



References to
**WOMEN IN PRISON AND CHILDREN OF
IMPRISONED MOTHERS** in the documents
submitted to, and resolutions of, the
UN Commission on Human Rights

61st Session, March – April 2005

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Section One: **Reports**
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SECTION ONE: REPORTS

DOCUMENT E/CN.4/2005/4
TITLE **REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS**
The present situation of human rights in Iraq

AGENDA ITEM 4

PAGE 15-16 (41)

QUOTE

46. On 19 January 2004, Lieutenant General Ricardo S. Sanchez, Commander of Combined Joint Task Force Seven, requested that the Commander of the United States Central Command appoint an investigating officer to investigate detention and internment operations conducted by the 800th Military Police Brigade from 1 November 2003.

47. Major General Antonio Taguba was appointed. His report, based on the allegations and his investigation, identified the following practices:

- Videotaping and photographing of naked male and female detainees;

...

- A male military police guard having sex with a female detainee;⁷

⁷ Taguba report, p. 17; classified Criminal Investigation Division report on criminal abuses at Abu Ghraib, 28 January 2004; a synopsis prepared by the Criminal Investigation Command, dated 5 May 2004, categorizes as a sexual assault a case of abuse at Abu Ghraib last fall that involved three soldiers, who “entered the female wing of the prison and took a female detainee to a vacant cell. While one allegedly stood as look-out and one held the detainee’s hand, the third soldier allegedly kissed the detainee”. The report says that the female detainee was reportedly threatened with being left with a naked male detainee, but that “investigation failed to either prove or disprove the indecent-assault allegations”.

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QUOTE **VI. THE SITUATION OF WOMEN**

A. Introduction

77. Iraq is a party to the international human rights instruments protecting the rights of women and girls, including the Convention on the Elimination of All Forms of Discrimination against Women. The Committee on the Elimination of Discrimination against Women (CEDAW) examined the combined second and third periodic reports of Iraq on 14 June 2000. In its concluding observations (A/55/38, paras. 166-210), the Committee noted “the failure of the State party to revoke legislative provisions that discriminate against women” and called for a review of such discriminatory legislation and for the adoption of measures, including temporary special measures, aimed at creating a non-discriminatory legislative and de facto environment for women.

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QUOTE **VI. THE SITUATION OF WOMEN**

D. Abuses allegedly committed by Coalition forces personnel

85. There have been repeated complaints about the lack of respect by the Coalition forces for local customs and traditions that protect women's privacy. In addition, recent allegations of torture and mistreatment of prisoners by members of the Coalition forces in Iraq have included allegations that women have been exposed to degrading treatment and to rape, sexual abuse and violence. The impact of such degrading treatment and abuse of women can have added serious consequences in a society where having suffered sexual abuse (including being humiliated through nudity, etc.) and violence can be a reason for women to be rejected by their own families or communities and, in more serious cases, lead to so-called honour crimes.

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QUOTE **Annex I**

Submission from the Coalition Provisional Authority

PROTECTION OF CIVILIANS

Basic methods for arrest and detention currently being taught to Iraqi Army recruits are based on Search, Silence, Segregate, Safeguard and Speed. Restraint techniques include the use of blindfolds, zip tying hands and feet and gagging (as long as the prisoner can breathe). Prisoners are segregated as soon as possible by rank, status, gender. Recruits are obliged to then protect individuals against further harm from other detainees, friendly forces or enemy forces.

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QUOTE **Annex I**

Submission from the Coalition Provisional Authority

PROTECTION OF CIVILIANS

The Minister and his police chiefs take allegations of torture and abuse of prisoners very seriously. A recent case in Baghdad investigated allegations of torture and sexual abuse by IPS staff against women detainees. Following the IPS investigation the Inspector General instructed the Chief of Baghdad Police to dismiss five officers and report them with a view to prosecution for their alleged crimes. It is worth noting that the IPS investigators on this case did a very efficient job and substantiated the allegations made. This is an example of good IPS officers working hard to improve their service.

Criminal detainees are allowed family visits: Sundays for female visitors, Mondays for male visitors.

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QUOTE **Annex II**

Submission from the United States of America

TREATMENT OF PERSONS IN DETENTION IN IRAQ:

...U.S. forces hold a very small number of female security internees. They are segregated from the male detainee population, for their safety and privacy. All females have been reviewed by the Security Internee Review and Appeal Board.

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QUOTE **Annex III**

Submission from the United Kingdom of Great Britain and Northern Ireland

UK RESPONSIBILITY FOR INTERNEES AND DETAINEES:

General Principles for Treatment of Individuals:

...

h. Females must be segregated from males.

DOCUMENT	E/CN.4/2005/85/Add.3
TITLE	Situation of human rights in the Democratic People's Republic of Korea Report submitted by the Special Rapporteur, Vitit Muntarbhorn
AGENDA ITEM	9
PAGE	11
QUOTE	2. The right to security of the person, humane treatment, non-discrimination and access to justice

32. There are many reports from a variety of sources concerning alleged transgressions in this field, often linked with laws and institutions, especially prisons and detention centres, there conditions are below international standards aggravated by poor law enforcement and malpractice, including preventive/administrative detention without access to credible courts. There are a myriad of publications concerning violence against the person,⁴ and several of these sources provided the backdrop for the resolution establishing the mandate of the Special Rapporteur, in which the Commission:

1. Express[ed] its deep concern about continuing reports of:

[...]

(d) Continued violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for prostitution or forced marriage, ethnically motivated forced abortions and infanticide, including by labour inducing injection, or natural delivery, by repatriated mothers, including in police detention centres and labour-training camps.”

DOCUMENT	E/CN.4/2005/36
TITLE	QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD; Situation of human rights in Myanmar; Report of the Special Rapporteur, Paulo Sérgio Pinheiro
AGENDA ITEM	9
PAGE	11-12
QUOTE	B. Political prisoners

26. The Special Rapporteur is concerned that the number of persons imprisoned for the exercise of their fundamental right to freedom of expression, opinion, information, religion, association and assembly, has remained essentially unchanged over the reporting period, with some 1,300 political prisoners at the time of the writing of this report. Those are estimated to include more than 50 women. The case of Daw Aung San Suu Kyi, NLD General Secretary, is particularly grave, given that she has remained under de facto house arrest since her arrest on 30 May 2003 and, as at 24 October 2004, her liberty had been

restricted for nine years, if her previous periods of house arrest, from 20 July 1989 to 10 July 1995 and from 23 September 2000 to 6 May 2002 are taken into account.

...

30. The Special Rapporteur is concerned by reports of the arrest of monks and novices for their involvement, real or perceived, in the non-violent expression of dissent or opposition to the military regime. While it is difficult to confirm the exact number of monks in Myanmar prisons, estimates made by human rights groups indicate that some 300 monks and novices, including some nuns, remained imprisoned at the beginning of 2004, of which at least 100 had been arrested since 2003. Most were charged under section 5 (j) of the Emergency Provisions Act, while some were also charged under article 295 (offences relating to religion) of the Penal Code. Recent cases in point include 26 monks, of which 25 were novices aged 18 or 19, who were taken from Mahar Ghandaryone monastery in November 2003 and sentenced to 18 years of imprisonment by a tribunal in Insein prison in Yangon in January 2004 for their refusal to accept the alms offered by the military.

DOCUMENT E/CN.4/2005/48/Add.2
 TITLE **ECONOMIC, SOCIAL AND CULTURAL RIGHTS, Adequate housing as a component of the right to an adequate standard of living Report by the Special Rapporteur, Miloon Kothari, Addendum, Mission to Kenya (9-22 February 2004)**

AGENDA ITEM 10

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QUOTE(S) **J. Displacement - Kieni forest**

66. Forest guards are allegedly making the community pay for using the forest for grazing animals and collecting firewood. Women, who have the main responsibility for collecting firewood, when caught with it have allegedly been subjected to sexual abuse and severe beatings by the guards. One woman was detained in the nearest town and sentenced to three months' imprisonment.

DOCUMENT E/CN.4/2005/51/Add.1
 TITLE **ECONOMIC, SOCIAL AND CULTURAL RIGHTS Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt Addendum Summary of cases transmitted to Governments and replies received**

AGENDA ITEM 10

PAGE 5

QUOTE **China**

11. On 30 April 2004, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on torture and the Special Rapporteur on violence against women, concerning **Liu Mei**, aged 36, a resident of Donggang City, Liaoning Province. It was reported that Liu Mei was arrested on 9 April 2002 and sentenced to 13 years in prison for producing and distributing materials about Falun Gong. She was reportedly held in Dabei Prison in Shenyang City. On 10 March 2004, a

visiting relative reported that Liu Mei, extremely weak and thin, was carried to the visiting room. It was alleged that she had been denied adequate medical attention and her health has reportedly continued to deteriorate. In view of the reported state of her health, concern was expressed for the physical and mental integrity of Liu Mei if she did not receive prompt and adequate medical attention.

12. On 15 July 2004, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on torture and the Special Rapporteur on violence against women regarding **Geng Juying** and **Su Yanhua**. On 25 May 2002, Ms. Geng, a Falun Gong practitioner, was allegedly taken to the Mengzhou police station. She was pregnant at the time. It was alleged that the police officers forcibly gave her an injection to induce an abortion so she could be sent to the Shibalihe Labour Camp. On 15 April 2002 Ms. Su, a resident of Jiamusi City, Heilongjiang Province, was arrested by local police because she was a Falun Gong practitioner. She was sent to Lianjiangkou Detention Centre and two weeks later transferred to the Jiamusi Labour Camp. She began a hunger strike and it was alleged that she was force-fed milk and salt for seven days. The conditions in Jiamusi Labour Camp were allegedly very unsanitary. By February 2003, Ms. Su had developed scabies. It was alleged that at one point the guards sprayed her with a chemical that caused her severe chest pains and rendered her unable to move her head or hands. Ms. Su was reportedly not released from the labour camp after her term expired and her health remained in a critical condition.

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QUOTE **Côte d'Ivoire:**

18. Le 23 juin 2004, le Rapporteur spécial a envoyé un appel urgent, conjointement avec le Rapporteur spécial sur les formes contemporaines de racisme, de discrimination raciale, de xénophobie et de l'intolérance qui y est associée et le Rapporteur spécial sur la question de la torture, concernant la situation d'une trentaine de réfugiés, parmi lesquels **Alphonso Faroy**, réfugié originaire de la Sierra Leone, 32 ans, **Higgins Bernard Jr.**, réfugié originaire du Libéria, 21 ans, **Mensah Ainankra**, réfugié originaire du Togo, 38 ans, **Hortense Lotika**, réfugiée originaire de la République démocratique du Congo, 23 ans, qui auraient été attaqués le 9 juin 2004 par des membres des forces de sécurité ivoiriennes. D'après les renseignements reçus, ces réfugiés, parmi lesquels 12 femmes, dont une enceinte, et 11 enfants, se cacheraient toujours dans Abidjan et seraient contraints de se déplacer constamment en raison des fréquents contrôles policiers, et par peur de nouvelles menaces et agressions. Leur situation sanitaire, en particulier celle des enfants et de la femme enceinte, se serait aggravée. Les enfants auraient contracté la malaria et n'auraient pas reçu de soins médicaux. Des craintes ont été exprimées quant à la détérioration de l'état de santé des réfugiés.

19. Le Rapporteur spécial regrette qu'au moment de la finalisation du rapport aucune réponse à sa communication n'ait été reçue.

DOCUMENT E/CN.4/2005/43

TITLE **ECONOMIC, SOCIAL AND CULTURAL RIGHTS: Women and adequate housing Study by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari**

AGENDA ITEM 10

PAGE 14

QUOTE **A. Violence against women**

45. The concept of housing must go beyond the private home to include different forms of accommodation used by women on temporary and permanent bases, including shelters, detention centres, refugee camps, and factory dormitories. Within all these forms of housing, all the elements of the right to adequate housing must equally apply, including ensuring security from harassment and violence.

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QUOTE **F. Multiple discriminations**

63. It has been widely recognized that many women face multiple forms of discrimination, including on grounds of race, class, ethnicity, caste, health, disability, and other factors. In addition to the groups mentioned below, [...] women in prison [...] may face violations of their right to adequate housing because of their marginalized status.

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QUOTE **G. Legal recognition and implementation of women's rights to adequate housing and land**

71. In countries such as the United States of America, Australia and the United Kingdom, where there is a predominating view that land and housing is a private property issue, there is insufficient government regulation over access, use, and affordability to ensure that everyone is able to live in adequate housing. This particularly impacts vulnerable women (e.g. women with disabilities, single mothers living in poverty) who do not have equal access to employment, information and other resources necessary for participating effectively in the market. The lack of public housing and decreasing public housing stocks (combined with the increasing costs of housing), particularly in the United States and Australia is grave, especially for women who are fleeing situations of domestic violence, released from prison and living on low incomes. Globally, there is a shortage of Government-funded shelters and emergency accommodation for homeless women and girls and those escaping domestic violence.

DOCUMENT E/CN.4/2005/7/Add.1
 TITLE **CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF DISAPPEARANCES AND SUMMARY EXECUTIONS**
Extrajudicial, summary or arbitrary executions
Report of the Special Rapporteur, Philip Alston
Addendum, Summary of cases transmitted to Governments and replies received*
 AGENDA ITEM 11

p.	Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
65	Colombia	159. Alegación, enviada con el Relator Especial sobre la tortura, el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, la Relatora Especial sobre la violencia contra la mujer, 5 de mayo de 2004. Omaira Fernández, una menor de 16 años de edad, quien estaba embarazada, habría sido violada y asesinada el 5 de mayo de 2003, en la inspección de policía de Betoyes, del municipio de Tame, Arauca. También le habrían extraído el feto de seis meses, desmembrándolo y arrojándolo al río junto a ella.	160. Respuesta del 31 de agosto de 2004: El desplazamiento forzado está investigado por la dirección seccional de la fiscalías de Cúcuta. Además se solicitó al comando del ejército nacional adoptar medidas de seguridad que permitieran el restablecimiento del orden público en esa región. [...] No se ha podido ubicar el paradero de los cadáveres de varias presuntas víctimas, como Omaira Fernandez y Daniel Linares Sanchez y su existencia, ante la falta de registros	161. El Relator Especial especial agradece el Gobierno por su respuesta. El Relator Especial agradecería información precisa sobre posibles sanciones contra los responsables de la masacre ya que fueron identificados como miembros de

			<p>oficiales de identidad se fundamenta en las declaraciones juradas de varios habitantes de la zona, entre quienes no existe tampoco uniformidad sobre lo ocurrido. La investigación apunta a los diversos hechos violentos fueron producto del paso de las Autodefensas por Betoyes al combatir con guerrilleros.</p>	<p>las autodefensas.</p>
53	China	<p>94. Allegation, sent with the Special Rapporteur on freedom of religion and belief, 26 November 2004. Ms. Jiang Zongxiu, aged 34, was arrested on 17 June 2004 while she and her mother-in-law were distributing some Christian texts and Bibles in a local market place. Both of them were sentenced to 15 days administrative detention for their suspected activities of “spreading rumours and disturbing the social order.” On 18 June around 2pm at the Public Security Bureau of Tongzi County, in Guizhou province, she was beaten to death during an interrogation. No steps have been taken to investigate the case. An autopsy result issued by the local government claimed that Ms. Jiang died of heart failure.</p>	<p>95. No response</p>	
86	Democratic Republic of the Congo	<p>215. Allégation envoyée avec le Rapporteur spécial sur la torture et la Rapporteuse Spéciale sur la violence contre les femmes, ses causes et ses conséquences, 21 juillet 2004. Le 27 mai 2004 à</p>	<p>216. Pas de réponse</p>	

		<p>Bukavu, des soldats appartenant à la Dixième Région militaire auraient attaqué des agences internationales. Les soldats auraient pénétré dans l'enceinte de l'une des organisations, tué un homme et violé une femme. D'après les informations reçues, le 7 février, Ngoy Ngoy Mulawa aurait été battue et violée par un membre de la police qui l'a ensuite laissée sur le bord de la route grièvement blessée. Informés de l'incident, ses deux fils auraient retrouvé le policier et l'auraient frappé. Quant à son mari, il est allé rapporter les faits au commissariat de police de Lubao où son incarcération a été immédiatement ordonnée au motif qu'il aurait frappé le policier.</p> <p>Le 9 février, ayant été informée de l'arrestation et de la détention de son mari, sa femme s'est rendue au commissariat de police pour témoigner. A son arrivée, elle a été arrêtée et emprisonnée avec son mari en dépit de son état de santé critique dû à l'agression dont elle aurait été victime et sans qu'aucune charge n'ait été retenue contre elle. Le 16 février, Ngoy Ngoy Mulawa aurait été transférée à l'hôpital général de Lubao où elle serait morte trois jours plus tard des suites des blessures causées par le viol. Son mari aurait alors été immédiatement libéré et le policier arrêté. Il aurait été condamné depuis à la servitude pénale à perpétuité et l'Etat congolais à verser environ l'équivalent de 10 000 dollars à la famille de la victime.</p>		
90	Equatorial Guinea	<p>226. Llamamiento urgente, enviado con la Presidente-Relatora del grupo de trabajo sobre la detención arbitraria y el Relator Especial sobre la tortura, 18 de Junio de 2004. [...]y la Sra. Purificación Bindang Bodomo habrían sido detenidos el 29 de mayo de 2004 durante unos enfrentamientos con las fuerzas de seguridad en la Isla de Corisco. Habrían sido trasladados a la Comisaría Central de Bata, donde permanecerían detenidos. En</p>	227. No respuesta	

		una aparición en la televisión nacional, habrían confesado haber viajado a Corisco con la intención de estudiar la situación y preparar una insurrección armada contra el Gobierno. La Sra. Purificación Bindang Bodomo habría aparecido en televisión con el rostro quemado y una pierna rota.		
129, 130	Iran (Islamic Republic of)	327. Allegation, 13 April 2004: Mr. Afshen Razvany, a second year medical student at the University of Tehran, and Ms. Meryme Sotodeh, a second year art student at the Azad University of Tehran, were reportedly arrested on 9 July 2003 and detained at the Evean Prison in Tehran. According to the information received, they were sentenced to death shortly afterwards and executed on 23 January 2004 in Evean Prison without any court order and without prior notice being given to their family. It is believed that they were executed because of their membership to the United Front of Iranian Nationalists (UFIN) and because of their cultural and political activities in Iran.	329. Response dated 11 June 2004: The Government asserted that, according to the investigations conducted by the office of the public prosecutor in Tehran, no record of Mr. Afshin Rezvani and Ms. Maryme Sotodeh has been found among the detainees of July 2003.	330. The Special Rapporteur thanks the Government of Iran for its reply.
130	Iran (Islamic Republic of)	331. Urgent appeal, sent with the Special Rapporteur on the independence of the judiciary and the Special Rapporteur on violence against women, 30 April 2004. Ms. Kobra Rahmanpour was reportedly at risk of imminent execution by hanging. She was detained in the Evin Prison of Tehran for three and a half years and spent twenty months on death row. Kobra Rahmanpour was reportedly arrested in November 2000. She was detained and interrogated without having access to a lawyer and subsequently convicted of “intentional murder” of her mother- in- law on the basis of a confession obtained in the absence of legal counsel. However, reports indicate that the incident leading to the victim’s death was neither premeditated	332. No response	

		<p>nor instigated by Kobra Rahmanpour. Also, according to the information received, the judge who approved the charges was also the investigator. The prosecution service was suspended at the time of this case. There is a concern that the trial, which was closed to the public after the first hearing, did not comply with internationally recognized standards of due process and fair trial. According to information received, Iran's Head of the Judiciary has the power to revoke her conviction, however, it is alleged that the judicial authorities have confirmed that all legal proceedings on Kobra Rahmonpur's case are completed and that the sentence can only be commuted if the victim's heirs forgo the ir right to retribution and seek instead payment of blood money (diyeh). It is reported that after a death warrant for Kobra Rahmanpour failed to be carried out on 1 January 2004, due to technical errors, the Head of the Judiciary agreed to a temporary reprieve of her execution, granting her a short time to appeal to the victim's heirs. However, reports indicate that the victim's heirs contacted the judicial authorities on 12 and 13 April 2004 to again insist on Kobra Rahmanpour's execution.</p>		
135	Iran (Islamic Republic of)	<p>348. Urgent appeal, 12 October 2004: Ms. Fatemeh Haghghat-Pajouh was sentenced to death for the murder of her husband in 1997, who allegedly tried to rape her then 15 year old daughter. Fatemeh Haghghat-Pajouh reportedly did not have access to adequate legal assistance in the course of her trial. Reports indicate that the lawyer initially appointed to defend her case was replaced at the last minute and that as a result of this change the new lawyer had neither sufficient information nor adequate time to prepare for the trial.</p>	<p>349. Response dated 21 October 2004: The Government informed that "the execution verdict of Ms. Fatemeh Haghghat-Pajouh has been put on hold by direct order of the head of the judiciary of the Islamic Republic of Iran".</p>	<p>350. The Special Rapporteur thanks the Government of Iran for its reply and welcomes the upholding of Ms. Haghghat-</p>

				Pajouh execution. The Special Rapporteur would appreciate receiving further information on the review of the circumstances under which the trial took place.
136	Iran (Islamic Republic of)	351. Urgent appeal, sent with the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on torture, and the Special Rapporteur on violence against women, 20 October 2004. Jila Izadi, aged 13, was reportedly sentenced to death by stoning in Marivan for adultery and was at risk of imminent execution. According to the information received, she was raped by her 15 year old brother and gave birth to her baby in early October. It is reported that Jila Izadi will not have the possibility to appeal the sentence which is said to be carried out in the coming days. Her brother was sentenced to 100 lashes in accordance with Islamic laws. He is currently in prison in Tehran awaiting his punishment.	352. No response	
151	Libyan Arab Jamahiriya	396. Urgent appeal, sent with the Special Rapporteur on torture, 7 May 2004, Kristiana Malinova Valcheva (f), Nasya Stojcheva Nenova (f), Valentina Manolova Siropulo (f), Valya Georgieva	397. Response dated 10 December 2004: Ashraf Ahmad Jum'a, Kristiana	398. The Special Rapporteur

	<p>Chervenyashka (f) and Snezhanka Ivanova Dimitrova (f), five Bulgarian health professionals, and Ashraf Ahmad Jum'a, a Palestinian doctor, were reportedly arrested in December 1998 and accused of deliberately infecting 426 children with the HIV virus while working in al-Fateh Children's Hospital in Benghazi. It is alleged that for the first 15 months of detention no information was disclosed on the reason for their arrest and that the first hearing was held in February 2000 without the Bulgarian Embassy being informed. They have reportedly been sentenced to death by firing squad by the Benghazi Criminal Court on 6 May 2004. They are reportedly now entitled to appeal against their sentences before the Supreme Court. The execution of the death sentences reportedly requires the approval of the Supreme Council of Judicial Bodies, the country's highest judicial body. In the same trial, Zdravko Marinov Georgiev, a sixth Bulgarian defendant, was sentenced to four years' imprisonment and nine Libyan doctors were allegedly acquitted. It is alleged that the foreign medical professionals' confessions, which they later retracted, were extracted through torture. According to the information received, on the basis of the allegations of torture, eight members of the security forces, a doctor and a translator were charged in connection with the torture. They reportedly faced trial alongside the above-named health professionals before the same criminal court in Benghazi. However, on 6 May 2004 the Benghazi Criminal Court eventually pronounced that it was not competent to examine their cases. It is not clear whether those charged in connection with the torture of the health professionals will be tried before another court or whether the charges against them will not be heard before a court of law.</p>	<p>Malinova Valcheva, Nasya Stojcheva Nenova, Valentina Manolova Siropulo, Valya Georgieva Chervenyashka and Snezhanka Ivanova Dimitrova were tried before the Benghazi Criminal Court for causing the spread of an infectious disease by injecting 393 children with lethal substance which led to the deaths of 23 children. According to the Government, "it makes no sense to assert that the charges against them did not refer to the most serious crimes" (...). "The least one can say about this crime is that it is a crime of genocide which contravenes all international treaties, conventions and legal norms, as well as humanitarian principles." According to the Government "the trial of the accused persons before</p>	<p>thanks the Government for its reply.</p>
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			<p>the Benghazi Criminal Court lasted 10 months, which is not a period short enough to warrant it being characterized as a summary or an arbitrary trial. The accused persons were afforded all the safeguards provided for in article 14 of the International Covenant on Civil and Political Rights and in the relevant United Nations resolutions to ensure the right to a fair trial: the right to a defence, the right to the services of an interpreter and the right to call expert witnesses. The trial was conducted in public in the presence of journalists, diplomatic and consular staff and members of non-governmental organizations. The accused persons were represented in court both by a Libyan lawyer and a Bulgarian lawyer” (...) “It is not acceptable to use the words summary or arbitrary to describe the</p>	
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			<p>trial or the verdict. The trial was held in public and in the presence of foreign observers and politicians. The process was completely transparent and afforded all the safeguards needed to ensure a fair trial”. The government added that the verdict is not final and that it has to be endorsed by the Supreme Court. As to the allegations of confessions extracted under torture, the Department of Public Prosecutions intends to refer the police officers to the Tripoli Criminal Court since it has competence for hearing the case against them.</p>	
196	Nigeria	<p>507. Urgent appeal sent with the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on torture, the Special Rapporteur on violence against women, 26 October 2004. Ms. Hajara Ibrahim, aged 18, from Lere Local Government Area of Bauchi State, and Ms. Daso Adamu, aged 26, from Ningi Local Government were both sentenced to death by stoning by sharia courts in Bauchi State following trials which were considered as unfair by their current legal</p>	<p>508. No response</p>	

		<p>representatives. On 5 October 2004, Hajara Ibrahim was sentenced by a sharia court in Tafawa Balewa, after she reportedly confessed to having had sex out of wedlock. According to the sharia court judge, the sentence was subject to the approval of the Governor of the Bauchi state. Ms. Ibrahim is currently seven months pregnant, and her sentence is supposed to be carried out after she delivers the baby. The alleged father of the child was acquitted for lack of evidence. It is further reported that, with the help of a local nongovernmental organization (NGO), Hajara Ibrahim appealed the sentence. Her appeal is scheduled for a hearing on 25 October 2004. On 15 September 2004, Daso Adamu was handed the same sentence by a sharia court of Ningi area for extramarital relations. The man whom she had sexual intercourse with was acquitted for lack of evidence. She was detained in Ningi Prisons with her three-month-old daughter, and released on bail following the intervention of the local NGO. She has appealed her sentence, and her case at the Upper Shari'a Court, Ningi was adjourned till 3 November 2004.</p>		
255	Sudan	<p>684. Urgent appeal sent with the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on violence against women, 4 March 2004. Alakor Lual Deng, from the Dinka ethnic group, who is reportedly at risk of being "executed by stoning" after she was convicted of "adultery" (Article 146 of the Penal Code which prohibits sexual intercourse in the absence of a lawful relationship) by the Criminal Court in Nahud in Western Kordofan State in July 2003. According to the information received, Alakor Lual Deng has four children with a man from Kordofan, whom she is not "formally" married to. In 2003, on the basis of her confession, she was convicted of committing adultery with another Dinka</p>	685. No response.	

