembre de 2009 en el Diario Oficial La Gaceta. Según el texto de dicho decreto ejecutivo, la Comisión Nacional de Telecomunicaciones (CONATEL), a través de la Policía Nacional y de las fuerzas armadas, queda autorizada a suspender cualquier radioemisora, canal de televisión o sistema de cable que no ajuste su programación a sus disposiciones.</p> <p>Estas medidas habrían sido justificadas sobre la base de que “determinados medios de comunicación social, hablados y televisados, están utilizando sus frecuencias autorizadas para generar odio y violencia contra el Estado, perturbando la tranquilidad nacional, llamando a la insurrección popular, y dañando psicológicamente a su auditorio”. Es así que se ordena a las Fuerzas Armadas que apoyen “conjunta o separadamente, cuando la situación así lo requiera, a la Policía Nacional, debiendo poner en ejecución los planes necesarios para el orden y la seguridad pública”. El decreto ejecutivo autoriza la represión de “toda reunión pública no autorizada por las autoridades policiales y militares”. Este decreto ejecutivo es especialmente preocupante, ya que varias estaciones de radio y televisión han interrumpido sus transmisiones ordinarias desde el regreso de Zelaya. Se ha tenido conocimiento del posible cierre de “Radio Progreso”, en el centro de la ciudad de El Progreso, la cual tiene</p> |                     |

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|      |         |          |      |          | <p>una trayectoria de 53 años de funcionamiento. Además, Canal 36 y las señales de Radio Globo han sido objeto de interrupción casi constante.</p> <p>En este contexto, se afirma que el 21 de septiembre de 2009, a alrededor de las 5:30 de la mañana, la señal de Canal 36 habría sido interrumpida mediante cortes de electricidad en sus instalaciones y en el sitio donde se ubican los transmisores. También, la señal de Radio Globo habría sido interrumpida constantemente con interferencias eléctricas, en tanto que la señal del programa televisivo “Hable como Habla” habría sido bloqueada en su emisión del mediodía. El 28 de septiembre habrían sido cerradas Radio Globo y Canal 36.</p>  |                     |
| 89.  |         | 16/10/09 | JAL  | IJL; TOR | <p><b>Sr. Milko Duran Céspedes.</b></p> <p>El 12 de agosto de 2009, entre las 16:00 y 16:15h., el Sr. Duran Céspedes fue detenido por soldados del ejército mientras transitaba por la catedral en el centro de Tegucigalpa. Los soldados lo llevaron a una plaza bajo al Congreso, donde fue entregado a dos policías con uniforme azul. Los policías lo llevaron a un parque grande, donde había varias personas tiradas en el piso. El Sr. Duran Céspedes comenzó a hablar y un policía le golpeó con el tolete en el pecho. Después de unos minutos subieron a todos los detenidos a un camión del ejército y los llevaron a una cancha de futbol. Permanecieron todos durante una hora dentro del camión y después los llevaron a las graderías.</p> <p>Después de dos horas, un Sub-Comisionado llevó al Sr. Duran Céspedes con un oficial de la Dirección Nacional de Investigación Criminal (DNIC). El Sr. Duran Céspedes fue llevado a una oficina donde lo interrogaron los dos</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
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|      |         |      |      |         | <p>oficiales, cuestionándolo sobre su estadia en el país y sus posibles nexos con el Presidente Hugo Chávez o con las Fuerzas Armadas Revolucionarias de Colombia (FARC), debido a su doble nacionalidad venezolana-colombiana. El interrogatorio fue grabado en una cámara digital. El oficial le pidió que firmara unos documentos, los cuales él no pudo leer, por lo que se negó. El oficial insistió, y cuando éste se negó, le hizo la cabeza hacia atrás y le comenzó a dar golpes en la garganta y en el pómulo izquierdo con el puño. Lo amenazó con someterlo a choques eléctricos, le golpeó la cabeza con una regla de madera, los dedos con un objeto de hierro y le pateó las costillas durante 45 minutos, hasta que finalmente el Sr. Duran Céspedes firmó los documentos.</p> <p>A las 24:00h. fue trasladado a las celdas del Séptimo Comando Regional (CORE 7), donde ingresó en una celda con 24 otras personas, incluidas dos mujeres. A las 02:00h. la policía lo llevó al hotel donde se estaba hospedando, y después de que los oficiales tomaron sus documentos y otras pertenencias, regresaron al CORE 7. Al siguiente día fue visto por una defensora pública y examinado por un médico forense, aunque no recibió tratamiento médico.</p> <p>El Sr. Duran Céspedes fue imputado y el juez dictó auto de prisión en su contra por el delito de manifestación ilícita. Su abogada defensora interpuso un incidente de nulidad por violación a derechos y garantías constitucionales desde el momento de su detención y por haber sido llevado a un lugar no autorizado para la detención de personas. Sin embargo, el juez declaró sin lugar el incidente. Asimismo, el oficial que habría presenciado el maltrato fue propuesto por el Ministerio Público como testigo</p> |                     |

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|      |         |          |      |             | para sustentar la acusación de los delitos en contra del Sr. Duran Céspedes. En su resolución, el juez indicó que los supuestos hechos de tortura serían objeto de otro proceso, pero no instruyó al Ministerio Público a iniciar diligencias de investigación.  |   |
| 90.  | India   | 04/02/09 | JAL  | TOR;<br>VAW | <p><b>Residents of Dharkar.</b> At approximately 1:00 a.m. on 29 January 2009, more than 50 police officers went to Dharkar, located at Hukulganj in Varanasi, and started to beat the residents. It is believed that women, children and elders were brutally beaten, including R., aged 19, R. and V., both aged 35, and L., aged 70. In addition, the police officers, believed to have been inebriated, tried to rape the women, and beat a pregnant woman with a lathi. Officers also threatened to place a bomb in the locality if the residents of Dharkar did not leave before morning.</p> <p>Complaints were filed with the District Magistrates in Varanasi and with the Additional District Magistrates, requesting them to provide medical exams and treatment. However, the complaints were reportedly ignored, and the complainants were threatened to keep silent.</p> |   |
| 91.  |         | 05/03/09 | AL   | TOR         | <p><b>Mr. M. S.</b>, approximately 28 years old, residing at Char Parashpur, Sushil Colony, Murshidabad District. On 28 December 2008, Mr. S. went to the Border Security Force (BSF) Camp at Outpost No. 1, 90 Battalion, B Company in Farajipara, to deposit the ration slip for a bag of rice he had bought from the ration dealer. However, the BSF personnel did not allow him to carry the rice, seized it from him and tore his ration slip. Mr. S. was detained at the Outpost from 10:30 a.m. to 5:00 p.m. At around 5:00 p.m., Mr. S. inquired as to the reason for his</p>  | By letter dated 30/07/09, the Government indicated that the investigation into the matter has shown that neither the local civilians nor the Village Council members are aware of such an incident. Further, the complainant has denied any such incident in a written statement submitted in the presence of the Village Council members. He also confessed that he made a false complaint against the BSF and was withdrawing it. |

| Para | Country | Date     | Type | Mandate      | Allegations transmitted   | Government response |
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|      |         |          |      |              | detention, but he was hit by BSF personnel with wooden sticks, which made him fall to the ground. At that time, other personnel started beating him with their boots, resulting in black spots all over his body and bleeding from his penis. The BSF personnel then ordered Mr. S. to run away or they would kill him. He tried to run, but was unable to do so because of his injuries. He was reportedly helped by other villagers, who took him to see a doctor, and then to lodge a complaint at the Jalangi Police Station. The police officers referred the victim to the Sadikhan Diar B.P.H.C. Hospital for treatment. Mr. S. was discharged from the hospital on 1 January 2009. On 8 January 2009, Mr. S. went to the Jalangi Police Station to lodge a complaint, but the police officer on duty refused to take the written complaint. On 9 January 2009, he lodged a written complaint before the District Magistrate and the Superintendent of Police in Murshidabad. A criminal case was reportedly opened against the accused BSF personnel. |                     |
| 92.  |         | 06/06/09 | JUA  | HLTH;<br>TOR | <p><b>Mr. Roy Varghese</b>, 51 years old.</p> <p>Mr. Varghese was sentenced to ten years' imprisonment for drug trafficking in 1992. In 2001, he was admitted to a psychiatric hospital and diagnosed with schizophrenia. Although he completed his sentence, he was not released from the hospital because he needed additional treatment.</p> <p>In 2003, Mr. Varghese allegedly set two patients on fire, causing their deaths. He was charged with murder, but was pronounced unfit to stand trial. Since then, he has been held in solitary confinement at Central Jail, in Jaipur, Rajasthan. He has also been deprived of his necessary</p>  |                     |

| Para | Country | Date     | Type | Mandate | Allegations transmitted   | Government response |
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|      |         |          |      |         | medical treatment. On 9 February 2009, a complaint was filed with the Director General of Prisons, calling for a report on the case, but no response has yet been received.   |                     |
| 93.  |         | 13/08/09 | UA   | TOR     | <p><b>Arrests following a police shootout in Imphal, Manipur.</b></p> <p>There have been ongoing protests following a police shootout which took place in Imphal Town on 23 July, where a pregnant woman and a minor were reportedly killed, and five others were injured. On 4 August, as a reaction to the protests, the Manipur Government imposed a curfew in the Manipur valley. Mr. Karam Sunil, Mr. Phurailatpam Deban, Mr. Dayananda Chingtham, Mr. Thounaojam Naobi and Mrs. Leimapokpam (ongbi) Nganbi, all leaders of the Working Committee of the Apunba Lup were arrested on 5 August. The arresting authorities did not have arrest warrants and they also seized their mobile phones and vehicles. First Instance Reports were filed against all five detainees for unlawful activities. Three human rights defenders, Mrs. Phanjoubam (ongbi) Sakhi, Mrs. Lourembam (ongbi) Nganbi and Mrs. Yumlembam (ongbi) Mema were also arrested and taken to the Imphal Central Jail.</p> <p>The police arrested an unconfirmed number of people, for allegedly defying the curfew. However, there were claims that people were arrested at their homes and were not involved in the demonstrations. Out of those who have been arrested, about 100 are believed to have been injured by the police. Mr. Naorem Prakash of Langthabal had one of his eyes removed, and two other men are struggling to regain their eyesight as a result of alleged gunshots fired by the police.</p> |                     |

| Para | Country | Date     | Type | Mandate                      | Allegations transmitted   | Government response |
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| 94.  |         | 24/09/09 | JUA  | FRDX;<br>HRD;<br>IND;<br>TOR | <p>Arrests of <b>Mr. Jiten Yumnam, Ms. Longjam Memchoubi, Mr. Likmabam Tompok, Mr. Amom Soken, Mr. Irom Brojen, Mr. Thiyam Dinesh, Mr. Chung-shel Koireng, Mr. Taorem Ramananda and Mr. Samjetshabam Nando</b>. Mr. Yumnam, is a member of the Coordinating Committee of the Asia Pacific Indigenous Youth Network (APIYN) and Joint-Secretary of Citizens' Concerns on Dam and Development (CCDD). Ms. Memchoubi is a member of Apunba Lup and president of the Poirei Leimarol Meira Paibi Apunba Lup. Mr. Tompok, Mr. Soken, Mr. Brojen, Mr. Dinesh, Mr. Koireng and Mr. Ramananda are members of the All Manipur United Clubs' Organization (AMUCO) and Mr. Nando is a member of the All Manipur Ethnical Socio-Cultural Organisation (AMESCO).</p> <p>On 14 September 2009, at approximately 12:30 p.m., Mr. Yumnam was arrested at Imphal Airport in Manipur, while on his way to a regional meeting on climate change in Bangkok, Thailand. Police also confiscated his laptop, digital camera, passport and approximately 500 USD in cash.</p> <p>On the same day, at approximately 3:15 p.m., Mr. Tompok, Mr. Soken, Mr. Brojen, Mr. Dinesh, Mr. Koireng, Mr. Ramananda and Mr. Nando were arrested at AMUCO's head office in Kwakeithel by a combined team of Imphal West police and Singjamei police. Mr. Jiten Yumnam's family members went to the police station, but the police denied any report of his arrest.</p> <p>On 15 September, Mr. Yumnam, Mr. Nando and the six previously mentioned members of AMUCO were presented before the Additional</p> |                     |

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|      |         |         |      |         | <p>Chief Judicial Magistrate in Lamphel and subsequently remanded in police custody until 29 September. They have reportedly been charged with ‘attempting to wage war’ and ‘conspiring to commit offences against the state’, of violating Section O of the Official Secret Act by leaking information to others and unlawful association and other related offences. During his detention, Mr. Jiten Yumnan was allegedly subjected to electric shocks to extract information from him.</p> <p>At approximately 5 p.m. on the evening of 15 September, the eight detainees were reportedly taken to J.N. Hospital at Porompat, Imphal East where they underwent a medical examination. The medical certificate concerning Mr. Yumnam stated that he had been treated for electric shocks. After the examination, the detainees were taken back to the Imphal Police Station.</p> <p>On 25 August, Ms. Memchoubi was arrested at her home by the Manipur Police. She was presented before the Chief Judicial Magistrate in Imphal and subsequently remanded in police custody for fifteen days.</p> |                     |
| 95.  |         | 6/10/09 | AL   | TOR     | <p><b>Mr. Abhijit Adhikari.</b> On 14 May 2009, three Border Security Force (BSF) officers from Outpost No. 8 went to Mr. Abhijit Adhikari to look for him. After his mother denied that he was there, they entered the home and forcibly dragged him out of the house, while beating him. They took Mr. Adhikari to the Angrail BSF Camp and tied him to a tree with an iron chain. The next morning, he was beaten with sticks and forced to lie on the ground while the officers kicked his back, waist, buttocks, and chest. The same day, Mr. Adhikari was sent to the Custom Office, Petrapole Circle, North 24 Parganas,</p>  |                     |

| Para | Country | Date                       | Type | Mandate | Allegations transmitted   | Government response  |
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|      |         |                            |      |         | <p>where he was forced to sign some blank papers. He was released after his family payed Rs. 1000 as a bribe. He remained in the hospital for two days.</p> <p>Mr. Adhikari's mother tried to lodge a complaint at Caighata Police Station, but the duty officer refused to take the complaint. The second officer also refused. On 15 May, she submitted a written complaint before the Sub-Divisional Police Officer. On 17 June, Mr. Adhikari's mother received a notice (C No. VIII (II) 41-EXP/PTP/09-10), stating that Mr. Adhikari had been arrested on 15 May for not producing any valid document for some cattle he had bought.</p> |  |
| 96.  |         | Follow-up to earlier cases |      |         | <b>Motahir Ali Tapadar</b> , (A/HRC/10/44/Add. 4, 82).  | By letter dated 19/01/09, the Government indicated that the concerned authorities conducted an investigation into the case of the alleged death due to torture of Mr. Motahir Ali Tapadar. They reported that on 20 September 2007, after a minor quarrel with a neighbour, Mr. Motahir Ali was taken into custody by Sub Inspector Mr. Narayan Tamuli. He sustained injuries during his detention. The next morning, he was taken to the Primary Health Centre and then to Silchar Medical College, where he passed away. Mr. Mohatir Ali's body was later handed over to his relatives. An inquiry was subsequently conducted by the Additional District Magistrate of Silchar. Further, a police case was registered at the Kotigorah Police station against the erring police officials and is presently being tried in the Court. |
| 97.  |         |                            |      |         | <b>Excessive use of force by the security forces in confronting demonstrations in Jammu and Kashmir.</b> (A/HRC/10/44/Add. 4 para. 84).   | By letter dated 24/06/09, the Government indicated that the state of Jammu and Kashmir witnessed prolonged agitations on a local subject matter within the purview of the  |

| Para | Country | Date | Type | Mandate | Allegations transmitted                                   | Government response  |
|------|---------|------|------|---------|---|--|
|      |         |      |      |         |   | state administration. The disturbances that occurred between June and August 2008 were democratic protests and their confrontational nature was handled by the state authorities as part of the management of law and order. The agitators at times turned into violent and unruly mobs, so the police had to use legitimate force to disperse these crowds in order to save lives and public property, and to maintain public order. The action taken by the security forces was minimal, with the sole aim of maintaining law and order in a civil society. It was fully justified in order to prevent greater harm to the public good at large. |
| 98.  |         |      |      |         | <b>Neel Kumar Mondal</b> (A/HRC/10/44/Add.4, para. 85).   | By letter dated 29/12/09, the Government indicated that the deceased was a sharecropper who had a bad reputation and often indulged in illegal activities. On 1 June 2008, he was a part of a group of cattle smugglers spotted while they moved cattle towards the India-Bangladesh border. When challenged by BSF constables, they fired back with improvised firearms and a country-made bomb. The BSF was then compelled to open fire. The subject died on the spot. The spot where the subject died, far from where he worked as a sharecropper, is a prohibited area at night.   |
| 99.  |         |      |      |         | <b>Mr. Brindaban Sumar</b> (A/HRC/10/44/Add. 4 para. 87). | By letter dated 12/02/09, the Government indicated that the alleged torture and mistreatment of Mr. Brindaban Kumar, which had been registered at the local police station, has been disposed of by the local court on account of a compromise petition by the complainant and an amicable settlement on the case.   |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response   |
|------|---------|------|------|---------|--|---|
| 100. |         |      |      |         | <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 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., (A/HRC/7/3/Add.1, para. 83).</b></p> | <p>By letter dated 12/02/09, the Government indicated that after due consideration, a decision was taken to deport 67 Pakistani nationals. The decision was taken after extensive consultations during which no well-founded evidence was discovered that could suggest any systematic persecution of these Pakistani nationals in Pakistan. Neither the Human Rights Commission of Pakistan nor any major internationally-recognized human rights organisations had drawn attention to any systematic persecution of Mehdi Foundation International of Pakistan. As per existing bilateral Protocol on Consular Access signed between India and Pakistan, consular access was provided to these 67 Pakistani nationals during which the Pakistani High Commission in Delhi confirmed their nationalities and provided them with travel documents.</p> <p>Even though the necessary arrangements had been made to release and repatriate these Pakistani nationals on 18 November 2008, they could not be repatriated due to a stay granted by the Honourable High Court of Delhi on their deportation. The matter is sub judice.</p> |
| 101. |         |      |      |         | <p><b>Zecharias Abraham and Mikias Mekonnen, (A/HRC/7/3/Add.1, para. 67).</b></p>  | <p>By letter dated 21/08/09, the Government indicated that a case was duly filed at the Chennimalai police station and an investigation was carried out. Subsequently, a charge-sheet was filed against the accused, who was later found guilty by the Judicial Magistrate, Perundurai and punished with a fine.</p>  |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response  |
|------|---------|------|------|---------|---|--|
| 102. |         |      |      |         | <b>Amit alias Montu Babubhai Dabhi</b> , (E/CN.4/2006/6/Add.1, para. 87). | By letter dated 25/06/09, the Government indicated that on the basis of a statement by the complainant, Mr. Amit alias Montu Babubhai Dabhi, a case was duly registered at the Bapunagar Police Station under the relevant sections of the Indian Penal Code against a police inspector and three police constables. The offence was investigated by the Police, where it was established that the allegations were baseless and false and the matter was dismissed.   |
| 103. |         |      |      |         | <b>Ramesh Rajendra</b> , (E/CN.4/2005/62/Add.1, para. 725).               | By letter dated 19/01/09, the Government indicated that on 6 April 2005, Mr. Rajendran was taken into custody and taken to the Kollam Police Station, where he sustained injuries during his detention. He was then taken to the District Hospital, Kollam, where he was declared dead. An autopsy was later conducted and the body handed over to his relatives. A case was registered at the Kollam Police Station against the concerned police authorities and its investigation was authorized first to the District Superintendent of Police and then to the Crime Branch of the Central Investigation Department. Based upon the conclusions of the inquiry, the two accused police constables were suspended, arrested and produced before the Judicial Magistrate Court. They were remanded to Sub Jail and later released on bail. Other senior police officers were suspended from duty and disciplinary action was taken against them. Further, a financial assistance of Rs. 1,000,000 (USD 2500 approx.) was immediately granted to the mother of the deceased. |
| 104. |         |      |      |         | <b>Mr. Sahadevan</b> (A/HRC/4/33/Add.1, para. 80).                        | By letter dated 23/06/09, the Government indicated that the facts of the complaint are   |

| Para | Country   | Date     | Type | Mandate | Allegations transmitted   | Government response  |
|------|-----------|----------|------|---------|---|--|
|      |           |          |      |         |   | inaccurate. Mr. Sahadevan is a prime accused, along with others, in a formally registered case in Mannuthy Police Station, Kerala (Case No. 68/06). Mr. Sahadevan was arrested on 5 February 2006 at Mulayam junction and produced before the court on 6 February, following which he was remanded to judicial custody. He was neither detained in any unauthorized manner nor ill-treated while in police custody. The accused did not lodge any complaint before the magistrate alleging ill-treatment.  |
| 105. |           |          |      |         | <b>Mr. Sahadevan</b> (A/HRC/4/33/Add.1, para. 80).  | By letter dated 23/06/09, the Government indicated that Mr. Sahadevan is a prime accused in registered case 68/06 in Mannuthy Police Station, Kerala, since he trespassed into another man's home, brutally assaulted him and his family members, damaged property and outraged the modesty of his wife. Mr. Sahadevan was arrested on 5 February 2006 at 10:00 p.m., following which he was remanded to judicial custody. Mr. Sahadevan was neither detained in any unauthorized manner nor ill-treated while in police custody. None of the accused lodged any complaint before the magistrate alleging any ill-treatment. |
| 106. | Indonesia | 30/01/09 | AL   | TOR     | <b>Y. W.</b> and <b>M. P.</b> , both aged 16. In the evening of 7 June 2008, they tried to escape from Abepura Prison together with five other prisoners. Y. W. was caught by the guards and immediately taken to the guard post. There, he was beaten and kicked several times in his face, head and legs by a prison guard. In the meantime, other prison guards caught M. P. He was beaten and transported back to prison. According to a witness, his face was covered in blood when he was taken back to prison. The |  |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
|------|---------|------|------|---------|---|---------------------|
|      |         |      |      |         | <p>prison guards threw M. P. into the prison office and repeatedly hit him with a wooden beam. Shortly afterwards two other guards came and beat him with a big bamboo stick until the bamboo broke. One of them took an iron stick and hit him again. He then lifted a television and a chair and wanted to throw them at the victim but another guard stopped him. M. P. was lying wounded on the floor when a guard pulled him by his hands around the room and threw him back on the floor. He then took some wood and beat the victim's legs. Y. W. and M. P. were both taken to hospital for one night.</p> <p><b>Hengky Sadia</b>, aged 46, detained at Abepura Prison, who was repeatedly beaten by prison guards on 13 June 2008. He had been out of prison for several months to undergo an eye operation. On 13 June, three prison guards went to his house in order to take him back to prison. Two guards allegedly beat him at his house, during the transport to prison and in the prison office. He was beaten with a sharp fish tail (ekor pare) and a cable on his forehead, shoulders and back until he bled. Afterwards, he was taken into quarantine for 24 hours and then locked in a cell which was not to be opened for 42 days.</p> <p><b>Didimus Manufandu</b>, aged 20, from Biak. In the evening of 9 October 2008, Didimus Manufandu and Y. W. were reportedly beaten by three prison guards with their fists and rubber sticks. The prison guards also requested three other detainees to help beat Y. W.. As a result of the beatings the victims experienced bruises on their head and body and bleeding from their mouths.</p> |                     |

| Para | Country | Date     | Type | Mandate       | Allegations transmitted  | Government response |
|------|---------|----------|------|---------------|--|---------------------|
| 107. |         | 04/09/09 | JUA  | SUMEX;<br>TOR | <p><b>Death of Mr. Bayu Putra Perdana and Mr. Susanto resulting from injuries sustained in police custody.</b></p> <p>On 2 April 2009 at 2 p.m., Mr. Bayu Putra Perdana was arrested in the Galur area of Cempaka Putih by men introducing themselves as officers of the North Jakarta police force. In the evening, police officers from the North Jakarta police force searched his home. Their affiliation with that police station is confirmed by the fact that they left a phone number belonging to an officer of the North Jakarta police force. In the afternoon and evening of that same day, Mr. Perdana's family inquired with police officers at several police stations in the North Jakarta area. One witness reportedly heard Mr. Perdana screaming in pain at the North Jakarta police station in the course of the afternoon. A senior detective at the North Jakarta police station told Mr. Perdana's father that his son was being held in Bogor, West Java. On 4 April 2009, Mr. Perdana's father was informed that his son had been shot dead by the police as he tried to escape during a crime scene reconstruction. When he saw his son's body at the hospital, however, Mr. Perdana's father found his son's corpse covered with other wounds, including on his wrists and hands, and more than ten stab wounds on his legs.</p> <p>On 9 July 2009, police officers in Kreung Raya, Aceh, received a complaint accusing Mr. Susanto of having stolen a tire at a car workshop. They first tried to arrest him at a coffee shop in the Kreung Raya Market. Mr. Susanto managed to escape. The police then called for reinforcements, and Mr. Susanto was arrested in Lampoh Raya and taken to the Krueng Raya Police Station. Although three</p> |                     |

| Para | Country | Date    | Type | Mandate                        | Allegations transmitted  | Government response |
|------|---------|---------|------|--------------------------------|--|---------------------|
|      |         |         |      |                                | <p>shots were reportedly fired by the police during the arrest, eyewitnesses state that at the time of his arrest Mr. Susanto was mostly unharmed. Three hours later, Mr. Susanto presented extensive injuries and was taken to the nearest clinic by the police. The medical personnel at the clinic declared his condition critical and ordered that he be immediately transferred to the Zainal Abidin Hospital.</p> <p>Mr. Susanto died at 10 p.m. When his family received his body, he had deep wounds on his right leg, a stab wound on his left toe, a roughly stitched wound on the back of his head and bruises around his eyes.</p>   |                     |
| 108. |         | 2/10/09 | JUA  | RINT;<br>SUMEX;<br>TOR;<br>VAW | <p><b>Adoption of the new Islamic Criminal Code (Qanun Jinayah) in Aceh.</b></p> <p>On 14 September 2009, the Aceh Legislative Council adopted a new Islamic Criminal Code which imposes severe sentences for consensual extra-marital sexual relations, rape, homosexuality, alcohol consumption and gambling. Among other sanctions, the Code imposes the punishment of stoning to death for adultery; 100 cane lashes for sexual intercourse outside marriage; between 100 and 300 cane lashes or imprisonment for rape; and 100 lashes for homosexuality.</p> <p>In addition, the new Code legalizes marital rape and provides that a woman alleging that she is a victim of rape will be found guilty of sex outside marriage unless she can provide four male witnesses testifying to the lack of consent on her part; impunity will be given to those who commit rape at the command of superiors.</p> <p>The National Commission against Violence on Women has called for a judicial review of Law</p> |                     |

| Para | Country | Date     | Type | Mandate      | Allegations transmitted  | Government response |
|------|---------|----------|------|--------------|--|---------------------|
|      |         |          |      |              | <p>No. 11/2006 of the Government of Aceh concerning the sources the Aceh Legislative Council has used to adopt the Aceh Islamic Criminal Code. Moreover, this Code applies to both Muslims and non Muslims.</p> <p>It is furthermore alleged that although the Code is applicable to the population as a whole, in practice women are far more likely to become victims of stoning due to patriarchal and discriminatory practices and policies, as well as biological differences such as pregnancy.</p>  |                     |
| 109. |         | 16/12/09 | JAL  | SUMX;<br>TOR | <p><b>Death in custody of Mr. Carmadi.</b></p> <p>Mr. Carmadi was arrested on 14 April 2009 by two police officers dressed in civilian clothes. Mr. Carmadi was taken to the Tegal Police Station, where he had to give a statement concerning an attack on a village which had taken place several days before. The police then took Mr. Carmadi to the hospital to meet one of the victims of the attack. At the hospital, the victim's brother allegedly indicated that Mr. Carmadi had not been involved. Nevertheless, Mr. Carmadi was allegedly beaten and was forced to confess under duress. He suffered injuries mainly on the left side of his body, on his tongue and ear. When his family visited him at the police station, they also noted that his head was bleeding and that he had injuries in his upper body. He received no medical treatment. On the same day, the police delivered an arrest warrant for Mr. Carmadi to his parents. Subsequently, he was transferred to the Slawi Police Station. In the evening, Mr. Carmadi's father was summoned to the police station. Once he arrived, he was informed that Mr. Carmadi had fainted during the investigation. He was then taken to the hospital, where he died. On 17</p> |                     |

| Para | Country                    | Date     | Type | Mandate        | Allegations transmitted   | Government response |
|------|----------------------------|----------|------|----------------|---|---------------------|
|      |                            |          |      |                | <p>April, an autopsy was performed at the hospital and his body was released for burial.</p> <p>After Mr. Carmadi's death, his family lodged a complaint with the Head of the Criminal Investigation Division. On 4 May, the family went to the Internal Affairs Department, where they were informed that the autopsy concluded that Mr. Carmadi had committed suicide. After seeing the report, the family was able to witness that the results of the autopsy and the information provided by the police did not match. The family then filed complaints with the National Police Commission, the District Police in Tegal Central Java and the National Commission for Human Rights. No progress has been made in the investigation.</p>  |                     |
| 110. | Iran (Islamic Republic of) | 12/01/09 | JUA  | WGAD; IJL; TOR | <p><b>Messrs Kamiar Alaei</b> and <b>Arash Alaei</b> are being held by Iran's Intelligence Ministry in Section 209 of Evin Prison, where detainees are reportedly routinely subjected to prolonged interrogation while blindfolded and without counsel, to solitary confinement, sleep deprivation, threats, beatings and stress positions.</p> <p>Moreover, during the criminal process that led to the trial of Messrs. Kamiar and Arash Alaei before Tehran's Revolutionary Court on 31 December 2008 neither were their defense lawyer informed of all charges against them, nor had they been allowed to review all the evidence in the case. Additional charges that the prosecution had not disclosed before were submitted at the trial. A verdict by the Court had been expected to be issued on 7 January; however it is not known whether this has been the case and what the outcome was.</p> |                     |

| Para | Country | Date     | Type | Mandate                      | Allegations transmitted  | Government response |
|------|---------|----------|------|------------------------------|--|---------------------|
| 111. |         | 21/01/09 | JUA  | IJL;<br>SUMX;<br>TOR;<br>VAW | <p><b>Persons sentenced to death by stoning on charges of adultery.</b> On 26 December 2008, <b>Mr. Houshang Khodadadeh and another man</b> were executed by stoning in Mashhad. These executions were confirmed on 13 January 2009 by Mr. Ali Reza Jamshidi, spokesman of the judiciary. A third man, identified as a citizen of Afghanistan named Mahmoud Gh., reportedly managed to free himself from the pit where he was to be stoned. He is again in custody.</p> <p><b>Ms. Gilan Mohammadi and Mr. Gholamali Eskandari</b> were arrested, possibly in 2003, on charges of adultery. In 2005 or 2006, they were tried and sentenced to death by stoning. The death sentences were possibly confirmed by the Supreme Court in 2008.</p> <p>On 14 January 2009, two lawyers, Mr. Mohammad Mostafaie and Ms. Shadi Sadr, travelled to Esfahan Central Prison, where Ms. Gilan Mohammadi and Mr. Gholamali Eskandari are detained, to offer their services as lawyers. The prison authorities denied the two lawyers access to the detainees. Mr. Mostafaie and Ms. Sadr appealed to the judicial authorities in Esfahan, which ruled that the lawyers could only contact the two convicts if the detainees first asked to meet with the lawyers.</p> <p>The cases of <b>Ms. Zohreh Kabiri</b> and <b>Ms. Azar Kabiri</b> (see A/HRC/10/44/Add. 4, paras. 100 and 109). Ms. Zohreh Kabiri and Ms. Azar Kabiri were arrested on 5 February 2007 in connection with allegations of illegitimate relations other than adultery. On 17 March 2007, they were prosecuted in court, found guilty, and sentenced to 99 lashes. The sentence was executed. Thereafter, both women were returned to prison and another trial took place for the</p> |                     |

| Para | Country | Date     | Type | Mandate                       | Allegations transmitted   | Government response |
|------|---------|----------|------|-------------------------------|---|---------------------|
|      |         |          |      |                               | same charges and they were sentenced to death by stoning on 5 August 2007. Branch 27 of the Supreme Court confirmed the death sentence in 2007.   |                     |
| 112. |         | 26/01/09 | JUA  | WGAD;<br>RINT;<br>MIN;<br>TOR | <p>On 14 January 2009, early in the morning, <b>Mr. Aziz Samandari, Ms. Jinous Sobhani, Mr. Shahrokh Taef, Mr. Payam Aghsani and Mr. Didar Raoufi</b> were arrested at their respective homes in Tehran by Iranian Intelligence Ministry officials. No charges were reportedly brought against them. It is alleged that these arrests were part of other raids on the homes of the five aforementioned persons in Tehran and of Mr. Riazullah Sobhani, Mr. Golshan Sobhani, Mr. Shahryar Cyrus, Mr. Changiz Fanaiyan, Mr. Nima Haghar, Ms. Minoo Sasani and Ms. Homa Etemadi. Intelligence Ministry officials reportedly seized laptops, books and photographs related to the Baha'i faith.</p> <p>Mr. Aziz Samandari, Ms. Jinous Sobhani, Mr. Shahrokh Taef, Mr. Payam Aghsani and Mr. Didar Raoufi are all reportedly being held incommunicado in Evin Prison. Allegedly there are indications that they were arrested for "threat to inner security and collaboration with hostile countries". Their cases are under the same examining magistrate in charge of the cases against the seven members of the Baha'i leadership group, who have reportedly been arbitrarily detained without charge for over eight months in the same prison.</p> |                     |
| 113. |         | 04/02/09 | UA   | TOR                           | On 9 November 2003, <b>Mr. Arzhang Davoudi (Davoodi)</b> (see E/CN.4/2005/62/Add.1, paras. 827, 829, 839) was arrested without a warrant and taken to Section 2A of Evin Prison, where he was held in a solitary cell. He was transferred between several detention centres, and is   |                     |

| Para | Country | Date     | Type | Mandate               | Allegations transmitted   | Government response  |
|------|---------|----------|------|-----------------------|---|--|
|      |         |          |      |                       | <p>currently being detained at Rajaee Shahr prison. Mr. Davoudi was allegedly beaten, insulted, tortured daily and interrogated from midnight to morning. After a trial which lasted less than an hour, took place behind closed doors, and without the presence of a lawyer, Mr. Davoudi was sentenced to 15 years imprisonment.</p> <p>On 14 January 2009, Mr. Davoudi was to be transferred to the 15th Revolutionary Court. The section officer in charge, Mr. Mahmoud Moghnian, and other section guards wanted to chain Mr. Davoudi's hands and feet before transferring him. Mr. Davoudi resisted, and the guards punched him and bound his hands with handcuffs with one arm over his shoulder. It was also reported that his family visits had been cancelled without any reasons and that he was kept in a single cell with two other prisoners who were accused of murder. Mr. Davoudi and other prisoners were allegedly sometimes kept outside all day in the cold. Davoudi's wife filed a complaint with the section officer.</p> |  |
| 114. |         | 13/03/09 | JUA  | WGAD;<br>FRDX;<br>TOR | <p><b>Ms. Roxana Saberi</b>, aged 31, an American-Iranian national writer and television journalist.</p> <p>Ms. Roxana Saberi was arrested in late January 2009. Ms. Saberi, who had been living in Iran for six years, filed reports for international news outlets before her press credentials were revoked in 2006 by the Ministry of Culture and Islamic Guidance. In spite of this revocation, she was allowed to report some news stories. Since 2006, Ms. Saberi has been primarily involved in writing a book on Iranian culture and pursuing graduate education.</p> <p>On 10 February 2009, Ms. Saberi placed a two-minute phone-call to her father, Reza Saberi, who lives in the United States of America,</p>   | <p>By letter dated 08/07/09, the Government indicated that in 2005, her press card was cancelled as a result of her activities in violation of the existing press regulations. Meanwhile, she continued to introduce herself as a registered journalist, without making any request for a new press card. On this basis, she could collect certain information. Law enforcement officials launched an investigation and sent a report to the pertinent judicial authorities. On 1 February 2009, she was summoned to Tehran's Prosecutor's Office to give her statement, and an arrest warrant was issued. She protested against the warrant and the case was sent to the Tehran Criminal Court.</p> |

| Para | Country | Date     | Type | Mandate | Allegations transmitted   | Government response  |
|------|---------|----------|------|---------|---|--|
|      |         |          |      |         | <p>informing him of her detention and urging him not to publicize her arrest. On 5 March 2009, a spokesman for the Iranian Judiciary confirmed that she was being held in Tehran's Evin prison. She remains detained incommunicado.</p> <p>Ms. Saberi has not yet been charged with a recognizable criminal offense.</p>  | <p>Following further review, the warrant was reinstated. In the meantime, information on her financial support by foreign sources for her activities was proven to be true. Consequently, she was sentenced to eight years imprisonment and to return the money received to the Treasury. The sentence was appealed by her lawyers.</p> <p>She was in the general section of the prison and was in frequent contact with her attorney and members of her family. She also received a number of visits from her family and held a birthday party with her parents in the prison.</p> <p>The Court of Appeals overruled the initial ruling and commuted her sentence to two years of suspended imprisonment. As a result, she was released from prison and left the country.</p> |
| 115. |         | 18/03/09 | UA   | TOR     | <p><b>Mr. Majid Mohavedi.</b> On 26 November 2008, a Criminal Court in Teheran sentenced Mr. Majid Movahedi to qesas, ordering that five drops of acid be placed in each of his eyes. The Supreme Court upheld the sentence at the beginning of February. On 11 March, a judge in the Office for the Implementation of Sentences spoke about the case, raising fears that the punishment could be carried out any time now.</p> <p>On 3 November 2004, Mr. Movahedi poured a bucket of acid on Ms. Ameneh Bahrami's head after she had rejected his marriage proposal several times. Two weeks after the attack, Mr. Movahedi turned himself in to the police. During a preliminary hearing, he acknowledged attacking Ms. Bahrami and was detained pending his trial. Ms. Bahrami has consistently demanded retribution for her injuries, and is insisting that the punishment be carried out. She</p> |  |

| Para | Country | Date     | Type | Mandate                                | Allegations transmitted   | Government response |
|------|---------|----------|------|--|---|---------------------|
|      |         |          |      |  | has stated that he will be anaesthetized and will therefore not feel pain, suggesting that medical professionals will be involved in the implementation of this sentence.   |                     |
| 116. |         | 18/05/09 | JUA  | WGAD;<br>FRDX,<br>HLTH;<br>HRD;<br>TOR | <p><b>Mr. Mansour Ossanlu</b>, head and founding member of the Syndicate of Bus Operators of Tehran and Suburbs (Sandikaye Kargarane Sherkat-e Vahed), a union that campaigns for the rights of workers.</p> <p>Mr. Ossanlu is currently serving a five-year prison sentence after being charged with “acting against national security”. Mr. Ossanlu’s professional activities consisted of organizing labour unions, and included the defence of the rights of his co-workers. He has consistently campaigned for government recognition of the right to form independent unions and he has reportedly been repeatedly targeted as a leader of the campaign for workers’ rights in Iran. It is reported that events organized by his Syndicate have been attacked, during which members have been seriously injured. Since his detention and the extension of his prison term, he has allegedly suffered from serious physical and mental ailments. In addition to eye ailments and open-heart surgery, two of his arteries are clogged. He has undergone several surgeries but is allegedly denied routine specialist health care inside the prison. Due to his condition, the government reportedly appointed a medical examiner. The latter has twice ordered an end to his imprisonment, however this call has been denied by the judicial authorities.</p> |                     |
| 117. |         | 03/06/09 | JUA  | WGAD;<br>HLTH;<br>IJL; TOR             | <p><b>Ayatollah Sayed Hossein Kazemeyni Boroujerdi</b> (See A/HRC/7/3/Add.1, paras. 87 and 105). Ayatollah Sayed Hossein Kazemeyni Boroujerdi was sentenced to 11 years’</p>  |                     |

| Para | Country | Date     | Type | Mandate                        | Allegations transmitted  | Government response |
|------|---------|----------|------|--------------------------------|--|---------------------|
|      |         |          |      |                                | <p>imprisonment in 2007. He has been reportedly subjected to torture and ill-treatment since his arrest and that denied adequate treatment for Parkinson's Disease, diabetes, high blood pressure, kidney disease, asthma and a heart condition. He has been held in solitary confinement since 27 January 2009.</p> <p>Ayatollah Sayed Hossein Kazemeyni Boroujerdi is an advocate for democratic elections in Iran. On 1 May, he wrote a letter to the United Nations Secretary General, Ban Ki-Moon, requesting that international observers be sent to Iran, in an effort to assist the Iranian people in holding an open referendum. As a result, he was subjected to beatings on 5 May 2009 and began a hunger strike. Since that day, he has been deprived of family visits, phone calls and communication with his lawyer.</p> |                     |
| 118. |         | 18/06/09 | JUA  | WGAD;<br>FRDX;<br>HRD; IJL     | <p><b>Mr. Abdolfattah Soltani</b>, a prominent human rights lawyer and founding member of the non-governmental organization Defenders of Human Rights Centre. On 16 June 2009, a group of plainclothes agents reportedly arrested Mr. Soltani in front of his home, and took him to an undisclosed location. His whereabouts are currently unknown.</p>  |                     |
| 119. |         | 18/06/09 | JUA  | WGAD;<br>FRDX;<br>SUMX;<br>TOR | <p><b>Killing of students Fatemeh Barati, Kasra Sharafi, Mobina Ehterami, Kambiz Sho'a'i and Mohsen Imani along with at least seven other protesters and the arbitrary detention of dozens of opposition activists following recent elections in Iran.</b></p> <p>Following the re-election of President Mahmoud Ahmadinejad on 13 June 2009, tens of thousands of opposition supporters have taken to the streets of Tehran and other cities throughout the country to call for annulment of the election</p>   |                     |

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|------|---------|------|------|---------|---|---------------------|
|      |         |      |      |         | <p>results. While protests have been largely peaceful, violent clashes with security forces have ensued, resulting in the death of at least twelve people. Agents of the Revolutionary Guards, paramilitary Bassij, and State Security Force (SSF) have reportedly been employing extreme force to suppress protesters by opening fire during demonstrations and using pepper spray and batons to disperse demonstrations. Reports also claim that plain-clothed security forces have been using batons to beat non-violent individuals.</p> <p>On 15 June 2009, at least seven people were killed during demonstrations in Tehran. Shots were fired at opposition supporters who had defied an official ban to march through the city centre to Azadi (Freedom) Square. Shooting erupted after a group at the protest reportedly attempted to attack a military location in western Tehran. Reports claim that Basij militiamen, linked to Iran's Revolutionary Guard, may have been responsible for the shooting which resulted in the death of seven protesters.</p> <p>On 14 June, up to five students including Fatemeh Barati, Kasra Sharafi, Mobina Ehterami, Kambiz Sho'a'i and Mohsen Imani were shot dead when security agents reportedly stormed a dormitory at Tehran University and opened fire. Numerous students were arrested and many others suffered serious injuries. In another incident on the same day, approximately 100 riot police pursued some 300 students on grounds belonging to the University of Tehran. Pepper spray and tear gas was reportedly used to restrain the student protesters. There are also reports of people arrested at demonstrations in provincial cities such as Zahedan, Tabriz,</p> |                     |

| Para | Country | Date     | Type | Mandate                       | Allegations transmitted  | Government response |
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|      |         |          |      |                               | <p>Mashhad, Babol, and Shiraz.</p> <p>On 13 June, approximately 170 people were arrested during clashes between security forces and hundreds of demonstrators around the Ministry of the Interior and other areas in central Tehran. Those arrested reportedly included leading political figures who were accused by the authorities of having ‘orchestrated’ the unrest. Some have since been released. Police on motorcycles also reportedly beat opposition supporters who had staged a sit-in in Vanak Square, Tehran to protest the results of the elections.</p> <p>Access to online news services, and internet sites including social networking internet sites, such as You Tube and Facebook, have reportedly been blocked since the election results were announced.</p>   |                     |
| 120. |         | 10/07/09 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | <p><b>Several hundred people arrested during the protests following the presidential elections on 12 June 2009 in Tehran and other Iranian cities, who remain in detention.</b> They were allegedly arrested by members of the Police, the security forces, the Bassijis or plain-clothes officers of the intelligence service during the demonstrations or at their home. The vast majority of those arrested have been deprived of any contact with members of their family, and have not had access to legal counsel.</p> <p>Among those allegedly arrested in Tehran are:</p> <ol style="list-style-type: none"> <li>1. Alireza Beheshti Shirazi; Editor of Kalameh Sabz newspaper; arrested on 23 June 2009;</li> <li>2. Sadra Beheshti Shirazi; son of Alireza Beheshti Shirazi; staff of Kalameh Sabz newspaper; arrested on 23 June 2009;</li> </ol> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
|------|---------|------|------|---------|---|---------------------|
|      |         |      |      |         | <p>3. Issa Saharkhiz; journalist; member of the Association for the Defense of Freedom of the Press Anjomane Defa az Azadie Matbuat; arrested on 4 July 2009;</p> <p>4. Mazyar Bahari; Iranian-Canadian; journalist for Newsweek; arrested on 22 June 2009;</p> <p>5. Ahmad Zeidabadi; journalist; Secretary-General of Sazman-e Advar Tahkim (Alumni of Daftare Tahkim Vahdat student organization); arrested on 14 June 2009;</p> <p>6. Saeed Leylaz; journalist; former economic manager during President Mohammad Khatami's Government; arrested on 17 June 2009;</p> <p>7. Mohammad Ghoochani; Editor-in-Chief of Eternad Melli newspaper, official organ of Mehdi Karroubi's party; arrested on 18 June 2009;</p> <p>8. Bahman Ahmadi Amooei; journalist; reformist; arrested on 20 June 2009;</p> <p>9. Zhila Bani-Yaghoob; journalist; women's rights activist; arrested on 20 June 2009;</p> <p>10. Keyvan Samimi; managing editor of the banned monthly Na'meh; arrested on 14 June 2009;</p> <p>11. Abdolreza Tajik; journalist and political activist; arrested on 14 June 2009;</p> <p>12. Mahsa Amrabadi; journalist for Eternad Melli newspaper; arrested on 14 June 2009;</p> <p>13. Massoud Bastani; editor of the Jomhuriyat website; arrested on 5 July 2009;</p> <p>14. Shokufeh Azar; journalist for the Sarmayeh (Capital) newspaper; arrested on 28 June 2009;</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
|------|---------|------|------|---------|--|---------------------|
|      |         |      |      |         | <p>15. Amir-Hossein Mahdavi; journalist and political activist; arrested on 13 June 2009;</p> <p>16. Mostafa Ghavanloo Qajar; journalist; arrested on 22 June 2009;</p> <p>17. Behzad Bashou; caricaturist; arrested on 21 June 2009;</p> <p>18. Mojtaba Tehrani; journalist for Eterned Melli newspaper; arrested on 29 June 2009;</p> <p>19. Kambiz Nowrouzi; Secretary of the Legal Committee of the Association of Iranian Journalists (Anjomane Senfie Ruznamenegaran Iran); arrested on 28 June 2009;</p> <p>20. Abdolfattah Soltani; leading member of Iran's Bar Association; member of the Center for Defenders of Human Rights (Kanoon Modafean Hoghooghe Bashar); arrested on 16 June 2009;</p> <p>21. Shiva Nazar-Ahai; human rights activist; arrested on 14 June 2009;</p> <p>22. Mohammad-Ali Abtahi; former member of the Majlis (Parliament); supporter of Mehdi Karroubi in the presidential elections; arrested on 16 June 2009;</p> <p>23. Saeed Hadjarian; member of the Central Committee of Jebhe Mosharekat Iran Eslami (Participation Front); arrested on 15 June 2009;</p> <p>24. Mohsen Aminzadeh; member of the Central Committee of Jebhe Mosharekat; Head of the Coalition of Reformers' Committee (supporting presidential candidate Mir Hossein Mousavi); arrested on 16 June 2009;</p> <p>25. Abdollah Ramezanzadeh; member of the Central Committee of Jebhe Mosharekat; spokesperson for Mohammad Khatami's</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
|------|---------|------|------|---------|--|---------------------|
|      |         |      |      |         | <p>Government; arrested on 14 June 2009;</p> <p>26. Mohsen Mirdamadi; Secretary-General of Jebhe Mosharekat; arrested on 20 June 2009;</p> <p>27. Mohsen Safai Farahani; member of the Executive Committee of Jebhe Mosharekat; arrested on 20 June 2009;</p> <p>28. Dawood Soleimani; member of the Executive Committee of Jebhe Mosharekat; arrested on 20 June 2009;</p> <p>29. Ali Tajernia; member of the Executive Committee of Jebhe Mosharekat; arrested on 20 June 2009;</p> <p>30. Saeed Shirkavand; Deputy Minister of Economy in Mohammad Khatami's Government; member of the Executive Committee of Jebhe Mosharekat; arrested on 20 June 2009;</p> <p>31. Shahab Tabatabai; Head of the Youth Committee of support of Mousavi; member of the Executive Committee of Jebhe Mosharekat; arrested on 20 June 2009;</p> <p>32. Ali Asqar Khodayari; former member of the Executive Committee of Jebhe Mosharekat; arrested on 14 June 2009;</p> <p>33. Saeed Noor-Mohammadi; member of the Youth Division of Jebhe Mosharekat; arrested on 20 June 2009;</p> <p>34. Reza Homayi; member of Jebhe Mosharekat; arrested on 23 June 2009;</p> <p>35. Zoya Hassani; member of Jebhe Mosharekat; arrested on 30 June 2009;</p> <p>36. Saeedeh Kordinejad; member of Jebhe Mosharekat; arrested on 30 June 2009;</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
|------|---------|------|------|---------|--|---------------------|
|      |         |      |      |         | <p>37. Morteza Owsati; member of Jebhe Mosharekat; arrested on 30 June 2009;</p> <p>38. Behzad Nabavi; member of the Central Council of the Organization for the Mojahedin of the Islamic Revolution (Sazemane Mojahedin-e Enghelab Eslami); member of Jebhe Mosharekat; arrested on 13 June 2009;</p> <p>39. Mostafda Tajzadeh; member of the Central Council of the Organization for the Mojahedin of the Islamic Revolution (Sazemane Mojahedin-e Enghelab Eslami); member of Jebhe Mosharekat; arrested on 14 June 2009;</p> <p>40. Mohammad Javad Imam; Head of the Elections Committee in Tehran of the Organization for the Mojahedin of the Islamic Revolution (Sazemane Mojahedin-e Enghelab Eslami); arrested on 30 June 2009;</p> <p>41. Shahab Pour-Ghasemi; member of the Mojahedin of the Islamic Revolution (Sazemane Mojahedin-e Enghelab Eslami); arrested on 20 June 2009;</p> <p>42. Majid Nayeri; member of the Tehran Council of the Organization for the Mojahedin of the Islamic Revolution (Sazemane Mojahedin-e Enghelab Eslami); arrested on 20 June 2009;</p> <p>43. Sadegh Nowruzi; Head of the Political Council of the Organization for the Mojahedin of the Islamic Revolution (Sazemane Mojahedin-e Enghelab Eslami); arrested on 20 June 2009;</p> <p>44. Mohammad Atrianfar; member of the Central Council of the Hezbe Kargozaran Sazandeghi-e Iran (Party for the Executives of Construction of Iran); arrested on 14 June 2009;</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
|------|---------|------|------|---------|--|---------------------|
|      |         |      |      |         | <p>45. Hedayatallah Aghai; member of the Central Council of the Hezbe Kargozaran Sazandeghi-e Iran (Party for the Executives of Construction of Iran); arrested on 18 June 2009;</p> <p>46. Jahanbakhsh Khanjani; member of the Hezbe Kargozaran Sazandeghi-e Iran (Party for the Executives of Construction of Iran); spokesperson for the Ministry of the Interior during Mohammad Khatami's Government; arrested on 14 June 2009;</p> <p>47. Mohammad Tavasoli; Head of the Political Office of Nehzat Azadi-e Iran (Freedom Movement of Iran); arrested on 16 June 2009;</p> <p>48. Emad Bahavar; Head of the Youth Division of Nehzat Azadi-e Iran (Freedom Movement of Iran); arrested on 27 May 2009;</p> <p>49. Mohammad Bagher Alavi; member of Nehzat Azadi-e Iran (Freedom Movement of Iran); arrested on 21 June 2009;</p> <p>50. Mojataba Khandan; member of the Youth Division of Nehzat Azadi-e Iran (Freedom Movement of Iran); arrested on 13 June 2009</p> <p>51. Saeed Zeraatkar; member of the Youth Division of Nehzat Azadi-e Iran (Freedom Movement of Iran); arrested on 13 June 2009;</p> <p>52. Mohammad-Reza Ahmadinia; member of the Youth Division of Nehzat Azadi-e Iran (Freedom Movement of Iran); arrested on 13 June 2009;</p> <p>53. Ahmad Afchel; member of the Youth Division of Nehzat Azadi-e Iran (Freedom Movement of Iran); arrested on 13 June 2009;</p> <p>54. Ruhollah Shafii; member of the Youth Division of Nehzat Azadi-e Iran (Freedom</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
|------|---------|------|------|---------|--|---------------------|
|      |         |      |      |         | <p>Movement of Iran); arrested on 13 June 2009;</p> <p>55. Ali Mehrdad; member of the Youth Division of Nehzat Azadi-e Iran (Freedom Movement of Iran); arrested on 13 June 2009;</p> <p>56. Kursoh Zaeim; member of the Central Council of Jebhe Melli-e Iran (National Front of Iran); arrested on 21 June 2009;</p> <p>57. Mahmud Ebrahimi; member of Hezbe Hambastegi (Solidarity Party); arrested on 17 June 2009;</p> <p>58. Ali-Reza Hashemi; Secretary-General of the Iran's Teachers Association (Sazemane Moaleman Iran); arrested on 17 June 2009;</p> <p>59. Mohsen Hakimi; labor activist and member of the Iran Writers Association (Kanoon Nevisandeghan Iran); arrested on 23 June 2009;</p> <p>60. Mehdi Khazali; manager of Hayyan publication; arrested on 29 June 2009;</p> <p>61. Hassan Moadikhah; manager of Zarreh publication; arrested on 17 June 2009;</p> <p>62. Seyed Khalil Mir-Ashrafi; graphist and movie editor; arrested on 17 June 2009;</p> <p>63. Hossein Delir; cinema director; arrested on 22 June 2009;</p> <p>64. Mohammad-Reza Jalaipour; spokesperson for Moje Sevorn (Third Wave) Campaign and Mir Hossein Mousavi supporter; arrested on 17 June 2009;</p> <p>65. Somaye Tohidloo; web-blogger supporting Mir Hossein Mousavi; political activist; arrested on 14 June 2009;</p> <p>66. Jalal Mohammadioo; member of Moje Sevorn (Third Wave) Campaign and Mir</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
|------|---------|------|------|---------|---|---------------------|
|      |         |      |      |         | <p>Hossein Mousavi supporter; arrested on 30 June 2009;</p> <p>67. Hamzeh Ghalebi; Head of the Youth Section at Mir Hossein Mousavi's campaign headquarters; arrested on 20 June 2009;</p> <p>68. Ehsan Bakeri; member of Mir Hossein Mousavi's election campaign team; arrested on 20 June 2009;</p> <p>69. Ahmad Moradi; member of Mir Hossein Mousavi's election campaign team; arrested on 17 June 2009;</p> <p>70. Ali Mohaghar; member of Mir Hossein Mousavi's election campaign team; arrested on 16 June 2009;</p> <p>71. Ali Vafghi; member of Mir Hossein Mousavi's election campaign team; arrested on 20 June 2009;</p> <p>72. Kaveh Servati; activist supporting Mir Hossein Mousavi; arrested on 18 June 2009;</p> <p>73. Abdollah Momeni; spokesperson for Sazemane Advare Tahkim Vahdat (Alumni of the Daftare Tahkim Vahdat student organization); arrested on 20 June 2009;</p> <p>74. Hamed Iranshahi; member of the policy group of Sazemane Advare Tahkim Vahdat (Alumni of the Daftare Tahkim Vahdat student organization); arrested on 16 June 2009;</p> <p>75. Mohammad Ghaem-Maghani; member of Sazemane Advare Tahkim Vahdat (Alumni of the Daftare Tahkim Vahdat student organization); arrested on 22 June 2009;</p> <p>76. Peyman Aref; member of the student division of Jebhe Melli Iran (Iran's National</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
|------|---------|------|------|---------|--|---------------------|
|      |         |      |      |         | <p>Front); arrested on 18 June 2009;</p> <p>77. Seyed Mohammad Bagher Oskoui; leading member of the Youth Division of Mehdi Karroubi's election campaign team; arrested on 15 June 2009;</p> <p>Persons allegedly kept in detention in Rasht:</p> <p>78. Mojtaba Pour-Mohsen; editor of Gilan Emrouz newspaper; arrested on 15 June 2009;</p> <p>Allegedly arrested in Karaj:</p> <p>79. Fariborz Soroush; journalist; arrested on 16 June 2009;</p> <p>Persons allegedly arrested in Bushehr:</p> <p>80. Amanollah Shodjayi; journalist; arrested on 21 June 2009;</p> <p>81. Mashallah Heydarzadeh; journalist; arrested on 21 June 2009;</p> <p>82. Hossein Shokuhi; journalist; arrested on 21 June 2009;</p> <p>83. Hamideh Mahouzi; journalist; arrested on 21 June 2009;</p> <p>Persons allegedly arrested in Ahvaz:</p> <p>84. Abolfazl Abedini; human rights activist; arrested on 30 June 2009;</p> <p>85. Sajad Taherzadeh; Secretary of the Islamic Student Association of the Oil College; arrested on 2 July 2009;</p> <p>86. Sahand Bakhtiarpour; former Secretary of the Islamic Student Association of the Oil College, arrested on 2 July 2009;</p> <p>Persons allegedly arrested in the Holy City of Qom:</p> |                     |

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|      |         |      |      |         | <p>87. Abbas Kousha; member of the Political Office of Jebhe Mosharekat; arrested on 30 June 2009;</p> <p>Allegedly arrested in Bandar Abbas:</p> <p>88. Javid Ramezanzpour; Head of Hormozgan Region Council in Jebhe Mosharekat (Participation Front); arrested on 15 June 2009;</p> <p>89. Mansu Nabizadeh; Commander of the Hormozgan Province Army Division during the Iran-Iraq war and member of Mir Hossein Mousavi's campaign team in the Hormozgan Province; arrested on 17 June 2009;</p> <p>90. Ahmad Moradi; member of Mir Hossein Mousavi's campaign team in the Hormozgan Province; arrested on 17 June 2009;</p> <p>Allegedly arrested in Isfahan:</p> <p>91. Mohsen Bastani; in charge of Isfahan Affairs at Sazeman-e Mojahedin-e Engelab; arrested on 17 June 2009;</p> <p>Persons allegedly arrested in Tabriz:</p> <p>92. Ghafar Farzadi; responsible for East Azerbaijan Province in Nehzat-e Azadi; arrested on 21 June 2009;</p> <p>93. Majid Jaberi; member of Nehzat-e Azadi; arrested on 17 June 2009;</p> <p>94. Rahmatollah Amiri; member of Nehzat-e Azadi; arrested on 17 June 2009;</p> <p>95. Ruhollah Rahimpour; member of Nehzat-e Azadi; arrested on 15 June 2009;</p> <p>96. Amir-Hossein Jahani; member of Nehzat-e Azadi; arrested on 15 June 2009;</p> <p>97. Ali-Ashraf Soltaniazar; member of Nehzat-e</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
|------|---------|------|------|---------|---|---------------------|
|      |         |      |      |         | <p>Azadi; arrested on 15 June 2009;</p> <p>98. Rahim Yavari; member of Nehzat-e Azadi; arrested on 15 June 2009;</p> <p>99. Jalil Sharbayanloo; activist for the Melli-Mazhabi (Nationalist-Religious) political opposition group; arrested on 21 June 2009;</p> <p>100. Mosatafa Saket; Secretary of Sazmane Advare Tahkim in East Azerbaijan Province; arrested on 17 June 2009;</p> <p>Persons allegedly arrested in Fooman:</p> <p>101. Reza Kazemi; activist for the Melli-Mazhabi opposition group; arrested on 21 June 2009;</p> <p>Allegedly arrested in Hamedan:</p> <p>102. Hadi Ehtezazi; activist for the Melli-Mazhabi opposition group; arrested on 19 June 2009;</p> <p>103. Hossein Mojahed; Secretary-General of Hezbe Jame-e Madani (Civil Society Party); arrested on 16 June 2009;</p> <p>104. Mohammad Sayyadi; member of the Islamic Student Association of Bu-Ali University; arrested on 16 June 2009;</p> <p>Persons arrested in Mashhad:</p> <p>105. Seyed Hashem Khastar; labor activist; arrested on 19 June 2009;</p> <p>106. Ruhollah Shahsavari; Head of Setade 99 (Committee 88, supporting Mir Hossein Mousavi) in the Khorasan Razavi Province; arrested on 17 June 2009;</p> <p>107. Mohsen Roozbahan; member of Mir Hossein Mousavi's election campaign team in</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
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|      |         |      |      |         | <p>the Khorasan Razavi Province; arrested on 17 June 2009;</p> <p>108. Amir Eghtenai; Head of the Khorasan Province in Sazmane Advar Tahkim; arrested on 18 June 2009;</p> <p>Person allegedly arrested in Amol:</p> <p>109. Mousa Rajayi; dissident cleric; arrested on 17 June 2009;</p> <p>Persons allegedly arrested in Zanjan:</p> <p>110. Jalal Bahrami; member of the student division of Mir Hossein Mousavi's election campaign team; arrested on 20 June 2009;</p> <p>111. Reza Arjini; member of the student division of Mir Hossein Mousavi's election campaign team; arrested on 20 June 2009;</p> <p>112. Sadegh Rasooli; member of the student division of Mir Hossein Mousavi's election campaign team; arrested on 20 June 2009;</p> <p>113. Alireza Babaloo; member of the Islamic Student Association of the Zanjan University; arrested on 15 June 2009;</p> <p>114. Mansur Vafa; member of the student division of Mir Hossein Mousavi's election campaign team; arrested on 21 June 2009;</p> <p>Allegedly arrested in Qazvin:</p> <p>115. Hossein Reisian; Professor at the Imam Khomeini International University; arrested on 19 June 2009;</p> <p>Person allegedly arrested in Babolsar:</p> <p>116. Reza Arab; Secretary of the Islamic Student Association of Mazandaran University; arrested on 30 June 2009;</p> |                     |

