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# the wire

AMNESTY INTERNATIONAL

## Women speak out in Solomon Islands

*"I was 14 years old then. One of the policemen came one night around 10pm, pointed a gun at me and ordered me to follow him to see the other men... The Commander ..., he pointed his gun at me and raped me. I suffered pain and bleeding."*

Violence against women, including the rape of young girls such as the one quoted above, has been an entrenched feature of a five-year armed conflict in the Solomon Islands. The perpetrators – whether members of the police, armed groups or private individuals – have rarely been brought to justice.

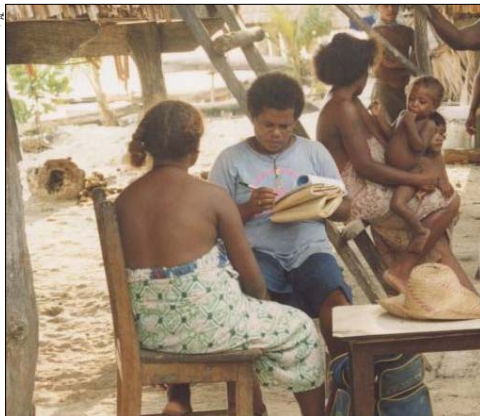
One year ago an Australian-led Pacific police force, backed by soldiers, started to restore law and order and 3,500 people were arrested. Courts now face a rapidly increasing case load of people charged with serious offences including murder, rape and torture. Thousands of illegally-held weapons have been confiscated and the thriving trade in extortion and intimidation appears to have ended.

However, when AI delegates visited the country in April-May they found that, despite these improvements, the voices of women are rarely being heard. AI is concerned that, even though the armed conflict is over, women in the Solomon Islands remain at risk of violence and abused women lack safe access to justice. Their fear of reprisals in reporting such violence to the police is not being taken seriously in efforts to restore law and order.

Many women who have suffered violence will never bring their cases to court, often because male relatives object rather than offer support. Discrimination against women is deeply rooted in traditional customs. A cabinet minister who dragged his former wife along the ground so violently that she needed hospital treatment, had a serious assault charge dropped and was convicted of disorderly behaviour and violently resisting arrest. Witnesses and victims fear perpetrators' revenge and their continuing influence among disbanded armed groups and 400 demobilized police. While rape can carry a life prison term, perpetrators getting away with a few years' imprisonment make women reluctant to report rape.

Despite the prejudice, more and more women are organizing themselves and speaking out about the abuses they have suffered. They showed courage during the conflict in calling for an end to the violence and discrimination against them. One such group, Women for Peace, continued to campaign despite their members being threatened with violence by male relatives.

Now, women's groups are demanding more involvement in post-conflict reconstruction programs and projects around the country. In March, a visiting Australian parliamentary delegation criticized aid projects which failed to give women the central role Australia had promised in such activities. AI is calling on all those involved in these processes to use the opportunity to promote human rights and to make them more accessible to women.



An AI interviewer talks to abused victims on Malaita Island, Solomon Islands



An oil spill devastates farmland in Rivers State, Nigeria. The spill occurred in December 2003. However, when AI visited the site in March 2004, the damage remained extensive and there were no signs that a clean-up had been initiated.

## Rights still in the pipeline

Oil spills wreck livelihoods as profits are placed ahead of human rights in the Niger Delta region of Nigeria. Conflict continues unabated.

"This is the third time that this pipeline has leaked and my raffia palms are completely useless," lamented a farmer from the Rukpokwu community in the Niger Delta region of Nigeria. AI spoke to him in March during a visit to the site of a recent oil spill and fire. The spill, which occurred in December 2003 and has yet to be cleaned up, has affected a vast area adjacent to the Rukpokwu-Rumueke oil pipeline operated by the Shell Petroleum Development Corporation in partnership with the Nigerian National Petroleum Corporation.

The spill has transformed once lush and fertile land into a barren, brittle landscape. Communally and individually owned farmland, fishing ponds and water wells have been devastated, depriving farming families of income and affecting their right to an adequate standard of living. Neither the government nor the oil company have been held to account.