		<p>man, Bol Yak Akoon, with whom she had a child out of wedlock. It has been brought to our attention that Ms. Deng was not represented by a lawyer at her trial nor was she provided with a Dinka interpreter, even though the trial was conducted in Arabic. It was further reported that an appeal against her sentence was sent to the Supreme Court, which will decide shortly whether the sentence will be upheld or overturned. Alakor Lual Deng is now awaiting her sentence at the prison in El Obeid, Northern Kordofan State with her ten month old baby.</p>		
283	Turkey	<p>738. Urgent appeal sent with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary- General on the situation of human rights defenders, 25 May 2004. Berfin Peyam, aged 12, and members of her family who have reportedly been receiving threats since she lodged a complaint that she had been severely beaten by police officers in Diyarbakir, southeast Turkey. Concerns have been expressed for their safety. According to the information received, Berfin Peyam was reportedly abducted from the street in Diyarbakir on 19 February 2004 by people carrying walkie-talkies, who blindfolded her and took her away in a car. They asked her where her sister was, and when she did not reply they reportedly punched her repeatedly in her mouth and knees, so that her mouth began to bleed heavily. She was then taken to a place which is believed to be the Anti-Terror Branch of Police Headquarters in Diyarbakir where she was given treatment for her mouth but then beaten again and threatened. She was released later that day. It has been brought to our attention that when Berfin Peyam applied to the local branch of the Human Rights Association (Insan Haklari Dernegi, IHD) she was unable to speak and had to write her</p>	<p>739. Response dated 14 July 2004. The Government of Turkey indicates that a complaint was made by Ms Sabiha Peyam, mother of Berfin Peyam to the Public Prosecutor’s Office in Diyarbakir. In her complaint, she stated that during her absence, her daughter Berfin Peyam, slipped into a coma. She allegedly told her mother that some police officers took her away and illtreated her. Upon the complaint, an investigation was initiated. Testimonies of Ms Hülya Mutular, teacher of Berfin Peyam,</p>	<p>740. The Special Rapporteur thanks the Government of Turkey for its reply.</p>

		<p>complaint. Medical reports confirm these injuries. After the IHD lodged a complaint on her behalf about the incident with the State Prosecutor, Berfin Peyam and her family, who were staying outside Diyarbakir city, received five or six phone calls from people who falsely identified themselves as IHD members, asking them to come to Diyarbakir. On 19 May, Berfin Peyam and her mother visited the office of the IHD to seek advice. The IHD sent a fax notifying a major human rights NGO about its concerns for the safety of Berfin Peyam and her family. Shortly after, Berfin Peyam received an anonymous call asking her why she applied to this NGO and telling her that it would be very bad for her now.</p>	<p>Ms Emine Yüksel, schoolmate and the mother of Ms Yüksel were registered. The investigation revealed that there were contradictory remarks in the statements of Ms Berfin Peyam and that she could not submit any proof supporting her arguments. A medical examination was carried out by the Forensic Medicine Institute on the demand of the Public Prosecutor's Office, which revealed that Ms Peyam had not been subjected to ill-treatment or physical violence. It was then established that the allegations were unfounded. Therefore, a decision of non-prosecution was adopted. Furthermore, the Public Prosecutor's Office decided that legal proceeding should be initiated against Ms Berfin Peyam on grounds of</p>	
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			<p>“simulation of infringement”. The decision was ommunicated on 7 June 2004 and could be appealed at the Siverek Heavy Penal Court within 15 days. Another investigation was conducted by the Diyarbakir Governor’s office upon the second application of Ms. Sabiba Peyam to the Human Rights Association that concluded Nevroz Peyam, son of Sabiha Peyam, was arrested while preparing for a violent attack to a police check point in Diyarbakir with a Molotov cocktail. He was referred to judicial authorities on 18 february 2004 and was arrested on the same day. Besides, on that same day Sabiha Peyam was among the persons released after having caused disorder and for chanting illegal slogans in front of the Courthouse to protest a court decision</p>	
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			to detain three persons who were arrested for organizing an illegal demonstration and throwing a Molotov cocktail.	
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DOCUMENT E/CN.4/2005/85Add.2
TITLE **SPECIFIC GROUPS AND INDIVIDUALS: MIGRANT WORKERS**
Report of the Special Rapporteur on the human rights of migrants,
Gabriela Rodríguez Pizarro
Addendum, VISIT TO THE ISLAMIC REPUBLIC OF IRAN

AGENDA ITEM 15

PAGE 11

QUOTE **Sephid Sang Screening Centre**

32. Iranian authorities have established screening centres for illegal migrants who are arrested in the street. They are regrouped in those centres prior to their deportation if their situation in the country is found to be illegal. If they can provide valid reasons for their stay in Iran, a judge might decide to release them and allow them to resume their daily lives in Iran. The delegation visited Sephid Sang Screening Centre, located in Mashed Province.

...

34. Very few women pass through the Centre; those involved in crimes stayed in the Centre while the Iranian authorities tried to locate their relatives before either releasing them or deporting them to Afghanistan. Iranian authorities informed the delegation that they were not allowed to release a woman if there were no male relatives willing to take care of her once she was released. If a woman is deported, Iranian authorities would not leave her on her own at the border, as they do for men, but rather put her in the hands of the Afghan authorities.

DOCUMENT E/CN.4/Sub.2/2004/20
TITLE **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**
Relationship between the enjoyment of economic, social and cultural
rights and the promotion of the realization of the right to drinking
water supply and sanitation
Final report of the Special Rapporteur, El Hadji Guissé

AGENDA ITEM 11

PAGE 12

QUOTE **C. International law and national legal standards on the right to sanitation**

41. Under international humanitarian law, the right to adequate sanitation is addressed with regard to prisoners of war. The Geneva Convention relative to the Treatment of Prisoners of War provides under article 29 that: "The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics. Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them. Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose".

DOCUMENT E/CN.4/2005/7
TITLE **CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF DISAPPEARANCES AND SUMMARY EXECUTIONS**
Extrajudicial, summary or arbitrary executions
Report of the Special Rapporteur, Philip Alston

AGENDA ITEM 11

PAGE 9

QUOTE **B. Communications**

20. In addition, in the spirit of the resolutions of the Commission dealing with the rights of women and with the rights of children, the following breakdown indicates the situation in relation to those categories:

(a) violations of the right to life of women:

...Equatorial Guinea (1) fear of death in custody;...Nepal (2) death due to attacks or killings by armed forces and (1) death in custody;

DOCUMENT E/CN.4/2005/6/Add.2
TITLE **CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF TORTURE AND DETENTION REPORT OF THE WORKING GROUP ON ARBITRARY DETENTION**
Addendum: VISIT TO LATVIA (23-28 February 2004)

AGENDA ITEM 11(a)

PAGE 14

QUOTE **C. Undesirable features of pre-trial detention as applied in Latvia**

59. This state of affairs is the more disturbing because accused individuals are subject to much harsher conditions in detention than convicts (solitary confinement, restrictions on visits and contacts with the outside world, no activities etc.). This regime applies to all accused persons in detention, men, women and children, and continues to do so until their sentences become enforceable.

PAGE 15

QUOTE **C. Undesirable features of pre-trial detention as applied in Latvia**

62. Conditions in detention are far harsher still in police-station cellars (detainees are sometimes kept locked up night and day, in darkness, and sleep on the floor). The Working Group met a woman who had had an operation, with serious consequences, after a long stay in the cellar of a police station where she slept on the floor for 10 days. The duration of detention in custody is, it is true, set at 72 hours but, as pointed out earlier, arrested suspects, including minors, can if authorized by a judge be held in police cells for between 10 and 30 days. Once they have been charged they are theoretically moved to a prison but they are regularly brought back to the police station for the purposes of the investigation or for procedural reasons, and may stay there for days or even weeks. At the police stations it visited the Working Group met accused individuals who had been transferred from prison some days previously; some said they had been transferred more than a month before.

PAGE 17

QUOTE **F. Status of persons detained under the law applicable to foreigners**

76. On visiting the Olaine Centre, the Group observed that the inmates were not strictly speaking foreigners. Most had been born, had always lived or had lived for years in Latvia, or had spouses or children with Latvian nationality. They were from very low social classes and were in very insecure employment. Two people the Group interviewed said that they had been arrested when they applied to the administration to regularize their status; one old woman who had lived in Latvia for years appeared to have been arrested during a routine check in the open countryside; another was in detention after being reported by her husband so as to wrest custody of her children from her, and was in danger of being expelled without them. Some inmates told the Group their families were putting together the papers for them to be released and obtain a valid residence permit. The delegation saw that in some cases entire families were being detained (only the children were allowed to leave, to go to school). Furthermore, the conditions in detention were not satisfactory and there was nowhere to obtain medical care.

DOCUMENT E/CN.4/2005/6/Add.3
TITLE **CIVIL AND POLITICAL RIGHTS, INCLUDING THE
QUESTIONS OF TORTURE AND DETENTION
Report of the Working Group on Arbitrary Detention
Addendum MISSION TO BELARUS**
AGENDA ITEM 11(a)
PAGE 2
QUOTE **Summary**

In its report, the Working Group stresses the level of cooperation of the Government, which was demonstrated by the fact that the official programme of the visit was modified almost every day at the Working Group's request. Arrangements were made by the authorities even for last-minute demands. With the only, regrettable, exception of the inmates and the detention facility under the control of the State Security Committee (KGB), the Working Group was able to visit all the other detention centres and facilities that it requested to see. In all the facilities visited, the Working Group was able to meet with and interview whomever it wanted: pre-trial detainees, convicted persons serving their sentences, women, minors, and even persons in discipline quarters. The Working Group also notes the efforts made by the authorities to improve the judicial system and legal framework inherited from Soviet times. The 1991 Criminal Code and Criminal Procedure Code have reduced the length of pre-trial detention and established the possibility of a detainee having access to a lawyer shortly after his/her initial detention. Presidential amnesty decrees have been issued to reduce the overcrowding in detention facilities and other measures have been implemented to improve the conditions of detention. In 2003, more than 20,000 inmates were released from prison through presidential amnesties. Lastly, the situation of illegal immigrants, refugees and asylum-seekers seems to be better than in other parts of the world.

PAGE 6
QUOTE **I. PROGRAMME OF THE VISIT**

4. The Working Group was able to visit the following detention centres and facilities: [...] in Gomel, the Investigation Pre-Trial Detention Centre and the Women's Correction Colony-Reformatory Settlement No. 4 [...].

PAGE 11
QUOTE

26. Once a final court decision enters into force, after the exhaustion of all remedies, the convicted person who has been sentenced to a period of deprivation of liberty is sent to a penal colony to serve his/her sentence. For men, there are penal colonies in nearly every oblast, for women and children there is only one of each for the whole country. In penal colonies, convicts are expected to work. The Working Group noted that there were several workshops of craft industries in the penal colonies it visited. Alimony for the detainee's dependants and monetary compensation for the victims or for the State, are deducted from a detainee's salary, if it is so stipulated in his or her sentence.

PAGE 13
QUOTE **III. POSITIVE ASPECTS**

34. The Working Group wishes to stress the cooperation of the Government and the official authorities met during this visit [...] In all the facilities visited, the Working Group was able to meet with and interview in private whomever it wanted: pre-trial detainees, convicted persons serving their sentence, women, minors, and even persons in discipline quarters.

PAGE 17
QUOTE **D. Detention as a means to repress freedom of expression**

60. The Working Group met with Ms. Oksana Novikova, a pregnant 32-year-old woman. She was found guilty of libel against the President, but benefited from an amnesty in February 2004. On 5 April 2004, she was again arrested after distributing leaflets against the President in a metro station in Minsk. On 9 June, a judge sentenced her to two and a half years forced labour. The Working Group was informed that the sentence will be applied once the baby is born.

PAGE 19
QUOTE **G. Unsatisfactory protection of vulnerable detainees**

72. The Working Group has also noticed that women are kept in the same pre-trial detention centres as male detainees, albeit in different cells, but under the supervision of male guards. This leads to violations of their right to intimacy and other rights. The incommunicado nature of these centres (except for visits by lawyers, which are unrestricted) creates a breach of family bonds, especially with the children. The situation in female prison colonies, although clearly better in terms of visits and overall general conditions, is still too restrictive in respect of communication with the outside world, including detainees' children, when these are too old to stay in the colonies with their mothers.

DOCUMENT E/CN.4/2005/6/Add.4
TITLE **CIVIL AND POLITICAL RIGHTS, INCLUDING THE
QUESTIONS OF TORTURE AND DETENTION
Report of the Working Group on Arbitrary Detention**

Addendum MISSION TO CHINA

AGENDA ITEM 11(a)

PAGE 2

QUOTE **Summary**

The Working Group visited Beijing and the cities of Chengdu, capital of Sichuan Province, and Lhasa, capital of the Tibet Autonomous Region. The Working Group visited 10 detention facilities included in a list previously submitted to the authorities. This list also included police stations, pre-trial detention centres, prisons, re-education through labour camps and psychiatric hospitals. At those detention facilities, the Working Group was able to meet with and interview more than 70 detainees, chosen at random and from a list previously submitted to the authorities, including pre-trial detainees, convicted individuals serving their sentences, women, minors and persons held in administrative detention in re-education through labour camps. The interviews with detainees were carried out in conformity with the Working Group’s terms of reference, i.e. in private, without the presence of government officials or guards and in locations chosen by the Working Group.

PAGE 6

QUOTE **I. PROGRAMME OF THE VISIT**

6. At these detention facilities, the Working Group was able to meet with and interview more than 70 detainees, chosen at random and from a list previously submitted to the authorities, including pre-trial detainees, convicted individuals serving their sentences, women, minors, and persons held in administrative detention in re-education through labour camps.

PAGE 12

QUOTE **Summary**

40. Forms of administrative detention still in force include the following:

[...]

– “Custody and education” of prostitutes and clients implemented by law enforcement, in accordance with the decision of the Standing Committee of the NPC on “Strictly Prohibiting Prostitution and the Visiting of Prostitutes”, which foresees detention for periods ranging between six months and two years (*shourong jiaoyang*);

...

PAGE 14

QUOTE **G. Re-education through Labour**

48. The Working Group recalls that a significant number of organizations defending human rights, both in China and abroad, challenge the re-education through labour system and demand its abolition. Several sources assert that it is used to suppress freedom of expression. Some sources highlight that certain groups are over-represented in this system, such as followers of Falun Gong, drug addicts, sex workers and those living off their earnings.

PAGE 21-22

QUOTE **Appendix**

LIST OF PERSONS IN DETENTION

During its visit to China, the Working Group on Arbitrary Detention requested to receive information on the current legal and personal situation of several persons in detention in China. The Working Group was able to meet the following: **Li Chang, Wang Zhiwen, Ji Liewu, Yao Jie and Phuntsok Wang (Phuntsok Legmon Namdrol).**

During the Working Group's visit, the Government submitted information concerning the following individuals:

...

12. **Ngawang Sandrol.** She was punished not because she held political views different from those of the Government but because she violated the criminal law by engaging in certain activities which endangered the security and unity of the State. She realized the seriousness of her crime and was released in 2003. She is currently living in the United States of America.

DOCUMENT E/CN.4/2005/6
TITLE **CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION
OF TORTURE AND DETENTION
Report of the Working Group on Arbitrary Detention
Chairperson-Rapporteur: Leïla Zerrougui**

AGENDA ITEM 11(b)

PAGE 11-12

QUOTE **4. Communications giving rise to urgent appeals**

24. During the period under review, 202 urgent appeals were transmitted by the Working Group as shown below in table 2.

Table 2 Urgent appeals

Government concerned	Number of urgent appeals	Persons concerned	Reply	Persons released (Info. received by)
Algeria	4	32	Reply to 4	2 (Source)
Australia	1	1 minor	Reply to 1	
Azerbaijan	1	1 man	Reply to 1	
Bahrain	2	15 men, 3 minors	Reply to 2	
Bangladesh	4	4 men	Reply to 1	
Belarus	1	2 men, 1 woman	Reply to 1	
Burundi	1	2 men	Reply to 1	
Cameroon	1	2 men	No reply	
Central African Republic	3	3 men	No reply	
China	12	13 men, 10 women	Reply to 8	
Colombia	2	4 men, 1 woman	Reply to 2	
Democratic Republic of the Congo	6	9 men, 4 women, 8 minors	Reply to 2	
Djibouti	1	1 man	Reply to 1	
Ecuador	2	16 men	No reply	
Egypt	1	1 man	No reply	
Equatorial Guinea	3	36 men, 1 woman	No reply	
Eritrea	4	69 men, 3 women	Reply to 1	
Ethiopia	5	37 men, 2 women	Reply to 2	
Gabon	1	1 man	No reply	
Georgia	1	1 man	No reply	
Guinea	1	1 woman	No reply	
Haiti	2	1 man, 1 woman	No reply	
India	1	1 man	Reply to 1	

Government concerned	Number of urgent appeals	Persons concerned	Reply	Persons released (Info. received by)
Indonesia	4	9 men, 11 women, 7 minors	Reply to 2	
Iran (Islamic Republic of)	6	24 men	Reply to 1	
Israel	2	3 men	No reply	
Jamaica	1	2 men	Reply to 1	
Jordan	1	1 man	No reply	
Kuwait	2	2 men	No reply	
Lao People's Democratic Republic	1	16 men	Reply to 1	
Libyan Arab Jamahiriya	1	2 men, 1 woman	No reply	1 (Source)
Malaysia	3	65 men, 6 women, 1 minor	Reply to 2	8 (Government)
Maldives	2	2 men, 1 woman	Reply to 1	
Mexico	1	1 man	Reply to 1	
Morocco	2	3 men, 1 woman	Reply to 2	
Myanmar	3	6 men, 2 women	No reply	
Nepal	40	76 men, 8 women, 3 minors	Reply to 4	8 (Source)
Niger	1	1 man	No reply	
Nigeria	5	15 men, 3 women	No reply	4 (Source)
Pakistan	3	18 men	Reply to 1	
Philippines	1	1 man	No reply	
Russian Federation	6	16 men, 5 women	Reply to 3	1 (Government)
Rwanda	1	1 man	Reply to 1	1 (Government)
Saudi Arabia	6	17 men	Reply to 3	1 (Source)
Somalia	1	1 man	No reply	1 (Source)
Sri Lanka	2	2 men	Reply to 1	
Sudan	21	72 men, 3 women, 1 minor	Reply to 1	2 (Government) 11 (Source)
Syrian Arab Republic	11	51 men, 5 women	Reply to 6	1 (Government) 7 (Source)
Tonga	1	1 man	No reply	
Turkey	1	4 men	Reply to 1	
Turkmenistan	4	7 men	No reply	
United Kingdom of Great Britain and Northern Ireland	1	1 woman	Reply to 1	
United States of America	1	6 men	Reply to 1	
Uzbekistan	4	4 men, 2 women	Reply to 4	
Viet Nam	2	7 men	Reply to 2	7 (Government)
Yemen	1	2 men	No reply	

PAGE 16

QUOTE **3. Follow-up to country visits of the Working Group**

45. In connection with the visit carried out by the Working Group to the Islamic Republic of Iran in February 2003, the Government reported the following reforms in the administration of justice in Iran, following the recommendations made by the Working Group:

...

(e) Offices to safeguard the rights of women and children have been established.

DOCUMENT E/CN.4/2005/CRP.4
 TITLE **CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF DISAPPEARANCES AND SUMMARY EXECUTIONS**

Working paper prepared by the Chairman of the Working Group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance, at the end of its 4th session (31 January – 11 February 2005)

AGENDA ITEM 11(b)

PAGE 4

QUOTE **Article 7** (former Article 4)

1. Each State party shall make **the offence of** enforced disappearance punishable by appropriate penalties which take into account its extreme seriousness.
2. Each State Party may establish
 - a) Mitigating circumstances, ~~inter alia~~ **in particular** for persons who, having been implicated in the commission of an enforced disappearance, effectively contribute to bringing the disappeared person forward alive or make it possible to clarify cases of enforced disappearance or to identify the perpetrators of an enforced disappearance;
 - b) **Without prejudice to other criminal procedures**, aggravating circumstances, ~~inter alia~~ **in particular** in the event of the death of the **disappeared person** or the commission of an enforced disappearance in respect of pregnant women, minors or other particularly vulnerable persons.

PAGE 12-13

QUOTE **Article 25** (former articles 23, 24, 25)

1. Each State Party shall take the necessary measures to prevent and punish under its criminal law:
 - a) **The wrongful removal** of children who are subjected to enforced disappearance, of children whose father, mother or legal guardian is subjected to enforced disappearance or children born during the captivity of a mother subjected to enforced disappearance;
 - b) The falsification, **concealment** or **destruction of documents attesting to** the true identity of the children referred to in subparagraph (a).
2. Each State Party shall take the necessary measures to search for and identify the children referred to in paragraph 1 (a) ~~and (b)~~ **and to return them to their families of origin, in accordance with legal procedures and applicable international agreements.**
3. States Parties shall assist one another in searching for, identifying and locating the children referred to in ~~article 23~~ **paragraph 1 (a).**
4. **Considering the need to protect the best interests of the children referred to in paragraph 1 (a), and the right of the child to preserve and re-establish his or her identity, including nationality, name and family relations as recognized by law,**

there shall be legal procedures in States Parties which recognize a system of adoption or other form of placement of children to review the adoption or placement, and, as appropriate, annul the adoption or placement of children which originated in enforced disappearance.

5. In all cases, and in particular in all matters relating to this article, the best interests of the child shall be a primary consideration, and a child who is capable of forming his or her own views shall have the right to express those views freely, the views of the child being given due weight in accordance with the age and maturity of the child.

DOCUMENT E/CN.4/2005/6/Add.1
TITLE **CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF TORTURE AND DETENTION**
Opinions adopted by the Working Group on Arbitrary Detention

AGENDA ITEM 11(b)

PAGE 8

QUOTE **OPINION No. 21/2003 (CHINA)**

5. The source states that Li Ling, former director of the Guta District Labour Bureau, was arrested on 28 May 2002 at her home by police officials. She was sent to the No. 1 Detention Centre in Jinzhou city. Later, she was sentenced to four years' imprisonment. On 15 November 2002, she was sent to Dabei prison, Liaoning province, where, despite her critical health condition, she was forced to do heavy labour. Her current whereabouts are unknown.

6. It was further reported that Li Ling was previously arrested in late 1999, when she went to Beijing to appeal for Falun Gong. On that occasion the Beijing Dongcheng District Court sentenced her to 1½ years in jail.

PAGE 23

QUOTE **OPINION No. 25/2003 (CHINA)**

Communication addressed to the Government on 17 July 2003.

Concerning: Di Liu.

The State has signed but not ratified the International Covenant on Civil and Political Rights

1. (Same text as paragraph 1 of opinion No. 20/2003.)

2 The Working Group regrets that the Government has not replied within the 90-day deadline.

3. (Same text as paragraph 3 of opinion No. 20/2003.)

4. The Working Group deplores the fact that the Government has not provided it with information about the facts alleged and its position on the merits of the case, despite repeated invitations to do so. Nevertheless, the Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case in the context of the substantiated allegations made.

5. According to the information submitted to the Group, Di Liu was arrested on 7 November 2002 because she had published various articles in the Xizi Tribune web site that criticized the restrictions imposed by the Government regarding the use of the Internet, the closing of cyber cafes and because she had expressed solidarity with Huang Qi, a human rights Internet activist arrested in June 2000.

6. It appears to the Working Group that all these activities are legitimate uses of the right to freedom of expression as recognized in articles 19 and 20 of the Universal Declaration of Human Rights. Ms. Di's detention, as such, is contrary to human rights.

7. The Working Group also takes into account the fact that Di Liu has been detained since 7 November 2002 under article 105 of the Criminal Law as amended in March 1997. She was formally accused of endangering State security but has not been told of the date of her trial and has not been given any assistance for her defence. Di Liu has been in detention for more than a year without any fair trial norms having been observed.

8. In the light of the foregoing, the Working Group renders the following opinion: The deprivation of liberty of Di Liu is arbitrary, being in contravention of articles 10, 19 and 20 of the Universal Declaration of Human Rights, and falls within categories II and III of the categories applicable to the consideration of cases submitted by the Working Group.

9. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation of Di Liu. The Working Group also encourages the Government to ratify the International Covenant on Civil and Political Rights.

Adopted on 28 November 2003

PAGE 30-35

QUOTE **OPINION NO. 3/2004 (ISRAEL)**

Communication addressed to the Government on 26 May 2003 concerning: 'Abla Sa'adat, Iman Abu Farah, Fatma Zayed and Asma Muhammad Suleiman Saba'neh
The State has ratified the International Covenant on Civil and Political Rights

1. (Same text as paragraph 1 of opinion No. 20/2003.)

2. The Working Group conveys its appreciation to the Government for having provided the requested information in good time.

3. (Same text as paragraph 3 of opinion No. 20/2003.)

4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government. The Working Group transmitted the reply provided by the Government to the source, which submitted comments on it. The Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case, in the context of the allegations made and the response of the Government thereto.

5. According to the information submitted to the Working Group by the source, 'Abla Sa'adat, a human rights defender, was arrested on 21 January 2003 when crossing the border between Israel and Jordan, when she was on her way to Brazil for the World Social Forum as a delegate representing the Palestinian human rights organization Addamer. She was taken to Beit El military detention centre where she was placed in an isolation cell without being questioned. She was not allowed to leave her cell until her lawyer visited her two days after her arrest.

6. Iman Abu Farah and Fatma Zayed, both university students in Jerusalem, were arrested on 20 January 2003 by the Israeli army in their apartment near Ramallah and also taken to Beit El military detention centre, which has no separate facilities for women, where they suffered harsh treatment amounting to cruel, inhuman and degrading treatment.

7. On 22 January 2003 the three women were served with four-month administrative detention orders. On 30 January 2003, after the judicial review of their detention orders,

'Abla Sa'adat and Iman Abu Farah were transferred to Neve Tirza, the women's section of Ramleh prison. On 26 January 2003, the administrative detention of Fatma Zayed was confirmed by judicial review by the 'Ofar Military Court and she was transferred to the Moskobiyye Interrogation Centre in Jerusalem.

8. Asma Muhammad Suleiman Saba'neh, 40 years old, the mother of six children and a resident of Jenin refugee camp, was arrested on 11 February 2003 in her home by some 50 members of the Israeli army and served, at an unspecified date, with a six-month administrative detention order.

9. According to the source, these four women were held in administrative detention without charge or trial. No criminal charges were filed against them and there was no intention of bringing them to trial. The detainees or their lawyers could not challenge the reasons for their detention, since these reasons had not been communicated to them. They can be kept in detention on the basis of secret evidence which the military authorities claim cannot be revealed so as not to compromise the source.

10. It was further pointed out that the procedure known as judicial review is in fact only a routine confirmation of the administrative detention order. In most cases administrative detention orders are also confirmed by the military appeal tribunal. The appeal hearing, which the detainees have to initiate themselves, is the first and the only opportunity detainees have to find out why they are detained.

11. The source further considers that administrative detention is being used as a means of circumventing the criminal justice system and avoiding the due process safeguards it provides. Complaints concerning the conditions of detention were also raised by the source.

12. According to the Government, 'Abla Sa'adat was arrested on 21 January 2003 for activities endangering the security of the area and was detained at the Beit El military detention facility. The military commander issued an administrative detention order for her on 23 January 2003. Ms. Sa'adat was transferred to the Neve Tirzah detention facility for women on 29 January 2003. She was released on 6 March 2003 pursuant to an order reducing the period of her administrative detention.

13. Iman Abu Farah was arrested on 20 January 2003 for her involvement with Hamas, an organization responsible for numerous murderous attacks against Israeli citizens. On 23 January 2003 an administrative detention order was issued for her for a five-month period, and a military court approved the detention order on 28 January 2003. The court held that, having seen the evidence against Ms. Abu Farah, it was convinced that her early release would pose a real danger to the security of the area and the safety of civilians. On 29 January 2003 Ms. Abu Farah was transferred to Neve Tirzah detention facility for women. Ms. Abu Farah was indicted on 13 April 2003 and charged with three counts of providing services to an unlawful organization, seven counts of harbouring fugitives (in this case, senior members of Hamas) and illegal possession of weapons.

14. Fatma Zayed was arrested on 20 January 2003, on suspicion of involvement with Hamas. An administrative detention order was issued for her on 23 January 2003 for a period of four months, and she was transferred to the Russian Compound facility for interrogation. Ms. Zayed's meeting with her counsel was postponed by several days, due to compelling reasons of security, following which she has had access to the legal counsel of her choice.

15. The Government further reported that, on 2 February 2003, the administrative detention order against Ms. Zayed was cancelled and her case transferred to the security authorities to examine the possibility of submitting an indictment against her for the commission of security offences. Ms. Zayed was indicted on 6 March 2003 and charged with 17 counts of providing services to an unlawful organization, 10 counts of harbouring fugitives and possession of illegal weapons. Ms. Zayed is being held at Neve Tirzah detention facility for women pursuant to a 6 March 2003 order of a military court to keep her in custody during the course of legal proceedings against her.

16. Asma Muhammad Suleiman Saba'neh was arrested on 11 February 2003 for her involvement in Hamas. An administrative detention order was issued for her on 12 February 2003 for a period of six months. The military court upheld Ms. Saba'neh's administrative detention order pursuant to judicial review proceedings.

17. The Government states that administrative detention is resorted to only in cases where there is corroborating evidence that an individual is engaged in illegal acts that endanger the security of the State and the lives of civilians. It is only used in circumstances where the usual judicial procedures are inadequate because of a danger to sources of information or a need to safeguard classified information that cannot be revealed in open court.

18. With regard to Israel's derogation from the provisions of article 9 of the International Covenant on Civil and Political Rights, the Government states that, in spite of the derogation, Israel has adhered to all of the Covenant's provisions, ensuring that no one is subjected to arbitrary detention.

19. The Government adds that before a detention order is issued, military legal counsel must confirm that the information on which it is based has been corroborated by reliable sources. A military commander may issue a detention order for a period of no more than six months. This order can be renewed, but it is subject to appeal.

20. All recipients of detention orders are granted the right to legal representation of their choice, as well as the opportunity to appeal their detention order at two judicial levels. As part of the appeals process, the court may hear evidence presented by security personnel out of the presence of the detainee or his attorney. However, the detainee is always informed of the general reasons for the order against him. At the appeal hearing, the detainee and his attorney may respond to the allegations, call witnesses and ask questions regarding the security information.

21. The source confirmed that 'Abla Sa'adat was released from detention on 7 March 2003 pursuant to an order reducing the period of her administrative detention. It informed the Working Group that it was not able either to confirm or to contest the information of the Government that Iman Abu Farah and Fatma Zayed have been charged with criminal offences.

22. The source reported that Asma Muhammad Suleiman Saba'neh's administrative detention order was renewed on 11 August 2003 for four months. The source states that despite the Government's affirmation that Asma Muhammad Suleiman Saba'neh was arrested for her involvement with the Palestinian group Hamas, no concrete information concerning any specific activities was provided. The source later confirmed that she was released in November 2003.

