

# HUMAN RIGHTS

## Challenges and progress

This Annual Report covers the 12-month period until the end of July 2003, though in the cases of Iraq and Guantanamo Bay we have provided updates between then and when this Annual Report went to print in mid-August 2003. It is not a country-by-country survey of the whole world; we do not think that we should replicate the work of human rights organisations which exist to hold governments to account for violations of human rights. Instead, this Annual Report deals with both the broad trends worldwide under the main thematic areas of human rights and with what the government has done to promote and protect human rights in its foreign policy and practical work overseas. This first chapter focuses on some of the countries of greatest concern over the last year.

Human rights are one of the key considerations that go into the formation of foreign policy. Our strategic, legal, security and commercial interests as well as our treaty commitments are also critical factors in this process. But we do not accept that there is any inherent conflict between these different components of foreign policy. Indeed, we believe that they complement each other.

The UK Government's view is that the promotion and protection of human rights is both self-evidently morally right and firmly in our national interest. There is an increasingly clear link between respect for human rights, the rule of law and democratic norms on the one hand, and stability, prosperity and progress on the other. Conversely, widespread violations of human rights are often a precursor to conflict, as the experiences of Rwanda, Bosnia, Kosovo, East Timor and Afghanistan show. The instability they cause is often a fertile breeding ground for terrorism, drugs and people trafficking, intolerance and ideological fanaticism, all of which directly

affect us. Repressive regimes tend to prevent the development of openness, innovation, creativity and debate, which are essential for prosperity in an increasingly globalised world. Such violations and such conflicts make parts of the world much less safe for us to travel to and do business with and we are all poorer as a result.

Human rights continue to be universal values. They represent standards and benchmarks by which governments can legitimately be judged and held to account by their own citizens and by others. The advocacy of human rights does not mean that western liberal ideas are being imposed on others. Wherever people have broken free from repressive regimes in Europe, Latin America, and parts of Africa and Asia, they have demanded the same broad rights and freedoms that we take for granted. There are no cultural, religious or political reasons that make torture, enforced disappearances, extrajudicial killings or the lack of primary education more acceptable to some populations than others. Restricting human rights has never been shown to promote quicker or more inclusive social, cultural and economic progress. One of the most effective guarantees of stability, security and growth is the promotion, and not the denial, of human rights.

There continues to be a worrying number of major human rights concerns around the world. Our global network of diplomatic posts reports back to the FCO on these on a very regular basis. We also garner information from a wide range of incisive media reporting, both in the UK and overseas. And we continue to be impressed by the persistent and dedicated work of a huge range of international non-governmental organisations (NGOs), many of which are based in London. Finite resources mean that we cannot respond to

every human rights issue all the time. Nor do we pretend that we always have sufficient influence immediately to effect positive change. So we need to set priorities, doing what we can when we can and concentrating on those areas where our actions and those of our international partners can have a real impact on the ground. This Annual Report describes in detail how the UK Government has responded to human rights challenges around the world through diplomatic action, our work in international organisations and through practical projects.

We do not believe that there can be any 'one-size-fits-all' human rights policy. Our efforts in each of those countries where we have human rights concerns range from quiet, behind-the-scenes lobbying, through critical engagement and political dialogue, to public criticism, protest and even targeted sanctions. These different tactical approaches are in pursuit of a consistent goal: increased respect for human rights, the rule of law and democracy around the world.

In the period covered by this Annual Report there have always been both positive developments and worrying regressions. The difficult task of reconstruction in Afghanistan continues in a positive direction. We have seen a peaceful transition of power in Kenya. We are now only months away from the accession to the European Union (EU) of 10 new member states, eight of which lived under repressive one-party rule less than 20 years ago. There have been impressive further legal reforms in Turkey, another candidate for EU membership. International human rights law was given a boost by agreement at the United Nations (UN) on a new Optional Protocol to the Convention Against Torture to improve independent monitoring both within states and internationally, as well as by the start of a process which we hope will eventually lead to a new convention on the rights of disabled persons.

Against this, however, there have been many minuses. These include the depressing results of further repression in Zimbabwe and Cuba, and the misery caused by the dead hand of highly authoritarian regimes in North Korea, Burma and parts of Central Asia. We have seen shocking images from the continued conflicts in Liberia and the Democratic Republic of Congo (DRC). And while there is now some cautious reason to hope that efforts to promote Middle East peace might bear fruit, both Israel and Palestinian groups have shown a worrying disregard for human rights.

The biggest issue over the last year, however, has been Iraq. It is not within the scope of this Annual Report to replay in detail the course of events that led to conflict. However, the UK Government's decision to take military action to enforce Iraq's disarmament obligations, in accordance with the relevant UN

Security Council resolutions, was taken as a last resort. The Iraqi regime's refusal for 12 years to co-operate with the UN left us with no option but to intervene militarily. We did so with the support of a majority in the House of Commons in a vote on 18 March 2003. Many people in the UK opposed the military intervention. It is, of course, right that in a liberal democracy based on respect for human rights any citizen should peacefully express their opposition to government policy whenever and wherever they choose. But while it is clear that a vigorous debate on the reasons for military intervention in Iraq will continue for some time to come, almost everyone on both sides of the debate agrees on the brutality and horror of Saddam Hussein's regime.

Last year's Annual Report and the special report on human rights in Iraq which the UK Government subsequently issued in November 2002 highlighted the wholesale violations that were familiar to almost every Iraqi family. Saddam Hussein turned a country that should have been a prosperous and influential member of the international community into a political pariah that repeatedly and consistently flouted its international legal obligations, including those under human rights law. Violations were systematic and widespread, including arbitrary arrest and detention, torture, executions, disappearances and, most shockingly of all, the use by a government of chemical weapons against its own people. The effect of coalition action in Iraq has been to liberate the country from a regime that bears comparison with some of the worst in history. We discuss in more detail the discoveries about gross human rights violations in Iraq since the fall of Saddam later in this chapter. We also describe the work that we are doing to help in setting up democratic, accountable institutions and promoting the rule of law and respect for human rights.

In Iraq, we are acting within a coalition led by the United States, a country with which, more generally, we share a common system of standards and values. Our approach to human rights means that our friends and allies are no more exempt from international human rights obligations than any other country. Where we disagree with the US we say so. For example, we do not share the concerns the US has in regard to the International Criminal Court (ICC), of which we remain a staunch supporter. We strongly advocate the worldwide abolition of the death penalty at a time when the US continues to execute more people than any other country in the western world. And we have serious reservations about the use of military commissions to try detainees held at Guantanamo Bay which we address later in this chapter.

At home, we do not claim to have a perfect human rights record and want to work with others to improve our performance. We have made it clear that we will always

agree to requests by UN human rights special rapporteurs to visit the UK. We report regularly to the UN Treaty Monitoring Bodies and co-operate with European and international human rights bodies. This year's report describes how in the last year we have adhered to more parts of the panoply of international human rights law, for example, by ratifying an Optional Protocol to the Convention on the Rights of the Child and signing the new Optional Protocol to the Convention Against Torture. We will continue to welcome scrutiny and constructive criticism from NGOs and civil society. The UK Government is, for example, investigating the allegations that some British troops in Iraq may have mistreated civilians or prisoners of war.

In short, the neglect of human rights cannot be excused in any country. But although no country has a perfect human rights record, this does not mean that all countries are equally imperfect. Indeed, it would be moral equivocation to suggest so. It is clear that respect for human rights is much stronger in democracies than in autocracies. So, legitimate concerns about human rights close to home and in like-minded countries should not blind anyone working in the field of human rights to – or disproportionately divert their effort from – the much more serious actions of the most repressive regimes around the world.

Before dealing with a number of individual countries, this year's Annual Report begins with an update to the UK's response to the threat of terrorism which was a major theme to our report a year ago, the first following the tragic events of 11 September 2001.

## 1.1 Human rights and the fight against international terrorism

The past 12 months have seen further atrocious acts of terrorism. Attacks in Bali, Riyadh, Mombasa and Casablanca have underlined that terror has become a global scourge which requires a global response. If people across the world are to be safe from such violence then we must maintain the momentum behind the campaign against terrorism. The UK remains at the forefront of this effort.

The UN Counter Terrorism Committee (CTC) remains the centrepiece of multilateral counter-terrorism efforts. Under UK chairmanship for its first 18 months, and Spanish chairmanship thereafter, the CTC has continued to drive forward international compliance with Security Council Resolution 1373 (2001) which imposes a legal obligation on countries to take a broad range of actions against terrorism. All member states have now submitted at least one report to the CTC which then responds, beginning a dialogue examining compliance with Resolution 1373. Many countries, including the UK, have now submitted three reports. The number of countries that have signed and ratified all 12 UN anti-terrorism Conventions and Protocols has now risen to 37 from only two as of 12 September 2001.

On 21 October 2002, when the recently appointed High Commissioner for Human Rights (HCHR) Sergio Vieira de Mello addressed the CTC, he drew attention to the link between human rights and the fight against terrorism and proposed ways for the CTC to deepen its awareness of human rights concerns. He also raised this when he called on the Foreign Secretary, Jack Straw, in November 2002. Mr Vieira de Mello was tragically murdered in the terrorist outrage against UN headquarters in Baghdad on 19 August.

The UK continues to recognise the need for the CTC, and those implementing anti-terrorist measures, to remain aware of the interaction between their activities and human rights concerns, respecting both the rule of law and human rights obligations. In line with this, the CTC has maintained direct links with the Office of the High Commissioner for Human rights (OHCHR). We have encouraged the OHCHR to provide guidance material and information on available technical assistance for inclusion on the CTC website. Our Mission at the UN also arranged for one of the CTC's experts to represent the Chairman of the CTC at the Human Rights Committee in Geneva in March 2003. Sir Nigel Rodley, an expert from the Human Rights Committee, briefed the CTC on 19 June.



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1. Local people pray at the site of the terrorist attack in Kuta, Bali, two days after the bombing on 12 October 2003 which killed 202 people.

2. Bill Rammell MP, the Foreign Office Minister with responsibility for human rights.

The UK supported Mexico's initiative of a resolution on human rights and counter terrorism at the UN General Assembly in 2002. We co-sponsored a similar resolution at the Commission on Human Rights (CHR) in April 2003. Both resolutions rightly stress the need for counter-terrorism measures to be conducted with full respect for international human rights obligations. They request the UN HCHR to provide assistance and advice to states on the protection of human rights and fundamental freedoms while countering terrorism.

At the CHR, Algeria tabled an alternative resolution which, as in previous years, spoke of "the gross violations of human rights perpetrated by terrorist groups". This distorts the focus onto the actions of terrorists, and gives terrorists the status of states. We do not accept this approach. The UN human rights system is primarily about bringing states to account for their actions. CHR resolutions need to focus on the actions and responsibilities of states. We believe the Mexican resolution does this very well. We, with our EU partners, therefore voted against the Algerian text.

In the wake of the attacks of 11 September 2001, the Council of Europe launched an initiative to produce guidelines on human rights and terrorism. The UK was a member of the sub-group established to draft the guidelines, which were subsequently endorsed by the Committee of Ministers on 11 July 2002. They are a compilation drawing upon existing law and practice, designed to give a clear and accessible guide for states in their responses to terrorism (available on the Council of Europe website [www.coe.int](http://www.coe.int)). Although the guidelines are designed for the member states of the Council of Europe, they also have a wider audience as the principles and rules they contain are not parochial to Europe, but are universally applicable.

We continue to make all our partners in the campaign against terrorism aware of our strongly held views. For example, both our Ambassador in Tashkent and the then Secretary of State for International Development, Clare Short, have publicly criticised

the human rights record of the regime in Uzbekistan (see Annex One for full text of our Ambassador's speech). We also use our engagement with other states through our counter-terrorism assistance programmes to advocate our vision of effective law enforcement within the rule of law and under democratic control. Operational exchanges between our experts and those in other countries are often the most effective way to get across our message that countering terrorism in the long term will be more effective if human rights are respected.

### UK anti-terrorism measures

Last year's Annual Report outlined the provisions of the Anti-Terrorism, Crime and Security Act (ATCS Act) which required a derogation from the European Convention on Human Rights (ECHR).

The UK derogation from the ECHR was challenged by the individuals detained under the ATCS Act. In July 2002 the Special Immigration Appeals Commission (SIAC) agreed that there was a public emergency facing the life of the nation and that the measures were strictly required by the exigencies of the situation, and were proportionate. But SIAC found against the UK Government on the grounds that there was a breach of Article 14 of the ECHR which relates to non-discrimination, because the powers outlined under the ATCS Act only apply to non-British citizens. The UK Government appealed on this point and the subsequent Court of Appeal judgement in October 2002 held, unanimously, that the powers are not discriminatory and that the derogation was lawful. The powers comply with our obligations under the ECHR.

Any individual detained under these powers has an immediate right of appeal to SIAC. There are currently 13 individuals detained under the Act. Another two people who were certified by the Home Secretary and detained have chosen to leave the UK. All of these individuals are exercising their right to appeal including the two who have chosen to leave the UK. Individual appeal hearings before SIAC began in May 2003. The first tranche (10 cases) has now been completed. No determinations



UN Secretary General Kofi Annan addresses a Security Council meeting on international terrorism on the first anniversary of the 11 September attacks on the US, which killed over 3,000 people.

## Detainees at Guantanamo Bay

The US is detaining over 600 individuals at their naval facilities in Guantanamo Bay. Nine of those detained are UK nationals – the first was transferred there from Afghanistan in January 2002; the most recent in February 2003. The Foreign Affairs Committee of the House of Commons has expressed concern over the situation. In its December 2002 report into the Foreign Policy Aspects of the War against Terrorism, it recommended that the UK Government “continue to press the US government to move rapidly towards the trial of these alleged terrorists, in accordance with international law”. The UK Government has throughout shared such concern. As the Prime Minister told the House of Commons in February 2003, “it is a highly unusual and difficult situation. ... The one caveat I would enter is that we are still receiving quite valuable information from people who are there. However, I agree that it is an irregular situation and we would certainly want to try to bring it to an end as swiftly as possible.”

The US has said that all detainees are being treated humanely and in a manner consistent with the principles of the Geneva Convention. All detainees are housed in indoor accommodation with individual sleeping, toilet and washing facilities and air-ventilation. A field hospital and clinic are on site. The detainees are able to exercise and to practice their religion. Calls to prayer are broadcast throughout the camp. The detainees also have access to reading and writing material. They can exchange letters with their families through the US authorities and the International Committee of the Red Cross (ICRC), though there have been complaints, including from the families of UK detainees, that letters are censored, and subject to long delays, often of some months – we have asked the US to take action to reduce these delays. The ICRC has a regular presence at Guantanamo Bay.

UK Government officials have visited the British detainees in Guantanamo Bay on five occasions, most recently from 23 to 28 April 2003. The UK was the first state to visit its nationals there and we have carried out more visits than any other nation. At the time of the last visit, the UK detainees were in sound physical health.

In the September 2002 judicial review of the UK Government’s handling of one of the detainee’s cases, the Court of Appeal found that, at that time, we had done as much as could reasonably be expected in terms of offering assistance and making representations to the US on behalf of the UK nationals detained at the camp.

But, the Court also found that the detainee was arbitrarily detained in a ‘legal black-hole’. The UK Government has consistently pressed the US administration to come to a decision on resolving the position of all the UK detainees held in Guantanamo Bay. Whatever their status, we have made clear our view that the detainees are entitled to humane treatment, and if prosecuted, a fair trial.

On 3 July 2003, the US designated six detainees held at Guantanamo Bay, including two UK nationals, Moazzam Begg and Feroz Abbasi, as eligible for trial by military commission. At the time of the announcement the UK Government made clear to the US that the UK had strong reservations about the military commissions and we have continued to make clear to the US our view that any trial procedure must be fair and meet generally recognised principles. The Prime Minister raised the issue with President Bush during his 17 July visit to the US, following which, the US announced that all legal proceedings against British nationals held at Guantanamo Bay would be suspended pending further UK-US discussions.

The Attorney General subsequently visited Washington and US officials visited London for discussions which covered all options, including trial in the UK. The Attorney General received a number of assurances from the US Administration, including agreement that the prosecution would not seek the death penalty if Mr Begg and Mr Abbasi were tried by a US military commission. At the time of going to press in mid-August, these discussions continued and proceedings against Mr Begg and Mr Abbasi remained suspended.

have been handed down as yet. Hearings for the remaining cases will take place later this year.

The powers under the ATCS Act are subject to a high degree of scrutiny. In an independent review of the workings of sections 21-23 of the Act, which was laid before Parliament on 12 February, Lord Carlile of Berriew concluded that the Home Secretary certified persons under the ATCS Act only in appropriate cases and that he exercised his independent judgement in each case, having given due regard to advice from officials. The powers were debated and approved for renewal in the House of Commons on 3 March and the House of Lords on 11 March. The renewal order was signed by the Home Secretary on 12 March, renewing the power for a further 12 months

In addition to Lord Carlile’s annual review, a committee of nine privy counsellors, headed by Lord Newton of Braintree, has been appointed to review the operation of the whole ATCS Act,

including detention provisions. They are due to report later this year.

## 1.2 Iraq

The UK Government’s decision to participate in military action to enforce Iraq’s disarmament obligations, in accordance with the relevant Security Council resolutions, was taken as a last resort. The Iraqi regime’s failure to co-operate left us with no option. Our decision was supported by a large majority in the House of Commons on 18 March 2003. Authority to use force against Iraq derived from the combined effect of UN Security Council Resolutions (UNSCRs) 678, 687 and 1441; and all of these resolutions were adopted under Chapter VII of the UN Charter, which allows the use of force for the express purpose of restoring international peace and security.



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1. Representatives of the 25-member Iraqi governing council attend a news conference after the council's inaugural meeting in Baghdad, 13 July 2003.

2. An Iraqi woman and her two sons search a mass grave in the Iraqi town of Hilla, 8 June 2003, for an identifying piece of clothing to help her locate another son who went missing in 1991.

The Defence Secretary Geoff Hoon published the objectives for the military campaign in Iraq in Parliament on 20 March 2003 – the same day operations in Iraq began. The UK contributed 46,000 troops to the Coalition which launched a successful campaign, carefully targeted to minimise civilian casualties.

**Human Rights**

There are two strands to the UK Government's human rights policy in Iraq. The first is the investigation of human rights violations under Saddam Hussein's regime. The second is to help put in place the civil, legal and political structures, and the stable conditions necessary to ensure human rights are not violated in the future. We attach great importance to placing human rights and the rule of law at the forefront of efforts to encourage the building of representative, democratic institutions in Iraq. The UK Government underlined its belief in the importance of human rights when the Prime Minister appointed Ann Clwyd MP as his Special Envoy on Human Rights to Iraq. Since her return from a visit to Iraq, which took place from 27 May to 8 June, she has briefed the Prime Minister, the Foreign Secretary, other Ministers and Parliament. She is planning a further visit in September.

"There was a machine designed for shredding plastic. Men were dropped into it and we were again made to watch. Sometimes they went in head first and died quickly. Sometimes they went in feet first and died screaming. It was horrible. I saw 30 people die like this. Their remains would be placed in plastic bags and we were told they would be used as fish food... on one occasion, I saw Qusay personally supervise these murders."

**Witness statement taken by INDICT researcher, quoted in an article by Ann Clwyd MP in The Times, 18 March 2003**

For more than twenty years, Saddam Hussein's brutal regime committed extreme human rights violations as a matter of routine. Since the fall of the regime, evidence has continued to emerge about human rights atrocities. The Coalition Provisional Authority (CPA) has been set up in accordance with UN Security Council Resolution 1483 (adopted on 22 May 2003 and co-sponsored by the UK, US and Spain) as a temporary administration to help the transition to an Iraqi-led government. The CPA encourages Iraqis to come forward



Foreign Secretary Jack Straw visits the police academy in Baghdad where British officers are training Iraqi recruits, 2 July 2003.

with their testimonies of human rights abuse and counsels people requesting assistance. The CPA archives documentation of past atrocities for investigation and for possible future use as evidence in an Iraqi-led justice system.

The stories of abuse are horrific, and include accounts of physical torture, execution, disappearance and forced property evictions and demolitions. Iraqi citizens have provided photographs to the CPA showing graphic evidence of torture including extensive beatings, extraction of toenails, amputations, branding of foreheads and rape. Coalition forces have discovered various torture centres. At Abu Ghraib prison near Baghdad, coalition forces found a “death and torture chamber” containing padded nooses for strangulation during hanging and an electric shock wall. There were hooks on the ceiling which corroborate victims’ stories of being beaten while suspended. Medical professionals have shared stories of how they were forced to perform amputations or other medical experiments. Athletes have approached the CPA to describe how Uday Hussein tortured them. Coalition forces, the CPA, local organisations and private individuals have found thousands of documents containing detailed reports of how the regime ordered torture and execution and providing lists of those executed.

Coalition forces also continue to investigate suspected mass grave sites containing the remains those who were executed by the former regime. We have so far received reports of 115 such sites. Of these 18 have been confirmed and another 30 are probable mass grave sites, with the others yet to be investigated. The mass graves contain remains from all groups of Iraqi society – Kurds, Shi’a, Sunnis and Christians – as well as foreign prisoners of war. Human rights organisations and CPA experts estimate that, on present evidence, around 300,000 people may have been buried in mass graves over the past three decades.

The CPA set up an Office of Human Rights and Transitional Justice to deal with the examination of mass graves and the preservation of evidence, collect witness testimonies, identify

missing people and address property disputes. This is a huge task. Files documenting information about mass graves and human rights atrocities now occupy seven square miles of storage space. Helping Iraq deal with this grim legacy will take many years.