### Poverty despite wealth

Oil has often been called "black gold". Nigeria is the largest African oil producer and the fifth largest within the Organisation of Petroleum Exporting Countries (OPEC). Oil accounts for 98.5 per cent of Nigeria's total exports. In spite of Nigeria's oil wealth, the state continues to fail to respect, protect and fulfil the economic and social rights of ordinary Nigerians. This is particularly the case in the Niger Delta – the main oil producing region in the country. Here, as in the rest of Nigeria, seven out of 10 Nigerians live on less than US\$1 per day, the World Bank universal measure of absolute poverty.

High youth unemployment, oil theft by organized gangs and the view that wealth and resources are still "in the pipeline" have resulted

in frustration and violent clashes. In 2003 political and ethnic tensions, mainly between the Ijaw and Itsekiri ethnic groups, coupled with rivalry over resources, resulted in around 1,000 deaths in the Niger Delta.

### Big business dwarfs local needs

The conflict is also linked to the government's relationship with big business and its willingness to legislate in favour of companies over communities. For instance, environmental impact assessment legislation (EIA) in Nigeria does not require companies to consult communities on all projects. As a result, inadequate, or in some cases non-existent, consultation on oil-related projects and installations has led to abuses and violations of these communities' right to freedom of information and expression. Lack of access to the EIA, where it exists, often results in discrimination against impoverished local communities.

Not only are contracts and resources allocated behind closed doors, but companies are slow to respond to disasters such as oil spills and have little incentive to clean up after themselves.

The Nigerian government has reacted to the situation in the Niger Delta by setting up Operation Restore Hope, a joint military and police task force, to increase security in the region. But AI has received numerous reports of human rights abuses, including unlawful killings, carried out by this task force. Almost a decade has passed since the execution of prisoner of conscience, Ken Saro-Wiwa, and eight other Ogoni activists, but the human rights situation in the Niger Delta remains virtually unchanged.

AI will publish a report in the near future entitled *Nigeria: Are human rights in the pipeline?*

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## Worldwide Appeals

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## Law quashes the right of Israeli Arab citizens to family life

Families face being torn apart by the Citizenship and Entry into Israel Law, which discriminates on the basis of ethnicity and nationality

Thousands of Israeli Arab citizens continue to be denied the right to live as a family by a controversial law which was extended in July. The Citizenship and Entry into Israel Law bars Israelis married to Palestinians from the Occupied Territories from living together in Israel. They have no alternative but to live with their spouses “illegally” or have their families torn apart. For most, leaving the country altogether is simply not an option.

“At the Interior Ministry they told me to either get divorced or to go live in the West Bank,” said Salwa Abu Jaber, 29, from northern Israel. Speaking to AI, she explained how her husband, Mahmoud al-Hader of Jenin, was repeatedly refused “family unification” – the authorization required of all Palestinians wishing to join their families in Israel. Faced with little choice, Mahmoud al-Hader has been forced to live illegally in Israel with his wife and their children. As a result, says Abu Jaber, “my husband is like a prisoner here; he cannot go anywhere for fear of being arrested and expelled again”.

The law has been condemned at the international level as a form of institutionalized racism because it discriminates against a group of people on the basis of their ethnic-

ity and nationality. Given that it is mostly Israeli Arabs who marry Palestinians from the Occupied Territories, the law has a disproportionate impact on them.

First introduced in July 2003, the law is just one among many existing regulations and practices which discriminate against Palestinians in Israel and the Occupied Territories. These include the Entry into Israel Law and the Law of Return which automatically give Jews from anywhere in the world the right to become Israeli citizens and live in Israel or the Occupied Territories. At the same time, they deny the right to return to Palestinian refugees who were displaced or expelled during the creation of Israel in 1948 and subsequent conflicts. The Citizenship and Entry into Israel Law represents a further step in consolidating Israel’s policy of limiting the number of Palestinians who are permitted to live in the country.