23. The source contests the reference made by the Government to Hamas as merely a terrorist organization. It states that Hamas is a political party, with tens of thousands of

supporters in the West Bank and Gaza Strip, a network of charitable associations which provide assistance with medical care, education and food/basic subsistence, and which also has an armed wing.

24. The source further comments that over the last years the Government of Israel has placed thousands of Palestinians from the occupied territories in administrative detention from periods varying from a few months to several years. Most of them were never interrogated nor asked about their possible participation in specific illegal activities during the entire period of their administrative detention. In other cases, individuals have been interrogated for prolonged periods, ill-treated and threatened before being placed under administrative detention orders.

25. According to the source, administrative detention has been used by the Government to detain people without presenting any evidence that they had committed any offence. It has been used as a measure of collective punishment and intimidation and in order to put pressure on relatives.

26. According to the information submitted to the Working Group, 'Abla Sa'adat was released on 7 March 2003; this information was provided by the Government and confirmed by the source. The Working Group also took note of the release of Asma Muhammad Suleiman Saba'neh in November 2003.

27. Iman Abu Farah and Fatma Zayed were charged with criminal offences by a military court. They are said to have the right to appeal before a military court and to the High Court.

28. In this regard, it should be said that the Working Group has strong reservations about military jurisdiction. It had stated that "if some form of military justice is to continue to exist, it should observe four rules: (a) it should be incompetent to try civilians; (b) it should be incompetent to try military personnel if the victims include civilians; (c) it should be incompetent to try civilians and military personnel in the event of rebellion, sedition or any offence that jeopardizes or involves risk of jeopardizing a democratic regime; and (d) it should be prohibited [from] imposing the death penalty under any circumstances" (E/CN.4/1999/63, para. 80).

29. Ms. Farah and Ms. Fayed are both civilians. They had been in administrative detention first without access to their lawyers and hampered in the exercise of their defence. They were charged later by a military court and could only defend themselves under military jurisdiction. This process is not contested by the Government, which has explained the system of administrative detention. Even though detainees might have access to the High Court of Justice, if all the cases follow the same pattern the process could severely undermine their ability to challenge the deprivation of liberty.

30. It should be recalled that the Working Group does not have a mandate to render an opinion about the fairness of the charges made against detainees.

31. In respect of the situation that the Government has described about the state of emergency in the country and its reservation to article 9 of the International Covenant on Civil and Political Rights, the Working Group - without taking any position as to the validity of the reservation or its extent, or which other United Nations organ may be competent - believes that, even were the State not a party to ICCPR, international human rights standards on protecting the right of liberty would still apply in its territory.

32. In this respect, the right to personal liberty and security gives rise to varying requirements as to when a person may be detained, for how long, and subject to what

supervisory mechanisms. In all circumstances, however, such requirements must conform to and be continuously evaluated in accordance with the fundamental principles of necessity, proportionality, humanity and non-discrimination.

33. Should a terrorist situation within a State's jurisdiction be of such nature or degree as to give rise to an emergency that threatens a State's independence or security, that State is nevertheless precluded from suspending certain fundamental aspects of the right to liberty which are considered necessary for the protection of non-derogable rights or which are non-derogable under the State's other international obligations. These include the requirements that the grounds and procedures for the detention be prescribed by law, the right to be informed of the reasons of the detention, prompt access to legal counsel and family, an impartial trial by an independent tribunal, and prescribed limits upon the length of prolonged detention. These protections are also considered to include appropriate and effective judicial review mechanisms to supervise detentions promptly upon arrest or detention and at reasonable intervals when detention is extended.

34. In the cases of Iman Abu Farah and Fatma Zayed, most of these requirements were not met. Judicial review, where it occurred, was not by an independent tribunal. Their defence could not be exercised. A military court in itself is not independent from the executive branch. They had to confront legal counsel difficulties and a total lack of information about the nature of the charges against them.

35. In the light of the above, the Working Group renders the following opinion:

With regard to 'Abla Sa'adat and Asma Muhammad Suleiman Saba'neh, in view of their release from administrative detention, the Working Group, in accordance with paragraph 17 (a) of its methods of work, decides to file these cases. With regard to Iman Abu Farah and Fatma Zayed, the Working Group considers that their deprivation of liberty is arbitrary, being in contravention with article 10 of the Universal Declaration of Human Rights and article 14 of the International Covenant on Civil and Political Rights and falls within category III of the categories applicable to the consideration of cases submitted to the Working Group.

36. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation, and bring it into line with the standards and principles set forth in the Universal Declaration of Human Rights.

Adopted on 25 May 2004

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QUOTE **OPINION No. 9/2004 (MYANMAR)**

Communication addressed to the Government on 27 October 2003.

Concerning: Daw Aung San Suu Kyi.

The State is not a party to the International Covenant on Civil and Political Rights

1. (Same text as paragraph 1 of opinion No. 20/2003.)

2. The Working Group conveys its appreciation to the Government for having forwarded the requisite information in good time.

3. (Same text as paragraph 3 of opinion No. 20/2003.)

4. In the light of the allegations made, the Working Group welcomes the Government's cooperation. It transmitted the Government's reply to the source of the communication, which has made known its comments thereon.

5. According to the information received, Daw Aung San Suu Kyi, General Secretary of the political party National League for Democracy (NLD) and a Nobel Peace Prize laureate, was arrested on 31 May 2003 at Yawayoo, in northern Myanmar, following grave incidents near Depayin, Sagaing division.
6. Daw Aung San Suu Kyi was reportedly taken to Insein prison and later to a military guest house in the north of Yangon. She is being held in detention and without charge. She has no access to relatives or lawyers. She has been allowed to be visited only by independent observers.
7. The source adds that Daw Aung San Suu Kyi is allegedly being held in detention under sections 7-9 and 10-15 of the 1975 State Protection Law. It was reported that under this law, anyone perceived to be a threat to State security can be detained without charge, trial or judicial appeal for up to five years.
8. The Government replied to the Working Group in three separate communications. The first, dated 27 June 2003, refers to the Group's urgent appeal of 2 June 2003. The second, dated 1 September 2003, appears to be essentially a reply to another urgent appeal sent by the Group on 18 July 2003. The third is a note verbale dated 14 May 2004 containing the reply to the Working Group's communication of 27 October 2003.
9. According to the Government's reply, Daw Aung San Suu Kyi has not been arrested, but has only been taken into protective custody, for her own safety. This protection, in the Government's view, was made necessary by an incident which occurred on 30 May 2003 between supporters and opponents of Daw Aung San Suu Kyi.
10. The Government also describes Daw Aung San Suu Kyi's activities between June 2002 and April 2003, stating that it had facilitated her work as General Secretary of the National League for Democracy by granting her the status of distinguished person. However, as a result of the activities of her supporters and members of the party, unlawful and violent acts had recently taken place, causing disturbances which endangered the process of national reconciliation.
11. The Government states that Daw Aung San Suu Kyi has been visited by the Special Representative of the United Nations Secretary-General and the Special Rapporteur of the Commission on Human Rights for Myanmar. She has also held meetings with representatives of her party, and she has been given medical care, including hospitalization in a private hospital in Yangon in September 2003.
12. According to the Government, it could have instituted legal action against her under the country's domestic legislation. However, it has preferred to adopt a magnanimous attitude, and is providing her with protection in her own interests.
13. The source contests the information supplied by the Government, stating that Daw Aung San Suu Kyi is under arrest and that the alleged protective custody in her home has been imposed on her totally against her will. The source adds that the telephone line to the place where she is being held has been disconnected. It is not possible to hold a person in protective custody for a year. According to the source, she is being detained solely in order to prevent her from playing an effective role as leader of the opposition.
14. The Working Group has already published two opinions (decision No. 8/1992 and opinion No. 2/2002), in which it declared the detention of Daw Aung San Suu Kyi to be arbitrary. At present Daw Aung San Suu Kyi continues to be deprived of her liberty without charges or a trial, and to be subject to restrictions of all kinds in her communications and visits, which are permitted at the Government's discretion.

15. Accordingly, the situation in which Daw Aung San Suu Kyi finds herself is a violation of article 9 of the Universal Declaration of Human Rights which cannot be justified on the grounds that her detention is for her own benefit, for her protection or for the purpose of preventing confrontations or incidents of any other kind. No one may be arbitrarily deprived of his or her liberty. This is the third time since 1990 that Daw Aung San Suu Kyi has been placed under house arrest, without having been charged or brought to court.

16. In the light of the foregoing, the Working Group renders the following opinion: The deprivation of liberty of Daw Aung San Suu Kyi is arbitrary, being in contravention of article 9 of the Universal Declaration of Human Rights, and falls within category I of the categories applicable to the consideration of the cases submitted to the Working Group.

17. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation and bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights and to take the appropriate initiatives with a view to becoming a State party to the International Covenant on Civil and Political Rights.

Adopted on 28 May 2004

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QUOTE **OPINION No. 12 /2004 (UNITED STATES OF AMERICA)**

Communication addressed to the Government on 9 October 2003

Concerning: Ms. Dianellys Morato

The State is a party to the International Covenant on Civil and Political Rights

1. (Same text as paragraph 1 of opinion No. 20/2003.)

2. The Working Group notes with appreciation the information forwarded by the Government in respect of the cases in question.

3. The Working Group further notes that the Government has informed it that Dianellys Morato was released from detention on 8 January 2004.

4. The response of the Government was transmitted to the source, which did not communicate any comments.

5. Having examined the available information, and without prejudging the nature of the detention, the Working Group decides to file the case of Dianellys Morato under the terms of paragraph 17 (a) of its methods of work.

Adopted on 15 September 2004

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QUOTE E/CN.4/2005/6/Add.1

OPINION No. 13/2004 (BOLIVIA)

Communication addressed to the Government on 5 February 2004

Concerning: Francisco José Cortés Aguilar, Carmelo Peñaranda Rosas and Claudio Ramírez Cuevas.

[...]

9. In the operation on 10 April 2003 the following minors were also arrested: Nelly Ramírez, 17, daughter of Claudio Ramírez Cuevas, and her cousin, Betty Nina Díaz, also

17. An application for habeas corpus was also reportedly filed in July 2003 on behalf of these minors before the Constitutional Court. The Court reportedly ordered their immediate release.

[...]

17. The Government states that the arrests of the minors Nelly Ramírez and Betty Nina Díaz were not linked to the measures taken against Francisco Cortés, but, rather, to action by the public prosecutor against trafficking in controlled substances. It further states that the evidence regarding possible liability on the part of Francisco Cortés and the other persons charged was formally admitted with the bringing of the charges by the public prosecutor. Prosecutors on the case and the national press witnessed events at the home of Claudio Ramírez when Francisco Cortés was arrested.

[...]

Adopted on 15 September 2004

DOCUMENT	E/CN.4/2005/60/Add.1
TITLE	CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, submitted in accordance with Commission on Human Rights resolution 2004/33 Addendum, Situations in specific countries or territories
AGENDA ITEM	11
PAGE	15-16
QUOTE	China

Communications to the Government

22. On 27 August 2004, the Special Rapporteur sent an allegation letter concerning the situation of **Wei Jun**, an attorney from the Baicheng law firm in Baise city, Guangxi province, who had allegedly been threatened and harassed for defending **Liang Changying**, a Falun Gong practitioner. Ms. Liang was sentenced to 5 ½ years in prison. After the court adjourned, the public prosecutor allegedly asked about the existence of a regulation stating that lawyers cannot defend Falun Gong practitioners who plead “not guilty”. The same day Mr. Wei's home phone, cell phone and office phone were put under surveillance, and several days later police officers asked the Judiciary Bureau to suspend Mr. Wei's licence to practice law and to sentence him to three years of forced labour. After the director of the Judiciary Bureau refused their request, the police reportedly warned Mr. Wei that in the future he would not be allowed to defend Falun Gong practitioners, and confiscated all of his materials regarding Ms. Liang's case.

PAGE 29
QUOTE **Press release**

66. On 27 July 2004, the Special Rapporteur, jointly with other Special Rapporteurs, issued the following press release:

UN EXPERTS APPEAL TO IRAN TO COMPLY WITH HUMAN RIGHTS NORMS

IN CASE OF DEAD JOURNALIST

The Special Rapporteur on the right to freedom of opinion and expression, Ambeyi Ligabo, the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, and the Special Rapporteur on torture, Theo van Boven, express their profound concern regarding the unanswered questions which have resulted from the acquittal of an Iranian intelligence officer on 24 July after a two-day trial for the alleged killing of journalist Zahra Kazemi.

Ms. Kazemi was arrested on 23 June 2003 while performing her work as a journalist outside Evin prison in the Iranian capital, Tehran. She was reportedly beaten and subjected to other forms of ill- treatment in detention; she died of her injuries on 10 July 2003.

Many reports indicate that the proceedings did not meet international standards of a fair trial because key evidence that might have incriminated judiciary officials, the prosecutor's office as well as the intelligence ministry was ignored by the court. The independent experts are also concerned that journalists and other foreign observers were barred from full access to the courtroom after the start of the trial.

The independent experts fear that by failing to ensure an open trial and the independent functioning of the judiciary -- which should take into account all findings that could shed light on this case -- the authorities are favouring a climate of impunity for law enforcement officials and setting the ground for the recurrence of similar human rights violations in the future.

The experts underline the need for prompt and impartial investigations whenever acts and practices of torture are alleged. They appeal to the authorities to comply strictly with international human rights norms, and in particular with article 2, paragraph 3, of the International Covenant on Civil and Political Rights ratified by the Islamic Republic of Iran, which provides that, 'Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; and (c) To ensure that the competent authorities shall enforce such remedies when granted'.

DOCUMENT	E/CN.4/2005/72
TITLE	INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN INTERSECTIONS OF VIOLENCE AGAINST WOMEN AND HIV/AIDS Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk
AGENDA ITEM	12
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QUOTE	

8. The Regional Consultation was followed on 27 September by a national consultation with local organizations at Afad Women's University, organized by

BBSAWS. Participants raised the following issues of concern: violence against women in zones of conflict in the Sudan, female genital mutilation, HIV/AIDS, and implications for women of the Public Order Act 1999, namely random virginity testing, restrictions on women's freedom of movement, imposition of dress code, and prosecution for selling of tea and alcohol. Reportedly, the majority of women in jail in Sudan are detained for these types of offences.

PAGE 9

QUOTE **B. Violence against women and susceptibility to HIV**

26. Violence against women by intimate partners in the home, or by strangers outside - whether through community-sanctioned traditional practices; in institutional settings such as hospitals, schools or detention facilities; in the transnational arena as refugees, migrants, or persons trafficked for sexual exploitation; in times of peace or armed conflict - increases the risk of HIV infection for women and of further violence. This section explores types of violence which women commonly experience and the ways this exposes them to the risk of HIV/AIDS.

DOCUMENT E/CN.4/2005/71

TITLE **Annual report of the Special Rapporteur on trafficking in persons, especially in women and children (Ms. Sigma Huda)**

AGENDA ITEM 12

PAGE 6

QUOTE

10. Despite its overwhelming human rights dimension, trafficking is often perceived and addressed only as a "law and order problem" and is primarily located within the crime prevention framework. In addition to violations suffered at the hands of traffickers, victims often suffer from re-victimization. Victims of cross-border trafficking are criminalized and prosecuted as illegal aliens, undocumented workers or irregular migrants, rather than as victims of a crime. Women and young girls who are trafficked into the sex industry are penalized on charges of prostitution instead of receiving assistance. Often, when detained they are denied basic judicial guarantees: they are not informed of their rights and how to exercise them, and they are not given access to lawyers or interpreters. Often, victims of trafficking are not protected against violations of the right not to be returned to a country where they would face serious human rights abuses, as established in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention relating to the Status of Refugees.

DOCUMENT E/CN.4/2005/72/Add.1

TITLE **INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE VIOLENCE AGAINST WOMEN Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk**

Addendum
Communications to and from Governments

AGENDA ITEM 12

PAGE 8

QUOTE **Bangladesh**

Allegation letter

21. By letter dated 29 September 2004, sent jointly with the Special Rapporteur on torture, the Special Rapporteur notified the Government that she had received information concerning **I. Z. N.**, aged 26, from Sholna. She was reportedly arrested on 28 April 2004 at Dhanmondi Trauma centre, Dhaka, and taken blindfolded by alleged officers of Ramna police station to an unknown place where she was interrogated and tortured until 30 April 2004. She was kicked on her legs and beaten with a heavy stick and rifle. She was subjected to electric shocks and a pin was pushed into her finger. She was brought before a court on 1 May 2004 and remanded for one day. However, the police are said to have kept her in custody for two days. It is alleged that the victim was targeted because of her political beliefs. A complaint was filed against the police involved in the incident, but no action was reportedly taken to bring the perpetrators to justice.

PAGE 9-10

QUOTE **Bangladesh**

Follow-up to previously transmitted communications

28. By letter dated 24 May 2004, the Government responded to a communication of 5 November 2003 sent jointly with the Special Rapporteur on torture, concerning **B.B.** (E/CN.4/2004/66/Add.1, para. 19). According to the Government, on 16 October 2003 the Officer- in-Charge of Bagmara police station found B.B. and a man in a compromising position and arrested them on charges of engaging in immoral activities in a public place under section 54 of the Criminal Procedure Code. During interrogation, B.B. admitted having an illicit relationship with the man. They were brought before a magistrate the same evening, pleaded guilty and were fined 200 taka each. On 17 October 2003, the Chairman of the Hatgangopara Union Council went to the Bagmara police station and alleged that the man had been released by the constables on the way to the court the previous evening. The constables then raped B.B. B.B. was said to be undergoing treatment at Rajshahi Medical College Hospital. The Assistant Superintendent of police conducted an immediate inquiry. The Superintendent of Police, in the meantime, saw B.B. at the hospital. Investigations carried out found all three men guilty of having raped B.B. on the night of 16 October on the way back from the court. According to the Government, the allegations that the police constables raped B.B. were unfounded. However, an independent inquiry was conducted into the allegations and, in order to ensure the neutrality and impartiality of the inquiry, the Officer-in-Charge and the constables were transferred from the police station. The Government reiterated that as a State party to almost all major international human rights instruments, the State is deeply conscious of its commitment to women and remains vigilant against any violation of the human rights of women.

PAGE 11

QUOTE **Burundi**

36. Par une lettre en date du 21 octobre 2004, la Rapporteuse spéciale, conjointement avec le Rapporteur spécial sur la torture, a informé le Gouvernement qu'elle avait reçu des renseignements selon lesquels les femmes burundaises continueraient d'être victimes de violence sexuelle et de traitements dégradants. [...] Parmi les femmes les plus vulnérables figureraient : ...les détenues.

PAGE 12

QUOTE **Burundi**

44. Les Rapporteurs spéciaux ont par ailleurs reçu des informations selon lesquelles seuls les locaux de la police judiciaire des parquets et de la police municipale de Bujumbura disposeraient de cellules réservées aux femmes, les autres postes de police de zones et des communes du pays n'ayant aucun endroit aménagé à cet effet. S'agissant des prisons, seule la prison de Ngozi ferait une nette séparation entre les quartiers réservés aux hommes et ceux réservés aux femmes et aux enfants. Dans les autres prisons, les enfants resteraient au contact des adultes. Quant aux femmes, elles ne seraient effectivement à l'écart des hommes que durant la nuit.

PAGE 15

QUOTE **Chile**

56. El 12 de mayo de 2004, la Relatora Especial juntamente con el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión envió un llamamiento urgente sobre la situación de **O.A.** ex-prisionera política en Chile, quien habría sido condenada por difamación criminal (injurias y calumnias) por la Corte de Apelaciones de Santiago el 26 de abril de 2004. Según las informaciones recibidas, O. A. habría sido condenada a una pena de prisión remitida de dos meses. Por otra parte, habría recibido una multa de \$1,000 y dos millones de pesos (aproximadamente US \$3,350) en daños. Sus abogados habrían apelado la decisión.

57. Se alega que en julio de 2003, O. A. habría manifestado en una entrevista de televisión que el director de la Policía de Investigaciones de Chile, N. M., la habría sometido a abusos sexuales mientras estuvo detenida por el ejército chileno en noviembre de 1973, en la Escuela de Artillería del ejército en Linares, lugar que habría sido usado como centro de interrogación después del golpe militar de 1973, y donde se habrían mantenido a casi todos los detenidos incomunicados y sometidos a torturas con participación de miembros de la Policía de Investigaciones en los interrogatorios. El 26 de abril de 2003, el juez L. C., de la Corte de Apelaciones de Santiago, habría expresado que O. A. no habría presentado pruebas suficientes para sostener sus denuncias, y por eso sería culpable de difamación en contra de N. M.

58. Por carta con fecha de 19 de mayo de 2004, el Gobierno proporcionó las siguientes informaciones:

59. El 26 de abril de 2004, el Ministro Instructor dictó la sentencia definitiva de primera instancia condenando a la Sra. V. como autora del delito de injurias graves a una pena de 60 días de prisión en su grado máximo y a pagar, por concepto de indemnización de perjuicios, la suma de dos millones de pesos. El Gobierno estima absolutamente improcedente la presunta vulneración del derecho de la libertad de expresión, por cuanto los delitos de injurias, calumnias o difamación no se encuentran amparados por el derecho antes enunciado. La Sra. V. imputó al señor M. la comisión de un delito sin

aportar ningún tipo de pruebas que permitieran estimar que éste efectivamente había tenido lugar.

PAGE 15-27

QUOTE **China**

61. By letter dated 10 June 2004, sent jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information concerning **Z.Y.**, 4-year-old. It is alleged that on 1 January 2004 she was taken from her home in Zitong town, Tongnan county, Chongqing city, by four police officers from the Tongnan County National Security Team. The police officer alleged to have been in charge of the operation is known to the Special Rapporteurs. It is reported that both of **Z.Y.**'s parents, **Z.H.** and **W.Y.**, had been arrested previously, allegedly because they are practitioners of Falun Gong. In February 2002, it is alleged that her father, **Z.H.**, was sent to Xishanping Labour Camp, where he was tortured and suffered a broken nose, missing teeth and injured ribs. He is now reported to be detained at an undisclosed location. It is alleged that on 23 December 2003, **Z.Y.**'s mother was taken into detention and tortured. She was reportedly released after being on hunger strike for 54 days. It is reported that upon release she began to search for her daughter. **W.Y.**'s current whereabouts are reportedly unknown. In view of **Z.Y.**'s age and vulnerability, serious concern was expressed for her physical and mental integrity, and in particular that she might be at risk of torture or other forms of ill- treatment, or of being trafficked.

62. By letter dated 20 July 2004, the Special Rapporteur advised the Government that she had received information on the following individual cases.

63. **Q.Y.**, born in 1963, was an engineer and Vice-Director of the Basic Construction Section of a food company in Guye district, Tangshan city, Hebei province. She was a Falun Gong practitioner who was ordered in July 1999 by a Tangshan city policeman and a local party commissioner (whose name is known to the Special Rapporteur) to renounce Falun Gong. On the same day, she went to Beijing with her husband, **W.J.**, to appeal to the Government to stop the persecution of Falun Gong. Their 8-year-old-son remained alone at home. They were arrested at the bus station and escorted back to the Tangshan city police station. Upon being released and returning home, they found their house had been ransacked and all the Falun Gong materials taken. On 19 February 2000, **Mr. W.** was again detained, although he was not charged. **Mrs. Q.** and another Falun Gong practitioner went to Beijing the same day to appeal again to the Government. The next morning, while they were doing their exercises in Tianmen Square, they were attacked by police who beat them and dragged them to a nearby police station. A few hours later she was again escorted back to Tangshan city, arriving at night. At the police station, she was handcuffed to an iron pole outdoors, in the cold, where she remained for several hours. She was then interrogated by police officials, including the Director of the First Division, who kicked her on her left side. Another director slapped her face so hard that it became swollen. She was then bound with a rope, her arms drawn up high behind her back in a painful position. The next morning, 21 February, a policeman (whose name is known to the Special Rapporteur) and others went to **Mrs. Q.**'s home, reportedly to confiscate her property, but they found that the house had already been ransacked. They returned later for a more intensive search and confiscated Falun Gong books and materials that had been hidden in the coal storage. They also took the television and VCR. In protest, **Mrs.**

Q. began a hunger strike on 24 February. That afternoon, she was sentenced with some 20 other Falun Gong practitioners and sent to a detention centre, where she continued her hunger strike. She was eventually sent to Ankang Hospital, where she was kept tied to her bed to prevent her from doing her Falun Gong exercises. On 18 August she was released without charge. During her detention, she was expelled from the Communist Party and fired from her job. On 18 September 2000 Ms. Q. was arrested again and sent to the Hebei (Kaiping) Labour Camp. In October, her husband was sentenced to two years of forced labour for crimes he did not commit. Beginning in mid-January 2001, persecution of Falun Gong practitioners in the labour camp increased. Every time Mrs. Q. tried to do her exercises, she was punished by being made to stand outside in the snow or tied up for half a day. On 21 February, she was taken to an office and tortured by a camp guard (whose name is known to the Special Rapporteur) and others. She was given electric shocks, after which she went into convulsions and stopped breathing. She was sent to hospital for emergency treatment. Although she recovered, there was permanent damage to her nervous system. She coughed blood and had difficulty walking. On 24 April, she was again rushed to the hospital following further mistreatment in connection with her refusal to watch a movie defaming Falun Gong. Her physical condition continued to deteriorate, and on 12 May she was finally sent to an outside hospital where she was kept under continuous surveillance by the "610 Office". During this time, her husband was still in the labour camp and her son was living with her elderly parents. As a result of the stress, Mrs. Q. suffered a mental breakdown and was sent to a psychiatric hospital where she remained for six months. The "610 Office" would not allow her family to take her home. On 15 January 2002, she was sent to a brainwashing centre where she remained for another six months, when she was released. Mrs. Q.'s hair turned white while she was detained. She is mentally confused, has an irregular heartbeat and has trouble breathing. Her hands tremble. Despite her debilitated condition, a police officer (whose name is known to the Special Rapporteur) still goes to her home to harass her.

64. **Z.Y.**, aged 48, was an employee at a rubber plant in Zhangjiakou city, Hebei province. She lived in Gongrenxincun, Qiaoxi district, Zhangjiakou city. In 1998, she was diagnosed with late-stage lymphoid cancer. It is reported that after she began practising Falun Gong, she recovered and was able to resume her work. On 20 July 1999, Z.Y. took her medical records to Beijing, hoping to show the Government that Falun Gong could have positive effects. The Beijing police arrested her, and later ordered police from Zhangjiakou city to pick her up. After her return to Zhangjiakou city, she was detained and fined. She was later released, but police officers from Beixincun police station continued visiting her home and workplace to harass her. She was detained on numerous occasions and sent to brainwashing classes. On the night of 17 February 2004, Ms. Z. was arrested at her home by officers from the Dajingmen police station and sent to Shisanli Detention Centre. She began a hunger strike to protest the detention. Then she was sent to Shalingzipiandi Legal School where she was reportedly tortured. In mid-April 2004, when her family visited her, they found to be in a state of mental confusion. The police refused to release her or provide any treatment for her. She died on 4 May 2004. The Dajingmen Police Department did not notify Ms. Z.'s family that she was critically ill until after she had died.

65. **L.S.**, aged 37, a resident of Luannan county, Hebei province, has been arrested and beaten many times for being a Falun Gong practitioner. When she went to Beijing to appeal to the Government to stop the persecution of Falun Gong, police from the Tiananmen Square police station arrested her and detained her for five months. At the time of her arrest she was two months pregnant. During her detention, she was kept in shackles, her hands attached to her feet so that she was unable to stand up. The police tortured her every day and when her foetus was seven months old and viable, they forced her to have an abortion. She was then sent home, but two weeks later she was arrested again and sent to a brainwashing centre, where she began a hunger strike to protest the detention. Because it was less than one month after the forced abortion, her mother came to the centre to look after her. Her mother appealed to the county government for her daughter's release, which was granted five days later.

66. In July 1999, **S.J.**, who is in her 40s, from Gucheng, Qiansuo town, Suizhong county, Huludao city, Liaoning province, went to Beijing to appeal for Falun Gong, but was intercepted by police and escorted back to her home town. In August 1999, S.J. again went to Beijing to appeal to end the persecution. She was arrested and taken to the Suizhong Detention Centre, where the police allegedly took 2,000 yuan in cash from her. On 31 October 1999, S.J. was again arrested and sent to the Masanjia Labour Camp. She was later transferred to Zhangshi Labour Camp, a youth correction facility, and then transferred again to the Longshan Labour Camp, Shenxin Labour Camp, Dabei Prison and other places, where she was subjected to torture. Guards (whose names are known to the Special Rapporteurs), allegedly following orders, pushed S.J.'s head down and stuffed her mouth with a towel so she could not scream. Then they jabbed her fingers with needles and shocked her with three electric batons. They sent her to an underground hospital in Shenyang city, where she was forcibly injected with drugs. On another occasion, she was forced to disrobe and shocked with electric batons all over her body for an entire night. The next day her face was covered with large blisters, badly swollen and bruised. She was also severely beaten and forced to squat for extended periods. One day the police took Ms. S. to an office where she was shocked with electric batons and tied to a bedpost. They kept her there for two days and one night without allowing her to eat, sleep, or go to the toilet. When she was finally released, several people had to carry her as she could not walk. During the 2002 Chinese New Year, Ms. S.'s family received a notice from the labour camp requesting a payment of 1,500 yuan to cover "medical expenses" before they could take Ms. S. home. Once home, Ms. S.'s family found her to be mentally traumatized as a result of her experiences. She had unhealed wounds around her genitals and needle punctures on her body. The entire family has suffered financially and emotionally because of the mental and physical injuries suffered by Ms. S., who nevertheless continues to be harassed by the authorities.