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|      |         |          |      |                                    | <p>Person allegedly arrested in Zahedan:</p> <p>117. Shahryar Hosseinbar; leader of the student division of Mehdi Karroubi's election campaign team in the Sistan and Baluchistan Province; arrested on 14 June 2009;</p> <p>Person allegedly arrested in Kish Island:</p> <p>118. Hossein Zamani; Pop singer; arrested on 16 June 2009.</p>  |                     |
| 121. |         | 14/07/09 | JUA  | WGAD;<br>FRDX;<br>TOR              | <p><b>Mr. Maziar Bahari</b>, a leading Canadian-Iranian editor, playwright, film-maker and journalist.</p> <p>On 21 June 2009, at approximately 7.00 a.m., Mr. Bahari was arrested by security officers at his home in Tehran. He is reportedly being held incommunicado without charge at Tehran's Evin prison where he has had no access to legal representation or his family, apart from two short phone-calls to his mother.</p> <p>Reports claim that an Iranian state news agency, Fars News, published a confession in which Mr. Bahari admits to participating in an alleged Western media effort to promote irresponsible reporting in Iran. Prior to his arrest Mr. Bahari filmed protesters attacking Basij neighbourhood headquarters in Tehran before they were fired upon. Edited footage, which was aired on the BBC's Channel 4 News in the UK, apparently did not show the full contents of Mr. Bahari's report and omitted the clip of the protesters attacking the aforementioned Basij headquarters.</p> |                     |
| 122. |         | 16/07/09 | JUA  | WGAD;<br>FRDX;<br>HRD; IJL;<br>TOR | <p><b>Mr. Mohammad Ali Dadkhah, Ms. Sara Sabaghian, Ms. Bahareh Davallou, Mr. Amir Raisian and Ms. Maliheh Dadkhah.</b> Mr. Dadkhah is a lawyer and founding member of the Defenders of Human Rights Centre (DHRC). Ms. Sabaghian, Ms. Davallou and Mr. Raisian</p>   |                     |

| Para | Country | Date      | Type | Mandate                               | Allegations transmitted   | Government response |
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|      |         |           |      |                                       | are also lawyers. On 8 July 2009, at approximately 4.00 p.m., three individuals in civilian clothing entered the law firm of Mr. Dadkhah without presenting an arrest warrant, and arrested him along with Ms. Sabaghian, Ms. Davallou and Mr. Raisian. The daughter of Mr. Dadkhah, Ms. Malileh Dadkhah was also arrested. The law firm was subsequently closed. Their whereabouts are currently unknown.  |                     |
| 123. |         | 17/07/09  | UA   | TOR                                   | <p><b>Mr. Behruz Javid-Tehrani</b>, who was imprisoned for participating in the 1999 student unrest.</p> <p>Mr. Javid-Tehrani, who is currently in detention in Ward 1 of Gohardasht Prison in Karaj, was recently taken to a room by a group of guards, where he was blindfolded and beaten with batons. As a result, his whole body is reportedly bruised, his knees swollen, his kidney hurt, and he can barely walk. Ward 1 is the section of the prison where detainees with dangerous mental illnesses and contagious diseases are held. Mr. Javid-Tehrani's family has not been allowed to visit him in the past month and other means of communication with them have been almost completely cut off.</p> |                     |
| 124. |         | 27/ 07/09 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR;<br>VAW | <p><b>Ms. Shadi Sadr</b>, a lawyer and human rights activist. In the morning of 17 July 2009, Ms. Sadr was arrested in Tehran by unidentified plain clothed men on her way to Friday prayers. Ms. Sadr was accompanied by other activists for women's rights when the men pulled her into a car in a busy area of Tehran. She managed to briefly abscond, but was swiftly reapprehended and beaten with batons by the men before being taken away in the car to an unknown location.</p> <p>It was alleged that Ms. Sadr's arrest forms part of a pattern of arrests of high profile Iranian</p>  |                     |

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|      |         |          |      |                               | civil society representatives in the wake of the presidential election.   |                     |
| 125. |         | 11/08/09 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | <p><b>Alleged torture, ill-treatment, forced confessions and the death of a detainee arrested following the presidential election of 12 June.</b></p> <p>Human rights defenders, members of the opposition, lawyers, journalists and others who have been arrested following the presidential election continue to be subjected to beatings, harsh interrogations and torture. Detainees are forced to stand for 48 hours and are beaten with batons. Mr. Majid Sh. was arrested soon after the elections by the Intelligence Ministry, blindfolded and taken to a secret location. He was severely beaten, stripped of his clothes and forced to hang from the ceiling with his hands tied, while he was burnt across his body with a hot iron rod. He was released 24 hours later.</p> <p>Interrogations take place under the direct sun, with temperatures exceeding 40 degrees, followed by the detainees being drenched with ice water. After the beatings and interrogations, the detainees are forced to sign blank statements, where they have confessed to various crimes such as acting against national security, rioting, having ties with counter-revolutionary groups and treason. According to media reports, the Iranian authorities have indicated that most of the prominent detainees have already confessed to such crimes. The confessions obtained through these means are reportedly being used in the on-going trials against more than 100 accused of the crimes mentioned above.</p> <p>Mr. Avir Javadifar, a student at the Free University at Qazvin was arrested by the Security Services on 9 July and was severely</p> |                     |

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|      |         |          |      |                              | <p>beaten. He was taken to the hospital and then taken to an unknown place. His family was later asked to identify his body at the Kahrizan prison. They were told that Mr. Javadifar's death had been caused by an accident.</p> <p>Other detainees remain in incommunicado detention, without any charges having been laid against them and unable to see their lawyers or families or to obtain medical assistance. Many of those who are released were covered in bruises.</p> <p>There have also been reports that the families of those who have been killed in the aftermath of the elections are given false information regarding their death. In this context it is reported that :</p> <p>Mr. Avir Javadifar's family was told that his death had been caused by an accident, although he allegedly died while in custody.</p> <p>Mr. Davoud Sadri died as a result of gunshot wounds he received from the Basij forces during a public protest. He was taken to Rasoule Akram Hospital, where he died hours later. His family looked for him during five days, receiving contradictory information from the authorities regarding how he had died and where his body was kept. The authorities finally announced his death to the family, but refused to give them the body.</p> |                     |
| 126. |         | 18/08/09 | JUA  | WGAD;<br>HRD;<br>MIN;<br>TOR | <p><b>Members of the Baloch minority community including: Mr. Behrooz Bahorzahi</b>, son of Pir Bakhsh, teacher at "12 Urdibahesht School", <b>Mr. Ali Reza Chakari</b>, son of Shahdad, deputy-principal at Bagher Khan School, <b>Mr. Hamid Reza Chakari</b>, son of Shahdad, and <b>Mr. Abdul Rahman Rawanbakhsh</b>, an IT engineer, all</p>   |                     |

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|      |         |          |      |                      | <p>usually residing in Sarawan, and <b>Mr. Mohmmad Saleh Eslamzahi</b>, son of Atah Mohammad, his 17 year old son <b>Mehdi Islamzahi</b>, and <b>Mr. Alim Jangizahi</b>, teacher at Bagher Khan School, all usually residing in Zahidan.</p> <p>Mr. Bahorzahi, Mr. Reza Chakari, Mr. Reza Chakari, Mr. Rahman Rawanbakhsh, Mr. Saleh Eslamzahi, Mr. Islamzahi, and Mr. Jangizahi were arrested by Iranian security forces between 11 and 13 August 2009, together with at least 16 other teachers belonging to the Baloch minority community, in Sarawan and Zahidan. They were transferred to unknown locations and their families have been denied any information about their fate. Furthermore, their families have been harassed themselves, threatened with detention and instructed to remain silent about the arrest and detention of their relatives.</p>                                   |                     |
| 127. |         | 29/10/09 | JUA  | IJL;<br>SUMX;<br>TOR | <p><b>Reportedly imminent execution of seven men</b> belonging to the Ahwazi Arab community in Iran. Their names are <b>Messrs. Ali Saedi</b>, aged 25, <b>Walid Naisi</b>, aged 23, <b>Majid Fardipour</b> (Majid Mahawi), aged 26, <b>Doayr Mahawi</b>, aged 50, <b>Maher Mahawi</b>, aged 21, <b>Ahmad Saedi</b>, aged 28, and <b>Yousuf Leftehpour</b>, aged 25.</p> <p>The seven men were arrested on or around 12 August 2007. They were held in incommunicado detention at an unknown location by intelligence services between three to fifteen months. It is feared that during this period they may have been tortured in order to extract confessions from them. The accused were later transferred to Karoun Prison in Ahvaz city, where it is reported they are currently being held.</p> <p>On or around 30 September 2009, they were tried, convicted and sentenced to death by a</p> |                     |

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|      |         |          |      |  | branch of the Revolutionary Court in Ahvaz for the offences of “acting against national security” and the killing of a Shi’a cleric, Sheikh Hesam al-Sameyri in June 2007. None of the men had access to counsel either before or during the trial.  |                     |
| 128. |         | 11/11/09 | JUA  | WGAD;<br>WGED;<br>FRDX;<br>HRD;<br>TOR | <b>Mr. Hassin Assadi Zibadabi, Mr. Behnam Nikzad and Ms. Nafiseh Zare Kohan.</b><br><br>On 3 November 2009, Mr. Hassin Assadi Zidabadi, who heads a student human rights committee, was arrested by security forces. The following day, Mr. Niels Kroghsgaard, a Danish journalism student, as well as Mr. Farhad Pouladi, Mr. Behnam Nikzad, and Ms. Nafiseh Zare Kohan, all journalists, were also arrested by security forces. All the arrests took place while they were covering the demonstrations on the occasion of the 30th anniversary of the events concerning the siege of the embassy of the United States of America in Tehran. It is believed that Mr. Kroghsgaard and Mr. Pouladi were released, but the families of Mr. Assadi Zibadabi, Mr. Nikzad and Mr. Zare Kohan have not been able to obtain any information on their whereabouts since their arrests. |                     |
| 129. |         | 24/11/09 | JUA  | WGED;<br>TOR                           | <b>Mr. Abbas Hakimzadeh</b> , member of the National Organization for Unity (Daftar-e Tahkim-e).<br><br>Mr. Abas Hakimzadeh was arrested by agents from the Ministry of Intelligence on 19 November 2009. The agents confiscated his personal effects and took him to an undisclosed location.<br><br>On 24 February 2009, Mr. Hakimzadeh had been previously arrested, together with several other students from Amir Kabir University. He  |                     |

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|      |         |                            |      |         | was held in solitary confinement at Evin Prison during most of the time he spent in detention. He was also reportedly subjected to torture in an effort to extract a confession from him. He was released on bail on 8 July. |   |
| 130. |         | Follow-up to earlier cases |      |         | <b>Behnood</b> (A/HRC/10/44/Add.4, para. 95).  | By letter dated 15/07/09, the Government indicated that Mr. Behnood was put on trial for murder, pursuant to the filing of a complaint before the court of justice by the victim's guardians. Following the investigations and judicial proceedings, the trial took place in presence of five defense lawyers. The court found him guilty of murder and sentenced him to qesas. Pursuant to an appeal by the defendant and his lawyers, the Supreme Court reviewed the case and upheld the lower court's ruling. The victim's guardians have been insisting on the enforcement of the court's verdict, and the judiciary has been trying to bring the case to conciliation and refrains from enforcing it. Utmost effort is being made by the Judiciary to acquire consent of the victim's guardians who are presently demanding 12 times the usual blood money to give their consent to convert Qesas to blood money. Meanwhile the Judiciary is resorting towards a settlement of the case and for its objective of zero level qesas for similar cases. |
| 131. |         |                            |      |         | <b>Sa'id Metinpour</b> (A/HRC/10/44/Add.4, para. 97).  | By letter dated 15/07/09, the Government indicated that according to the existing information, Mr. Saeid Matinpoor was arrested on the basis of Order No. M/17, dated 15 May 2007, by the Prosecutor's Office of Zanjan, on the charge of acts against national security through spying for foreign countries and forgery of official documents. During his detention, he has   |

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|      |         |      |      |         |   | <p>received visits and telephone calls from his family and is in good health.</p> <p>Following completion of due process and legal formalities, his case was raised in Branch 15 of the Tehran Criminal Court and he was sentenced to seven years imprisonment for spying, and to one year imprisonment for propagating misinformation against the government and disturbing public opinion. The ruling was reinstated by Branch 36 of the Court of Appeals. He is presently free on bail and the ruling will be implemented soon. Allegations such as no access to a lawyer and solitary confinement are baseless.</p>  |
| 132. |         |      |      |         | <p><b>Mahmoud Salehi</b> (A/HRC/10/44/Add.4, para. 98).</p> | <p>By letter dated 10/07/09, the Government indicated that Mr. Mahmoud Salehi was arrested in May 2004 for acting against the national security of the country and having relations with a notorious terrorist group. The group has been involved in numerous acts of terrorism in Iran. He was sentenced to three years imprisonment. As a result of repeating the same offense during the probationary period of the suspended sentence, his case was opened again, and he was kept under remand custody. His bail was accepted on the basis of humane considerations, and he was released on 7 April 2007. His case is currently in the Sanandaj Criminal Court.</p> <p>He had access to lawyers during the court proceedings and to medical services in prison. Since he had been suffering from kidney malfunction prior to his imprisonment, he had regular access to dialysis. He is currently free and working in a cooperative store.</p> |

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| 133. |         |      |      |         | <b>Mr. Behrouz Seferi and Ms. Layla Heydari</b> (A/HRC/10/44/Add.4, para. 99). | <p>By letter dated 06/05/09, the Government indicated that Mr. Behrouz Safari and his wife Mrs. Leila Heydari traveled to Turkey as tourists and participated in training sessions. According to the confirmed information, the agenda of the courses included the overthrow of the system/government, through the abuse of civil and social rights. Mr. Behrouz Safari and his wife, together with seven other individuals took an oath to implement what they had learned in the course. Following their return to the country, Mr. Safari was arrested on 19 June 2007 and Mrs. Heydari on 27 August 2007. Following the relevant investigations, they were bailed out on 2 March 2008 and their case, together with the bill of indictment, was sent to branch 15 of the Tehran Penal Court. The Court met on 8 June 2008, in the presence of their defence lawyers, and convicted them to one year suspended imprisonment. Upon the complaint of the defence, the case was raised in branch 36 of the Court of Appeal, and reinstated through verdict No. 1257 of 28 October 2008.</p> <p>The two individuals were arrested in relation to their illegal activities and were treated in accordance with the law. They enjoyed all their legal rights before the court. Any allegation of maltreatment or lack of proper attention to his physical and psychological integrity, as well as any other allegation such as “torture to obtain confession” or arrested in relation with their peaceful activities in defence of human rights are baseless.</p> <p>The Constitution provides for the punishment of those who commit acts of mistreatment and torture. Legal provisions have also been made for the legal protection of the victims.</p> |

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|      |         |      |      |         |   | Article 38 of the Constitution states that “all forms of torture for the purpose of extracting a confession or acquiring information are forbidden”. Compulsion of individuals to testify, confess or to take an oath is not permissible; and any testimony, confession or oath obtained under duress is devoid of value and credence. The violation of this article is liable to punishment in accordance with the law.   |
| 134. |         |      |      |         | <b>Ms. Zohreh and Ms. Azar Kabiri,</b><br>(A/HRC/10/44/Add.4, para. 100). | <p>By letter dated 08/04/09, the Government indicated that it has prescribed the very heavy punishment of Hadde Rajm (stoning) for married and unmarried individuals in order to safeguard the security and morality of the society, particularly the fundamental institution of the family, and to secure the cleanliness and purity of the generation. Islam has defined highly difficult conditions, requirements and methods for proving perpetration of this group of offences. All those required accuracies and attention as well as the difficulties for proving the commission of these offences is meant to minimize the rate of oversight and error. Furthermore, this type of offences could be investigated or brought to trial.</p> <p>Proving the commission of offences deserving stoning is extremely difficult. The introduction of a mechanism for the prevention and discontinuation of such offences is the main objective of Islamic laws. In practical terms, the rate of family disloyalty in Muslim societies is considerably lower than in western unreligious countries. In view of the Islamic jurisprudence, the punishment of stoning, in its nature and enforcement is substantially different from</p> |

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|------|---------|------|------|---------|---|---|
|      |         |      |      |         |   | execution. In the case of Ms. Azar Kabiri and Ms. Zohreh Kabiri, due investigations have been ongoing and, according to the results, punishment by stoning is ruled out.  |
| 135. |         |      |      |         | <b>Amin Ghaza'i</b> (A/HRC/10/44/Add.4, para. 101).     | By letter dated 10/07/09, the Government indicated that Mr. Amin Ghaza'i, a university student, was arrested on the basis of an arrest warrant issued by the judicial authorities on 15 December 2007, on charges of cooperating with a left-wing extremist terrorist organization. Despite his extremist tendencies and in view of the policy of the Government on clemency and patience with students, as well as the completion of the required investigation, he was released on bail on 10 March 2008. According to existing information, he left the country and is believed to be in Turkey. Any allegation on his being a human rights activist is absolutely baseless.   |
| 136. |         |      |      |         | <b>Ya'qub Mehrnehad</b> (A/HRC/10/44/Add.4, para. 102). | By letter dated 10/07/09, the Government indicated that Mr. Yaqub Mehrnehad, known by the name of Amir Salaheddin, established and operated an outlawed organization under the name of Al-Jihad in 2006, in the province of Sistan-Baluchistan, Iran. The group was actively involved in terrorist operations and kidnappings. Mr. Mehrnehad was put on trial by the Zahedan Criminal Court on charges of abduction, armed terrorist activities, membership and effective cooperation with the Abdolmalek Riggi terrorist group, and by verdict No. 170/86, dated 3 February 2008, was sentenced to death. Following a request for appeal, the case was referred to the Supreme Court and the ruling was upheld on 19 March 2008. Upon his legal counsel's request, the case was referred to the Pardon |

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|      |         |      |      |         |  | Committee, but it was rejected due to the severity of the crimes he had committed and its deep social impact. The death sentence was executed on 5 August 2008.  |
| 137. |         |      |      |         | <b>Reza Daghestani</b> (A/HRC/10/44/Add.4, para. 104).   | <p>By letter dated 04/05/09, the Government indicated that Mr. Reza Daghestani was arrested on 21 February 2008, under the charge of extremist incitement to ethnic feelings and sentiments, organizing illegal gatherings, as well as ethnic propagation against other Iranian ethnic groups. Following the investigations, he was released on bail. On 14 May 2008, the penal court of Oroumiye City sentenced him, in the presence of his lawyer, to eight months imprisonment. Taking into consideration Mr. Daghestani's young age, respecting the Islamic affection as well as his lack of criminal record, and on the basis of Article 25 of the Islamic Penal Code, the remainder of his sentence was suspended.</p> <p>Mr. Daghestani was treated in accordance with the law, enjoying the highest level of affection as well as all of his legal rights before the court. The charges presented against him had no connection with any social or human rights activities, and the case was heard and settled in the shortest possible time. Any allegation of ill-treatment or lack of proper attention to his physical or psychological integrity, as well as any allegations of threats against his family are baseless.</p> |
| 138. |         |      |      |         | <b>Behrooz Karimizadeh, Peyman Piran, Ali Kantouri and Majid Pourmajid</b> , (A/HRC/10/44/Add.4, para. 105). | By letter dated 28/04/09, the Government indicated that the Iranian authorities consider student social and political moves as positive and have helped them with and welcomed   |

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|      |         |      |      |         |  | <p>their free movement and enjoyment of their legitimate rights with considerable tolerance. Behrouz Karimzadeh, Peyman Piran, Ali Kantouri and Majid Pourabdollah are not students, and they resorted to illegal instruments, violence and extremism to establish an illegal organization named Hekmatism, Azadi branch. The organization had set up a military branch disguised under the umbrella of student activities. They performed terrorist acts such as kidnappings, robbery and engineering bomb explosions.</p> <p>On 4 December 2007, the above-mentioned individuals participated in a gathering in commemoration of the Day of the Student, where they were arrested. Mr. Piran had been expelled from the University of Tehran, and had a record of arrests for acts of extremism and armed struggle policies. Mr. Karimizadeh had been expelled from the University of Tehran. Mr. Kantouri and Mr. Pourabdollah had records of illegal activities, acts leading to public disorder and destruction of public property. The farmer had been charged with one case of kidnapping. They were charged with founding an extremist group with the objective of disturbing the security of the country and for propagating against the state, in favour of hostile groups. Their cases were referred to Branch 15 of the Criminal Court and they were released on bail. The charges they faced had no connection to their peaceful social and human rights activities. Any allegations of ill-treatment or lack of proper attention to their physical or psychological integrity are baseless.</p> |
| 139. |         |      |      |         | <b>Ali Muhaqiq Nasab</b> (A/HRC/10/44/Add.4, | By letter dated 28/04/09, the Government indicated that according to the reports  |

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|      |         |      |      |         | para. 106).  | <p>received from all prisons throughout the country, there are two Ali Mohaqiq Nasabs, both of whom are Afghan citizens, recognized by the pertinent authorities in the city of Qom. One Mr. Ali Moaqiq Nasab, son of Gholamhossein, was born in 1957. A complaint was filed against him by his wife, claiming that he had not been paying alimony and that he destroyed his wife's belongings. Their case was settled in the pertinent family court. The second Mr. Ali Mohaqiq Nasab, son of Khademhossein, born in 1958, was arrested on 25 May 2008, charged with illegal entry in the country and sent back to Afghanistan four days later.</p> <p>No relationship could be established between these individuals and the allegations made.</p>   |
| 140. |         |      |      |         | <p><b>Ms. Nashrin Afzali, Ms. Nahid Jaafari, Ms. Zeynab Peyghambarzadeh, Ms. Rezvan Moghadam and Ms. Parvin Ardalan,</b><br/>(A/HRC/10/44/Add.4, para. 107).</p> | <p>By letter dated 14/04/09, the Government indicated that on the basis of principles 26 and 27 of the Constitution, all people enjoy their legitimate right to hold gatherings. The organizers of the gathering did not meet the legal requirements for a permit. The arrest of some of the women was due to their illegal actions and incitement into disorder. According to the report of the Tehran Police Station 106, a number of women gathered in front of one of the judicial complexes of Tehran and in spite of police warning, did not disperse. Thus, Ms. Nasrin Khajeh Afzal, Ms. Nahid Jafari, Ms. Rezvan Moghaddam, Pardin Ardalan and Ms. Zeinab Peyghambarzadeh were arrested. Except for Ms. Peyghambarzadeh, they were all released on 7 March 2007. They were sentenced to six months' suspended imprisonment. Despite an appeal by their lawyers, their sentences were</p> |

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|      |         |      |      |         |  | <p>reinstated in September 2008.</p> <p>Ms. Peyghambarzadeh was arrested on 27 December 2006 on the charge of disturbing public order. Due to the lack of a criminal record, she was released on a suspended writ of prosecution. Two months later, she was arrested for disturbing public order and for refusing a police order. She was sentenced to two years' suspended imprisonment. Her verdict was commuted by the Appeals Court to one year suspended imprisonment.</p> <p>The sentences for the above-mentioned individuals had nothing to do with their activities in defence of human rights or any other peaceful activity. Their trial was in accordance with the law and only in relation with their illegal activities. They enjoyed their legal rights before the courts.</p>  |
| 141. |         |      |      |         | <p><b>Farzad Kamangar (also known as Siamand), Ali Heydariyan and Farhad Vakili.</b><br/>(A/HRC/10/44/Add.4, para. 108).</p> | <p>By letter dated 08/04/09, the Government indicated that Mr. Farzad Kamangar, Mr. Ali Heydariyan and Mr. Farhad Vakili were charged and arrested for membership in PEJAK, a terrorist organisation, holding and carrying 37 kg. of TNT, holding two grenades and forcing identification cards. Their dossiers were brought up in Branch 30 of the Tehran Court of Revolution, in the presence of their defence lawyers. The above-mentioned individuals had prepared the munitions for acts of terrorism. They were found as "Mohareb" and sentenced to death. Pursuant to the objection by their lawyers, their cases were referred to Branch 31 of the Supreme Court, who reinstated the verdict on 9 May 2008. Any allegation on the judgments' connection with their social activities is baseless. They enjoyed the right</p> |

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|      |         |      |      |         |   | to a fair trial and enough time for review and examination of their cases through legal proceedings. Any allegation of torture or incommunicado detention is baseless.   |
| 142. |         |      |      |         | <b>Mosleh Zamani</b> (A/HRC/7/3/Add.1, para. 101).                | <p>By letter dated 15/07/09, the Government indicated that the government and other pertinent authorities of the Islamic Republic of Iran, as well as other non-governmental well-wishers have been trying hard to use mechanisms to acquire the consent of the victims' families, including through providing financial assistance.</p> <p>The case of Mr. Mosleh Zamani Dadaneh was tried on the charge of intentional murder after receiving a complaint by the guardians of the victim in this case, and following judicial investigations. The trial took place in presence of defense attorney at a criminal court. Five judges reviewed his case and the court found him guilty of murder and sentenced him to qesas (retribution in kind). On the request for appeal by the defendant and his lawyers, the Supreme Court reviewed the case, but no ruling has been issued.</p> <p>Meanwhile, the Judiciary is resorting to whatever legitimate and legal instrument toward settlement of the case and for its objective of zero level qesas for similar cases.</p> |
| 143. |         |      |      |         | <b>Ali Shakeri and Kian Tajbaksh</b> (A/HRC/7/3/Add.1, para. 99). | By letter dated 12/08/09, the Government indicated that Mr. Ali Shakeri and Mr. Kian Tajbaksh were arrested on charges of acting against national security through cooperation with belligerent states. They were provided with very comfortable accommodations with adequate amenities. According to their own statement, they had no ill-intention and unwittingly carried out acts in violation of the  |

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|      |         |      |      |         |  | law. On the basis of their statements of remorse, they were released on bail and their case is being reviewed. No indictment has been issued. They are presently outside Iran, living a normal life.   |
| 144. |         |      |      |         | <b>Javad Naroui, Ma'soud Nosrat Zahi, Houshang Shahnavaizi, Yahya Sohrab Zahi, Ali Reza Brahoui, Abdalbek Kahra Zahi (also known as Abdalmalek), and S. Q. Z.</b> (A/HRC/7/3/Add.1, para. 92). | <p>By letter dated 12/08/09, the Government indicated that only Alireza Barahoozi and Saeed Ghanbar Zehi, who had a direct role in the criminal acts, were sentenced to death. The rest were sentenced to prison terms and fines. They all had lawyers present during their trials. G. Z. (S. Q. Z.) was 20 years old at the time of the commission of the crime. The claims of torture are rejected as they are free.</p> <p>Javad Narooyi was convicted of “waging war and corruption on Earth” and sentenced to 15 years imprisonment in Sarab.</p> <p>Hoosahng Shanavazi was convicted of “waging war and corruption on Earth” and illegal border crossing and sentenced to seven years imprisonment.</p> <p>Yahya Sohrab Zehi, son of Abdolrahim, was convicted of “waging war and corruption on Earth” and illegal border crossing and sentenced to 17 years imprisonment.</p> <p>Masood Nosrat Zehi, son of Gol Mohammad, was convicted of cooperating with a terrorist group and for illegal crossing. He was sentenced to six years imprisonment and fined one million Rials for his drug addiction.</p> <p>Alirezya Etehamin Barahooyi, son of Mohammad, was found guilty of “waging war and corruption on Earth” and sentenced to death, in addition to three years</p> |

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|      |         |      |      |         |   | <p>imprisonment for illegal border crossing.</p> <p>Abdolmalek Kahrazezi, son of Barfi, was found guilty of “waging war and corruption on Earth” and illegal border crossing. He was sentenced to 18 years imprisonment and fined one million Rials for his drug addiction.</p> <p>Saeed Ghanbar Zehi, son of Mazar, was found guilty of “waging war and corruption on Earth” for his membership in a terrorist group and his effective role in the bombing and killing of innocent people. He was executed after the ruling was confirmed by the Supreme Court.</p>  |
| 145. |         |      |      |         | <p><b>Sina Paymard and Mostafa</b><br/>(A/HRC/7/3/Add.1, para. 89).</p> | <p>By letter dated 20/08/09, the Government indicated that Mr. Sina Paymard and Mr. Mostafa Naghdi were tried on the charges of intentional murder after receiving complaints from the victims’ guardians. Following the exhaustion of the legal proceedings, they were found guilty and sentenced to qesas. Their defense lawyers appealed and the Supreme Court upheld the ruling. The guardians insisted on the execution of the sentence. The authorities and others have been trying hard to use mechanisms to acquire the consent of the victims’ families, including by providing financial assistance. The Judiciary succeeded in entering the cases in a reconciliation phase. Concerning Mr. Paymard’s case, the guardians have expressed their consent to accept the money and Mr. Paymard has agreed to serve 40 months in prison, minus the days of his detention on remand. With regard to Mr. Naghdi, the father of the victim has already expressed his consent, but the court is still waiting for the mother’s consent.</p> |

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| 146. |         |      |      |         | <b>Loghman Mehri and his wife</b> (A/HRC/7/3/Add.1, para. 102). | <p>By letter dated 15/07/09, the Government indicated that Mr. Loghman Mehri was arrested on the basis of an arrest warrant issued by the Prosecutor and thus the allegation of his abduction is false. His charges included cooperation with the illegal terrorist group of Workers Communist Party of Iran (Komoleh). The existing evidence indicate that the party has engineered a number of terrorist operations within Iran. Mr. Mehri was tried in the pertinent court, found guilty of the charges attributed to him in the presence of a defense attorney, and sentenced to two years imprisonment.</p> <p>In the past, he had been arrested on a number of occasions on charges of acts of extremism and incitement to violence. Nevertheless, the court issued a light sentence based on the available evidence, and he is currently free on bail.</p> |
| 147. |         |      |      |         | <b>Mohamed Latif</b> (A/HRC/7/3/Add.1, para. 104).              | <p>By letter dated 15/07/09, the Government indicated that Mohammad Latif was tried on charges of intentional murder. After judicial review and investigations, the Criminal Court tried the case in presence of five judges and the defense attorney. He was found guilty and sentenced to qesas. On the request of appeal by the defendant and his lawyer, the Supreme Court reviewed the case and upheld the ruling of the lower court. Despite the demand and insistence by guardians of the victim to execute the ruling, and as a result of efforts of the Judiciary, this case has entered the reconciliation phase and the enforcement of the ruling has been stopped. The victim's guardians have given their consent. Mr. Latif had to serve two years and three months in prison, counting the time already spent in</p>                               |

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|      |         |      |      |         |   | detention. Accordingly, he was released on 20/2/2007. Meanwhile the Judiciary leaves no stone unturned toward its objective of zero level qesas for similar cases.  |
| 148. |         |      |      |         | <b>Qulamriza Nejefi, Hemid Valai, Vedud Esedi, Sejjad Radmehr, Aydin Khajei, Feraz Zehtab, Dariyush Hatemi, and Shahrukh Hatemi</b> (A/HRC/7/3/Add.1, para. 110). | <p>By letter dated 12/03/09, the Government indicated that the Iranian authorities consider student social and political moves as positive and welcomed their free movement and enjoyment of their legitimate rights with considerable tolerance. All eight individuals were in contact with their families during their detention. Any allegation of incommunicado detention is false.</p> <p>The investigations revealed that the students had extremist ethnic inclinations and that their activities were constantly aimed at creating hatred toward other Iranian ethnic groups. They resorted to illegal instruments, violence and extremism and did not hesitate to contact outlawed groups in neighbouring countries. They started their activities through the establishment of a literature association named “Sahand”, without any coordination with the University’s Vice-Chancellor for Cultural Affaires, as required. They released propaganda and published articles in foreign websites. They further developed their activities through the formation of the illegal group “Azoukh” and put their group at the service of the separatist group “Gamouh”, which alerted the authorities to initiate the necessary investigations.</p> <p>Mr. Hamid Valai was arrested for acts of extremism, disturbing the public order, acting against national security and co-founding an illegal group with extremist goals. He was released on bail on 29 October 2008. He was</p> |

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|      |         |      |      |         |                         | <p>defended by two lawyers and he is still waiting for a final verdict.</p> <p>Mr. Sajjad Radmehr, a student of mechanical engineering was arrested on 18 July 2008, and charged with co-founding an illegal group and participating in the propagation against the State. A hearing was held on 19 July 2008 and the case is still under judicial procedure.</p> <p>Mr. Faraz Zehtab Favadi and Mr. Aydin Khajei are students at Tabriz University. Mr. Daryoush Hatami is a conscript soldier and a university graduate in agriculture. They were charged with co-founding and co-directing an illegal group, with the intention of disturbing state security, and with propagating against the State. Mr. Favadi's hearing was held on 19 July 2008.</p> <p>Mr. Shahrokh Hatami is a student of dentistry in Turkey. He was previously convicted for participating in gatherings intended to incite ethnic unrest. He has been charged with propagation against the State.</p> <p>Mr. Vadood Asadi is one of the leaders of the extremist pan-Turkish network and the director of the Sahar students' publication. He was arrested on 22 July 2008 and charged with propagation against the state. His file was referred to Branch 12 of the Rasht Investigation Office. Mr. Asadi was released from detention on bail. He was arrested in relation with his illegal activities, treated in accordance with the law and enjoyed all of his rights before the courts.</p> <p>The charges laid against the above-mentioned individuals have no connection with their</p> |

| Para | Country | Date     | Type | Mandate      | Allegations transmitted  | Government response   |
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|      |         |          |      |              |  | peaceful social and human rights activities. They had access to medical services, and any allegation of maltreatment or lack of proper attention to their physical or psychological integrity is baseless.  |
| 149. |         |          |      |              | <b>Mr. Behnood Shojaee</b> (A/HRC/7/3/Add.1, para. 111).   | By letter dated 15/07/09, the Government indicated that Mr. Behnood Shojaie was put on trial on the charge of murder, pursuant to a complaint filed before a court by the victim's guardians. Following the investigations and judicial proceeding, the trial took place in the presence of five defence lawyers. The court found him guilty of murder and sentenced him to qesas. Pursuant to an appeal by the defendant, the Supreme Court reviewed the case and upheld the lower court's ruling.<br><br>The victim's guardians have insisted on enforcing the court's verdict, and the judiciary has been trying to bring the case to conciliation and refraining from enforcing the ruling. The utmost efforts are being made by the Judiciary to acquire the victim's guardian's consent to convert qesas to money. It is also resorting to whatever legitimate and legal instrument is available to settle the case and to prevent qesas for similar cases. |
| 150. | Iraq    | 12/03/09 | JUA  | SUMX;<br>TOR | <b>Death of Mr. Bashir Muzhar Adbullah Al Joorani.</b> Mr. Al Joorani, aged 34, was a teacher living in Baaqouba, Diyala province, and a leader of the "Sahwa" (Awakening Councils) movement.<br><br>In the afternoon of 21 November 2008, a group of police agents from the Jadidat Al Chatt offices of the Diyala Department of Criminal Cases, arrested him at a road block set up in the outskirts of Diyala on the road leading to Baghdad. Mr. Al Joorani was taken to the |   |

| Para | Country | Date     | Type | Mandate                        | Allegations transmitted  | Government response |
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|      |         |          |      |                                | <p>headquarters of the department of Criminal Cases of Diyala. His family was not informed of his arrest.</p> <p>Mr. Al Joorani's family began looking for him on the day of his disappearance. On 1 December 2008, they learned that he had been admitted to the general hospital of Baaqouba, to which he had been taken by the agents of the Ministry of the Interior. They visited him in hospital that same day and noted that he had several fractured limbs and holes in his body created by the use of a piercing instrument. The family members took pictures of Mr. Al Joorani, which confirm these claims. Mr. Al Joorani reportedly was only able to say "they killed me". He passed away the following night, on 2 December 2008 at 4.30 a.m.</p> <p>The family requested an autopsy, which was carried out notwithstanding death threats issued against doctors of the legal medical services. However, the family has not obtained a copy of the autopsy report to this day.</p> <p>In spite of serious concerns for their security, family members of Mr. Al Joorani have filed a complaint against the Diyala Department of Criminal Cases.</p> |                     |
| 151. |         | 07/08/09 | JUA  | WGAD;<br>FRDX;<br>HLTH;<br>TOR | <p><b>37 residents of Camp Ashraf including:</b></p> <ol style="list-style-type: none"> <li>1. <b>Jalil Gholamzadeh Golmarzi Hossein</b>, born on 10 July 1964;</li> <li>2. <b>Azizollah Gholamizadeh</b>, born on 18 November 1955;</li> <li>3. <b>Homaun Dayhim</b>, born on 5 May 1956;</li> <li>4. <b>Mohammad Ali Tatai</b>, born on 2 February 1954;</li> </ol>  |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
|------|---------|------|------|---------|--|---------------------|
|      |         |      |      |         | <p>5. <b>Mohammad Reza Ghasemzadeh</b>, born on 12 December 1956;</p> <p>6. <b>Iraj Ahmadi Jihonabadi</b>, born on 18 February 1954;</p> <p>7. <b>Jamshid Kargarfar</b>, born on 2 February 1956;</p> <p>8. <b>Ebrahim Komarizadeh</b>, born on 18 December 1959;</p> <p>9. <b>Javad Gougerdi</b>, born on 5 March 1950;</p> <p>10. <b>Mehrban Balace</b>, born on 10 April 1963;</p> <p>11. <b>Hamid Ashtari</b>, born on 21 March 1962;</p> <p>12. <b>Mehdi Zare</b>, born on 25 March 1967;</p> <p>13. <b>Mehdi Abdorrahimi</b>, born on 10 June 1963;</p> <p>14. <b>Hossein Sarveazad</b>, born on 22 July 1960;</p> <p>15. <b>Hossein Farsy</b>, born on 20 June 1964;</p> <p>16. <b>Ali Tolammy Moghaddam</b>, born on 28 December 1960;</p> <p>17. <b>Seyyed Hossein Ahmadi Djehon Abadi</b>, born on 15 November 1956;</p> <p>18. <b>Karim Mohammadi</b>, born on 1 April 1961;</p> <p>19. <b>Mir Rahim Ghorayshy Danaloo</b>, born on 14 April 1964;</p> <p>20. <b>Asad Shahbazi</b>, born on 9 September 1958;</p> <p>21. <b>Moshfegh Kongi</b>, born on 21 March 1963;</p> <p>22. <b>Ahmad Tajgardan</b>, born on 25 January 1963;</p> <p>23. <b>Jalil Forghany</b>, born on 13 September 1964;</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
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|      |         |      |      |         | <p>24. <b>Ebrahim Malaipol</b>, born on 21 March 1967;</p> <p>25. <b>Gholam-Reza Khorrami</b>, born on 25 November 1955;</p> <p>26. <b>Mohsen Shojaee</b>, born on 15 April 1963;</p> <p>27. <b>Omid Ghadermazi</b>, born on 5 March 1968;</p> <p>28. <b>Manouchehr Majidi</b>, born on 19 February 1977;</p> <p>29. <b>Hassan Besharati</b>, born on 26 May 1962;</p> <p>30. <b>Ezat Latifi</b>, born on 1 September 1981;</p> <p>31. <b>Mostafa Sanaie</b>, born on 27 March 1955;</p> <p>32. <b>Habib Ghorab</b>, born on 24 March 1952;</p> <p>33. <b>Rahman Haydari</b>, born on 1 December 1962;</p> <p>34. <b>Mohammad Reza Hoshmand</b>, born on 7 December 1957;</p> <p>35. <b>Abbas Mohammadi</b>, born on 20 June 1960;</p> <p>36. <b>Gholamreza Mohammadzadeh</b>, born on 27 December 1953; and</p> <p>37. <b>Abbas Hussein Fili</b>, aged 39.</p> <p>All of them are now being held at the police station of Khalis, Diyala province.</p> <p>On 28 July 2009, 37 residents of Ashraf camp were arrested by the police when they protested against the establishment of a police station in the camp. At least 32 of them were then transferred to the police station of Khalis, where they were allegedly beaten by the police with wooden truncheons and metal cables on their chests, heads and hands, which resulted in seven persons being seriously injured (broken arms,</p> |                     |

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|      |         |         |      |                                | <p>hands and fingers; fractures of back and head bones). They were later taken to the Iraqi army battalion compound just outside Ashraf, where they were put in a cell of 12 sq m.</p> <p>During a transfer, one of the men, Ebrahim Malaipol, attempted to enter the back of a pickup truck, but was allegedly hit on his head by an officer of the Scorpion Special Force. As a result, he sustained a head injury and is in urgent need of medical treatment. Overall, at least seven persons have found to be in need of hospitalization by medical doctors, but they remain without adequate medical treatment.</p>   |                     |
| 152. |         | 1/10/09 | JUA  | WGAD;<br>FRDX;<br>HLTH;<br>TOR | <p><b>Persons who continue to be held at a police station in the town of Al-Khalis</b>, in Diyala Province, north of Baghdad, in spite of a release order issued by the investigative judge of the criminal court of Diyala Province. The investigative judge confirmed, on 16 September 2009, his previous ruling of 24 August 2009 ordering the release of these persons on the grounds that they had no charges to answer.</p> <p>The public prosecutor, who had appealed the investigative judge's first ruling, is said to have had no objection to their release without charge. However, for unknown reasons, the local police authorities in the town of Al-Khalis continue to refuse to release the detainees. Police authorities have not provided any reason or legal justification for the continued detention of these persons.</p> <p>Fears have been expressed concerning a possible forcible return of these Iranian nationals to Iran in circumstances where they would be at risk of serious human rights violations, including execution and torture.</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
|------|---------|------|------|---------|---|---------------------|
|      |         |      |      |         | <p>The above-referred persons are:</p> <ol style="list-style-type: none"> <li>1. Jalil Gholamzadeh Golmarzi Hossein, born on 10 July 1964;</li> <li>2. Azizollah Gholamizadeh; born on 18 November 1955;</li> <li>3. Homaun Dayhim, born on 5 May 1956;</li> <li>4. Mohammad Ali Tatai, born on 2 February 1954;</li> <li>5. Mohammad Reza Ghasemzadeh, born on 12 December 1956;</li> <li>6. Iraj Ahmadi Jihonabadi, born on 18 February 1954;</li> <li>7. Jamshid Kargarfar, born on 2 February 1956;</li> <li>8. Ebrahim Komarizadeh, born on 18 December 1959;</li> <li>9. Javad Gougerdi, born on 5 March 1950;</li> <li>10. Mehrban Balae, born on 10 April 1963;</li> <li>11. Hamid Ashtari, born on 21 March 1962;</li> <li>12. Mehdi Zare, born on 25 March 1967;</li> <li>13. Mehdi Abdorrahimi, born on 10 June 1963;</li> <li>14. Hossein Sarveazad, born on 22 July 1960;</li> <li>15. Hossein Farsy, born on 20 June 1964;</li> <li>16. Ali Tolammy Moghaddam, born on 28 December 1960;</li> <li>17. Seyyed Hossein Ahmadi Djehon Abadi, born on 15 November 1956;</li> <li>18. Karim Mohammadi, born on 1 April 1961;</li> <li>19. Mir Rahim Ghorayshy Danaloo, born on 14 April 1964;</li> </ol> |                     |

| Para | Country | Date    | Type | Mandate               | Allegations transmitted   | Government response |
|------|---------|---------|------|-----------------------|---|---------------------|
|      |         |         |      |                       | <p>20. Asad Shahbazi, born on 9 September 1958;</p> <p>21. Moshfegh Kongi, born on 21 March 1963;</p> <p>22. Ahmad Tajgardan, born on 25 January 1963;</p> <p>23. Jalil Forghany, born on 13 September 1964;</p> <p>24. Ebrahim Malaipol, born on 21 March 1967;</p> <p>25. Gholam-Reza Khorrami, born on 25 November 1955;</p> <p>26. Mohsen Shojaee, born on 15 April 1963;</p> <p>27. Omid Ghadermazi, born on 5 March 1968;</p> <p>28. Manouchehr Majidi, born on 19 February 1977;</p> <p>29. Hassan Besharati, born on 26 May 1962;</p> <p>30. Ezat Latifi, born on 1 September 1981;</p> <p>31. Mostafa Sanaie, born on 27 March 1955;</p> <p>32. Habib Ghorab, born on 24 March 1952;</p> <p>33. Rahman Haydari, born on 1 December 1962;</p> <p>34. Mohammad Reza Hoshmand, born on 7 December 1957;</p> <p>35. Abbas Mohammadi, born on 20 June 1960;</p> <p>36. Gholamreza Mohammadzadeh, born on 27 December 1953; and</p> <p>37. Abbas Hussein Fili, aged 39.</p> <p>It was further said that most of these persons are in a poor state of health and have been denied adequate medical treatment.</p> |                     |
| 153. |         | 1/10/09 | JAL  | HLTH;<br>SUMX;<br>TOR | <b>Alleged excessive use of force by Iraqi security forces during an operation on 28 and 29 July 2009 in Camp Ashraf, resulting in the death of eleven residents of Camp Ashraf and</b>   |                     |

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|      |         |      |      |         | <p><b>the wounding of over 200.</b></p> <p>On 28 and 29 July, hundreds of Iraqi army soldiers and police officers conducted an operation in Camp Ashraf with the goal of establishing a police station within the camp. Humvees and bulldozers were used to destroy fences and walls surrounding the camp. It is reported that the Iraqi armed forces also recklessly drove at high speeds through gathered crowds, running over some of the individuals. When the Iraqi security forces tried to enter the camp, they clashed with hundreds of unarmed residents who had formed a human chain. They subsequently clashed with camp residents within the camp. The Iraqi security forces made use of different means in order to disperse the crowd including water canons, batons, metal rods, cricket bats, chains, sickles, axes, teargas and sound grenades. It is reported that the Iraqi security forces also made use of firearms against the camp residents and that the shooting was targeted.</p> <p>The operation resulted in the death of eleven camp residents including six by gunshot and the wounding of several hundred, some of which sustained grave injuries. Those injured include 23 individuals presenting gunshot wounds and 25 presenting injuries sustained from being hit or run over by vehicles. It is reported that some of the dead were intentionally killed having been struck by a single bullet to the head or chest.</p> <p>The security forces allegedly prevented Iraqi doctors from entering Camp Ashraf during the operation and for several days afterwards. Multinational forces were only allowed to evacuate the wounded on the third day. The Camp Ashraf ambulance was also shot at several</p> |                     |

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|      |         |          |      |                       | <p>times during the attack as doctors present in the camp were trying to take the wounded residents to Camp Ashraf hospital. It is reported that lack of timely access to medical treatment may have contributed to the death of some of the camp residents.</p> <p>Furthermore, Iraqi armed forces allegedly took a large number of goods belonging to the residents, including generators, fans, tables, chairs and cars.</p> <p>Some 800 to 1.000 members of the Iraqi security forces participated in the operation. They reportedly originate from a number of units including army units based around Camp Ashraf and from Baghdad, police units from Diyala province and Iraqi army Special Forces.</p> |   |
| 154. |         | 21/10/09 | JUA  | IJL;<br>SUMX;<br>TOR  | <p><b>Use of the death penalty in Iraq since May 2009.</b> Reports that were made available indicate that on 3 May 2009, 12 death row inmates were hanged and, again, on 10 June, 18 men and 1 woman, Qassima Hamid, were hanged in secret. We are also informed that currently as many as 1,000 persons may be on death row in Iraq, of whom 150 are reported to have exhausted all judicial remedies and to be at imminent risk of execution. We have neither been informed of the names of these persons nor of the charges on which they were convicted, nor have we been made aware of any details of their trials.</p>   | A reply was received from the Government on 22/12/09, but could not be translated in time for inclusion in this report. |
| 155. |         | 1/12/09  | JUA  | WGAD;<br>TERR;<br>TOR | <p><b>A group of persons arrested and held in secret detention for prolonged periods</b> in connection with accusations against <b>Mr. A. D.</b>, a former member of Parliament, namely <b>Mr. O. I. J.</b>, aged 20; <b>Mr. R. I. J.</b>, aged 31; <b>Mr. A. K. A. A. M.</b>; nine individuals arrested on 22 February 2009 and still in detention: <b>Mr. A. K. K.</b>; <b>Mr. R. A. K.</b>; <b>Mr. W. I. J.</b> <b>Mr. F. J. T. Y.</b>;</p>   |   |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
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|      |         |      |      |         | <p><b>Mr. A. A. T. Y.; Mr. S. A. B.; Mr. H. K. B.; Mr. M. M.; and Mr. M. H. G.</b></p> <p>Mr. Ryad Ibrahim Jasem was arrested on 11 February 2009, at around 9:00 a.m., not far from his home by a group of Iraqi armed soldiers. Upon arrest, he was violently handcuffed and blind-folded. The soldiers then searched his house, destroyed all the furniture and took a considerable sum of money. Mr. A. K. A. A. M. was arrested on 17 February. Whereas their whereabouts are unknown, unofficial sources indicate that they are held in the Baghdad Brigade prison in the Green Zone, where they were subjected to ill-treatment and threats against them and their families.</p> <p>In the morning of 22 February, under the orders of a colonel, officers from the 2nd Battalion of the 54th Brigade linked to the Baghdad Brigade surrounded Mr. A. D.'s office and arrested the above listed nine individuals, and Messrs. M. K. F., A. M. K., and H. K. I., aged 27, who were later released. They asked for the identity cards of everybody present at the office. Mr. K. collected all the cards and passed them over to the colonel, who refused to explain why he had asked for them. The colonel then went back to his car, where he remained for over an hour. Following this, a force of 40 men from the Baghdad Brigade attacked the office. They tied the hands of the eleven individuals present in the office, blindfolded and beat them. When the eleven requested to see the arrest warrants, the officers stated that they did not need such orders, as they were subordinate to the Prime Minister's Office. The colonel called the official television channel (Al Iraqiya), which came to record the event. The soldiers then collected all the documents in the office including the</p> |                     |

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|      |         |      |      |         | <p>petitions from the alleged victims, as well as the licensed weapons. Subsequently, the group was taken to a place later identified as Al-Muthana Airport, where the base of the Baghdad Brigade is located. The individuals were put in single cells. In the early hours of 23 February, they were transferred to another Baghdad Brigade location in the Green Zone. Upon arrival there, the group was informed of the accusations against the individuals: supporting the insurgents and providing them with weapons; transferring explosives; bombing cars; and killing and evicting people from their homes; and participating in the bombing of Parliament in 2007.</p> <p>Mr. O. I. J. was arrested on 25 February, together with Mr. O. H. M., aged 28, and Mr. H. G. M., aged 38, who have subsequently been released. Following their arrests, the three men were taken to the Anti-Terrorism Directory in Al-Masbah District under the Ministry of Interior, headed by a general, where they were not interrogated, but were subjected to ill-treatment. On 10 March, the small group was transferred to the Baghdad Brigade Prison, located in the Green Zone. Two months later, in May, interrogations started. Mr. O. M. and Mr. H. M. learned that they were suspected of having put on fire a commercial centre in Al-Shorja Bazaar and of killing 53 people in Diyala Governorate.</p> <p>All the persons arrested in connection with Mr. A.D. were held in incommunicado detention at Baghdad Brigade prison in the Green Zone, without notification of their families or their location, at least until May 2009 but the location of some is still not known. They were severely ill-treated, including beaten with cables,</p> |                     |

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|      |         |      |      |         | <p>suspension from the ceiling with either the feet or hands upwards for up to two days, or electroshocks. Some had black bags put over their heads and were suffocated for several minutes until their bodies became blue, several times in a row. Some had plastic sticks introduced in the anus. They were also threatened with the rape of members of their families. They were forced to sign and fingerprint pre-prepared confessions, which a major came to collect on 24 February. As a result of the ill-treatment, several of them had visible injuries on several parts of their bodies. Many have lost considerable weight. Mr. R. I. J. suffers from liver failure as a result of the torture sustained.</p> <p>Among those named as responsible for the torture are the commander of Baghdad Brigade prison, a colonel and a major aged 25.</p> <p>On several instances, when human rights commissions or prosecutors came to inquire about the torture allegations, the Commander of the Brigade threatened to kill them if they raised any allegations and refrain from complaining. A medical doctor who visited them also beat them and forcibly put cream on their injuries.</p> <p>When some of the detainees were presented before an investigating judge in May, he ignored the allegations of torture and sent them back for further interrogations. In mid-June, after having been threatened again, the Al-Dainy guards were gathered and taken to a caravan in front of a man wearing a mask, who they recognized as the investigator. They had to sit down in front of the camera and were asked about their treatment. They all answered that they had not been tortured, that they had been treated well and that</p> |                     |

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|      |         |                            |      |         | <p>the food was perfect.</p> <p>On 4 May, Mr. K. was transferred from the military camp to Atasfirat Prison near the Al-Shaab stadium in the Green Zone and allowed to meet with a lawyer on 12 May. On 3 June, he was taken to Al-Baladeyat Prison and released on 15 July, without ever having been put on trial for the offences of which he had been accused. Mr. M. K. F. was released on 22 June. The whereabouts of the remaining nine individuals arrested on 22 February (Mr. A. K. K.; Mr. R. A. K.; Mr. W. I. J.; Mr. F. J. T. Y.; Mr. A. A. T. Y.; Mr. S. A. B.; Mr. H. K. B.; Mr. M. M. and Mr. M. H. G.) are still unknown. They are presumed to be detained in Baghdad Brigade Prison and in Al-Tasferat Prison in the Green Zone.</p> <p>Mr. I. was released on 18 May, Mr. O. M. on 16 July, and Mr. H. M. on 17 September. Furthermore, Mr O. J. was transferred on 30 September to a detention facility for minors, the Al-Ahdath Prison in the Al-Eskan/Tobchi area. He was able to meet with his parents on 4 October.</p> |   |
| 156. | Ireland | Follow-up to earlier cases |      |         | <p><b>P. I., N. and J.</b>, (A/HRC/10/44/Add.4, para. 174 and A/HRC/10/44/Add.4/Corr.1)</p>   | <p>By letter dated 03/03/09, the Government indicated that Mrs. I. has been afforded every opportunity to have her case examined and subjected to judicial scrutiny.</p> <p>By letter dated 11 February 2009, the European Court of Human Rights formally communicated the application of Mrs. I. and her daughters and has invited the Government to submit written observations on the admissibility and merits of the complaints by 22 April 2009. The European Court requested that Mrs. I. and her daughters not be deported until further notice, to which the Government</p> |

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|      |         |      |      |         |                         | <p>of Ireland replied favourably.</p> <p>Applications for asylum are initially processed by the Office of the Refugee Applications Commissioner, with a right of appeal to the Refugee Appeals Tribunal. Applicants also enjoy a right of access to the Courts to seek to have the decisions of either body judicially reviewed by the High Court. Where the Minister proposed to make a deportation order, he or she shall notify the person concerned in writing of the proposal and reasons for it. A person so notified may submit representations to the Minister within 15 days as to why a deportation order should not be made. Any representations made, along with all other information available to the Minister must be considered prior to making a deportation order.</p> <p>The risk of refoulement must be specifically considered by the Minister prior to the making of a deportation order and where the risk arises, an order will not be made.</p> <p>Asylum seekers in Ireland are entitled to obtain legal advice and assistance from the Refugee Legal Service at all stages of the asylum process.</p> <p>On 20 January 2005, Mrs. I. presented a claim based on fear for the lives of her daughters, as a result of Mrs. I.'s husband's family's threats to carry out female genital mutilation (FGM) on her daughters. Mrs. I. claimed that she had a daughter who died in July 1994 as a result of blood loss associated with FGM.</p> <p>On 24 February 2005, the Office of the Refugee Applications Commissioner (ORAC)</p> |

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|      |         |      |      |         |                         | <p>recommended that Mrs. I. and her daughters not be declared eligible for refugee status. It was determined that State protection against FGM is available in Nigeria and that it was open to Mrs. I. and her daughters to relocate internally.</p> <p>Mrs. I. and her daughters appealed this finding and on 22 June 2005, the Refugee Appeals Tribunal affirmed the recommendation of ORAC. The applicants did not seek to have these decisions judicially reviewed, despite having full legal representation. Thus the decision that they do not have refugee status has never been questioned by Mrs. I. and her daughters.</p> <p>On 13 Spetember 2005, the Department of Justice Equality and Law Reform wrote to Mrs. I. and her daughters, informing them that the Minister proposed making Deportation Orders for them and afforded Mrs. I. and her daughters several options, one of which was to make written representations within 15 days for temporary leave to remain in the State. On 23 November 2005, Deportation Orders were signed.</p> <p>Mrs. I. and her daughters were notified of the requirement to report to the Garda National Immigration Bureau (GNIB), but they failed to present themselves. Mrs. I. had gone into hiding, and her daughters were taken into care by the North Western Health Board under the Health Service Executive and were subsequently made the subject of interim care orders. Mrs. I. was apprehended by the Irish National Police Service on 12 January 2006 and placed in detention in Mountjoy Women's Prison.</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response  |
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|      |         |      |      |         |                         | <p>On 13 and 18 January 2006, applications were made to the High Court for an extension of time to institute proceedings and leave to bring Judicial Review Proceedings against the Deportation Orders. On 23 January 2006, the Minister issued an order not to deport Mrs. I. pending the determination of the judicial review proceedings challenging the deportation orders, and granted her conditional release from detention.</p> <p>The High Court granted leave by way of judicial review on 12 December 2006 and made an order extending the time for bringing the proceedings challenging the Deportation Orders. On 30 January 2008, the High Court refused Mrs. I. and her daughters' application for judicial review.</p> <p>An application for a certificate for leave to appeal this judgement was made on 6 March 2008. By judgment dated 13 March 2008, the High Court determined that there was no point of law of exceptional public importance and that it was not desirable in the public interest for Mrs. I. and her daughters to be allowed to appeal the case to the Supreme Court.</p> <p>On 4 March 2008, Mrs. I. and her daughters applied to the Minister to exercise his discretion to allow them to apply for subsidiary protection under the Regulations. As persons in respect of whom deportation orders were signed before the coming into force of the Regulations on 10 October 2006, Mrs. I. and her daughters were not automatically entitled to apply for subsidiary protection. However, the Minister may exercise discretion where an individual has</p> |

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|      |         |      |      |         |                         | <p>identified new facts or circumstances which demonstrate a change of position from that which pertained at the time the deportation order was made. On 19 March 2008, the Minister refused to exercise his discretion in this regard. Following this refusal, Mrs. I. and her daughters' solicitor sought an undertaking from the Department for a period of 14 days so that they would not be deported and to allow adequate time to seek their Counsel's advice in light of the holiday period, which the Department refused.</p> <p>On 20 March, the High Court granted Mrs. I. and her daughters leave to judicially review certain aspects of the refusal of the Minister. The Court also granted an injunction pending trial. The Minister subsequently sought an adjournment to add this case to a series of subsidiary protection test cases raising similar issues. Mrs. I. and her daughters objected as they wished the case to be heard separately.</p> <p>On 14 October 2008, the High Court delivered its judgment in separate proceedings and upheld the judgment. On 18 November, the High Court refused an application on behalf of Mrs. I. and her daughters for an order continuing the injunction restraining their deportation. They also lodged an appeal to the Supreme Court, which has not yet been listed for hearing.</p> <p>On 27 January 2009, the High Court refused all reliefs sought by Mrs. I. and her daughters. They indicated an intention to seek to appeal this decision to the Supreme Court, but no papers have been filed. On 11 September 2008, a case was lodged with the ECHR. On 18 November 2008, an interim measure was</p> |

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|      |         |          |      |               |  | <p>issued indicating that they should not be deported before midnight on 10 December 2008. This was prolonged until further notice. On 11 February, the ECHR formally communicated the case to the Government, requesting observations on admissibility and merits by 22 April 2009.</p> <p>With regard to the measures and safeguards taken to ensure the protection of Mrs. I. and her daughters' rights should they be deported, it is worth noting that asylum has been granted in certain cases where FGM was one of the issues and lack of state protection, together with a lack of an internal flight alternative is confirmed by country of origin information. In this case, following an extensive consideration of country of origin information, as well as a consideration of the specific circumstances of Mrs. I. and her daughters, it was determined that state protection is available in Nigeria. Mrs. I. and her daughters did not seek to avail of state protection, and nothing prevents them from internally relocating in Nigeria.</p> <p>Further, it is still open for Mrs. I. and her daughters to make an application pursuant to the Refugee Act to be re-admitted to the Asylum process or an application to have the Deportation Order revoked. This may be granted where there is a realistic prospect that favourable view could be taken of the new asylum claim or where new facts arise or there is a change of circumstances since the time that the deportation order was made which may give rise to a risk of refoulement.</p> |
| 157. | Japan   | 19/03/09 | JUA  | IJL;<br>SUMX; | <b>Five men allegedly at imminent risk of execution: Messrs. Yamaji Yukio</b> , born 1983, | By letter dated 15/04/09, the Government indicated that they refrain from referring to   |

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|      |         |      |      | TOR     | <p><b>Shinozawa Kazuo</b>, born 1952, <b>Zoda Hiroshi</b>, born 1976, <b>Maegami Hiroshi</b>, born 1971, and <b>Ogata Hikei</b>, born in 1980. The five men were convicted. There are concerns regarding the fairness of post-conviction proceedings in death penalty cases, suggesting that there is a substantial risk of a violation of the procedural safeguards of the right to life of Yamaji Yukio, Shinozawa Kazuo, Zoda Hiroshi, Maegami Hiroshi and Mr. Ogata Hikei. A refusal to provide Yamaji Yukio, Shinozawa Kazuo, Zoda Hiroshi, Maegami Hiroshi and Mr. Ogata Hikei, their families and lawyers, with timely and reliable information on when any planned execution will take place is highly likely to lead to violations of due process rights. It would also constitute, as clearly stated by the Human Rights Committee and the Committee Against torture, inhuman and degrading treatment.</p> | <p>any individual inmate sentenced to death and that they do not have any knowledge about the reason behind the litigation acts of the defendants.</p> <p>In the Japanese criminal proceedings, the appeal to a higher court is broadly applicable to conviction and sentencing under a three-tiered judicial system. The defence counsel, who is appointed in all death penalty cases, is also given the right to appeal. Moreover, appeals to a higher court have been filed in many cases where a death penalty sentence is issued. Therefore, the Government does not consider it necessary to establish a mandatory review system.</p> <p>When an execution is issued, the circumstances are thoroughly examined in the request of retrial and appeal for pardon, paying due regard to the gravity of the penalty. However, it would be impossible to execute the death penalty if the inmate sentenced to death repeats retrial requests. No appropriate criminal proceedings would be achieved in such a scenario. Thus, the Government of Japan believes that it would be inappropriate not to issue an order to an inmate sentenced to death while the procedure of request of retrial or appeal is pending.</p> <p>An inmate sentenced to death is notified of their execution on the day it is due to take place. The reason behind this practice is the concern that they could become emotionally unstable and suffer from serious emotional distress if they are notified in advance. In addition, the similar concerns could be raised if the family members were notified in</p> |

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|      |            |          |      |              |   | advance. For these reasons, the Government believed that the current practice is unavoidable and does not violate the International Covenant on Civil and Political Rights. Concerning the treatment of inmates sentenced to death, they are appropriately treated under the Act on Penal Detention Facilities and Treatment of Inmates and Detainees. The Government of Japan will continue to make efforts to improve their treatment. |
| 158. | Kazakhstan | 23/12/08 | JUA  | SUMX;<br>TOR | <p><b>Majeed Ibrahim Hamo and Saeed Khalil, believed to be at imminent risk of execution.</b> Mr. Hamo and Mr. Khalil were sentenced to death in May 2007 by a criminal court in Dohuk, for the murder of two people in March 2006. In January 2008 the Cassation Court in Dohuk upheld the sentences and sent them to be ratified by President of the Kurdistan Regional Government Mas'ud Barzani.</p> <p>After his arrest in 2006, Majeed Ibrahim Hamo is reported to have been subjected to torture by Asayish (Security) personnel as a result of which he sustained a broken shoulder and was burnt all over his body with cigarettes. The allegations of torture were raised by his lawyer during the trial. The doctor who carried out a medical examination on him two to three months after his arrest wrote a letter to the court stating that the results of the examination were inconclusive.</p> |  |
| 159. |            | 15/05/09 | UA   | TOR          | <p><b>A number of prisoners at AK 159/7 strict regime colony in Dolinka, Karaganda Oblast.</b></p> <p>On 13 May 2009, 18 prisoners cut their abdomens to draw attention of the public to their situation. They indicated that they could not stand the ongoing ill-treatment by the prison</p>  | A reply was received from the Government on 28/08/09, but could not be translated in time for inclusion in this report.  |