The Israeli government has claimed that it is acting in the interests of national security, arguing that fewer Palestinians in the country would lessen the threat of violence and attacks carried out by them. However, these claims collapse in the face of comments made by Israeli ministers and officials describing the Palestinians – who



A woman and her daughter join a demonstration in July against the Citizenship and Entry into Israel Law

account for 20 per cent of the population in Israel – as a “demographic threat”. When the law was proposed it was the demographic argument that was emphasized, not security considerations.

In early July, AI reiterated its call for a repeal of the law, recommending that applications for family unification be processed according to non-discriminatory principles. AI has condemned the law not only for

its discriminatory nature, but for its denial of the fundamental right to family life. Under international human rights law, Israel has a duty to protect the rights of the family, but in practice this obligation has not been extended to its Palestinian citizens.

For further information see *Israel and the Occupied Territories Torn Apart: Families split by discriminatory policies* (MDE 15/063/2004).

## Children and young people still in danger in Honduras

Approximately 700 children and youths have been murdered in Honduras since February last year.

In the past six years just 14 cases have led to charges. The Honduran government has recognized that police have been involved in many of the killings. However, to date only two policemen have been convicted.

On 6 September 2002 the Honduran government created the Special Unit for Investigating Violent Deaths of Children (Unidad Especial de Investigación de Muertes Violentas de Niños) within the national police. After nine months without results, the unit was restructured in June 2003 to give it more autonomy. While it has made some progress in investigating a small number of cases, only a handful of those responsible for killing children have been brought to justice.

### Poor track record

The Special Unit has only looked at 400 relevant cases out of more than 2,300. It has sent only 79 – just 3.4 per cent of the total – to the Public Prosecutor’s Office. Despite claims by the government that hundreds of cases have been “resolved”, only three cases have resulted in a conviction, a success rate of just 0.13 per cent. In 50 cases allegedly involving policemen that the children’s rights group Casa Alianza has passed to the Special Unit, no police officers have been convicted.

Witnesses and family members are reluctant to come forward for fear of retaliation by gang members or police officers. Those who do, often pay the price.

### Threats and intimidation

Sara Saucedo Flores, mother of 16-year-old Darwin Roberto Flores who was killed in February 2002, has been intimidated and threatened after she filed complaints against two police officers she believes murdered her son. In April 2004 she received an anonymous letter saying, “your days are coming to an end, you will end up worse than your son”. The previous month, the taxi in which she was travelling was hit by a car carrying two people, one of whom had harassed



Antonio Ramón Calero Díaz, aged 17, in his hospital bed after being shot four times in the back while trying to escape from police in November 1999. He died a few days later. The police officer accused of his murder has been released on bail and nearly five years later the case is still pending resolution.

her earlier from another vehicle. In January she found three bullet casings in her locker at work.

Three days before Darwin Roberto Flores’ body was found, he had been arrested and beaten by a police officer and held for two days. He had previously been detained for “illicit association” with gangs and had been beaten at least twice. The year before, a policeman had told his mother that he would arrest her son every time he deemed it necessary, and that he would eventually have to kill him.

On the second anniversary of the creation of the Special Unit for the Investigation of Violent Deaths of Children, AI is reiterating its call for an end to the killing of children in Honduras. See *Honduras: Zero Tolerance for Impunity: Extrajudicial executions of children and youths since 1998* (AMR 37/001/2003). For more information contact equipoca@amnesty.org

## Human rights defenders in Iran continue to suffer harassment

For the first time in four years, AI was allowed to travel to Iran in June. As part of the EU-Iran Human Rights Dialogue, AI joined academics and non-governmental organizations (NGOs) to discuss Iran’s implementation of international human rights standards. Following the meeting, the EU expressed concerns about human rights in Iran, though the government of Iran denied that there was a serious problem.

While numerous NGOs have emerged in Iran in recent years, most have been affiliated to a political body or powerful social force. However, one independent non-political NGO, the Society for the Defence of the Rights of Prisoners (SDRP), was granted permanent permission to operate in July.

The SDRP works to protect detainees and promote prison reform. It has established a small fund to provide free legal advice to prisoners and it supports the families of detainees.

