

Europe/Central Asia Update

Embargo: 0501 hrs (GMT) 28 May 2008

Annual Report 2008 – Europe and Central Asia Regional Update Selected events covering the period from January to April 2008

The opening months of 2008 saw no renewed effort by Governments to take responsibility for their role in renditions. There were, however, welcome setbacks to some states' efforts to undermine the universal ban on torture by trying to deport people to states where they would face a real risk of grave human rights abuses. Freedom of expression remained under threat across the region, and the space for human rights defenders to carry out their work was further squeezed in many countries.

Counter terror with justice

There continued to be a failure of political will on the issue of renditions, in spite of the evidence emerging in 2007 that put the complicity of European states beyond doubt. The now public knowledge that legal loopholes enabled the unlawful conduct of foreign and European national intelligence agencies, and shielded them from accountability, continued to be met with silence and inaction by most states.

.../2

CANADIAN SECTION

National Office: 312 Laurier Avenue East, Ottawa, Ontario K1N 1H9 Tel: (613) 744-7667 Fax (613) 746-2411 E-mail: info@amnesty.ca
Web site: www.amnesty.ca

Toronto Office: 14 Dundonald Street, Toronto, Ontario, M4Y 1K2 Tel: (416) 363-9933 Fax (416) 363-3103 E-mail: toronto@amnesty.ca

Pacific Regional Office: 319 W Pender St. Ste. 490, Vancouver, B.C. V6B 1T4 Tel: (604) 294-5160 Fax: (604) 294-5130 E-mail: pro@amnesty.ca

AMNESTY INTERNATIONAL (AI) is a worldwide movement of people who campaign for internationally recognized human rights

AI's vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

In pursuit of this vision, AI's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

AMNESTY INTERNATIONAL has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe, and has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States.

The need for full, independent investigations into allegations of involvement in rendition flights was highlighted by the February admission of the **UK** and **US** governments that two flights had landed in Diego Garcia in 2002 – in spite of previous assurances given by the UK authorities, including to Amnesty International, that this territory had at ‘no time’ been used for the transfer of prisoners.

More positively, a landmark ruling in February saw the **European Court of Human Rights** re-affirm the absolute prohibition of torture and other inhuman or degrading treatment or punishment in the case of *Saadi v Italy*. The **Italian** authorities had sought to deport Nassim Saadi to Tunisia on the grounds he posed a security risk. The Court, however, found substantial grounds for believing there was a real risk he would be subjected to torture or other ill-treatment if returned – on the basis of reports by Amnesty International and Human Rights Watch.

While the Court acknowledged the immense difficulty states face in protecting their communities from terrorist violence, it affirmed that the danger of terrorism must not however call into question the absolute nature of the prohibition of torture.

In another example in April, the Court of Appeal of England and Wales ruled that the **UK** could not lawfully proceed with its removal of three individuals – one to **Jordan** and two to **Libya** – under its policy of ‘deportation with assurances’. In the former case the Court of Appeal recognized that Abu Qatada would face a trial which would very probably allow evidence obtained under torture – a flagrant violation of the right to a fair trial. And in the latter, the Court of Appeal reaffirmed a previous opinion that a ‘Memorandum of

Understanding' with Libya was not sufficient to protect the individuals from a real risk of torture or other ill-treatment if returned.

Concerns over torture and other ill-treatment in Europe did not lie solely around the issue of international terrorism however. On 6 March, for example, the European Committee for the Prevention of Torture (CPT) called on the **Turkish** authorities to completely review the situation of Abdullah Öcalan "with a view to integrating him into a setting where contacts with other inmates and a wider range of activities are possible." Abdullah Öcalan is serving life imprisonment following his conviction in 1999 on charges of "treason and separatism" as leader of the Kurdistan Workers' Party (PKK). The CPT report documented "a distinct deterioration of his mental state ... connected with a situation of chronic stress and prolonged social and emotional isolation, coupled with a feeling of abandonment and disappointment."