The CPA is currently undertaking assessments of the mass grave sites and these assessments will be followed by forensic examinations. A UK team of forensic experts produced initial recommendations for the exhumation of the graves and the preservation of evidence. Standard protocols have been drafted to ensure uniformity in standards of exhumations. A second UK forensic team arrived in Iraq on 15 August. Its task will be to help the CPA co-ordinate the international effort to take forward the investigations.

In UNSCR 1483, the Security Council affirmed the need for accountability for crimes and atrocities committed by the previous Iraqi regime. The new governing council (see below) is to set up a committee to look at options for dealing with those guilty of crimes against humanity and other crimes committed under the former regime. We welcome this decision. There are various options they may wish to explore, including a special tribunal for the more serious crimes, with others being dealt with by the Iraqi courts. We have always believed that this is a matter for the Iraqis themselves to decide, with suitable international help.

Two UK secondees to the CPA are working with Iraqis on collecting witness statements and testimonies, collating information on human rights atrocities and ensuring that the evidence is in an appropriate form to be used in a court of law. In the longer term the Iraqi authorities will take responsibility for this task. The CPA will help by providing skills training and technical advice to develop local capacity.

The CPA is working with the International Committee of the Red Cross (ICRC) to ensure that information on missing people is co-ordinated and centrally held in one venue, so that it can



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**1.** Paul Bremer, the US civilian administrator in Iraq, talks with tribal leaders in Hilla, south of Baghdad, during a summit to discuss Iraq's reconstruction, 14 June 2003.

**2.** A British soldier pulls ammunition, including grenades, from a hidden store in Umm Qasr, southern Iraq.

be easily transferred to Iraqi authorities at a later date. The CPA, in conjunction with the International Organisation of Migration, is beginning to address property disputes from the previous regime's policies of Arabisation and forced relocation. Seven offices will take initial dispute forms and create an Iraqi Property Reconciliation Facility whereby Iraqis can voluntarily agree to resolve disputes under existing Iraqi contract law.

The human rights situation in Iraq is improving steadily from the position under the former Iraqi regime. The CPA has initiated legal reforms to repeal laws inconsistent with fundamental human rights standards, for example by suspending use of the death penalty. New rights have been established including the right of suspects to remain silent and to have access to legal representation, and the exclusion of evidence obtained by torture. The CPA has also established standards to improve the management of detention and prison facilities.

The CPA's work on the promotion of human rights includes facilitating the work of international human rights NGOs in Iraq and encouraging the development of new local human rights NGOs. The CPA has provided two human rights training courses for local NGOs. Three mini conferences on human rights have covered missing people, documentation of past atrocities and transitional justice. The CPA is working with the Kurdish human rights ministry to create a national civic education programme to raise awareness of fundamental human rights.

As part of its human rights programme for Iraq, the Office of the United Nations High Commissioner for Human Rights (OHCHR) requested an initial \$1.5 million for the provision of six human rights officers. The officers' tasks are to collect data, identify protection issues, advise on human rights principles and law and provide training on human rights. They also have responsibility for collating and analysing information on human rights violations. The UK allocated £400,000 towards meeting the OHCHR's request. This allocation funded over 65 percent of the immediate start-up costs (\$950,000) of deploying six officers and supporting their work. We welcome the UN's valuable role in promoting human rights in Iraq and recognise the importance of all parties working together effectively in a co-ordinated way.

### **Humanitarian assistance and restoring basic services**

Providing security and humanitarian assistance as well as longer term reconstruction programmes in the aftermath of the conflict are important parts of the foundation upon which an effective human rights policy can be built.

Saddam Hussein's regime callously denied the Iraqi people essential humanitarian relief available under the UN Oil for Food Programme. This action caused food shortages and left

hospitals under-supplied. The regime consistently failed to use the funds available to it and delayed processing agreed contracts, resulting in unnecessary shortages of humanitarian supplies and crippling vital infrastructure. The regime also made commercial decisions based on political considerations meaning that many contracts did not represent the best value for Iraq's money.

In the run-up to the conflict in Iraq, the UK Government together with UN agencies, international NGOs and coalition partners prepared for a range of humanitarian crises. These included the possibility of prolonged urban warfare, large population movements and the widespread destruction of essential infrastructure.

In the event, the conflict did not lead to the major humanitarian crisis some had predicted. However, looting, insecurity and the initial breakdown in Iraqi public services exacerbated the problems that already existed in Iraq before the conflict. Elements close to the former regime also continued to attack coalition forces, hampering the initial reconstruction effort. The UK Government remains fully committed to the reconstruction of Iraq. Although more needs to be done to restore Iraq's public services, the military and humanitarian agencies have begun to re-establish water and electricity supplies as well as education and healthcare services.

UNSCR 1483 welcomed the resumption of humanitarian assistance and called upon all member states to respond immediately to the humanitarian appeals made by the UN and other international agencies on behalf of Iraq. The UN appointed Sergio Vieira de Mello, the UN High Commissioner for Human Rights, as the Secretary General's Special Representative for Iraq. His responsibilities included co-ordinating UN efforts with those of the CPA to take forward the humanitarian and reconstruction process and liaising closely with UN agencies, ICRC, NGOs and Iraqi administrators on the ground. As we were going to press, a terrorist bomb destroyed the UN headquarters in Iraq, killing at least 20 people, including Mr Vieira de Mello. As the Foreign Secretary Jack Straw made clear on 19 August, the attack "will only reinforce our commitment to work for the peaceful, prosperous and democratic Iraq, which its people deserve".

UNSCR 1483 also lifted all sanctions other than the arms embargo (with an exemption for arms and materiel serving the purposes of the resolution). It imposed a ban on the trade of stolen Iraqi cultural property. Under the resolution, the Oil for Food Programme (which, under UN sanctions, provided for Iraq's oil revenue to be used to purchase humanitarian goods under the UN's supervision) will wind down over a six-month period.

Any money remaining in the Oil for Food account which has not been allocated to fund purchases of humanitarian goods by the end of the six-month period will be transferred to the Development Fund for Iraq. This Fund was set up under resolution 1483 to fund reconstruction. In addition to the remaining funds of the Oil for Food programme, 95 per cent of Iraq's oil revenues and overseas funds that belonged to the former regime will also be paid into the account. The UK Government is working intensively on the technical aspects of the Development Fund and the Advisory and Monitoring Board. The Board will oversee the Development Fund's work and ensure that its revenues are spent transparently to meet the humanitarian needs of the Iraqi people.

The UN launched a 'Flash Appeal' for Iraq on 28 March that sought a total of \$2.2 billion for humanitarian assistance by UN agencies. About 88 per cent of the appeal was met, partly through the Oil for Food Programme. The UN's revised humanitarian appeal for Iraq, launched in New York on 23 June, sought another \$259 million to cover remaining needs for the next six months.

As part of the UK Government's efforts, the Department for International Development (DFID) has been very active in humanitarian aid and the reconstruction of Iraq. DFID's work in Iraq has been guided by its Interim Iraq Humanitarian and Rehabilitation Strategy (available at [www.dfid.gov.uk](http://www.dfid.gov.uk)). This interim strategy covers the transition from humanitarian relief work to the beginning of reconstruction. The immediate goals have been to support the restoration of public services, the re-establishment of law and order, to ensure that the needs of the vulnerable are met and to support the restoration of public infrastructure, particularly power, water and sewerage facilities. The UK Government's total financial commitment to humanitarian efforts for Iraq in the current crisis is now £240 million.

### Security and law and order

Ensuring stability in Iraq through the implementation of an effective security policy and the enforcement of law and order is vital to the overall humanitarian and reconstruction effort now taking place. Without security, reconstruction could be undermined and delayed. It is also imperative, in order to win the trust of the Iraqi people, that they feel secure and free from threat within their communities.

In the wake of conflict, UK commanders quickly established contact with local leaders and less than two weeks after the start of the operation, schools and markets had begun to reopen and hospitals were treating patients. By 22 April, Basra province was sufficiently safe for non-military organisations to begin their own humanitarian work.

The UK and US are working towards a multinational stabilisation force in Iraq. The US will be in overall command in Baghdad and the central sector with the UK and Poland commanding multinational divisions in the south and centre south respectively. There are 11,000 British troops in southern Iraq and these will be joined by 5,500 personnel from nine other countries (Czech Republic, Denmark, Italy, Netherlands, Norway, Portugal, Lithuania, Romania and New Zealand). Some have already deployed. In all, up to 30 countries are expected to send troops.

The UK has been closely engaged with emerging coalition plans for reform of the security sector. The coalition strategy is based around developing various key elements of security sector reform in conjunction with the emerging Iraqi authorities. The major decisions on size, shape and structure of the key elements will be made by those Iraqi authorities. We are helping with developing and implementing plans to recruit and train a new Iraqi army, establish a new Iraqi police force and create a bespoke training course for Iraqi police officers. The UK is planning to provide significant personnel support to the development of the security sector with acknowledged experts assisting in customs, governance, immigration, the military, police and prisons. As the security situation improves, the control of these activities will revert back to the Iraqis.

Shortly after the conflict, UK forces began to work with senior police figures in Basra to encourage the Iraqi police back to work. Coalition forces now undertake around 2,500 patrols each day of which 200 are joint patrols with the Iraqis. On 24 June Iraqi police began their first independent patrols. There are now over 31,000 Iraqi police at work across the country. As part of the UK's support for security sector reform, we are in the process of identifying 100 police officers to be deployed to Iraq to help train the new Iraqi police force. Senior UK police officers are in Iraq and working both to improve the day to day operational ability of the police as well as to push forward a national police strategy.

UK forces take great care to comply fully with their obligations under international law and the Geneva Conventions towards any prisoners of war that they detain. We have worked very closely with the ICRC, which has expressed itself content with the way we have treated prisoners and detainees throughout this conflict. There have been allegations of mistreatment by UK forces. The MOD are fully investigating individual cases. Annual training in the law of armed conflict, including prisoners of war, is a mandatory requirement for British Army units. All units in Iraq had up-to-date briefings before deployment.

### Political process

UNSCR 1483 also set out a framework for a political process in Iraq leading to elections for a new Iraqi government as soon as possible. The CPA's role in this process is one of facilitation and encouragement. The first step, as foreshadowed in UNSCR 1483, was the formation of the Iraqi governing council. This 25-member body, broadly representative of Iraq's ethnic balance, was formalised on 13 July 2003.

The governing council's first task was to determine how it would govern itself. It decided on a nine-member "presiding council", with each member (in rotating alphabetical order) holding the chair for one month. The council has two priorities for rebuilding the administration of Iraq: to set in train a process to draft a new constitution; and to appoint and oversee a cabinet of ministers. The former is already underway – the governing council appointed a 25-member constitutional preparatory committee on 12 August, which will make quick recommendations on drafting the constitution. The appointment of ministers is also expected to take place during August or early September.

UNSCR 1483 gives provision for the governing council to take on increasing amounts of responsibility for running Iraq as it consolidates its position. The governing council is responsible for running a process to draw up a new constitution, to be endorsed by a referendum, and the holding of free elections thereafter.

### Judicial Reform

The restoration of law and order rests, in part, on the development of a fully functioning and effective criminal justice system. The CPA recognised this from the outset and has undertaken a number of activities that will be instrumental in ensuring the successful redevelopment of Iraq's justice sector. The Iraqi ministry of justice, with help from a CPA senior adviser, conducted an early assessment of the existing capacity and needs of the Iraqi justice sector. The report's recommendations include proposals on emergency changes in criminal procedure legislation, as well as the longer-term requirements for reform in Iraq.

Noting the widespread damage suffered by the Iraqi judicial infrastructure, and the marginalisation of many members of the judicial profession under the previous Iraqi regime, the ministry of justice has formulated strategies and activities to ensure the establishment or reconstruction of basic Iraqi criminal justice facilities. This will involve a judicial review commission checking approximately 850 Iraqi judges and prosecutors for Ba'ath party links, corruption and complicity in human rights abuses. This review will be followed by an on-going judicial inspection unit that will exercise a permanent

oversight over the Iraqi judiciary. The new central criminal court of Iraq will try cases of national importance and help the Iraqi judiciary bring to justice those who are undermining Iraq's security and reconstruction.

The ministry of justice is undertaking the repair, reconstruction and security of court premises and prison facilities. An estimated 48 courthouses, 100 courts and eight prison facilities have re-opened countrywide. In Baghdad the CPA has established a criminal detention facility and a refurbished city prison is scheduled to open shortly. Other initiatives include training for judicial and prosecutorial personnel and the initiation of a *pro bono* lawyers programme.

### Women's rights

The UK is committed to including women in all phases and at all levels in the reconstruction of Iraq. A UK gender expert is seconded to the CPA in Baghdad and there will shortly be another such expert seconded in Basra.

We encourage the leaders of Iraqi political and other groups to include women representatives both at national and regional level and we hope that these leaders will view this as an important part of the re-introduction of democracy in their country. There are three women on the governing council, which, while not proportionate to their numbers in society, will help to ensure that women's views are represented in all decision-making.

A Voices of Women of Iraq conference took place in Baghdad on 9 July, led by a group of seven Iraqi women and facilitated by the CPA. Workshops focused on the constitution, legal reform, education, social affairs, the economy and health. The conference recommendations will feed into the governing council, Iraqi ministries, UN agencies and emerging women's organisations and NGOs. The CPA is keen to work closely with UNIFEM, which organised a women's conference at the end of August in Baghdad. DFID has provided £500,000 for the UNIFEM work programme. We will continue to work with Iraqi women to take forward the recommendations from these conferences and to develop a dialogue with a range of women's groups within Iraq and outside to ensure women play a full role in shaping the new Iraq.

### Child rights

The issue of child protection receives high priority within Iraq's ministry of labour and social affairs, where action to date includes assessments of care establishments, including improvements to seven orphanages and other childcare facilities. The CPA has started training programmes for staff and, due to the dearth of managerial capacity, will engage Arabic-speaking international experts in children's services.

They will provide training in up to date methods and principles and develop a fully trained Iraqi management team.

The CPA has set up an Iraqi child welfare commission. This cross-ministerial advisory body aims to ensure effective co-ordination in relation to children's issues. A cross-ministry group, lead by UNICEF, is looking at youth justice and in early September will bring together key stakeholders. A UNICEF project is giving shelter to street children.

A UK secondee is playing a leading role in the reconstruction of social services in Iraq. The ministry of labour and social affairs welcomes our support and many of the UK best practice models in social care will provide an excellent basis for Iraq's future social services.

### 1.3 Afghanistan

The signature of the Bonn Agreement in December 2001 set out the road-map towards the establishment of a democratic and representative government in Afghanistan, by free and fair elections to be held by June 2004. Its signatories committed the Afghan Interim Authority, and its successor the Transitional Authority, to act in accordance with basic principles and provisions contained in international instruments on human rights and international humanitarian law. The Agreement offers the prospect of political stability backed by considerable reconstruction assistance from the international community. Reconstruction is a top priority for Afghanistan, and the international community. The UK is contributing more than £322 million over five years in reconstruction and humanitarian assistance to assist the Afghan people to rebuild their country.

Good progress has been made in implementing the terms of the Bonn Agreement. The Emergency Loya Jirga, held in Kabul from 11-19 June 2002, allowed many Afghans their first opportunity in decades to have a real say in the running of their country. More than 200 women, as well as representatives from all ethnic groups and other minorities, were chosen to attend the meeting to elect a president, and approve the make-up of the Transitional Administration (Afghanistan's government). Local Shuras (or councils) have been set up across the country.

The UK has so far allocated £1 million to assist with implementing political processes as set out under the Bonn Agreement, including preparations for the elections. The United Nations Assistance Mission to Afghanistan (UNAMA) has been working closely with the Transitional Administration to develop a comprehensive programme of voter registration on a country-wide and non-partisan basis, in anticipation of elections in 2004. UNAMA is hoping to begin registration in August 2003, with a particular focus initially on rural areas

### Shiberghan

A Channel 5 documentary in November 2002 highlighted alleged human rights abuses at Shiberghan prison. Captured Taliban claimed that 1,000 men had suffocated to death after being denied fresh air and water on their journey in containers to Shiberghan in late November 2001. The Northern Alliance denied this claim. They said that most prisoners had been transported in flat-bed trucks with container trucks only used when no other form of transportation was available, and that 200 prisoners had died from wounds they received in earlier fighting. The number of deaths claimed is difficult to substantiate, but Physicians for Human Rights (PHR) forensic experts made an initial limited excavation of the graves at nearby Dasht-e Leili. This excavation revealed 15 bodies in a small area, which PHR has suggested points to a high concentration of bodies in the overall area. There were no signs of overt trauma to the bodies, consistent with claims that the prisoners had died from asphyxiation. We welcomed the Transitional Administration's announcement on 21 August 2002 that they would co-operate fully with human rights organisations in the investigation.

where winter access would be more difficult. UNAMA is sensitive to the particular needs of women and will ensure that registration takes place in private single sex facilities, with women registrars employed to ensure that as many women as possible are registered to vote.

An important precursor to registration is the civic education process now underway. One of the main objectives of this will be to educate heads of households and community leaders on the importance of females registering and voting, as well as reminding women themselves of their right to vote.

Afghanistan's Independent Human Rights Commission, established in accordance with the Bonn Agreement in June 2002, has a broad mandate, including responsibility for investigating human rights violations and abuses. The UK has given £1 million to support the commission's national work plan, in which it will focus on four main areas of activity: institution building, women's rights, human rights education and transitional justice. Dr Sima Samar, Chair of the Commission, visited the UK in October 2002 and met Foreign Office Minister Mike O'Brien. In April 2003 the UN Commission for Human Rights adopted a resolution tabled by the chairperson. The resolution welcomed the progress Afghanistan had made over the past year but emphasised the importance the international community placed on Afghanistan ensuring the legal protection of rights as a fundamental part of the new constitution.

Under the Bonn Process, a Constitutional Loya Jirga is to be called in 2003 to approve a new constitution. The Afghan Constitutional Commission will prepare a draft text to present to the Loya Jirga. An open public debate on the new



1.



3.



2.

1. Afghan men wait to settle a land dispute outside the court in Kandahar, Afghanistan's second city.

2. An Afghan refugee family attend a mine and explosives awareness programme at the UNHCR office in Kabul. Afghanistan is one of the most heavily mined countries in the world.

3. Prime Minister Tony Blair meets Afghanistan's President Hamid Karzai for talks during his visit to the UK in June 2003.

constitution before the Loya Jirga is essential to ensure that the Afghan people are able to make a free and informed choice. A process of public education and consultation began in May 2003. The UN and Constitutional Commission plan to involve all sections of Afghan community, including women, in the process. The UK has given £500,000 to UNAMA to support the popular consultation process.

While political progress has been made, security remains a real problem. The UK continues to contribute troops to the International Security Assistance Force (ISAF). ISAF has had a positive impact, improving security in their mandated area in and around Kabul. But the Transitional Administration has limited authority outside Kabul and security remains poor in the regions. Sporadic fighting, albeit at a fairly low level, continues in some parts of the country. We welcome the commitment in May 2003 by regional leaders to work with the Transitional Administration, to implement national legislation and to remit customs revenue. Extending the centre's writ into the regions will be vital to the success of the new Afghanistan.

Because ISAF's mandate is limited to Kabul, we have had to look for alternatives to improve security in the regions. The UK is contributing £52 million over three years to support the international Security Sector Reform programme. This programme includes demobilising and disarming the militias; building an accountable national army and police force;

establishing democratically-controlled security institutions; stamping out the drugs trade; and rebuilding the legal and judicial system. In the shorter term, Provincial Reconstruction Teams (PRTs) are being set up in eight regional locations, under coalition authority, to help improve security and facilitate reconstruction. These civil-military teams should also help to extend the reach of the central government. Three US-led PRTs have begun work in Bamiyan, Kunduz and Gardez provinces and the UK deployed a PRT to Mazar-e-Sharif in July 2003. While PRTs are not intended to act as a primary security force, initial indications are that security has improved in the locations to which they have been deployed. We hope that the teams will also contribute to an improvement in the human rights environment.

In parallel with the constitution, work has begun to rebuild the legal system. The Italians are leading the international effort to assist the Afghan Judicial Commission. The UK has committed £1 million to support judicial reform. We are encouraging Afghanistan to ensure that implementation of the Sharia (Islamic law) in the new legal code will be consistent with Afghanistan's obligations under international human rights law. Afghanistan acceded to the Rome Statute of the International Criminal Court on 10 February 2003. The UK is also contributing to the effort to reform law enforcement mechanisms by training police and funding a Penal Reform



Jacqueline Lawson-Smith, the FCO member of the UK Provincial Reconstruction Team (PRT), meets members of the local women's ministry in Mazar-e-Sharif.

International project to assist the ministry of justice with capacity-building, including training prison officers in human rights and prison management. We are concerned about reported conditions in prisons across Afghanistan. In most cases prisoners are neglected and suffer from malnutrition, but there have also been reports of physical abuse and torture. We are pushing for full implementation of international human rights standards, including humane treatment of prisoners.

Afghanistan publicly demonstrated its intention to ensure full and equal rights for women by ratifying the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) on 5 March 2003. The UK has offered to help Afghanistan implement CEDAW. The EU sponsored a resolution on Afghanistan at the Commission on the Status of Women in March 2003. The resolution welcomed the improvement in the situation for Afghan women since the collapse of the Taliban regime, but urged the Afghan Transitional Administration to ensure that a legal framework for protecting women's rights was put in place.