### Fears for the future

Even though the SDRP was recently granted a licence, its members fear that political pressure could result in its closure at any time.

The founders of the SDRP include former prisoners of conscience Emadeddin Baqi (pictured), and Mohammad Hassan Alipour. Both men have been imprisoned and frequently appeared in court because of their work as journalists. Emadeddin Baqi was in prison between 2000 and 2003 in connection with articles that questioned the place of the death penalty in Iranian society.

Since his release from prison in 2003, Emadeddin Baqi has appeared in court around six times, facing politically motivated complaints or charges based on vaguely worded

provisions relating to defamation and insult. On 6 August 2004, Emadeddin Baqi appeared in court, facing complaints about his book, “*The Tragedy of Democracy in Iran*”, for which he had already been tried. Citing the lack of a jury – a requirement for press related cases – he refused to acknowledge the hearing and refused to defend the case.

In August he wrote an article about a man who had been left hanging by his wrists, forgotten by prison guards. The man’s hands had to be amputated because the nerves had been torn by this torture. This article, on prison reform, is now the subject of an official complaint, lodged against him in his capacity as head of the SDRP.

AI welcomes the decision by the Ministry of the Interior to grant a licence to the SDRP, but remains concerned that the vague charges faced by Emadeddin Baqi relate to his human rights work. If he is sent to prison, this would amount to a concerted attack on the emerging community of independent human rights defenders in Iran.

AI is urging the authorities to support the growth of the independent NGO community in Iran. AI supports the work of human rights defenders such as the SDRP. They work alongside other human rights defenders to bring about what Emadeddin Baqi calls the “millimetre revolution” in the implementation of human rights standards in Iran.



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REMEMBER...AI members should not take up cases from their own countries

# worldwide appeals

USA

## Conscientious objector imprisoned

Staff Sergeant Camilo Mejía Castillo (*right*) of the Florida National Guard was sentenced on 21 May by a US military court to the maximum penalty of one year's imprisonment for desertion despite his pending application for conscientious objector status. He had refused to return to his unit in Iraq, citing moral reasons, the legality of the war and the conduct of US troops towards Iraqi civilians and prisoners. AI considers him to be a prisoner of conscience, imprisoned for his conscientious opposition to participating in war.

During Camilo Mejía's trial his lawyers were not permitted to present arguments relating to his conscientious objection, including describing the abuse he witnessed. An appeal against his conviction is pending. An AI representative testified as a witness during the hearing on his conscientious objector status; the hearing officer has yet to make his recommendations on this application.

After a six-month deployment in Iraq, Camilo Mejía failed to return to duty in October 2003 after two weeks' leave. He filed for discharge as a conscientious objector in March, stating that he believed the war and occupation of Iraq to be "illegal and immoral".

In his application for conscientious objector status, Camilo Mejía described his concern at the conditions of detention and treatment of Iraqi prisoners. These included occasions when soldiers banged on metal walls with sledgehammers to enforce sleep deprivation and loaded pistols near the ears of prisoners after being ordered to "break the detainees' resolve". He also described witnessing the killing of civilians, including children. His objections to such abuse



were made before the publication of photographs of US agents physically and mentally torturing and abusing Iraqi detainees in Abu Ghraib prison in Iraq, but his trial happened at a time of heightened media attention on this issue.

Prior to his conviction Camilo Mejía said, "I have no regrets, not one... I will take it because I go there with my honor, knowing I have done the right thing."

➔ Please write, expressing concern at the sentence of imprisonment imposed on Camilo Mejía Castillo and urging that he be immediately and unconditionally released as a prisoner of conscience. Send appeals to: Major General William G. Webster Jr., 60 Macneely Road, Fort Stewart, Georgia 31314, USA. Fax: +1 912 767 3903 Email: [william.webster2@us.army.mil](mailto:william.webster2@us.army.mil)

NEPAL

## Student leader 'disappears'

Krishna Khatri Chhetri, also known as Krishna K.C., is thought to be held by security forces. He has reportedly been severely tortured and is at serious risk of being further tortured or even killed. His whereabouts are currently unknown.