67. By letter dated 15 October 2004, sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right to the highest attainable standard of physical and mental health and the Special Rapporteur on torture, the Special Rapporteurs expressed their concern at reports of systemic repression against the Falun Gong and other "heretical organizations" ("*xiejiao zuzhi*"). Over the past five years, hundreds of

cases of alleged violations of the human rights of Falun Gong practitioners have been brought to the attention of the Special Rapporteurs. Many of these allegations have been reported back to the Chinese authorities and are reflected in reports of the Special Rapporteurs to the Commission on Human Rights. The Special Rapporteurs are concerned that reports of arrest, detention, ill-treatment, torture, denial of adequate medical treatment, sexual violence, deaths, and unfair trial of members of so-called “heretical organizations”, in particular Falun Gong practitioners, are increasing. They are concerned that these allegations may reflect a deliberate and institutionalized policy of the authorities to target specific groups such as the Falun Gong. According to information received, on 10 June 1999 the Central Committee of the Chinese Communist Party established an office for dealing with the Falun Gong, commonly referred to as the “610 Office” (for the date of its establishment), and officially later as the State Council Office for the Prevention and Handling of Cults. This institution reportedly was given a mandate to repress Falun Gong and other “heretical organizations”, and is operating outside the rule of law. Reports indicate that Falun Gong was officially banned on 22 July 1999 through a decision of the Ministry of Civil Affairs and since then several decisions, notices, regulations and other judicial interpretations have been issued by the Government and judicial authorities to legitimize the official repression against “heretical organizations”, including the Falun Gong. In addition, according to reports a media campaign was launched against the Falun Gong and Falun Gong practitioners in June 1999. It is believed that this campaign followed a protest gathering in Beijing on 25 April 1999, involving more than 10,000 Falun Gong practitioners. Further reports indicate that in February 2001, the Central Committee of the Communist Party called for a Central Work Conference of high-level party officials. The purpose of this meeting was reportedly to adopt a plan calling for the formation of local “anti-cult task forces” in all universities, State enterprises and social organizations to reinforce the “610 Office” and strengthen local control over the Falun Gong. An analysis of reports received by the Special Rapporteurs indicates that the alleged human rights violations against Falun Gong practitioners, including systematic arrest and detention, are part of a pattern of repression against members of this group. Most of those arrested are reportedly heavily fined and released, but many are detained and ill-treated in order to force them to formally renounce Falun Gong. Those who refuse are sent to “re-education through labour” camps, where reportedly torture is used routinely, resulting in many deaths. The Special Rapporteurs are further concerned at reports that few Falun Gong practitioners are prosecuted. When charges are laid they reportedly include allegations such as “disturbing social order”, “assembling to disrupt public order”, “stealing or leaking State secrets” or “using a heretical organization to undermine the implementation of the law”. According to the information received, those prosecuted have been unfairly tried and many have received lengthy prison sentences. In this respect it is reported that on 5 November 1999, a notice issued by the Supreme People’s Court instructed all local courts to do their “political duty” in bringing to trial and punishing “severely” those charged with “heretical organizations crimes”, “particularly Falun Gong”, and to handle these cases “under the leadership of the Party committees”.

68. On 8 January 2004, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on torture, regarding **C.S.** a 61- year-old resident

of Shenze county, Shijiazhuang city, Hebei province, who was reportedly detained in the Shijiazhuang Labour Camp because she allegedly practises Falun Gong. On 8 April 2001, she was reportedly transferred to the Gaoyang Labour Camp in Hebei province. It is alleged that as she went on a hunger strike to protest the treatment received, she was force-fed human excrement on three separate occasions, and afterwards suffered from serious diarrhea. As a result, she was reportedly sent to the Gaoyang County Hospital for emergency treatment. The attending doctor allegedly pointed out that feeding a person human excrement in that quantity can cause death. Upon being sent back to the labour camp, she was allegedly continuously beaten by the guards, who are said to have crushed her nipples, shocked her with electric batons while pouring water onto her, used pliers to pinch her flesh, and buried her in snow until she passed out. On 8 January 2004, she was reportedly still detained in the labour camp, where she was believed to be at risk of being subjected to similar treatment.

69. On 15 March 2004, the Special Rapporteur sent a joint urgent appeal with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on torture, regarding **Y.T.**, a 37-year-old Falun Gong practitioner from the Zuhai suburb of Guangzhou city, Guangdong province. On 23 February 2004, Y.T. is said to have been taken from her home following an application for a passport. Her husband was reportedly also interrogated in connection with her passport application and detained for reeducation at the Chutou Law School, in Guangzhou Baiyun district. On 10 March 2004, information was received that Y.T.'s health condition was critical. She was said to have been on hunger strike for 17 days to protest her detention. Her family had appealed to the police in Guangzhou city to have an investigation into the legality of her detention, and was calling for her immediate release. Allegedly, no action had been taken as of 15 March 2004. It is believed that Y.T. was detained in connection with her Falun Gong beliefs. Reports indicated that she had been detained previously, including for a three- year period for re-education, for this reason.

During this time, she was reportedly subjected to physical and psychological torture. It is reported that due to the ill- treatment in detention, her legs were injured and she was unable to walk. In view of the alleged detention of Y.T. and allegations of torture and ill-treatment while she was previously in detention, concern was expressed for her physical and psychological integrity. Concern was also expressed for her family, who has allegedly been told that they should not report the case to the international community.

70. By letter dated 10 June 2004, the Government reported that in April 2002, Y.T., a 37-year-old female Falun Gong practitioner from Haizhu district in Guangzhou, was ordered, in accordance with the law, to undergo labour re-education for having twice disrupted public order. In August 2003, she was released from re-education. In February 2004, the local government sought to re-educate Y.T., but she resisted by undertaking a hunger strike. According to the Government, the local authorities actively endeavoured to save her life. They also stated that Y.T. was in excellent health.

71. On 30 April 2004, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur on the right to the highest attainable standard of physical and mental health, and the Special Rapporteur on torture, regarding **L.M.**, aged 36, resident of Donggang city, Liaoning province. She was reportedly held in Dabei Prison in Shenyang city. On 10 March 2004,

a relative who visited her reported that she was carried to the visiting room wearing a large gauze mask, and that she was extremely weak and thin. It is reported that the guards immediately stopped the meeting when she said that she was dying, and since then, no information on her situation had been available. It is reported that L.M. and her husband were arrested on 9 April 2002 and sentenced to 13 years in prison for producing and distributing materials about the alleged persecution of Falun Gong. Since her arrest and detention at the Dandong City Police Station, and subsequently at the Dandong Detention Centre and later Dabei Prison, L.M. had reportedly been tortured in an attempt to force her to give up Falun Gong. The methods of torture and ill-treatment alleged include electric shocks all over the body and beatings on her head with hard plastic baton handles. It was further alleged that she had been denied adequate medical attention and as a consequence she had suffered, among other things, high fevers which had damaged her lungs. Her health had reportedly continued to deteriorate. In view of the allegations of torture and the reported state of her health, concern was expressed for the physical and mental integrity of L.M. if she did not receive prompt and adequate medical attention.

72. On 15 July 2004, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur on the right to the highest attainable standard of physical and mental health, and the Special Rapporteur on torture, regarding **G.J.**, **C.Y.**, **Y.S.**, **G.B.** and **S.Y.** According to the information received, in 2000, G.J., a resident of Luozhuang hamlet, Chengbo village, Mengzhou city, Henan province, was arrested at home and taken to a detention centre, together with her 8-month-old child, by the "610 Office" in Mengzhou city and officers from the Mengzhou city Police Station (whose names are known to the Special Rapporteurs). She is said to have been arrested because she is a Falun Gong practitioner. On 25 May 2002, after Ms. G.'s release, police officers (whose names are known to the Special Rapporteurs) took her to the police station, without a warrant. Ms. G. was again pregnant at the time. It is alleged that the police officers forced her to have an abortion so that she could be sent to a labour camp. They are said to have forcibly given her an injection to induce the abortion, watched the procedure and mocked her when she was in pain. Then she was sent to a detention centre in Jiaozuo city, Henan province. Later, she was transferred to the Shibalihe Labour Camp where she was still detained on 15 July 2004. Furthermore, it was reported that Ms. G.'s father, **G.X.**, her mother, **S.G.**, elder sister, **G.X.**, and brother, **G.H.**, had also been detained many times because they practised Falun Gong.

73. In April 2001, **C. Y.** aged 46, resident of Xiaohaidi in Tianjin city Hexi district, was taken from her home and sentenced to two years of forced labour at the Tianjin City Jianxin Women's Forced Labour Camp No. 3 Squadron of the No. 6 Brigade, where she was tortured. On 13 May 2002, Ms. C. practised Falun Gong exercises in the labour camp and, as punishment, the camp police confined her to a small dark room where they beat her and trampled on her arms. Then they handcuffed each of her arms to a bed, stretching her out spread-eagled. She remained handcuffed this way for 23 days. On 6 April 2003, C.Y. and another Falun Gong practitioner tore down the anti-Falun Gong slogans posted inside the Squadron. As a result, the guards dragged them into a room where they stripped them down to their underclothes and tied up their hands. Then the guards dragged them into the hallway and ordered them to kneel down. When they refused, six policemen (including officers whose names are known to the Special

Rapporteurs) used six electric batons simultaneously on C.Y. One policeman used the electric baton on her genitalia for 20 minutes. Then they did the same to the other female prisoner. They then shocked Ms. C. again with electric batons all over her body, to the point that her teeth became loose. For more than one month afterwards, her right arm was paralyzed. On 15 July 2004, her whereabouts were unknown.

74. **Y.S.**, in her 50s, was arrested by the Tianjin city, Heping district Public Security Bureau in November 2000 because she refused to give up Falun Gong. She was taken to a police station where policemen violently slapped her face. She was sentenced to 2 ½ years of forced labour and detained at the No. 4 Brigade of the Banqiao Women's Forced Labour Camp in Tianjin city. On 1 June 2001, Ms. Y. was transferred to the Tianjin city Jianxin Women's Forced Labour Camp No. 3 Squadron of the No. 6 Brigade. Because she refused to renounce Falun Gong, the female camp guards deprived her of sleep, allowing her as little as two hours of sleep per day. In protest, Ms. Y. went on a hunger strike for 12 days. Subsequently, the camp extended her term of detention. On 1 April 2003, the No. 3 Squadron attempted to brainwash Ms. Y. The camp policewomen dragged Ms. Y. into a tiny, dark room and hit her all over her body with electric batons. They exposed Ms. Y.'s body in front of the camp's male discipline instructors to demonstrate their electric baton torture. Then they confined Ms. Y. to a 1.6 ft x 1 ft x 5 ft wooden cage where the 5-foot-7-inch tall Ms. Y. was forced into a crouched position. Ms. Y. was subjected to this treatment for eight days. Afterwards she had significant muscular and skeletal problems. On 15 July 2004, her whereabouts were unknown.

75. **B.**, in her 30s, a resident of Tonggu district, Tianjin city, was arrested by the police who tied her up and subjected her to physical punishment because she refused to read anti-Falun Gong articles. They then confined her to a wooden cage for more than a month. Ms. G. went on a hunger strike for 37 days to protest this persecution. During her hunger strike she was handcuffed and tied up, and afterwards she was put in solitary confinement for more than a month. Still refusing to abandon Falun Gong, police handcuffed her to a radiator, then handcuffed her spread-eagled between two radiators. Still later, the police handcuffed her and suspended her by her wrists, and subjected her to further torture. On 1 April 2003, the police shocked Ms. G. with several electric batons simultaneously. Then they put her in a wooden cage for several days. On 15 July 2004, her whereabouts were unknown.

76. On April 15, 2002 **S.Y.**, a resident of Lianjiangkou, Jiamusi city, Heilongjiang province, was arrested at her brother's house by local police because she was a Falun Gong practitioner. She was sent to Lianjiangkou Detention Centre and two weeks later transferred to the Jiamusi Labour Camp. Upon her arrival at Jiamusi, she was tortured and forced to undergo brainwashing. In July 2002, the labour camp guards forced her to sit on a small stool and watch anti-Falun Gong videos. When she refused to watch, a guard (whose name is known to the Special Rapporteurs) dragged her downstairs and handcuffed her to a bed. She began a hunger strike to protest the treatment received, so the guards force-fed her milk with salt, which was extremely painful. They subjected her to this treatment for seven days. In November 2002, guards forced Ms. S. to sit on a stool with sharp triangular ridges across its surface for more than 10 hours a day. They made her put both hands on her thighs and did not allow her to move. Eventually, the skin of her buttocks tore and began to bleed. Meanwhile, she was monitored by several guards brandishing electric batons. Each time she moved, they shocked and beat her

simultaneously. When she refused to read an anti-Falun Gong article, they beat her again. At the end of November 2002, because Ms. S. still refused to watch the videos, a guard (whose name is known to the Special Rapporteurs) cuffed her to a bed in an awkward, asymmetrical position, her hands tied to two different steel bars. She was cuffed in the same position for two weeks. The conditions in Jiamusi Labour Camp are very unsanitary, and for a long time Ms. S. was not allowed to bathe. By February 2003, she had developed scabies, which prevented her from sleeping. At one point the guards sprayed her with a chemical that caused her severe chest pains and rendered her unable to move her head or hands. One morning in May 2003, Ms. S. began to practice the Falun Gong exercises. As soon as she was seen, two guards (whose names are known to the Special Rapporteurs), rounded up some other inmates and they all beat her together. Then they dragged her to the second floor, where they forced her to sit on a cold cement floor with her hands cuffed behind her back for ten days. The nights were bitter cold, and she was deprived of sleep. On the tenth day, guards (whose names are known to the Special Rapporteurs) cuffed her hands in a forced backbend position (one arm is reaching down the back behind the head and the other hand meeting it from the lower back). She was subjected to this treatment for 13 days. After her hands were released, she was unable to move her arms and could barely walk. In June 2003, a guard (whose name is known to the Special Rapporteurs) slapped her face so hard that she temporarily lost her hearing. Ms. S. was not released after her term expired. On 15 July 2004, she was still being detained in the labour camp, and her health was in a critical condition.

77. On 12 October 2004, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on torture, regarding **M.H.** According to the allegations received, she was currently detained in the Shanghai Women Re-education through Labour Camp located in Shanghai Qingpu district, where she had been tied up, suspended from the ceiling and severely beaten. On 20 April 2004, she was sent there by police in Shanghai, to undergo 18 months of "re-education through labour" because of her persistence in petitioning the authorities about a labour dispute and the treatment she had suffered at the hands of the police. M.H. was detained several times on account of these activities, and forcibly confined in psychiatric units where she was forced to undergo shock therapy. Her daughters, both under the age of 18, were also reportedly detained repeatedly by police and questioned about who is assisting their mother with her petitions. M.H. was dismissed from her job in 1988, when she refused to undergo an abortion in violation of the State's family planning policies.

Follow-up to previously transmitted communications

78. By letter dated 12 January 2004, the Government provided information on the following cases contained in a letter dated 8 July 2003, sent jointly with the Special Rapporteur on torture (E/CN.4/2004/66/Add.1).

(a) Concerning **J.Z.**, (ibid., para. 25), the Government stated that in March 2000 she was placed in security detention for 15 days, in accordance with the law, for disturbing social order. While in detention, she concealed her pregnancy and went on a hunger strike, resulting in signs of a miscarriage. The public security authorities then took her to the hospital to be checked and treated. According to the Government, J.Z. herself had expressed indignation at the libellous statement that the public security authorities beat her until she miscarried;

(b) Concerning **L.Y.** (*ibid.*, para. 26), the Government indicated that in February 2000 she was placed in criminal detention by the public security authorities on suspicion of using a heretical organization to undermine the law of the State and commit crimes. When it was later discovered that she was pregnant she was released on bail. In July 2000 she gave birth to a son. According to the Government, mother and child are now currently doing well. The allegation that L.Y. was forced to have an abortion does not tally with the facts;

(c) Concerning **W.S.** (*ibid.*, para. 28), the Government stated that in July 2000 she was placed in criminal detention on suspicion of disturbing the social order. While in custody, she miscarried and the public security authorities released her on bail, in accordance with the law. According to the Government, W.S. was not forced to have an abortion while in custody;

(d) Concerning **W.X.** (*ibid.*, para. 29), the Government indicated that in February 2000, she was ordered by the labour re-education committee in Bameng, Inner Mongolia, to serve two years' labour re-education for disturbing the social order. At the time of her medical examination upon entering the facility, W.X.'s condition showed nothing unusual. On 13 July 2000 she complained of a pain in her abdomen, whereupon the medical centre of the Inner Mongolia Prison Administration determined that she was pregnant. In accordance with the relevant laws and regulations, the labour re-education facility placed W.X. under the supervision of the Bameng public security authorities in Linhe on 31 July 2000. In September 2000 she gave birth to a baby boy. After her delivery, she went to other parts of the country to engage in activities that disturbed the social order. On 6 March 2001 she was placed in criminal detention by the Xincheng branch office of the Hohhot public security authorities on suspicion of organizing and using a heretical organization to undermine the law and commit crimes; on 31 July 2001 the Xincheng District People's Procuratorate in Hohhot upheld the arrest and she was subsequently released on bail with restricted liberty. On 25 September 2002 W.X. was captured by the Baotou public security authorities after illegally leaving her place of residence. Because her action violated the Criminal Law of the People's Republic of China and the Explanation of the Supreme People's Court and the Supreme People's Procuratorate regarding Questions relating to the Concrete Application of Laws in Handling Criminal Cases of Organizing and Using Heretical Organizations (2), she was sentenced in accordance with the law to seven years' imprisonment. An investigation showed that while W.X. was serving her sentence, the labour re-education authorities ran the facility in a strictly scientific and civilized manner; they never beat her or subjected her to ill-treatment, and there was no injection of abortifacient drugs;

(e) Concerning **Z.G.** (*ibid.*, para. 30), the Government indicated that on 1 September 2001 she was ordered to serve three years' labour re-education for having gone to Beijing to cause a disturbance and disrupt the social order. During this time she became obsessed with a heretical organization and her health deteriorated. On 28 December 2001 the correctional facility sent her on an emergency basis to the hospital to see a doctor. However, she would not cooperate with the treatment, and her condition worsened. Pursuant to an authorization issued on 30 January 2002, and with her sister as guarantor, Z.G. was admitted to the local hospital for treatment. On 24 April 2002 she jumped from the building to her death in the presence of her family members. The allegation in the

letter that Z.G. was subjected to such forms of torture as electric shocks and beatings does not tally with the facts;

(f) Concerning **Y.P.** (ibid., para. 31), the Government stated that in March 2000 she was taken into custody by the national public security authorities in Beijing for disturbing the social order. After the public security authorities discovered that Y.P. was pregnant they took the necessary steps to have her released on bail, in accordance with the law. According to the Government, she was not forced to have an abortion while in custody;

(g) Concerning **Z.W.** (ibid., para. 32), the Government indicated that in February 2001 Z.W.'s husband, W.D., was sentenced by the Changzhou labour re-education committee to serve two years' labour re-education for having engaged, together with Z.W., in activities that disturbed the social order. The judicial authorities took into consideration the fact that Z.W. was pregnant and did not sentence her. According to the Government, the allegation that she was forced to have an abortion is a fabrication;

(h) Concerning **B.L.** (ibid., para. 33), the Government indicated that she was ordered to serve one year's labour re-education for disturbing the social order. Because B.L.'s behaviour was relatively good, she was given an early release from labour re-education on 20 November 2000. According to the Government, the allegation that she suffered ill-treatment and went deaf while in the labour re-education facility does not tally with the facts;

(i) Concerning **Z.B.** (ibid., para. 33), the Government stated that in March 2000 she was ordered to undergo labour re-education for one year for having participated in the activities of a heretical organization and disturbing the social order. On 20 November 2000 she was given an early release. Following her release, Z.B. was ordered to serve a further three years' labour re-education for disturbing the social order. Because her behaviour while in labour re-education was relatively good, she was given an early release on 8 November 2002. According to the Government, the allegation that she was subjected to ill-treatment is pure fabrication;

(j) Concerning **L.N.** and **W.X.** (ibid., para. 35), the Government indicated that in July 2000 they were arrested in Beijing for assembling and creating a disturbance, and following re-education they were released. According to the Government, the two women were not subjected to ill-treatment while in custody as alleged;

(k) Concerning **L.Y.** (ibid., para. 36), the Government indicated in October 2000 that she was placed in criminal detention by the national public security authorities, in accordance with the law, for having gone to Beijing to create a disturbance. While she was in detention the public security authorities discovered that L.Y. was pregnant, whereupon they released her on bail. According to the Government, the allegation that L.Y. suffered ill-treatment while in detention does not tally with the facts;

(l) Concerning **Y.J.** (ibid., para. 37), the Government indicated that in October 2000 she was arrested by the national public security authorities and was released following re-education. During this process the public security officers consistently enforced the law in a civilized manner and in accordance with the law; at no time was Y.J. subjected to degrading treatment or ill-treatment;

(m) Concerning **L.S.** (ibid., para. 38), the Government stated that in December 2000 she was arrested for going to Beijing to assemble and create a disturbance. She was ordered to serve one year's re-education through labour by the Beijing municipal labour re-education committee. She has since been released and her health is good. According to

the Government, the allegation that she was subjected to ill-treatment while in labour re-education does not tally with the facts;

(n) Concerning **G.P.** (ibid, para. 43), the Government indicated that in October 2000 she was arrested for disturbing the social order. Because she was nursing a newborn infant, her work unit took her back for re-education. She subsequently grew obsessed with a heretical organization, became mentally unbalanced and disappeared. After being found by relatives she was sent to the hospital for treatment for three months. After leaving the hospital G.P. returned to her original work unit. According to the Government, the allegations that she was given electric shocks and subjected to mental harassment are pure fabrication;

(o) Concerning **C.Y.** (ibid., para. 44), the Government stated that in April 2000 she was ordered to serve one year's labour re-education for having participated in the illegal activities of a heretical organization and disturbing the social order. After entering the labour re-education facility, she created a disturbance and her term of re-education was extended by 6 months and 27 days, in accordance with the law. On 9 September 2001 she was released, at which time her health was good. An investigation revealed that the labour re-education facility was run in a civilized manner, in accordance with the law, and that C.Y. was not subjected to any electric shocks or other ill-treatment or punishment;

(p) Concerning **W.H.** (ibid., para. 45), the Government indicated that in June 2001 she was placed in criminal detention by the national public security authorities for engaging in activities that disturbed the social order in Lanzhou. When the public security authorities learned that she was pregnant, they had her placed under house arrest. She has since returned to her original work unit. According to the Government, the allegation that she was forced to have an abortion does not tally with the facts;

(q) Concerning **Y.D.** (ibid., para. 48), the Government stated that in October 2001 she was ordered by the Jingzhou labour re-education committee in Hubei province to serve one year's labour re-education for disturbing the social order. On 11 October 2002, she completed her term of re-education and she was released; the people's police at the labour re-education facility ran the facility in a civilized manner at all times, in accordance with the law. According to the Government, at no time did they beat or verbally harass Y.D. or inflict corporal punishment or ill-treatment;

(r) Concerning **Z.J.** (ibid., para. 48), the Government stated that in October 2001 she was ordered by the Jingmen labour re-education committee in Hubei province to serve one year's labour re-education. Throughout her re-education the people's police ran the facility in a civilized manner, in accordance with the law; at no time did they beat or verbally harass Z.J., inflict corporal punishment or subject her to ill-treatment. Z.J. completed her term of labour reeducation on 11 October 2003.

79. As no detailed information regarding **L.X.** (ibid., para. 24), **L.M.** (ibid., para. 27), **H.R.** (ibid., para. 40), **L.X.** (ibid., para. 41), **G.X.** (ibid., para. 42), **W.Y.** (ibid., para. 47), **D.J.** (ibid., para. 34), **Xu** (ibid., para. 46) and **Shi** (ibid., para. 39) was provided in the letter, the Chinese Government has been unable to look into their cases despite having conducted many searches.

80. By letter dated 18 March 2004, the Government provided information concerning **L.Q.** (E/CN.4/2004/66/Add.1, para. 50). From September 2003 onward, she engaged wantonly in heretical propaganda activities, buying a computer, a mimeograph, a paper-

cutting machine, etc. and downloading, creating, distributing and mailing propaganda material. At the same time, she was also giving other heretical elements within the country financial support for conducting illegal activities. Her conduct being in breach of Chinese law, the Chinese law enforcement authorities detained her for investigation on 2 November pursuant to article 300(1) of the Penal Code, and section 2 of the interpretation by the Supreme People's Court and the Supreme People's Procuratorate of certain questions regarding the specific law to apply to the offences of running, establishing and exploiting heretical organisations. Her residence was searched in accordance with the law, and large quantities of heretical material were found. During the investigation, L.Q. confessed to all of her illegal activities. As she had confessed her crimes and displayed a good attitude, the law enforcement authorities decided, on the basis of the relevant laws, not to press charges, and on 22 December 2003 the investigation into L.Q. was closed. 81. By letter dated 18 March 2004, the Government provided information concerning cases contained in an urgent appeal sent jointly with the Special Rapporteur on torture on 14 November 2003 (E/CN.4/2004/66/Add.1):

(a) **Y.F.** (ibid., para. 51). According to the Government, she was assigned to one year's reeducation through labour in October 2000 for travelling to Beijing and collectively creating trouble and disrupting the social order. While she was at the re-education facility the People's Police gave her a patient, painstaking education and never employed physical abuse or torture. Y.F. was discharged in June 2001. In November 2002, she was detained by the local public security organs, in accordance with the law, for involvement with the Falun Gong heretical movement and on suspicion of committing a crime, was educated and set free. Since then, the public security organs have not taken any further coercive action against her, and while in custody Y.F. was never tortured. The claims in the communication that she was brutally beaten and paid bail to be released, etc. are sheer fabrications;

(b) Her 16-year-old daughter (ibid.) **D.L.**, aged 19. The Government stated that she was detained in October 2000 on suspicion of involvement in the exploitation of a heretical organization to obstruct the enforcement of the law, and released after education. She was detained again in December 2003 on suspicion of exploiting a heretical organization to obstruct the enforcement of State law. D.L. was assigned to two years' re-education through labour on 6 January 2004;

(c) **T.L.** (ibid.). The Government stated that in February and June 2000 she twice went to Beijing and collectively created trouble, disrupting the social order, and was subjected to public security penalties by the public security organs. In May 2002, calling herself Hong Fa ("Great Law"), she caused a disturbance in a public place, severely disrupting the social order. When summoned to court by the public security organs in accordance with the law, she threatened to kill herself by jumping out of the window before being successfully restrained. While the public security organs were investigating her, T.L. took the prison staff by surprise and deliberately banged her head into the ground, thus suffering a contusion of the cervical area and paralysis. She is now convalescing at home. During the handling of this case, the public security organs have never inflicted any kind of beating or torture upon T.L. According to the Government, the claim that she was subjected to torture is false;

(d) **C. Y.** (ibid.). According to the Government, on 8 May 2003 she downloaded a large quantity of Falun Gong propaganda from the Falun Gong web site which she circulated at

school and in her neighbourhood; the public security organs detained her in accordance with the law on suspicion of exploiting a heretical organization to obstruct the enforcement of the law. While under investigation, C.Y. twice went on hunger strike, reaching a point where she was physically severely weakened. On medical advice, the public security organs decided on 13 October to release her on bail and defer the proceedings. According to the Government, C.Y. is still at home and her physical condition is now normal. The claim that she was tortured while in custody is not true.

