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Foreign Affairs Committee

Human Rights Annual Report 2006

Third Report of Session 2006–07

Report, together with formal minutes, oral and written evidence

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Foreign Affairs Committee

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Conclusions and recommendations

1. We welcome the Minister’s evident personal commitment to human rights. However, we conclude that the FCO’s human rights policy has to rely on more than the strong commitment of one Minister and we recommend that it should be made more explicit to all Ministers that work in support of human rights is to be fully integrated into the Government’s pursuit of the ten strategic foreign policy priorities. (Paragraph 11)

The International Framework

2. We recommend that in the 2007 annual report on human rights, the FCO include a substantial section on the work of the Human Rights Council, including an assessment of the extent to which its work is being hampered by particular states or by groups of states pursuing their own agenda, and an evaluation of how well member states are co-operating with the special procedures and with the universal periodic review process. We suggest that this section could include a table showing the voting records of each country on key resolutions. (Paragraph 19)

3. We recommend that in its response to this Report the Government explain what results on the ground have flowed from its leading role on the ‘protection of civilians agenda’ at the United Nations, and what steps it has taken to achieve effective implementation of the Responsibility to Protect. (Paragraph 23)

4. We recommend that the Government continue to give leadership on moves to create an Arms Trade Treaty and that it do its utmost to persuade the United States to support this. (Paragraph 28)

5. We welcome the decision by the Government to attend the Oslo meeting on cluster munitions—which was boycotted by Russia, the United States and Israel—and to sign the Oslo Declaration. We also welcome the Government’s announcement that it is withdrawing from service its ‘dumb’ cluster munitions immediately and its decision to press for a worldwide ban on such munitions. We recommend that the Government exert strong pressure on other countries to dispose of their ‘dumb’ cluster munitions immediately. We note that United Kingdom armed forces will retain some types of cluster munition. We recommend that in its response to this Report the Government clarify which cluster munition types are to be retained in service; for how long it is expected they will be retained; and whether the Government has any plans to work towards an early international agreement to ban all cluster munitions. We also recommend that a section on the impact on civilians of cluster munitions be included in the Annual Human Rights Report 2007. (Paragraph 38)

6. We conclude that the Government’s decision to halt the inquiry into the al Yamamah arms deal may have caused severe damage to the reputation of the United Kingdom in the fight against corruption. We recommend that in its response to this Report the Government set out what steps it has taken since that decision to
maintain momentum on international anti-corruption measures, and how it has responded to the OECD’s criticisms of the decision. (Paragraph 42)

**International Criminal Tribunals**

7. We conclude that the International Criminal Court is making good progress and we welcome the Government’s support for it. We agree with the Minister that there can be no amnesty for those indicted by the Court and we recommend that the Government maintain this policy. (Paragraph 47)

8. We recommend that, in its response to this Report, the Government make clear what requirements have been made of Bosnia-Herzegovina and Serbia under the NATO Partnership for Peace agreements and that it provide its assessment of whether these are being fulfilled. (Paragraph 53)

9. We welcome the Government’s constructive role in helping to bring Charles Taylor to justice. We recommend that the Government work with its international partners to ensure that Charles Taylor’s trial in The Hague remains accessible to the population in Sierra Leone. (Paragraph 56)

**Terrorism**

10. We recommend that the Government include a section exploring the ethical dilemmas on the use of evidence and information derived from torture in the Annual Human Rights Report 2007. (Paragraph 71)

11. We recommend that the Government ask the United States administration to confirm whether aircraft used in rendition operations have called at airfields in the United Kingdom or in the Overseas Territories en route to or from a rendition and that it make a clear statement of its policy on this practice. (Paragraph 80)

12. On February 1 the Committee wrote to the FCO requesting a copy of the Memorandum of Understanding between the United Kingdom and Iraq governing the transfer of individuals detained in Iraq by UK forces, as referred to in a Written Answer of 9 January (HC Deb, col 520W). We recommend that this Memorandum of Understanding is provided to the Committee forthwith. (Paragraph 85)

13. We conclude that since February 2006 there has been a further grave deterioration in respect for human rights in Iraq, in large part caused by the worsening security situation. We are concerned by allegations that some Iraqi ministers and ministries are involved in human rights abuses, and by the sharp rise in the number of executions and claims of unfair trials in Iraq, including the trial and execution of Saddam Hussein. We recommend that the Government redouble efforts to promote respect for the rule of law and for human rights in organs of the Iraqi state. (Paragraph 92)

14. We remain concerned by the lack of progress in achieving basic human rights in large sections of Afghan society and we recommend that in the Annual Human Rights Report 2007, the Government provide statistics on incidence of rape, honour killings and other abuses against women in Afghanistan. (Paragraph 98)
15. We recommend that in its response to this Report the Government set out how much compensation it has paid to civilian victims of British military operations in Afghanistan, to how many persons such payments have been made, and in what circumstances. We also recommend that the Government state what steps it has taken to remind its NATO allies of the need to pay compensation in appropriate cases. (Paragraph 103)

Other Countries of Concern

16. We conclude that there is growing cause for concern at the very serious abuses of human rights being perpetrated by the military junta in Burma. Although the Chinese and Russian vetoes of the recent UN Security Council resolution against Burma may have boosted the military junta in the short-term, we recommend that the Government maintain its efforts to raise the issue of Burma in the Security Council and in other organs of the United Nations. (Paragraph 109)

17. We conclude that the UK China Human Rights Dialogue is still failing to make substantive progress. We recommend that the Government consider introducing a timeframe for the completion of specific objectives, to increase the transparency of the success or otherwise of the Dialogue. (Paragraph 116)

18. We recommend that the Government apply pressure on Colombia to agree to a longer extension to the mandate of the Office of the UN High Commissioner for Human Rights (OHCHR) in Colombia and that it set out in its response to this Report the signs that the Colombian authorities are co-operating constructively with the Office. We further recommend that the Government make a full statement of its policy on Colombia’s Justice and Peace Law. (Paragraph 122)

19. We conclude that the recent Presidential election in the Democratic Republic of Congo presents an important opportunity to move on from the dreadful human rights abuses of recent years. We recommend that the Government use its position on the UN Security Council to ensure that the international peacekeeping mission in the Democratic Republic of Congo is maintained at its current strength until the security situation has stabilised. (Paragraph 126)

20. We conclude there is a danger that international preoccupation with Iran’s nuclear programme could overshadow concerns over the deteriorating human rights situation there. We recommend that the Government work with its international partners to maintain awareness of human rights abuses in Iran. (Paragraph 134)

21. We welcome the Government’s undertaking to provide a comprehensive account of the war in Lebanon in the Annual Human Rights Report 2007, and recommend that this should include details of the casualties on both sides, suffered both during the war, and, as a result of the accidental detonation of unexploded munitions, subsequently. (Paragraph 141)

22. We conclude that, although the major responsibility must lie with Hamas’ refusal to meet the Quartet’s demands, the Western and Israeli financial boycott of the Palestinian Authority has also contributed to the deterioration of the humanitarian situation in the Palestinian Territories. (Paragraph 150)
23. We conclude that, despite welcome improvements in women’s rights and legal reforms, the serious nature of human rights abuses in Pakistan and the importance of establishing a culture of human rights in the country mean that Pakistan warrants inclusion as a country of concern in the Annual Human Rights Report 2007. (Paragraph 154)

24. We recommend that the Government use its close relationship with Saudi Arabia, including through the “Two Kingdoms Dialogue,” to set measurable and time-limited targets for specific human rights objectives, in particular in the areas of women’s rights, the use of torture and the application of the death penalty. (Paragraph 164)

25. We recommend that, in its response to this Report, the Government comment on the current human rights situation in Somalia, including the impact on civilians of the recent US air-strikes against terrorist targets. (Paragraph 168)

26. We recommend that the Government continue to use all available forums to apply pressure on the Sudanese regime and its international allies to halt the atrocities in Darfur. We further recommend that the Government seek to ensure that the mandate of any UN force deployed in Darfur is not so watered down as a result of compromises with Sudan’s authorities as to render it ineffective. (Paragraph 173)

27. We recommend that the Government include more information on recent developments in the human rights situation in Thailand in the Annual Human Rights Report 2007. (Paragraph 175)

28. We recommend that if the Uzbek authorities fail to provide for an independent investigation into the Andizhan massacre or fail to make significant improvements in their respect for human rights, the Government should press for the EU to impose tougher sanctions against Uzbekistan. (Paragraph 179)

29. We conclude that the appalling human rights situation in Zimbabwe has deteriorated over the past year. We recommend that the Government continue strongly to urge South Africa to apply greater pressure on the Mugabe regime. We further recommend that, in its response to this Report, the Government set out what progress has been made on the issue of Zimbabwe at the UN Security Council. (Paragraph 187)
1 Introduction

The FCO’s Human Rights Report

1. There is a risk with any annual publication, even one dealing with the vitally important area of human rights, that it may become formulaic and lose its ‘edge’. It is a credit to a succession of officials and Ministers of the Foreign and Commonwealth Office (FCO) that, since 1998, they have produced a series of increasingly useful, well-written reports on human rights around the world which have gained the respect of non-governmental organisations and of this Committee.

2. Each year, we take evidence and produce our conclusions and recommendations on the latest of these reports. We are grateful to the individuals and organisations who submitted evidence to our inquiry into the 2006 annual human rights report, including the Minister of State at the Foreign and Commonwealth Office, Rt hon Ian McCartney MP.\(^1\) The comments which follow are based on the evidence we received.

3. The importance of the FCO’s annual human rights reports was summed up by Human Rights Watch, who wrote to us that:

   Every year the FCO’s report on human rights plays an important role in highlighting some of the worst human rights abuses in the world. This is an important exercise for two reasons. Firstly, by publishing these annual reports, the FCO helps to expose the behaviour of human rights abusing states and this exposure can serve to shame abusers into changing that behaviour.

   Second, these annual reports help to underline the need for the UK and its international partners to be honest with themselves in dealing with abusive governments around the world. British diplomats can and do still argue that engaging the governments of countries like China, Russia or Pakistan may be important to the national interest, despite their poor human rights record. But they cannot deny the abusive nature of those states if the FCO’s own human rights report states otherwise.

   As in previous years, the 2006 FCO report contains much useful and factually accurate material. Human Rights Watch welcomes the FCO’s stated commitment to upholding human rights and the rule of law. We also welcome the government’s operationalisation of that commitment through the programme of human rights work outlined in this report.\(^2\)

4. Similarly, Amnesty International described this year’s Report as:

   a comprehensive report providing a thorough overview, on the whole, of the work that the government has been doing to protect and promote human rights worldwide. As we have said in previous years, it remains important for the

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\(^1\) See list on page 58

\(^2\) Ev 26
government to take the opportunity of the publication of the report to present its activities in depth and breadth and to explain its position in a competent and coherent manner. Thus, it contributes to a greater understanding of the government’s work in this field and is an essential document for keeping the UK public informed of government policy.3

5. We agree with these assessments. The FCO’s annual human rights report makes a valuable contribution to the transparency and visibility of the Government’s work in this most important area.

‘Active Diplomacy in a Changing World’

6. The FCO published the White Paper *Active Diplomacy for a Changing World* in March 2006. The White Paper lists ten strategic priorities for the United Kingdom. The promotion of human rights is not a stand-alone strategic priority, but it is included as follows:

promoting sustainable development and poverty reduction underpinned by human rights, democracy, good governance and protection of the environment.4

7. In its written evidence, Amnesty International questioned the FCO’s rationale for subsuming human rights under sustainable development. It also noted that “very little reference is made to human rights” in the White Paper, and that there was no reference to the ‘mainstreaming’ of human rights in the document. Further, the new Secretary of State’s first speech on the subject “was some three months after taking office. We remain troubled by this apparent side-lining of human rights.”5

8. The formal title of the Minister of State, Ian McCartney, is Minister for Trade in the FCO and DTI, but he also has responsibilities for human rights in the FCO. We noted in our last report on this subject that “the Minister of State … has two seemingly contradictory roles … it is inevitable that these two roles will sometimes stand in sharp contradiction.”6 In its response, the Government disagreed, stating that,

there is no trade-off between a robust policy on human rights and promotion of trade. It is not the case that any commercial relationship stops the Government from speaking frankly on issues of concern.7

The Government also said it was “very logical” to have a minister responsible for both trade and human rights because of its work on Corporate Social Responsibility (CSR) and fighting corruption. This appears somewhat to overstate the peripheral role CSR plays in the Government’s human rights work.

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3 Ev 1, para 2
5 Ev 2, para 9
9. We pursued the contradiction between the Minister’s roles when he replied to the Westminster Hall debate on the Committee’s Report last year. Mr McCartney said then that

one cannot have a dialogue on human rights unless there are other aspects about which a country is prepared to talk, whether they be joint interests or their own interests... As a Minister, having the capacity to operate across those disciplines is more helpful than the Select Committee seemed to think.8

10. In evidence to this year’s inquiry, Mr McCartney told us that,

Human rights are a fundamental, essential core priority for the Department, not only because of the issues that you have raised but in all the work of the Foreign Office both on its own and jointly across Whitehall. Human rights are a thread through all of it. I am the Minister designated for human rights, but the truth is that every Minister in the Government has responsibility in their role to pursue, advocate and be an ambassador for our human rights agenda. In our Foreign Office network that agenda is a priority for all staff in post, and in addition it has always been a priority for ourselves. We work in partnership to promote human rights in every aspect of our service.9

The Minister also told us that he consults NGOs and other groups before his overseas visits, to discuss with them which human rights issues he will raise.

11. We welcome the Minister’s evident personal commitment to human rights. However, we conclude that the FCO’s human rights policy has to rely on more than the strong commitment of one Minister and we recommend that it should be made more explicit to all Ministers that work in support of human rights is to be fully integrated into the Government’s pursuit of the ten strategic foreign policy priorities.

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8 HC Deb, 15 June 2006, col 348WH
9 Q 54
2 The International Framework

The UN Human Rights Council

12. In our Report on the FCO’s 2005 human rights report, we welcomed moves to replace the discredited United Nations Commission for Human Rights with a UN Human Rights Council (HRC).10 We agreed with the many Western states and NGOs who felt the Commission for Human Rights had been too soft on countries accused of serious human rights violations. The General Assembly established the new and much anticipated Council in March 2006. The FCO Human Rights Annual Report argues “the HRC represents a fresh start. It is an opportunity for the UN to adopt a new approach to human rights, and to develop more effective tools for dealing with today’s human rights challenges.”11

13. Responding to a request for more detail on how the Council is working out in practice, the FCO told us that,

   Overall, there have been both constructive and disappointing developments so far. There is much work still to do for the Council fully to realise its potential.

   …

   The Council has been hampered in its early stages by a lack of clarity at its regular sessions over the organisation and direction of the sessions’ work. For example, the late tabling in the second session of over 47 individual resolution texts made it impossible for the session to finish its work within the allotted timeframe. To some extent this effect is inevitable, as the Council seeks to move beyond the precedents and practices of its predecessor body.

   However, more problematic, and damaging to the Council’s early work and credibility, has been the questionable commitment of some of its members to the successful fulfilment of its mandate. After much early talk of the need to “depoliticise” UN human rights work and increase dialogue, some regional blocs have pushed through their own agendas at the expense of others’. This led to a disproportionate and unbalanced focus on the situation in the Middle East in July–August. Three Special Sessions were called on this in four months. It is important for the Council’s credibility to discuss these issues. But it must show it can address situations and issues with equal focus across its mandate and across the world. We also want to see those discussions held transparently, constructively, and in a balanced manner.12

14. The HRC is stronger than the Commission for Human Rights in a number of ways. Candidates for the HRC require a majority of votes from all UN members to be elected and are expected to enter into voluntary commitments to protect human rights. The HRC will also implement a new universal periodic review mechanism to examine each state’s human

12 Ev 58
15. A number of concerns have been raised regarding the HRC. The United States was one of a handful of states to vote against the Council in the General Assembly. It then refused to stand for election to the Council, although it pledged to continue to fund it. Explaining his country’s vote against the resolution establishing the HRC, the then Ambassador John Bolton said the US was seeking stronger commitments for establishing “credible membership” of the Council (i.e. not allowing human rights abusers to be elected). The US may feel its concerns have been vindicated with the election to the Council of Cuba, Saudi Arabia and China. However, Iran was defeated and Zimbabwe and Sudan did not submit their candidacy.

16. In November 2006, Human Rights Watch strongly criticised the performance of the HRC, noting that it “failed to take concrete action or even to condemn serious human rights abuses in places like Darfur, Burma, Uzbekistan or Colombia.” Amnesty International has voiced concern at “too many vestiges of practices that were responsible for discrediting the Commission on Human Rights” in the HRC’s meetings so far. The FCO Human Rights Report criticises “unhelpfully unbalanced” resolutions tabled by the Organisation of the Islamic Conference (OIC) on religious defamation and on the Palestinian Territories. These were passed by the HRC despite British opposition. Along with other EU states, the United Kingdom also voted against similar resolutions on Lebanon, although again, it could not stop their adoption.

17. Giving evidence in January, Tom Porteous from Human Rights Watch raised concern at the role of the OIC. He said “the UK should be working more proactively with its EU partners… to break the OIC’s bloc voting patterns.” The FCO told us it is “working with EU partners to increase the effectiveness of our interventions in the Council’s debate and
work.” The FCO’s written evidence includes a lengthy and detailed section on the human rights activity of the UK in the various institutions of the United Nations.

18. We repeat our welcome for the establishment of the UN Human Rights Council and our hope that it will avoid the shortcomings of its predecessor organisation. Foremost among its early challenges is the need to achieve balance in its resolutions on the basis of universal values. A robust process of periodic review and support for the work of the ‘special procedures’ mechanisms through which the Council conducts much of its work will be essential to success in this regard.

19. We recommend that in the 2007 annual report on human rights, the FCO include a substantial section on the work of the Human Rights Council, including an assessment of the extent to which its work is being hampered by particular states or by groups of states pursuing their own agenda, and an evaluation of how well member states are cooperating with the special procedures and with the universal periodic review process. We suggest that this section could include a table showing the voting records of each country on key resolutions.

The ‘Responsibility to Protect’

20. The September 2005 UN World Summit made a historic commitment to the ‘Responsibility to Protect.’ Member states acknowledged their collective responsibility to protect populations at risk of genocide, ethnic cleansing, war crimes and other crimes against humanity from their own, or other, states. The declaration stated that the UN Security Council could, if appropriate, authorise military action to protect civilians from these crimes. The Security Council reaffirmed this commitment when adopting Resolution 1674 on the Protection of Civilians in Armed Conflict in April 2006. However, human rights organisations have highlighted the disparity between the words and actions of UN member states. For instance, Human Rights Watch, in a letter to incoming UN Secretary-General Ban Ki-moon, argued that “the UN’s apparent impotence in the face of the terrible international crimes” in places like Darfur “raise concerns that the commitment to protect people facing such atrocities is mere rhetoric.”

21. Notwithstanding this, the FCO is very positive about the Responsibility to Protect.

The UK was the main sponsor of Security Council Resolution 1674 on the Protection of Civilians in Armed Conflict. The resolution was adopted in April 2006, and reaffirmed the concept of the Responsibility to Protect as outlined in the 2005 World Summit Outcome Document. Responsibility to Protect was also included in Resolution 1706, adopted by the Security Council on 31 August on the situation in Sudan/Darfur.

The UK also leads on the wider protection of civilians agenda in the Council. We participated fully in the Security Council’s open debates on this on 28 June and 4

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21 Ev 58
22 Ev 67
23 The relevant passages of the Outcome Document are available at www.responsibilitytoprotect.org
24 The letter is available at: www.hrw.org
December 2006. Those debates covered: the importance of the rule of law and respect for international humanitarian law, human rights law and the Geneva Conventions; the need for an end to impunity and the role of the International Criminal Court in achieving this; the extent and gravity of sexual and gender-based violence; the importance of unimpeded humanitarian access where it is needed; and concern about the increasing number of internally displaced persons. Sudan featured heavily in both debates. Where appropriate, we have also raised protection concerns in the Council’s consideration of country-specific issues (for example Northern Uganda, and Chad).25

22. We welcome the leading role adopted by the Government in the Security Council’s work on the Responsibility to Protect and we support the commitment made by the United Nations to protect civilians from genocide and other war crimes. But as the example of Darfur suggests, it remains to be seen whether this responsibility will be lived up to.

23. **We recommend that in its response to this Report the Government explain what results on the ground have flowed from its leading role on the ‘protection of civilians agenda’ at the United Nations, and what steps it has taken to achieve effective implementation of the Responsibility to Protect.**

**The Arms Trade Treaty**

24. The FCO Report highlights the work done by the Government to secure an Arms Trade Treaty (ATT), which would bring better international regulation of the trade in conventional arms. Establishing the treaty is a “global priority” for the United Kingdom.26 Throughout the campaign for the ATT, the Government has been keen to promote its cooperation with organisations such as Amnesty and Oxfam. In our Report on the 2005 human rights report, we commended the Government for its support of the ATT.27

25. In the same month as the publication of the FCO Report, the UN General Assembly voted to start work on the ATT. More than a hundred countries sponsored the resolution, and 153 countries voted in favour. The only country to vote against the resolution was the United States.28 The Foreign Office has said the US opposed the treaty because it believes it already has good export controls in place and does not see added value from it.29

26. Outlining a projection of future work on the ATT, FCO Minister of State Dr Kim Howells MP said “the UN Secretary General will seek views from member states, and then a Group of Governmental Experts will meet in 2008 to examine the feasibility, scope and draft parameters of a treaty.”30 The Secretary-General has set a deadline for this exercise of 30 April 2007.

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25 Ev 64
28 The key text of the resolution is available on the FCO website, www.fco.gov.uk
29 “Britain to defy US over UN resolution on arms trade”, *The Guardian*, 20 October 2006
27. We asked Ian McCartney for his assessment of how damaging US opposition is to the main aim of securing a strong treaty:

Having moved on since December, we want to see a real difference, in terms of irresponsible arms sales, so we want an agreement to come out of the 30 April deadline. There will still be countries—the United States and others—that oppose that. However, we have a clear intellectual, political, moral argument to put—after all, we eventually won the argument on land mines. These issues are not easy to resolve; it will take some time. However, the fact [is] that we have given leadership on the issue and are prepared to stick at it …

28. We welcome the Minister’s close interest in securing progress on the Arms Trade Treaty and his preparedness to take a different line from that pursued by the United States. In particular, we appreciate the Minister’s willingness to engage with Parliament and with other interested parties on developing the United Kingdom’s position. **We recommend that the Government continue to give leadership on moves to create an Arms Trade Treaty and that it do its utmost to persuade the United States to support this.**

**Cluster Munitions**

29. The Ministry of Defence defines cluster munitions as follows:

A cluster munition is an air-carried or ground-launched dispenser, containing numerous sub-munitions, which is designed to eject those sub-munitions over a pre-defined target area. Cluster munitions are not the same as anti-personnel landmines and are not covered by any weapon-specific conventions, including the Ottawa convention.

Handicap International, a charity dealing with those maimed by battlefield munitions, gives some further detail:

- Cluster bombs carry up to 200 bomblets, each the size of a soft drink can.
- The submunitions are designed to explode on impact, which differentiates them from antipersonnel mines, which are designed to be activated by the victim.
- However, when cluster bombs fail to explode as expected, they remain hazardous and will explode when touched or disturbed.

30. The *Financial Times* reported in November 2006 that a publication by Handicap International found that 98% of the victims of cluster munitions were civilians. It documented more than 11,000 deaths and injuries over the past 30 years, although because of under-reporting in high-use areas such as Afghanistan and Chechnya, it estimated the true figure as around 100,000.

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31 Q 58
32 HC Deb, 23 November 2006, col 801
33 See www.handicap-international.org.uk
34 “Civilians hit most by cluster bombs”, *Financial Times*, 3 November 2006
31. In late January 2007, the US State Department criticised Israel for misusing American-made cluster bombs in the Lebanon war. A preliminary classified report has been sent to Congress to decide whether it wishes to pursue the matter.35

32. The Secretary of State for International Development, Rt hon Hilary Benn MP, wrote to the Foreign and Defence Secretaries in November. The letter was leaked to the press. He argued that,

the high failure rate of many cluster munitions, and the failure of many militaries around the world to use these munitions in a targeted way means that cluster munitions have a very serious humanitarian impact, pushing at the boundaries of international humanitarian law. It is difficult then to see how we can hold so prominent a position against land mines, yet somehow continue to advocate that use of cluster munitions is acceptable.36

Mr Benn suggested that cluster bombs are “essentially equivalent to landmines”, which are banned under the 1999 Ottawa Treaty. Newspapers reported that the FCO and MOD opposed Mr Benn’s view.

33. In January, Tom Porteous of Human Rights Watch told us that the United Kingdom was “blocking” a treaty to ban cluster munitions. Mr Porteous argued that “cluster munitions endanger civilians” even after a conflict has ended (e.g. through unexploded bomblets in Lebanon) and therefore “they cannot be justified under the rules of war” and should be banned. He said that Norway would be inviting states to develop a new treaty along the same lines as the landmine ban treaty. He noted that the United Kingdom and other countries such as China, Russia and the United States were not supporting Norway’s proposals as “they want to see discussions over cluster munitions taking place within the convention on conventional weapons. This is basically a way of making sure it does not happen—at least not any time soon.”37

34. As recently as 25 January, the Foreign Secretary confirmed that the United Kingdom’s work to phase out cluster munitions was taking place within the framework of the convention on conventional weapons.38 However, in what has been seen as a surprising change of policy, the Government swung behind the Norwegian proposal and signed a strongly worded declaration at the end of a meeting of 49 states in Oslo in February 2007.39 The Oslo Declaration sets out a “legally binding” process for banning indiscriminate, or ‘dumb’, cluster munitions.40

Recognising the grave consequences caused by the use of cluster munitions and the need for immediate action, states commit themselves to:

1. Conclude by 2008 a legally binding international instrument that will:

35 “Israel may have misused cluster bombs in Lebanon, U.S. says”, International Herald Tribune, 30 January 2007
36 “Cabinet Minister calls for ban on cluster bombs”, The Guardian, 6 November 2006
37 Q 2
38 25 January 2007, Column 1947W
40 See HC Deb, 7 March 2007, col 2011W
(i) prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and

(ii) establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk education and destruction of stockpiles of prohibited cluster munitions.

2. Consider taking steps at the national level to address these problems.

3. Continue to address the humanitarian challenges posed by cluster munitions within the framework of international humanitarian law and in all relevant fora.

4. Meet again to continue their work, including in Lima in May/June and Vienna in November/December 2007, and in Dublin in early 2008, and welcome the announcement of Belgium to organise a regional meeting.41

35. The Oslo Declaration’s reference to “cluster munitions that cause unacceptable harm to civilians” has been taken to refer to ‘dumb’ cluster munitions. This raises the question, how to define such munitions. During his recent appearance before the Quadripartite Committee on Strategic Arms Export Controls, DfID Minister Gareth Thomas MP said “we still have to reach a more detailed definition with allies in the Oslo process.”42 This was a disappointing statement, suggesting that the Government has no working definition of the term ‘dumb cluster munitions.’ The Quadripartite Committee therefore returned to this question on 15 March, when the Foreign Secretary appeared before it. She told the Committee that there are some [cluster munitions] which have perhaps a greater capacity to be used in a more targeted way, or which lose their capacity perhaps after time to inflict that kind of injury [unacceptable harm to civilians], and others which do not, which having been dropped just stay there as a potential lethal weapon under all circumstances …43

36. Events moved quickly. On 20th March, the Defence Secretary told the House that “we are withdrawing dumb cluster munitions from service with immediate effect.”44 However, British forces will retain other cluster munitions, which protect civilians from unacceptable harm “through inbuilt self-destructing or self-deactivating mechanisms.” Mr Browne continued:

At the moment, our inventory includes two dumb cluster munitions: the RBL 755 aerial delivered cluster munition, and the multi launch rocket system M26 munition. Both will be withdrawn from service immediately and disposed of. Although withdrawing them represents a theoretical risk to our operational effectiveness, until

41 See www.norway.org.et/policy/cluster/Declaration+on+Cluster+Munitions.htm
42 Oral evidence taken before the Quadripartite Committee on 1 March 2007, HC 117–ii, Q 79
43 Ibid, Q 235
44 HC Deb, 20 March 2007, col 37WS
their direct replacement is in service, there is no current plan to deploy them on operations. I have decided that this is an acceptable risk.

The types of cluster munitions we intend to retain are legitimate weapons with significant military value which, as a result of mitigating features, is not outweighed by humanitarian factors. As with all weapons, our forces’ use of them will remain regulated by rules of engagement and internal scrutiny procedures designed to adhere to international law and reflect humanitarian values.

37. We observe that the test of whether a munition causes “unacceptable harm to civilians” is not only the weapon’s capability, but how it is used. Any bomb dropped on a civilian target may cause unacceptable harm. FCO Minister Ian McCartney appeared to take this line when he told us that “The difference between dumb cluster munitions and those that are not so dumb is something that is lost on their victims. That is not my mandate to say that, but it is true.” Greatly welcome though the Government’s decision to dispose of its own ‘dumb’ cluster munitions and to press for an international ban on such munitions is, we note that it has made no commitment to press for a ban on all cluster munitions.

38. We welcome the decision by the Government to attend the Oslo meeting on cluster munitions—which was boycotted by Russia, the United States and Israel—and to sign the Oslo Declaration. We also welcome the Government’s announcement that it is withdrawing from service its ‘dumb’ cluster munitions immediately and its decision to press for a worldwide ban on such munitions. We recommend that the Government exert strong pressure on other countries to dispose of their ‘dumb’ cluster munitions immediately. We note that United Kingdom armed forces will retain some types of cluster munition. We recommend that in its response to this Report the Government clarify which cluster munition types are to be retained in service; for how long it is expected they will be retained; and whether the Government has any plans to work towards an early international agreement to ban all cluster munitions. We also recommend that a section on the impact on civilians of cluster munitions be included in the Annual Human Rights Report 2007.

Corruption

39. In our last Report on human rights, we called on the Government to “broaden international support for instruments, like the UN Convention against Corruption, which enshrine ethical standards for business at an international level.” The FCO replied that:

Through the Gleneagles G8 Summit the Government raised the profile of the Convention Against Corruption (UNCAC) and sped up its implementation. At the summit the G8 countries made an explicit commitment to ratify and promulgate UNCAC. The Government has since led by example and ratified the convention on 9 February 2006. We are lobbying other governments to do likewise.
Although the Government claimed to be ‘leading by example’, the decision on 14 December 2006 to call off the Serious Fraud Office’s investigation into allegations of corruption in relation to the 1980s Al Yamamah (‘dove of peace’) arms sales contract with Saudi Arabia on public interest grounds and because of “the need to safeguard national and international security” has attracted strong criticism.48

40. Amnesty International provided us with strong comment on this decision, suggesting that it,

risks reversing the progress made in recent years by the 36 signatories to the OECD Anti-bribery Convention to raise standards and level the playing field in international business transactions.49

Amnesty continued:

[The decision] also threatens the implementation of the more recent United Nations Convention against Corruption (UNCAC), which requires all parties, including the new trading powers of China and India, to investigate and prosecute companies that pay bribes overseas. Amnesty International urges the UK government to re-open the investigation into BAE Systems plc.

Similarly, Human Rights Watch told us,

The decision to drop the SFO’s investigation sends a very negative message with respect to the UK’s commitment to promote better governance and more transparent standards of accountability.50

41. The OECD itself discussed the Government’s decision in its working group on bribery in January 2007 and recorded its “serious concerns as to whether the decision was consistent with the OECD Anti-Bribery Convention.”51 In March, the working group met again and issued the following statement:

At its March 2007 meeting, the OECD Working Group on Bribery reaffirmed its serious concerns about the United Kingdom’s discontinuance of the BAE Al Yamamah investigation and outlined continued shortcomings in UK Anti-Bribery legislation. It urged the UK to remedy these shortcomings as quickly as possible and decided to conduct a further examination of the UK’s efforts to fight bribery.52

In a written statement to the House on 20 March, Ian McCartney announced the Government had made a report to the OECD on the United Kingdom’s progress with implementing the Anti-bribery Convention.53 The Minister said the report “confirmed the

48 HL Deb, 14 December 2006, col 1712
49 Ev 51
50 Ev 55, para 4
51 “OECD Secretary-General stresses governments’ role in anti-corruption drive”, 18 January 2007, available at www.oecd.org
52 “OECD to conduct a further examination of UK efforts against bribery”, 14 March 2007, available at www.oecd.org
53 HC Deb, 20 March 2007, cols 39WS–41WS
Serious Fraud Office (SFO)’s lead role in handling foreign bribery allegations” but he made no mention of the al Yamamah affair.

42. We conclude that the Government’s decision to halt the inquiry into the al Yamamah arms deal may have caused severe damage to the reputation of the United Kingdom in the fight against corruption. We recommend that in its response to this Report the Government set out what steps it has taken since that decision to maintain momentum on international anti-corruption measures, and how it has responded to the OECD’s criticisms of the decision.
3 International Criminal Tribunals

The International Criminal Court

43. The United Kingdom has maintained its strong support of the International Criminal Court (ICC), both in terms of funding and non-financial assistance. In 2006, of the total ICC budget of £59.6 million, the UK contributed 11.2%. During its EU Presidency in 2005, the Government carried out 36 different lobbying exercises with the aim of convincing more states to sign up to the Rome Statute. The FCO Report confirms: “With our partners we will continue to lobby for ratification of the ICC statute, while working in cooperation with all states to pursue the common goal of an end to impunity for the perpetrators of genocide, crimes against humanity and war crimes.”

Further UK contributions have included sponsorship of regional seminars in Surinam and Amman, the co-funding of a course for legal professionals from the Asia-Pacific region and the co-sponsorship of training for counsel at the ICC.

44. The FCO Report discusses the major developments at the ICC:

- The delivery of the prosecutor’s third report of the investigation into Darfur in June 2006;
- The arrest and transfer to The Hague in March 2006 of Thomas Lubanga Dyilo, who will be the first person to face trial before the court when it begins later this year;
- The consideration by the prosecutor of the third referral from the Central African Republic and the decision not to investigate the situations in Iraq and Venezuela;
- An increase to 104 States Parties but with the recognition that there is a need to increase the ICC’s geographical presence. With only one Arab signatory (Jordan) its presence is notably weak amongst Arab states.

45. As we noted in our Report on the 2005 human rights report, the USA continues to oppose the ICC. The FCO states that this is because of US concerns over what it calls “politically motivated ‘nuisance’ cases”. However, progress has been made on its role in the broader international justice architecture. Commenting on the referral of the Darfur conflict to the ICC, Amnesty International told us it was a “major achievement” that the USA’s veto in the UN Security Council was not used. Human Rights Watch, in the same session, supported this optimism, saying “the US has come on board with respect to the ICC’s work in Sudan, now that it has seen that it can be useful in addressing this crucial issue of impunity.”

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55 Ibid, p 221
58 Q 4
59 Q 4
46. The ICC has made important strides over the past year towards becoming fully operational. In addition to the points outlined above it has also adopted regulations for the Victims’ Trust Fund and has held elections to replace six of its 18 judges who were nearing the end of their teams. Despite such progress however, a critical challenge faces the ICC, one which has been neatly summarised by the situation in Uganda. Joseph Kony, the leader of the Lord’s Resistance Army (LRA) has approached the Ugandan government with an offer of a peace settlement which is conditional on the ICC dropping its charges against him and other LRA rebels, despite their involvement in a litany of crimes against humanity. On this subject, the Committee was encouraged to hear from Ian McCartney the strong statement that, “you cannot offer impunity to a group of individuals who have carried out mass murder, rape, violence of all sorts.” He went on to back this up with a broader point that “if there was impunity in those cases it would simply send the signal that you can disengage from conflict for a short period, have the cases dropped and return to conflict if you do not get what you want.”

47. We conclude that the International Criminal Court is making good progress and we welcome the Government’s support for it. We agree with the Minister that there can be no amnesty for those indicted by the Court and we recommend that the Government maintain this policy.

The International Criminal Tribunal for the former Yugoslavia

48. The FCO Report outlines the United Kingdom’s contribution to the ICTY, which includes the provision of documentary and eye-witness material in addition to financial support. Furthermore, the United Kingdom is one of the main sources of funding for initiatives which complement the work of the tribunal and has a sentence enforcement agreement with the ICTY. The ICTY has made steady progress this year having by June 2006 completed proceedings against 94 individuals, 47 of whom have been found guilty and sentenced. In April 2006, it began the first of three multi-accused trials which it is confident will lead to major efficiency gains.

49. In March 2006, former Yugoslav president Slobodan Milosevic died of natural causes while still in custody, an event which has led some to doubt the effectiveness of the ICTY with accusations that it offered too many opportunities for the former leader to use his trial to grandstand. Although no sentence was passed, Human Rights Watch do not doubt that the ICTY is bringing justice for victims in the ravaged Balkans: “Nevertheless, he died in prison.”

50. The death of Slobodan Milosevic makes the capture and trial of Bosnian Serb leader Radovan Karadzic and of Serb General Ratko Mladic even more urgent. The former is believed to be in hiding in Republica Srpska and the latter in Serbia. However, the timetable that has been laid down by the ICTY suggests that the tribunal will ‘wind down’ in 2010, raising fears that the fugitives merely need to remain in hiding before walking free. Amnesty International were direct on this point and said “the tribunal needs to remain

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60 Q 62
62 Q 8
effective in some form until Karadzic and Mladic are brought to account.”\textsuperscript{63} Ian McCartney added “there can be no timelines for crimes against humanity.”\textsuperscript{64}

51. Indeed, Amnesty International went on to point out that capturing these two high profile figures would have wider implications for the region, especially in light of the Ahtisaari proposals for Kosovo: “In establishing effective approaches to justice in the countries of the former Yugoslavia, it has to be seen that such people are brought to account and that good and effective justice systems can be set up in the aftermath.”\textsuperscript{65} In addition, Amnesty was not persuaded by the case for passing lower profile cases to domestic courts in the states of the former Yugoslavia, citing a lack of political will and legal capacity as barriers to an effective judicial process.

52. Concerns that the UN Security Council is keen to stick to the 2010 deadline have led to growing frustration that Serbia and Bosnia-Herzegovina are not doing all they can to find Karadzic and Mladic and release them to the ICTY. Amnesty International explained that when the EU put pressure on Croatia, linking the release of wanted persons hiding on Croatian soil to any future EU accession, it “improved the way that it was handling them.” Amnesty continued, “pressure must be exerted on Serbia.”\textsuperscript{66} We were therefore encouraged to hear from Ian McCartney that both Serbia and Bosnia-Herzegovina have been put in a similar position:

They want to have a normalised relationship with Europe, and when NATO made the decision to agree with them a Partnership for Peace, that came with the strong obligation for them to co-operate to put those two people in front of the Tribunal.\textsuperscript{67}

53. \textbf{We recommend that, in its response to this Report, the Government make clear what requirements have been made of Bosnia-Herzegovina and Serbia under the NATO Partnership for Peace agreements and that it provide its assessment of whether these are being fulfilled.}

\textbf{The Special Court for Sierra Leone}

54. The Special Court for Sierra Leone (SCSL) has made good progress this year, most notably with the transfer of Charles Taylor from Nigeria to The Hague to face trial. The former Liberian president is accused of funding and arming Revolutionary United Front (RUF) rebels who were infamous for recruiting, drugging and arming child soldiers during the Sierra Leonean conflict. The FCO Report explains that the United Kingdom played a critical role in this operation, most notably by putting pressure on President Obasanjo of Nigeria, who had been harbouring Charles Taylor. In offering to try the former Liberian president, the Netherlands requested that any consequent sentence be served elsewhere and the United Kingdom has offered to fulfil this demand. The trial is expected to commence in June.\textsuperscript{68} A sense of genuine optimism surrounds this capture, as Ian

\textsuperscript{63} Q 7
\textsuperscript{64} Q 63
\textsuperscript{65} Q 10
\textsuperscript{66} Q 15
\textsuperscript{67} Q 64
\textsuperscript{68} Foreign and Commonwealth Office, \textit{Human Rights Annual Report 2006}, Cm 6916, October 2006, p 223
McCartney outlined: “the international community delivered a major advance in combating impunity against those accused of war crimes, crimes against humanity and genocide.”

55. The SCSL goes further than bringing justice to the perpetrators of horrendous crimes during the 1990s conflict, as Amnesty International explained: “you see the tremendous impact that it has had and the great legacy that it will leave in the Sierra Leone justice system.” However, due to major security concerns it has proved impossible to house the trial of Charles Taylor in Freetown, therefore disconnecting the Sierra Leonean population from the process and its developments. Despite expressing understanding of the security concerns, Human Rights Watch did make it clear that they “have concerns about the fact that the trial of Charles Taylor is now going to take place so far from the region…it is very important that these cases should actually have relevance to the communities where the abuses were committed.”

56. We welcome the Government’s constructive role in helping to bring Charles Taylor to justice. We recommend that the Government work with its international partners to ensure that Charles Taylor’s trial in The Hague remains accessible to the population in Sierra Leone.

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69 Ev 51

70 Q 11

71 Q 13
4 Terrorism

Diplomatic assurances

57. The Government has signed Memoranda of Understanding (MOU) governing the deportation of individuals to Jordan, Libya and Lebanon as part of its counter-terrorism policy. Through an exchange of letters it has also put in place similar, but less codified arrangements with Algeria. Under the MOUs, individuals in the United Kingdom may be deported to these countries if the Government believes they present a national security threat and there is insufficient evidence to bring a successful criminal prosecution in the courts. The Report asserts that “the MOUs take full account of our international human rights obligations and that the Government “will not deport an individual where there are substantial grounds for believing they are at real risk of torture.”72

58. The FCO Report emphasises that “torture has no place in the 21st century. It is one of the most abhorrent violations of human rights and human dignity. Its prohibition is absolute.”73 Yet Manfred Nowak, the UN’s special rapporteur on torture, has said that “the plan of the United Kingdom to request diplomatic assurances for the purpose of expelling persons in spite of a risk of torture reflects a tendency in Europe to circumvent” international obligations.74

59. Along similar lines, article 3 of the European Convention on Human Rights states that “no one shall be subjected to torture or to inhuman or degrading treatment.” In 1996, the European Court of Human Rights (ECtHR) ruled in Chahal v. UK that, when assessing whether the deportation of an individual who may pose a terrorist threat would breach article 3, states cannot take national security concerns into account.75

60. The Government has since intervened to support The Netherlands in the case of Ramzy v. The Netherlands, a case concerning the deportation of an individual to Algeria which is currently before the ECtHR. The Government is arguing that there should be some balancing test between the risk of torture and the risk to national security in deportation cases.76 Again, the Government’s position has been strongly criticised by both Human Rights Watch and Amnesty International as an attempt to water down the laws on torture.77 Our colleagues on the Joint Committee on Human Rights have similarly registered their strong concerns.78

61. In evidence to us, both Amnesty International and Human Rights Watch were critical of MOUs. Kate Allen from Amnesty said that “doing deals over individuals was

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72 Foreign and Commonwealth Office, Human Rights Annual Report 2006, Cm 6916, October 2006, p 180
73 Ibid, p 189
74 “Ministers accused of sidestepping torture ban”, The Guardian, 2 November 2006
75 Joint Committee on Human Rights, Nineteenth Report of session 2005–06, The UN Convention Against Torture (UNCAT), HC 185/HC 701, paras 126–131
78 Joint Committee on Human Rights, Nineteenth Report of session 2005–06, The UN Convention Against Torture (UNCAT), HC 185/HC 701, paras 126–131
undermining the work of bona fide NGOs. The Government is depending on these NGOs to carry out the independent monitoring of the treatment of those deported, but Ms Allen said that they “will not go anywhere near the job. In Libya, the NGO that has signed up to do it is called the Gaddafi foundation, which I think gives an indication of how independent from the Government it is.”

62. Ian McCartney defended the Government’s policy on MOUs when he appeared before us:

> Our policy is absolutely consistent with our values and our obligations. It not only ensures that we meet our international obligations, it provides a platform for engagement, which is important for capacity-building work on human rights issues. The policy cannot be seen on its own. It is not about watering down our values; it is about trying to ensure the best guarantee of our own security, while at the same time being able to engage with countries about certainty on human rights and values.

He went on to say that “The balance must be one where we deport people with assurances, but where the assurances are worth the paper that they are written on.” We are grateful to the Minister for subsequently providing us with a full description of the arrangements in place with Algeria, Jordan, Lebanon and Libya.

63. As we noted above, the agreement with Algeria rests on an exchange of letters and is therefore less formal than those based on memoranda of understanding. The key difference in the case of Algeria is that there is no monitoring body to oversee the treatment of those returned. Considerable concern has been expressed about the fate of those sent from the United Kingdom to Algeria under this arrangement.

64. In late January, the British government deported two Algerian men to Algeria. They are known as “Q” and “K” and had previously been held as terror suspects in the UK. They were arrested by the DRS Algerian Security Services upon their return. Amnesty International wrote on 29 January that “both men appear to have been taken to a military barracks in central Algiers, part of which is used as a secret detention centre.” Amnesty’s UK Director, Kate Allen, has said that “People are still being held in secret and tortured by Algeria’s feared military police, the DRS. These officials operate beyond the control of the civilian authorities.”

65. The Minister provided us with a full statement on the six Algerians deported so far.

Two Algerians, ‘I’ and ‘V’, were deported in June 2006 following withdrawal of their appeals against deportation from the UK. They were detained and interviewed on arrival in Algeria. They were released after 5 days and 6 days in detention respectively. On release they were reunited with their families.

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79 Q 29  
80 Q 30  
81 Q 65  
82 Q 66  
83 Ev 84–85  
84 “UK/Algeria: Deals must not mean returning suspects to face torture”, www.amnesty.org
Between 20 and 27 January 2007 a further four Algerians were deported to Algeria after either withdrawing or waiving their appeals against deportation. They were known as ‘K’, ‘H’ and ‘P’. The fourth man was formerly known as ‘Q’; he recently waived his right to anonymity and is now known as Mr Dendani.

Prior to removal, each individual was provided with the contact details of the British Embassy in Algiers and it was explained that they or a representative could maintain contact with the Embassy following their return. British Embassy officials have been in and remain in close contact with the Algerian authorities regarding all four deportees. Only one individual, ‘H’, specifically requested contact arrangements. These were established before ‘H’ left the UK. The British Embassy in Algiers has been in touch with H’s family since ‘H’ returned.

The Algerian authorities have told us that ‘K’ was detained on 24 January 2007 and released without charge on 4 February. ‘P’ was detained on 27 January 2007 and released without charge on 30 January. Amnesty International reported on 8 February that ‘K’ had rejoined his family and had not reported being subject to any ill-treatment during his detention. Mr Dendani was detained on 25 January 2007 and subsequently brought before a court. He has been charged with offences under Article 87 of the Algerian Criminal Code, (membership of an armed terrorist group active abroad) and under Article 249 (assumption of the name of a third party).

‘H’ was detained on 31 January 2007 and brought before a court on 5 February 2007. He has been charged with offences under Article 87 of the Algerian Criminal Code (membership of an armed terrorist group active abroad). He has had contact with his family since being charged and it is the Government’s understanding that he is being held in a civilian prison. He has had access to an Algerian lawyer. The British Government will continue to monitor the cases of ‘Q’ and ‘H’ closely.

All four men were either released or charged before the 12 day detention period, provided for in Article 51 of the Algerian Criminal Code, had expired. All were able to contact their families during that initial period of detention.

66. Asked to assess the record of the MOU with Libya to date, the FCO told us that “Since the MOU’s first test in a court of law, during the hearing of an appeal against deportation by two Libyans currently held in the UK, concluded only on 10 November, it is too soon to assess fully how well it is working.”

67. We will continue to monitor the situation with regard to the Memoranda of Understanding with Jordan, Libya and Lebanon, and the assurances received from Algeria.

Use of evidence gained under torture

68. One concern expressed by those critical of the use of Memoranda of Understanding is that individuals against whom no evidence can be found in the United Kingdom might be
deported to countries where they will be tortured or ill treated until they confess. In our Report on the FCO’s 2005 human rights report, we asked the FCO to:

   clearly set out its policy on the use of information derived by other states through torture [and] encourage a public debate on the ethical dilemmas it faces.  

The Government responded:

   The Government, including the intelligence and security agencies, never uses torture for any purpose, including to obtain information. Nor would we instigate others to do so. Our rejection of the use of torture is well known by our liaison partners. Where we are helping other countries to develop their own counter-terrorism capability, we ensure our training or other assistance promotes human rights compliance.

   The provenance of intelligence received from foreign services is often obscured. Where it is clear that it has been obtained from individuals in detention, such intelligence is treated with great care. But the prime purpose for which we need intelligence on counter-terrorism targets is to avert threats to British citizens’ lives. Where there is reliable intelligence bearing directly on such threats, it would be irresponsible to reject it out of hand.

   We welcome the clarity that the House of Lords’ judgement on 8 December [2005] has brought to this important and difficult issue. The Government has been consistent in condemning torture and it has never been our intention to present to Court evidence, which we have grounds to believe may have been obtained by torture.

   This response was silent on our request for the Government to encourage a public debate.

69. We therefore asked the Minister what would happen if the Government were given information concerning the security of this country knowing that it had been obtained by methods involving torture. His reply was remarkably frank:

   If we received information about a situation in which our civilians could be put at risk, we would have an obligation to take into account the information that had been passed to us. I will be blunt: these are difficult issues. I may or may not be the Minister who has to deal with them, but if I were and I received information from whatever source that led me to a risk assessment that death and injury might result, in this or any other country, I would be extremely irresponsible if I did not act on it; so I would act on it.88

70. We note that in the latest round of the UK/Russia human rights dialogue, the Russian side raised concerns about the use in the United Kingdom of evidence obtained under torture.89 It may be that the Government’s frankness about its position on this point exposes it to criticism not only from human rights groups, but also from those whose own

88 Q 67
89 Ev 87
position on the issue might be more open to criticism, if only it were known. For our part, we recognise the very real dilemma so succinctly described by the Minister. Indeed, we have referred to it extensively in previous Reports.\textsuperscript{90}

71. We recommend that the Government include a section exploring the ethical dilemmas on the use of evidence and information derived from torture in the Annual Human Rights Report 2007.