Former vice-president of the All Nepal National Independent Student Union (Revolutionary), Krishna K.C. was reportedly arrested without a warrant in Koteswar, Kathmandu, on 13 September 2003 by army personnel in civilian clothes. Even though the National Human Rights Commission (NHRC) received reliable information in early 2004 that he was being held in Bairabnath army barracks and was in poor health, the army has repeatedly obstructed Supreme Court and NHRC attempts to locate Krishna K.C. and denies that he is in army detention.

Krishna K.C. may have been arrested because the authorities suspected him of being a supporter of the Communist Party of Nepal (CPN) (Maoist), which has been declared a "terrorist organization" by the government since peace talks and the ceasefire broke down on

27 August 2003. The All Nepal National Independent Student Union (Revolutionary) is seen as being ideologically close to the CPN (Maoist) and has also been banned by the government.

AI has recorded more than 300 cases of "disappearance" in Nepal since August 2003. There are frequent reports of the security forces obstructing the courts and the NHRC's investigation of these cases, signalling a growing culture of impunity for human rights abuses.

Krishna K.C.'s wife, Durga K.C., has organized a group of relatives of the "disappeared" who staged a hunger strike in Kathmandu in June. "Our only demand of the government is to give us permission to meet our loved ones and make their whereabouts public," she said in a recent interview.

➔ Please write, calling for Krishna Khatri Chhetri, also known as Krishna K.C., to be released unless he is charged with a recognizably criminal offence. Pending his release, call for the authorities to grant him access to his family, make his whereabouts public, and guarantee his safety. Send appeals to: Chief of Army Staff (COAS), Army Headquarters, Kathmandu, Nepal. Fax: +977 1 4 242 168

THAILAND

## More 'disappearances' reported in the south



Mustasidin Maming, (*left*), a mobile phone shop owner, and his assistant Wae-esor Masaeng, have not been seen since 11 February. Eyewitnesses report that they were abducted at 4.10pm near Mustasidin's shop in the market in Rangae, Narathiwat. They were taken away by a group of men suspected to be linked to security forces, who were driving a red pick-up truck without licence plates.

Narathiwat is one of Thailand's southern-

most provinces, where authorities have declared martial law in some districts after violent unrest escalated at the beginning of the year. It is not known why Mustasidin Maming and Wae-esor Masaeng "disappeared".

At least 10 people are suspected to have "disappeared" in 2003 and 2004 in the south of Thailand. Fears for the safety of those who are believed to have "disappeared" in the custody of the police or army have been heightened by reports of torture and ill-treatment by army and police of detainees suspected of involvement in violent unrest.

➔ Please write, expressing concern that Mustasidin Maming and Wae-esor Masaeng are suspected to have "disappeared" after being abducted by members of security forces and urging that their whereabouts be made known and their well-being assured. Call on the authorities to independently investigate reports of all other "disappearances" in the south of Thailand; to clarify the whereabouts of those "disappeared"; and to suspend from active duty any member of the security forces suspected of involvement in "disappearances" pending the result of the investigation, and to bring any suspected perpetrators to justice. Send appeals to: Prime Minister Thaksin Shinawatra, Office of the Prime Minister, Government House, Pitsanulok Road, Dusit, Bangkok 10300, Thailand. Fax: +66 2 282 8631 E-mail: [Thaksin@thaigov.go.th](mailto:Thaksin@thaigov.go.th)

## Dissident jailed again in Viet Nam

Well-known dissident and medical doctor Nguyen Dan Que was sentenced in July to 30 months' imprisonment by a court in Ho Chi Minh City. Now aged 62, he will remain in prison until September 2005. Dr Que had no legal representation at his trial and reportedly made a statement to the court that he had not committed any crime but had only exercised his rights to express peacefully his opinions, rights enshrined in the Vietnamese Constitution. AI considers Dr Que a prisoner of conscience who should never have been arrested and is calling for his unconditional release. There continues to be extreme concern for his health.