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QUOTE **Colombia**

85. **M. L. M. R.** habría sido golpeada repetidamente por unos hombres vestidos de civil, supuestamente acompañados por agentes policiales, que habrían irrumpido en su casa en el municipio de Flandes, departamento del Tolima, el 6 de febrero de 2003. Habría sido golpeada en los pechos, le habrían pegado con la culata de una pistola en la cabeza, le habrían dado patadas y la habrían estirado del cabello. Después habría sido introducida en un vehículo particular con cinco agentes y le habrían colocado una bolsa en la cabeza. Al tiempo que le habrían apretado la bolsa a la altura del cuello, la habrían golpeado en el estómago. Más tarde, habrían conectado un cable en el encendedor eléctrico y se lo habrían aplicado en el tórax y bajo las axilas. Posteriormente, le habrían levantado la blusa y desabrochado el pantalón, tocado los senos y los genitales y amenazado con violarla. Bajo amenazas de muerte, habría confesado ser una guerrillera. Habría sido conducida a instalaciones del Servicio de Inteligencia de la Policía (SIJIN), donde la habrían amenazado con hacerla desaparecer junto a su familia si no colaboraba. Más tarde, los agentes le habrían ofrecido acogerse al programa de reinserción y sacarla del país. Durante el primer día de detención, habría sido privada de beber y comer y habría pasado la primera noche en una silla esposada a una baranda. 27 días después de su detención habría sido trasladada a una cárcel.

87. Por carta de fecha 1 de Septiembre de 2004 el Gobierno proporcionó las siguientes informaciones:

...

(b) En relación a **M. L. M. R.**, el Gobierno informó de que se iniciaron las correspondientes tareas de verificación ante la Fiscalía de Ibagué y no se encontró denuncia alguna al respecto.

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QUOTE **Democratic People's Republic of Korea**

112. On 20 September 2004, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on torture regarding **K.-S.J.**, a 24 year-old, national of the Republic of Korea. On 8 August 2004, she was abducted by four plain clothes security services personnel of the Democratic People's Republic of Korea near Budon village, Hwaryong city, Nampyeongjin, Jilin province, of China. She was carried away in a large sack from the Chinese side of the Tumen River to the Korean side to an unknown location. Her husband managed to escape and has attempted to locate her, without success. In view of her alleged abduction and detention in an unknown location, concern was expressed that she might be at risk of torture or other forms of ill-treatment. Moreover, given that K-S.J. was reportedly pregnant, concern was expressed for her physical and mental integrity if she did not receive prompt and adequate medical attention.

113. By letter dated 21 October 2004, the Government responded that according to an investigation, neither such incident nor any other similar act has occurred in the Democratic People's Republic of Korea-China border area before, during or after 8 August 2004.

PAGE 37-38

QUOTE **Democratic Republic of Congo**

123. **N. N. M.**, une femme du village de Lupongo, serait décédée le 19 février 2004 des suites de l'agression sexuelle qu'elle aurait subie de la part d'un membre de la police. D'après les informations reçues, le 7 février, N. N. M. aurait été battue et violée par un membre de la police qui l'aurait ensuite laissée grièvement blessée sur le bord de la route, sa vessie ayant été perforée. Informés de l'incident, ses deux fils auraient retrouvé le policier et l'auraient frappé. Quant à son mari, il serait allé au commissariat de police de Lubao rapporter les faits. Au commissariat, son incarcération aurait été immédiatement ordonnée au motif qu'il aurait été l'instigateur des coups portés au policier. Le 9 février, ayant été informé de l'arrestation et de la détention de son mari, sa femme se serait rendue au commissariat de police pour témoigner. A son arrivée, elle aurait été arrêtée et emprisonnée avec son mari, sans qu'aucune charge ne soit retenue contre elle, et cela en dépit d'un état de santé critique occasionné par l'agression sexuelle. Le 10 février, son état de santé se dégradant, elle aurait été relâchée. Le 13 février, le commandant de police de Lubao aurait demandé au mari de payer 5 000 francs CFA pour pouvoir être libéré. Faute de pouvoir payer, il aurait été maintenu en détention. Le 16 février, N. N. M. aurait été transférée à l'hôpital général de Lubao, où elle serait morte trois jours plus tard des suites des blessures causées par le viol. Son mari aurait alors été immédiatement libéré et le policier accusé de l'agression contre N. N. M., arrêté. Il aurait été condamné depuis à la servitude pénale à perpétuité et l'Etat à verser environ l'équivalent de 10 000 dollars à la famille de la victime.

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QUOTE **Democratic Republic of Congo**

126. **N. B.**, 15 ans, habitant le quartier de Mulongwe à Uvira, aurait été arrêtée le 31 juillet 2004 à midi par un militaire dont le nom est connu des Rapporteurs spéciaux pour avoir prétendument volé des vêtements de son voisin. La jeune fille aurait en fait seulement déclaré avoir vu quelqu'un au marché qui portait les vêtements volés. N. B. aurait été détenue pendant plusieurs heures dans un cachot clandestin à l'intérieur du camp militaire d'Uvira auquel le militaire était affecté. Ce dernier aurait placé des tiges d'arbre entre les doigts de la jeune fille en tapant sur ses mains placées sur une chaise afin de lui faire avouer le vol de vêtements et lui faire dénoncer ses éventuels complices. Vers 18 heures, constatant que les mains de la jeune fille avaient considérablement gonflé et qu'elle ne cessait de pleurer de douleur, le militaire aurait décidé de la libérer afin que ses parents la fassent soigner. Il lui aurait cependant indiqué qu'il reviendrait pour suivre l'enquête. N. B. aurait reçu des soins d'une organisation non gouvernementale locale qui l'aurait également aidée à engager des poursuites contre le militaire.

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QUOTE **Egypt**

137. By letter dated 8 September 2004, sent jointly with the Special Rapporteur on torture, the Special Rapporteur notified the Government that she had received the following allegations.

138. **I.M.A.**, a 48-year-old housewife from Suez. On 16 January 2003, she and her husband were arrested and taken to the Cairo Security Department. Heliopolis and Nasr City Divisions charged them with 12 counts of robbery, to which they were forced to confess. She was beaten, forced to take off her clothes, and sexually assaulted by officers. She sustained an injury to the right index finger, bruises to the chest and back, and swelling in the left knee and foot.

139. **S.M.A.M.**, a 37-year-old housewife from Al Sharabeya. On 15 June 2003 members of the Sharbeya police force broke into her house and took her to the police station. There her veil was removed. She was blindfolded, beaten and insulted. After two days she was taken to a shop called Al Shaymaa where a police officer (whose name is known to the Special Rapporteur) beat and insulted her.

140. **M.I.M.**, a 60-year-old housewife from Kafr El Sheikh. On 16 September 2003 officers from the Kafr Shokr police station entered her house in order to arrest her son. When they could not find him, she was whipped and kicked, and taken to the police station where she was again whipped and kicked. She was charged with hiding her son and assaulting a guard, and sent to the Public Prosecutor's Office. She was later taken to Kafr Shokr Hospital, where she was treated for her injuries for five days. She suffered swelling and bruising around both eyes and head, and injuries from the whipping to her shoulders and thighs.

142. By letter dated 11 November 2004, the Government sent the following response:

(a) **S.M.A.M.** is the sister-in-law of R.F.S.A., for whom the Department of Public Prosecutions issued an arrest warrant as a suspect in the shooting of F.A. al-H.I. on 15 June 2003. After the man was arrested, in possession of the weapon used to commit the offence, S.M.A.M. filed a number of complaints, which were proved to be baseless, in a bid to induce the investigating authorities to release the accused;

(b) **I.M.A.** and her husband S.U.A. formed a gang specializing in stealing women's handbags. These facts were confirmed by a police investigation and the two were arrested and detained by order of the Department of Public Prosecutions. Investigations are continuing;

(c) **M.I.M.** is the mother of a person wanted in Kafr Shokr criminal case No. 2745 of 2003 for committing aggravated robbery on 17 September 2003. She assaulted and injured a policeman who was trying to arrest her son. The Department of Public Prosecutions launched an investigation and the case file was registered as offences case No. 5395 of 2003. When the woman was questioned, she claimed that she had been tortured by a police officer from Kafr Shokr. The witnesses to the incident were also questioned and they said that the woman had assaulted the officers and had helped her son to escape. The case is still before the courts;

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QUOTE **India**

182. By letter dated 16 August 2004, sent jointly with the Special Rapporteur on torture, the Special Rapporteur notified the Government that she had received the following allegations.

183. **R.C.**, aged 42 years, North Street, Thanjavur, Thanjavur district, Tamil Nadu, **V.**, her daughter, and **S.S.**, her nephew. [...] At 1 a.m. on 5 June 2002, the Sub-Inspector of Thanjavur North police station, accompanied by three policemen (whose names are known to the Special Rapporteur), forced R. C. to remove the earrings worn by her daughter **M.** and her sister **K.** Upon refusing, the Sub-Inspector and one of the policemen pulled off her sari, and forced her to sign blank pieces of paper saying that she had stolen the jewellery. The policemen placed gold jewellery brought from elsewhere and photographed and videotaped her with it. She was taken to the Thanjavur Women's police station at 2 a.m. was taunted that this was a punishment for the complaints she had filed, and was told to stop making complaints. **R.C.** was brought before the JM I court at 6 p.m., remanded in custody for 15 days at the Trichy Central Prison, and was released on bail on 12 June 2002.

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 QUOTE **India**

184. **K.S.**, aged 45, of Pazhaya Theru, Kattuparamadudi, Paramakudi Taluk, Ramanathanpuram district, Tamil Nadu. At the Paramakudi town police station from 25 November 2002 at about 2.45 p.m. until her death on 30 November, she was shackled to a table, kicked, and beaten with PVC pipes and lathis on her head, back, hips and legs. **K.S.** was pierced with needles on her fingertips and verbally abused. She was being questioned in connection with a theft investigation. During the period of her detention, she was not given access to legal assistance, and could communicate with her daughter and three other relatives briefly. On 1 December, a post-mortem examination at the Government Hospital, Paramakudi, revealed contusions, bruises and other injuries on the back side of the right hand, right upper arm, right shoulder, left leg, left ankle, behind the left foot, right knee, and front right side of her head. To date no investigation has been carried out.

PAGE 56-61
 QUOTE **Iran (Islamic Republic of)**

211. By letter dated 17 September 2004, sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture, the Special Rapporteur notified the Government that she had received allegations concerning **A.R.**, 16 years old, who was reportedly publicly hanged on 15 August 2004 on a street in the city centre of Neka, in the northern Iranian province of Mazandaran. She had been sentenced to death approximately three months before by a lower court in Neka for "acts incompatible with chastity", following an alleged sexual relationship outside marriage. The case reportedly attracted the attention of the head of the judiciary for Mazandaran province, who allegedly ensured that the case was promptly heard by the Supreme Court, which upheld the death sentence. It has been brought to the Special Rapporteur's attention that **A.R.** was not mentally competent. It is indeed alleged that she was mentally ill, both at the time of the incident and during her trial. It is further reported that she was not represented by a lawyer at any stage of her trial and that she consequently defended herself. Besides, although her national ID card stated that she was 16 years old, the Mazandaran judiciary announced at her execution that she was in fact 22. Her co-defendant, whose name is not known to the Special Rapporteurs, was reportedly sentenced to 100 lashes and released after the sentence was carried out.

214. **M.A.**, editor of *Ferzaneh*, a magazine on women's issues. According to the information received, she was arrested and detained on 1 November 2004 upon her return from abroad. Police reportedly searched her home in the capital, confiscated her computer and other items. It is further reported that the nature of the accusations brought against the journalist was not clear.

215. **F.G.**, who works for the daily *Etemad* and writes about women's issues. According to information received, she was arrested on 28 October by the Tehran morality squad (*Edareh Amaken*) when she answered a summons to appear before the Ninth Chamber of the Tehran Prosecutor-General's-Office. Authorities did not provide any information about why she was arrested or where she was being held, but it is reported that her arrest may be linked to her activities in the field of women's rights. In 2001, F.G. wrote a letter to the Iranian authorities in which she criticized the violation of women's rights in the country and called for the release of **A.N.**, a woman who had been sentenced to death.

216. On 5 February 2004, the Special Rapporteur sent an urgent appeal concerning **M.N-K.M.**, aged 25. According to the information received, M.N-K.M. was arrested in September 2002, following an investigation into the murder of M.K., a man she had allegedly planned to marry after her divorce had been finalized. In police custody she reportedly confessed and was subsequently charged with premeditated murder and served with an official arrest warrant by the Tehran Criminal Court. It is alleged that she did not have a lawyer present at the time of her interrogation and confession. At her trial, in February 2003, M.N-K.M. retracted the confession and insisted that she was innocent, saying that after her arrest she was afraid and did not know what she was saying. The only supposed eyewitness also retracted his statement incriminating her.

226. On 3 December 2004, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on torture regarding **H.E.** aged 35 and mother of two, and **R.M.G.** aged 22, from the town of Jolfa. According to the allegations received, they were at risk of imminent execution. On 16 January 2000, H.E. was sentenced to death by hanging by the 3rd Branch of the Public Court of Jolfa for adultery, for assisting in the premeditated killing of her husband. R.M.G. then aged 17, was sentenced to hang for his role. The 37th Branch of the Supreme Court of Justice later amended the sentence against H.E. to stoning, which was scheduled to be carried out on 1 September 2004. Following an appeal, the Supreme Court of Justice upheld the sentence. The sentences were expected to be carried out within the next three weeks.

227. By letter dated 13 January 2005, the Government indicated that H. E was charged as an accomplice to her husband's murder and was sentenced to death. Upon rejection of her appeal by the Supreme Court, she requested to be pardoned. Her request was under consideration and her sentence had been suspended.

228. On 13 December 2004, the Special Rapporteur sent an urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on torture concerning **L.M.**, aged 19, who was facing imminent execution for "morality-related" offences. She was to be flogged before she is executed. Concern was expressed that she had been sentenced to death for crimes she would allegedly have committed when she was under 18 years old.

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QUOTE **Malaysia**

245. By letter dated 4 March 2004, the Government responded to a letter sent on 6 November 2003 jointly with the Special Rapporteur on the right to freedom of opinion and expression and the Special Representative on the situation of human rights defenders (see E/CN.4/2004/66/Add.1). The Government reported that **I.F.** was found guilty of maliciously publishing false news and sentenced to one year's imprisonment. However, the court allowed a stay of execution pending her appeal to the High Court and granted bail in the amount of RM 3,000 with one surety. In 1996, when Mrs. F. was first charged, the court ordered her to surrender her passport, a routine procedure in cases where there is a risk of flight. Ms F.'s passport has since lapsed, and her application for a new passport has been denied on the grounds that the case is still sub judice.

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QUOTE **Myanmar**

268. On 20 April 2004, the Special Rapporteur sent an urgent appeal jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the situation of human rights in Myanmar concerning two rape victims, **M.S.S.A.** and **M.A.M.S.**, who were imprisoned for attempting to charge the alleged perpetrator of the crime. They were allegedly raped on 25 and 26 November 2002, respectively, in Pyapon township, Ayeyawaddy division, by the Chairman of the ruling village Peace and Development Council. M.S.S.A. was reportedly aged 15 at the time of the incident. On 19 December 2002, the alleged perpetrator was charged with rape. However, it is reported that he was not arrested, nor was he brought before an official judicial body. Instead, the police sought the advice of the Pyapon District Law Office, which allegedly recommended that the charges against this official be dropped and that charges be brought against the two women for falsely accusing a government officer. On 20 October 2003, the two women were sentenced to four years' imprisonment on charges of falsely accusing a government officer. During the trial, M.S.S.A., still a child, was reportedly treated as an adult. The source adds that this incident is part of a larger pattern of rape with impunity by officials and soldiers, which can, as in this case, even lead to the prosecution of the victims.

269. By letter dated 22 October 2004, the Government reported that on 21 November 2002, M.S.S.A. and M.A.M.S. were summoned and given warning by the Village Peace and Development Council Chairman when village heads reported their indecent behaviour with a man in an abandoned house. On 26 November, they filled a complaint at the police station in Kyonkadoon village against another man for having raped them. The two women allegedly blackmailed the daughter of the man to withdraw the complaint against her father. The man then filed a complaint against the girls for blackmail. They were found guilty and sentenced to four years' imprisonment on 23 October 2003. The man they accused is aged 76. He has always been actively involved in the social and religious affairs of the village. He has no background of misconduct throughout his life.

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QUOTE **Nepal**

279. The Special Rapporteurs were informed that since the above-described incident, witnesses have been subjected to further harassment. It is reported that **M.S.**, a 15-year-old relative of R.R., was arrested by security forces personnel on 17 February 2004. It is thought that the soldiers were actually looking for her mother, D.S., who was allegedly with R.R. just before her death. As the security forces could not find D.S., they reportedly arrested her daughter. M.S.'s father was reportedly ordered to bring his wife, D.S., to the Lamidada army camp as a condition for M.S.'s release. It is further reported that on 18 February 2004, he went to the Lamidada army camp together with D.S., the headmaster, the chairperson of the Village Development Committee (VDC) and 28 other people from the village. However, the army authority reportedly denied that M.S. had been arrested and detained.

281. On 4 March 2004, the Special Rapporteur sent a joint urgent appeal with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture, regarding **R.A.**, a 13- year-old schoolgirl from ward No.8 of Malta VDC, in Lalitpur district. She was reportedly arrested on 13 November 2003 by plain-clothes security forces personnel in Thapathali, ward No. 11 of Kathmandu municipality, where she was allegedly staying with some relatives. The security forces reportedly informed her family that she had been taken for questioning and that she would be returned by the following morning. However, she has reportedly not been released. Soldiers have allegedly confirmed to her relatives that she was being held at Bhairab Nath Gan army camp, in incommunicado detention. According to the information received, the reasons for her arrest are not known and she has not been formally charged or brought before a judge since her reported arrest four months ago. It is further alleged that R.A. had already been arrested on 8 September 2003 and held incommunicado at an undisclosed location until 27 October 2003. The reasons for her first detention were not provided. In view of the alleged incommunicado detention of R.A., a minor, concern was expressed that she might be at risk of torture or other forms of ill-treatment.

282. On 18 March 2004, the Special Rapporteur sent a joint urgent appeal with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture regarding **N.L.**, a 30- year-old painter. It is reported that following an explosion on 5 March at 9.45 a.m. in the ward office of ward No. 17, Lagankhel, Lalitpur district, a group of civilians detained N.L. and handed her over to security forces personnel at the scene. The Home Ministry has reportedly confirmed that she was arrested; however, her family has not been able to find out where she is being held. In view of the alleged detention of the above-named individual at an undisclosed or unconfirmed location, concern was expressed that she might be at risk of torture or other forms of ill-treatment.

283. On 8 June 2004, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on torture regarding **C.M.M.**, aged 34, of Kathmandu Metropolitan City-4, Chandol. She is the president of a home-based NGO called Mahila Utthan Sangh. C.M.M. was allegedly arrested at her home at 10 p.m. on 31 May 2004 by approximately seven security forces personnel in plain clothes and taken away in a jeep. Prior to taking her they allegedly made her husband, T.B.M., sign a document, with his thumb, which he was not allowed to read. The reason for her arrest and her current whereabouts are reportedly unknown. In view of her alleged detention in an unknown location, concern was expressed that she might be at risk of torture or other forms of ill-treatment.

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QUOTE **Pakistan**

312. **S.B.** from the village of Sheikhpura. On 8 May 2004, she was in the wheat fields with her father, when four men (whose names are known to the Special Rapporteur) took them away to the police station. An influential man of Chak No. 4, G.B., then dragged her into a room and raped her while two constables remained on guard outside. The police have reportedly refuted the allegations, denied the charges and instead charged the victim with theft.

PAGE 87

QUOTE **Russian Federation**

365. These cases illustrate the increasing number of women who are allegedly being arbitrarily arrested, detained and disappeared in Chechnya, and the neighboring Republic of Ingushetia. The cases are reportedly linked to the implementation of Operation Fatima (Order No. 12/309) issued on 9 July 2003, which directs the authorities in Chechnya to specifically target Muslim women in efforts to find female suicide bombers.

366. The Government stated that there was no ground for suspecting that members of the federal armed forces or the law enforcement agencies had committed these offences. All cases in connection with which investigations were still under way or had been suspended were being closely monitored by the Office of the Procurator-General of the Russian Federation.

PAGE 90-92

QUOTE **Spain**

380. Por carta de fecha 14 de septiembre de 2004, la Relatora Especial, juntamente con el Relator Especial sobre la tortura, notificó al Gobierno que recibido información sobre las alegaciones siguientes:

381. **A. M. A.** de 23 años, habría sido detenida por agentes de la Policía Nacional en Vitoria, el 19 de febrero de 2003. Habría permanecido cuatro días detenida en régimen de incomunicación y habría sido posteriormente presentada ante el Juzgado Central de Instrucción número 5, en Madrid. Seguidamente, habría sido trasladada a prisión. Durante su estancia en dependencias policiales, habría tenido que quitarse la ropa y los zapatos y quedarse solamente con los pantalones y el sujetador. Habría sido zarandeada contra una pared y le habrían dado dos sopapos. Seguidamente, habría sido puesta contra una pared con los brazos en cruz y cada vez que se movía la golpeaban en la cabeza o la espalda. Más tarde la habrían llevado a un calabozo. En otra ocasión la habrían amenazado con abusar sexualmente de ella con una pistola o un palo si no firmaba la declaración policial. A lo largo de su detención, los agentes habrían proferido distintas amenazas contra familiares y amigos suyos. Se habría presentado una denuncia por el trato supuestamente recibido durante la detención. La juez instructora habría solicitado a la Dirección de Policía Nacional que se identificara a los policías que practicaron diligencias con A. M. A. Sin embargo, se alega que después se archivó la causa sin que se practicara ninguna otra de las pruebas solicitadas.

382. **N. M. S.** de 22 años, habría sido detenida por agentes de la Ertzaintza en Bilbao, el 17 de junio de 2003. Habría permanecido cuatro días en régimen de incomunicación y posteriormente habría sido presentada ante el Juzgado Central de Instrucción número 1,

en Madrid. Seguidamente, habría sido trasladada a prisión. Durante los interrogatorios habría tenido que permanecer con las manos levantadas y contra una pared, las piernas abiertas y las rodillas flexionadas. Otras veces habría tenido que permanecer con el cuerpo pegado a una pared, los brazos levantados y las manos abiertas. Durante estas posturas forzadas, un agente insistía en querer quedarse a solas con la detenida y habría proferido varias amenazas de carácter sexual. La situación le habría provocado dolores de estómago, vómitos, temblores y otros malestares, y habría sido conducida a un hospital. Durante su detención, también habría oído como se llevaban a su hermano mellizo, U. M. S., a rastras a un calabozo. Le habrían preguntado por alergias que su hermano podía tener, y en una ocasión, la habrían llevado a verle, cuando se encontraba tumbado en un calabozo. Se alega que para aumentar la presión, los agentes habrían declarado culpable a cada uno de los gemelos de la detención del otro. Se habría presentado una denuncia por el trato recibido por los dos hermanos durante su detención en dependencias policiales.

383. **R. S. O** (m) de 28 años, y su compañera **A. L. B.** habrían sido detenidos por agentes de la Ertzaintza el 5 de septiembre de 2003 en Portugalete. Tras permanecer cuatro días detenidos en régimen de incomunicación, habrían sido presentados ante el Juzgado Central de Instrucción número 4, en Madrid. Seguidamente habrían sido trasladados a prisión. Durante su detención en dependencias policiales, A. L. B. habría sido obligada a permanecer en el centro de una celda de espaldas a la puerta con las piernas flexionadas y las manos detrás, a pesar de que les habría informado de que tenía una hernia discal y no podía mantener este tipo de postura. Entonces un agente le habría dado patadas en las piernas y le habría apretado fuertemente la cabeza con las manos. Más tarde, cinco hombres con buzo negro habrían entrado en la celda y la habrían aplastado contra una pared. Uno de ellos le habría tocado el pecho. Habría sido igualmente obligada a escuchar música a alto volumen al mismo tiempo que se escuchaban golpes y gritos de dolor. Le habrían dicho que los gritos eran de su novio. Habría sido amenazada con ser violada. También la habrían amenazado con detener a su madre. Durante su detención, no habría podido dormir. En una ocasión, habría notado un fuerte dolor en el pecho y habría sido conducida a un hospital. Ante el juez habría denunciado malos tratos físicos y psíquicos, y vejaciones sexuales. Por su parte, R. S. O. habría sido obligado a permanecer en la postura conocida como la de “Spiderman”. Ésta consiste en permanecer frente a una pared con las rodillas flexionadas, las piernas abiertas y las manos hacia arriba sin llegar a tocar la pared. Los agentes le habrían dicho que se trataba de una nueva forma de tortura, que tenía los mismos efectos que una paliza pero que no dejaba marcas. En esta postura y mientras sonaba una música muy fuerte, habría sido interrogado varias veces. Durante un interrogatorio habría sido amenazado con ser violado mientras unos agentes lo sujetaban y otro habría simulado el acto con la pata de una silla. En otra ocasión, mientras estaba manteniendo la postura de “Spiderman” contra una pared, le habrían tirado agua por encima y le habrían colocado un cable en la muñeca, haciendo pequeños espasmos y apagando las luces repetidas veces. Más tarde, cuando habría pedido ir al baño, le habrían dado un golpe en la vejiga que habría provocado que orinara. Los agentes habrían hecho repetidas menciones a su novia, diciéndole que podían abusar de ella. R. S. O. también habría denunciado el trato recibido durante su detención.

384. Por carta con fecha de 27 de diciembre de 2004, el Gobierno respondió en relación con el caso de A. M. A. El Gobierno indicó que fue detenida en su domicilio por un presunto delito de colaboración con organización terrorista. En el momento de su

detención, es informada de sus derechos constitucionales y del hecho de su incomunicación. Sobre las 4 horas y 45 minutos en dependencias policiales, es reconocida por el médico forense de Vitoria. Finalizado el reconocimiento médico, es tralsadada por carretera y debidamente custodiada a las Dependencias Policiales de la Comisaría General de Información en Madrid. Durante su estancia en las dependencias policiales, le detenida es reconocida por el Médico Forense de la Audiencia Nacional en tres ocasiones. La detenida fue informada de sus derechos constitucionales reconocida por el medicó forense que extendió los oportunos partes facultativos adjuntados a las Diligencias instruidas, habiéndole sido recibida declaración en presencia de Letrado de Tuumo de Oficio debido a su situación de incomunicación acordada por la Autoridad Judicial competente cumpliendo estrictamente de esta forma la Legislación vigente. No existe constancia de que la detenida haya presentado denuncia ni ante la policia ni ante la autoridad judicial competente por presuntos malos tratos.

PAGE 101-102

QUOTE **Sudan**

427. On 6 August 2004, the Special Rapporteur sent an urgent appeal jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention regarding the situations of **B.M.A.**, a teacher and member of the Fur tribe and of the Sudan Women Union, a Government-affiliated NGO that works to promote women's rights in the Sudan, and **N.M.Y.**, a lawyer from the Zaghawa tribe.

428. According to the information received, on 29 July 2004, B.M.A. was reportedly arrested at her house in Nyala at approximately 1 p.m. and taken to the security offices in Nyala where she was detained for one day. It is alleged that on 30 July she was then transferred to Nyala General Prison where she is currently being held. Reports indicate that she has not been formerly charged and has been denied any visits by her family or lawyers. It is alleged that prior to her arrest she had reportedly called for peace and the disarmament of the militias in the Sudan.

430. [...] Concern was heightened by reports that both may be at risk of torture whilst in detention.

431. On 20 October 2004, the Special Rapporteur sent a joint urgent appeal with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture regarding **Z.R.A.**, aged 35, mother of five children and four months pregnant. Z.R.A. is a well-known activist from the Nuba Mountains who lives in the Ga'ar Alhajar neighbourhood in Kadogli city, South Kordofan State. According to information received, on 4 August 2004, she was arrested by the National Security Agency (NSA) at her office at the Crop Protection Department in Kadogli and taken to the NSA offices in Kadogli. Whilst in detention, Z.R.A. was allegedly beaten with sticks on her shoulder, her fingers were twisted and she was kicked in her lower abdomen. Moreover, she was reportedly sexually harassed and one officer reportedly tried to remove her clothing. On 6 August 2004, she was transferred to Kadogli hospital and kept there for nine days. During her hospitalization, she was handcuffed and tied to her hospital bed. On 15 August, Z.R.A. was discharged from Kadogli hospital and returned to NSA custody. She has reportedly been charged under article 55 (disclosing and obtaining information and official documents) and article 66 (publication of false news) of the 1991 Penal Code. In view of the treatment Z.R.A. has allegedly already undergone, serious

concerns are expressed that she may be at risk of further ill- treatment and that the life and health of the child she is carrying may be at risk.

PAGE 103-104

QUOTE **Switzerland**

436. Par une lettre en date du 6 août 2004, la Rapporteuse spéciale, conjointement avec le Rapporteur spécial sur la torture, a informé le Gouvernement qu'elle avait reçu des renseignements concernant **W. M-I**, née le 3 mars 1969, de nationalité somalienne, résidente à Genève au bénéfice d'un permis de séjour de type « C ». Le 14 juillet 2004, deux policiers, appelés par un employé de l'agence de la Banque cantonale de Genève, quartier des Pâquis, place de la Navigation, auraient arrêté W. M-I qui se trouvait à la banque et l'auraient conduite au poste de police des Pâquis, rue de Berne. W M-I. aurait subi une agression physique de la part des deux policiers, qui l'auraient aussi insultée et lui aurait demandé de quitter la Suisse. Un certificat médical du 15 juillet 2004, dont les Rapporteurs spéciaux ont reçu copie, établit que W. M-I souffre de contusions avec dermabrasions de la face (front gauche et tempe gauche) et présente un syndrome de la charnière dorsolombaire. Suite à cet incident, une plainte aurait été déposée par son avocat.