**Extraordinary or Irregular Rendition**

72. Rendition is not defined in law, but as the FCO Report states, it is used “to describe informal transfers of individuals in a wide range of circumstances, including the transfer of terrorist suspects between countries.” Extraordinary rendition again, according to the FCO Report, has no legal meaning, but is used to describe renditions “where it is alleged that there is a risk of torture or mistreatment.” The Report states that “we do not use rendition to bring terrorist suspects to face legal proceedings in the UK.”\textsuperscript{91} Last September, President Bush announced that the CIA had operated a network of secret detention centres, to which alleged terrorists had been taken against their will.\textsuperscript{92}

73. Our House of Commons colleague, Andrew Tyrie MP, wrote to us pointing out the Government’s condemnation of the US detention facility at Guantánamo Bay, and asking,

> Given that people who are subject to renditions have even fewer rights than people at Guantánamo, and given that individuals who have been subject to extraordinary rendition claim that they have tortured during their detention, why has the Foreign Office not condemned rendition, extraordinary rendition and secret detention in the way that it has condemned Guantánamo?\textsuperscript{93}

However, the Government argues that rendition by other states is not unlawful \textit{per se}; this will depend on the specific facts of each individual case.\textsuperscript{94}

74. Our conclusions on the US detention facility at Guantánamo were set out in our Report, \textit{Visit to Guantánamo Bay}, published in January 2007.\textsuperscript{95} The Government’s response was published on 23rd March.\textsuperscript{96}

75. The European Parliament established a temporary committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners. The FCO Report, published in October 2006, stated “we remain ready to assist the committee as and when required.” However, in its draft report, which was considered by the European

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\textsuperscript{91} Foreign and Commonwealth Office, Human Rights Annual Report 2006, CM 6916, October 2006
\textsuperscript{92} Speech of 6 September 2006; see www.whitehouse.gov/news/releases/2006/09/20060906-3.html
\textsuperscript{93} Ev 95
\textsuperscript{94} Foreign and Commonwealth Office, Human Rights Annual Report 2006, CM 6916, October 2006, p 181
\textsuperscript{95} Foreign Affairs Committee, Second Report of Session 2006–07, Visit to Guantánamo Bay, HC 206
\textsuperscript{96} Foreign and Commonwealth Office, Second Report of Foreign Affairs Committee Session 2006–2007, Visit to Guantánamo Bay, Response of the Secretary of State for Foreign and Commonwealth Affairs, Cm 7063, March 2007
\end{flushleft}
Parliament in February, the committee “deplored the manner in which the UK Government, as represented by its Minister for Europe, cooperated with the Temporary Committee.”97 Although the final version of the report significantly toned down its criticism of the Government, Mr Tyrie repeated the allegations of a lack of cooperation. When we raised this with the Minister, he asserted that the Government had “cooperated fully” with the committee. He continued,

At the end, for all the huffing and puffing—if I can put it that way—about non-co-operation, the truth of the matter is that when it went through all the evidence, it could find no new evidence whatever in respect of the United Kingdom. That was the bottom line when it came to it.98

76. On 20 January 2006, the then Foreign Secretary, Rt Hon Jack Straw MP, summarised the results of a search of relevant files stretching back to 1997. The search was a response to allegations that the United Kingdom’s territory or airspace might have been used for rendition operations. The search found just four cases of rendition requests by the US, all in 1998. Two were accepted; two were rejected. “There was no evidence of detainees being rendered through the UK or its overseas territories since 1998.”99 However, in its written evidence, Amnesty International claims that the Government “failed to adequately investigate” this issue.100

77. Providing follow-up information after its evidence session, Amnesty International said it has,

called on the UK government to ask the US government to declare whether or not it has used UK airports, airspace or US military airbases on UK soil for the purposes of ‘rendition’ since 1998, with or without the approval of the UK authorities. This would include transporting detainees from, to or through UK airspace, as well as servicing planes about to embark on, or returning from, a ‘rendition’ mission.101

Amnesty claims to have evidence that US government aircraft used in renditions have refuelled at British airports. This claim is backed by the European Parliament’s Temporary Committee on rendition, which documented CIA flights using Prestwick Airport to refuel immediately before or after being used on an alleged rendition.

78. Amnesty does not allege that those aircraft were carrying detainees at the time. This is consistent with what we have heard when we have raised rendition with senior officials in the US administration. They have told us that the aircraft alleged to have been used for renditions are also used for transporting CIA personnel, evidence (such as computer hard drives) found in theatre and other sensitive materials. However, it is arguable that refuelling an aircraft immediately before or after its use in a rendition amounts to facilitating rendition.

97 Report of the Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, p13, (2006/2200(INI)), available at www.europarl.europa.eu
98 Q 68
100 Ev 5, para 25
101 Ev 49
79. The Intelligence and Security Committee is known to have been carrying out an inquiry into rendition. Because that Committee operates within the ring of secrecy, we do not know whether it has asked the Government to clarify its policy on permitting US aircraft en route to or from a rendition to refuel at British airports. We await with interest as much of its report as the Government agrees to publish.

80. We recommend that the Government ask the United States administration to confirm whether aircraft used in rendition operations have called at airfields in the United Kingdom or in the Overseas Territories en route to or from a rendition and that it make a clear statement of its policy on this practice.

Iraq

81. The FCO Report argues that “it will take time to build a culture of respect for human rights, but progress is being made.” It acknowledges that security “continues to be a serious challenge.” However, it does not illustrate the scale of the rise in violence since the bombing of the Golden Mosque in Samarra in February 2006 (e.g. attacks against civilians were four times higher in October 2006, the month of the Report’s publication, than in January 2006). In its written evidence, Human Rights Watch claims that the Report “paints a wildly optimistic view of the human rights situation in Iraq”, suggesting that the United Kingdom and the US are “propping up a government that is deeply implicated in escalating sectarian violence, massacres and torture.”

82. This violence affects all sections of Iraqi society. The Jubilee Campaign, an interdenominational Christian human rights organisation, wrote to us about the plight of the Iraqi Chaldo-Assyrian community, an ancient Christian group which has lived in the Nineveh area and elsewhere in Iraq for centuries, under a succession of Muslim and secular governments. The Campaign pointed out that in the last 3 years, Iraqi Christians have come under great pressure either to convert to Islam or to leave their homes and that they form a disproportionately large group of those fleeing the country.

Alleged abuse by multi-national forces

83. The FCO Report discusses the allegations of abuses by coalition forces. It calls the claims that Iraqi civilians were killed unlawfully by US forces in Haditha “deeply shocking.” On 31 May 2006, President Bush announced that anyone who had broken the law with respect to Haditha would be punished. On 21 December 2006, the US military charged four marines with the murder of two dozen Iraqi civilians in Haditha after running amok following the death of a colleague. Military lawyers also brought related
charges against four other marines, including accusations of failure to report and/or investigate the killings, dereliction of duty and making false statements. A military press release had originally claimed most of the dead Iraqis were victims of a roadside bombing, but a full-scale investigation was opened following a report by *Time* magazine that pointed to American involvement. The marines are expected to be taken before a court martial shortly. Both Amnesty and Human Rights Watch were strongly critical of the US investigation into the Haditha killings.

**The judicial process in Iraq**

84. MoD figures indicate that on 24 January 2007, the UK held 115 detainees in Iraq and the US was holding over 15,000 detainees. Amnesty International wrote to us expressing its concern “about the handover of Multi-National Force held defendants to the Iraqi authorities following trials which fall short of international fair trial standards… Amnesty International would ask how the MNF ensures the right to a fair trial for those handed over to the Iraqi authorities.”

85. On February 1 the Committee wrote to the FCO requesting a copy of the Memorandum of Understanding between the United Kingdom and Iraq governing the transfer of individuals detained in Iraq by UK forces, as referred to in a Written Answer of 9 January (HC Deb, col 520W). We recommend that this Memorandum of Understanding is provided to the Committee forthwith.

86. Saddam Hussein was executed on 30 December 2006. He had been found guilty by the Iraqi High Tribunal (IHT) in November of charges relating to the 1982 killing of 143 Shia Muslims in the village of Dujail. He was executed following the rejection of his appeal. Charges against the former President relating to a second incident in Anfal (the gassing of a large number of Kurds) were dropped following his death. Human Rights Watch were “disappointed that his execution has brought an end to … his trial for those crimes.”

87. The FCO Report outlines the assistance given by the British Government to the tribunal (including helping to fund the training of judges and prosecutors). The Report states that this training “will help to ensure that the IHT can maintain high standards so that the accused can be given a fair trial.” In our last Report on human rights, we concluded that while the trial of Saddam Hussein was a matter for the Iraqi people, “the Government should urge the Iraqi administration to ensure the trial fulfils the accepted norms of justice.”

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110 “Marines charged in alleged massacre of Iraqis”, *Financial Times*, 22 December 2006
111 “Marines in Haditha: Locals not focused on alleged ‘05 massacre”, *Stars and Stripes*, 4 March 2007
112 Ev 50; Ev 54
113 Written evidence from the Ministry of Defence to the Defence Committee and Foreign Affairs Committee, HC (2006–07) 209–i, Ev 20
114 Ev 49
115 Q 24
88. NGO criticism of the trial and of the application of the death penalty has been severe. In its written evidence, Human Rights Watch lists a number of grave concerns, including political interference by the Iraqi government, “regular failure to disclose key evidence… to the defence in advance”, “violations of the defendants’ basic fair trial right to confront witnesses against them” and the fast-tracking of Saddam’s execution, just days after his appeal was rejected.\textsuperscript{118} Amnesty International highlights, more generally, “the sharp rise in executions” since the restatement of the death penalty by the transitional government. It also argues that “confessions are routinely extracted under torture” and that death sentences are applied “after unfair trials.”\textsuperscript{119}

89. Following Saddam Hussein’s execution, the Foreign Secretary commented that,

> the British government does not support the use of the death penalty, in Iraq or anywhere else. We advocate an end to the death penalty worldwide, regardless of the individual or the crime. We have made our position very clear to the Iraqi authorities, but we respect their decision as that of a sovereign nation.\textsuperscript{120}

However, when judgment was passed, Mrs Beckett had welcomed Saddam being “held to account”, and said “it is right that those accused of such crimes against the Iraqi people should face Iraqi justice.”\textsuperscript{121}

90. We asked Mr McCartney whether in his view the treatment of Saddam Hussein fulfilled accepted norms of justice. He replied that,

> In general, I have to say that [Saddam Hussein] was prosecuted properly under the procedures of Iraqi law. I am hoping that in the coming years, the legal system will continue to improve, both in its prosecuting and defence standards and in dealing with outcomes such as jail sentences and other things. In the final analysis, we made it quite clear, when he was given the death penalty, that the Government oppose the death penalty in all circumstances, including for him. We made it clear that that was the case. We do not support the death penalty even for those found guilty of crimes against humanity.\textsuperscript{122}

91. The Minister also set out a long list of actions taken by the Government to promote respect for human rights in Iraq.\textsuperscript{123}

> We are trying to inculcate across the [Iraqi] Government the ability, willingness and preparedness to put human rights at the heart of everything that they are trying and need to do. That means giving support to an independent national human rights commission and a national centre for missing people. We support the plan to develop those two institutions.\textsuperscript{124}

\textsuperscript{118} Ev 27  
\textsuperscript{119} Ev 20, para 139  
\textsuperscript{122} Q 71  
\textsuperscript{123} Q 70  
\textsuperscript{124} Q 73
However, like other Ministers, Mr McCartney constantly referred back to the appalling disregard for human rights under the regime of Saddam Hussein. This is understandable, but although the litany of past abuses may explain the continuing culture of violence in Iraq, it cannot justify it.

92. We conclude that since February 2006 there has been a further grave deterioration in respect for human rights in Iraq, in large part caused by the worsening security situation. We are concerned by allegations that some Iraqi ministers and ministries are involved in human rights abuses, and by the sharp rise in the number of executions and claims of unfair trials in Iraq, including the trial and execution of Saddam Hussein. We recommend that the Government redouble efforts to promote respect for the rule of law and for human rights in organs of the Iraqi state.

**Afghanistan**

93. The United Kingdom started to deploy troops in Helmand Province in the south of Afghanistan in February 2006 as part of the International Security Assistance Force (ISAF); full operational capability was reached on 1 July. The FCO Report makes reference to the “more demanding” security situation in the south as compared to the rest of Afghanistan.\(^{125}\)

94. The Report goes on to outline the Government’s human rights work in Afghanistan, including the promotion of women’s rights through the Global Opportunities Fund and (during the British Presidency of the EU) two formal demarches concerning opposition to the death penalty and free speech. Since 2001, DFID has spent £390 million in Afghanistan, which makes the United Kingdom the second largest donor.\(^{126}\)

95. In its written evidence, Human Rights Watch raised concerns about the reliance of the Afghan government and its international allies on “war criminals, human rights abusers, and drug traffickers.”\(^{127}\) Amnesty International highlighted the appointment of individuals with “well-known records of human rights abuse” to various posts, including governors or heads of provincial police forces.\(^{128}\) In a meeting with the Afghan Independent Human Rights Commission during a visit to Afghanistan in November 2006, members of the Committee were told that 90% of Afghans would like to see real justice and would view the removal of warlords as a step in the right direction. In our Report on the FCO’s 2005 human rights report, we noted “major concerns” at the lack of judicial process against human rights abusers in Afghanistan.\(^{129}\)

96. President Karzai approved the Action Plan for Peace, Reconciliation and Justice on 12 December 2005. This includes a justice and accountability mechanism. However, *The Times* reported on 2 February 2007 that,

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126 Ibid, pp30–35
127 Ev 27
128 Ev 14, para 94
warlords in the Afghan parliament have granted themselves an amnesty from human rights charges in a move that has shocked the country’s Western backers. […] The rule states that anyone who fought against the Soviet Army in the 1980s cannot be prosecuted. If approved by the Upper House, the legislation would trigger a review of international human rights treaties signed recently by Afghanistan, and anyone who described an MP as a warlord would risk prosecution. 

The Times report also noted that the UN had issued a stinging rebuke. It said: “The suffering of victims must be acknowledged for national reconciliation to succeed. No one has the right to forgive those responsible for human rights violations other than the victims themselves.” The United Kingdom apparently believed that President Karzai would veto the law. 

97. When we asked Ian McCartney to comment on the new law, his response was very forthright:

It is extremely unhelpful and in the long term it does not engender what we need to engender, which is trust and respect for the new, emerging democratic structures in Afghanistan. … [it] goes against the whole grain of what we are trying to do and to work with, of what the international community is trying to do and of what [President Karzai] and this Government are committed to do.

We share the Government’s concerns about steps to declare an amnesty for warlords in Afghanistan’s parliament, and we welcome the strong position Ministers have taken on this issue.

98. However, we remain concerned by the lack of progress in achieving basic human rights in large sections of Afghan society and we recommend that in the Annual Human Rights Report 2007, the Government provide statistics on incidence of rape, honour killings and other abuses against women in Afghanistan.

Civilian casualties

99. Another area of concern is the impact on the civilian population in Afghanistan of increasing military engagement between NATO forces and the Taliban and other militia groups. The US Air Force dropped more bombs in the six months leading to December than in the whole first three years of fighting the Taliban, according to Pentagon figures.

100. Afghanistan’s President Hamid Karzai wept in the course of a televised speech in December, saying: “We can’t prevent the terrorists coming from Pakistan. We can’t prevent the [NATO] coalition from bombing terrorists. And our children are dying because of that.” An estimated 4,000 people died from violence in Afghanistan in 2006; roughly 1,000 of these were civilians. A NATO spokesperson has said the organisation is

130 “Warlords declare amnesty on their murderous past”, The Times, 2 February 2007
131 Ibid
132 Q 74; Q 76
133 “Wave of civilian deaths hit Afghan support for NATO”, Financial Times, 16 December 2006
looking to curb civilian casualties as a matter of urgency.\textsuperscript{135} Despite six pages on human rights in Afghanistan in the FCO Report, there is little reference to this disturbing situation.

101. In evidence to us, Tom Porteous of Human Rights Watch discussed civilian deaths caused by NATO actions. He argued that “it is very important that compensation should be paid promptly to the families of those who were killed and injured, in order not to alienate entirely the civilian population in those areas.”\textsuperscript{136} Human Rights Watch has previously noted that the US already runs a compensation programme in Afghanistan, which does not assign blame but provides condolence payments to families that have suffered losses in US operations. Human Rights Watch said “there’s no reason it shouldn’t be NATO policy as well.”\textsuperscript{137}

102. We asked the Minister why NATO did not have a policy of compensation comparable to that operated by the American forces in Afghanistan.\textsuperscript{138} The Minister wrote back to us,

> It is the national responsibility of each ISAF troop-contributing nation to pay compensation for valid claims related to civilian casualties. The UK believes it important that compensation claims are considered quickly by allies and compensation is paid promptly in accordance with legal liability. To assist in the thorough and expedient resolution of claims, it is normal procedure for the Ministry of Defence to deploy an Area Claims Officer (ACO) to those NATO operations where the UK is a contributing nation. The ACO is responsible for handling all but the most serious compensation claims. Those claims involving death or serious injury are handled by the Ministry of Defence in the UK because of their complex and sensitive nature and to ensure a consistent approach in their handling.\textsuperscript{139}

103. \textbf{We recommend that in its response to this Report the Government set out how much compensation it has paid to civilian victims of British military operations in Afghanistan, to how many persons such payments have been made, and in what circumstances. We also recommend that the Government state what steps it has taken to remind its NATO allies of the need to pay compensation in appropriate cases.}

\textsuperscript{135} “Wave of civilian deaths hit Afghan support for NATO”, \textit{Financial Times}, 16 December 2006

\textsuperscript{136} Q 28

\textsuperscript{137} \url{http://hrw.org}

\textsuperscript{138} Q 76

\textsuperscript{139} Ev 86
5 Other Countries of Concern

Burma

104. The FCO Report notes that “the past year has seen a deterioration in the human rights situation in Burma.”\(^\text{140}\) The Burmese government has stepped up pressure on political and ethnic groups opposed to the continuation of military rule. More than 1,150 political prisoners remain in Burmese jails and labour camps, and the FCO continues “to receive credible reports of torture.”\(^\text{141}\)

105. In our last Report, we recommended that the FCO “redouble its efforts to bring the question of abuses by the Burmese authorities to the attention of the UN Security Council.”\(^\text{142}\) We are pleased to note that, during its EU Presidency, the United Kingdom played a leading role in drafting Resolution 60/233, which was adopted by the UN General Assembly on 23 December 2005. It called on the military regime to end the systematic violations of human rights and to release political prisoners.\(^\text{143}\) In January 2006, the UN Special Envoy to Burma, Tan Sri Razali, resigned as the government had not allowed him to visit the country for over two years.\(^\text{144}\) However, in May and November 2006, UN Under-Secretary General Ibrahim Gambari was able to visit Burma and had a 45 minute meeting with Aung San Suu Kyi, the first contact the outside world had had with her since March 2004.\(^\text{145}\)

106. On 12 January, China and Russia vetoed a US-drafted Security Council resolution calling on Burma to improve its human rights record. South Africa also voted against the resolution, with Indonesia, Qatar and Congo abstaining. The other nine states voted in favour, which means that if Russia and China had abstained rather than vetoed, the resolution would have passed.

107. This was only the fifth veto in Beijing’s Security Council record. Its main argument for casting the veto was that Burma was not a matter of international peace and security and therefore should not be considered in the Security Council. The *Financial Times* reported that some European diplomats were uneasy at the fact that the failed resolution highlighted the disunity in the international community over Burma.\(^\text{146}\)

108. We put it to the Minister that it might have been better not to force the issue by pressing it to a vote on the Security Council, when it was clear that support for the resolution was far from unanimous. Mr McCartney rejected this:

> If you simply run around on the basis that in all circumstances of a veto you do not speak out, you might as well sit on your hands. Extensive discussions and

\(^\text{141}\) Ibid, p 39
\(^\text{145}\) “Suu Kyi needs more medical attention, says UN envoy”, *The Guardian*, 13 November 2006
\(^\text{146}\) “China and Russia veto UN’s ‘arbitrary’ move on Burma”, *Financial Times*, 13 January 2007
negotiations took place—as always happens in these cases—and you can rest assured
that the words spoken there were that it should be given the best shot possible. ... It is
important, overwhelmingly, that we keep putting Burma in the spotlight and that we
keep the United Nations putting Burma in the spotlight.147

Human Rights Watch took the contrary view:

The veto of the resolution has unfortunately given a boost to Burma’s military
government. They now have confirmation that China and Russia will protect them
from international pressure. While we appreciate the UK government’s efforts to
give greater prominence to the serious human rights problems in Burma, it probably
was better to have the threat of a resolution out there longer and to have waited for
an opportunity where the political situation or events on the ground would have
made it more likely to obtain China’s and Russia’s abstentions.148

Amnesty, however, were more supportive of the Government’s line:

The cooperation of China and Russia with the Security Council resolution was
critical, and their veto was disappointing. There is however no guarantee that they
would have been persuaded to support the resolution or abstain from voting should
it have been tabled later.149

The Minister recently informed the House that the Government “will continue to work
within the UN to ensure that Burma remains on the UN Security Council agenda.”150

109. We conclude that there is growing cause for concern at the very serious abuses of
human rights being perpetrated by the military junta in Burma. Although the Chinese
and Russian vetoes of the recent UN Security Council resolution against Burma may
have boosted the military junta in the short-term, we recommend that the Government
maintain its efforts to raise the issue of Burma in the Security Council and in other
organs of the United Nations.

The People’s Republic of China

110. The FCO Annual Report has a large section on China, touching on abuses such as the
extensive and non-transparent use of the death penalty and widespread instances of
torture. There are increased restrictions on freedom of expression, severe restrictions on
freedom of association, and human rights violations occur frequently in Xinjiang and
Tibet.151

111. Since 1997, the primary instrument used by the Government to raise human rights
concerns with the authorities in Beijing has been the bilateral UK–China Human Rights
Dialogue. In our last Report, we concluded that the Dialogue was making “glacial”
progress.\textsuperscript{152} The Government’s reply stated that “we do not believe this means the Dialogue is failing.”\textsuperscript{153}

112. Human Rights Watch certainly do not see the Dialogue as a success:

> The FCO staff working on the dialogues are doing the best they can in a hostile (China) and indifferent (the most senior UK political authorities) environment. If one just looks at an individual dialogue session on its own they may mark some progress. But the dialogues are not a success and the document doesn’t really place them in their full context. These problems stem from a lack of commitment on the Chinese side and a lack of priority on the UK side, where human rights are largely marginalized in the overall relationship due to trade and other foreign policy issues.\textsuperscript{154}

Amnesty called for “specific benchmarks against which to measure progress on human rights abuses by China within an agreed timeframe.”\textsuperscript{155}

113. Amnesty’s call is similar to a recommendation in our August 2006 Report on \textit{East Asia}, that the Government should publish a list of objectives and outcomes for each Dialogue meeting.\textsuperscript{156} In noting the 14th round (which took place in Beijing from 3–7 July 2006), the FCO Report set out some of the United Kingdom’s aims, such as ratification of individual International Labour Organisation conventions on freedom of association, and commented that “as yet, China has not changed its position.” Discussing the Dialogue more widely, the Report commented that “in most areas progress is either slow or non-existent.”\textsuperscript{157}

114. When he appeared before the Committee, the Minister provided us with an update on the latest, 15th round of the Dialogue:

> There has been a three-day dialogue, and on one day I met the Chinese delegation and raised eight issues. There is continuing work with the Chinese on abolition of the death penalty, and I want a moratorium while the work continues. We are having some success on changes, transparency, and reduction in the number of capital crimes. A parallel issue is that of the rights of public defenders—investment in them, protection of them, cessation of harassment, and provision of public defenders for ethnic minorities in China. We have asked the Chinese to put in place a work programme on implementation of international covenants, including that on civil and political rights. I told them that we welcome the work that has been done, including technical and practical work in which we have invested. At some point, however, we want to see implementation. We have achieved some progress on opening the role of civil society, and we are seeking to undertake a project with them.

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\textsuperscript{154} Ev 56, para 7
\textsuperscript{155} Ev 53, para 7
\textsuperscript{156} Foreign Affairs Committee, Seventh Report of Session 2005–06, \textit{East Asia}, HC 860
\end{flushleft}
on the engagement of civil society. On press freedom, I specifically asked the Chinese to consider one point, which I will follow up at ministerial level. 8 October is the date before the Olympics from which press restrictions will be relaxed, and I told them that they should take that as an opportunity to start the process of not reimposing such restrictions. The Chinese delegate listened politely.158

We welcome the Minister’s action in raising the subject of press freedoms in the context of the Dialogue.

115. On 10 March, the Minister wrote to us, providing a fuller statement on the Dialogue. The letter concluded:

Engaging with China on human rights can be hard going. It requires sustained commitment. But over a long time-scale, I believe that you can see things are moving in the right direction. Since mid-2005, the Chinese have taken real steps towards a substantive reduction in the death penalty. They have strengthened measures to reduce torture by the police. They have moved towards re-drafting the criminal procedure law to promote fairer trials by improving the rights of defendants. They have renewed reform (albeit not yet abolition) of RTL. And they have substantially liberalised the rules for foreign correspondents. China is making progress, albeit slowly and ponderously. Encouragement and practical co-operation in these areas can help China towards the rule of law and greater freedom of expression.159

We note that most of these changes are to the legal framework; there is as yet little evidence of change on the ground.

116. **We conclude that the UK–China Human Rights Dialogue is still failing to make substantive progress. We recommend that the Government consider introducing a timeframe for the completion of specific objectives, to increase the transparency of the success or otherwise of the Dialogue.**

117. In our Report on *East Asia*, we raised a number of concerns about human rights in the Tibet ‘autonomous region’, which some of us were able to visit in May 2006.160 The Government responded to our concerns, informing us that “We have raised our concerns on Tibet at the highest political level, including most recently between the Prime Minister and Chinese Premier Wen in September.”161 We also note with approval that Ian McCartney has arranged to brief the Committee on human rights in Tibet, following the debate on our Report.

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158 Q 88
159 Ev 92
161 Foreign and Commonwealth Office, *Seventh Report of the Foreign Affairs Committee, East Asia, Response of the Secretary of State for Foreign and Commonwealth Affairs, Cm 6944, October 2006*, para 105
Colombia

118. The FCO report states that “the internal armed conflict continues to inflict severe suffering across Colombia” and that “serious human rights abuses remain a common occurrence.” Over 5,000 people are still held hostage by illegal armed groups, and the UNHCR estimates that there are at least 2 to 3 million people who have been forced to leave their homes and livelihood as a result of the conflict.162

119. In July 2005, the Colombian Congress approved the Justice and Peace Law (JPL), which is designed to “balance the need to disarm, demobilise and reintegrate ex-combatants from illegal armed groups with the rights of the victims of the conflict to truth, justice and reparation.”163 The FCO Report states that by August 2006, over 30,000 paramilitaries had demobilised under the law. It notes there is “strong evidence” that demobilised paramilitaries are forming “new criminal groups.” It notes that the EU supports the JPL, although it does still have many concerns about the law.164

120. In its written evidence, Amnesty International argues the demobilisation process is, continuing the internal conflict by ‘recycling’ combatants under another guise. We seriously question EU and UK government support for the JPL, which we believe is contributing to impunity in Colombia and failing to meet international standards in providing effective truth, justice and reparation to victims.165

Human Rights Watch wrote to us that,

The UK government and the EU should condition and qualify their support for Colombia’s paramilitary demobilization process. So far, the EU’s financial support for the process has been unconditional; its political support for the process has been perceived in Colombia as almost unqualified. However, this is a tremendously risky process that could easily result in widespread impunity for crimes against humanity and the legitimisation of paramilitaries’ mafia-like power.166

The position of the British Government has been that it supports the new law, but it must be implemented transparently.167

121. The human rights situation in Colombia is monitored by an office of the United Nations, the Office of the High Commissioner on Human Rights (OHCHR). At the time of publication of the FCO’s 2006 Human Rights Report, it was unclear whether the mandate of the OHCHR, which expired in October, would be renewed. It had previously been renewed for four years, but on this occasion it was renewed at the last minute and only for a further 12 months. FCO Minister of State, Rt hon Geoff Hoon MP, commented on this in answer to a Parliamentary Question:

163 Ibid, p 51
164 Ibid, October 2006, p 51
165 Ev 17, para 116
166 Ev 55, para 5
167 HC Deb, 14 July 2006, col 2135
We welcome the one-year extension of the mandate of the Office of the High Commissioner on Human Rights (OHCHR) in Colombia. We also welcome signs that the Colombian Government is increasing efforts to co-operate constructively with the Office in order to make progress on the 27 OHCHR recommendations. We support the extension of the mandate in the longer term.168

Ian McCartney told us that he felt it was “vitally important” to obtain a further extension later this year.169

122. We recommend that the Government apply pressure on Colombia to agree to a longer extension to the mandate of the Office of the UN High Commissioner for Human Rights (OHCHR) in Colombia and that it set out in its response to this Report the signs that the Colombian authorities are co-operating constructively with the Office. We further recommend that the Government make a full statement of its policy on Colombia’s Justice and Peace Law.

Democratic Republic of Congo

123. The FCO Report states that “the human rights situation in the Democratic Republic of Congo (DRC) remains poor” with large scale instances of summary executions, beatings and sexual violence. The east and north-east of the country are particularly badly affected where soldiers, police and militiamen are the principal perpetrators of human rights violations.170

124. The country’s first democratic elections in four decades were held under UN supervision on 30 July 2006 and were won by Joseph Kabila. While this represents a huge opportunity for the country, some NGOs have expressed concern over the procedure and the long-term sustainability of democratic reform in the country. Amnesty International reported “acts of political oppression during the elections.”171 Human Rights Watch told us that, “the elections were a landmark … but elections on their own do not bring democracy” and that “the elections were marked by serious events—violence and human rights abuses.”172

125. More worrying are the ramifications of the escalation of conflicts in other parts of Africa—specifically Sudan. There is a fear that the UN’s peacekeeping resources will be stretched, to the detriment of the population of the DRC. Again, Human Rights Watch have commented on this, explaining that, “the DRC is still in intensive care and there are still worrying reports of human rights abuses in various parts of the country, and the international community needs to stay.”173 The Prime Minister appeared to be of a similar view when answering a question on the DRC in the House of Commons on 7 March:

168 HC Deb, 2 November 2006, col 659
169 Q 85
171 Ev 18, para 123
172 Q 39
173 Q 39
when we bring peace and stability to parts of Africa, as with the DRC, that is an investment not only in those countries but in our own future.\textsuperscript{174}

126. \textit{We conclude that the recent Presidential election in the Democratic Republic of Congo presents an important opportunity to move on from the dreadful human rights abuses of recent years. We recommend that the Government use its position on the UN Security Council to ensure that the international peacekeeping mission in the Democratic Republic of Congo is maintained at its current strength until the security situation has stabilised.}

\textbf{Iran}

127. The FCO’s report notes a “continued deterioration” in the “deeply worrying” human rights situation in Iran.\textsuperscript{175} Iran was second only to China in terms of the total number of executions carried out in 2005. Many death sentences are carried out in public. According to NGOs, Iran was the only country to execute children and juvenile offenders in 2005. Freedom of expression has “deteriorated significantly” in the last 12 months and in 2005, Reporters without Borders described Iran as “the biggest prison for journalists in the Middle East.”\textsuperscript{176}

128. Iran has refused to engage in the EU–Iran Human Rights Dialogue since June 2004. The UK raised human rights concerns with the Iranians 16 times in the last six months of 2005, and during its Presidency led the EU in issuing five statements addressing various violations.\textsuperscript{177}

129. In its written evidence, Human Rights Watch argued there is a “lack of international leverage on Iran” and that efforts to prevent Iran developing nuclear technology come “at the expense” of efforts promoting human rights and political reform.\textsuperscript{178}

130. The Minister told us that the Government is,

\begin{quote}
continuing individually and collectively to try to discuss with Iran its capacity to move to a different place. It is not just human rights; there are other issues. Iran has been extremely difficult with us. The issue of human rights is such that we are not in for the short haul here. We are in for the long haul and we will do everything that we can to co-operate internationally to try to influence a better outcome for the people of Iran.\textsuperscript{179}
\end{quote}

131. Iran’s record on human rights came under renewed scrutiny in March 2007, when fifteen British sailors and marines were seized from their boats in the Gulf during a search operation carried out in support of UN Security Council Resolution 1723. The service
personnel were held in Iran for 12 days. On their return, they made statements to the press. Lieutenant Felix Carman, RN, said:

On arrival at a small naval base, we were blindfolded, stripped of all our kit and led to a room where I declared myself as the officer in charge and was introduced to a local commander.

Two hours later we were moved to a second location and throughout the night were subjected to random interrogations. The questions were aggressive and the handling rough, but it was no worse than that.

The following morning we were flown to Tehran and transported to a prison where the atmosphere changed completely. We were blindfolded, our hands were bound and we were forced up against a wall. Throughout our ordeal we faced constant psychological pressure.

Later we were stripped and then dressed in pyjamas. The next few nights were spent in stone cells, approximately 8’x6’, sleeping on piles of blankets. All of us were kept in isolation.180

Later, footage of the detainees and of the oral and written statements made by them was shown on Iranian television. The captives were not prisoners of war, but it appears that in several respects their treatment failed to meet the standards which, under the Geneva Conventions, would apply to prisoners of war.

132. The Secretary of State for Defence, Rt hon Des Browne MP, told the House that “the Iranians detained our personnel illegally.” He stated that “our main objective - the peaceful resolution of the incident and the safe return of our people – was achieved, earlier than many predicted”. He emphasised that “there was no apology and there was no deal” in securing the return of the personnel.181

133. We intend to consider further both the actions of the Iranians in detaining the personnel and the efforts made by the Government to free them, and will report our findings to the House in due course.

134. **We conclude there is a danger that international preoccupation with Iran’s nuclear programme could overshadow concerns over the deteriorating human rights situation there. We recommend that the Government work with its international partners to maintain awareness of human rights abuses in Iran.**

**Israel and Hezbollah**

135. According to the Human Rights Watch World Report 2007, the war in Lebanon from 12 July to 15 August 2006 left more than 1,100 Lebanese dead (a majority of them civilians), more than 4,000 people injured and an estimated 1 million displaced. Children

180 “Sailors and Marines speak for the first time about their detention by Iran”, Defence News, 6 April 2007, available at www.mod.uk

181 HC Deb, 16 April 2007, col 24
accounted for a third of the casualties. In Israel, indiscriminate rocket fire from Hezbollah killed at least 39 civilians and injured hundreds more.182

136. The FCO Report provided the numbers of Israeli dead in the section on Syria, but at no point did it mention the scale of Lebanese suffering.183 Amnesty International found the Report’s “failure to address and condemn the disproportionate and indiscriminate nature of the Israeli bombardment and shelling of civilians as well as direct attacks on civilian objects in Lebanon” to be “a most regrettable omission.”184

137. Human Rights Watch noted that during the fighting, the United Kingdom “refrained from serious criticism of Israel”, “resisted calls for a humanitarian ceasefire” and “gave a green light to the transfer of American weapons to Israel through the UK.” It argued this led to many Lebanese seeing the UK as complicit in the violence they suffered, and claimed “this lack of balance is perpetuated in the FCO report.”185

138. This strong rebuke for a lack of balance by both Amnesty International and Human Rights Watch is particularly interesting, given that the FCO Report and the FCO memorandum to this Committee decried the lack of balance (in the other direction) of resolutions passed on the war by the UN Human Rights Council.186

139. We raised this with Ian McCartney. Asked whether the 2007 Human Rights Report will explain why the Government seems to be unable to use the word “disproportionate” in relation to the Israeli actions, the Minister replied “I will be frank: that is a pejorative remark. The report will set out in graphic detail a fair, effective, honest assessment of the issues involved in the crisis, what our role was and what it has been since, some of which is already in the public domain.”187

140. The Minister continued:

We gave a commitment on publication of that report that in this year’s report there will be full coverage of the conflict and its consequences. There is no dodging that. This year’s report will include all the information on the whole period and what has happened since.188

141. We welcome the Government’s undertaking to provide a comprehensive account of the war in Lebanon in the Annual Human Rights Report 2007, and recommend that this should include details of the casualties on both sides suffered both during the war, and, as a result of the accidental detonation of unexploded munitions, subsequently.

142. We will return to consideration of events in Lebanon in our forthcoming Report on Global Security: the Middle East.

182 Human Rights Watch, World Report 2007, p 476
184 Ev 21, para 144
185 Ev 28
186 Foreign and Commonwealth Office, Human Rights Annual Report 2006, Cm 6916, October 2006; Ev 63
187 Q 82
188 Q 80
**Israel and the Palestinian Territories**

143. The FCO Report notes a decline in civilian casualties in 2005 as compared to 2004. The implementation of Israel’s disengagement plan from the Gaza Strip contributed to a 75% reduction in the number of Palestinian casualties and a 50% reduction in Israeli fatalities in this period. In 2005, around 200 Palestinians and 50 Israelis were killed in conflict related events.\(^{189}\)

144. In 2006, according to Amnesty International’s written evidence, Palestinian armed groups killed 17 Israeli civilians. However, “killings of Palestinians by Israeli forces spiralled, with some 600 Palestinians, more than half of them civilians and including some 100 children, killed by Israeli forces.” Amnesty also points out that the FCO Report states “the UK unreservedly condemns all acts of violence against Israel’s civilian population” but it fails to include such a statement with regards to the Palestinian civilian population.\(^{190}\)

145. However, both Amnesty and Human Rights Watch agree that the FCO Report provides a balanced and accurate account of the human rights abuses committed by both the Palestinian Authority (PA) and the Israeli Government.\(^{191}\)

146. Hamas emerged as the clear winner from the PA elections on 25 January 2006. This led to a financial boycott of the PA by western states and Israel due to Hamas’ refusal to meet the demands of the Quartet (the UN, US, EU and Russia) to recognise Israel, respect previous agreements, and renounce violence. In our last Report on *Foreign Policy Aspects of the War against Terrorism*, we endorsed the Government’s refusal to channel aid through the PA but stressed “it is important that the Palestinian people are not punished for exercising their rights as voters.”\(^{192}\)

147. The FCO has told us that in 2006 the EU gave the Palestinians through various means, including the temporary international mechanism, €680m—“a record figure.”\(^{193}\) This money has not gone to the Hamas-led Palestinian Authority but directly to public servants and health services. However, *The Guardian* has reported that delays have led to an absence of basic medicines and school closures.\(^{194}\) In his visit to the Middle East in December 2006, the Prime Minister proposed a plan to channel more aid through the office of President Mahmoud Abbas, including the bolstering of his security forces.\(^{195}\)

148. Human Rights Watch wrote to us that the combination of the financial boycott and Israel’s refusal to remit tax money “has led to a crippling budget shortfall for the government.”\(^{196}\) Amnesty added that “There has been a sharp increase in poverty,

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\(^{190}\) Ev 22, para 151

\(^{191}\) Ev 21; Ev 28

\(^{192}\) Foreign Affairs Committee, Fourth Report of Session 2005–06, *Foreign Policy Aspects of the War against Terrorism*, HC 573, para 20

\(^{193}\) Written evidence from the Ministry of Defence to the Defence Committee and Foreign Affairs Committee, HC (2006–07) 209–i, Q7

\(^{194}\) “Blair makes one last push in Middle East with Palestinian funding plan”, *The Guardian*, 19 December 2006

\(^{195}\) “Blair seeks to bolster support for Abbas”, *Financial Times*, 18 December 2006

\(^{196}\) Ev 55
unemployment and health problems among Palestinians, and an overall deterioration of the humanitarian situation to an unprecedented level.”

In their recent report on the Palestinian Territories, our colleagues on the International Development Select Committee said that, with regard to poverty, these actions “have made a bad situation worse.” Current measures are “harming ordinary people.” The Committee provides statistics suggesting 20% of the Palestinian population were below the poverty line in 1998, which had risen to 64% by 2006. In Gaza, the figure is 78%.

149. The Minister was keen to share with us the Government’s activity in the region:

We are raising bilaterally and with the European Union, the Israeli Government and the Palestinian Authority the following issues: freedom of movement between the west bank and Gaza; the targeted killings of Palestinians by the Israeli defence force; the firing of artillery shells near populated areas of the Gaza strip causing the death of civilians; continued construction of settlements in the west bank; the impact of the barrier; crossing point closures; settler violence; and the intimidation and harassment of Palestinian citizens. It is a long list of difficult issues.

He later provided us with an update on humanitarian aid to the Palestinian people:

The UK Government is extremely concerned about the humanitarian situation in the Occupied Palestinian Territories and is committed to helping the Palestinian people through the EU-led Temporary International Mechanism (TIM) and other means. In 2006, we gave £30 million bilaterally and an additional £40 million through the EU. The Secretary of State for International Development has also announced a 4-year, £76.6 million commitment to UN Relief and Works Agency. The TIM has been extended by the Quartet twice, most recently in late December for 3 months. Following this decision the EU has agreed to increase the number of recipients, while maintaining the rigorous auditing procedures that have been applied so far.

150. We conclude that, although the major responsibility must lie with Hamas’ refusal to meet the Quartet’s demands, the Western and Israeli financial boycott of the Palestinian Authority has also contributed to the deterioration of the humanitarian situation in the Palestinian Territories.

151. We will comment in greater depth on the situation in the Palestinian Territories following our visit to the region, in our forthcoming Report on Global Security: the Middle East.

197 Ev 51
199 Q 79
200 Ev 86
Pakistan

152. Although it is referred to elsewhere, Pakistan is not included as a country of concern in the FCO Report. In its written submission, Human Rights Watch called its exclusion “inexplicable on the basis of its human rights performance... the human rights environment has deteriorated dramatically under the military government of Pervez Musharraf and in particular in the past two years as the situation in the border region with Afghanistan has deteriorated.” Human Rights Watch listed some of its major concerns for human rights in Pakistan, including “total impunity for the Inter-Services Intelligence (ISI) and other security services”, “dozens if not hundreds of enforced disappearances”, “unlawful and abusive” counter-terrorism efforts and “endemic” torture. Amnesty drew our attention to “the generally parlous state of women’s rights in Pakistan.” Recent legal reforms should lead to improvements, but Amnesty would prefer to see the entire legal framework replaced.

153. A number of us visited Pakistan in November 2006, when we were able to raise these issues. We sought an update from the Minister, who had also visited the region recently:

In Pakistan, I met Prime Minister Aziz and followed that up with a detailed letter and notes about the issues of concern. I also expressed in the letter that those concerns had been expressed to us by communities in the UK that are committed to Pakistan and its well-being. I am waiting for a response.

We comment further in our Report on South Asia.

154. We conclude that, despite welcome improvements in women’s rights and legal reforms, the serious nature of human rights abuses in Pakistan and the importance of establishing a culture of human rights in the country mean that Pakistan warrants inclusion as a country of concern in the Annual Human Rights Report 2007.

Russia

155. Russia is given 12 pages of the FCO Report, significantly more than any other country. The Report states that human rights defenders “continue to be gravely concerned by actions taken by the authorities.” However, it notes that the Federal Ombudsman for Human Rights, Vladmir Lukin, has said there is cause for “cautious optimism” for human rights in the medium to long term.

156. The Report outlines security concerns in Chechnya, including “torture, abduction, hostage-taking.” In January 2006, a new NGO law was passed, forcing all Russian NGOs

201 Ev 28
202 Ev 56
203 Ev 53, para 8
204 Q 93
205 Foreign Affairs Committee, Fourth Report of Session 2006-07, South Asia, HC 55
207 Ibid, pp 86-7
to register or re-register, imposing strict reporting requirements, and permitting officials to ban projects by foreign NGOs deemed to be against the Russian national interest.\textsuperscript{208}

157. In October 2006, an unidentified gunman murdered journalist Anna Politkovskaia. Human Rights Watch’s World Report states that there is “no doubt” she was killed for her work, in which she was highly critical of the Kremlin and the pro-Russian government in Chechnya.\textsuperscript{209} Amnesty International writes that such murders “appear to be carried out in an atmosphere of virtual impunity.”\textsuperscript{210} In another controversial murder, former Russian agent Alexander Litvinenko died of radiation poisoning in London on 23 November 2006. Litvinenko was an opponent of Russian President Vladimir Putin, and was said to be investigating the killing of Politkovskaia. The Economist wrote that “though it is not clear whether the Kremlin ordered the killing [of Litvinenko], that this even seems possible says something about the internal state of Russia.”\textsuperscript{211}

158. Human Rights Watch argues that international monitoring of Russia’s human rights performance was “grossly inadequate” in 2006, especially since Russia held the Presidency of the G8. It argues that the broad EU–Russia agenda is “dominated by energy security” concerns at the expense of human rights.\textsuperscript{212} The Times similarly argues that Europe may have to make “uncomfortable compromises” with the Kremlin on human rights “by too close an embrace of the Russian bear over energy.”\textsuperscript{213}

159. Giving evidence to the Committee last year, Ian McCartney’s predecessor, Ian Pearson MP, said that “we want to … ensure that the momentum of reforming is not lost and that change moves in the right direction.”\textsuperscript{214} To that end, the Government maintains a human rights dialogue with the Russian Federation. Mr McCartney wrote to us following the latest round of this dialogue, which took place in London on 22 and 23 January 2007:

As a new element of the talks, the UK made presentations on our experience of advancing human rights in areas of mutual interest. The Association of Chief Police Officers (National Communities Tension Team) gave a presentation on the UK’s experience of investigating racially motivated crimes. In addition, the Department of Constitutional Affairs (Human Rights Division) shared UK experience of implementing European Court of Human Rights judgements. These presentations stimulated a useful exchange of views.\textsuperscript{215}

We welcome this format for the talks.

160. In our last human rights Report, we recommended that the Government “make clear to President Putin and other Russian authorities that a creeping return to authoritarianism

\textsuperscript{208} Foreign and Commonwealth Office, \textit{Human Rights Annual Report 2006}, Cm 6916, October 2006 \\
\textsuperscript{209} HRW, \textit{World Report 2007}, p 406 \\
\textsuperscript{210} Ev 23, para 158 \\
\textsuperscript{211} “Don’t mess with Russia”, \textit{The Economist}, 16 December 2006 \\
\textsuperscript{212} Human Rights Watch, \textit{World Report 2007}, pp 405–409 \\
\textsuperscript{213} “Putin wins the hearts and minds of Europe”, \textit{The Times}, 27 December 2006 \\
\textsuperscript{215} Ev 86
is not an acceptable policy to pursue.”\(^{216}\) With regret, we observe that in the past year the human rights situation in Russia has deteriorated further.

161. We plan to carry out an inquiry into aspects of the United Kingdom’s and the EU’s relations with Russia later this year, and will ensure that the human rights dimension is covered as part of that work.

**Saudi Arabia**

162. In last year’s Report, we wrote that human rights in Saudi Arabia “fall far short of universal standards.”\(^{217}\) The 2006 FCO Report agrees that “there is still cause for serious concern” about human rights in Saudi Arabia, including state-sanctioned discrimination against women, foreigners, and non-Muslims (even non-Sunnis) and restrictions on freedoms of, *inter alia*, press and movement. Saudi Arabia has the highest per capita execution rate in the world. The FCO estimates that 92 were executed in 2005, an almost 200% increase on the estimate for 2004. Despite this, Saudi Arabia was elected to the UN Human Rights Council on 9 May for a period of three years.\(^{218}\)

163. As noted earlier in this Report, the Attorney General announced in December that the Serious Fraud Office had stopped its investigation into BAE Systems’ dealings with Saudi Arabia because of public interest grounds and because of “the need to safeguard national and international security.”\(^{219}\) The Prime Minister has said the investigation would have been “devastating for our relationship with an important country.”\(^{220}\) However, the decision has been controversial and was met with severe criticism from anti-corruption organisations. There may also be an argument that it has weakened the United Kingdom’s ability to take firm action against Saudi Arabia in a range of fields, including human rights.

164. **We recommend that the Government use its close relationship with Saudi Arabia, including through the “Two Kingdoms Dialogue,” to set measurable and time-limited targets for specific human rights objectives, in particular in the areas of women’s rights, the use of torture and the application of the death penalty.**

**Somalia**

165. Despite commenting on the murder of the prominent peace activist Abdulqadir Yahya Ali, the pursuit of Sharia law by the Islamic courts and the abuses suffered by the Gaboye minority, the FCO Report does not include Somalia on its list of ‘Countries of Concern.’\(^{221}\) Human Rights Watch explained that “the fact that Somalia is not included as a ‘country of concern’ indicates the extent to which Somalia simply fell off the radar for the


\(^{219}\) HL Deb, 14 December 2006, col 1712


international community over recent years. We are now seeing the consequences of that.”

166. The security situation in Somalia remains bleak. Having been without a legitimate central government for 15 years, the population is deemed to be “vulnerable to any future conflict.” Ethiopian intervention on behalf of the transitional government in the early part of January 2007 has seen the Islamists defeated, but the planned withdrawal by the Ethiopians raises the prospect of a power vacuum. Human Rights Watch explained that the Islamists still retain popular support because “they provided an element of security and justice in many parts of the country, although we have very serious concerns about some elements of their policies—Sharia punishments, the forbidding of freedom of assembly and of expression.”

167. During the Battle of Ras Kamboni in the South of the country, the US launched an air-strike against suspected al Qaeda targets. It followed up this attack with further strikes in January 2007. Michael Ranneberger, the US Ambassador to Kenya, claimed that no civilians were killed during this attack, a claim disputed by Human Rights Watch: “We have reports of at least 30 civilians who died in that strike, and we are very concerned about that.” Claims by Oxfam’s regional director, Paul Smith-Lomas, suggest that the number of casualties may even be as high as 70.

168. We recommend that, in its response to this Report, the Government comment on the current human rights situation in Somalia, including the impact on civilians of the recent US air-strikes against terrorist targets.

Sudan

169. Sudan—the third largest oil producer in Africa and a country of great economic potential—is listed as a ‘Country of Concern’ in the FCO Report, which discusses human rights violations such as sexual and gender-based violence and the use of rape as a weapon of war. Furthermore there is a widespread culture of impunity and criminality and banditry are commonplace. Darfur is by far the worst affected region, with actors from both sides of the conflict involved in serious human rights abuses. The International Criminal Court has made progress with preparing its case against those cited for human rights abuses in Darfur. Some progress has also been made at a political level, with the signing of the Darfur Peace Agreement (DPA) between the Sudanese Government and one faction of the Sudanese Liberation Movement (SLM). However, on the ground the specific human rights content of the agreement has been difficult to implement and the so-called “NGO Act” of March 2006 has hindered the work of humanitarian organisations in situ.
170. Amnesty International was supportive of the United Kingdom’s key role in attempting to broker peace in Sudan:

The UK government continues to play a leading role at the UN and we welcome its efforts supporting the Special Session of the UN Human Rights Council on Darfur and in securing UN Security Council Resolution 1706.229

Amnesty also welcomed the extension of the AMIS mandate until 30 June 2007 but said that this “should be an interim measure that would ultimately lead to the transition to a UN peacekeeping force under UNSCR 1706.”230 Human Rights Watch also suggested that the United Kingdom should use its influence in other organisations to allow for a more effective approach to Darfur, suggesting that the “EU could complement the UN in Darfur.”231 It paid heed to “some tough talk from Prime Minister Blair”232 but remained critical of the EU’s level of involvement in Sudan. Human Rights watch suggested that greater involvement from the EU would benefit understanding of the regional dimensions of the conflict, in particular the overspill into Chad which is difficult to monitor owing to an absence of British diplomatic representation there.233

171. A particularly difficult aspect of the conflict has been the unwillingness of the Sudanese government to welcome the UN Peacekeeping force to replace the African Union Mission in Sudan (AMIS). UNSCR 1706 was co-sponsored by the United Kingdom and adopted on 31 August 2006. It called for a UN force to take over from AMIS with the support of the African Union but has so far failed to secure the backing of the Sudanese government.234 This has raised concerns that any future role of such a force would be undermined by Sudanese conditions placed upon it.