You can see an interview with Dr Que on <http://emedia.amnesty.org/vietnam-170804-eng.ram>

See also *Worldwide Appeal*, June 2003

➔ Please send appeals to: Prime Minister Phan Van Khai, Office of the Prime Minister, Hoang Hoa Tam, Ha Noi, Socialist Republic of Viet Nam. Fax: +844 823 4137

## Saudi Arabia



Kamil 'Abbas al-Ahmad is reported to have been sentenced to five years in prison without a

proprtrial and on unclear charges. He was arrested in September 2001 and had no access to a lawyer. He was initially denied access to his family but is now thought to be allowed visits once a week. He has reportedly been held at al-Dammam General Prison since August 2003.

Kamil 'Abbas al-Ahmad is a member of the Shi'a religious community in Saudi Arabia, known for its criticism of the Saudi Arabian authorities. AI believes that Kamil 'Abbas al-Ahmad may be detained solely for the non-violent expression of his political or Shi'a religious beliefs.

Please continue to send appeals calling for his immediate and unconditional release if he is held solely for his conscientious beliefs.

Send appeals to: His Royal Highness, Prince Naif bin 'Abdul 'Aziz, Minister of the Interior, PO Box 2933, Airport Road, Riyadh 11134, Saudi Arabia. Fax: +966 1 403 1185.

See *Worldwide Appeal* March 2003.

## Turkmenistan



In June 2004 Kurban Zakirov was released from prison after five years as a prisoner of conscience. He had been sentenced to one year's imprisonment in May 1999 for refusing to serve in the army on religious grounds.

Military service is compulsory in Turkmenistan and there is no civilian alternative. He was allegedly denied release for refusing twice to swear an oath of allegiance to the president on conscientious grounds. Following his second refusal to swear the oath, a new criminal case was reportedly brought against him and he was sentenced to an additional eight years' imprisonment. There is reason to believe that this case was fabricated to punish him for his religious beliefs.

Kurban Zakirov was released along with five other Jehovah's Witnesses imprisoned for refusing to serve in the army on religious grounds.

See *Worldwide Appeal* January 2000.

## Cuba

Marta Beatriz Roque, economist and prisoner of conscience, was conditionally released on health grounds on 22 July. Aged 58, she reportedly suffers from high blood pressure, diabetes, heart disease and arthritis. She was the 11th prisoner of conscience to be released in Cuba this year.

Sentenced to 20 years' imprisonment in April 2003, Marta Beatriz Roque was the only woman among 79 dissidents detained in March 2003. She was previously arrested in 1997 and served a prison sentence of three-and-a-half years after her group published a document called *La Patria es de Todos* (The Homeland is for Everyone), which called for peaceful democratic change in the country.

See *Worldwide Appeal* April 2004.

## Israel/Occupied Territories

Muhammad Hassan Mustafa al-Najjar was released on 20 June when his latest detention order expired. He had spent 20 months in administrative detention.

See *Worldwide Appeal* November 2003.



Thich Tri Luc (right) leads a funeral procession

## No truth yet for families of Algeria's thousands of 'disappeared'

Thousands of people "disappeared" at the hands of security forces in Algeria during the 1990s, and their families still do not know what happened to them. Organizations working on behalf of relatives of the "disappeared" have called for a commission of inquiry, fearing that an *ad hoc* body which was set up to investigate the issue will not produce genuine results.

The *ad hoc* body was established in September 2003 in response to increased public debate about the issue of "disappearances". But it has only limited powers to gather information on "disappearance" cases, and does not have a mandate to identify those responsible for the crimes. AI is concerned that families of the "disappeared" and organizations working on the issue were not consulted on how the *ad hoc* body should be established, and that there are no representatives of the families among its members.

The work of the *ad hoc* body is not public. Its head recently announced that compensation should be given to the families of the "disappeared". He has not spoken out in favour of urgently needed case-by-case investigations to establish the fate and whereabouts of the "disappeared" and to identify those who are responsible for their "disappearance".