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|      |            |          |      |         | <p>administration and that they proceeded to this act once they realized that, contrary to earlier announcements by the prison administration, Mr. Nowak would not visit AK 159/7 colony. It is alleged that all of these prisoners still bear signs of beatings by prison guards.</p> <p>Four of the 18 prisoners were hospitalized. Two of them released soon after and two are still in hospital. The other 16 involved in the action have been transferred to punishment cells (SHIZOs).</p> <p>According to recent reports, other prisoners continue to mutilate themselves.</p>   |  |
| 160. | Kyrgyzstan | 02/04/09 | UA   | TOR     | <p><b>Mr. Taalajbek Kurmanbekov</b>, currently detained in Jalal-Abad prison. On 4 February 2009, Mr. Taalajbek Kurmanbekov was arrested by private security guards at a market in Jalal-Abad on suspicion of theft. On 5 February, he was transferred to Jalal-Abad Criminal Investigation Department, where police officers reportedly severely beat Mr. Taalajbek Kurmanbekov with rods to force him to confess. The confession thereby obtained allegedly served as the basis for authorizing pre-trial detention for a month on 6 February 2009.</p> <p>A complaint about the ill-treatment was filed with the public prosecutor of Jalal-Abad (including a picture showing signs of beatings). However, no investigation has yet been initiated, and Mr. Taalajbek Kurmanbekov has not been examined by an independent doctor or received any medical treatment. Furthermore, he was threatened, in case he decided to pursue his complaints.</p> | <p>By letter dated 03/07/09, the Government indicated that on the night of 3 February 2009, Taalaibek Aidarbekovich Kurmanbekov and another man were caught attempting to steal from a shop located on Chekhov Street in Jalal-Abad, and were arrested by employees of a private security. Mr. Kurmanbekov resisted arrest and was in a state on inebriation. On 4 February, the shop's owner filed a declaration on the basis of which proceedings were instituted. A declaration was also filed concerning a theft at another shop located on the same street. As a result, another criminal case was instituted.</p> <p>The suspects were questioned in the presence of counsel and stated that they had jointly committed the above-mentioned thefts. On the basis of these statements, the two criminal cases were combined into a single proceeding. The suspects were placed in a temporary holding facility of the internal affairs office. On 6 February, charges were brought against the suspects and the judge ordered that they be kept in preventive</p> |

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|      |         |          |      |                |  | <p>custody.</p> <p>On 3 June, the Jalal-Abad City Court found both men guilty and sentenced them to two years' deprivation of liberty.</p> <p>On 9 February, the counsel for the accused submitted an application to the Office of the Procurator alleging that Mr. Kurmanbekov had been subjected to physical violence. Criminal proceedings were instituted on 16 February and the case was referred to the investigations department for further inquiry.</p> <p>On 6 February, at the sight of the bruises on the suspect's body, the investigators asked him whether he had suffered any physical violence during his arrest; he replied in the negative. During questioning, Mr. Kurmanbekov testified that he had been beaten by four individuals. However, when confronted by them, he was unable to identify them. Investigations concluded that the victim's claim had no basis in fact.</p> <p>A forensic medical report concluded that the evaluation of the severity of the bruises on the scalp, thorax, right shoulder and left shin indicated that these were minor injuries not entailing short-term harm to health.</p> |
| 161. |         | 20/02/09 | JUA  | WGAD; IJL; TOR | <b>R. D.</b> and <b>A. R.</b> , both aged 17, are orphans under state supervision. Both were detained for the first time in March 2008. During their detention, they were ill-treated by several investigators of the Pervomaisky District Department of Interior. At the time, a criminal case was instituted against the alleged perpetrators. However, the latter were eventually released. On 4 October 2008, the same investigators re-arrested them in Bishkek and |   |

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|      |         |      |      |         | <p>took them to the Pervomaisky District police station, where they put a plastic bag over their heads pretending to choke them in order to make them confess to a crime committed on 9 September 2008. As a result of that treatment, R. D. and A. R. still suffer from headaches and psychological trauma. Their legal representatives and lawyers were not informed about their arrest. They were subsequently transferred to the Investigation Isolator for juveniles in Bishkek, where they remain until now.</p> <p>On 4 November 2008, a police officer arrested Mr. <b>Tynhtykbek Zhakypbekov</b> at his home in Karakol without a warrant using violence. He then transferred him to the Jety-Oguz police station, where four officers subjected him to severe beatings with sticks, fists and a chair on his back, feet, hips and head and threatened with breaking his backbone and rape. The objective was reportedly to make him confess to the theft of a horse. However, Mr. Zhakypbekov did not make any confession. He was hospitalized later that day. As a result of the beatings, Mr. Zhakypbekov suffered from craniocerebral injury and a concussion. He is still undergoing medical treatment in the Traumatology Division of Issyk-Kul regional hospital. On 6 November 2008, he filed a complaint with the Office of the Public Prosecutor of Issyk-Kul area and the Ombudsman of the Kyrgyz Republic.</p> <p><b>Mr. Maksat Bazarbaev</b>, a resident of Naryn, was arrested without a warrant on 8 August 2008 by three policemen from the Naryn Criminal Investigation Department, an official from the Ministry of Internal Affairs reportedly referred to as Sultan, and a policeman. He was suspected of murder. Mr. Bazarbaev was taken</p> |                     |

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|      |         |          |      |          | to Kara-Balta, where the crime had taken place. There he was handcuffed, suspended from a tree and beaten on his genitals. A plastic bag was placed on his head and he was threatened. At about 11 p.m., Mr. Bazarbaev was taken to Kara-Balta Ministry of Interior Department, where an official subjected him to beatings on his ears, feet, kidneys, and stomach. The beatings and attempted suffocation continued on the following days with the aim of obtaining a confession. As a result, Mr. Bazarbaev suffers from kidney problems, hypostasis and multiple contusions. Since 8 August 2008, he has had access to his lawyer only once. Whereas a doctor who visited him stated that Mr. Bazarbaev should be hospitalized, he was transferred back and forth from different police departments in Sukuluk, Moskovaskaya area, Issyk-Atinsk area. Mr. Bazarbaev remains in detention. |                     |
| 162. |         | 11/12/09 | JAL  | IJL; TOR | <p><b>II-treatment of detainees following the events which took place in Nookat on 1 October 2008.</b></p> <p>On 1 October 2008, the population of Nookat planned to hold an event dedicated to the Orozo Ait religious feast (Yid al Fitr) in the Central Park, which is an official holiday in Kyrgyzstan. On 27 September, the celebration was banned, but the akim of Nookat Rayon (head of administration) gave permission to celebrate the holiday at the local stadium. When people started to arrive at the stadium, they realized that the police had cordoned it off, and no explanation was given by the authorities. The people went to the headquarters of the Nookat Rayon administration, where the akim came out and urged those gathered to disperse, threatening to resort to legal measures if they did not leave</p>  |                     |

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|      |         |      |      |         | <p>within 30 minutes. During this time, several people came out of the administration building covered with blood, allegedly as a result of having been beaten by the authorities. The people outside became increasingly upset and launched an open confrontation as the police started to disperse them with batons. The police then used tear gas (cheremukha) and light-and-sound grenades (plamya). On 8 October, 32 people were detained and taken to the Nookat Police Department for their involvement in the events.</p> <p>During the initial detention period, the detainees' families were asked by law-enforcement officials to pay for the release of their relatives. According to the allegations, the property of some of the detainees was expropriated for such purposes. However, the families of the detainees were not able to see them during the investigative phase, and only saw them at the trial.</p> <p>The detainees were reportedly subjected to torture at the moment of detention, during their transfers, at the pre-trial facilities of the State Committee of National Security and at the pre-trial facility No. 5 of the Ministry of Justice.</p> <p>Ms. Zariya Karataevna Adbikarimova, who was pregnant at the time, was arrested at her home on 8 October. The police officers informed that she had to sign some papers and promised to take her back. She took her two-year-old son with her. Upon arrival at the Nookat Police Department, a police officer named Zhanysh pushed her and started to beat her in front of her child. He began to cry and was pushed out into the street. The police later called his grandmother so that she could pick him up. Ms.</p> |                     |

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|      |         |      |      |         | <p>Abdikarimova was also beaten on her legs with clubs. On the same day, she was taken to the Office of the Prosecutor of Osh and to the Department of the State Committee of State Security of Osh and Osh oblast. She was later transferred to the pre-trial prison of the State Committee of State Security, where she remained for more than six weeks. There, she met her lawyer, whom she only saw on one further occasion during the investigation.</p> <p>In the investigation room at the State Committee of State Security, Ms. Abdikarimova was forced to hold a coat rack in her hands. When her hands grew numb and she dropped it, she was heavily beaten. She was then forced to dance with Mr. Holmohammat Ergashev, one of the detainees, whose face was covered with blood. The authorities poured boiling water on his forehead, but he did not react, as he was almost unconscious. After she refused to dance with Mr. Ergashev, she was beaten. She was then asked to remove her clothes and have sex with him. In order to avoid this, she signed all the documents the authorities asked her to sign.</p> <p>That same evening, an investigator named Talant called her to the investigation room. He asked her to kiss him, and when she refused, he started to harass her. During the trial, Ms. Abdikarimova stated to the court that she had been subjected to sexual violence, but her statements were ignored. The next day, the authorities put a gas mask on her head and let cigarette smoke into the hose. They then threatened to put her on an electric chair and beat her on her feet. The following day, her head was shaven and she was forced to stand for many hours. After that, she was placed in a cell with chlorinated water. Ms. Abdikarimova</p> |                     |

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|      |         |      |      |         | <p>suffered a miscarriage as a result of the beatings. She received medical assistance, but after the doctor recommended that she stay in bed, she was taken to a cell where she was forced to stay naked ankle-deep in chlorinated water. She was also offered to drink urine and was forced to remove her head scarf and sing the Kyrgyz anthem.</p> <p>Two minors, who had also been detained, were tortured for the purpose of obtaining confessions. They were beaten and kicked on the genitals. One of the minors was forced to sit naked in a metal tub with cold water, while one end of an electric wire was placed in the water and the other was put in his hand and turned on. They also poured boiling water on his neck and beat him with a rifle butt. When the minors shouted or cried, they were gagged by the investigators. In addition, they were kept in incommunicado detention for several days, without access to their families or to a lawyer.</p> <p>Other detainees were also subjected to the following: beatings with batons on their feet and hands on their ears; suspension with their hands behind their back while they were beaten across their bodies; dousing with cold and boiling water; having plastic bags on their head; having their beards torn or burnt with a lighter; placed naked in a cold concrete room, where the floor was covered with chlorinated water for three days; prohibited from using the toilet; having their fingernails torn; having vodka poured down their throat; and having to wear a gas mask before or after doing exercises, where cigarette smoke was sometimes filtered in. In addition, some of the detainees were forced to stand in the “Afghani position”, whereby they had to stand with half-bent legs on tiptoes, with their hands</p> |                     |

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|      |         |      |      |         | <p>behind their backs, for long period of time. If the detainees tried to stand straight, they were severely beaten. Other detainees were taken to the “special room” in the Osh Department of the State Committee of National Security, where they were placed facedown in a metallic trestle bed. They were then handcuffed and beaten across their bodies. Detainees would also be forced to sit in a metal chair, their hands tied to the armrest, a metallic wire on their heads, while they were threatened with its imminent application.</p> <p>The trial was conducted by Nookat district court in Osh and not in Nookat City, which is 10 hours away by car. The trial started on 21 November. In addition, the process was postponed for several days and later resumed with very short notice. This limited the defense in terms of financial and logistical arrangements, as well as in trying to ensure the presence of witnesses and the collection of evidence. International organizations, human rights representatives and journalists were not allowed to sit in the court’s sessions. The verdict was issued on 27 November and they were all convicted. The appeal process began on 17 January, and the verdict was only modified in the case of a minor. It is alleged that there was not a thorough consideration of the complaints and circumstances of the case during the process.</p> <p>The case was appealed, and the Supreme Court issued its decision on the case on 29 May, whereby more than 10 sentences were reduced by a maximum of five years, two minors had their sentences reduced from 20 to five years, two women had their sentences reduced from 16 to seven years, and two charges were dropped.</p> |                     |

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|      |         |                            |      |         | However, there were certain irregularities in the process before the Supreme Court. The defendants were not allowed to participate in the hearing, which according to the information received, is the practice in Kyrgyzstan. In addition, the evidence and confessions allegedly obtained under torture and ill-treatment were used in Court. Finally, despite the fact that all of the evidence had been destroyed following the hearing at the second instance, the prosecution based its case on this evidence at the Supreme Court. |  |
| 163. |         | Follow-up to earlier cases |      |         | <b>Maksim Kuleshov</b> (A/HRC/10/44/Add.4, para. 131).  | <p>By letter dated 24/02/2009, the Government indicated that on 23 October 2008, at approximately 3:30 p.m., Mr. M. G. Kuleshov held an unauthorized meeting on the southwestern side of the Kyrgyz Republic's Government House. Ten minutes after, he was detained by officers from the Bishkek Central Internal Affairs Department and taken to the May Day district police station in Bishkek. Within three hours, the evidence concerning his case was transferred for review to the May Day district court. The court found Mr. Kuleshov guilty of having committed an administrative offence and was fined.</p> <p>On 2 December 2008, Mr. Kuleshov was detained near the premises of the Ministry of the Interior. The Bishkek district court fined him. On 5 December, the Bishkek May Day district procurator's office received notice of action taken by Mr. Kuleshov against the police officers who detained him. The notice was reviewed by the procurator and no charges were brought against them for lack of evidence. A review by the procurator did not yield any evidence of violations or of</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted                               | Government response   |
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|      |         |      |      |         |   | unlawful activities against Mr. Kuleshov.   |
| 164. |         |      |      |         | <b>Erkin Kholikov</b> (A/HRC/10/44/Add.4, para. 133). | <p>By letter dated 08/09/08, the Government informed that on 21 January 2008, the Office of the Procurator-General of Kyrgyzstan received a request from the Office of the Procurator-General of Uzbekistan for the extradition of Mr. Erkin Tursinpulotovich Kholikov to face criminal charges for terrorism; attacks on the constitutional order of the Republic of Uzbekistan by or on behalf of an organized group; illegal departure from or entry into the Republic of Uzbekistan by prior conspiracy; organization of a criminal group; and formation, leadership of or participation in religious extremist, separatist, fundamentalist or other prohibited organizations.</p> <p>On 5 February 2008, the Office of the Procurator-General of Kyrgyzstan rejected the Uzbek request for Mr. Kholikov's extradition, as a criminal case had been brought against him in Jalal-Abad municipal court for crimes committed in the territory of Kyrgyzstan.</p> <p>Having heard the criminal case, the Jalal-Abad municipal court on 6 March 2008 issued a verdict finding Mr. Kholikov guilty of concealment of a particularly serious crime and illegal border crossing and sentencing him to four years' deprivation of liberty, to be served in an open prison.</p> <p>We should also like to report that prior to the decision on Mr. Kholikov's extradition to Uzbekistan, neither the Office of the United Nations High Commissioner for Refugees nor the State Committee of the Kyrgyz Republic on Migration and Employment (the</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response   |
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|      |         |      |      |         |                         | <p>Committee) had sent the Office of the Procurator-General of Kyrgyzstan any petitions on his behalf.</p> <p>On 26 March, the request from the Office of the Procurator-General of Uzbekistan for Mr. Kholikov's extradition to stand trial for criminal offences was granted, in accordance with article 56, part 2, of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993. On 14 May, he was transferred to the SIZO-3 remand centre in Bukhara.</p> <p>At the same time, the Ministry received the reply concerning Mr. Kholikov's application to the Committee. The letter states that on 30 April 2008, Mr. E. T. Kholikov had applied for registration as an asylum-seeker to the Committee of the town of Osh, through a lawyer working for the International Protection Centre. In the application, he claimed that he was endangered by the Uzbek intelligence service. However, the application provided no specific details or reasons for this threat. In order to examine the case, the court file was requested, and consultations were held with the Office of the Procurator-General.</p> <p>It was thus established that on 6 March 2008, Mr. Kholikob received a four-year sentence from the Jalal-Abad municipal court for concealing crimes carried out in southern Kyrgyzstan in 2006 by a group of militants of the Islamic Movement of Uzbekistan, an international terrorist organization, and for illegally crossing the border. The extradition department of the Office of the Procurator-General of Kyrgyzstan reported that an</p> |

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|      |         |      |      |         |   | <p>extradition request had been filed by the Office of the Procurator-General of Uzbekistan. Pursuant to that request, the Office of the Procurator-General of Kyrgyzstan decided to extradite Mr. Kholikov on 26 May 2008. In addition, it was established that Mr. Kholikob arrived in Kyrgyzstan on 25 June 2007. Between 25 June and 21 August 2007, he entered Uzbek territory several times but was neither arrested nor prosecuted. He did not apply for asylum before his arrest or during his trial.</p> <p>It thus follows that Mr. Kholikov did not enter Kyrgyzstan in search of asylum, but only sought it after the decision regarding his extradition. In light of these circumstances, the Osh Committee did not register Mr. Kholikov as an asylum-seeker. According to information received from the head of the SIZO-5 remand centre in Osh, Mr. Kholikov was transferred to Uzbekistan on 15 May 2008.</p> <p>On 6 May 2008, the International Protection Centre filed an application with the Osh provincial inter-district court, which on 22 May partially satisfied the Centre's request. The court declared that the action taken by the staff of the Committee was not in keeping with the domestic legislation.</p> |
| 165. |         |      |      |         | <p><b>Gairat Torakeldiev, Kamalov Erkin Egamberdievich, Ms. Ibragimova Rukia Abdumomunova and Tahir Kimsanbaevich Adashev</b> (A/HRC/10/44/Add.4, para. 134).</p> | <p>By letter dated 17/11/08, the Government indicated that on 20 June 2006, two military officers made fun of G. Torakeldiev, a more recent recruit. They beat him up and stubbed out cigarettes on his right forearm and left leg. A forensic examination showed that Mr. Torakeldiev had suffered a minor injury. Criminal proceedings were instituted by the</p>  |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response  |
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|      |         |      |      |         |                         | <p>Batken garrison military procurator's office. On 9 August 2007, both officers were sentenced to three years deprivation of liberty, but the sentenced was remitted under the Amnesty Act of 2 March 2007. The victim appealed the verdict, but it was upheld by the military court of the Kyrgyz Republic.</p> <p>On 5 December 2006, a complaint was filed at the Osh garrison military prosecutor's office concerning Mr. E. Kamalov, who had allegedly been beaten up by fellow servicemen. An initial investigation was carried out, and it showed that on 1 November 2006, E. Kamalov left his post without permission and went into hiding. Other servicemen made clear that he had not been treated in any irregular fashion by the other officers. A local physician who examined Mr. Kamalov on 6 November 2006 indicated that no physical injuries were found at the time. A trauma specialist who examined him on 9 November did not find traces of burns or stab injuries. Because the complaint lacked corroboration, no criminal proceedings were started.</p> <p>On 10 July 2006, an investigative task force comprising security agents and internal affairs officers of Jalalabad province entered Ms. R. Ibragimova's home, in the context of a criminal investigation. More than ten persons present in the home were armed members of a terrorist organization. Many of them had been previously wanted for criminal acts. On 1 September, a press release issued by the Human Rights Commission (HRC) stated that Ms. Ibragimova had been beaten up in the corridor of the detention unit. However, at the time of the HRC's visit, Ms. Ibragimova had</p> |

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|      |         |      |      |         |                         | <p>been in a psychiatric hospital. The procurator's office made an initial investigation, and Ms. Ibragimova denied that the officers had used force against her. In addition, no oral or written complains were filed by her or her family.</p> <p>On 27 September, she had a forensic psychiatric examination, during which her health deteriorated, so she was taken to the Tash-Kumyr city hospital. According to a certificate from the director of the hospital, Ms. Ibragimova underwent an abortion because of a danger of miscarriage caused by psychological stress. However, no signs of violence were found. On 6 March 2008, her sentence was converted from three years imprisonment to three years probation.</p> <p>On 17 September 2006, a corpse bearing signs of a violent death was discovered on the main road that leads from Bishkek to Osh. The investigation established that the crime had been committed by T. Adashev. During the investigation, Mr. Adashev made a full confession in the presence of a lawyer, admitting to the murder. Further proof was also found of Mr. Adashev's involvement in the murder. On 19 November 2006, he was sentenced to 17 years deprivation of liberty. On 25 December, Mr. Adashev's father complained that his son had been beaten up during the investigation. However, a forensic examination found no injuries on Mr. Adashev and no criminal proceedings were instituted.</p> <p>An additional reply was received from the Government on 12/01/09, but could not be translated in time for inclusion in this report.</p> |

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| 166. |         |          |      |                   | <b>Ms. N. T.</b> (A/HRC/10/44/Add.4, para. 135).  | A reply was received from the Government on 4/12/09, but could not be translated in time for inclusion in this report.  |
| 167. | Lebanon | 27/01/09 | JUA  | WGAD;<br>IJL; TOR | <p><b>M. Fadi Sabunah</b>, âgé de 25 ans, demeurant Bab al-Raml à Tripoli. Il aurait été arrêté le 5 octobre 2008 par le Comité de sécurité collectif palestinien sans mandat de justice dans le camp de réfugiés de Beddawi, près de Tripoli. Il aurait ensuite été transféré au service de renseignement de l'armée libanaise et accusé de liens avec une cellule responsable d'attaques ayant visé l'Armée à Abdeh en mai 2008 et à Tripoli en août et septembre de la même année.</p> <p>Gardé pendant une journée au poste militaire de Quba à Tripoli, il aurait ensuite été transféré au ministère de la défense à Al-Yarze, Beyrouth, où il aurait été détenu pendant 35 jours au secret. Le 11 novembre 2008, il aurait été emmené au poste de la police militaire d'Al-Rihania où il serait resté pendant 15 jours avant d'être retourné au ministère de la défense le 26 novembre pour de nouveaux interrogatoires. Depuis le 29 novembre 2008, il serait détenu à la prison de Roumié.</p> <p>Pendant sa détention au ministère de la défense, M. Fadi Sabunah aurait été gravement torturé, parfois près de huit heures par jour sans interruption. Il aurait notamment été suspendu les mains rattachées derrière le dos, violemment battu, forcé de rester debout pendant deux jours et privé totalement de sommeil durant cinq jours. Les officiers, dans le but de lui faire signer de faux aveux, auraient également menacé de violer sa femme devant lui. Une personne aurait participé aux interrogations au ministère de la défense.</p> <p>En dépit du fait qu'il n'a pas la qualité de</p> | <p>Par lettres datées du 13/08/09 et 26/08/09, le Gouvernement a indiqué que M. Sabounah a comparu devant le juge d'instruction judiciaire en sa qualité de mis en examen dans l'affaire de l'attentat à l'explosif qui avait eu lieu à El Tal le 15 novembre 2008. La comparution avait eu lieu le 19 novembre au cabinet du juge d'instruction à Beyrouth. M. Sabounah avait comparu non ligoté et assisté par son avocat. Il avait nié tous les chefs d'accusation qui lui ont été imputés par le Ministère public.</p> <p>Le 26 Novembre, le juge a demandé au médecin de la prison d'effectuer un examen et a renvoyé la demande au Procureur général. Le 14 Janvier 2009, il a été libéré sous caution.</p> <p>M. Sabounah a adressé une demande d'examen médical au juge d'instruction. Le 26 novembre 2008, le juge a chargé le médecin de la prison d'examiner M. Sabounah. Le jour même, le Procureur Général près la Cour cassation a donné l'ordre au directeur de la prison de Roumié de soumettre M. Sabounah à un examen médical et de rédiger un rapport sur l'état de sa santé. M. Sabounah a été examiné par le médecin de la prison. M. Sabounah ne portait aucune trace visible de torture le jour où il a comparu devant le juge. Aucune requête comportant des allégations de torture n'a été communiquée au juge d'instruction. Le Juge d'Instruction Judiciaire ne pouvait pas outrepasser ses compétences et pouvoirs pour</p> |

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|      |         |          |      |                               | <p>militaire, M. Sabunah ferait actuellement l'objet de poursuites pénales devant le tribunal militaire de Beyrouth. Le monsieur qui aurait été impliqué dans les interrogations au ministère de la défense, serait en même temps le juge d'instruction militaire chargé de mener la procédure en cours contre M. Sabunah.</p> <p>En dépit d'une demande formelle d'examen médical au juge d'instruction chargé du dossier et plusieurs rappels, aucune expertise médico-légale n'aurait été effectuée à ce jour et aucune enquête n'aurait été ordonnée.</p>  | <p>diligenter une enquête judiciaire contre les enquêteurs militaires dans cette affaire. Seul le Procureur Général près la Cour de Cassation pouvait initier une telle procédure. Le juge avait complètement rejeté du dossier de l'instruction les aveux et déclarations faits par M. Sabounah au ministère de la Défense. Le juge n'avait interrogé le détenu qu'une seule fois. Le juge avait toujours la qualité de magistrat d'instruction judiciaire auprès du Conseil judiciaire libanais et n'avait jamais occupé le poste de juge d'instruction militaire à Beyrouth. En outre, le juge n'avait assisté à l'interrogatoire mené contre M. Sabounah au ministère de la Défense par la police militaire.</p>  |
| 168. |         | 30/01/09 | JUA  | WGAD;<br>IJL;<br>TERR:<br>TOR | <p><b>Amer Abdullah Hallak</b>, âgé de 28 ans, né au Liban, de nationalité palestinienne (carte d'identité de réfugié: A 022557), résident à Sidon, aurait été arrêté le 30 décembre 2005 à Sidon derrière l'hôpital de Dalaa par des membres du service de renseignement des forces de l'ordre interne sans mandat d'arrêt. Ils auraient bandé ses yeux et l'auraient d'abord emmené au poste de police Al Bastah et ensuite dans les locaux du service de renseignement à Beirut, où il aurait été détenu pendant cinq mois. Après avoir été battu, il aurait perdu l'ouïe et il aurait été menacé. Il aurait été transféré à la prison de Roumieh le 31 mai 2006.</p> <p><b>Bora Mohammed Fouad</b>, âgé de 35 ans, nationalité syrienne, résident à Alep en Syrie et à Al Mahallet, aurait été arrêté le 3 janvier 2006 à Kornishe el Mazraa, Beirut, dans une cabine téléphonique, par des membres du service de renseignement des forces de l'ordre interne sans mandat d'arrêt. Il aurait été transféré dans les locaux du service de renseignement, où il aurait</p> | <p>Par lettre datée du 13/05/09, le Gouvernement a indiqué que le 30 décembre 2005 et le 5 janvier 2006, suite à de nombreuses informations recueillies par la section du renseignement concernant la possibilité de l'implantation de cellules terroristes au Liban depuis des États voisins et après l'obtention de l'autorisation des autorités judiciaires libanaises concernées, 13 personnes de différentes nationalités appartenant, selon les renseignements disponibles, à la section levantine de l'organisation Al-Qaïda, dont le chef de cette section, ont été arrêtées. Une grande quantité d'armes de guerre, des détonateurs électriques servant à confectionner des explosifs et des documents contrefaits ont été trouvés en leur possession. Au cours de l'enquête, les détenus ont avoué appartenir à la section levantine de l'organisation Al-Qaïda et qu'ils venaient de Syrie, dans le but d'implanter une nouvelle structure de cette organisation au Liban.</p> |

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|      |         |      |      |         | <p>été détenu pendant cinq mois en régime cellulaire au sous-sol. Là-bas, on l'aurait menacé de « traitements d'Abu Graib », privé de sommeil pendant 72 heures et forcé à rester debout pendant ce temps. Finalement, on l'aurait transféré à la prison de Roumieh. Il craint d'être renvoyé vers la Syrie et de disparaître comme M. Hamad Turkey Al Rda.</p> <p><b>Faissal Asaad Hashim Akbar</b>, âgé de 31 ans, citoyen de l'Arabie Saoudite, étudiant, résident à Ras Tanuraen en Arabie Saoudite, et à Mahallat Ramle, Beirut, aurait été arrêté le 3 janvier 2006 à Al Houda Ave, Mahallat Ain Romana, Beirut, par des membres du service de renseignement des forces de l'ordre interne sans mandat d'arrêt. Il aurait été emmené dans les locaux du service de renseignement à Beirut, où il aurait été détenu pendant à peu près cinq mois dans le sous-sol en régime cellulaire. Il aurait été battu et suspendu pendant de longues périodes. Il aurait aussi été privé de sommeil et empêché d'aller aux toilettes pendant cinq jours. Finalement, on l'aurait transféré à la prison de Roumieh.</p> <p><b>Fuad Ahmed Al Masri</b>, âgé de 39 ans, Musaytbeh, nationalité libanaise, demeurant à Route Al Djadida, aurait été arrêté le 30 janvier 2006 par des membres du service de renseignement des forces de l'ordre interne sans mandat d'arrêt. Il aurait été emmené dans les locaux du service de renseignement à Beirut, où il aurait été détenu pendant cinq mois. Il aurait été transféré à la prison de Roumieh le 31 mai 2006. Il aurait été libéré le 4 septembre 2008. Pendant sa détention, on aurait bandé ses yeux et il aurait été soumis à la technique dite du « Faruj », battu avec des barres en bois et en métal sur les jambes et les mains et forcé à rester debout</p> | <p>Les allégations des détenus selon lesquelles ils auraient été soumis à de multiples formes de torture et de violence physique sont totalement fausses, ce qui est confirmé par le simple fait que la plupart d'entre eux ont cité les noms des enquêteurs, alors que l'on sait qu'aucun enquêteur ayant fait preuve d'une brutalité telle que celle alléguée n'aurait dévoilé son nom à un inculpé, à fortiori à un membre de l'organisation Al-Qaïda. En outre, les détenus ont, au cours de leur détention, subi des examens médicaux périodiques, comme en témoigne le transfert à l'hôpital du détenu Tareq Al-Naser alors qu'il présentait un symptôme ne suscitant aucune inquiétude qu'il était possible de traiter sur place. De même, l'enquête préliminaire s'est déroulée sous la supervision de la juridiction militaire compétente à tous les stades.</p> <p>Les personnes mentionnées ont été arrêtées après qu'il a été établi qu'elles se livraient à des activités illégales et que la justice libanaise a conclu, au vu des informations disponibles, à la nécessité de les arrêter et d'ouvrir une enquête à leur sujet, ce qui a permis d'établir leur implication dans les faits qui leur sont reprochés.</p> <p>Le 16 janvier 2006, le juge d'instruction militaire a émis des mandats d'arrêt à l'encontre des personnes concernées. Le mandat d'arrêt mentionnait le lieu de détention qui est une prison légale remplissant toutes les conditions requises sur le plan humanitaire, et en ce qui concerne les conditions de vie et de sécurité.</p> <p>Les détenus n'ont formulé aucune allégation de torture et n'ont pas demandé d'être soumis</p> |

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|      |         |      |      |         | <p>pendant toute la nuit par un Lieutenant qui s'appellerait Nasser. Suite à ce traitement, il souffrirait de problèmes cardiaques, de tension élevée, des pertes de mémoire et de dépression.</p> <p><b>Hani Hashim Al-Shanti</b>, âgé de 28 ans, né à Riyadh, nationalité libanaise (numéro de carte d'identité: 10000015618623), résident dans la rue d'Ahdab à Beirut, aurait été arrêté le 1er janvier 2006 dans le bâtiment Al Hart à Mahallat Al Bousha, Beirut par des membres du service de renseignement des forces de l'ordre interne sans mandat d'arrêt. Ils lui auraient bandé les yeux, l'auraient menotté et emmené dans leurs locaux à Beirut, où il aurait été détenu pendant à peu près cinq mois dans le sous-sol en régime cellulaire et finalement transféré à la prison de Roumieh.</p> <p><b>Hassan Mohammed Nabah</b>, âgé de 34 ans, nationalité libanaise, résident à Mahallat Ramle, Beirut, aurait été arrêté le 3 janvier 2006 à Kornishe el Mazraa à Beirut par des membres du service de renseignement des forces de l'ordre interne sans mandat d'arrêt. Il aurait été emmené dans les locaux du service de renseignement à Beirut, où il aurait été détenu pendant cinq mois au sous-sol en régime cellulaire. Il aurait été soumis à la technique dite du « Faruj » pour une période prolongée. On lui aurait bandé les yeux, attaché les mains derrière le dos et placé un sac plastique sur le visage. De plus, on l'aurait mis sur une chaise pendant une semaine et privé de sommeil. Finalement, il aurait été transféré à la prison de Roumieh.</p> <p><b>Moaz Abdelghani Shousha</b>, âgé de 28 ans, de nationalité syrienne, demeurant à Alep en Syrie, aurait été arrêté le 4 janvier 2006 à la Place de Saadoun, quartier de Abu Samra à Tripoli. Il</p> | <p>à des examens médico-légaux pour étayer leurs dires.</p> <p>Il n'est malheureusement pas possible de communiquer les conclusions des enquêtes, ce sujet relevant de la juridiction libanaise compétente.</p> <p>Par lettre datée du 17/07/09, le Gouvernement a indiqué que le placement de personnes dans la prison de la Direction générale des forces de sécurité intérieure est légal et constitue une mesure indispensable dans certaines situations graves et lorsqu'il y a lieu de protéger l'intégrité des détenus et de les garder sous étroite surveillance. Les personnes détenues dans la prison du Ministère de la défense sont examinées régulièrement par le médecin de la prison. Les avocats et les membres de la famille des personnes détenues dans la prison peuvent librement rendre visite à ces dernières. Bon nombre d'enquêtes menées par les services compétents de la Direction des renseignements sont classées sans suite. La section libanaise du CICR est autorisée à se rendre dans tous les lieux de détention.</p> <p>En ce qui concerne l'affaire Hassan Nabah et conjoints, l'examen du dossier a permis de constater que l'enquête préliminaire a été menée par la section des renseignements de la Direction générale des forces de sécurité intérieure sur décision du Procureur général près la cour d'appel sur la foi d'informations faisant état d'opérations de transport d'armes effectuées par un groupe d'individus. Les suspects ont été placés en garde à vue dans les locaux de la police judiciaire à différentes dates sur ordre du Procureur général près la</p> |

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|      |         |      |      |         | <p>aurait été transféré à la station de police d'Al Bastah et ensuite dans les locaux du service de renseignement à Beirut, où il aurait été détenu pendant cinq mois en régime cellulaire au sous-sol jusqu'à son transfert à la prison de Roumieh, où il serait détenu à ce jour. Il craint d'être renvoyé vers la Syrie et de disparaître comme M. Hamad Turkey Al Rda (voir le dernier cas ci-dessous).</p> <p><b>M. A. A.</b>, âgé de 25 ans, de nationalité syrienne, demeurant à Alep en Syrie, aurait été arrêté le 3 janvier 2006 dans le quartier de Kornishe el Mazra à Beirut sans mandat d'arrêt par des membres du service de renseignement des forces de l'ordre interne. Ces derniers l'auraient emmené dans leurs locaux à Beirut, où ils l'auraient détenu pendant cinq mois au sous-sol en régime cellulaire. Plusieurs officiers, y compris Tawfik Assaf, Mohammed Fatuni, Ibrahim Himia et Tony Yusuf l'auraient forcé à rester tout nu, menacé de viol, piétiné, battu avec des barres en bois et en métal et privé de sommeil pendant cinq jours. Il aurait finalement été transféré à la prison de Roumieh. Il craint d'être renvoyé vers la Syrie et de disparaître comme M. Hamad Turkey Al Rda.</p> <p><b>Mohammed Ahmed Qoja</b>, âgé de 24 ans, de nationalité syrienne, demeurant à Alep en Syrie, aurait été arrêté le 3 janvier 2006 dans le quartier de Kornishe el Mazra à Beirut sans mandat d'arrêt par des membres du service de renseignement des forces de l'ordre interne. Ces derniers l'auraient emmené dans leurs locaux à Beirut, où ils l'auraient détenu pendant cinq mois au sous-sol en régime cellulaire et finalement transféré à la prison de Roumieh. Il craint d'être renvoyé vers la Syrie et de</p> | <p>cour d'appel. Ils ont ensuite été déférés devant le Procureur général militaire. Les interrogatoires ont commencé le 30 décembre 2005 et ont pris fin le 13 janvier 2006. L'enquête préliminaire a concerné de nombreuses personnes. Le Procureur général près la cour d'appel a ordonné le placement de certaines d'entre elles en détention provisoire et a laissé les autres en liberté surveillée. Les accusés ont reçu une convocation; certains se sont présentés spontanément aux autorités, d'autres ont été amenés par la force.</p> <p>La convocation des accusés, leur présentation aux autorités, leur interrogatoire et la notification du Procureur ont eu lieu le même jour ou au plus tard le lendemain. Les accusés placés en détention provisoire ou en liberté surveillée ont été présentés dès la fin de l'enquête préliminaire, le 13 janvier 2006, au Procureur général militaire. Ils ont ensuite été déférés le jour même devant le Commissaire du Gouvernement auprès du tribunal militaire. Ce dernier les a, à son tour, renvoyés, le 13 janvier 2006, devant le premier juge d'instruction militaire pour répondre du chef d'association et de conspiration entre eux et avec d'autres en vue de constituer une bande pour commettre des actes terroristes, de faux et d'usage de faux, de transport d'armes et de munitions de guerre. Il a été demandé au premier juge d'instruction militaire de les écrouer. Le premier juge d'instruction militaire a entendu, en présence de leurs avocats, les accusés, qui ont fait des déclarations sans qu'aucune pression n'ait été exercée sur eux et des ordonnances de mise en détention ont été</p> |

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|      |         |      |      |         | <p>disparaître comme M. Hamad Turkey Al Rda.</p> <p><b>Malik Mohammed Nabah</b>, âgé de 27 ans, nationalité libanaise, demeurant à Beirut, aurait été arrêté le 3 janvier devant sa résidence, sans mandat d'arrêt, par des membres du service de renseignement des forces de l'ordre interne. Ces derniers l'auraient emmené dans leurs locaux à Beirut, où ils l'auraient détenu pendant cinq mois au sous-sol en régime cellulaire. Plusieurs officiers l'auraient suspendu pendant plusieurs heures et battu, auraient placé un sac plastique sur son visage et l'auraient menacé. Il aurait finalement été transféré à la prison de Roumieh.</p> <p><b>T. R. N.</b>, âgé de 22 ans, de nationalité syrienne, demeurant à Alep en Syrie et dans le quartier de Mahallat Ramle à Beirut, aurait été arrêté le 3 janvier 2006 dans le quartier de Kornishe el Mazra à Beirut sans mandat d'arrêt par des membres du service de renseignement des forces de l'ordre interne. Ces derniers l'auraient emmené dans leurs locaux à Beirut, où ils l'auraient détenu pendant cinq mois au sous-sol en régime cellulaire. Plusieurs officiers l'auraient menacé d'abus sexuel et d'arrêter sa femme et sa mère également. Finalement, il aurait été transféré à la prison de Roumieh. Il craint d'être renvoyé vers la Syrie et de disparaître comme M. Hamad Turkey Al Rda.</p> <p><b>Hamad Turkey Al-Rda</b>, âgé de 25 ans, de nationalité syrienne, résident dans le quartier de Khaldeh, au sud de Beirut, aurait été arrêté le 16 janvier 2006 à Khaldeh par des membres du service de renseignement des forces de l'ordre interne sans mandat d'arrêt. Ils l'auraient emmené dans leurs locaux à Beirut, où ils l'auraient détenu pendant cinq mois au sous-sol en régime cellulaire et finalement transféré à la</p> | <p>prononcées à leur encontre en leur présence, dans le strict respect des règles. Aucun des accusés n'a contesté la déclaration préliminaire qu'il avait faite dans les locaux de la police judiciaire ou ne s'est plaint de torture. Le 12 juin 2006, le premier juge d'instruction militaire a prononcé la mise en liberté sous caution du dénommé Hamad Turki Al-Rada. Le 5 mars 2005, le premier juge d'instruction militaire a émis un acte d'inculpation à l'encontre des accusés. Les accusés ont été ensuite déférés devant le tribunal militaire permanent le 9 mars 2007, où leur procès se déroule dans le plus strict respect des règles. Le tribunal militaire permanent a veillé tout au long du procès à respecter les droits de la défense, et tous les accusés ont été défendus par des avocats. Cette affaire relève pleinement de la compétence de la justice militaire, conformément aux dispositions de la loi sur le terrorisme du 11 janvier 1958. Des délégués du CICR ont déjà rendu visite aux accusés et continueront de le faire régulièrement. Il est faux d'affirmer que les accusés ont été battus. Aucun d'entre eux n'a d'ailleurs déposé de plainte en bonne et due forme à ce propos.</p> |

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|      |         |          |      |                | <p>prison de Roumieh. Il aurait été extradé par les services de sécurité libanais vers la Syrie en juin 2006, où il aurait disparu.</p> <p>Tous les individus nommés ci-dessus auraient été torturés, maltraités, menacés et battus pendant leur détention. Ils seraient accusés d'avoir constitué un gang au Liban et d'appartenir à un groupe terroriste, plus précisément de soutenir la résistance en Iraq et d'entretenir des liens avec Al Qaeda. Leurs dossiers seraient traités par un tribunal militaire, bien qu'ils n'aient pas la qualité de militaires et bien que l'infraction dont ils seraient accusés ne soit pas qualifiée de militaire.</p> <p>En dépit du fait que les avocats de toutes les personnes mentionnées ci-dessus auraient informé le tribunal militaire des traitements auxquels les accusés auraient été soumis pour les forcer à signer des aveux, aucune enquête n'aurait été ordonnée.</p> |  |
| 169. |         | 29/04/09 | JUA  | WGAD; IJL; TOR | <p><b>M. Amer Hashash</b>, âgé de 32 ans, et son frère, <b>M. Mosbah Hashash</b>, âgé de 38 ans, tous deux de nationalité libanaise.</p> <p>Les deux frères, Amer et Mosbah Hashash, auraient été arrêtés le 16 novembre 2007 par des membres des forces de sécurité interne sans mandat d'arrêt. M. Amer Hashash aurait été arrêté alors qu'il quittait sa maison (bâtiment Ladki, rue de Nouweiri, Beyrouth). Mosbah aurait été arrêté à la résidence de leur mère, à qui il avait rendu visite. Ils auraient ensuite été détenus incommunicado pendant trois mois à la branche de renseignements des forces de sécurité interne (baraques Ibrahim Khoury, rue de Adib Isaac, Ashrafieh, Beyrouth). Pendant ce temps, les deux frères auraient été privés de sommeil et de nourriture pendant trois jours et</p>   | Par lettre datée du 17/07/09, le Gouvernement a indiqué que le 16 novembre 2007, à Beyrouth, les frères Amer et Mosbah Hachach ont été arrêtés pour appartenance à une organisation fondamentaliste. Lors de leur interrogatoire, ils ont tous deux reconnu appartenir secrètement au groupe al-Ansar depuis plus de dix ans. Au cours de l'enquête, ils n'ont subi aucune violence physique ou torture et ils ont reconnu immédiatement les faits qui leur étaient reprochés, sans pression ni contrainte. À l'issue de l'enquête préliminaire et conformément à la procédure en vigueur, ils ont été déférés devant la justice militaire. Le juge d'instruction militaire a alors, en leur présence, émis à leur encontre un mandat de dépôt, ordonnant leur |

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|      |         |         |      |         | <p>forcés à rester nus. Ils auraient été battus et immergés dans l'eau froide à plusieurs reprises. Ils n'auraient pas eu accès aux toilettes et aux installations sanitaires pendant de longues périodes. Pendant trois mois, ils n'auraient pas pu changer de vêtements. Les officiers auraient aussi menacé de maltraiter leurs familles s'ils refusaient de coopérer. Il paraîtrait que le but de ces traitements était de forcer les deux hommes à signer des aveux, ce qu'ils ont fait. Au mois de février 2008, les frères Hashash auraient été transférés vers la branche de renseignements de la prison Roumieh à Beyrouth, où ils seraient restés pendant un mois et ensuite vers le bâtiment "B" de Roumieh. Bien que leurs familles aient pu leur rendre visite, elles auraient rencontré de nombreux obstacles.</p> <p>Quand les frères ont été présentés devant le juge d'instruction, ils auraient dénoncé la torture à laquelle ils auraient été soumis. Cependant, le juge n'aurait pas réagi et n'aurait pas ordonné d'examen médical. Il aurait autorisé la prolongation de leur détention le 23 février 2008. Leur procès devrait commencer le 24 juin 2009 devant le tribunal militaire de Beyrouth.</p> | <p>placement à la prison du siège central des forces de sécurité intérieure. Les deux accusés ont été placés en détention dans des cellules remplissant toutes les conditions sanitaires. Durant leur détention, les accusés ont subi des examens médicaux journaliers et leurs proches leur ont rendu visite régulièrement. En mars 2008, les deux détenus ont été transférés à la prison centrale de Roumieh qui relève de la gendarmerie. Au cours de leur détention, les deux accusés n'ont déposé aucune plainte, que ce soit directement ou par l'intermédiaire de leurs proches ou de leur avocat. Faute de justification et d'objet, les deux personnes concernées n'ont pas été indemnisées.</p> |
| 170. |         | 5/10/09 | UA   | TOR     | <p><b>M. Tongay Ar</b>, citoyen turc, actuellement détenu au Liban.</p> <p>Tongay Ar serait actuellement détenu sur la base d'un mandat d'arrêt émis par Interpol suite à une condamnation à 30 ans de prison ferme, pour trafic de drogue, prononcée par des tribunaux turcs. M. Tongay Ar maintient que cette condamnation serait basée sur ses liens avec le Parti Travailleuse Kurde (PKK). Il aurait précédemment été détenu en Roumanie, qui aurait refusé de l'extrader et, ensuite été libéré pour qu'il puisse se rendre au Liban.</p>   | <p>Par lettre datée du 12/11/09, le Gouvernement a indiqué que Tungay Zubair Er, citoyen turc, est un demandeur d'asile enregistré auprès du Haut Commissariat des Nations Unies pour les Réfugiés à Beyrouth. Son dossier est en cours d'examen en vue de déterminer s'il remplit les conditions requises pour obtenir le statut de réfugié. Depuis le 15 juillet 2009, il est détenu dans la prison de Roumieh pour une infraction liée à la drogue.</p> <p>Une réponse additionnel du Gouvernement a été reçu le 5/10/09 mais n'a pas pu être traduit</p>  |

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|      |         |          |      |          | Tongay Ar aurait demandé l'asile via le Haut-Commissariat aux Réfugiés à Beirut, mais aucune décision n'aurait été prise à ce jour. En dépit de ce fait, le 19 septembre 2009, le Gouvernement du Liban aurait donné l'autorisation de l'extrader en Turquie. Des craintes sont exprimées quant au fait que s'il est extradé en Turquie, en violation des normes internationales, M. Tongay Ar risque d'être soumis à la torture.   | à temps pour figurer dans ce rapport. |
| 171. |         | 23/11/09 | JUA  | IJL; TOR | <p>La situation de <b>M. Ghazi Faysal Mogalled</b>.</p> <p>M. Ghazi Faysal Mogalled aurait été arrêté par le Hezbollah le 8 février 2006. Ensuite, pendant cinq mois, il aurait été détenu dans un établissement du Hezbollah, où il aurait été soumis à des décharges électriques sur la tête et à une simulation d'exécution par gaz. Par conséquent, il souffrirait de problèmes respiratoires. Il aurait également passé cinq mois en isolement dans une cellule de moins de deux mètres carrés. Le 17 juillet 2006, il aurait été transféré dans un autre endroit où il aurait à nouveau été soumis à des décharges électriques et ses doigts auraient été cassés.</p> <p>Trois jours plus tard, M. Mogalled aurait été transféré au centre de détention du Ministère de la Défense. Les services de renseignements militaires lui auraient demandé de fournir des informations concernant des avions israéliens ayant attaqué le Liban en juillet 2006, alors qu'il était en réalité déjà détenu depuis plusieurs mois avant l'attaque. Il aurait passé six mois les yeux bandés dans un couloir. Il serait resté suspendu d'une corde rattachée à une poutre jusqu'à 36 heures. De plus, il aurait été soumis au falanga et aux décharges électriques. Il aurait également été recouvert de sable visant à provoquer une</p> |                                       |

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|      |         |                            |      |         | <p>irritation de la peau et menacé de viol. Ses dents auraient également été brisées. Chaque fois que le Comité International de la Croix-Rouge lui a rendu visite, il aurait été emmené dans une cellule propre et reçu de la nourriture. Après avoir passé six mois dans un couloir, il aurait été placé en isolement dans la cellule no 15, au deuxième sous-sol, et sa famille aurait été autorisée à lui rendre visite une fois par semaine. Il aurait en outre été forcé de signer des documents.</p> <p>Sa première audience aurait eu lieu le 5 août 2006, devant un juge d'instruction militaire. Il n'aurait pas eu accès à un avocat. Quand il mentionnait la torture à laquelle il aurait été soumis, le juge aurait clos le dossier et reporté l'audience. Suite à cette plainte, il aurait à nouveau été soumis à la position balanco.</p> <p>Le 31 juillet, il aurait été condamné à la prison à vie pour avoir communiqué des informations à Israël. Il aurait également été condamné pour être entré en Israël sans autorisation et avoir travaillé avec l'armée ennemie. Il serait actuellement détenu dans le bâtiment D de la prison centrale de Roumieh et son audience auprès du tribunal militaire d'appel serait prévue pour le 24 novembre 2009.</p> |  |
| 172. |         | Follow-up to earlier cases |      |         | <p><b>Adnane Haji, Foued Khenaisi, Taeïb Ben Othmane et Boujomâa Chraïti</b><br/>(A/HRC/10/44/Add.4, para. 229).</p>  | <p>Par lettre datée du 04/02/09, le Gouvernement a indiqué qu'aucune personne portant l'identité de «Foued Khenaisi» ne fait l'objet de poursuites judiciaires. Selon les éléments de l'instruction préparatoire diligentée par le Procureur de la République de Gafsa, une entente s'est constituée entre lesdits prévenus et autres, sur fond de certains troubles enregistrés dans la région de Gafsa, sud de la Tunisie, afin d'appeler à la désobéissance</p> |

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|      |         |      |      |         |                         | <p>publique transformant ainsi le mouvement de contestation pacifique en une véritable rébellion. Il s'en est suivi un état de panique parmi les populations de la région de Gafsa dont la sécurité était bel et bien gravement menacée. Contrairement à ce qui est allégué, les prévenus n'ont subi en aucune manière de mauvais traitements aussi bien lors de leur arrestation que pendant leur interrogatoire, par la police judiciaire, sur les faits qui leur sont reprochés. Le Procureur de la République a été, immédiatement, avisé de l'enquête préliminaire en cours et de la mesure de garde à vue décidée à l'encontre des prévenus pour une première période de trois jours. Une prolongation de trois jours supplémentaires a été décidée pour certains des prévenus. L'enquête préliminaire menée par la police judiciaire s'est donc effectuée en toute légalité sous le contrôle de la justice.</p> <p>Dès clôture de l'enquête préliminaire, le procès verbal a été transmis au ministère public qui a décidé de la libération des prévenus gardés à vue et ordonné un complément d'information. Les détenus Adnane Haji et Taieb Ben Othmane jouissent, en prison, du droit de recevoir la visite de leurs avocats et des membres de leurs familles sans aucune restriction. La Chambre d'accusation a décidé le rejet du recours en appel.</p> <p>Aucun des prévenus n'a jamais fait l'objet de torture ou de mauvais traitements. En effet, aucun des intéressés ou des membres de leurs familles ou de leurs avocats n'a déposé une plainte pour mauvais traitements. D'ailleurs, Adnane Haji a déclaré au juge d'instruction, en réponse à une question qui lui a été posée</p> |

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|      |         |      |      |         |  | <p>par son avocat, n'avoir subi aucun mauvais traitement lors de son arrestation. Il y a lieu, toutefois, de souligner que les autorités tunisiennes ne subordonnent pas l'ouverture d'une enquête, pour mauvais traitements, au dépôt d'une plainte par l'intéressé. Le ministère public est habilité à procéder d'office à l'ouverture d'une enquête chaque fois qu'il y aurait motifs raisonnables laissant croire que des actes de mauvais traitements ont été commis, mais les autorités n'ont constaté aucun «motif raisonnable» laissant croire qu'un acte de mauvais traitement a été commis. Les procès verbaux de la garde à vue font état de l'information donnée aux prévenus de leur droit de demander d'être soumis à examen médical, ceux-ci avaient déclaré ne pas en avoir besoin. En outre, aucun des membres de leurs familles n'avait présenté de demande dans ce sens. Ce qui révèle le caractère infondé des allégations de mauvais traitements formulés par les prévenus. Cela dit, les prévenus ont été soumis à un examen médical lors de leur première admission, sur mandat de dépôt du Procureur de la République, au sein de l'unité pénitentiaire. Cet examen n'a fait que confirmer l'existence de toutes traces de violence, physique ou psychologique, en relation avec un soi-disant mauvais traitement qu'ils auraient subi. Par ailleurs, le système juridique tunisien offre à toute personne qui prétend être victime de mauvais traitement tout un arsenal juridique leur permettant de faire valoir ses droits.</p> |
| 173. |         |      |      |         | <b>Ghassam Sulayman al-Sulaiby, Sibani-Al Ouaraouar, Mohamed Ghassan al-Saulaiby, Ibrahim Sulayman al-Sulaiby, Siradj Eddine</b> | Par lettre datée du 7/01/08, le Gouvernement a indiqué que les aveux obtenus sous la torture ne sont pas admis en tant que preuve   |

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|      |         |      |      |         | <p><b>Mounir Sulayman al-Sulaiby, Zyad Tarek Yamout, Youcef Mounir Koubrously, Safy Ibrahim al- Arab, Ahmed Issam Rachid, et Ali Amine Khaled (A/HRC/7/3/Add.1, para. 131) and Houssam Issam Dallal, Naif Salem al-Baqqar, Mahmoud Ahmed Abdelkader, Ahmed Fayçal Arradj, Billal Ahmed al-Badwi Assayed, Assad Mohamed al-Nadjar, Omar Azzedine al-Ali, Omar Mohamed Ghenoum, Ahmed Mohamed Ghazi al-Ratl et Tarek Mamdouh al-Hadjamine (A/HRC/7/3/Add.1, para. 132).</b></p> | <p>par les tribunaux. Il n'y a aucun cas de détention au secret ou arbitraire dans les locaux du Ministère de la défense. Les personnes qui y sont détenues le sont conformément aux règles générales appliquées en cas d'arrestation et d'interrogatoire dans tous les autres lieux de garde de vue, quels qu'ils soient. L'ouverture d'une enquête par la justice en cas d'acte de violence mentale ou physique infligé à des personnes pour leur arracher des informations ou des aveux demeure tributaire d'une plainte déposée par la victime présumée. La justice n'a jamais failli à son devoir d'ouvrir une enquête pour vérifier le bien-fondé d'une accusation portée contre les services de sécurité par un détenu et a toujours laissé l'affaire suivre son cours jusqu'au bout. Le placement de personnes dans la prison du Ministère de la défense est légal et constitue une mesure indispensable dans certaines situations graves et lorsqu'il y a lieu de protéger l'intégrité des détenus et de les garder sous étroite surveillance. Les personnes détenues dans la prison du Ministère de la défense sont examinées régulièrement par le médecin de la prison. Les avocats et les membres de la famille des personnes détenues dans la prison du Ministère de la défense peuvent librement rendre visite à ces dernières. Bon nombre d'enquêtes menées par les services compétents de la Direction des renseignements sont classées sans suite.</p> <p>En ce qui concerne Ghassan Chihab Sulayman Al Sulaiby et consorts, l'examen du dossier a permis de constater que l'enquête préliminaire a concerné 10 personnes. Le</p> |

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|      |         |      |      |         |                         | <p>Commissaire du Gouvernement a réclamé le placement de neuf d'entre elles en détention provisoire et la dixième a été laissée en liberté. La convocation des suspects, leur interrogatoire et la notification du Procureur général militaire avaient lieu le jour même et, au plus tard, le lendemain. Les accusés placés en détention provisoire ont été présentés dès que l'enquête préliminaire a pris fin et que la décision de les incarcérer a été prise, le 7 avril 2006 au Procureur général militaire, puis renvoyés devant le premier juge d'instruction militaire le 8 avril pour constitution de bande dans le but de commettre des actes criminels contre des personnes et de porter atteinte à l'autorité de l'État, de tentative d'actes terroristes et de trafic d'armes et de munitions de guerre. Il a été demandé au premier juge d'instruction militaire de les écrouer. Les accusés ont demandé au premier juge d'instruction militaire un délai pour recruter un avocat et ce dernier a accédé à leur demande. La plupart d'entre eux ont donc été assistés par un avocat. Le premier juge d'instruction militaire les a interrogés en présence de leurs avocats et ils font leurs déclarations sans aucune pression ni contrainte. C'est seulement alors que des ordonnances de mise en détention ont été prononcées à leur encontre. Les allégations selon lesquelles certains des détenus ont été torturés sont sans fondement et aucun d'entre eux n'a déposé de plainte à ce propos devant la justice. Seul un des accusés, le dénommé Mohammed Ghassan Al Sulaiby, a demandé, le 15 avril 2006, d'être examiné par un médecin. Le premier juge d'instruction militaire a fait droit immédiatement à cette demande, chargeant deux médecins légistes</p> |

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|      |         |      |      |         |                         | <p>de l'examiner. L'examen médical a eu lieu le 17 avril 2006. Le rapport des deux médecins ne fait état d'aucune trace de violence ou de torture. Cette demande d'examen est la seule à avoir été présentée pendant l'enquête préliminaire et les interrogatoires. Le 15 décembre 2006, le premier juge d'instruction militaire a émis un acte d'inculpation à l'encontre des accusés, se fondant essentiellement sur leurs aveux, les déclarations des témoins et les éléments issus de l'enquête. Le juge ne s'est donc pas uniquement appuyé sur les résultats de l'enquête préliminaire. Les accusés ont été déférés devant le Tribunal militaire permanent le 21 décembre 2006 où leur procès se déroule actuellement dans le plus strict respect des règles. Le Tribunal militaire permanent a veillé tout au long du procès à respecter les droits de la défense. Le 28 mai 2007, le dénommé Ibrahim Soulayman Al Sulaiby, a demandé au Tribunal militaire permanent de charger un médecin légiste de l'examiner, requête à laquelle le Tribunal a répondu favorablement. L'affaire est en cours d'examen devant le Tribunal et le jugement final n'a pas encore été prononcé. Certains accusés ont été libérés sous caution. L'affaire relève pleinement de la compétence de la justice militaire, conformément aux dispositions de la loi sur le terrorisme du 11 janvier 1958. Des délégués du CICR ont déjà rendu visite aux accusés et continueront de le faire.</p> <p>En ce qui concerne Houssam Issam Dallal et consorts, l'examen du dossier fait apparaître que l'enquête préliminaire a été menée par les services compétents de la Direction des</p> |

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|      |         |      |      |         |                         | <p>renseignements de l'armée libanaise sur requête du Procureur général près la Cour d'appel, suite à des informations signalant l'existence au Liban d'une cellule terroriste alliée à Al-Qaida et à l'organisation terroriste Fath al-Islam. Les interrogatoires ont commencé le 27 mars 2007 et se sont achevés le 4 avril. L'enquête a été menée sous l'autorité du Procureur général près la Cour d'appel militaire qui a été régulièrement informé de son déroulement. L'enquête préliminaire a concerné 13 personnes et le Procureur général a ordonné le placement en détention provisoire de 12 d'entre elles et d'assigner la treizième à résidence. Certains accusés ont reçu une convocation et se sont présentés spontanément aux autorités, d'autres ont été amenés par la force. La convocation des accusés, leur conduite devant les autorités, leur interrogatoire et la notification du Procureur général ont eu lieu le même jour ou au plus tard le lendemain.</p> <p>Les accusés placés en détention provisoire ont été présentés dès la fin de l'enquête préliminaire au Procureur général près la Cour d'appel: le 3 avril pour les uns et le 4 avril pour les autres. Ce dernier les a renvoyés le jour même devant le Commissaire du Gouvernement auprès du Tribunal militaire. Ce dernier les a à son tour renvoyés, le 5 avril, devant le juge d'instruction militaire pour association et conspiration entre eux et avec d'autres en vue de constituer une bande pour commettre des actes terroristes contre des personnes et des biens et porter atteinte à l'autorité de l'État, ainsi que pour incitation d'autrui au meurtre, au pillage et au sabotage, fabrication, achat et</p> |

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|      |                        |          |      |         |   | détention d'explosifs, faux et usage de faux et transport d'armes et de munitions de guerre. Il a été demandé au premier juge d'instruction militaire de les écrouer. Le premier juge d'instruction militaire a entendu, en présence des avocats, les accusés, qui ont fait des déclarations sans qu'aucune pression n'ait été exercée sur eux et des ordonnances de mises en détention ont été émises à leur encontre en leur présence, dans le strict respect des règles. Cette affaire relève pleinement de la compétence de la justice militaire, conformément à la loi sur le terrorisme du 11 janvier 1958. Les délégués du CICR ont déjà rendu visite aux accusés et continueront de le faire. L'affirmation selon laquelle les accusés ont été frappés est fausse. Aucun d'entre eux n'a déposé de plainte en bonne et due forme à ce propos. |
| 174. | Libyan Arab Jamahiriya | 25/06/09 | AL   | TOR     | <p><b>Mr. Hisham Al Tabakh</b>, aged 30, resident of Ain Zara, Tripoli, ID card number 404802T issued in 1999.</p> <p>At around noon on 19 May 2008, Mr Al Tabakh was leaving his mother-in-law's home, in the Abi al-Ashhor neighbourhood of Tripoli, when he heard gun shots. He ran to see what was happening and saw two policemen from the Tajouraa police force assaulting an 80 year old man on Abi Al Ashhor Boulevard. He tried to reason with them, which led them to drop the old man and turn their attention to Mr. Al Tabakh. They pulled Mr. Al Tabakh over to a police car where some 20 or so policemen were standing. Several of the police officers began hitting him with stones, batons, metal bars, their boots and their bare hands. He suddenly felt his leg snap and he fell to the ground. He was subsequently pushed into the backseat of one of</p> | A reply was received from the Government on 25/06/09, but could not be translated in time for inclusion in this report.   |

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|      |         |      |      |         | <p>the vehicles, where the beatings continued. One policeman tried to stab him with a knife, badly cutting his left hand. The officer in the passenger's seat violently beat him over the head with a stick, until it broke. He then strangled him whilst threatening to kill him. The policeman sitting to Mr. Al Tabakh's left hit him over the head with the butt of his revolver and the one to his right hit him with a blunt object. Mr. Al Tabakh's head began to swell and his right eye began to shut.</p> <p>The car arrived at Tajouraa police station, and Mr. Al Tabakh was dragged from the car by the four policemen who continued to beat him until other police officers intervened. Mr. Al Tabakh was in such a critical state that the police were forced to get him urgent medical care. The officers first took him to a clinic, but upon seeing the state he was in, the doctor immediately requested that he be sent directly to Tripoli Central Hospital.</p> <p>Following his examination at the hospital, he was diagnosed with "an angular [fracture] of the tibial tuberosity and a fracture of the patellar tendon".</p> <p>On 22 July 2008 an "open reduction and fixation by screw and tension band" was performed under general anesthesia. He remained in the hospital for 16 days under police surveillance. His doctors prescribed him medication and recommended he not bend his knee nor walk on it.</p> <p>However, despite his poor state of health, on 3 August, the police took him from the hospital to Tajouraa police station where he was interrogated about the incident. He was then jailed for three days in Ain Zara prison before</p> |                     |

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|      |            |          |      |                            | <p>being released without any charges. He was denied access to appropriate medical care both at the police station and the prison.</p> <p>He filed complaints with the Prosecutor General and the Prosecutor of East Tripoli, who allegedly failed to give due consideration to the complaint. He also sent letters to a number of organizations.</p>  |                     |
| 175. | Madagascar | 02/06/09 | JUA  | WGAD;<br>FRDX;<br>IJL; TOR | <p><b>M. Rabenantoandro Lanto</b>, âgé de 48 ans, sénateur de Madagascar élu au titre du parti « Tiako I Madagasikara (TIM) » et président de la Commission de finances du Senat; M. Randrianjatovo Henri François Victor, âgé de 61 ans, député du Faratsiho, élu au titre du parti « Tiako I Madagasikara »; M. Rakotomandimbindraibe Mamisoa, âgé de 47 ans, député de Ambatolampy élu au titre du parti « Tiako I Madagasikara »; M. Rakotozandry Raymond, âgé de 49 ans, député de Mandoto élu au titre du parti « Tiako I Madagasikara »; et M. Ralitera Andrianandraina, Directeur de sécurité de la Haute Cour Constitutionnelle.</p> <p>Les quatre députés auraient été arrêtés sans mandats d'arrêt le 23 avril 2009, à Ambatoroka-Ambanidia à Antananarivo par les Forces armées du CAPSAT, y compris le Commandant Charles Andrianasoavina sous les ordres de la Haute Autorité de Transition (HAT) et de la Commission Nationale Mixte d'Enquête (CNME). Bien qu'ils n'aient pas résisté à l'arrestation, ils auraient été frappés, giflés et auraient reçu des coups de poing pour les humilier et les intimider. On les aurait aussi forcés de s'agenouiller devant les officiers et de marcher sur les genoux. En résultat de ces traitements, ils auraient eu des bleus, contusions et maux de tête. Ils auraient ensuite été</p> |                     |