172. Amnesty International fears that without the UN force, human rights atrocities will continue to occur in a culture of impunity. It has expressed concern at this and explained that the “African Union has been absolutely clear that it wants the UN to take over its mission to provide protection for the citizens under attack while that process goes on.”235 In this statement, “that process” refers to the attempts in Sudan to bring different factions around the table to discuss their own aspirations, something that is seen as absolutely critical by Human Rights Watch who made it clear that, “a political solution is required for this problem.”236 In the immediate period after the signing of the DPA, there was significant fragmentation among the rebel groups, which in turn has rendered negotiations extremely complex. Human Rights Watch told us that it is therefore even more critical that the United Kingdom continues to push to keep Sudan on the international agenda.237

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229 Ev 24
230 Ev 24
231 Q 44
232 Ev 31
233 The British High Commissioner in Cameroon is accredited as Ambassador to Chad
234 Ev 60
235 Q 46
236 Q 47
237 Q 47
173. We welcome the Government’s lead amongst the international community in seeking to improve human rights in Sudan. **We recommend that the Government continue to use all available forums to apply pressure on the Sudanese regime and its international allies to halt the atrocities in Darfur.** We further recommend that the Government seek to ensure that the mandate of any UN force deployed in Darfur is not so watered down as a result of compromises with Sudan’s authorities as to render it ineffective.

**Thailand**

174. The September 2006 coup which deposed Prime Minister Thaksin Shinawatra occurred too late to be included in the 2006 annual report. However, Human Rights Watch drew our attention to a “deteriorating” human rights situation during Thaksin’s five-year period in office, including “some 2,500 extrajudicial executions in [his] war on drugs, suppression of media freedom, brutal counter-insurgency in the south, and the downgrading of refugee protection.” Meanwhile, Human Rights Watch pointed out, the EU sought a free trade agreement with Thailand.

175. **We recommend that the Government include more information on recent developments in the human rights situation in Thailand in the Annual Human Rights Report 2007.**

**Uzbekistan**

176. The United Kingdom, through the EU, has raised concerns with the situation of human rights in Uzbekistan in various dialogues, including on 20 September 2006 with the Special Rapporteur on Torture at the Second Session of the Human Rights Council. The United Kingdom and other EU members of the HRC also joined the Council’s consensus decision to keep a case relating to human rights violations in Uzbekistan under the Council’s ‘Confidential Complaints Procedure’.

177. The US tabled a resolution at the UN General Assembly Third Committee setting out the international community’s concerns with the human rights situation in Uzbekistan and calling for action. Within this resolution specific concern was expressed about the Uzbek government’s unwillingness to allow an international independent investigation into the massacre in Andizhan in May 2005. The United Kingdom was one of the first EU member states to co-sponsor this resolution. However, Uzbekistan tabled a ‘No Action Motion’ proposing that no action be taken on the resolution itself. This was the only ‘No Action Motion’ against a country resolution at the Third Committee to be successfully carried, by 74 votes in favour to 69 against, with 24 abstentions. The EU and US made strong statements stressing their opposition to the use of ‘No Action Motions’, and making clear that the Third Committee should be given the opportunity to consider every resolution on its own merits.

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238 Ev 32
241 Ev 62
178. Following the massacre in Andizhan in May 2005, the EU imposed sanctions on the Uzbek government, which included an arms export embargo and the positioning of seven Uzbek officials on the EU’s visa ban list. However, in November 2006 after an “aggressive push” by Germany these sanctions were relaxed, despite “no meaningful steps by the Uzbek government to meet the conditions originally set for lifting the sanctions.”242 Indeed, according to the FCO, the human rights situation in Uzbekistan “has deteriorated further since November 2006.”243 In the most recent EU assessment in February 2007, the sanctions were maintained. A dialogue and an expert seminar have been offered by the Uzbek government, in place of the international investigation which was originally demanded. Human Rights Watch was concerned that the principled position initially taken by the FCO on Uzbekistan was not translated into concrete action during EU negotiations.244 Other sources suggest that the relaxation is related to Germany’s new policy which views Uzbekistan as a “cornerstone of its new policy to build an EU presence in Central Asia.”245

179. We recommend that if the Uzbek authorities fail to provide for an independent investigation into the Andizhan massacre or fail to make significant improvements in their respect for human rights, the Government should press for the EU to impose tougher sanctions against Uzbekistan.

Zimbabwe

180. The FCO Report discusses various examples of poor governance which have led to human rights violations throughout Zimbabwe. ‘Operation Murambatsvina’ (‘Drive Out the Filth’), a campaign of forced evictions and housing demolitions has affected nearly a fifth of the population – or roughly 3.1 million people – leaving them without shelter, sanitation or education. In her report, Kofi Annan’s Special Envoy, Anna Tibaijuka, explained that an estimated 700,000 of these have been left homeless, unemployed and destitute.246 Those affected throughout the past year have still received little or no help. ‘Operation Garikai’ (‘Live Well’) was devised to re-house those made homeless by previous evictions but in practice only 3,325 houses have been built and a large proportion of these have gone to police, civil servants and those favourably viewed by the ruling ZANU (PF) party.247 Further themes explored in the FCO report are the ban on carrying excess cash, draconian punishments for those participating in the Valentine’s Day marches and the intimidating rhetoric used against the opposition regarding the organisation of peaceful protests.

181. The FCO report goes on to discuss other current concerns:

Civil and political repression, including the removal of elected opposition mayors;

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242 Ev S2
243 HC Deb, 19 March 2007, col 599W
244 Ev S2
245 EU to Uphold Uzbekistan and Belarus Sanctions, http://euobserver.com
246 Report of the Fact-Finding Mission to Zimbabwe to Assess the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlements Issues in Zimbabwe p 7
Freedom of expression being eroded by new legislation;

Constitutional amendment 17 which has nationalised land ownership, imposed restrictions on the freedom of international movement by Zimbabwean citizens and the restriction in electoral participation by second and third generation citizens;

The food crisis: ‘Operation Taguta/Sisuthi’ (‘Eat Well’) has only exacerbated the population’s reliance on the government for food, which has been explicitly used as a political tool.248

182. The British Government’s attempts to put unilateral pressure on Zimbabwe have been hampered by its colonial history because, as Human Rights Watch explained, it allows the current regime to describe the scenario as “a neo-colonial crisis about land”.249 According to Amnesty International, therefore, a better allocation of resources would be found in “talking to African countries about the ways in which they might bring pressure to bear upon the Mugabe regime.”250

183. The FCO Report states that there has been some success in getting Zimbabwe on the UN Security Council agenda, but this is not a course of action that attracts universal support. Tom Porteous of Human Rights Watch said, “I do not know whether the situation in Zimbabwe merits referral to the Security Council” and “South Africa has played a very unhelpful role.”251 Amnesty International argued for the need to take a harder line with South Africa: “We are very disappointed by South African quiet diplomacy over the past seven years and would say that it has not produced anything”.252

184. The question of involving other partners in putting pressure on Zimbabwe has frequently been raised. Ian McCartney explained that it is important that “we [the EU] have a comprehensive and effective trade arrangement that takes into account economic development and builds the capacity of those countries in southern Africa to develop human rights awareness.”253

185. During March 2007 the situation in Zimbabwe deteriorated even further as Robert Mugabe and his ZANU (PF) party continued their clamp-down on political opposition. The leader of the Movement for Democratic Change (MDC), Morgan Tsvangirai, was severely beaten on 11 March for trying to attend a meeting organised by the Save Zimbabwe Campaign, a pro-democracy coalition of civic and opposition groups. He was hospitalised by his injuries, which were severe enough to attract accusations that the attack was in fact “attempted murder”.254 Many more of Tsvangirai’s MDC colleagues have also faced increasing intimidation and violence from Mugabe’s “hit-squads”.255 MDC spokesman Nelson Chamisa was attacked by a gang of eight, leaving him with severe facial

249 Q 48
250 Q 48
251 Q 49
252 Q 48
253 Q 88
254 “Zimbabwe Opposition Leader ‘Beaten Unconscious by the Police’” The Independent, 13 March 2007
255 “Mugabe Accused of Using Hit-Squads to Target Opposition”, The Independent, 21 March 2007
injuries while MDC leaders Sekai Holland and Grace Kwinje were prevented from boarding a flight to South Africa for important medical checks. Foreign diplomats have also been warned that the increased intensity of the Mugabe regime will be redirected towards them. A Zimbabwean foreign affairs official outlined the regime’s hostility towards the British and American diplomats in particular, stating that “if these two don’t shut up from now on, their expulsions are imminent.”

186. In response to questions over the current situation in Zimbabwe, the Foreign Secretary told the House on 20 March of the need to promote and maintain strong multilateral pressure on the Mugabe regime. She made it clear that the United Kingdom’s concerns must be shared by the EU, the African Union and the UN. Therefore, and in spite of the obvious deepening of the Zimbabwean crisis, there have been a number of developments which give cause for cautious optimism. In response to the recent violence, South Africa has shown tentative signs of a movement away from its quiet diplomacy and has become more vocal in its criticism of Mugabe’s regime, describing the beatings as “obviously unacceptable to us as a government.” Furthermore, Thabo Mbeki’s recent appointment by the Southern African Development Community (SADC) as a mediator in the Zimbabwean crisis has been seen as a “critical new departure by insiders”. He is mandated to ensure that next year’s presidential elections are free and fair. The African Union, which itself has faced criticism because of the perceived unwillingness of its member Heads of State to put significant pressure on the Mugabe regime, has also raised its voice over the issue. The Chairperson of the Commission, Alpha Oumar Konare, has urged “all concerned parties to commence a sincere and constructive dialogue” with Zimbabwe. Perhaps the most critical development, however, could be the opening up of fissures within the ZANU (PF) party itself, with Mugabe recently conceding that some of his colleagues are “plotting against him”, as the country moves towards a perceived tipping point.

187. We conclude that the appalling human rights situation in Zimbabwe has deteriorated over the past year. We recommend that the Government continue strongly to urge South Africa to apply greater pressure on the Mugabe regime. We further recommend that, in its response to this Report, the Government set out what progress has been made on the issue of Zimbabwe at the UN Security Council.

258 HC Deb, 20 March 2007, col 671
259 “South Africa’s Chief Government Spokesman, Themba Maseko as cited in Mugabe Accused of Using Hit-Squads to Target Opposition”, The Independent, 21 March 2007
260 Tsvangirai calls on South Africa to act soon on Zimbabwe, The Times, 2 April 2007
Formal minutes

Wednesday 18 April 2007

Members present:

Mike Gapes, in the Chair

Mr Fabian Hamilton
Mr David Heathcoat-Amory
Mr John Horam
Andrew Mackinlay

Mr Malcolm Moss
Mr Greg Pope
Sir John Stanley
Richard Younger-Ross

The Committee deliberated.

Draft Report (Human Rights Annual Report 2006), proposed by the Chairman, brought up and read.

Ordered, That the Chairman’s draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 83 read and agreed to.

Paragraph 84 read, amended and agreed to.

A paragraph—(Sir John Stanley)—brought up, read the first and second time, and inserted (now paragraph 85)

Paragraphs 85 to 129 (now paragraphs 86 to 130) read and agreed to.

A paragraph—(The Chairman)—brought up, read the first and second time, and inserted (now paragraph 131)

A paragraph—(The Chairman)—brought up, read the first and second time, and inserted (now paragraph 132)

A paragraph—(The Chairman)—brought up, read the first and second time, and inserted (now paragraph 133)

Paragraphs 130 to 131 (now paragraphs 134 to 135) read and agreed to.

Paragraph 132 (now paragraph 136) read, amended, and agreed to.

Paragraphs 133 to 136 (now paragraph 137 to 140) read and agreed to.

Paragraph 137 (now paragraph 141) read, amended, and agreed to.

Paragraphs 138 to 181 (now paragraph 142 to 185) read and agreed to.

Paragraph 182 (now paragraph 186) read, amended and agreed to.
Paragraph 183 (now paragraph 187) read and agreed to.

Resolved, That the Report, as amended, be the Third Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No.134.

Several Papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House. —(The Chairman)

The Committee further deliberated.

[Adjourned till Wednesday 25 April at 2.00 pm]
List of witnesses

**Wednesday 24 January 2007**

Kate Allen, Director, Amnesty International UK, and Tom Porteous, London Director, Human Rights Watch

**Wednesday 7 February 2007**

Rt Hon Ian McCartney, Minister of State for Trade, Investment and Foreign Affairs, Susan Hyland, Head, Human Rights, Democracy and Governance Group, and Stuart Adam, Head, Public Policy and Licensing Team, Foreign and Commonwealth Office
List of written evidence

Amnesty International UK  Ev 1; Ev 48; Ev 50
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Jubilee Campaign  Ev 97
Sarah Cook, Student, School of Oriental and African Studies, University of London  Ev 100
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Oral evidence

Taken before the Foreign Affairs Committee

on Wednesday 24 January 2007

Members present:

Mike Gapes, in the Chair
Mr Fabian Hamilton
Mr Eric Illsley
Andrew Mackinlay
Mr Malcolm Moss
Mr Ken Purchase
Sandra Osborne

Written evidence submitted by Amnesty International UK

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Amnesty International

1. Amnesty International is a worldwide membership movement. Our vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights. We promote all human rights and undertake research and action focussed on preventing grave abuses of the rights to physical and mental integrity, freedom of conscience and expression and freedom from discrimination.

The FCO Report

2. Amnesty International welcomes the publication of the FCO Human Rights Annual Report 2006 (“the FCO report”). It is a comprehensive report providing a thorough overview, on the whole, of the work that the government has been doing to protect and promote human rights worldwide. As we have said in previous years, it remains important for the government to take the opportunity of the publication of the report to
present its activities in depth and breadth and to explain its position in a competent and coherent manner. Thus, it contributes to a greater understanding of the government’s work in this field and is an essential document for keeping the UK public informed of government policy.

3. Amnesty International similarly welcomes this opportunity to contribute to the work of the FAC Committee (“the committee”) in its scrutiny of FCO human rights policy. We believe that the committee plays an invaluable role in its examination of this work and the recommendations that it makes for its improvement. The suggestions that it makes to the government on foreign policy concerns are taken seriously by the Secretary of State and the FCO. That it continues to undertake this work is vital to the continued accountability of government policy in this field.

4. This submission cannot include all of Amnesty International’s observations and recommendations regarding the FCO report. Amnesty International welcomes therefore the opportunity that the committee is providing to the organisation to present oral evidence to it when it meets in January 2007. We will also be pleased to submit additional information should the committee require it.

**COMMENT ON PURPOSE AND INTENT**

*Content and structure of the report*

5. The FCO report records developments between August 2005 and September 2006. In our submission to the committee last year, we criticised the 2005 report for leading with a description of what might be called the “bread and butter” work undertaken by the FCO. This was particularly given the horrifying London suicide bomb attacks of July 2005, reference to which was buried deep inside the text. This year, we are glad to see the report return to its previous form of commencing with an Overview and Challenges, including reference to the impact of counter-terrorism measures on human rights and the need to close the detention centre at Guantánamo Bay.

6. We are glad, too, to see reference to the value of working with human rights defenders in this section, and also to the importance of working with NGOs. The Secretary of State in her speech at the launch of the report reiterated this commitment to such dialogue and the Minister for Human Rights has recognised the worth of doing so similarly. The FCO has done some valuable work with both human rights defenders and in consultation with NGOs in the last year and we look forward to such cooperation continuing. We would ask that such consultation be regularised, however, and that feedback post dialogues, for example, be more systematic.

7. We also welcome the strengthened reference to mainstreaming throughout the FCO report. Mainstreaming is also discussed in the revised Human Rights, Democracy and Governance Group (HRDGG) Human Rights Strategy and we note also the new production of a regular E-Newsletter on Human Rights by HRDGG. Both mainstreaming and information-sharing are invaluable tools of that department in its efforts to raise the profile of human rights throughout government. We suggest in relation to this, however, that HRDGG carry out an assessment of the effects of mainstreaming to date.

*UK government policy towards human rights*

8. Despite the above developments, and as in previous years, we retain questions about the extent of the government’s overall commitment to human rights, however. Ten years on since the FCO started reporting on its human rights work, there is a need to urgently reinvigorate the human rights aspect of the UK government’s foreign policy work. We appreciate that much valuable work is being undertaken by the UK government around the world but this is being strongly undermined by its failure to uphold human rights in the context of the war on terror. Thus, whilst the UK government ratified the Optional Protocol to the Convention Against Torture in 2003 and has been instrumental in the global campaign to promote ratification, the report makes no commitment to cease efforts to deport people to states where they face a real risk of torture, there is no acknowledgement of, or reaction to, the use of secret detention by the USA and no comment on a possible investigation into rendition.

9. Furthermore, we continue to question the FCO’s rationale for subsuming work on human rights under the strategic priority of sustainable development. We feel, as before, that this is a reflection of the fact that the FCO does not believe human rights to be a stand-alone strategic priority. Very little reference is made to human rights in the FCO’s White Paper of March 2006 (there is no reference to mainstreaming of human rights in this document) and the Secretary of State’s first speech on the subject was some three months after taking office. We remain troubled by this apparent side-lining of human rights.

10. Last year, the committee noted our concerns about this positioning of human rights and was also of the view that the government risked downgrading its human rights work by combining human rights responsibilities with trade in the person of the same minister. In its report, the committee noted that “the Minister of State has two seemingly contradictory roles” and that “It is inevitable that these two roles will sometimes stand in sharp contradiction.” Despite a robust rebuttal of this view by Mr McCartney and the FCO, we believe that this particular concern, also, still stands.
Funding for human rights projects

11. The committee will remember that in previous submissions we have also raised the issue of funding for human rights projects as a matter of concern. This includes the fact that it is difficult to establish what funding is being made available for discrete human rights projects within the larger sums provided for through “human rights, democracy and governance”. We highlighted in this respect that it was difficult not to interpret the government’s definition of a human rights project as being what the FCO says it is; a concern the committee took up and reiterated. We were also concerned that fewer countries were eligible for funding under the Global Opportunities Fund (GOF) programme than the previous Human Rights Project Fund (HRPF) and that limited sums are now available for thematic work under the Sustainable Development programme.

12. In our submission to the FAC last year, we reported that in the 2004/2005 financial year, the FCO report stated that £13.4 million was spent on human rights, democracy and governance work overall. Looking at the figures presented for such work in Annex 2 of that report, and those provided elsewhere by the FCO, however, we were unable to identify expenditure in 2004/2005 beyond approximately £11 million. At the time of making our submission to the committee in 2005, we were attempting to clarify this discrepancy with the FCO. Subsequent to the FAC inquiry, we were told that such figures were, in fact not obviously reconcilable and the discrepancy identified not possible to clarify.

13. We looked forward to greater clarity this year in the report as to how funding levels for human rights projects were reached. However, this year, we note that while the FCO continues to list the work it funds through the GOF, it does not state what sum is spent on each project, or in total on human rights work overall. This lack of information makes it impossible to judge to what levels the government funded human rights work in 2005/2006 and appears to make it less accountable. We query why the FCO has changed its reporting style in this way and would be grateful for an indication of these figures as previously.

HUMAN RIGHTS AND COUNTER-TERRORISM (pages 13–14, 175 and 178–184)

14. Amnesty International fully recognises the serious nature of today’s threats to public safety and the obligation on all states to act to protect their citizens. States have an obligation to take measures to prevent and protect against attacks on civilians; to investigate such crimes; to bring to justice those responsible in fair proceedings; and to ensure prompt and adequate reparation to victims. However, it is equally incumbent on the UK government to ensure that all measures taken to bring people to justice, as well as all measures to protect people from terrorism, are consistent with international human rights law and standards. Unless governments across the world respond to the threat of international terrorism in a manner that is fully grounded in respect for human rights and the rule of law, they risk undermining the values they seek to protect and defend.

15. The report affirms that the rule of law is essential to any successful counter-terrorism strategy and states that “counter-terrorism measures should be legal, proportionate and justifiable. Promoting human rights, democracy, good governance and the rule of law is, in the long term, the best guarantee of our own security.” Amnesty International welcomes such statements. However, we would question whether these principles are matched by policy in a number of areas. Amnesty International considers that the UK’s authority to speak out on human rights violations around the world is being seriously weakened by its counter-terrorism policies and measures.

Deportation from the UK

16. Amnesty International is extremely concerned at the UK government’s efforts to deport foreign nationals by means of diplomatic assurances (whether memorandums of understanding, exchange of letters or any other sort of diplomatic agreement). The absolute prohibition of torture and ill-treatment is one of the most universally accepted human rights. This prohibition encompasses a ban on transferring a person to a state where there is a risk they would be subjected to torture or other ill-treatment (non-refoulement).1 The principle is binding on all states, is absolute and permits no exceptions. Amnesty International calls on the UK government to reaffirm its commitment to the absolute obligation under international law not to return any person to a country where they face a real risk of torture or ill-treatment.

17. The UK government is seeking to circumvent this principle to deport people it considers a security risk. Amnesty International strongly disagrees with the report’s contention that diplomatic assurances take full account of human rights obligations; this view is shared by many others. For example, UN Special Rapporteur on Torture Manfred Nowak has said: “The prohibition of torture is absolute, and States risk violating this prohibition . . . by transferring persons to countries where they may be at risk of torture.”


Amnesty International considers that the UK’s reliance on diplomatic assurances when seeking to expel people to countries where they risk torture or ill-treatment would violate its obligations under international law. Diplomatic assurances are corrosive of the absolute prohibition against torture.

18. The report states that memorandums of understanding provide assurances that meet international standards and offer “an additional layer of protection over and above the provisions contained in international human rights instruments”. However, the government’s view is contrary to that of international human rights institutions and experts. Diplomatic assurances are only sought with countries where there is a risk of torture and ill-treatment and which do not respect their existing obligations. Given that these states have previously violated legally binding obligations, they cannot be relied on to honour bilateral diplomatic understandings. Moreover, torture and other ill-treatment almost always happens in secret. Amnesty International considers that undertakings not to torture made by states known to use torture or ill-treatment are self-contradictory and cannot be relied upon.

19. The idea that post-return monitoring mechanisms bolster the effectiveness of diplomatic assurances is misguided. The safeguards that diplomatic assurances provide fall below those contained in international law; they lack an enforcement mechanism and do not provide a remedy in case of a breach. Indeed, diplomatic assurances have proven to have been ineffective. People who have been transferred on the basis of diplomatic assurances by other countries have later complained of torture.³ Amnesty International considers that diplomatic assurances are inherently unreliable and in practice ineffective.

Article 3 of the European Convention on Human Rights and deportation

20. Amnesty International is concerned at what the report describes as efforts to “balance” the risk of torture and ill-treatment with national security concerns in relation to efforts to deport people from the UK. The UK government maintains that there should be “some recognition of the importance of balancing risks”. Amnesty International considers that the UK government is attempting to undermine the absolute prohibition of torture or other ill-treatment by its efforts to ‘balance’ national security and the risk of torture.

21. Amnesty International is also deeply concerned at suggestions by government ministers that it might be possible to make a distinction between torture and ill-treatment under Article 3 and thereby overcome obstacles to deportation.⁴ Amnesty International considers that the prohibition of torture and other ill-treatment is absolute, at all times and under any circumstances. Amnesty International finds it extraordinary that the UK government, which has been a strong advocate of the elimination of torture throughout the world, should now be undermining this work by seeking to circumvent the principle of non-refoulement.

Rendition and secret detention

22. Rendition is the secret transfer of individuals without judicial process to countries where they are reportedly tortured and to US detention centres around the world. Amnesty International welcomes the statement that “We do not use rendition to bring terrorist suspects to face legal proceedings in the UK”. However, we are concerned at the report’s prevarication over the legal status of rendition. Amnesty International believes that rendition is illegal under domestic and international law because it bypasses judicial and administrative due process and typically involves multiple human rights violations. Amnesty International calls on the UK government to take an unequivocal position on the process of rendition.

23. The report outlines US assurances over the use of torture and practice of rendition. Amnesty International is far from reassured by these; US protections against torture are less than adequate. Moreover, the report has been overtaken by President Bush’s speech of 6 September 2006 in which he confirmed the existence of a CIA secret detention and interrogation programme, and therefore the rendition network that supported it. He also defended the use of “alternative” interrogation techniques, which he said had been used to break the resistance of detainees. Although the President said that the CIA is not now holding anyone in its secret programme, he also said that the CIA detention programme would remain “crucial”. The UK government should make unequivocal public representations to the US government urging it to make a full disclosure of its rendition programme, cease rendition and illegal detention across the world and hold to account those involved in these practices.

24. On 13 November 2006, the third committee of the UN General Assembly voted unanimously to adopt the UN Convention for the Protection of All Persons from Enforced Disappearance.⁵ In welcoming this move, the UK government stated that they consider an enforced disappearance to comprise the following elements:

— an arrest, detention, abduction or any other form of deprivation of liberty;
— such acts are committed by agents of the state or by persons or groups acting with the authorisation, support or acquiescence of the state;

³ In 2001, Sweden expelled two asylum seekers to Egypt relying on ‘diplomatic assurances’ to counter the risk of torture. Both men were held in incommunicado detention in Egypt and allege that they were tortured while in custody in Egypt.
⁴ See, for example, evidence given by Baroness Scotland to the Joint Committee on Human Rights on 30 October 2006, particularly questions 84–95.
⁵ The UN General Assembly adopted the treaty in December 2006.
Amnesty International is in no doubt that secret detention and enforced disappearance are crimes under international law. The organisation calls on the UK government to make clear its position on the legality of secret detention as practiced by the US.

25. The FCO report notes that the UK takes rendition “very seriously” and outlines the government’s cooperation with various inquiries. However, Amnesty International considers that the UK government has been slow to answer questions about rendition and that it has failed to adequately investigate the use of UK airspace and airports to facilitate flights by CIA-chartered aircraft known to have taken part in rendition, including servicing planes about to embark on or returning from “rendering” a detainee. The November 2006 draft report by the European Parliament’s Temporary Committee on rendition deplored the UK government’s cooperation with it. The draft report also expressed “serious concern” about stopovers by CIA-operated aircraft at UK airports which were linked with rendition circuits. **Amnesty International urges the UK government to launch a thorough and independent investigation into the use of UK airspace and airports to facilitate rendition.**

26. The FCO report says that the UK government has long made it clear that it regards the circumstances under which detainees continue to be held at Guantánamo Bay as “unacceptable”. However, recent comments by the Prime Minister, Foreign Secretary, Lord Chancellor and Attorney General notwithstanding, Amnesty International believes that the UK government has failed to publicly oppose the human rights scandal that is Guantánamo with any vigour and that its record in relation to the camp has been lamentable. **We urge the UK government to take a clear and public position; they should demand that the USA close Guantánamo Bay.** The UK government should also play an active role facilitating this closure.

27. The report notes the UK government’s concern at reports of hunger strikes at Guantánamo but that the “US authorities have assured us of their commitment to ensuring the welfare of the detainees”. There have been serious allegations of ill-treatment of hunger strikers during force-feeding. Detainees have alleged having nasal tubes roughly inserted into their noses without anaesthetic or gel, causing choking and bleeding. **Amnesty International considers that if forcible feeding is done in such a way as deliberately to cause suffering this would constitute torture or other ill-treatment.**

28. The conditions and uncertainty about detainees’ fate have reportedly contributed to severe mental and emotional stress and there have been numerous suicide attempts. As of May 2006, the US Department of Defence had reported over thirty attempts, but has reclassified others as “manipulative self-injurious behaviour”, indicating a disregard for detainees’ welfare as well as the circumstances underlying such incidents. On 10 June 2006, three detainees were found dead in their cells, apparently having hanged themselves. All three had previously participated in hunger-strikes and been subjected to force-feeding. All were held in a maximum security section of the camp, one was reportedly just 17 when he was taken into custody. **Amnesty International is disturbed by descriptions of suicides at Guantánamo Bay by US officials as “asymmetric warfare” and “a good PR move”.**

29. The report has been overtaken by the Military Commissions Act, which was signed into law in October 2006. While commissions that can be established under the Act would be an improvement on their fundamentally flawed predecessors, Amnesty International remains concerned that any trials convened under the Act are unlikely to meet international fair trial standards. The Act facilitates human rights violations and impunity for them, frustrates detainees’ access to remedies, and threatens to lead to unfair trials. **Amnesty International is campaigning for the repeal of the Military Commissions Act; trials must meet international standards of fairness.**

30. The report notes what it describes as positive developments on the clarification of US procedures. However, Amnesty International is extremely concerned that US protections against torture and ill-treatment are inadequate. Treaty reservations mean that the US considers itself, including under the Detainee Treatment Act, bound by the prohibition on cruel, inhuman or degrading treatment or punishment only to the extent that it matches existing US law. Under US Supreme Court jurisprudence, conduct is banned that “shocks the conscience”. Thus, if a detainee is believed to have information considered important to national security, the “shocks the conscience” test could be interpreted to allow detention and interrogation that would otherwise be unlawful. **Amnesty International urges the UK government to press President Bush to withdraw his signing statement to the Detainee Treatment Act. We also call for the UK government to press the US government to ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

31. Amnesty International remains concerned at the UK government’s continued failure to make adequate representations on behalf of UK residents still held at Guantánamo. At least eight former UK residents remain detained at Guantánamo. These include men who had been residents in the UK for a long time and who have family members who are UK nationals; others have been granted refugee status in the
UK. Amnesty International considers that the UK Government is obliged under domestic and international law to make representations on behalf of all UK residents still held at Guantánamo to ensure that their human rights are upheld.

32. Amnesty International is also concerned that the UK authorities have failed to undertake a full independent and impartial investigation into the UK’s involvement in the rendition of UK residents Bisher Al-Rawi and Jamil El-Banna, who remain detained at Guantánamo. This issue was raised by the European Parliament’s Temporary Committee. The UK government should undertake a full, independent and impartial investigation to establish whether UK security services were complicit, whether wittingly or unwittingly, in the detention of former UK residents and subsequent human rights violations.

TORTURE (pages 175 and 187–190)

33. Amnesty International endorses the view expressed in the report that “Torture has no place in the 21st century. It is one of the most abhorrent violations of human rights and human dignity.”6 We also welcome the statement that the government has made international action against torture a priority since the UK anti-torture initiative was launched in 1998. However, we are deeply concerned that the UK government’s good work across the world to bring an end to torture is being undermined by its apparent disregard for human rights in the international war on terror.

34. The Optional Protocol to the UN Convention Against Torture (OPCAT) came into force on 22 June 2006. The OPCAT represents a practical means towards preventing torture and other ill-treatment. It establishes a system of regular visits to all places of detention by independent bodies and by a new international expert body, the Subcommittee, which will carry out unannounced visits. Amnesty International welcomes the coming into force of the OPCAT and the role played by the UK government in supporting this. We urge the UK government to work to ensure that the Subcommittee has sufficient resources to enable it to fully carry out its mandate and to continue to push additional states to ratify the OPCAT.

Torture evidence

35. Amnesty International is concerned at the absence of material on the use of evidence and information derived from torture in this year’s FCO report. The previous report outlined the government’s position on this issue, and the committee has pressed hard for information on whether the UK receives or acts upon information extracted under torture. The omission is all the more surprising since there have been a number of important developments in the period covered by the report.

36. In December 2005, the UK government lost its legal battle to reverse the total ban on the admissibility in judicial proceedings, as “evidence”, of information obtained through torture. Seven Law Lords unanimously confirmed that such evidence is inadmissible. They also ruled that there was a duty to investigate whether torture had taken place, and to exclude any evidence if the conclusion was that it was more likely than not that it had been obtained through torture.

37. The European Parliament’s Temporary Committee on rendition also commented on the issue in its draft report. We are particularly concerned at what it says about the legal opinion of Michael Wood, former legal adviser to the FCO, and the suggestion that “receiving or possessing” information extracted under torture, in so far as there is no direct participation in the torture, is not per se prohibited. Amnesty International believes that under international law torture is absolutely prohibited in all circumstances; no statement obtained through torture or other ill-treatment should be admitted as evidence except in proceedings against torturers.

UN REFORM AND HUMAN RIGHTS AT THE UN (p 15, 161—169)

38. Amnesty International welcomes the support and commitment that the UK government has shown for the new Human Rights Council (HRC) and for the opportunity that it has given to Amnesty International and other organisations to engage in dialogue with it on this issue.

39. We agree with the FCO report that the HRC’s success will depend on the political will of its members and its ability to establish effective mechanisms for addressing human rights. Amnesty International believes that there are effective mechanisms that existed in the Commission for Human Rights (CHR) that must be adopted, protected and strengthened in the HRC. The process of Special Procedures, the bodies mandated to investigate specific countries and concerns, for example is one such mechanism and is currently under review. It is vital that these Special Procedures are not weakened or subject to resolutions that would limit their ability to carry out their work. We also agree with the report that the universal periodic review mechanism is potentially a valuable tool for addressing human rights in a non-selective and transparent manner and we urge the UK government to continue its discussions with Amnesty International and other NGOs as to how the review mechanism can be developed.

40. On a procedural level Amnesty International has been disappointed that some of the resolutions proposed at the HRC sessions have been subject to narrow political objectives and have resulted in weak resolutions. However, we do remain optimistic that the HRC can become an effective body and we urge the UK government to continue to use its influence to ensure that the Special Procedures are protected during
the review and are not subject to any measures that would weaken their ability to effectively address human rights concerns. We would also urge the UK government to use its membership of the HRC to make representations that would strengthen resolutions and statements addressing human rights.

41. The report highlights the agreement at the September 2005 UN World Summit on the concept of the ‘responsibility to protect’ and subsequent adoption of Resolution 1674 on the Protection of Civilians in Armed Conflict. Over one year on, Amnesty International is disappointed that so far the Security Council has been unable to meet the “responsibility to protect” in Darfur, Sudan. The situation in Darfur is a key test of the Security Council’s commitment to the concept of “responsibility to protect”. Tens of thousands of people have been killed, raped and assaulted and almost two million people forced from their homes. Amnesty International welcomes the UK government’s commitment in the report “to ensure that the agreement on the responsibility to protect is translated into a willingness to act on specific cases”. Amnesty International urges the UK government to use their influence as a permanent member of the Security Council to ensure that civilians caught up in armed conflict are protected in all cases.

42. Amnesty International welcomes UK government support for the Office of the High Commissioner for Human Rights (OHCHR) and its projects. The report states that “the UK is one of the largest donors in terms of voluntary contributions”. We urge the UK government to continue this support and to use its influence to ensure other states are contributing to the OHCHR in order that it can implement its action plan.

43. Amnesty International welcomes the support that the UK government has given to the International Criminal Court (ICC) and its commitment to continue to lobby for the ratification of the ICC Statute. Amnesty International welcomes the donations that the UK has made to the ICC Trust Fund for Victims and urge it to continue to make regular, substantial contributions and to encourage other states to do the same, ensuring that the Fund receives global support.

Arms Control (pages 21–22, 217–219)

Arms Treaty

44. The development of an international Arms Trade Treaty (ATT), to help curb the flow of arms to those using them to commit abuses of human rights and international humanitarian law, remains crucial. Significant progress was made towards establishing an ATT last year.

45. The UK government, alongside its international partners, has continued to play a lead role in promoting the ATT on the international stage. On December 6 2006, the UN General Assembly voted to start the process towards establishing an ATT, with 153 states voting in favour, 22 abstentions and only one vote against. The resolution sets out a timetable for the UN to establish a group of governmental experts (GGE) to consider the feasibility, scope and draft parameters of a legally-binding ATT and to report back to the General Assembly in 2008. Prior to the GGE, a more informal consultation process will take place, with states invited to submit their views on an ATT to the Secretary General.

46. It was a major disappointment that the June 2006 UN conference on illicit trafficking of small arms and light weapons failed to agree tough transfer control principles over the import, export and transit of small arms and light weapons. The failure to agree these principles, despite widespread and majority support from UN member states, means that there are no binding rules to ensure that these categories of weapons are transferred according to established principles of international humanitarian and human rights law. Developing a set of tough rules based on international law on the transfer of a particularly problematic category of weaponry would have been a clear benefit to the development of the ATT, as it would have set a tough international standard which the ATT could have been built upon.

47. From the experience of the UN small arms process, developing the ATT is going to be challenging. As one of the leading governments backing the ATT initiative, the UK government must continue to work hard to drive the ATT process through the UN system and increase its efforts to secure widespread and international active support, particularly from southern governments. Without considerable international effort over the next two years, it is likely that the ATT will take years to come into effect and lack the necessary robustness to be effective in stemming the flow of irresponsible arms exports. We also urge the UK government to ensure that other relevant international processes, such as the current UN GGE on arms brokering are consistent and complementary to establishing an effective ATT.

Export Licensing

48. The UK government has made a commitment not to grant arms export licences to countries or end-users that could use equipment to facilitate human rights abuses. Yet in its reporting on strategic export controls, export licences for types of equipment that could be used to commit abuses continue to be issued to a number of countries where the UK government has expressed concern over their human rights record. These countries include, for example, China, Colombia, Israel, Russia and Saudi Arabia. The types of equipment that have been licensed to these destinations include armoured vehicles, pistols, machine guns and sniper rifles, components for combat helicopters, components for air to surface missiles, body armour, riot control agents and military communications equipment.
49. The government has made some improvements in the levels of transparency in its reporting, by disclosing the end-users of certain equipment, particularly where this is for a humanitarian end use (e.g. mine clearance) or for peacekeeping activities. However, the UK government’s arms export reports still do not allow adequate and meaningful scrutiny of the UK government’s policy commitment not to send arms where they could be used to commit human rights abuses. The UK government should provide a much more coherent explanation of its export licensing decisions to countries it lists as being of “major concern” in the FCO report. The UK government should also publish more information on the end use and end-users.

Review of the Export Control Act

50. The 2002 and 2004 Export Control legislation will be reviewed in 2007. The review offers the opportunity to close existing loopholes in the UK’s export control system that allow arms to be supplied to countries where they could be used to commit atrocities. For example, in May 2005, Uzbekistan’s security forces used military Land Rover defender vehicles during the Andijan massacre; these Land Rovers were supplied by Turkey, which manufactures these vehicles under license from Land Rover in the UK. In February 2005, it emerged that a UK subsidiary company based in India, was negotiating to supply military trucks to Sudan, a deal that would have been illegal if done from the UK, as Sudan is subject to an EU arms embargo. Whilst we welcome the introduction of the EU Regulation on Torture, it emerged last year that several categories of torture goods, including sting sticks (metal spiked batons) and interrogation foot-heaters, were not classified on the list of goods covered by the regulation, and therefore fell outside the scope of the regulation.

51. We urge the UK government to honour its 2002 Manifesto commitment and introduce extra-territorial controls on arms brokering and trafficking, especially for small arms, light weapons and ammunition. We urge the UK government to introduce re-export controls on all military equipment produced under-license overseas and also for exports via subsidiary companies, at a minimum to destinations subject to arms embargoes. A “catch-all” clause should be introduced to cover torture equipment, so that goods not classified on a specific list of torture goods, but that can nevertheless be used to facilitate acts of torture, are controlled, irrespective of whether they appear on a specific list of controlled goods.

HUMAN RIGHTS AND EUROPE (pages 127–159 and p 285)

52. The committee’s last human rights report noted that “the EU has put human rights at the centre of its Common Foreign and Security Policy (CFSP)”. However, Amnesty International is concerned that despite having gained considerable experience projecting its fundamental values of democracy, human rights and the rule of law, the EU is coming to be perceived as applying double standards at home as well as in external relations. In our view, this is beginning to affect Europe’s ability to conduct a credible human rights policy.

The Fundamental Rights Agency

53. Due to start in January 2007, Amnesty International has consistently called for the Fundamental Rights Agency (FRA) to have a role on third pillar matters. Excluding such a role from the FRA’s mandate would preclude it from addressing the core human rights challenges in the EU today, including the fight against terrorism and the protection of individual freedoms in policing and criminal justice. The compromise solution the European Council finally adopted in December 2006 provides for an extremely limited role for the FRA in third pillar matters, hindering it from seriously addressing the fundamental question of how the EU upholds and promotes its common human rights values. Amnesty International urges the UK government to take steps to create a new dynamic around the FRA in order to resuscitate this important EU initiative. In addition, Amnesty International believes that a dedicated structure in the European Council should be created to deal with human rights within the EU.

EU guidelines

54. EU guidelines on human rights (which include those on torture, the death penalty, children in armed conflict and human rights defenders) constitute an important set of concrete foreign policy tools to be used at EU level and by Member States, and in particular through missions in third countries. However, it is increasingly problematic that the main responsibility for implementing the guidelines is effectively carried by an already overburdened Presidency. There is an urgent need to examine the scope for burden-sharing among Member States. This could be achieved by integrating the aims and objectives in the guidelines into regional strategies and association agreements. Amnesty International urges the UK government to work to ensure that initiatives undertaken during the German Presidency provide opportunities not only to enhance coherence but also burden-sharing between Member States and between the Presidency and the Commission.
**Dialogues and consultations**

55. The German Presidency of the EU will see the very important phase of re-negotiating the Partnership and Cooperation Agreement with Russia. The last decade has seen a significant deterioration of human rights in Russia, eroding civil liberty gains made during the 1990s, while the Chechnya conflict continues to generate gross human rights abuses. **Amnesty International considers that it is important that the opportunity of negotiating the new partnership and cooperation agreement with Russia is used to ensure that human rights are fully integrated in the EU’s relationship with its largest and most important neighbour.**

56. The FCO report discusses the EU–China human rights dialogue. This dialogue has led to modest concessions in the legislative sphere, but has had a negligible influence on human rights practice. In our view, China has yet to show it is serious about stated intentions to improve its human rights record in light of the 2008 Beijing Olympics. **Amnesty International calls on the UK government to press the EU to reiterate publicly the importance of human rights reform in relation to the renewed debate around lifting the EU arms embargo on China, put forward pertinent criteria against which to measure progress and ensure that the arms embargo remains in place until significant human rights progress is made.**

**Enlargement and neighbourhood policies**

57. The formal approval of Action Plans for the countries of the Southern Caucasus in November 2006 closed an important geographic gap in the European Neighbourhood Policy (ENP), which now defines relations with European neighbours from the Maghreb to Minsk. **Amnesty International believes that two years after its inception, it is time to take stock of the ENP to assess its effectiveness, address policy inconsistencies and maximize the potential to influence the human rights record of neighbouring countries.**

Candidate countries versus other neighbours

58. The Copenhagen criteria set clear benchmarks for candidate countries in key areas including human rights and the rule of law, with a clear plan to encourage a transformation towards common values. However, the formulation of common values remains vague vis-à-vis other neighbours. The prospect of membership provides a stronger impetus than Action Plans, but the ambition of human rights reform should essentially be the same for all neighbours. **The UK government should work towards strengthening the European Neighbourhood Policy by establishing clear strategic policy guidelines which ensure the uniform application of readily understandable human rights standards for all its partners.**

59. With the entry of Romania and Bulgaria to the EU in January 2007, the EU wants to “pause” enlargement until institutional reform has been achieved. However, negotiations are still under way with Croatia and Turkey. In Turkey, significant achievements have been made in legislative terms, but these are yet to be translated into effective human rights protection in practice. Croatia is cooperating with the International Criminal Tribunal for the former Yugoslavia, but many war crime cases need urgent investigation as they reach their statute of limitations, and as the FCO report states, Croatia needs strong encouragement to strengthen the judicial system and ensure that all perpetrators of war crimes and crimes against humanity are brought to justice. **Amnesty International urges the EU to maintain the human rights momentum of candidate countries.**

**New Ostpolitik versus EUROMED**

60. Although the EU is the preferred partner for most countries of Eastern Europe and the Caucasus, it has not been able to persuade these neighbours to voluntarily adopt the EU requirements in the areas of human rights and the rule of law. **Amnesty International believes that countries sandwiched between the EU and Russia need EU engagement that has strengthening human rights, democracy and the rule of law at its core. A new “Ostpolitik” ought to promote harmonised approaches to these central issues, and support civil society in its efforts to consolidate basic freedoms.**

61. The EU’s relationship with neighbours to the south is being defined not only through the ENP and its Action Plans, but also through the institutions established during the eleven years of the EUROMED Partnership. The Barcelona Anniversary Summit held in November 2005 did little to clarify the relationship between these two processes. Nonetheless, the regional and bilateral dimensions have the potential to reinforce each other, and provide a powerful vehicle to promote the rule of law and human rights throughout this turbulent region. **Amnesty International believes that a common human rights monitoring mechanism with an appropriate format ought to be applied to all Action Plans to strengthen human rights in the region.**

**Extended neighbourhood: Central Asia**

62. Human rights remain fragile in all Central Asian countries and should therefore become a strong element in the new strategy to be approved under the German Presidency. **Amnesty International is concerned that the new strategy for Central Asia should include components which address the protection of human rights defenders and the release of prisoners of conscience, adherence to the Convention Against Torture and abolition of the death penalty.**
63. As the FCO report indicates, EU relations with the most populated Central Asian republic, Uzbekistan, have been severely strained since 13 May 2005, when police shot an estimated 745 people during anti-government protests in the eastern town of Andijan. By imposing sanctions over the refusal to allow an independent inquiry, the EU gave an important impetus to international efforts to exact accountability for these atrocities. The visa ban will come up for review during the German Presidency; it is important that this review is carried out on human rights merits rather than short-term political considerations in order to send a signal about the EU’s political will to uphold human rights. Amnesty International believes that any dialogue with Uzbekistan should include efforts to positively influence the human rights situation in the country, including a call for a moratorium on the death penalty.

Busiess and Human Rights (pages 241–243)

Investigation into BAE Systems plc

64. Amnesty International welcomes the UK Government’s efforts to “provide a framework to help businesses to act more responsibly”. However, Amnesty International is deeply concerned at the recent decision of the Serious Fraud Office (SFO) to discontinue the investigation into the affairs of BAE Systems plc as far as they relate to the Al Yumamah defence contract with the government of Saudi Arabia. The SFO has stated that “the decision . . . was taken following representations that have been made to both the Attorney General and the Director of the SFO concerning the need to safeguard national and international security” and that “it has been necessary to balance the need to maintain the rule of law against the wider public interest”.

65. Amnesty International reminds the UK government that the UK is a signatory to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Article 5 of this convention requires that the investigation and prosecution of foreign bribery: “...shall not be influenced by considerations of national economic interests” or “the potential effect upon relations with another State . . .”.

66. Of serious concern to Amnesty International are the views recently expressed by the UK Prime Minister which would suggest that both the letter and the spirit of Article 5 have not been followed in this case. Amnesty International is concerned that the early termination of this investigation for reasons other than the legal merits of the case sends the message that companies trading with countries that governments claim to be of strategic importance are above the law.

67. This decision risks reversing the progress made in recent years by the 36 signatories to the OECD Anti-bribery Convention to raise standards and level the playing field in international business transactions. It also threatens the implementation of the more recent United Nations Convention against Corruption (UNCAC), which requires all parties, including the new trading powers of China and India, to investigate and prosecute companies that pay bribes overseas. Amnesty International urges the UK government to re-open the investigation into BAE Systems plc.

Corporate Accountability Mechanisms

68. Amnesty International notes the UK government’s commitment to the initiatives mentioned in the FCO report and takes the view that these initiatives form a positive first step in providing a framework to help businesses to act more responsibly. Of concern to Amnesty International, however, is the fact that there continue to be widespread and egregious violations of human rights for which companies either bear direct responsibility or are complicit in. It is for this reason that Amnesty International supports the development of binding standards and mechanisms both at a national and international level which would ensure that companies are fully accountable for their human rights impacts.

69. While national law remains the most important means of ensuring legal accountability in relation to companies’ impacts, systems of regulation are inadequate in many countries, either because the legal framework itself is weak or because there is an absence of effective enforcement mechanisms. Many national governments are often unwilling, constrained or simply unable to hold companies operating in their country to account for their adverse impacts. Amnesty International therefore urges the UK government to support the development of an international human rights framework that can be applied to companies directly, acting as a catalyst for national legal reform and serving as a benchmark for national law and regulations. Such a framework should build on the UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights.

The Voluntary Principles on Security and Human Rights

70. Amnesty International notes the FCO’s view that the Voluntary Principles on Security and Human Rights are particularly relevant to the protection of human rights. However Amnesty International is concerned that to date, insufficient progress has been made in setting up robust participation and reporting criteria for all companies participating in the initiative.
71. Amnesty International urges the UK government to outline a clear and strong position as to its expectations vis-à-vis companies which participate in the Voluntary Principles. In particular, these expectations should include the responsibility of companies to:

- support a set of robust participation and reporting criteria for all companies participating in the initiative;
- support and implement the Voluntary Principles comprehensively across all relevant operations;
- uphold their commitments to participate and report when criteria have been agreed on.

The Kimberley Process Certification Scheme

72. Although the problem of conflict diamonds has been greatly reduced in recent years, as a result of the improvement in the situation in some relevant African countries, Amnesty International believes that the Kimberley Process Certification Scheme is still not strong enough. A renewal of conflict in diamond-rich areas of Africa could see the re-emergence of conflict diamonds on a large scale, unless action is taken to improve the process now.

73. In 2007, the European Commission holds the Presidency of the Kimberley Process. The UK government has a key role to play in ensuring that the European Commission prioritises the strengthening of government control systems to prevent the trade in blood diamonds.

74. The UK government and the European Commission must:

- require all sectors of the diamond trade to implement transparent and independently audited sourcing policies to track diamonds from the country of origin to the retailer;
- provide adequate financing to promote effective implementation of the Kimberley Process;
- continue to expand the programme of periodic spot checks on industry.

The OECD Guidelines for Multinational Enterprises

75. Amnesty International welcomes the UK government’s commitment to change the national contact point for the OECD Guidelines, which has been widely recognised as being in need of reform. Amnesty International also welcomes the UK government’s commitment to “provide clearer guidance on how complaints will be handled”. Amnesty International urges the UK government to ensure that the new decision making procedures are clear and transparent and to provide an effective mechanism for determining whether a breach of the Guidelines has occurred on a case by case basis.

WOMEN’S RIGHTS (PAGES 261–264)

76. Amnesty International notes the UK government’s continued promotion of women’s human rights in the international fora and in particular welcomes its efforts to maintain and strengthen the language on contested areas of women’s human rights such as sexual and reproductive health rights at the UN Commission of the Status of Women in 2006.

74. Amnesty International is, however, concerned that the UN Committee on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was unable to examine the fifth periodic report of the UK in 2004 due to a backlog and may be unable to consider it until 2008. This extremely lengthy delay compromises the ability of both the CEDAW Committee and civil society to scrutinise the degree to which the UK government is meeting its obligations under CEDAW and illustrates the need for greater funding of the CEDAW Committee to increase the number of its sessions and to ensure that it is able to clear the backlog and operate effectively.