The authorities in Algeria still deny that state agencies were responsible for a pattern of "disappearances". Meanwhile the families of the "disappeared" continue to fight for truth and justice for their loved ones.

## Bill to criminalize 'disappearances' proposed in Mexico

Over the last 30 years Guerrero State has seen more "disappearances" at the hands of state authorities than any other state in Mexico. In a recent development, the governing Congress in the state is considering a bill that would criminalize "forced disappearances" to bring the state legislation into line with international human rights standards.

Current legislation in Guerrero State prohibits the crime of kidnapping for ransom, but does not address "disappearance" by the authorities or their agents. Because of this, the offence is more difficult to investigate and punish.

Relatives of the "disappeared" such as Faustino Jiménez Alvarez, last seen on 17 June 2001 when five police officers dragged him out of his house, remain in perpetual distress, receiving neither justice nor redress.

The "Bill of Law to prevent and eradicate the forced disappearance of persons in Guerrero State" was proposed by local non-governmental organizations and the State Human Rights Commission. It would be a key mechanism for preventing and punishing this crime in Guerrero, and would set an important precedent in Mexico. However, it is not supported by the congressional Justice Commission, which must give its approval before the bill can be put to a vote in the Guerrero Congress.

AI is concerned along with other human rights groups that members of Guerrero's Congress have failed to commit themselves to a specific timetable to vote on the bill.

## 'I have taken my first sweet breaths of freedom'

"For the first time in over a decade, I have taken my first sweet breaths of freedom and democracy... From the bottom of my heart I thank [you]..." Following his recent arrival in Sweden from Viet Nam after years of persecution, Thich Tri Luc, a Vietnamese Buddhist dissident, has thanked all those who worked on his behalf, including AI.

Thich Tri Luc, 50, a member of the non-state sanctioned Unified Buddhist Church, was arrested and imprisoned on several

occasions before he fled to Cambodia in 2002 and was granted refugee status by the UN High Commissioner for Refugees.

In July 2002, Thich Tri Luc was walking near Russey Market in Pnomh Penh, Cambodia, when he was accosted, beaten and thrown into a waiting vehicle. The next day he was taken across the border to Viet Nam, the country he had fled earlier that year. For more than a year he remained "disappeared" – his family did not know

where he was or if he was still alive. Fears that he had been detained by Vietnamese security police were confirmed when the authorities suddenly told the family that he was in prison awaiting trial.

Thich Tri Luc was charged with "fleeing abroad or defecting to stay overseas with a view to opposing the people's administration" and sentenced to 20 months' imprisonment. He was finally released in March 2004.

## New UN treaty set to combat 'disappearances' worldwide

The "disappeared" have been arrested or abducted by state agents, but the government denies holding them, thereby placing them outside the protection of the law. Often they are tortured; often they are killed. New cases are recorded in dozens of countries each year.

Notorious for their occurrence in Argentina, Chile and other countries in the 1970s, "disappearances" are more than just a "Latin American problem". Hundreds of thousands of people have "disappeared" in Iraq, Sri Lanka, the former Yugoslavia and many other countries. The stories on this page illustrate the continuing widespread nature of "disappearances", and the agony suffered by relatives.

After more than two decades of campaigning by relatives and human rights organizations, the UN has begun drafting an international treaty against "enforced disappearance" – the UN term for "disappearances". The current draft text, circulated in June, has many innovative features.

Government representatives will consider the draft at a meeting in Geneva in October. AI is calling on all governments to support the drafting and speedy adoption of a treaty giving strong protection against "enforced disappearance". Such a treaty would help human rights workers and victims' relatives in their efforts to combat "disappearances" worldwide.

The current draft of the treaty provides that no one shall be subjected to "enforced disappearance", and that victims and their relatives have a right to the truth.

States party to the treaty must incorporate a specific crime of "enforced disappearance" in their national laws. States must investigate complaints and reports of "enforced disappearance" and bring those responsible to justice, including suspected perpetrators from other countries who are present in their territory.