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|      |         |          |      |         | <p>embarqués dans un camion militaire pour être amenés dans trois endroits différents et finalement descendus à Ambohibao, siège de la CNME (Commission Nationale Mixte d'Enquête) pour une garde à vue de 48 heures. Ensuite ils auraient été déférés en prison.</p> <p>Suite à une détérioration de sa santé, M. Lanto Rabenantoandro aurait été transféré à l'hôpital militaire de Soavinandriana, où il aurait bénéficié des traitements médicaux adéquats pendant quelques heures. Le 25 avril 2009, dans la matinée, des militaires armés l'auraient conduit au Palais de Justice à Anosy pour enquête et directement incarcéré dans la maison d'arrêt à Antanimora. Malgré le certificat médical du médecin traitant et la recommandation du médecin pénitentiaire de transférer M. Lanto Rabenantoandro dans un hôpital, l'hospitalisation aurait eu lieu avec un délai considérable.</p> <p>Ralitera Andrianandraina aurait été arrêté le 27 avril 2009. Pendant l'arrestation, il aurait été frappé sur la tête et forcé de marcher sur les genoux. Son état de santé serait inquiétant. Ni son avocat ni un médecin n'auraient été autorisés à le voir.</p> |                     |
| 176. |         | 27/07/09 | UA   | TOR     | <p><b>M. Rabarilala Faly</b>, âgé de 45 ans, résident à Antananarivo. Selon les allégations reçues, M. Faly travaillerait dans un centre d'arts martiaux. Le 20 juillet 2009, les membres de l'équipe de la Force d'Intervention Spéciale (FIS) seraient entrés dans le dojo de Behoririka. Ils auraient menacé les personnes présentes. Les officiers les auraient forcés à se tourner vers le mur. Ils auraient tiré et leur auraient donné des coups. Les disciples auraient ensuite entendu que les officiers de la FIS battaient M. Faly et</p>   |                     |

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|      |         |          |      |              | l'emmenaient. Ensuite M. Faly aurait été vu à Ambohitsirohitra, où il aurait aussi été giflé et roué de coups. De plus, plusieurs agents auraient sauté sur son corps. Suite à ce traitement, les FIS n'auraient pas emmené M. Faly en prison, mais ils l'auraient laissé toute la nuit dans un pick-up ouvert malgré ses blessures et la température extérieure de 5 degrés pendant la nuit. Depuis cette nuit, il n'y aurait pas eu de nouvelles sur le lieu de séjour de M. Faly.  |                     |
| 177. |         | 07/08/09 | JAL  | SUMX;<br>TOR | <p><b>Deux cas d'exécution et un cas de torture</b>, qui seraient imputables à la Commission Nationale Mixte d'Enquête (CNME) et à des milices armées.</p> <p>Selon les informations reçues, <b>Mme. Hajanirina Abelia Madeleine Zafindraivo</b>, âgée de 34 ans, aurait eu le crâne fracassé par une balle perdue, imputable à des forces de l'ordre, le 24 avril 2009, alors qu'elle tentait de fermer la librairie pour laquelle elle travaillait à Ambohijatovo. L'incident serait survenu alors que les forces de l'ordre tiraient sur des passants et certains manifestants du quartier.</p> <p><b>Andrianaivo Raveloson</b>, un homme d'une cinquantaine d'année résidant à Ambohibao, aurait été arrêté chez lui le mercredi 6 mai 2009, pour motif d'atteinte à la sûreté de l'Etat. Les lieux de travail et domiciles de tous les membres de sa famille auraient également fait l'objet d'une perquisition. Après son arrestation, il aurait été sévèrement torturé par des membres du CNME, et ce pour porter le même nom de famille que le leader légaliste, avec lequel cette famille n'aurait aucun lien. Il serait mort quelque temps plus tard à conséquence de ces traitements.</p> <p><b>M. Jacques Harris Arijoana</b>, un militaire âgé</p> |                     |

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|      |          |          |      |             | de 54 ans, aurait été arrêté sans mandat le 29 avril 2009, à l'Hotel Carlton d'Antananarivo. Par la suite, il aurait été torturé au CNME, à Ambohibao, à l'aide d'une matraque faite de gros bois rond. Des traces de torture seraient perceptibles sur son dos, ses genoux et ses chevilles. Un médecin aurait examiné M. Arijoana, qui est également diabétique, et certaines de ses blessures auraient été soignées. Un examen au scanner fut demandé afin de mieux évaluer l'état de santé de M. Arijoana, mais celui-ci n'aurait pas été effectué.                         |  |
| 178. | Malaysia | 03/08/09 | JUA  | TOR;<br>VAW | <p><b>Ms. Kartika Sari Dewi Shukarno</b>, a Malaysian citizen and a permanent resident of Singapore.</p> <p>Ms. Shukarno has been sentenced by the Pahang Syariah Court in Malaysia to six strokes of the rotan and fined RM 5000 for drinking beer in a hotel nightclub two years ago. The sentence is expected to be carried out today, 3 August 2009 or 14 days from 20 July 2009. The punishment of caning is stipulated in Section 125 and 126 of the Phang Syariah Criminal Procedure Enactment of 2002, which has not been applied against a Malaysian woman before.</p> | <p>By letter dated 1/09/09, the Government indicated that the punishment of six strokes of caning (“whipping”) and a fine of RM 5,000.00 decreed by the Pahang Syariah High Court was based on the provisions of the laws enforceable in Malaysia. Ms. Kartika had pleaded guilty to the offence of consuming beer.</p> <p>The sentence given to Ms. Kartika does not constitute any form of discrimination against women. It is based on the laws enforceable in Malaysia and has also been executed in a number of cases involving men. It is enforced against all persons who profess the religion of Islam, regardless of gender.</p> <p>When executing the punishment of whipping, the person shall use the rod with average force, without lifting his hand over his head so that the offender’s skin is not cut. After inflicting a stroke, he shall lift the rod upward and not pull it. Whipping may be inflicted on all parts of the body except the face, head, stomach, chest or private parts. The whipping rod shall be of the same type and make either from rattan or small branch of a tree without</p> |

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|      |         |          |      |         |   | <p>segment or joint and its length not more than 1.22 meters and its thickness not more than 1.25 centimeters. Furthermore, the offender shall wear clothes when the whipping is inflicted and for women, the whipping shall be inflicted in a sitting position.</p> <p>The main purpose of punishment under Syariah laws is to educate the offender. Ms. Kartika has not made any appeals in relation to the sentence imposed on her by the courts. She was advised by her lawyer to appeal against the case several times. However, she refused to file an appeal because as a Muslim, she felt repentance towards the wrongdoings that she had committed.</p> <p>The Government is of the view that Mrs. Kartika has been provided access to effective remedies under the provisions of the relevant Malaysian laws. She was represented by her lawyer during the trial. She also has the right to appeal the sentence, although she made the decision to accept it without challenging it.</p> <p>The whipping has yet to take place.</p> |
| 179. |         | 23/10/09 | UA   | TOR     | <p><b>Mr. Mohammed Gatof Mansour Al-Daini</b>, Iraqi national, former member of the Iraqi Parliament.</p> <p>Mr. Mohammed Al-Daini has allegedly been detained at the Airport by Immigration Authorities in Kuala Lumpur since 10 October 2009. Malaysian authorities have indicated that they intend to return him to Iraq. However, it is feared that if returned he may be at risk of being detained and tortured on the basis of charges of terrorism pending against him.</p> <p>Reportedly, a delegation of Iraqi parliamentarians recently visited Malaysia to</p> |   |

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|      |            |          |      |                      | <p>request the deportation of Mr. Mohammed Gatof Mansour Al-Daini. The United Nations High Commissioner for Refugees (UNHCR) considers Mr. Mohammed Gatof Mansour Al-Daini as a person of concern to its mandate and is in the process of determining his status as a refugee.</p> <p>Mr. Mohammed Gatof Mansour Al-Daini has in the past criticized the Iraqi Government for what he alleged was a common practice of torture.</p>  |  |
| 180. | Mauritania | 08/04/09 | JUA  | FRDX;<br>HRD;<br>TOR | <p><b>M. Boubacar Messaoud</b>, président de l'association SOS-Esclaves et membre de la Commission nationale des droits de l'homme de Mauritanie, ainsi que <b>d'autres personnes ayant pris part à la marche pacifique du 2 avril 2009</b>.</p> <p>Le 2 avril 2009, M. Boubacar Messaoud aurait été agressé par un groupe de quatre policiers au cours d'une marche présentée comme pacifique et organisée par la Coordination des forces démocratiques, qui regroupe des partis politiques de l'opposition ainsi que des organisations de la société civile, dont des organisations de défense des droits de l'homme. Cette marche avait pour but de dénoncer le coup d'Etat militaire du 6 août 2008. M. Messaoud aurait été mis à genoux et assommé par un coup de matraque porté à sa nuque. Une fois évanoui, les policiers auraient continué de le frapper et l'auraient trainé à terre en direction du coffre d'une voiture banalisée. Deux passants auraient alors reconnu M. Messaoud et auraient crié son nom afin d'ameuter d'autres passants, faisant ainsi fuir les policiers. M. Messaoud se serait rendu le lendemain à l'hôpital pour passer un scanner.</p> <p>Plusieurs autres personnes, notamment des</p> | <p>Par lettre datée du 27/04/09, le Gouvernement a indiqué que les allégations relatives à une agression dont M. Boubacar Ould Messaoud, qui prenait part à une manifestation non autorisée, aurait été victime le 2 avril 2009 sont inexactes. M. Messaoud faisait partie de la masse d'individus qui a été sommée de quitter la voie publique comme le prévoient les lois et textes préservant l'ordre public. À cet égard, il a eu des blessés légers tant du côté des manifestants que des forces de sécurité. L'accusation d'enlèvement de M. Messaoud est infondée. Il est constaté que celui-ci n'a pas été en contact avec les policiers qui ne le reconnaissent pas parmi le groupe.</p> <p>A ce jour, aucune plainte n'a été déposée par M. Messaoud ou en son nom pour agression ou enlèvement.</p> <p>Les représentants de la force publique, en vue de dissiper un attroupement ou pour rassurer l'exécution de la loi, d'un jugement ou mandat de justice peuvent faire usage de la force si des violences ou voies de fait sont exercés contre eux, ou s'ils ne peuvent défendre autrement le terrain qu'ils occupent ou les postes dont la garde leur est confiée.</p> |

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|      |         |          |      |               | opposants politiques, auraient également été roués de coups par la police au cours de cette marche.  | Dans les autres cas, l'attroupement est dissipé par la force, soit par le préfet, soit par un commissaire de police ou tout autre officier de police judiciaire porteur des insignes de sa fonction. |
| 181. | Mexico  | 05/01/09 | UA   | TOR           | <p>El 25 y 26 de noviembre de 2008, el <b>señor Jorge Martínez Guzmán</b> fue esposado, atado y vendado de los ojos por aproximadamente diez hombres, en el Centro de Readaptación Social de Pacho Viejo, Veracruz. Presuntamente, varias personas lo golpearon repetidamente, lo arrastraron por el suelo y lo sometieron a simulacros de asfixia, cubriéndole la cabeza con una bolsa de plástico y con una toalla mojada. Según la información recibida, los funcionarios de la prisión no intervinieron en ningún momento para impedir que el señor Martínez Guzmán sufriera más daños.</p> <p>El 27 de noviembre, la madre del señor Martínez Guzmán fue a visitarlo, pero el acceso le fue negado. Un guardia de servicio le dijo que el señor Martínez Guzmán estaba hospitalizado, y fue ubicado ese mismo día en el Hospital Doctor Luis F. Nachón de Xalapa, Veracruz. El señor Martínez Guzmán se encontraba en cuidados intensivos, con heridas y lesiones por todo el cuerpo, e insuficiencia renal a consecuencia de los golpes.</p> <p>El 4 de diciembre fue presentada una denuncia ante la Procuraduría General de Justicia del Estado de Veracruz. Según las denuncias, esta no sería la primera vez que el señor Martínez Guzmán es objeto de agresiones y golpes en el citado penal.</p> |  |
| 182. |         | 25/03/09 | JUA  | FRDX;<br>HRD; | <b>Secuestro y tortura del Sr. Marcelino Coache Verano</b> y las amenazas contra su hijo, <b>E. C. R.</b> .<br>El Sr. Marcelino Coache Verano es activista   |  |

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|      |         |      |      | TOR     | <p>sindical y miembro de la Asamblea Popular del Pueblo de Oaxaca (APPO), una organización que promueve los derechos de los docentes en Oaxaca y lucha contra la corrupción.</p> <p>El 4 de marzo de 2009, tres hombres, uno de ellos vestido con un uniforme azul, habrían interceptado al Sr. Coache en la calle justo después de abandonar una reunión del sindicato. Los hombres lo detuvieron y le mostraron durante un instante, una placa. Luego introdujeron al Sr. Coache en una furgoneta cercana, lo ataron y le pusieron una bolsa sobre la cabeza para que no pudiera ver a dónde lo llevaban. Al cabo de dos horas, entraron a un edificio y lo obligaron a quitarse la ropa. Sus captores lo interrogaron sobre sus finanzas y su familia, aunque no se pidió rescate por su liberación.</p> <p>Los hombres le propinaron puñetazos, lo golpearon repetidamente con la culata de un arma y lo quemaron con cigarrillos en los pezones y los genitales. Unas horas después, el Sr. Coache escuchó que un hombre entró a la habitación y dijo: “éste es uno de los revoltosos”. En respuesta, otro contestó: “entonces lo matamos”, y amartilló un arma. Después introdujo al Sr. Coache a un vehículo y se lo llevó. El Sr. Coache fue puesto en libertad en el municipio de Zaachila, a unos 30 km de la ciudad de Oaxaca, hacia las tres y media de la madrugada del 5 de marzo. Logró que un taxi lo llevara directamente a un hospital para recibir atención médica.</p> <p>Ese mismo día, el Sr. Coache convocó una conferencia de prensa en la que anunció que no presentaría una denuncia ante el ministerio público, porque creía que las autoridades del</p> |                     |

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|      |         |          |      |                                    | <p>estado podrían estar implicadas en su secuestro. Una organización local de derechos humanos envió los detalles de su caso a la Comisión Interamericana de Derechos Humanos para solicitar medidas cautelares.</p> <p>El 20 de marzo, el hijo del Sr. Coache, E. C. R., de 15 años, fue amenazado por un grupo de 12 hombres desconocidos cerca de su casa. Le gritaron por su apellido, “Coache.” E. C. R. intentó escapar de los hombres pero lo siguieron en una furgoneta blanco de donde le gritaban: “Se lo advertimos a tu padre, ya sabemos donde estas. A ti te estamos hablando...” Los hombres en la furgoneta le seguían hasta que E. C. R. llegó a un sitio de tiendas lleno de gente.</p> <p>El Sr. Coache ya había sufrido incidentes graves anteriormente, incluidas amenazas y agresiones físicas. En agosto de 2008, su hijo recibió una llamada telefónica en la que amenazaban la integridad física del Sr. Coache. En enero de 2008, un hombre trató de apuñalarlo en el abdomen cuando salía de su automóvil, pero sólo le causó una herida superficial. Además en agosto de 2007, un policía presuntamente lo golpeó con un arma y le apretó la cara contra el suelo mientras le decía: “ya párale de revoltoso”.</p> <p>En diciembre de 2006, Marcelino Coache fue detenido junto con otros dirigentes de la APPO y acusado de incendio provocado, sedición y resistencia a la detención. Fue absuelto tras pasar más de seis meses en prisión.</p> |   |
| 183. |         | 24/04/09 | JUA  | WGAD;<br>FRDX;<br>HRD; IJL;<br>TOR | <b>Sr. Erick Bautista Gómez y detención en la Quinta Pitiquito.</b> El 7 de abril de 2009, cinco hombres fueron arrestados en Tuxtla Gutiérrez, capital del Estado de Chiapas, tras organizar una protesta ante la prisión local donde se encuentran reclusos familiares suyos, quienes   | Por medio de carta de fecha 1/09/09, el Gobierno indicó que el 10 de noviembre de 2008, habitantes de la colonia irregular Emiliano Zapata, ubicada en Tuxtla Gutiérrez, Chiapas, se enfrentaron por la disputa del control de un asentamiento de |

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|      |         |      |      |         | <p>pertenecen a una organización de granjeros conocida como MOCRI-CNPA-MN. Tras su arresto, estas cinco personas permanecieron recluidas en régimen de incomunicación durante dos días y fueron trasladadas luego a un hotel en desuso del Municipio de Chiapa de Corzo llamado “Quinta Pitiquito”, que la Procuraduría General de Chiapas utiliza como centro de detención.</p> <p>Se informa que uno de los detenidos, el Sr. Erick Bautista Gómez, recibió repetidos golpes de puño en el estómago, bofetadas y tiradas de cabello. Fue amenazado que a su hermana le sucedería “algo desagradable” si él no colaboraba.</p> <p>Asimismo, el 14 de abril de 2009, seis hombres de la comunidad indígena Tzeltal de San Sebastián Bachajón, Municipio de Chilón, fueron detenidos mientras realizaban algunas compras en la localidad de Ocosingo. Estas seis personas fueron también conducidas a la “Quinta Pitiquito”. Se informa que habrían sido torturados por los policías que los detuvieron, y tienen marcas visibles de golpes. Una vez detenidos, habrían sido obligados a firmar declaraciones que no comprendían, pues su conocimiento del castellano es limitado. Pese a que estaba presente un intérprete, éste no hablaba tzeltal.</p> <p>Presuntamente, ninguna de estas once personas ha sido formalmente acusada y permanecen detenidos sin cargos en un centro de detención no oficial. Tienen acceso restringido a abogados y familiares.</p> | <p>tierras. En el enfrentamiento perdió la vida la Sra. Martha Gómez Pérez. El 11 de noviembre, la Procuraduría General de Justicia del estado de Chiapas (PGJ Chis) inició la averiguación previa 717/CAJ42/2008 por los delitos de homicidio y lesiones calificadas.</p> <p>Los señores Eric Bautista Gómez, Pedro López Gómez, Genaro Gómez Gómez, Ramiro Hernández Gómez, Flemón Ruiz Sánchez y Marden Ruiz Gómez fueron detenidos el 7 de abril de 2009, con la finalidad de que rindieran su declaración en relación con los hechos. La detención obedeció a la ejecución de una orden de búsqueda, localización y presentación del 23 de febrero. Fueron puestos inmediatamente a disposición de la autoridad ministerial por su probable participación en la comisión de los delitos de homicidio calificado y lesiones calificadas.</p> <p>El 14 de mayo, la Fiscalía recibió un escrito de dos organizaciones civiles solicitando su intervención para investigar presuntos actos de tortura y detención arbitraria. Debido a que el Fiscal Especial requería de mayores elementos para comprobar la presunta responsabilidad de los inculpados y por considerar que existía temor fundado de que se ausentaran o se ocultaran antes de que las investigaciones concluyeran, solicitó al juez especializado en medidas cautelares del estado de Chiapas, obsequiara la medida precautoria del arraigo, misma que fue concedida por un término de 30 días naturales en la “Quinta Pitiquitos”, ubicada en la carretera Tuxtla-Chapa de Corzo.</p> |

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|      |         |      |      |         |                         | <p>Los inculpados fueron visitados por sus familiares y en todo momento estuvieron acompañados de un defensor social adscrito al Tribunal de Justicia del estado, permitiéndoseles tener acceso a la averiguación previa antes de que rindieran su declaración, así como mantener una entrevista privada con el abogado defensor, asegurando una defensa adecuada a sus intereses. Asimismo, se les informaron sus derechos judiciales.</p> <p>El 7 de abril se emitieron los certificados de los exámenes médicos practicados a las personas mencionadas por un médico legista de la Dirección de Servicios de Técnica Forense y Criminalística de la PGJ Chis. El resultado del examen practicado al Sr. Bautista Gómez concluye “excoriaciones de 1 cm de longitud localizada en cara anterior del codo derecho; excoriación de 2 cm de longitud localizada en lateral de flanco derecho; múltiples excoriaciones de diferentes formas y tamaños localizadas en codo derecho, múltiples excoriaciones de diferentes formas y tamaños localizadas en rodilla derecha, lesiones que por su naturaleza tardan en sanar menos de 15 días y no ponen en peligro la vida”. Los certificados médicos de las otras cinco personas concluyen que se les encontró sanos y sin huellas de lesiones externas recientes visibles.</p> <p>El 8 de abril rindieron su declaración las personas mencionadas, salvo el Sr. Bautista Gómez, quien rindió su declaración el 24 de abril. El 30 de abril, la Fiscalía Especial solicitó el levantamiento del arraigo de las cinco personas. Se ejerció acción penal en contra del Sr. Bautista Gómez por su</p> |

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|      |         |      |      |         |                         | <p>probable responsabilidad en el delito de homicidio calificado. El inculpado fue trasladado a las instalaciones del Centro de Readaptación Social número 14 “El Amate”, quedando sujeto al proceso penal 277/2009. El proceso penal se encuentra en fase de instrucción.</p> <p>El 9 de abril de 2009, la Fiscalía Especial dio inicio a la averiguación previa 411/SE18-T1/2009 por el delito de robo. Como resultado de la investigación, elementos de la Policía Preventiva del estado de Chiapas presentaron el 13 de abril al señor Jerónimo Gómez Saragos. El Fiscal Especial solicitó la intervención de un perito médico legista para que dictaminara la integridad física del Sr. Gómez Saragos. Posteriormente le fue tomada su declaración ministerial con la asistencia del defensor social y un traductor. Se identificaron como participantes en los hechos a los señores Jerónimo Moreno Deara, Antonio Gómez Saragos, Miguel Demeza Jiménez, Sebastián Demeza Deara, Pedro Demeza Deara, Juan Alfredo Moreno Gómez y/o Alfredo Moreno Gómez y Miguel Vázquez Moreno.</p> <p>El 14 de abril fueron detenidos los señores Moreno Deara, Gómez Saragos, Demeza Jiménez y Sebastián y Pedro Demeza Deara. De manera inmediata fueron puestos a disposición de la autoridad ministerial por su probable participación en la comisión de los delitos de robo con violencia y delincuencia organizada. Ese mismo día rindieron su declaración con la asistencia del defensor social y un traductor.</p> <p>El 17 y 19 de abril fueron detenidos los</p> |

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|      |         |      |      |         |                         | <p>señores Juan Alfredo Moreno Gómez y/o Alfredo Moreno Gómez y Miguel Vázquez Moreno. Fueron escuchados en declaración, asistidos por un defensor social y un traductor.</p> <p>El 18 de abril, el Cuarto Visitador de la Comisión Nacional de los Derechos Humanos, acompañado de un perito médico se trasladaron a la casa de seguridad “Quinta Pitiquitos” para documentar su detención, ofrecerles asesoría, recibir su queja y certificar su salud. Los inculpados fueron examinados por un médico y entrevistados en privado. Al final, manifestaron que no era su deseo presentar una queja. Los certificados médicos practicados a los señores Jerónimo y Antonio Gómez Saragos, Jerónimo Moreno Deara, Miguel Demeza Jiménez, Sebastián y Pedro Demeza Deara, José Alfredo Vázquez Moreno concluyeron que se encontraban sanos y sin huellas de lesiones externas recientes visibles.</p> <p>Los inculpados fueron visitados por sus familiares y en todo momento estuvieron acompañados de un defensor social, permitiéndoseles tener acceso a la averiguación previa antes de que rindiera su declaración ministerial, así como mantener una defensa adecuada a sus intereses. Asimismo, se les informó sobre sus garantías judiciales.</p> <p>El 30 de abril, el Fiscal Especial ejerció acción penal en contra de los señores Jerónimo Gómez Saragos, Antonio Gómez Saragos, Jerónimo Moreno Deara, Miguel Demeza Jiménez, Sebastián Demeza Deara, Pedro Demeza Deara, José Alfredo Moreno</p> |

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|      |         |          |      |              |  | Gómez y/o Alfredo Moreno Gómez y Miguel Vázquez Moreno, por su probable responsabilidad de los delitos de robo con violencia y delincuencia organizada. Ese mismo día, el Fiscal Especial solicitó el levantamiento de arraigo de los inculpados y fue ejecutada la orden de aprehensión en su contra. Fueron trasladados a las instalaciones de “El Amate”. El proceso penal se encuentra en etapa de instrucción. |
| 184. |         | 28/05/09 | JUA  | WGAD;<br>TOR | <p><b>Arraigo de 25 agentes de la Secretaría de Seguridad Pública.</b> Entre el 21 y 27 de marzo de 2009, fueron detenidos bajo arraigo 25 agentes de la Secretaría de Seguridad Pública, en la ciudad de Tijuana, Baja California, por el supuesto delito de delincuencia organizada.</p> <p>Los agentes son: <b>Artemio Duarte Martínez, Blanca Berenice Huízar Munguía, Carlos Cervantes Álvarez, Gerardo Garduño Escobar, Jaime Berumen Borrallo, Jaime Alberto Ávila Flores, Jorge Sánchez Reyes, Jorge Ernesto Pérez Avendaño, José Alberto Castillo Ortiz, José Alfredo Cuevas Higuera, José Carlos Ávalos Luis, Luis Alberto Toledo Coello, Manuel Guerrero Flores, Manuel Adelmo Olivas Coss, Miguel Ángel Mesinas López, Maximino García Luna, Omar Medina Ricardo, Raúl Delgado Rivera, René Huante Mondragón, Roberto Zaragoza Martínez, Rodolfo Ismael Nava, Rolando Saldaña Chacón, Salvador Bolaños Sánchez, Samuel Alonso Ureña Varo y Víctor Manuel González Méndez.</b></p> <p>Los agentes fueron llevados a las instalaciones del Octavo Batallón Militar, denominado “Aguaje del Tuna”. Una vez dentro de las instalaciones, los agentes fueron vendados y</p> |   |

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|      |         |          |      |              | <p>amarrados de pies y manos durante días, golpeados en el cuerpo y sometidos a toques eléctricos en varias partes del cuerpo y a ahogamiento con bolsas de plástico. Los agentes responsables de dichos actos pertenecen al Grupo GOPE de Inteligencia Militar. Otro oficial supuestamente se encargaba de darles masaje en el pecho cuando perdían el conocimiento. Los agentes fueron privados de alimentos durante tres días. Uno de los detenidos fue revisado por un médico de la Procuraduría General de la República, pero no encontró lesiones debido a que las asfixias y toques no dejaron marcas.</p> <p>Los agentes fueron incomunicados durante varios días, y una vez iniciado el arraigo, sus familias pudieron visitarlos. Durante las visitas, se encontraba siempre un elemento del ejército tomando nota de las conversaciones.</p> <p>Se presume que los actos se llevaron a cabo con el fin de extraerles confesiones y hacerles firmar hojas en blanco o declaraciones que no les dejaban leer. Con relación al expediente en su contra, los familiares de los detenidos indicaron que se les ha negado el acceso íntegro a los expedientes. El 27 de marzo se presentó un recurso de amparo, el cual fue negado. El 13 de abril se presentó un segundo recurso para evitar el traslado de los detenidos al estado de Nayarit. Dicho amparo fue concedido, y se evitó el traslado. A pesar de ello, el 7 de mayo fueron trasladados a Tepic, Nayarit, donde continúa su arraigo. Hasta el momento se desconocen las condiciones en las que se encuentran estos 25 agentes.</p> |                     |
| 185. |         | 31/07/09 | JUA  | WGAD;<br>TOR | <b>Los señores Juan Daniel Martínez Silva, Nazario Hernández Moreno, Félix Ramírez</b>  |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
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|      |         |      |      |         | <p><b>Baez, Héctor Alejandro Básquez Saucedo, Florentino Martínez Trejo, Milton Francisco Llanez Ramírez, César Rodríguez Soto, Eliud González Esparza, Arturo González López y Andrés Graciano Contreras</b>, oficiales de la Policía del Municipio de San Pedro Garza García, Nuevo León.</p> <p>Los días 13 y 14 de julio se llevaron a cabo dos operativos militares para aprehender y arraigar los oficiales Juan Daniel Martínez Silva, Nazario Hernández Moreno, Félix Ramírez Baez, Héctor Alejandro Básquez Saucedo, Florentino Martínez Trejo, Milton Francisco Llanez Ramírez, César Rodríguez Soto, Eliud González Esparza, Arturo González López y Andrés Graciano Contreras, en la Comandancia de la Policía de San Pedro Garza García, Nuevo León. Las víctimas fueron detenidas frente a cámaras de televisión. Se les dijo a las familias que serían arraigados en las instalaciones de la Academia Policial del Estado. Sin embargo, fueron llevados al Campo Militar de la Cuarta Región Militar, con sede en Monterrey, donde los tuvieron con la cabeza agachada durante tres horas. En caso de que uno de ellos intentara levantarla, le golpeaban la cabeza. Posteriormente, los fueron pasando de manera individual a otro cuarto, donde les quitaron la ropa, los tiraron la piso, les taparon la cara para que no pudiera ver o respirar por la nariz y los sujetaron para evitar que se movieran. En esta posición fueron golpeados en el abdomen y les tiraron agua con una manguera mientras permanecían con la boca abierta, con el objeto de producir un ahogamiento. Algunos de ellos fueron sometidos a choques eléctricos en el pecho, brazos y genitales. A uno de los oficiales le aplicaron excrementos fecales en la cara.</p> |                     |

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|      |         |          |      |         | <p>Cada media hora, les preguntaban si estaban listos para decir la verdad y el proceso se repetía, al menos que accedieran a firmar una declaración previamente escrita, sin poder leer lo que contenía. Se cree que en estas haya una declaración de culpabilidad de auxilio y participación en actividades de narcotráfico y crimen organizado.</p> <p>Posteriormente, fueron trasladados y arraigados en la academia militar, donde tuvieron acceso a una llamada telefónica y a recibir visitas limitadas. Los familiares interpusieron una denuncia ante la Comisión Estatal de Derechos Humanos, quien envió personal para realizaron un dictamen médico. Sin embargo, se desconoce el resultado del dictamen.</p>   |                     |
| 186. |         | 24/08/09 | AL   | TOR     | <p><b>Los señores Silverio Iván Jaimes Filio</b>, de 22 años, y <b>Jorge Raúl Jaimes Jiménez</b>, de 23.</p> <p>Según las informaciones recibidas, el 14 de agosto de 2009, a las 10:30 p. m., los señores Silverio Iván Jaimes Filio y Jorge Raúl Jaimes Jiménez se encontraban en un automóvil en Cuernavaca, Morelos, cuando se inició una discusión con un grupo de hombres que cruzaban un semáforo. En ese momento llegaron un camión militar marca Dina, No. 1004276, y una patrulla de la Policía Federal Preventiva, cuyos agentes los obligaron a bajarse del auto. Los dos jóvenes fueron introducidos por la fuerza en un camión militar y llevados a un lugar desconocido, que se cree haya sido el Campo Militar. En el curso del traslado los golpearon en la espalda y la cabeza. También los amenazaron diciendo que si decían que eran del Ejército tomarían represalias contra sus familias.</p> <p>Una vez ahí, los soldados los separaron, les vendaron los ojos y los golpearon por todo el</p> |                     |

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|      |         |          |      |                      | <p>cuerpo, les patearon la cabeza y las costillas. Los dos fueron interrogados continuamente sobre los posibles vínculos que pudieran tener con traficantes de drogas, lo cual ellos negaron. Los soldados también los amenazaron con someterlos a descargas eléctricas, violarlos, ahogarlos y arrojarlos por un barranco. Según el testimonio de los dos jóvenes, los soldados les indicaron que si los denunciaban les iba a ir peor ya que a ellos no les hacían nada por ser militares.</p> <p>Unas horas después, los militares subieron a los señores Jaimes Filio y Jaimes Jiménez a un camión y los bajaron con golpes y con las caras cubiertas junto a la carretera a las afueras de Cuernavaca. Una denuncia formal fue presentada ante la Procuraduría General de Justicia del Estado de Morelos (SC01/6398/2009).</p>                  |                     |
| 187. |         | 14/10/09 | JUA  | MIG;<br>SUMX;<br>TOR | <p><b>Deceso de un migrante irregular y lesiones personales ocasionadas a seis migrantes cerca de Comitán, en el estado de Chiapas.</b></p> <p>El 18 de Septiembre, fuerzas de seguridad mexicanas dispararon contra una camioneta pick-up que transportaba a siete migrantes irregulares de nacionalidades ecuatoriana y salvadoreña cuando cruzaban la frontera cerca de Comitán, en el estado de Chiapas.</p> <p>Según la información proporcionada, el conductor de la camioneta pick-up en donde se transportaban los migrantes irregulares habría aminorado la marcha al acercarse a un control de seguridad, pero habría acelerado al ver la orden de alto de la Policía. Los agentes de control de seguridad habrían salido tras ellos y presuntamente habrían abierto fuego contra el vehículo, que, alcanzado por reiterados disparos,</p> |                     |

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|      |         |         |      |             | <p>habría dejado de funcionar a los pocos minutos.</p> <p>Como resultado, uno de los siete migrantes, el señor Víctor Alexander Melgar Lemus, nacional de El Salvador, habría muerto y los seis restantes habrían resultado heridos. Tres de los migrantes sobrevivientes habrían escapado de las autoridades mexicanas después de los disparos ocurridos en un control militar. Los tres migrantes que habrían quedado a disposición de las autoridades mexicanas habrían sido interrogados por agentes de policía y militares y presuntamente reportarían haber sido pateados y golpeados con las culatas de sus armas. Uno de los migrantes habría sido golpeado directamente en la herida de una bala. Dos de los migrantes se hallarían presuntamente bajo vigilancia policial en un hospital donde estarían siendo atendidos, y el otro, un ciudadano ecuatoriano, se hallaría recluido en espera de su repatriación.</p> <p>Se teme por la seguridad de los migrantes que están recibiendo atención médica, frente a posibles acciones encaminadas a impedir la denuncia de violencia de carácter policial ya que, aunque la Comisión Nacional de Derechos Humanos de México habría abierto una investigación sobre los hechos, no se habrían iniciado investigaciones sobre el uso desproporcionado de la fuerza por parte de las autoridades de control policial. Se teme también que los migrantes sobrevivientes puedan ser repatriados a sus países de origen antes de que los hechos hayan sido completamente clarificados.</p> |                     |
| 188. |         | 9/11/09 | JAL  | HRD;<br>TOR | Los señores <b>A. H. E. N. (Sr. E.)</b> y <b>J. G. L. V. (Sr. L. V.)</b> . El Sr. E. es Director de los Centros de Atención Múltiples 33 y 34, en el Municipio de Ecatepec, Estado de México. Los Centros son  |                     |

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|      |         |      |      |         | <p>escuelas de educación especial para niños con discapacidad. El Sr. E. también es activista social, promoviendo el reconocimiento y la protección de los derechos de los grupos vulnerables, incluyendo a niños con discapacidad, mujeres y homosexuales. El Sr. L. V. es abogado de derechos humanos y director de la organización de derechos humanos Agenda LGBT.</p> <p>El 17 de mayo de 2007, el Sr. E. participó en la Feria de Lucha contra la Homofobia. Su participación desencadenó una serie de reacciones homofóbicas y discriminatorias entre algunos servidores públicos, incluyendo amenazas y hostigamiento, con el fin de presionarlo para que renunciara a su cargo. El 13 de febrero de 2008, el Subsecretario de Educación del Estado de México lo insultó y amenazó de muerte frente a varios padres de familia. El día siguiente el Sr. E. fue notificado de la licencia obligatoria con goce de sueldo para retirarse del cargo de Director Escolar por un año, aunque él no la había solicitado. Como resultado, el Sr. E. empezó a protestar en varias instancias locales y federales, denunciando su despido ilegal. El 20 de junio, el Director de Gobierno y el Jefe del Departamento de Gobernación del Estado de México agredieron física y verbalmente al Profesor E., y lo amenazaron con golpearlo y privarle de su vida.</p> <p>El 20 de mayo tomó posesión como suplente del Sr. E. la Sra. Norma Alejandra Sandoval Márquez. Un día después, la Sra. Sandoval Márquez interrumpió las clases de los alumnos, gritándoles frases discriminatorias y ofensivas para que se retiraran de la escuela junto con sus padres. También empujó y jaló a uno de los alumnos, M. A. B. P. La madre del alumno</p> |                     |

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|      |         |      |      |         | <p>denunció a la directora por abuso de autoridad, y aunque el Ministerio Público emitió una orden de aprehensión, ésta nunca fue ejecutada. En los meses sucesivos, continuaron los maltratos y la discriminación hacia los niños. Cuando la Sra. Azucena Escobar Monroy regresó a la escuela para obtener una constancia correcta para tramitar una beca, fue golpeada por otros padres de familia, por órdenes de la directora. La Sra. Escobar Monroy intentó inscribir a su hijo en otra escuela, pero le fue imposible debido a que no contaba con la constancia de estudios.</p> <p>El 16 de febrero de 2009, día en el cual se concluía la licencia forzada, el Sr. E. se presentó en las instalaciones para reintegrarse a sus funciones. No se le permitió el ingreso, por lo que el Sr. E. se dirigió hacia la Casa de Gobierno para protestar. En ese momento llegaron los granaderos y comenzaron un desalojo violento, durante el cual golpearon a niños y padres de familia que se encontraban ahí. El Sr. E. presentó una denuncia en la Agencia del Ministerio Público (EM/MR/1219/09).</p> <p>El 17 de febrero se les negó el acceso a los menores de edad cuyos padres pedían la reinstalación del Sr. E. Tampoco se les permitió la entrada a los profesores que lo apoyaban.</p> <p>El Sr. E. fue citado el 7 de mayo por las autoridades estatales para resolver su situación. Junto con el se presentaron su abogado, el Sr. L. V. y algunas madres de familia, quienes fueron interceptados en la puerta del Palacio de Gobierno. Los agredieron verbalmente, y cuando llegó un grupo de aproximadamente 100 granaderos, éstos comenzaron a golpear a las madres con el fin de desalojarlas. Una niña de</p> |                     |

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|      |         |      |      |         | <p>15 años fue golpeada con cachetadas y pateada hasta que se desmayó. El Sr. L. V. fue detenido y subido a la fuerza a la patrulla 1219 de la agencia de seguridad estatal. Dentro de la patrulla fue golpeado en los brazos, rodillas, pecho y estómago. Fue liberado bajo fianza al día siguiente.</p> <p>El Sr. E. también fue golpeado cuando trató de escapar. Fue trasladado al interior de una ambulancia, donde le azotaron la cabeza debajo de una camilla, lo estrangularon, le presionaron los testículos y le golpearon el estómago. Nuevamente fue amenazado de muerte y agredido verbalmente. El Sr. E. fue trasladado al sótano de la Procuraduría General del Estado de México, donde le cubrieron la cabeza con su camisa y continuaron golpeándolo durante un par de horas. Después fue puesto a disposición del Ministerio Público por los delitos de ataques a las vías de comunicación y medios de transporte.</p> <p>El 8 de mayo, el Sr. E. fue llevado al reclusorio Almoloya de Juárez. Fue llevado ante un médico, quien se negó a certificar sus lesiones. Después fue llevado a una celda donde se encontraban casi 30 personas. Algunos de los detenidos comenzaron a quitarle la ropa con violencia, y tuvo que dormir de pie y desnudo hasta que otro detenido le prestó algo de ropa. Al siguiente día, mientras regresaba de declarar su declaración, el Sr. E. fue sujetado con fuerza y violencia, le taparon la cara con una capucha, lo patearon y lo asfixiaron. Aproximadamente seis hombres los arrastraron hacia el interior de una celda, donde fue violado por varios detenidos, presuntamente por órdenes superiores. Los custodios estaban a menos de cinco metros del lugar donde ocurrió la</p> |                     |

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|      |          |          |      |              | <p>violación sexual.</p> <p>El Sr. E. salió de la cárcel el 9 de mayo, después de haber pagado la fianza. Se dirigió al Ministerio Pública de ciudad Cuauhtémoc y a San Cristobal Ecatepec, donde se negaron a recibir la denuncia de los hechos. El 11 de mayo registró una queja en la Comisión de Derechos Humanos del Estado de México por agresión física y sexual. Ese día presentó también una denuncia ante la Procuraduría General de Justicia. A pesar de los diversos intentos de denunciar los hechos, las autoridades no han tomado acciones concretas o medidas precautorias para proteger la integridad del Sr. E. o para investigar los hechos.</p> <p>Entre el 11 y 14 de mayo, patrullas de las agencias de seguridad estatales vigilaron al Sr. E. afuera de su domicilio. El 18 de junio recibió una llamada anónima en la cual se le amenazó con acabar sus denuncias públicas. Las llamadas se repitieron durante varias semanas. Su abogado, el Sr. L. V., también ha recibido amenazas contra su vida por continuar con las denuncias. El Sr. E. fue obligado a abandonar su hogar y mudarse a otra ciudad.</p> |   |
| 189. | Mongolia | 04/02/09 | JAL  | SUMX;<br>TOR | <p><b>Mr. Enkhbat Damiran</b> (see E/CN.4/2006/6/Add. 4, Appendix, paras. 1 and 3), who was serving a three-year sentence at Prison No. 413 (Zuunkharaa), died two days after his release from prison in 2006. He may have been released because of his imminent death due to his poor health, which appears to have been a result of the ill-treatment to which he was subjected to during arrest, transfer and detention. No investigation into the cause of death has been conducted, nobody has been prosecuted in relation to the allegations of</p>   | <p>By letter dated 19/03/09, the Government indicated that Mr. Damiran Enkhbat had been sentenced six times and in 2004 and sentenced to three years in prison. On August 25, 2005, during the medical meeting of a Central hospital of the Judicial Decision Enforcement Authority, doctors carefully discussed Mr. Damiran's health condition and unanimously decided to submit a release-from-prison proposal to the Prosecutor's Office of the Capital city and the Court of Khan-Uul district.</p> |

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|      |         |          |      |                       | torture raised by the Special Rapporteur on Torture, and no compensation has been granted to his relatives.   | <p>On February 6, 2006, in accordance with the resolution of the Review Prosecutor another medical examination was performed on Mr. Enkhbat.</p> <p>According to Mr. Enkhbat's application, the Judicial Decision Enforcing Authority submitted some materials regarding his release to the prosecutors and the judiciary in June 2006.</p> <p>During the trial, the panel of judges discussed the proposal to release Mr. Enkhbat. The Court of the Khan-Uul District decided, for health reasons, to free Mr. Enkhbat immediately.</p> <p>From June 2006, Mr. Enkhbat went to the Central hospital of the Judicial Decision Enforcement Authority nine times and had 360 days of medical treatment. Mr. Enkhbat's release was based on his health condition and he died after his release. There are no legal grounds for granting compensation.</p> |
| 190. |         | 04/08/09 | JUA  | WGAD;<br>SUMX;<br>TOR | <p><b>Mr. Buuveibaatar</b>, aged 33.</p> <p>Mr. Buuveibaatar was sentenced to death by the Bayangol District Court in Ulaanbaatar. The day after the murder he allegedly committed, he was arrested and taken to Bayangol District police station, where he was interrogated overnight without the presence of a lawyer. He was beaten in custody, and confessed to the crime during the interrogation.</p> <p>Mr. Buuveibaatar's death sentence was upheld by the Supreme Court, and his family has applied for a presidential pardon. So far, there has been no response to the petition. It was alleged that executions in Mongolia are carried out in secret and neither the families nor the</p> | <p>By letter dated 1/09/09, the Government indicated that the case of Mr. Buuveibaatar was ruled by the Court of Bayangol District, and the defendant has appealed to the Supreme Court of Mongolia and sought the Presidential pardon. No response has yet been received. The case materials on Mr. Buuveibaatar are yet to be reviewed by the Prosecutor's Office. Furthermore, no decision has yet been taken by the relevant authorities in relation to the petition made by him.</p>  |

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|      |         |                            |      |                      | lawyers of those on death row receive prior notification.   |   |
| 191. |         | Follow-up to earlier cases |      |                      | <b>Magnai Otgonjargal</b> , (A/HRC/10/44/Add.4, para. 152).   | By letter dated 2/10/09, the Government indicated that the case was dropped on 29 July 2009 by the Prosecution Office of the Capital City in accordance with paragraph 1 of Article 7 of the Mongolian Law on Amnesty of 9 July 2009. |
| 192. | Morocco | 14/10/09                   | JUA  | WGAD;<br>HRD;<br>TOR | <p>L'arrestation de <b>M. Ali Salem Tamek</b>, secrétaire général du Collectif des défenseurs sahraouis des droits de l'homme (CODESA) ; <b>M. Yahdih Ettarrouzi</b>, membre du CODESA ; <b>M. Brahim Dahane</b>, président de l'Association Sahraouie des Victimes des Violations graves des Droits de l'Homme commises par l'Etat du marocain (ASVDH) ; <b>M. Ahmad Anasiri</b>, président du comité de défense de droits de l'homme à Smara et Président de l'association marocaine des Droits de l'Homme (AMDH), section de Smara; <b>M. Saleh Lebayhi</b>, président du Forum pour la protection des enfants sahraouis, membre du CODESA et de l'AMDH, section de Laayoune ;</p> <p><b>M. Rachid Sghayar</b>, membre du Comité d'action contre la Torture à Dakhla, Sahara Occidental ; et <b>Mme. Degja Lachgar</b>, membre du Comité pour la défense du droit de l'autodétermination pour le peuple du Sahara Occidental (CODAPSO) (Voir A/HRC/7/3/Add.1, para. 157).</p> <p>Le 8 octobre 2009, les sept personnes susmentionnées auraient été arrêtées par les autorités marocaines à l'aéroport Mohamed V de Casablanca. Des agents de sécurité marocains les auraient interceptées à leur sortie d'avion en provenance d'Algérie et emmenées vers une</p> |   |

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|      |         |          |      |                      | <p>destination inconnue.</p> <p>Les collègues des personnes susmentionnées, venus les accueillir à l'aéroport, auraient remarqué une forte présence policière ce jour là. Il est allégué que ces arrestations seraient liées à leur visite de camps de réfugiés sahraouis dans le sud-ouest de l'Algérie.</p> <p>Le 12 octobre 2009, la police aurait reconnu l'arrestation des sept personnes susmentionnées et leur détention à Casablanca. Néanmoins, la police aurait refusé de communiquer leur lieu de détention. Il est allégué que leur détention incommunicado aurait dépassé la durée légale de garde a vue de 48 heures prolongeable jusqu'à 72 heures prévue par la loi marocaine.</p> <p>Le 13 octobre, les familles des détenus auraient entamé une grève de la faim de 48 heures en signe de protestation.</p> |                     |
| 193. |         | 23/10/09 | JUA  | IJL;<br>TERR;<br>TOR | <p><b>Sidi Mohamed Bourouis</b>, né le 17 avril 1969 à Tlemcen, commerçant, demeurant Al Kalaa supérieure, N° 81, Tlemcen Algérie, <b>Sadji Al Ouassini</b>, né le 12 janvier 1966 à Maghnia, commerçant, demeurant rue O N° 46, Maghnia, Algérie, et <b>Khaled Laidaoui</b>, né le 5 avril 1950, demeurant Haï Bouhenak, N° 11, Tlemcen Algérie, tous les trois membres du Front Islamique du Salut.</p> <p>Les trois personnes susnommées auraient fui l'Algérie après l'annulation des élections remportées par le Front Islamique du Salut en 1992. Frontaliers du Maroc voisin, ils s'y seraient réfugiés mais n'auraient pas déposé de demande formelle d'asile.</p> <p>Arrêtés en septembre 1995, ils auraient été accusés par les services de sécurité marocains de soutien au terrorisme et condamnés par le</p>     |                     |

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|      |         |          |      |                                       | <p>tribunal militaire de Rabat le 10 janvier 1996 à une peine de 14 années de réclusion. Ils n'auraient jamais eu la possibilité de bénéficier du droit de faire appel de leur condamnation. Ensuite, ils auraient purgé la totalité de leur peine de détention et auraient été libérés le 15 octobre 2009.</p> <p>En même temps, les trois hommes auraient appris qu'ils avaient été condamnés par les juridictions algériennes d'exception, mises en place à la suite des événements du janvier 1992. Selon un jugement de la cour spéciale d'Oran en date du 12 juillet 1993, M. Sidi Mohamed Bourouis aurait été condamné à la peine de mort. MM. Sadji Al Ouassini et Khaled Laidaoui auraient également été condamnés par les mêmes juridictions d'exception à des peines d'emprisonnement à perpétuité.</p> <p>Les autorités algériennes ayant requis des autorités marocaines que ces personnes leurs soient délivrées, car elles feraient l'objet de poursuites en Algérie, ils risqueraient de faire l'objet d'un renvoi forcé du Maroc vers l'Algérie. Il paraît que la demande formulée par les autorités algériennes serait en contravention avec une loi d'amnistie (l'Ordonnance n° 06-01 du 27 février 2006) portant mise en œuvre de la Charte pour la paix et la réconciliation nationale.</p> |                     |
| 194. | Myanmar | 16/04/09 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>MMR;<br>TOR | <p>Arbitrary arrest of five members of the Federation of Trade Unions of Burma (FTUB), <b>Mr. U Zaw Myint Aung</b>, <b>Mr. U Soe Oo</b>, <b>Mr. Maung Tun Nyein</b>, <b>Ms. Khine Lin Myat</b> and <b>Ms. Shwe Yi Nyunt</b>.</p> <p>The FTUB campaigns for workers' rights and for the improvement of wages and working conditions for workers in Myanmar. Since its foundation in 1991, FTUB has worked to end</p>  |                     |

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|      |         |          |      |   | <p>violations of fundamental trade union and other human rights.</p> <p>On 1 April 2009, Mr. U Zaw Myint Aung, Mr. U Soe Oo, Mr. Maung Tun Nyein, Ms. Khine Lin Myat and Ms. Shwe Yi Nyunt, who is also a member of FTUB Women's Committee, were arrested at their places of residence in Rangoon as they returned home from the First National Congress of the FTUB.</p> <p>The FTUB members are alleged to be held in interrogation centres in the Rangoon area, where it is feared they may be subjected to torture.</p> <p>According to the information received, an unspecified number of family members of the aforementioned FTUB members were also arrested, threatened and put under pressure in an effort to coerce cooperation from the five detained FTUB members.</p> |                     |
| 195. |         | 29/09/09 | JUA  | WGAD;<br>MMR;<br>TOR                    | <p><b>Kyaw Zaw Lwin</b>, a pro-democracy activist.</p> <p>On 3 September, Kyaw Zaw Lwin was arrested and taken to Insein Prison in Yangon. During his interrogation, he was beaten and kicked. He was also deprived of food for seven days and forced to stay awake at night. He has also been denied medical treatment for the injuries he sustained from the ill-treatment. A state newspaper recently reported that Kyaw Zaw Lwin had been arrested for creating unrest within the country. Kyaw Zaw Lwin, a United States citizen, first received consular assistance on 22 September.</p>   |                     |
| 196. |         | 16/10/09 | JUA  | WGAD;<br>FRDX;<br>HLTH;<br>HRD;<br>MMR; | <p><b>Mr. Hla Myo Naung</b>, who is at serious risk of total blindness unless he receives the specialist medical treatment he requires without further delay.</p> <p>42 year-old Hla Myo Naung is a prominent</p>  |                     |

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|      |         |          |      | TOR                  | <p>member of the movement called “88 Generation Students”, led by Min Ko Naing. He played a leading role in the political events in Myanmar in 1988, which led to his first term of imprisonment. He participated in the demonstrations against the fuel price hike in August 2007, and after the arrest of many of his colleagues during that month, he became the main spokesperson for the “88 Generation Students”. He was arrested on 10 October 2007, when he came out of hiding to seek treatment for his deteriorating eyesight. In November 2008, he was sentenced to a prison term of 65 years and 6 months, and was transferred to the remote Myitkyina prison shortly afterwards.</p> <p>An unsuccessful eye surgery was conducted while he was in detention on 12 October 2007, which led to the loss of vision in one of his eyes. He later began to experience the same symptoms in his functional eye that had led to blindness in the other eye. He is known to be suffering from keratitis and corneal opacity. Without immediate specialist treatment, Hla Myo Naung faces total blindness.</p> <p>It is requested that Hla Myo Naung be immediately transferred back to Insein prison in Yangon, and to arrange for specialist medical care for him without further delay. Myitkyina prison in Kachin State, Myanmar, where he is currently being held, is over 900 miles from Yangon where his wife lives.</p> |                     |
| 197. |         | 16/12/09 | JUA  | WGAD;<br>MMR;<br>TOR | <p><b>Mr. Kyaw Zaw Lwin.</b></p> <p>On 4 December 2009, Mr. Kyaw Zaw Lwin started a hunger strike to protest the conditions of prisoners of conscience in Burma. His fiancé reports that his health is critically deteriorating and that repeated requests for medical attention</p>  |                     |

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|      |         |          |      |                      | <p>have been denied. His requests for consular access by the Government of the United States of America have also been denied since he has staged the strike. The last time he had consular access was on 3 December 2009. On 11 December 2009, his scheduled trial was cancelled, and the only explanation he was given was that it was due to a “health reason”.</p> <p>Mr. Kyaw Zaw Lwin was originally accused of entering the country with the intention to prompt unrest in the nation; however, without explanation, those charges were dropped and he is presently charged with using a forged Myanmar national identity card, despite being the holder of a United States of America passport. He has also been accused of failing to declare currency at customs, although he was apparently seized before entering the customs zone. Prior to this instance, he entered Myanmar on his United States passport four times since 1993.</p> |                     |
| 198. | Namibia | 21/10/09 | JAL  | HLTH;<br>TOR;<br>VAW | <p><b>Forced sterilization of women living with HIV in government-run hospitals in Namibia.</b></p> <p>According to the information received, 40 from a sample of 230 women living with HIV participating in related research indicated that they were subjected to forced or coerced sterilization. Thirteen of the 40 cases are documented in detail and all suggest that informed consent to the procedure was compromised. In some cases, coercion was allegedly used in obtaining the consent for the sterilization procedure, while in other cases, women were apparently unaware that the sterilization procedure was being conducted, and were only informed after completion of the surgery.</p>   |                     |

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|      |         |      |      |         | <p>In at least six cases, consent was reportedly obtained by medical personnel in situation of duress. Women were asked to sign consent forms while in labour or on their way to the operating theatre, or were told or given the impression that they had to consent to sterilization in order to obtain another medical procedure such as an abortion or caesarean section. In other instances, it appears that women were asked to sign a consent form for sterilization without being informed of the form's contents. In all of these cases, it is alleged that medical personnel failed to provide the women with a full description of the nature of the procedure, its benefits, risks and alternatives. Furthermore, it is reported that medical personnel did not inform the women of the procedure's irreversibility and its potential side effects, or provided information on alternative forms of birth control and family planning.</p> <p>According to the information received, six of the women subjected to coerced or forced sterilization have filed cases before the High Court alleging violations of their right to life, human dignity and equality, and the right to be free from cruel, inhuman, and degrading treatment. Court dates have been set for October and November 2009. It is also reported that when, on 15 July 2008, documentation of the 13 cases was submitted to the Deputy Minister of Health and Social Services, she indicated that the Ministry would issue circulars to the health facilities stating that if forced and coerced sterilizations were occurring at hospitals they should be halted. However, according to information received, the circulars were not distributed to health care facilities and the</p> |                     |

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|      |         |          |      |                              | <p>Minister of Health has denied that involuntary sterilizations of HIV-positive women have taken place in hospitals.</p> <p>One of the women concerned reported that during a routine exam her physician stated that all HIV-positive women are sterilized when they have a caesarean section, which might suggest that forced and coerced sterilization could be systematic and part of a larger strategy to prevent mother to child transmission of HIV.</p>  |                     |
| 199. | Nepal   | 30/04/09 | JUA  | FRDX;<br>HRD;<br>TOR;<br>VAW | <p><b>Ms. K. D. S., Ms. Thakani Mehta, Ms. S. K., Ms. B. C., Ms. Sunita Sah and Ms. L. Ch. and other women human rights defenders</b> of Chimdi Village Development Committee (VDC) in Sunsari district in Nepal as well as Mr. R. N., Mr. K. B. and Mr. G. K., all of them journalists, Mr. S. C., representative for the Informal Sector Service Centre (INSEC) and Mr. B. C., a member of the Women's Rehabilitation Centre (WOREC) in Sunsari district, an organization helping victims of domestic and sexual violence.</p> <p>On 9 April 2009, Ms. K. D. S., after calling for respect of the fundamental right of any person to marry and to choose freely her/his spouse, was beaten up by the relatives of Ms. L. G., a young woman who had planned to have an inter-caste wedding with a young man belonging to the Dalit community. The two young people were also beaten up by L. G.'s relatives for speaking to each other in public. Immediately after the assault, K. D. S. approached the Illaka police station of Chimdi to file a complaint, but the Sub-Inspector refused to receive it.</p> <p>On 11 April 2009, the Women Human Rights Defender Network, Sunsari, and more than 500 women from eight Village Development Committees (VDC) staged a demonstration in</p> |                     |

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|      |         |          |      |         | <p>front of the police station in Chimdi VDC, in order to call for sanctions against the police for refusing to register K. D. S.'s complaint and to denounce the denial of access to justice. While doing so, they evoked the statement made by the Prime Minister on 25 January 2009, in which he committed himself to establish a complaints centre for women in order to end all forms of violence against women and criminalize caste-based discrimination against Dalits. They also called for a police apology since, on 10 April, while the Chimdi VDC were walking towards the police station in Chimdi, police officers publicly insulted them.</p> <p>The women human rights defenders were subsequently assaulted with batons and the butt of their guns by around ten police officers and four other unknown persons. The police beat the women on their head, chest, thighs and legs and some tried to sexually harass some of them. At least 14 women were injured, including Ms. T. M., Ms. S. K., Ms. B. C., Ms. S. S. and Ms. L. C., who were seriously injured and were brought to the Koshi Zonal hospital for medial treatment.</p> <p>The journalists R. N., K. B. and G. K. as well as S. C., representative for the Informal Sector Service Centre, who had gone to the police station to investigate the incident were also allegedly manhandled and their vehicle vandalized by the police. Likewise, Mr. B. C., a member of the Women's Rehabilitation Centre was also threatened.</p> |                     |
| 200. |         | 28/08/09 | AL   | TOR     | <p><b>S. S.</b>, aged 17, from Pohkara, Kaski District. Around midnight on 11 March 2008, Mr. S. and three of his friends were arrested by the police for attempting to enter a shop while intoxicated. Mr. S. was taken to the Prithivi Chowk police</p>   |                     |

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|      |         |      |      |         | <p>station, where he was verbally abused and beaten by five or six police officers on his hands, shoulder, back, hip, thigh and soles of his feet with a bamboo stick. Some of the police officers kicked him with their boots and refused to give him any water. After approximately one hour, Mr. S. was transferred to the Baidam Ward police station, where he was beaten upon his arrival and during interrogation. The next day, he was once again beaten and pressured to confess to multiple thefts. When he denied his involvement, two police officers beat him with a baton, kicked and punched him five or six times. Mr. S. was in severe pain for several days and complained of having pain on his fingertips. He was transferred to Kaski District Police Office (DPO) on 14 March, where he was remanded. A medical examination was conducted on 17 March, but a copy of the medical report is not available.</p> <p><b>A. T.</b>, aged 16, from Ward no. 2, Sasaha, Murali B Bhanjyang Village Development Committee (VDC), Dhading district, and temporarily living at Ward no. 5, Malepatan Pokhara, Kaski district. On 15 March 2008, he was arrested by several police officers on 15 March 2008 at Prithivi Chowk, for allegedly looting and fighting with Young Communist League (YCL) cadres. He was taken to Bagar Ward police station, where he was detained for one day. Six police officers reportedly took him to a room and ordered him to take his clothes off. One of the officers beat him with a bamboo stick and a plastic pipe on his shoulder, back, hip and legs. He was also punched on the nose. This lasted approximately 30 minutes. When Mr. T. was to be produced before an inspector, one of the officers made him wash his face to remove any</p> |                     |

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|      |         |      |      |         | <p>traces of blood. That night, one of the officers put tobacco on his eyes, and forced him to perform a sexual act. Mr. T.'s legs were then tied, and he was beaten on the soles of his feet with bamboo sticks and plastic pipes. Some of the officers present also kicked him. He was then taken outside, where he was forced to walk barefoot on the sand and was later dragged by his hair. On 16 March, he was transferred to the Kaski DPO. He was forced to lie down on the table, while several officers beat him on his hip with a wooden stick and kicked him for approximately 15 minutes. A police inspector ordered two junior officers to insert an iron rod beneath his knees while they tied his hands and legs. He was beaten on the soles of his feet in this position. He was also beaten on his hands, and was then told to rub them and stand up to prevent blood clots. When he was unable to stand up, he was beaten on his legs with a stick. That same day, he was produced before the Kaski district court, where he was remanded.</p> <p>Later that day, DPO police officers took him to the Gandaki hospital for a medical check-up. However, the doctor did not prescribe any medication and indicated that his pain was normal for his age. On 18 March, he was punched on the chest and slapped on the cheek for singing.</p> <p>On 23 March, an application was filed at the Kaski district court requesting a physical and psychological check-up for Mr. T. The court issued an order the same day, but it was not carried out. Two days later, Mr. T.'s lawyer met with a police inspector, who tried to harass the lawyer by telling him to forget about the court's order. He further mentioned that Mr. T. had not shown interest in going for the medical check-</p> |                     |

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|      |         |      |      |         | <p>up. On 30 March, Mr. T. obtained a medical report from the Western Regional Hospital in Pokhara, Kaski District. The police record and check-up application stated that Mr. T.'s age was 18 and not 16.</p> <p><b>S. S.</b>, aged 16, permanent residency in Haraicha, Morang district, but currently living in Itahari, Sunsari district. On 12 May 2008, at about 6.30 p.m., four unidentified people approached Mr. S. on two motorbikes and told him that his father was wounded in a road accident. When Mr. S. said he did not recognize them, the four men, members of the YCL, took him to a YCL office in Birat Chowk. The men asked him about a wire theft and beat him for two hours. Three of them beat Mr. S. with a belt and a plastic pipe. He became unconsciousness, but the YCL members continued to beat his thighs and back, while asking about the wire theft. Mr. S. denied involvement and the YCL cadres tied his legs with a plastic rope in order to hang him in the air. He confessed out of fear.</p> <p>At 6 a.m. on 13 May, Mr. S. was taken to the Belbari Area Police Office (APO), where he was kept in a cell with one minor and seven adult detainees. He was later transferred to the Morang DPO. On 4 June, the District Court sent him back to the Belbari APO. He was taken out of his cell and into the hallway where three police officers began to interrogate him. Mr. S. denied his involvement and the officers forced him to hold his feet on the window with his hands and head on the floor supporting his body. The officers then started beating his thighs, back, shoulders and upper arm with a wire and a bamboo stick. This lasted about five minutes. The officers then ordered him to do squats while holding his ears. Mr. S. performed about 250</p> |                     |