Many girls are beginning formal education for the first time since the mid-1990s. The UNICEF and Transitional Administration-led Back to School campaign managed to return more than four million children to formal education by March 2003. This was a remarkable achievement given the limited resources in country. But girls still make up less than 30 per cent of the school population. Provision for girls' education in rural areas is virtually non-existent. There have been a number of press reports of attacks on schools and attempts, notably by the Governor in Herat, Ismael Khan, to uphold strict gender segregation in all schools. Because of a shortage of female teachers, the restrictions will result in a severe limitation on the ability of women and girls to receive proper education. Foreign Office Minister Mike O'Brien raised our concerns about the situation for women when he met Dr Sima Samar, Chair of the Independent Human Rights Commission in October 2002 and the Afghan Minister for Women's Affairs Habiba Sarabi in February 2003. The

resolution adopted by the Commission on Human Rights emphasised the need to ensure the full participation of women in all processes leading up to the convening of the Constitutional Loya Jirga and in the Constitutional Loya Jirga itself.

Life has improved for many ordinary women in Kabul, who are now able to work and move about freely in a way that was impossible under the Taliban. Women are represented throughout the ministries of the Transitional Administration, and on the Constitutional Commission, the Judicial Commission, and the Independent Human Rights Commission. But a number of restrictions remain in place for women, particularly in the regions. Access to education and to justice is often poor. Women's access to health care is severely limited across Afghanistan. Maternal mortality rates in Badakhshan Province are the highest in the world. The lack of an effective legal system means that tribal law prevails in many parts of the country. Women are still in prison for committing 'crimes', such as being raped or being left by their husbands for other women. The FCO Human Rights Project Fund (HRPF) is supporting the NGO WOMANKIND Worldwide in a project to develop a network of Afghan women's NGOs, to provide advocacy training and to promote the role of Afghan women in advance of the Constitutional Loya Jirga and elections next year.

Independent media, with strong support from the international community, are making a recovery. However, the media law passed in April 2002 contains worrying potential restrictions on press freedom, including the requirement for media organisations to obtain licences from the ministry of information and culture in order to publish. We raised our concern about the need to ensure freedom of expression with the Transitional Administration in June 2003 following the arrest and detention of two Afghan journalists in Kabul on charges of blasphemy.

The Chief Justice, Shinwari, banned all cable and satellite TV in January 2003, a move that has been widely criticised by the international community and NGOs, including Article 19.

Afghan Vice-President Sharani overturned the complete ban in February 2003: it now applies only to certain channels, but these have yet to be specified.

The UK is funding a number of media-related projects in Afghanistan, including a Reuters programme to train journalists. The HRPF has also funded a project with the freedom of expression NGO Article 19 aimed at increasing the capacity of independent media through engagement with civil society.

While the Taliban's systematic mistreatment of religious and other minorities has officially been overturned, problems persist – particularly between ethnic groups. The United Nations High Commission for Refugees (UNHCR) reports continuing abuse of minority Pashtun communities in the north. There is also concern that the nomadic Kuchi people may be excluded from the political process as a result of their lifestyle. We hope that the new constitution will include provision for the respect of minority rights and freedom of expression, and are encouraging the Transitional Administration to ensure that it does not contradict international human rights norms.

## 1.4 Turkmenistan

The human rights situation across Central Asia remains of deep concern above all in Turkmenistan and Uzbekistan (see next section). Turkmenistan is a one-party state which has been ruled in an increasingly authoritarian fashion by President Saparmurat Niyazov, former head of the local Communist Party, since its independence in 1991.

There has been a significant increase in human rights abuses following the reported assassination attempt on President Niyazov on 25 November 2002. The exact background to the attack is unclear, but in its aftermath several hundred people were initially rounded up and detained for questioning. Many of these were family and relatives of exiled political opponents such as former Prime Minister Boris Shikhmuradov, ex-Deputy Agriculture Minister Saparmurat Iklymov and Guwanch Jumayev, a leading businessman. The ex-Foreign Minister Batyr Berdiev was also arrested. The Turkmen government also alleged that six foreign nationals from Turkey (now facing trial in Turkey), four Russians and one US citizen (now back in the US) were involved. There are reports that many of the detained were subjected to torture. The Turkmen government introduced an extremely restrictive law called 'Betrayal of the Motherland' in March 2003 which outlaws criticism of either the president or the government. The maximum penalty for those found guilty under this law is life imprisonment – the possibility of parole, amnesty, pardon or reduction of sentence is specifically excluded.

Since the start of trials in January, 56 people have been convicted. Sentences range from 5-25 years imprisonment, some of which are in internal exile. The fate of the Russian nationals is still under discussion. A small number of Turkmen were also accused of crimes peripheral to the 25 November events. The most well known being Farid Tuhbatullin, a leading environmentalist. Tuhbatullin was imprisoned but released after an international lobbying effort in which the UK played a key role.

In the wake of these events, the UK and nine other members of the Organisation for Security and Co-operation (OSCE) decided to invoke a special procedure, the Moscow Mechanism, which allows a fact-finding mission to visit a country of special concern. In the case of Turkmenistan, the mission was mandated to investigate all matters relating to the conduct of the investigations, including detentions, allegations of torture, as well as the trials, convictions and sentencing procedures. Turkmenistan refused to co-operate.

Freedom of expression is another area of concern. The media is state controlled. The Turkmen government attempts to control foreign press comment by tight restrictions on access to Turkmenistan by foreign journalists. The government controls Internet usage, including monitoring Internet public access centres and blocking certain (especially opposition) websites.

Religious freedom is guaranteed under the Turkmen constitution, but the requirement for religious groups to register is a major obstacle. Only two religions, Sunni Islam and the Russian Orthodox Church, have succeeded in registering. Others have not been registered, despite in some cases apparently fulfilling all of the conditions required. In addition objections to compulsory military service on religious grounds, such as from Jehovah's Witnesses, have prompted heavy prison sentences.

The UK was influential in supporting an EU and US-sponsored human rights resolution at the 59th session of the UN Commission on Human Rights (CHR) in April 2003. The resolution highlighted the many problems in the country, including the absence of a right to a fair trial, freedom of expression, religion, association and assembly, the rights of ethnic and religious minorities and the freedom of movement within the country. The resolution calls on the Turkmen government to co-operate fully with all the special mechanisms of the CHR and to ensure full respect for all human rights and fundamental freedoms. As a first step, we want the Turkmen government to grant access to prisoners to the International Committee of the Red Cross (ICRC) and to invite the various special rapporteurs mentioned in the CHR resolution.

## 1.5 Uzbekistan

Uzbekistan continued to have a poor human rights record, despite numerous verbal and written assurances that it would respect its existing commitments and improve its current situation. Uzbekistan has signed and ratified the Convention against Torture. However, the UN Special Rapporteur on Torture, Theo Van Boven, described the use of torture in Uzbekistan as systematic in his report to the UN Commission on Human Rights (CHR). Uzbekistan has also signed the OSCE Charter and an EU-Uzbek Partnership and Co-operation Agreement. Yet it has consistently fallen short of OSCE commitments on human rights and Article 2 of the EU-Uzbek agreement, which demands respect for human rights as a basis for trade co-operation.

There remains a significant gap between human rights commitments and practice. Opposition political parties are banned. The right of opposition figures, human rights activists and journalists to express freely their opinions is severely curtailed by the authorities. Those attempting to exercise such rights often do so at the risk of personal freedom and safety. We believe there to be approximately 7,000 political and religious prisoners in places of detention in Uzbekistan. In many cases they have been sentenced following unfair trials. Convictions continue to be handed down despite allegations that torture has been used to secure confessions, upon which nearly all prosecution cases rest.

The UK appreciates the real security threats that Uzbekistan faces from terrorism and drugs trafficking. However, we have consistently urged Uzbekistan not to exploit the international fight against terrorism. As the British Ambassador to Tashkent said in a speech last October, Uzbekistan should not use it as “an excuse for the persecution of those ... who pursue their views by peaceful means” (the full text of the speech is included in Annex One of this report). Many of those unfairly imprisoned in Uzbekistan fall into this category. The UK took every opportunity to convey to Uzbekistan the importance of a proportionate response to perceived threats. We believe that to do otherwise is not only bad for human rights, but could also

prove counter-productive by raising levels of alienation and resentment in society and breeding extremism. The effect of UK and international pressure is hard to gauge, but we believe that it has contributed to a more restrained response.

Torture is a serious problem in Uzbekistan, and we lobbied on numerous cases at senior levels. The cases of Muzafar Avazov and Husnidin Alimov, two members of banned Islamist party Hizb ut-Tahrir who were apparently tortured to death in Jaslyk Prison with boiling water, rightly attracted significant attention in August last year. We did not agree with the official explanation that their injuries were incurred during a fight between inmates and, despite an EU request for further investigation, a satisfactory explanation was not forthcoming. In December 2002 the EU protested against the death sentence handed to Iskander Khudaiberganov, despite strong allegations that torture was applied to secure his and others' confessions. The allegations were dismissed without further investigation. The death in custody of Orif Ershanov on 15 May 2003, who was detained on suspicion of belonging to Hizb ut-Tahrir, was condemned by the international community. Despite EU requests for an independent investigation into the death, the Uzbek authorities declined any offers of assistance.

In November 2002, the UN Special Rapporteur on Torture visited Uzbekistan at the invitation of the government. We acknowledged this as a significant step. The Rapporteur reported that “torture or similar ill-treatment is systematic” in Uzbekistan. We urged Uzbekistan to acknowledge the problem and to follow the Rapporteur’s recommendations. In response to the Special Rapporteur’s report, the Uzbek government has admitted to “gross violations of human rights” in its prisons and promised to crack down on the use of torture, but apparently to little or no effect so far.

The UK welcomed the resumption of visits to places of detention by the ICRC in 2002. The Uzbek government and the ICRC had signed an agreement in January 2001, but their work was suspended for a time in 2001 and 2002 due to difficulties securing the co-operation of prison officials.



Inmates of Uzbekistan's notoriously brutal Zhaslyk prison. The Uzbek government has admitted to gross violations of human rights in its prisons.

The Uzbek authorities claim that brutality in the criminal justice system is to some extent a factor of its immaturity. Convictions habitually rely on signed confessions rather than on forensic or material evidence. The UK has provided assistance to Uzbekistan in the area of judicial reform, including training for judges and equipment for recording court proceedings. The effectiveness of this assistance has so far been limited. For it to be truly effective, we are now aiming to assist Uzbekistan with broadening the investigative capacity of its police. We believe that by lessening the dependence on often doubtful confessions and improving the focus on material and forensic evidence, Uzbekistan will be able to reduce levels of brutality and improve fairness in the judicial process.

Many NGOs and civil rights activists were critical of the European Bank for Reconstruction and Development's (EBRD) decision to hold its annual meeting in Tashkent. We worked to ensure that the meeting acted as an incentive for Uzbekistan to reform and not an endorsement of its policies. In ministerial level contacts, we emphasised to the Uzbekistan government the importance of demonstrating evidence of real political and human rights reform. Foreign Office Minister Mike O'Brien stressed the importance of taking measures to reduce torture in advance of this meeting in discussions with the Uzbek ambassador in February. The president of Uzbekistan gave the EBRD written guarantees that there would be open access for media and NGOs.

At the EBRD meeting on 4-5 May 2003, the then Secretary of State for International Development, Clare Short, made a very clear statement about the need for progress with economic and political reforms in Uzbekistan. This statement, and President Karimov's apparently negative reaction to it, were both shown on state television – a rare example of public criticism of the regime. As a result, the head of state television was temporarily removed from his position. The EBRD meeting also provided a rare opportunity for non-state journalists and local campaigners to have direct access to Uzbek ministers. However, we were extremely disappointed that President Karimov did not fulfil the undertaking that he had made prior to the meeting to condemn torture unequivocally.

Following the conference, we are concerned at reports of a backlash by the Uzbek authorities. The journalist and human rights activist Ruslan Sharipov was arrested on 26 May 2003 in Tashkent with colleagues Oleg Sarapulov and Azamat Mamankulov on suspicion of having committed homosexual acts. We believe that the accusations may be politically motivated as well as being intrinsically unjust and are linked to Sharipov's criticisms of the Uzbek government and revelations about police corruption. We continue to monitor this situation carefully.

We are working bilaterally, as well as with EU and international partners, and with international organisations such as the OSCE, to ensure improved respect for human rights by Uzbekistan and its Central Asian neighbours. The speech made by our Ambassador to Tashkent was the most comprehensive articulation of UK views. The EU, encouraged by the UK, drew attention to human rights problems at the EU-Uzbekistan Co-operation Committee and the EU-Uzbekistan Co-operation Council in January 2003. Through the EU we also make statements on human rights issues, including a statement expressing serious concerns over the conduct of the investigation and trial of Iskander Khudaiberganov made in December 2002. The UK supported the EU's statement at this year's Commission on Human Rights listing Uzbekistan as a country of concern. The statement particularly highlighted the areas of torture, abuse of power by law enforcement authorities and the need to reform the justice system.

## 1.6 Belarus

The poor human rights record of Belarus led to the introduction of EU sanctions in September 1997. In October 2002, the EU again expressed concern at "the lack of progress in democratic reform and the growing deterioration of individual freedoms and rights in Belarus". At the end of October 2002, the Belarusian authorities closed down the Organisation for Security and Co-operation in Europe's (OSCE) Advisory and Monitoring Group (AMG) claiming that the office was interfering in the country's internal affairs. As a result, the UK and other EU member states imposed visa restrictions on President Lukashenko and seven members of his government. A new OSCE office opened in February 2003. Following assurances from the new head of the office, Ambassador Eberhard Heyken, that the authorities were co-operating with the office, the visa restrictions were lifted in April 2003.

### Disappearances

Several disappearances in Belarus remain unsolved. Yuriy Zaharenko, former Interior Minister and subsequently vocal critic of President Lukashenko, disappeared on 7 May 1999. Viktor Gonchar, First Deputy Speaker of the 13th Supreme Soviet and outspoken critic of the government, disappeared on 16 September 1999; his associate, Anatoliy Krasovskiy, also disappeared, having last been seen with him. Dmitriy Zavadskiy, a cameraman with the Russian ORT network, who had previously been arrested during filming of a documentary critical of the government, went missing on 7 July 2000. Official investigations have yet to yield results. In September 2002 the Council of Europe created an ad hoc sub-committee to help clarify the circumstances of each case. In January 2003 the General Prosecutor's Office suspended investigations into the cases of Zaharenko, Gonchar and Krasovskiy; in February, into that of Zavadskiy.

The lack of democracy in Belarus since Lukashenko's election in 1994 is symptomatic of the overall human rights situation. In 1996 the president used a manipulated referendum to extend his powers and term of office, dissolve the legislature (13th Supreme Soviet), and replace it with a pliant parliament (National Assembly). In September 2001, he extended his tenure in another election that again failed to meet international standards, including those set out in the OSCE's Copenhagen Document. The local elections of March 2003 were likewise disappointing in this respect.

Numerous violations of human rights have yet to be addressed by the government, despite on-going lobbying from Belarusian civil society and the international community. These include disappearances (see box on previous page), the lack of freedom of expression and access to information (for more details see page 194), and harassment of human rights defenders. The UK shares the concern expressed by the Parliamentary Assembly of the OSCE in its resolution on Belarus, adopted in July 2002, urging the authorities to cease harassment of independent media, NGOs and human rights activists, to end politically-motivated arrests and detentions, and mount a full and transparent investigation into the death or disappearance of opposition leaders.

Most of civil society faces an uphill struggle in resisting the government's continuing attempts to control it. Restrictive legislation (Decree No.8 of 2001) still severely limits the support groups can receive from the international community. Some groups have suffered more targeted interference. The trade unions, for example, still face difficulties. In July 2002, the Chairman of the Federation of Trade Unions, Franz Vitko, was replaced by Leonid Kozik, then Head of the Presidential Administration. In September, Lukashenko encouraged the federation to "take on the role of ... providing ideology". The UK shares the concerns voiced by the International Labour Organisation's committee on freedom of association in November 2002, with regard to manipulation of the trade unions and the government's "clear attempt to transform the trade union movement into an instrument for the pursuit of political aims".

In October 2002, amendments to the law on freedom of conscience and religious organisations were approved. Registration of religious communities is thereby compulsory, but possible only for those that consist of more than 20 adult Belarusian citizens living in a single region. Only Belarusian citizens may lead religious organisations. Censorship of all imported religious literature is also compulsory, as is that of any new acquisition of religious literature by a public library. The law places unnecessary restrictions on religious activity, especially on minorities, and thus inevitably discriminates in

favour of established groups such as the Russian Orthodox Church. The EU has voiced its concern to the Belarusian government at this further attempt to control civil society and will continue to monitor implementation of the law.

The UK, together with EU partners, has continually raised with the Belarusian government these and other concerns on human rights by way of regular EU statements in Brussels and Vienna and démarches by EU Heads of Mission. This year the EU co-sponsored a US resolution, the first ever on Belarus, at the Commission on Human Rights. The resolution expressed deep concern at reports of disappearances and/or summary executions of political opponents and journalists; of arbitrary arrest and detention; of harassment of NGOs, opposition parties and individuals involved with opposition parties or the independent media; and of possible increased restrictions on the activities of religious organisations.

Even though the Belarusian authorities have rarely shown themselves to be receptive to our efforts, we shall continue to make our concerns known. Our Embassy in Minsk will keep monitoring cases and issues of concern including, where possible, through attendance at trial proceedings and public demonstrations. We will also continue to support those who wish to see better implementation by the government of its undertakings in the field of human rights.

## 1.7 Burma

The past year has proved to be another depressing period for the people of Burma during which tentative hopes for moves towards democracy and improved human rights adherence by the military regime were raised, eroded and then abruptly shattered by the regime's renewed crackdown on the democratic movement since May 2003. Human rights violations in Burma continue to be widespread and systematic and the Burmese ethnic minority groups suffer disproportionately.

The release from house arrest of Daw Aung San Suu Kyi in May 2002 and assurances from the Burmese regime about pursuing a transition to civilian rule had raised hopes that improved human rights adherence in Burma might one day be achievable. This was accompanied by the release of several hundred political prisoners and some co-operation by the regime with the UN and international NGOs, including visits by the UN Special Rapporteur for Human Rights in Burma (September 2002 and February 2003), a first visit by a delegation from Amnesty International (January 2003) and the appointment of a liaison officer from the International Labour Organisation (November 2002). The ICRC offices, set up in 1999, continued to have access to prisons.



Supporters of Burma's opposition leader Aung San Suu Kyi protest against her detention outside the Burmese embassy in London, June 2003.

However, from the beginning of 2003 it was evident that these developments had not led to substantive improvements in human rights in Burma. Moreover, the *de facto* suspension of political prisoner releases from the end of 2002, continued violence and repression in the ethnic minority areas of Burma, renewed political detentions and arrests, and the regime's refusal to engage with the UN Secretary-General's Special Envoy to Burma, Tan Sri Razali Ismail, gave rise to increased concern about the sustainability of the political and human rights process in Burma.

Concern about the regime's commitment to co-operating with the UN and others on human rights issues was further called into question when the UN Special Rapporteur for Human Rights in Burma, Sergio Pinheiro, was forced to curtail his visit to the country in February 2003. This was in response to the discovery of a listening device in a room Mr Pinheiro was using to conduct confidential interviews with prisoners. Such surveillance contravened the operating procedures he had agreed with the regime.

Hopes for substantive early improvement in human rights in Burma were shattered on 30 May 2003 when an attack, clearly organised and perpetrated by elements of the military regime, was made against Daw Aung San Suu Kyi and a convoy of her National League for Democracy (NLD) supporters. Credible eyewitness reports indicate that the number of people killed and injured exceeds the figures put out by the authorities. Since 30 May, the Burmese regime has detained Daw Aung San Suu Kyi and many other democracy activists. We had reliable reports that she was removed from Insein prison in late June, but have no information as to where she is now. In taking this action, the Burmese regime demonstrated that it continues to ignore even the most basic human rights as a means of preserving its hold on power.

Over the years, the authorities have incarcerated thousands of Burmese citizens who have tried to change the country for the better. There remain approximately 1,400 political prisoners in

Burma, including many who are elderly or sick. All are kept in unsatisfactory conditions of detention. The ICRC has noted some slight improvement in prison conditions, but conditions generally remain very poor. After a modest programme of prisoner releases since 2000 (over 400), the number of political prisoners is again increasing. However, the Burmese regime has provided no credible explanation as to why they continue to detain the remaining prisoners, including U Win Tin, whom the FCO Freedom of Expression Panel (see page 192 for more details) has identified as a priority case.

On-going fighting between the regime and some ethnic minority insurgent groups has contributed to them being subjected to a disproportionate level of human rights violations. There is a wealth of credible evidence indicating that civilians are often victims of appalling abuses, ranging from the requisition of food and land, forced labour, extrajudicial killings, rape, torture and the destruction and burning of entire villages. Karen, Karenni and Shan states suffer some of the worst levels of violence and abuse. The regime has so far refused to allow the UN and international NGOs access to large parts of these states. This increases the vulnerability of the population, often leaving them at the mercy of poorly-trained and undisciplined troops. The lack of access to many of the ethnic minority areas of Burma contributes to the unacceptable level of violence and human rights violations in these areas.

The Burmese authorities' response to credible reports of human rights abuses from NGOs, the UK, EU, US and others, detailing rape and sexual violence carried out by members of the armed forces in Shan state and the use of child soldiers, has been inadequate. In response to the accusations of rape, the Burmese regime sought to portray the reports as totally false and originating from terrorist groups. It also denies that it knowingly uses child soldiers. The UN Special Rapporteur for Human Rights in Burma has asked for permission to conduct a detailed investigation into the human rights violations in the ethnic minority areas of Burma, particularly Shan state.

However, the regime has still not agreed to allow Mr Pinheiro the access and freedom of movement he requires.

The human rights situation in the ethnic minority areas of Burma is further complicated by the actions of some of the Burmese insurgent groups who continue an armed struggle against the regime. Amnesty International and other NGOs have reported that some of these groups also contribute to human rights violations, for example child soldiers. These violations add to the suffering of the population. However, they do not justify or account in any way for the regime's violence and human rights abuse in these areas.