States must establish preventive safeguards for people on arrest and in custody. They must provide for an urgent judicial remedy which relatives can invoke to discover victims' whereabouts and ensure their well-being.

States are required to afford compensation and other forms of reparation to the victims, and to take remedial measures regarding children of the "disappeared".

An international expert monitoring body will have the power to search for the "disappeared" in states party to the treaty, and to hear complaints from individuals alleging that their rights under the treaty have been violated.

### WHAT YOU CAN DO

Ask your government what position it has taken on the drafting of a binding international treaty against "enforced disappearance". Urge your government to support the process if they are not already doing so.

## AI demands justice for the thousands who 'disappeared' in Sri Lanka

Since 1980 over 12,000 cases of "disappearance" have been reported to the UN in the context of the long-running conflict in Sri Lanka. Four presidential commissions of inquiry which investigated "disappearances" between 1987 and 1994 found evidence of more than 20,000 cases. The actual figure is likely to be even higher. While it has taken some measures to account for the thousands of "disappeared", Sri Lanka continues to have one of the highest levels of unresolved cases of "disappearance" in the world.

Since 1994 the government has taken several initiatives to try to address the problem of "disappearances" including through the creation of a National Human Rights Commission and the above mentioned commissions of inquiry. It also created special units in the Attorney General's department and the police department to investigate and prosecute perpetrators of "disappearances". In 2001 it set up the Central Police Registry of arrests and a telephone hotline for relatives to locate detainees. Although these are positive steps, further measures need to be taken by the government to bring those responsible for past "disappearances" to justice and prevent such grave violations of human rights from happening again.



Women whose relatives have 'disappeared' in Sri Lanka show the photos of their missing loved ones

Very few security force personnel have been prosecuted for the illegal arrest, torture and killing of people who have "disappeared". Successful prosecutions have been obstructed by the fact that the police have the main responsibility for investigations and are reluctant to gather evidence against their colleagues. Furthermore, members of the government have been putting pressure on the Attorney General's department not to proceed with investigations and prosecutions. Meanwhile, the government has still not passed a law making "disappearance" a punishable criminal offence.

## Wives of 'disappeared' in India face poverty and hardship

Years after their relatives "disappeared", hundreds of Indian families still do not know what happened to them. Without effective legal redress, families continue to experience an enduring sense of frustration and helplessness as well as grief.

The UN Human Rights Committee considers that the suffering by relatives of the "disappeared" can amount to torture or ill-treatment.

Unlike other widows, wives of the "disappeared" often have problems with inheritance and property rights and may be denied a widow's pension. The resulting poverty can often lead to children being denied adequate medical care and basic education.

In India, "disappearances" have mainly taken place in states where there have been secession movements. Thousands of people "disappeared" at the hands of the security forces during a period of armed insurgency in the Punjab between 1983 and 1994. According to the Jammu and Kashmir government, around 3,750 "disappearances" have taken place in the state since the outbreak of armed militancy in 1989. Despite hundreds of families pursuing *habeas corpus* and other petitions through the courts to discover the fate of the missing, only a handful of cases have been resolved. For over a decade, AI has been urging the government of India to make all those responsible for "disappearances" face justice for their crimes.

## Mass graves located and bodies exhumed in Kosovo

An estimated 3,272 people "disappeared" or were abducted during and after the Kosovo war of the late 1990s. The majority were ethnic Albanians who "disappeared" or are believed to have been killed by Serb military, paramilitary or police forces; Serbs and members of other minority communities were abducted either by the Kosovo Liberation Army or other ethnic Albanians.

Although the remains of many Albanians have been exhumed in Kosovo, the bodies of almost 800 were transferred to Serbia in refrigerated trucks. Despite progress in locating and exhuming these bodies, the perpetrators of these crimes have not been brought to justice even when mass graves were found in official sites including at Batajnica police training ground and at Ministry of the Interior property in Petrovo Selo. Although four former Army generals have been indicted for war crimes in Kosovo, including in connection with Batajnica, they have not been transferred to the international Tribunal; neither have any domestic indictments yet been served.

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