Trafficking (Pages 246–247)

77. Amnesty International welcomes the efforts of the UK government in supporting both prevention and law enforcement initiatives, both for women and children, in a number of source and transit countries including Albania, Kosovo, Ukraine, Thailand and the Philippines.

78. In the UK, Amnesty International also welcomes the success of Operation Pentameter, the creation of the UK Human Trafficking Centre in October 2006 and the proposal for a UK action plan on trafficking. However Amnesty International remains deeply concerned at the continued lack of protection for victims of all forms of trafficking-related exploitation in the UK and believes that the gaps in protection will not be met by the above initiatives.

79. In particular, Amnesty International wishes to draw the attention of the Committee to the following gaps in prosecution, identification and protection:

- the absence of prosecutions for offences arising out of forced labour or domestic servitude;
- the absence of a comprehensive UK-wide system of identification and referrals as recommended by the OSCE;
the continued failure to fund and monitor a UK-wide system of accredited specialist support and accommodation for all victims of trafficking, with the exception of the Home Office funded POPPY Project which has 35 bed spaces for women who have escaped forced prostitution within the last 30 days;

— the extremely limited access to appropriate health care for the majority of victims of trafficking, especially those who have experienced sexual exploitation and/or physical and sexual violence;

— the prosecution, detention and removal of some victims of trafficking;

— the absence of a system of formal risk assessment by immigration authorities in respect of all persons suspected of being trafficked before they are removed from the UK;

— the absence of immigration protections (such as reflection periods and residence permits) for those victims who are unable to claim asylum but require some form of leave to remain for welfare, medical or compassionate grounds.

80. Amnesty International believes that the current approach of the UK government to trafficking is not, contrary to the statement of the FCO in its report, victim centred. Amnesty International supports the findings of the inquiry by the Joint Committee of Human Rights into Trafficking that providing victims with greater rights does not act as a pull factor for illegal immigration or bogus claims, but in fact strengthens law enforcement against traffickers as evidenced by the model of victim protection provided in Italy.

81. The Council of Europe Convention on Action Against Trafficking in Human Beings, which has already been signed by thirty four member states including Germany, France and Italy, provides necessary and enforceable rights to all victims of trafficking, including access to a minimum 30 day reflection period and the right to necessary support and accommodation. The UK government has not signed nor signalled an intention to sign the Convention.

82. Amnesty International believes that the UK government should use the opportunity of the bicentennial of the abolition of slavery to provide protection to all victims of contemporary forms of slavery in the UK by signing the Council of Europe Convention on Action Against Trafficking in Human Beings, as recommended by the Joint Committee on Human Rights and the majority of respondents to the Home Office consultation on its proposed UK Action Plan on Trafficking.

Death Penalty (pages 190–195)

83. Amnesty International welcomes the government’s continued abolitionist stance on the death penalty worldwide as a key element of the UK’s human rights policy. We welcome the abolition of the death penalty in the Philippines, where over 1,200 death sentences were commuted to life imprisonment in April 2006 in what was thought to be the world’s largest ever mass commutation. In early August 2006, the government of Jordan also announced that it had introduced draft legislation reducing the number of crimes carrying the death sentence. The total number of abolitionist countries in law or practice is now 129 with 68 retentionist countries remaining.

84. Amnesty International welcomes the UK government’s continued commitment to the reduction in the number of countries permitting the execution of juvenile offenders. We continue to focus our efforts on those countries that allow for the execution of child offenders and those where the execution of persons below the age of 18 years old is reported to take place. In particular, we are currently focusing our efforts on Iran and Pakistan. In Pakistan, Mutabar Khan was reportedly aged 16 when he was arrested in 1996 but was not permitted to benefit from the Presidential Commutation Order of 2001 which overturned the death sentences of all juveniles then on death row, owing to a dispute about his age. This is a worrying development in that Mutabar Khan was the first child offender to be executed in Pakistan since 2001. Since the beginning of 2005, we estimate that up to 11 child offenders have been executed in Iran. Amnesty International continues to work towards the implementation of legislation in Iran which would prohibit the use of the death penalty for offences committed by young persons. Amnesty International looks forward to continued pressure from the UK government to achieve an end to this practice, with a particular emphasis on those countries that have not yet implemented legislation making the execution of juvenile offenders illegal in accordance with international law.

85. Other issues of concern include continued sentences of death by stoning in Iran, which violates Article 7 of the International Covenant on Civil and Political Rights, which prohibits cruel, inhuman or degrading treatment and punishment. In September 2006, Amnesty International reported that up to nine women and two men are currently under sentence of death by stoning in the country. Also of note is the sharp and very serious rise of executions carried out by the Iraqi authorities in Iraq. Reports suggest that there are more than 200 people in prison in Iraq awaiting execution and it is estimated that at least 65 people have been executed since the reimposition of the death penalty in 2004. Amnesty International is also committed to working towards the abolition of the death penalty in China. In 2004, a senior member of the National People’s Congress estimated that approximately 10,000 persons are executed in the country each year. Despite new legislation under which the Supreme Court will review all death penalty verdicts in China, we continue to believe that persons facing the death penalty in China are unlikely to receive a fair trial. Amnesty International asks that the UK government pay particular attention to the application of the death penalty in Iran, Iraq and China.
86. Amnesty International continues to campaign on the case of Kenny Richey, a dual UK/US national on death row in Ohio, USA. January 2007 will mark Kenny Richey’s 20th anniversary on death row. Amnesty International looks forward to continuing to work on this case in cooperation with the FCO and recommends that the UK government make representations to the relevant authorities regarding the case of Kenny Richey at every available opportunity.

87. Amnesty International welcomes the spirit of co-operation in which we and a coalition of human rights organisations worked with the UK government on the case of Mirza Tahir Hussain, a dual UK/Pakistan national on death row in Pakistan for 18 years who was released and returned to the UK in November 2006. We look forward to continued cooperation with the FCO on cases of British nationals and dual nationals on death row worldwide and recommend that the UK government develop a transparent, consistent and codified strategy for representation and intervention on all cases of British nationals and dual nationals on death row worldwide.

88. Amnesty International is glad to note that the FCO report views all human rights as universal, indivisible, interdependent and interrelated and that economic, social and cultural rights (ESC rights) are of equal status with civil and political rights. We also welcome the considerable resources that the UK government devotes to development assistance overseas.

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (pages 233–247)

89. Amnesty International is pleased to note the efforts that officials from across Whitehall have been making to examine options for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OPICESCR). The development of such a mechanism is currently under consideration by the UN Open-ended Working Group on an OPICESCR and would enable individuals and groups of individuals to petition the UN Committee on Economic, Social and Cultural Rights in cases of breaches of the International Covenant on Economic, Social and Cultural Rights (ICESCR) by state parties, in line with a similar ability afforded individuals in cases of breaches of the International Covenant on Civil and Political Rights (ICCPR). As such the OPICESCR represents a valuable instrument in strengthening the role of ESC rights and their enforceability in international law and would contribute to a culture of understanding that ESC rights are human rights and as such people should be entitled to claim them and seek effective remedies for their violation. It would also allow for a more extensive and in-depth framework of enquiry in specific cases and build up a body of case-law which can be used as a reference in other situations.

90. Unfortunately, as the report states, the UK government continues to question however whether an Optional Protocol mechanism for ESC rights is appropriate. Although it is stated that it supports moves towards drafting an OPICESCR, given that it recognises that many countries are in favour of the protocol, this support was only given at the meeting of the UN Working Group in 2006 on the condition that all options regarding the form and scope of the OPICESCR were considered. What is not made clear is that “all options” includes an “a la carte” approach allowing states to limit the application of the communications procedure to certain provisions of the ICESCR. It also includes a “reservation” approach allowing a state party to exclude the application of the communications procedure from one or several provisions of the ICESCR and a “limited” approach, allowing an author to bring communications in relation to only some parts of the ICESCR or some provisions of the ICESCR. In our view, all of these options would be damaging outcomes for the future of ESC rights—and risk derailing the whole process of their protection.

91. Amnesty International asks that the UK government supports international efforts to develop an OPICESCR at the next session of the UN Working Group in 2007 and in particular, an OPICESR which:

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- clearly addresses violations of the ESC rights enshrined in the ICESCR;
- extends to violations of the obligations to respect, protect and fulfil rights, i.e. it should recognise states obligations to: (a) refrain from action which interferes with the enjoyment of ICESCR rights or obstructs the ability to realise such rights; (b) ensure that other actors (individuals, corporations, or others within their sphere of influence) refrain from action which directly or indirectly interferes with the enjoyment of ICESCR rights; and (c) takes steps in line with the maximum available resources to achieve progressively the full realisation of ICESCR rights;
- provides for a complaints and inquiry procedure;
- allows individuals and groups of individuals who claim to have been victims of violations to submit a communication;
- allows representatives of individuals or groups of individuals to file communications on their behalf;
- provides for a monitoring body, which on receiving a communication is able to call for interim measures to avoid irreparable harm;
- contains a provision to preclude states parties from making reservations to the protocol.
92. The UK’s military commitment to Afghanistan, including in respect to the successive Provincial Reconstruction Teams, is a daily reminder of the UK’s commitment to the establishment of a viable Afghan state. However, whilst highlighting the “formidable challenges” that the Afghan government and international community have to meet in the face of progress there, the FCO report fails to sufficiently highlight the severity of the security situation. Lawlessness and insecurity continue to negatively affect the rule of law and the implementation of human rights standards across the country, not merely in the south and east. Amnesty International continues to urge the transitional government and donor countries to increase security throughout Afghanistan.

93. Amnesty International welcomes the UK government’s close work with the Afghan government to bring war criminals to justice. Amnesty International also welcomes the work undertaken by the Afghanistan Independent Human Rights Commission (AIHRC) and recognises its value, in particular the results of “A Call for Justice”, examining measures to address past human rights violations. Amnesty International calls upon the UK government to urge the Afghan government to present parliament with legislation that will ensure continuity in the effective and independent functioning of the AIHRC.

94. Whilst mentioning the “vibrancy” of the September 2005 parliamentary and provincial council election campaigns, the report fails to highlight concerns over the fact that many perpetrators of human rights violations and war crimes still enjoy impunity. This was demonstrated by the candidature of perpetrators of abuses in the elections and the appointment of individuals with well-known records of human rights abuse to various posts, including as governors or heads of provincial police forces. Amnesty International calls for further steps to be taken to ensure that the Transitional Justice Action Plan is implemented so that truth, justice and reparations for past human rights violations are attained.

95. The report outlines UK policy which includes being “mindful of the human rights of those individuals” [handed over to Afghan custody]. However, it does not address the serious shortcomings of the system of detention employed by Afghan security forces. For many years, Amnesty International has raised concerns about the use of torture and ill-treatment by Afghan security forces, including the National Security Directorate. Amnesty International calls on the UK authorities to fully comply with international law in the course of its operations and to cooperate with the UN Assistance Mission to Afghanistan (UNAMA) and the AIHRC in doing this, with particular regard to arrest and detention procedures, including the handing over of detainees to Afghan custody. The UK government should also impress upon the Afghan government the importance of protecting the human rights of those in their custody and the need for independent and impartial investigations of abuse.

96. Amnesty International continues to be very concerned about reports of torture and ill treatment in detention, and the failure of members of the International Security Assistance Forces (ISAF) to conduct genuinely transparent, impartial and independent investigations into all allegations of abuse of detainees by its forces. US forces continue to arbitrarily detain hundreds of people beyond the reach of courts and their own families, UN human rights experts, the AIHRC and, in some instances, the International Committee of the Red Cross (ICRC). Amnesty International calls on the UK government to work within NATO to create a joint body together with its Afghan partners and UNAMA to pursue justice for Afghan nationals whose human rights may have been violated by ISAF in Afghanistan.

97. The report dwells on the impact of military action on civilians. Amnesty International remains concerned that the military operations undertaken by ISAF have not taken all necessary precautions in the conduct of such attacks. Aerial bombardments carried out as part of ISAF military operations have, as acknowledged by ISAF commanders, resulted in the killing of civilians. These attacks may have failed to discriminate between civilian and military targets in breach of international humanitarian law. Amnesty International urges the UK government to work with its NATO partners, the Afghan government and the AIHRC so that those who have suffered in the course of ISAF’s operations may have their claims investigated and, if so determined, remedied in full.

98. The section on women’s rights states that “there has been a marked improvement [in women’s rights] over the last five years”—referring to voting in the parliamentary elections as an example of progress. Whilst some progress has been made, both women voters and women candidates suffered actual or threatened violence and intimidation during the election period in 2005. Indeed, women continue to face systematic and widespread violence and discrimination in both public and private spheres, including discriminatory customary practices. In June 2005 the government established an inter-ministerial council aimed at combating violence against women, yet few legal provisions to protect women have been promulgated, and fewer implemented. In 2006 there was a rise in cases of “honour” killings, abduction and rape by regional commanders, and in the practice of self-immolation. The UK government should continue to urge the Afghan government to prosecute all perpetrators of such crimes in order to send a clear message that violence against women will not be tolerated.

99. Amnesty International welcomes the UK government raising its opposition to the death penalty with the Afghan government. In 2005–06 at least 24 death sentences were passed by lower and appeal courts. Amnesty International did not learn of any executions. The UK government should continue to urge its Afghan counterpart to commute all death sentences and abolish the death penalty in law and practice.
100. Armed groups such as the Taliban, resurgent in the southern region, have killed hundreds of civilians including aid workers, election officials and clerics. Most of these killings resulted from suicide attacks and roadside bombs. Amnesty International strongly condemns all attacks against civilians, including kidnappings and executions by insurgent groups. Such killings and other related abuses amount to war crimes and crimes against humanity.

**Algeria (Pages 132, 150–151 and 279)**

101. The report does not include a separate section on Algeria, but comments on the country in the context of Europe and Democracy and Freedom. This is surprising given the range of very serious human rights concerns. Amnesty International is concerned that the report downplays the serious human rights situation in Algeria. We are also dismayed by the UK government’s selective use of Amnesty International’s material in response to parliamentary questions to support a much more positive situation than we are able to confirm.

102. The report mentions the Charter for Peace and National Reconciliation and the concerns of some of its critics but does not take a position on the issue. In February 2006, amnesty laws were introduced entrenching impunity for the security forces for crimes committed during the internal conflict and widening previous measures of pardon and exemption from prosecution granted to armed groups. The Algerian authorities have generally failed to investigate serious human rights abuses. Although a state-appointed advisory commission completed its inquiries into “disappearances” in 2005, it was not mandated to clarify the fate of those who “disappeared” or to identify those responsible and its report has not been made public. The UK government should urge its Algerian counterpart to uphold the rights of all victims of serious human rights abuses to truth, justice and full reparation.

103. The report highlights Algeria’s criminalisation of torture, but does not mention the continued use of torture and other ill-treatment. Amnesty International is extremely concerned that torture continues to be used against suspects accused of “belonging to a terrorist group”. Documented torture methods include beatings, electric shocks and chiffon (the forced ingestion of dirty water, urine or chemicals). The vast majority of torture allegations are not investigated. Amnesty International would ask what steps the UK government are taking to address persistent and serious abuses in Algeria, particularly the use of torture against detainees accused of terrorism.

104. The report lists a number of welcome developments with regard to women’s rights. However, while changes to the law have gradually improved the legal status of women, changes to the Family Code fall far short of offering women equal status with men and discriminatory provisions remain. Many women suffer extreme economic hardship as a result of the “disappearance” of a male relative or divorce, compounded by laws denying access to pensions, savings and property. The UK government should urge its Algerian counterpart to take steps to protect women from violence and address widespread legal and economic discrimination.

105. Algeria has tightened its laws on freedom of expression. Journalists, civil society activists and government critics continue to face harassment and intimidation. The Charter for Peace and National Reconciliation makes public criticism of the security forces punishable by up to 10 years’ imprisonment. Amnesty International is concerned at the impact this will have on anyone seeking to comment on human rights violations or to lodge formal complaints about them. The UK government should urge Algeria to review the various regulations that govern the media and stop the harassment of civil society activists.

**China (Pages 42–49, 130, 190, 229, 245, 250)**

106. The FCO report entry on China provokes a profound sense of déjà vu—a barely changed list of concerns from 2005 and the same faint glimmers of progress to come in terms of China’s perceived willingness to engage with international human rights institutions and develop the rule of law. In our view, China’s human rights record remains dire. Neither the UK and EU–China “human rights dialogues” nor the approaching Olympics are giving rise to significant changes or improvements on the ground.

107. Amnesty International concurs wholeheartedly with the Committee’s assessment made last year that the UK–China human rights dialogue appears to have made glacial progress. The FCO report is also candid in its assessment that progress in most areas covered by the dialogue is either slow or non-existent. Amnesty International considers that the UK government should develop a dialogue with specific benchmarks against which to measure progress on human rights abuses by China within an agreed timeframe, and retain the option of reviewing the dialogue approach if this is not yielding significant results. This should be accompanied by public criticism where necessary. We also encourage the UK government to continue its efforts to press the Chinese authorities for a timetable for the ratification of the ICCPR, and for the lifting of China’s reservation to Article 8.1A of the ICESCR (the right to form trade unions and join the trade union of choice).

108. The death penalty continues to be applicable for some 68 offences in Chinese criminal law, including nonviolent crimes such as economic crimes and drug offences where the circumstances are “serious”. Increasingly, deaths sentences are being carried out by lethal injection using “mobile execution vans”—a practice that could facilitate the extraction of organs from executed prisoners. In March 2006, the Chinese Ministry of Health released new regulations on organ transplants that ban the buying and selling of organs—and stress that organs may only be removed with the written consent of the donor. Amnesty
International considers those faced with the trauma/anguish of imminent execution are not in a position to provide such consent. Secrecy surrounding the application of the death penalty makes it impossible to independently verify whether such consent is given. The UK government should urge China to reduce the number of capital offences, especially with regard to non-violent crimes and introduce a moratorium, as a first step towards abolition.

109. The FCO report notes that attempts by the authorities to replace Re-education Through Labour (RTL) with new legislation known as the “Illegal Behaviour Correction Law” (IBCL) have stalled. In May 2006, Amnesty International published a memorandum to the Chinese authorities analysing the substance of the new law. We concluded that while the law contains some improvements compared with RTL, it still falls short of international standards in several crucial respects, in particular by transferring responsibility for imposing punishments from the police to an independent court or tribunal. Amnesty International recommended that the authorities abandon attempts to introduce a new law, and instead bring all offences punishable with deprivation of liberty within the scope of the Criminal Law. However, there has been no evidence of any further moves towards reforming or abolishing RTL over recent months. The UK government should strongly urge the Chinese government to abolish “Re-education through Labour” and abolish vaguely worded clauses in the Criminal Law that are frequently used to target human rights defenders.

110. Chinese human rights defenders continue to face severe obstacles in their attempts to draw attention to ongoing abuses, some of which are directly related to preparations for the Olympics. Amnesty International has raised serious concerns over the imprisonment of Ye Guozhu after he sought permission to organise a demonstration in Beijing with other alleged victims of forced evictions due to construction in preparation for the Olympic Games. Ye Guozhu continues to serve his four-year sentence in Chaobai prison after being convicted of “picking quarrels and stirring up trouble” by the No.2 Beijing Municipal Intermediate Court in December 2004. According to reliable reports received by Amnesty International, it has recently emerged that Ye Guozhu had been tortured prior to conviction. Amnesty International asks that the UK government continues to express its concern for the position of human rights defenders in general and for individual prisoners of conscience.

111. As the FCO report indicates, the crackdown on individual journalists, newspapers and websites in China has continued over the last year, raising serious doubts about China’s commitment to ensure “complete media freedom” during the Beijing Olympics. Broad and vaguely defined “state secrets” and “subversion” charges in the Criminal Law continue to be used to arbitrarily detain and prosecute journalists, editors and internet users. While foreign journalists are generally detained for short periods and may face expulsion, Chinese journalists and writers often face much harsher treatment for reporting on issues deemed sensitive by the authorities. Amnesty International urges the UK government to continue to raise the issue of restrictions on media freedom and to ask the Chinese authorities to ensure that “complete media freedom” is a reality by 2008.

112. Amnesty International has also documented the role that some Internet companies have played in facilitating or colluding in the practice of censorship and clamping down on freedom of expression. In China, Yahoo has provided the authorities with private and confidential information about its users, including personal data that led to the conviction of two journalists who Amnesty International considers to be prisoners of conscience. Microsoft has admitted shutting down a “blog” on the basis of a government request and Google has launched a censored version of their search engine in China. Amnesty International considers these internet companies should: publish all agreements with the Chinese government that have imposed restrictions for censorship; refrain from providing information and suppression of dissent; publicly commit to honouring the freedom of expression provision in the Chinese constitution and lobby for the release of all cyber-dissidents and journalists imprisoned for the peaceful and legitimate exercise of their freedom of expression; and make public which words and phrases are filtered in China as well as around the world, and explain how these are chosen.

113. Chinese military and defence industrial enterprises have established several joint ventures and licensed production agreements with Canadian, European, Russian and US companies. A range of military and dual-use equipment has been supplied to China, or developed by Chinese arms companies with assistance from European and US companies. This is in spite of the EU and US arms embargoes on China imposed since 1989. The UK government should work to ensure the EU arms embargo remains in place until significant human rights progress is made in China.

114. Amnesty International is extremely concerned about the scale of China’s arms supplies to countries with a record of gross human rights violations, the complete lack of transparency surrounding Chinese arms transfers and the government’s continued opposition to tough and enforceable international arms controls. Chinese weapons have helped sustain brutal conflicts, grave human rights violations and criminal violence such as in Sudan, Nepal, Myanmar, Liberia and South Africa. The UK government should urge China to strengthen its transparency over arms transfers and the enforcement of the existing national legislation by reporting annually and publicly on all military, security and police transfers.

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7 One case which gave rise to considerable concern within and outside China was the temporary closure and sacking of the editors of ‘Freezing Point’ (Bingdian), a popular supplement to the China Youth Daily, after it carried an academic article criticising the official interpretation of certain historical events, including the 1900 Boxer Rebellion. The paper was closed down for five weeks from 24 January 2006, resuming publication only after its editor, Li Datong, and deputy editor, Lu Yuegang, had been dismissed.
COLOMBIA (PAGES 49–54)

115. Amnesty International welcomes the fact that the FCO includes Colombia as one of their 20 major countries of concern in its report and agrees that “the internal armed conflict continues to inflict severe suffering across Colombia”. The Committee scrutinised the UK government’s policies towards Colombia last year relatively briefly. We urge them to do so in more detail this year.

116. Despite a paramilitary agreed ceasefire at the end of 2002 and the implementation of a controversial paramilitary demobilisation process regulated through the Justice and Peace Law (JPL) in 2005, more than 3,000 killings and “disappearances” have been attributed to paramilitaries. The government claims that more than 30,000 paramilitaries have demobilized, but Amnesty International has repeatedly expressed concerns over the fact that many of these groups continue to operate, or have regrouped as criminal gangs and new paramilitary groups. Both the FCO report and the Organisation of American States acknowledge that there is already strong evidence to suggest that some demobilised paramilitaries are doing so. Amnesty International is concerned that rather than contributing to peace, the demobilisation process is continuing the internal conflict by “recycling” combatants under another guise. We seriously question EU and UK government support for the JPL which we believe is contributing to impunity in Colombia and failing to meet international standards in providing effective truth, justice and reparation to victims.

117. Amnesty International, the UN and others have repeatedly highlighted concerns over the close links between paramilitaries and the security forces, the intelligence services, and public officials. The UK government acknowledges these links but believes they are not part of an orchestrated plan. However, in 2006 further evidence of these links materialized. In November 2006, at least nine congressmen belonging to pro-government parties were linked by the judicial authorities to army-backed paramilitary groups. Recent Colombian press reports suggest that the Office of the Attorney General is reviewing more than 100 cases of alleged collusion between paramilitaries and political figures, members of the public and judicial administrations and the security forces. Several paramilitary leaders have claimed that they control around one-third of the national Congress. Amnesty International believes such examples further exemplify why the UK should question the government-backed demobilisation process and should vociferously press the Colombian government to take vigorous action to investigate the links between public officials and paramilitary groups.

118. Colombia remains the most dangerous place in the world to be a trade unionist. Amnesty International welcomed President Uribe’s commitment to supporting trades unionists in his inauguration speech but remains deeply concerned at the lack of investigation on behalf of human rights defenders and the fact that the military justice system continues to assume cases involving alleged human rights violations by the security forces, despite a 1997 ruling by the Constitutional Court stipulating that human rights cases must be investigated by the civilian justice system. The UK Embassy in Colombia must continue to effectively implement the EU Guidelines on human rights defenders, monitoring cases, attending trials and welcoming HRDs to the Embassy. The Embassy should consider appointing a full time member of staff dedicated to human rights.

119. Colombia has repeatedly failed to fully implement the human rights recommendations of the Office of the UN High Commissioner for Human Rights, which provide a blueprint for addressing the human rights crisis in the country. Neither has it instigated a country-wide human rights action plan. The FCO report states the “the Colombian government should make it a priority to implement the recommendations” and goes on to state that “we have offered them practical assistance to achieve this”. Amnesty International and others have repeatedly urged the UK government to do this by fulfilling their commitment to developing an EU monitoring process of the Colombians’ progress. However the UK government refused to invite the representative of the Colombian Office of the UNHCHR to make a presentation to the European Commission working group on Latin America, or another forum, to address ways that this might be achieved. We urge the UK government and its EU partners to overcome any obstacles put forward by the Colombian government to monitor its implementation of the UN recommendations.

120. The UK continues to provide military assistance to Colombia, despite the ongoing links between security forces and paramilitary groups. We welcomed the Committee’s reference to this issue last year and look forward to a more detailed explanation of UK military assistance to Colombia in the UK government’s reports on Strategic Export Controls. We are disappointed that the FCO report provides little information on UK assistance, such as judicial and police training provided by the MoD, as we believe greater transparency on this is crucial.

DEMOCRATIC REPUBLIC OF CONGO (PAGES 57–61, PAGE 205)

121. Amnesty International agrees with the FCO report that “despite gradual progress . . . the human rights situation remains poor”. Indeed on the ground, the human rights situation remains as the committee described it last year: “appalling”. The momentous nationwide democratic elections passed relatively peacefully, but the Democratic Republic of Congo (DRC) remains a microcosm of many of Amnesty International’s major global campaigns—including an uncontrolled arms trade and military and security situation, violence against women on an unprecedented scale, and the unregulated exploitation of mineral
wealth to fund the conflict. Indeed, despite recent international focus on the elections, Amnesty International fears that in many ways the DRC is a forgotten conflict. We were pleased therefore to have supported the recent visit of the All Party Parliamentary Group on the Great Lakes.

122. The FCO report emphasises the valuable work being undertaken by the EU Police Mission in Kinshasa (EUPOL) and the EU Security Sector Reform Mission (EUSEC) in trying to reform the government security forces. However, the need for a professional and truly unified army remains urgent and must be a major priority for the incoming government and the international community. Of particular concern is the high number of human rights violations being committed by the newly-created government army, the Armed Forces of the DRC (FARDC). Moreover, no effort is being made to prevent suspected perpetrators of serious human rights violations from joining the new army. Amnesty International believes that the reform programme must include, as a minimum, an independent vetting mechanism to exclude suspected perpetrators from entry to the FARDC until the allegations against them can be independently investigated, and training for all ranks in international humanitarian and human rights law. Amnesty International also calls on the UK to put pressure on the new government to curb human rights violations by the FARDC by publicly denouncing and demonstrating a zero tolerance for violations by the military.

123. The report outlines the ongoing integration of the Congolese army. Greater attention needs also to be paid to reforming the police and other security services. Acts of political repression during the elections by unreformed security services, some under the direct control of the President, do not bode well for the respect of fundamental rights and freedoms in post-election DRC. All branches of the security apparatus must be brought under effective government, as opposed to private, control, with clearly defined mandates and divisions of responsibility. Amnesty International calls on the UK government to support the continued presence in the country of adequate numbers of UN Mission in the Congo (MONUC) peacekeepers, at least until such a time as the DRC government security forces demonstrate convincingly that they are capable of protecting the Congolese civilian population and respecting human rights.

124. The national programme for the disarmament, demobilization and reintegration (DDR) into civilian life of an estimated 150,000 fighters—including an estimated 30,000 children—has gained momentum, but continues to suffer serious shortcomings. In October, Amnesty International published a report on the DDR of child soldiers,8 which found that thousands of children are still with the armed groups or are otherwise unaccounted for in the DDR programme. In particular, large numbers of girls are missing. Amnesty International is also concerned that many demobilized fighters, children and adults, are not being supported with meaningful reintegration programmes once returned to their communities. Many children, especially, experience high levels of poverty and social or family exclusion, which leaves them acutely vulnerable to re-recruitment in certain areas. Amnesty International believes that one of the most effective tools in countering the re-recruitment of children would be for the incoming DRC government and international community to prioritize investment in the state education system and to realize as quickly as possible the human right to free elementary education up to the age of 14, without detriment to the availability or accessibility of secondary and other levels of education.

125. In September 2006, Control Arms Campaign9 researchers visiting the Ituri District of eastern DRC obtained evidence that small arms and ammunition recovered from armed groups in the district had been manufactured by China, Greece, Russia, South Africa, Serbia and the US. The Control Arms Campaign believes it is likely that these weapons and bullets entered the Ituri District from neighbouring countries in contravention of EU and UN arms embargoes, illustrating the need for the UK to continue to push for an Arms Trade Treaty to establish global standards for arms sales based on international law. Amnesty International is concerned that the fact that weapons and bullets are entering the Ituri district illustrates the need for governments, including the UK, to press the DRC and neighbouring countries to respect EU and UN embargoes, and to support MONUC in increasing its capacity to enforce the embargoes.

126. At the national level, despite systematic violations of human rights, few suspected perpetrators have been brought to justice. At the international level, Amnesty International welcomed the arrest on war crimes charges and the transfer to the International Criminal Court (ICC) of armed group leader Thomas Lubanga Dyilo. However, Amnesty International believes that this positive development needs to be followed by other ICC investigations and prosecutions of other alleged perpetrators of human rights violations in the DRC, including those on the side of the government and those in armed political groups. Amnesty International hopes that arrest of Thomas Lubanga Dyilo will also act as a catalyst for the development of an effective national justice system, which addresses crimes committed in the course of the conflict and ensures full reparations for the victims.

127. The FCO report commits itself to funding various sexual health projects and clinics. Amnesty International welcomes this commitment but also believes that there is a need for a coordinated international and national response to the medical emergency caused by large-scale rape in eastern DRC as well as other emergencies, among them the high rates of child and maternal mortality, and HIV/AIDS. Amnesty International urges the UK government to support plans currently being developed to reform and rehabilitate the national health system, especially in the areas most blighted by conflict.

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9 The Control Arms Campaign comprises Amnesty International, Oxfam and IANSA.
India (Pages 194, 212, 220, 251)

128. India is not listed as one of the FCO’s major countries of concern. Nevertheless, there are selected references to the human rights situation in India throughout the report and Amnesty International does have a number of concerns about the human rights record of India that it wishes to draw to the attention of the Committee.

129. Perpetrators of human rights violations continue to enjoy impunity in India. It is widely acknowledged that the criminal justice system is in crisis despite the government’s claims internationally that it has a strong judiciary. Quasi-governmental bodies, such as the National Human Rights Commission and National Commission for Women, lack the necessary mandate, resources and power to adequately and effectively deal with reports of human rights violations. Torture in police custody is endemic across India and is regularly used by the police to extract confessions. A nexus of corruption, nepotism, political interference and lack of political will, amongst other factors, continues to impede the delivery of justice, particularly to marginalised groups, including indigenous peoples, dalits, and minority religious groups. Amnesty International calls on the UK government to urge the government of India to tackle impunity at all levels of the justice system, and with particular reference to the abuses perpetrated against marginalised groups.

130. Amnesty International is concerned at the undermining in recent months of the National Human Rights Commission (NHRC). Recent amendments to the Protection of Human Rights Act 1993 (PHRA) (which governs the NHRC) have failed to include various recommendations made by civil society groups as well as a government constituted committee set up to review the PHRA. One of these recommendations is that the NHRC be allowed to independently investigate human rights abuses by the army or the paramilitary (at present it can only request a report from central government, thus confining it to the government’s version of events or more usually, the version of events given by the alleged perpetrators themselves). Thus, the NHRC is rendered incapable of effectively combating impunity for abuses committed by the armed forces, particularly those forces operating under special legislation in areas of conflict, including Jammu and Kashmir and the north east of India. Amnesty International urges the UK government to make representations to the government of India to pass amendments to the Protection of Human Rights Act allowing the National Human Rights Commission to investigate human rights abuses independently and without prior sanctioning by the central government.

131. The FCO report draws attention to the human rights abuses that continue to be perpetrated by Indian security forces and armed opposition groups in Jammu and Kashmir and the north east of India. Members of the security forces and the police allegedly are regularly responsible for torture, rape, deaths in custody, “disappearances”, and extrajudicial executions. In Jammu and Kashmir, Amnesty International has further noted an ostensibly increase in attacks based on identity, with Hindus and Sikhs being reportedly killed by extremist Islamic militants—thought to be part of a strategy to communalise the conflict. Of the dozens of reported violations, only a handful of high profile cases have been investigated and, to Amnesty International’s knowledge, rarely have these resulted in the perpetrators being prosecuted. Victims of human rights abuses or their relatives who try to pursue judicial redress may face persistent obstructions and delays. Amnesty International asks that the UK government continue to raise its concerns on this issue with the Indian authorities and insist that, whilst the government of India faces grave challenges in Jammu and Kashmir, it cannot disregard its obligations under international human rights law.

132. Amnesty International has for many years expressed its concern at the use of draconian security legislation in India, enacted at both the central as well as state level, which has invariably and disproportionately been used against peaceful political opponents, human rights defenders, minorities and marginalised sections of Indian society. Amnesty International, along with numerous other human rights organisations have consistently raised concerns about the Armed Forces Special Powers Act (AFSPA) which is currently in force in Jammu and Kashmir and the north east of India. The Prime Minister of India has recently said that the Home Ministry is working on “modifying existing provisions or inserting new provisions” in the AFSPA so as to give “due regard to the protection of basic human and civil rights”. Despite these amendments, Amnesty International still believes that the AFSPA violates a number of international human rights treaties to which India is a party. Amnesty International calls on the UK government to make representations to the government of India about the need for security legislation to meet international human rights standards.

133. As the FCO report states, there is little evidence to suggest that India is inclined towards either abolishing or imposing a moratorium on the death penalty. Seventy-seven people were sentenced to death last year and Amnesty International is aware that hundreds of prisoners have been on death row for years. Overall, information relating to current and past death sentences and executions in India remains sketchy, despite recent recommendations by the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to the effect that secrecy regarding the number of executions, or the numbers or identities of those detailed on death row, is incompatible with international human rights standards and is in itself a human rights violation. We are concerned that given the current political climate in India, the demand for a hard-hitting response (ie. death sentences) to crime, including rape, murder of minors and particularly “terrorist” violence, is only growing. We urge the UK government to call on the government of India to institute an immediate moratorium on executions and to publish accurate and up to date death penalty statistics.
134. As in our previous submission to the Committee, Amnesty International would question the broadly positive tone of the FCO report on Iraq. While we welcome the assistance the UK is providing to Iraq on human rights matters, which the report outlines, we are concerned that the report downplays the very serious and broad range of human rights abuses in the country.

135. There has been an extremely serious deterioration in the security situation. It remains characterised by armed violence and widespread and serious attacks against civilians carried out by armed groups, militias and criminal gangs. “Disappearances”, kidnappings and extra-judicial killings are reported to be increasing. Tens of thousands of Iraqis have been uprooted as a result of the sectarian killings, and a large number of Iraqis have sought refuge outside the country. Amnesty International strongly condemns all attacks against civilians, including indiscriminate suicide and other bomb attacks, kidnappings, torture and executions.

136. The report outlines the system of detention. However, it does not address the serious shortcomings of the system of detention employed by the Multinational Force (MNF). Thousands of people continue to be held without charge or trial by the MNF. The MNF has established procedures which deprive detainees of human rights guaranteed in international human rights law and standards. In particular, the MNF denies detainees the right to challenge the lawfulness of their detention before a court. Some detainees have been held for over two years without any effective remedy or recourse; others have been released without explanation, apology or reparation after months in detention. All those detained in Iraq should be charged and tried, fairly and promptly before an independent and impartial court, or released.

137. Amnesty International is concerned that the MNF has failed to put in place measures that respect basic rights of detainees and safeguard them from torture and other abuses. The report states that allegations of abuse by coalition forces against detainees in Iraq have been thoroughly investigated. In our previous submission, we outlined the inadequacies of US investigations into abuse. We are also concerned that the MNF has failed to establish prompt, independent, thorough and effective investigations into alleged human rights violations, and to ensure adequate reparations to victims and their families. In December 2005, the Court of Appeal of England and Wales found that the system for investigating deaths at the hands of UK armed forces personnel was seriously deficient, including in its lack of independence from the commanding officers, and it needed to be scrutinised. The UK government must ensure that detainees’ rights are respected in full and that all allegations of torture and other abuses are promptly, thoroughly and independently investigated.

138. There is evidence of widespread torture and ill-treatment by Iraqi forces, in large part perpetrated by militias that have infiltrated the police and security forces. Methods of torture include hanging by the arms, burning with cigarettes, severe beatings, the use of electric shocks, strangulation, the breaking of limbs and sexual abuse. Amnesty International is concerned that such cases are not being properly investigated, that the results of investigations are not being made public and that those responsible are not being held to account. The UK government should impress on its Iraqi counterpart the importance of protecting human rights and proper investigation of allegations of abuse. The Iraqi authorities should invite international experts to join investigations of allegations of torture by Iraqi security forces.

139. The report was published before the execution of Saddam Hussein. Amnesty International deplores the execution of Saddam Hussein following the confirmation of his sentence by the Iraqi Appeals Court on 26 December 2006. However, the abhorrent pictures of Saddam Hussein’s execution are just the tip of the iceberg, as Iraq moves back towards a culture of widespread executions. Despite an extensive section on judicial reform and the Supreme Iraqi Criminal Tribunal (SICT, known as the Iraqi High Tribunal, IHT), the report makes only brief mention of the death penalty. Amnesty International condemns the reinstatement of the death penalty by the Iraqi interim government and the Transitional National Assembly’s extension of the use of the death penalty. We deplore the sharp rise in executions and are disturbed by the fact that exact figures for convictions and executions are not readily available and are not always made public. Confessions are routinely extracted under torture and Amnesty International is aware of a number of cases in which defendants were sentenced to death after unfair trials. Amnesty International is deeply concerned by the massive surge in executions in Iraq and calls on the UK government to push its Iraqi counterpart to commute all death sentences and abolish the death penalty in law and practice.

140. The report contains a sizeable section on the IHT, including the significant UK assistance given to it. However, it fails to adequately address the shortcomings of the IHT and the trial of Saddam Hussein and his co-accused. We outlined some of our general concerns about the IHT in our previous submission. Amnesty International believes that Saddam Hussein’s trial was seriously flawed, calling into question the capacity of the IHT to administer justice fairly and in conformity with international standards. Political interference undermined the independence and impartiality of the court; the Iraqi authorities failed to take adequate measures to protect all those involved with the tribunal; and basic defence rights were not respected. The UK government should urge the Iraqi government to make urgent changes to ensure that future trials before the IHT conform to international standards for fair trial, possibly by considering adding international judges to the IHT or referring cases to an international tribunal.

10 The case is due to be heard by the Law Lords in April 2007.
141. The report does not mention the human rights situation in northern Iraq. Amnesty International is concerned about prosecutions of critics of the Kurdish authorities and the threat these pose to freedom of expression as well as evidence of incommunicado detention and ill treatment in the semi-autonomous Kurdish region. There have also been incidents of the use of force against demonstrators. The UK government should urge the Kurdish authorities to ensure full protection of the right to freedom of expression and review and amend existing legislation which criminalises the peaceful exercise of the right to freedom of expression.

142. The report outlines some of the welcome advances made by women in Iraq. However, we share the report’s concerns about violence against women in the country. Women and girls continue to face threats, attacks and harassment. Their freedoms have been severely curtailed as a result of the security situation. Many women and girls have come under pressure to wear the hijab or Islamic veil and change their behaviour. Women are also being targeted by armed groups and have been killed, raped and abducted. As we pointed out in our submission last year, we are also concerned that certain parts of the Iraqi constitution may be interpreted as allowing practices that discriminate against women and violate and restrict women’s human rights. In addition, there are ongoing concerns over “honour killings” and domestic violence, and the failure to adequately address such crimes. The UK government should urge the Iraqi authorities to amend legislation discriminating against women and ensure that “honour crimes” and violence in the family are treated seriously.

143. The report contains a very brief and general section on protecting minority rights. Many of the victims of violence in Iraq appear to be targeted for sectarian reasons, because of their religious affiliation or membership of religious minorities, including the Christian and Mandaean communities. Others appear to have been targeted on account of their gender, sexual orientation or national origin, including women, Palestinian refugees, and gay men or men imputed to be gay. Amnesty International calls on the UK government to urge its Iraqi counterpart to ensure that complaints by members of minority groups are promptly, impartially and effectively investigated by an independent body.

ISRAEL AND THE OCCUPIED TERRITORIES (PAGES 77–84)

144. On the whole the FCO report addresses Amnesty International’s main concerns regarding Israel and the Occupied Territories. However, its failure to address and condemn the disproportionate and indiscriminate nature of the Israeli bombardment and shelling of civilians as well as direct attacks on civilian objects in Lebanon during the July/August 2006 conflict is a most regrettable omission. Whilst the report rightly highlights Hizbollah’s indiscriminate rocket attacks on Israel, pointing out that some 40 Israeli civilians were killed and up to 2,000 injured, it fails to mention that some 1,000 Lebanese civilians were killed and over 4,400 injured by Israeli military strikes.

145. Amnesty International agrees with the report that Israeli settlements are an obstacle to peace and are illegal under international law. The report does note the expansion of existing settlements in violation of the Roadmap, but Amnesty International would add that new settlements are also being built under the pretence that they are part of existing settlements. For example, in September 2006 the Israeli government issued tenders for the construction of 700 new homes in West Bank settlements. In addition to violating international law, the settlements and related infrastructure, including the fence/wall and the network of “bypass” roads, have had disastrous consequences for hundreds of thousands of Palestinians. Restrictions on movement hinder the functioning of the Palestinian economy, causing increased poverty and unemployment and ultimately preventing any semblance of normal life. The UK government should demand that the Israeli authorities: bring an immediate end to the building and expansion of Israeli settlements and to the construction of the fence/wall, eighty percent of which is inside the West Bank, including in and around East Jerusalem; enact measures to evacuate settlers living there; carry out the dismantling of those sections of the fence/wall already built there; and bring an end to the regime of closures and movement restrictions as currently imposed throughout the Occupied Palestinian Territories.

146. The report rightly points out that the repeated closure of the Karni crossing point has led to deterioration in the humanitarian situation in Gaza. However, it fails to mention the repeated closure for prolonged periods of the Rafah crossing between the Gaza Strip and Egypt that prevents any travel for the entire population of Gaza. As a result of these closures, Palestinians are left stranded on the Egyptian side of the border for days, unable to return home. Repeated closures and other restrictions on freedom of movement have contributed to shortages of medicine, food and fuel and other necessities, and to a further deterioration in the humanitarian situation. The report fails to mention that the dire humanitarian situation has been further exacerbated by the destruction by Israel of vital infrastructure, including Gaza’s power station and water mains. With regard to the Gaza Strip, the UK government should demand that the Israeli government ensures freedom of movement (for persons and goods) for Palestinians between the Gaza Strip and the West Bank and, so long as it continues to control the border between the Gaza Strip and Egypt, allows freedom of movement for Palestinians across that border.

147. The withholding by Israel of the custom duties it collects on behalf of the Palestinian Authority (PA), and the cut in aid to the PA by EU countries, including the UK, have also contributed greatly to the deteriorating situation throughout the Occupied Territories. In December 2006, Amnesty International’s Secretary General, Irene Khan, visited the region and noted that despite EU aid, the humanitarian situation...
remained dire. The UK as a member of the EU must take measures to ensure the decision to stop funding does not adversely impact human rights. The UK government must ensure that emergency assistance essential to fulfilling fundamental human rights is never used as a bargaining tool to further political goals.

148. House demolitions are understated in the report. The Israeli authorities frequently demolish Palestinian homes in East Jerusalem and elsewhere in Area C of the occupied West Bank on the grounds that they have been built without a permit. Yet it is impossible for most Palestinians in East Jerusalem and in Area C to obtain a permit to build a home on their own land. In the past two years the Jerusalem Municipality has stepped up its demolition of Palestinian homes. Some 200 Palestinian homes have been demolished in East Jerusalem since the beginning of 2004, leaving more than 600 people homeless. The FCO report mentions that during the UK’s presidency of the EU, it lobbied the Israeli government to freeze demolition orders on Palestinian houses in Silwan in East Jerusalem. We would urge the UK government to lobby the Israeli government to cancel all outstanding orders for forced evictions and demolitions of unlicensed houses and to impose a moratorium on future forced evictions and demolitions until such time as the law is amended in a manner that complies with international standards. We would also ask the UK government to urge the Israeli government to end punitive demolitions.

149. Whilst the report mentions the “family unification law” and states that the law “discriminates against Israelis who marry non Israelis”, it fails to explain that the law explicitly denies family rights on the basis of ethnicity or national origins. The “Citizenship and Entry into Israel Law” only bars family reunification for Israelis married to Palestinians from the Occupied Territories only—not for those married to nationals of other countries. It specifically targets Israeli Arabs (Palestinian citizens of Israel), who make up a fifth of Israel’s population, and Palestinian Jerusalemites, for it is they who marry Palestinians from the West Bank and Gaza Strip. We would welcome any representations that the UK government could make urging the Israeli government to reform or repeal the “family unification law”.

150. The report states that the “UK has repeatedly pressed the Israeli authorities at all levels to respect the rights of the Palestinians”. Amnesty International has written to Prime Minister Blair asking him to raise our concerns with Prime Minister Olmert of Israel when he visited London in June 2006. Unfortunately, to date we have received no detailed response to this correspondence. We are deeply disappointed not to have received a response from the Prime Minister, especially as he has stated that he is dedicated to working for a solution to the current situation. Human rights must be a vital component to any lasting solution and we would urge the Prime Minister to engage in dialogue with Amnesty International and other organisations that seek an end to the killing and destruction.

151. In the section on the Palestinian Authority (PA) the report explains that the UK government (quite correctly in Amnesty International’s opinion) “unreservedly condemns all acts of violence against Israel’s civilian population”. Unfortunately, such a statement is omitted from any of the entries covering the killings of Palestinian civilians by Israeli forces. While in 2005 and 2006 there was a welcome drop in killings of Israeli civilians by Palestinian armed groups, the same has not been the case with regard to killings of Palestinian civilians by Israeli forces. On the contrary, in 2006, killings of Palestinians by Israeli forces spiralled, with some 600 Palestinians, more than half of them civilians and including some 100 children, killed by Israeli forces. In the same period Palestinians armed groups have killed 17 Israeli civilians, including one child. It is imperative that the UK unreservedly condemns all civilian killings regardless of the nationality of the victims. Failures to do so leaves it open to accusations of “double standards” and jeopardises its role as an “honest broker”. The UK government should unreservedly condemn disproportionate and indiscriminate use of force by Israeli forces that result in the death and injury of Palestinian civilians, notably air strikes and artillery shelling into densely populated residential areas, which, as has been repeatedly proven, are certain to cause death and injury to civilians.

152. The report quite rightly states that the PA “needs to reform the security sector so that it can take action against groups and individuals responsible for acts of violence”. In December 2006, whilst visiting the region, Amnesty International Secretary-General Irene Khan stressed the urgent need to address inter-factional violence between armed Palestinian groups and called for President Abbas and the Hamas leadership to take responsibility for the violence, bring the groups under control and address issues of impunity. The UK government should demand that President Abbas, as well as the Hamas leadership, take concrete measures to stop inter-factional fighting and end impunity for members of Palestinian armed groups and security forces.

RUSSIA (PAGES 86–98)

153. The FCO report’s section on Russia refers to the “cautious optimism” of the Russian Ombudsman for Human Rights in the medium to long term. In the meantime, the human rights situation in the country remains dire, with many and severe abuses. The Russian Federation held the chairmanship of the Committee of Ministers of the Council of Europe from May 2006 to November 2006 and has been elected onto the new UN Human Rights Council. The UK government should use its membership of the Council of Europe and the UN Human Rights Council to remind the Russian Federation of its human rights responsibilities as participants in both these organisations. The UK government should also publish any results coming from the ongoing UK–Russia dialogue.
154. The FCO report appears to have accepted the framing by President Putin of the conflict in Chechnya and the wider North Caucasus as part of the global “war on terror”. Amnesty International is concerned that Russia is using such language to justify continuing human rights abuses. Although the FCO report acknowledges the many allegations that the Chechen Prime Minister and the security forces under his control are responsible for a wide range of human rights violations, it refers also to their role as part of the “important task” of tracking down terrorists. There is, however, no end to the serious and widespread human rights abuses in Chechnya and the wider North Caucasus. “Disappearances”, abductions, torture, arbitrary and incommunicado detention in unacknowledged as well as official places of detention are continuing in Chechnya and the North Caucasus. In the words of the Russian NGO Memorial (mentioned in the FCO report as noting that the number of abductions has fallen over the past year), “the period from July 2005 to July 2006 has not brought any encouraging changes”. Amnesty International calls on the UK government to urge the Russian government to independently investigate all allegations of abuse by security forces and bring those responsible to justice.

155. The FCO report mentions that the Russian authorities have granted permission for the UN Special Rapporteur on Torture to visit Chechnya in October 2006. This visit was postponed at the last minute because the Russian authorities refused to agree to the terms of reference of the Special Rapporteur. It was stated earlier in 2006 in a report published by the UN Special Rapporteur on Civil & Political Rights, that he regretted the failure of the Russian government to cooperate with the mandate given to him by the UN Commission on Human Rights, in its failure to respond to his urgent appeal in November 2005 regarding the alleged disappearance of three Chechen citizens. The UK government should press the Russian authorities to cooperate with UN human rights bodies.

156. Amnesty International continues to be extremely concerned at the use by police officers of torture in detention centres across the Russian Federation. Safeguards against torture are circumvented, often with impunity. It is the duty of the General Procuracy to investigate allegations of torture and other ill-treatment; however, its record in this respect is unsatisfactory. There is no effective, independent and nationally enforced system of visits to all places of detention and while different agencies do undertake visits to places of detention, they are either not fully independent or they are unable to make unannounced visits, and have no powers of enforcement. Police custody is particularly closely to outside scrutiny and it is in police custody that detainees are most vulnerable. The UK government should press the Russian authorities to sign and ratify the Optional Protocol to the UN Convention against Torture, to establish a mechanism for unannounced inspections of all places of detention, to increase the effectiveness of investigations into allegations of torture and to improve the professional training of police officers.