The regime's gross economic mismanagement, combined with restrictions on freedom of speech, create an environment in which nepotism and corruption flourish and in which systematic abuse of economic, civil, social and cultural rights are common. While seeking to increase the size of its armed forces to the stated goal of 500,000, the Burmese regime has neglected to provide resources for health and education. Provision for health and education combined is believed to be less than 0.5 per cent of GDP. Public services are further deteriorating, with an increase in corruption and costs for citizens wishing to access health and education services. Over 70 per cent of people are believed to live in abject poverty. There is a lack of tolerance for ethnic cultures and languages. Members of non-Buddhist religions are less able to practise and proselytise. In some ethnic minority areas, there are credible reports of harassment by local authorities of those wishing to build and restore churches and mosques. This is in stark contrast to the government's active support for construction of Buddhist pagodas and monasteries.

Since the publication of the last Annual Report, the UK and EU partners have successfully co-sponsored resolutions at the United Nations General Assembly (UNGA) and the Commission on Human Rights (CHR) detailing and condemning human rights violations in Burma. Both resolutions were adopted by consensus and addressed the on-going systematic violation of civil, political, economic, social and cultural rights of the people of Burma, including extrajudicial killings, the use of torture, political arrests, forced labour, disrespect for the rule of law, child soldiers and reports of rape and sexual violence by members of the armed forces.

In response to the regime's failure to pursue respect for human rights, national reconciliation and democracy, the UK and EU partners strengthened the EU Common Position in June 2003. The Common Position contains a range of targeted measures designed to press the Burmese regime to enter into a genuine political dialogue with Daw Aung San Suu Kyi, the NLD and the ethnic minority groups, which could result in national

reconciliation and moves towards democratic, civilian government. The Common Position includes a weapons embargo, including the sale of items that could be used for torture, bans on defence links, non-humanitarian assistance and high-level visits to Burma along with an asset freeze and travel ban on the regime, its families and supporters. The EU has also restated and enhanced its commitment to provide assistance and support for the ordinary Burmese people who suffer under the gross misrule of the regime. In addition, the European Commission has suspended Burma's trading privileges in response to the use of forced labour. The UK does not encourage trade, investment or tourism with Burma. On 2 July 2003 Foreign Office Minister Mike O'Brien asked British American Tobacco, the UK's largest remaining investor in Burma, to withdraw its investment. Mr O'Brien has also written to the Association of British Travel Agents to highlight the democratic opposition's discouragement of tourism to Burma. Foreign Office Ministers have repeatedly made clear that the UK will continue to maintain and increase pressure on the Burmese regime to ensure that it takes irreversible steps to improve the human rights situation and restores democratic, accountable rule to Burma.

Until her detention, FCO Minister Mike O'Brien maintained regular personal contact with Daw Aung San Suu Kyi by telephone. She has told Mr O'Brien of her appreciation for the strong support the democracy movement in Burma has received from the British people, Parliament and Government.

## 1.8 People's Republic of China

We have concerns about a wide range of human rights issues in China including: freedom of religious belief; the extensive use of the death penalty; the use of torture; arbitrary detention, including the practice of re-education through labour; freedom of expression; freedom of association; the deprivation of religious and cultural rights in Tibet and Xinjiang; prison conditions and the treatment of prisoners; psychiatric abuse; treatment of Falun Gong supporters; and aspects of the implementation of the one child policy (for further details of China's one child policy see page 230).

The past 12 months has seen a historic leadership transition in China. At the National People's Congress in March 2003, a new Chinese state leadership was elected. This followed the 16th Communist Party Congress in Beijing in November 2002 at which China's top leaders retired from their party posts – with the exception of former President Jiang Zemin, who kept his role as Chairman of the Central Military Committee. Jiang's successor as General Secretary and President is former Vice President Hu Jintao. The new leadership has said that it will

continue the current policy priorities of economic growth, social stability and steady opening up to the world.

China remains, in effect, a one-party state and the Communist Party of China continues its monopoly on political power. Dissidents and democracy activists continued to be harassed and imprisoned, particularly in the run-up to the 16th Party Congress (see page 203 for more details).

Large scale demonstrations across China by state-owned enterprise workers laid off in recent economic reforms continued throughout 2002-2003. These usually centred on the failure of the enterprises to pay workers wages and benefits. Several labour activists were detained and later released. Two, Yao Fuxin and Xiao Yunliang, arrested in March 2002, were tried in January 2003 for "subverting the state". On 9 May the Chinese official news agency reported that they had been sentenced to seven and four years' imprisonment respectively. We are concerned by reports of their ill health. EU Troika Ambassadors démarched the Chinese authorities on these cases in January 2003, and again in May.

The Chinese authorities put severe restrictions on the freedom of expression and information. Strict Internet regulations came into force in August 2002. The Chinese authorities have the technology to scan websites and emails for subversive or obscene content and have blocked over 19,000 websites including those of the BBC and other international news organisations. Websites containing information on topics such as human rights, Falun Gong, Tibet, Taiwan, religious affairs as well as general news and media sites are targeted for careful scrutiny. Up until July 2003 over 30 people may have been jailed for sharing information or expressing views on line (see page 194 for more details).

Religious freedom has not improved since the last Annual Report. Many members of religious organisations not sanctioned by the state were arrested last year. Some were sentenced to periods of imprisonment between 15 years and life. (see page 207 for more details)

We are also concerned at the continuing Strike Hard Campaign which has singled out the Falun Gong and a number of other groups for particular attention. A Chinese court sentenced 15 Falun Gong members in September 2002 to terms of between 8-20 years for broadcasting Falun Gong material on a Chinese cable network. A US citizen and Falun Gong supporter, Charles Li, was arrested in January 2003 and charged with sabotaging radio and TV systems on behalf of the Falun Gong. The number of people in re-education through labour (RTL) camps seems to have increased due to the Strike Hard Campaign, although no

## North Korean refugees

We are concerned by NGO reports that China continues forcibly to repatriate North Koreans and have urged China to fully implement the provisions of the 1951 Convention on Refugees. Although we acknowledge that some North Koreans entering China may be economic, rather than political, refugees there is evidence to suggest that on their return to North Korea some border crossers face persecution.

In June 2003 UN High Commissioner for Refugees Ruud Lubbers said that China's Ambassador to the United Nations had told him that China's policy was now to deport people back to North Korea only if they had committed a crime. But Dr Lubbers also criticised the Chinese government for continuing to refuse the UNHCR access to North Koreans seeking refuge in China.

We regularly call on China to co-operate with the UNHCR and to grant it full access to the border region. China continues to refuse to co-operate with the UNHCR or to allow the UNHCR to help resolve the issue, and denies jurisdiction of

the refugee agency in the issue. China's view is that North Koreans are not considered refugees under the Geneva Convention, but illegal economic migrants. China has said that bilateral agreements with North Korea take precedence over its obligations to the UNHCR and that were the UNHCR to "legitimise" the refugees this would lead to a sharp increase in illegal immigrants in the border region. They said this could lead to social instability and the establishment of refugee camps. China still has over 60,000 Vietnamese refugees in the country remaining from the 1960s. UNHCR involvement then did not result in all the refugees leaving China. In China's view, the best way to solve the problem is to improve conditions in North Korea.

We have called on China to co-operate in granting exit permits for North Koreans who wish to leave for another country and welcome the co-operation that China has given to Embassies in Beijing and other diplomatic posts in China who have had to deal with groups of North Korean asylum seekers on diplomatic premises.

official recent figures are available. The use of torture by the police remains a problem despite an official commitment to eliminate it. There is no right to remain silent and the police sometimes rely on oral confessions to secure convictions. Prison conditions remain poor. Conditions in China's mental institutions have also been criticised again in the past year. The World Psychiatric Association has not yet received a response to its request to send a working group to inspect these institutions following a Human Rights Watch report, published in 2002, which alleged abuse of patients.

Official statistics on the number of executions in China are not available, but we believe that China executes more people than all the other countries in the world combined (see page 174 for more details).

## Hong Kong

The Hong Kong Special Administrative Region (SAR) has a high degree of autonomy within the People's Republic of China. The rights and freedoms of the people of Hong Kong are enshrined in the 1984 Sino-British Joint Declaration on Hong Kong and in the 1990 Basic Law of the Hong Kong SAR.

The UK Government continues to report regularly to Parliament on the implementation of the principles of the Joint Declaration, with particular regard to the protection of rights and freedoms. We published a report in February 2003 (Cm 5755) that covered the period July-December 2002 and a further report in July (Cm 5864) on the period January 2003-June 2003.

Our assessment remains that, generally, the people of Hong Kong continue to enjoy the basic rights and freedoms promised in the Joint Declaration. However, last year's Annual Report noted two controversial incidents relating to the handling of demonstrations, about which there were further developments during the period covered by this Annual Report. The first of these was the arrest of sixteen Falun Gong demonstrators in March 2002. At the conclusion of their trial in August 2002 they were all found guilty as charged; all with obstruction, some with obstructing the police and three with assault. Although the maximum penalties for the latter two offences are custodial sentences, the defendants were ordered to pay fines. In summing up, the magistrate said that he would be ignoring his common sense and daily experience if he ruled that the conduct of the demonstrators definitely amounted to obstruction. However, he found them guilty because there was proof of "potential obstruction" and because it was clear that the demonstrators had "absolutely no regard for other members of the public". The demonstrators have appealed against the verdicts. The appeal is due to be heard in early September.

The second incident related to the prosecutions of three people under the Public Order Ordinance for organising an unauthorised assembly. This was the first time that the Public Order Ordinance provision in question had been used as a basis for charges. At the conclusion of their trial, in November 2002, the chief magistrate (who had asked to hear the case personally) queried whether a case of a "political nature" such as this should have been handled by the court. He found the defendants guilty, but meted out a light sentence – binding them over for three months with a HK\$500 (about £40) bond.

We covered these cases in some detail in the Reports to Parliament. While we understand the sensitivities involved in maintaining public order, in doing so it is crucial that the SAR government continues to uphold Hong Kong's longstanding adherence to the rule of law, and maintains its respect for the freedoms of assembly and speech, if Hong Kong is to retain its image as a free and open society. Equality before the law is an essential tenet of the rule of law.

In the last report we noted that the SAR government had yet to make a positive response to the UN Committee on the Elimination of Racial Discrimination's recommendation that Hong Kong adopt appropriate legislation on racial discrimination. During his visit to Hong Kong in January FCO Minister Bill Rammell raised the lack of racial discrimination legislation with senior members of the SAR government. On 19 June Secretary for Home Affairs Patrick Ho announced that an anti-racial discrimination bill would be tabled in the legislative council

next year to protect the rights of ethnic minorities in Hong Kong. A public consultation exercise lasting up to three months would be conducted at the end of this year at the earliest. We welcome the SAR government's decision to introduce legislation to meet the recommendations of the UN. We look forward to seeing the proposals in more detail. We would expect them to comply fully with Hong Kong's international obligations under the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) and the ICCPR.

### Article 23 of the Basic Law

Under Article 23 of the Basic Law (which is in effect Hong Kong's constitution) the Hong Kong Special Administrative Region (SAR) government is required to "enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the central government, or theft of state secrets, to prohibit foreign political organisations or bodies from conducting political activities in the SAR, and to prohibit political organisations or bodies of the SAR from establishing ties with foreign political organisations or bodies". There is no parallel provision in the Sino-British Joint Declaration. Many in Hong Kong have been concerned that there was scope for the eventual legislation to undermine their basic rights and freedoms, which are laid down in the Joint Declaration and the Basic Law.

The SAR government published a consultation document on its proposals to enact new laws last September and, following a three month public consultation period, published draft legislation in February. The SAR government included in the legislation a number of amendments from their original proposals, in response to concerns expressed by the people of Hong Kong and the international community.

We took a proactive position on the draft legislation, frequently raising our concerns with the SAR government. UK ministers also discussed Article 23 with their Chinese counterparts during the year. The UK was the first country to make a detailed statement about the draft legislation, on 27 March. The US and EU followed suit shortly after. After discussions in the Legislative Council's Bills Committee and public submissions, the SAR government made a number of improvements to the legislation in June. The SAR government announced its intention to pass the legislation before the summer recess, with the Bill to receive its final reading in the legislative council on 9 July.

Many people in Hong Kong continued to have strong concerns that the legislation would undermine their basic rights and freedoms and result, for example, in people being less prepared to exercise their freedoms of speech or association for fear of falling foul of the new legislation. Of particular concern to many were proposed new provisions on proscription (the SAR government already has the power to proscribe organisations on national security grounds) which would have compelled the secretary for security to consider proscribing a Hong Kong organisation purely because it was "subordinate" to an organisation proscribed on the mainland on national security grounds. Many feared that this would threaten the activities of organisations in Hong Kong such as the Falun Gong, Christian churches and NGOs. We were particularly concerned that these provisions would create a link with mainland legislation. This would be inconsistent with the 'One Country, Two Systems' principle, which underlies the Joint Declaration. Both the Joint Declaration and the Basic Law provide

## Hong Kong - continued

for separate legal and judicial systems for Hong Kong. Mr Rammell made a further statement on 30 June, which focused on this particular point.

On 1 July an estimated 500,000 people, many of whom were specifically concerned about the legislation, protested against the SAR government's policies. On 5 July the Hong Kong chief executive announced significant amendments to the draft legislation (including the removal of the proscription clause that had been of concern to us and many others). On 7 July he announced that the passage of the legislation would be delayed to allow more time for further discussion

in Hong Kong. Mr Rammell issued a statement on 16 July welcoming these significant developments.

The Prime Minister Tony Blair visited Hong Kong from 22–23 July 2003. During his visit he welcomed the SAR government's decision to delay legislation under Article 23. He also reiterated that the UK hoped that Hong Kong would make early progress towards the Basic Law's ultimate aims of the election of the chief executive and all members of the legislative council by universal suffrage. One of the main themes of the 1 July protest, and two subsequent demonstrations later that month, had been the call for faster progress towards democratisation.

Although there have been some positive signs of further compliance by the Chinese with UN human rights mechanisms (see below), there have been no signs of progress in the ratification of the International Covenant on Civil and Political Rights. Nor does China have any current plans to accede to the Optional Protocol of the Convention Against Torture (OPCAT), although the government says that it is committed to eventual ratification. China retains its reservation on Article 8.1a of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which concerns the right to freely join and establish trade unions. China's first report on implementation of the ICESCR was submitted to the UN on 27 June 2003. At the time this Annual Report went to print, the UN had not made this report public. China has also not fulfilled its obligation as a member of the ILO to respect the right of freedom of association.

The UK and EU have expressed concern over the death sentences (one suspended) passed against Lobsang Dhondup and Tenzin Deleg Rinpoche in Tibet. These sentences have reportedly been the first for a number of years to be passed against Tibetans for offences with political aspects. We are worried by reports that Lobsang's confession was extracted under torture and that due process, including confirmation by the supreme court of the death sentence, was not observed

during the trial. The men were found guilty of detonating bombs, separatism and, in Lobsang Dhondup's case, illegal possession of guns and explosives. The charges followed a bombing in which two people died. The two were originally sentenced by the Kardze Intermediate People's Court on 2 December 2002. Their appeal was heard by the Kardze Higher People's Court on 10 January behind closed doors, as it "involved state secrets". The higher court confirmed the verdict, and Lobsang Dhondup was executed on the morning of 26 January 2003. We are also concerned by the lack of information on these cases passed on by the Chinese despite their undertaking to keep the EU Presidency informed. We view this as a breach of the trust built up by the dialogue process.

UNDP has found that the educational index for Tibet is the lowest of the 31 provinces in China. However, there has been an improvement: recent official statistics claim that, in the first four years of a project to extend compulsory education in rural areas, which started in 1998, 196 schools have been built and over 4,000 teachers trained. Over half the counties in Tibet now implement a six-year compulsory education programme. Other projects encourage Tibetan students to enter higher education. However, adult literacy remains low. Despite its obligations under ICESCR to respect the Tibetans right to preserve their cultural, religious and national identity cultural rights, the



Chinese computer engineer Huang Qi before his imprisonment for publishing politically sensitive articles on his website.

Chinese government has continued with the demolition of historic buildings and housing complexes in central Lhasa, some of which are UNESCO special heritage sites. The UN Special Rapporteur on Adequate Housing has highlighted the need for continuing dialogue with China on this issue.

We are concerned by reports that Rebiya Kadeer, the Uyghur businesswoman whose case we reported in last year's Annual Report, is suffering from ill health. She is currently serving a sentence of eight years in a prison in Xinjiang. There are reports that the Strike Hard Campaign is waged particularly intensively by the local authorities in Xinjiang, with an emphasis on "terrorists, separatists, and religious extremists". Places of worship have been closed down and traditional religious activities restricted.

Despite these many bad news stories, there have been some positive developments in China over the past year. They include:

- > the release of high-profile political prisoners including, Ngawang Sangdrol, Xu Wenli and Fang Jue, and the decision in April by the Chinese authorities to allow Ngawang Sangdrol to travel to the US for medical treatment. Foreign Office Minister Bill Rammell met Ngawang Sangdrol on 26 June during her visit to the UK (see page 195 for more details);
- > renewed contact between China and the Dalai Lama. The UK, along with EU partners, welcomed two visits to China by a delegation of senior Dalai Lama representatives and the series of meetings they had with Chinese officials. We have encouraged the Chinese authorities to maintain this contact and hope it will develop into serious negotiations to resolve the Tibet issue;
- > media reporting on debate on the death penalty. Debate at an international conference in December 2002 was widely reported in the Chinese media. The fact that the media were permitted to report on the debate is encouraging. Some experts agreed that the death penalty should eventually be abolished;
- > HIV/AIDS. After initial under reporting of HIV/AIDS, the authorities now acknowledge that there are over one million cases in China. There is increasing legislation for the protection and care of HIV patients. The government is promoting public awareness and education of the disease;
- > in December 2002 China agreed to allow the International Committee of the Red Cross to open an office in Beijing;

- > continuing legal reform. For example, in December 2002 the government announced it was drawing up a consolidated civil code, claiming that this would support a major advance in rights protection. The timetable for legislation is not clear. Also in 2002 the supreme people's court introduced a code of ethics for judges and '10 prohibitions' (covering activities such as drinking alcohol while on duty, torture of detainees, bribe taking, misuse of official firearms) to improve police conduct;
- > revised legislation banning child labour came into effect in December 2002. Violation of the regulations will result in fines, withdrawal of business licences and criminal charges. In January 2003 ILO and Chinese authorities held the first ever workshop on forced labour;
- > co-operation with UN human rights mechanisms. Sergio Vieira de Mello, the new UN High Commissioner for Human Rights was expected to visit China in 2003, as was the Special Rapporteur on the Right to Education. (These visits were delayed due to Severe Acute Respiratory Syndrome (SARS) and because Mr Vieira de Mello was then involved in the reconstruction of Iraq.) Invitations have also been issued to the UN Special Rapporteur on Torture and the Chair of the Working Group on Arbitrary Detention. China has also agreed to issue an invitation to the Special Rapporteur on Religious Freedom and is considering inviting the Special Rapporteur on the Independence of Judges and Lawyers; and
- > safety at work. New state legislation on safety has been passed. More regulations are due to be passed but work safety conditions remain a cause for concern. The China Labour Bulletin estimates that around 7,000 miners die each year in industrial accidents.

### China - the human rights dialogue

China stated at the UN Commission on Human Rights in April 2003 that international concern over human rights in China was "unimportant, meaningless and irrelevant". This has led to concerns among both other governments and in the NGO community as to the value China places on human rights dialogues.

Despite this we believe that a policy of engagement rather than isolation remains the right approach to promote systemic reform and better human rights in China. The UK-China human rights dialogue began in 1997. It takes place twice a year, in alternate capitals. The UK Government is constantly considering how to improve our dialogue with the Chinese. In April 2003 we exchanged views on evaluation methods and the creation of benchmarks with other countries holding similar bilateral

human rights dialogues with China. The UK Government has also taken into account NGO suggestions for more transparency. We maintain regular contact with a range of NGOs and hold a debriefing session with them after dialogue rounds. At an NGO seminar in April in Geneva which looked at the successes and failures of the dialogue process and in which Foreign Office officials participated, all participants supported continuing dialogue with China.

Results from the dialogue, like many aspects of human rights progress in China, are incremental. The purpose of the human rights dialogue is two-fold: to raise with the Chinese government our serious concerns about human rights in China; and to look for ways of working with Chinese people to improve respect for human rights. This policy underpins the work that has been done in China through the Human Rights Project Fund. In March 2003 we announced 10 new HRPF projects in China – the most for any country.

The ninth round of the UK-China human rights dialogue took place in London in November 2002 with the theme of 'labour issues'. The day of formal talks was preceded by a day of labour-related calls to the TUC, ACAS and UNISON. There was also a visit to the Northern Ireland Office.

China listed a number of specific developments since the previous round in May 2002 including:

- > new regulations on the use of evidence in administrative proceedings;
- > the holding of village elections in 27 provinces and autonomous regions, including Tibet Autonomous Region, where village elections were held by secret ballot for the first time;
- > the establishment of a framework for a social and security network. Ninety-five per cent of laid off workers from state owned enterprises were being retrained and were entitled to minimum wages. Over 100 million urban workers were covered by the unemployment insurance system; and
- > greater importance was being given to protecting the rights of the child.

As a result of the November 2002 dialogue, we are now considering requests from China to create projects in the areas of: human rights training for the police; a follow-up to the visit by the Death Penalty Panel in 2001; and a follow-up to the first meeting of the Working Group on the Covenants. The working group was set up to identify areas in which China and the UK could work together to promote the ratification and

implementation of the covenants. The first meeting of the group covered China's reporting requirements under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and labour rights.