437. Par une lettre en date du 5 octobre 2004, le Gouvernement a transmis la réponse du Département de la justice, accompagnée des pièces de la gendarmerie genevoise. Sur la base de ces documents décrivant précisément les conditions d'arrestation de W. M-I, le Gouvernement a répondu que les gendarmes avaient fait un usage proportionné et modéré de la contrainte envers W. M-I., qui n'a pas été blessée, ni ne s'est manifestée pour se plaindre de mauvais traitements.

PAGE 107-109

QUOTE **Turkey**

451. By letter dated 30 September 2004, sent jointly with the Special Rapporteur on torture, the Special Rapporteur notified the Government that she had received the following allegations, to which the Government responded by letter dated 14 December 2004.

452. **H.T.**, aged 23, was held in detention between 8 and 11 March 2002 at the Anti-Terror Branch of Istanbul police headquarters on suspicion of membership of an illegal organization. While in custody, a stream of water was reportedly forced up her vagina with a high pressure hose, she was stripped naked, spat at and forced to sit in excreta. A complaint was formally filed with the public prosecutor in Fatih, Istanbul. Her lawyers reportedly requested that she be sent from prison for psychological treatment.

453. The Government reported that H.T. was taken into custody by the Istanbul Security Directorate on suspicion of membership of an illegal organization. An investigation was initiated by the Fatih Public Prosecutor's Office into allegations that she was ill- treated in custody between 8 and 11 November 2001. Statements were taken from the complainant and suspects. The report of the Forensic Medicine Institute, dated 11 March 2002, was examined, and the Public Prosecutor decided not to prosecute on 29 August 2002. An appeal was rejected by the Beyoglu 3rd Assize Court on 17 January 2003.

454. **Z.D.**, a Kurdish woman from Hakkâri, aged 28, married to an Iraqi man and living in Iraq, she returned to Turkey to visit her family without her official documents. On 20 August 2002 Z.D., her two brothers, a visitor to the house and her brother's son, Savap,

were arrested and taken to the Anti-Terror Branch of Hakkâri police headquarters. Police reportedly wanted her to make a statement that she was an active member of the Partiya Jinmên Azad (PJA, also known as KADEK) and that she had come to Turkey to make propaganda before the elections. Reportedly, she was blindfolded, her hair was pulled and torn out, her head was banged against the wall whilst she was held by her hair, she received blows to the neck, arms, torso, feet and legs, her face was slapped and beaten, electric shocks were applied to her ear. She was allegedly threatened with electric shocks to her breasts, her breasts were hit hard, she was threatened with rape, and immediately after this threat all the buttons were ripped from her shirt. She allegedly heard her brothers yelling and being tortured in the nearby cells. Z.D., who does not read or write, eventually had her thumbprint placed on a pre-prepared statement. On 24 August 2002 she was taken for a medical exam, and given a report detailing her injuries. She was also reportedly forcibly subjected to a "virginity test". It is further reported that a trial was opened against the perpetrators, who have reportedly not been suspended from active service.

455. The Government reported that an intelligence report was received by the Hakkari police, warning that a member of the PKK/KONGRA-GEL terrorist organization would illegally enter Turkey from northern Iraq. Z.D. was arrested as she entered the country on 20 August 2002. After being referred to the judicial authorities on 24 August 2002, she was arrested and committed to the prison. She received a medical examinations before and after the detention period, on 20 and 24 August, respectively. The second medical report indicated a slight wound on her head, and was assumed to be from an old boil or pimple. In her testimony at the Public Prosecutor's Office, she said she did not know how the wound had occurred.

456. **S.B.**, a Kurdish woman, was reportedly taken into custody on 22 August 2002 at the Anti-Terror Branch of Hakkâri police headquarters on, where she was kept for four days, during which she reportedly had her hair pulled and torn out, her head beaten against the wall, she received blows to various parts of her body, and she was given electric shocks to her ear and a finger on her left hand. It is also reported that she had her throat squeezed with electric cable, that she was blindfolded and had a handkerchief stuffed into her mouth to prevent her from making noise, that she was threatened with rape, insulted, and promised money if she signed a pre-prepared statement. When she refused the money, she was reportedly beaten again and threatened with rape and electric shocks to her breasts, that her children would be killed, that she would be killed and her body would be thrown into the river. S.B. was reportedly taken to the doctor twice whilst she was in custody, but it is alleged that no report resulting from her examinations has been forthcoming.

457. The Government reported that S.B. was reported to be a member of the PKK/KONGRAGEL terrorist organization. Upon an intelligence report suggesting that she would enter Turkey illegally from northern Iraq, she was arrested by the Hakkari police on 23 August 2002 as she entered the country. She was referred to the judicial authorities on 26 August, arrested and committed to prison. Medical reports obtained on 23, 24 and 26 August indicated no trace of ill-treatment. The Hakkari Public Prosecutor's Office initiated an investigation based on complaints of the two persons of ill-treatment; however, it concluded with a decision not to prosecute for lack of credible and substantiating evidence.

458. **N.C.** was reportedly detained at the Anti- Terror Branch of Istanbul police headquarters between 23 and 27 September 2002. Reportedly, when she refused to sign a statement, she was taken by her hair and thrown to the ground. A policeman spat into her mouth and nose, and threatened her with rape. She had cold water tipped over her. Three policemen allegedly stripped her naked and blindfolded her. She was allegedly forced to remain naked for half an hour and was fondled all over and threatened with rape. She was also reportedly asked whether she was a virgin. Then she was reportedly put on the ground and rape was simulated. Allegedly she was also threatened with having a hose inserted inside her. Reportedly, her face was stroked whilst she was threatened. She wanted to vomit but was reportedly told "if you vomit we will make you lick it up". Water was poured in the direction of her vagina and personal comments about her menstruation were made. She was allegedly given electric shocks twice. A policeman allegedly squatted in front of her whilst her hands were bound, and tried to force her to take his penis into her mouth. She was forbidden to go to the toilet or to eat. It is reported that she was forced to sign a statement. N.C. was examined by a Forensic Medical Institute doctor who wrote a report on her condition on the day she was taken from police custody to prison. The examining doctor reportedly requested a report to determine "whether or not there are lesions relating to sexual assault (hymen examination)", although this is an inappropriate substitute for a thorough sexual assault investigation. Her lawyers have filed a complaint against the alleged perpetrators with the public prosecutor.

459. **S.Y.** was reportedly detained at Istanbul Anti-Terror Branch between 24 and 27 September 2002. She was initially searched by a female police officer before being taken elsewhere. Whilst she was blindfolded a male police officer allegedly started moaning and making noises as though he was having sex. The same person reportedly swore continuously, and repeatedly opened S.Y.'s mouth and spat into it. As a result of the effects of the saliva in her mouth, S.Y. retched. Whilst other officials held her hands behind her back, she was hit repeatedly on the head to prevent her from spitting out the saliva, as a result of which she became dazed and confused. She was reportedly grabbed by the hair and thrown to the ground. She was allegedly asked whether she was a virgin. She was reportedly deprived of sleep, food and drink, and blindfolded at various times. She was reportedly told to strip, which she did, and police officers again started swearing at her and teasing her. It is also reported that when she was blindfolded she was put on the ground and one of the police officers also stripped and rubbed his hands and penis against her. Afterwards, S.Y. was allegedly taken naked to the toilet and sprayed with cold pressurized water. On the third day in custody, she was reportedly stripped naked and sexually assaulted again. She was allegedly threatened with anal rape using the pressurized water hose, which the police allegedly attempted to insert into her anus. On 27 September 2002 she was remanded to Bakirköy Women and Children's Prison. A forensic doctor examined her and wrote a report on her condition the day she was taken from police custody to prison. It is further reported that a trial was opened against the perpetrators, who have reportedly not been suspended from active service.

460. The Government reported that the persons named were apprehended by the Istanbul police on 23 September 2002 during operations against the PKK/KONGRA-GEL terrorist organization. After being referred to the Public Prosecutor's Office at the Istanbul State Security Court on 27 September 2002, they were arrested. Upon their

complaints, the Chief Public Prosecutor's Office, Istanbul, filed a lawsuit against four police officers from the Istanbul Directorate of Security at the Istanbul Serious Crimes Court No. 4 on 4 April 2003. The case is pending. The Istanbul Directorate of Security undertook an administrative inquiry into the allegations, and concluded that there is no need to subject the officers to administrative penalties.

PAGE 113-114

QUOTE **Uzbekistan**

479. On 19 April 2004, the Special Rapporteur sent a joint urgent appeal with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on torture, concerning the following cases.

480. **N.K.**, aged 26. On 5 April 2004, at 5.30 a.m., she was allegedly taken from her home, together with her parents, by a group of 20 uniformed police officers to the Sabir Rakhimov district police station, Tashkent. The officers allegedly claimed to have found Islamic fundamentalist materials in the form of a book, leaflets and a box of videotapes. At the police station they were allegedly interrogated separately and then taken to the Tashkent City Department of Internal Affairs (GUVD). Her parents were reportedly released without charge the following evening. It is alleged that the GUVD has refused to acknowledge that N.K. is in their custody or to provide any information on her whereabouts. It was alleged that N.K. was detained without charge because her husband and her two brothers, all devout Muslims, were currently serving long prison sentences, convicted of anti-State activities and membership of banned religious organizations. It was reported that N.K. had not yet recovered from major surgery and chemotherapy.

481. By letter dated 27 May 2004, the Government reported that on 7 April 2004 Ms. K. was charged in this case pursuant to article 159, paragraph 1, of the Criminal Code, concerning infringement of the constitutional order. On 8 April, following a decision of the Procurator-General's Office, detention in custody was ordered as a preventive measure. She is at present in remand centre No. 1 (SIZO-1) of the Central Penal Correction Department of the Ministry of Internal Affairs. A decision regarding Ms. K. will be taken on the basis of the findings of the preliminary investigation into the criminal case. Since her detention Ms. K. has been allowed access to a lawyer, who visits her regularly. Moreover, Ms. K.'s mother has already come to see her several times. With regard to Ms. K.'s state of health, it should be pointed out that medical staff of the remand centre and the local representatives of the International Committee of the Red Crescent have examined her several times. Her state of health is at present considered to be normal and she has no complaints in respect of the remand centre's medical staff. Allegations that Ms. K. is being kept in a solitary confinement cell and that relatives were not informed of her whereabouts do not correspond to the real situation. Firstly, she is being held in a common cell at the remand centre. Secondly, after her detention Ms. K.'s relatives were informed of the arrest.

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QUOTE **Communication sent to the United Nations Interim Administration Mission in Kosovo (UNMIK)**

486. By letter dated 28 May 2004, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants and the Special Rapporteur on sale of

children, child prostitution and child pornography, notified UNMIK that they had received the following information.

487. According to reports received, the use and abuse of trafficked women and girls within the sex industry has continued to grow in Kosovo and UNMIK, the North Atlantic Treaty Organization (NATO)-led international military force in Kosovo (KFOR) and the Provisional Institutions of Self-Government in Kosovo (PISG) have failed to protect and respect the human rights of these women and girls. Reports indicate that trafficked women and girls are exposed to a series of human rights abuses, including abduction, deprivation of liberty and denial of freedom of movement, torture and ill-treatment, including psychological threats, beatings and rape. Trafficked women and girls are often treated as criminals, prosecuted for unlawfully being in Kosovo, arrested and charged with prostitution. When arrested, the women and girls are allegedly not given the basic rights guaranteed to all detainees. It is reported that they are not informed about their rights, they are not allowed access to a lawyer and girls are often interviewed without a legal guardian being present. Women arrested in routine bar inspections are said to have been sentenced and deported. Reports also indicate that few women receive the long-term protection they need, such as witness protection for those prepared to testify in proceedings against their traffickers.

DOCUMENT E/CN.4/2005/72/Add.3
 TITLE **INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN**
Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk
Addendum
MISSION TO GUATEMALA

AGENDA ITEM 12(a)

PAGE 4

QUOTE **Introduction**

2. I had extensive consultations with and received information from governmental authorities, members of the judiciary and the police, members of parliament, as well as representatives of human rights and women's organizations, academics, survivors of violence, families of victims and staff of United Nations agencies. I held meetings with officials and women's groups in Guatemala City and in the Departments of Chimaltenango, Sololá, Panajachel and Quetzaltenango. I also visited the Santa Teresa pre-trial detention centre for women in Guatemala City. A select list of interlocutors is in the annex.

PAGE 12

QUOTE **E. Custodial violence**

40. During my visit there was a riot in the Santa Teresa pre-trial detention centre for women in Guatemala City, where there were 223 detainees. I visited the prison following the incident. Female detainees complained that the police had used excessive force and dogs, and as a result many women had sustained injuries. Some of the women said that they did not receive adequate medical assistance and alleged that some of their belongings, including money, had been stolen during the police intervention.

41. The legal process that leads to a final verdict in Guatemala may take up to a year and a half or even longer, particularly for those who lack proper legal representation. Yet, pre-trial detainees are kept under maximum security conditions. Such a long period of what amounts to punishment is problematic since the detainees have not yet been convicted of any crime. The female detainees I spoke to emphasized the need for improved provision of medication, cultural and sport activities, work opportunities, and a place to cook and do their laundry. They also complained of unnecessary restrictions on visitation rights.

DOCUMENT E/CN.4/2005/72/Add.4
TITLE **INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN**
Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk
Addendum, Mission to Occupied Palestinian Territory

AGENDA ITEM 12(a)

PAGE 5

QUOTE **Introduction**

3. During the mission, meetings were held in East and West Jerusalem, the West Bank (Ramallah, Jenin and Anin) and the Gaza Strip (Gaza city, including Al-Zaytoun area, and Jabalia refugee camp). I undertook a number of field visits to refugee camps and to villages near the separation wall to interview victims of human rights violations and their families. I also visited the Ramleh Central Prison and interviewed Palestinian female detainees. I had consultations with and received information from representatives of the Government of Israel, the Israeli Defense Forces (IDF), representatives of the Palestinian Authority, and members of the Palestinian Legislative Council (PLC). I also met with representatives of human rights and women's organizations, academics, lawyers, survivors of violence, families of victims and United Nations agencies. (A list of interlocutors is in the appendix.)

PAGE 11-13

QUOTE **3. Detention**

33. According to data from the Mandela Institute, the number of Palestinian detainees in Israeli prisons and detention centres had reached 6,599 by the end of March 2004, including 578 administrative detainees, 302 children, and 85 women.

35. A report from human rights organization Addameer reveals that the number of Palestinian women political detainees has increased since September 2000. As of 14 September 2004, 91 Palestinian women are currently held in Israeli prison, of whom 9 are minors: 86 women out of the 91 are security prisoners and 5 are held on criminal charges; 4 prisoners are administrative detainees; 90 of the prisoners are held by the Israeli prison service and 1 woman by Israeli security authorities.

36. I requested to visit the Telmond Central Prison (Hasharoon), where female Palestinian security detainees were reportedly being held. The Israeli authorities informed me that there were no female detainees at that location and that I could instead visit the women's section of Ramleh Central Prison (Nevi Tertze) located inside Israel, provided that I agreed to interview female detainees in the presence of an Israeli prison

guard. I received reports that the female detainees had been moved from Ramleh Central Prison to Telmond Central Prison in January 2004 and again transferred back to Ramleh following my request to visit Telmond Prison. The reasons behind moving the prisoners between the two locations remain unclear.

37. At the time of my visit to the women's section of Ramleh prison, the status of female Palestinian security prisoners was as follows: 2 newly arrived, 2 administrative detainees, 2 juveniles on remand, 25 on remand and 19 sentenced prisoners. Some of the women had given birth during their detention, and in such cases the newborn are allowed to remain with the mothers until two years of age. While the general conditions in the prison seemed satisfactory, I was concerned to learn that pregnant detainees are reportedly shackled whilst in labour during transit to the hospital. After giving birth, the mother is again shackled by one leg to the bed. The use of these restraints violates international standards and may constitute cruel practices.

38. A 2001 United Nations Fund for Women (UNIFEM) study revealed that Palestinian women may be arrested at their homes, in the middle of the night, by a group of armed soldiers or at a checkpoint on their way to or from school/work and detained indefinitely without charge or trial. According to the study, detainees are held in solitary confinement, forced to give birth in prison cells, tortured, verbally and sexually abused and threatened. Former female detainees, whom I met, confirmed these reports and referred to the Russian Compound police detention centre in West Jerusalem, where they were held in solitary confinement and tortured during interrogation.

39. Women are also subjected to beatings and humiliation during the arrest or detention of their family members. Entire families may be arrested when IDF fails to find a suspected "terrorist". Palestinian women are reportedly detained in order to put pressure on relatives who may be wanted by Israel or already under interrogation. Women are then held incommunicado or in administrative detention in Israeli military prisons for indefinite periods of time, serving as "bait" to control the actions of suspects. This practice denies the detainee the right to access to counsel, fair trial and even to know the alleged offence of which they are accused.

40. According to DCI research, the majority of girl detainees have been held for allegedly committing serious security offences, such as attempting to kill Israeli settlers or military personnel. During the second intifada, Palestinian women began training to become suicide bombers. From January 2002 to January 2004, seven Palestinian women conducted suicide bombings and approximately four more were arrested before they could carry out planned attacks. During my visit, two girls, aged 14 and 15 were arrested at night under suspicion of planning a suicide bombing (*Haaretz*, Israeli daily newspaper, 17 June 2004). The heightened security measures resulting from such suicide bombing has made women prime suspects at checkpoints, where they may be subject to body searches and detained under administrative order. DCI research shows that many of the girls thus detained were not involved in terrorist acts.

41. In a conservative culture where families and communities keep girls under close scrutiny, a community may regard the modesty and innocence of a girl who has been detained as having been violated because of her absence from public view. Such stigmatization can have lifelong repercussions. For example, my interview with Feda, a female minor from the old city of Hebron who was detained for two years for allegedly attempting to kill an Israeli mother and daughter settler, revealed how a woman's

victimization can become compounded. Fedra became an outcast in her own society as she is perceived to have been sexually compromised during her two years of detention. Although her family remains supportive, she continues to face difficulties reintegrating into the community.

42. I did not receive any testimonies of rape during detention. Cases of sexual violence may go unreported owing to the taboo and stigma attached to being “impure”. Israeli authorities assured me that any form of sexual abuse by Israeli security forces or prison personnel would not be tolerated.

DOCUMENT E/CN.4/2005/72/Add.5
 TITLE **INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN**
Violence against women, its causes and consequences
Report of the Special Rapporteur, Yakin Ertürk
Addendum, Visit to the Darfur region of the Sudan
 AGENDA ITEM 12(a)
 PAGE 4
 QUOTE **Introduction**

3. In Khartoum I met Sudanese officials, the National Commission for investigation of rape in Darfur, representatives of civil society, international NGOs and the United Nations country team. I travelled to Nyala in South Darfur and El Genina in West Darfur. I met with local officials and undertook field visits and interviewed internally displaced persons (IDPs) in Kalma,¹ Kass and Ardamata camps. In Nyala I also visited the female section of Nyala prison. At the time of the visit there were 39 detainees accompanied by their 9 children. The majority of detainees were detained for public order offences (for selling wine/tea) as they were unable to pay the fines imposed. The conditions inside the female section were poor.²

Notes

¹ Population estimate 73,000, serviced by 273 police including 15 female officers.
² As an indicator of the situation, one of the detainees gave birth to twins (June 2004) inside the jail assisted only by the other inmates and lost one of her babies during childbirth.

DOCUMENT E/CN.4/2005/85/Add.1
 TITLE **SPECIFIC GROUPS AND INDIVIDUALS MIGRANT WORKERS**
Report submitted by Ms. Gabriela Rodríguez Pizarro, Special Rapporteur on the human rights of migrants
Addendum
Communications sent to Governments and replies received
 AGENDA ITEM 14
 PAGE 6
 QUOTE **Costa Rica**

13. La Relatora Especial comunicó al Gobierno información relativa a las situaciones de las siguientes personas.

14. **La Sra. Jenny Lizeth Fariña Martínez, y su hija K.P.M.F.; la Sra. Beatriz Urbina Rizo y su hijo A.I.F.U., de 4 años de edad; y la Sra. Aracelly Martínez y su hija, A. N. M., de 18 meses de edad** habrían sido detenidas en un locutorio público de la Ciudadela de La Carpio por agentes de la Fuerza Pública costarricense, que les pidieron sus cédulas de residencia. Al comprobar que no estaban en posesión de dichos documentos, las trasladaron con sus hijos al Patronato Nacional de la Infancia (PANI) donde permanecieron largas horas de pie bajo el sol junto con otras mujeres y menores detenidos.

15. La Sra. Fariña Martínez declaró que durante su detención habría tenido que entregar a los agentes el pasaporte de su otra hija, O.C.M.F., sin recibir un resguardo de acuse de recibo. Además, la Sra. Fariña Martínez habría afirmado en su declaración que no había sido informada de sus derechos y que no recibió explicación de ningún tipo. Desde entonces, la Sra. Fariña Martínez no habría conseguido recuperar el pasaporte.

16. La Sra. Urbina Rizo declaró que fue trasladada con su hijo al INA, fue obligada a entregar su pasaporte sin recibir un resguardo de acuse de recibo y desde entonces habría intentado sin éxito recuperar su pasaporte.

17. La Sra. Aracelly Martínez afirmó que ella y su hija fueron atendidas por una agente de la Policía Migratoria que no le informó de sus derechos, ni recibió explicación alguna sobre el procedimiento del que estaba siendo objeto. La Sra. Martínez tuvo que entregar su pasaporte y la partida de nacimiento de su hija sin recibir un resguardo de acuse de recibo. Desde entonces la Sra. Aracelly Martínez no habría conseguido recuperar los documentos y los agentes de la Policía Migratoria le habrían comunicado que no disponen de ellos.

18. La Relatora Especial recibió además la declaración de **la Sra. Yohanna del Carmen Ruiz Ayala**, que tras la detención el día 30 de enero de 2004 de sus dos hermanas durante el operativo policial en La Carpio habría quedado al cargo de **sus cinco sobrinos: O.J.V.B. (10 años), A.I.V.B. (7 años), A.C.S.B. (9 años), R.J.S.B. (7 años) y L.A.S.B. (5 años)**. Se informó que el día 3 de febrero 2004 una funcionaria del PANI se habría personado en el domicilio de la Sra. Ruiz Ayala. La funcionaria habría informado que el objeto de su visita era hacerse cargo de los menores ya que sus madres iban a ser deportadas. Los menores y la Sra. Ruiz Ayala habrían sido conducidos en una camioneta a la 5ª Comisaría y posteriormente trasladados a las oficinas centrales de migración en la Uruca. Una vez allí se habrían mostrado a la Sra. Ruiz Ayala las resoluciones de deportación de los menores. Se informó que los funcionarios habrían redactado documentos en los que se afirmaba que los menores habían prestado declaración, algo que la Sra. Ruiz Ayala niega ya que en su declaración mantiene que nunca se les preguntó nada. Los menores, sus madres y la Sra. Ruiz Ayala habrían sido trasladados en la misma camioneta al albergue del PANI en San José Centro. Los menores habrían quedado acogidos en el albergue mientras que sus madres habían sido conducidas en un camión hasta la 5ª Comisaría.

19. Al día siguiente, cuando la Sra. Ruiz Ayala y otros familiares se acercaron al albergue a visitar a los menores, les habrían informado que los niños ya no se encontraban allí. A las 8 horas, el personal del albergue habría comunicado a la Sra. Ruiz Ayala que la información con la que se trabajaba decía que sus sobrinos habían llegado al centro como menores no acompañados. La Sra. Ruiz Ayala afirmaba haber estado presente en todo momento desde su llegada al albergue. El personal del albergue habría pedido a los

familiares que se identificaran, mostraran las partidas de nacimiento de los menores y explicaran lo ocurrido en los últimos días. Poco después se habrían personado en el albergue oficiales de migración que habrían pedido las partidas de nacimiento para poder expedir los pasaportes de los menores en el Consulado de Nicaragua e informado a los familiares que éstos se encontraban ya en dicho consulado. Sin embargo, otro familiar les habría alertado que los menores se encontraban en la 5ª Comisaría. Los agentes de policía de esa comisaría no habrían permitido ningún tipo de contacto entre los menores y sus familiares. Posteriormente, los menores habrían sido conducidos fuera la comisaría en una camioneta de color blanco con logotipo del PANI. La Sra. Ruiz Ayala habría acudido a preguntar por sus sobrinos a las oficinas del PANI, y allí una funcionaria le habría dicho que le estaba prohibido dar ese tipo de información. Los familiares únicamente habrían vuelto a tener noticias de los menores y sus madres el día de su deportación y desde entonces no habrían tenido contacto de ningún tipo con ellos. Los familiares de las personas deportadas habrían recibido copias de las actas de deportación en las que se afirma que los menores “fueron interrogados y aceptaron un delito”. Se informó que el resto de los miembros de la familia de estos menores, incluidos sus padres, se encuentran en Costa Rica.

PAGE 21-22

QUOTE **France**

84. Par lettre du 25 mai 2004, envoyée conjointement avec le Rapporteur spécial sur les formes contemporaines de racisme, de discrimination raciale, de xénophobie et de l'intolérance qui y est associée, la Rapporteuse spéciale a informé le gouvernement qu'elle avait reçu des renseignements selon lesquels **Astou Awa Conde**, ressortissante de Guinée, aurait été empêchée, le 16 novembre 2001, de prendre son vol pour La Havane, alors qu'elle était en transit à l'aéroport de Roissy-Charles de Gaulle. Selon les rapports reçus, lors du contrôle des passeports, Mme Conde aurait été arrêtée, puis maintenue en détention à Roissy du 16 au 30 novembre 2001. Elle aurait ensuite été déportée vers son pays d'origine sur le vol Air France n° 764.

85. D'après les informations reçues, elle était en possession d'un passeport en cours de validité muni d'un visa de transit pour le territoire français et d'un billet aller retour. Mme Conde ayant questionné les agents de police sur les motifs de sa détention, ces derniers lui auraient répondu que la seule raison pour laquelle elle avait été privée de sa liberté était son origine africaine. D'après les renseignements reçus, au moment de sa déportation, ses documents d'identité, son billet, ses bagages et la somme de 1 100 dollars des États-Unis auraient été confisqués. À la requête de Mme Conde, une enquête judiciaire serait en cours.

86. Par lettre datée du 5 août 2004, le gouvernement a envoyé les informations suivantes concernant le cas de Mme Astou Awa Conde. Le 16 novembre 2001, elle aurait fait l'objet, alors qu'elle était en transit pour La Havane, d'une mesure de non-admission sur le territoire français en raison d'un défaut de visa d'escale. Ce visa d'escale, prévu par l'annexe 9 de la Convention de Chicago, ratifiée par la France, serait exigé en cas de changement d'aéroport lors de l'escale, ou de décalage de plusieurs jours entre le vol d'arrivée et le vol de départ. Ce visa d'escale aurait été désormais remplacé par le visa de transit aéroportuaire. Conduite au poste de police de l'aérogare pour un examen de sa situation administrative, Mme Conde aurait réagi avec une certaine agitation, nécessitant l'intervention d'un médecin du SAMU (service d'aide médicale urgente) de Roissy.

Placée en zone d'attente le 16 novembre 2001, le temps nécessaire à l'organisation de son départ, Mme Conde aurait refusé son embarquement à destination de La Havane et, le 19 novembre 2001, sur un vol à destination de Conakry, pour être finalement reconduite à Conakry le 30 novembre 2001.

88. Dans le cas de Mme Conde, le refus d'admission aurait été fondé sur le seul motif que l'intéressée ne disposait pas du visa exigé dans le cas d'une escale sur le territoire français. En outre, s'agissant de l'allégation de Mme Conde selon laquelle elle aurait été privée d'une somme d'argent en sa possession, le gouvernement indique qu'une enquête judiciaire et administrative serait en cours. Elle serait instruite par Nicole Baratin, Vice-Présidente du tribunal de grande instance de Bobigny, qui aurait demandé à l'Inspection générale de la police nationale d'effectuer une enquête judiciaire et administrative. Le gouvernement affirme qu'il tiendra les Rapporteurs spéciaux informés des suites de cette enquête.

PAGE 21-22

QUOTE **Greece**

98. The basis of the policy of the Ministry of Public Order is safeguarding the fundamental rights of every person in Greece, without discrimination based on nationality, race, language, religion or political beliefs. [...] The improvement of detention conditions, particularly of foreigners and vulnerable groups about to be deported (women, children, disabled persons), is a matter of high priority.