157. Harassment of human rights NGOs in Russia continues to be of particular concern. The FCO report details continuing concerns regarding the NGO legislation implemented this year and states that “implementation of the amended NGO law will remain a key area of interest for the international community . . .”. It seems clear that hostility shown to civil society and human rights defenders is on the increase.11 Various recommendations of the Council of Europe relating to the legislation have not been incorporated. In October 2006, dozens of foreign and international NGOs were forced to suspend their activities because their applications for registration had not been approved in time, due to burdensome and unclear procedures introduced under the new legislation. The Russian authorities must cease immediately all harassment of human rights organisations and human rights defenders. The UK government should encourage the Russian authorities to accept human rights NGOs as partners, and not look at them with suspicion and distrust.

158. Freedom of expression in Russia remains a major concern as outlined in the FCO report. Furthermore, murders, kidnappings and harassment of journalists appear to be carried out in an atmosphere of virtual impunity, with few of the killers brought to justice. Most recently, Amnesty International was shocked and deeply angered by the murder of Anna Politkovskaya and welcomes UK government statements to the effect that a thorough investigation must be carried out. The UK government must continue to press for prompt, thorough and impartial investigations into the murder of independent journalists such as Anna Politkovskaya and press the Russian authorities to show that there can be no impunity for such crimes.

159. We agree with the FCO report’s statement that xenophobia is a growing problem. Racially motivated killings, beatings and discrimination are all of serious concern. The Russian authorities are failing to sufficiently challenge xenophobia and intolerance and until recently have failed even to publicly recognise racially motivated attacks as a problem. Some regional authorities have taken initiatives to address racism, but they are woefully inadequate and isolated. While there might now be a growing awareness among the authorities of the problem of racist attacks against minorities, there appears to be no comprehensive plan.

11 Amnesty International has reported, this year and last, on the case of Stanislav Dmitrievskii of the Russian–Chechen Friendship Society (the RCFS). Mr Dmitrievskii (together with his colleague at the RCFS, Oksana Chelysheva) received the 2006 Amnesty International Award for Human Rights Reporting Under Threat for his brave human rights reporting of human rights abuses in Chechnya. Mr Dmitrievskii was convicted in February this year, he was convicted of “incitement to racial hatred” and given a two year suspended sentence and four years’ probation. His offence was to have published articles written by Chechen rebel leaders, again as stated by the FCO Report, which omits to mention however that these articles called for a peaceful resolution of the Chechen conflict. In addition to the harassment suffered by the members of the RCFS, the organisation itself was banned on 13 October. The decision was appealed and the hearing of the appeal has been set at the Supreme Court for 23 January 2007.
of action being implemented to combat racism and discrimination by state agents. In April 2006, the Russian Ombudsman for Human Rights went so far as to accuse law enforcement officers of covering up the extent of racist violence. The UK government should remind the Russian authorities that the country’s record on racism is incompatible with its place on the international stage and international human rights law.

160. For the second year running, the report makes no mention of violence against women in Russia, although it makes a brief mention of high rates of sexual violence and gives details of some support for the Russian NGO Syostri (Sexual Assault Recovery Centre). Levels of domestic violence are alarmingly high. Victims of domestic violence enjoy little support from the state or society and often encounter a lack of political will and practical support mechanisms. In 2006, the UN Special Rapporteur on Violence Against Women published a report on violence against women in Russia and expressed great concern about the state’s failure to act on domestic violence.12 Amnesty International is concerned at the absence of material in the FCO report on this issue and once again wonder why this is the case.

SUDAN (PAGES 101–104)

161. The FCO report addresses Amnesty International’s main concerns regarding Sudan. We recognise that the UK government has played a key role in responding to the crisis in Darfur and welcome its willingness to facilitate and act as a broker for peace in the region.

162. The FCO report describes the situation in Darfur as “precarious”, whilst Amnesty International would consider it to be a crisis. Despite efforts by the international community to revitalise the peace process, the government of Sudan and armed groups continue to commit human rights abuses. A military offensive in August and September 2006 by government armed forces failed to crush the rebel groups not signed up to the Darfur Peace Agreement (DPA) of May 2006. During a new offensive in November, the government and Janjawid militia attacked civilian populations near or around the bases of the non-signatory groups. Amnesty International urges the UK government to continue to use its influence as a permanent member of the UN Security Council and member of the UN Human Rights Council to ensure that the crisis in Darfur remains on the international agenda.

163. The UK government continues to play a leading role at the UN and we welcome its efforts supporting the Special Session of the UN Human Rights Council on Darfur and in securing UN Security Council Resolution 1706. Resolution 1706 extended the UN Mission in Sudan (UNAMIS) mandate in the south of Sudan to cover Darfur, and calls for 22,500 UN troops and police officers to support the 7,000-member AU Mission in Sudan (AMIS) force in the region. Amnesty International asks the UK government to use its influence at the UN and through other representations to encourage the government of Sudan to accept the deployment of an effective UN peacekeeping force in Darfur. In November 2006, the African Union Peace and Security Council agreed to extend the AMIS mandate until 30 June 2007. While we welcome this move, we continue to stress that this should be an interim measure that would ultimately lead to the transition to a UN peacekeeping force under UNSCR 1706, as above.

164. Also in November 2006, a high-level consultation meeting on Darfur was held in Addis Ababa, Ethiopia, where the Secretary-General of the United Nations and the Chairperson of the African Union Commission co-chaired a meeting of the five permanent members of the Security Council, the League of Arab States and a number of African countries, including Sudan. The UN proposed three “phases” relating to peacekeepers in Darfur: a light package; an enhanced support package; and a UN/AU hybrid operation. Amnesty International urges the UK government to use its influence to ensure that effective human rights protection is at the heart of any peacekeeping operation in Darfur and that such a force can: provide security for those in camps, towns and villages; ensure the safe and voluntary assisted return for displaced people and refugees; and actively monitor and verify the disarmament of the Janjawid.

165. Unfortunately, the report only makes passing reference in the Annex to the conflict in Darfur spilling over into eastern Chad and the Central African Republic (CAR). Amnesty International has had three missions to eastern Chad in the past year and has reported cross border attacks by Janjawid militia and other armed groups. Since September 2005 Janjawid attacks into eastern Chad have displaced between 50,000 and 75,000 people, who have moved further inland. Some 15,000 of them, cut off from any other escape route, have moved to Darfur. The displaced persons have little or no access to humanitarian assistance, and desperate to find some protection, are becoming a potential pool for recruitment by Darfuri armed groups based in eastern Chad. Amnesty International urges the UK government to call for the establishment of a UN presence in key locations in Chad to monitor cross border activities of armed groups along the Sudanese border, as called for by UN Security Council Resolution 1706.

166. We would welcome any interventions that the FCO could make to the Sudanese government on granting Amnesty International access to Northern Sudan and Darfur. It was the Secretary of State’s timely intervention which resulted in Amnesty International gaining access to Darfur in March 2004. Since then, we have only been able to visit the Southern Sudan area and do not have access to other parts of the country.

TURKEY (PAGES 135–138)

167. Amnesty International agrees with the FCO’s overall analysis that whilst human rights improvements have been made in Turkey “concerns remain—for example about freedom of expression . . .”. Amnesty International also believes that Turkey needs to take more action to implement its legislative human rights reforms. Worryingly, human rights deteriorated in the eastern and south-eastern provinces due to a rise in armed clashes between the Turkish security services and the Kurdistan Workers’ Party, the PKK.

168. A wide range of laws containing fundamental restrictions on freedom of expression remain in force. Article 301 of the Turkish Penal Code, on the denigration of Turkishness, was frequently used arbitrarily to target a wide range of critical opinion including against against the journalist Hrant Dink, novelist Orhan Pamuk, and Deputy Chair of the Mazlum Der human rights organisation, Sehmus Ulek. It is welcome however, that some of these high-profile cases, such as Orhan Pamuk’s, eventually resulted in acquittals. Nonetheless many less high profile cases remain. Amnesty International believes that Article 301 of the Turkish Penal Code should be repealed. The UK government should encourage the Turkish government to make the necessary changes to bring the Turkish Penal code into line with the ECHR principle of freedom of expression.

169. The FCO report correctly asserts that many Turkish NGOs believe the new Anti Terror Law passed in June 2006 will be used to repress freedom of expression and assembly rather than tackle terrorism. Amnesty International Turkey has organised a round-table discussion with NGOs to formulate their response. It is notable that the Turkish government referred to the UK’s own anti-terrorism legislation when drafting this law, setting a worrying precedent for countries around the world. Furthermore, Amnesty International has serious concerns regarding the persistence of protracted and unfair trials for those charged under anti-terrorism legislation. In a report published in 2006 Amnesty International detailed five case studies which highlight serious concerns regarding the use in court of evidence allegedly extracted under torture or other ill-treatment. This has often been preceded by incommunicado detention, an absence of adequate medical examinations and a failure to investigate such allegations by detainees. Amnesty International asks the UK government to call on the Turkish government to institute immediate measures to ensure compliance with international standards for fair trial for those charged under anti-terrorism legislation, including investigating allegations of torture or other ill-treatment and ending all use of evidence extracted under torture or other ill-treatment in court.

170. Implementation of Turkey’s human rights reforms requires monitoring and support. Official human rights monitoring mechanisms attached to the Prime Ministry have failed to function adequately and have insufficient powers to report and investigate violations. The Prime Ministry Human Rights advisory board has been inactive since the resignation in 2005 of its head following his prosecution under Article 301 of the Turkish Penal Code and on charges of “inciting enmity or hatred amongst the population” in relation to a report on minority and cultural rights. The Provincial Human Rights Boards also failed to address grave violations. The UK government must press the Turkish government to advance the creation of national human rights institutions and ensure that they conform to the Paris Principles on the role, composition, status and functions of national human rights instruments.

171. Whilst reports of torture and ill-treatment of individuals detained for political offences decreased, people detained on suspicion of committing ordinary crimes such as theft or public disorder were particularly at risk. This is of particular concern given the broad remit for arrests under the new anti-terrorism legislation. We continue to believe that unannounced visits and unpublished reports by the Turkish human rights boards to police stations are insufficient, and we continue to urge Turkey to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which would enable an independent system of monitoring. The UK government and EU should support the ratification of OPCAT by the Turkish government and provide the Turkish government with as much practical support as possible to ensure that this takes place.

172. Amnesty International believes that an overwhelming climate of impunity persists in Turkey for security forces engaged in acts such as disproportionate use of force, deaths in custody, rape and extra judicial executions. Serious obstacles remain to any criminal investigation of chain of command responsibility for human rights violations. For example, 54 officers were charged with using excessive force to disperse a peaceful International Women’s Day demonstration in March 2005, which left three women hospitalised, but senior officers were not charged, merely reprimanded. Amnesty International asks the UK government to urge the Turkish government to establish an independent investigative mechanism—similar to the Independent Police Complaints Commission in the UK—to investigate any allegations of serious human rights violations by Turkish security forces.

Amnesty International UK

10 January 2007

Written evidence submitted by Human Rights Watch

INTRODUCTION

Human Rights Watch thanks the Foreign Affairs Committee for the opportunity to comment on the Foreign and Commonwealth Office’s Annual Human Rights Report. We look forward to answering further questions from the committee at the oral session on 24 January 2007.

Every year the FCO’s report on human rights plays an important role in highlighting some of the worst human rights abuses in the world. This is an important exercise for two reasons. Firstly, by publishing these annual reports, the FCO helps to expose the behaviour of human rights abusing states and this exposure can serve to shame abusers into changing that behaviour.

Second, these annual reports help to underline the need for the UK and its international partners to be honest with themselves in dealing with abusive governments around the world. British diplomats can and do still argue that engaging the governments of countries like China, Russia or Pakistan may be important to the national interest, despite their poor human rights record. But they cannot deny the abusive nature of those states if the FCO’s own human rights report states otherwise.

As in previous years, the 2006 FCO report contains much useful and factually accurate material. Human Rights Watch welcomes the FCO’s stated commitment to upholding human rights and the rule of law. We also welcome the government’s operationalisation of that commitment through the programme of human rights work outlined in this report.

The following comments do not represent a comprehensive critique of the report or of the FCO’s approach to human rights as a whole. Rather this submission seeks to highlight two important areas where HRW feels the report falls short, and where the government’s rhetoric on human rights does not match its conduct, policies and positions:

2. The role of the EU in promoting Human Rights.

1. HUMAN RIGHTS AND COUNTER-TERRORISM

The FCO says that it has a good story to tell in respect of observing human rights and the rule of law in pursuit of its counterterrorism aims. Indeed it says in this report (in our view rightly) that human rights must be a central component of any successful counter-terrorism strategy. However HRW believes that the UK is in fact undermining its counterterrorism strategy by failures in at least three areas:

— Selective criticism and inaccurate reporting of human rights failings of states in the Middle East, North Africa and South Asia.
— Shortcomings of the UK’s own positions and policies, including the FCO’s efforts to deport security detainees to countries where they are at risk of torture.
— Reluctance or failure to criticize the United States for abuses carried out by US forces in pursuit of counter terrorism aims, particularly in Afghanistan and Iraq.

Selective criticism and inaccurate reporting of human rights failings of states in the Middle East, North Africa and South Asia

In many parts of the Middle East, North Africa and South Asia an epidemic of human rights violations has been continuing for many years now fuelling grievances which underlie the conflicts, instability and political/religious extremism of these regions. Abuses and violations include routine denial by governments of political freedoms, severe shortcomings in the application of the rule of law, and brutal government persecution and harassment of political opponents.

Success in addressing the conflicts and extremism of these regions—now seen as so vital to the UK’s own national security—depends in great part on success in addressing the human rights abuses and the long history of impunity which lie at the roots of these conflicts and crises. But these issues must be addressed in a consistent, non-selective way. Ultimately, the momentum for democratic accountability and rule of law that is required to create sustainable stability and respect for human rights will have to come from within these regions themselves. But outside powers including the UK are already deeply implicated.

Unfortunately the approach adopted by the UK government to the human rights dimensions of several of these conflicts and crisis appears to be selective, and some of its reporting of the human rights issues at play in these conflicts is inaccurate, misleading or incomplete. This is serving to undermine the UK’s political credibility and leverage, contributing to widespread perceptions of Western double standards in its dealings with the Muslim World.

Iraq and Afghanistan are good examples. Alongside the US and other Western allies, the UK is playing a leading role in seeking to bring stability to Iraq and Afghanistan. Both of these important strategic projects have suffered serious setbacks in the course of 2006 and in both countries human rights and the rule of law
have suffered serious deterioration. The British government has been reluctant to acknowledge the extent of the failures in these countries. This is reflected in the report’s discussion of human rights in Iraq and Afghanistan.

The report lists its current human rights concerns in Afghanistan (pp 30–36) as freedom of expression, women and children, the death penalty and economic and social rights. While it is important to highlight these concerns (which we share), HRW believes it is also important to address squarely human rights aspects of the actions and policies of US forces in Afghanistan and of the British led NATO force, ISAF. In the struggle against the Taleban the Afghan government and its international allies are currently pursuing a counter-productive policy of relying on war criminals, human rights abusers, and drug-traffickers. These people should instead be prosecuted. In particular it is essential to: focus NATO’s security operations on protecting Afghan civilians; ensure maximum protection of civilians from the effects of combat operations, particularly the effects of aerial attacks; ensure that detainees are treated in accordance with international standards and address insecurity caused by warlords and illegal armed groups throughout the entire country (ie not just Taleban related insecurity). Respect for human rights on the part of international forces as well as Afghan actors must be an important and necessary component of any counter-insurgency strategy in Afghanistan.

The report paints a wildly optimistic view of the human rights situation in Iraq (pp66–77), stating that “progress is being made” in building “a culture of respect for human rights”. Compare this to this assessment from Jan Egeland, the top UN aid official, shortly before he left office at the end of 2006: “One hundred or more dead people every day and night is an outrage . . . I know of no other place on Earth where so many people are killed, massacred and tortured to death as in Iraq.” The UK, together with its US ally, now finds itself in a position in Iraq where it is propping up a government that is deeply implicated in escalating sectarian violence, massacres and torture.

With regard to the conduct of coalition forces in Iraq, the FCO’s report is particularly defensive and misleading. For example on the impact on civilians of major military operations carried out by coalition forces in Iraq, the report takes at face value assurances by the US that “all possible steps are taken” to ensure the safety and well-being of civilians in areas where such operations take place. There is no evidential basis for such a position. Equally the report takes at face value assurances by the US with regard to the treatment of detainees. The report states that “allegations of abuse by coalition forces against detainees have been thoroughly investigated”. However HRW has collected evidence suggesting that prisoner abuse by US forces in both Iraq and Afghanistan has not been properly investigated nor, in the few cases where convictions have been secured, adequately punished. There has also been an almost total failure on the part of the US authorities to pursue prosecutions of higher ranks under the principle of command responsibility, thus perpetuating the myth that detainee abuse is the work of “a few bad apples” rather than part of a systemic failure.

The FCO report notes that the UK has contributed funds toward the training of judges and other advisers for the Iraq High Tribunal (IHT) “to ensure that the IHT can maintain high standards so that the accused can be given a fair trial”. HRW monitored most of the trial of Saddam Hussein and his co-defendants—the Dujail trial—which ended in November 2006 with a conviction and death sentences for Saddam and two others. In a report published shortly afterwards—Judging Dujail: the first trial before the Iraqi High Tribunal http://hrw.org/reports/2006/iraq1106/—HRW concluded that the trial was so deeply flawed that the verdicts were unsound and should be overturned. We found that the IHT was undermined from the outset by Iraqi government actions that threatened the independence and perceived impartiality of the court. Other shortcomings included: regular failure to disclose key evidence, including exculpatory evidence, to the defense in advance; violations of the defendants’ basic fair trial right to confront witnesses against them; lapses of judicial demeanor that undermined the apparent impartiality of the presiding judge; and important gaps in evidence that undermine the persuasiveness of the prosecution case, and put in doubt whether all the elements of the crimes charged were established.

The Dujail trial was an opportunity squarely to address the fundamental and long standing problem of impunity in a Middle Eastern state through a rigorous judicial process. It was also an opportunity to establish a legal and factual record of the egregious human rights abuses carried out under the regime of Saddam Hussein as to demonstrate, in a high profile case, that the invasion had resulted in the establishment of the rule of law in Iraq. These opportunities were squandered. Instead, an unfair trial and appeals process and a fast tracked, cruel and televised execution most likely turned a brutal dictator into a hero and martyr for many Arab nationalists and Islamists.

The FCO’s report correctly draws attention to the deteriorating human rights situation in Iran (pp63–66) since the election of Mahmoud Ahmedinejad in June 2005 brought an end to the reformist presidency of Mohammed Khatami. However, lack of international leverage on Iran means that there is very little that can be done to address this deterioration. Indeed one can plausibly argue that UK-backed US policies in the region (particularly in Iraq) have inadvertently helped to empower the Iranian regime at home and to increase its regional influence, especially in Iraq. This in turn has further reduced the extent to which the UN, the EU and others can bring pressure to bear on Iran to improve its record on human rights. Furthermore the focus of UK policy towards Iran on counter-terrorism and Iran’s nuclear programme comes at the expense of efforts to promote political reform and respect for human rights.
Strategic and political concerns appear to colour the report’s treatment of Israel. The report’s description of human rights violations by both sides in the conflict between Israel and the Palestinians (pp77–84) is generally balanced and accurate. It rightly draws attention to the deteriorating humanitarian situation in Gaza since the Israeli military redeployment there. However while it calls on the Palestinian Authority to “reform the security sector so that it can take action against groups and individuals responsible for armed violence,” it does not draw attention to the manner in which Israeli actions and policies—including the perpetuation of the military occupation and the expansion of settlements in the West Bank—have undermine the ability of the PA to carry out such reform. Furthermore it fails to call on Israel to address the serious and systemic failure of its own justice system to prosecute and punish Israeli military personnel responsible for human rights abuses or to provide redress for victims of abuses. The picture one gets from reading this report is that the main stumbling block to addressing the human rights crisis in the OPT is as much the Palestinians’ resistance to Israeli occupation of their lands as the occupation itself.

An even more serious concern is the report’s treatment of the July/August 2006 conflict between Israel and Hezbollah in Lebanon. During the fighting the British government rightly joined the United States in condemning Hezbollah for its attacks on civilians in northern Israel. But it refrained from serious criticism of Israel for its more lethal (and likewise illegal and reprehensible) indiscriminate attacks harming civilians in Lebanon. On Israel’s behalf, the UK also resisted calls for a humanitarian ceasefire and gave a green light to the transfer of American weapons to Israel through the UK, leading many Lebanese to see the UK as complicit in the violence they suffered at the hands of the Israelis. This lack of balance is perpetuated in the FCO report. The report correctly mentions (in the section on Syria on p.105) that Hezbollah’s indiscriminate rocket attacks killed over 40 Israeli civilians. But in a section on the July/August 2006 conflict (p.215) there is no mention of the Lebanese death toll of as many as 1,000 civilians or of the thousands of maimed and injured. The massive destruction to Lebanese property and infrastructure is alluded to in the context of the reconstruction effort but there is no mention of how this destruction came about and no analysis of the human rights dimensions of the destruction and its clear contravention of international humanitarian law. Furthermore there is nothing on the deadly legacy of tens of thousands of cluster sub munitions which Israel fired on Southern Lebanon in the last days of the war.

Saudi Arabia (pp98–101) is one of the few friendly Middle Eastern states which the FCO human rights report includes in its section on the “major countries of concern”. The report lists numerous very serious concerns, including state sanctioned discrimination against women, foreigners, non-Muslims, non-Sunni Muslims, restrictions on workers’ rights, press freedom, freedom of expression, freedom of assembly, freedom of religious and the extensive use of the death penalty. However the report ignores one of the most serious human rights abuses in the kingdom—namely the continued use of torture—and gives little evidence for its statement that “the overall situation continues to improve” in Saudi Arabia. Indeed, to our knowledge, no such evidence exists.

HRW welcomes the inclusion of Syria (pp104–107) among the major countries of concern in this year’s report. Certainly on grounds of Syria’s human rights performance it merits inclusion. But on the same grounds several other important Arab countries, including Egypt, which has seen a serious deterioration in the human rights environment in the past 18 months, also merit inclusion. The impartiality of the report is thus undermined by the suspicion that the inclusion of Syria, but not other equally poor human rights performers in the region, is politically motivated by the UK’s opposition to Syria’s regional policies with regard to Israel, Lebanon and Iraq.

Also inexplicable on the basis of its human rights performance is the exclusion of Pakistan from the list of major countries of concern (though it does get mentioned in other sections). The human rights environment in Pakistan has deteriorated dramatically under the military government of Pervez Musharraf and in particular in the past two years as the situation in the border region with Afghanistan has deteriorated. It seems reasonable to suppose therefore that the reluctance to highlight human rights abuses in Pakistan stems from the Pakistani regime’s perceived importance as an ally in the war on terror. For the same reason Prime Minister Tony Blair refrained from any public or, as we understand it, any private criticism of the Musharraf regime on his visit to Pakistan in November 2006.

Shortcomings of the UK’s own positions and policies, including the FCO’s efforts to deport security detainees to countries where they are at risk of torture

HRW welcomes the report’s categorical statement on torture: “Torture has no place in the 21st Century. It is one of the most abhorrent violations of human rights and human dignity. Its prohibition is absolute” (p.187). HRW also welcomes the international work the FCO is doing to cement the global ban on torture. There are sound practical and strategic as well as moral reasons for pursuing an uncompromising approach to torture. However, as HRW pointed out in a report published in November 2006—Dangerous Ambivalence: the UK’s attitude to torture http://www.hrw.org/backgrounder/eca/uk1106/—we believe that in at least four important respects the government is actually undermining international efforts to eradicate torture.

First the government has sought (and so far failed) to allow evidence obtained under torture in other countries to be used in British courts. Second the government is seeking to find ways around the prohibition on the deportation of terrorism suspects to countries which routinely practice torture by obtaining diplomatic
assurances from those countries. Third it is seeking to undermine Article 3 of the European Convention on Human Rights by arguing that when it comes to deportation of terrorism suspects the risk of torture should be balanced against national security concerns. And fourth it has failed squarely to challenge the egregious failures of the United States to protect detainees from serious abuse, including torture and death, either when they are in US custody or when they are “rendered” to other countries, sometimes with the express purpose of extracting information from them under coercion.

The first issue (regarding the use of evidence obtained under torture) does not fall within the remit of the FCO and is not covered in this report. With regard to the other three issues, the report inadvertently reveals the extent of the UK government’s failures—which are spelt out in detail in the HRW report alluded to above.

On deportations, the report makes several unfounded or misleading statements. The government’s policy hangs on the validity of memoranda of understanding (MoUs) with countries such as Jordan, Lebanon and Libya to which it wishes to deport terrorism suspects whom it is unable or unwilling to prosecute in the UK. HRW has studied this issue in detail and arrived at the conclusion that the diplomatic assurances contained in these MoUs that the suspects will not be mistreated are ineffective and do not provide adequate protection against torture. In torturing political opponents these countries already stand in gross violation of international law. It is therefore completely implausible to argue, as the FCO does, that non-binding bilateral “diplomatic assurances” will provide protection against torture. Furthermore the monitoring mechanisms which the MoUs envisage will not work as a safeguard. The argument put forward by the government, and in this report (p 180), that MoUs will actually help to improve the human rights situation in Libya, Lebanon and Jordan (and in other countries with which the UK is seeking to sign similar MoUs such as Egypt) is quite fanciful and misleading—this is neither the purpose of MoUs and nor will it be a spin off consequence. No evidence is put forward to support this argument—whereas the dismal record of all these countries on human rights points very clearly in the opposite direction.

On Article 3 of the European Convention on Human Rights the FCO report seeks to justify the government’s misguided efforts to introduce the principle that risk of torture and ill-treatment should be balanced against the threat to national security when considering the deportations of terrorism suspects. So far, the European Court of Human Rights has valiantly resisted efforts to introduce the principle of balance when it comes to torture and ill-treatment—for example in the ruling on Chahal v UK in 1996. Now the UK is intervening to support the Netherlands in the case of Ramzy v the Netherlands. “We believe,” says the FCO report (p 181), “that the current heightened security threat means that it is proper for the court to revisit the issue.” It is hard to escape the conclusion that the government is involved in an effort to water down Article 3 and the global prohibition on torture and ill-treatment, including the ban on returns to risk of such abuse.

Reluctance or failure to criticize the United States for abuses carried out by US forces in pursuit of counter terrorism aims, particularly in Afghanistan and Iraq

We have already noted the reluctance of the UK government (and of the FCO human rights report) to criticize the failures of the United States government with regard to human rights and international humanitarian law in its pursuit of its political and military objectives in Iraq and Afghanistan. The report is also symptomatic of the government’s reluctance to criticize the United States government’s practices in the wider effort to combat international terrorism, especially the policy of rendition and the systemic abuse of detainees at Guantánamo Bay, Cuba, and in other US detention facilities.

Human Rights Watch has already made its concerns clear to the FAC regarding the treatment and legal status of detainees in Guantánamo Bay and other US detention facilities in a separate submission to the FAC14. The FCO’s report says that “the government has long made it clear that it regards the circumstances under which detainees continue to be held at Guantánamo Bay, Cuba, as unacceptable.” In fact it was not until mid 2006 that the UK government summoned up the backbone to express firm criticism of Guantánamo Bay. And the UK has done little to back up its words with actions. Despite the growing pleas for help, the UK long refused to provide a safe haven for the British residents who are still being held in Guantánamo Bay and continues to refuse to help find a safe haven for those detainees the US wants to release but is unable to because of fears of torture. Moreover, the government—like this report—has failed completely to criticize the US for stripping the Guantánamo detainees of access to courts to challenge the legality of their detention though habeas corpus proceeding or of their treatment, even if they have been tortured and even after they have been released. These court-stripping provisions threaten to return Guantánamo to a black hole, where the US government can act with impunity, and set a dangerous precedent that the UK should have been quick to condemn.

2. THE EU UNDERPERFORMING ON HUMAN RIGHTS

The FCO’s Annual Report says rightly that “with its 450 million inhabitants, and its economic and political strength, the European Union has enormous potential to promote the human rights and fundamental freedoms it seeks for its own citizens through its political, trade and development relationships

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with the wider world” (p 127). It is also clear, as the report suggests, that the UK’s best hope of leveraging better protection of human rights in the world lies in working through the EU as one of its leading member states.

What the Annual Report does not say is that the EU is failing to fulfill its potential with regard to protection of human rights. On the contrary it is punching well below its weight in this area, and this needs to change—especially given the decline of US leadership and credibility on human rights in recent years.

The weaknesses of the EU with respect to promoting human rights are particularly evident in its policies on China, Russia, and the United States; on crises such as Darfur and other human rights problems in the global south; and on human rights issues within the EU itself, especially those related to immigration and asylum.

The FCO report’s extensive section on China (pp 42–49) raises important human rights concerns from a UK perspective. But there appears to be little political will at the EU or bilateral (UK) level to raise those concerns at a high level. Most public EU comments are weak and lacking in conviction. The EU and the UK both maintain “dialogues” with China on human rights, but these are at a low-level, they use no clear benchmarks to measure progress from meeting to meeting, and they produce no obvious results. During the EU–China summit in September 2006 Finland’s ambassador to Beijing, Antti Kuosmanen, stated on behalf of the EU presidency that human rights would “not be a dominant point” at the summit and that human rights were a “sensitive and delicate issue . . . because we are dealing with values.” Instead business and security issues dominated the agenda, as they did during Wen’s latest meetings with Prime Minister Blair and German Chancellor Angela Merkel, as well as French President Jacques Chirac’s visit to Beijing. Similarly, in October, the EU’s External Relations Commissioner Benito Ferrero-Waldner and Trade Commissioner Peter Mandelson urged a “comprehensive reframing” of the EU’s relations with China but never mentioned human rights.

One area where this lack of pressure on human rights has been felt is Internet freedom. This issue is briefly mentioned but not addressed in any detail in the FCO’s report. With no help from the EU to resist pressure, Internet companies such as Google, Microsoft and Yahoo are giving in to the demands of the Chinese government for censorship, surveillance and control.

Curiously, one positive development with regard to the role of the EU on human rights in China is not noted in this report. Despite Chinese lobbying, the EU resisted lifting its arms embargo on China imposed after the Tiananmen Square massacre in 1989. This was one example where the EU consensus rules facilitated a strong human rights position because the embargo, originally imposed without a time limit, required a common position to lift. But with China eager to have the embargo ended before the 2008 Olympic Games, the EU still has not articulated the benchmarks that must be met, such as a transparent and credible investigation into the Tiananmen killings, and thus has lost an opportunity for leverage on human rights.

UK concerns about human rights abuses in Russia, especially in Chechnya, are well put forward in this report (pp 86–98). Voicing these concerns at the EU level is clearly a more promising approach for the UK than working bilaterally. But EU policy toward Russia appears to regard energy security—understandably a major European priority—as being incompatible with challenging Russia’s behaviour as a violator of human rights. The EU has held semi-annual “consultations” with Russia on human rights. But, as with China, these are at a low diplomatic level and have been unproductive in terms of improving Russia’s human rights record. And human rights have not featured prominently on the higher level EU–Russia agenda. From time to time, the EU responds to individual cases or events such as the new Russian law on NGOs, but human rights rarely enter the public discourse of senior officials. Atrocities in Chechnya, rightly highlighted in the FCO report as the worst crisis of human rights in Europe, have been relegated from high level diplomacy, with no public demands for accountability or even information on the fate of those who, according to well documented evidence collected by HRW and others, have been tortured or “disappeared” by agents and allies of the Russian state.

On several occasions in 2006 the European Court of Human Rights found Russia responsible for violating the right to life because of the role of Russian troops and their proxies in the forced disappearance of people in Chechnya. This is not mentioned in the FCO’s report. HRW believes that European leaders are missing an important opportunity presented by the court rulings to press Russia to curb abuses and end impunity.

The EU has a mixed record in its attitude towards the United States. US detainee operations in Europe made some European governments (especially their intelligence agencies) complicit in torture and ill-treatment, arbitrary detention, and forced disappearance. Strong indications suggest that Poland and Romania allowed “disappeared” suspects to be held on their soil. While the US Congress did nothing to investigate these operations, the European parliament launched an inquiry. The temporary parliamentary committee (TDIP) found it “utterly implausible” that these activities could have occurred without the knowledge of European intelligence or security services. It found similar official complicity in the apprehension of suspects on European soil and their rendition to countries where torture and ill-treatment are routine, while also finding the US Central Intelligence Agency “clearly responsible.”

Political and judicial actors in Italy and Germany have been most vigorous in seeking accountability for these illegal practices, in stark contrast to the EU (and indeed to the UK as well). An Italian court has issued arrest warrants for CIA agents and their Italian accomplices who were allegedly responsible for the 2003
abduction in Milan of Osama Mustafa Hassan Nasr, known as Abu Omar, and his rendition to torture in Egypt. In November 2006, in what it described as a “natural rotation,” the new government of Prime Minister Romano Prodi replaced the head of the military intelligence services SISMI, who is under investigation for his role in the abduction. The real test for Italy will be whether the government forwards the court’s extradition requests to the United States, and whether it releases information regarding its possible prior knowledge of the kidnapping.

In Germany, Federal prosecutors opened an investigation in February 2006 into Germany’s possible complicity in the abduction and rendition of Khalid El-Masri, a German citizen apprehended in Macedonia in 2003, handed over to US operatives, and subsequently held in secret detention in Afghanistan (his case is also the subject of the European Parliament investigation mentioned above, and a US federal court proceeding). El-Masri has claimed that he was beaten in detention and interrogated by a German official in Afghanistan. As well, a full parliamentary committee of inquiry is underway, investigating the possible complicity of the German government in abuses by US agents in the context of counterterrorism, including whether the Federal Criminal Police Office questioned terror suspects being held abroad, and the cases of Khalid El-Masri and Mohammed Haider Zammar, another man subjected to rendition to torture. The committee is also investigating media reports that German security agencies have known about US-run secret detention sites in Europe and abusive practices therein since late 2001. These efforts to hold government and other actors accountable are laudable, given that Germany assumed the presidency of the Council of the European Union in January 2007 and is particularly susceptible to criticism regarding its own human rights practices.

As for US conduct outside of Europe, the EU, like the UK (see above), has not offered any high-level public comment on the findings of the UN Committee against Torture about US complicity in torture and other abusive interrogations. And it took the EU years—not until the EU–US summit in June 2006—to call collectively for the closure of the US detention facility at Guantánamo Bay, Cuba. Furthermore, the EU has refused to make the humanitarian gesture of taking in Guantánamo detainees whom the US is willing to release but who cannot be returned to their native lands for fear that they might be tortured there. It was only non-EU member Albania that ultimately agreed to resettle five Uighur detainees who were freed from Guantánamo but could not safely be returned to China, as well as ethnic Egyptian, Algerian and Uzbek detainees. Another 16 Uighurs remain stuck in Guantánamo, as well as several others who are slated for release but cannot be returned to their home countries because of legitimate fears of torture, and have nowhere else to go.

In addressing the crisis in Darfur (which is set out in the FCO report’s section on Sudan—pp 101–104), the EU underlines how much it has spent to support the African Union force (AMIS). However, considering the seriousness of the crisis and its potential implications for the region and for the future of the north–south peace agreement in Sudan, the EU has done little to persuade Khartoum to accept the better equipped and staffed UN protection force that the UN Security Council approved in August in SC resolution 1706. The EU imposed an arms embargo on Sudan during the north-south civil war, but has done nothing to enforce the embargo since the Darfur conflict began. Preferring engagement, EU members have resisted freezing assets and banning travel for senior Sudanese officials responsible for the Darfur slaughter. Far from matching US trade sanctions toward Sudan, the EU has seen its, and particularly France’s, trade with Sudan increase massively as Sudan has joined the ranks of oil producers. Khartoum failure to disarm the murderous Janjaweed militia, to hold accountable those responsible for atrocities, or to co-operate with the International Criminal Court, as the EU and UN have demanded, was not been met with nearly vigorous enough action throughout 2006 in spite of some tough talk from Prime Minister Blair and some other European leaders.

Part of the problem is that Britain and France, as permanent members of the UN Security Council, have insisted that EU policy on Darfur be set in New York rather than Brussels. To its credit, the EU—especially Germany—played the key role in the council’s establishment of a commission of inquiry to examine atrocities in Darfur and the later referral of Darfur to the ICC. But the important task of achieving justice for victims is no substitute for immediate action to stop the crimes that are being committed now. The EU’s effort to enlist China and Russia in pressuring Khartoum to accept a UN protection force and reverse its brutal policies in Darfur has not been sufficiently sustained or intensive to make a difference on the ground, where Khartoum and its Janjaweed proxies persist in attacking civilians with impunity.

There are many other countries where the EU has underperformed on human rights. Sometimes business interests have played an important role.

— In November 2006, Germany succeeded in its aggressive push to get the EU to ease even the modest sanctions it imposed on Uzbekistan following the Andijan massacre of May 2005 despite no meaningful steps by the Uzbek government to meet the conditions originally set for lifting the sanctions. Rather than allow an independent investigation into the massacre, as required, Uzbekistan has offered only “dialogue” and an “expert seminar” on Andijan. Meanwhile, its crackdown on those who dare to voice their dissent has been ruthless, with a dozen human rights defenders convicted and imprisoned on politically motivated charges in 2006 alone. Germany argued that the sanctions had failed to produce positive results—despite Germany having done everything in its power to undermine the sanctions from the moment of their adoption—and the
rest of the EU went along with the German position. The UK articulated a principled position on human rights abuses in Uzbekistan in the FCO annual report and elsewhere. But somehow this was not translated into firm action in its negotiations at the EU level.

— Germany has also prevented a firm EU position on Kazakhstan by lending its unequivocal support to the country’s bid to chair the Organization for Security and Cooperation in Europe in 2009, rather than using Kazakh President Nursultan Nazarbaev’s desire for the leadership post as an opportunity to push for long-overdue, concrete political reforms that would strengthen the rule of law and protection of basic human rights.

— In Nepal following the February 2005 royal coup, the Nordic governments wanted to condemn the coup forcefully and stop the military government from using EU aid. But other EU governments, including France and Germany, weakened the EU consensus. All EU ambassadors were recalled to their capitals to protest the coup, but the French and German ambassadors returned before the end of a month. Britain also pursued an accommodationist policy, citing a historic relationship with Nepal, a fact that is not properly reflected in the FCO’s report. The discord among EU members also threatened to derail efforts to deploy a UN human rights monitoring mission, which has since played an important role (as is acknowledged in the FCO report) in curbing abuses and facilitating a return to civilian rule.

— In Thailand, the EU responded firmly to the military coup in September that overthrew Prime Minister Thaksin Shinawatra. But during Thaksin’s five-year tenure, the EU expressed concern only quietly about deteriorating rights conditions—some 2,500 extrajudicial executions in Thaksin’s war on drugs, suppression of media freedom, brutal counter-insurgency in the south, and the downgrading of refugee protection. Meanwhile, the EU sought a free trade agreement with Thailand.

— In the Middle East, the EU, which has human rights clauses in its trade-and-cooperation agreements with most countries, should have played a much more active role on human rights.

— In Ethiopia, the EU strongly protested against government abuses in the course of the hotly contested 2005 elections in Ethiopia. It also backed those words with some action, withholding or re-channeling more than $375 million in direct multilateral budget support to the Ethiopian government. The UK also suspended direct budget support. However, there has been no visible EU follow-up in addressing Ethiopia’s continuing major human rights problems such as the repression of political opponents and the beatings, rapes, and extrajudicial killings of the Anuak ethnic group in the Gambella region and the brutal suppression of dissent and human rights abuses carried out by security forces and state authorities in Oromia.

— The government of Tunisia, intolerant of any entity that criticizes its record, has for years blocked a series of grants that the EU approved to the independent Tunisian Human Rights League, as well as grants that the EU wishes to make to other independent human rights organizations. Yet the EU has failed to publicly protest this ongoing practice except in the mildest terms.

EU policy on human rights has been particularly disappointing with respect to the treatment of migrants and asylum seekers. This important topic is covered in the FCO’s Annual Human Rights Report only under the broader heading of “Human Rights and Conflict” (pp 225–231). What the report does not reflect is the fact that the EU’s (and the UK’s) determination to stem the flow of migrants at all costs has led it to ignore migrants’ rights and narrow their right to seek asylum in Europe from persecution in their homeland. In January 2006, the Asylum Procedures Directive entered into force with its requirement that member states turn back asylum seekers from countries identified on an EU-wide list as “safe countries of origin.” Lack of consensus about which countries should figure on the list—many of the proposed ones offer dubious safety—has so far held up implementation, but several member states already follow their own national lists of safe countries.

In its effort to “internationalize” migration management, the EU has allied itself with other repressive regimes, such as Libya, a launching pad for hundreds of migrants seeking protection and work in Europe. Libya–EU cooperation on migration is one-dimensional, focusing exclusively on blocking access to Europe, with little concern for the rights or asylum claims of the migrants. On the eastern border, the EU signed a readmission agreement with the Ukraine in October requiring it to readmit third country nationals seeking protection in the EU, despite continuing concerns about Ukraine’s abusive detention practices and barely functioning asylum system. The two-year “grace period” before such returns commence is hardly enough time to set the Ukraine’s beleaguered system right. Spain, which receives the lion’s share of arrivals by sea, is pursuing readmission agreements with countries such as Senegal and Mauritania.

None of this is to deny that sometimes the EU plays a positive role in the promotion of human rights. As the FCO report rightly underlines, the EU can be a strong force for human rights through the accession process, where the requirement of unanimity for action tends to raise the bar for human rights performance of the candidate state—since any EU member can object that the candidate has not done enough to improve its human rights record—rather than stymie the projection of EU influence. That positive influence was felt most forcefully over the past year in the Balkans. In the recent past, it has been felt in Turkey as well, although the increasing reluctance of several EU governments to admit Turkey on any terms has now undermined much of the power of the stated human rights criteria for accession.
There are other examples where the EU has played a positive role especially when it comes to fielding operational missions. It has played a key part in forging a peace agreement in Aceh and mobilizing a monitoring team, although it has not pressed the Indonesian government to leave open the option of bringing those responsible for atrocities during the war to justice. A European force sent to the Democratic Republic of Congo ahead of the October 2006 elections provided an important boost to the efforts of the UN peacekeeping force to maintain security. Six thousand EU troops keep the peace in Bosnia, where the EU is expected to take sole responsibility for a scaled-down international civilian presence in mid-2007. In Kosovo, the EU is planning to take the lead in the international civilian mission that is expected to deploy in 2007 when the territory’s status is determined. Its focus will be justice and policing.

However, these positive exceptions do not substitute for the lack of policy coherence that handicaps the EU’s response to some of the most important human rights challenges facing the world today. Finding a firmer and more consistent voice on human rights is essential if the EU is to play a much-needed global leadership role.

CONCLUSION

As stated at the beginning of this submission, Britain’s policy in a number of areas around the world deserves praise. Likewise, within the 350 pages of the report, there is much to commend.

But the potential impacts of the failure to incorporate a strong human rights component into the UK’s counter-terrorism strategy, and of the failure to strengthen the role of the European Union in promoting and protecting human rights within the EU and in its external relations are serious and damaging. A weakening of human rights principles by any powerful government—including the UK and the United States—creates a more dangerous world for us all, whatever the justification. And the failure of the EU to match its influence in economic, commercial and development relations with a strong line on human rights is a terrible missed opportunity.

We thank the committee for their interest in these important issues.

Tom Porteous
London Director, Human Rights Watch
January 2007

Witnesses: Kate Allen, Director, Amnesty International UK, and Tom Porteous, London Director, Human Rights Watch, gave evidence.

Chairman: Good morning, everybody. I welcome Kate Allen and Tom Porteous to the Committee. Kate has been here many times for Amnesty, but I think that this is Tom’s first appearance before us.

Tom Porteous: It is indeed.

Chairman: We will try to be reasonably gentle with you.

Tom Porteous: Thank you.

Q1 Chairman: You are both here to talk about the Foreign Office’s human rights annual report and our inquiry into human rights and the general situation. What is your assessment of the changes in the UN system and the performance and way of working of the new Human Rights Council?

Kate Allen: Before I begin, I thank the Committee on behalf of both of us for inviting us to give oral evidence. We value the opportunity to speak directly to the Committee. On the reforms and changes at the UN, Amnesty certainly welcomes the setting up of the Human Rights Council in March 2006. We very much valued the dialogue that we had with the UK Government on the reforms that were taking place at the UN. We agree with the Foreign Office’s human rights annual report that there were compromises in establishing the Human Rights Council, but we at Amnesty are working hard to ensure that what we put in front of that Council helps it to become a success. We think that the first year is critical and that it is very important that the council develops the mechanisms and procedures that will enable it to be an effective body for addressing human rights.

We want to see the system of independent human rights experts and special procedures continue and not weaken. We want to see a universal periodic review mechanism developed into an independent and systematic approach to assessing the human rights records of different countries, in order to take some of the political nature out of those assessments. Those are our main comments. We have also very much welcomed the UK Government’s support for the office of the high commissioner. The UK is one of the largest donors of voluntary contributions, and we have been very pleased to see that continue.

Tom Porteous: Let me echo Kate Allen’s thanks for this opportunity to give evidence on the Foreign Office’s human rights annual report. Having worked at the Foreign Office, I know how much work goes into such reports, and I also know how committed our diplomats around the world are to promoting human rights. They do a very good job in a number of very important areas. One of them is certainly the Human Rights Council. The UK is, obviously, a member of the council, and has been one of the members most committed to making it work in this crucial first year.
Human Rights Watch has made the Human Rights Council an institutional priority because we think that it is important that it works. There are serious risks that it will suffer the same sort of fate as the Commission for Human Rights—its predecessor. That is not to say that we did not value what the commission did over the years. It was very important in setting standards and building human rights norms in respect of the prohibition of torture and other things, so it played a very important role. Obviously, it came in for a lot of criticism, some of which was valid, and we see that the Human Rights Council is coming in for the same kind of criticism.

That, too, is valid. It has so far failed to take action on some of the most terrible human rights abuses in the world, such as in Darfur, Burma and Uzbekistan, and has a tendency to focus only on Israel. We think that that is unfortunate, although Israel does merit consideration by the council.

It is very important that we work hard to make the Human Rights Council work. One of the problems is the numbers game within the council. The Organisation of the Islamic Conference holds key roles in council politics and decision making. We think that the UK should be working more proactively with its EU partners to undermine that dynamic in order to break the OIC’s bloc voting patterns. We hope to see that in the coming session of the Human Rights Council. Other than that, I echo what Kate Allen said about the special procedures and universal periodic review. Those are important elements of the council and are potentially very powerful and effective. We hope that we can make them work, along with the rest of the organisation.

Q2 Chairman: Thank you. May I move on to an even wider area—the international arms trade treaty, which you were celebrating on Monday evening? Unfortunately, I could not get to the celebration, but I understand that a lot of people were there celebrating the work of non-governmental organisations, politicians in this country, and indeed the British Government. The US voted against the treaty in the General Assembly. I think that it was the only country to do so. How damaging do you think that is to an effective treaty?

Kate Allen: Yes, we had a very good celebration and were very pleased that Dr. Kim Howells addressed 300 to 400 activists and civil servants and our partner agencies. It was an extremely good occasion. It was right to celebrate the fact that in the last three years—the campaign only started three years ago—we have gone from only two countries supporting an arms trade treaty to 153 voting at the General Assembly at the end of last year. We can now start the process for a treaty. So I think that we have a great deal of momentum.

On the position of the United States Government, it is unfortunate that it was the only country to vote against starting the process. We will have to address that as the process moves forward and as the discussions take place, over the next three or four years, in order to establish a treaty. Amnesty’s view is that we will have to deal with that, but we cannot let US opposition stop what we see as vital progress. As you all know, the US opposed the International Criminal Court, has not signed the convention on the rights of the child and has a particular position on international conventions and treaties, but we cannot let that stop our progress.

I would like to congratulate the United Kingdom Government on having been an absolute champion of the arms trade treaty, and we want to ensure over the coming years that we continue to work together effectively. What is in front of us now is the really long haul of the detailed work that will mean that we will have an effective treaty that I hope we can all celebrate the signing of before too long.

Tom Porteous: The arms trade treaty is a particular area of specialisation for Amnesty International. I would like to raise a connected issue, if I may, on the possibility of a treaty to ban cluster munitions. This is something that we think the UK, among other nations, is blocking. Cluster munitions endanger civilians, because they leave sub-munitions over a very wide area and there are many duds among them, so even after a conflict has ended, for example in Lebanon, you will get civilian casualties. Therefore we feel that they cannot be justified under the rules of war and that they should be banned.

There is an opportunity, because Norway is inviting states that are prepared to address these humanitarian concerns to develop a new treaty along the same lines as the mine ban treaty, and we think this is an important opportunity. At the moment, the UK, among other countries, including China, Russia and the United States, is blocking that. They want to see discussions over cluster munitions taking place within the convention on conventional weapons. That is basically a way of making sure it does not happen—at least not any time soon.

Norway’s initiative is very important. We feel that the UK Government should be joining it, and we know that there is a lot of support for that within the Labour party and, we hope, also within Parliament. We think this is a time to move forward on that.

Q3 Mr. Moss: The FCO report was very positive about the responsibility to protect—that historic commitment made back at the UN summit in 2005 and reaffirmed in Security Council resolution 1674. Do you believe that the UN’s commitment to the responsibility to protect has had any real impact?

Tom Porteous: So far it has not. You can see that in Darfur, in particular, where the UN is struggling to have an impact on protecting the civilian population. We think that the responsibility to protect is a very important initiative. It was finalised at the World summit in 2005. That is less than two years ago, so there is still time to make it work.

The new United Nations Secretary-General, as well as the permanent members of the Security Council, will have a crucial role to play in setting up a framework for the implementation of this principle of the responsibility to protect. That means building understanding among the member states of the United Nations about what it really means. What
are the tools for the responsibility to protect? There is a feeling that it is just a question of military intervention. It is not. Military intervention, in terms of the responsibility to protect, is a last resort. The agreement on the responsibility to protect is primarily about humanitarian and diplomatic intervention to secure protection of civilians threatened with genocide, crimes against humanity and so forth.

It is necessary to build understanding and to bring together other institutions like the Security Council, the Peacebuilding Commission and the Human Rights Council to build a consistent approach to the responsibility to protect, and also to establish guidelines on early warning and early response, to define the point at which the mechanism of the responsibility to protect kicks in and the indicators that mean that one needs to start watching carefully for the signs of genocide and crimes against humanity. That is the point at which the UN has a responsibility to go in and start doing something. We must also build the capacity for that intervention. Those are the crucial things. Obviously in Darfur it is a failure. Also in Iraq, frankly, we are not protecting civilians. If we focus all the time on Darfur, people will accuse the west of double standards.

There are areas, therefore, where the responsibility to protect clearly is not working; where civilians are threatened by gross human rights abuses and genocide. It is not working but it must work. It is early days, however, and we hope to see this framework for implementation.