Objectives for the UK-China human rights dialogue include:

- > **ratification and implementation of the International Covenant on Civil and Political Rights (ICCPR – signed but not yet ratified). Full implementation of the ICESCR (ratified by China in 2001 with a reservation on Article 8.1a);**

There has been no sign of progress towards ratifying the ICCPR. China has yet to implement fully the ICESCR. China's first implementation report was submitted on 27 June but has not yet been made public. China said at the dialogue that it takes ratification of the ICCPR seriously but that it would not ratify until it could implement the covenant promptly. We have offered to assist with the preparatory legal work for ratification. Using the HRPF in 2001-2002, we funded a two-year project identifying the difficulties of ICCPR ratification and proposing solutions.

- > **increased co-operation with UN mechanisms and agreement on dates for visits by special rapporteurs;**

The Chinese delegation said that the UK's encouragement had led China to co-operate with the Office of the UN High Commissioner for Human Rights (OHCHR) and that experience had shown this to be the right decision. They stated that China would continue to co-operate with the new High Commissioner who was expected to visit in 2003. They confirmed that they had invited the Special Rapporteur on Education to visit, and would be discussing dates for a visit by the Special Rapporteur on Torture. They were also willing to invite the Chair of the Working Group on Arbitrary Detention and would consider inviting the Special Rapporteur on the Independence of Judges and Lawyers.

- > **reduction in the use of the death penalty, leading ultimately to its abolition, and the publication of official statistics on the use of the death penalty;**

The Chinese responded that China applied the death penalty much less often now than in the past. They also pointed out that in China minors and pregnant women are exempt from the death sentence. We remain very concerned that there has, in fact, been no reduction in the use of the death penalty. The dialogue process has, however, allowed us to fund a number of projects in this sensitive area. The Great Britain China Centre and the Institute of Law at the China Academy of Social

Sciences are running a project to strengthen the role of the defence in death penalty cases; a British Council-run HRPF project will publish 24 articles in the *China Legal Daily* in favour of abolition of the death penalty for non-violent crimes.

> **reform of administrative detention measures, including the introduction of judicial process and better protection of a defendant's right to a fair and impartial trial;**

The Chinese delegation defended the use of administrative detention although they admitted that it could be improved in the context of judicial reform. Again, we are disappointed in particular that no steps have been taken to diminish the use of re-education through labour (RTL). Nonetheless our engagement with the Chinese on the rule of law remains strong and includes projects to strengthen criminal defence lawyers' rights in pre-trial procedures, promote new legislation on administrative affairs public hearing procedures and a bail pilot project in Shanghai.

> **respect for the fundamental rights of all prisoners, including those arrested for non-violent political activities or religious beliefs;**

The Chinese delegation rejected allegations that torture was widespread and suggested setting up an EU/China co-operation project on torture prevention in police and prison administration. We are concerned that some officials within the system continue to rely heavily on confessions and that there is no right to remain silent. Last year HRPF funded a project to produce the first book published in China that comprehensively explores the issue of torture and measures taken against it in China. We also funded an empirical study of the criminal justice system in China to support further reform of the justice system.

> **full and constructive responses to cases of concern;**

China handed over a written list of 16 responses to our list of 44 cases. We were disappointed by this response and have asked for responses to the outstanding cases.

> **respect for freedom of religion and belief, both public and private;**

The Chinese delegation said that although China's policy against groups labelled as 'cults' continued, the number of Catholics and Protestants was growing rapidly. We are very concerned that severe persecution of the underground church movement continues, although China continues to deny that underground churches exist.

> **respect for cultural rights and religious freedoms, including in Tibet and Xinjiang, and access for an independent delegation to Gedhun Choekyi Nyima (the Dalai Lama's choice as Panchen Lama);**

The Chinese delegation gave a briefing on the first visit by representatives of the Dalai Lama. The Dalai Lama's delegation had visited most of the major sites in Tibet and called on Tibetan officials. In Beijing they had met officials from the United Front Work Department (UFWD) and the State Ethnic Affairs Commission. The Chinese welcomed further discussions with the Tibetans. A second visit by the representatives of the Dalai Lama took place in May and June 2003. In Beijing they met with newly installed leaders at the UFWD. The delegation also travelled to Putuo Shan in Zhejiang province (one of four mountains in China sacred to Buddhists) and to Yunnan province, where they visited ethnic Tibetan counties on the border of the Tibet Autonomous Region. China maintained that Gedhun Choekyi Nyima was a normal schoolboy whose parents did not wish him to be exposed to the scrutiny of the world's media. Last year the HRPF funded a Save the Children project promoting child rights in Tibet. This year we will be funding a project to raise Tibetan indigenous people's awareness of their legal rights.

> **the human rights situation in Xinjiang;**

The Chinese invited us to visit Xinjiang in the context of the scheduled May 2003 Beijing round of the dialogue. This visit was postponed due to the outbreak of SARS. We raised the case of Rebiya Kadeer and asked for her release on medical grounds. We emphasised that China's support for the global war against terrorism should not be used as an excuse to repress those engaged in non-violent political activity or because of religious beliefs. China said that Rebiya Kadeer was being well treated and received regular visits by her relatives. This contradicts reports we have heard from NGOs and we will continue to raise her case.

> **the end to controls on access to the Internet and to the jamming of BBC World Service broadcasts in Chinese and blocking of the BBC World Service website;**

China continued to deny that the BBC short wave Mandarin radio transmissions were jammed, maintaining that short wave frequencies were simply overcrowded. They also claimed that access to the BBC news website was not blocked. We continued to press for a meeting of technical experts. There has been no change in the existing restrictions on the BBC. At the last dialogue we also raised the introduction of new restrictions on the Internet in November 2002 (see page 194 for more details).

We included the cases of Huang Qi, Qi Yanchen, Jin Haike, Xu Wei, Zhang Honghai and Yang Zili, all detained for their activities on the Internet, in our list of individual cases. They have subsequently been jailed for terms of between 5-10 years.

> **respect for freedom of association;**

China's reservation on Article 8.1a of the ICESCR is still in force. We continue to press for the abolition of restrictions on the formation and activities of independent labour unions. This year, we are funding a project in the Pearl River Delta that aims to improve access to information on the employment rights of women workers, particularly migrant workers.

The tenth round of the dialogue was due to take place in China in May, with the theme of 'the effect of economic development on human rights'. The visit to China was to have included a field trip to Xinjiang and a report of the visit would have been included in this Annual Report. We hope that the dialogue, which was postponed due to SARS, will now take place in late 2003.

## 1.9 Democratic People's Republic of Korea

The UK established diplomatic relations with North Korea in December 2000 and opened an Embassy in Pyongyang in 2001. The Democratic People's Republic of Korea (DPRK) established an embassy in London in November 2002. Despite diplomatic representation in both capitals, it has been difficult to engage the North Korean authorities in discussion of human rights issues whilst the nuclear issue dominates the political agenda. But the North Korean authorities are aware of our concerns on human rights, and we will continue to try to engage them seriously on this issue.

The UK is deeply concerned at reports of continued widespread and serious violations of human rights in North Korea, including the use of the death penalty, torture, labour camps, sanatoria for 'non-conformists' and extreme religious persecution. There are reports of disappearances, and of the trafficking of women and young girls across the DPRK-China border. Many of these reports come from defectors and, while the UK does not doubt their veracity, a lack of hard evidence and the continued refusal by the North Korean authorities to admit independent international human rights monitors makes it difficult to substantiate such reports. The need to acquire reliable information on human rights is therefore a driving factor behind our policy of engagement with the DPRK.

Many of the human rights problems are the direct consequence of the political system in North Korea. A dictatorship under the absolute rule of the Korean Workers' Party (KWP), the DPRK regime emphasises the national ideology of self-reliance, 'juche', in which collective spirit takes precedence over individual political or civil liberties. These are perceived as alien and subversive concepts. There is therefore a national interest in identifying and isolating all opposition: the absolute control of information is pivotal to the highly centralised system under Kim Jong-il's cult of personality.

The DPRK remains extremely sceptical and wary of foreign intervention, criticism and values. Although it has in the past shown itself to have thorough knowledge of human rights norms and instruments, North Korea invariably invokes sovereignty, non-interference and cultural differences to duck its responsibilities.

The DPRK constitution technically provides for various institutions and rights. But these are extremely limited in reality, and there is no independent judiciary. A national human rights committee was established in 1992, but it reports only sporadically and is not independent. Freedom of expression is curtailed and criticism severely punished. Nor is there freedom of assembly or association since this could, in the opinion of the authorities, lead to dissent. Freedom of movement within the country is severely restricted, and foreign travel is only permitted for a select few. Despite claims to the contrary by the North Korean authorities, genuine religious freedom does not exist. Defectors claim that juche is the only tolerated 'religion' that may be followed. Unions exist, but workers do not have the right to strike; wages are set centrally without any bargaining process. Moreover, there is no access to a mechanism that allows a change of government or leadership. We have, however, seen a modest but welcome increase in the acceptance by the DPRK authorities of the activities of aid agencies in North Korea. Some report that they have encountered less obstruction and more co-operation than in previous years.

The near collapse of the DPRK economy and recent natural disasters have caused serious food shortages, malnutrition and internal dislocation, causing thousands to flee their homes. Up to two million people are believed to have died through famine in the late 1990s, but reliable information is difficult to obtain. Increasing numbers cross over the border into China either in search of economic stability or to purchase basic medicines and foodstuffs for their families in North Korea. Border crossing often involves paying substantial amounts to the North Korean and/or Chinese border guards. Those caught and returned by the Chinese authorities may face torture and imprisonment. Similarly there are serious concerns about North Koreans forced

by the government to work in camps in Russia. The DPRK does not participate in international refugee fora, nor is it in contact with the UNHCR. There is no known policy or provision for refugees or asylum seekers. The number of refugees reaching South Korea has almost doubled in each of the last three years: in 2002, some 1,200 refugees arrived in the south.

In September 2002, the North Korean leader Kim Jong il admitted to the abduction of 13 Japanese citizens in the 1970s and 1980s by members of the security apparatus. Subsequently, five surviving abductees were allowed to return to Japan. Their families have not been allowed to leave North Korea. There are concerns that the actual number of Japanese abductees may be much higher, and that North Korea has not provided full information about the abductees it has acknowledged.

Both the UK and the EU regard discussion of human rights issues as integral to their relationships with North Korea, and have informed the authorities there that the development of relations will depend, among other things, on satisfaction of our human rights concerns. It has, however, been more difficult to engage with the North Korean authorities on any issue since October 2002, when they admitted the existence of a clandestine nuclear weapons programme. This nuclear issue has made the North Koreans even more unwilling to discuss human rights, and it is unlikely that any substantive dialogue can be restarted before the nuclear issue is resolved. The issue has, however, been raised by the British Ambassador in Pyongyang in discussions with senior North Korean decision-makers and by the FCO in its contacts with the North Korean chargé d'affaires in London, and with visiting North Korean officials.

The UK's programme for the provision of technical assistance to North Korea, which includes human rights training, has been suspended pending satisfactory progress on the nuclear issue. Thereafter, we stand ready to provide further assistance to build on training courses that were held in the UK in March 2002.

Last year's Annual Report referred to the EU Troika that visited the DPRK in June 2002, which made clear that the EU expected concrete improvements to be made on human rights issues in the DPRK. The Troika made clear that the EU position towards the DPRK at the 2003 UN Commission on Human Rights (CHR) would depend on progress made in particular areas of concern including religious freedom, torture, the treatment of repatriated refugees and giving independent monitors access to establish the veracity of the many negative reports about prison camps. Having seen no evidence of progress, the EU decided to table a resolution on North Korea at the Commission on Human Rights in April. The resolution,

which expressed deep concern about reports of systemic, widespread and grave violations of human rights in North Korea, was adopted by a large majority on 16 April.

Human rights issues will remain high on the agenda of our bilateral dialogue with the DPRK. We will seek access for international observers, including UK diplomats. Secondly, although the DPRK has ratified four of the six UN conventions, we will push it to ratify now the outstanding ones against torture and racial discrimination. We will also press the regime to fulfil its UN reporting obligations properly and to submit its long overdue reports owed under the Convention on the Rights of the Child (due in 1997) and the International Covenant on Economic, Social and Cultural Rights (due in 1992). Finally, we will push for the DPRK to co-operate fully with UN mechanisms, in particular the Special Rapporteur on Torture, the Special Rapporteur on the Right to Food, and the Working Group on Arbitrary Detention. Sadly we have seen no progress in any of these areas since they were flagged up in last year's Annual Report.

## 1.10 Indonesia

Indonesia has made some real strides in human rights since the 1998 downfall of President Soeharto. All political prisoners from the Soeharto era have been released, there is freedom of the press and free and fair elections. We are aware that Amnesty International reported in July 2003 that new political prisoners had been taken in. We are looking into these reports.

The road to democracy has not been straightforward and increased freedom has lifted the lid on issues such as regional autonomy and Islamic extremism, fuelling terrorist attacks such as the Bali bombings which killed 202 people in October 2002 and the bombing of the Marriott hotel in Jakarta on 5 August. The Indonesian police have responded well to the Bali bombing and many of the key suspects are currently on trial. The first sentence was handed down on 7 August.

Despite this progress, Indonesia's human rights record continues to give some cause for concern. The *ad hoc* human rights tribunal, established by Indonesia to try 18 defendants for atrocities committed in East Timor in 1999, has been disappointing. The tribunal only took evidence from a limited number of victims and failed to summon witnesses from the UN Mission in East Timor (UNAMET) and independent observers who were in East Timor at that time. The tribunal also failed to consider important evidence made available from investigations in East Timor. Twelve out of 18 defendants have been acquitted and only five have been convicted. Those convicted include: East Timor militia leader Eurico Guterres (10 years); the former Indonesian Governor of East Timor Abilio Soares (three years);



A witness in East Timor listens to a judge in Jakarta, Indonesia, during a teleconference trial in December 2002. Indonesia's Ad Hoc Human Rights Tribunal set up to try those accused of human rights abuses in East Timor has failed to meet many in the international community's expectations.

the former chief of the Dili military district Lieutenant Colonel Soedjarwo (five years); Brigadier General Noer Muis (five years); and former Dili police chief Hulman Gultom (three years). But all five have been released pending appeals. The former military commander of East Timor, Major General Adam Daniri, was sentenced to three years in August 2003. He is currently free on appeal. Many NGOs are calling for an international tribunal to be set up. We have already expressed our concerns to the Indonesian government about shortcomings in the process, both bilaterally and through the EU.

Elsewhere in the judiciary there have been some improvements. High-level corruption cases, which had been unheard of three years ago, were actively pursued. Akbar Tandjung, the Speaker of Indonesia's legislative assembly (lower house of parliament), was sentenced to three years for corruption in 2002, but he is free pending his appeal. However much still needs to be done to reform the judiciary and this will take time. The UN Special Rapporteur on the Independence of Judges and Lawyers visited Indonesia in July 2002 to report on the judiciary. At this year's session of the UN Commission on Human Rights in Geneva, we joined EU partners in encouraging the Indonesian government to implement its recommendations on reforming the judicial system, including on the issue of impunity. When the Foreign Secretary visited Indonesia in January, he also offered human rights training for a number of Indonesian supreme court judges. They undertook this training in the UK in March-April 2003. Further training is in the pipeline.

The reputation and professionalism of the Indonesian security forces has improved but serious problems remain, with allegations of extrajudicial killings, disappearances, arbitrary detention, rape, torture and mistreatment of prisoners. In addition, the police and military have often shown themselves to be unable or unwilling to respond when others commit serious abuses in the context of inter-religious and inter-ethnic conflict. We continue to help the Indonesian security forces become more professional and democratically accountable

through projects funded by our Global Conflict Prevention Pool (see page 124 for more details on the Pool).

Aceh's separatist dispute with Jakarta has been active for 26 years. Efforts to resolve it were chiefly brokered by the Geneva-based Centre for Humanitarian Dialogue (formerly the Henri Dunant Centre), the US and Japan. As a result of intensive dialogue, a Cessation of Hostilities Agreement (COHA) between the Indonesian government and the Free Aceh Movement (GAM), leading to a political settlement, was signed in Geneva on 9 December. However, by March 2003 there were signs that the COHA was failing. Following last-ditch peace talks in Tokyo in May, both sides failed to reach agreement and President Megawati immediately declared martial law in Aceh and started a military operation against the GAM. We believe, and have stressed this on a number of occasions to the Indonesian government, that long-term solutions to this conflict can only be achieved through peaceful negotiation.

It has been difficult to obtain reliable information on the human rights situation in Aceh during the on-going conflict, but there are allegations that both sides commit abuses including extrajudicial killings. The National Human Rights Commission is investigating reports of a mass grave with a reported 150 bodies. There are, however, some signs that the military are taking human rights more seriously than in the past with some soldiers being court-martialled for abuses. When Foreign Office Minister Mike O'Brien visited Indonesia in June 2003 he expressed concern about the human rights situation in Aceh and made clear to the Indonesian government that we expected them to conduct their operations in Aceh in accordance with international law.

There have also been concerns voiced by NGOs and others in the UK that British-built military equipment has been used in Aceh in breach of the assurances given by the Indonesian government that they would not be used offensively or in violation of human rights. But there is no evidence to date that

any British-built military equipment has been used in breach of these assurances. We are monitoring the situation in Aceh to ensure that this continues to be the case.

The Department for International Development (DFID) is providing financial support to the International Committee of the Red Cross (ICRC) of £2.2 million over three years for humanitarian assistance and support for International Humanitarian Law (IHL). DFID is monitoring the situation closely in Aceh, and are considering providing additional support to OCHA and ICRC.

In Papua (formerly Irian Jaya), calls for independence have grown. Following the departure of the Dutch in 1962, and a brief period of UN administration, Indonesia took over the administration of the province in 1963. Irian Jaya became a province of Indonesia following a UN-supervised Act of Free Choice in 1969, the legitimacy of which is still debated. The problems in Papua are not as violent as Aceh, but there are occasional skirmishes between separatists from the Free Papua Movement (OPM) and security forces. Most serious was the killing of the prominent Papuan independence leader, Theys Eluay, in November 2001 which we highlighted in last year's Annual Report. Seven special forces officers accused of involvement in the murder of Eluay were court-martialled and were given sentences of between two and three years. While the arrest and conviction of the perpetrators is encouraging, we are concerned at the leniency of the sentences.

In another incident, two US citizens working for Freeport Mining Company were killed in Papua in August 2002. Again military involvement is suspected. The Indonesian authorities are conducting an investigation with US assistance.

On 27 January, President Megawati issued a Presidential Instruction splitting the current province of Papua into three provinces, saying that administering a province as large as Papua was almost impossible, and that the instruction would help accelerate development in Papua. We have informed the Indonesian Government that we support full implementation of the Special Autonomy Law, but believe that the people of Papua should be consulted, and fully informed of developments.

In Maluku (the Moluccas) and Sulawesi sectarian violence, which has left thousands dead since 1999, has calmed down. To end the fighting between Christian and Muslim factions, the Indonesian government brokered the Malino I Accord for Sulawesi in December 2001 and the Malino II Accord for Maluku in March 2002. Although there has been a reduction in levels of violence, tension remains high with some Muslim and Christian extremists continuing to undermine the agreement.

Since we raised the issue in last year's Annual Report, we are not aware of any further reports of forced conversions. In September 2002 a Christian community leader, Reverend Damanik, was arrested in Central Sulawesi on charges of illegal possession of arms. In June he was sentenced to three years' imprisonment and has appealed.

Shortly after the Bali bombing, the militant Muslim group Laskar Jihad announced it had disbanded and begun to leave their positions in Maluku and Sulawesi. There are conflicting reports about why it disbanded. The leader of Laskar Jihad, Jafar Umar Thalib, was acquitted on charges of inciting violence in January 2003.

DFID has committed over £4 million to help establish the United Nations Development Programme (UNDP) Conflict Prevention and Recovery Unit in Jakarta. Through the Indonesia Security Sector Reform (SSR) programme, we (the FCO, DFID and the MOD) sponsored Stephen White, Assistant Chief Constable of Northern Ireland, to visit Jakarta in August 2002. He spoke to key police officers from Maluku, Sulawesi, Aceh and Papua about inter-community policing.

The death penalty is permitted under the criminal code and the last executions occurred in Kupang, West Timor, in May 2001. However, we are concerned about the Indonesian government's intention to resume executions. In March 2003, together with EU partners, we urged the Indonesian government not to end its *de facto* moratorium on the death penalty.

## 1.11 Iran

The UK supports President Khatami's stated objective of a civil society based on the rule of law. We welcomed President Khatami's re-election in June 2001 with an increased share of the vote, which demonstrated the Iranian people's clear will for reform and gave him a strong popular mandate. Unfortunately, the struggle for power between the reform-dominated, elected bodies like the Majles (Iranian parliament) and the conservative-dominated, largely appointed state organs like the judiciary, has had a heavy impact on the complex political situation in Iran and has adversely affected the implementation of political, social and economic reform. This in turn has had an effect, often negative, on human rights in the country.

The human rights situation in Iran continues to be a cause for concern. Although there is lively debate in the press, there are also regular attacks on freedom of expression. The conservative-dominated judiciary has closed down approximately 90 publications in the past three years – four of them were suspended in January 2003 alone. Almost all of these

publications were supporting reform, and while some were small student newspapers, many national papers have also been closed. Even those with the widest circulation, such as *Hamshahri*, published by Tehran municipality, have suffered temporary closure. The more outspoken papers are invariably closed down. Recently the government has imposed restrictions on the Internet, requiring Internet Service Providers using government telephone lines to block access to a large number of sites. Increasingly, attempts are also being made to jam satellite broadcasts. On 21 July, EU Foreign Ministers expressed their concern at the death of Zahra Kazemi, a photojournalist with dual Canadian-Iranian nationality who had died as a result of a blow to the head while in custody in Tehran. We welcomed the decision by President Khatami to order four cabinet ministers to investigate the case and will be following closely the on-going investigation.