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|      |         |      |      |         | <p>times and felt severe pain in his thighs. Due to the pain, Mr. S. admitted all the accusations. On 13 May, he was taken for a medical checkup by APO police at the Belbari health post. However, no medical report is available.</p> <p><b>K. B.</b>, aged 14, from Raralihi VDC, Jumla district. On 18 July 2008 at 8 a.m., he was arrested in Ward No. 6, Birendranagar by two unidentified police officers from the Surkhet DPO for alleged theft. The officers hit him five or six times in the face, scolding him and calling him a thief and drug addict. After arriving at the DPO, an unidentified officer forced Krishna to clean the police kitchen, kicking Mr. B. in the back and thighs with his boots and hitting him in the face and head. Later that day, several officers took Mr. B. into the hallway, beat and kicked his hands, legs and back. Afterwards, the officers took Mr. B. to the Mid-Western Regional Hospital at Kalagaun, Surkhet for an examination. No medical report was made available. The officers kept Mr. B. in custody at the DPO for one night, where he was kept in the same cell as adult detainees.</p> <p><b>S. A.</b>, aged 17. He is affiliated with the Madhesi Janadhikar Forum and is a permanent resident of Siddharthanagar, Rupandehi district. Mr. A. was arrested on 25 July 2008 by uniformed police officers without an arrest warrant. The next day, Mr. A. was taken out of his cell, blindfolded and had a black bag placed over his head and tied around his neck. He was taken to a courtyard, where his hands and knees were tied around a bamboo stick. Two officers then lifted the stick, while a third officer repeatedly poured water over his face, while interrogating him. The police then held a pistol to his face and threatened to kill him, forcing Mr. A. to confess.</p> |                     |

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|      |         |      |      |         | <p>Mr. A. was detained at the Rupandehi DPO for five days and remanded on 30 July for possession of arms and ammunition. Afterwards, he was taken to the Bhim Hospital for an examination, but no medical report was made available.</p> <p><b>P. G.</b>, aged 15, from Ward No. 16, Bilaspur, Nepalgunj, Banke district. On 10 August 2008, he was arrested together with another minor at Dhamboju, Nepalgunj on suspicion of theft. On his way to the Banke DPO, one unidentified officer beat the two boys on their legs and back with a one inch thick cane, more than 20 times. Another policeman slapped him in the face and caused Mr. G.'s ears to bleed. The police accused him of being a thief. The police did not give him any food for two days and forced him to cut the grass of the DPO compound. That same day, the police took Mr. G. to a holding cell where an unidentified police inspector interrogated him, beating him about 15 times on his back and head with a long plastic pipe.</p> <p>On 11 August, the police took Mr. G. to the Bheri zonal hospital for a general check-up. He was remanded and was kept in a cell with adult detainees. Since his family was unaware of his arrest, they did not visit him. After making an official statement to the authorities, Mr. G. was not allowed to read the declaration. The Judge did not ask any questions about his treatment in custody.</p> <p><b>D. C.</b>, aged 16, resident of Banke district, Nepalgunj. On 10 August 2008, he was arrested for alleged theft. In the police van, an unidentified police officer beat him with a long cane on his legs and back. A second officer slapped him in the face. At the DPO Banke, Mr.</p> |                     |

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|      |         |      |      |         | <p>C. was taken to a holding cell where an unidentified police inspector interrogated him while beating him on his back and head with a long plastic pipe. Later, he was forced to cut the grass in the DPO compound. He did not receive any food for one day. Mr. C. was not allowed to read his statement. When he was presented in court, the judge did not ask any questions about the treatment in custody. After eight days in detention, he had access to a lawyer, who did not observe any marks or scars. A medical examination was carried out on 10 August, but no report is available.</p> <p><b>B. B. K.</b>, aged 17, resident of Ward no. 4, Dobe, Dharapani VDC, Surkhet district. On 11 August 2008, he was arrested by five police officers in uniform for attempted murder, without presenting a warrant. He was then taken to Mehelkuna police station, where he was beaten with a bamboo stick and kicked for about 15 minutes. He was detained in a room in Mehelkuna police station. At around 9 p.m., an unidentified officer beat him about 15-20 times. While carrying out the interrogation, he was beaten on the soles of his feet about 40-50 times using a bamboo stick. He was then ordered to lie down on the floor facing the ground, where he was beaten with a baton on his knees and hips, for about ten minutes. He was also kicked in the face. The next morning, he was transferred to Chinchu area police station and later to Surkhet DPO. As a result of the torture at Mehelkuna police station, Mr. B. K. sustained injuries on his jaw and feet and suffered from regular headaches.</p> <p><b>A. S.</b>, aged 15, permanent resident of Ghoga Pul Chowk, Biratnagar Sub Metropolitan City-12. On 12 August 2008, at about 9 a.m., two</p> |                     |

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|      |         |      |      |         | <p>policemen from Morang DPO arrested Mr. S. on his way to school. He was detained with adults. The next day, the police took him to the crime investigation section of the Morang DPO where two officers in civil dress interrogated Mr. S, accusing him of involvement in a murder. When he denied any knowledge of the incident, the two officers beat him all over with their hands, fists and sticks for about an hour. After further denial, the officers ordered him to lie on the floor and inserted a stick below his bended knees, placing the stick in a gap between two tables. In that position, the police beat him on his thigh and knees with a bamboo stick and slapped and punched him in the face for about an hour. This was repeated at about 7 p.m. A medical examination was carried out at Koshi Zonal Hospital on 13 August, but no medical report is available. On 14 August, he was remanded for seven days for involvement in homicide.</p> <p><b>B. G.</b>, aged 17 from Haibu VDC, Sindhupalchowk district, and <b>P. B. N. R.</b> and Purna Bahadur Nachiring Rai, aged 16, from Rakha Bangdel VDC, Khotang district. On 3 December 2008, they were arrested for allegedly stealing a motorbike. The police took them to Boudha MPC and held them there for one night. On 4 December, the police transferred them to the Baggikhana traffic police office in Singhdurbar. The boys were forced to lie down on the floor while the police beat them on the soles of their feet with bamboo sticks for about 30 minutes. The officers also repeatedly punched and kicked their stomachs and chests. The officers forced them to jump barefoot on a floor covered with sharp stones for about five minutes. They were taken back to Boudha MPC</p> |                     |

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|      |         |      |      |         | <p>on 5 December. On 7 December, they were produced before the Kathmandu district court and were remanded on theft charges. As a result of the torture, Mr. G. and Mr. R. developed swelling and bruises in their hands and soles of their feet and they had problems walking properly for several days. They were taken for a medical checkup at the Nepal Medical Hospital in Kathmandu on the day of the arrest, before they were actually tortured. However, there is no medical report available.</p> <p><b>J. B. K.</b>, aged 16, from from Samshegunj VDC, Baijanathpur, Banke district. On 22 February 2009, she was arrested by a group of policemen from the Kohalpur APO, Banke district for alleged involvement in a murder. At the police station, she was beaten on her back, hip, thighs and hands three to four times with a baton by an officer. Ms. K. was in pain the following day from the beatings and developed dark bruises on her hands. On 23 February, she was remanded for five days, and later for ten days. She was later released on bail by the Banke District Court.</p> <p><b>G. K.</b>, aged 16, resident of Ward No. 11, Lalpatta Triyuga municipality, Udayapur district. On 22 May 2009, about six armed police officers approached him. The inspector scolded and slapped him on the cheek. Five other officers kicked him on the chest, ribs, hips and other body parts. He was then dragged about 50 meters towards the police jeep. He cried for help and after hearing him cry, the neighbors gathered and protested and the police left. On the same day, the victim registered an application before the Udayapur District Court for a physical and mental checkup. A claim was also filed under the Torture Compensation Act.</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
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|      |         |      |      |         | <p>On 8 June 2009, a medical checkup was done at the District Hospital in Udayapur. Though the CDO promised to provide compensation, it had not been paid as of mid-July 2009.</p> <p><b>D. B. N.</b>, aged 13, from Ward no. 5, Chisapani, Birendranagar. He was arrested in connection with a knife fight at the Jana Uccha higher secondary school. While he was being taken to the Banke DPO, 3 officers beat and kicked him inside the police van with a bamboo stick. After reaching the Banke DPO, he was kept inside a detention room with adult detainees. At around 5.30 p.m. about four unidentified officers took him to the guard commander's room. He was forced to sit on the floor, where he was beaten with batons on his thighs and kicked on his back, while the police interrogated him. This lasted for about 15 minutes. The next morning, he was forced to collect the branches of a fallen tree, to carry the wood to the kitchen, and wash dishes in the DPO. Mr. N. sustained an injury on his left temple and bruises below the left knee. He was remanded under the Public Offences Act on 25 May and released on bail on 21 June.</p> <p><b>D. S. T.</b>, aged 15, from Ward No. 8, Latikoili VDC, Surkhet district. On 11 June 2009, he was arrested by about 7 police officers from Surkhet DPO, headed by a police inspector on suspicion of involvement in a death. He was taken to the DPO, where he was taken to the guard commander's room. Two officers told him to lie on the floor while they beat him on the soles using a bamboo stick. They also punched him and kicked him on his back and chest, and slapped his face for approximately 30 minutes. He was then taken to a detention room, where he was kept with adult detainees. The next day, one officer ordered him to wake up. They pulled his</p> |                     |

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|      |         |                            |      |         | hair, punched his neck and ordered all the detainees to slap each other on the cheek. On 12 June, he was taken to the Banke district court and charged with murder. The judge asked him if he had been tortured, but he said no out of fear. As a result of the beatings, he had pain in his chest. After his lawyer talked to one of the officers, he was taken for a medical examination. He was prescribed some medication and no internal injuries were reported. |   |
| 201. |         | Follow-up to earlier cases |      |         | <b>Ms. S. K., Ms. M. K., Ms. G. K. and Shekhar Gurung, (A/HRC/10/44/Add. 4, para. 164).</b>   | <p>By letter dated 27/01/09, the Government indicated that upon receipt of a complaint of theft of Rs. 60,000.00 from the apartment of A. K., police investigation seized Rs. 29,000.00 from the possession of Ms. S. K. and Rs. 5,000.00 from the possession of Ms. M. K. and both the complainant and the accused went home, agreeing that the remaining amount would be paid at home. None of the accused were arrested, detained or tortured by the police except for them being asked in public about the whereabouts of the stolen amount. The allegations of torture are not true and do not correspond to the reality of the case.</p> <p>Mr. Shekhar Gurung was taken into control by the police, upon receipt of a complaint, while he was found to have been involved in the quarrel and disturbing law and order at Helambu Restaurant at Maltidevi Kathmandu. During his arrest, it was revealed that he was a drug addict and a person with several past mischievous records of involvement in activities of disturbing the local tranquillity, law and order in the area and incidents of physical assaults. He was presented to the competent authority on the charge of public</p> |

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|      |         |          |      |                               |  | offence and was bailed for an amount of Rs. 7,000.00. As he was not able to pay the required amount of the bail, he was remanded to police custody. He was not subject to any kind of physical or mental torture or beating during the investigation.  |
| 202. | Norway  | 06/03/09 | JAL  | WGAD;<br>HLTH;<br>TOR;<br>VAW | <p><b>Ms. E. H. A., aged 20, resident in Stavanger.</b></p> <p>On 24 May 2005, E. H. A., at that time aged 16, was involuntarily admitted to the psychiatric ward of the Stavanger University Hospital. She had been taken there by a school consultant without her parents being informed or consulted although she had no previous history of violent or other disturbing behaviour. Since then, she has been kept at the hospital, most of the time in solitary confinement.</p> <p>According to her mother, Ms. A. had gone through a difficult period, related to a possible sexual assault a few months earlier. This incident was reported to the police, but the case was dismissed by the authorities due to a lack of evidence.</p> <p>Ms. A. has been forcibly administered different types of psychiatric drugs, despite her parents' repeated objections. The doctors' diagnoses have changed many times and do not appear to be consistent. Since her confinement, Ms. A.'s condition has deteriorated drastically: she allegedly has suffered from spasms, eyes rolled up in their sockets (dystonia), severe motoric restlessness (akathisia), memory problems, compulsive actions, incontinence, psychoses, dry mouth, teeth damage, inflammation of the gums and gross weight gain, among others. Ms. A. may even have sustained brain damage due to the extensive use of neuroleptics and other</p> | <p>By letter dated 23/12/2009, the Government indicated that the Norwegian Ministry of Health and Care Services has received information about the case from the hospital, and the facts described are completely different from those described by A. A.</p> <p>Norwegian regulations of compulsory mental health care comply with international human rights norms and standards. According to the hospital, none of these regulations have been violated. The case is now under supervision by the Norwegian Board of Health. Due to confidentiality regulations, no more details can be provided concerning this case.</p> |

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|      |         |      |      |         | <p>psychoactive drugs.</p> <p>After her mother publicly criticized her treatment, her visit rights were restricted and eventually denied for more than one and a half years between 2006 and 2007, and again for one year in 2008. The father's visitation rights have been severely restricted as well. Following a complaint, the Control Commission concluded on 26 September 2008 that the decision to deny the parents visits for one year was illegal, but that Ms. A. should remain under involuntary admission.</p> <p>For their part, the Regional Supervisory Authorities (Helsetilsynet) concluded on 16 July 2008 that the hospital violated Ms. A.'s legal rights related to free and informed consent to health care and the right to participation. However, on 4 December 2008, the Stavanger University Hospital filed a complaint asking for the father to be replaced as a legal guardian.</p> <p>An application for free legal assistance filed on 6 November 2008 on behalf of Ms. A. was rejected by the authorities (Fylkesmannen) on 11 December 2008. Her father's appeal against the decision was rejected on 30 January 2009. A further appeal is pending. The decision rejecting the application for legal aid states inter alia that, since the issue in question is not of such great significance for Ms. A.'s welfare and her parents, it would not be reasonable that the public treasury pay for free legal aid.</p> <p>Due to a lack of sufficient legal advice the parents of Ms. A. were not aware of the possibility to challenge the decision of the Control Commission of 26 September 2008 before a court of law pursuant to chapter 7 of the Norwegian Mental Health Care Act and chapter</p> |                     |

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|      |          |          |      |                      | 36 of the Civil Procedure Act.  |                     |
| 203. | Pakistan | 07/08/09 | JUA  | FRDX;<br>HRD;<br>TOR | <p><b>Mr. Ehsan Arjumandi</b>, an advocate for the human rights of the Baloch people in Pakistan, Afghanistan and Iran. He has organized pro-Baloch protests in Norway, in particular in relation to the continuous disappearances taking place in Balochstan.</p> <p>On 7 August 2009, Mr. Arjumandi was abducted in Pakistan, when the bus that he was travelling on was stopped between Karachi and Mand. Mr. Arjumandi, who lives in Oslo, Norway, went to Pakistan a couple of weeks earlier to visit relatives in Turbat and Mand. He left Mand early in the morning of the 7 August 2009 on an intercity bus named 'Aslam Dandahi Coach'. The bus was stopped by a group of men, some of whom were wearing official police uniforms, when it reached a check point at Zero point Coastal Highway about 12km away from Uttal city. Some of the men in the group wearing civilian clothing reportedly boarded the bus and asked him to identify himself. They then searched him, covered his head with a blanket and took him away in an unmarked vehicle, which was escorted by at least two other vehicles. Mr. Arjumandi has not been heard from since. It is alleged that the Pakistani intelligence service, the ISI, is responsible for the abduction.</p> <p>Both Mr. Arjumandi's lawyer and the owner of the bus company with which Mr. Arjumandi was travelling, allegedly tried to report the incident at the Bagdadi district police station in Karachi, but the police reportedly refused to receive the report.</p> |                     |
| 204. |          | 2/10/09  | JUA  | WGAD;<br>TERR;       | <b>Mr. Mustafa Setmariam Nassar</b> , aged 42, Spanish citizen of Syrian origin and author of a   |                     |

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|      |         |      |      | TOR     | <p>number of books and other publications on Islam and “jihad” (See also paras. X, Y and Z).</p> <p>On an unknown date in October 2005, Mr. Nassar was apprehended in Pakistan by forces of the Pakistani intelligence on suspicion of having been involved in a number of terrorist attacks, including the 11 September 2001 attacks against the United States and the 11 March 2004 bombings in Madrid. He was detained in Pakistan for a certain period of time, accused of involvement in both incidents. He was then handed over to authorities of the USA under their exclusive control. While no official news of Mr. Nassar’s whereabouts has been received since his apprehension in October 2005, it is alleged that in November 2005, he was held for some time at a military base facility under United States of America authority in Diego Garcia, an overseas territory of the United Kingdom. It is now assumed that he is currently being held in secret detention in the Syrian Arab Republic.</p> <p>In the early 1980s, Mr. Nassar fled the Syrian Arab Republic following his alleged involvement in a failed attempt by the Muslim Brotherhood to overthrow the government then in power. In 1985, he arrived in Spain where he married a Spanish citizen, thereafter obtaining Spanish citizenship.</p> <p>Official US documents and web postings, as well as media reports, indicate that the US authorities had been interested in Mr. Nassar before his disappearance in 2005. The then United States of America administration pursued Mr. Nassar at least since November 2004, when it offered a five million US dollar reward for information relating to his capture as part of its</p> |                     |

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|      |         |      |      |         | <p>“Rewards for Justice” program. In January 2005, the US Embassy in Pakistan reiterated this offer by posting a notice for a reward for the same amount of money in a prominent newspaper in Pakistan. Around the time of his reported capture, the US Government removed Mr. Nassar’s name from the “Rewards for Justice” list, and withdrew the proposed reward for information leading to his arrest. It also removed his name from the Federal Bureau of Investigation’s (FBI) “most wanted” list. The website of the US National Counterterrorism Center reports that Mr. Nassar was captured in Pakistan in November 2005 (<a href="http://www.nctc.gov/site/profiles/capture.html">www.nctc.gov/site/profiles/capture.html</a>, last visited 23 September 2009). This may suggest that Mr. Nassar was captured and that the Government of the US was either involved in his capture or is cognizant of his whereabouts.</p> <p>In June 2009, in response to a request made through Interpol by Spanish Judge Baltazar Garzon for information relating to Mr. Nassar’s whereabouts, the FBI informed that Mr. Nassar was not in the UUS at that time. The FBI did not, however, address whether Mr. Nassar may be held in US custody elsewhere or whether it knew where he was then held.</p> <p>Following queries by non-governmental organizations as to the whereabouts of Mr. Nassar, the Central Intelligence Agency (CIA) responded on 10 June 2009 stating that “the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request” and that even if the CIA was in a position to answer the request that the records would be classified and protected from disclosure by United States laws.</p> |                     |

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| 205. |                  | Follow-up to earlier cases |      |                | <b>Soomar Kalhoro</b> (A/HRC/107447Add.4, para. 167).   | By letter dated 5/08/09, the Government indicated that as soon as the news of torture appeared in the media, the District Police Officer initiated an immediate inquiry into the matter. A First Instance Report was registered against the accused officials. After detailed investigations were carried out, it was proven that some of the accused police officers were involved in the torture of Mr. Kalhoro. The responsible police officers were placed under suspension and a criminal case was opened against them through the public prosecutor. Hence, the necessary administrative and legal action was taken against the guilty officials. |
| 206. | Papua New Guinea | 11/02/09                   | JAL  | SUMX, TOR, VAW | <p><b>Reports of sorcery-related killings of women</b> in the highlands provinces of Papua New Guinea. A woman was stripped naked, gagged, tightly strapped and burned alive by a group of men at Kerebug Dump in Mount Hagen on 6 January 2009. As of 27 January, the identity of the victim was still unknown, and the Provincial police authorities were still investigating. The body was reportedly too badly burnt for identification purposes.</p> <p>In addition, at least four similar cases in the highlands area (two resulting in deaths of women, one in which a female victim was tortured but survived, and the killing and burning of a father and son in Ban village on 8 February 2009) were reported after the killing in Mount Hagen. Provincial police commanders in two highlands provinces, Eastern Highlands and Chimbu, reportedly told journalists that there were more than 50 sorcery-related killings in their provinces in 2008. Other independent sources estimate that there have been up to 500 of attacks against women accused of practicing</p> |   |

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|      |          |          |      |          | <p>witchcraft that have resulted in torture and murder.</p> <p>The police are often unable to enforce the law and stop mob killings. In the case of the killing and burning of a father and son suspected of sorcery in Ban village on 8 February 2009, the police were able to visit the crime scene and confirm their deaths, but heavily armed locals prevented them from removing the bodies to hospital for autopsies.</p>  |                     |
| 207. | Paraguay | 11/02/09 | JUA  | IJL; TOR | <p><b>El señor S. M.</b> (65 años), sus hijos <b>H. M. y A. M.</b>, y <b>los señores C. F.</b> (38 años), <b>A. F. y N. D. O.</b>, campesinos y dirigentes agricultores.</p> <p>A las 13 horas del 11 de enero de 2009, los señores S. M., H. M., A. M., A. F., y N. D. O. fueron detenidos por oficiales militares sin órdenes de aprehensión. Las detenciones se llevaron a cabo en la localidad de Curuzu de Hierro, Circunscripción de Concepción. Inmediatamente fueron trasladados al destacamento militar de Tacuaty, jurisdicción del Departamento de San Pedro.</p> <p>Por la noche, los señores fueron obligados a declarar en la sede militar y sin la presencia de sus abogados. Uno a uno fueron retirados del calabozo, desnudos, con los pies y las manos atadas y los ojos vendados. Por intervalos de una hora, oficiales militares y policiales les cubrían la cabeza con bolsas de plástico para darles la sensación de asfixia, les apretaron los testículos, los patearon en el estómago y los golpearon por todo el cuerpo. Fueron también amenazados de ser violados con linternas. Asimismo, les introdujeron armas en la boca, diciéndoles que sus vidas dependían de sus confesiones. Todo esto, mientras les exigían que involucraran a algunos dirigentes campesinos en un incendio en</p> |                     |

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|      |         |          |      |         | <p>el destacamento militar, ocurrido el 31 de diciembre de 2008.</p> <p>El Obispo de Concepción y dos abogados vieron a los detenidos el 12 de enero, 25 horas después de su detención. Sin embargo, el acceso a sus familiares fue negado. Un habeas corpus y una denuncia ante la Policía Nacional fueron presentadas en Concepción, sin resultados.</p> <p>Según los resultados de los exámenes realizado por un médico particular, los señores A. F., N. D. O. y C. F. sufrieron lesiones en distintas partes del cuerpo.</p>  |  |
| 208. | Peru    | 28/01/09 | AL   | TOR     | <p><b>Caso de Minera Majaz.</b> El 1º de agosto de 2005, un grupo de campesinos fueron reprimidos por oficiales de la Policía Nacional cuando intentaban llegar hasta las instalaciones del campamento minero Henry's Hill. Dicho campamento se encuentra protegido por dos puestos policiales y por 400 policías. Durante los hechos, la policía utilizó gases lacrimógenos y armas de fuego, produciéndose la muerte del señor Melanio García. De acuerdo con el Protocolo de Necropsia del señor García, su cadáver presentaba daños a los pulmones (perforación de la membrana que los recubre y evidencias de hemorragia en la parte superior del lóbulo izquierdo), numerosas lesiones traumáticas externas y una herida perforante faciocervical por proyectil de arma de fuego.</p> <p>Después de los hechos, 28 personas fueron detenidas y trasladadas a Henry's Hill. En el campamento, los detenidos fueron obligados a permanecer amarrados y "ensacados" con costales en la parte superior del cuerpo, dificultando la respiración e impidiendo la visión, y dispuestos a la intemperie en una zona tropical. También fueron obligados a</p> | <p>Mediante cartas de fecha 27/03/09 y 13/05/09, el Gobierno indicó que el 6 de junio de 2008, el Secretario Ejecutivo de la Coordinadora Nacional de Derechos Humanos y la Directora Ejecutiva de la Fundación Ecuménica para el Desarrollo y la Paz (FEDEPAZ) formularon una denuncia penal ante la Quinta Fiscalía Provincial de Piura, contra tres coroneles, los efectivos policiales que participaron directamente en las acciones y contra personal de seguridad de la empresa Minera Majaz, por los delitos de tortura, secuestro agravado, homicidio calificado y actos contra el pudor que se desplegaron en agravio de los campesinos de las comunidades de Jaén y de Piura los días 26 de julio y 1º de agosto de 2005. La denuncia continúa su tramitación. Dicho proceso aún se encuentra en etapa de investigación, por lo que no se ha comprobado la verosimilitud de los hechos. Una comisión enviada por el Ministerio de Justicia se apersonó en las zonas afectadas el 15 de enero de 2009, con la finalidad de ofrecer apoyo de la Defensoría de Oficio y</p> |

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|      |         |      |      |         | <p>permanecer atados en posturas forzadas durante periodos prolongados y a caminar sobre una superficie abrupta y peligrosa sin zapatos y con los ojos vendados. Asimismo, eran privados del sueño, y durante las primeras 24 horas fueron privados de alimentos y agua. Entre los detenidos se encontraban dos mujeres, quienes presuntamente fueron también víctimas de violencia sexual.</p> <p>Un día después de la detención, el Fiscal Provincial de Huancabamba les tomó la declaración a los detenidos. Sin embargo, ellos permanecieron siempre ensacados. El Fiscal no dejó constancia de los signos de tortura que presentaban los detenidos, ni tomó ninguna medida al respecto. El 3 de agosto fueron trasladados a las instalaciones de la Dirección de Investigación Criminal de la ciudad de Piura, donde fueron reconocidos por un médico, quien sólo registró algunas lesiones y tampoco dejó constancia de los evidentes signos de tortura. El caso actualmente se encuentra en fase de investigación fiscal.</p> | <p>del Consejo Nacional de Derechos Humanos, así como para hacer llegar la ayuda necesaria a los pobladores en materia de salud.</p> <p>En 2005 se abrió auto de instrucción ante el Juzgado Mixto de Huancabamba, con expediente No. 140-2005, contra varios pobladores por malversación de fondos; arrebato de armamento de guerra y atentado contra los medios de transporte y comunicaciones; lesiones graves y homicidio culposo; y daños contra la propiedad privada.</p> <p>El proceso fue enviado a la Primera Sala Penal bajo el expediente No. 646/2006. La Sala declaró no haber mérito para pasar a juicio oral por la malversación de fondos. En lo que concierne los otros cargos, se remitió el expediente al Juzgado de Origen a fin de adecuar la vía procedimental al proceso sumario. El proceso penal no ha culminado; por lo tanto, aún no han sido adoptadas las sanciones penales correspondientes.</p> <p>El Consejo Nacional de Derechos Humanos ha iniciado las diligencias necesarias para atender los requerimientos en materia de salud de los pobladores afectados durante la manifestación contra la Minera Majaz. En este sentido, recomendó: mantener coordinación constante entre la Defensoría de Oficio y las autoridades locales a fin de informarles periódicamente sobre el estado de los procesos; brindar apoyo médico y psicológico a los pobladores afectados; exigir a las autoridades judiciales el cumplimiento de los plazos legales establecidos aplicables a estos procesos; y establecer un grupo de trabajo encargado de realizar el seguimiento a las recomendaciones. A la fecha, se ha</p> |

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|      |             |          |      |                      |   | brindado atención médica y psicológica a 20 personas. |
| 209. | Philippines | 13/07/09 | JUA  | FRDX;<br>HRD;<br>TOR | <p><b>Ms. Aurora Broquil, Ms. Emily Fajardo, Mr. Francisco Honra, Mr. Rafel Limcumpao, Mr. Domingo Alcantara and Mr. Archie Bathan,</b> six human rights defenders who campaign against the Bataan nuclear power plant.</p> <p>On 26, 27 and 28 June 2009, Ms. Broquil, Ms. Fajardo, Mr. Honra received a series of death threats on their mobile phones from the same number.</p> <p>On 27 May 2009, Mr. Limcumpao, Mr. Alcantara and Mr. Bathan, were arrested by approximately 20 police and military personnel from the Philippine National Police 303rd Provincial Mobile Group, a unit from the Military Intelligence and the 3rd Infantry Battalion. The three men were forced to lie down facing the floor. They were kicked and hit with rifles while being searched. They were then handcuffed, dragged to two vehicles and taken to the Philippine National Police 303rd Provincial Mobile Group in Camp Tolentino.</p> <p>While in the Camp, they were tortured while being questioned and the beatings lasted until 2:00 a.m. the next day. Mr. Alcantara was beaten and suffocated with a thick plastic bag. The police also hit Mr. Bathan in the face with a solid object while he was blindfolded, performed Russian roulette and hit his ears on several occasions. They were told to admit that they were members of a rebel group.</p> <p>The following day, the three victims were presented before the press, and the police claimed that they were the leaders of a rebel group. However, no formal charges had been</p> |   |

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|      |         |          |      |              | <p>filed at that time. Later that day, they were taken to the Office of the Prosecutor, where they were charged on three counts of attempted murder, illegal possession of explosives and firearms.</p> <p>Prior to the arrest, Mr. Limcumpao, Mr. Alcantara and Mr. Bathan had been planning to organize campaigns to protest the possible renewed operation of the Bataan nuclear power plant in the area. The group was opposed to the operation as it would allegedly have serious environmental and health implications to local residents.</p>   |   |
| 210. |         | 03/08/09 | JAL  | SUMX;<br>TOR | <p><b>Death of Mr. Katog Sapalon.</b> At around 7:30 a.m. on 3 June 2009, Mr. Katog Sapalon and his wife were preparing breakfast when soldiers arrived at their home. Five heavily-armed men, who later identified themselves as soldiers, approached them and began interrogating Mr. Sapalon. The soldiers allegedly wanted him to confess his involvement with a rebel group, the Moro Islamic Liberation Front (MILF). During the questioning, they punched and kicked him with their fists, feet and the butts of their rifles.</p> <p>Despite the fact that Mr. Sapalon pleaded with the soldiers, telling them that he was not a MILF member, he was shot at close range in front of his family. He was hit in several parts of his body, including his eye and head, and died instantly.</p> <p>After several hours, Mr. Sapalon's body was taken by the soldiers to the 6th Infantry Battalion, Philippine Army in Barangay Gubat Datu, Odin Sinsuat. A village chairperson later went to the camp to claim the body, and he was buried on the same day.</p> | <p>By letter dated 26/10/09, the Government indicated an investigation conducted by Datu Odin Sinsuat (DOS) Municipal Police Station, Maguindanao Police Provincial Office and coordinated with the 6th Infantry Battalion (IB), Philippine Army (PA) revealed that on 3 June 2009, on or at about 4:30 a.m., a platoon from the 9th Scout Ranger Company, PA reinforced the Alpha Company of the 6th IB, PA at Barangay Makir, DOS, Maguindanao to conduct clearing operations against lawless elements of the Moro Islamic Liberation Front (MILF) in the vicinity of Barangay Makir.</p> <p>At about 7:15 a.m. of the same day, an exchange of gun fire ensued at the vicinity of the mountainous area of Barangay Sifaran, DOS, Maguindanao between the elements of the 6th IB, PA, against more or less ten MILF rebels that lasted for about five minutes. The enemy withdrew towards an unknown direction leaving behind their casualty, a member of the 105th Base Command of the MILF.</p> <p>On the same day at around 1:40 p.m.,</p> |

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|      |         |          |      |         |  | <p>elements of the 6th IB, PA based at Sitio Gubat, Barangay Makir, DOS, Maguindanao turned over to the Police one male cadaver identified as Kadtog Sapalon who sustained multiple gunshot wounds that caused his instantaneous death allegedly emanating from crossfire between government troops and MILF rebels. Subsequently, investigators of DOS Municipal Police Station coordinated with the victim's wife. She narrated in her sworn testimony that on 3 June 2009, she was with her three children and her husband inside their shanty when she noticed armed men wearing fatigue uniforms, believed to be members of the Philippine Army, approaching their home. Said armed men barged inside their house and forcibly dragged her husband to the back of their shanty. Thereafter she saw three of the armed men open fire their guns toward her husband, who died instantly with multiple gun shot wounds.</p> <p>Mr. Sapalon's wife executed an affidavit of non-interest to file criminal complaint against the respondents duly notarized on 16 September 2009. The case is under investigation to establish whether or not the victim died in a legitimate encounter or if he was murdered, as alleged.</p> |
| 211. |         | 23/09/09 | AL   | TOR     | <p><b>Ms. Melissa Roxas</b>, a volunteer health care worker in the Philippines. On 19 May 2009, she was conducting an initial survey for her medical mission when she was forcibly abducted, together with two companions, by 15 armed men in Kapanikian, La Paz, Tarlac and taken to Fort Magsaysay, a military camp in Nueva Ecija.</p> <p>During her detention, Ms. Roxas was</p> |  |

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|      |         |          |      |         | <p>blindfolded and handcuffed. She was allegedly interrogated by the Special Operations Group (SOG). She was beaten repeatedly on the face and body, had her head banged against the wall and was asphyxiated with a plastic bag. As a result of the beatings, she suffered from multiple abrasions, acute stress disorder, limping and limited movement in the lower jaw. During her detention, she was denied counsel and was threatened with death if she did not admit that she was a member of the New People's Army. On 25 May, she was dropped off in front of her house.</p> <p>On 28 May, Ms. Roxas filed a petition for Writ of Amparo and Habeas Data. The writ was granted by the Supreme Court.</p>   |                     |
| 212. |         | 26/11/09 | AL   | TOR     | <p><b>Mr. Mansur Utto Salih.</b> On 9 January 2009, Mr. Mansur Utto Salih was at his home with two other men, Mr. Andy Makasaop and a man nicknamed Gulam, when several armed men entered his home. One of them fired a shot at him, and two other men bound Mr. Salih and Mr. Makasaop's wrists with adhesive tape and blindfolded them. The two men were then loaded onto the armed men's vehicle and taken away. It is believed that they were taken to the military headquarters of the 6th Infantry Division (ID), Philippine Army (PA), in Barangay Awang, Datu Odin Sinsuat, Maguindanao, located at the Awang Airport. Once they arrived, they were taken inside a room where the adhesive tape was removed from their wrists and was replaced with handcuffs. The two men were held in separate rooms, and Mr. Makasaop was quickly released.</p> <p>That same day, Mr. Salih's ankles were reportedly chained and the soldiers applied</p> |                     |

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|      |         |      |      |         | <p>electric shocks to his sexual organs, his ears and other parts of his body. The shocks lasted for four seconds each time. His feet were repeatedly struck with an iron bar, and he was punched in the stomach and chest several times. Mr. Salih was subjected to this treatment for seven days, and was only given food and water on two occasions.</p> <p>On 16 January, he was taken to a different location, where he was kept in incommunicado detention for two weeks. After these two weeks, he was spoon-fed by his custodian. He was fed each spoonfull very quickly, and would be beaten, punched or kicked if any food fell on the floor.</p> <p>On 28 March 2009, he was taken back to the military headquarters, where he was held until 6 April. Once between 28 March and 6 April, Mr. Salih was taken to see a doctor, but, hoping that he would be released quickly if he did not tell the doctor about his ill-treatment, Mr. Salih did not mention his experience in detention.</p> <p>On 7 April, he was remanded to the North Cotabato Provincial jail in Amas, Kidapawan City. The soldiers who took him to jail forced him to sign some documents which were not explained to him. The soldiers also cited 1 April as the date of arrest and not 9 January.</p> <p>Mr. Salih is currently on trial in connection with a bombing incident in Kidapawan City, and although his trial is taking place in North Cotabato Province, he was transferred to a jail in Bicutan, Metro Manila, as he is considered a high-risk detainee.</p> |                     |

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| 213. |         | 30/11/09 | JAL  | FRDX;<br>SUMX;<br>TOR | <p><b>Recent killings in Maguindanao province.</b> In the morning of 23 November 2009, a convoy of supporters of Mr. Esmael Mangundadatu, the vice-mayor of Buluan town in Maguindanao province, was travelling on the road to Shariff Aguak, one of the main towns of Maguindanao, to an electoral office to register Esmael Mangundadatu as a candidate in the elections for governor of Maguindanao province next year. The convoy, which did not include the candidate himself, was led by his wife and formed of local politicians, lawyers and journalists.</p> <p>At around 9 a.m., in a rural area near the villages of Salman and Malating, the convoy was abducted by a group of more than 100 gunmen, suspected to be members of a militia at the services of the family of the Governor of Maguindanao province. Some reports indicate that among the abductors there were members of the police and of the Armed Forces of the Philippines. The gunmen took the entire convoy to a location around ten kilometres from the main road, where they killed at least 57 persons, including 24 women (the reports received do not indicate clearly how many survivors there were). Some reports indicate that the abductors tortured the victims before executing them, including subjecting the female victims to sexual violence. The bodies were buried in mass graves on a hilltop in Sitio Masalay, Barangay Salman, in Ampatuan, Maguindanao province.</p> <p>The victims include the wife of Esmael Mangundadatu, Genalyn, and two of his sisters, Eden and Farida Sabdula. There are also at least two lawyers among the victims, Concepcion Brizuela and Cynthia Oquendo.</p> <p>The names of 30 journalists working for local or</p> |                     |

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|      |         |      |      |         | <p>national newspapers, radio stations and TV stations reported to be among the victims are: Benjie Adolfo, Ronnie Perante and Rubello Bataluna of Gold Star Daily; Lindo Lupogan of Daily Gazette; Rosell Morales of News Focus; Alejandro “Bong” Reblando of the Manila Bulletin; Henry Araneta of radio DZRH; Ernesto “Bart” Maravilla of Bombo Radyo Koronadal; Napoleon Salaysay of Mindanao Gazette; Ian Subang of Pilipino Star Ngayon and Dadiangas Times; Leah Dalmacio of Forum and Mindanao Focus; Gina de la Cruz and Marites Cablitas of Today; Andres “Andy” Teodoro of the Mindanao Inquirer; Bienvenido Lagarte of the Sierra News; Marife “Neneng” Montaña of the weekly Saksi; Rey Merescon of MindaNews; Eugene Dohillo, Joy Duhay, Victor Nuñez, Macario Ariola and Jimmy Cabillo, all five of UNTV; freelance reporters Humberto Mumay, Fernando “Rani” Razon, Noel Decena, John Caniba, Joel Parcon, Marife Montano, Art Belia Jun Gatchalian, and Jun Legarta.</p> <p>One of the journalists who survived the attack had allegedly been receiving threats to his life since 2004. The threats reportedly began after he wrote a newspaper article which exposed details of summary executions in Maguindanao that were allegedly linked to the family of the Governor of the Province. He allegedly received information of a plot to kill him involving policemen, and attempts were made on his life. However, no investigation into his allegations was undertaken and he was not offered any protection by the authorities.</p> <p>On 27 November 2009, Andal Ampatuan Jr, mayor of the town Datu Unsay and son of the Governor of Maguindanao Province, was arrested as a suspect. Reports indicate that his</p> |                     |

| Para | Country | Date                       | Type | Mandate | Allegations transmitted  | Government response  |
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|      |         |                            |      |         | <p>father, Andal Ampatuan Sr, who is currently serving his third term as Governor, had been grooming Andal Ampatuan Jr to succeed him in office as a result of the 2010 elections.</p> <p>The National Police Director has suspended or relieved several of the commanding officers of the police in Maguindanao province from their positions, while other members of Maguindanao police have been arrested. The Armed Forces of the Philippines have announced that the Ampatuan family's private militia will be disbanded.</p> <p>The Acting Secretary of Justice in your Excellency's Government has announced that prosecutors are processing the admission to the witness protection program of 20 or more witnesses to the killings.</p> |  |
| 214. |         | Follow-up to earlier cases |      |         | <p><b>Ms. S. C., Ms. K. E., and Mr. Manuel Merino</b> (A/HRC/10/44/Add.4, para. 172)</p>   | <p>By letter dated 14/07/09, the Government indicated that the parents of the victims filed a petition for habeas corpus before the Court of Appeals on 27 July 2006, praying that a writ be issued directing several respondents of the Armed Forces of the Philippines (AFP) to bring the bodies of the victims to court. The petition was later dismissed for lack of evidence that the victims were in the respondents' custody.</p> <p>On 24 October 2007, the Supreme Court issued a Writ of Amparo and ordered the Court of Appeals to hear the petition. The Court of Appeals, on the basis of one testimony, directed the AFP to immediately release the victims from detention, despite the AFP's denial of their involvement.</p> <p>The Philippines National Police (PNP) cannot identify nor apprehend the perpetrators based</p> |

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|      |                     |          |      |                            |  | only on nebulous allegations without any corroborating evidence from the witnesses. The allegations pointing to the military as the alleged perpetrator of the abduction, torture and sexual assault against Misses E. and C. and the burning to death of Mr. Merino are without any basis. The PNP has been ordered to resume its unfinished investigation. However, the families of the victims and other witnesses refuse to cooperate with the investigators, despite several attempts to communicate with them. Nevertheless, the PNP will continue with its investigation and will undertake all possible measures to identify the perpetrators and to give justice to the victims.   |
| 215. | Republic of Moldova | 17/04/09 | JUA  | WGAD;<br>FRDX;<br>IJL; TOR | <p><b>Death of Ion Tabuleac and Valeriu Boboc</b> of injuries sustained in the course of demonstrations held around the recent parliamentary elections or shortly afterwards.</p> <p>Following the demonstrations of 6 to 8 April 2009, in Chisinau, public security forces arrested 129 persons. Many of those arrested, including minors, reported that they were subjected to beatings with clubs, plastic bottles filled with water, fists and kicking during their arrest and police custody in district police stations as well as in the General Police Commissariat. Many of the detained persons have physical marks that appear to corroborate their claims. Furthermore, reports were received of overcrowding and instances of denial of food. Twenty-five or more individuals were held in a cell measuring approximately eight square meters, they were denied food for two days, and only had limited access to water and basic sanitary facilities.</p> <p>Allegedly, Ion Tabuleac and Valeriu Bobo died</p> | <p>By letter dated 23/09/09, the Government indicated that the events of 7-8 April 2009 resulted in disturbances of the public order and violent acts by the demonstrators, in contravention of the Law on public gatherings. During the demonstrations, the police acted in accordance with national and international laws. Therefore, participants who infringed national legal acts were charged administratively, while others whose acts were tantamount to criminal acts were charged respectively.</p> <p>Following the events, the Moldovan competent authorities initiated criminal investigations. Following these investigations, 120 persons were apprehended. Some of them were released on the basis of prosecutors' ordinances or judicial courts' decisions. Subsequently, this preventive measure was changed into non-confinement measures, except for seven</p> |

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|      |         |      |      |         | <p>shortly afterwards of injuries sustained in the course of the demonstrations.</p> <p>On 11 April 2009, members of the Consultative Council for the Prevention of Torture (National Preventive Mechanism under OPCAT) tried to visit several police stations and penitentiary institutions in Chisinau, where individuals were reportedly being detained and ill-treated. Despite the national legal provisions providing that the Consultative Council must be granted access to all places of detention without prior notice, the General Police Commissariat of Chisinau as well as the Central District Police Commissariat refused such access. The Consultative Council received information that two women who had allegedly been severely beaten, were still held in the General Police Commissariat. The Consultative Council was granted access to penitentiary institution No. 13 only after considerable delay.</p> | <p>persons.</p> <p>During the investigation process, the concerned persons were assisted by defenders and, depending on the particular case, by their legal representatives, thus the right to defence was fully assured. Other essential rights were granted, including the right to medical assistance, the right to formulate requests, the right to a translator, and the right to know the charges brought against them, among others.</p> <p>Regarding the minors who took part in the demonstrations, the presence of their parents or relatives was ensured. In order to exclude acts of torture and ill-treatment, the conditions of detention of the concerned persons was checked daily by the prosecutors. In addition, the personal files of those detained on administrative charges were examined exclusively by the judicial courts, who issued decisions in this regard.</p> <p>Between 10 and 30 April, 111 persons, including four minors, were transferred to the Penitentiary No. 13 in Chisinau. During their detention, no physical force, or constraints or inhuman treatment was exerted on them. Immediately after their transfer from the police station, they were examined by the medical personnel of the penitentiary. Medical assistance was granted and 27 detainees had various physical injuries. Three persons were hospitalized for acute cranio-cerebral trauma, hypertensive syndrome and pulmonary evolutive tuberculosis. Following the medical examinations, the Penitentiary informed the General Prosecution Office of the 27 persons with injuries, requesting due investigations.</p> |

| Para | Country            | Date     | Type | Mandate         | Allegations transmitted  | Government response   |
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|      |                    |          |      |                 |  | <p>Members of the Consultative Council (NPM) were granted access to Penitentiary 13. They held confidential meetings with those suspected of committing acts of violence on 7 April. OSCE and Council of Europe representatives, as well as members of the European Parliament also visited the penitentiary. The information on the release on remand of some of the accused was made public on the website of the Department for Penitentiary Institutions.</p> <p>The Ministry of Interior investigated the allegations of abuse by the General Police Directorate. The files on these cases were sent to the prosecutor's office to be examined, in accordance with the national criminal procedure legislation. The prosecutors examined 91 cases of physical injuries, 64 of which were initiated following the citizens' complaints, and 27 where the investigations were initiated ex officio.</p> <p>In the case of C. G., A. Matasari, D. Hincu, V. Andriuta and V. Boboc, the criminal investigations are ongoing. The investigation of Mr. Tibuleac's death proved that the circumstances of his death are not linked to the demonstrations. There were also cases where defenders complained of ill-treatment by the police. In the course of the investigations, the respective persons declared that they had not been ill-treated, did not suffer physical injuries and did not ask for a lawyer.</p> |
| 216. | Russian Federation | 13/01/09 | JUA  | WGAD; TERR; TOR | <b>Mr. Murad Akhmedovich Gasayev</b> , aged 34, ethnic Chechen, currently in a Moscow temporary detention isolator. On 31 December 2008, the Spanish authorities extradited Mr | By letter dated 27/03/09, the Government indicated that on 12 December 2008, the Spanish authorities granted an application by the Office of the Procurator-General of the  |

| Para | Country | Date     | Type | Mandate      | Allegations transmitted   | Government response  |
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|      |         |          |      |              | <p>Gasayev to the Russian Federation. The extradition request was based on charges of membership in an armed group named Khalifat and Mr. Gasayev's participation "in several terrorist attacks against representatives of the state and law enforcement officers in the North Caucasus," including a June 2004 attack on a Ministry of the Interior building in Nazran, Ingushetia. Reportedly, Mr. Gasayev was named as a participant in the Nazran attack by a person convicted of involvement in the same attack while under interrogation. However, that person later retracted his testimony alleging that it was given under duress. In August 2004, before leaving the Russian Federation, Mr. Gasayev had reportedly been ill-treated for three days by officers of the central office of the Federal Security Service in Ingushetia.</p> <p>It is our understanding that diplomatic staff of the Spanish Embassy in Moscow, in accordance with the conditions of extradition agreed upon by the Russian Federation and Spain in this specific case, will carry out the monitoring of the conditions of detention and treatment of Mr. Gasayev while in custody. Furthermore, it is our understanding that Mr. Gasayev reportedly suffers from ill health and is accordingly in need of special treatment.</p> | <p>Russian Federation to extradite Murad Akhmedovich Gasaev to the Russian Federation.</p> <p>Mr. Gasaev is accused of having become a member, in the middle of 2003, of an illegal armed group named Khalifat, which formed part of a criminal society. As part of the group, Mr. Gasaev took part in an attack during the night of 21 June 2004 on the Ministry of Internal Affairs of the Republic of Ingushetia. On 28 September 2006, the Lenin District Court ruled that should be remanded in custody. On admission to Remand Centre No. 26/2, Mr. Gasaev underwent a medical examination. On 9 February 2009, a forensic examination was carried out, the results of which showed that Mr. Gasaev was not suffering from any illness that might prevent his detention.</p> <p>There has been no application by Mr. Gasaev's family to visit him in the remand centre. Their only request was that he should have access to defence counsel, who has been entitled to visit his client and speak to him in confidence. Mr. Gasaev was given access to adequate medical care and essential medication.</p> <p>The Office of the Procurator-General has no information on the coercion allegedly used against Mr. Gasaev or the person whose evidence formed the "basis for the extradition" of Mr. Gasaev.</p> |
| 217. |         | 23/02/09 | JUA  | HLTH;<br>TOR | <p><b>Mr. Zubair Isaevich Zubairae</b>v, aged about 30, ethnic Chechen, currently detained in colony no. 9 in Volgograd.</p> <p>Mr. Zubairaev was sentenced to five years'</p>  | <p>By letter dated 17/04/09, the Government indicated that Zubair Isaevich Zubairaev, born in 1978, was sentenced to five years deprivation of liberty, to be served in a strict-regime colony, from 4 June 2007 to 3 June</p>   |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response   |
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|      |         |      |      |         | <p>imprisonment in August 2007 and detained at colony IAR-154/25 in Frolovo, Volgograd Oblast. While held there, prison officers, beat him with plastic bottles filled with water and truncheons and subjected him to electric shocks. No medical examination was conducted following the ill-treatment, nor did Mr. Zubairaev have access to medical assistance. Consequently, he filed several complaints and was transferred to prison colony No. 9 in Volgograd. In February 2008, he was admitted to prison hospital LIU-15 in Volgograd, however the ill-treatment continued afterwards. As a result of the treatment, Mr. Zubairaev has lost weight and he suffers from back and stomach pain. In addition, the wounds on his body stemming from the ill-treatment are not healing. In spite of his deteriorating health, the prison authorities do not provide him with adequate treatment, including medicine. In addition, they refuse to allow him access to the medication provided by his family.</p> <p>The situation of Mr. Zubairaev is exacerbated by frequent threats by prison guards and prosecutors from the Volgograd Public Prosecutor's office indicating that, if he complains about the treatment in detention, he or his family might face reprisals.</p> | <p>2012. He was sent to remand centre No. 2 of the Federation Penal Correction Service (FSIN) Department for the Chechen Republic by order of the Central FSIN Authority for Volgograd Province.</p> <p>The rights and lawful interests of Mr. Zubairaev have been upheld. Mr. Zubairaev was not subjected to physical force and was accorded the right to submit suggestions, claims or complaints not only to the Russian State bodies, but also to intergovernmental human rights bodies.</p> <p>While serving his sentence, Mr. Zubairaev received various visits from relatives, lawyers, representatives of civil society organizations and other individuals. He received packages, letters and telephone calls. Mr. Zubairaev has not lodged any complaints or claims of beatings by prison officers or any other grounds with the prison authorities.</p> <p>On 17 October 2007, on arrival at State remand centre No. 1, Mr. Zubairaev was examined by medical staff and placed under medical care for existing chronic conditions. On 27 October, Mr. Zubairaev was admitted to correctional colony No. 25 in Frolovo in Volgograd province, where he continued to receive regular check-ups.</p> <p>On 31 January 2008, Mr. Zubairaev was transferred to Volgograd correctional colony No. 9 to serve his sentence, as he had used obscene language against another convict, giving rise to conflicts between them. From 31 January to 20 February, he was hospitalized to undergo tests and treatment. Since 13 July 2008, he has been under</p> |

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|      |         |      |      |         |                         | <p>treatment as a day patient.</p> <p>Mr. Zubairaeв is currently in State secure hospital No. 15. His state of health is judged to be satisfactory. No complaints have been made and he continues to receive check-ups and treatment. The necessary medication is available in the prison.</p> <p>While serving his sentence, Mr. Zubairaeв was repeatedly found to have contusions and abrasions in the forehead, sustained by falling or banging against the wall, as well as infected abrasions on both shins, which, as the medical records show, were self-inflicted.</p> <p>On 13 February 2009, Mr. Zubairaeв was sent to the Central Medical Social Assessment Office for Volgograd province for re-assessment and confirmation of the existing degree of disability. There were no indications of incapacity and he was not declared disabled. During the examination, a metal screw was found in his right knee joint, along with signs of purulent inflammation. He refused to explain how the foreign body had appeared.</p> <p>Six orders were issued in response to applications by Mr. Zubairaeв and his representatives that criminal proceedings would not be initiated for lack of evidence. A forensic expert concluded that the bodily harm in the form of infected abrasions had been caused by fingernails. These decisions were sent to the Procurator for Volgograd province responsible for ensuring that correctional institutions adhere to the law.</p> <p>The decisions of 4 and 25 May 2008 not to initiate criminal proceedings was issued by</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response  |
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|      |         |      |      |         |                         | <p>senior investigators of the Frolovo and the Dzerzhinsky Inter-District Investigation Unit of the Procurator for Volgograd Province.</p> <p>The Ombudsman for Human Rights in the Volgograd province also conducted a procedural check on the claim of unlawful use of physical force against Mr. Zubairaev by officers of correctional colony No. 25. The information given proved unfounded.</p> <p>On 21 January 2009, the investigator of the area division of the State Procurator's Investigative Committee decided not to initiate criminal proceedings, following procedural checks of the prisoner's claims that, in March 2008, he was beaten with rubber truncheons by unknown, masked individuals in the office of the deputy governor of secure hospital No. 15. These decisions were ruled lawful and well-founded by the Volgograd province Procurator's Office.</p> <p>On 16 February 2009, the governor of secure hospital No. 15 issued a decision stating that Mr. Zubairaev had wilfully violated the established rules on serving a sentence. During the period preceding the decision, he did not receive any credits for good behaviour and was placed in a punishment cell for violating the established rules on four occasions, including twice for abusing other prisoners. On 13 March 2009, Dzerzhinsky District Court ruled that the punishment regime should be changed from a strict regime to a three-year prison sentence.</p> <p>On 17 March 2009, when meeting the Procurator for Volgograd province, Mr. Zubairaev declined to explain his complaints</p> |

| Para | Country | Date     | Type | Mandate                            | Allegations transmitted  | Government response  |
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|      |         |          |      |                                    |  | of physical force against him. No compensation has been paid to him or members of his family, as his claims have not been substantiated. The claim that the prisoner had been threatened by prison officers was also not substantiated during the checks by the Office of the Procurator.  |
| 218. |         | 20/07/09 | JUA  | FRDX;<br>HRD; IJL;<br>SUMX;<br>TOR | <b>The killing of Ms. Natalia Estemirova</b> , a prominent human rights defender and researcher working with the Russian NGO Memorial. On the morning of 15 July 2009, Ms. Estemirova was kidnapped in front of her house in Grozny. According to eyewitness reports, she was dragged into a white vehicle and driven away by unknown individuals. Her body was later found in the woods near the city of Nazran, in Ingushetia. She had sustained two gunshots to her head and chest. | <p>By letter dated 27/08/09, the Government indicated that the preliminary investigation established that on 15 July 2009, Ms. Estemirova, a member of the Memorial human rights centre, Grozny branch, left her apartment at about 7.35 a.m. and was making her way to go to work. At Building No. 10, 133 Khmelnitsky Street, unidentified persons dragged her into a white VAZ 2107 vehicle and drove away to an unknown destination.</p> <p>The Leninsky inter-district investigative team for Grozny, a unit of the investigative department for the Chechen Republic working under the Investigative Committee attached to the Procurator's Office of the Russian Federation, instituted criminal proceedings on 15 July 2009.</p> <p>At 4.30 p.m. on that same day, Ms. Estemirova's body was found with two gunshot wounds to her head and two to the torso in a wooded area some 200 metres from the Kavkaz federal highway near the village of Gazi-Yurt in the Nazran district, Republic of Ingushetia. Her passport and her purse containing personal items, including two switched-off mobiles, were found lying beside her.</p> <p>On the same day, the Nazranovsky inter-district investigative team for Nazran, a unit of the investigative department for the</p> |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response  |
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|      |         |      |      |         |                         | <p>Republic of Ingushetia working under the Investigation Committee of the Procurator's Office of the Russian Federation, opened a criminal case. On 16 July, the criminal cases were transferred to the Central Investigative Department for the Southern Federal District under the Investigative Committee attached to the Procurator's Office of the Russian Federation and combined into one case.</p> <p>Searches were carried out on the grounds of Building No. 10, 133 Khmelnitsky Street, Grozny; at the site where the body was discovered; at the office of the Grozny branch of Memorial; and at Ms. Estemirova's place of residence, where material evidence was gathered.</p> <p>The investigation has involved:</p> <ul style="list-style-type: none"> <li>▪ Carrying out three re-enactments of the crime to establish how long it might take a light vehicle to go from the spot where Ms. Estemirova was abducted to the site where her body was found.</li> <li>▪ Obtaining and analysing video surveillance footage to find the white VAZ 2107 and a green VAZ 2112 resembling the one that accompanied the vehicle used in the crime.</li> <li>▪ Identifying vehicles that may be relevant to the investigation and authorizing bodies of the Russian Ministry of Internal Affairs to trace their owners and check for involvement in the crime.</li> <li>▪ Showing witnesses photographs of the vehicles that drove away from where Ms. Estemirova was abducted.</li> </ul> |

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|      |         |          |      |                               |  | <ul style="list-style-type: none"> <li>▪ Re-enacting what might have been seen from the apartment from which a witness saw vehicles coming and going.</li> <li>▪ Obtaining vehicle registration records.</li> <li>▪ Confiscating and incorporating in the case materials DVDs of video surveillance footage from several checkpoints. The information on the DVDs is currently being reviewed and analysed.</li> <li>▪ Arranging for 16 different forensic analyses, the initial results of which are being reviewed and compared with other evidence obtained.</li> <li>▪ Gathering and analysing information on Ms. Estemirova's mobile phone contacts.</li> <li>▪ 263 witnesses have been questioned.</li> </ul> <p>A range of investigative and operational activities to identify the perpetrators of the crime is currently underway. The Investigative Committee of the Procurator's Office of the Russian Federation is overseeing the progress and outcome of the investigation.</p> |
| 219. |         | 25/08/09 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | <p><b>Mr. Aleksei Sokolov</b>, head of "Pravovaya Osnova" (Legal Basis), an organization which campaigns against torture and other ill-treatment of people held in the Russian Federation's places of detention, and a member of the civic supervisory committee on places of detention appointed by the Russian Federation Parliament.</p> <p>On 31 July 2009, Mr. Sokolov was discharged from pre-trial detention by the Sverdlovsk Regional Court in the Russian Federation in relation to an investigation for his alleged</p> | <p>A reply was received from the Government on 19/11/09, but could not be translated in time for inclusion in this report.</p>  |

| Para | Country | Date     | Type | Mandate                        | Allegations transmitted  | Government response   |
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|      |         |          |      |                                | <p>participation in a robbery in 2004. He was immediately re-arrested on suspicion of theft in another case allegedly committed in 2004. He is now accused of having stolen two million rubles from the office of a company in Yekaterinburg, as part of an organized group that was allegedly led by his brother. The latter was sentenced in 2008 to ten-and-a-half years in prison for burglary.</p> <p>On 4 August 2009, the Yekaterinburg District Court ordered that Mr. Sokolov should be remanded in custody for two months to await trial. The hearing was held in closed session.</p> <p>During the hearing, the judge agreed with the prosecutor that Mr. Sokolov, as a member of the civic supervisory committee on places of detention, could have met and influenced the men convicted of theft in 2004. The prosecution had obtained witness statements incriminating Mr. Sokolov. However, the detention records did not specify who those witnesses were. The judge decided to remand Mr. Sokolov in custody although his membership in the supervisory committee had been suspended in May 2009.</p> <p>When Mr. Sokolov had first been arrested on suspicion of robbery, police had allegedly pressured prisoners into making incriminating statements against him. Furthermore, Mr. Sokolov reported to his lawyer that he was subjected to threats of torture during his first pre-trial detention to punish him for his human rights activities.</p> |   |
| 220. |         | 14/09/09 | JAL  | FRDX;<br>HRD;<br>SUMEX;<br>TOR | <b>Assassination of human rights defender, Ms. Zarema Sadulayeva and her husband Mr. Alik (Umar) Lechayevich Dzhabrailov.</b> Ms. Sadulayeva was the director of the non-  | A reply was received from the Government on 17/11/09, but could not be translated in time for inclusion in this report. |

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|      |         |            |      |                      | <p>governmental organization Save the Generation.</p> <p>On 10 August 2009, at approximately 2:00 p.m., unidentified armed men, who claimed to be members of the security services entered the offices of Save the Generation, and ordered Ms. Sadulayeva and Mr. Dzhabrailov to accompany them. Shortly afterwards, the men returned to the offices and took Mr. Dzhabrailov's mobile phone and his car.</p> <p>On 11 August 2009, at approximately 4 a.m., the bodies of Ms. Sadulayeva and her husband, Mr. Dzhabrailov, were discovered in the boot of a car on Mansurov Street, near Grozny. They had sustained gunshot wounds to the head and chest.</p> <p>An investigation into the murder has reportedly been opened.</p>  |  |
| 221. |         | 10/09/2008 | JUA  | WGAD; HLTH; IJL; TOR | <p><b>Mr. Vladimir Bogushevsky</b>, born in 1984, currently held in remand prison 1 of Yekaterinburg. On 30 August 2007, around 9 a.m., Mr. Bogushevsky went to the Directorate of Internal Affairs in Yekaterinburg, located at Frunze Street 74. He was invited there by a phone call of the authorities to give evidence concerning Mr. Schneyder and Mr. Struyn, who had been arrested earlier in relation to the murder of Mrs. Irina Zlatina, which occurred on 10 April 2007 outside the Directorate of Internal Affairs of the Kirovsky district. Police officer Valery Zhernakov led Mr. Bogushevsky to office n° 505 and tied him to a chair with handcuffs. He then punched Mr. Bogushevsky in the chest with his fists. Since Mr. Bogushevsky has suffered from a heart condition since 1996, this triggered a heart attack. Mr. Bogushevsky told Mr. Zhernakov that he was in need of immediate medical assistance. However, Mr. Zhernakov went on to strangle Mr.</p> | <p>By letter dated 4/12/08, the Government indicated that on 10 April 2007, the Office of the Public Prosecutor for the Kirov District of Ekaterinburg initiated a criminal case for murder. On 30 August, V. A. Bogushevsky was arrested on suspicion of having committed the crime. He claimed to be ill, so he was taken to the Ekaterinburg City Hospital No. 33, where he was diagnosed with cardiac insufficiency and given a certificate stating that he was fit to be temporarily detained. He was not found to be suffering from any bodily injuries.</p> <p>Mr. Bogushevsky gave a detailed confession consistent with the evidence. His rights and lawful interests were represented by a lawyer. On 1 September, the court ruled that he should be detained as a preventive measure, and Mr. Bogushevsky did not appeal. On 27 November, the Kirov District Investigations</p> |

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|      |         |      |      |         | <p>Bogushevsky, hit his throat and pressed him on his eyeballs with his thumbs. Several times Mr. Anatoly Smirnov, Chief of the unit, entered the office and asked how the “case was going”. Between 3 and 4 p.m., a third police officer entered office n° 505, alarmed by Mr. Bogushevsky’s screaming. This officer told Mr. Zhernakov and Mr. Smirnov to call the ambulance. Around 4 p.m., a physician entered office n° 505 and examined Mr. Bogushevsky. This physician confirmed an anomaly in Mr. Bogushevsky’s heart and also explained to Mr. Zhernakov and Mr. Smirnov that Mr. Bogushevsky’s condition was life-threatening. Mr. Zhernakov and Mr. Smirnov then pressured Mr. Bogushevsky to testify, among other issues, to having been involved in the murder of Mrs. Zlatina. They told him that, if he was to sign an agreement on his involvement, he would not be ill-treated any longer. They pointed out that Mr. Bogushevsky would need a lawyer in order to make such a statement. The two police officers then called a lawyer who presented himself as Mr. Kurnosov. When it became apparent to Mr. Bogushevsky that Mr. Kurnosov and Mr. Smirnov had close ties, Mr. Bogushevsky insisted on having a lawyer of his choice who would defend him. Later, in the night of 30 to 31 August 2007, Mr. Smirnov called Mr. Denis Kolganov, an acquaintance of Mr. Bogushevsky, who has a law degree. Mr. Bogushevsky then told Mr. Kolganov what had happened. Mr. Kolganov advised Mr. Bogushevsky that he should not testify against himself. He told this to Mr. Kurnosov, too. Mr. Kolganov and Mr. Bogushevsky were assured that no more interrogations would take place and that Mr. Bogushevsky would be moved to a temporary detention facility. Subsequently Mr. Kulgonov</p> | <p>Unit received a statement from Mr. Bogushevsky indicating that two police officers had subjected him to physical and psychological pressure during the investigation with the aim of obtaining a confession. An inquiry was conducted and, based on the results, the Unit decided not to initiate criminal proceedings.</p> <p>On 7 April 2008, Mr. Bogushevsky was found guilty and sentenced to nine years deprivation of liberty in a strict-regime correctional institution. He lodged an appeal which was rejected by the regional court.</p> <p>On 16 June, the Sverdlovsk Region Police Headquarters received a petition concerning the legality of Mr. Bogushevsky’s detention, the investigation of the criminal case and the use of pressure against him to obtain a confession. On 17 June, the Internal Security Service conducted a judicial inquiry into the claims, but the facts alleged could not be objectively verified. The Office of the Attorney-General of the Russian Federation is currently conducting an inquiry into the legality of and the justification for the decision not to prosecute the police officers.</p> |