Q4 Mr. Hamilton: May I move on to the International Criminal Court? Kate Allen made a reference to it earlier, because the United States unfortunately has chosen not to sign the treaty, but perhaps of more concern is that China and India have chosen to remain outside the treaty that has established the ICC. I wonder whether either or both of you would comment on how effective you think the ICC can be without China, India or even the United States.

Kate Allen: You have pointed out who is not supporting the ICC, but it has a great deal of support around the world, and I am again very pleased that the UK Government have continued their work to get other countries to ratify and to ensure that the court is properly resourced and established. Sudan was referred to the ICC last year, and the US did not use its veto at the Security Council to stop that; all of us on this side of the table thought that was a major achievement for that veto not to be used. We think that the court needs to have that kind of active international support.

The court has its first arrest warrants in terms of the United States. It has arrests in terms of the Democratic Republic of the Congo, and the referrals of crimes committed in Darfur. It has absolutely crucial and substantial issues in front of it, and the opposition or the lack of signing up from some countries simply means that those who do support it are going to have to work really hard to ensure that it is effective.

Tom Porteous: Again, I think this is an important area where the UK is playing a very effective role in trying to get other important states like the US to sign up to the ICC. As for China and India, that is still work in progress, as it were, but with respect to the United States, the UK has done a jolly good job. As Kate Allen was saying, the US has come on board with respect to the ICC’s work in Sudan, now that it has seen that it can be useful in addressing this crucial issue of impunity.

In the four years that the ICC has been in operation, it has made a huge amount of progress, not just in terms of setting up the rules and procedures and appointing judges and offices and so forth, but it has field offices in places like Abeche, in wildest Chad, not to mention in Bunia, Kampala, Kinshasa and Ndjamena. One needs to give it time. There are cases now going through the ICC. We have a lot of concerns about the way in which it is operating, but we support it absolutely, and we certainly support the work that the UK is doing in supporting the International Criminal Court.

Q5 Mr. Hamilton: Thank you both for recognising the important role that the UK has played in setting up the ICC, but I suppose one of its first major challenges is that, for so many years in Uganda, this dreadful war in the north has been waged by the Lord’s Resistance Army, under the leadership of Joseph Kony. As part of a proposed peace deal, President Museveni looks as if he has agreed to grant an amnesty to Kony from prosecution by the ICC. Do you feel that that is a challenge to the ICC and undermines its credibility? Judge Richard Goldstone has commented that if Kony is not prosecuted, this could seriously damage the credibility of the ICC. What is your opinion?

Kate Allen: Our view is that we are deeply concerned by those reports that the Ugandan Government may be bargaining away the rights of the victims of Kony and the Lord’s Resistance Army. We are very firmly of the view that impunity should not be part of any resolution of the war in the north of Uganda. The people on both sides—the Ugandan Government side as well as the Lord’s Resistance Army side—who have been involved in abuses should be brought to account. I hope that the international community will make its view clear to President Museveni over the coming period. These are the issues that will confront the International Criminal Court and the international community, and the international community must give really active and sustained support to the International Criminal Court and bring pressure to bear upon the Ugandan regime not to broker such deals.

Q6 Mr. Hamilton: May I interrupt you for a second? There is a dilemma here, is there not? The Lord’s Resistance Army is infamous for its brutal techniques; if the deal truly stops the dreadful slaughter and violence that has been going on and brings about peace, surely that is the most important thing. The innocent civilians who have been suffering will be spared further brutality, in exchange for this exemption from prosecution.
Tom Porteous: May I jump in there? I do not think there is a dilemma. The point that Kate is trying to make and that I would certainly support is that there is no trade-off between peace and justice. You cannot have sustainable peace without addressing the crimes that were committed by the LRA, and indeed by the Ugandan army, in northern Uganda. Human Rights Watch and Amnesty International have both been documenting these crimes for a long time; we know what we are talking about. These are very serious issues. If you simply grant impunity or amnesty to the people who have committed the most serious crimes in northern Uganda, you will not have peace.

The reason why the Ugandan rebels, the LRA, are now suing for peace in Juba in southern Sudan is precisely because they are under so much pressure not just from the Ugandan army but also from the international community, including the International Criminal Court. That is why they want peace. Frankly, their backs are against the wall. It is not the International Criminal Court that is holding up peace in Sudan. It is the rebels themselves. They do not want to come in from the bush because they still feel that they can escape from justice somehow or other. It is a false dilemma to pose it in terms of peace versus justice; there is no trade-off.

People are saying in northern Uganda that traditional justice should prevail, that we should use traditional justice systems to address the impunity there, but frankly we do not think that that would work for the most serious crimes. For a start, they would not provide fair trials, and we need the international oversight to ensure that these very serious crimes are addressed by the international community.

Chairman: We will move now to the International Criminal Tribunal for the Former Yugoslavia.

Q7 Andrew Mackinlay: Carla del Ponte expressed her view that the tribunal was unlikely to survive or endure beyond approximately 2010. Some big players are still to be brought before the tribunal—Mladic and Karadzic in particular. The United Kingdom is also supporting Bosnia-Herzegovina’s entry into partnership for peace. What are the prospects of the big players still being brought before the tribunal? Are the United Kingdom Government doing enough, or are those two policies to which I referred in some conflict?

Kate Allen: The ICTY has been an extremely effective court; it has great achievements. We do have concerns about the completion strategy that has been set out, and we do not think that the tribunal’s mandate can be regarded as fully implemented until Karadzic and Mladic are brought to justice.

We are concerned that an arbitrary deadline is being set and that that will cause difficulties. We are concerned about the referring of trials involving less senior perpetrators to national courts; most of the countries of former Yugoslavia lack the political will and in some cases would deliberately obstruct bringing people to account. There is a lack of capacity in the criminal justice systems, and ineffectiveness in terms of the protection of victims.

We are firmly of the view that the tribunal needs to remain effective in some form until Karadzic and Mladic are brought to account.

Q8 Andrew Mackinlay: My impression over the years is that the Foreign Office shifts, sometimes blowing strong and saying that more could be done to track those people down, and sometimes altering the geography. The fad now is that these guys are in Bosnia and Herzegovina, whereas a little while ago it was inferred—I use that word deliberately—that they might be in Montenegro. That is no longer the fad, as it were.

I sometimes feel that some people in London—it could be Government Departments or our armed forces—are not dealing from the top of the pack. Is enough being done? Is there enough candour in London, or is it part of a wider political game? The fact that these guys have not been brought to justice gives rise to the question—in fairness to the United Kingdom, other countries are involved—are we being deceived? Is a real effort being made to get these people?

Tom Porteous: It is really a question of priorities and resources. These people have been on the run for quite a long time, but let us not lose sight of the broader picture, which is that, as an instrument of international justice, the ICTY has done a good job. Okay, Milosevic died before he completed his trial and before he could finally be brought to justice. Nevertheless, he died in prison. Mladic and Karadzic have so far escaped justice, but they are on the run: their lives are blighted by the fact that international justice is after them.

That is the broader picture; a number of other people will be brought before the ICTY or have been brought before it. It has served as a useful way of investigating the crimes committed in that terrible period in the history of the Balkans. One should not lose sight of the broader picture. Yes, more could be done to get these guys, and we would certainly like to see that happen. We are pushing for it, through not only the British Government but the European Union, but we understand that there are other priorities and concerns.

Q9 Andrew Mackinlay: It is an interesting thing, is it not? Milosevic’s contact with big international players was at summitry, dreadful as he might have been, while Karadzic had dialogue, meetings and intercourse with western European politicians and other big players and diplomats. He was courted and feted in London. He hosted people in the former Yugoslavia. Is there not a danger that some people somewhere are not trying hard enough, because if it was arranged, the evidence that might be disclosed before the tribunal would be acutely embarrassing to them?

Kate Allen: I think those might be questions to put to the Minister.
Andrew Mackinlay: Right.

Q10 Chairman: May I take it a bit further? I was in Brussels last week, and we were told that Karadzic is in Republika Srpska in Bosnia and Herzegovina and that Mladic is in Serbia. Given the fragile, delicate internal political situation in Serbia and the imminent announcement about Kosovo by Martti Ahtisaari, do you think that a move on Mladic at this time might complicate the politics in Serbia and the region, or would it assist that process?
Kate Allen: I think it would assist the process. It is essential that Karadzic and Mladic are brought to justice. In establishing effective approaches to justice in the countries of the former Yugoslavia, it has to be seen that such people are brought to account and that good and effective justice systems can be set up in the aftermath.

Q11 Mr. Heathcoat-Amory: May we explore a little more the practical problems of international criminal justice? It is obviously has theoretical attractions. In practice, however, we have seen difficulties in detaining suspects. There have been problems of bargaining, as we have discussed, and long trial delays—the tribunal trying Milosevic was in its fourth year when he conveniently died. Throughout, there have been opportunities for the accused to grandstand and put their case to a wider international audience. The international court is growing: our own contribution is now more than £6 million a year. Do you think that we are getting value for money?
Kate Allen: Absolutely. We must remember that the court is in its very early days and that there will inevitably be major issues on its establishment for it and the international community to address. If you examine its record so far and the tribunals that have taken place, you can see the way in which international justice is starting to have an effect. Tom Porteous talked about some of the impact that it has already had on perpetrators of serious human rights abuses. If you examine the Special Court for Sierra Leone you see the tremendous impact that it has had and the great legacy that it will leave in the Sierra Leone justice system. The international community has something that it really needs to ensure is properly protected and resourced in its formative years. Difficulties are inevitable, and minds have to be bent to ensure that the problems are addressed and solutions found rather than being seen as obstacles that cannot be overcome.

Q12 Mr. Heathcoat-Amory: So your response is, “Yes, there are problems, but let’s just make it bigger and more powerful, and therefore more expensive, and hope it works.” Do you not see deep-seated problems of jurisdiction in whether people are willing to submit themselves and others in their country to an international tribunal rather than try them themselves?
Kate Allen: I hope that I did not give the impression that the way to resolve this is to make things bigger and spend more money. There are really serious issues for the international community to address that are over and above money issues. We would obviously look to national courts to address issues, and the International Criminal Court is there for situations in which national courts are either unwilling or unable. That is the thinking behind the need for an international jurisdiction. In those areas, the court and the tribunals that have been set up need good minds and good politics to help them resolve issues and not let them get in the way in the formative years.

Tom Porteous: It is not just a question of hoping it works in the future. Looking at international justice in the broad rather than just at the International Criminal Court, which is just part of the broader picture, it is already working. The era of Idi Amin and Pinochet, when dictators could get away with human rights abuses, is gone. People such as Mengistu from Ethiopia, who is now sitting in Zimbabwe, and Hissène Habré, the former dictator of Chad, have sleepless nights because of the advances in international justice in recent years. International justice is catching up with them. The International Criminal Court is part of that picture, but there is also the court in Sierra Leone, which has made huge progress in the past year with the arrest of Charles Taylor. The British Government have played a crucial role there. There is also Yugoslavia, which we have discussed, and the courts in Cambodia and the trial of Saddam Hussein—we have serious reservations about that but nevertheless it was there and is part of the same picture.

Some of this is taking place within the context of national jurisdictions but it is still international justice, addressing the worst crimes. As Kate said, there is also the principle of universal jurisdiction, which is that for the worst crimes against humanity, national courts in other countries have jurisdiction. That is working quite well, and the reason why Pinochet died a broken man was universal jurisdiction. A whole lot of cases were taken against him in the Chilean courts, not only for human rights abuses but for corruption. So the work of international justice in all these different areas over the last few years is actually catalysing work in national courts to address some of these very serious crimes, which need to be addressed if we are to have a more stable world.

Q13 Chairman: On that specific point, as part of the package to get Charles Taylor out of Nigeria to The Hague the British Government offered to allow him to serve his sentence in this country. Do you think that that offer was an important part of the package? If so, does that have general implications for the future, so that people will agree to these packages on the basis of the countries that they will be imprisoned in being more amenable to their human rights than some others, and that they would rather take part in a process on that basis?
Tom Porteous: The offer was positive. We do have concerns about the fact that the trial of Charles Taylor is now going to take place so far from the region. It is very important that these cases should actually have relevance to the communities where
the abuses were committed. It would have been better if Charles Taylor had been tried in Sierra Leone. However, we understand the logistical and political problems surrounding the idea of having such a trial, because Sierra Leone is still in a very unstable state. None the less, Charles Taylor needs to be brought to justice. So there is a trade-off there, and we think that it was probably the right decision to have him tried at The Hague. Therefore, as part of that package, the British offer that he should serve his sentence in the UK, if he is convicted, was a deal-breaker in a sense, and consequently very important.

Q14 Mr. Illsley: I appreciate all that you have said on this subject, but I would like to return to the point about Mladic and Radovan Karadzic. Is there not something wrong with the system when a small country like Serbia can defeat it by keeping those two guys out of the clutches of the international community for so long? If—as we have just heard—the tribunal stands down in 2010, they can probably do what they are doing now for the next three years and get to 2010 and walk away from the international community, not having been in front of that court.

Kate Allen: That is where we are saying that our views about winding down the court are important. There needs to be the means to bring those two men to trial, whenever they are caught. It is not at all acceptable that somehow they could sit this out until the court is disbanded. There needs to be the ability for that court to reconvene, to bring those two to account. That must happen, or there must be other means.

Q15 Mr. Illsley: The only way you can do that is through military action. That is the only way that you will get Serbia to surrender the two men, because every other idea has failed—sanctions and threats have failed. The international community will obviously not be willing to have a military police force set up to back up the international court. We have seen examples of that recently. I just do not see how you can enforce the system otherwise. I will not pursue the point, but it seems to me that, if a small country like Serbia can keep two of the biggest criminals away from the tribunal, obviously other, far bigger countries that stand against the tribunal can probably do the same thing. It really is worrying that, on the first example, the system can be outwitted.

Kate Allen: It is interesting to think back to the pressure that was placed on Croatia, in relation to its desire to become part of the EU, with regard to how it was handling these issues, and Croatia improved the way that it was handling them. Pressure must be exerted on Serbia. Obviously, given the election results recently, that will be difficult, but I think that that is how the international community needs, consistently and over time, to bring pressure to bear to ensure that those two men do not feel that there is some way of sitting it out, and so that Serbia understands its role in ensuring that they are brought to justice.

Q16 Mr. Illsley: I think that Serbia understands its role.

Kate Allen: Well, 70% of people did not vote for the extreme right in the recent elections, so there is obviously something there that can be held on to.

Chairman: We must move on to the subject of Iraq.

Q17 Mr. Heathcoat-Amory: In Iraq, there has obviously been a terrifying breakdown in civil order. There are many critics of allied policy on the Committee, including myself. I would like to ask you, Mr. Porteous, whether the comment in your submission goes a little bit far in saying: “The UK . . . is propping up a government that is deeply implicated in escalating sectarian violence, massacres and torture.” The alternative to propping up a Government is not to prop them up. If they collapse, would not that make the human rights situation even worse?

Tom Porteous: The challenge is to ensure that the Iraqi Government, whom we are supporting to the tune of £300 million, is living up to its obligations with regard to human rights and the rule of law. The international community cannot do that for them, but we can ensure that our allies in Iraq are not engaged in human rights abuses. The fact that we are not doing that is undermining our credibility, not only in Iraq but throughout the middle east.

Q18 Mr. Heathcoat-Amory: So you are not for withdrawal then? We ought to go in even harder to get the Government to assert themselves?

Tom Porteous: I am saying that we should ensure that the Government in Iraq live up to their obligations with regard to human rights and the rule of law.

Q19 Mr. Heathcoat-Amory: Excuse me, but that is very easy to say. I want to tease out of you exactly what we ought to be doing. The colonial solution is that we should go in and just do it for them, but if we are to get a representative Government, however inadequate, surely we have to stay there. What is your policy?

Tom Porteous: With respect, it is not for Human Rights Watch to sort out the mess in Iraq. Frankly, I do not see any easy solutions. I do not see any solutions at all to the situation in Iraq. It is not our business to be setting the policy of what should be done in this terrible mess. It is our job to monitor human rights abuses, which we have been doing in Iraq since 2003 and long before that, and we are seriously concerned by the extent to which the Government there are implicated more and more in serious human rights abuses. It is worth pointing out. People are turning up dead on the streets of Baghdad and other Iraqi cities with signs of terrible torture, such as electric drills through their heads. That is being done by allies of the Government
whom we support. That needs to be underlined. I do not know what the solution is, but that situation needs to be underlined. That is what I am doing.

Q20 Sandra Osborne: Could you confirm some of the details of the human rights abuses that are happening? There have been a number of reports discussed in the UK in advance of today’s debate on Iraq. Do you have any idea of the number of detainees and the number of women among them?

Kate Allen: The figures that we have on the number of people detained by the multinational forces are as at the end of 2006. The figure that we have is 14,534 people being detained by the multinational force, of whom 101 are held by the UK. Some of those people have been held for more than two years. I am afraid that I do not have the figures to show how many of them are women.

The detainees have been held without charge and without trial, some for more than two years as I said. They are not able to challenge the lawfulness of their detention. There are also claims of abuse and allegations that claims of abuse have not been thoroughly investigated. The UK has failed to establish prompt, independent, thorough investigations and to ensure that they take place. The situation concerning detention by the multinational forces is very serious. The situation in Iraqi prisons is also dire. As Tom outlined, the brutality of what is happening under the Iraqi Government and within prisons is an issue that causes us great concern.

Q21 Sandra Osborne: I understand that 250 journalists and people involved in the media have been assassinated and that, in terms of right of assembly, peaceful demonstrations are quite often broken up by firing, including at women and children. Can you confirm whether or not that is the case and whether you think that the Iraqi Government are implicated?

Kate Allen: We can certainly confirm that that is the case. Of course, the ability for people to move around, do their jobs as journalists and find out what is going on is totally compromised in a society in which, last year, 34,400 violent civilian killings took place. Those are the UN’s figures. It is extremely difficult and demonstrations are broken up.

As for the impact on women, I do not have the figures in respect of women in detention. The FCO’s report is strong on human rights and on the issue of woman, but there are some very serious concerns about the way in which women and girls are able to live their lives, such as pressure around dress codes. There are very serious concerns about honour killings and domestic violence. Women are also being targeted by armed groups that have killed, raped and abducted them. The situation for women in Iraq is extremely dangerous.

Tom Porteous: I would completely support that. I add that it is very difficult to confirm what is going on in Iraq at the moment because of the insecurity there. We had a researcher there between 2003 and the middle of last year, who was very courageously living and operating outside of the green zone. She wanted to stay, but we had to withdraw her because of her safety. She is now operating out of Amman. It is really very very difficult for human rights organisations like ourselves to actually do the work that we need to do in Iraq at the moment. The figures needed to be treated with a certain amount of caution. We know that there is a massive crisis at the moment.

Q22 Sandra Osborne: Finally, in terms of the conditions that you have just described, what is the position with internally displaced people? Is that really what you were referring to or can you give us an outline of what the position is with them?

Kate Allen: Again, the UN figures for 2006 were 470,000 internally displaced people. I completely agree with Tom’s comments about the difficulty of getting information, but with half a million people in one year displaced and reports of a total of 2 million, that is a massive hardship on a civilian population— an absolutely massive hardship.

Tom Porteous: On that issue of displacement, there are also 2 million Iraqi refugees now, mostly in Syria and Jordan. Initially, those refugees were welcomed with Jordan and Syria both living up to their obligations under international law with respect to refugees. That is increasingly becoming more difficult because of the sheer numbers and because of the attitude of Jordanians and Syrians who are seeing their infrastructure being overwhelmed by Iraqis. The United States and the UK, which started the whole thing, are not doing what they should to support Syria and Jordan in dealing with these refugees. Considering how many refugees there are now in the region, the numbers being accepted for asylum in the United States and the United Kingdom is really paltry.

Q23 Chairman: May I take you back to the question of detainees? Presumably, the figure of 14,500 that you quoted is constantly changing because, from time to time, people are handed over to the Iraqi authorities for them to put such people through the local process. Have you any figures of how many people have actually gone through that process? Because I visited the camp and detention facility at Shaibah 2004, I know that the numbers at one time were significantly higher under British control than they are now. Can you give us an indication of the throughput and what has happened when people are handed over to the Iraqi authorities? You seemed to raise the concern that things might be worse under the Iraqi authorities than they would be for people detained by the British or the Americans. Presumably, some of the people detained by the British and the Americans are actually leading Ba’athists who might well be in a vulnerable position if they were handed over to a Shi’a dominated Government.

Kate Allen: I am afraid that I do not have those figures. If we do have any information that we can share with the Committee we will get back to you in writing. It is common sense to think that there has been a throughput and that the overall numbers over the last few years will be significantly greater than...
the figure I gave you from the end of 2006. When you look at those figures, there are a huge number of people from one date. If we assume that kind of throughput there is a massive sense of injustice being built up about the way in which people are being detained. I do not have information on what is happening to people who are handed over to the Iraqis, but if we do have that, we will get back to you.

Q24 Chairman: May I touch on the process of trials in Iraq? Obviously, Saddam Hussein was executed and subsequent to that the charges and the trial relating to what many people regarded as one of the most serious crimes—the Anfal campaign and the gassing of the Kurds—was dropped. Do you think it was regrettable that in the case of Anfal and the treatment of the Marsh Arabs—two of the highest profile and most terrible crimes of the Saddam era—he was not brought to justice for those events?

Tom Porteous: Yes. We have a long list of complaints about the judicial process against Saddam Hussein and his henchmen. Human Rights Watch and others documented, in particular, the crimes committed by the Ba’athist regime against the Kurds during the Anfal campaign. For a long time, we had been calling for Saddam Hussein to be brought to justice for those crimes. Therefore we are disappointed that his execution has brought an end to, at least, his trial for those crimes. However, one should not overlook the bigger point that the whole judicial process against the former members of the Ba’athist regime in Iraq has been hijacked by a sectarian Government for its own political reasons—as is quite clear from the manner of the execution and of the appeals process. Therefore, the trials of those who will still be brought to justice for the Anfal atrocities are now completely prejudiced. It is difficult to see, now that the Government have revealed the extent to which they are prepared to intervene and interfere in the due process in Iraq, how anyone will be able to take the rest of the Ba’athist trials remotely seriously.

Q25 Chairman: Would it have been better to have established an international or special tribunal for Iraq, as in Sierra Leone, rather than allowing this trial to be conducted on a national basis? Presumably, we thought it was part of the self-determination of the Iraqi people and their elected Government and authorities.

Tom Porteous: Indeed, that is what we urged in 2003. We urged for the establishment of an international tribunal and when that was rejected, we urged for much greater international involvement than there was in the Iraqi high tribunal. Alternatively, we suggested some kind of mixed system with international judges sitting side by side with Iraqi judges. Our advice was turned down. We thought that we would go along with the idea of the Iraqi high tribunal and monitored the trial. We were there for 80% of the time and, frankly, at the end of that process, having seen the manner of the execution and the shortcomings of the appeals process, we feel that we were vindicated in having urged an international tribunal for Iraq.

Kate Allen: May I make a comment about the execution? The appalling pictures and what happened in the execution of Saddam Hussein are the tip of the iceberg. We are regrettably seeing the return in Iraq to a culture of widespread executions and we have information of at least 65 executions since September 2005: a return to the extensive use of the death penalty, obviously after some very flawed trials.

Chairman: Let us move on to discuss Afghanistan.

Q26 Mr. Purchase: On the vexed and difficult question of Afghanistan and human rights, both organisations highlighted the fact that many positions of power in Afghanistan are held by serial human rights abusers. However, we also know that the Government of Afghanistan are in a precarious position. Their writ does not run much further than Kabul but, in province after province, there are the difficulties that you have drawn attention to. As time goes on, what do you think the position will be in trying to hold to account those in positions of power now whom you accuse of human rights abuses?

Tom Porteous: It is not just us who accuse them of human rights abuses. There are many allegations against people like Abdul Rabb al-Rasul Sayyaf and General Rashid Dostum and others. Their abuses are well documented by now. The problem is that Hamid Karzai is worried about the international commitment to Afghanistan and he needs to have an insurance policy for the post-international involvement period. That insurance policy is doing deals with bad guys. That is why he has struck up such alliances with warlords, tribal militias and drugs dealers. This crucial problem is being overlooked by the international coalition of forces in Afghanistan. We are focused on the south and rightly so because the threat of Taliban resurgence is real. At the moment, we are in a lull because of the season; it is not the war-fighting season. The predictions are that next year could even be worse than last year, so we need to address the problem of Taliban resurgence, but we need to understand why Afghan people are going over to the Taliban. In the battle for hearts and minds, if we are aligning ourselves with the Government, who are aligning themselves with people who are well known to have committed human rights abuses during the civil war in the 1990s, that is not a great way of winning hearts and minds. The other way of not winning hearts and minds is failing to provide compensation to albeit inadvertent victims of the aerial bombardment by NATO forces.

Q27 Mr. Purchase: May I put to you that when you ask why people are going over to the Taliban, the major cause may be that the Taliban are paying people to come over to them and that they are paying them more than they would get if they were recruits in the police? Do you think that hearts and minds may have little to do with it and putting food in the stomachs of children might have a lot to do with it?
Tom Porteous: That may be so, in which case we should be doing more to address what is driving the Afghan economy, which is the drugs trade. That is in the hands of criminals who are allied to the Government, both on the side of the Taliban but also on the side of the warlords and other tribal militias who are allied to the Government. Therefore, the whole economy is outside the control of the central Government. As you say, the writ of the central Government does not extend beyond Kabul, so that point needs to be addressed. The extent to which the criminal economy has taken over Afghanistan gives the Taliban a chance to buy people over to them, just as it gives a chance to the other warlords in the north to buy people over to their side. It is a very difficult problem.

Q28 Mr. Purchase: It certainly is. Can I move on a little further? The suggestion was that 1,000 civilians were killed in 2006 as a result of activities such as the American bombing and all the problems that you mentioned. What can the international forces do to give more protection to civilians and, indeed, to non-governmental-organisation workers?

Tom Porteous: Obviously, there is a concern on the part of NATO forces to minimise casualties on our own side. The UK is doing a good job in stepping up to the plate and providing the troops on the ground and the leadership of the NATO forces in southern Afghanistan. Clearly they have a responsibility to minimise their own casualties, but the use of aerial bombardment in the last season of fighting against Taliban forces unfortunately led to, in our view, excessive civilian casualties. We think it is very important that compensation should be paid promptly to the families of those who were killed and injured, in order not to alienate entirely the civilian population in those areas. We also think that, as far as possible, military operations should be done on the ground, rather than using aerial bombardment, which should be a last resort.

Kate Allen: May I comment on the situation of women in Afghanistan? This Committee has traditionally shown real concern about what is happening. The international community made promises—well, promises were made to the women of Afghanistan—but we are not at all convinced by the FCO’s report, which talked about marked improvements in women’s rights. We produced a report in October 2006 on violence against women in Kandahar, which followed the killing of Safiyeh Amajan, the provincial head of the Department of Women’s Affairs. She was killed in Kandahar in September 2006. We are aware of systematic and widespread violence and discrimination against women in both public and private, a rise in honour killings, abductions and rape, and also a rise in the self-immolation of women attempting to escape from their appalling situations by killing themselves. I think that the FCO’s report has not sufficiently highlighted the severity of the situation facing women.

Q29 Mr. Purchase: I suspect that, following a recent visit to Afghanistan, our concerns about women and girls will be reflected in our work in future. Might I move on to the memorandum of understanding on torture? The Government’s position has been strongly criticised both by Human Rights Watch and by Amnesty, which have suggested that the Government have tried to water down their commitment. The Government suggest that our MOUs take full account of our international human rights obligations and that they will not deport an individual where there are substantial grounds for believing that they are at risk of torture. However, you continue with your criticism. I wonder whether you can accept the Government’s statements or have you more to tell us this morning on why the Government are watering down their commitment to human rights through these MOUs?

Kate Allen: MOUs have been signed with Lebanon, Libya and Jordan, and letters have been exchanged with Algeria, all countries where Amnesty International and others have documented the use of torture. These are all countries that have signed the convention against torture but routinely use torture widely. We simply do not think that those MOUs are worth the paper that they are written on when you see the way in which those particular countries fail to address the issue of torture.

Last year, Amnesty met its partners in each of those countries and more broadly with the NGO world in north Africa and the middle east to discuss the British Government’s approach to the matter, their policy of trying to sign MOUs with a range of countries and their use of NGOs to monitor people who are returned. There was total agreement that the British Government should not be making such MOUs and that it would be much more effective if they addressed the use of torture by each of those countries more systematically. They agreed also that doing deals over individuals was undermining the work of bona fide NGOs, with which we met, and which felt very exposed by what the British Government are attempting to do.

Tom Porteous: May I add two points? First, torture is a very serious criminal activity. People who do it, do so in secret and often in ways that cannot be detected. So it is actually very difficult to sign an MOU with a state that does not acknowledge that it does it. Secondly, diplomatic assurances do not work. We have documented at least three cases where they have not worked. One was that of the Egyptian Ahmed Agiza who was arrested by the Swedish authorities and taken by the CIA to Egypt where he was tortured. The second was that of Maher Arar who was picked up by the US authorities as he crossed the border from Canada—he was a Canadian-Syrian citizen—and sent to Syria where he was tortured. Subsequently, a Canadian commission of inquiry discovered that he was completely innocent of any of the allegations against him. The third was that of Rasul Kudaev who was sent from Guantánamo Bay back to Russia where he said himself he would be severely mistreated, as indeed he was by the Russian authorities.
Q30 Mr. Purchase: We keep using the word “secret”, but clearly these things are not secret because you know all about them. It follows that the British Government also know all about them. Do you believe that the British Government are being deceitful in the use of MOUs? Do you accuse the Government of outright deceit? If you know about the practices of certain countries with which we have signed MOUs, the Government must also know. Are you making an allegation? If so, evidence is required.

Kate Allen: I think that the allegation is one of wishful thinking. The British Government hope that, by signing MOUs, they are protecting the individuals returned. Our view is that they will not be protected by those MOUs, that if they are detained and imprisoned upon their return to countries with which MOUs are signed, they will disappear into the prison system, and that they might well be tortured and unable to talk to anyone about the torture because of threats to their families. The bona fide NGOs that the British Government are hoping will do the independent monitoring will not go anywhere near the job. In Libya, the NGO that has signed up to do it is called the Gaddafi foundation, which I think gives an indication of how independent from the Government it is. Those are our concerns. People will be exposed to torture and if it happens, the rest of us will not know about it.

Q31 Mr. Purchase: Are you saying that those are your fears about what might happen, or are you saying that despite the existence of an MOU, it has already happened?

Kate Allen: I think that we are saying both. Tom Porteous has given you examples of when it has happened in the past, and I will add an example to those. In 2001, Sweden expelled two asylum seekers to Egypt, relying on diplomatic assurances to cover the risk of torture. Both men were held incommunicado in detention in Egypt and say that they were tortured while they were in custody. Between us, we have some practical examples of MOUs used by different Governments that have not protected people.

Q32 Chairman: I put it to you that the essence of the problem is that such individuals are regarded by the British Government as a threat to our national security but the Government do not believe that there is sufficient evidence to put them on successful criminal trial in this country. We have seen what happened with the debate about control orders and so on. What is the alternative to obtaining a memorandum of understanding and sending them back to their countries of origin? Is it to release into the community in this country people who are regarded as dangerous and a threat to our national security?

Kate Allen: We have in this country something like 20-plus people being held under control orders. Many of them have spent the last five years in Belmarsh prison or under control orders—basically, internment—in their own homes. I have met some of those people in their homes and talked to them. I have discovered that in many cases, they have not even been interrogated by the police. The way to deal with it is to ensure that what evidence is there is used to bring them before a court and charge them. If there is not evidence after five years of holding people in different circumstances where they do not know what the charges against them are or what the evidence might or might not be, our view is that they should be charged and brought before a court.

Q33 Chairman: Or released?

Kate Allen: Or released, if there is not evidence after five years.

Q34 Chairman: Leaving aside five years, you are saying in essence that if there is not evidence to bring them to trial, they should be released?

Kate Allen: Absolutely.

Tom Porteous: I think that Kate is absolutely right about the alternatives, but one also needs to think about the long-term consequences for the UK of being seen to undermine the global ban on torture by sending people back to countries where they are very likely to be tortured. How does that make the UK look, particularly in the middle east where it is so important, in the struggle against Islamist ideology, for us to be seen to be acting according to the rules?

Q35 Chairman: I will just throw in a question. How would you feel if one of these people, who was then released, was subsequently involved in a terrorist outrage, either in this country or somewhere else? We have been made aware that that does happen sometimes. Is there not a dilemma? Is it not much more complicated than an either/or option? That is the problem that the British Government and others are grappling with.

Kate Allen: On the way to give evidence today, I was very struck when I read the view of the Director of Public Prosecutions on some of the issues—that in the war on terror, we are at risk of abandoning our values, which is obviously one of the aims of terrorists. Holding people for prolonged periods with no charges when the entire apparatus of the British state has had the ability to find the evidence, and then signing a memorandum of understanding with a country that is a known torturer and returning people to situations in which they might be tortured certainly does no good for our values.

Q36 Mr. Purchase: May I ask a question on rendition and extraordinary rendition? We shall not go through what we mean by rendition, as there is no legal definition. However, on 20 January 2006, Jack Straw conducted a search of relevant files, stretching back to 1997, to look for instances where UK territory or airspace might have been used for rendition operations. He reported that he had found four cases, all in 1998. Two of those cases were accepted and two were rejected by the British Government. He said that there was no evidence of detainees being rendered through the UK or its overseas territories since 1998. However, Amnesty believes that the investigation was conducted
inadequately. What evidence do you have to say that it was inadequately conducted and what more can you say to us about this issue?

Kate Allen: Amnesty’s view is that the British Government have failed to adequately investigate the use of UK airspace and airports to facilitate flights by CIA-chartered aircraft. So we have circumstantial evidence that flights have used UK airports. We are not saying that we know that there were people on board, but we do know that these are the same flights that have either taken people or were returning from taking people who had been rendered.

It is also useful to look at the comments in the draft November 2006 report by the European Parliament’s temporary committee on rendition, which deplored the UK Government’s co-operation with it and expressed serious concerns about stopovers by CIA-operated aircraft at UK airports which were linked with rendition circuits. There is a body of evidence that the UK Government need to ensure is effectively investigated.

We are, of course, in different territory since President Bush’s speech on 6 September. We know from that speech that he was acknowledging the existence of CIA secret detention centres and the rendition network that supported them. In fact, he also went on to defend the alternative interrogation techniques, which we would consider to be torture, which he said were used to break the resistance of detainees. We at Amnesty would be very pleased to see a forceful statement by the British Government about their views on the admission by President Bush that rendition has been taking place and that there have been secret detention centres, which are totally illegal. Such secret detention and enforced disappearances are crimes under international law and it would be good to hear the British Government saying something very publicly and forcibly about that particular admission.

Tom Porteous: I completely agree with what Kate has just said. I simply add that that report by the European Parliament’s temporary committee on illegal CIA activity in Europe makes some serious recommendations about how we can prevent a recurrence of the activity that clearly has happened in the past, maybe not in the UK—we do not have complete evidence for that—but certainly in Italy, in the case of Abu Omar. We hope that the UK Government will take those recommendations on board.

Kate Allen: May I add that, of course, the UK Government have not answered the questions on the possibility of complicity in the US rendition of the two UK residents, al-Rawi and el-Banna, from Gambia to Guantanamo. We would be very interested to see an investigation into the UK involvement, or otherwise, in those two particular cases.

Mr. Purchase: You mentioned that it was circumstantial evidence. Do you have any evidence that you have gathered yourselves or are you relying wholly on reports from, for instance, the European Parliament?

Kate Allen: We have some evidence ourselves and I shall certainly make sure that that is forwarded to the Committee.

Mr. Purchase: That would be helpful.

Q38 Sandra Osborne: Since the US Government have admitted to what is illegal activity, what action do you think should be taken against them?

Kate Allen: I think it would be very helpful if Governments such as our own voiced their views on that. It is interesting that that admission was made on 6 September 2006 and we have not heard the British Government’s response. Unless the US’s closest allies start to address such issues, it is extremely difficult to know how international pressure will be brought to bear.

Q39 Chairman: We need to move on to some specific countries. It may be possible for us to get through most that we want to discuss but, if not, we will have to write to you on specific issues.

May I begin with the Democratic Republic of the Congo? The recent elections, in which Joseph Kabila was successful against his vice-president, are worrying in that the country was totally split internationally. Do they represent a turning point? Do you think that human rights in the DRC will be significantly better after that democratic process than they have been in the past?

Tom Porteous: The elections were a landmark, let us say, and an important one, but elections on their own do not bring democracy, particularly to a country that has essentially never had democracy. The elections were marked by serious events—violence and human rights abuses. As you mentioned, the country is split on tribal and ethnic lines. Particularly in the east, there is still no real peace and the sort of massacres, lootings, killings and disappearances that we have seen for so many years have continued.

We have talked about international justice, and the International Criminal Court has played an important role in Congo. An important point that we would like to bring home to you is that there are going to be calls, potentially in Sudan and elsewhere, for the United Nations to send peacekeepers here and there. We feel that it is very important for the UN force in the DRC, which has played an important role in very difficult circumstances, to be maintained to ensure peace and stability in the coming period. It cannot simply be withdrawn. We cannot just say, “Okay, we’ve fixed that. Let’s get out.” The DRC is still in intensive care and there are still worrying reports of human rights abuses in various parts of the country, and the international community needs to stay.

Kate Allen: May I make three very specific points? The national programme of disarmament, demobilisation and reintegration into civilian life has to deal with something like 150,000 fighters. We reported at the end of last year on thousands of children who are still with armed groups and are not part of that programme. A practical suggestion

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would be to ensure that elementary education until the age of 14 is supported by the international community. We would also like to see a co-ordinated response to the medical emergency that follows the large-scale rape that has taken place and the prevalence of HIV and AIDS. Finally, Control Arms researchers found as late as September last year, in Ituri, internationally manufactured small arms. We must ensure that such arms do not continue to flow into the DRC.

Q40 Chairman: You mentioned the UN. The European Union played an important role in the process, and we know that the Germans in particular committed to the peace missions. Is there a specific EU role in the absence of effective UN or African Union operations?

Tom Porteous: The UN is there and playing a crucial role. The EU has been playing a subsidiary role to the UN—not just the Germans but the British have played an incredibly useful role in the DRC, and we commend that. The EU could take on some of the load from the UN if it is seen that the UN is needed elsewhere. Frankly, I think that the UN probably needs to stay. I would like to make one other point. As I said, the UK has been playing an extremely useful role in the DRC, and we commend the report’s entry on the DRC. However, there is one point about the exploitation of mineral resources. DRC is an immensely wealthy country—I am afraid that that is probably one of the reasons why it has been in such turmoil in recent years. International companies, including British companies, have been involved in the illegal exploitation of resources in the DRC, as was documented by the UN panel report in 2003. That needs to be addressed. We need not just to talk about corruption on the side of the Africans but to make sure that we in the west address misbehaviour on the part of western companies that are engaging in commercial activities in countries in which there are serious human rights abuses and conflict.

Q41 Sandra Osborne: May I take you to Somalia? The FCO report does not include Somalia as a country of concern, but obviously the situation there is deteriorating. Do you think that it should be included, and what do you see as the major human rights concerns in Somalia at the moment?

Kate Allen: The immediate concern is the US air strikes that took place earlier this month. We have reports of at least 30 civilians who died in that strike, and we are very concerned about that. We are all aware that in Somalia there has been no rule of law in the south. Humanitarian access has been impaired and NGO and UN staff have been at risk of kidnap. Half a million people in internally displaced camps and Kenya closing its borders cause us huge concern about the safety of civilians at the current time. I think that we need to see a greater focus on that.

Also, with Eritrea and Ethiopia backing different sides in Somalia, there is the potential for the situation to become a real regional conflict. If we go back to those issues of prevention, this is certainly one of those times when the international community needs to pay really close attention to what is happening there at the moment.

Tom Porteous: The fact that Somalia is not included as a “country of concern” indicates the extent to which Somalia simply fell off the radar for the international community over recent years. We are now seeing the consequences of that. In the meantime, almost unbeknown to the rest of the world, the Islamist movement in Somalia became a very important political force. That then became tied up in the whole so-called war on terror. The Ethiopians, sponsored by the US, went in, defeated the Islamists and they are now pulling out. Who is going to fill that vacuum? What is going to happen now? The Islamists are still quite popular. Are they going to get back in? They are popular for good reasons, by the way, because they provided an element of security and justice in many parts of the country, although we have very serious concerns about some elements of their policies—sharia punishments, the forbidding of freedom of assembly and of expression and so forth.

The crucial question is what is going to happen now in Somalia. Somalia has been without a central Government for 15 years. The population is vulnerable to any future conflict, and we are very concerned that this recent fighting is just the first round of another very serious bout of fighting in Somalia. The consequences for the population of Somalia and for the region would be devastating. Kate Allen has already mentioned the issue of Ethiopia and Eritrea. The proxy war being fought in Somalia by those two countries could spark a renewal of the fighting on the border of Ethiopia and Eritrea. The last thing that Kenya and the other neighbours of Somalia need at the moment is another influx of refugees from that country. They cannot even cope with the refugees who arrived in previous waves.

Chairman: Still on Somalia, briefly.

Q42 Mr. Hamilton: Very briefly. Amid the chaos that is Somalia and its lack of central Government, there is a small haven of peace and calm in Somaliland. Should we recognise Somaliland separately? Can the lessons of peace and democracy in Somaliland be applied to the rest of the country? Do you know anything about Somaliland and how we could focus on the positives found there?

Kate Allen: Certainly, by comparison Somaliland shows much more stability and a more functioning Government. We have lesser concerns about human rights in Somaliland, but they are still concerns. I do not want to comment on the issue of recognition.

Tom Porteous: If the situation in southern Somalia is not sorted out in a satisfactory manner—it does not look likely—or, in other words, if the Government do not establish their authority throughout the country, and if there is further conflict, the question of the recognition of Somaliland will be put very firmly on the international agenda.

Kate Allen: The other point is that Somaliland will be affected by what is happening in Somalia—it is not able to protect itself from what is happening in the south.
Q43 Sandra Osborne: You have referred to Sudan, but it would appear that the Sudanese Government are seeking substantial concessions and compromises before they will agree to a UN deployment in Darfur. Is there a danger that any agreement will be so watered down as to be ineffective? If the Sudanese Government agree to a UN deployment in Darfur, will there be so many conditions placed on it as to render it ineffective?

Kate Allen: I hope that that is not the case, but the situation has gone on for several years without effective intervention. Amnesty began voicing its concerns about what was happening in Darfur in January 2003. It has consistently raised the issue with the international community since. It was told that by raising concerns, it was jeopardising the north-south peace process and that it should deal with the issue of Darfur privately.

Our organisation produced report after report. In 2004 it produced a report on the extensive use of rape as a weapon of war. The Sudanese Government in that period never felt under any pressure to deal with the violations that were happening in Darfur. Now that we have international pressure, we need to see it through and ensure that it continues. We need to make sure that those who are yet to be convinced that pressure needs to be put on Sudan are brought into line. Over 200,000 people dead as a result of disease; 85,000 civilians killed; massive use of rape; 2 million people forcibly displaced: the international community has got to make sure that pressure is put on the Sudanese Government to allow a UN force to take over from the African Union, so that people can be protected. The alternative, referring to the figures I mentioned, is that the extensive and horrific human suffering will continue.

Q44 Sandra Osborne: The UN’s chief humanitarian co-ordinator has stated, “I think some of the Arab countries and Asian countries have not really understood that we’re in free fall. It’s not a steady deterioration. It’s a free fall and it includes Darfur.”

Kate Allen: Absolutely concur. Our research has been on the Chad–Sudan border, and we are very aware of the way in which the situation is impacting on civilians in Chad. This is something that has the potential to spread further.

Tom Porteous: It is worth pointing out that the British Government are rather badly placed to address the regional dimensions of the situation in Darfur because the UK does not have diplomatic representation—it does not have a physical embassy in Chad—so they deal with it from elsewhere, I think from Cameroon. They rely on the French to provide them with intelligence. The French have been in Chad for a long time. This is an area where the EU could be playing a much more effective role. It is a pity in the sense that the EU has said, “Oh well, we will leave the Darfur dossier to the UN Security Council.” The EU could complement the UN in Darfur, even if only in terms of analysis, particularly in addressing the regional dimensions of this conflict.

The other point I wanted to make was on the comprehensive peace agreement between North Sudan and South Sudan. The Sudanese learned two lessons from that. On the one hand, the rebels in Darfur saw that, if they wanted a slice of the cake in Sudan, they needed to take up arms. It is no coincidence that the rebellion started just as the comprehensive peace agreement was reaching its conclusion. The other lesson, which the Sudanese Government drew from it, was that they could get away with human rights abuses with impunity because nowhere in the CPA does it address the issue of the human rights abuses that took place in the south, which are just as bad as the abuses taking place in Darfur.

As we look at what to do about Darfur, we need to take into account those lessons that have been learned by the Sudanese Government. First, an agreement for Sudan has to be comprehensive, and, secondly, it has to address the issue of impunity for human rights abuses.

Q45 Chairman: When you say “take on”, is the big problem here that the African Union is not strong enough and is also internally divided, that the Organisation of the Islamic Conference is protecting the Sudanese regime internationally and that the Darfur peace agreement 2006 has only been signed by one of the rebel factions and the others have not signed? Is there not an argument that we should get away from that agreement, start again and get all the factions around the table on a new basis? Otherwise, the Sudanese Government think that they can use that agreement as a protection in international terms by saying, “We have signed up to a peace agreement. Therefore, we can take on all the other groups,” with the humanitarian consequences you mentioned.

Tom Porteous: There certainly needs to be a revisiting of the Darfur peace agreement. It should start again. The process needs to be reinvigorated and it was very disappointing that, immediately after the signing of the DPA last year, the US negotiator Robert Zellik, the Under-Secretary of State, disappeared from the scene and took up a job in Wall street. That was an indication of the lack of real commitment on the part of the United States to making the DPA work. The United Kingdom, although they are doing so now, rather late in the day, should also have focused on making the DPA work. Implementation is absolutely crucial.

Q46 Chairman: Is not the essence of the problem—whatever the United States says, whatever the UK says, whatever the European Union does—ultimately that there has to be a solution that takes account of the aspirations of the different groups in that region? One of the problems is that they are not all in the negotiating process.

Kate Allen: Absolutely, but in the meantime the African Union has been absolutely clear that it wants the UN to take over its mission to provide protection for the civilians under attack while that...
process goes on. That has to happen. We cannot wait for a diplomatic solution or for those negotiations. Civilians are dying and there needs to be protection for them.

Q47 Chairman: I must press you on this. It is all very well to say that the UN should take over but the Sudanese Government have been resisting that approach. They have basically wanted a weak UN operation and feel able to resist because they have regional and international support from a number of countries.

Tom Porteous: You made an important point about the fragmentation of the rebel groups in Darfur. Last year’s Darfur peace agreement also brought everyone together but failed at the last minute and then the whole thing fell apart. The fact that the international community did not follow up meant that the rebel groups further fragmented. It will now be much more difficult to bring them on board. However, that has to be the solution. The UK Government are absolutely right when they say that a political solution is required for this problem. We have got to bring the Darfur rebels back together in a united negotiating front. That will be very difficult. The Sudanese Government are absolutely brilliant at divide and rule, which has been their policy in the south, in Darfur, and would be their policy elsewhere in the country if they were to face a similar problem. It is an incredibly difficult problem but one that none the less needs to be addressed.

Chairman: I am afraid that we now have to move on to Zimbabwe, which might be—I do not know—an even more difficult problem.

Q48 Mr. Hamilton: It is just as bad. No doubt many of us, as constituency Members, meet refugees and asylum seekers who have come from Zimbabwe to seek refuge in the United Kingdom from the oppression of Robert Mugabe. We have heard first-hand accounts of the terrible human rights violations going on in that country. One of the most recent, which attracted quite a bit of publicity, was Operation Murambatsvina—or “clear out the filth”—which has made approximately 20% of the population homeless, most of whom have yet to be rehoused. We know that Mugabe has practised torture regularly. This month he shut down two genuinely independent newspapers. Human Rights Watch’s world report 2007 provides a litany of human rights abuses carried out in Zimbabwe. It highlights the “rising incidence of torture” particularly against trade unionists and students.

In our last report on the subject, the Foreign Affairs Committee recommended that the UK start a campaign for referral of Mugabe to the International Criminal Court for his “manifold and monstrous” crimes. I wondered whether you thought that a campaign for the referral of Mugabe to the ICC by the UN Security Council would be effective and whether it would also make effective use of the Foreign Office resources, or is there more that we can do?

Kate Allen: I am not sure about the referral to the International Criminal Court. However, you have very eloquently outlined the human rights situation in Zimbabwe. It includes the manipulation of food supplies, which has led to real suffering. There is also harassment of NGOs so that the people trying to confront some of this are coming under attack too. The FCO report has a very significant and critical section on Zimbabwe which matches Amnesty’s concerns.

I think that there is a limit to what the UK Government can do on this particular issue given the colonial past. We are very disappointed by South African quiet diplomacy over the past seven years and would say that it has not produced anything, but we are also critical of the silence of most other African countries. If the British Government were to put their effort into talking to other African countries about the ways in which they might bring pressure to bear upon the Mugabe regime, that might be one effective way of taking some of this forward and is something that we would like to see.

Q49 Mr. Hamilton: Three years ago, we visited South Africa as a Committee and made exactly those points to its Government. We asked it why they could not put on more pressure and were given all sorts of excuses and reasons in response. Things have since got worse. I understand your point about the UK Government’s position but surely the European Union and the United Nations could do more even if South Africa will not?

Tom Porteous: The United Kingdom has tried in the past few years to act on Zimbabwe. On the whole, its engagement has proved counter-productive, because it allows Mugabe to paint the situation as a neo-colonial crisis about land, which is a very emotive issue in Zimbabwe, between the former colonial power and the nationalist Government. Interventions by senior British politicians have sometimes been counter-productive, which is why the UK has quietened down a bit on Zimbabwe. That is probably just as well.

In response to your question about the ICC, I do not know whether the situation in Zimbabwe merits referral to the Security Council. We would have to look at that. It is very likely that action would be blocked by the Security Council, however. South Africa has played a very unhelpful role, with regard not only to Zimbabwe but to the recent Security Council vote on Burma. I must credit UK Government with bringing that resolution to the fore. It was disappointing that it was vetoed by China and Russia, with the support of South Africa, which is a new member of the Security Council. Quite what South Africa thinks it is doing, I am not sure. The anti-apartheid movement—the current leaders—benefited for many years from the support of the human rights organisations. The whole human rights movement throughout the world was defined by its struggle against apartheid, and South Africa is now sticking up for regimes such as those of Mugabe and the junta in Burma. It is quite inexplicable.
Chairman: I am conscious that we shall not continue much longer, because there are questions in the House. May we focus on Iran now? If we have time, we shall deal with some of the other countries in that region.