Migration

Restriction of the rights of migrants, extension of the limits of detention and limitation of the rights of asylum-seekers continue to be high on the political agenda of the EU and its member states.

In April, the Slovenian Presidency of the EU reached a preliminary agreement for a directive on common standards and procedures for returning irregular migrants or rejected asylum-seekers. Amnesty International is concerned that the agreement includes a maximum six-month detention period, which can be extended for a further 12 months in certain cases where 'reasonable effort' has yielded no results. The Italian government is considering an

increase of up to 18 months' detention for irregular migrants and swift expulsion procedures.

Trafficking

The rights of people who have been trapped in a modern form of slavery, or are at risk from being so, received a major boost, as the **Council of Europe Convention on Action against Trafficking in Human Beings** came into force on 1 February 2008. Seventeen states are currently parties to the Convention.

People under fire

In a terrorist act in **Spain** on 7 March, strongly condemned by Amnesty International, the Basque armed group Euskadi Ta Askatasuna (ETA) killed former socialist councillor Isaías Carrasco. The group also planned a campaign to threaten representatives of political parties and the press, and in April claimed responsibility for four other attacks involving bombings.

Death penalty

The regional trend towards abolition continued apace as **Uzbekistan** abolished the death penalty from 1 January 2008. It has still failed to publish comprehensive statistics, including the number of men whose sentences were commuted upon abolition, however. **Belarus** remained steadfast in its role as the region's last executioner – with news of three executions in February.

Freedom of expression

Across the region, freedom of expression remained under threat. There were concerns the **Armenian** authorities may have used excessive force on 1 March to disperse demonstrators protesting against the results of disputed presidential elections the previous month. Eight people including one police officer died, and more than 100 opposition activists were detained. Eyewitness accounts in **Belarus** spoke of police beating and kicking demonstrators who had gathered in Minsk on 25 March 2008 to mark the 90th anniversary of the country's short-lived independence. Approximately 100 people were detained. The **Turkish** government still had not repealed legislation used to prosecute human rights activists and journalists. In **Azerbaijan**, the persecution of opposition newspapers has continued unabated, with a pattern of assault, harassment and questionable legal actions. On 7 March Quanimat Zahid, for example, editor-in-chief of *Azadlıq*, was sentenced to four years' imprisonment on charges of "aggravated hooliganism" and "assault and battery". Amnesty International believes this was a concerted attempt on the part of the Azerbaijani authorities to silence a critical opposition voice. And in **Russia** there was no let up in the restriction of space for human rights activists, independent organizations and the media to operate and to express critical views.

Human rights defenders

Other human rights defenders in the region remained under threat as well. In **Serbia**

they were targeted along with minorities in the wake of **Kosovo's** unilateral declaration of independence on 17 February 2008. During protests on 19 February in all major cities in Serbia, attended by hundreds of people, demonstrators reportedly called for the murder of ethnic Albanians. A member of the Serbian parliament also supported the banning of all political parties and NGOs that recognized Kosovo as independent. He specifically singled out Nataša Kandic, a human rights activist and director of the Humanitarian Law Centre (HLC) in Belgrade. Nataša Kandic and the HLC have been challenging impunity for war crimes in the Balkans, and assisting victims of human rights violations on all sides to access justice.

Impunity

It was not just prior conflicts that led to concerns over impunity. In a deeply worrying ruling the **Spanish Supreme Court** turned down an appeal against a partial pardon granted to four police officers convicted of the illegal detention and ill-treatment of a resident of Senegalese origin in March 1997. The police officers had already been reinstated in their posts and have never served their prison sentences. More welcome was the announcement in February by the Spanish Civil Guard and National Police that they are to install video surveillance cameras in detention areas where incommunicado detainees are held, in line with the recommendations of the UN Special Rapporteur on torture and the European Committee for the Prevention of Torture.