Journalists, students and intellectuals continue to be imprisoned on dubious charges. Lawyers have been prosecuted for speaking out on behalf of their clients. Prison sentences have been upheld against members of parliament for expressing their views, although the sentences have yet to be implemented. And the number of executions, some of which have been in public, remains high (at least 111 in 2002). We and EU partners have repeatedly expressed concern about stonings. This is a subject on which reformers, and especially women's groups, in Iran have been campaigning for years. We therefore welcome, as a first step towards the abolition of this practice, the announcement at the end of last year by the head of the supreme administrative court that the practice has been suspended. We have also been informed that of the four women who were sentenced to death by stoning last year, three have been given alternative sentences and the fourth is awaiting the outcome of her appeal. We are monitoring this situation closely.

In late June 2003, several thousand people took to the streets voicing criticism of the regime and frustration at lack of reform. Four thousand were arrested and others were apprehended by pro-regime vigilantes, though most have since been released. At a press conference marking the fourth anniversary of student protests on 9 July, student leaders were removed by anonymous plain-clothed armed men. The UK and the EU publicly expressed concern at the way demonstrators were handled and called on the Iranian authorities to uphold protestors' human rights. We will continue to monitor the situation. The Foreign Secretary Jack Straw has stressed that the UK does not interfere in domestic Iranian affairs, but is committed to the universal human right to freedom of expression.

The Majles has so far had limited success with the bills relating to human rights issues which it has put forward to the Guardian Council (which reviews legislation for constitutionality and adherence to Islamic law) for approval, although they have continued to present draft bills on the key issues over the last year. A bill making it easier for women to sue for divorce was finally passed last year, but the Guardian Council yet again rejected the revised draft bill aimed at implementing the constitutional prohibition on torture. However, there is still room for negotiation and the Majles intends to revise it once more and return it to the Guardian Council. Although a bill aimed at equalising blood money payments (a sum of money paid in compensation to the family of someone killed) for Muslims and non-Muslims is in its last stages of formal ratification (and has already been applied), it will not apply to women, whose blood money is only half that of men, or to groups such as the Baha'is, whose religion is not recognised under the Iranian constitution and who receive no blood money.

Both we, and the EU collectively, regularly raise with the Iranian authorities our serious concern about treatment of the Baha'is. Persecution of individuals on religious grounds is totally unacceptable. Although no Baha'is remain under sentence of death, they continue to suffer harassment and discrimination in areas such as education, employment, housing and travel. The UK also continues to have concerns about the treatment of religious minorities such as Christians, Zoroastrians, Jews and Sunnis. The Jews imprisoned in Shiraz in 2000 on espionage charges have been released. Two completed their sentences, three were formally pardoned before completion, and the remaining five have been released but not pardoned. We are not aware of conditions attached to the release of the last five. However as no release papers have been issued, until the end of their sentences, or a pardon, they remain under threat of re-imprisonment.

Women continue to face discrimination in law and in practice, but are standing up in increasing numbers to demand their rights. The president's adviser on women's affairs announced last September that the overall literacy rate for women is 80 per cent and 64 per cent of the university intake is female. There are currently 13 female MPs (out of a total of 290). In a meeting in March 2003, the head of the judiciary met women MPs and he stressed the need to review existing laws that deny women their internationally recognised rights. But progress towards ratification of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) is slow. It is being held up largely on religious grounds.

The EU sponsored a further resolution on human rights in Iran at the UN Commission Human Rights (CHR) in April 2002. Although this time the resolution narrowly failed, it led to the Iranians making a number of positive gestures. One of these was inviting the EU to engage in a dialogue on human rights. After internal debate the EU decided to take up this offer and the first round of dialogue took place in mid-December 2002, followed by a second in mid-March 2003. The first round of dialogue covered the themes of discrimination and the eradication and prevention of torture; the second round focused on the themes of fair trial and the rule of law. The EU also uses this channel to press the Iranians on specific cases of human rights abuse. Both were held in an open and constructive atmosphere and the Iranian participants included representatives of NGOs and the Islamic Human Rights Commission, academics, MPs, members of the judiciary, officials from the ministry of foreign affairs and a representative from the president's office. The EU has made it clear to Iran that it is not enough just to talk about human rights, but that we need to see concrete progress. It is too early to make a full evaluation of this dialogue. The human rights debate has been widened, but substantial progress has not yet been seen. The EU recognises, however, that results cannot be achieved overnight.

Also, following the failure of the resolution, Iran issued an open invitation to the monitoring mechanisms of the UN Human Rights Commission to visit Iran. This is a welcome development, following Iran's refusal for many years to allow a visit by the Special Rapporteur for Iran. The UN Working Group on Arbitrary Detentions was the first to take up the invitation and completed an inspection in February. By the end of July the group had still to make a full report. In his press statement at the end of the visit, Louis Joinet, the head of the group, noted a list of problems, not least the unusually large number of prisoners held in solitary confinement. But he also highlighted a number of positive developments, including the fact that he was allowed to interview prisoners freely. Iran will be judged on how it responds to his recommendations. Visits by two other working groups are now being planned. Mr Joinet noted problems with the legal system and with training for the judiciary.

The EU has made clear that the establishment of a dialogue is without prejudice to the tabling of a resolution at the Commission on Human Rights or at the Third Committee of the United Nations General Assembly. At this year's Commission on Human Rights in Geneva, the EU made a statement saying that it remained deeply disturbed by continuing serious violations of human rights in Iran and urging the government to speed up the process of reform of the administration of justice. The situation of human rights on the ground is one of the factors which will determine future steps in EU-Iran relations.

## 1.12 Saudi Arabia

We continue to have deep concerns about Saudi Arabia's failure to implement basic human rights norms. Our concerns apply to a wide range of issues including in relation to aspects of the judicial system; capital and corporal punishment; torture; discrimination against women and non-Muslims; and restrictions on freedom of movement, expression, assembly and worship.

The UN Special Rapporteur for the Independence of Judges and Lawyers, Dato' Param Cumaraswamy, visited Saudi Arabia in October 2002. His report identified many of these areas as of concern. He assessed that the Saudi judicial system continued to rely heavily on confessions. The control of the ministry of justice over judges contributed to a lack of transparency and impartiality. Torture and prolonged incommunicado pre-trial detentions continued.

We believe that between January and December 2002, the Saudi authorities executed about 46 people – one of the highest figures for any country in the world. Adultery can be punished by death. The judicial and administrative authorities' use of amputation, for example for theft, and flogging remained prevalent. Individuals can be sentenced to flogging for consumption of drugs and alcohol, fornication, distribution of pornography, slander or harassment of women in public.

There continued to be credible, specific reports of the use of torture to obtain confessions. Raising its concerns about Saudi Arabia in March, the EU declared at the UN Commission on Human Rights: "We deplore the practice of torture and cruel and inhuman punishment and of imposing the death penalty in apparent disregard of internationally recognised safeguards. We are also concerned about arbitrary and incommunicado detention, prison conditions, the lack of legal representation for defendants and the role of confessions in the legal process".

The UK Government remains concerned about discrimination against women, foreigners, non-Muslims and non-Sunni Muslims; and about restrictions on freedom of expression, assembly and worship. In Saudi Arabia, women represent half the school and university population, but are constrained in the types of job they are able to secure and the positions they can hold in society. There are severe restrictions on freedom of movement for women; they cannot drive or travel by air unless they are accompanied by a male guardian or carry written permission from a male guardian. They must conduct business through male representatives. At the Commission on Human Rights in Geneva in March 2003 the UK, with its EU partners, said that: "We remain deeply concerned about the situation of women who continue to be subject to systematic discrimination

and call upon the authorities of Saudi Arabia to take the necessary steps to improve their status".

The public profession of any religion other than Islam is forbidden. Shia Muslims complain of discrimination. Non-Muslims are forbidden to assemble, even in private, for religious purposes. Non-Muslim religious items or books (including the Bible) are forbidden. These constraints constitute one of the tightest restrictions on religious freedom anywhere in the world. Apostasy from Islam carries the death penalty.

Foreign residents of Saudi Arabia are highly dependent on their Saudi sponsors. For example, a foreigner cannot secure an exit permit, interact with official bodies, change jobs, rent a house, put children into school, install a telephone or connect a mobile without his or her sponsor's co-operation. We often hear of sponsors abusing the control which this allows them.

The UK Government is committed to encouraging Saudi Arabia to improve its human rights record. We discuss our concerns about human rights with the Saudi authorities at working, ambassadorial and ministerial level. We have lobbied the Saudi authorities over the use of both corporal and capital punishment. We also raised human rights concerns with the Saudi government in relation to specific cases involving Britons, including the case of a number of British men who were detained in Saudi Arabia accused of involvement in a series of bombings. We expressed our deep concerns about this case and worked vigorously to resolve it.

The Saudi government has given an oral commitment to ratify both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. We continue to press the Saudi government to do so as soon as possible. With our EU partners, we also press the Saudi government to lift its reservations on the UN Conventions it has ratified.

Over the past year, Saudi Arabia has produced reports and information requested by some UN treaty monitoring bodies. For example, in March 2003 Saudi Arabia was examined by the UN Committee on the Elimination of Racial Discrimination for the first time since Saudi ratification of the UN International Convention for the Elimination of Racial Discrimination in 1997. (Saudi Arabia ratified the Convention with a general reservation that implementation should not conflict with Sharia law.) But the Committee observed that the Saudi government's reports lacked details of practical implementation. The Committee also raised concerns about the rights of foreign workers, discrimination against women, lack of religious freedom and the increase of anti-Semitic propaganda via the Internet.

Saudi Arabia has allowed a number of visits related to human rights issues over the last 12 months. During his fact-finding mission to Saudi Arabia, the UN Special Rapporteur on the Independence of Judges and Lawyers, Param Cumaraswamy, met representatives from the government, the Shura council, the board of senior religious scholars, the bureau of investigation and prosecution, the judiciary, the prison service and the legal profession. The co-operation Mr Cumaraswamy received from the Saudi authorities was encouraging. But it remains to be seen how soon and how fully they will implement his recommendations, published in March 2003.

In January 2003, Lord Brett, Chairman of the International Labour Organisation's governing body, visited Saudi Arabia at the invitation of the Saudi ministry of interior. The aim of his visit was to encourage progress on independent workers' committees, which have yet to be established in Saudi Arabia.

The NGO Human Rights Watch (HRW) also visited Saudi Arabia for the first time in January 2003. HRW delegates met the ministers of interior, justice, foreign affairs, education and higher education.

Saudi Arabia has encouraged a more open policy towards journalists from both international press agencies and individual media outlets. A number of British and American journalists have visited Saudi Arabia during the last 12 months sponsored by the ministry of information, the ministry of foreign affairs and the Saudi Arabian general investment authority. In February 2003, the Saudi ministry of interior, in a welcome step, authorised the creation of a commission for Saudi journalists.

In January 2003 Crown Prince Abdullah set out proposals for "self-reform and the promotion of political participation" in the Arab world. A few days later he received a petition signed by 120 people which called for reform including: election of members to the Shura council and regional assemblies; an independent judiciary; freedom of speech and association; the development of civil society and increased human rights; a greater public role for women; and a national forum for open discussion.

In April 2003, Crown Prince Abdullah received another petition signed by 450 members of the minority Shia Muslim community calling for the Saudi government to declare that Saudi Arabia respects all Islamic sects and to end discrimination between Sunni and Shia Muslim citizens.

In June 2003, religious scholars and thinkers from different Islamic traditions within the country took part in a National Forum for Dialogue. They reported to Crown Prince Abdullah

that there was a need to create national unity through addressing people's basic daily concerns; to ensure equitable distribution of resources; to address problems facing women and youth; to engage in a reform process; to expand public participation; to guarantee freedom of expression; and to recognise differences of opinion.

Although Crown Prince Abdullah has received these recommendations and petitions, it remains to be seen whether they will lead to any practical improvements.

In May 2002, Saudi Arabia adopted a new Code of Criminal Procedure aimed at modernising the criminal justice system. On the face of it, this code provides significantly improved protection for the accused. But, again, the extent of its practical implementation is still unclear.

In March 2000, Saudi Arabia announced its intention to establish two human rights committees, one governmental and one non-governmental. Neither has yet been established.

The Saudi government and Saudi Red Crescent plan to hold an international conference on human rights in Riyadh in October 2003.

### 1.13 Israel and the Occupied Territories

It is nearly three years since the start of the Al Aqsa intifada in September 2000 and the past year has again seen violence and hardship on both sides of the conflict. Both Israel and the Palestinian terrorist groups have shown a worrying disregard for human rights. By the end of the 1,000th day of the intifada, 26 June 2003, 797 Israelis and 2,601 Palestinians had lost their lives to the violence perpetrated by both sides and many more had been injured. The Israel Defence Forces' (IDF) reoccupation of the West Bank and Gaza continued to restrict freedom of movement of people and goods. As a consequence, the Palestinian economy continued its steep decline and the humanitarian situation worsened.

Both parties have committed themselves to implement the obligations laid down in the Quartet (US, EU, UN and Russia) roadmap for peace, which was published on 30 April 2003. The roadmap sets out a series of parallel steps to be taken by both sides towards a permanent settlement in 2005, leading to two states – Israel and Palestine – living side-by-side in peace. Greater attention to human rights concerns is an important part of this process. Israel and the Palestinian Authority resumed political negotiations and security co-operation. Israel recommended the transfer of tax revenues owed to the Palestinian Authority, and there was limited improvement on freedom of movement in the Occupied Territories in July.

Palestinian institutional reform is progressing. On 29 June three Palestinian militant factions declared a ceasefire. Levels of violence in June and July fell considerably. But the suicide bombing on a bus in Jerusalem on 19 August, in which 19 Israelis lost their lives, demonstrates that the peace and security that both peoples deserve can be achieved only if the momentum of improvements can be sustained.

Appalling acts of terrorism targeted at Israeli citizens, including suicide bombings, continued throughout the year. One of the worst of these was a double suicide bombing in Tel Aviv on 5 January 2003 in which 16 Israelis and six foreign nationals were killed. Many more were injured. Other suicide bombings targeted public transport: terrorist attacks on Israeli buses killed 90 people in the last year, including those killed in the Jerusalem bus bombing on 19 August. The Foreign Secretary Jack Straw has said that "every suicide bombing, as well as being an outrageous loss of life, which is totally unjustified, sets back the cause of peace in the Middle East". Palestinian militants continued to launch rocket attacks on Israeli settlements and towns, and Israeli settlers have come under fire from Palestinian gunmen. We utterly condemn such horrific terrorist attacks.

We support Israel's right, within international law, to protect its citizens, but we remain deeply concerned at the impact that the continuing Israeli occupation and the associated Israeli military operations have had on the lives of ordinary Palestinians. Throughout the Occupied Territories, military action continues to lead to many civilian casualties. Israel has continued its policy of assassinations, contrary to international law. According to an Israeli human rights organisation, at least 188 Palestinians have been killed during assassination operations since the second intifada began, of whom 78 were civilian bystanders, including women and children. Further Palestinian casualties resulted from the use of excessive force during Israeli incursions. Israel continues to hold approximately 1,000 Palestinians, including minors, in administrative detention (held in custody without being charged). We welcome moves by the Israeli government in August 2003 to release a number of these detainees along with other prisoners in a confidence building measure. But those remaining in administrative detention should be charged or released.

The continuing closure and curfew regimes imposed by the IDF are having a devastating impact on the humanitarian situation in the Occupied Territories. The Israeli government insists closures and curfews are a necessary security precaution and have prevented terrorist attacks in Israel. However, their effect on the Palestinian population has been one of collective punishment. Towns have been under curfew or closed for weeks

at a time, severely restricting the movement of people and goods. As a result the Palestinian economy has been devastated, unemployment has soared and the humanitarian situation has deteriorated. This process has been further exacerbated by the destruction of Palestinian property, in some cases as a collective punishment. Infrastructure and cultivated land have also been destroyed. This is particularly evident in the impact of construction of the Israeli security wall on the West Bank.

The humanitarian crisis has been compounded by difficulties faced by international and Palestinian humanitarian and medical agencies trying to deliver aid. There is little to indicate that recommendations made by the UN Secretary-General's humanitarian envoy in August 2002 to improve the humanitarian situation have been put in practice, despite Israel's commitment to do so.

Four Britons lost their lives or were seriously injured as a result of the continuing crisis over the last year. Yoni Jesner was a victim of a horrifying suicide bomb on a bus in Tel Aviv on 19 September. Iain Hook, an engineer working on United Nations Relief and Works Agency's reconstruction project in Jenin, was shot by the IDF on the UN compound where he worked on 22 November 2002. Thomas Hurndall, a peace activist, was shot in Rafah, Gaza, on 11 April 2003 while trying to shield Palestinian children from gunfire. James Miller, a British journalist, was shot and killed in Gaza on 2 May, while filming the destruction of Palestinian homes. We have been appalled by all these incidents. Foreign Secretary Jack Straw made it clear to the Israeli foreign minister that we expect full and transparent inquiries to be conducted into the

circumstances of the shootings. While the Israeli inquiry into Mr Hook's death is now complete, we continue to lobby the Israeli government on behalf of the families of Tom Hurndall and James Miller. On 14 July the Prime Minister Tony Blair raised both cases with the Israeli Prime Minister Ariel Sharon, during his visit to London, and called for a full and transparent investigation into the IDF shootings to be carried out by the Israeli military police. We have lobbied for the IDF rules of engagement to be tightened to help prevent further civilian deaths, and that full inquiries should be carried out where operations lead to civilian casualties, resulting in appropriate punishment for members of the IDF found to have been at fault.

The Palestinian Authority must do all it can to prevent terrorist attacks against Israel, and bring those responsible to justice. We have called on the Palestinian Authority to pursue reforms aimed at improving its effectiveness against terrorism, including reform of the security services. We judge that it could have done more throughout the year. We therefore welcome the pledges made by the Palestinian Prime Minister Mahmoud Abbas (Abu Mazen) at the Aqaba summit on 4 June to take action to do so, and to stop the armed groups who bring terror to Israel. The UK and international partners continue to offer support and practical assistance to the Palestinian Authority as it institutes the necessary reforms to do this.

The Palestinian Authority must also improve its human rights record in respect of its treatment of ordinary Palestinians. Since the beginning of the intifada, at least 29 Palestinians have been murdered for suspected collaboration with the Israeli authorities.

**1. Relatives gather around the body of a 13-year-old boy at his home in the Jabalia refugee camp, north of Gaza city, 6 March 2003. Around 40 Israeli tanks had attacked the refugee camp, destroying three residential buildings and killing 11 Palestinians.**



1.

**2. Religious volunteers collect human remains at the scene of a suicide bombing in the northern Israeli town of Afula, 19 May 2003. In the fifth suicide bombing in 48 hours, a Palestinian detonated explosives at the entrance to a crowded mall killing three shoppers and wounding many more.**



2.

The Palestinian Authority continues to maintain the death penalty, although there have been no formal executions over the last year. On 18 and 19 October 2002 the Palestinian security courts in Gaza city and Khan Yunis passed the death sentence against two individuals, Walid Hamdiyeh al-Shujaeyeh and Ameen Khakef Allah, accused of collaboration.

The UK maintains a policy of constructive engagement with Israel and the Palestinian Authority in an effort to prevent human rights violations. Bilaterally, and with EU partners, we have in ministerial discussions, démarches and public statements urged both sides to ensure all possible measures are taken to prevent civilian casualties. We have also called on the Israeli government to ease movement restrictions in the Occupied Territories, allow unfettered access for international aid agencies and ensure access to basic services, such as health and education, are not disrupted. Other issues raised with the Israeli government include assassinations, Palestinians held in administrative detention, and the destruction of Palestinian land and property.

We are playing a full part in international efforts to help the Palestinian Authority build democratic institutions and a sound civil administration. The Foreign Secretary hosted a meeting on Palestinian reform on 14 January in London in support of this. Progress made on financial reform includes steps to improve financial accountability. An action plan for public administration and civil service reform has been developed with UK assistance and we are supporting its implementation, with the objective of strengthening the rule of law.

We played a central role in the adoption of UN Security Council Resolution 1435 (2002) which calls for Israeli withdrawal from Palestinian cities, a meaningful ceasefire and for the Palestinian Authority to bring those responsible for terrorist attacks to justice, leading to the resumption of political negotiations.

The UK Government continues to support a range of practical initiatives aimed at improving respect for human rights in Israel and the Occupied Territories. Through the Human Rights Project Fund we have supported projects aimed at promoting children's and disabled rights, human rights education, and awareness of human rights by the Palestinian police.

The continuing cycle of violence has played out against a new international consensus on the need for a political solution to the conflict, reflected in the publication of the Quartet roadmap. Improving human rights is inextricably linked to progress on the political and security situation, and we firmly believe, therefore, that the roadmap offers the best opportunity for peace and means to improve human rights in the area. We

urge both parties to build on the initial steps they have taken to implement the roadmap.

We consider all export licence applications to Israel on a case-by-case basis against the consolidated EU and national arms export licensing criteria. We take account of Israeli military actions in the Occupied Territories in our export licensing decisions and keep the situation under close review. The outbreak of the intifada, the continued Israeli incursions in the Occupied Territories and the breach of Israel's 2000 assurance that UK-originated equipment would not be used in the Occupied Territories, have all been factored into the UK Government's export licensing policy. The UK has one of the most responsible and transparent arms export licensing systems of any country.

### 1.14 Zimbabwe

The human rights situation in Zimbabwe remains poor, as the ruling party ZANU (PF) maintains the use of violence and arbitrary arrest as a tool to silence its opponents and suppress opposition to the regime. The majority of the victims of these violations are members, supporters and suspected supporters of the opposition Movement for Democratic Change (MDC).