Q50 Mr. Hamilton: Iran is second only to China in the number of executions that it carries out each year. Death sentences are often carried out in public, and sometimes on children. Do you feel that the focus of the western countries on Iran’s nuclear ambitions is clouding the appalling human rights abuses in that country? Would you like to comment on the current situation of human rights in Iran?

Kate Allen: Yes, very much so. While the nuclear issue is being addressed, the human rights issue should also be confronted, not put to one side. You are absolutely right in what you say about the death penalty. Iran executed 177 people last year, including a minor and two child offenders, which is a huge increase on the previous year.

The human rights situation in Iran causes us great concern. It involves a continued rise in censorship, harassment of human rights defenders, people being charged for accessing the internet and the shutting down of newspapers. There is a real climate of censorship. There are also arrests, detention and the use of torture; torture is routine in many prisons. With regard to women, the UN special rapporteur visited Iran in 2005 and criticised the arbitrary arrest, torture and ill-treatment of women. She was very critical of the Iranian Government. There is concern about the nature of the abuses that are taking place. The FCO report is critical of Iran’s human rights record. We want to see more action taken at an international level to focus on those issues, not only the nuclear issue.

Tom Porteous: I would just like to paint a slightly more nuanced picture of the situation in Iran. Yes, all that is completely true, yet within certain quite limited confines, there is a democratic process in Iran. We need to be aware of that. In the local elections in December, Ahmadinejad suffered a huge setback.

Also with regard to that, although there has been a marked deterioration in human rights, freedom of expression and so on in Iran since Ahmadinejad took office, in the period before that Iran was led by, or at least the President was, Mohammad Khatami, who was a reformist, I think we should have done a lot more to engage with him and the reformists. There is a process in Iran and we need to engage with it. Our whole policy in the middle east, particularly in Iraq, has empowered the hardliners within Iran and empowered Iran, under the hardliners, within the region. That is a problem.

Q51 Andrew Mackinlay: I think Human Rights Watch has always been soft on Iran, and I think that what you said reiterates what happened last year with Human Rights Watch. Clearly we are agreed about Ahmadinejad, but to give the previous people that kind of credence I find amazing for your organisation, frankly.

Mr. Hamilton: But let me—

Chairman: Let the witness respond to what Mr. Mackinlay has said.

Tom Porteous: I do not think that there was a question.

Q52 Mr. Hamilton: I just want to make a small, final point. Yes, local elections take place and yes, there are genuine elections, but do not forget that every candidate is vetted by the Council of Guardians, an unelected body. We saw the Majlis itself change dramatically when reformist candidates were prevented from standing, because they did not support the revolution enough.

Chairman: As a Committee, we will no doubt have an opportunity to look in greater detail at Iran. Some of us may talk about it this afternoon in the debate.

Tom Porteous: May I just say that, the week before last, I met Shirin Ebadi, the Nobel prize-winner, in Iran. She is under a great deal of pressure within Iran and her organisation has been threatened with closure. She is a very brave and courageous woman. I asked her what Human Rights Watch could do on Iran—what should we be focusing on at the moment? She did not say, “all the terrible things that Ahmadinejad is doing” and things like that. She said that we should be focusing on preventing military strikes against Iran, because the human rights consequences of that would be absolutely appalling.

Q53 Chairman: In the few minutes remaining, may I move us to some other countries? I think that we will contact you in writing about other areas, but may I just ask you about the current human rights situation in Russia? Is the European Union going soft on Russia because it wants to get the new partnership agreement with the Russians later this year and because of some countries’ requirements for Russian energy?

Kate Allen: In terms of what is happening in Russia, we had serious concerns about Chechnya, and about harassment of NGOs, and factors making it difficult for them to operate—we have an office in Moscow, but fear that it might become difficult to sustain. We have seen a whole range of abuses, including on women. In terms of Europe—

Chairman: Order. I am very sorry, but I seem to have lost my quorum. I appreciate your time and commitment, but this was always the danger when people have to go to the Chamber. This is always the problem with timing a meeting until 11.30 am. I therefore thank the witnesses for coming and conclude the discussions. We will write to you about three or four other areas. Thank you.

Kate Allen: Thank you.

Tom Porteous: Thank you. I hope we did not scare them away.
Letter to Amnesty International and Human Rights Watch from the Clerk of the Committee

Thank you for giving evidence to the Foreign Affairs Committee today.

There were a number of important issues that the Committee was unable to cover in the session. The Committee would be grateful if you were able to provide it with brief written answers to its additional questions set out below.

1. **IRAQ**
   Are you satisfied that the allegations of multiple murders by US marines in Haditha are being investigated properly?

2. **ISRAEL AND THE PALESTINIAN TERRITORIES**
   What impact has the western financial boycott had on human rights in the Palestinian Territories?

3. **ISRAEL AND HEZBOLLAH**
   What role did the UK Government play in the conflict between Israel and Hezbollah over the summer?

4. **SAUDI ARABIA**
   Will the dropping of the Serious Fraud Office’s investigation into BAE Systems’ dealings with Saudi Arabia hurt the UK Government’s efforts to promote human rights in the country?

5. **COLOMBIA**
   Should the UK Government and the EU continue to support Colombia’s Justice and Peace Law? If not, what alternatives are there?

6. **BURMA**
   China and Russia recently vetoed a Security Council resolution on Burma. Would it have been better not to table a resolution until they had been persuaded to acquiesce?

7. **CHINA**
   The text of the FCO Report sets out some of the issues discussed in the UK–China Human Rights Dialogue. Do you think it gives enough information to gauge the success of the Dialogue?

8. **PAKISTAN**
   What are the major human rights concerns in Pakistan?
   The Committee would also welcome any comments that you might have on other aspects of human rights.

As you may be aware, the Minister responsible for human rights, Ian McCartney, will be giving evidence to the Committee on 7 February 2007. It would be useful to receive your comments on the above questions by 1 February, so that the Committee can utilise your evidence most effectively when questioning the Minister.

Thank you again for your important contribution to the Committee’s work on human rights. Please do not hesitate to contact me if you have any questions or concerns.

Clerk of the Committee

24 January 2007

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**Supplementary evidence from Amnesty International**

**WOMEN DETAINES HELD BY THE MNF:**

We have no recent figures for long-term women detainees held by the MNF. The last confirmed information dates back to January 2006, when five women were about to be released and four remained in detention. According to the FCO, as at the end of 2006, the United Kingdom was holding approximately 100 detainees, all male.
Handover of Detainees from the MNF to Iraqi Authorities:

Amnesty International is concerned about the handover of MNF-held defendants to the Iraqi authorities following trials which fall short of international fair trial standards. A prominent example is the handover of the defendants sentenced to death in the Dujail trial. However, others have been unfairly tried before the Central Criminal Court of Iraq. Amnesty International would ask how the MNF ensures the right to a fair trial for those handed over to the Iraqi authorities.

Rendition Information

Amnesty International’s report of February 2006 (“United Kingdom—Human Rights: a broken promise”) outlines information regarding rendition. It notes:

“In January 2006, in light of research undertaken by Amnesty International, and supported by extensive media reporting, Amnesty International wrote to the UK Prime Minister to express concern about the fact that UK airspace and airports may have been used to facilitate flights by CIA-chartered aircraft known to have secretly transported detainees to countries where they risk enforced “disappearance”, torture or other ill-treatment.

Specifically, of interest to the UK, Amnesty International’s information concerns a Gulfstream V turboprop, then registered as N379P, which between 2001 and 2005 made at least 78 stopovers at UK airports while on route to or from destinations such as Baku in Azerbaijan, Dubai in the United Arab Emirates, Larnaca in Cyprus, Karachi in Pakistan, Doha in Qatar, Riyadh in Saudi Arabia, Tashkent in Uzbekistan, and Warsaw in Poland. Records show that three of these flights were directly connected to known cases of “rendition”:

— On 23 October 2001, witnesses saw Jamil Qasim Saeed Mohammed being bundled on board the Gulfstream V turboprop, registration N379P, by a group of masked men in a remote corner of Karachi International airport. The plane flew Jamil Qasim Saeed Mohammed to Jordan. The following day, the same Gulfstream turboprop flew to Glasgow Prestwick in the UK to refuel, then flew back to Dulles International near Washington DC in the USA. Amnesty International has repeatedly requested information from the US authorities about the current whereabouts and legal status of Jamil Qasim Saeed Mohammed, but has received no reply.

— On 18–19 December 2001, according to an inquiry conducted by the Swedish Parliamentary Ombudsmen, the above-mentioned Gulfstream turboprop took Ahmed Agiza and Mohammed al-Zari from Sweden to Cairo in Egypt. Amnesty International’s records show that the plane had made several trips between Cairo and Prestwick earlier in the month, and stopped to refuel at Prestwick after leaving the two detainees in Cairo, where they were reportedly tortured.

— On 12 January 2002, according to Indonesian security officials, the above-mentioned Gulfstream V turboprop, took Muhammad Saad Iqbal Madni from Jakarta to Cairo. Amnesty International records confirm previous media reports that when the plane left Cairo, it flew to Prestwick to refuel. Muhammad Saad Iqbal Madni has since been returned to US custody, and is currently being held at Guantanamo Bay. He does not have a lawyer, and other detainees have said in the last month that he is in poor condition and “at risk of losing his mind”.

Given the mounting evidence that UK territory has been used in the process of unlawfully transporting detainees to countries where they may face “disappearance”, torture or other ill-treatment, Amnesty International has urged the UK government to launch an immediate, thorough and independent investigation.

As part of such an investigation, Amnesty International has further called on the UK government to ask the US government to declare whether or not it has used, UK airports, airspace or US military airbases on UK soil for the purposes of “rendition” since 1998, with or without the approval of the UK authorities. This would include transporting detainees from, to or through UK airspace, as well as servicing planes about to embark on, or returning from, a “rendition” mission. Amnesty International asked to be informed of any responses on the subject that the government may obtain from communications with US authorities on this subject.

Amnesty International also asked to be informed of what steps have been taken or are being considered to prevent future use of airspace and airports in the UK by aircraft being used for such illegal activities.

Amnesty International has noted the statements that various UK government officials, including the Prime Minister and the Foreign Secretary, have given so far in response to the mounting concern about the issue of “renditions” in the UK. For example, in late January 2006, the Prime Minister was reported as having stated that as far as he was aware the US authorities did not operate “renditions” “except in circumstances where the law of the country concerned and the consent of the country concerned are compatible with what they are doing. I don’t know any more about it than that”. The Foreign Secretary gave Amnesty International assurances in February 2006 that he was satisfied that “renditions” involving the UK were not taking place.
However, Amnesty International remains concerned about the allegations that the UK authorities played a role in the unlawful transfers of a number of individuals to US custody (for example Jamil al-Banna and Bisher al-Rawi), which, to date, the UK government has not denied.

Amnesty International considers that the UK government should have put in place all necessary measures to prevent any action or omission which may, wittingly or unwittingly, have resulted in the UK territory being used to transfer anyone to another state where that person faces a real risk of serious human rights violations, including enforced “disappearances”, torture or other ill-treatment, arbitrary detention or flagrant denial of their right to a fair trial.

Amnesty International continues to urge the government to ensure that the UK cooperates fully with, including by providing all relevant information to, the UK parliamentary investigation and to the Council of Europe and EU Parliament inquiries into the issue of “rendition”.

Amnesty International
January 2007

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**Supplementary evidence from Amnesty International**

Many thanks for your letter of 24 January 2007. It was a pleasure to give evidence to the Foreign Affairs Committee.

Please find below responses to the additional questions asked:

1. **IRAQ**

   *Are you satisfied that the allegations of multiple murders by US marines in Haditha are being investigated properly?*

   Amnesty International is concerned at the failure of the MNF to establish prompt, independent and thorough investigations into allegations of abuse. Investigations have tended to be insufficiently thorough, transparent or independent. The MNF has also failed to ensure adequate reparations to victims of abuse.

   With regard to the events at Haditha, Amnesty International is concerned that the investigations were not carried out by a fully independent body. Full details of all investigations should be made public. Amnesty International welcomes the prospect of prosecution of those responsible. Families of the victims should receive reparation, including compensation.

   Amnesty International is concerned about reports that US forces have been responsible for other grave abuses against civilians. All allegations of direct attacks on civilians, indiscriminate and disproportionate attacks and other serious violations of international humanitarian law should be promptly, thoroughly and independently investigated and, where well-founded, those responsible should be brought to justice.

   The MNF and Iraqi government must issue clear instructions to their forces to take all other necessary measures to protect the civilian population from the dangers arising from military operations, including not locating military objectives among civilian concentrations; and holding accountable all those responsible for breaches of the laws of war.

2. **ISRAEL AND THE PALESTINIAN TERRITORIES**

   *What impact has the western financial boycott had on human rights in the Palestinian Territories?*

   For more than a decade, funding from the EU and the US has been crucial to enabling the Palestinian Authority (PA) to deliver health, education and most other key services to the Palestinian population of the West Bank and Gaza Strip. These governments assumed this responsibility in the light of Israel’s failure to do so although, as the occupying power, it is Israel that has the primary responsibility under international law “to ensure that the basic needs of the population in the occupied territories are met.” Reiterating this on 11 April 2006, the International Committee of the Red Cross (ICRC) warned “...there should be no illusion that humanitarian organisations are able to replace the Palestinian authority in its role as a provider of public services”.

   Similarly, in its Assessment of the future humanitarian risks in the occupied Palestinian territory of April 2006, the United Nations Office of the Coordinator of Humanitarian Affairs (UN OCHA), noted: “Under the Fourth Geneva Conventions, Israel as the occupying power bears the responsibility for the welfare of the Palestinian population. In recent years, international donors and the Palestinian Authority have in practical terms taken on this role. If the PA is unable to provide basic services to the Palestinian population and donors withhold assistance, the emphasis will shift back to Israel to resume its legal obligation”.

   The fact that Israel is ultimately responsible for the welfare of the population in the occupied territories does not mean that the international community has no role in upholding human rights in the West Bank and Gaza Strip. In addition to their responsibility as High Contracting Parties to ensure that Israel respects its obligations under the Geneva Conventions, states have duties under international human rights law.
Amnesty International expressed its concern that decisions by the EU and the US to sever financial support to the Palestinian Authority in April 2006 would have very serious consequences impacting on the health, education and other economic and social rights of Palestinians living under Israeli occupation. According to a World Bank study published in March 2006, the Palestinian economy, already critically weakened by years of conflict and continuing Israeli controls, was expected to shrink by a further 27% by the end of 2006 as a result of the termination of EU and US funding to the PA.

As we stated in our submission to the Committee, in December 2006, Amnesty International’s Secretary General, Irene Khan, visited the region and noted that despite the provision of EU aid through the Temporary International Mechanism (TIM), the humanitarian situation is, as expected, dire. There has been a sharp increase in poverty, unemployment and health problems among Palestinians, and an overall deterioration of the humanitarian situation to an unprecedented level. The UK, as a member of the EU, must take measures to ensure that the decision to stop funding does not adversely impact human rights. In addition, the UK government must ensure that emergency assistance essential to fulfilling fundamental human rights is never used as a bargaining tool to further political goals.

3. ISRAEL AND HEZBOLLAH

What role did the UK government play in the conflict between Israel and Hezbollah over the summer?

Amnesty International was deeply disappointed at the apparent reluctance of the UK government to use its influence to ensure a swift end to the blatant violations of international humanitarian law being carried out by both parties to the conflict in Lebanon and Israel.

Whilst the international community prevaricated, civilians continued to pay a heavy price. They became the victims of indiscriminate bombings being carried out by both Hizbullah and the Israeli Defence Force. Amnesty International urged the UK government to support the call for an immediate cease-fire in order to protect civilians in both Israel and Lebanon. Unfortunately, the UK government failed to call for an immediate cease-fire and it was not until UN Security Council Resolution 1701 was passed in August 2006 that this was secured.

We were gravely concerned about reports that Prestwick airport in the UK was being used by US cargo planes on their way to deliver munitions to Israel. We called on the government to refuse permission for UK airports and seaports to be used by planes or ships carrying arms and military equipment destined for Israel (or Lebanon) and urged them to suspend the sale or transfer by the UK of all arms and military equipment to Israel.

4. SAUDI ARABIA

Will the dropping of the Serious Fraud Office’s investigation into BAE Systems’ dealings with Saudi Arabia hurt the UK government’s efforts to promote human rights in the country?

As we noted in our submission to the Committee, Amnesty International welcomes the UK government’s efforts to “provide a framework to help businesses to act more responsibly”. However, Amnesty International is deeply concerned at the recent decision of the Serious Fraud Office (SFO) to discontinue the investigation into the affairs of BAE Systems plc as far as they relate to the Al Yamamah defence contract with the government of Saudia Arabia. The SFO has stated that “the decision . . . was taken following representations that have been made to both the Attorney General and the Director of the SFO concerning the need to safeguard national and international security” and that “it has been necessary to balance the need to maintain the rule of law against the wider public interest”.

Amnesty International reminds the UK government that the UK is a signatory to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Article 5 of this convention requires that the investigation and prosecution of foreign bribery: “. . . shall not be influenced by considerations of national economic interests” or “the potential effect upon relations with another State . . .”.

Of serious concern to Amnesty International are the views recently expressed by the UK Prime Minister which would suggest that both the letter and the spirit of Article 5 have not been followed in this case. Amnesty International is concerned that the early termination of this investigation for reasons other than the legal merits of the case sends the message that companies trading with countries that governments claim to be of strategic importance are above the law.

This decision risks reversing the progress made in recent years by the 36 signatories to the OECD Anti-bribery Convention to raise standards and level the playing field in international business transactions. It also threatens the implementation of the more recent United Nations Convention against Corruption (UNCAC), which requires all parties, including the new trading powers of China and India, to investigate and prosecute companies that pay bribes overseas. Amnesty International urges the UK government to re-open the investigation into BAE Systems plc.
In addition to the above, Amnesty International is concerned that the UK government’s decision to drop the investigation will further diminish its authority when it seeks to promote human rights more generally in the country.

5. **Colombia**

*Should the UK government and the EU continue to support Colombia’s Justice and Peace Law?*

Amnesty International seriously questions UK and EU governments’ political and financial support for the Justice and Peace Law, which we believe, is contributing to impunity in Colombia and failing to meet international standards in providing effective truth, justice and reparation to the victims. Amnesty International is not against demobilisation in Colombia but we believe that the current process does not guarantee the rule of law.

Amnesty International has repeatedly criticized the Justice and Peace Law and other pieces of legislation including Decree 128, as we believe they may guarantee the impunity not only of paramilitaries responsible for human rights violations but third parties who have financed, supported and coordinated paramilitary forces, including members of the security forces. They may, in the future, also guarantee the impunity of members of guerrilla forces who demobilize and who are responsible for human rights abuses. Amnesty International has stated that the government is, in effect, negotiating “contracts of impunity” which will benefit paramilitaries, their third party backers and guerrillas responsible for human rights abuses. This leaves paramilitary infrastructure intact and free to re-emerge, sometimes under a new legal guise. For example, demobilized combatants are being encouraged to join “civilian informer networks”, which provide military intelligence to the security forces, or to become “civic guards”, who provide security in towns, public parks and highways and elsewhere but whose true role is the provision of military intelligence to the security forces.

Although the Constitutional Court issued a ruling in May 2006—made public in July—declaring many of the more controversial parts of the Justice and Peace Law unconstitutional or null and void, the legal framework regulating the demobilization is still inadequate.

The Justice and Peace Law is designed to benefit only those few members of illegal armed groups who are under investigation or have been sentenced for human rights abuses. Given the high levels of impunity most paramilitaries and guerrillas are not under investigation for such offences. According to recent Colombian media reports of over 30,000 paramilitaries who have supposedly demobilized, only 2,180 are eligible to benefit from the Justice and Peace Law. The vast majority have thus benefited from *de facto* amnesties under Decree 128.

The Colombian government responded to the Constitutional Court’s ruling by issuing Decrees that revive some of the most worrying aspects of the Justice and Peace Law. For example, they may ensure that “demobilized” paramilitaries are permitted to spend their sentences in security force installations. This is of serious concern given the strong links between the security forces and paramilitaries. Alternatively they may spend part, if not all, their sentences working in productive, including agricultural, projects in areas which they control and potentially on lands they may have expropriated through war crimes and crimes against humanity. In other words they will reap profit from illegally obtained assets.

*What alternatives are there?*

The UK government should:

— Insist that the Colombian government reform the legal framework regulating the supposed paramilitary demobilization process to ensure that it meets international human rights standards on truth, justice and reparation.

— Desist from providing any technical or financial support to a demobilization process which could consolidate impunity for human rights abuses or help legalize assets stolen through war crimes and crimes against humanity.

— Press the Colombian government to implement as soon as possible the human rights recommendations of the Office of the UN High Commissioner for Human Rights, which provide a blueprint for addressing the human rights crisis in the country.

— Refrain from providing the Colombian government with military assistance until it government implements the UN recomendations.

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6. **Burma**

*China and Russia recently vetoed a Security Council resolution on Burma. Would it have been better not to table a resolution until they had been persuaded to acquiesce?*

The cooperation of China and Russia with the Security Council resolution was critical, and their veto was disappointing. There is however no guarantee that they would have been persuaded to support the resolution or abstain from voting should it have been tabled later.

7. **China**

*The text of the FCO Report sets out some of the issues discussed in the UK–China Human Rights Dialogue. Do you think it gives enough information to gauge the success of the Dialogue?*

Amnesty International values the exchanges that we and other NGOs have had with the FCO on the content and progress of the dialogue. From that knowledge, we consider that the FCO Report does cover the content of UK–China Human Rights Dialogue in appropriate detail.

We note that the current dialogue themes of freedom of association and the role of defence lawyers as well as the opportunity to raise specific cases of concern are significant and substantial matters. The dialogue is also host to useful workshops and paves the way for a number of Global Opportunities Fund projects to be conducted in China.

We also note, however, that the FCO Report is candid in its assessment that progress in most areas covered by the dialogue is either slow or non-existent. We share also the committee’s assessment made last year that dialogue appears to have made glacial progress.

We therefore consider the UK government should develop a dialogue with specific benchmarks against which to measure progress on human rights abuses by China within an agreed timeframe. The government should also retain the option of reviewing the dialogue approach if this is not yielding significant results.

8. **Pakistan**

*What are the major human rights concerns in Pakistan?*

**Women’s rights**

Amnesty International has concerns about the generally parlous state of women’s rights in Pakistan. An estimated 80% of all Pakistani women suffer violence in the home, according to the non-governmental Human Rights Commission of Pakistan (HRCP). Amnesty International has documented dozens of cases of “honour” killings, acid burning, rape, incest, mutilations (including cutting off the nose and breasts), severe verbal abuse and economic deprivation. Successful prosecutions for “honour” killings are rare. Legal changes introduced in late 2004 have failed to curb the authority of the victim’s heirs to forgive the perpetrators (often relatives of the heirs themselves), allowing them to escape conviction.

Pakistan’s parliament passed the Protection of Women Bill in November 2006. This Bill amends the country’s Islamic laws, the Hudood Ordinances, and appears to change the way Pakistani law deals with the treatment of “zina”, or extra-marital sex. The previous law imposed cruel, inhuman and degrading punishments of stoning to death and public lashings for offences of zina and facilitated abuse of women; for example, allowing charges of zina to be brought against victims of rape. The new law appears to separate rape and sexual offences from consensual sex, and Amnesty International welcomes that separation. Amnesty International however still considers the Hudood Ordinances fundamentally discriminatory and to encourage violence against women, and calls on the Pakistani government to repeal them.

**Death Penalty**

In 2005, at least 31 people were executed. In 2006, the number of people executed more than doubled to at least 70. 2006 also witnessed the first execution of a child offender since 2001, in breach of Pakistani law. Up to 7,500 prisoners may be facing execution.

Further executions may have taken place in the seven Federally Administered Tribal Areas (FATA) in Pakistan. Amnesty International has been informed of instances in which the minimal protection afforded by the law governing the FATA has been ignored and tribal councils have arrogated criminal justice functions to themselves, “trying”, “convicting” and ordering the punishment of alleged offenders. In the absence of lawful authority under Pakistani law, any such killings are unlawful. Amnesty International is concerned that the government of Pakistan, under whose federal responsibility the FATA fall, has failed to curb informal bodies unlawfully assuming criminal justice functions.
Amnesty International strongly urges the government of Pakistan to declare an immediate moratorium on all executions in the country with a view to total abolition. Amnesty International also calls on President Musharraf to use his powers under the Pakistan Constitution to commute the death sentences of all prisoners to an appropriate term of imprisonment.

Counter-terrorism operations

In cooperating with the US-led “war on terror”, the Pakistani government has committed human rights violations against hundreds of Pakistani and foreign nationals who have been arbitrarily arrested and detained in secret. Many have been tortured, with their families subjected to harassment and threats. The right to habeas corpus has been systematically undermined: state agents have refused to comply with court directions or have lied in court. Large numbers of detainees have been unlawfully transferred (sometimes in return for money) to other countries.

The government of Pakistan has refused to acknowledge that these human rights violations have occurred, even though the descriptions in President Musharraf’s autobiography of raids, arrests and transfers corroborate several of the findings in a 2006 Amnesty International report on the issue of human rights violations in the “war on terror”. The Supreme Court of Pakistan on 10 November 2006 ordered the government to provide details on the whereabouts of 41 disappeared persons by 1 December 2006. As at 8 January 2007, it was reported by the government’s lawyer that 25 of the 41 had been traced and released, although Amnesty International has not been able to verify the identity of these persons as yet.

Balochistan

Amnesty International is concerned about reports of human rights violations in Pakistan military operations in Balochistan. An HRCP report released in late January 2006 found scores of cases of arbitrary arrest and detention, torture, extrajudicial executions, “disappearances” and use of excessive force by security and intelligence forces committed since early 2005. Amongst the victims are women, children and many political activists. Although Amnesty International has not been in a position to visit Balochistan to investigate these allegations, the organisation considers the findings of HRCP’s report to be credible and strongly supports the demand that human rights abuses be stopped forthwith and that all allegations of violations of human rights be independently and impartially investigated with a view to bringing perpetrators to justice.

We trust that is answers your questions, but please do not hesitate to contact us should further queries arise.

Kate Allen
Director, Amnesty International UK

1 February 2007

Supplementary evidence from Human Rights Watch

Human Rights Watch thanks the Foreign Affairs Committee for the opportunity to answer questions on the important issues that the Committee was unable to cover in the session on Wednesday 24 January.

1. Iraq

Are you satisfied that the allegations of multiple murders by US marines in Haditha are being investigated properly?

The investigations are still ongoing and it is too early to present a comprehensive view. Human Rights Watch has a number of concerns, not only about the investigation of the Haditha case, but about accountability for other incidents of killings and mistreatment of persons in military control. Human Rights Watch has previously documented serious flaws in the US military justice system, in particular, that prosecutions typically focus on enlisted personnel to the exclusion of officers, and that those found guilty of serious offences often receive minor punishments or administrative penalties, instead of substantial prison time. With respect to Haditha, we first ask why serious investigations were only initiated after the media started to ask questions about what happened in Haditha. Second, Human Rights Watch is not convinced that enough has been done to ensure full accountability for what happened. We are particularly concerned that those charged so far with the alleged offences at Haditha are low-ranking soldiers. No officers have yet been charged with criminal offences under the principle of command responsibility (although some have been charged for dereliction of duty). If future US war crimes are to be avoided in Iraq, the question of command responsibility, including the questions whether and at what level commanders attempted to cover up the civilian deaths at Haditha, needs to be fully investigated. We very much hope that this will be the case.
2. ISRAEL AND THE PALESTINIAN TERRITORIES

What impact has the western financial boycott had on human rights in the Palestinian Territories?

The combination of foreign donors cutting direct aid to organs of the Palestinian Authority (PA) and Israel's refusal to remit tax money they collect on behalf of the Palestinian Authority has led to a crippling budget shortfall for the government. Previously donor aid accounted for a quarter the PA budget while Israeli collected tax revenues accounted for another half. The cut in aid has meant that the PA was unable to pay the majority of its 165,000 civil servants for much of 2006. Those civil servants in turn support one-quarter of the Palestinian population on their salaries and the non-payment of wages has led to increased poverty and increased dependence on food security, up to 70% in Gaza. Many civil servants were unable to continue working with no salaries to pay basic commuting expenses and other civil servants went on strike to protest the lack of wage payment, including a teachers strike for the first two months of the 2006 school year and a health workers strike that brought government hospitals to a standstill for several weeks. Finally, Palestinians are suffering from increased lawlessness that has arisen, at least in part, from the government’s inability to pay police salaries and impose law and order; the police are functioning at 40% of their previous levels and some jails have reported an inability to feed prisoners. Disadvantaged groups such as women pay a heavy price for deterioration of the criminal justice system.

3. ISRAEL AND HEZBOLLAH

What role did the UK Government play in the conflict between Israel and Hezbollah over the summer?

As far as Human Rights Watch is aware, the UK played no substantive role in the conflict. However, it was reported that the UK government facilitated the transfer of weapons from the US to Israel via the UK. Human Rights Watch had called on the US to suspend transfers to Israel of arms, ammunition, and other material that was documented or credibly alleged to have been used in violation of international humanitarian law in Lebanon. Human Rights Watch is also concerned by the lack of balance reflected in the FCO’s annual human rights report with regard to the impact of the conflict on Lebanese and Israeli civilians (as noted in our written submission to the Committee). This was pointed out during the press conference at which the Foreign Secretary launched the report. But she failed on that occasion to take the opportunity to set the record straight.

4. SAUDI ARABIA

Will the dropping of the Serious Fraud Office’s investigation into BAE Systems’ dealings with Saudi Arabia hurt the UK Government’s efforts to promote human rights in the country?

Human Rights Watch has not investigated this question. However, it seems reasonable to suppose that the decision will not make it any easier for the UK government to promote the principle of accountability either in Saudi Arabia or more widely. The UK has been engaged in efforts to combat corruption in many countries where illegal business activities have a demonstrably negative affect on human rights (for example in DR Congo, Nigeria and Angola). The decision to drop the SFO’s investigation sends a very negative message with respect to the UK’s commitment to promote better governance and more transparent standards of accountability.

5. COLOMBIA

Should the UK government and the European Union continue to support Colombia’s Justice and Peace Law? If not, what alternatives are there?

The UK government and the EU should condition and qualify their support for Colombia’s paramilitary demobilisation process. So far, the EU’s financial support for the process has been unconditional; its political support for the process has been perceived in Colombia as almost unqualified. However, this is a tremendously risky process that could easily result in widespread impunity for crimes against humanity and the legitimisation of paramilitaries’ mafia-like power. While the Justice and Peace Law has been improved by the Colombian Constitutional Court, serious questions surround its implementation by the Colombian government. It remains far from clear, for example, whether paramilitary commanders will serve their dramatically reduced sentences in prisons or under house arrest, in constant communication with their subordinates. The Colombian government has yet to take any meaningful steps to identify and confiscate paramilitaries’ illegal assets, including enormous fortunes they have amassed through drug trafficking and forced takings of land. And it is still unclear whether paramilitaries will be pressed to tell the full truth about their activities, their financial backers, and their collaborators in the military and political systems.

EU and UK support should be focused on supporting the victims and institutions of justice, such as the Attorney General’s office and the courts, which are charged with investigating these groups. This assistance should be conditioned on (1) thorough investigations; (2) concrete results in the dismantlement of
paramilitaries’ criminal and financial networks, including the confiscation of assets; and (3) accountability for human rights abuses (punishment upon conviction should be appropriate to deter and prevent paramilitary leaders from continuing with business as usual).

6. BURMA

China and Russia recently vetoed a Security Council resolution on Burma. Would it have been better not to table a resolution until they had been persuaded to acquiesce?

The veto of the resolution has unfortunately given a boost to Burma’s military government. They now have confirmation that China and Russia will protect them from international pressure. While we appreciate the UK government’s efforts to give greater prominence to the serious human rights problems in Burma, it probably was better to have the threat of a resolution out there longer and to have waited for an opportunity where the political situation or events on the ground would have made it more likely to obtain China’s and Russia’s abstentions.

7. CHINA

The text of the FCO Report sets out some of the issues discussed in the UK–China Human Rights Dialogue. Do you think it gives enough information to gauge the success of the Dialogue?

The FCO staff working on the dialogues are doing the best they can in a hostile (China) and indifferent (the most senior UK political authorities) environment. If one just looks at an individual dialogue session on its own they may mark some progress. But the dialogues are not a success and the document doesn’t really place them in their full context. These problems stem from a lack of commitment on the Chinese side and a lack of priority on the UK side, where human rights are largely marginalised in the overall relationship due to trade and other foreign policy issues.

8. PAKISTAN

What are the major human rights concerns in Pakistan?

The list is long. Here are our key concerns:

(a) Lack of civilian rule. Musharraf is president and chief of the army.
(b) No free and fair elections.
(c) Total impunity for the ISI and other security services.
(d) Counter-terror efforts are unlawful and abusive.
(e) Torture is endemic.
(f) Dozens if not hundreds of enforced disappearances.
(g) Attacks on journalists.
(h) Discrimination and violence against women.
(i) Lack of independence of the judiciary.
(j) Poorly trained and abusive police.
(k) “Dirty wars” in the tribal areas and Baluchistan.

Tom Porteous
London Director
Human Rights Watch

February 2007
Wednesday 7 February 2007

Members present:

Sir John Stanley took the Chair, in the absence of Mike Gapes

Mr David Heathcoat-Amory  Sandra Osborne
Mr Eric Illesley  Mr Greg Pope
Mr Paul Keetch  Mr Ken Purchase
Andrew Mackinlay  Richard Younger-Ross
Mr Malcolm Moss

Written evidence submitted by the Foreign and Commonwealth Office

1. The FCO’s Assessment of How The Human Rights Council is Working Out in Practice.

Since we last updated the FAC on the UN Human Rights Council (HRC), the HRC’s first members have been elected (including the UK). It has met in three regular, and four special, sessions. (First regular session 19-30 June, second session 18 September–6 October (adjourned), resumed second session 27-28 November, third session 29 November-8 December. Special sessions 5–6 July, 11 August, 15 November, 12–13 December).

The General Assembly resolution establishing the Council left much of the detail of its agenda, working practices, and tools to the Council itself to develop. In addition, it provided for a new system of Universal Periodic Review to be created in the Council’s first year; and for a review of the old Commission on Human Rights’ Special Procedures, expert advice body and complaint procedure, also within one year. The Council therefore continues to be, to some extent, a work in progress.

Ian McCartney set the tone for the UK’s close engagement in this process during participation at the Council’s inaugural session in June 2006. He delivered a speech on behalf of the UK: focusing on the complex human rights challenges we all face; stressing the need for the Human Rights Council to develop the tools to address them; and emphasising that countries must work together at the Council to find common solutions, rather than fostering divisions. In addition, he held a series of bilateral meetings with Ministerial colleagues from various different regions, in which he set out the UK’s vision of the Council and exchanged ideas on how to develop it.

Overall, there have been both constructive and disappointing developments so far. There is much work still to do for the Council fully to realise its potential. We remain committed to working actively for its success. In this context, Ian McCartney regularly raises the Human Rights Council during visits overseas, and in contacts with foreign counterparts visiting the UK.

The HRC has made some promising progress. Unanimous decisions at its first regular sessions provided for the uninterrupted functioning of the Special Procedures, complaints procedure and other reporting mechanisms during its first year of transition and review. The extent and quality of Council dialogue with the Special Procedures has been positive. The Council considered and debated more than 40 Special Procedures’ reports across a range of human rights issues at its second regular session. NGO participation was at a higher level than ever achieved at the previous Commission on Human Rights. There has been strong NGO involvement overall in the Council’s work. We are also pleased by the close interaction established between the Council and the High Commissioner for Human Rights, who has briefed each regular session.

Although still developing its tools, the Council has taken some positive, concrete steps on substantive human rights issues. It agreed by consensus at its second session to keep under consideration two cases under its confidential complaints procedure (relating to Iran and Uzbekistan). It also agreed consensus resolutions welcoming progress made and encouraging further steps in the protection and promotion of human rights in Nepal and Afghanistan. These resolutions, tabled by Switzerland and the EU respectively, show the Council able to agree texts on specific countries, including with the countries concerned. This begins to put into practice early rhetoric from many delegations favouring co-operative rather than confrontational means of engaging with individual countries.

In the meantime, the Council has made steady progress on its institution-building agenda, ie: review of the mandates of the Special Procedures, expert advice system and complaints procedure; and creation of the new system of Universal Periodic Review, a mechanism to examine every state’s human rights record. These are complex tasks, with a wide variety of views to be combined and reconciled. The Council is maintaining momentum on these; consensus is beginning to emerge. As with any multilateral negotiation, the most sensitive decisions will be taken at the end: some of the most difficult discussions are therefore yet to come.

In the meantime, Ian McCartney has instituted a programme of inviting Special Procedures and other senior UN officials to Parliament to talk about their work and increase the UK’s engagement with them. So far this has included Vitit Muntarbhorn, UN Special Rapporteur on human rights in the DPRK, and Juan Mendez, Special Adviser to the UN Secretary-General on Genocide.
The Council has been hampered in its early stages by a lack of clarity at its regular sessions over the organisation and direction of the sessions’ work. For example, the late tabling in the second session of over 47 individual resolution texts made it impossible for the session to finish its work within the allotted timeframe. To some extent this effect is inevitable, as the Council seeks to move beyond the precedents and practices of its predecessor body.

However, more problematic, and damaging to the Council’s early work and credibility, has been the questionable commitment of some of its members to the successful fulfilment of its mandate. After much early talk of the need to “depoliticise” UN human rights work and increase dialogue, some regional blocs have pushed through their own agendas at the expense of others’. This led to a disproportionate and unbalanced focus on the situation in the Middle East in July-August. Three Special Sessions were called on this in four months. It is important for the Council’s credibility to discuss these issues. But it must show it can address situations and issues with equal focus across its mandate and across the world. We also want to see those discussions held transparently, constructively, and in a balanced manner.

The situation in Darfur has been a real test of members’ willingness to address urgent situations of human rights violation in whatever part of the world they occur. The Council passed a resolution on 28 November expressing concern at the situation and calling for certain steps to be taken to improve it. After long negotiations, this text failed to reflect our and EU partners’ wish to see reference to concrete future follow-up by the Council. After trying unsuccessfully to amend the text during the vote, EU members of the Council and 25 others (33 in all) requested the Council’s fourth Special Session, to discuss Darfur. This session convened from 12–13 December. The Council agreed a short, operationally-focused decision to dispatch a high-level expert mission to assess the human rights situation in Darfur. The mission will report back to the Council’s fourth session in March 2007. We welcome the dispatching of the assessment mission, and will continue to work actively to make sure that the Council follows up its recommendations effectively.

Looking ahead, we will continue to work hard to meet the challenges outlined above. Specifically, we are working with EU partners to increase the effectiveness of our interventions in the Council’s debate and work. We will intensify efforts to build partnerships with those countries across the world that, like us, wish to see an effective and credible Human Rights Council. We will continue to promote open and balanced dialogue on all human rights issues, including the most sensitive. Finally, we continue to work closely with the NGO community to promote our shared goals for the Council. Ian McCartney has held roundtable discussions with NGO representatives before every regular session of the Council, to discuss priorities and listen to NGOs’ ideas on how best to develop the Council. These are consistently constructive exchanges, which he is committed to continuing.

2. WHAT USE THE GOVERNMENT HAS MADE OF UN PROCEDURES TO RAISE HUMAN RIGHTS ISSUES SINCE ITS RESPONSE TO THE COMMITTEE’S PREVIOUS REPORT.

We have continued to raise human rights issues through relevant procedures and at relevant bodies in the UN. The main focus of these efforts has inevitably been on the UN Human Rights Council and the UN General Assembly Third Committee (which deals with human rights and social development). However, human rights issues form an integral part of much of the UN’s work, eg on conflict resolution and prevention, and development issues. They have therefore remained a key element in the full range of the UK’s work at the UN. This has gone well beyond our activities in the bodies specifically dedicated to human rights. For example, we have also continued to raise human rights issues in the Security Council, the General Assembly plenary, the Economic and Social Council, and in other ad hoc UN fora. Full details of the UK’s activities in using UN procedures to raise human rights issues are contained in the attachment to this letter.

3. HOW WELL THE MEMORANDA OF UNDERSTANDING WITH JORDAN, LIBYA AND LEBANON ARE WORKING, AND WHETHER ANY FURTHER SUCH MEMORANDA ARE DUE TO COME INTO FORCE.

Libya

The Memorandum of Understanding (MoU) on deportation with assurances was signed with the Libyan authorities on 18 October 2005. The related agreement to appoint the official monitoring body in Libya, the Qadhafi Development Foundation (QDF), was signed on 8 May 2006. Agreement has also been reached to appoint the National Council to the Independent Monitoring Boards as the UK monitoring body. Since the MoU’s first test in a court of law, during the hearing of an appeal against deportation by two Libyans currently held in the UK, concluded only on 10 November, it is too soon to assess fully how well it is working. The Court (the Special Immigration Appeals Commission—SIAC) is now considering its decision.

During the hearing, the detail, advantages and reliability of the MoU and the monitoring bodies were covered in detail by the Government witness, Counsel for the Government and Counsel for the Appellants. Until SIAC’s judgment is handed down, we will not know how well the MoU and its assurances were received by the Court, but one aspect of the MoU which has worked particularly well so far is the cooperation the Libyan authorities have given to our requests for additional information and/or assurances in relation to individual deportation cases subject to appeal.
We also believe that the QDF have the ability and capacity to carry out the full range of duties to oversee the implementation of the assurances set out in the MoU. The Government is working, together with the Foundation, to enhance the capabilities of the QDF in preparation for its monitoring role. This includes plans for training in international human rights law and recognising torture.

**Jordan**

The MoU with Jordan was signed on 10 August 2005. A monitoring body (the Adaleh Centre) was appointed on 13 February 2006. Their terms of reference will allow them to monitor, unrestricted, an individual who is returned to Jordan under the MoU. The first Jordanian MoU case (Abu Qatada) was heard by SIAC in March/April 2006. A judgment is expected shortly. Jordanian co-operation during this hearing was excellent. We are most grateful to the Jordanians for their continued assistance and support for the MoU and we believe, strongly, that the Jordanians will adhere to the terms of the MoU as and when any individuals are returned. The Government is working with the monitoring body in Jordan to enhance its capabilities in preparation for its monitoring role. Training has been carried out in international human rights law.

There are two further Jordanian cases being prepared, to be heard by SIAC in the early part of 2007. Jordanian co-operation on both these cases continues and there is good understanding by the Jordanians as to the importance of the MoU to the UK.

**Lebanon**

The MoU with Lebanon was signed on 23 December 2005. No Lebanese cases have yet come before SIAC and no one has been deported to Lebanon under the terms of the MoU.

As the Committee may be aware, the framework for deportations to Algeria is not an MoU but an Exchange of Letters on deportation between the Prime Minister and President Bouteflika that was concluded during the President’s visit to London on 11 July 2006. This high level exchange is supplemented by individual assurances in each case.

The Government judges that based on these arrangements it can deport terrorist suspects to Algeria while remaining consistent with the UK’s domestic and international human rights obligations. This judgment is based on the changing circumstances in Algeria—in particular the Algeria Charter for Peace and National Reconciliation, on the rapidly developing relationship between the UK and Algeria and on the assurances given by the Algerian Government on individual deportees.

The Special Immigration Appeals Commission has so far (14 December) heard four Algerian cases. Judgment has been handed down in two of those cases. In both, SIAC found it would be safe to deport the Appellant to Algeria.

We are pursuing MoUs with a number of other countries. We will talk about these when the MoUs have been concluded.

4. **Any Developments in Human Rights in China and Tibet or in the Human Rights Dialogue with China Since the Government’s Response to the Committee’s Report on East Asia.**

Following the reported shooting of one or more Tibetans on the Nangpa La Pass on 30 September, we have been working bilaterally and with the EU to seek an urgent and transparent investigation by the Chinese Government. The EU raised the incident with the Chinese Government at the EU–China Human Rights Dialogue, held in Beijing on 19 October 2006. The Chinese authorities confirmed the incident took place and claimed that the border guards were acting in self-defence. Other accounts appear to contradict this. The EU followed up on 19 December and was told by the Chinese authorities that the incident was a border management issue and there was nothing new to report. The Chinese Government said it is doing its utmost to take care of all those involved, with a special emphasis on the well-being of the children.

Ian McCartney wrote to Vice Foreign Minister Zhang Yesui on 13 December proposing dates for the next round of the UK–China Human Rights Dialogue, which is due to take place in London in 2007. He included suggestions on taking forward the dialogue, with a view to improving the process and achieving more concrete results. We hope to have a response by the New Year.

The Committee will receive a separate response concerning the EU–China Human Rights Dialogue by 25 January 2007. We had undertaken to provide this by 18 December, but agreed with the Committee to delay this response until after the EU has discussed improvements to the dialogue, including the Committee’s recommendations, in more detail at the next round of the EU’s working group on human rights on 17 January.16

Richard Cooke  
Parliamentary Relations and Devolution Team, Foreign and Commonwealth Office  
11 January 2007

16 See Ev 90 and Ev 130
FAC Ministerial evidence session on ARHR, 7 February 2007: additional advance information

“What use the Government has made of UN procedures to raise human rights issues since its response to the Committee’s previous Report”

INTRODUCTION

We have continued to raise human rights issues through relevant procedures and at relevant bodies in the UN. The main focus of these efforts has inevitably been on the UN Human Rights Council and the UN General Assembly Third Committee (which deals with human rights and social development). However, human rights issues form an integral part of much of the UN’s work, eg on conflict resolution and prevention, and development issues. They have therefore remained a key element in the full range of the UK’s work at the UN. This has gone well beyond our activities in the bodies specifically dedicated to human rights. For example, we have also continued to raise human rights issues in the Security Council, the General Assembly plenary, the Economic and Social Council, and in other ad hoc UN fora.

ISSUES

Darfur

The UK co-sponsored UN Security Council Resolution 1672, adopted on 25 April 2006, which imposed targeted sanctions on four individuals from all sides of the conflict. We worked hard for the subsequent adoption of Resolution 1679, which expressed concern over the dire consequences of a prolonged conflict for the civilian population, strongly reiterated the need to put an immediate end to violence and atrocities, and called on the parties to the Darfur Peace Agreement to respect their commitments and implement the Agreement without delay.

The UK has played a leading role in international efforts to strengthen peacekeeping for Darfur. UN Security Council resolution 1706, co-sponsored by the UK and adopted on 31 August, called for a UN force for Darfur to take over from the African Union Mission in Sudan (AMIS), with the support of the African Union. We have not, though, secured Sudanese agreement to the mission.

The UK has also played a key role supporting the UN develop and gain international support for a package of assistance for AMIS. This includes both a light and heavy support package, leading to a hybrid UN/AU force, as set out in the conclusions of the high-level international meeting chaired by UN Secretary-General Kofi Annan in Addis Ababa on 16 November 2006.

The UK has been particularly active in raising the issue of Darfur at the Human Rights Council. We and other UN partners have repeatedly stressed the urgency and seriousness of the situation in our contributions to Council debates, and urged the Council to take action. Building on this, the EU tabled a draft text on Darfur at the Council’s second regular session (18 September—6 October), expressing grave concern at the situation and calling on all parties to the conflict to end the violence and take further steps to protect the human rights of its victims. After trying and failing to agree the content of this text with the African Group at the HRC, the EU then tabled amendments to an African Group resolution on the situation in Darfur. We lost a vote on those amendments. The African Group text, subsequently adopted by the HRC on 29 November, therefore fell short of our wish to see provision for concrete follow-up at the Council on this situation.

The UK then joined Finland and 31 other HRC members in calling for a Special Session of the Council to discuss Darfur. This session convened from 12–13 December. Addressing the Session by video message, UN Secretary-General Kofi Annan reported the recent escalation in violence by armed militia directed at civilians. He stressed the urgency of taking action to prevent further violations, including by bringing to account those responsible for the numerous crimes already committed. UN High Commissioner for Human Rights, Louise Arbour, called for the Council to respond credibly to clear evidence of continuing attacks on civilians from the air and on the ground, mass forced displacement, deliberate hindrance of humanitarian aid, widespread rape and sexual violence, arbitrary arrests and detention as well as torture.

In our national intervention in the Session’s debate, the UK, amongst other things: called for a consensus approach to tackling violations in Darfur, which must lead to effective action for the people of Darfur; called for an expert human rights mission to Darfur; and condemned gender based violence in the area.

The Council agreed a short, operationally-focused decision to dispatch a high-level expert mission to assess the human rights situation in Darfur. The mission will report back to the Council’s fourth session in March 2007. The UK played an active role in helping to prepare the Special Session and agree its outcome. We welcome the dispatching of the assessment mission, and will continue to work actively to make sure that its recommendations are followed up.
**Burma**

On 20 November, UNGA Third Committee adopted a highly critical resolution on the human rights situation in Burma. The UK played an active part in drafting and negotiating this resolution. The text called on the Burmese government to take concrete steps to end the systematic violation of human rights and fundamental freedoms; to implement the recommendations of the International Labour Organisation (ILO) and the UN Special Rapporteur for Human Rights in Burma/Myanmar; and to allow human rights defenders to pursue their activities unhindered.

UN Under-Secretary-General Ibrahim Gambari visited Burma from 9–12 November. He emphasised to Burma’s leaders that the UN and international community expected concrete actions on specific issues, namely: the release of Aung San Suu Kyi and all other political prisoners; a credible and inclusive political process; an end to hostilities in Karen state; the lifting of restrictions on humanitarian aid agencies, and agreement with the ILO on forced labour. Ian McCartney met Mr Gambari at the FCO on his way back from Burma to New York. Mr Gambari subsequently briefed the UN Security Council on 27 November. The UK played an active part in this discussion, as the Minister had told Mr Gambari we would. We are now supporting US efforts to secure a UN Security Council resolution on Burma. As part of this effort, Ian McCartney has lobbied ASEAN ambassadors in London on the issue, as well as summoning the Burmese ambassador in person to make our views clear. The Minister has also discussed the situation in Burma with counterparts in China, India and South Korea, as well as with the governments of Japan and Thailand.

With our support, the ILO has been working to eradicate forced labour in Burma. But relations between the ILO and the Burmese government are approaching breaking point. On 17 November, the ILO Governing Body concluded that it should consider the possibility of seeking an advisory opinion from the International Court of Justice and that this issue should be brought to the attention of the UN Security Council.

The EU also participated in dialogue at the Human Rights Council with the Special Rapporteur for Burma/Myanmar on 27 September. The EU in particular raised questions about harassment, arbitrary arrest and imprisonment of members of political parties and human rights defenders, counter-insurgency operations in Northern Karen State and Eastern Pegu Division, and forced labour and forced recruitment involving children. The EU returned to its concerns on these issues in its intervention in the Human Rights Council’s general debate on 1 December. On that occasion it focused on the plight of child soldiers in Burma. It expressed alarm at the intensive military campaigns in eastern Burma, and associated human rights violations against those belonging to ethnic groups, which had further exacerbated the situation and resulted in increasing numbers of internally displaced persons and refugees. In its statement, the EU also deeply deplored the closure of International Committee of the Red Cross (ICRC) field offices in Burma; and called on the Burmese government to re-establish its dialogue with the ICRC.