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|      |         |      |      |         | <p>left. Mr. Zhernakov and Mr. Smirnov were again alone in the room with Mr. Bogushevsky. Mr. Zhernakov held Mr. Bogushevsky to the table and Mr. Smirnov strangled and kicked him. After that, while Mr. Zhernakov was holding Mr. Bogushevsky, Mr. Smirnov took a gas mask and put it over Mr. Bogushevsky's mouth. Then they beat him in the chest and the stomach. Mr. Bogushevsky then got nauseous. Mr. Zhernakov and Mr. Smirnov told Mr. Bogushevsky that they were disappointed with his refusal to testify and that - sooner or later - he would testify in any case. Mr. Bogushevsky was then taken to the temporary detention facility, where the first aid attendant was called immediately. Mr. Bogushevsky was taken to the hospital, where his condition was stabilized. Mr. Zhernakov and Mr. Smirnov accompanied Mr. Bogushevsky to the hospital, continuing to threaten him. Mr. Zhernakov pressured the physician in charge, who was writing the report, to note that Mr. Bogushevsky was "able to work". On the way back to the Directorate of Internal Affairs at Frunze Street, Mr. Smirnov continued to threaten Mr. Bogushevsky, who was then placed back in the temporary detention facility. On 31 August 2007, defense lawyer Kirill Mikhailovich Skorobogaty, who was sent there by Mr. Kolganov, came to visit Mr. Bogushevsky in the temporary detention facility. Mr. Bogushevsky consulted the lawyer about the legality of his detention. On 1 September 2007, Mr. Bogushevsky was taken before the court of the Kirovsky district, which confirmed the legality of his arrest. On 3 September 2007, Mr. Bogushevsky was again pressured to confess to having been involved in the murder. On 5 September 2007</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response   |
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|      |         |      |      |         | Mr. Bogushevsky eventually confessed guilty of involvement in the murder of M. Zlatina. During the trial, which lasted for more than two months, the three witnesses, who were friends of the murdered Mrs. Zlatina, confirmed that they had never seen Mr. Bogushevsky with Mrs. Zlatina and that they were not aware of any fight that occurred between the two. No other evidence was produced against Mr. Bogushevsky during the trial. To date, Mr. Bogushevsky remained in detention. |   |
| 222. |         |      |      |         | <b>Zurab Tsetchoev</b> (A/HRC/10/44/Add.4, para. 179).  | <p>By letter dated 21/10/08, the Government indicated that on 25 July 2008, unidentified individuals in three white "Gazelle" vehicles without number plates and three armoured personnel carriers without identification marks pulled up at No. 10 A Kurortnaya St., Troitska village, Sunzha district, Republic of Ingushetia. The house was searched without a warrant and a computer and two mobile phones were seized. Mr. Zurab Savarbekovich Tsechoev (born in 1963) was arrested and driven away to an unknown destination. That same day, Mr. Tsetchoev was found with bodily injuries on the road linking the town of Magas with the village of Ekazhevo in Nazranov district.</p> <p>On 29 July 2008, case No. 08600087 was opened by the Sunzha district investigative department of the Sunzha investigative committee under the Office of the Procurator of the Russian Federation of the Republic of Ingushetia in connection with the illegal arrest of Mr. Tsechoev, on the basis of evidence of exceeding official authority with the use of force or threat thereof.</p> <p>Upon being examined as a victim in the</p> |

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|      |         |      |      |         |   | <p>context of the case, Mr. Tsechoev said that he worked as an editor for a human rights organization. Mr. Tsechoev is currently undergoing inpatient treatment in a Ministry of Health clinical hospital in Ingushetia. On 30 July 2008, Mr. Tsechoev underwent a medical examination to determine the seriousness and origin of the bodily injuries he sustained. The examination revealed that his injuries consisted of numerous bruises to the soft tissue of the upper and lower extremities of his torso, as well as a concussion, resulting in moderate harm to his health.</p> <p>With a view to tracking down the perpetrators of the crime, instructions were sent to the chiefs of all police and security forces in Ingushetia, and enquiries were transmitted to all law enforcement agencies in the republic. A search is currently underway to track down the perpetrators of the crime. Preliminary investigations into the cause are being monitored by senior officials within the Office of the Procurator.</p> |
| 223. |         |      |      |         | <b>Abdumutallib Karimov</b> (A/HRC/10/44/Add.4, para. 180). | <p>By letter dated 21/01/09, the Government indicated that Mr. Abdumutallib Mamasolievich Karimov was arrested on 11 June 2008 in the Republic of Mar El at the request of the Uzbek authorities. On 12 June, the Yoshkar-Ola City Court applied preventive measures against him. Mr. Karimov is being held at Remand Centre No. 1 in Yoshkar-Ola.</p> <p>On 18 September, the Office of the Procurator-General decided to hand him over to the Uzbek authorities for several criminal offences. On 25 September, Mr. Karimov was</p>   |

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|      |         |      |      |         |   | <p>notified accordingly. The Republic of Uzbekistan provided the Russian Federation with full guarantees that Mr. Karimov would not be extradited to a third State, be prosecuted or punished for an offence committed prior to his extradition other than that for which his extradition was sought, and that upon completion of the judicial proceedings and his sentence, he would be able to leave Uzbekistan voluntarily.</p> <p>On 31 October, the Supreme Court of the Republic of Mari El upheld the decision the extradite Mr. Karimov. An appeal is pending before the Supreme Court of the Russian Federation. On 28 July, Mr. Karimov submitted an application for refugee status, but the Federal Migration Service (FMS) refused to consider the application on merits. Mr. Karimov lodged appeals with the FMS and the Yoshkar-Ola City Court.</p> <p>On 9 October, the court granted the appeal and the decision of the FSM was overturned. As a result, the Office of the Prosecutor General ordered the Federal Penal Correction Service not to hand over Mr. Karimov to the authorities of Uzbekistan until his application for refugee status is considered. To date, no final decision has been taken by the FMS.</p> |
| 224. |         |      |      |         | <b>Isa Khalitov</b> (A/HRC/10/44/Add.4, para. 178). | <p>By letter dated 25/08/08, the Government indicated that the Nadterechny district procurator's office in the Chechen Republic received a complaint from Isa Lochivech Khalitov's family concerning his unlawful detention, on 27 May 2008 near the village of Goragorsk in Nadterechny district. During the investigation conducted by the Naursk interdistrict investigative department of the</p>  |

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|      |              |          |      |                           |  | Office of the Procurator of the Russian Federation for the Chechen Republic, Mr. Khalitov's stated that, on 27 May 2008, he and another person were driving home from Cherkessk. They were stopped by militia officers in the village of Goragorsk in Nadterechny district and were requested to proceed to the local militia office, since it was suspected that they were driving a stolen car. Mr. Khalitov explained how he had acquired the car, after which the militia officers apologized and released him. Mr. Khalitov was worried that he might be summoned to appear before a law enforcement agency and, without informing his relatives, immediately left for Nalchik. In Nalchik, he stayed with a relative, whom he requested not to inform anyone of his whereabouts. At present, Mr. Khalitov is at home. During his entire absence, he acted and moved about of his own free will. The complainant wrote a statement in which he requested the termination of the investigation into his complaint, since he no longer had any grievances. Mr. Khalitov himself submitted a similar statement. Pursuant to the results of the investigation, the decision was taken not to institute criminal proceedings. |
| 225. | Saudi Arabia | 21/01/09 | JUA  | WGAD; FRDX; HRD; IJL, TOR | <b>Mr. Khaled Suleyman Al Omeir</b> , aged 39, resident at Hai Badr in Riyadh, and a human rights defender. Mr. Khaled Suleyman Al Omeir was arrested by the security service (Al Mabahit) in Riyadh around noon on 1 January 2009, taken to Al Hayr prison, and has since then been detained incommunicado without any contact with the outside world. The arrest followed an attempted peaceful demonstration by a number of human rights defenders on 1 | By letter dated 8/09/09, the Government indicated that Mr. Khaled Suleyman Al-Omeir was detained on a security-related charge that necessitated his remand in custody for questioning. He will be referred to the judiciary to determine the legal measures to be taken against him. Throughout the period of his detention, he has been treated in accordance with the Kingdom's judicial regulations, derived from the Islamic  |

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|      |         |          |      |                               | <p>January 2009 to protest against the bombings of civilians in Gaza.</p> <p>Mr. Al Omeir had been arrested previously, on 25 April 2005, following an interview with Al Jazeera television, during which he expressed his views about the political situation in the region. At that time, he remained in detention at Al Aicha prison for six months, during which he was ill-treated. He was subsequently released without any legal proceedings having taken place.</p>  | Shari'a, under which human rights and international covenants and conventions are respected. |
| 226. |         | 28/01/09 | JUA  | WGAD;<br>IJL;<br>SUMX;<br>TOR | <p><b>Cases of 16 Iraqi men allegedly at risk of execution.</b> They were reportedly sentenced to death following trials in which they did not enjoy the fundamental fair trial guarantees, such as access to a lawyer, and statements extorted under torture were allegedly used against them. Several of the men were reportedly sentenced to death on charges of drug trafficking and arms smuggling.</p> <p><b>Mr. Mohammad Abdul Amir</b>, aged 34, a citizen of Iraq, was arrested in Saudi Arabia in 1995 and charged with murder. He confessed to the crime after three months of interrogation during which he was allegedly beaten and suspended by his feet. He sustained a broken rib as a result of the ill-treatment he was subjected to and was hospitalized for a month. A criminal court in Arar sentenced him to death after a trial closed to the public. He has not been allowed any access to lawyers or other legal assistance at any stage of the proceedings in his case.</p> <p>The death sentence has not yet been carried out as the children of the murder victim were too young to be consulted on whether Mohammad Abdul Amir was to be pardoned or executed. The children have now reached the age of</p> |  |

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|      |         |          |      |                      | <p>majority and have informed the court that they want to proceed with the execution.</p> <p><b>Mr. Ayadh Mana' Wanas Matar</b>, aged 37, was arrested in November 2004 on charges related to drug trafficking. He was interrogated for three months during which he was allegedly tortured, including by being beaten on the soles of his feet and all over his body. He confessed to the charges as a consequence of the ill-treatment. Ayadh Mana' Wanas Matar was sentenced to death in July 2008 by a criminal court in Rafha. He had no lawyer during his trial proceedings, which were not open to the public.</p> <p>At least 14 other Iraqi men are held in Rafha prison on death row and might be at risk of imminent execution. They include <b>Mr. Hussein Baida Abud</b>, aged 23, <b>Mr. Adnan Jamil</b>, aged 25, <b>Mr. Mahmoud Shekar</b>, aged 42, <b>Khaled Mitan</b>, aged 25. The charges on which they were convicted and sentenced to death include drug trafficking, connection with armed groups in Iraq and smuggling of weapons into Saudi Arabia. None of them has been allowed access to lawyers since their arrests. They were all beaten until they confessed.</p> |                     |
| 227. |         | 19/03/09 | JUA  | WGAD;<br>VAW;<br>TOR | <p><b>Ms. Khamisa Mohammed Sawadi</b>, aged 75, Syrian national, <b>Mr. Fahad</b>, aged 24, and <b>Mr. Hadyan</b>, the latter two citizens of Saudi Arabia.</p> <p>On 21 April 2008, the Mutawa'een arrested the three above-mentioned individuals because Ms Sawadi was alone in the company of a member of the opposite sex who is not a close relative. Subsequently, on 3 March 2009, Khamisa Mohammed Sawadi and Fahad were sentenced to 40 lashes and a four months term by a court in al-Shamli, Hadyan was sentenced to 60 lashes</p>   |                     |

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|      |         |          |      |                           | and a six month prison term  |  |
| 228. |         | 22/05/09 | JUA  | WGAD;<br>TOR              | <p><b>Mr. Abdullah Mohammed Salem Ali Al Souidane</b>, aged 35, a Qatari citizen, and resident of Ain Khaled, not far from Doha, Qatar.</p> <p>Mr. Al Souidane was arrested without warrant in the morning of 9 May 2009 by the Saudi Security Services (Al Mabahit) while he was crossing the Seloua border post between Qatar and the Kingdom of Saudi Arabia.</p> <p>His whereabouts remained unknown for some time. Subsequently, however, we understand that he has been taken to Al Hayr Prison not far from Riyadh. His current legal situation and the reasons for his arrest remain unclear. Furthermore, he has had no contact with the outside world.</p>   | By letter dated 14 August 2009, the Government indicated that Mr. Abdullah bin Mohammed bin Salim Al-Souidane, a Qatari citizen, was detained on a security-related charge that necessitated his remand in custody for questioning. He was sent back to Qatar on 1 June 2009 on KLM flight No. 1439 from Dammam to Doha. Throughout the period of his detention, he was treated in accordance with the Kingdom's judicial regulations, derived from the Islamic Shari'a, under which international human rights covenants and conventions are respected.   |
| 229. |         | 15/06/09 | JUA  | FRDX;<br>HRD; IJL;<br>TOR | <p><b>Mr. Saud al-Hashimi, Mr. Al-Sharif Saif Al-Ghalib, Mr. Musa al-Qirni, Mr. Abdel Rahman al-Shumayri, Mr. Fahd al-Qirshi, Mr. Abdel Rahman Khan and Mr. Abdelaziz al-Khariji</b> (See A/HRC/7/3/Add.1, para. 189).</p> <p>Dr. Saud al-Hashimi has been on hunger strike since 1 June 2009, at Dhahban prison in western Saudi Arabia. On 5 and 6 June, he was stripped of clothes, save for his underwear, shackled, dragged from his cell and placed in a very cold cell for some five hours, as a result of refusing to consume food. He is reportedly in need of medical treatment.</p> <p>Dr. Saud al-Hashimi, Mr. Al-Sharif Saif Al-Ghalib, Dr. Musa al-Qirni, Dr. Abdel Rahman al-Shumayri, Mr. Fahd al-Qirshi, Mr. Abdel Rahman Khan and Mr. Abdelaziz al-Khariji remain in detention without charges or a trial. They were arrested in February 2007 and have since been held in solitary confinement at</p> | By letter dated 9/09/09, the Government indicated that the competent authority in the Kingdom of Saudi Arabia has indicated that Mr. Saud al-Hashimi, Mr. Al-Sharif Saif Al-Ghalib, Mr. Musa al-Qirni, Mr. Abdel Rahman al-Shumayri, Mr. Fahd al-Qirshi, Mr. Abdel Rahman Khan and Mr. Abdelaziz al-Khariji were arrested and charged with engaging in activities involving the collection of donations in an illicit manner and the smuggling and transmission of funds to bodies suspected of using such funds to deceitfully incite Saudi citizens into travelling to locations where disturbances are taking place. This was announced officially and the said persons are currently being treated in accordance with the Kingdom's judicial standards, which respect human rights, prohibit injustice, comply with international rules and conventions, permit visits by relatives, ensure that no physical or mental |

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|      |         |                            |      |              | Dhahban prison. They were allegedly arrested after they circulated a petition calling for political reform and proposing the establishment of an independent human rights organization in Saudi Arabia.  | humiliation or harm is inflicted on the accused and guarantee them a fair trial. Those against whom the charges are substantiated will be referred to the judicial authority, which is well-known for its independence and is the only competent body to adjudicate in all crimes, determine penalties after conviction and hand down a final judgment. The said persons, some of whom are being treated in a hospital, are currently receiving full health care and their families are enjoying all aspects of care (health, social and financial). |
| 230. |         | Follow-up to earlier cases |      |              | <b>Mahmoud Badr Hozbor</b> , (A/HRC/10/44/Add. 4, para. 183).  | By letter dated 30/01/09, the Government indicated that the competent authorities in the Kingdom of Saudi Arabia have indicated that Mahmoud Badr Hozbor, a foreign resident of Syrian nationality was detained on a security-related charge. The charge required his remand in custody for purposes of investigation, in order to determine the legal action to be taken against him. Throughout the period of his detention, he was treated in accordance with the Kingdom's regulations and the international standards for a fair trial.         |
| 231. | Senegal | 08/04/09                   | JAL  | SUMX;<br>TOR | <b>M. Modou Bakhoun</b> , âgé de 32 ans, <b>Mme. Aïda Camara</b> , <b>M. Boubacar Kambel Dieng</b> , <b>M. Karamokho Thioune</b> , <b>M. Dominique Lopy</b> , âgé de 23 ans, et <b>M. Alioune Badara Diop</b> , âgé de 38 ans.<br><br>Dans la nuit du 23 janvier 2009, Modou Bakhoun, aurait été arrêté par des agents de la brigade de la gendarmerie de Karang. Pendant son interrogatoire, des cris auraient été entendus. Il aurait été transféré en garde à vue dans une chambre de sureté. Le 24 janvier 2009, M. Mamadou Bakhoun aurait été déclaré mort. |  |

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|      |         |          |      |              | <p>Aïda Camara, arrêtée dans le cadre d'un meurtre, se serait suicidée par pendaison dans sa cellule au Commissariat central de Dakar, le 27 novembre 2008.</p> <p>Le 21 juin 2008, Boubacar Kambel Dieng et Karamokho Thioune auraient été menottés et enfermés dans une salle non éclairée par la police sénégalaise après un match de football. Ensuite ils auraient été maltraités pendant une dizaine de minutes. Une enquête aurait été entamée en octobre 2008 à l'encontre des responsables.</p> <p>Dominique Lopy serait décédé dans la nuit du 14 avril 2007, un jour après son arrestation par la police de Kolda. Au cours d'un interrogatoire, il aurait été sévèrement battu par la police, dont résultaient de nombreuses blessures. Aucune arrestation n'aurait été effectuée et les résultats de l'autopsie n'auraient pas toujours été publiés</p> <p>Le 13 décembre 2007, Alioune Badara Diop serait décédé dans les locaux du Commissariat de la police de Ndong, à Kaolack, après avoir été maltraité pendant la garde à vue. Une autopsie aurait été effectuée et les principaux acteurs de ces événements auraient été inculpés et mis sous contrôle judiciaire.</p> |   |
| 232. | Spain   | 13/01/09 | JAL  | TERR;<br>TOR | <p><b>Sr. Murad Akhmedovich Gasayev</b> (ver A/HRC/10/44/Add. 4, para. 195 y para. XX arriba), de 34 años de edad, de etnicidad Chechena, quien se encuentra actualmente en un aislador de detención temporal en Moscú.</p> <p>El 31 de diciembre de 2008, autoridades españolas extraditaron al Sr. Gasayev a la Federación Rusa, basándose en garantías diplomáticas contra tortura y otros malos tratos. La orden de extradición fue basada en cargos de</p>   | <p>Por medio de cartas de fecha 05/03/09, 11/06/09 y 5/10/09, el Gobierno indicó que ha creado un mecanismo de supervisión de las garantías diplomáticas solicitadas por la Audiencia Nacional sobre las condiciones de internamiento del Sr. Gasayev. El Mecanismo está compuesto por responsables diplomáticos de la Embajada de España en Moscú. La Embajada de España en Moscú ha llevado a cabo tres visitas al Sr. Gasayev. En abril tuvo lugar la visita al centro</p> |

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|      |         |      |      |         | <p>membresía en un grupo armado de nombre Khalifat, y de la participación del Sr. Gasayev en “varios ataques terroristas en contra de representantes del estado y oficiales del mantenimiento del orden en el Cáucaso del Norte,” incluido un ataque en junio de 2004 a un edificio del Ministerio del Interior en Nazran, Ingushetia. Presuntamente, Murad Gasayev fue nombrado como uno de los participantes del ataque de Nazran por una persona condenada por su involucramiento en el mismo ataque, durante un interrogatorio. Sin embargo, esa persona después retiró su testimonio debido a que había sido presentado bajo coacción.</p> <p>En agosto de 2004, antes de partir de la Federación Rusa, Murad Gasayev había sufrido presuntos maltratos durante tres días por oficiales de la oficina central del Servicio Federal de Seguridad en Ingushetia.</p> <p>Es nuestro entendido que, de acuerdo con las condiciones de extradición acordadas por la Federación Rusa y España en este caso, personal diplomático de la Embajada Española en Moscú llevará a cabo el monitoreo de las condiciones de detención y trato del Sr. Gasayev mientras permanezca en custodia, a fin de asegurar que no sea sometido a ningún trato que pudiera contravenir estándares internacionales. Asimismo, es nuestro entendido que el Sr. Gasayev presuntamente sufre de mala salud y por tanto, requiere un tratamiento especial.</p> | <p>penitenciario de Paytigersk de una delegación del Comité para la Prevención de la Tortura y otros Tratos Inhumanos o Degradantes del Consejo de Europa (CPT). Es probable que el juicio del Sr. Gasayev tenga lugar en junio y que se trate de un proceso rápido. El Sr. Gasayev recibió dos visitas el 20 y 25 de abril por parte de funcionarios de los servicios de seguridad rusos para conocer el contenido de sus conversaciones con el personal diplomático español y con los delegados del CPT, pero sin mayores presiones ni coacciones.</p> <p>La Embajada mantiene un canal directo y permanente de comunicación con la Fiscalía General de la Federación Rusa, a quien se notifica la fecha y composición de la delegación española. La delegación española está acompañada en su traslado a la ciudad de Pyatigorsk, donde se encuentra detenido el Sr. Gasayev, por responsables de la Fiscalía General y del Servicio Federal de Cumplimiento de Condenas, para facilitar los contactos y seguimiento periódico del trato carcelario. La Fiscalía General está ofreciendo el mayor grado de cooperación y transparencia al personal diplomático, y estos pueden entrevistarte confidencialmente con el Sr. Gasayev.</p> <p>El Sr. Gasayev comparte una celda ordinario con otros dos reclusos. Dispone de una hora diaria para pasear al aire libre en un patio contiguo a su celda. Su celda dispone de TV, frigorífico, ducha propia y e un sistema de video vigilancia activada 24 horas al día, para garantizar la seguridad de los reclusos e impedir excesos por los funcionarios.</p> |

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|      |         |      |      |         |                         | <p>Se ha designado un punto de contacto en la Embajada española para que la familia del Sr. Gasayev y su abogado defensor puedan mantener comunicación contante con los responsables diplomáticos. Además, las autoridades diplomáticas mantienen contactos fluidos con oficiales de la Defensoría del Pueblo y de la sociedad civil.</p> <p>El Sr. Gasayev tiene derecho a designar un abogado propio y su hermano podrá participar en la defensa como “defensor del pueblo”, figura contemplada en el sistema procesal ruso como pasante del letrado de la defensa. Su hermano también lo visita todos los domingos y le entrega paquetes de comida.</p> <p>El Sr. Gasayev ha sido examinado en dos ocasiones por médicos forenses y afirmó que no había recibido malos tratos. Su estado físico es bueno y está siendo tratado por los médicos de la prisión de una Hepatitis C crónica.</p> <p>Mediante Auto Judicial de 30/06/09, las autoridades rusas archivaron la causa contra el Sr. Gasayev por no haberse podido comprobar su implicación en el ataque terrorista que tuvo lugar en Nazrán en 2004. Sin embargo, dicho auto no habría extinguido la totalidad de las causas penales en su contra, sino que se mantienen vivos los cargos relativos a bandidaje y posesión ilícita de armas por hechos ocurridos en 2003.</p> <p>La puesta en libertad del Sr. Gasayev se produjo el 28/08/09, al haberse transcurrido el plazo máximo de prisión preventiva así como por el estado de salud del acusado, aquejado de una enfermedad infecciosa. La puesta en</p> |

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|      |           |          |      |          |   | <p>libertad lleva anexa la medida cautelar de no poder desplazarse fuera de su ciudad de residencia en tanto no se ponga fin a la investigación judicial.</p> <p>La Fiscalía Rusa ha avanzado la posibilidad de que el Sr. Gasayev se acoja a la amnistía dictada por la Duma en septiembre de 2006 para ciertos delitos de terrorismo en la República de Ingushetia. La Embajada de España en Moscú sigue manteniendo contacto fluido y habitual con los responsables de la Fiscalía, así como con los abogados defensores del Sr. Gasayev.</p> |
| 233. | Sri Lanka | 07/04/09 | JAL  | IJL; TOR | <p><b>Mr. Sunil Shantha.</b> At 2:30 p.m. on 1 March 2009, three police officers went to Mr. Sunil Shantha's home. When he identified himself, one of the police officers grabbed him by his stomach, while the other two officers grabbed him and forced his hands to his back. He was then assaulted on the face, back and stomach, and dragged along the road to a police jeep, where he was forced to sit on the floor, his legs shackled.</p> <p>Once they arrived at the Meegahatenna Police Station, the police officers assaulted Mr. Shantha with a pole because he was unable to get out of the jeep. Once inside, Mr. Shantha's hands were tied with a rope, and a pole was put through his arms and legs, and lodged between two tables. This method of hanging is locally known as the Dharma Chakra, or wheel of enlightenment. Mr. Shantha was continuously asked to return stolen goods, allegations which he denied.</p> <p>For the next two days, Mr. Shantha was left in the same room with his left leg shackled to one of the table legs, and his right hand to another.</p> |  |

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|      |         |          |      |  | <p>During this time, he was given neither food nor water, nor was he allowed to go to the bathroom. He also gave a statement to the Sub-Inspector and signed a paper without knowledge of its contents.</p> <p>On 3 March, he was taken to the Meegahatenna Hospital, where he was examined. The doctor him recommended that he be admitted, but he was taken back to the Meegahatena Police Station. At about 5:30 p.m., he was presented before the Mathugama Magistrate, and threatened by the Sub-Inspector if he mentioned the assault. The Magistrate informed him that there were two charges of theft and one of assault against him.</p> <p>Mr. Shantha's lawyer informed the Magistrate that he had been assaulted by the police, and he referred him to the Prison Hospital in Kalutara, where he received medical treatment until 11 March. When Mr. Shantha appeared again in court, his legal representative did not appear. She later informed Mr. Shantha's family that she had been threatened by the police. On 13 March, Mr. Shantha was sent home.</p> <p>On 16 March, a complaint was sent to the chairperson of the National Human Rights Commission, the National Police Commission, the Inspector General of Police, the Attorney General and the Senior Superintendent of the Kalutara Police.</p> |   |
| 234. |         | 26/05/09 | JUA  | WGAD;<br>WGED;<br>FRDX;<br>HLTH;<br>IJL; TOR | <b>Dr. Thangamutha Sathiyamoorthy</b> , the regional director of health services in Kilinochchi, <b>Dr. Thurairaja Varatharajah</b> , the regional director of health services in Mullaitivu, and <b>Dr. V. Shanmugarajah</b> , medical superintendent at Mullivaaykkaal field  | By letter dated 28/05/09, the Government indicated that Dr. Varatharajah was injured and is now undergoing treatment, and will certainly be well looked after by his colleagues from the Ministry of Health. The Government cannot publicly reveal where he is since his life could still be under threat |

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|      |         |      |      |         | <p>hospital.</p> <p>Dr. Sathiyamoorthy, Dr. Varatharajah and Dr. Shanmugarajah are Government employed and had been treating the sick and wounded in the conflict zone in North-eastern Sri Lanka until they left the “No Fire Zone” with approximately 5,000 other civilians on 15 May 2009. The Sri Lankan Army detained the three doctors on 16 May 2009, under the broad arrest and detention powers of security forces pursuant to the Prevention of Terrorism Act. The physicians were last seen on the morning of 15 May 2009 at a holding area at Omanthai check point. An official of the Ministry of Health stated on 18 May Government forces handed over the physicians to the police.</p> <p>Dr. Shanmugarajah and Dr. Sathiyamoorthy are apparently currently held at a detention centre of the Terrorist Investigation Division in Colombo. However, their relatives are not aware of their exact whereabouts and neither has had access to a lawyer. Dr. Varatharajah was seriously injured and is reported to have been airlifted by the Sri Lankan Air Forces from the Omanthai check point to an unknown destination.</p> <p>While working in the conflict zone, the doctors provided detailed eyewitness reports to the media and the international community from hospitals and makeshift medical centres. Their reports detailed the suffering of ordinary civilians, many of whom died from war-related injuries. Their reports also highlighted continuous shelling of areas with large concentrations of non-combatants.</p> | <p>from LTTE elements. However, the Government would be happy to discuss the issue with the Special Rapporteur in Geneva.</p> <p>With regard to the other two doctors, they are in custody and are being investigated as to the circumstances under which they made certain statements, under duress, over the last couple of months.</p> <p>By letter dated 15/07/09, the Government indicated that Dr. Thangamuthu Sathyamoorthy, Dr. V. Shanmugarajah and Dr. Thurairaja Varatharajah surrendered to the Army when they arrived at Omathai check point on 15 May 2009. Dr. Varatharajah, who was injured at the time of surrender was admitted to the General Hospital on Colombo. He was released on 6 June.</p> <p>The three doctors were detained under section 19 (1) of the Emergency Regulation on charged of their alleged links with the LTTE organization, disseminating false information to the international media and supplying medicine and medical equipment to the LTTE from Government hospitals. They are now being held in protective custody by the Criminal Investigation Department in Colombo, pending the completion of the investigations. They have been visited by the ICRC and their families on several occasions, and were given healthcare facilities.</p> <p>At a media briefing on 8 July, all three doctors stated that they were forced by the LTTE to speak to foreign media and provide exaggerated information on civilian casualties. They also said that they were not under duress to attend the media briefing</p> |

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|      |         |      |      |         |                         | <p>organized by the Media Center for National Security.</p> <p>By letter dated 03/08/09, the Government indicated that investigations so far have revealed that Dr. Shanmugarajah moved to Mullaitivu and joined the LTTE in 1995. He worked as a doctor at Puthuikuvuruppu Hospital run by the LTTE. During the peace accord in 2002, he completed his medical degree and served as a Government doctor in an LTTE controlled until 2009.</p> <p>While he was serving at a makeshift hospital in Mullaivaikkal in May, a member of the LTTE Medical Wing informed him that the BBC in London would contact him, and that he should say that shelling by the Government troops continued and that scores of civilians and patients were dying as a result, which he did.</p> <p>Dr. Sathiyamoorthy was appointed to the Killinochchi Base Hospital in 2000 and was promoted as the acting Medical Superintendent.</p> <p>Between February and March 2009, when he was at Puthkuduiruppu makeshift hospital, a member of the LTTE Medical Wing informed him that the BBC in London would contact him, and that he should say that there was a severe shortage of drugs and that scores of civilians and patients were dying as a result, which he did.</p> <p>Dr. Varatharajah was appointed Director of Health Services in Mullaitivu District in December 2008. In early 2009, he was given a check for 5 million Rs. by the leader of the LTTE Transport Wing, to purchase a jeep</p> |

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|      |         |          |      |         |  | <p>used by a Tamil National Alliance Member of Parliament. On instructions of the LTTE member, he bought the jeep and used it for his official and private work. At the request of the LTTE Medical Wing, medical equipment and drugs were given to the LTTE from the Government Hospitals in Mullaitivu District. These were then taken to LTTE makeshift hospitals to treat the injured LTTE cadres. BBC correspondents contacted him on several occasions, and he gave them exaggerated casualty figures. He also reported shelling by the Government troops to several other news agencies. On 14 May he sustained injuries due to LTTE shelling.</p> <p>All three doctors had access to healthcare facilities at the expense of the state, and were visited on several occasions by the ICRC and their families. In addition, physical exercises, reading and writing material and draft boards are available. No complaint has been lodged by or on behalf of these doctors.</p> |
| 235. |         | 30/07/09 | AL   | TOR     | <p><b>Mr. Abesinhage Don Janaka</b>, National Identity Card No. 820656113V. Mr. Janaka was gathered with two other persons when three police officers came and searched them. The police found a bullet in Mr. Janaka's bag and asked him where he had gotten it. He replied that he had picked it up on the road, but he was arrested on suspicion that he was carrying a gun. At the Police station, Mr. Janaka was forced to lean against the wall in a room inside the police station, where he was reportedly assaulted and kicked by the police officers. He was also assaulted when he was forced to lie down on the floor. Later, he was forced to sign a document which he was not allowed to read. Mr. Janaka sustained injuries which were later treated at the</p> |  |

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|      |         |      |      |         | <p>Prison Hospital in Kalutara. He filed a complaint with the National Police Commission and the Senior Superintendent of Police in Kalutara.</p> <p><b>Mr. Ramanayakage Nishantha Perera.</b> On 5 March 2009, Mr. Perera was called in to the Kamburupitiya Police Station regarding a call he had made the day before to the emergency police service in Colombo. Mr. Perera had reported that when he went to lodge a complaint about a land dispute with his neighbour, officers at the Kamburupitiya station had chased him away. When both parties to the dispute arrived at the Police Station, the Officer in Charge examined the deed of ownership and started to verbally abuse Mr. Perera. He brought a pole from the next room and started to beat Mr. Perera on his head and body. Two other officers kicked him from behind. After the assault, Mr. Kaldera forced him to sign a piece of paper. He then told the officer to take him to the Aadapana Government Hospital in Kamburupitiya. The doctor told the officer that he should be warded, but after speaking to the Officer in Charge by phone, Mr. Perera was taken back to the police station.</p> <p>At around 3:30 p.m., Mr. Perera was charged with obstructing police duties. Two hours later, he was taken by jeep and produced before the magistrate of Matara. The lawyer who represented Mr. Perera informed the magistrate that he had been assaulted by the police and needed medical treatment. The magistrate ordered that Mr. Perera be given medical treatment and that a judicial medical report be obtained. However, he was taken instead to Matara Prison. After being admitted at the gate, Mr. Perera was beaten by the prison guards. That night, he was put in an overcrowded ward</p> |                     |

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|      |         |      |      |         | <p>known as “dal wattuwa” (mesh ward), and was not given any food. The next morning, he was taken to another room and stripped, under the pretext of prison procedure. He was later taken to the prison hospital where he was forced to sleep on the floor because there were no available beds. Three days later, he was examined by the prison doctor. Although the swelling across his body had diminished, the doctor recommended that he be taken immediately to the Matara Hospital for intensive treatment. On 14 March, he was discharged and taken back to Matara Prison, where he was denied the medicine prescribed at the hospital. On 4 April, Mr. Perera was released on bail.</p> <p>On 8 April, he submitted written complaints to the National Human Rights Commission, National Police Commission, Inspector General of Police and Senior Superintendent of Police in Matara.</p> <p><b>Mr. Loku Naramgodage Shantha</b>, aged 47. On 2 March, Mr. Shantha came home from work, when a neighbour assaulted him and informed a man in civilian clothes that Mr. Shantha had stolen some gold. The man identified himself as a Sub Inspector and arrested Mr. Shantha. The Sub Inspector allegedly took a pole and beat him on his chest and spine, while he raised Mr. Shantha’s handcuffed hands over his head. At 7:00 p.m., the Sub Inspector took Mr. Shantha to the Meegahatenna Police Station. His hands were handcuffed to the grill of a door, and he was kept in that position until the next day. When he was released, he vomited blood and fainted. Mr. Shantha regained consciousness at the Nagoda Hospital on 4 March, and was released on 9 March.</p> |                     |

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|      |         |      |      |         | <p>When the Magistrate visited Mr. Shantha in the hospital, he inquired with the doctor about the alleged assault. The Sub Inspector reportedly said he regretted what he had done and tried to settle the matter by instructing another officer to buy some clothes for Mr. Shantha.</p> <p>On 11 March, Mr. Shantha was released on bail, but he was not informed of the charges against him.</p> <p><b>Mr. Chaminda Sampath Kumara Wickramapathirana.</b> On 20 May, at approximately 11:00 a.m., Mr. Wickramapathirana was returning home when he noticed a police jeep with five men inside. As he passed the jeep, a constable asked about the contents of his bag. Two other officers repeated the question, and when he answered that he was carrying poultry, they told him that he was the man they were looking for. The officers then took him by the neck and entered his home. After searching his room, they found a pawn receipt for some jewelry. Mr. Wickramapathirana gave them another receipt and explained that they had been given to him by his neighbour for safekeeping. Mr. Wickramapathirana was then taken to the police station for questioning. Once at the station, the officers crowded around him and forced him to strip, kneel down and hold his hands up. One of the officers then put ten kochchi chilies in his mouth and forced him to eat them. He was then told to sit on the floor; his hands were tied behind him with a trip of cloth and his ankles were bound. Constable Manoj forced his head back and squeezed Kochchi juice into Mr. Wickramapathirana's eyes and nostrils. Another officer proceeded to kick him on his chest, while another stood on his knees. Whenever he</p> |                     |

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|      |         |      |      |         | <p>screamed, he was slapped. He was also hit with a rubber hose on his head. A Sub Inspector threatened that if he did not tell the truth, he would be charged for possession of firearms, which does not allow for bail. He was then told to dress and was taken to a cell. At approximately 6:00 p.m., Mr. Wickramapathirana's brother was able to see him. The next morning, he was taken to several pawn shops in the Piliyandala area, along with two other men. The officers showed the three men's identification cards and asked if there were any goods pawned under such identities. They found nothing for Mr. Wickramapathirana, but he was again taken back to a cell.</p> <p>The following day, Mr. Wickramapathirana was forced to strip and sit on the floor with his knees bent and his hands around his knees so that he could be hung upside down with a thick pole, a method of torture commonly known as "dharma chakra" (wheel of enlightenment). Mr. Wickramapathirana was swung around the pole and asked to tell the truth. A Sub Inspector then squeezed some kochchi juice into his eyes and nose. Whenever he screamed, he was slapped in the face, hit with a rubber house, kicked in the neck and hit on the soles of his feet. Mr. Wickramapathirana was kept in a cell until 27 May, when a Sub Inspector told him to sign a piece of paper, and was taken to court. Although no statement was taken, he was charged for possession of pawn receipts not belonging to him.</p> <p>That same day, Mr. Wickramapathirana admitted himself to the Panadura Hospital. Even though the hospital police visited him to take a statement, they refused to do it when they realized the assault had been perpetrated by the</p> |                     |

| Para | Country | Date     | Type | Mandate                       | Allegations transmitted   | Government response |
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|      |         |          |      |                               | <p>police. On 29 May, a Judicial Medical Officer examined Mr. Wickramapathirana.</p> <p>On 5 June, Mr. Wickramapathirana informed the National Human Rights Commission, National Police Commission, Inspector General of the Police and Senior Superintendent of the Police in Panadura.</p>  |                     |
| 236. |         | 14/08/09 | JUA  | WGAD;<br>TOR                  | <p><b>Mr. Gunasundaram Jayasundaram</b> (See A/HRC/10/44/Add.4 para. 197).</p> <p>On 11 August 2009, Mr. Jayasundaram was moved from Colombo to Boosa without any family member having been informed about the transfer. His family learned about the transfer through an anonymous caller. When his sister-in-law visited Mr. Jayasundaram on 13 August, she found him in tears with bruises around the face and eye, as he had been allegedly beaten on his head by officers after he was informed about his transfer and asked to speak to the Officer-in-charge or the Director of the Terrorist Investigation Division, under whose authority he continues to be detained without charge since 4 September 2007.</p> <p>Mr. Jayasundaram was allowed to receive home cooked meals twice per week at the detention centre in Colombo which enabled him to maintain a minimum degree of health. The prison guards refused to allow his sister-in-law to provide him with food and reading materials on 13 August. Mr. Jayasundaram requires medical attention.</p> |                     |
| 237. |         | 27/08/09 | JUA  | WGAD;<br>HLTH;<br>HRD;<br>TOR | <p><b>Mr. Charles Raveendran Navaratnam</b>, aged 45, employed by the United Nations High Commissioner for Refugees and <b>Mr. Kanthasamy Sounthararajan</b>, aged 31, employed by the United Nations Office for</p>  |                     |

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|      |         |      |      |         | <p>Project Services.</p> <p>On 11 June 2009, Mr. Navaratnam was questioned at his home by a person addressed as the “OIC” and several other persons in civilian clothes. He was informed that he had to be taken away for an inquiry, and was taken to a dark blue Pajero Jeep (Registration No. 61-7068), where he was immediately handcuffed. He was then blindfolded and asked to indicate where the “goods” were. He denied any knowledge about this, following which he was beaten and stricken with an iron rod on his head. He was threatened with being killed if he did not reveal “the truth”. He was then taken to Vepankulam where he was beaten in the stomach, neck and face including the mouth, ears and jaw, as well as on his legs with a wooden baton. He was taken to a house where other persons were being held. He spent the night handcuffed and with his legs chained.</p> <p>On 12 June 2009, he was again interrogated about the “goods” and asked whether he knew certain individuals. He denied any knowledge and was beaten again. He was also taken to the Menik Farm and Technical College Internally Displaced Persons Camp, where he was ordered to identify LTTE suspects, which he failed to do. He spent the night at the Vavuniya Police Station, where he was forced to sleep with his legs chained.</p> <p>On 13 June 2009, at about 8:30 a.m., he was taken away in the same jeep and stopped at the Petrol Station close to Vavuniya Kachcheri. There, the persons in the jeep got out and forcibly took Mr. Kanthasamy Sounthararaja, indicating that he was being taken for questioning and would be released after an inquiry. He was questioned about some suspected persons and was beaten when he</p> |                     |

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|      |         |      |      |         | <p>denied any information. Both men were then taken to Temple Road where international non-governmental organizations and United Nations Agencies have their offices. They were both directed to tell whether staff in these organizations had any connections with terrorists. They denied any knowledge and were threatened with death. In the afternoon, they were taken in the direction of Vavuniya Mannar Road and stopped at a cemetery in Bharathipuram. Mr. Sounthararaja was taken out, beaten and threatened to be shot at with a pistol. However, when by-standers arrived on the nearby road he was forced back into the jeep. Later that day, both men were taken to Colombo and were held in a building behind Borella Police Station. There they were subjected to prolonged interrogations by several police officers and beatings and were later transferred back to Borella Police Station.</p> <p>On 25 June 2009, they were examined by officers of the International Committee of the Red Cross. Later, they were permitted visits by relatives, staff of their employing agency and their lawyers. The next day, they were forced to sign a statement in Sinhala language which they did not understand. They are still being held at the Borella Police Station, and it is believed that they were arrested for “actively engaging in LTTE activities”. A fundamental rights application was filed in the Supreme Court for both men. The Supreme Court gave them leave to proceed and instructed the Judicial Medical Officer (JMO) to examine the detainees and submit a report to the court. They were examined by the JMO on 26 June. On 23 July, the police took them back to the JMO and requested him to write a new report based on</p> |                     |

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|      |         |         |      |         | documentation provided by the police. However, the JMO refused. As a result of the beatings, both men suffer from back pain, partial loss of hearing and severe headaches.   |                     |
| 238. |         | 6/10/09 | AL   | TOR     | <p><b>Mr. Upul Palitha Mawalage</b>, aged 41 and <b>Rankoth Pedige Wikrama</b>, aged 52.</p> <p>On 7 May 2009, Mr. Upul Palitha Mawalage, a driver, was carrying two passengers who were found to be carrying drugs in a routine check. All three were taken to the Bluemendhal Police Station, and the passengers were released after paying a bribe. In an alleged attempt to extract a confession, Mr. Mawalage was stripped naked, tied to a chair and beaten with a stick. Case B6425 was filed at the Maligakanda Magistrate's court, indicating that Mr. Mawalage was carrying drugs in his pocket. He is currently in remand at Welikada prison, where he has tried to commit suicide twice.</p> <p>In a separate case, on 14 July 2009, Mr. Rankoth Pedige Wikrama Nimalsiri was arrested by two police officers on his way to work. He was handcuffed, beaten and thrown into the police vehicle, where ground chili with water was squeezed into his eyes, nose and ears. Mr. Wikrama was then taken to a forest where he was strung by his thumbs to a tree and beaten. He was later taken to a building behind the Nikaweratiya Police Station, where he was again beaten by seven officers. He was then taken to the police station. The information provided stated that the Officer-in-charge of the police station indicated that he had been beaten in order to "find out the truth". On 25 July, Mr. Wikrama was taken to the General Hospital in Colombo after his case was covered by a local television station.</p> |                     |

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| 239. |         | 8/10/09  | JUA  | FRDX;<br>TOR | <p><b>Mr. Mahanuwara Rajawasala Ratnayaka Mahanilamelage Isiwara Senaka Ekanayake.</b></p> <p>Mr. Ekanayake, a journalist, was arrested in 2008 while trying to investigate a case implicating a senior police officer. He was severely beaten, tortured and robbed by the Kalpitiya police. Since his release on bail, Mr. Senaka Ekanayake has been constantly harassed by the police. In late 2008, he was once again arrested on alleged false charges by the Galkiriyagama Police. He was kept in remand in Anurandhapura Prison and released in September 2009.</p> <p>As a result of his torture in custody, which left him with numerous injuries, Mr. Senaka Ekanayake has been seeking redress from the authorities. He submitted complaints to the National Human Rights Commission (complaint HRD341/08, and a second letter 18/09/09), the National Police Commission (24/01/08 and 29/05/09) and the President of Sri Lanka (29/04/09). Since lodging such complaints, he has received death threats by phone. Men in a white van have allegedly gone to his house a number of times, late at night, to ask for him. He has gone into hiding.</p> |                     |
| 240. |         | 12/11/09 | JUA  | TOR          | <p><b>Mr. Senaka Ekanaya.</b></p> <p>On 24 March 2007, Mr. Senaka Ekanaya, a journalist by profession, was arrested by the officer in charge of the Kalpitiya Police Station. At the police station, he was handcuffed to a steel bar and beaten with an S-Lon (PVC) pipe. He was also verbally abused and threatened by the police. He was afterwards put in a cell, where he was kicked by police officers. Several hours later, police officers came with a type of liquor locally known as kassipu, poured it on</p>  |                     |

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|      |         |      |      |         | <p>him and forced him to drink it. The officers then proceeded to remove his clothes, exhibit his nudity to all officers and take photographs of him, indicating that the photographs would be published in the newspaper. After that, he was beaten again with the S-Lon pipe and sprayed with a water hose. He was given back his underwear, but he did not receive his trousers until the next morning.</p> <p>On 25 March, Police Officer Evin forced Mr. Ekanaya to sign some documents without reading them. When he refused, he was threatened with a pistol pointed at his head. Subsequently, Mr. Ekanaya was presented before a Medical Officer who refused to examine him after seeing him from a distance. He was then taken to the Acting Magistrate Attorney at Law's home, where he was not allowed to speak. Later that day, he was taken to the Puttalam prison. The next day, he was transferred to the Negambo prison, where he was given medical assistance.</p> <p>On 3 April 2007, Mr. Ekanaya was presented before the Acting Magistrate of the Puttalam District, where he stated his experience, but did not have the assistance of a lawyer. On 5 November, he was granted bail. Mr. Ekanaya's case is still on-going, and he has to report to the Kaplitiya Police at least once a month. Since his release, he has been receiving death threats from the officer in charge of the Kalpitiya Police.</p> <p>Mr. Ekanaya filed complaints with the National Human Rights Commission, with the National Police Commission and the Inspector General of Police. No proper investigation regarding his incident has been conducted.</p> |                     |

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| 241. |         | 2/12/09                    | UA   | TOR     | <p><b>Mr. Christopher Pakiam.</b></p> <p>On 16 September 2009, Mr. Christopher Pakiam was admitted to the Bogambara Kandy Remand Prison infirmary. Two days later, he was admitted to Ward No. 28 of the Kandy Hospital. He has been unconscious for long periods of time and is now reportedly paralyzed from the waist down. He was recently transferred to the Digana Hospital, where he is tied to his bed and under constant guard. His family has not been able to speak with him privately. Consequently, the reasons why his condition deteriorated are not known. There is concern however that his condition may be due to torture or ill-treatment. Bail has been refused by the Kandy High Court.</p> |   |
| 242. |         | Follow-up to earlier cases |      |         | <p><b>Mr. Seynool Miswar, Abhu Ubeyda, Mr. Siyaguna Kosgodage Anton Sugath</b></p> <p><b>Nishantha Fernando, Mr. Lalith Rajapakse and Gerald Mervin Perera</b><br/>(A/HRC/10/44/Add.4, para. 200)</p>   | <p>By letter dated 26 January 2009, the Government indicated that Mr. Seynool Abdeen Seynool Miswar was detained at Negombo Prison and was admitted to the Negombo Base Hospital on 3 July 2008 after he became ill. He died at the hospital. The Magistrate of the Negombo Court issued a verdict stating that the cause of death had been assault, and ordered the Police to conduct an investigation. As a result of said investigation, the police arrested a prison jailor and a prison guard. Criminal proceedings have started against these two persons, and a hearing was scheduled to take place on 1 December 2008. Regarding the allegations of Abu Ubeyda, no complaint to such effect was received by the police.</p> <p>Mr. Siyaguna Kosgodage Anton Sugath Nishantha Fernando was killed by unidentified gunmen on 20 September 2008. Police promptly visited the scene and initiated investigations, which have not led to</p> |

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|      |         |      |      |         |                         | <p>the identification of the perpetrators. The deceased had been a suspect in several criminal cases, and various public complaints had also been filed against him. According to the Police, whenever such a complaint was made and he found the investigations unfavourable, he would complain against the investigators.</p> <p>On 12 November 2007, the police signalled a motorcyclist who was not wearing a helmet, but the cyclist disregarded the police signal. He was later located, and when the Sub-Inspector of Police (SI) questioned him, he abused and assaulted him. A police party arrived at the scene and arrested the subject, his wife and their daughter. The SI was treated at the Negombo Base Hospital, and the subject and his wife were subjected to medical examinations. The three suspects were later produced in Court and released on bail. They filed complaints against the police before the Human Rights Commission and the National Child Protection Authority. A fundamental rights application was filed at the Supreme Court. The case is yet under hearing and there is no evidence to suggest the involvement of any police officer in the killing.</p> <p>Mr. Lalith Rajapakse was the main witness in a torture case against a sub-inspector (SI) of the police. However, the SI was exonerated and discharged from the proceedings by the High Court of Negombo. On 24 May 2008, Mr. Rajapakse was accused of robbery. He was been evading the Police since.</p> <p>Mr. Gerald Mervin Perera was a victim of torture. At the conclusion of the investigation</p> |

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|      |         |          |      |                      |  | on his case, six police officers were prosecuted by the High Court of Negombo. On 2 April 2008, the charges were dropped due to inadequate evidence to sustain the charges. However, as a result of a further investigation, an SI was indicted, and his hearing was fixed for 6 February 2009. |
| 243. | Sudan   | 07/01/09 | JUA  | HLTH;<br>TOR;<br>VAW | <p><b>Decision to remove article 13 from the draft Children's Act, which would ban female genital mutilation as customs and traditions harmful to the health of the child.</b> Your Excellency's Government took this decision pursuant to an advisory opinion of the Islamic Fiqh Academy, which distinguished between infibulation ("Pharaonic" circumcision), considered harmful by them, and the circumcision of 'sunna', a less intrusive procedure. The Government reportedly decided that the law should allow for the 'sunna' practice and prohibit the infibulations with its introduction in the Penal Code, which is currently under preparation.</p> <p>While we, in principle, welcome the draft Children Act which represents an important step forward in the protection of children's rights, we are deeply concerned by the decision of the Council of Ministers not to proceed with the complete criminalization of the practice of female genital mutilation - cutting (FGM/C), and to make a distinction between several forms of FGM/C in line with an Islamic fatwa. In our view, this decision constitutes a setback following the recent efforts of the Government of Sudan to tackle this harmful practice through a series of measures, including the adoption of a national strategy to abandon the practice of FGM/C. This strategy, in line with the Committee on the Rights of the Child's</p> |   |

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|      |         |      |      |         | <p>recommendations of September 2002, involved raising public awareness of the dangers associated with the practice and encouraging communities and respected individuals to publicly commit to its abolition. A total of 110 religious leaders in Sudan have openly declared that FGM/C had no association with the Islamic faith or practices and called for its eradication. In addition, the State of Southern Kordofan passed the first state law criminalizing FGM/C in November 2008.</p> <p>We are concerned that instead of contributing to a gradual ending of these harmful practices, the legalization of ‘sunna’ practice could open the door for maintaining other forms of FGM/C and also render more difficult legal efforts to eradicate FGM/C altogether. We received information that internally displaced persons from South Sudan in North Sudan have, for instance, started practicing genital mutilation, and that the custom has gradually spread to various ethnic groups in other parts of the country.</p> <p>Women and girls can suffer long term health consequences following FGM/C depending on the type and severity of the procedure performed. Recognized gynecologists and obstetricians indicated that the ‘sunna’ practice constitutes amputation of parts of the child’s genital organs which would result in the same health hazards as other types of circumcision. Short-term difficulties include severe pain, shock, hemorrhage, urine retention, ulceration of the genital region, and injury to adjacent tissue. Hemorrhage and infection can cause death. Long-term consequences include: psychological trauma; a feeling of incompleteness, anxiety and depression; difficulties during childbirth; cysts</p> |                     |

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|      |         |          |      |              | <p>and abscesses; keloid scar formation; damage to the urethra resulting in urinary incontinence; painful sexual intercourse; and sexual dysfunction.</p> <p>In addition, despite the commonness of FGM/C, health providers (traditional and modern) and the women themselves are often poorly equipped to handle the resulting complications, especially those associated with pregnancy, and the physical and psychological sexual dysfunctions.</p>   |                     |
| 244. |         | 12/03/09 | JAL  | SUMX;<br>TOR | <p><b>Death in custody of Mr. Mohamed Ahmed Osman Alkhair</b>, a businessman from Nyala, South Darfur.</p> <p>On 9 June 2008, officers of the National Intelligence and Security Service (NISS) detained Mr. Alkhair in Nyala and took him to a detention facility near the Nyala Railway Station. There he died as a result of torture. On 11 June 2008, NISS officers took his remains to the family's home in the Hay Alwadi area in the center of Nyala. His relatives refused to accept the body, which was taken to a police station. Thereafter, the security forces found Mr. Alkhair's 16-year old son, whom they forced to receive his father's body.</p> <p>The case was brought before the competent prosecutor but, in spite of the efforts of the lawyers assisting the victim's family, the case has made no progress in the nine months since his death. Members of the security services have offered the wife 2000 Sudanese Pounds as compensation for dropping the case, which she has refused.</p> <p>There are concerns that those responsible may be shielded from prosecution and punishment by</p> |                     |

| Para | Country | Date     | Type | Mandate                       | Allegations transmitted   | Government response |
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|      |         |          |      |                               | Article 33 of the National Security Forces Act of 1999, which grants immunity to members of the security forces against ordinary civil or criminal proceedings for any act connected with official duties. Criminal cases may be prosecuted only with the approval of the Director-General of National Security.  |                     |
| 245. |         | 02/04/09 | JUA  | FRDX;<br>IJL;<br>SUMX;<br>TOR | <p><b>Trial of Messrs. Ishag Al Sanosi Juma, Abdulhai Omer Mohamed Al Kalifa, Al Taieb Abdelaziz Ishag, Mustafa Adam Mohamed Suleiman, Mohamed Abdelnabi Adam, Saber Zakaria Hasan, Hasan Adam Fadel, Adam Ibrahim Al Haj, Jamal Al Deen Issa Al Haj, and Abdulmajeed Ali Abdulmajeed</b>, ten men originally from the Darfur region charged with the murder of Mr. Mohamed Taha, the founder and editor-in-chief of the daily Al Wifaq. The ten men were arrested in and around Khartoum between 9 September and December 2006 by National Intelligence and Security Services and police forces. On 10 November 2007, a court in Khartoum found the ten defendants guilty and sentenced them to death. On 10 March 2008, the Court of Appeal upheld the verdict of the first instance court. On 26 August 2008, the Supreme Court upheld the death sentences for nine of the ten defendants and amended the charges against Mr. Al Taieb Abdelaziz Ishag, who was a minor at the time of the crime, from murder to harbouring offenders. His sentence was amended to a four-year prison term from the date of his arrest, 21 October 2006.</p> <p>The case was brought before the Working Group on Arbitrary Detention in August 2008. On 24 November 2008, the Working Group adopted Opinion No. 38/2008. It found (paras. 41-45 of</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
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|      |         |      |      |         | <p>Opinion No. 38/2008) that the defendants “[...] have not had a fair and public hearing as established in article 14 of the International Covenant on Civil and Political Rights.</p> <p>All ten defendants [...] accused of murdering Mr. Mohamed Taha, revoked their confessions in court, stating that they had been threatened, intimidated and subjected to torture and ill-treatment as a means to compel them to make the incriminating statements that the investigators instructed them to make. These statements were made during up to four months of incommunicado detention – without permission of access to defence counsel and family visits – in the police-run Forensic Evidence Department and Criminal Investigations Department, as well as in NISS [National Investigation and Security Service] detention facilities in Khartoum.</p> <p>A request was made to the prosecutor heading the investigation for the defendants to be medically examined on the grounds that they were feared to have been subjected to severe torture. However, the prosecutor and the judge turned down the request despite the fact that when the trial proceedings began, many of the defendants still bore clearly visible physical traces of injuries and scars on their arms, hands, thighs, and shoulders as a result of the alleged torture.</p> <p>The sentence that condemns the defendants to death is exclusively based on their confessions during their incommunicado detention as explained above. The court did not consider: i) that the defendants had revoked their confessions and ii) that the prosecutor and the judge turned down the request on the medical</p> |                     |

| Para | Country | Date     | Type | Mandate                            | Allegations transmitted   | Government response  |
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|      |         |          |      |                                    | examination.”   |  |
| 246. |         | 26/08/09 | JUA  | TOR;<br>VAW                        | <p><b>Ms. L. A. H.</b>, a Sudanese national.</p> <p>Ms. H. has been charged with the offence of ‘inappropriate dress and conduct’ for which she faces being flogged 40 times, should she be found guilty. Her trial, which has been previously postponed, is currently scheduled to take place on 7 September 2009.</p> <p>On 3 July 2009, police forces stormed into a restaurant in Khartoum where Ms. H and twelve other women were having dinner, and arrested them for wearing trousers. The women were charged under article 152 (Indecent and Immoral Acts) of the 1991 Penal Code. Reportedly, ten of the women (two were under the age of 16) pleaded guilty and have already received punishments of ten lashes each. Charges were brought against three others, including Ms. H.</p> | A reply was received from the Government on 2/10/09, but could not be translated in time for inclusion in this report. |
| 247. |         | 14/12/09 | JUA  | WGAD;<br>FRDX;<br>HRD; IJL;<br>TOR | <p><b>Situation of Ms. Butheina Omar al Sadiq, Ms. Randa Yousif and Ms. Nafisa al-Nur Hajar.</b></p> <p>On 8 December 2009, while posting flyers at the Al Kalakla Court complex in Khartoum, Ms. Omar Al Sadiq, Ms. Yousif and Ms. Al-Nur Hajar were arrested by the police following an order by Judge Bashir Rahama. The leaflets called on lawyers to renew their membership to the Bar Association to enable them to vote at the next Bar Association elections in January 2010. After having been interrogated by the police, the three lawyers were released. Later the same day, they were re-arrested by agents of the National Intelligence Security Service of Sudan (NISS), and since then have been held in incommunicado detention.</p>   |  |

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| 248. | Sweden  | 27/03/09 | JUA  | WGAD;<br>TOR | <p><b>Ms. Gelsen Adelshina</b>, a citizen of Uzbekistan of Russian descent, aged 54, currently in migration detention in Gotenborg and allegedly at risk of imminent deportation to Uzbekistan.</p> <p>Ms. Gelsen Adelshina fled Uzbekistan in 2005 because she perceived her life to be at risk due to threats she had received in connection with an apartment she owns in Karasu, Andijan Oblast. She inherited the apartment from an aunt, who was reportedly killed for refusing to sell it. Ms. Adelshina was asked by a police officer and other representative of the authorities to sell the flat. A representatives of the Housing and Communal Commission, the local authority dealing with housing issues, allegedly insisted that she, as a member of the Russian minority, should sell the flat and move from Uzbekistan.</p> <p>Ms. Adelshina fled to Sweden, where she applied for asylum. Her request was rejected by the relevant authorities. Since April 2008, Ms. Adelshina was living in Sweden without a valid permit. On 25 March 2009, she was arrested by police in Stockholm following a random check and taken into immigration detention.</p> <p>During her stay in Sweden, Ms. Adelshina had participated in activities to support political prisoners and protest against human rights violations in Uzbekistan. She was allegedly preparing a second asylum application, which she had however not yet handed in to the Swedish Migrationsverket.</p> <p>Recent activities of Ms. Adelshina in relation to human rights violations in Uzbekistan add a risk of persecution on political grounds, of arbitrary detention and of torture or inhuman or degrading treatment if she is returned to Uzbekistan to the allegedly pre-existing risk of attacks on her</p> | <p>By letter dated 3/04/09, the Government indicated that the Swedish Migration Board and the Migration Courts handle applications for asylum and residence permits independently from the Government. The Swedish authorities must grant asylum to persons defined in the 1951 UN Refugee Convention as refugees. Under Swedish law, persons who are not convention refugees may also qualify for subsidiary protection in the category is described as ‘persons otherwise in need of protection. A permit may also be granted if on an overall assessment of the alien’s situation there are found to be such exceptionally distressing circumstances that he or she should be allowed to stay in Sweden.</p> <p>If an application for a residence permit is rejected, a refusal-of-entry or expulsion order shall be issued at the same time. A refusal of entry and expulsion of an alien may thus never be enforced to a country where there is fair reason to assume that the alien would be in danger of suffering the death penalty or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment or if the alien risks being subjected to persecution in that country.</p> <p>If new circumstances come to light that mean that there is such an impediment to enforcement as described above, or there is reason to assume that the intended country of return will not be willing to accept the alien or there are medical or other special grounds why the order should not be enforced, the Migration Board may grant a permanent residence permit if the impediment is of a</p> |

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|      |                      |          |      |                      | physical integrity connected to her apartment. Her deportation to Uzbekistan could reportedly take place in the next 72 hours.   | lasting nature, or order a stay of enforcement.<br><br>The Migration Board may turn over a refusal-of-entry or expulsion case to the police authority for enforcement if the alien concerned has gone into hiding or if it can be assumed that force will be needed to enforce the decision. The use of coercive measures shall be strictly limited to what is necessary and proportionate.<br><br>A detention order made by a police authority or the Swedish Migration Board may be appealed to a migration court without limitation to a certain period of time. Information concerning Ms A's personal circumstances is confidential under the Swedish Secrecy Act. |
| 249. | Syrian Arab Republic | 18/02/09 | JUA  | WGAD; IJL; TOR       | <b>Mr. Hassam Hussein 'Ali</b> , aged 31, member of the unauthorized "Kurdish Azadi Party" and member of the board of directors of the Noubhar Cultural Society, which is related the "Kurdish Azadi Party".<br><br>On 3 December 2008, Military Intelligence agents arrested Mr. Hassam Hussein 'Ali. Since then, he has been in detention without charge or trial, possibly at the Palestine Branch of the Military Intelligence in Damascus. His whereabouts have not been officially communicated to his family and he has not been allowed to communicate with the outside world. |   |
| 250. |                      | 03/08/09 | JUA  | WGAD; FRDX; HRD; TOR | <b>Mr. Muhanad Al-Hasani</b> , a human rights lawyer and the director of the Syrian Human Rights Organization (SHRO).<br><br>On 28 July 2009, Mr. Al-Hasani was called in by the Public Intelligence Directorate (PID). When he went there, he was arrested at approximately 7 p.m. He continues to be   |   |