Country-wide local elections on 28-29 September 2002 were marred by state-sponsored violence, harassment and intimidation on a similar scale to that seen during the presidential elections in March 2002. MDC activists, MPs and supporters were assaulted, arrested and tortured by security forces in the run up to the elections and during polling. Around 700 MDC candidates were prevented from registering or contesting the elections as a result of threats, violence and intimidation, but also due to irregularities in the nomination procedures.

In 2002 attacks on teachers increased, concentrated mainly in rural communities where teachers are viewed as particularly influential figures. Violence against teachers who support, or are suspected of supporting, the opposition is seen as a way of limiting their influence on the rural population.

In September 2002, 70 schools in Binga were forced to close as all teachers were forced to attend a ZANU (PF) campaign rally ahead of the local elections. On 2 October 2002 the Progressive Teachers' Union of Zimbabwe (PTUZ) called a nation-wide strike to demand higher pay and an end to the harassment of teachers. On 10 October the Zimbabwe government arrested the general secretary of the PTUZ and detained him for four days. He was tortured during his time in prison. The strike took place despite government threats, however, following the protest many teachers were dismissed.

The Public Service Commission sacked 627 secondary school teachers in Harare and Bulwayo leaving entire schools without any staff.

Politically motivated violence further intensified at the start of 2003, linked to attempts by the state to silence dissent prior to the cricket World Cup matches played in Zimbabwe and in the run-up to parliamentary by-elections scheduled for 29-30 March.

A nation-wide 'stayaway' from work on 18-19 March, organised by the MDC, resulted in a wave of violence. At least 400 arrests were made and more than 250 people were admitted to accident and emergency departments in Harare hospitals due to injuries received in the violence.

A further 'stayaway' from 2-6 June was accompanied by more violence against the MDC. Between 350 and 400 MDC activists were jailed during the week of protest, including opposition leader Morgan Tsvangirai, and at least one party activist was tortured and subsequently died. An estimated 800 people were hospitalised. The police and military used tear gas to suppress student demonstrators at the University of Zimbabwe and raided a private clinic in Harare where injured MDC protestors were being treated.

Along with our international partners, the UK has consistently and publicly condemned these abuses and we have called on the Zimbabwe government to respect its obligations under international treaty organisations and human rights conventions. The EU, the Commonwealth, the US and others took action against the regime when these calls went unheeded. The EU made statements during both stayaways urging the Zimbabwe government to desist from violence and respect the rights of its citizens to demonstrate and express their views peacefully. The statements also made clear that the EU would continue to watch developments in Zimbabwe closely.

There are plenty of credible reports from human rights organisations in Zimbabwe to substantiate the testimonies of victims of violence, rape and torture. The vast majority of perpetrators of these crimes are members and supporters of the ruling party (including the so called 'war veterans' and members of the 'youth brigade'). Human rights abuses are often committed with the tacit or explicit approval of leaders of the ruling party. Agencies of the state, including the police force, army and intelligence services, have also been directly implicated in numerous assaults. They have failed consistently to prevent incidents of violence and intimidation from occurring or to arrest those responsible.

An opposition MP Job Sikhala was arrested in January 2003 and tortured while in custody. The horrific story of his torture, which included being blindfolded, beaten and having electric shocks applied to his feet, genitals and mouth over a period of eight hours, has been substantiated by medical reports prepared at the request of the magistrate. Reports of those arbitrarily arrested being subjected to police brutality and torture are commonplace.

The Zimbabwe human rights NGO forum reported 266 cases of torture between 1 January and 31 May 2003. There were 1061 reported cases in 2002. Of the various forms of torture, blunt violence, falanga (beating the soles of the feet), sexual torture and burning are most prevalent. Recently there has been an increased use of electric shocks in torture and of the rape and sexual torture of women.

Opposition MPs are arrested with increasing frequency. In the first quarter of 2003, even before the periods of mass action, 10 opposition MPs were arrested as well as numerous party officials, including the MDC Mayor of Harare, Elias Mudzuri, who has been systematically harassed in carrying out his duties. The police and army broke up a meeting between Mr Mudzuri and a Harare residents group using tear gas and indiscriminate assault. A judge ruled that the police had no grounds for arresting Mudzuri and he was released without charge for lack of evidence. This decision was criticised and Justice Benjamin Paradza (the judge in question) was arrested by police on 17 February at his chambers in central Harare on supposedly unrelated charges. He was released on bail.

During the days of mass action from 2-6 June, Morgan Tsvangirai, the President of the MDC, was once again in the spotlight. He was arrested on 2 June but released later that day in order to return to his on-going treason trial, and then re-arrested on 6 June on a second charge of treason. He remained in prison until 20 June when he was released on bail of approximately US\$5,000 cash and US\$50,000 in property assurances. A statement on 6 June expressed the EU's concern at the arrest of Morgan Tsvangirai and urged the Zimbabwe government to find a peaceful solution to Zimbabwe's internal political conflict through dialogue.

MDC supporters, polling agents and candidates were reportedly assaulted prior to and during polling during the country-wide local elections on 28-29 September 2002. On 27 September an MDC petition was presented to the high court to nullify the election nomination process. It cited widespread intimidation and assaults of MDC candidates and irregularities in the nomination process. The petition was dismissed.

Harassment of the clergy has increased and members of the clergy from various denominations have been arrested. Police and intelligence officers surrounded Bulawayo Cathedral on the evening of 27 February 2003 during a service at which torture victims gave public testimony of their ordeals. A number of South African clergy were present. At the end of the service the Catholic Archbishop of Bulawayo, Pius Ncube, was questioned and police returned to question him further the next morning. Various other religious leaders, including those from South Africa, went to his aid and no formal charges were laid.

On 28 February a group of approximately 20 priests were arrested while presenting a petition at police general headquarters in Harare. They were held in Harare central police station for six to seven hours before being released. The petition was organised by the Zimbabwe National Pastors' Conference, which had received permission to deliver a petition protesting against the use of torture and police brutality. Approximately 100 metres from their destination the priests say that they were confronted by riot police who proceeded to sing abusive songs at them in Shona, before forcing them into two trucks and taking them to the police station. They were allowed legal representation and charged with violent assembly.

Independent journalists and editors continue to be arrested and charged for allegedly publishing 'false information' under the Access to Information and Protection of Privacy Act (AIPPA) which requires journalists to be licensed by a media commission, appointed by the government. According to the Media Institute of Southern Africa (Zimbabwe), at least 33 journalists from independent and private media were arrested in 2002 under AIPPA or the Public Order and Security Act (POSA) mostly on trumped-up charges. Many others were threatened and harassed. In January and February 2003 alone, 17 journalists were arrested. A British reporter from the *Daily Telegraph*, Simon Briggs, was barred from entering Zimbabwe to cover a World Cup cricket match despite being an accredited journalist. Andrew Meldrum, the Zimbabwe correspondent for *The Observer*, *The Guardian* and *The Economist*, was forcibly expelled from the country on 16 May 2003 in defiance of three Harare high court orders to have him presented in court so legal proceedings could be followed. These cases grabbed the headlines, but the majority of those arrested are black Zimbabweans.

Human rights organisations based in Zimbabwe have also fallen victim to government intimidation in attempts to silence them. In August 2002 Dr Frances Lovemore, Medical Director of the Amani Trust, an NGO which works with victims of torture, was arrested and charged with publishing or communicating false statements prejudicial to the state. The offices of Amani Trust were raided and searched by police. Dr Lovemore was released

the day after her arrest and all charges against her were dropped due to insufficient evidence. On 22 January 2003 the Amani Trust received threats from an unknown source to firebomb its offices.

On 12 May 2003, 46 women were reportedly arrested by police officers in Bulawayo on allegations that they had staged a public demonstration in contradiction of a high court order which had barred them from doing so. The group was part of WOZA (Women of Zimbabwe Arise) which staged a peaceful demonstration commemorating Mothers' Day and calling for peace and an end to human rights violations and torture in Zimbabwe.

The EU issued a declaration on human rights abuses in Zimbabwe on 19 February 2003. This highlighted recent abuses and called upon the ZANU (PF) leadership to respect its obligations under international treaty organisations and human rights conventions. It calls on the Zimbabwe government to ensure the respect of human rights and fundamental freedoms and to end all harassment, intimidation and violence against the opposition and civil society. It also calls on the MDC to show restraint from violence. The declaration calls on both the government and opposition to open a serious dialogue on a joint approach to overcome the current overwhelming problems facing Zimbabwe on the political, humanitarian, social and economic fronts.

On 18 February 2002 the EU imposed targeted sanctions on Zimbabwe. These were extended twice and now consist of a travel ban on President Mugabe and 77 other senior government figures (including all ZANU (PF) ministers and politburo members), an assets freeze and an arms embargo. The EU sent a strong message to the Mugabe regime on 18 February 2003 when, by a unanimous decision, these sanctions were rolled over for a further 12 months.

The UK supported an EU resolution on human rights in Zimbabwe at the Commission on Human Rights in Geneva. The draft resolution condemned growing incidents of politically motivated violence and the numerous cases of violence against women, including cases of politically motivated rape. It also condemned incidents of arbitrary arrest, attempts to restrict the independence of the judiciary and restrictions on the freedom of expression, opinion, association and assembly, including numerous arrests of journalists. Unfortunately, for the second successive year the African members of the Commission tabled a 'no-action' motion that prevented a vote on the resolution itself. We deeply regretted this and are concerned that it showed a lack of commitment on the part of African states to admit to and confront gross human rights abuses taking place in their region.

Zimbabwe currently remains suspended from the councils of the Commonwealth.

In the coming year, the UK Government and its EU partners will continue to bring human rights abuses in Zimbabwe to the attention of the international community. We will maintain pressure on the Zimbabwe government to bring about a return to a respect for human rights and the rule of law in the country.

### 1.15 Democratic Republic of Congo

Stability in the Great Lakes region continues to be threatened by conflict in the Democratic Republic of Congo (DRC). A rebellion, backed by Rwanda and Uganda, began in 1998 in eastern DRC. The conflict between the groups and government forces reached a stalemate and the DRC was effectively partitioned between President Kabila's government and allies on the one hand, and the larger anti-Kabila armed opposition groups Rally for Congolese Democracy (RCD) and Movement for the Liberation of Congo (MLC) on the other. Both Rwanda and Uganda then invaded the DRC in 1998 in an unsuccessful attempt to overthrow President Kabila. Kabila was assassinated in January 2001 and replaced by his son, Joseph. Agreements on a transition to representative government have since been concluded, and Rwandan and Ugandan armed forces have left the DRC. But fighting continues, particularly in the eastern Kivu provinces and in the Ituri region in the north-east of the country.

We have worked actively with partners, particularly in the EU and UN, towards an inclusive solution to the armed conflict. The Lusaka Ceasefire Agreement is a key component in this. It was based on three major elements: withdrawal of all foreign forces; disarmament, demobilisation and repatriation of foreign armed groups; and an inter-Congolese dialogue between all Congolese parties, including unarmed opposition and civil society, to agree a transitional national government, leading to the first national elections since independence in 1960. It was strengthened by the Pretoria Agreement of 30 July 2002, signed by the presidents of DRC and Rwanda. An agreement on a transitional

national government (TNG), the 'Global Accord', was signed on 17 December 2002 in Pretoria and endorsed by a full plenary of the Inter-Congolese Dialogue on 2 April 2003 in Sun City. The TNG's four vice presidents were sworn in on 17 July and other ministers on 24 July. The first session of the new national assembly and senate was scheduled for late August.

The conflict in the Ituri province of north-eastern DRC, hitherto considered a side-effect or sealed microcosm of the wider DRC crisis, saw a serious escalation in April 2003. The UK Government condemned the massacre of civilians by militia in and around the town of Drodoro on 2 April. Since then further violence has erupted as Ugandan troops left the region. The UN force in DRC, MONUC, protected large numbers of civilians caught in the crossfire, but lacked the capacity to restrain the militias. In May 2003 the UN Secretary-General asked Security Council members to contribute to a new international intervention force in Ituri. France agreed to lead the force and the Security Council authorised the Interim Emergency Multinational Force (IEMF) on 30 May to contribute to the stabilisation of security conditions and to the improvement of the humanitarian situation in Bunia. The IEMF was officially launched as a European Security and Defence Policy (ESDP) operation, called Operation Artemis, on 12 June. The UK has sent some 70 Royal Engineers to the IEMF in Bunia. With support staff and HQ-based officers, total UK deployment is around 85 personnel.

Relations between the former allies Rwanda and Uganda have deteriorated and given cause for concern that this might lead to the two countries engaging in conflict against each other on DRC's territory. We have been actively involved in efforts to ease the situation, through our third-party role to a Memorandum of Understanding between the two governments. A meeting between the presidents of the two countries was hosted by the then Secretary of State for International Development, Clare Short, on 8 May, since when relations appear to have improved.



Riot police detain protesters during anti-government demonstrations in Harare, 2 June 2003.

The UK provides six key military personnel to MONUC and has contributed technical assistance to the facilitator's office for the Inter-Congolese Dialogue, as well as to local peace-building initiatives. The FCO and DFID are working together to support peace initiatives and mediation work to bring an end to the war.

The extent of need in DRC justifies a major humanitarian intervention. There is particular evidence of widespread and urgent humanitarian need in the country's east. Development assistance is supporting health, nutrition and protection interventions through experienced international agencies as well as through the UN's co-ordination services and their joint emergency humanitarian interventions. Because of the high levels of humanitarian need related to the war, aid has grown markedly in the past two years. In the financial year 2002-2003, the UK committed around £17 million for humanitarian work and support for peace. DFID has allocated over £1 million to NGOs in the east of DRC for programmes, including human rights training for teachers and children, and support for victims of abuse. These programmes also include monitoring and raising rights abuses with local authorities and belligerents. We provided £250,000 to the UN Office of the High Commissioner for Human Rights (OHCHR) for human rights programmes in DRC. Following the installation of the TNG in Kinshasa in July, the UK's support will be increased gradually over the coming three years.

The UK Government has made repeated calls for all parties in the DRC to allow MONUC free access to fulfil its mandate. We have interceded with different authorities on a number of specific occasions to support the work of MONUC in humanitarian and peacekeeping operations. This has included pressing the armed forces of the government in Kinshasa, FAC, to allow inspectors access to military airports; the Congolese Democratic Group – Goma (RCD-G) to allow humanitarian access to the conflict-afflicted Haut Plateau; and the Movement for the Liberation of Congo (MLC) to assist investigation into alleged human rights abuses committed by its forces. We continue to press all parties to facilitate MONUC's access to all areas of the DRC and to co-operate fully with investigations.

The human rights situation in the DRC was the subject of a report of the UN High Commissioner for Human Rights to the Security Council on 13 February 2003. This report details examples of recent human rights abuses, including incidents in Ankoro in November 2002 when government forces killed 100 people and destroyed over 1,000 homes; and the 'Effacer le tableau' operation mounted by MLC and their allies, the RCD-National forces. This latter operation resulted in a massacre of the local population around the towns of Mambasa and Eringeti, and a range of other human rights abuses.

Cannibalism is also alleged to have taken place. The MLC responded to international pressure by putting 27 officers on trial from 18-25 February 2003, which resulted in convictions. However, by the end of July, the court had not handed out sentences. Separately from this report, NGOs also called for the abolition of the Cour d'Ordre Militaire – a trial before a military tribunal. This happened in April 2003. We continue to press for the government to reimpose its moratorium on the use of the death penalty.

Over the past 12 months there has been limited progress in some areas of human rights in the DRC. The DRC's former Human Rights Minister, Ntumba Luaba, has highlighted a number of initiatives, some involving UK support. A prison monitoring visiting programme, funded by the UK among others, has been set up. The government is also launching a campaign designed to raise human rights awareness in the armed forces and police. Human rights activists Willy Wenga and N'Sii Luanda Shandwe, who had been in prison since early last year, were freed at the end of February. Raymond Kabala (a newspaper journalist imprisoned after writing a story claiming the then security minister, Kongolo, had been poisoned) was also released at the end of his seven-month sentence on 9 March 2003. Mr Luaba has also said that there are no longer any human rights activists or journalists in custody in government-controlled territory. He further announced that his government would place a ban on entry into mines for anyone under the age of 18.

We deliver tough messages on human rights to all Congolese parties. The Foreign Secretary raised human rights concerns with the government and rebels during his visit to the Great Lakes in January 2002. Clare Short, the then Secretary of State for International Development, met the then DRC minister for human rights on 23 October 2002 and discussed the human rights situation in the north-east of the country. Our Ambassadors also maintain regular pressure, for example, by lobbying all parties against the use of the death penalty. The EU tabled a resolution at the Commission on Human Rights condemning the mass killings that took place in the province of Ituri, as well as reported acts of cannibalism, widespread recourse to sexual violence against women and children, and an upsurge in the recruitment and use of child soldiers. The resolution was adopted without a vote.

## 1.16 Côte d'Ivoire

Formerly seen as a beacon of stability in the region, Côte d'Ivoire (Ivory Coast) was plunged into crisis following a failed coup attempt in September 2002. Government forces were able to contain the attempt in the capital, Abidjan. However the rebels (later identified as the Mouvement Patriotique de Côte

d'Ivoire or MPCl) successfully held the north and the country was effectively partitioned in two. The Economic Community of West African States (ECOWAS) had some early success in brokering a ceasefire and initiating peace talks. But the situation was made more complex by the emergence in November 2002 of two new rebel groups in the west, the MPIGO (Mouvement Populaire Ivoirien du Grand Ouest) and the MJP (Mouvement pour la Justice et Paix). Liberian mercenaries linked to both government and rebel forces, were also involved in fighting and pillaging in western Côte d'Ivoire, contributing to acute security problems and flagrant breaches of human rights.

The initial impetus for the coup attempt seems to have come from factions of the military unhappy with proposed terms for their discharge. However, the rebels drew support from wider opposition to government policies which were perceived as discriminating against Côte d'Ivoire's large (over 25 per cent) immigrant communities, and the largely Muslim population in the north. This included concerns over eligibility to stand as president (which effectively excluded Alassane Ouattara, leader of the RDR, one of the main opposition parties whose main support base is in the north); nationality; land ownership rights; and wider issues of identity focused around 'ivoirité' (a complex and controversial concept, but which basically means that the only true Ivoirians are those who can trace their descent back several generations).

The fighting, ethnic tensions and the *de facto* partition of the country have created a serious humanitarian situation. There are an estimated 800,000 internally displaced people, and an estimated 400,000 refugees have fled the country, out of a total population of 16.5 million. Government services in the north of the country virtually ceased, and the influx of displaced persons from the conflict areas means they have been severely stretched in the south.

A UN fact-finding mission which visited Côte d'Ivoire in December 2002 concluded that all sides to the conflict had committed serious violations of human rights and international humanitarian law. It found that reports of mass graves in conflict areas were credible, and that death squads were being used in Abidjan by "elements close to the government". The government cited security concerns for destroying shanty dwellings in Abidjan, which primarily housed immigrant communities, but called a halt to the practice following criticism from the international community. An unknown number of civilians have been killed in the conflict, with widespread massacres reported to have taken place, particularly in the west.

A peaceful, political settlement for Côte d'Ivoire is an essential first step to improving the human rights, and the wider humanitarian, economic and political situation in the country. The French injected new momentum into the peace process in January 2003, hosting a round-table of all Ivorian political parties and the three rebel groups. The resulting Linas-Marcoussis Agreement usefully addresses the key issues underlying the crisis, and provides for a broad-based government of national reconciliation, including ministers from the 'Nouvelles Forces'. With the help of ECOWAS the new government was formed in March 2003, although certain issues such as the appointment of defence and security ministers remain unresolved.

Some progress has been made under the government of national reconciliation. The ceasefire line was extended west to the Liberian border in May 2003 and a joint operation, involving Ivorian government and ex-rebel forces along with ECOWAS and the French, cleared out most of the Liberian mercenary contingent operating in the area. A permanent cessation of hostilities was declared on 4 July 2003. Some progress has also been made on the process of disarmament, demobilisation and re-integration (DDR) and in restoring local government, transport and other north-south links.

The UK Government has consistently made clear that we oppose any attempt to overthrow a democratically elected government by force. From the outset of the crisis we provided support to the efforts of ECOWAS leaders and the French to restore peace and security to Côte d'Ivoire, and to promote a political settlement. This has included £3 million to support the deployment of the Ghanaian contingent of the 1,300-strong ECOWAS peace-monitoring force (ECOMICI), which is deployed in Côte d'Ivoire, and £1 million in humanitarian aid. We have joined the wider international community in condemning the grave human rights abuses which have taken place in Côte d'Ivoire, and fully support calls for in-depth inquiries into serious violations of human rights and humanitarian law. At the Commission on Human Rights, the EU made a statement expressing concern at the deteriorating human rights situation in Côte d'Ivoire including killings, summary executions, kidnappings, rape, arbitrary detention and forced recruitment.

## 1.17 Equatorial Guinea

Although nominally a multi-party republic, power in Equatorial Guinea is concentrated in the hands of President Teodoro Obiang Nguema and his own clan from the majority Fang tribe. President Obiang has been in power continuously since 1979, having replaced his uncle in a military coup. The judiciary, legislature, army, business and government interests are all subject to presidential control.

Equatorial Guinea has a poor human rights record. The use of torture, arbitrary detention and restrictions on freedom of speech and assembly has been widespread and systematic. It is thought that as many as one-third of Equato-Guineans may be living in exile abroad because of fierce political repression over the last two decades. President Obiang has announced the establishment of a centre for human rights, but the centre is not yet functional. The independence of the judiciary is seriously restricted and many trials are conducted before military tribunals. Laws are not published systematically, so even lawyers are often unaware of the correct judicial process.