PAGE 26

QUOTE **Israel**

119. Finally, it was alleged that Mari Dariu, a 53-year-old Romanian national, allegedly entered Israel in possession of a legal work permit in mid-2000 in order to work as a caregiver. It is reported that Ms. Dariu had been working with a family for several months when, in January 2001, she had a work-related accident which resulted in her becoming partially invalid and unable to continue her professional activities. In April of 2001, she allegedly underwent an operation that was not successful. Following this operation, the National Insurance Institute (NII) reportedly awarded Ms. Dariu a disability pension and a one-time payment in compensation for her operation. It is further reported that, as the original amount stipulated as her pension was very low, Ms. Dariu appealed to the Medical Committee which, after two years, awarded her a pension three times as high as the one originally granted. In the meantime, however, Ms. Dariu's visa had expired. In consequence, in June of 2003, she was reportedly arrested by the Immigration Police and spent three weeks in jail. In addition, because of the new law concerning social and health insurance for foreign workers, Ms. Dariu allegedly lost her right to receive the pension she had been awarded as she was no longer in possession of a valid permit. It is further alleged that the NII is now requesting that Ms. Dariu reimburse a part of the payment made to cover her operation costs.

PAGE 42

QUOTE **Saudi Arabia**

204. The situation of women workers in the country, the majority of whom are in domestic service, is described as being particularly difficult. [...] Women migrants were also reportedly held in detention by the authorities for private behaviour, such as being in

the company of men who were not their husbands, as well as for fleeing from their places of employment and reporting their employers for physical and sexual abuse.

DOCUMENT E/CN.4/2005/85/Add.3
TITLE **Report of the Special Rapporteur on the human rights of migrants (Ms.Gabriela Rodriguez Pizarro): Mission to Italy**
AGENDA ITEM 14
PAGE 16
QUOTE

62. The Special Rapporteur visited the prisons of Rebibbia (Rome) and San Vittore (Milan). [...] In San Vittore there were 807 foreign prisoners out of a total of 1,500. In the women's section there were 62 foreigners as opposed to 68 Italians.

DOCUMENT E/CN.4/2005/85/Add.3
TITLE **SPECIFIC GROUPS AND INDIVIDUALS: MIGRANT WORKERS Report submitted by Ms. Gabriela Rodríguez Pizarro, Special Rapporteur, in conformity with resolution 2004/53 of the Commission on Human Rights Addendum, VISIT TO ITALY**

AGENDA ITEM 14
PAGE 13-14
QUOTE **D. Immigrants in administrative detention and foreigners in prison Temporary stay and assistance centres (CPTAs)**

50. Article 14 of the Consolidated Text makes provision for CPTAs. At the time of the visit there were 15 such centres, with a total capacity of 1,823 inmates. Their main objective is to identify and repatriate immigrants who have been detained for being in Italy illegally. Generally speaking, their function is to detain, although the Lampedusa and Lecce-Otranto (Puglia) centres exist to provide emergency care and deal with inmate allocation.

...

52. On the day of the visit to the Restinco CPTA facilities there were 57 individuals there - 26 women and 31 men - who had been intercepted in various parts of Italy.

PAGE 21
QUOTE **IV. CONCLUSIONS AND RECOMMENDATIONS B. Recommendations**

92. **In the light of this report, the Special Rapporteur invites the Government of Italy to consider the following recommendations:**

...

107. **Better coordination is required between the Ministry of the Interior and the prison authorities over the deportation of foreign prisoners. Holding ex-convicts in the CPTAs implies an unjustified extension of their sentences and creates problems of personal safety for everyone else held there, particularly women.**

DOCUMENT E/CN.4/2005/85/Add.4
 TITLE **SPECIFIC GROUPS AND INDIVIDUALS: MIGRANT WORKERS**
Report of the Special Rapporteur on the human rights of migrants,
Ms. Gabriela Rodríguez Pizarro*
Addendum, VISIT TO PERU

AGENDA ITEM 14(a)

PAGE 7-8

QUOTE **A. The dynamics of migration at borders**
Peruvian-Ecuadorian border

23. The Director of the Migration Office in Tumbes said that the Ecuadorian authorities had expelled or deported 881 Peruvian citizens between January and July 2004. He expressed concern about a series of incidents on the other side of the border in which Ecuadorian employers apparently reported the irregular administrative situation of their own Peruvian workers to the competent Ecuadorian authorities in order not to have to pay daily wages. There had also been complaints about the detention conditions of Peruvians who had been expelled and deported, alleging that they received inadequate food, were detained with common prisoners and held for periods exceeding the 72-hour maximum established in the Convention on the Transit of Persons, Vehicles, Maritime and River Vessels and Aircraft (annex II of the 1998 Agreement). The Special Rapporteur received detailed information on some of these cases, including cases of mass expulsions and the sexual aggression of a Peruvian woman held in Machala prison (in Ecuador) on 17 May 2004. The Ombudsman's Office in Tumbes corroborated this information and stated that this situation had led the Peruvian Ombudsman to sign a cooperation agreement with his Ecuadorian counterpart in July 2004, in order to consolidate their efforts to protect the human rights of the citizens of both countries.

PAGE 14-16

QUOTE **IV. FOREIGNERS IN PERU**
Situation of foreigners deprived of liberty

54. Foreign prisoners of both sexes reported serious inadequacies in the health services provided, inadequate medical care and a lack of medicines and health equipment. It is claimed that the lack of medicines and health personnel has contributed to the development of infectious or contagious conditions (multi-drug-resistant tuberculosis, sexually transmitted diseases and meningitis) which are not properly treated and create a public health problem. Drugs are also apparently consumed on a massive scale inside prisons. It was complained that there were no medical specialists (paediatricians or others) and that the cost of transfer to hospital had to be paid for by the prisoners themselves. In the prison in Chorrillos a complaint of sexual harassment had been filed against one of the prison doctors.

58. Of the 261 foreigners in the prison in Callao, only 61 had been sentenced and in the prison in Chorrillos 98 foreign women prisoners had been charged and 37 sentenced. The Special Rapporteur spoke to prisoners who had spent up to 25 months without being sentenced. The maximum period of detention for a person who has not been convicted was increased in 2001 from 15 to 18 months and doubled to 36 months for some offences such as illicit drug trafficking (and could be extended up to 72 months in complex cases). Both male and female foreign prisoners called for administrative decisions to be expedited, opportunities for dialogue between judges, prisoners and the Ombudsman's

Office to be restored and the decisions in their trials to be sent to them so that they would be better able to defend themselves.

61. Foreign prisoners of both sexes encountered difficulties in obtaining family visits during the stay of their family members in Peru. Conjugal visits were apparently only permitted between married individuals and had been organized once in the case of married couples who were prisoners in these two centres. In the prison in Chorrillos there were 25 telephones for nearly 1,000 female prisoners, who could use them for only 10 minutes on Mondays, Tuesdays, Thursdays and Fridays from 9 a.m. to 1 p.m. and from 2 to 5 p.m. Post was received twice a month and letters could not be sent directly from the prison.

DOCUMENT E/CN.4/2005/88/Add.1
 TITLE **INDIGENOUS ISSUES**
Human rights and indigenous issues
Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen
Addendum, Analysis of country situations and other activities of the Special Rapporteur

AGENDA ITEM 15

PAGE 7

QUOTE **Chile**

20. On 23 August 2004, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal to the Government of Chile, inquiring about allegations concerning the alleged death threats received by **Juana Calfunao Paillalef**, an indigenous Mapuche leader of the Municipality of Cunco and one of the founder members of the Ethical Commission Against Torture. According to the information received, on 26 June 2004 a fire destroyed Juana Calfunao Paillalef's house. It was alleged that her uncle **Basilio Coñoenao** was killed and that his dead body was moved to the house when the fire was provoked. Reports also stated that the national police of Los Laureles and the regional public prosecutor were informed of several acts of intimidation against Juana Calfunao Paillalef's family but that no security measures were taken. It was also reported that in May 2000 Juana Calfunao Paillalef was detained and lost her infant child as a consequence of abuses of the military police forces. It was feared that the alleged killing of Basilio Coñoenao as well as the acts of intimidation suffered by Juana Calfunao Paillalef are related to issues regarding the demarcation of their community's lands. The Special Rapporteurs appealed to the Government to provide information about the case and information concerning the steps taken by the competent authorities in compliance with the provisions contained in the relevant international legal instruments to guarantee the protection of the rights to life and physical integrity of the person concerned.

PAGE 21

QUOTE **Mexico**

66. On 3 August 2004, the Special Rapporteur, jointly with the Special Rapporteur on torture and the Special Rapporteur on the independence of judges and lawyers, sent an

urgent appeal to the Government of Mexico, concerning the difficult situation reportedly suffered by **Carmela Chávez** and her two children, **Froilán Pinzón Chávez** and **Nancy Pinzón Chávez**, Na Saavi indigenous of Metlatonoc municipality, State of Guerrero. According to the information received, on 17 April 2004, according to the complaint presented by Lorenzo Guerrero Vásquez, the public prosecutor and the public health director arrested an 8-year-old girl, Nancy Pinzón Chávez, and a 10-year-old boy, Froilán Pinzón Chávez, and detained them for respectively 20 hours and 6 days, reportedly torturing them while in jail.

PAGE 22

QUOTE **Mexico**

67. On 23 August 2004, the Special Rapporteur, jointly with the Special Rapporteur on torture and the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal to the Government of Mexico, regarding the situation of **Eduardo Hernández Sánchez**, a 19-year-old Tzotzil indigenous person, **Carlos Navarro Pérez**, a 23-year-old Tzeltal indigenous person, **Enrique Hernández Ramos** and his mother, **Romelia Ramos Bermúdez** and **Carlos Velasco**. The Specials Rapporteurs also called the attention of the Government to the situation of **Heriberto Gómez** and **María del Carmen Grajales Castillejos**, lawyers of the above-mentioned persons, who had reportedly been detained on 11 August 2004, allegedly as a result of their work as defendants of Eduardo Hernández Sánchez, Carlos Navarro Pérez, Enrique Hernández and Ramos Romelia Ramos Bermúdez. The above-mentioned persons had been detained in the course of a murder investigation and allegedly beaten and subject to torture while in detention. The Special Rapporteurs expressed concern about their physical security.

DOCUMENT E/CN.4/2005/88/Add.3

TITLE **INDIGENOUS ISSUES**

Report of the Special Rapporteur on the situation of human rights and fundamental freedoms indigenous people, Rodolfo Stavenhagen, Addendum, MISSION TO CANADA

AGENDA ITEM 15

PAGE 15

QUOTE

56. [...] According to government sources, Aboriginal women are five times more likely to experience a violent death than other Canadian women. Many of these reports signal discriminatory and gender bias in policing, as well as overrepresentation of native women in the prison system. Disproportionate numbers of Aboriginal women are held in federal prisons. Although they account for only 3 per cent of the female population in Canada, in 2003 they made up 29 per cent of the women in federal prisons. They are singled out for segregation more often than other inmates and suffer higher rates of inmate abuse. There appears to be a need for an Aboriginal programme strategy for women sentenced at federal level.

PAGE 25

QUOTE **Administration of justice and related justice issues**

114. That efforts be increased at all levels to reduce and eliminate the overrepresentation of Aboriginal men, women and children in detention, in particular by establishing measurable outcomes, and that Aboriginal alternative justice institutions and mechanisms be officially recognized and fostered with the full participation of Aboriginal communities.

115. That the Government of Canada, in keeping with both its domestic constitutional jurisdiction and its international human rights obligations, immediately join and participate fully in the Ipperwash Judicial Inquiry.

DOCUMENT E/CN.4/2005/2
E/CN.4/Sub.2/2004/48

TITLE **REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS ON ITS FIFTY-SIXTH SESSION; Geneva, 26 July-13 August 2004; Rapporteur: Mr. Paulo Sérgio Pinheiro**

AGENDA ITEM 16

PAGE 75

QUOTE **2004/116. Women in prison**

At its 24th meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decision 2003/104 of 13 August 2003, expressed its appreciation to Ms. Florizelle O'Connor for her working paper on women in prison (E/CN.4/Sub.2/2004/9) and decided, without a vote, to request Ms. O'Connor to prepare, without financial implications, an expanded version of her working paper, including issues relating to the children of women in prison, taking into account the comments and suggestions made at the fifty-sixth session of the Sub-Commission, and to submit the expanded working paper to the Sub-Commission at its fifty-seventh session. [See chap. V.]

PAGE 91

QUOTE **Women in prison**

59. At the 24th meeting, on 12 August 2004, Ms. Warzazi introduced draft decision E/CN.4/Sub.2/2004/L.16, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Motoc, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez and Mr. Kartashkin subsequently joined the sponsors.

60. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/116 [page 75].

PAGE 137 (chart on working papers, etc);

QUOTE

Title and agenda item: Working paper on women in prison (item 3) (E/CN.4/Sub.2/2004/9)
Entrusted to: Ms. Florizelle O'Connor (Jamaica)
Legislative authority and latest Sub-Commission resolution(s)/decision(s) on the subject: Sub-Commission decision 2003/104; decision 2004/116
First submission: Fifty-sixth session (2004)

Final submission: Fifty-seventh session (2005)

PAGE 143

QUOTE **Annex VII**

List of documents issued for the fifty-sixth session of the Sub-Commission

Symbol: E/CN.4/Sub.2/2004/9

Agenda item: 3 Working paper by Ms. O'Connor on the issue of women in prison

PAGE 150-151

QUOTE **Annex VII**

List of documents issued for the fifty-sixth session of the Sub-Commission

Symbol: E/CN.4/Sub.2/2004/L.16

Agenda item: 3 Women in prison: draft decision

DOCUMENT E/CN.4/2005/101/Add.1

TITLE **PROMOTION AND PROTECTION OF HUMAN RIGHTS:
HUMAN RIGHTS DEFENDERS**

**Report of the Special Representative of the Secretary-General,
Hina Jilani**

**Addendum, Summary of cases transmitted to Governments and
replies received***

AGENDA ITEM 17(b)

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QUOTE **Algeria**

11. Le 23 septembre 2004, la Représentante spéciale, conjointement avec le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression et la Rapporteuse spéciale sur la question de la violence contre les femmes, a envoyé une communication concernant un rassemblement pacifique des familles de disparus de Constantine ayant eu lieu le 20 septembre 2004 devant le siège provisoire du Comité ad hoc sur les disparus à Constantine qui aurait été dispersé par la violence par les forces de l'ordre, lesquelles auraient également procédé à des arrestations. D'après les informations reçues, M. **Hmamlia**, qui tentait de venir en aide aux personnes malmenées par la police, aurait été arrêté et conduit au poste de police avant d'être libéré quelques heures plus tard. Mme **Farida Oughlissi**, mère de disparu, aurait été frappée. Son corps serait marqué par de nombreuses ecchymoses. Mme **Louisa Saker**, Secrétaire générale de l'Association des familles de disparus de Constantine, aurait, quant à elle, été interpellée et emmenée par des éléments de la Brigade mobile de la police judiciaire (BMPJ) et détenue à la caserne de la police judiciaire de la zone Palma à Constantine. Ni les membres de sa famille, ni son avocat n'auraient été autorisés à lui rendre visite jusqu'à sa libération dans la soirée. Durant sa détention, Louisa Saker n'aurait pas été informée des motifs de son arrestation et aurait fait l'objet d'actes d'intimidation. Au moyen d'un couteau et d'une bombe lacrymogène, celle-ci aurait été menacée par des agents des services des Renseignements généraux d'être inculpée pour troubles à l'ordre public avant d'être relâchée dans la soirée sans qu'aucune charge n'ait été retenue contre elle. Suite à sa libération, un médecin aurait pu constater les traces sur son corps des violences subies lors du dispersement du rassemblement. Il a également été rapporté que Mme

Louisa Saker avait déjà fait l'objet d'actes d'intimidation le 5 novembre 2003 de la part de deux inspecteurs des services des Renseignements généraux. L'arrestation et la détention de Mme Saker et M. Hmamlia ainsi que les méthodes utilisées pour disperser une manifestation pacifique sont d'autant plus préoccupantes que la police aurait déjà arrêté des membres des familles de disparus et fait usage de violence à leur rencontre lors de rassemblements à Constantine le 8 novembre 2001, à Alger le 5 novembre 2002, et à Oran le 9 juillet 2003. S'agissant de Mme Saker, des craintes ont été exprimées que celle-ci n'ait été visée en particulier, en raison de ses nombreuses prises de position critiques quant à la gestion du dossier des disparus par les autorités algériennes.

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QUOTE **Chile**

104. El 23 de agosto de 2004, la Representante Especial envió un llamamiento urgente junto con el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas en relación con **Juana Calfunao Paillalef**, líder de una comunidad indígena mapuche del municipio de Cunco de la IX Región. Juana Calfunao Paillalef es miembro fundador de la organización no gubernamental Comisión Ética Contra la Tortura y trabaja en la promoción y protección de los derechos de su comunidad. Según las informaciones recibidas, el 26 de junio de 2004 se habría desencadenado un incendio en su casa que habría quedado completamente arrasada. Tras el incendio, se habría descubierto el cadáver calcinado de su tío Basilio Coñoenao, líder de la comunidad vecina de Juan Pichunlaf. Se alega que Basilio Coñoenao habría sido asesinado en otro lugar y que su cadáver habría sido trasladado después al lugar del incendio. Basilio Coñoenao y uno de sus sobrinos habrían recibido amenazas de terratenientes que habrían pedido a la familia que abandonara su propiedad. Se informa que los afectados habrían denunciado estos hechos a la policía nacional de la ciudad de Los Laureles y ante el Fiscal Regional, que sin embargo no habrían realizado ninguna investigación. Se informa también que durante el mes de julio de 2004 Juana Calfunao Paillalef y su familia habrían sido objeto de una campaña de intimidación que habría resultado en el asalto a piedras de su casa y disparos al aire delante de su hogar. Además de estos recientes actos de hostigamientos, se alega que en el mes de mayo de 2000, Juana Calfunao Paillalef, estando en los primeros meses de gestación, habría sido detenida por la policía local durante tres días durante cual periodo habría sufrido agresiones a manos de los carabineros que habrían provocado un aborto. La comunidad habría presentado una demanda contra los latifundistas en el Primer Juzgado Civil de la ciudad de Temuco bajo el rol N° 94055-99.

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QUOTE **China**

109. On 16 March 2004, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent a follow-up urgent appeal concerning the situation of **Jiang Meili**, the wife of **Zheng Enchong**, a human rights defender who was imprisoned in October 2003, and the situation of **Shen Ting**, a campaigner on behalf of Shanghai residents displaced by urban developments, who has also been advocating the release of Zheng Enchong. According to the

information received, on 28 February 2004, Jiang Meili, who had travelled to Beijing to petition the National People's Congress on behalf of her husband, was reportedly detained by five women and two men who allegedly entered her hotel room, bound and gagged her and took her to a hotel in Hubei's Canzhou City. The following day she was reportedly taken to another hotel on Hutai road. According to the information received, Jiang Meili was not informed of the reason for her detention and the men and women, reportedly officials of the Shanghai Representative Office in Beijing, the Shanghai Letters and Petitions Office and the Shanghai Municipal Public Security Bureau (PSB), did not present an arrest warrant. She was allegedly released on 1 March. It is reported that since then, she has been under police surveillance and on 4 March was prevented from leaving her home to visit her husband. When she protested, she was allegedly taken to the Guoqing Lu Public Security Bureau and was released later that day. It is also reported that the authorities have confiscated her two mobile phones and have also reportedly disconnected her home phone line. According to additional information received, the mother of Shen Ting, **Mo Zhujie**, was reportedly abducted on 5 March 2004 while visiting a displaced resident. According to the information received, 11 individuals, some wearing police uniforms and one who was allegedly identified as a member of the Shimem Erlu Public Security Bureau, reportedly entered the premises and forced Mo Zhujie into a police vehicle. They allegedly put a plastic bag over her head and threatened to kill her. She was reportedly released later that night. Concern has been expressed that Jiang Meili, Shen Ting and Mo Zhujie may have been targeted for their human rights work, and in particular for campaigning against the reportedly arbitrary imprisonment of Zheng Enchong. Fears have been expressed for the life and physical integrity of the above-mentioned individuals

110. On 5 April 2004, the Special Representative, together with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the question of torture sent an urgent appeal concerning **Ding Zilin, Zhang Xianling** and **Huang Jinping**. It is alleged that on 28 March 2004, the three women, who belong to a group called the "Tiananmen Mothers", were detained in an attempt to prevent them from commemorating the 15th anniversary of the June 1989 pro-democracy protests in Tiananmen Square. It is reported that members of this group have campaigned on behalf of their children and other relatives killed there almost 15 years ago. The teenage sons of Ding Zilin and Zhang Xinliang, and Huang Jinpin's husband, had reportedly been killed at Tiananmen Square. No information on the whereabouts or on possible charges against the women is available.

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QUOTE **China**

114. On 16 July 2004, the Special Representative, together with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the question of torture, sent an urgent appeal concerning Mr. **Wang Guofeng**, and his wife, Ms. **Li Suzhi**, both HIV-positive. According to the allegations received, they were arrested in Shangqiu city,

Henan province, on 12 July 2004, when they were about to travel to Beijing to petition the National Health Department. They wanted to protest about the inadequate health care and other services for those infected with HIV/AIDS in their city. In particular, they were concerned that they had not received the medical treatment that had been promised by the central authorities. They were also concerned that the local authorities had recently closed down the school of their children, which had been set up by a local HIV/AIDS activist for children whose parents were HIV-positive or had died of AIDS. The school was reportedly closed after its founder told the authorities that he was going to Thailand to participate in the 15th International Conference on HIV/AIDS. Wang Guofeng and Li Suzhi are currently detained in Shangqiu city. In the light of reports according to which people with HIV/AIDS detained in Henan province in the past had been beaten while in police custody, concern is expressed that Wang Guofeng and Li Suzhi may be at risk of torture or other forms of ill-treatment. Concern is also expressed about their physical and mental integrity if they do not receive adequate medical treatment during their detention.

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QUOTE **China**

117. On 26 October 2004, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the question of torture, sent an urgent appeal concerning Mr. **Zhang Bo**, Ms. **Wang Jie**, and Mr. **Cai Shaojie**, three Falun Gong practitioners, and Mr. **Li Weiji**. According to the allegations received, Zhang Bo is detained at an unknown location, Wang Jie and Cai Shaojie are detained in the Dabei prison, and Li Weiji is detained in the Panjin prison. It is reported that the police broke both Li Weiji's arms and caused him a lumbar inter-vertebral disc protrusion. On 5 March 2003, these persons were sentenced to imprisonment by the Yinzhou District Court in Tieling, Liaoning province, for collecting evidence of the persecution of Falun Gong practitioners in that province (i.e. persecution by the local authorities, including local governments and local police stations, related to the use of detention, torture and forced labour). Li Weiji was also convicted of assisting Falun Gong practitioners in going abroad. Zhang Bo and Wang Jie were sentenced to seven, Cai Shaojie to four and Li Weiji to eight years' imprisonment. In view of the allegations, concern is expressed that Zhang Bo, Wang Jie and Li Weiji are at risk of torture or other forms of ill-treatment. Moreover, concern is expressed that the imprisonment of the four individuals is an attempt to prevent their activities to protect the human rights of Falun Gong practitioners in Liaoning province.

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QUOTE **Democratic Republic of Congo**

227. Le 21 avril 2004, la Représentante spéciale, conjointement avec le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, la Présidente-Rapporteur du Groupe de travail sur la détention arbitraire, le Rapporteur spécial sur la torture et la Rapporteuse spéciale sur les exécutions extrajudiciaires, sommaires ou arbitraires, a envoyé un appel urgent concernant la situation de **Dieudonné Been Masudi Kingombe**, directeur du Centre des droits de l'homme et du droit humanitaire (CDH), une association de défense des droits de l'homme basée à Lubumbashi, **Grégoire Mulamba Tschisabamka**, secrétaire général de la CDH et **Me**

Freddy Kitoko, vice-président de l'ASADHO/Katanga (Association africaine de défense des droits de l'homme/Katanga). Selon les informations reçues, [...] Grégoire Mulamba Tschisabamka et Me Freddy Kitoko auraient quant à eux été arrêtés le 15 avril 2004 par des agents de l'ANR, semble-t-il sur ordre du directeur provincial de l'ANR, dont le nom est connu des Rapporteurs spéciaux et de la Représentante spéciale. Aucune information n'a été reçue sur le lieu de détention de ces personnes ni sur les éventuelles accusations portées contre elles. [...] Selon les informations reçues, le 8 avril 2004, l'Observatoire national des droits de l'homme aurait contacté par téléphone les membres du CDH et les aurait informés du « mécontentement » du gouverneur du Katanga, à la suite de la publication de ce communiqué. Depuis le 10 avril 2004, le secrétaire général du CDH, M. Grégoire Mulamba Tshisakamba, aurait reçu plusieurs fois par jour des appels anonymes le menaçant de mort. Des craintes ont été exprimées que cette arrestation ne soit en relation avec le travail de défense des droits de l'homme des personnes susmentionnées.

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QUOTE **France**

260. Le 30 juillet 2004, la Représentante spéciale, conjointement avec le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, a envoyé un appel urgent concernant **Mme Keita Matindie**, membre du parti d'opposition le Rassemblement des Républicains (RDR), trésorière de la section Jeunesse et membre active de la section Femmes du parti et défenseur des droits de l'homme dont la demande d'asile aurait été rejetée. Mme Keita Matindie faisant l'objet d'une procédure d'expulsion du territoire français devrait être renvoyée en Côte d'Ivoire de façon imminente. Selon les informations reçues, son père, Seydou Keyta aurait été tué par des CRS lors des violences de 2000 et aurait fait partie des victimes du charnier de Yopugon. Par ailleurs, elle aurait participé à la marche de protestation organisée par les partis d'opposition le 25 mars 2004 et aurait été témoin de sérieuses violations des droits de l'homme dont des exécutions sommaires perpétrées par les forces de sécurité du pays. Elle aurait à cette occasion été battue par les CRS avec d'autres militants du RDR. Au cours de ces manifestations, son époux Paul Kiburugupu et sa mère auraient été arrêtés et seraient depuis portés disparus. En avril 2004, Mme Keyta Matindie aurait témoigné sur les violations commises par les forces de l'ordre, et dont elle aurait été témoin lors des événements des 25 et 26 mars 2004 à Abidjan, auprès de la Commission d'enquête internationale établie par le Haut-Commissariat aux droits de l'homme. Suite à son témoignage, elle aurait fait l'objet de nouveaux harcèlements et, notamment, elle aurait reçu des menaces de mort de la part de membres du GPP (Groupement patriotique pour la paix), proche de la présidence, lui disant qu'elle était étrangère, membre du RDR et qu'ayant assisté aux violences elle méritait d'être battue et tuée. Durant plusieurs mois, elle aurait été obligée de fuir son domicile en raison du harcèlement dont elle aurait fait l'objet. Selon les informations reçues, le 20 juillet 2004, elle serait arrivée à l'aéroport de Roissy – Charles-de-Gaulle en France en possession d'un visa Schengen valide et aurait sollicité son admission au titre de l'asile à la frontière. Sa demande aurait été refusée par le chef du bureau d'asile politique à la frontière en raison du caractère « manifestement infondé » de sa demande. Elle n'aurait pas été autorisée à rentrer sur le territoire pour que sa demande soit examinée sur le fond. Le motif de la décision reposerait sur le fait que « les déclarations de l'intéressée seraient imprécises et lacunaires » et qu'elle n'apporterait pas d'éléments probants sur les faits mentionnés ci-dessus. Néanmoins, selon les informations reçues,

Mme Matindie aurait de sérieuses difficultés à s'exprimer en français et n'aurait pas été assistée d'un interprète lors de son premier entretien. Mme Keita se trouverait actuellement en zone d'attente à Roissy et son expulsion serait prévue pour demain. De sérieuses craintes ont été exprimées que son retour en Côte d'Ivoire ne mette sa vie et son intégrité physique en danger.

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QUOTE **Indonesia**

310. On 25 February 2004, the Special Representative, together with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the question of torture, sent an urgent appeal concerning **Masrizal, Iwan Irama Putra**, a human rights defender age 27, **Harlina**, a student and human rights defender aged 2, **Nova Rahayu**, a student and human rights defender age 23, **Nursida**, a student and human rights defender age 22, and **Syafruddin**, a human rights defender. [...] Early on 23 February, police allegedly made a series of raids on the homes of members of the Acehese Democratic Women's Organization (ORPAD), which carries out activities for women's education and empowerment in Banda Aceh. They reportedly detained Harlina, a member of IMPEL and ORPAD, at around 4 a.m. at her home. She was reportedly beaten before being taken away in a Kijang minivan. She was reportedly last seen approximately two hours later, when police took her with them to the house of another activist, who was not at home at the time. On the same date, Nursida and Nova Rahayu, both members of ORPAD, were reportedly arrested at Nursida's home at around 6 a.m. They were reportedly taken away in two trucks. It is reported that the police and the military have denied having any information on the three women's whereabouts.