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|      |         |         |      |                       | <p>detained incommunicado. Over the previous few days he had been repeatedly summoned to appear at the PID.</p> <p>It is believed that his arrest is related to his work in monitoring the hearing of cases related to the 2008 riot at Sidnaya prison, which recently commenced at the State Security Court (SSC). On 19 July 2009, following the end of one such hearing, Mr. Al-Hasani was stopped by a court clerk who proceeded to take his notebook and tear out any pages related to the proceedings. Mr. Al-Hasani reported the incident to the head of the SSC who subsequently reprimanded the court clerk. The court clerk stated that he was acting on orders from Habib Najma, the chief prosecutor of the court. Despite the intervention of the head judge of the SSC and a representative from the Ministry of Justice, the confiscated notes were not returned to Mr. Al-Hasani.</p> <p>Mr. Al-Hasani has also been the subject of a travel ban for the last five years and has been repeatedly threatened with judicial prosecution and imprisonment for running an unregistered organization. SHRO's application for official registration was denied.</p> |                     |
| 251. |         | 2/10/09 | JUA  | WGAD;<br>TERR;<br>TOR | <p><b>Mr. Mustafa Setmariam Nassar</b>, aged 42, Spanish citizen of Syrian origin and author of a number of books and other publications on Islam and "jihad" (See also paras. X, Y and Z).</p> <p>On an unknown date in October 2005, Mr. Nassar was apprehended in Pakistan by forces of the Pakistani intelligence on suspicion of having been involved in a number of terrorist attacks, including the 11 September 2001 attacks against the United States and the 11 March 2004 bombings in Madrid. He was detained in</p>   |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
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|      |         |      |      |         | <p>Pakistan for a certain period of time, accused of involvement in both incidents. He was then handed over to authorities of the USA under their exclusive control. While no official news of Mr. Nassar's whereabouts has been received since his apprehension in October 2005, it is alleged that in November 2005, he was held for some time at a military base facility under United States of America authority in Diego Garcia, an overseas territory of the United Kingdom. It is now assumed that he is currently being held in secret detention in the Syrian Arab Republic.</p> <p>In the early 1980s, Mr. Nassar fled the Syrian Arab Republic following his alleged involvement in a failed attempt by the Muslim Brotherhood to overthrow the government then in power. In 1985, he arrived in Spain where he married a Spanish citizen, thereafter obtaining Spanish citizenship.</p> <p>Official US documents and web postings, as well as media reports, indicate that the US authorities had been interested in Mr. Nassar before his disappearance in 2005. The then United States of America administration pursued Mr. Nassar at least since November 2004, when it offered a five million US dollar reward for information relating to his capture as part of its "Rewards for Justice" program. In January 2005, the US Embassy in Pakistan reiterated this offer by posting a notice for a reward for the same amount of money in a prominent newspaper in Pakistan. Around the time of his reported capture, the US Government removed Mr. Nassar's name from the "Rewards for Justice" list, and withdrew the proposed reward for information leading to his arrest. It also removed his name from the Federal Bureau of</p> |                     |

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|      |         |          |      |                               | <p>Investigation's (FBI) "most wanted" list. The website of the US National Counterterrorism Center reports that Mr. Nassar was captured in Pakistan in November 2005 (<a href="http://www.nctc.gov/site/profiles/capture.html">www.nctc.gov/site/profiles/capture.html</a>, last visited 23 September 2009). This may suggest that Mr. Nassar was captured and that the Government of the US was either involved in his capture or is cognizant of his whereabouts.</p> <p>In June 2009, in response to a request made through Interpol by Spanish Judge Baltazar Garzon for information relating to Mr. Nassar's whereabouts, the FBI informed that Mr. Nassar was not in the UUS at that time. The FBI did not, however, address whether Mr. Nassar may be held in US custody elsewhere or whether it knew where he was then held.</p> <p>Following queries by non-governmental organizations as to the whereabouts of Mr. Nassar, the Central Intelligence Agency (CIA) responded on 10 June 2009 stating that "the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request" and that even if the CIA was in a position to answer the request that the records would be classified and protected from disclosure by United States laws.</p> |                     |
| 252. |         | 21/10/09 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | <p>Haytham al-Maleh, aged 78, former head of the Human Rights Association in Syria (HRAS). On 13 October 2009, Haytham al-Maleh was asked by the Political Security Department to report to the Political Security's branch in Damascus, but he did not go. On 14 October 2009, he was arrested at his office. Since then he has been detained at an unknown location.</p> <p>It is assumed that Haytham al-Maleh's detention follows a phone interview about human rights</p>   |                     |

| Para | Country | Date     | Type | Mandate               | Allegations transmitted  | Government response |
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|      |         |          |      |                       | <p>and democracy in the Syrian Arab Republic that he gave to Baradda TV in September 2009. Furthermore, Haytham al-Maleh was defending Muhannad al-Hassani, a human rights lawyer who has allegedly been held in detention since 28 July 2009 (see para X above).</p> <p>Haytham al-Maleh suffers from diabetes and an overactive thyroid gland and is therefore in need of appropriate medical treatment, including medicine. Haytham al-Maleh was previously imprisoned from 1980 until 1986.</p>  |                     |
| 253. |         | 10/11/09 | JUA  | HOUS;<br>RACE;<br>TOR | <p><b>Mr. Mohammad Saed Hossein Al-Omar</b>, Syrian national of Kurdish origin. In September 2009, Mr. Al-Omar's family was evicted from their home in Rameilan. The house had been provided by the State-owned Syrian Petroleum Company, where Mr. Al-Omar was employed. Following his arrest, he was suspended from employment without pay and stripped of all benefits, including his pension rights. It is reported that these measures have been imposed upon him and his family because of his political activities and in connection with the charges laid against him. However, according to Syrian laws, any such decision requires judicial authorization, which has not been issued.</p> <p>Earlier, on 24 April 2009, Mr. Al-Omar suffered a stroke at Adra prison, Damascus, and was treated three hours later at the Ibn al-Nafees military hospital. On 6 May 2009, he was returned to Adra prison, where he is currently detained in a cell of 40-50 sqm that he has to share with 20 other inmates. The medication he requires for continuous treatment has to be provided by his family, who is allowed to visit him once a week. There are concerns that Mr. Al-Omar is not receiving all necessary treatment</p> |                     |

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|      |         |                            |      |         | for stroke victims including physiotherapy. The final verdict in the criminal trial against Mr. Al-Omar is expected on 15 November 2009. |  |
| 254. |         | Follow-up to earlier cases |      |         | <b>Ms. 'Aisha Afandi and Ms. Kawthar Taifour</b> (A/HRC/10/44/Add.4, para. 217).   | <p>By letter dated 3/04/09, the Government indicated that Ms. Afandi and Ms. Tayfur were arrested for stirring up sectarian strife and unrest in the town of Ayn al-Arab in the Aleppo governorate. They were detained in women's ward 4 at Aleppo Central Prison. They were not held in incommunicado detention and neither of them were subjected to ill-treatment. They appeared before the court on 20 August 2008, following an inquiry that was conducted in accordance with the due process norms laid down in the Constitution and Syrian law. The case was filed with the military prosecutor's office. The case was filed with the chief judge of the lower military court in Aleppo, before whom they appeared for examination on 22 August 2008. Based on the judge's decision, they were released that day. The case is still being reviewed by the judge.</p> <p>The Syrian authorities verified the legality of the arrest procedures and found no evidence that the rights and freedoms of the two women had been infringed or that they had been placed in arbitrary detention or subjected to torture.</p> <p>When Ms. Afandi arrived at the prison, the doctor at the prisoners' welfare association diagnosed her as suffering from an inflamed right ear, and treated her regularly throughout her time in detention. Ms. Tayfur was diagnosed as suffering from diabetes, rheumatoid arthritis pain and chest pains. She also had a condition known as "Aleppo boil"</p> |

| Para | Country  | Date     | Type | Mandate                                 | Allegations transmitted   | Government response  |
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|      |          |          |      |   |   | <p>and received free treatment for these conditions throughout the time that she spent in prison. She did not complain of suffering from psychological trauma or epilepsy.</p> <p>There is no reference in the identity cards or other papers of any Syrian citizen to membership of a minority or a majority.</p>   |
| 255. | Thailand | 26/08/09 | JUA  | WGAD;<br>HLTH;<br>MIG;<br>SUMEX;<br>TOR | <p><b>Group of individuals from the Rohingya minority of Myanmar currently in immigration detention in Thailand.</b> The conditions of detention, and particularly alleged shortcomings in the access to medical care, are alleged to have already resulted in the death of two of the detainees, namely <b>Abdul Salam</b> and <b>Hammah Tulah</b>. They were reportedly part of a group of 78 individuals that arrived in Thailand on 26 January 2009 and who were subsequently transferred to the Immigration Detention Center (IDC) in Ranong, Thailand. The names of the other members of the group are <b>Chaina Aaben, Chuansu Aalam, Khafad Aalm, Mahmad Aarm, Nulu Aarm, Sabeham Ahmad, Mahmud Ahmin, Mahmud Ahnuay, Mahammad Babo, Matab Bhad</b>, 17 years of age, <b>Aanam Butrok, Mohammad Duhar</b>, 14, <b>Mahmad Fati, Yafat Fuzon, Mawm Gulamad</b>, 16, <b>Numala Hadgin, Mahmad Halak, Nasi Hamad, Abdul Hamad, Numubu Hamad</b>, 17, <b>Mondu Haram, Abdul Haren, Yamee Hasen, Khorimu Hha, Budseram Hmad, Muhmad Hudsein</b>, 17, <b>Mahmud Hudsén, Solee Hunrah, Gama Hunsein, Anat Husen, Ahmed Hussein</b>, 15, <b>Mahmad Iria, Mohammad Islam, Mahmad Jorkid, Mahmud Kasim, Choey Khammud</b>, 17, <b>Moseed Khuraman, Nulu Kobi, Abdul Koeylim, Ahminun Kok</b>, 15, <b>Munji Lalam, Abdul Loh, Kaman Luzeen, Deeli Mahmud,</b></p> | <p>By letter dated 17/11/09, the Government indicated that the Rohingyas who arrived on Thai shores entered Thailand illegally and are illegal immigrants under Thai law. The issue of Rohingyas is a complex one which involves problems of statelessness, people smuggling and human trafficking. The issue must therefore be addressed in a comprehensive manner and through regional cooperation, including bilateral cooperation with Myanmar and Bangladesh; cooperation with a contact group of affected countries (Bangladesh, India, Indonesia, Malaysia and Myanmar); cooperation with the Association of Southeast Asian Nations (ASEAN); and cooperation within the Bali Process on People Smuggling, Trafficking in Persons and related Transnational Crime.</p> <p>With regard to the group of 78 Rohingyas who have arrived on Thai shores in January 2009, Thailand has taken care of them based on humanitarian considerations. The Government allowed relevant embassy representatives and staff from UNHCR to visit them.</p> <p>With regard to the death of Mr. Abdul Salam and Mr. Hammah Tulah in the Immigration Detention Centre in Ranong Province, the post mortems have suggested that the causes</p> |

| Para | Country | Date                       | Type | Mandate | Allegations transmitted  | Government response  |
|------|---------|----------------------------|------|---------|--|--|
|      |         |                            |      |         | <p><b>Dorhi Munla, Mahmud Noon, Abdul Noon, Sobi Oohla, Choylee Oonla, Mohammad Puludin, Harun Rosid, Mohammad Saded, 15, Nuhud Sala, Hamed Samud, Mahammad Sarim, Sila Sisalam, Andhu Sugud, Anlee Suhad, Hamid Suthan, Mahmud Tiagoob, Mahmud Tuhad, Hamid Tusan, Puti Yang, Ali Yuhad, 16, Mohammad Yuwen, Ahmud Zeen, and Harew Zem, as well as Jaral, Sotamin, Saleem, Islam, Hunsein, Isu, 17, Baseh, and Jinud,</b> whose respective surnames could not be established.</p> <p>On 1 July 2009, Abdul Salam died at the age of 18 at the Ranong IDC after suffering from heart failure. On 13 August 2009, Hammah Tulah, 15 years of age, also died while in detention at the Ranong IDC. In both cases, the rapid deterioration of their health may be due to the inadequacy and inefficiency of healthcare being provided to them during the entire period of their detention and particularly during the hours preceding their deaths. A third person is reportedly in a critical medical condition. Following these deaths, all remaining individuals from the aforementioned Rohingya minority group have been transferred to the Suan Plu IDC in Bangkok.</p> <p>It has also been reported that irregular immigrants in Thailand face potentially indefinite administrative immigration detention.</p> | <p>of death were cardiac arrest.</p> <p>On a humanitarian basis, the Immigration Bureau moved all the Rohingyas to the Immigration Detention Centre in Bangkok to give them more space for exercise and recreation, as well as for better access to medical care. The move also made it easier for UNHCR and other relevant NGOs to have access.</p> <p>Thailand has no intention of detaining this group of persons indefinitely, and steps are being taken to verify their nationality and country of origin and to provide a long-term solution for them.</p> |
| 256. |         | Follow-up to earlier cases |      |         | <p><b>Yapa Kaseng and Sukri Salae</b> (A/HRC/10/44/Add.4, para. 224).</p>  | <p>By letter dated 23/02/09, the Government indicated that following the death of Mr. Yapa Kaseng while in custody of security personnel, Mr. Kaseng's wife lodged a petition with the inquiry official on 31 March 2008 to prosecute military officials allegedly involved in the death of her husband. The</p>   |

| Para | Country | Date | Type | Mandate | Allegations transmitted | Government response  |
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|      |         |      |      |         |                         | <p>petition was made in accordance with the Criminal Procedure Code.</p> <p>On 25 December 2008, the Narathiwat Provincial Court ruled that Mr. Kaseng had died as a result of physical assault while in the custody of security personnel. According to the Criminal Procedure Code, after the Court has given an order, the examination file is forwarded to the Public Prosecutor to be sent to the inquiry official for further proceedings. Currently, the process against the alleged officials is underway.</p> <p>On 19 March 2008, police and military forces conducted a security search at Ban Kor Tor village, Ruesog Sub-district, Rueso District, Narathiwat Province and took Mr. Sukri Salae, Mr. Yapa Kaseng and four other persons in custody, based on suspicion of the group's involvement in activities detrimental to the public peace and security in the Southern Border Provinces. Such operation was carried out in accordance with the Martial Law Act. B.E. 2457 (1914), under which all suspects were sent to Narathiwat Task Force 39.</p> <p>On 20 March, the police filed an application with the Narathiwat Povincial Court, requesting the detention of the suspects. After the Court granted permission for the detention, Mr. Sukri Salae and five other persons were sent to the Inkayuth Army Camp, on 21 March for further inquiry. After having been interrogated by officials, they were released on 9 April due to a lack of evidence. Regarding the allegation of torture, no petition or complaint was filed by or on behalf of Mr. Salae.</p> |

| Para | Country | Date     | Type | Mandate                   | Allegations transmitted   | Government response   |
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|      |         |          |      |                           |   | The Royal Thai Government does not condone any act that constitutes torture in violation of its law and Constitution. It is also committed to the effective implementation of the Convention against Torture.   |
| 257. | Tunisia | 12/01/09 | JAL  | FRDX;<br>HRD; IJL;<br>TOR | <p><b>Adnane Haji, Béchir Labidi, Adel el Jayari, Tayeb Ben Othmane, Tarek Hlimi, Hassen Ben Abdallah, Maher Fajraoui, Fayçal Ben Amor, Sami Ben Ahmed dit Amid, Haroun Halimi, Ghanem Chraiti, Moudhafer Labidi, Ridha Ezzedinne, Abdessalem Hlati, Abid Klayifi, Rachid Idaoui, Fahem Boukaddouss, Boubaker Ben Boubaker, Hafnaoui Ben Othman, Mahmoud Raddadi, Hedi Bouslah, Ridha Amaïdi, Issam Fejraoui, Thamer Maghzaoui, Mouhieddine Cherbib, Mouadh Ahmadi, Abdallah Fajraoui, Mohamed Baldi, Radhouane Bouzayane, Makram Majdi, Othman Ben Othman, Mahmoud Helali, Mohsen Amidi</b> (voir A/HRC/10/44/Add. 4, para. 229), membres du mouvement de protestation sociale dans la région de Gafsa.</p> <p>Le 11 décembre 2008, la Chambre criminelle du Tribunal de première instance de Gafsa aurait retenu les charges de « participation à une entente criminelle en vue de commettre des attentats contre les personnes et les biens, rébellion armée commise par plus de dix personnes et troubles à l'ordre public » contre les 33 personnes précitées et les aurait condamnées à des peines allant de deux ans d'emprisonnement avec sursis à dix ans et un mois de prison fermé. Cinq autres personnes auraient été relaxées dans le cadre de ce procès.</p> <p>Il est allégué que ces 33 personnes n'auraient pas bénéficié d'un procès juste et équitable dans la mesure où les droits de la défense n'auraient</p> | <p>Par lettre datée du 31/03/09, le Gouvernement a indiqué que le tribunal de première instance n'avait pas ignoré les allégations de mauvais traitements présentées par les prévenus. En effet, le tribunal a consigné ces allégations dans les procès-verbaux d'audience. Toute la procédure d'instruction a été soumise au contrôle de la chambre d'accusation puis au contrôle de la Cour de Cassation. La Cour de Cassation a rejeté ledit grief motivant son arrêt par le fait que les allégations des prévenus « n'étaient pas reflétées dans aucune des pièces du dossier dès lors que les traces d'écorchures et de légers hématomes, constatées sur certains d'entre eux, évoquaient plutôt qu'elles étaient causées par l'affrontement des prévenus aux forces de l'ordre et ne sont nullement en rapport avec les officiers de police judiciaire chargées quant à eux de diligenter l'enquête ». En outre, l'affrontement violent des prévenus aux forces de l'ordre est certainement de nature à causer des blessures aux deux parties. La Cour a distingué entre agents de l'ordre chargés de la préservation de la paix publique et officiers de police judiciaire n'ayant eu de contacts avec les prévenus qu'à l'occasion de l'enquête pour écarter, ensuite, toute imputation de mauvais traitements à ceux-ci. Aucun des prévenus ou des membres de leurs familles ou de leurs avocats n'a déposé une plainte indépendante pour mauvais traitements. Le ministère public est</p> |

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|      |         |          |      |                           | <p>pas été respectés. En effet, la défense n'aurait pu présenter sa plaidoirie et les prévenus n'auraient été interrogés. Par ailleurs, le verdict aurait ignoré les éléments de l'ordonnance de clôture du juge d'instruction faisant mention des stigmates physiques (traces de coups, hématomes) qu'il aurait constatés sur 10 des 38 prévenus.</p> <p>Les 33 personnes condamnées dans le cadre de cette affaire auraient interjeté appel et l'audience en appel se tiendrait devant la Cour d'appel de Gafsa le 13 janvier 2009.</p>   | <p>habilité à procéder d'office à l'ouverture d'une enquête chaque fois qu'il y aurait motifs raisonnables laissant croire que des actes de mauvais traitements aient été commis, mais les autorités n'ont constaté aucun motif raisonnable.</p> |
| 258. |         | 30/06/09 | JUA  | FRDX;<br>HRD; IJL;<br>TOR | <p><b>Me. Radia Nasraoui</b>, présidente de l'Association de lutte contre la torture en Tunisie, <b>Me. Raouf Ayadi</b>, ancien Secrétaire général du Conseil national pour les libertés en Tunisie (CNLT), <b>M. Hamma Hammami</b>, mari de Me Nasraoui, <b>Me. Samir Dilou</b>, avocat membre de l'Association internationale de soutien aux prisonniers politiques, et <b>Me. Abdelwahab Maatar</b> (Voir A/HRC/4/33/Add.1, para. 300 et E/CN.4/2005/62/Add.1, para. 1751).</p> <p>Le 23 juin 2009, de retour de Genève, Me. Nasraoui et Me. Ayadi auraient été violemment agressés par un groupe de policiers en civil à l'aéroport de Tunis-Carthage. Ceux-ci auraient sommés Me. Nasraoui, Me. Ayadi, ainsi que Me. Dilou également présent, de les suivre dans un bureau afin d'effectuer une fouille corporelle. En l'absence de justification légale fournie par les policiers, Me. Ayadi aurait refusé de se soumettre à cette fouille et aurait été roué de coups par quatre policiers, devant les voyageurs présents. Ses vêtements auraient également été déchirés. Il aurait ensuite été transporté de force dans une pièce isolée où il aurait à nouveau été</p> |  |

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|      |         |      |      |         | <p>battu ainsi qu'insulté, puis soumis à la fouille corporelle. Les documents professionnels contenus dans les bagages des trois avocats auraient été inspectés. Les documents de Me. Dilou auraient également été aspergés d'un produit chimique les rendant illisibles.</p> <p>Au même moment, Me. Nasroui, témoin de la scène, aurait appelé son mari, M. Hammami, qui l'attendait alors dans la zone d'arrivée. Un policier lui aurait tordu le bras afin d'interrompre la conversation téléphonique et l'aurait jetée à terre et trainée jusqu'à un bureau où elle aurait été fouillée. Son téléphone et son ordinateur portable auraient été jetés plus loin. Me. Nasraoui souffrirait de contusions au bras droit.</p> <p>En quittant la zone de contrôle, Me. Nasraoui et Me. Ayadi auraient à nouveau été insultés par les agents de la sécurité d'Etat de la force qui les escortaient. M. Hammami aurait été brutalisé alors qu'il protestait contre ce qui venait d'arriver. Un policier aurait porté un violent coup de pied à Me. Ayadi, lui entaillant le genou.</p> <p>Le même jour, Me. Mataar aurait subi un traitement similaire à l'aéroport de Sfax, à son retour de Paris. Il aurait également refusé de subir une fouille corporelle et aurait été détenu pendant deux heures. Un policier lui aurait donné un coup de poing au visage, brisant ses lunettes.</p> <p>Le 19 mai 2009, Me. Nasraoui, de retour de Paris où elle avait été invitée à participer à une conférence organisée par des candidats aux récentes élections européennes, aurait subi une fouille de ses affaires (valise et sacoches) avant de se voir intimer l'ordre d'obtempérer pour une</p> |                     |

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|      |         |         |      |                           | fouille corporelle. Me. Nasraoui s'y serait opposée et aurait alors été insultée et escortée jusqu'en dehors de l'aéroport.   |                     |
| 259. |         | 5/10/09 | JAL  | FRDX;<br>HRD; IJL;<br>TOR | <b>La situation des 38 membres du mouvement de protestation sociale dans la région de Gafsa, Fayçal Ben Ahmed Ben Hassan Ben Amor, Hafnaoui Ben Tahar Ben Othmane, Ali Ben Soltane Ben Ibrahim Jedidi., Thameur Ben Amor Ben Younes Maghzaoui, Ridha Ben Salah Ben Arbi Ezzeddini, Issam Ben Amor Ben Tayeb Fajraoui, Mouaadh Ben Nasser Ben Sassi Ahmadi, Abdessalem Ben Mohamed Ben Ali Helali, Mahmoud Ben Mohamed Imam Ben Mohamed Raddadi, Hedi Ben Amor Ben Ali Bouslahi, Abdallah Ben Soltane Ben Ahmed Fajraoui, Mohamed Ben Salah Ben Makki Al-Baldi, Tarek Ben Mohamed Salah Ben Boubakeur Hlimi, Bechir Ben Mohamed Ben Othmane Abidi, Adel Ben Ali Ben Salah Jayyar, Ismaïl Ben Abdelaziz Ben Farah Aljawhari, Lazhar Ben Ahmed Ben Ammar Ben Abdelmalek, Moudhaffar Ben Bechir Ben Mohamed Abidi, Haroun Ben Mohamed Salah Ben Boubakeur Hlimi, Taïeb Ben Abderrahmane Bellassoued Ben Othmane, Boubakeur Ben Mohamed Al-Arbi Ben Boubakeur, Radhouane Ben Mohamed Ben Ahmed Bouzayyane, Makram Ben Houcine Ben Ali Majdi, Adnane Hajji, Sami Ben Mohamed Ben Tahar Ben Ahmed alias Sami Amaydi, Othman Ben Abderrahman Bellassoued Ben Othman, Ghanem Ben Boujoumaâ Ben Naoui Chrayti, Mahmoud Ben Ali Ben Mohamed Helali, Boujoumaa Ben Naoui Ben Ali Chrayti, Abid Ben Ahmed Ben Messaoud Khlayfi, Habib Ben Abbes Khedhir, Rachid Ben Salah Ben Ali Abdaoui, Hassaan Ben</b> |                     |

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|      |         |         |      |               | <p><b>Taïeb Ben Messaoud Ben Abdallah, Mohsen Ben Ahmed Ben Ali Aamaydi, Maher Ben Mohamed Ben Amara Fajraoui, Ridha Ben Lazhari Ben Mohamed Aamaydi, Fahem Ben Kefi Ben Amara Boukaddous et Mouhieddine Ben Amor Ben Mostapha Cherbib</b> (Voir A/HRC/10/44/Add.4, para. 229 et para. paragraph XX au-dessus).</p> <p>Le 22 août 2009, la Cour de cassation de Tunis aurait rejeté le pourvoi en cassation des 38 membres précités du mouvement du bassin minier de Gafsa. Cette décision confirme les peines prononcées en appel allant de deux à huit ans de prison ferme à l'encontre de ces personnes pour « participation à une entente criminelle en vue de commettre des attentats contre les personnes et les biens, rébellion armée commise par plus de dix personnes et troubles à l'ordre public ».</p> <p>Il est allégué que ces personnes n'auraient pas bénéficié d'un procès juste et équitable dans la mesure où les droits de la défense n'auraient pas été respectés. Il est allégué que le 3 février 2009, la Cour d'appel de Gafsa aurait rendu son jugement sans statuer sur les allégations de torture et les irrégularités du dossier soulevées par les avocats de la défense depuis le début du procès. Par ailleurs, le Procureur n'aurait pas fait de réquisitoire.</p> <p>Il est également allégué que 33 de ces 38 condamnés seraient détenus dans des centres de détention éloignés de leurs familles dont ils dépendent matériellement, les autres étant en fuite.</p> |                     |
| 260. |         | 5/11/09 | JUA  | FRDX;<br>HRD; | <b>MM. Taoufik Ben Brik, Slim Boukhdir et Mouldi Zouabi.</b> M. Ben Brik est journaliste et membre fondateur du Conseil national pour les   |                     |

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|      |         |      |      | TOR     | <p>libertés en Tunisie (CNLT). M. Slim Boukhdhir est le correspondant du journal panarabe Al Quds Al Arabi basé à Londres, du site Internet de la chaîne de télévision satellitaire Al-Arabiya, et membre fondateur de l'association de défense des libertés Liberté et équité. M. Zouabi est journaliste à Radio Kalima (Voir A/HRC/10/44/Add.4, para. 231).</p> <p>Le 28 octobre 2009, M. Boukhdhir aurait été enlevé devant son domicile par un groupe d'hommes en tenue civile. M. Boukhdhir aurait reconnu l'un des membres du groupe comme étant un policier. Les hommes lui auraient bandé les yeux avant de le forcer à les suivre vers une destination inconnue. M. Boukhdhir aurait ensuite été violemment battu, dépouillé de son téléphone et de sa carte d'identité, puis déshabillé avant d'être libéré. M. Boukhdhir souffrirait d'une fracture du nez et de problèmes oculaires. Il est allégué que ce passage à tabac ferait suite à une interview de M. Boukhdhir par la British Broadcasting Corporation (BBC) au sujet des élections présidentielles et législatives du 25 octobre 2009.</p> <p>Le même jour, des inconnus auraient tenté de s'introduire chez M. Zouabi à plusieurs reprises. La police, alertée par M. Zouabi, se serait rendue sur les lieux. Il est également allégué que M. Zouabi serait suivi par la police depuis plusieurs jours.</p> <p>Le 29 octobre 2009, M. Ben Brik aurait été écroué au centre de détention préventive de Bouchoucha, suite à sa convocation au commissariat. Cette arrestation ferait suite à une plainte déposée par une femme affirmant s'être fait agressé par M. Ben Brik le 22 octobre 2009. Il est allégué que l'auteur de cette plainte aurait</p> |                     |

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|      |         |                            |      |              | en fait interpellé M. Ben Brik en l'insultant avant de déchirer ses propres vêtements. M. Ben Brik, qui nierait tout acte de violence à l'encontre de cette femme, devrait comparaître le 19 novembre 2009 devant le Tribunal de première instance de Tunis pour « agression ». Le 2 Novembre 2009, le directeur et le sous-directeur de la prison de Mornaguia, près de Tunis, auraient empêché ses avocats de le rencontrer en dépit d'un bulletin de visite signé par le substitut du Procureur. Il est allégué que cette arrestation serait liée à la publication par M. Ben Brik d'articles sur les violations alléguées des droits de l'homme qui se seraient multipliées dans le cadre de la campagne électorale.                           |  |
| 261. |         | 11/12/09                   | JUA  | WGAD;<br>TOR | <b>Mr. Lotfi Dassi.</b> Le 23 novembre, M. Lotfi Dassi aurait été arrêté par des agents des forces de sécurité de l'Etat à Gafsa, dans le sud-ouest de la Tunisie. Il aurait ensuite été accompagné par des officiers en tenue civile à son domicile, où ils auraient confisqué son ordinateur. Le 24 novembre, l'épouse de M. Dassi se serait rendue au poste de police à Gafsa pour savoir où était son mari. Un officier lui aurait indiqué informellement, qu'il avait été transféré au Ministère de l'Intérieur à Tunis. Selon les informations reçues, M. Dassi pourrait être détenu par le ministère de la Sécurité d'Etat, mais les autorités ont refusé de reconnaître sa détention. Aucune information sur M. Dassi n'a pu être obtenue. |  |
| 262. |         | Follow-up to earlier cases |      |              | <b>Mme. Z. D., M. Abdelaziz Ahmadi, M. Mammam Amidi, M. Fawzi Al Mas, M. Abdessalem Dhauouadi, M. Kamel Ben Othmane et M. Nizar Chebil.</b> (A/HRC/10/44/Add.4, para.  | Par lettre datée du 26/01/09, le Gouvernement a indiqué que les prévenus Zakia Dhifaoui, Abdelaziz Ahmadi, Mammam Amidi, Fawzi Al Mas, Abdessalem Dhafaoui, Kamel Ben Othmane et Nizar Chebil ont tenté, sur le fond de certains troubles enregistrés dans la région |

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|      |         |      |      |         | 233).                   | de Gafsa, de transformer le mouvement de contestation pacifique en une véritable rébellion comme l'indique les actes d'agression et de voies de fait contre les agents de l'ordre ainsi que l'installation de barricades sur les voies publiques. Il est établi que les prévenus susvisés avaient pris la tête d'une manifestation au cours de laquelle ils ont procédé à l'obstruction de la voie publique devant toute circulation. Les forces de l'ordre, intervenant pour rouvrir la voie publique à la circulation et assurer la sécurité des personnes et des biens, avaient essuyé des jets de pierres et des coups de bâtons. Une voiture de police a été gravement endommagée. La sécurité publique s'était trouvée de ce fait gravement menacée. Contrairement à ce qui est allégué, les suspects, appréhendés en flagrant délit, n'ont subi aucune forme de mauvais traitement lors de leur arrestation. Ils ont été conduits au siège de la police judiciaire où ils ont été interrogés sur les faits qui leur sont reprochés. Le procureur de la République a été immédiatement avisé de l'enquête ainsi que de la mise des prévenus en garde à vue. Après clôture de l'enquête préliminaire, les prévenus ont été déférés au parquet qui a décidé d'émettre des mandats de dépôt à leur rencontre et de les renvoyer devant la chambre correctionnelle pour répondre des chefs d'inculpation qui leur sont reprochés. Il est à noter que les prévenus ont avoué lors de leurs interrogatoires avoir procédé à l'obstruction de la voie publique devant la circulation et jeté des pierres sur une voiture des forces de l'ordre. Le procès s'est tenu publiquement devant le tribunal de première instance de Gafsa. Il a été procédé à l'interrogatoire |

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|      |         |      |      |         |                         | <p>d'usage des prévenus en présence de leurs avocats. Contrairement à ce qui est allégué, le tribunal n'a nullement refusé de consigner les allégations de mauvais traitement des prévenus dans les procès verbaux d'audience, ceux-ci font état d'allégations se rapportant à des aveux extorqués sous la contrainte, outre des soi-disant menaces de viol qui auraient été proférées contre Zakia Dhifaoui. Les prévenus ont été soumis à un examen médical lors de leur première admission, sur mandat de dépôt du Procureur de la République, au sein de l'unité pénitentiaire. Cet examen n'a fait que confirmer l'absence de toutes traces de violence, physique ou psychologique, en relation avec un soi-disant mauvais traitement qu'ils auraient subi. Comme sus-indiqué, le tribunal de première instance de Gafsa a consigné les allégations de mauvais traitement présentées par les prévenus dans les procès verbaux d'audience. Après examen de ces allégations, le tribunal a estimé qu'elles étaient dénuées de tout fondement. De telles allégations étaient manifestement dictées par la volonté de certains prévenus de motiver leur rétractation quant à leurs aveux consignés dans les procès-verbaux établis par les officiers de police judiciaire. Aucun des prévenus ou des membres de leurs familles ou de leurs avocats n'a déposé plainte pour mauvais traitement.</p> <p>Le tribunal a ensuite recueilli les plaidoiries des avocats. Après délibéré, le tribunal de première instance de Gafsa a déclaré les prévenus coupables des faits qui leur sont reprochés. Zakia Dhifaoui a été condamné à huit mois d'emprisonnement ; Abdelaziz Ahmadi, Mamar Amidi, Fawzi Al Mas,</p> |

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|      |         |          |      |              |   | <p>Abdessalem Dhaouadi, Kamel Ben Othmane et Nizar Chebil ont été condamnés quant à eux à six mois d'emprisonnement. Sur exercice de leur droit d'appel, les prévenus ont été de nouveau jugés par la Cour d'appel de Gafsa qui a décidé un non-lieu pour l'ensemble des prévenus des chefs d'inculpation de rébellion commise par plus de dix personnes non armées, outrage à fonctionnaire public à l'occasion de l'exercice des ses fonctions et atteinte publique aux bonnes mœurs. S'agissant des autres chefs d'inculpation, la Cour d'appel a décidé de ramener la peine de Zakia Dhifaoui de huit mois à quatre mois et demi d'emprisonnement. Quant aux autres prévenus, ils ont bénéficié de réduction de peine. Fawzi Al Mas, Mammar Amidi et Abdessalem Dhaouadi ont vu leur peine réduite à trois mois d'emprisonnement ; Abdelaziz Ahmadi, Kamel Ben Othmane et Nizar Chebil ont bénéficié d'un sursis à l'exécution de leurs peines. Leurs recours en appel ont été rejetés. Le jugement de condamnation est ainsi passé en force de chose jugée. Le 5 novembre 2008, Zakia Dhifaoui a bénéficié d'une libération conditionnelle décidée par le juge d'application des peines. Les autres prévenus ont également été libérés, soit après avoir purgé leurs peines, soit en vertu du sursis à l'exécution accordé à certains d'entre eux.</p> |
| 263. | Turkey  | 25/08/09 | JUA  | HLTH;<br>TOR | <p><b>Ms. Güler Zere</b>, aged 37, currently held at Karatas Prison in Adana.</p> <p>Ms. Zere was diagnosed with cancer while she was held in Elbistan E-type Prison. The diagnosis came late due to restrictions on access to adequate medical care. Even once the illness</p> |   |

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|      |         |          |      |                      | <p>was diagnosed, treatment was delayed with reference to lack of space in the hospital dormitory and the “queue” of prisoners awaiting treatment. As a result, the cancer spread and has become life-threatening.</p> <p>In spite of a report by forensic medical doctors of Cukurova University in Adana dated 22 June 2009, which indicated that Ms. Zere was in need of hospitalization and that her life was in danger, she has not been released from detention and is unable to access adequate medical treatment.</p> <p>A complaint against the Prison prosecutor of Elbistan has been filed, however, to no avail.</p>   |                     |
| 264. |         | 12/10/09 | JAL  | IJL;<br>TERR;<br>TOR | <p><b>M. E.</b>, born on 27 December 1992; <b>M. Z. Y.</b>, born on 4 March 1992; <b>A. N.</b>, born on 1 July 1992; and <b>H. H. A.</b>, born on 14 August 1992, all Turkish Citizens of Kurdish ethnicity, currently in Diyarbakir’s E-type prison.</p> <p>M. E., M. Z. Y., A. N. and H. H. A. were arrested on 14 July 2008, by police and prison officials during unrest in Diyarbakir, South East Turkey. H. H. A., M. E. and A. N. were 15 years old when arrested, and M. Z. Y. was 16. Each child was arrested on the basis of their alleged involvement in demonstrations and for throwing stones, an act for which the authorities have charged each of the accused with a terrorist crime.</p> <p>During the arrest, the children were beaten with rubber batons, kicked and punched. The beatings continued in the police car and at the police station. They were then transferred to an adult prison in Diyarbakir.</p> <p>As a result of being beaten, punched and kicked by the police, H. A.’s back has been in constant pain. A. N. was beaten on his knee, as a result of</p> |                     |

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|      |         |          |      |                                | <p>which he is in need of medical treatment. However, he has only received cream and pain killers. In addition, the children suffer from insomnia, mood swings, aggressive and frustrated behaviour, and palpable feelings of nervousness and fear. The minors were not able to complain about any ill-treatment, since the police were always present when the doctor examined them.</p> <p>Two days after their arrest they were given access to a State lawyer. Once their pre-trial detention was confirmed, their relatives found another lawyer. The judge of the 6th High Criminal Court only gave permission to the lawyer and the parents to attend the trial, while human rights groups and NGOs were banned. The judge also barred the defence team from using social reports by a pedagogue and a child psychiatrist, although this material may have been relevant and beneficial for the defence. The judge justified his decision on the grounds that the children were aware of the results of their actions and they knew it was crime, which may contradict the presumption of innocence.</p> <p>On 17 April 2009, the four children were found guilty and each was sentenced to a 6-year prison term. A date for a hearing to appeal this decision has not been set.</p> |                     |
| 265. | Uganda  | 12/11/09 | JUA  | WGAD;<br>HLTH;<br>SUMX;<br>TOR | <p><b>Detention of nine men under Penal Act Code Article 145(a) and the alleged ill treatment of two of the detainees, one of which died immediately upon release from prison.</b></p> <p>According to the information received, consensual homosexual conduct is a criminal offense in Uganda, punishable, in some cases, with life imprisonment. At present, people suspected of homosexual conduct are being</p>   |                     |

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|      |         |      |      |         | <p>prosecuted on the charge of ‘carnal knowledge of any person against the order of nature’ under Penal Act Code Article 145 (a). Reportedly, nine men are currently being detained on this charge and have been held in detention for over 90 days without trial. They were allegedly arrested without warrant or other permission by local police officers in some cases in cooperation with Local Council Officials, on the basis of unfounded allegations of homosexuality made by fellow villagers. They have then been detained for extended periods of time, longer than the maximum of 48 hours, during which time some men were beaten by other detainees and the police, forced to undergo invasive medical examinations, and were denied access to necessary health care.</p> <p>Details regarding each of the individuals are outlined below:</p> <ol style="list-style-type: none"> <li>1. <b>Mr. S. S.</b> was first detained in Nakifuma, Kawuuga Prison, Mukono, and is now detained in Luzira Prison, Kibuye. Initially charged with “carnal knowledge against the order of nature”, he was later charged with “defilement” and “aggravated defilement”. Mr. S. remains in Luzira Prison pending a hearing on his application for bail, which has recently been postponed for two months</li> <li>2. <b>Mr. S. K. K.</b> has been detained since March 2009 in Kigo Prison, Entebbe. He was initially charged with “carnal knowledge against the order of nature” and later with “aggravated defilement”.</li> <li>3. <b>Mr. C. T.:</b> The details of his detention are unknown.</li> <li>4. <b>Mr. J. K.</b> is detained in Butuntumula Prison,</li> </ol> |                     |

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|      |         |      |      |         | <p>Luwero Village. Initially charged with “carnal knowledge against the order of nature”, he was later charged with “defilement” and “aggravated defilement”.</p> <p>5. <b>Mr. J. S.</b> was detained from June 2009 to 13 July 2009 in Luzira Prison, Kibuye, charged with “aggravated defilement”.</p> <p>6. <b>Mr. D. E. M. K. K.</b> was arrested in May 2009 in Nakawuka Village, Kasanje Sub-County, Wakiso District and charged with “aggravated defilement”.</p> <p>7. <b>Mr. J. K. T.</b> was arrested in October 2008 in Karoza, Mitooma, Bushenyi and charged with “carnal knowledge against the order of nature”.</p> <p>8. <b>Mr. F. W.</b> (also known as N. M.) was arrested on 8 April 2009 in Namakwekwe Village, Mbale District of Eastern Uganda and charged with “carnal knowledge against the order of nature”. He was detained in Kampala Road Police Station, Mbale Police Station, and Maluke Prison (all in the Mbale District of Eastern Uganda) until 20 May 2009.</p> <p>9. <b>Mr. B. M.</b> was arrested on 8 April 2009 in Namakwekwe Village, Mbale District of Eastern Uganda, charged with “carnal knowledge against the order of nature”. He was detained in Kampala Road Police Station, Mbale Police Station and Maluke Prison (all in the Mbale District of Eastern Uganda) until June 16, 2009.</p> <p>In particular, information received regarding Mr. B. M. and Mr. F. W. suggests that there were no investigations into allegations by the police who lacked warrants of arrest. The arrests followed denunciations of Namakwekwe villagers and local LCD officers who ‘suspected’ Messrs. W. and M. of homosexual activity. At the Kampala</p> |                     |

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|      |         |      |      |         | <p>Road Police Station, both men were kept in a cell with 17 other men who allegedly severely beat them on two occasions, after having been incited by the police to do so and disclosure of the allegations against them.</p> <p>On 9 April 2009, both men were transferred to Mbale Police Station, where they were allegedly examined by a police doctor in a humiliating and invasive manner. The report of these examinations (dated 16 June 2009) stated that both men had gonorrhoea and were HIV negative and mentioned that both men had pierced ear lobes, a presumed sign of homosexuality. The police also allowed the media to take photographs of Mr. W. and Mr. M., which were then used in full coverage stories on television and in newspapers. Reports about these alleged violations of the right to privacy were submitted to the Uganda Human Rights Commission on 17 June 2009.</p> <p>Both men remained in custody at Mbale until 17 April 2009 when they were formally charged in court with 'having carnal knowledge against the order of nature'. They were then transferred on remand to Maluke Prison in Mbale. Following appearances on 21 April 2009 and 4 May 2009, bail was set for both of them. However, neither man could immediately meet the financial terms and conditions set by the court, so their detention was again extended until 20 May 2009, when Mr. W. was released. He is attending court hearings while on bail.</p> <p>Meanwhile, Mr. M. remained in custody until 16 June 2009. Due to the violent treatment received while in custody, Mr. M. was admitted to Mbale District Hospital, with severe injuries to his head and internal organs, immediately upon getting</p> |                     |

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|      |         |          |      |              | <p>bail. However, he went into a coma before any medical examinations were carried out. Subsequently, his condition deteriorated and he died on 13 September 2009. Medical records contain conflicting information on the cause of this death. While one report indicates that the coma was due to complications from syphilis, others indicate that his death was related to meningitis or anemia. Despite the resulting uncertainty, no autopsy was carried out on Mr. M. and the cause of this death remains unknown. However, a number of sources have indicated their fear that physical and psychological ill-treatment or torture during Mr. M.'s detention may have caused or contributed to his death.</p>  |                     |
| 266. | Ukraine | 13/07/09 | JUA  | WGAD;<br>TOR | <p><b>Mr. A. S.</b> was arrested by police officers on 6 August 2008 on suspicion of having caused serious bodily harm leading to death. He spent almost five months in police detention despite the fact that Ukrainian law allows for the police to hold in custody a criminal suspect at a police station for up to 72 hours and at a temporary holding facility (ITT) for a maximum of 10 days.</p> <p>Although Mr. S. is HIV positive and is suffering from painful and debilitating AIDS-related infections, the police refused to allow his hospitalisation for reasons of lack of sufficient resources to provide a guard at the hospital. Instead, police officers have organised four unsuccessful attempts to transfer Mr. S. to a remand prison (SIZO) in Dnipropetrovs'k.</p> <p>Every time Mr. S. had to undertake the 26 hour train journey from Nikopol ITT to Dnipropetrovs'k SIZO in a prisoner carriage. SIZO personnel, however, refused to accept him. When he was rejected the fourth time, on</p> |                     |

| Para | Country              | Date     | Type | Mandate      | Allegations transmitted   | Government response   |
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|      |                      |          |      |              | <p>28 December 2008, Mr. S. attempted to slit his wrists at the train station in an act of protest. Police officers accompanying him then reportedly beat him and transferred him to the ITT in Ordzhonikidze, a remote town, where he was detained in an isolated cell and not provided any medical treatment.</p> <p>On 28 January 2009, Mr. S. was finally accepted by the Dnipropetrovs'k SIZO, but his health has seriously deteriorated since. He has lost over 10 kg and suffers from complications of his HIV-infection, consisting of pus-oozing sores in his mouth and his body.</p> <p>Following complaints by his mother to the prosecutor, the Ministry of Health, the National Aids Centre and the state agent of Ukraine at the European Court of Human Rights, Mr. S. was taken to the Dnipropetrovs'k AIDS Treatment Centre at the request of the state agent. After a short medical examination he was told that there was "no indication for antiretroviral therapy", which could slow down the progression of his disease.</p> <p>Later he was transferred back to Dnipropetrovs'k SIZO where he has received no treatment. Mr. S.'s mother recently visited him and reported to a local human rights organization that he is in constant pain, almost immobile and that she fears he could de cease at any moment.</p> |   |
| 267. | United Arab Emirates | 19/01/09 | JUA  | HLTH;<br>TOR | <p><b>Mr. Charles Komla Deka</b>, currently detained at Sharjah Central Jail. Mr. Deka has been detained at Sharjah Central Jail since 27 December 2006. He is suffering from a knee injury, and due to the alleged lack of medical care, he has developed kidney and leg infections. In addition, it is alleged that authorities have not provided</p>   | <p>By letter dated 22/04/09, the Government indicated that Charles Kom Ladeka was not subjected to beatings, torture or inhuman or degrading treatment. Mr. Kom Ladeka was convicted on 29 December 2006 and sentenced to 10 years imprisonment, fined with 50,000 UAE dirhams and served with an</p> |

| Para | Country | Date     | Type | Mandate                   | Allegations transmitted   | Government response  |
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|      |         |          |      |                           | access to the necessary treatment, although the prison doctor as well as doctors at the Kuwait hospital, have stated that he was in need of surgery.  | expulsion order. On 8 January 2007, he as sent to the Department of Correctional Facilities. He was given a regular check-up, which established that he was free from any infectious diseases and had a fracture in his right ankle, as well as torn ligaments in his right knee. These injuries had occurred prior to his admission to prison. On 16 February 2009, a prison doctor completed a report on his condition, stating that Mr. Kom Ladeka had been taken to see an orthopaedic specialist on several occasions. The doctor had indicated that the patient needed an operation to replace his knee with an artificial joint. This is not an urgent operation but he will receive it free of charge. His health is good and his test results are normal. |
| 268. |         | 04/02/09 | JUA  | WGAD;<br>IJL; MIG;<br>TOR | <p><b>Mr. Khellil Abdurahmane Abdelkarim Al Junahi</b>, born 1971 in Bahrain, citizen of the United Arab Emirates. Mr. Al Junahi was arrested by authorities of the United Arab Emirates some time on or after 24 November 2008. Two weeks after his arrest, upon insistence of his relatives residing in Bahrain, the authorities of the United Arab Emirates acknowledged that Mr. Al Junahi was held in detention “for questioning”. They maintained that his detention formed part of a “routine procedure” and that his release could be expected within the following two weeks. However, Mr. Al Junahi has been held at an undisclosed place of detention without access to lawyers or his family since his arrest.</p> <p>Mr. Al Juhani had allegedly been arrested by intelligence service officials of the Kingdom of Saudi Arabia at the airport of Riyadh on 26 April 2007 and detained without charge or trial until 24 November 2008. Mr. Al Juhani had</p> |  |

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|      |         |              |      |                       | regularly performed religious studies in Al Qassim in Saudi Arabia for several years. While he was in custody in Saudi Arabia, his family was able to visit him after three months in detention. The Saudi authorities maintained that keeping Mr. Al Juhani in custody was only a “preventive measure” and that his release could be expected soon. He was “released” on 24 November 2008. However, it appears that he might have been transferred to the United Arab Emirates under circumstances not explained to his family.   |   |
| 269. |         | 07/08/09     | JUA  | WGAD;<br>TERR;<br>TOR | <p><b>Mr. Abdelsalam Abdallah Salim</b>, aged 35, and <b>Mr. Akbar Omar</b>, aged 33, both ethnic Uyghers, presumed to be Chinese nationals.</p> <p>Mr. Abdelsalam Abdallah Salim and Mr. Akbar Omar were arrested in June 2008 by State Security Officers. They were arrested together with their wives, with whom they have lost contact and whose whereabouts remain unknown. They have been kept in solitary confinement since their arrest, and are currently detained at Al Wathba Prison in Abu Dhabi, United Arab Emirates.</p> <p>During their detention in State Security premises, Mr. Salim and Mr. Omar were subjected to torture and ill-treatment. The authorities also threatened to deport them to China, where they could face execution, if they did not sign confessions stating they were involved in terrorist operations in the United Arab Emirates. They have now been charged with terrorism, but they have not had access to a lawyer, nor have they been presented before a judge.</p> |   |
| 270. |         | Follow-up to |      |                       | <b>Abdullah Sultan Sabihat al-Alili</b>  | By letter dated 12/06/09, the Government indicated that the Judicial authorities of Abu |

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|      |  | earlier cases |      |                 | (A/HRC/7/3/Add.1, para. 237).   | Dhabi released Mr. Abdullah Sultan Al Subaihat Al Alili on 7 May 2009.  |
| 271. |  |               |      |                 | <b>Anthony Okwuchukwu Okeko</b> , (A/HRC/7/3/Add.1, para. 239).   | By letter dated 22/04/09, the Government indicated that Anthony Okeju Okeo was not subjected to beatings, torture or inhuman or degrading treatment. Anthony Okeju Okeo was convicted on 11 April 2005. The Department of Public Prosecutions appealed the sentence and it was changed on 27 June 2006, it was changed to a life sentence, a fine of 50,000 dirhams and served with an expulsion order. On 21 July 2007, he was sent to the Department of Correctional Facilities. He was given a medical check-up, which established that he was not suffering from any infectious diseases. At the time of his admission, he suffered from an eye injury. Mr. Okeju Okeo receives the medical services he needs on a regular basis.   |
| 272. | United Kingdom of Great Britain and Northern Ireland | 2/10/09       | JUA  | WGAD; TERR; TOR | <b>Mr. Mustafa Setmariam Nassar</b> , aged 42, Spanish citizen of Syrian origin and author of a number of books and other publications on Islam and “jihad” (See also paras. X, Y and Z).<br><br>On an unknown date in October 2005, Mr. Nassar was apprehended in Pakistan by forces of the Pakistani intelligence on suspicion of having been involved in a number of terrorist attacks, including the 11 September 2001 attacks against the United States and the 11 March 2004 bombings in Madrid. He was detained in Pakistan for a certain period of time, accused of involvement in both incidents. He was then handed over to authorities of the USA under their exclusive control. While no official news of Mr. Nassar’s whereabouts has been received since his apprehension in October 2005, it is alleged that in November 2005, he was held for | By letter dated 23/10/09, the Government indicated that there is no information to suggest that Mr. Naser (Nassar) was held on Diego Garcia. The consistent position of the Government has been that it would not grant permission for a rendition flight to pass through the United Kingdom unless it was satisfied that it would accord with its domestic and international obligations. Since 2001, no permission has been given for any rendition flights to pass through United Kingdom airspace or territory. The United States informed the Government of the United Kingdom that they have not interrogated any terrorist suspect or terrorism-related detainee on Diego Garcia in any case since 11 September 2001, and that allegations of a CIA holding facility on the island are |

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|      |         |      |      |         | <p>some time at a military base facility under United States of America authority in Diego Garcia, an overseas territory of the United Kingdom. It is now assumed that he is currently being held in secret detention in the Syrian Arab Republic.</p> <p>In the early 1980s, Mr. Nassar fled the Syrian Arab Republic following his alleged involvement in a failed attempt by the Muslim Brotherhood to overthrow the government then in power. In 1985, he arrived in Spain where he married a Spanish citizen, thereafter obtaining Spanish citizenship.</p> <p>Official US documents and web postings, as well as media reports, indicate that the US authorities had been interested in Mr. Nassar before his disappearance in 2005. The then United States of America administration pursued Mr. Nassar at least since November 2004, when it offered a five million US dollar reward for information relating to his capture as part of its “Rewards for Justice” program. In January 2005, the US Embassy in Pakistan reiterated this offer by posting a notice for a reward for the same amount of money in a prominent newspaper in Pakistan. Around the time of his reported capture, the US Government removed Mr. Nassar’s name from the “Rewards for Justice” list, and withdrew the proposed reward for information leading to his arrest. It also removed his name from the Federal Bureau of Investigation’s (FBI) “most wanted” list. The website of the US National Counterterrorism Center reports that Mr. Nassar was captured in Pakistan in November 2005 (<a href="http://www.nctc.gov/site/profiles/capture.html">www.nctc.gov/site/profiles/capture.html</a>, last visited 23 September 2009). This may suggest that Mr. Nassar was captured and that the</p> | inaccurate.         |

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|      |                          |          |      |              | <p>Government of the US was either involved in his capture or is cognizant of his whereabouts.</p> <p>In June 2009, in response to a request made through Interpol by Spanish Judge Baltazar Garzon for information relating to Mr. Nassar's whereabouts, the FBI informed that Mr. Nassar was not in the UUS at that time. The FBI did not, however, address whether Mr. Nassar may be held in US custody elsewhere or whether it knew where he was then held.</p> <p>Following queries by non-governmental organizations as to the whereabouts of Mr. Nassar, the Central Intelligence Agency (CIA) responded on 10 June 2009 stating that "the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request" and that even if the CIA was in a position to answer the request that the records would be classified and protected from disclosure by United States laws.</p> |                     |
| 273. | United States of America | 01/04/09 | JAL  | TERR;<br>TOR | <p><b>Mr. Najj Hamdan</b>, a United States (US) citizen of Lebanese origin who is currently detained in Abu Dhabi, allegedly at the request of authorities of the Government of the United States of America.</p> <p>In early August 2008, US Federal Bureau of Investigation (FBI) agents asked Mr. Hamdan to meet with them at the US Embassy in Abu Dhabi, which he accepted. During the meeting, two FBI agents who had reportedly specifically come from Los Angeles to Abu Dhabi extensively questioned Mr. Hamdan.</p> <p>On 29 August 2008, agents of the State Security Forces of the United Arab Emirates (UAE) arrested Mr. Hamdan at his home in the UAE, where he had moved from the US in 2006 to</p>  |                     |

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|      |         |      |      |         | <p>start a car repair business. The UAE State Security Forces subsequently held him for three months at an unknown location without the possibility to contact the outside world, except for one brief phone call with his wife and a visit by the US Consulate on 19 October 2008. During those three months, Mr. Hamdan was detained in a cold basement room, where he was severely and regularly beaten by officers of the State Security Forces, frequently with a stick on the soles of his feet and in the liver area –he suffers from a liver disease. Mr. Hamdan was also deprived of sleep for long periods and threatened with reprisals against his wife and his family if he refused to confess to the terrorism accusations against him. One of the interrogators threatened Mr. Hamdan with further torture unless he fully complied with the instructions given by the interrogators. As a result of this ill-treatment, he often fainted from the pain. Following 89 days of such treatment and in a state of total physical and mental exhaustion, Mr. Hamdan finally signed a lengthy and fabricated confession and documents prepared by the security services which contained false incriminating information.</p> <p>On 18 November 2008, Mr. Hamdan’s family filed a petition in the District Court of Columbia against the US Government, arguing that he was being held incommunicado in the UAE at the behest of the US Government.</p> <p>On 26 November 2008, a week after the petition was filed, Mr. Hamdan was transferred to Al Wathba prison in Abu Dhabi. He is currently awaiting trial before the UAE Supreme Court on charges of terrorism. Decisions of the UAE Supreme Court cannot be appealed and Mr.</p> |                     |

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|      |         |          |      |              | <p>Hamdan's charges carry life sentences.</p> <p>On 19 December 2008, Mr. Hamdan informed his family that he had been visited by a lawyer, who had been authorized to consult the file against him but was not allowed to take written notes or obtain a copy of the documents. On 23 December 2008, three lawyers visited him. However, they were not allowed to consult their client's records in a serious manner.</p>  |   |
| 274. |         | 27/04/09 | JUA  | HLTH;<br>TOR | <p><b>Alleged imminent transfer of Mr. Paul Pierre</b>, a Haitian national, recently released from immigration detention in Miami, Florida, now resident in Irvington, New Jersey.</p> <p>Mr. Pierre suffers from esophageal dysphagia and therefore receives food and water through a feeding tube connected to his stomach. His feeding tube is essential to his survival and needs to be guarded against infection by being cleaned daily after each meal.</p> <p>Mr. Pierre is facing deportation to Haiti, without having at his disposal any further recourse to the U.S. courts system. It is alleged that, if transferred to Haiti as a criminal deportee, he would be detained, which means that he might be subjected to dehydration, starvation, and infection via his feeding tube, since it is unclear whether basic hygiene provisions would be fulfilled.</p> <p>Evidence pertaining to the state of the Haitian prison system, deriving from the United States' own country condition reports and from numerous international organizations, has allegedly led to extensive criticism on the inadequacy of Haitian prison conditions for healthy prisoners. For instance, in <i>Auguste v. Ridge</i>, the United States Third Circuit Court of</p> | <p>By letter dated 05/06/09, the Government indicated that due to privacy issues, the office of the Immigration and Customs Enforcement (ICE) of the Department of Homeland Security (DHS) is unable to comment on the specifics of Mr. Pierre's case without evidence that he has consented to that disclosure.</p> <p>When ICE determines that a detainee is unfit for travel, or if appropriate medical care may not be available in the detainee's home country, efforts to remove the detainee may be postponed until a change occurs. While an individual is in ICE custody, ICE is responsible for ensuring that the detainee has access to medical services that promote the detainee's health, safety and general well-being. Each detention facility has a mechanism that allows detainees the opportunity to request health care services provided by a physician or other qualified medical officer. In the event medical care demands exceed the facility's capability to deliver, ICE will transfer the detainee to a medical facility equipped to meet the detainee's needs.</p> |

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|      |         |          |      |             | <p>Appeals made reference to the fact that Haitian prisons lack basic health standards. This description was based on documentary evidence submitted to the court by the petitioner.</p> <p>Allegedly, for example, "...many of the cells lack basic furniture, such as chairs, mattresses, washbasins, or toilets, and are full of vermin, including roaches, rats, mice, and lizards.</p> <p>Prisoners are occasionally permitted out of their cells for a duration of about five minutes every two or three days. Because cells lack basic sanitation facilities, prisoners are provided with buckets or plastic bags in which to urinate and defecate; the bags are not often collected for days and spill onto the floor, leaving the floors covered with urine and feces. There also indications that prison authorities provide little or no food or water, and malnutrition and starvation [are] continuous problems. Nor is medical treatment provided to prisoners, who suffer from a host of diseases including tuberculosis, HIV/AIDS, and Beri-Beri, a life-threatening disease caused by malnutrition ...".</p> |                     |
| 275. |         | 23/07/09 | JAL  | TOR;<br>VAW | <p><b>On-going use of shackles and other restraints on pregnant women incarcerated or detained in U.S.A prisons or jails.</b></p> <p>In many U.S. prisons and jails pregnant women are restrained by their ankles or wrists when transported for prenatal medical appointments or when they go to the hospital for delivery. Pregnant women reportedly also remain shackled during labour, delivery and the post-delivery recovery period –for hours or days- despite the presence of armed guards.</p> <p>While significant progress has been made at the level of federal policy over the last ten years, this does not appear to be reflected at the state</p>   |                     |

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|      |         |      |      |         | <p>level. This represents an important gap, since the majority of women in prison in the United States appear to be in state rather than federal prisons, and only 4 States (i.e. California, Illinois, Vermont, and New Mexico) have passed legislation restricting the use of shackles during labour and delivery. Moreover, while the policies (both written and unwritten) of the Department of Corrections in some States also prohibit this practice, the lack of a statutory prohibition means that these policies can be relatively easily changed. Human rights reports, as well as a number of recent court cases attest to the fact that shackling women during birthing continues to be practiced both in States with and without statutory prohibitions, including on women detained because of their immigration status.</p> <p>The practice of shackling pregnant inmates has been found to be traumatizing and to potentially represent avoidable health risks for the woman and her fetus. For example, shackles during the transportation to the hospital places the woman at increased risk of falling and of breaking her fall, it hampers her ability to alleviate the pain of contractions during birth and places further strain on her body and her baby, and it may also delay the doctor's ability to perform interventions, especially on an emergency basis. The American Public Health Association has also explicitly warned that pregnant inmates should never be shackled during labour and delivery.</p> |                     |

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| 276. |         | 24/09/09 | JAL  | EDU;<br>TOR | <p><b>Use of corporal punishment in public schools to discipline students with disabilities.</b></p> <p>Corporal punishment is permitted in twenty states and hundreds of school districts allegedly make routine use of it to discipline pupils. It is alleged that the most common form of corporal punishment in these institutions is paddling, whereby students are repeatedly hit on the buttocks with a wooden board resembling a shaved-down baseball bat. Students have purportedly also been struck with other objects, such as rulers and toy hammers. Numerous reports of spanking, pinching, grabbing, bruising, beating and forceful restraint have also been received and must all equally be considered as corporal punishment.</p> <p>Students with disabilities are allegedly subjected to corporal punishment at disproportionately high rates. Data received indicates that at least 41,972 students with disabilities received corporal punishment at least once in the 2006-2007 school year. The majority of these students are defined as disabled under the Individuals with Disabilities Education Act, while the remainder receive assistance under Section 504 of the Rehabilitation Act. The total number of pupils, with and without disabilities, subjected to this form of discipline in US public schools during the 2006-2007 school year was 223,190. Hence, students with disabilities made up 18.8% of those who received corporal punishment, despite constituting just 13.7% of the national student population. The figures are allegedly much higher in certain states and only reflect reported incidents.</p> <p>Information received suggests that students with disabilities are frequently punished for</p> |                     |

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|      |         |         |      |                       | <p>behaviour related to their disabilities. Such practices may indicate that educators lack sufficient training on the nature of their pupils' disabilities and/or the best means by which to respond to possibly inappropriate behaviour related to these disabilities. In addition to causing immediate physical discomfort, numerous incidents of corporal punishment have allegedly resulted in lasting injuries and barriers to education. Students have been known to become angry, depressed and deeply reluctant to return to school following physical discipline in the classroom. Data received indicates that the threat of severe educational barriers is particularly high for children with disabilities whose medical conditions may be worsened as a direct consequence of corporal punishment.</p> <p>Finally, it is alleged that parents are frequently not informed of the full extent of violence used against their children. Reporting is not mandated for many types of corporal punishment and school districts do not always choose to report incidents to the parents of a child that was physically disciplined. In the case of children with disabilities, the potential lack of information is higher as many children are unable to verbalise their experiences. Reports received suggest that parents who have attempted to engage in discussion with educators in response to violent discipline of their disabled child at school have often seen their concerns and complaints ignored.</p> |                     |
| 277. |         | 2/10/09 | JUA  | WGAD;<br>TERR;<br>TOR | <p><b>Mr. Mustafa Setmariam Nassar</b>, aged 42, Spanish citizen of Syrian origin and author of a number of books and other publications on Islam and "jihad" (See also paras. X, Y and Z).</p> <p>On an unknown date in October 2005, Mr.</p>   |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted   | Government response |
|------|---------|------|------|---------|---|---------------------|
|      |         |      |      |         | <p>Nassar was apprehended in Pakistan by forces of the Pakistani intelligence on suspicion of having been involved in a number of terrorist attacks, including the 11 September 2001 attacks against the United States and the 11 March 2004 bombings in Madrid. He was detained in Pakistan for a certain period of time, accused of involvement in both incidents. He was then handed over to authorities of the USA under their exclusive control. While no official news of Mr. Nassar's whereabouts has been received since his apprehension in October 2005, it is alleged that in November 2005, he was held for some time at a military base facility under United States of America authority in Diego Garcia, an overseas territory of the United Kingdom. It is now assumed that he is currently being held in secret detention in the Syrian Arab Republic.</p> <p>In the early 1980s, Mr. Nassar fled the Syrian Arab Republic following his alleged involvement in a failed attempt by the Muslim Brotherhood to overthrow the government then in power. In 1985, he arrived in Spain where he married a Spanish citizen, thereafter obtaining Spanish citizenship.</p> <p>Official US documents and web postings, as well as media reports, indicate that the US authorities had been interested in Mr. Nassar before his disappearance in 2005. The then United States of America administration pursued Mr. Nassar at least since November 2004, when it offered a five million US dollar reward for information relating to his capture as part of its "Rewards for Justice" program. In January 2005, the US Embassy in Pakistan reiterated this offer by posting a notice for a reward for the same amount of money in a prominent newspaper in</p> |                     |