The political and human rights situation worsened in 2002, seemingly as the government attempted to restrict the political opposition ahead of the December 2002 presidential elections. In June 2002, 144 people, including members of opposition parties, were arrested and tried in connection with an alleged coup attempt against President Obiang. Sixty-eight of the accused were given jail sentences, ranging from 6-20 years. These included leaders from the three main opposition parties, namely Placido Mico Secretary-General of the Convergence Party for Social Democracy, Guillermo Nguema Ela, Secretary-General of the Popular Union, and Felipe Ondo Obiang, leader of the banned Republican Democratic Force. The trial contained numerous procedural irregularities and there was evidence of ill-treatment and torture – many of the defendants appeared in court with dislocated or broken wrists and ankles. The trial was widely condemned, including by the EU. In October 2002 six of the 68 convicted were released in a presidential pardon, including the UP's Fabian Nsue Nguema, along with 40 ethnic Bubi convicted of a 1998 revolt. In June 2003 one of the convicted, the FDR leader Felipe Ondo Obiang, disappeared from his cell on Bioko Island without notification. It is believed that the authorities have moved him to the mainland.

A UN Special Rapporteur on Human Rights in Equatorial Guinea had been appointed annually since 1969. However, the mandate of the special rapporteur was cancelled in 2002 following African-led lobbying in the UN Commission on Human Rights (CHR). Rather than appointing a country-specific rapporteur, the CHR included Equatorial Guinea under the mandate of the Special Rapporteur on the Right to Freedom of Opinion and Expression for 2002-2003.

There are reports that torture was used to extract confessions from the group of the 144 tried for the alleged coup in June 2002, and it is used regularly in the detention of prisoners. Prison conditions are insanitary, cells overcrowded and prisoners are ill-fed. Women and children are held with men. There are also reports that prisoners are used as forced labour. Human rights NGOs are not allowed to register and function

in Equatorial Guinea. The only local NGO is government controlled, and there are no international human rights NGOs resident. Amnesty International and Global Witness have been refused visas in the past. The International Committee of the Red Cross has monitored prison conditions. The local Bar Association has been banned. The International Bar Association sent a mission in July 2003 to urge reconsideration and assess capacity.

The UN Special Rapporteur on the Right to Freedom of Opinion and Expression reported in January 2003. He noted an improvement in legislation, although there are still laws that need to be brought into line with international norms. He also called for the development of a free and independent media, reform of the judicial system, review of the national human rights commission and reconsideration of the cases of those convicted in June 2002. The only television stations are the state-owned broadcaster and a private outlet owned by a relative of the President, although foreign satellite reception is not prohibited. Foreign press is unavailable. There is only one news publication regularly in print and several private news publications have been suppressed.

Although multi-party democracy was introduced in 1992, there has been limited progress towards a pluralistic democracy. The national electoral commission, created in 2001, is presided over by the minister of the interior. The registration of the FDR opposition party has been blocked. The last presidential elections took place in December 2002, having been brought forward at late notice. The four opposition candidates withdrew from the election on polling day, raising accusations of flawed electoral processes. President Obiang was re-elected with over 99 per cent of the vote. Although the 2002 elections were not violent, certain democratic procedures were not observed, such as lack of private voting conditions, absence of opposition voting slips, presence of the military at polling stations, and lack of thorough monitoring. The opposition had no access to the media, nor the same level of funding as the ruling party. The EU criticised the conduct of the elections and called for internal political dialogue between all parties. At the Commission on Human Rights the EU made a statement expressing its great concern at the human rights situation in Equatorial Guinea, highlighting unfair elections, use of torture and beatings by the security forces and restrictions on the media.

Over the past six months, the authorities in Equatorial Guinea have made some progress in engaging with the international community on human rights issues, including discussions with the EU and the visit of the International Bar Association mentioned above. This dialogue marks a considerable advance on a previous policy of isolation. The President also granted

amnesties to political prisoners in October 2002 and at the end of July 2003. In the July amnesty 18 members of the opposition, including Placido Mico, were pardoned and released.

## 1.18 Cuba

Human rights in Cuba are of deep concern to the UK. The core issues are the denial of civil and political rights and of fundamental freedoms. Most of the checks and balances of a modern democracy, such as opposition parties, a free press, an independent judiciary and autonomous trade unions are absent in Cuba today. State security subjects peaceful opponents of the regime to surveillance, detention, house arrest, bureaucratic harassment and loss of employment, housing and other benefits. Ordinary Cubans are denied exercise of their full social and economic rights – they face limitations on the right to accumulate wealth, buy and sell property, form associations, travel abroad, and even to access many hotels and resorts in their own country. Internet access in Cuba is restricted and the dissemination of literature and text books is tightly controlled. International bodies such as the ICRC, Amnesty International and UN special rapporteurs are denied access to Cuba; they must rely on unofficial statistics provided by opposition groups. This makes accurate assessment of the human rights situation on the island particularly difficult.

Cuba maintains that it practices “participatory democracy”. Elections by direct ballot exist at municipal, provincial and national levels, but within the framework of the one-party system, thus denying voters any political alternatives. The Communist Party’s popularity has not been tested in a free election since the revolution, and the Cuban leadership does not envisage any kind of reform that will lead to a political system based on pluralist democratic values.

Cuba has the natural and human resources to become one of the region’s most prosperous economies. The island ranks highly in areas such as literacy, health care coverage and social welfare. But the continued fettering of the political, economic and intellectual freedom of ordinary Cubans means that Cuba’s political and economic systems are holding it back from realising its full potential.

Against the background of this sustained denial of civil and political rights, the Cuban government periodically conducts more concerted bouts of repression. In March 2003 the government launched the most serious crackdown on peaceful opponents for over a decade. A wave of arrests led to charges being brought against 75 people; these included treason and having links with a “hostile foreign power”. Those arrested included journalists, economists and independent librarians who were peacefully exercising their right to freedom of speech

and expression. The arrests sharply reversed a trend over recent years towards decreasing numbers of convicted long-term political prisoners.

The Cuban response to international condemnation was that the arrests were justified on national security grounds; those arrested were “instruments of a hostile foreign power” (the US) attempting to destabilise the Cuban government. The regime held summary trials across the island within weeks of the arrests. They denied those accused adequate facilities for preparation and sufficient time to prepare their cases. The courts rejected some of the lawyers appointed by the families of the defendants, and no foreign press or diplomats were admitted to the courtrooms despite formally seeking admission. The trials were conducted in violation of internationally accepted human rights standards.

Many of the prosecution witnesses were state security agents who had been masquerading as opposition but playing the role of agents provocateurs. The 75 defendants were all convicted and were sentenced to a total of 1,454 years. The majority of the trials resulted in sentences ranging from 12–27 years, handed down under Cuban Law No. 88 and/or Article 62 of the Penal Code. Law 88, the ‘gagging’ law, prohibits passing of information to a foreign organisation or media. As such, it is a contravention of Article 19 of the Universal Declaration of Human Rights.

Following the crackdown, the EU issued a statement condemning the arrests, trials and sentencing of peaceful opposition, and demanding their immediate release. Bill Rammell, the Foreign Office Minister responsible for human rights, summoned the Cuban ambassador to London to a meeting in which he asked the ambassador to convey to his government the UK’s deep concern at what had happened, and its strong disapproval. Further steps have been taken in concert with EU partners to underline that relations will not return to ‘business as usual’ until Cuba addresses her grave violations of human rights. A series of measures agreed by EU partners was published on 5 June. These include limiting high-level bilateral visits, inviting dissidents (besides government representatives and officials) to EU national day celebrations, and an extraordinary re-evaluation of the EU Common Position on Cuba. The Cubans reacted to EU announcements with vitriol, calling the EU “economic comen” and “moral dwarves”.

The summary trial on 11 April of three Cubans who hijacked a ferry in Havana harbour in a bid to escape to the US, followed rapidly by their execution by firing squad, is another example of the Cuban government’s scant regard for international standards of human rights. The arrests, trial, appeals and

executions, which ended a three-year *de facto* moratorium on the death penalty in Cuba, were all completed within six days.

Cuba actively works to frustrate the UN Commission on Human Rights, in particular its investigative mechanisms. The Cubans refuse to work constructively in the CHR, but instead, load the Commission with resolutions blocking, diverting, or hampering the development of standards and the work of the UN. Despite this, the CHR has for several years successfully passed an annual resolution on Cuba's human rights record. This year the UK co-sponsored a resolution tabled by Latin American countries. The text was fairly mild, but reiterated last year's call on Cuba to accept a Special Representative of the High Commissioner on Human Rights to monitor the human rights situation in Cuba. We continue to urge the Cuban government to stop its disruptive and damaging behaviour in UN human rights fora, co-operate with the Human Rights Commission and accept a visit by the Personal Representative of the High Commissioner. We repeatedly call on Cuba to accede to the two major UN human rights covenants.

Although the situation for human rights in Cuba this year has been bleak, the work of those struggling for greater freedom has received greater recognition outside the country. In particular Oswaldo Paya received the EU Sakharov Freedom of Thought prize for his work on the Varela (democracy) Project. Following lobbying from the UK and others, the Cuban authorities granted him permission to leave Cuba to receive the prize, and he took the opportunity to travel extensively in Europe, the US and Latin America, including a meeting with Bill Rammell in London. Paya has not so far been arrested, but the Cuban government has ignored calls to respond publicly to the Varela Project, has denied its constitutionality, has libellously insulted him in the state press and has jailed many of his Varela collaborators in the crackdown. All leading opposition figures have now been named in speeches by Castro or in the recently published book of interviews with state informers/agents *The Dissidents*.

Despite Cuban intransigence and increased repression, we and our EU partners continue to believe that, in the long term, constructive dialogue and engagement represent the best means of encouraging peaceful change in the country and respect for civil and political rights. The EU Common Position of December 1996, last endorsed in December 2002, reaffirms the EU's commitment to a broad dialogue, maintaining a strong line on human rights. The European Commission opened an office in Havana for the first time in February 2003. Through the EU and the UN we call for: the release of the 75; fair trials; freedom of assembly and expression; a free media; freedom for private enterprise, political parties and NGOs; and

an end to arbitrary detention, intimidation of political opponents and all imprisonment on political grounds. We play an active part in the work of the EU Human Rights Working Group in Havana, which first met under UK chairmanship and includes close contact with civil society.

The UK also continues bilateral efforts to promote the progressive normalisation of relations with Cuba through constructive engagement. We seek to exercise influence through maintaining collaboration with a wide cross-section of Cuban society, both governmental and non-governmental. For example, we are funding a project to establish Cuba's first unit for preparing child witnesses for trial by supplying video equipment, training police officers in video interviewing techniques and advising on incorporation of video evidence into the justice system.

### 1.19 Colombia

Colombia's continuing 40-year armed conflict has intensified, with the civilian population worst affected by the violence and social problems it has brought. Left-wing guerrilla groups (the Revolutionary Armed Forces of Colombia – FARC, and National Liberation Army – ELN) and their right-wing paramilitary counterparts (United Self-Defence Groups of Colombia – AUC) stepped up their activities after the election of centre-right President Alvaro Uribe in May 2002. Uribe's election saw a reversal of the previous government's policy of negotiating with the armed groups and granting concessions in the hope of obtaining a peaceful end to the conflict. The President's landslide victory was achieved on a platform of re-establishing security throughout the country and weakening the illegal armed groups in order to bring them to the negotiating table.

The FARC launched a mortar bomb attack on the Presidential Palace during the new President's inauguration on 7 August 2002. The death toll of 30 would have been far higher if the operation had gone according to plan. Further attacks in major cities (Medellin, Cucuta), culminating in the 7 February 2003 attack on the El Nogal club in Bogota which left 35 dead, provided confirmation that the guerrillas (specifically FARC) had decided to take the fight into the cities. The move to urban terrorism, and a linked decrease in the number of large-scale engagements with the Colombian armed forces, have shifted the focus of the conflict to the civilian population. The continuing deplorable violent acts of the paramilitary groups are of equal concern.

Violence – murders, torture, massacres and kidnappings as well as forced recruitment by the illegal armed groups – tops the list of serious abuses of human rights in Colombia. Bombings and landmines kill civilians as well as police and armed forces

personnel. Civilians are murdered if they refuse to move from their land or to join one of the armed groups, or if they are simply believed to be supporters of the 'enemy'. The list of those considered undesirable by one or other of the combatants is long: trades unionists, human rights defenders, journalists, teachers, local and national government representatives, lawyers and church leaders. The targets for kidnapping are equally diverse: it is no longer only rich Colombian and expatriate businessmen who are at risk – subcontractors working for large companies, tourists and fishermen have all recently been kidnapped for ransom.

The statistics are horrifying: between 3,000 to 4,000 politically motivated murders a year, including in 2002 more than 170 trades unionists. The politically motivated violence, however, accounts for only part of the problem. The culture of violence, which has characterised Colombia for more decades than the political conflict, has led to one of the world's highest murder rates: in 2002, 28,230 Colombians were murdered. In Medellín, the world's most violent city, there are an average of 25 murders a day. The number of kidnappings went down slightly in 2002 from the previous year's high, but the total of 2,492 reported cases is still alarming. Most 'economic' kidnappings end with the release of the victim after a ransom payment, but those taken for political reasons may spend years in captivity.

The conflict has also given Colombia one of the world's most serious internal displacement crises. Those worst affected are society's most vulnerable groups – the indigenous and Afro-Colombian populations, women and children. The most reliable estimates (UN and ICRC) suggest the total number of Colombian internally displaced persons (IDPs) may be around 2.7 million. This figure continues to grow: 816 of Colombia's 1,100 municipalities are affected by displacement. One study suggests that over the course of 2003, an average of 1,000 Colombians could be displaced every day. The influx of displaced people into the cities has brought with it social problems such as unemployment, poverty and homelessness, as well as teenage pregnancies and poor access to health care and education. It has also replicated the conflict in an urban setting with the different groups attempting to recruit or just maintain their influence over the IDPs.

Many of those fighting in the illegal armed groups are minors, including young women. They may have been coerced into joining up, or come from violent or poverty-stricken families. They receive virtually no salary for their activities; many are killed or badly wounded in conflict and they lose contact with their families. Child labour is another problem with children working as domestic helpers or in family businesses. Seventy-three per cent of the displaced population are women – many of them single parents. Violence against women displaced or

caught up in the conflict is growing. There is little recognition of the equally serious problems of domestic violence and rape. Trafficking of Colombian women in international prostitution rings has recently been highlighted with the discovery of a major ring operating between Colombia and the Far East. This was probably only the tip of the iceberg: estimates suggest that at least 35,000 Colombian women are currently 'employed' by such organisations overseas.

The state has mechanisms for reporting and investigating human rights abuses. The office of the 'Defensor del Pueblo' (human rights ombudsman) is an independent body with regional representatives. Unfortunately, the security situation has meant that this institution and, in many cases, any state representation, has been absent from large parts of the country. This makes accurate assessment of the situation across the board difficult. We are funding, through the Security Sector Reform Strategy of the Global Conflict Prevention Pool, a project to place community defender posts in the middle and lower Putumayo, Caqueta, Choco and Cauca departments. It will be administered by the UN Development Programme (UNDP). The project seeks to generate both greater action by the state as well as international co-operation to prevent human rights violations and protect the civilian population. The aim is to help local communities in areas with a high risk of forced displacement to exercise their rights through the permanent presence of representatives of the Defensor del Pueblo.

Colombian and international NGOs play a vital role in highlighting problems. Impunity, particularly for members of the armed forces accused of human rights abuses, remains a serious concern. A Human Rights Watch report in 2002 highlighted problems over objectivity in the prosecutor general's office. The government has recognised that collusion between certain parts of the armed forces and the paramilitaries exists.

The Uribe government has stated it will take human rights seriously. We believe that it is genuinely committed to taking steps to address the human rights situation, and we will be supportive of its efforts to this end. Training for members of the armed forces in human rights and international humanitarian law has been stepped up. The President has referred on numerous occasions to his firm commitment to the respect for human rights by all agents of the state. In an address to the Diplomatic Corps in February 2003, he said he was determined to take steps to ensure that trades union activists, local government representatives and human rights defenders could conduct their business free from threats or intimidation. Colombian government spending on protection for these groups has been increased and, for the first time in many years, in December 2002 no murders of trades unionists occurred.

Although we believe that there is a sustained downward trend in such murders, we continue to press the Colombian government to do more for the protection of trade unionists and other vulnerable groups. A UN project, which has government support, will look at 100 of the most notorious human rights abuse cases and attempt to bring those responsible to trial.

The government's democratic security policy, which aims to re-establish state control throughout the country, has seen some success. Public support for the President and his policies remains high (80 per cent after 10 months in power according to one poll in July 2003).

A police presence is being established in over 150 municipalities, many of which have never had a police station before. The number of reported massacres has fallen by 36 per cent. Attacks on the oil pipelines taking production to the Caribbean coast for export have been drastically reduced, thanks to the introduction of special units set up to protect them. There were 41 such attacks in 2002, compared to 170 the previous year, and six in the first quarter of 2003. There has been criticism of the imposition and extension of the 'state of internal disturbance' which the government has used to impose military control in three key areas known as 'zones of rehabilitation and consolidation'; restrictions on movement and measures such as curfews, searches by the armed forces and mass investigations into civil society groups in these areas have been highlighted by civil society as infringing civil liberties. However in April 2003 the constitutional court suspended the extension of the state of internal disturbance. As a result the authorities had to lift several emergency measures, including military control over the zones of rehabilitation and consolidation. The Colombian government responded by saying it would resort to normal administrative tools to continue its fight against both the guerrilla and paramilitary groups. No journalist or human rights activist has been prevented from visiting the zones. The security situation remains grave in the zones and in other parts of the country (Antioquia, Putumayo, Sierra de Santa Marta) where the illegal armed groups are fighting for territorial control.

The Colombian government recognises that the solution to the conflict cannot be reached by military means alone. It has opened the door to negotiations with the illegal armed groups, conditional on their declaring a ceasefire. The majority of the component parts of the AUC declared a ceasefire in early December 2002, and acts of violence perpetrated by the paramilitaries have declined since then, though some groups still continue abuses and have refused to enter into negotiations with the Colombian government. Exploratory peace talks initiated by the Catholic Church and pursued by

the Colombian Peace Commission have drawn to a close with a move towards more formal negotiations in July 2003. The UK Government has made clear that there should be no general amnesty or pardon for paramilitary members who have committed criminal acts of violence. Neither the FARC nor ELN have yet responded positively to the Colombian government's offer of talks with them.

The UK Government wants to see an improvement in the human rights situation in Colombia. Additional resources have been allocated to the British Embassy in Bogota to extend coverage of the situation and to allow greater involvement in human rights project activity in the country. Monthly meetings between FCO staff in Bogota and London and their NGO counterparts have deepened their knowledge and understanding of the problems. Individual cases have been brought to the attention of the Colombian authorities following these meetings. Foreign Office Ministers responsible for relations with Latin America, Denis MacShane and his successor Bill Rammell, have continued the dialogue at a political level and have raised specific human rights concerns with the Colombian authorities at the highest level. Most recently Bill Rammell emphasised these concerns to President Uribe and his ministers during his visit to Colombia in May 2003. He also gave clear messages on the need for the Colombian government to tackle impunity and collusion with those who commit human rights abuses. Importantly he called for the Colombian government to make clear their support for the work of all sections of civil society, stressing that civil society was part of the solution to Colombia's problems. Human rights issues were also discussed with President Uribe during a pre-inaugural visit to London in July 2002.

With our EU partners and through our involvement with the United Nations system in Bogota, we are working to highlight key human rights problems and to bring them to the attention of the international community. We also aim to push for better co-ordination and targeting of international assistance to Colombia. The FCO hosted the London Meeting on International Support for Colombia in July 2003, which was a key step towards meeting this objective. Representatives of donor countries and organisations to Colombia attended, with a contribution from representatives from civil society groups (including human rights NGOs and trade unions). It addressed the enormous problems Colombia faces and explored what further ways the international community could help Colombia to tackle them. A London Declaration was issued following the meeting and is available on the FCO website: [www.fco.gov.uk](http://www.fco.gov.uk).

We have provided political and financial support to the work of the UN's human rights office in Bogota and to the Special Adviser to the UN Secretary-General on Colombia. The EU's

programme of assistance, to which the UK contributes, is worth €330 million over the period 2001-2006. The European Commission has granted €8 million through its Humanitarian Aid Office (ECHO) to help IDPs. At the CHR in April, the EU supported the chairperson's statement on the human rights situation in Colombia which reflected our concerns.

Our own programme of bilateral assistance to human rights projects has been increased. Our strategy is focused on addressing the key human rights problems: violence, displacement, women and child's rights, impunity and the guarantee of fundamental freedoms. Under our Human Rights Project Fund we are currently supporting initiatives to raise awareness in the armed forces of their role in prevention of displacement and protection of the rights of internally displaced people and to increase attention by public authorities to the rights of displaced women, adolescents and girls. We funded a joint Save the Children Fund and Colombian Institute of Family Welfare project that ended at the beginning of 2003. The project provided safehavens for former child combatants in Bogota and Villavicencio and included education and psychological support.

We have funded a programme designed by the Mentor Foundation to educate people about drugs and thereby reduce demand for them. We have also funded schemes to develop a substance misuse prevention programme in primary schools as well as community-based approaches to preventing substance misuse.

We are also supporting projects to train members of Colombian NGOs and government representatives, who work on international development co-operation, in the strengthening and implementing of a policy for humanitarian aid; for training in the promotion and protection of women's human rights in Colombia; to develop skills to identify, manage and reconcile problems that arise among communities in 15 areas of Colombia; and to help street children escape their negative environment by setting up a children's farm.