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QUOTE **Iran (Islamic Republic of)**

325. On 9 July 2004, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the question of torture, sent a followup urgent appeal concerning **Akbar Mohammadi**, [...] Akbar Mohammadi's brother, **Manuchehr Mohammadi**. [...] On 8 July 2003, their father, Mr. **Muhammad Muhammadi**, and their sister, **Simin**, were arrested and taken to Evin prison. Simin was reportedly beaten in front of her father and dragged away. She was held in solitary confinement for 14 days. She was interrogated for several hours every night and asked about the activities of her sister Nasrin, who lives in Europe, and her brother Manuchehr. She was allegedly threatened with further beatings and death. While in custody, she spent five days in prison hospital because of breathing problems. She was released on bail on 22 July 2003.

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QUOTE **Iran (Islamic Republic of)**

328. On 16 November 2004, the Special Representative, together with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the question of torture

and the Special Rapporteur on violence against women, sent a follow-up urgent appeal concerning Ms. **Mahboobeh Abbasgholizadeh**, an activist for women's rights, editor of *Farzaneh*, a journal for women's studies, and director of the NGO training centre. According to the information received, Mahboobeh Abbasgholizadeh was arrested at her home on 1 November 2004 by order of the Prosecutor General. Since her arrest, she has reportedly been detained and held incommunicado and denied access to a lawyer or family members. To date, no formal charges have reportedly been brought against her but she is being interrogated about her presentations at international meetings, including her address to the Asia Pacific Women's Watch Beijing+10 NGO Forum in July 2004, and her contacts with international women's rights activists. In the light of the reported subject matter of her interrogations and considering the lack of formal charges, concern is expressed that the arrest of Mahboobeh Abbasgholizadeh may be aimed at preventing her from continuing to speak out and publish on women's rights in the Islamic Republic of Iran.

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QUOTE **Malaysia**

354. On 8 March 2004, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal concerning members of **Suara Rakyat Malaysia (SUARAM)**, a human rights NGO, and other participants in a peaceful demonstration against the misuse of police power. According to the information received, on 28 February 2004 one hundred people, including members of SUARAM and of political parties, gathered outside the Bukit Aman Police Station to protest against the abuse of police powers and in particular, the death of suspects while in police custody, police shootings, violations of remand procedure and the dispersion of peaceful assemblies. [...] 17 demonstrators, including **Eric Paulsen, Elizabeth Wong** and **Fahim Reza** of SUARAM, **Sivarasa Rasiah**, vice-president of the Malaysian People's Party and **Tian Chua**, vice-president of the National Justice Party, were arrested. In the course of their arrest, Tian Chua and Elizabeth Wong allegedly sustained bruises due to ill-treatment by the police. All those arrested have reportedly been released on bail and have been requested to report back to the police on 15 March 2004. Concern has been expressed that the members of SUARAM and other demonstrators may have been arrested for their human rights activities, in particular their condemnation of the abuse of police powers.

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QUOTE **Maldives**

365. On 6 October 2004, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Chairman- Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and the Special Rapporteur on violence against women, sent an urgent appeal regarding Mr. **Ismail Asif** and Ms. **Jennifer Latheef**, respectively employee of a television company and video film producer, both of whom have been working to draw attention to human rights concerns. [...] According to information received, Jennifer Latheef, who has particularly focused her work on the prevalence of sexual abuse in the country, was reportedly arrested in

front of the National Security Services on 13 August 2004, when a demonstration was broken up with baton charges and tear gas. She is reportedly being detained at the Dhoonidhoo interrogation centre and was denied access to family members until 17 September 2004. It was also reported that, during her detention, the police kicked her in the back numerous times whilst she was blindfolded. She was reportedly detained a first time on 22 September 2003 for her part in a protest regarding the killing of Evan Naseem on the 19 September 2003 and the killing of three other prisoners and fatal injury of others on 20 September 2003 in Maafushi Jail.

366. By letter dated 27 October 2004, the Government responded to a communication sent by the Special Representative on 6 October 2004 regarding **Jennifer Latheef** and **Ismail Asif**. The Government informed the Special Representative that the aforementioned had both been arrested, on 13 and 17 August 2004 respectively, in connection with the investigation into the mob violence of 12-13 August 2004. According to the Government, the investigation of Jennifer Latheef had been completed and as a result, she has been under house arrest since 26 October 2004. The Government indicated that in accordance with the law, charges would be filed against her shortly. The Government assured that, in conformity with the rights of all citizens, the accused would receive a fair and impartial trial. [...] Concerning the accusations of torture and ill-treatment, the Government stated that the Human Rights Commission of the Maldives had been ordered to undertake an investigation. Once the final conclusions have been made, the Government promised to take the appropriate legal action against any possible guilty parties. The Government emphasized its commitment to human rights and highlighted the agreement signed with the International Committee of the Red Cross on 5 October 2004, and the visit by a two-member delegation from Amnesty International on 10 October 2004.

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QUOTE **Mauritania**

368. Le 2 décembre 2004, la Représentante spéciale, conjointement avec le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, le Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires et la Rapporteuse spéciale chargée de la question de la violence contre les femmes, a envoyé un appel urgent concernant neuf femmes membres du Collectif des familles de détenus, **Mmes El Moumne Mint Mohamed Elemine, Raky Fall, Khadijetou Mint Maghlah, Teslem Mint Oumar, Mariem Mint Neyni, Fatimetou Mint Khaya, Mariem Fall Mint Chenouve, Meye Mint Hamady et Fatma Mint Hamady**. Selon les informations reçues, sept d'entre elles auraient été arrêtées le 21 novembre 2004 par la gendarmerie, lors de l'ouverture de la première audience du « procès des putschistes », présumés auteurs de la tentative des coups d'Etat des 8 et 9 juin 2003, dont elles seraient les proches. Elles auraient été conduites à la brigade d'Ouad Naga où elles auraient été parquées sous le soleil et à même le sol pendant toute la journée du 21 novembre. Mmes Meye Mint Hamady et Fatma Mint Hamady auraient quant à elles été arrêtées le 22 novembre 2004, alors qu'elles protestaient contre des gendarmes qui semblaient vouloir maltraiter une femme âgée à la sortie de la salle d'audience. Le même jour, Mme Mariem Mint Neyni, enceinte, aurait été libérée mais aurait, de nouveau, été arrêtée le 29 novembre au soir. Sans avoir été informées des motifs de leur arrestation, elles auraient été interrogées à plusieurs reprises sur les raisons pour lesquelles deux membres du

Collectif participaient à la 36e session de la Commission africaine des droits de l'homme et des peuples (CADHP). Le 30 novembre 2004, après avoir finalement été accusées de « distribution de tracts » et de « menaces de mort », elles auraient été transférées à la prison des femmes de Nouakchott. Toutes les autorisations de visite demandées par leurs proches auraient été refusées. Mme Raky Fall, enceinte, souffrirait depuis le début de sa détention de douleurs dans la poitrine. En raison de leur détention au secret, des craintes ont été exprimées sur l'intégrité physique et psychologique de ces femmes, et notamment Mme Raky Fall qui se trouve dans un état de santé fragile.

369. Par lettre datée du 6 janvier 2005, le Gouvernement a répondu à l'appel en date du 2 décembre 2004. Le Gouvernement a indiqué que les individus en question avaient été arrêtés pour avoir commis des actes délictueux, notamment outrage à magistrat et menace de mort selon les articles 204 et 281 du Code pénal. Le Gouvernement a affirmé que ces femmes avaient été informées des raisons de leur arrestation et traitées avec humanité et a rejeté les allégations d'atteinte à leur intégrité physique, de même que celles relatives à leur absence d'accès à leurs familles et avocats. Le Gouvernement a par ailleurs affirmé que les normes internationales des droits de l'homme ne pouvaient être invoquées pour leur défense au vu des actes délictueux qu'elles auraient commis. Enfin, le Gouvernement a indiqué que ces femmes auraient bénéficié d'une liberté provisoire et qu'elles devraient se présenter lors de leur procès.

370. The Special Representative thanks the Government for its response to her communication. She welcomes the reported provisional release of the individual concerned and looks forward to remaining informed about this case.

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QUOTE **Nepal**

408. On 7 July 2004, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, sent a follow-up urgent appeal concerning the case of **Maina Sunuwar**, a 15-year-old girl whose whereabouts are unknown since her alleged arrest on 17 February 2004. In this context, the special rapporteurs have also received information concerning Ms. **Bimala B.K.**, a 20-year-old resident of Kharelthok Village Development Committee (VDC) 4 of Kavre, who reportedly witnessed the arrest of Maina Sunuwar. According to the new information received, Bimala B.K. was arrested by the police of Bhagvati Station on 11 February 2004 at around 10 a.m., when she was returning home from Bhagvati Temple. She was arrested on suspicion of being a Maoist. It is reported that at Bhagvati Police Station, she was severely beaten on various occasions and hit with plastic pipes, her head was submerged into water, her knees and feet were slot with a sharp blade and salt and chilli powder were sprinkled over the injuries. She was reportedly gang-raped by soldiers during 15 consecutive nights. She is also reported to have been forced to take sedatives. According to the information received, on 18 February 2004 she was taken to Bhagvatisthan and forced to show to the police Maina Sunuwar's house. Maina Sunuwar was arrested and they were both taken together to Shantigate Army Barracks and to Panchkal Centre, where they were kept in separate rooms and beaten. Bimala B.K. later reported that she had heard Maina Sunuwar screaming with pain. On 19 February 2004, Bimala B.K. was taken to Dhulikhel Police Station and has not seen Maina Sunuwar since then. Whenever she asked police about her

location and condition, she was given varying responses. On one occasion she was told that she had been killed. On 24 March 2004, Bimala B.K. was transferred from Dhulikhel Police Station to a Women's prison. As far as the special rapporteurs have been informed, no detention warrant has been issued by any judicial authority. It is reported that a foreign diplomatic embassy was informed by the army that Maina Sunuwar was killed when she tried to escape from custody, that an autopsy was conducted and the body handed over to her family. However, her relatives sustain that they have never seen her body nor received any information about her fate. Finally, the special rapporteurs have received information according to which relatives of Maina Sunuwar are subjected to harassment and intimidation since her arrest.

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QUOTE **Tunisia**

533. Le 31 décembre 2003, la Représentante spéciale a envoyé un appel urgent concernant **Neziha Rejiba**, journaliste, plus connue sous son nom de plume de Om Zied et membre du Conseil national pour les libertés en Tunisie (CNLT), une organisation qui travaille sur la défense des droits humains, l'égalité entre les sexes et la promotion des valeurs démocratiques, et au sujet de laquelle la Représentante spéciale du Secrétaire général pour la question des défenseurs des droits de l'homme, le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression avaient envoyé un appel le 10 octobre 2003. Selon les informations reçues le 18 novembre, elle aurait été accusée de « détention illégale de devises étrangères et son transfert à une partie non habilitée » pour avoir donné 170 € à un jeune Tunisien alors qu'elle rentrait d'un séjour à l'étranger. Il semblerait que cette accusation pourrait être abusive, dans la mesure où, selon la loi tunisienne en matière de contrôle des changes, Mme Rejiba aurait eu une semaine à son retour de voyage pour changer ses devises. Selon les informations reçues, le 19 novembre, à l'issue du procès, elle aurait été condamnée à huit mois de prison avec sursis et 1 200 dinars d'amende. Le procès en appel devait se tenir le 31 décembre 2003. Des craintes ont été exprimées que cette condamnation ne soit liée au travail de Neziha Rejiba en faveur des droits humains, en particulier ses reportages sur des questions touchant à l'éducation et à la corruption supposée du Gouvernement.

PAGE 191

QUOTE **Tunisia**

545. Par lettre en date du 30 janvier 2004, le Gouvernement a répondu aux appels urgents envoyés le 31 décembre 2003 et le 10 octobre 2003 concernant Mme **Neziha Rejiba**. Le Gouvernement a assuré que l'affaire dont Mme Rejiba a fait l'objet aurait été en pleine conformité avec le droit commun. Suivant les recommandations de l'administration douanière, le tribunal de première instance de Tunis a condamné Mme Rejiba à huit mois de prison avec sursis et à une amende égale au seuil minimal. L'intéressée a interjeté appel et la cour d'appel doit rendre son jugement le 25 février 2005.

PAGE 205-206

QUOTE **Uzbekistan**

587. On 16 February 2004, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the question of torture, sent an urgent appeal

concerning **Fatima Mukhadirova**, a 62-year-old woman, who was reportedly sentenced on 12 February 2004 in a closed court hearing to six years in prison with hard labour for possession of unsanctioned religious literature, membership in a prohibited religious organization, and "attempted encroachment on the constitutional order". The authorities alleged that Fatima Mukhadirova is a member of Hizb ut-Tahrir (Party of Liberation), a non-violent Muslim group advocating the peaceful establishment of an Islamic State in Uzbekistan. It is believed that Mrs. Mukhadirova, whose youngest son is reportedly also in prison on charges of Hizb ut-Tahrir membership, may have been arrested for having spoken out during the mission of the Special Rapporteur on the question of torture in Uzbekistan against the ongoing arrests of independent Muslims and for having reported on the case of her eldest son, Muzafar Avazov, a religious prisoner who died in prison from torture in August 2002.

588. On 25 February 2004, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a followup urgent appeal concerning **Fatima Mukhadirova**. According to the information received, on 12 February 2004 Fatima Mukhadirova was sentenced in a closed court hearing for possession of unsanctioned religious literature, membership of prohibited religious organizations and unconstitutional activities. It has been alleged that the accusations were unproven and that her arrest may have been linked to her having raised the case of the death of her son with international bodies and in particular her meeting with the Special Rapporteur on the question of torture. On 24 February 2004, the Tashkent city court reportedly decided to release Fatima Mukhadirova, on the grounds of her gender and her old age, and sentenced her to pay a fine of 280,000 sums, which is reportedly equal to two-thirds of the average annual income. The Special Representative and the Special Rapporteur welcome the reported release of Ms. Mukhadirova. They express their concern, however, at the heavy fine imposed on her. Fear has been expressed that the fine may represent an attempt to hinder her human rights activities and in particular her efforts to obtain an investigation into the death of her son in custody.

PAGE 209

QUOTE **Uzbekistan**

Responses received to communications sent by the Special Representative in previous years

598. By letter dated 18 February 2004, the Government replied to the urgent appeal sent jointly with the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur on the question of torture and the Chairperson-Rapporteur of the Working Group on Arbitrary Detention on 22 October 2003 concerning **Fatima Mukhadirova**. The Government referred to its previous response dated 28 November 2003 and provided additional information: It indicated that, on 12 February 2004, the Shayhantohur District Court found Fatima Mukhadirova guilty of offences under articles 159.3 (a) and (b), 244-1.3 (a) and 59 of the Criminal Code, for continuing her unlawful activities in a religious extremist organization with a view to undermining the constitutional foundation of Uzbek society. The court sentenced her to deprivation of liberty for six years, partly incorporating a suspended sentence decided by the same court on 5 November 2001. The Government reported that Fatima Mukhadirova lodged an appeal with the Tashkent City Court against this ruling, and that a consideration of this appeal was scheduled for 24 February 2004.

PAGE 217

QUOTE **Zimbabwe**

622. On 29 September 2004, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal concerning **52 women**, members of **Women of Zimbabwe Arise** (Woza), who were reportedly arrested during a protest march against new legislation which would allegedly ban foreign human rights groups and bar local advocacy groups from campaigning on "issues of governance" and allow restrictions to human rights organizations work. The women reportedly walked 250 miles from Bulawayo and were stopped just 19 miles from Harare, their destination. It is reported that the marchers, and four men who volunteered to protect them as they slept by the roadside en route, were taken to Norton police station. The police reportedly accused them of staging an illegal protest and that, although they had claimed initially that the march was organized to raise fund for their church, they were found carrying placards with political messages.

DOCUMENT E/CN.4/2005/113

TITLE **ADVISORY SERVICES AND TECHNICAL COOPERATION
IN THE FIELD OF HUMAN RIGHTS
Situation of human rights in Sierra Leone
Report of the High Commissioner for Human Rights**

AGENDA ITEM 19

PAGE 10

QUOTE **F. Refugees, internees and internally displaced persons**

32. The Government of Sierra Leone currently hosts 330 former Liberian fighters at Mapeh Camp, among them three women. Since the opening of the camp, seven internees have died of sicknesses, suspected to have been related to poor living conditions. Today, thanks to funding from the European Union, through NaCSA, some remarkable improvements have been recorded in the last three months especially in the area of health service delivery to the internees.

DOCUMENT E/CN.4/2005/114

TITLE **ADVISORY SERVICES AND TECHNICAL COOPERATION
IN THE FIELD OF HUMAN RIGHTS, Report of the Office of the
United Nations High Commissioner for Human Rights on human
rights assistance to Nepal: Annex I: UNITED NATIONS PRESS
RELEASE OF 14 JULY 2004
"UNITED NATIONS COMMISSION ON HUMAN RIGHTS
EXPERTS REITERATE GRAVE CONCERN OVER SITUATION
IN NEPAL"**

AGENDA ITEM 19

PAGE 14

QUOTE

The experts indicate that since the beginning of 2004, they have transmitted 146 urgent appeals and other communications to the Government of Nepal regarding reported violations of human rights. Many of the communications concern individuals arrested by security personnel, often on suspicion of supporting or being involved with activities of Maoist groups. It is reported that these individuals are subsequently taken to undisclosed locations, which puts the detainees at risk of being tortured or of suffering other forms of cruel, inhuman or degrading treatment, including rape. The experts regret that the Government has failed to respond to many of their appeals, and that it has provided virtually no information on the fate or location of people detained in unknown locations.

DOCUMENT E/CN.4/2005/117

TITLE **ADVISORY SERVICES AND TECHNICAL COOPERATION IN
THE FIELD OF HUMAN RIGHTS**
**Report of the independent expert on the situation of human rights in
Somalia, Ghanim Alnajjar***

AGENDA ITEM 19

PAGE 10

QUOTE **Prison conditions**

33. During his mission, the independent expert raised the issue of the treatment of female prisoners in Somalia. Following the independent expert's request in an earlier mission to establish a special unit in each police station staffed by women, and the success of such experiments thus far, he calls upon all authorities in Somalia to follow such a model.

PAGE 10-11

QUOTE **The rule of law and denial of due process**

36. The independent expert took advantage of his mission to "Somaliland" to inquire about the case of Zamzam Ahmed Dualeh. The 17-year-old was arrested on 15 August 2004 and later sentenced to five years' imprisonment by the regional court of Hargeisa - four years for alleged espionage and one year for purportedly lying about her name, identity and clan. She was suspected of trying to obtain secret information about the vice-president's house on her visit to Hargeisa from her home region of "Puntland". She denied the charges.

37. There were widespread concerns by local and international human rights groups that Ms. Dualeh's trial did not meet international standards for fairness and that she was convicted as an adult rather than as a minor. There were also allegations that Ms. Dualeh was sexually abused and mistreated by prison authorities and police officers during her period of detention. During the mission, the independent expert was pleased to learn about the behind-the-scenes efforts to secure her release by UNDP and its Rule of Law and Security Programme (ROLS) and the campaigning by local and international NGOs.

38. On 2 February, Ms. Dualeh was unconditionally freed by authorities in "Somaliland" and released into the custody of the independent expert during the course of his mission in Hargeisa. The independent expert accompanied Ms. Dualeh to her home region of "Puntland" and extended to her his support in the event that she wished to follow up on her claims that she was raped and beaten while in custody.

PAGE 16

QUOTE **VIII. FIELD VISITS**

A. Visit to “Somaliland”

72. The independent expert raised the case of Zamzam Ahmed Dualeh, the imprisoned 17-year-old girl accused of espionage and sentenced to five years’ incarceration in a “Somaliland” prison (see paragraph 33 above), noting that the minor was reported to be in danger and that perhaps the case had attracted disproportionate international attention, but that a resolution could be found. After some lengthy discussions, it was agreed Ms. Dualeh would be released into the custody of the independent expert. The independent expert stressed to the “Somaliland” officials that they should investigate Ms. Dualeh’s serious allegations of mistreatment while in custody.

DOCUMENT E/CN.4/2005/121

TITLE **SERVICES CONSULTATIFS ET COOPÉRATION TECHNIQUE
DANS LE DOMAINE DES DROITS DE L’HOMME
Situation des droits de l’homme au Tchad, Rapport établi par
l’Experte Indépendante, Mónica Pinto**

AGENDA ITEM 19

PAGE 9

QUOTE
26. Quant aux personnes qui sont traduites devant le juge, une quarantaine de maisons d’arrêt les accueillent (les autorités n’ont pas fourni le chiffre exact). Le 16 octobre 2004, l’Experte indépendante s’est rendue à la maison d’arrêt de N’Djamena, où elle s’est entretenue avec le régisseur et son adjoint ainsi qu’avec les détenus. Elle s’y est rendue avec la Directrice de l’administration pénitentiaire, M^{me} Assia Mahamat Abbo. Elle avait lu auparavant le rapport de la Commission nationale des droits de l’homme (CNDH) sur les conditions de vie et de détention à la maison d’arrêt de N.Djamena établi en août 2004.

27. La prison, héritage colonial, abrite environ 900 personnes, dont une vingtaine de femmes et une dizaine de mineurs. Plus de la moitié sont des prévenus. Le périmètre est gardé par 15 membres des forces de sécurité qui ne s’occupent que de veiller à la tranquillité à l’extérieur. À l’intérieur, c’est de l’autogestion. Les détenus sont organisés hiérarchiquement selon des rapports de force de facto. Au moment de la visite de l’Experte indépendante, les femmes, les filles et leurs enfants étaient logés dans un quartier séparé. Il en était de même pour les mineurs, même si le rapport de la CNDH indiquait le contraire. Un groupe d’anciens fonctionnaires était aussi séparé du reste des détenus. Les autorités ont indiqué qu’il y a une permanence avec seulement un infirmier. Les visites aux prisonniers sont payantes, sauf pour les avocats. Il est à noter le désaccord entre le montant indiqué par le régisseur, une moyenne de 100 francs CFA (FCFA) [environ 20 cents de dollar des États-Unis], et celui indiqué dans le rapport de la CNDH, entre 500 et 700 FCFA; le détenu paie 50 FCFA par visite. La nourriture est à la charge de l’État: il s’agit notamment du mil moulu pour faire les «boules».

DOCUMENT E/CN.4/2005/122

TITLE **ADVISORY SERVICES AND TECHNICAL COOPERATION
IN THE FIELD OF HUMAN RIGHTS**

Report of the independent expert on the situation of human rights in Afghanistan, M. Cherif Bassiouni

AGENDA ITEM 19

PAGE 5-6

QUOTE **Introduction**

8. The independent expert draws attention to a number of pressing human rights issues that demand the immediate attention of the Government and the international community, including:

...

(f) Conditions in prisons, particularly with regard to women and children, which violate the United Nations Standard Minimum Rules for the Treatment of Prisoners and other human rights instruments. While some improvements have been made at Pol-e Charkhi since the last visit, other detention facilities display appalling conditions that demand immediate attention;

(g) Egregious violations of women's human rights including improper arrest and detention, violations of due process rights, severe limitations on women's access to justice, and high levels of violence against women, especially domestic violence;

PAGE 12

QUOTE **IV. THE JUSTICE SYSTEM**

30. *Detention of women.* The independent expert is highly concerned about women's detention in State facilities and through the actions of customary law bodies. Women are sometimes detained in private homes as the result of decisions taken by customary law actors or forced to marry as compensation for killings, creating highly abusive situations. The independent expert has serious concerns that women are convicted on the basis of false evidence and without access to legal representation. In addition, women are often denied special detention facilities and are commonly detained with their children, often in cells that hold more children than adults. No additional food, blankets, beds or other material is provided for these children. The independent expert calls on the Government to take immediate action to address these issues.

DOCUMENT E/CN.4/2005/123

TITLE **SERVICES CONSULTATIFS ET COOPÉRATION TECHNIQUE
DANS LE DOMAINE DES DROITS DE L'HOMME
Situation des droits de l'homme en Haïti
Rapport établi par l'Expert indépendant Louis Joinet**

AGENDA ITEM 19

PAGE 2

QUOTE À la crise institutionnelle (un parlement virtuel, un gouvernement «intérimaire de transition» handicapé par la destruction ou le pillage de nombreux services publics) s'ajoute une crise aggravée de l'administration de la justice (16 juridictions endommagées, de nombreux commissariats et prisons dévastés, tandis que la grande majorité des détenus sont en situation de «libérés-évadés», menaces persistantes sur les juges, les victimes et les témoins), le tout dans un climat d'insécurité, malgré les efforts de la MINUSTAH pour appuyer, dans les opérations de maintien de l'ordre, une

police souvent «concurrencée» par des groupes d'ex-militaires qui tentent ainsi de légitimer de facto leur retour.

PAGE 7

QUOTE 10. L'Expert indépendant a en outre visité le pénitencier national, la prison de Port-au-Prince, la prison de femmes de Pétion-Ville et, en province, celle en cours de réhabilitation de Fort-Liberté.

DOCUMENT E/CN.4/2005/118 (Advance Edited Version)

TITLE **Report of Independent Expert on the situation of human rights in Burundi (Mr. Akich Okola)**

AGENDA ITEM 19

PAGE 13

QUOTE

64. The situation of women and child detainees remains difficult as well. With the exception of Ngozi, none of the provinces has specialized facilities.

SECTION TWO: LETTERS FROM GOVERNMENTS

DOCUMENT	E/CN.4/2005/G/21
TITLE	CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF TORTURE AND DETENTION Note verbale dated 21 March 2005 from the Permanent Mission of Uzbekistan to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
AGENDA ITEM	11(a)
PAGE	10
QUOTE	Realization of the Programme and of Mr. Theo van Boven's recommendations 9.1. and recommendation "i" . The implementation of efforts to control activities of law enforcement officials in order to prevent torture and other cruel treatment enabled to develop the Instruction for Prosecutors on the implementation of Article 243 of the Criminal Procedure Code of the Republic of Uzbekistan. According to this instruction prosecutors personally examine suspected or accused persons about the treatment exercised on them during the investigation. Therefore nowadays the interrogation of suspected or accused minors and women on criminal cases is carried out personally by the Prosecutor. It goes in line with the recommendation "i" of the UN Special Rapporteur.

SECTION THREE: RESOLUTIONS

RESOLUTION **2005/10. Situation of human rights in Myanmar**

DOCUMENT E/CN.4/2005/L.11/Add.3

PAGE 8

QUOTE

3. *Expresses its grave concern at:*

...

(d) The extension of the house arrest of National League for Democracy General Secretary Aung San Suu Kyi and her deputy, Tin Oo, for another year and the persistent denial of their human rights and fundamental freedoms, including freedom of movement and association, as well as the continued detention of other senior leaders of the National League for Democracy and of the leadership of other political parties or ethnic minorities, particularly the recent detention of Khun Htun Oo and Sao Nyunt Lwin, Chairman and General Secretary respectively of the Shan Nationalities League for Democracy, and Sao Hso Ten, Chairman of the Shan State Peace Council;

PAGE 9

QUOTE 4. *Calls upon* the Government of Myanmar:

...

(c) To restore democracy and respect the results of the 1990 elections by, inter alia, releasing immediately and unconditionally the leadership of the National League for Democracy, including General Secretary Aung San Suu Kyi and members of the National League for Democracy detained on or after 30 May 2003, as well as the recently arrested Shan leadership, and to allow them to play a full role in bringing about national reconciliation and the transition towards democracy, and in this regard draws attention to the recommendation of the Special Rapporteur that only the full and unconditional release of all political prisoners would play a positive role in the process of national reconciliation and democratization;

50th meeting

14 April 2005

[Adopted without a vote. See chap. IX.]

RESOLUTION **2005/11. Situation of human rights in the Democratic People's Republic of Korea**

DOCUMENT E/CN.4/2005/L.11/Add.3

PAGE 15

QUOTE

1. *Expresses its deep concern* about continuing reports of systemic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, including:

...

(d) Continued violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for prostitution or forced marriage, ethnically motivated forced abortions, including by labour-inducing injection or natural delivery, as

well as infanticide of children of repatriated mothers, including in police detention centres and labour-training camps;

50th meeting

14 April 2005

[Adopted by a recorded vote of 13 to 9,
with 14 abstentions. See chap. IX.]

RESOLUTION **2005/41. Elimination of violence against women**

DOCUMENT E/CN.4/2005/L.11/Add.6

PAGE 3-4

QUOTE

Deeply concerned that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance, and multiple or aggravated forms of discrimination and disadvantage can lead to the particular targeting or vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows and women in situations of armed conflict, and women who are otherwise discriminated against, including on the basis of HIV status,

PAGE 10

QUOTE

17. *Stresses* that States have an affirmative duty to promote and protect the human rights and fundamental freedoms of women and girls and must exercise due diligence to prevent, investigate and punish all acts of violence against women and girls, and calls upon States:

...

(*q*) To develop and/or enhance, including through funding, training programmes for judicial, legal, medical, social, educational, police, correctional service, military, peacekeeping, humanitarian relief and immigration personnel, in order to prevent the abuse of power leading to violence against women and girls and to sensitize such personnel to the nature of gender-based acts and threats of violence;

57th meeting

19 April 2005

[Adopted without a vote. See chap. XII.]