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|      |         |      |      |         | <p>Pakistan. Around the time of his reported capture, the US Government removed Mr. Nassar's name from the "Rewards for Justice" list, and withdrew the proposed reward for information leading to his arrest. It also removed his name from the Federal Bureau of Investigation's (FBI) "most wanted" list. The website of the US National Counterterrorism Center reports that Mr. Nassar was captured in Pakistan in November 2005 (<a href="http://www.nctc.gov/site/profiles/capture.html">www.nctc.gov/site/profiles/capture.html</a>, last visited 23 September 2009). This may suggest that Mr. Nassar was captured and that the Government of the US was either involved in his capture or is cognizant of his whereabouts.</p> <p>In June 2009, in response to a request made through Interpol by Spanish Judge Baltazar Garzon for information relating to Mr. Nassar's whereabouts, the FBI informed that Mr. Nassar was not in the UUS at that time. The FBI did not, however, address whether Mr. Nassar may be held in US custody elsewhere or whether it knew where he was then held.</p> <p>Following queries by non-governmental organizations as to the whereabouts of Mr. Nassar, the Central Intelligence Agency (CIA) responded on 10 June 2009 stating that "the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request" and that even if the CIA was in a position to answer the request that the records would be classified and protected from disclosure by United States laws.</p> |                     |

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| 278. |         | 18/11/09   | UA   | TOR     | <p><b>Mr. Romell Broom</b>, aged 53, United States national, presently residing at the Lucasville, Ohio penitentiary.</p> <p>On 15 September 2009, an execution team attempted to execute Mr. Broom at Lucasville prison. The nurses inserted needles on eighteen separate places on his hands and legs in an effort to find a vein that would support the injection of lethal drugs. During this time, Mr. Broom experienced severe pain, started crying, and asked to see his attorney. When his attorney was admitted to see him, she asserted that he was being subjected to torture and that the execution attempt should cease. Subsequently, the Governor of Ohio, Ted Strickland, ordered a reprieve. As a result of the execution attempt, Mr. Broom sustained multiple bruises and swellings on both arms.</p> <p>A hearing has been scheduled for 28 November 2009, in the US District Court, Southern District of Ohio, on the suit by Romell Broom to challenge further efforts by the State of Ohio to execute him.</p> |                     |
| 279. |         | 11/12/2009 | AL   | TOR     | <p><b>Mr. William B. Coleman.</b> (See para. XX below) The newly-adopted procedures for forced-feeding have been extremely stressful for Mr. Coleman. During the long sessions, lasting from 12 to 15 hours, Mr. Coleman has had restraints on both hands (two-point-restraint). These were only removed when he had to urinate. Since April 2009, Mr. Coleman has been force-fed at least six times. Between 6 April and 8 May, he was force-fed using a naso-gastric tube on at least five occasions. During these times, he had restraints placed on both arms and legs (four-point-restraint). After one session on 7 April, the naso-gastric tube was not</p>  |                     |

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|      |         |                            |      |         | <p>removed. In addition, Mr. Coleman was usually restrained under fluorescent lights while he was being force-fed, despite him being diagnosed as suffering from migraines.</p> <p>Mr. Coleman has also been subjected to harsh prison conditions. Even though his file stated that he was not suicidal, he was placed in a restrictive suicide/observation cell, where he was only allowed one religious text, basic toiletries which had to be returned after use, footwear with no laces and one pen for a maximum of one hour. He was not allowed to have any time for recreation or to establish contact with other detainees or his family. Because of the difficult conditions, and following staff interventions to convince him to resume eating, Mr. Coleman resumed eating voluntarily on 8 May 2009.</p> <p>In October 2009, Mr. Coleman was transferred to Corrigan Correction Centre in Connecticut.</p> |   |
| 280. |         | Follow-up to earlier cases |      |         | <b>Mr. Ahmed Belbacha</b> , (A/HRC/7/3/Add.1, para. 253).  | By letter dated 9/01/09, the Government indicated that it has not and will not transport individuals from Guantanamo to a country where they believe they will be tortured. Currently, a D. C. District Court judge has enjoined the U. S. Government from transferring Mr. Belbacha to Algeria. As this case is in litigation, we cannot comment further on this matter. |
| 281. |         |                            |      |         | <b>Mr. Coleman</b> (A/HRC/10/44/Add.4, para. 250).   | By letter dated 22/04/09, the Government indicated that according to the Connecticut Department of Corrections (CT DOC), Mr. Coleman was originally arrested in October 2002, but he was subsequently released. He was later re-arrested and convicted of two felonies in May 2005. The CT DOC stated that Mr. Coleman began a hunger strike in                           |

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|      |         |      |      |         |                         | <p>January 2007, refusing all solid foods. Beginning in September 2008, for a period of over five weeks, he refused all liquids, seriously jeopardizing his health. The CT DOC was granted a temporary injunction by the Superior Court for the State of Connecticut, after a hearing in which Mr. Coleman was represented by counsel and permitted to testify. The temporary injunction allowed the force-feeding of Mr. Coleman when necessary due to medical reasons. The CT DOC stated that the order that allows forced medical treatment only in response to a medical necessity, and Mr. Coleman has only been force fed by medical professionals on ten occasions – in September and October 2008 – in order to preserve his life. Further, the CT DOC stated that, prior to being force-fed, Mr. Coleman was given the opportunity to voluntarily take nourishment.</p> <p>The written opinion from the Supreme Court for the State of Connecticut granting a temporary injunction to force-feed Mr. Coleman stated that allowing the defendant to starve himself to death would harm the orderly administration and security of the prison, upsetting the other inmates, requiring additional measures to deal with the inmates' reactions and potentially causing unrest, demonstrations, and violence. His suicide by starvation would be contrary to the preservation of his life. His goal was to force a further investigation by state authorities into his criminal conviction, which is an attempt to manipulate the state. His death would also deprive his dependent children of his future financial support. According to the CT DOC, doctors examined Mr. Coleman on several</p> |

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|      |         |      |      |         |  | <p>occasions and testified he could do serious damage to himself and that the feeding would not be difficult.</p> <p>According to the CT DOC, the defendant tolerated the force-feeding well and without complications. His nasal passageways were somewhat irritated by the placement of the tube and he suffered no long-term effects from the methods or timings of the feedings, according to the doctors.</p> <p>The CT DOC is currently seeking a permanent court order to allow the continued force-feeding of Mr. Coleman if necessary, due to the length of Mr. Coleman's hunger strike. The trial ended in February 2009 and a decision is expected in May.</p> <p>The Government is not aware of any formal domestic complaint lodged by Mr. Coleman related to the force-feeding.</p> |
| 282. |         |      |      |         | <b>Majid al-Massari</b> (A/HRC/4/33/Add.1, para. 323). | <p>By letter dated 30/03/09, the Government indicated that Mr. Majid al-Massari was removed from the United States on 21 January 2007. He was accompanied on the Saudi Airlines flight to Jeddah by personnel from the Department of Homeland Security (DHS) and several Saudi officials.</p> <p>Mr. al-Massari was ordered to be removed after being afforded a full hearing in immigration court, during which he was represented by counsel. On 27 June 2005, the Immigration Judge found him removable on all charges. Mr. al-Massari appealed the decision to the Board of Immigration Appeals, who sustained all except one of the charges. On 25 May 2006, Mr. al-Massari filed a petition for review in the U.S. Court of</p>   |

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|      |         |         |      |         |  | <p>Appeals for the Ninth Circuit, who denied his request for a stay of removal. On 4 January 2007, the Supreme Court denied his application.</p> <p>In cases before an immigration judge, if the judge determines that the alien is more likely than not to be tortured in that country, the alien is entitled to protection from removal. Such aliens are also allowed the right to appeal an immigration judge's denial of such relief claims.</p>   |
| 283. |         |         |      |         | <p><b>Violence against women and girls, Ms. Yanar Mohammed, Ms. Aquila Al-Hashimi, Ms. Raja Khuzai, Ms. Amira Salih, Ms. Fern Holland, Ms. Salwa Oumashi, Ms. Nisreen Mustafa Al-Burawari, Ms. Lami'a Abed Khadawi, and Ms. Amal Al-Ma'amalachi</b> (E/CN.4/2006/6/Add.1, paras. 121 and 524).</p> | <p>By letter dated 29/12/08, the Government, while expressing its sincere apologies for the long delay in responding, stressed that the empowerment of women around the world is a top priority for the United States, as is the promotion and protection of the human rights of women. It further highlighted that these priorities are of particular importance to the United States in Iraq, where the United States has worked closely with the Iraqi Government, the international community and non-governmental organizations to address gender-based violence and related issues.</p> <p>The response contained detailed information about the projects the Government carries out to promote women's equal participation in society and government; their initiatives through cooperation with multilateral organizations; and their support to several projects through various NGOs that focus on prevention and response to gender-based violence in Iraq.</p> |
| 284. | Uruguay | 5/10/09 | AL   | TOR     | <p><b>Hechos acaecidos el 24 de agosto de 2009 en el sector de "boxes" del Complejo Carcelario Santiago Vázquez (COMCAR) y las</b></p>   | <p>Mediante carta de fecha 26 de noviembre de 2009, el Gobierno indicó que de acuerdo al relato de 12 detenidos, el fallecimiento de los</p>   |

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|      |         |      |      |         | <p><b>amenazas a los señores José Darío Galleto Maldonado, Jean Franco Daniel López y Enrique Leal Techera.</b></p> <p>El 24 de agosto, pasada las 21 horas, algunos de los detenidos que se encontraban en la celda tres del sector “boxes”, módulo VI de COMCAR anunciaron que iban a “agitar” al sector para así apurar su traslado al centro penitenciario Libertad, el cual inicialmente estado previsto entre el 26 y el 27 de agosto. Enseguida arrojaron un trozo de colchón encendido al pasillo, al mismo tiempo que advirtieron a la guardia. Como no lograron llamar la atención de la guardia, los detenidos iniciaron un segundo fuego a las 21:30 horas, esta vez incendiando un colchón entero. Intentaron lanzar el colchón al pasillo, pero este se trabó en la reja frontal y rebotó hacia los internos. Como resultado, murieron los cinco internos que se encontraban en la celda 3, Jorge Andrés Peñaloza García, de 24 años, Marcelo Romeo Garín, de 27 años, Adrián Humberto Salaberry Finelli, de 27 años, Cristian Oscar Alemán Núñez, de 30 años y Robert Jean Correa Pintos, de 28 años. El señor Peñaloza Garcia se encontraba cumpliendo su pena, mientras que los otros fallecidos se encontraban procesados. Solo uno de los reclusos pudo ser sacado al pasillo, pero murió unos segundos después. Los cuerpos de los otro cuatro detenidos, quienes permanecieron en la celda, se encontraban completamente calcinados. Los otros 14 internos que se repartían en los ocho boxes restantes fueron rescatados.</p> <p>Según la información proporcionada por la Dirección Nacional de Cárceles, Penitenciarias y Centros de Recuperación, la guardia solicitó apoyo por radio a policías de otros sectores, y</p> | <p>cinco detenidos ocurrió por la combustión de los colchones iniciada por un detenido que quería su traslado a otro centro penitenciario. Los testimonios de las 12 personas afirman que un recluso inició el fuego de su propio colchón, arrojándolo al pasillo. A esta acción se sumaron otros, que a la postre fueron los que fallecieron calcinados. Cuando la guardia arribó, la intensidad que había adquirido el fuego, la temperatura de las rejas de hierro y el humo impidieron a la guardia abrir el celdario. La guardia concurre con matafuegos y varios de ellos arrojaron botellas con agua, pero cuando lograron abrir las rejas, los detenidos habían fallecido. La versión de los guardias es coincidente con la de los detenidos. De forma provisional, los detenidos afectados por el incendio fueron trasladados al Cuarto Médico a fin de acondicionar las instalaciones dañadas por el fuego.</p> <p>La justicia competente tomó intervención con la presencia del Juez Dr. Charles en el Complejo Carcelario. El juez tomó las primeras intervenciones; envió los cuerpos a la morgue judicial para su reconocimiento y autopsia y citó a los 14 detenidos de los boxes y a los policías a prestar declaración. De acuerdo con el informe del Juez, la indagatoria judicial no ha finalizado, pese a que se ha constatado que la muerte de los reclusos ocurrió en las condiciones citadas, sin que se haya determinado responsabilidad por acción u omisión en la actuación de la guardia penitenciaria. El Informe producido por el Comisionado Penitenciario concluye que el procedimiento de la guardia para evacuar a los 14 sobrevivientes fue eficaz. La</p> |

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|      |         |      |      |         | <p>arribó al área con extintores. Salían llamas de la reja de la Celda 3 y la puerta se encontraba atascada. Por su parte, la Dirección Nacional de Bomberos indicó que la guardia logró extinguir los trozos de colchón ubicados en el pasillo y comenzó con el fuego al interior de la celda hasta que los extintores fueron descargados totalmente (entre 12 y 18 segundos).</p> <p>Sin embargo, según los testimonios de algunos de los detenidos, la guardia habría llegado tres minutos después de que se generalizó el fuego con un extintor que no funcionó. Entre cinco y siete minutos más tarde regresaron con otro extintor. Los gritos de la celda cesaron entre las dos intervenciones de la guardia.</p> <p>La Dirección Nacional de Cárceles, Penitenciarias y Centros de Recuperación inició una investigación administrativa. Por lo que concierne la investigación penal, la causa fue archivada por el Juez, al declarar que no hubo responsabilidad policial ni demora en haber actuado.</p> <p>Después de este incidente fueron trasladados al Centro Penitenciario Libertad la mayoría de los detenidos que se encontraban en los boxes. Sin embargo, permanecieron allí los señores José Darío Galletto Maldonado, Jean Franco Daniel López y Enrique Leal Techera. Los tres habían declarado al Comisionado Parlamentario que la guardia primero había intentado apagar el incendio con un extintor que no tenía carga. Media hora después de su entrevista, fueron amenazados por tres individuos que habrían ingresado con uniforme de color azul, botas y pasamontañas. Estos les habrían dicho que dejaran de “hablar mal de la policía” porque los iban a trasladar a Libertad, donde “ya saben</p> | <p>apertura de la celda incendiada se vio obstaculizada por el humo, las llamas y la temperatura de la reja frontal. La investigación administrativa ordenada por el Ministerio del Interior no ha finalizado, y la autoridad judicial no ha determinado responsabilidad alguna en los hechos.</p> <p>Poco después del incidente, tres detenidos denunciaron haber recibido amenazas, por lo que la Dirección Penitenciaria ordenó tomarles su testimonio. Por su parte, el Comisionado Parlamentario presentó una denuncia por presuntas amenazas y golpizas sufridas por los tres detenidos. El 30 de agosto, fueron trasladados a la Cárcel de Juan Soler, registrándose ingreso mediante examen médico a cada uno de ellos.</p> <p>A efectos de prevenir la ocurrencia de estos episodios, se han adoptado mecanismos de prevención, incluyendo: a) El control y recarga de todos los extintores portátiles en los establecimientos carcelarios; b) Cursos de capacitación al personal por la Dirección de Bomberos; y c) Designación de un Oficial jefe Especializado que oficiará de Enlace con la Dirección Nacional de Bomberos. También se resolvió implementar las siguientes acciones: a) Dar cumplimiento a las directivas que emanen de los informes correspondientes de la Dirección Nacional de Bomberos; b) Entrenamiento de cuadrillas antiincendio; c) Establecer como condición que los colchones adquiridos en un futuro sean igníficos; d) Establecer simulacros de incendio como mecanismo de entrenamiento y verificación del tiempo de respuesta; y e) Requerir la opinión de la Dirección Nacional de Bomberos en coordinación con el</p> |

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|      |            |         |      |              | <p>como terminan”. Ante las denuncias de amenazas, el 28 de agosto las autoridades recabaron las actas de los denunciantes y de los policías de guardia y fotografías.</p> <p>Al día siguiente se dispuso el traslado de estas tres personas a la cárcel de Juan Soler como medida cautelar. Sin embargo, a la 1:45 hora llegaron entre cinco y seis guardias quienes los sacaron al corredor e ingresaron a las celdas. Los guardias tiraron la comida y comenzaron a golpearlos en la espalda, las piernas y el codo. Un funcionario presuntamente detuvo el maltrato. Los tres fueron vistos por el servicio médico de COMCAR. Esta ocasión fue la primera vez que se recibe alguna denuncia de requisas violentas en boxes en los últimos meses.</p> <p>El 31 de agosto, el Comisionado Parlamentario observó que dos de los tres detenidos presentaban lesiones similares a las que había visto como consecuencia de golpes con vara. El tercero presentaba una hinchazón en el codo. Ese mismo día fueron revisados por un médico forense, quien envió el informe al Juzgado Letrado de Primera Instancia de San José. Como resultado de los golpes propiciados a los tres detenidos, el Comisionado Parlamentario presentó una denuncia penal por abuso de autoridad contra los detenidos.</p> | Departamento de Arquitectura Ministerial para la construcción de nuevas unidades o la ampliación o reforma de las ya existentes.  |
| 285. | Uzbekistan | 3/02/09 | JAL  | SUMX;<br>TOR | <p><b>Recent cases of death in custody in Uzbekistan.</b> The three victims, <b>Mr. H. K.</b>, aged 33, <b>Mr. M. A.</b>, aged 33, and <b>Mr. A. K.</b>, aged 36, were all imprisoned in connection with the events of May 2005 in Andijan.</p> <p>H. K. went into hiding after being involved in the 2005 Andijan events. On 3 November 2008 he secretly visited his parents in Andijan and</p>  | By letter dated 06/02/09, the Government indicated that H. K. was arrested on 15 October 2008 and charged with attempt to overthrow the constitutional order of the Republic of Uzbekistan. On 6 November, he was admitted to Tashkent hospital facility UY-64/18 with acute cardiac insufficiency and a gastric ulcer complicated by a stomach |

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|      |         |          |      |                         | <p>was taken into custody and detained in the Andijan prison. On 23 November 2008, the police returned his remains to his family. His body was covered with bruises, his nails had been removed and he had no teeth left in his mouth. Mr. K.'s parents were told by the authorities to bury him quickly and not to protest.</p> <p>M. A. was one of the prisoners freed during the Andijan prison break of 12 May 2005. He was subsequently re-arrested and imprisoned in Tashkent. He became physically disabled due to ill-treatment by prison guards. On an unspecified date in autumn 2008 his mortal remains were returned to his family. The authorities explained that he died of natural causes.</p> <p>A. K. was serving a sentence for his involvement in the 2005 Andijan events in the Tavaksay prison in Tashkent Region. His mortal remains were returned to his family in Andijan, on 3 October 2008. He had been taken from the prison to the prison hospital, where he died. The circumstances surrounding his death were not explained in detail to the family, who was told to proceed quickly with the funeral.</p> | <p>haemorrhage. Despite comprehensive treatment, the complications worsened and, on 9 November 2008, Mr. K. died. He was not subjected to torture or other irregular treatment.</p> <p>M. A. was found guilty on 14 November 2005 by the Criminal Division of the Supreme Court of Uzbekistan of intentional homicide and demolition, destruction and damage to historical and cultural monuments and sentenced to 17 years deprivation of liberty. He was serving his sentence in facility UY 64/65 in Zangiot settlement. In March 2008, he was transferred to Tashkent hospital facility 64/18 for medical treatment. He died on 7 September from infiltrative, disseminated and fibrous-cavernous pulmonary tuberculosis, chronic hepatitis and chronic pyopneumothorax, complicated by pulmonary-cardiac insufficiency.</p> <p>A. K. was found guilty on 21 November 2005 of production or distribution of material posing a threat to public security and public order, and sentenced to six years deprivation of liberty. He was serving his sentence in facility UY-64/3 in Tavaksai settlement. In May 2008, he was transferred to Tashkent medical facility UY-64/18 for medical treatment. On 27 March, he died from a bladder stone and chronic liver insufficiency.</p> <p>Forensic investigations were carried out into all three deaths of convicted offenders, and they were investigated by the staff of the procuracy.</p> |
| 286. |         | 23/02/09 | JUA  | WGAD;<br>FRDX;<br>HLTH; | <b>Mr. E. M.</b> , currently held at Prison n. 64/21, Bekabad city, Tashkent region. Following the Opinion of the Working Group on Arbitrary   |  |

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|      |         |          |      | TOR                   | <p>Detention, on 26 July 2008, Mr. M. has been threatened by two officers from the National Security Service (SNB) that, if he or his family did not withdraw their petitions or continued to make complaints to international human rights mechanisms or to spread news about the above decision, they would face reprisals. Following this incident, E. M. was put under “special control”, i.e. not allowed to go to work, denied medical treatment and his movement within the territory of the penitentiary institution was restricted.</p> <p>In addition, Mr. M.’s health is deteriorating. The left side of his body is now partly paralyzed. He further suffers from a persistent cough. Reportedly he has also been beaten by Lieutenant Halimov and Lieutenant Karabayev in reaction to the announcement by Mr. M. that he would go on a hunger-strike to protest the refusal to send his complaints to the General Prosecutor’s Office and Supreme Court. Allegedly, he has been transferred to the medical unit of the prison.</p> |   |
| 287. |         | 22/04/09 | JUA  | FRDX;<br>RINT;<br>TOR | <p><b>Mr. Z. A. Z.</b>, aged 39, who was sentenced to a prison term of nine years on 30 August 1999 for attempt at changing the constitutional order of the Republic of Uzbekistan, on the basis of two Hisb-ut-Tahrir leaflets the police found when searching his house. He was first detained in KIN 64/61 in Karshi, then transferred to 64/49 and 64/25 in Bukhara. Between 2003 and 2008, he was held in KIN 64/3 in Tavaksay, Tashkent Oblast. Few days before his sentence was completed, he was brought before a court for allegedly disobeying orders of the penitentiary administration, sentenced to an additional term of two and a half years and taken to the strict regime colony KIN 64/51 in Koson, Bukhara</p>   | <p>By letter dated 5/06/09, the Government indicated that Mr. Z., is an Uzbek born in 1970 in the Chinaz district of Tashkent province, with no previous convictions and unemployed prior to arrest. The Chinaz district criminal court sentenced him to nine years deprivation of liberty on 26 November 1999 for repeated breach of the constitutional order by or in the interests of an organized group, preparation or distribution of material posing at threat to public safety and public order previous concert or by a group of persons, and unlawful organization or resumption of and active participation in the activities of illegal voluntary associations or</p> |

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|      |         |      |      |         | <p>Oblast.</p> <p>In March 2009, to punish him for praying, Mr. Z., was confined to a punishment cell and subjected to severe beatings. As a result, he suffers from a hand and collarbone fracture.</p> | <p>religious organizations.</p> <p>As Mr. Z. was liable to disciplinary measures on several occasions while serving his sentence in detention facility UY 64/3 for violations of established detention procedures and failure to comply with the lawful requirements of the penal institution administration, he was sentenced by the Bostanlyk district criminal court on 22 August 2008 to three years, one month and 17 days deprivation of liberty and is serving his sentence in detention facility UY 64/51.</p> <p>The penal administration describes him in unfavourable terms. He is registered with the clinic on account of his chronic gastritis. His health is satisfactory and he is capable of working.</p> <p>An investigation into a complaint filed by Ms. U. Z. did not support her claims that Mr. Z. had been tortured. The penal institution medical service workers and other fellow prisoners in the colony indicated that no unlawful acts have been committed against Mr. Z. Medical examiners found no indications or traces of bodily harm while he was undergoing outpatient or inpatient treatment.</p> <p>Mr. Z. was examined on 4 September 2008 and diagnosed with chronic gastritis. He was given the necessary medical assistance based on this diagnosis and received inpatient treatment between 17 and 25 September 2008 and 22 and 30 April 2009. Mr. Z. did not complain about bodily harm and his overall health is now satisfactory. Moreover, Mr. Z. was not subjected to any disciplinary action or locked up for violating internal procedures</p> |

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|      |         |          |      |                      |  | <p>in March 2009.</p> <p>The penal institution administration did not bring any physical or moral pressure on Mr. Z while he was serving his sentence and the Ministry of Internal Affairs did not receive any complaint from Mr. Z. concerning torture.</p>   |
| 288. |         | 15/06/09 | UA   | TOR                  | <p><b>Mr. Y. J. (or Y. Z.),</b> Uzbek poet born in 1958 (see A/HRC/10/44/Add.4, para. 256 and paragraph XX below).</p> <p>Mr. Y. J. is currently detained at the Jaslyk Prison in Karakalpakistan. He was recently seen and was allegedly covered in bruises and had an open wound on his head, as a result of torture. He was also reportedly kept in a quarantine cell, together with detainees suffering from tuberculosis. It is believed that Mr. J. has been particularly targeted for beatings by the penitentiary guards because of his political views.</p> | <p>By letter dated 17/07/09, the Government indicated that on 15 April 2008, Mr. Y. Z. was convicted by the Karakul District Criminal Court in Bukhara Province and was sentenced to five years deprivation of liberty at the UAa-64/80 open prison. On 28 May, the Kungrad District Court decided that Z. should serve the remainder of his prison term under the ordinary custody regime at UYa-64/71 prison, given that he had committed a gross violation of the custody regime at the UAa-64/80 prison and had left the grounds without permission. Upon his arrival at the UYa-64/71 facility, he underwent a medical examination. The facility where Mr. Z. is now serving his prison term has no inmates with tuberculosis.</p> <p>Further inquiry revealed that on 3 July 2009, a medical examination by the prison physicians established that Mr. Z. had no bodily injuries or bruises. The medical report concluded that he was in a satisfactory state of health and had no physical complaints. Mr. Z. has not submitted any complaints or reports of torture to the law enforcement bodies.</p> |
| 289. |         | 13/08/09 | JUA  | WGAD;<br>HRD;<br>TOR | <p><b>Arbitrary detention of Mr. F. M.,</b> member of the Human Rights Alliance of Uzbekistan.</p> <p>On 18 July 2009, Mr. M. reportedly went to the</p>   | <p>By letter dated 25/09/09, the Government indicated that on 15 April 2009, criminal proceedings were initiated against Mr. F. M. by the investigative department of the internal</p>   |

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|      |         |          |      |                        | <p>District Attorney's Office to file an official complaint in relation to illegal actions carried out by local police officers. Shortly after his arrival there, he was arrested and taken to Yunus-Abad police station. Mr. M. continues to be detained although his place of detention is currently unknown, and it is not yet clear what charges are being brought against him.</p> <p>At the end of May 2009, Mr. M. was also arrested in relation to a complaint allegedly filed against him by an Uzbek citizen for fraud. At the time, the authorities refused to let him view the complaint.</p> | <p>affairs office of the Yunus-Abad district of Tashkent province for large-scale fraud. The proceedings were initiated on the basis of a complaint and materials collected by the authorities responsible for the preliminary inquiries.</p> <p>In May 2009, Mr. M. became aware that criminal proceedings had been initiated against him and hid from the authorities. He was consequently declared a wanted person.</p> <p>On the basis of all the available evidence, Mr. M. was prosecuted in absentia. As no compensation had been paid for the material damage he caused, the court ordered his detention as a preventive measure. Following search operations, Mr. M. was arrested on 17 July 2009 and detained in institution UYa 64/IZ-1 in Tashkent.</p> <p>Since his arrest, his constitutional rights have been fully respected and he has been afforded State protection. His relatives were informed of his arrest in a timely manner.</p> <p>On 22 August 2009, the preliminary investigation was completed and the case was passed to the Yunus-Abad district criminal court in Tashkent.</p> <p>The Ministry of Internal Affairs has not received any complaints or statements from Mr. M. regarding unlawful methods of investigation or torture.</p> |
| 290. |         | 09/09/09 | JUA  | RINT;<br>SUMEX;<br>TOR | <p><b>Mr. S. Z.</b>, aged 30, and his deceased brother, <b>Mr. N. Z.</b>, aged 45 at the time of his death, both of Tashkent.</p> <p>Mr. Z. was arrested in 1999 on charges related to the practice of his religion. These charges</p>  | <p>A reply was received from the Government on 13/10/09, but could not be translated in time for inclusion in this report.</p>   |

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|      |         |      |      |         | <p>included “upsetting the constitutional order” and “setting up, leading or participating in a religious extremist, separatist, fundamentalist or other banned organization”.</p> <p>In August 1999, Mr. Z. was sentenced to a 20-year prison term by the Tashkent District Court. On appeal to the Supreme Court, the sentence was converted to an 18-year-sentence in a strict regime prison. Mr. Z. served the first five years of his prison sentence at Jaslyk prison, where he sustained multiple beatings and ill-treatment as punishment for his praying. Mr. Z.’s family wrote letters of concern about his ill-treatment to the Uzbek Ministry of Internal Affairs Directorate of Prison, the General Prosecutor’s Office, and the Ombudsman’s office – their responses were dismissive and no action was taken in response to the allegations.</p> <p>In 2004, Mr. Z. was transferred to a prison in Chirchik, and then subsequently to Zarafshan prison colony. In the spring of 2007, he was sentenced to an additional 20 months in prison to be served in Zarafshan, allegedly for violating prison rules. His family had not been informed in advance of the charges, nor were they sent a copy of the verdict. While he was at Zarafshan prison, Mr. Z. was allegedly subjected to torture and ill-treatment over several years. He was beaten by four fellow inmates with plastic bottles filled with water, and regularly placed in an isolation cell as punishment for praying. Even when he was in isolation, the fellow inmates who had beaten Mr. Z., were allowed access to him, and continued to beat him. In mid-May 2009, MrZ. commenced a hunger strike, demanding that he be allowed to pray. After six days, he was force-fed by prison authorities, who also performed a forced enema on him,</p> |                     |

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|      |         |      |      |         | <p>using a pepper solution. The beatings allegedly continued after his hunger strike.</p> <p>When his family visited him between 2 and 5 June 2009, Mr. Z. informed them that he was being subjected to intensified ill-treatment in prison, to the point where he feared for his life.</p> <p>On 16 June 2009, prison authorities telephoned Mr. Z.'s family and informed them that he had committed suicide. His body was delivered to his family who were also given a death certificate stating that he had died of "mechanical asphyxiation". However, his body displayed signs of ill-treatment, including wounds to the head, visible blood clots, a hematoma on his neck, and bruises on his back. Mr. Z.'s family was instructed by the prison authorities to bury him the next morning, without any opportunity for a medical examination of his body. The burial was observed by the police, who also monitored the family's house in the days following the return of his body.</p> <p>In 2000, the brother of Mr. Z., Mr. S. Z., was also arrested for religion-related charges. In spite of a serious medical condition, he was sentenced to 8 years' imprisonment in a strict regime prison in 2000, and is currently serving time in Prison Colony 46 in Navoi region. In January 2008, just prior to his release date, he was charged with violating prison rules, and was sentenced to a further 3 years and 6 months imprisonment.</p> <p>There have been reports that Mr. S. Z. is being ill-treated in prison, including being placed in an isolation cell for up to six months as punishment for praying.</p> |                     |

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| 291. |         | 2/10/09 | JUA  | WGAD;<br>RINT;<br>TOR | <p><b>Group of followers of Rasulzhon Rahmatov in the town of Shakhrikhan, including: Alibojev Akhroriddin, Akhmadaliev Dilshod, Akhmedov Mirzokhid, Akhunov Akhror, Bobojonov Ulugbek, Dolimov Zayniddin, Isroilov Erkin, Ismoilov Sherali, Juraev Zajnobiddin, Keldiev Rovshan, Latipov Khamidulokh, Muhammadjonov Mirzohid, Nabibullaev Kakhramonjon, Nazarbekov Sherzod, Parpiev Nizom, Saydullaev Nodir, Sodikov Mansur, Sharofidinov Alisher, Siddikov Muzaffarjon, Soliev Nematullokh, Usmonov Isroiljon, Usmonov Khokim, Usmonov Jamolddin and Usmonov Pulatzhon.</b></p> <p>In early June 2009, when Hafiz Rasulzhon Rahmatov, an imam in the town of Shakhrikhan, was departing for Tashkent, a group of special forces officers with automatic rifles, masks and complete military equipment came to his home. The forces were looking for Mr. Rahmatov, whom they had previously interrogated after he had written a complaint letter to the city administration with regard to the disappearance of Sheikh Abdulavi Kori Mirzoev. However, once it became clear that Mr. Rahmatov was absent, they began to detain his followers and close friends. During the next two or three days 60 of his disciples were arrested in Shakhrikhan. When Mr. Rahmatov learned that he was being sought, he fled to Moscow. One week later, he continued on to Turkey. It is alleged that he has subsequently been put on an international wanted list. As of 30 September 2009, more disciples of Mr. Rahmatov have been arrested in Shakhrikhan. They were held in custody in Shakhrikhan for several days before being remanded in custody at a pre-trial detention centre in Andijan.</p> | <p>By letter dated 16/11/09, the Government indicated that on 20 May 2009, the investigative department of the Shakhrikhansky district internal affairs office in Andizhanskaya province instituted criminal proceedings. The preliminary investigation established that from 2000 to 2009, Mr. Rasulzhon Abdurakhimovich Rakhmatov, Mr. Isroil Pulatovich Usmonov, Mr. Utkirbek Nazarbekov and others were active members of an extremist religious group whose aim was to commit criminal acts in Uzbekistan with the aim of overthrowing the constitutional order. Mr. Rakhmatov and other associates were held in pre-trial detention. The investigation began on 24 May 2009. From the moment of their arrest, their constitutional rights were fully respected; they were provided with State legal aid and their relatives were informed of their arrest in a timely manner.</p> <p>On 26 August 2009, a criminal indictment of Mr. I Usmonov and others was sent to the procurator's office in Andizhanskaya province. On 3 September, the indictment was approved and the case was sent to court. Criminal proceedings were instituted against Mr. Pulatzhon Usmonov, but he was absolved of any criminal liability thanks to an amnesty declared by the Senate of the Majilisi Oli.</p> <p>Mr. Akhroriddin Aliboev, Mr. Ulugbek Babadzhanov, Mr. Zanobiddin Zhuraev, Mr. Mirzokhid Mukhammadzhonov and Mr. Akhunov Akhror were never taken to the internal affairs office and have not been cited in the criminal case.</p> <p>The criminal case against Mr. I. Usmonov</p> |

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|      |         |                            |      |         | All persons detained were put in rooms with chlorine; a tube was applied to their anuses and boiling water poured in it; and they were stripped on a table with an opening through which the male organ was drawn down. As a result of this treatment, many have sustained injuries and lost weight. | <p>and others began on 25 September 2009. During the consideration of the case, no instances of torture or other cruel, inhuman or degrading treatment of the defendants were found. They have been provided with defence counsel.</p> <p>No criminal cases have been brought against A. Aliboev, A. Akhunov, U. Bobozhonov, E. Isroilov, Z. Zhuraev, M. Mukhammadzhonov, K. Nabibullaev, A. Sharofidinov and P. Usmonov in national courts.</p>  |
| 292. |         | Follow-up to earlier cases |      |         | <b>Akzam Turgunov</b> (A/HRC/10/44/Add.4, paras. 258 and 260).   | <p>By letter dated 10/11/08, the Government indicated that on 11 July 2008, the Office of the Procurator in the Republic of Karakalpakstan opened a criminal investigation into Akzam Olimovich Turgunov and Khamza Nurullaevich Salaev. The investigation was prompted by a statement made by a witness and by evidence gathered during an initial inquiry.</p> <p>In late May, Mr. Turgunov, who already had a criminal record, together with Khamza Salaev, the brother of his ex-wife, knew that the witness had earned money working in the Republic of South Korea. They invited him to the home of Mr. S. Eshzhanov where, threatening him with violence, they demanded that he acquire a house for Mr. Salaev's younger sister or give her 20 million som. Should he not comply, they threatened to drown him, burn his house down and reduce his younger brothers to penury.</p> <p>Based on the witness' statement, officers of the Karakalpakstan Ministry of the Interior and Office of the Procurator mounted a joint operation at about 8 p.m. on 11 July. Mr. Salaev and Mr. Turgunov were detained at a</p> |

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|      |         |      |      |         |                         | <p>tea shop in Mangit, Amudarya district, as they extorted money from the witness and the maintenance logbook to a Neksiya car. Mr. Turgunov and Mr. Salaev were arrested and informed of their rights and obligations. Since their detention, Mr. Turgunov and Mr. Salaev's constitutional rights have been fully respected, they have been provided with a State defence and their families were given timely notice of their arrest.</p> <p>On 13 July, the case was referred for investigation from the Office of the Procurator-General to the Investigation Division of the Ministry of the Interior of Karakalpakstan. On 14 July, Mr. Turgunov and Mr. Salaev were named as suspects in the case and charged. The Nukus criminal court ordered them to be remanded in custody as a preventive measure.</p> <p>The Investigation Division of the Republic of Karakalpakstan Ministry of the Interior conducted an official inquiry into the scalding that Turgunov suffered. This established that at around noon on 14 July 2008, while Mr. Turgunov was being interrogated as an accused person at the Nukus remand centre, a senior investigator gave the accused, at his own request, a cup of hot tea. To escape criminal liability by spreading rumours about being tortured, he deliberately poured the hot tea down his back, scalding himself. He was given first aid there. This was fully corroborated at the official inquiry by the testimony of the staff of the Nukus remand centre. Claims by defence counsel that Mr. Turgunov was tortured are fictitious, since the accused officer was not present during the interrogation. The senior investigator</p> |

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|      |         |      |      |         |  | <p>involved in the case put no pressure of any kind upon him throughout the preliminary investigation. The official inquiry established that in giving hot tea to Turgunov, the senior investigator had breached departmental instructions on the guarding and escorting of suspects, accused persons and prisoners in custody by internal affairs bodies. The accused received a stern warning as a disciplinary action.</p> <p>By letter dated 23/01/09, the Government indicated that in accordance with the judgment handed down on 23 October by the Amudarin District Criminal Court of Karakalpakstan, Mr. Turgunov was found guilty and sentenced to ten years deprivation of liberty, to be serviced in an ordinary-regime colony. The judgment was upheld by the Supreme Court of the Republic of Karakalpakstan.</p> <p>On 10 October, Mr. Abdurahmanov was found guilty by the Takhtakupyr District Criminal Court of the Republic of Karakalpakstan and sentenced to ten years deprivation of liberty, to be serviced in an ordinary-regime colony. His sentence was upheld by the Supreme Court of the Republic of Karakalpakstan.</p> |
| 293. |         |      |      |         | <b>Salijon Abdurahmanov</b> (A/HRC/10/44/Add.4, paras. 258 and 260, A/HRC/7/28/Add.1, paras. 1917-1921). | <p>By letter dated 10/11/08, the Government responded that on 7 June 2008, the investigative department of the internal affairs office in the town of Nukus, Republic of Karakalpakstan, instituted criminal proceedings against Mr. Salijon Abduraimovich Abdurahmanov.</p> <p>On 7 June 2008, at approximately 7 p.m., on Dosnazarov Street in Nukus, a Zhiguli VAZ-</p>   |

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|      |         |      |      |         |                         | <p>2106 car with licence plate number 30 Y 3346 was stopped for a document check by officers of the traffic police and canine patrol squad of the Republic's Ministry of Internal Affairs, who were carrying out an operation to prevent and suppress illicit trafficking in narcotic drugs and psychotropic substances, known as Black Poppy 2008.</p> <p>During the check, it was ascertained that the car in question was being driven by Mr. Abdurahmanov, who was unable to produce a driver's licence. In addition, Mr. Abdurahmanov was not the owner of the car. With his permission, a canine patrol officer and a police dog inspected the vehicle. As a result, substances with a specific odor were discovered hidden in the boot of the car, wrapped in a paper and cellophane package. In the presence of witnesses, these substances were confiscated for forensic analysis and sealed, and the appropriate documentation was completed. The results of the chemical analysis performed on 7 June 2008 showed that the substances found included 114.18 grams of marijuana and 5.98 grams of opium.</p> <p>On 9 June 2008, Mr. Abdurahmanov and remanded in custody by a criminal judge.</p> <p>On the basis of all the evidence gathered, it was decided that Mr. Abdurahmanov had intended to attempt the sale of a large quantity of narcotics.</p> <p>Accordingly, on 5 August 2008, the charges previously brought against Mr. Abdurahmanov were amended. On 6 August 2008, the pretrial investigation was completed, and the criminal case was referred for trial, in accordance with the established</p> |

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|      |         |      |      |         |   | <p>procedure, to the Takhtakupyr District Criminal Court of the Republic of Karakalpakstan.</p> <p>The Takhtakupyr District Criminal Court found the accused, Mr. Abdurahmanov, guilty and sentenced him to 10 years' deprivation of liberty.</p> <p>It should also be noted that the criminal charges brought against Mr. Akzam Olimovich</p> <p>Turgunov and Mr. Salijon Abduraimovich Abdurahmanov are in no way related to their human rights work. No complaints or statements from Mr. Turgunov regarding the use of unlawful investigation methods have been received by the Ministry of Internal Affairs of Uzbekistan.</p>   |
| 294. |         |      |      |         | <b>Yusuf Zhumaev</b> sent on 3 August 2004. | <p>By letter dated n 15 April 2008, Yusufzhon Ollokulovich Zhumaev was convicted by the Karakul District Criminal Court in Bukhara Province and was sentenced to five years' deprivation of liberty at the UYa-64/80 open prison.</p> <p>On 28 May 2008 the Kungrad District Court, in accordance with article 112 of the Penal Enforcement Code of Uzbekistan, decided that Zhumaev should serve the remainder of his prison term under the ordinary custody regime at UYa-64/71 prison, given that he had committed a gross violation of the custody regime at the UYa-64/80 prison and had left the grounds without permission. Upon his arrival at the UYa-64/71 facility, he underwent a medical examination.</p> <p>The facility where Zhumaev is now serving his prison term has no inmates with</p> |

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|      |                                    |                            |      |         |   | <p>tuberculosis.</p> <p>Further inquiry revealed that on 3 July 2009, a medical examination by the prison physicians established that Zhumaev had no bodily injuries or bruises. The medical report concluded that Zhumaev was in a satisfactory state of health and had no physical complaints.</p> <p>Moreover, the prison administration has prohibited any unlawful action that would violate Zhumaev's legal rights during his prison term.</p> <p>Zhumaev has submitted no complaints or reports of torture to law enforcement bodies.</p>   |
| 295. | Venezuela (Bolivarian Republic of) | Follow-up to earlier cases |      |         | <p><b>Sras. Kelys Amundaray, Maryluz Coromoto Guillén Rodríguez, y María de los Ángeles Peña Fonseca, y el Sr. Tomas Antonio Becerra</b></p> <p><b>Ramírez</b> (A/HRC/10/44/Add. 4, para. 263).</p> | <p>Mediante carta de fecha 18/12/09, el Gobierno indicó que fue comisionada la Fiscalía Cuadragésima del Ministerio Público con Competencia Plena a Nivel Nacional con sede en Maracaibo, quien se encuentra averiguando las circunstancias en que se produjeron los hechos presuntamente ocurridos el 21 de julio de 2008. La Fiscalía solicitó una medida de protección a favor del ciudadano Sabino Romero Izarra y su núcleo familiar, misma que cumple la Dirección de los Servicios de Inteligencia y Prevención.</p> <p>En cuanto a la denuncia realizada el 27 de agosto de 2008 por Luis Guillermo Chaparro, ante la Fiscalía Cuadragésima Quinta del Ministerio Público de la Circunscripción Judicial del estado Zulia, acerca de las circunstancias que se habrían suscitado el 22 de agosto, en el sector Cuesta del Padre, Parroquia Libertad, Municipio Machiques de Perijá, cuando un grupo de 40 personas, entre las cuales se hallaban los señores Tomás</p> |

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|      |         |      |      |         |                         | <p>Antonio Becerra Ramírez, María de los Ángeles Peña Fonseca, Mariluz Coromoto Guillén Rodríguez, Kelys Elaine Amundaray Colina y Tomás Antonio Becerra Ramírez, algunos de ellos integrantes de la organización denominada Red de Apoyo. Al llegar al lugar antes mencionado comenzó una protesta en virtud de las invasiones que se suscitaban en las tierras denominadas Hacienda Tizina y Kusare, produciéndose una confrontación entre los prenombrados ciudadanos y funcionarios adscritos al Ejército y a la Guardia Nacional, resultando heridos los ciudadanos Luis Guillermo Chaparro y Antonio Becerra Ramírez, y detenidos las señoras Peña Fonseca, Coromoto Guillén Rodríguez, Colina y el señor Becerra Ramírez. Dichas personas fueron presentadas ante el Tribunal Undécimo de Primera Instancia en Funciones de Control del Circuito Judicial Penal por la presunta comisión de lesiones intencionales, resistencia a la autoridad y daños a la propiedad. El Juzgado otorgó una medida cautelar sustitutiva de libertad, además de continuar el procedimiento por la vía ordinaria y declinar la competencia al Tribunal Primero de Primera Instancia en Funciones de Control del Circuito Judicial Penal de Villa del Rosario de Perijá, estado Zulia. El 19 de mayo, el Ministerio Público solicitó el sobreseimiento de la causa por los delitos de lesiones intencionales menos graves, lesiones personales leves, resistencia a la autoridad y daños a la propiedad pública.</p> <p>El Representante Fiscal comisionado se encuentra practicando una serie de actuaciones y diligencias conjuntamente con</p> |

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|      |          |          |      |              |  | <p>el Cuerpo de Investigaciones Científicas, Penales y Criminalísticas con respecto a las personas que resultaron lesionadas.</p> <p>El 6 de octubre de 2008, los Representantes del Ministerio Público Cuadragésimo a Nivel Nacional con Competencia Plena y Cuadragésima Quinta de la Circunscripción Judicial del estado Zulia se trasladaron a la comunidad de Yukpa de Río Yaza para entrevistarse con la señora Mary Fernández, así como con la hija del cacique Yukpa Sabino Romero, en relación con las presuntas amenazas de las que fue objeto la señora Fernández.</p> <p>Por lo que concierne al fallecimiento del señor José Manuel Romero, la Fiscalía Cuadragésima del Ministerio Público a Nivel Nacional con Competencia Plena requirió la necropsia, con la finalidad de conocer la causa de su muerte. La médica forense designada indicó que el deceso se debió a una enterocolitis que perforó los intestinos y le produjo una hemorragia interna, ocasionándole luego un paro cardíaco. No se encontró ningún signo de violencia en su cuerpo.</p> |
| 296. | Viet Nam | 27/01/09 | JUA  | WGAD;<br>TOR | <p><b>Mr. Vu Hung</b>, who had been in pre-trial detention starting from 18 September 2008, was last seen in November 2008, when he was moved out of his cell in B14 prison in Hanoi. His health had reportedly deteriorated after beatings he sustained during his interrogations. While held in B14 prison, he was taken to Hospital 198 of the Ministry of Public Security a number of times.</p> <p>Approximately one month after his detention, the police visited Mr. Hung's family, and asked</p> | <p>By letter dated 30/03/09, the Government indicated that Mr. Vu Van Hung is currently residing in Hanoi. On 25 September 2008, the competent Investigation Agency of Hanoi made an introduction of instance against Mr. Vu Hung, charged with violating the law. He is still under provisional detention to clarify his activities. The arrest, provisional detention and investigation are in strict conformity with all forms and procedures stipulated in the Criminal Procedural Code</p>  |

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|      |         |         |      |                      | <p>them to sign an affidavit indicating that Mr. Hung suffered from mental problems.</p> <p>Mr. Hung had previously been detained during a peaceful demonstration in Ho Chi Minh City in April 2008.</p>   | <p>and the Penal Code of Viet Nam, and in line with international conventions on human rights and internationally recognized practices. He was not beaten or at risk of torture or other forms of ill-treatment and nobody has asked his family to sign an affidavit indicating that Mr. Vu Hung suffered from mental problems. His health is normal.</p> |
| 297. |         | 5/11/09 | JUA  | WGAD;<br>HRD;<br>TOR | <p><b>Mrs. Thanh Thuy</b> is a novelist and journalist, and an honorary member of English PEN, an organization which works to promote literature and human rights.</p> <p>On 7 October 2009, Mrs. Thanh Thuy was reportedly denied access to the Hanoi courthouse to attend the trial of a teacher. She was finally allowed access after the intervention of foreign embassy representatives present in the courtroom. The next day, while travelling to attend the trial of six activists, Mrs. Thanh Thuy was arrested by the police. She was reportedly released after a few hours in detention, but then placed under house arrest under the surveillance of two police officers. On the same day, two police officers in plain clothes reportedly forcibly entered her house and beat her on the head with bricks. Police officers stationed outside the house did not intervene. Mrs. Thanh Thuy was allowed to go to the hospital but upon leaving she was arrested together with her husband, Mr. Do Ba Tan and transferred to the police station in Dong Da district, Hanoi. It is reported that the district police chief claimed that they had assaulted a neighbor, and therefore Mrs. Thanh Thuy was reportedly charged with “intentionally causing injury”. Mr. Do Ba Tan was released on 12 October 2009, with no</p> |   |

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|      |         |          |      |                              | <p>charges brought against him.</p> <p>On 19 October 2009, according to her family, Mrs. Thanh Thuy was transferred to the Hoa Lu prison in Hanoi.</p> <p>Furthermore, it is alleged that Mrs. Thanh Thuy and her family have received threatening phone calls, and her house has been attacked several times by people allegedly hired by the police.</p>  |                     |
| 298. | Yemen   | 03/04/09 | JUA  | IJL;TOR                      | <p><b>Mr. Mouafo Ludo, Mr. Pengou Pierre, Mr. Mechoup Baudelaire and Mr. Ouafou Zacharie</b>, all citizens of Cameroon (see E/CN.4/2006/6/Add.1, para. 545).</p> <p>Five individuals, including the four mentioned above, were arrested in March 1995 by security personnel at the Plaza Suites hotel in Sanaa, where they resided. They were then held in secret at Al Amn Assiyassi, the Centre for Political Security, until, on 17 September 2005. The Minister of Interior Mr. Rachad Al Alimi publicly recognized that five persons, including the above, had been held for nine years in connection with their alleged involvement in drug trafficking and money laundering without any conviction by a tribunal. In spite of his stated commitment to bring them to justice, they have not been brought before a court to date. The five have been held at all times incommunicado in a small basement cell in very poor conditions, including, among other things, inadequate ventilation, food, and access to health services. Recent reports indicate that their situation is deteriorating.</p> |                     |
| 299. |         | 29/04/09 | JUA  | IJL;<br>SUMX;<br>TOR;<br>VAW | <p>Death sentence imposed against <b>Ms. Fatima Hussein Badi</b>, who may reportedly be at imminent risk of execution. Fatima Hussein al-Badi and her brother Abdullah Hussein al-Badi</p>  |                     |

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|      |         |      |      |         | <p>were arrested in July 2000 for the murder of her husband, Hamoud Ali al-Jalal, tried and sentenced to death on 17 February 2001. The appeals court upheld the death sentence. In September 2003, the Supreme Court confirmed the death sentence imposed on Abdullah Hussein al-Badi. After confirmation of the sentence by the President of Yemen, he was executed on 2 May 2005 (see A/HRC/4/33/Add.1, para. 335).</p> <p>With regard to the case of Fatima Hussein al-Badi, we have recently received information which was not available to us at the time of our letter of December 2005. These reports indicate that in September 2003 Section B of the Supreme Court found that Fatima Hussein al-Badi was not guilty of murder, but only of participating in hiding the victim's body. It therefore quashed the death sentence and imposed a four years' prison term instead. Because of the death sentence imposed in the same Supreme Court judgment against Abdullah Hussein al-Badi, the case went to the President of Yemen for confirmation. The President ordered the Supreme Court to reconsider its findings and sentence regarding Fatima Hussein al-Badi. In August 2004, the Supreme Court sitting as General Assembly, reportedly overturned the judgment of Section B of the Supreme Court and reinstated the death penalty against Fatima Hussein al-Badi. She has been on death row since then. Her death sentence has reportedly not been carried out as a special appeal to the President by her defence lawyer remains pending.</p> <p>The President's order to the Supreme Court to reconsider its decision not to sentence Fatima Hussein al-Badi to death followed a letter of</p> |                     |

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|      |         |          |      |                               | January 2004 by the then Head of the Council of Representatives (Yemen's Parliament) to the President urging him not to ratify the judgment. The letter allegedly referred to a report by the Justice and Endowment Committee of the Council of Representatives which had studied the case upon a request by relatives of the victim. The Justice and Endowment Committee noted that, if the death sentence against Fatima Hussein al-Badi was lifted, she would be reinstated as her late husband's heir and could as such pardon her brother.   |                     |
| 300. |         | 25/08/09 | JUA  | WGAD;<br>FRDX;<br>HRD;<br>TOR | <p><b>Mr. Salah Yahya el-Saqladi</b>, director of the Aden branch of the Organization for Change and the Defense of Rights and Freedoms (OCDRF). He is also the political editor of Hewan Human Rights Forum online and has written several articles on reported human rights violations committed by the Yemeni authorities, in particular in the south.</p> <p>On 18 June 2009, at approximately 10.30 a.m., a group of armed men in civilian clothing took Mr. el-Saqladi from his home in Khour Maksar, Aden. The men, who forced their way into the house, physically assaulted Mr. el-Saqladi in the presence of his family, took his laptop and mobile phone and then allegedly transferred him to Al-Fatah Camp in Aden. Mr. el-Saqladi's family members and lawyers have all been denied visitation rights, and his whereabouts have not been confirmed, although it is believed that he was later transferred to the Political Security Apparatus (PSA) prison in Sana'a.</p> |                     |
| 301. |         | 29/09/09 | JUA  | WGED;<br>FRDX;<br>HRD;<br>TOR | <p><b>Mr. Mohammed al-Maqaleh</b>, editor of the Socialist Party's website, "Al Eshteraki".</p> <p>On 17 September 2009 at around 11:00 p.m., Mr. al-Maqaleh was allegedly abducted by five</p>   |                     |

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|------|---------|----------|------|--------------|---|---------------------|
|      |         |          |      |              | <p>masked men outside his home on Taiz Street in Sa'ada, north-western Yemen. He was about to enter his car when a white minibus with obscured license plates approached him and armed men allegedly forced him onto the minibus. He has not been seen since then, and his whereabouts are unknown. Reports claim that shortly before he was abducted, he had published a report on the "Al Eshteraki" website regarding military airstrikes near the city of Sa'ada, which reportedly caused civilian casualties.</p> <p>Mr. al-Maqaleh has previously been arrested and held in incommunicado detention several times before being released without any trials, allegedly for publishing articles on the Internet which were critical of the government. He has allegedly been subjected to torture and other cruel, inhuman or degrading treatment or punishment during his detention.</p> |                     |
| 302. |         | 10/11/09 | JUA  | WGAD;<br>TOR | <p><b>Mr. A. M.</b>, aged 17, resident at Hai Ghedder, Mudiriyet Ma'in, Sana'a.</p> <p>At about 3 a.m. on 23 February 2009, agents, allegedly from the Political Security (Al Amn Asiyassi), dressed in civilian clothing, wearing balaclavas, together with military agents, broke into the family home of Mr. A. M. in search of one of his brothers, who was absent that day. While doing so, they repeatedly shot in the air. They indicated that they were 'government agents', searched the house with great violence without presenting a search warrant and threatened the family. They then took Mr. A. M. away to an unknown destination. For the following ten weeks, the Political Security denied having him in custody. When they finally acknowledged that they were holding Mr. A. M.,</p>  |                     |

| Para | Country  | Date     | Type | Mandate | Allegations transmitted  | Government response |
|------|----------|----------|------|---------|--|---------------------|
|      |          |          |      |         | they explained that he would be held until his brother came forward. Otherwise, no justification for Mr. A. M.'s detention has been provided since his arrest. Reports indicate that Mr. A. M. is held in poor conditions and may be at risk of depression and mental breakdown.   |                     |
| 303. | Zimbabwe | 16/12/09 | AL   | TOR     | <p><b>Alleged torture and ill-treatment by the police, military officers and members of several political parties in December 2008 and January 2009.</b></p> <p>On 16 and 17 December 2008, a great number of persons, including Howard Makokosha, Simbarashe Matongo, Nyasha Muzhambi, Henry Norunetsa, Margaret Nyatsanza, Eustina Nzwire, Simbarashe Kabike, Farai Mugari, Benson Phiri, Tsitsi Sadomba, Taurai Captain, Shonhai Rukore, Moreblessing Ali, Trymore Loti, Kenneth Mapurisa, Archibald Manyemba, Tendai Chinyama, Judith Karirarira, and Tonderayi Nyahunzvi were reportedly subjected to excessive use of force by the uniformed Zimbabwean Riot Police (ZRP) during or after a demonstration in Harare. They were beaten by hands, with batons on their heads, were intentionally hit by a police car and tear gas was used indiscriminately on them. Also on 16 December, Annie Saidi was reportedly threatened by polices officers in civilian clothes after the demonstrations if she did not confess to having taken part in the demonstrations.</p> <p>Further information was received concerning separate incidents where a number of persons were threatened, harassed, beaten or kidnapped by members and supporters of the Zimbabwe African National Union – Patriotic Front (Zanu-PF) and/or the Zanu-PF Youth for not supporting the party. On 17 December 2008</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
|------|---------|------|------|---------|--|---------------------|
|      |         |      |      |         | <p>Graham Matewa was hit with batons and broom sticks all over his body by Zanu-PF and Zanu-PF Youth at his home in Mutare. He was also beaten with clenched fists and kicked with heavy boots. Eddington Ngwenya was beaten by Zanu-PF supporters in Harare, resulting in injuries to his head and hip. On 23 December, Dadi Baron was threatened by Zanu-PF members at his home in Mt. Dawin and stones were thrown at him. On 25 December, Trust Nhubu was beaten by five members of the Zanu-PF Youth and supporters in Lubebe, Bulawayo. The same day, Simon Jimu was attacked by Zanu-PF Youth members in Makonde. On 1 January 2009, John Chindondondo was beaten by three Zanu-PF Youth members in Harare. They beat him by hand and with boots, and hit his eye with an unknown object. They also tied his neck with a rope and tried to choke him. Kennedy Dzimiri was attacked by Zanu-PF Youth members on 26 June 2008 in Chitungwiza, and on 10 January 2009 in Mawenda Village. He was hospitalized twice for the injuries he sustained. On 12 January, members of Zanu-PF beat Archbold Karonga with whips, kicked him and stepped on his chest in Murehwa.</p> <p>On 13 January, Zanu-PF veterans allegedly tied Thomas Chirume to a tree in Harare and eight of them beat him on his buttocks, back, soles of his feet and head with sticks. They also poured water on him while beating him, threatened to throw him into the river and put a stocking in his mouth so that he would not scream. The same day, Sharon Madhlala was assaulted by Zanu-PF Youth members in Uzumba Katiyo with an iron pipe, resulting in a broken hand. On 15 January, Golden Mutize was beaten up with chains, iron</p> |                     |

| Para | Country | Date | Type | Mandate | Allegations transmitted  | Government response |
|------|---------|------|------|---------|--|---------------------|
|      |         |      |      |         | <p>bars and shamrocks by Zanu-PF supporters in Harare. On 18 January, Oswell Zimunya was allegedly beaten by Zanu-PF Youth in Mutare. On 23 January, Alexander Jekenya was hit by a car driven by members of Zanu-PF in Epworth. On 26 January, Denford Ngadziore and Lydia Mutenga were allegedly beaten and kicked by Zanu-PF supporters in Harare.</p> <p>On 4 January 2009, members of the Movement for Democratic Change Party (MDC) allegedly assaulted James Makichi in Harare with iron bars and golf sticks until he fainted. On 17 January, members of the MDC allegedly threatened, assaulted and beat Robert Saunyama, Thokozani Bote, Ngonidzashe Mandiringa, Bridget Muranzi, Regina Marimira and Albert Mhetu in Mutare. On 25 January, Farai Muza and Toziana Magara were allegedly attacked by MDC supporters in Gweru and Bulawayo.</p> <p>On 30 December 2008, Patricia and Dick Karafu were beaten throughout their bodies by a police officer and his son using thick logs of wood in Musiringaya Village. On 31 December 2008, Innocent Magigwana was beaten with batons, clenched fists and heavy boots by a ZRP officer. On 2 January 2009, Andrew Chimanga was assaulted by officers of the Murehwa police. He was beaten on the soles, hands and head. On 11 January, Last Muzadzi was exposed to extreme cold temperatures by ZRP officers at Dorowa Police station. On 15 January, Andrew Maraire was hit by soldiers in Mutare on the soles of his feet with sticks and batons. On 16 January, Ishmael Siyaruno was blindfolded and abducted by four people in Harare, including a police officer named Lanyton Muzunzini. Two days later, he was dumped close to where he lived.</p> |                     |

| Para | Country               | Date     | Type | Mandate              | Allegations transmitted   | Government response |
|------|-----------------------|----------|------|----------------------|---|---------------------|
| 304. | Palestinian Authority | 24/07/09 | JUA  | WGAD; HLTH; IJL; TOR | <p><b>Mr. Mohammad Abu Alkhair</b>, Palestinian national, born on 11 May 1971.</p> <p>Mr. Abu Alkhair was arrested on 23 April 2009 by officials from the Palestinian Preventive Security Service (PSS), the General Intelligence Forces, as well as other unidentified armed men, without a warrant or judicial order and taken to the PSS' local compound in the West Bank.</p> <p>Despite a decision of the Palestinian High Court of Justice, dated 12 July, ordering his release, he still remains in detention.</p> <p>According to his family and media reports Mr. Abu Alkhair continues to be detained in solitary confinement and reports about torture or ill-treatment have been received. Recently, a prison guard threatened to transfer Mr. Abu Alkhair into another cell with even harsher conditions. His relatives are allowed visits only for very limited periods of time and under the supervision of the authorities.</p> <p>Mr. Abu Alkhair is suffering from diabetes, has heart perturbations and is in need of special nutrition and continuous medical treatment. His family has sent medication to the prison authorities and requested that they be forwarded to Mr. Abu Alkhair, but it is not known whether he is receiving them nor if his special dietary needs are observed.</p> <p>Currently, the state of his health, both mental and physical, is rapidly deteriorating. Due to his psychological condition Mr. Abu Alkhair is not able to communicate with his family during their rare visits.</p> |                     |

| Para | Country | Date     | Type | Mandate                   | Allegations transmitted   | Government response |
|------|---------|----------|------|---------------------------|---|---------------------|
| 305. |         | 16/11/09 | JUA  | IJL; OPT;<br>SUMX;<br>TOR | <p><b>Mr. Saleem Mohammed Saleem al-Nabahin</b>, who was recently sentenced to death by a military court in Gaza.</p> <p>Mr. Saleem Mohammed Saleem al-Nabahin, aged 27, is a resident of al-Boreij refugee camp in Central Gaza governorate. Hamas security forces took Mr. Saleem al-Nabahin into custody at an unspecified date in mid-2008. In detention, he was subjected to torture at the hands of members of the Gaza Internal Security Forces and of the Izz al-Din al Qassam Brigades. A confession to the charges of collaboration with the enemy was extracted under torture.</p> <p>Mr. Saleem al-Nabahin was put on trial before the Permanent Military Court in Gaza on charges of “collaboration with hostile parties” under article 131 of the Palestinian Liberation Organization’s Revolutionary Penal Code of 1979. On 8 October 2009, the Military Court found him guilty and sentenced him to death by hanging.</p> <p>On 13 October 2009, Mr. Saleem al-Nabahin filed an appeal against the judgment and sentence. Under the Revolutionary Penal Code which was applied by the court in this case the appeal lies not to a higher court, but to the Head of the Militant Judiciary in his personal capacity.</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
- \_\_\_\_\_