**Iran**

We have continued to raise our concerns over human rights in Iran through the UN procedures. At the Human Rights Council, the EU raised the situation in Iran at the Council’s second session in interactive dialogues with the Special Rapporteurs on contemporary forms of racism, racial discrimination, xenophobia and intolerance; and torture. The UK and other EU members of the HRC also joined the Council’s consensus decision to keep a case relating to human rights violations in Iran under the Council’s confidential complaints procedure.

The UK actively supported and, along with all other EU members, co-sponsored a resolution on human rights in Iran run by Canada at UNGA Third Committee.

The resolution highlighted the international community’s concern at the situation of human rights in Iran. It expressed specific concern at the discrimination faced by religious and ethnic minorities, as well as Iran’s failure to uphold international standards in the administration of justice. The resolution also identified actions the Iranian government should take to address these concerns. UNGA Third Committee adopted the resolution on 21 November by 70 votes in favour to 48 against, with 55 abstentions, after a No Action Motion was unsuccessfully moved against it. The EU also issued a statement expressing its concern at the situation of homosexuals in Iran, and raised the situation of Iran’s Baha’i population with the Special Rapporteur on Freedom of Religion or Belief, in the course of UNGA Third Committee.

**Uzbekistan**

The UK through the EU has raised concerns with the situation of human rights in Uzbekistan in various dialogues at the Human Rights Council, including on 20 September with the Special Rapporteur on Torture. The UK and other EU members of the HRC also joined the Council’s consensus decision to keep a case relating to human rights violations in Uzbekistan under the Council’s confidential complaints procedure.

The US tabled a resolution at UNGA Third Committee setting out the international community’s concerns with the human rights situation in Uzbekistan and calling for action. The UK was one of the first EU member states to co-sponsor this resolution. However, Uzbekistan tabled a No Action Motion proposing that no action be taken on the resolution itself. This was the only No Action Motion against a
country resolution at UNGA Third Committee to be successfully carried, by 74 votes in favour to 69 against, with 24 abstentions. The EU and US made strong statements stressing our opposition to the use of no action motions, and making clear that Third Committee should be given the opportunity to consider every resolution on its own merits.

**DPRK**

Again, the UK and EU have raised specific concerns with the human rights situation in the DPRK at the Human Rights Council. For example, in the Council’s dialogue on 27 September with the UN Special Rapporteur for human rights in the DPRK, the EU raised a number of issues including concern at the DPRK’s continued lack of cooperation with the Special Rapporteur, and limitations on the distribution of food aid.

At the invitation of Ian McCartney MP, Professor Vitit Muntarbhorn visited the UK on 16 November to talk to a group of parliamentarians, academics and government officials about DPRK human rights and his role as UN Special Rapporteur. The talk closely followed his statement to UNGA Third Committee on 20 October, which drew particular attention to an impending food crisis in North Korea, and the need for humanitarian aid to be unconditional.

UNGA Third Committee adopted an EU-sponsored resolution on 17 November for the second consecutive year. We were particularly pleased that the Republic of Korea voted in favour for the first time. The resolution urges the DPRK government fully to respect all human rights and fundamental freedoms, and requests the government to grant free and unimpeded access to the UN Special Rapporteur.

Ian McCartney has complemented our efforts at the UN by speaking directly to regional governments about the situation in DPRK, and the need for UN action on the issue. He has raised DPRK with counterparts in China, Japan and South Korea. The Minister has also summoned the North Korean ambassador in London to record our views directly.

**Belarus**

The UK, with the EU, has played an active role at both the Human Rights Council and UNGA Third Committee in expressing concerns about Belarus’ human rights record. In the HRC, the EU raised issues in dialogue with the UN Special Rapporteur on Belarus on 27 September, including the further weakening of the independence of the judiciary, intimidation of civil society activists, detention of political prisoners, and the situation of minority groups in Belarus.

All EU members co-sponsored a resolution on Belarus tabled by the US at UNGA Third Committee. The resolution expressed deep concern at several elements of the deteriorating situation, including: Belarus’ failure to cooperate with the UN human rights mechanisms; its failure to conduct free and fair elections, including the detention and arrest of political and civil society activists; and persistent reports of harassment and closure of NGOs, national minority groups, independent media outlets, religious groups, opposition political parties and independent trade unions. The resolution was adopted on 22 November by 70 votes to 31, with 67 abstentions, after the defeat of a No Action Motion moved against it.

**Zimbabwe**

With UK support, the EU has repeatedly raised concerns about Zimbabwe at the Human Rights Council. Questions on Zimbabwe’s poor human rights record were directed specifically to the Special Rapporteurs on Internally Displaced Persons and on Adequate Housing at the Council’s second session. In both cases the Rapporteurs expressed deep concerns about the mass forced evictions carried out by the government of Zimbabwe during Operation Murambatsvina.

In addition, again at UK request, the EU’s statement to UNGA Third Committee’s general debate contained strong language on the deteriorating human rights situation in Zimbabwe. It expressed the EU’s deep concern at the violent suppression of demonstrations in Zimbabwe; and said that this infringement of human rights, as well as arbitrary arrests and detentions, forced mass evictions and the blockage of humanitarian assistance, underscored the alarming nature of the human rights situation. The EU urged the government of Zimbabwe to stop intimidation and assault, and to respect the human rights of its citizens. The EU further pledged to continue to support all those in Zimbabwe working for peaceful change, restoration of democratic standards, human rights and the rule of law.

Ian McCartney has raised our concerns directly with the Zimbabwe ambassador. He has also met with the leadership of the Zimbabwe Congress of Trades Unions (ZCTU), who had recently been subjected to severe beatings at the hands of the Zimbabwe authorities.
Sri Lanka

The UK and our EU partners continue to be very concerned by the deteriorating situation in Sri Lanka. The EU therefore tabled a draft resolution on 3 October at the HRC’s second regular session that expressed concern at the escalation of violence following resumption of hostilities. It called for the respect of human rights and for all parties to put an immediate end to violations of humanitarian law. It welcomed Sri Lanka’s constructive cooperation with the UN human rights mechanisms; the announcement of appointment of a Commission of Inquiry; and the involvement of the International Independent Group of Eminent Persons (IGEP) to act as observers of investigations into human rights violations. The EU held extensive discussions with the Sri Lankan mission in Geneva, and the Government of Sri Lanka in Colombo, in an attempt to agree this text. This proved impossible; consideration of the text by the HRC has been deferred to its fourth session in March 2007.

The UK and EU subsequently welcomed the establishment of the IGEP, announced after detailed consultations between the Government of Sri Lanka and the Office of the UN High Commissioner for Human Rights. Both the UK and the EU have nominated experts to serve on this Group. We will continue to monitor the situation closely. Notwithstanding the IGEP, international partners and we will continue to raise human rights issues directly with the Sri Lankan Government. Most recently, Ian McCartney raised the issue when he met with the Sri Lankan Trade Minister on 10 January. He has also written to the Sri Lankan Minister for Human Rights about a range of issues, including the protection of human rights in Sri Lanka.

In its statement on 1 December to the Human Rights Council’s third session general debate, the EU expressed deep concern about the situation of children affected by armed conflict in Sri Lanka. It is encouraging that, according to UN reporting, Colonel Karuna, former LTTE commander and now leader of a breakaway faction, has recently contacted the UN Special Representative for Children and Armed Conflict regarding the listing of his group in the UN Secretary-General’s recent report on Children and Armed Conflict. Colonel Karuna, with his faction, has offered to work with UNICEF on a formalised four-point action plan to prevent recruitment and use of children.

Middle East Peace Process

The Human Rights Council met in three Special Sessions to discuss the situation in the Middle East over the summer and autumn; on 5–6 July, at the initiative of the Organisation of the Islamic Conference (OIC), to discuss the human rights situation in the Occupied Palestinian Territories; on 11 August, again at OIC initiative, to discuss the human rights situation in Lebanon; and on 15 November, on the initiative of the Arab Group, to discuss human rights issues in Gaza, specifically focused on Beit Hanoun.

The UK and EU have repeatedly stressed our grave concern at the human rights implications of the tragic events in Lebanon, the Occupied Palestinian Territories and in Israel. However, we have been disappointed at the disproportionate focus on the situation through the convening of three Special Sessions in four months, while other situations meriting attention were comparatively neglected by the Council. UN Secretary-General Kofi Annan expressed a similar opinion on 8 December when he said: “I am worried by [the HRC’s] disproportionate focus on violations by Israel. Not that Israel should be given a free pass. Absolutely not. But the Council should give the same attention to grave violations committed by other states as well.”

We were further disappointed that the resolutions variously tabled by the Arab Group and OIC at the Special Sessions were unbalanced and failed fully to reflect the complexity of the situations in addressing only one party to the conflicts. The EU stated its concerns at the Special Sessions regarding the human rights situations, and called on all parties to act to remedy them, but was unable to support the Special Sessions’ resolutions. At the 5–6 July session, a resolution was nevertheless passed mandating an urgent fact-finding mission to Gaza. EU members of the Council voted against this.

At the 11 August Special Session, a resolution was passed establishing a Commission of Inquiry to investigate the effects of Israeli actions in Lebanon. EU members of the Council again voted against this text. The Commission delivered its report on 1 December to the third regular Council session. Despite the report’s intrinsic imbalance, stemming from its mandate to investigate the actions of only one party to the conflict, the EU was nevertheless able to join consensus on a resolution of 8 December noting the report and requesting the High Commission for Human Rights to consult the Lebanese Government on its follow-up.

A resolution passed at the 15 November Special Session mandated a high-level fact-finding mission to look into the situation in Beit Hanoun. Again concerned by the one-sidedness of this exercise, the UK and most EU members of the Council voted against this resolution (France abstained).

On 17 November, the Palestinians convened an Emergency Special Session of the UN General Assembly on the situation in the Middle East. The UK voted in favour of a resolution tabled at that session. The text was critical of Israeli action at Beit Hanoun, and condemned Palestinian rocket attacks.

Among the ways in which the UK aims to promote human rights in Israel and the Occupied Territories at the UN is through ensuring that draft resolutions on these situations are balanced. It is essential that both sides take action to ensure that the situation improves. The UK has voted against resolutions that are
unbalanced or that do not fully reflect the complexity of the issues. The UK supports resolutions that take account of these points. We were therefore able to support adoption of a sufficiently balanced resolution at the Council’s third regular session on the construction of Israeli settlements in the Occupied Palestinian Territories.

For a similar reason, however, the UK was unable to support, and abstained on, a resolution tabled in November in the Third Committee of the UN General Assembly concerning “the human rights situation arising from the recent Israeli military operations in Lebanon”. The sponsors of this resolution were prepared to accommodate some changes proposed by the EU to remove some of the more tendentious text. But it remained one-sided, for example through its failure to acknowledge the targeting of Israeli civilians by Hizbollah rocket-fire during the summer conflict.

Responsibility to Protect

The UK was the main sponsor of Security Council Resolution 1674 on the Protection of Civilians in Armed Conflict. The resolution was adopted in April 2006, and reaffirmed the concept of the Responsibility to Protect as outlined in the 2005 World Summit Outcome Document. Responsibility to Protect was also included in Resolution 1706, adopted by the Security Council on 31 August on the situation in Sudan/Darfur.

The UK also leads on the wider protection of civilians agenda in the Council. We participated fully in the Security Council’s open debates on this on 28 June and 4 December 2006. Those debates covered: the importance of the rule of law and respect for international humanitarian law, human rights law and the Geneva Conventions; the need for an end to impunity and the role of the International Criminal Court in achieving this; the extent and gravity of sexual and gender-based violence; the importance of unimpeded humanitarian access where it is needed; and concern about the increasing number of internally displaced persons. Sudan featured heavily in both debates. Where appropriate, we have also raised protection concerns in the Council’s consideration of country-specific issues (for example Northern Uganda, and Chad).

Rights of the Child

The EU engaged closely in dialogues on 25 September at the Human Rights Council with the Special Rapporteurs on the sale of children, child prostitution and child pornography, and on the right to education. In particular, the EU used these dialogues to draw attention to issues such as the need for increased protection for children against sale and pornography, and the lack of education for children affected by armed conflict. The EU also raised concerns relating to children in questions to the Special Rapporteurs on Burma and the DPRK, and to the Independent Expert on Somalia.

During the third regular session of the Council, the UK gave its support to a Call for Action from the NGO Group on the Convention on the Rights of the Child, launched on 29 November at an NGO side-event. The Call aimed to raise the profile of child rights issues on the Council’s agenda, and to promote their mainstreaming within the work of the Council and its Special Procedures. Ian McCartney MP, in a message sent to the launch event, stressed the importance of child rights issues within the UN’s human rights work: “The UK supports the aims of this Call for Action. Working to improve the lives of those denied the full enjoyment of their human rights—not least children, who are so often left vulnerable—is a profound responsibility for us all”.

At UNGA Third Committee, all EU members welcomed the report and recommendations of the UN Secretary-General’s Special Representative on Violence Against Children, Paulo Pinheiro. The report was launched on 11 October. It provides a global picture of violence against children in the family, schools, alternative care institutions and detention facilities, places where children work and communities. It grounds its recommendations in the Convention on the Rights of the Child and the outcome document of the UNGA Special Session on Children, ‘A World Fit for Children’.

Also at UNGA Third Committee, the UK participated actively in negotiations on a joint EU–Latin American sponsored resolution on the Rights of the Child. The UK was among the first EU member states to co-sponsor this resolution. The resolution, which was eventually adopted at Third Committee on 22 November by 174 votes to 1, welcomed the Pinheiro study on violence against children and mandated Professor Pinheiro to consider over the next year methods for following up the study. It urged states to take steps across a range of child rights issues including: equal access to education for both boys and girls, the effect of armed conflict on children, protection of children against HIV/AIDS infection, the use of child labour, the death penalty for juveniles, and child pornography and prostitution.

Children in Armed Conflict

The UK has continued to support the UN’s increased focus on this issue. A Working Group has been established following the adoption last year of Security Council Resolution 1612, which asked the Secretary-General to implement a mechanism for monitoring and reporting on the situation of children affected by armed conflict. The UK supports, and is actively involved in, the Working Group’s activities, for example
the negotiation in recent months of concrete recommendations for action by the Group and the Council on violations in the Democratic Republic of Congo and Sudan. The UK similarly supported the Security Council’s stocktaking of this area of work in a Security Council debate on children and armed conflict on 24 July 2006.

Following the publication of the UN Secretary-General’s report on children and armed conflict, we actively participated in the “Arria” formula meeting with NGOs on 27 November, and the Security Council’s open debate on 28 November. At this debate, Secretary-General Kofi Annan called on the Council to consolidate the gains made so far, and to move forward to cover all situations of concern and all grave violations. Many participants were positive about progress so far, while recognising there was still much to be done. There was broad agreement in the debate that impunity for crimes against children was unacceptable, and that the International Criminal Court has a role to play in this respect. In our intervention, the UK: welcomed the Secretary-General’s report; expressed concern about the increasing “migration” of child soldiers across borders; and stressed the need to find ways to refine existing strategies for demobilising, rehabilitating and reintegrating children associated with armed groups, particularly girls.

We also drew attention to the situation of pressing concern in Sri Lanka.

The UK through the EU has also focused on this issue in the Human Rights Council. On 29 September, during the Council’s second regular session, the EU raised concerns in dialogue with the Special Representative for Children and Armed Conflict about impunity for atrocities committed against children during armed conflict. In its general statement to the third session of the HRC on 1 December, the EU Presidency stressed the particular importance of protecting children during armed conflict and drew attention to the effect on children of conflicts in Sri Lanka, Darfur and Burma. In the same debate, the UK condemned the violence and violations that continue to be committed against children. In this context, we raised the terrible impact of hostilities between the Government of Uganda and the Lord’s Resistance Army on the lives of millions, particularly children. We also expressed support for the government of Colombia in its search for a negotiated solution to the armed conflict there, which had led to widespread human rights abuses, often against the most vulnerable.

**Elimination of Religious Intolerance**

The UK has continued actively to raise this important issue in both the Human Rights Council and UNGA Third Committee. We contributed to efforts at the Council’s inaugural session to reach agreement on a common statement on the issue. These efforts, led by the President of the Council, were ultimately unsuccessful. Pakistan, on behalf of the OIC, then tabled a short resolution on “incitement to racial and religious hatred and the promotion of tolerance”. We and other EU members voted against this text, as it implied that religions are entitled to those human rights that, we believe, only individuals can possess. However, we again engaged actively in negotiations at the HRC’s second regular session in September–October on a follow-up text that sought to ensure consideration of the issue at the HRC’s third and subsequent sessions. Consideration of this text has been deferred to the Council’s fourth regular session in March 2007.

At UNGA Third Committee, the EU again tabled and led negotiations on a resolution, “Elimination of all forms of intolerance and of discrimination based on religion or belief”. The final text, amongst other things: noted a rise in instances of intolerance and violence; condemned the advocacy of religious hatred; and urged states to do more to combat religious intolerance and to foster dialogue, including with NGOs. The resolution was adopted by consensus on 16 November. We were particularly pleased to be able to reach such broad agreement on this issue at the UN for a second time. This builds on the consensus established in 2005 after negotiations led by the UK Presidency of the EU.

**UN Human Rights Council**

Since our response to the Committee’s previous Report, the UN Human Rights Council (HRC) has met in regular session for a total of 7 weeks, and in 4 Special Sessions for a total of 6 days. In all of these sessions, the UK has actively participated in the Council’s debates, both formal and informal; negotiations on Council resolutions; and in its other decision-making on a range of human rights issues.

Ian McCartney represented the UK at the Council’s inaugural session in June 2006. As well as delivering a speech urging all countries to work towards a successful Council, able to address common human rights challenges constructively, he held a series of bilateral meetings with counterparts from across the world. In these meetings he set out the UK’s vision of a strong and effective Council, and exchanged ideas on how to achieve it.

In terms of discussions/debates, the UK has taken part both nationally and through the EU in the Council’s three interactive dialogues with the UN High Commissioner for Human Rights. In these dialogues the EU drew attention to issues including the work of the Office of the High Commissioner for Human Rights in Uganda, Colombia, Nepal, Afghanistan and Timor Leste. The UK also raised the issue of human rights and HIV and AIDS on World AIDS Day (1 December), highlighting the stigma and discrimination that people living with HIV and AIDS routinely experience.
At the Council’s second regular session, the UK—again both nationally and through the EU—actively participated in interactive dialogues with more than 40 UN Special Procedures on the basis of their annual reports. In particular, we drew attention to the situations in Sudan, Burma, DPRK, Burundi, DRC, Liberia and Cuba. We also highlighted issues with the thematic Special Procedures such as: the particular challenges confronting women human rights defenders; protection of human rights while countering terrorism; the elimination of gender disparity in access to education; and human rights issues around migrant workers.

The Council’s second session adopted a number of texts on a range of human rights issues such as racism, extreme poverty, access to water and the right to health. The UK engaged fully in consultations on these texts, and was able to support the eventual adoption of many of them. In addition, the EU tabled a short text on the human rights situation in Afghanistan, and closely supported a Swiss-tabled text on the situation in Nepal. Both of these texts were agreed with the countries concerned. They note the positive progress made to date by the governments of Nepal and Afghanistan, urge further efforts in specific areas, and encourage continued and intensified cooperation with the UN. Their subsequent adoption by consensus shows the Council addressing specific country situations in a constructive manner, building on the good cooperation of the countries concerned with the UN human rights mechanisms. At the Council’s third regular session, all EU members joined a declaration by Norway expressing deep concern at ongoing human rights violations based on sexual orientation and gender identity, and urging the Council to discuss the issue in detail at a future session.

More broadly, the UK has continued to work hard with EU and other UN partners towards building up the HRC as a strong and effective institution, and ensuring that its Special Procedures and reporting mechanisms function uninterrupted in its first, transitional year. Ian McCartney has so far invited two of the Special Procedures (Vitit Muntarbhorn, UN Special Rapporteur on human rights in the DPRK, and Juan Mendez, Special Adviser to the UN Secretary-General on Genocide) to visit Parliament, to discuss their work in more detail with Parliamentary colleagues. He plans to continue this series of invitations in 2007.

As well as raising specific issues, we have therefore also continued to work on reinforcing the UN framework itself, within which those issues can be addressed in future. We are committed to working with partners in the NGO community towards these shared goals: as well as regular contacts at official level, Ian McCartney has held a roundtable discussion with NGO representatives before each regular session of the Human Rights Council, and will continue to do so.

UN General Assembly (UNGA) Third Committee

The UK was as usual very actively involved, both within the EU and with the wider UN membership, in discussions of a wide range of human rights issues at UNGA Third Committee. On country situations, the EU successfully ran resolutions on human rights in Burma and DPRK. The EU also co-sponsored a Canadian-run resolution on Iran, and US-run resolutions on Uzbekistan and Belarus. With the exception of the resolution on Uzbekistan, these resolutions were all adopted by majority vote at Third Committee. (More details on all of these above.)

On thematic issues, as outlined above the EU played a leading role on the religious intolerance and child rights resolutions. But the UK and EU were also active in discussions of a large number of other resolutions, on issues such as: protection of human rights while countering terrorism; the human rights of migrants; torture; extrajudicial, summary or arbitrary executions; the right to food; and the enhancement of international cooperation in the field of human rights.

We were particularly pleased by the adoption by consensus of a resolution on Violence Against Women, a text that the UK had actively supported. The resolution takes forward recommendations from the Secretary-General’s study, including the development of a common set of indicators and the establishment of a UN database on violence against women. Usefully, the text also calls for greater co-ordination of UN activities on this issue, both at headquarters and at country level.

UN General Assembly

The UK has continued to support discussions of human rights at the UN General Assembly itself. The Foreign Secretary raised human rights concerns in her address to the UN General Assembly on 22 September, in particular the situation in Darfur and the Responsibility to Protect.

We were particularly pleased to co-sponsor a CARICOM (Caribbean group at the UN) resolution on the bicentenary of the abolition of the slave trade in the British Empire. At the resolution’s adoption, by consensus on 28 November, the UK’s Permanent Representative to the UN stressed the government’s commitment to commemorating this crucial turning point in history through a range of activities, both at home and overseas, throughout 2007. We will work with members of the CARICOM and others in preparing a series of events at the UN that suitably reflect the vital historical importance of this day.
UN Economic and Social Council (ECOSOC)

ECOSOC held its substantive session from 3 to 28 July in Geneva. Its focus was principally on economic, social and development issues. The Ministerial Declaration, agreed for the first time in three years, dealt largely with employment and sustainable development; it included references to the fundamental principles and rights of workers, a priority issue for the UK. On the humanitarian side, one of the interactive panel discussions focused on the issue of gender-based violence. In addition, the UK led for the EU on a resolution on gender mainstreaming, which this year focused on gender training and capacity-building for UN staff. The resolution was adopted by consensus.

At the resumed ECOSOC session in New York in December, the EU successfully overturned the recommendations from the UN's NGO Committee (a 19-member subsidiary body of ECOSOC responsible for determining which NGOs can attend and speak at UN meetings) to deny accreditation to three lesbian and gay NGOs.

UN Security Council (UNSC)

As well as the country situations and thematic issues mentioned above, the UK has continued to ensure that due attention is paid to the human rights elements of other issues and situations considered at the UN Security Council over the last 9 months. For example:

— The UK-drafted Resolution 1688, adopted unanimously on 16 June 2006, provided a legal basis for the transfer of former Liberian President Charles Taylor for trial before the Special Court for Sierra Leone, sitting in the Hague.

— The UK actively supported the Presidential Statement on Somalia of 13 July 2006, in which the Security Council: emphasised its support for the process of national reconciliation in Somalia, welcomed the steps taken by the transitional federal institutions towards establishing effective national governance; condemned the continuing flow of weapons into Somalia; and called on member states to comply with the arms embargo.

— Following a briefing of the Security Council by the government of Uganda and the Under-Secretary-General for Humanitarian Affairs on the humanitarian situation in northern Uganda, the UK Mission to the UN in New York and the Government of Uganda mission co-hosted a seminar on 6 September on the peace talks in Juba between the Government of Uganda and the Lord’s Resistance Army (LRA), and the humanitarian situation in Northern Uganda.

— The UK subsequently initiated, drafted and saw through to adoption a Presidential Statement on the situation in Northern Uganda, adopted on 16 November. This inter alia: welcomed the cessation of hostilities agreed in Juba between the Government of Uganda and the Lord’s Resistance Army (LRA); stressed the importance of both parties respecting that cessation of hostilities; demanded that the LRA release women, children and other non-combatants; urged the parties to ensure that those responsible for serious violations of human rights and international humanitarian law be brought to justice; and welcomed the Government of Uganda’s efforts to improve the humanitarian situation in the north of Uganda. The Ugandan Permanent Representative to the UN made a point of thanking the UK for our efforts on this statement.

— When acting Special Representative for the Secretary-General on Burundi, Nureldin Satti, briefed the Security Council on 31 October, the UK urged ONUB (the UN peacekeeping force in Burundi) and members of the Security Council to encourage the government of Burundi to promote and protect human rights.

— The UK supported the unanimous adoption of Security Council Resolution 1721 on 1 November on the situation in Cote d’Ivoire, which inter alia: reiterated the Council’s serious concern at all violations of human rights and international humanitarian law in Cote d’Ivoire; and urged the Ivorian authorities to investigate these violations without delay in order to put an end to impunity.

UN Human Rights Instruments

The UK has continued its support of three new UN human rights instruments: the draft UN Declaration on the Rights of Indigenous Peoples; the International Convention for the Protection of All Persons from Enforced Disappearance; and the UN Convention on Disability Rights.

The UK voted for the adoption of the Indigenous Declaration at the HRC on 29 June. It was adopted there by 30 votes to 2, with 12 abstentions. However, when UNGA Third Committee then considered a resolution recommending its adoption, the African Group tabled amendments proposing a further year of negotiation of the text. Along with other EU members, we voted against these amendments. But they were successfully adopted; the Declaration text therefore, disappointingly, returns to the negotiating table.

The draft Convention for the Protection of All Persons from Enforced Disappearance was adopted by consensus at the HRC on 29 June, and again by consensus at UNGA Third Committee. We will continue to support this Convention, and expect its final adoption by the General Assembly before Christmas.
The final session of the Ad Hoc Committee to negotiate the Disabilities Convention ended by agreeing a text on 25 August. The text was subsequently adopted by consensus at the General Assembly on 13 December. This landmark convention aims to secure the full enjoyment of human rights and fundamental freedoms for disabled people everywhere. It guarantees the right to life, and access to justice, personal mobility, health, education, work and employment to disabled people. The UK played a full and active role in negotiations of the Convention. We are now determined to be among the first states to sign and ratify the Convention, and are actively encouraging others to do so. On 11 December, the FCO jointly with the Department for Work and Pensions and the Department for International Development hosted a panel discussion to promote the Convention, and to explore with NGO representatives, Parliamentarians, representatives of the foreign diplomatic community in London and others, how to take the Convention forward.

The UK has been a committed supporter of the Optional Protocol to the UN Convention Against Torture (OPCAT) for over 10 years and continues strongly to believe that the OPCAT offers the best means available to establish an effective international mechanism to reduce incidences of torture worldwide. When it ratified OPCAT in 2003, the UK was the third country to do so.

In June 2004, Jack Straw launched a worldwide lobbying campaign to encourage the further ratifications needed to bring the OPCAT into force. This campaign bore fruit when, on 22 June this year, OPCAT came into force. Since its entry into force, the FCO has launched a further lobbying campaign aimed primarily at countries that have signed but not ratified the OPCAT. This includes the provision of practical help and technical advice where appropriate.

After an open national selection process, the UK nominated Dr Silvia Casale as a candidate to the new Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which will monitor the OPCAT. Elections to the Sub-Committee will take place on 18 December in Geneva.

11 January 2007

Witnesses: Rt Hon Ian McCartney, A Member of the House, Minister of State for Trade, Investment and Foreign Affairs, gave evidence. Susan Hyland, Head, Human Rights, Democracy and Governance Group, FCO, and Stuart Adam, Head, Public Policy and Licensing Team, FCO, were in attendance.

Q54 Chairman: As you know, Minister, the Chairman of our Committee, Mike Gapes, is abroad today on parliamentary business. We extend a warm welcome to you and to your colleagues Susan Hyland and Stuart Adam for our important annual session on the Foreign and Commonwealth Office’s human rights report. Perhaps I could start with a wide question on the priority that is given in the FCO to human rights. I recall that when the present Government came into office and the late Robin Cook was Foreign Secretary, he immediately gave human rights a high profile and took the very welcome decision, in my view, that the Foreign Office would for the first time produce an annual human rights report. There are grounds for wondering whether human rights have the same priority today. When examining the Department’s strategic priorities set out in the “Active Diplomacy” White Paper—there were initially nine and then the present Foreign Secretary added climate change, making 10—it is somewhat surprising that no priority is given singly to human rights. They get a passing mention in priority 7, on “promoting sustainable development and poverty reduction underpinned by human rights, democracy, good governance and the protection of the environment”. Are human rights now featuring less prominently in the Foreign Office’s priorities?

Ian McCartney: Thank you, Sir John. I also thank the Committee’s Chairman, who advised that in advance that he was unable to be here. This is the first time I have been in front of the Committee and I want to work with you very closely. This was an area of work that, prior to being a Minister in the Foreign Office, I spent time on over the years as a parliamentarian. With me today are Susan Hyland, who is the head of our Human Rights, Democracy and Governance Group, and Stuart Adam, who is the new editor of our annual human rights report and will work with the team.

Human rights are a fundamental, essential core priority for the Department, not only because of the issues that you have raised but in all the work of the Foreign Office both on its own and jointly across Whitehall. Human rights are a thread through all of it. I am the Minister designated for human rights, but the truth is that every Minister in the Government has responsibility in their role to pursue, advocate and be an ambassador for our human rights agenda. In our Foreign Office network that agenda is a priority for all staff in post, and in addition it has always been a priority for ourselves. We work in partnership to promote human rights in every aspect of our service.

In addition to what I have said in general, since I came to post I have taken specific action to ensure that non-governmental organisations, parliamentarians, faith groups, trade unions and all those who have an interest in promoting and protecting human rights around the world are tied into our work and activity. For example, before I make any out-of-country visits, I sit down with the NGOs and we discuss the priorities for each of the countries in the region that I am visiting. I agree what those priorities are. Following the visit, I come back and report progress to them. Then we put a work programme together with the country or countries concerned, following initial discussion.
We have also brought NGOs in more closely on the Human Rights Council, and trade unions as well, and we are working with human rights defenders and activists in a more proactive way. Our United Nations representation has been brought in too, not only working in Geneva but actually coming to London on a regular basis to work with NGOs and ourselves. Indeed, we have got an event on 21 February, which is jointly sponsored by ourselves and the NGOs, to which every member of the Committee has been invited. It is part of our activity of asking you to participate in how we draw up an agenda for each of the Human Rights Council meetings.

Human rights are fundamental to the work we are doing. We cannot get stability, sustainable development and good governance if human rights are not part and parcel of that agenda. Some countries do not want to discuss human rights, but I can sometimes be persuasive.

Q55 Chairman: I certainly know from your career here of your personal commitment to human rights, but could you just answer my specific question? Given what you said, which is very welcome, why do human rights not warrant a single listing in the 10 strategic priorities of the Department?

Ian McCartney: Well, they are woven throughout. We produce an annual report so that we can be accountable, not just to Parliament but to the wider world, on our human rights activities. We are making an open and transparent programme. We are, in fact, ensuring human rights are part of our core activities. There is no doubt about that, Sir John.

Chairman: Thank you very much. We are going to turn to some of the international forums for human rights. Sandra Osborne is going to start off on the Human Rights Council.

Q56 Sandra Osborne: The Human Rights Council was keenly anticipated, because it was going to be stronger than the Commission on Human Rights and would therefore be more effective. However, the United States voted against it and did not stand for election. Some countries that have a poor record on human rights, not to put too fine a point on it, have been elected. Also, Human Rights Watch has criticised the council for failing to take action on various human rights abuses or to comment on them, such as in Darfur and Burma. The Foreign and Commonwealth Office report itself expresses disappointment at some of the resolutions passed by the Human Rights Council in the face of British opposition, such as the “unhelpfully unbalanced” resolutions put forward by the Organisation of the Islamic Conference. Do the Government need to adopt a new strategy in relation to this to ensure that future resolutions more closely match the UK’s views?

Ian McCartney: You have to see how far we have come in a very short time. We started off with the previous organisation, which was debilitated and totally split on political and geographical grounds. It had little or no capacity to influence, in a real sense, outcomes in terms of long-term humanitarian human rights work on specific country issues or crises that arose. So it was important that the Human Rights Council was established to try and make a difference.

We will be going to the fourth session in mid-March. The first year has been about trying to shape the institution. You are absolutely right; there are people on the Human Rights Council who take a different view from us of human rights. The difference is that this new Human Rights Council for the first time has two things: special procedure mandates, and universal periodic review. That means that every single person or country that has been elected to the Human Rights Council has to put itself up for peer review about their own conduct and policies on human rights. As a country, we have put ourselves up for the first review. We are in negotiations to try and get concluded soon the new rules to introduce these universal periodic reviews. You are absolutely right about, so far, the council’s actions being patchy and having disproportionate discussion on political grounds on the middle east. However, having said that, we did get a special session on Darfur on 12 and 13 December. Out of that came an agreement to send a high-level assessment mission to the region later that month. Since then, I have met the new President of the Council, President De Alba from Mexico, and we have put together a high-level assessment team, which will work with him. We have also done work on Afghanistan and Nepal, so there has been progress, and the situation is more positive than it was in years gone by.

The body will have difficulties—a lot of negotiation will have to take place on whether we have the mechanism for periodic reviews as we want it—and we want to ensure that special mandates are carried on in particular countries such as Burma and the Democratic People’s Republic of Korea. We had a slow start, but I can assure the Committee that what we have now is better than what we had.

Q57 Sandra Osborne: If these countries are up for review, what sanctions can be applied to them if they fail to improve their human rights records?

Ian McCartney: Some of the countries have already had sanctions imposed by the United Nations Security Council. We did attempt recently, with colleagues, to impose fresh sanctions on Burma, but we were blocked by a small number of countries. Despite that, there was a further ratcheting-up of the international condemnation of Burma. In the past few days, I met a further delegation of activists on women’s rights and civil society in Burma to talk through with them what more we can do to assist them in the process of trying to get engagement.

1 The UK imposes targeted sanctions on Burma through the EU Common Position. We have not tried to impose fresh sanctions on Burma as there is no consensus within the EU to do so. The US and UK sponsored a Security Council Resolution on Burma, but this was vetoed by China and Russia on 12 January. The non-punitive Resolution did not seek to impose sanctions on Burma.
particularly with the Association of South East Asian Nations countries. China and India hold the key; we can do a lot, but we have to get Burma, India and the ASEAN countries surrounding Burma to do much more. Along with the European Union, we have imposed as much as we can, and we are at the forefront of campaigning on Burma.

Chairman: We will be coming to some of those countries later. We turn now to the proposed arms trade treaty.

Q58 Mr. Moss: Establishing the arms trade treaty was a global priority for the UK Government. Indeed, in its last report, this Committee commended the Government for backing the ATT. As you are aware, the United States was the only country in the General Assembly to vote against starting work on the ATT. Can you tell the Committee how damaging you think this US opposition is to the main aim of securing a strong treaty?

Ian McCartney: The facts are surprising, some people think. In December, a strong majority across a wide range of countries was for the work. Since then, the United Nations Secretary-General has called on the US to submit its views on the scope, feasibility and draft parameters of a treaty by 30 April. Together with our international partners and the NGOs, we are currently working on our own paper for the Secretary-General. This year, we are hoping to encourage countries to feed their views in to the process.

Having moved on since December, we want to see a real difference, in terms of irresponsible arms sales, so we want an agreement to come out of the 30 April deadline. There will still be countries—the United States and others—that oppose that. However, we have a clear intellectual, political, moral argument to put—after all, we eventually won the argument on land mines. These issues are not easy to resolve; it will take some time. However, the fact that we have given leadership on the issue and are prepared to stick at it is a sign that I will come back to the Committee after 30 April. If, in the meantime, the Committee wishes to engage with us on what our submission should be, I shall be more than happy for that to happen.

Chairman: Thank you, Minister. May I express to you the appreciation of the Quadripartite Committee, whose members were able to meet this morning to see the draft British Government submission? We very much welcome the fact that your Department took the initiative in involving MPs on the four Select Committees, and gave us the opportunity to make an input before the final British submission goes in.

We now turn to the important issue of the use of and possible legislation in relation to cluster munitions.

Q59 Mr. Keetch: Minister, you mentioned land mines and said that we eventually won through. Cluster munitions were originally designed as a battlefield and airfield denial weapon. They were specifically designed to crater areas and to leave a proportion of bomblets—40% normally—unexploded, but they are now almost exclusively used against civilian targets. We saw that tragically in Lebanon recently when they were used by the Israeli air force. Because of the nature of this weapon, which can often be left in rubble and hidden by other battlefield or civilian debris, and given that the Financial Times reported that 98% of the victims are civilians, is it not time that we classified these weapons effectively as land mines?

Ian McCartney: Can I have a couple of minutes to set out what we have been doing and why? I am also happy to answer the point if no one else has a question about Israel and the Lebanon. Our diplomatic activity led to us last November being able to get an agreement about looking at the humanitarian impact of these weapons and for the matter to be addressed within the framework of the UN convention on certain conventional weapons. We also called for an immediate negotiating mandate for a legally binding protocol to restrict their use.

We were blocked by a number of other states. However, the former UN Secretary-General called for this to be addressed within the existing international framework. Agreement within that framework is significant because it includes all major users and producers and therefore offers the greatest potential for humanitarian benefit in moving forward in a very difficult area where there is no common agreement about the banning of these weapons.

The agreed discussion mandate is an essential preliminary step towards any negotiations for a binding protocol and it should ensure that all key users and producers participate. The UK is committed to phasing out its dumb cluster munitions. Cluster munitions are lawful weapons in accordance with international humanitarian law. I am not an expert on defence matters and I do not use that as an excuse. The difference between dumb cluster munitions and those that are not so dumb is something that is lost on their victims. That is not my mandate to say that, but it is true. That is why it is important that we try to press forward with this initiative that we took last November.

As to the issue of Israel and the Lebanon, in previous sessions on the Floor of the House, the Foreign Secretary made it clear what we said to Israel on this. Her comments are in the public domain. Israel is carrying out an inquiry and the results will be made public. We will pursue Israel to make sure that that happens.

Q60 Mr. Keetch: I questioned at the time of the Iraq war the use of British cluster bombs on civilian targets. You are absolutely right: for the victims of these weapons, who are almost always civilians, it does not matter whether it is a dumb weapon or a smart weapon. The difference is whether it is timed to go off or built in so that it never goes off.

The reality is that in advance of the Ottawa treaty the British Government said that we would not deploy land mines. We were ahead of the field. We are not ahead of the field on cluster bombs. Indeed some people, Tom Porteous of Human Rights
Watch, told this Committee that he believed the UK Government were blocking the treaty. Can you say here today quite clearly that we want to be ahead of the field on this and that Britain should declare its non-use of dumb and smart cluster bombs in any future conflict?

Ian McCartney: I thought that I had just set out the answer. I have described the action we have taken to try to ensure that we get a common agreement about a very difficult issue. The best way to proceed on this is on a multilateral basis. That is what we shall do. If we cannot do this, there will still be the production of these weapons for a long time to come. It is important that we try to get an international negotiation in this regard, particularly on the weapons I described.

In addition, it is important to note that in the southern Lebanon, for example, we put in several million pounds for the mines action service and the mines advisory group to help the Lebanese to clear up the mess that has been left. Alongside international negotiations to deal with these weapons, it is important to put resources on the ground to try to clear the area where other weapons have been left after the recent conflict and make it safer for the citizens.

Q61 Mr. Keetch: I am sorry to press you, Minister, but it is a very simple comparison. You made the comparison of the land mines treaty, which you said that we won through in the end. I think those were your exact words. Prior to the Ottawa agreement, the UK rightly said that despite what anyone else does, we will not use land mines. Others have also said that. Why cannot we say that now? Sadly, some countries still use land mines but why cannot we be ahead of the field on this issue? Specifically, will the UK attend this month’s Oslo conference to support Norway’s efforts to try and have a multilateral agreement on this issue?

Ian McCartney: We are attending that conference. It is consistent with what I said on the first question. We are committed to phasing out the dumb cluster bombs and to a multilateral approach on the issue. That is the best way to proceed and that is what we are going to do.

Chairman: We now come to the International Criminal Court. Eric Illsley.

Q62 Mr. Illsley: Minister, you are well aware of the problem facing the International Criminal Court in respect of Joseph Kony and the Ugandan Government. The Ugandan Government are pressing the ICC to drop the charges against Joseph Kony in return for a peace settlement. Can you give us an update on the latest situation and tell us what the Government are doing to help to resolve that crisis of credibility for the international court?

Ian McCartney: I attended a debate in the House a fortnight ago on northern Uganda. We offered a continuing dialogue with members of the all-party group on the great lakes area and we will be giving them a report soon on the discussions that took place recently with Lord Triesman and others.

We are pretty firm about the role of the ICC in this matter and I will explain why. You cannot offer impunity to a group of individuals who have carried out mass murder, rape, violence of all sorts and would continue to do so were it not that they knew with some certainty that they would face a court for their crimes against humanity.

A fragile process has been in place in Uganda, supported by the international community, and it has been making progress. Sadly, a few weeks ago out of the blue, those who have been in charge of most of the violence took a decision not to withdraw from the talks but to carry on the talks only if they took place in a different location. But that was a pretext, of course, just to delay the talks and discussions.

There is already in place an amnesty for those who have fought from the bush who are not the authors of the terrible crimes that took place. That offer is there still and it continues to be utilised. Alongside this attempt to get the process back in place, which is ongoing, there is a great deal of humanitarian work and effort, to which we are a serious partner, to deal with those who are in displaced persons camps. At the moment there are still over a million people in displaced persons camps, although at one point it was almost 2 million people. A humanitarian aid programme for those who are in the displaced persons camps is trying, with the local community, to put together a process of stability to allow the local community to have a great deal more freedom in the area without the fear of retribution.

I give you the absolute assurance that we are doing everything that we can to encourage African Union involvement. The role of the UN is important, as is the role of the negotiators. Remember that these cases from Uganda are the first cases ever put before the International Criminal Court and if there was impunity in those cases it would simply send the signal that you can disengage from conflict for a short period, have the cases dropped and return to conflict if you do not get what you want. That is not a signal that anybody should be sending out.

There is not a crisis in the International Criminal Court; it is in its early stages of development. It already has one person facing trial, six arrest warrants have been issued and another three investigations are under way, so we continue to support it. That includes investigations in Darfur; there has been a unprecedented referral passed by the Security Council. In establishing itself well, the ICC has got UK support. It is a central pillar of international justice.

Mr. Illsley: Thank you.

Chairman: May we turn to the other international criminal tribunal, the International Criminal Tribunal for the former Yugoslavia—ICTY?

Q63 Andrew Mackinlay: Minister, Carla del Ponte has said that the Security Council is firm that it will close down the Yugoslav tribunal with or without Karadzic and Mladic. Many of us are concerned that that means that those who are harbouring these people just have to stick in there for a relatively long haul and then they will be immune. Will the British
Government argue that rather than the tribunal being closed down, it should be put into hibernation of some form, so that if and when those people are arrested they can be brought before a reconstituted tribunal?

Ian McCartney: My interpretation is that we want to try to complete the process by 2010, but we are quite clear that there can be no timelines for crimes against humanity. We have set the date of 2010 to try to ensure that we bring those people before the tribunal by then to be tried, and if they are found guilty, action will be taken against them. You may rest assured that we do not see that giving the date of 2010 provides them and their supporters with a capacity to hide away wherever they are and suddenly, on 1 January 2011, to say, “Hey, I’m back here.” No, that is not our position; I want to give you that absolute assurance. We are doing everything we can. We have been working with NATO to sign partnership agreements with Serbia and Bosnia-Herzegovina, which we expect to co-operate fully. We will closely monitor their respective efforts in that regard.

Q64 Andrew Mackinlay: I am obliged. Thank you very much for that. As a Minister, are you satisfied that everything has been done that could be done to arrest these people, bearing in mind all the technologies that exist? I am well aware of the topography of the Balkans and how easy it is to hide there, but there is a feeling in western Europe that not enough has been done by NATO. There is also a feeling that some western European politicians courted Karadzic in the early ’90s. The Committee would like to be assured that you are chasing up those people who could and should be able to arrest these guys.

Ian McCartney: We have not come this far in terms of the international community, NATO and its activities to see this simply as a paper exercise. You can rest assured that, privately or in any other domain, there is nothing but a complete desire to get total co-operation to find these two men and bring them before the International Criminal Tribunal. I give you an absolute assurance that that is the case. That is why it is so important for Serbia and Bosnia-Herzegovina. They want to have a normalised relationship with Europe, and when NATO made the decision to agree with them a partnership for peace, that came with the strong obligation for them to co-operate to put those two people in front of the tribunal.

Chairman: We now come to various human rights aspects of what is called in the parlance the “war against terror”, although the Committee has made it clear that it is not wedded to that terminology. We shall start with the memorandums of understanding that have been entered into with various countries to try to protect against torture people who are returned to those countries from the UK.

Q65 Mr. Purchase: Manfred Nowak, the UN special rapporteur on torture, has suggested that our MOUs with various countries, including Jordan, Libya and Lebanon, might be being used to circumvent international obligations on torture. Quite recently, a Canadian-Syrian was picked up by US border officials and sent back to Syria, where he was duly tortured. In the past few days, the Canadian Prime Minister has generously apologised and compensated the victim of that wrongful arrest. What assurance can we have that our MOUs carry any greater certainty than that?

Ian McCartney: I will deal with this in three parts. First, I have spent a great deal of time with representatives of the Human Rights Council. In addition to speaking to them personally, I have had policy and legal advisers explain to them what we are attempting to do. Our policy is absolutely consistent with our values and our obligations. It not only ensures that we meet our international obligations, it provides a platform for engagement, which is important for capacity-building work on human rights issues. The policy cannot be seen on its own. It is not about watering down our values; it is about trying to ensure the best guarantee of our own security, while at the same time being able to engage with countries about certainty on human rights and values.

Each of these agreements has its own parts, and I would be happy to provide the Committee with the components in respect of Algeria, Libya, Lebanon and Jordan. I can read them into the record now or I can provide the information later and you can come back to ask further questions should you wish. Six men were deported to Algeria between June 2006 and 2007; I cannot supply the names because of court proceedings. No detainees have so far been returned to Libya, Lebanon or Jordan. That is the current state of play. If the Committee wishes, I shall give a sense of how each of the different agreements works—or how each would work in the event of anybody being deported.¹

Chairman: We would very much like to have that information. Thank you, Minister.

Q66 Mr. Purchase: That would be helpful. We would particularly like to know what has happened to the two Algerians who have been mentioned. Are you aware, Minister, that when we took evidence from Amnesty International and Human Rights Watch a couple of weeks ago, they said that they would not be prepared to do any monitoring of our work on MOUs in countries such as Libya? They mentioned that an organisation called the Gaddafi Foundation is carrying out such monitoring in Libya. It beggars belief that we could have confidence in them, given that Amnesty and Human Rights Watch are not prepared to monitor the arrangements that we are making to ensure that torture is not endured by people whom we have deported. What confidence can we seriously have in the validity of these MOUs?

Ian McCartney: The confidence comes from the fact that we do not go into these lightly. As I said, they are set down on our principles and our values. It is not true to say that every NGO will not get involved in issues concerned with these countries. We have

¹ Ev 84
First, on your previous answer I think you have been very blunt: these are difficult issues. I may or may not be the Minister who has to deal with them, but if I were and I received information from whatever source that led me to a risk assessment that death and injury might result, in this or any other country, I would be extremely irresponsible if I did not act on it; so I would act on it.

Mr. Purchase: Yes. Thank you.

Chairman: We come to the two countries where we are in the front line in the terrorism issue: first, Iraq.

Ian McCartney: Yes. We have not only co-operated fully with it, but by co-operation we have arranged meetings with the delegation on a range of other matters, including ministerial involvement. At the end, for all the huffing and puffing—if I can put it that way—about non-co-operation, the truth of the matter is that when it went through all the evidence, it could find no new evidence whatever in respect of the United Kingdom. That was the bottom line when it came to it. I am certain that with the resources of the European Parliament and the co-operation between ourselves and other states, if there was any evidence it would have produced it.

Q67 Mr. Purchase: Very well. It is the Government’s view that torture is simply not acceptable in the 20th or 21st century. Can you tell me what would happen if our Government were to act on it?

Ian McCartney: First, you are right that we are opposed to torture in all circumstances. I have brought something with me, not because of this question that you have raised but because the issue has been raised with me on a number of occasions. We put an inordinate amount of effort into issues around torture and we have a special group of advisers on them. Through that group, we have been working internationally to provide not only information, but guidance and support to victims of torture, human rights defenders, the medical profession and a range of others who have come across torture or potential torture, so we have a programme worldwide working individually with countries and in general on torture.

If we received information about a situation in which our civilians could be put at risk, we would have an obligation to take into account the information that had been passed to us. I will be blunt: these are difficult issues. I may or may not be the Minister who has to deal with them, but if I were and I received information from whatever source that led me to a risk assessment that death and injury might result, in this or any other country, I would be extremely irresponsible if I did not act on it; so I would act on it.

Mr. Purchase: Yes. Thank you.

Chairman: We come to the two countries where we are in the front line in the terrorism issue: first, Iraq.

Q68 Mr. Keetch: So your opinion is that the huffing and puffing, as you describe it, was simply because when it looked into the subject it probably did not find the conclusion it was looking for?

Ian McCartney: We will have to wait for its final conclusion because the report is still a draft document. We will work with it and study the report’s contents. It is in our interests to work with it. I do not want to go through the written ministerial statement of 20 January, which set out all the policy and the inquiry carried out by the previous Foreign Secretary; that is all in the public domain. We are sure about that: we have co-operated fully and we find no new evidence in respect of the United Kingdom and we will co-operate fully with the Committee in studying the draft report.

Chairman: We come to the two countries where we are in the front line in the terrorism issue: first, Iraq.

Q70 Mr. Pope: The human rights situation in Iraq is pretty dire and appears to be deteriorating. There were four times as many attacks on civilians at the end of 2006 as there were at the beginning of 2006. The United Nations estimated that 34,000 Iraqis died violent deaths last year and Human Rights Watch said that the US and the UK are “propping up a government that is deeply implicated in escalating sectarian violence, massacres and torture”.

The question I want to put to you is, in the opinion of the British Government, do the Iraqi Government bear any responsibility for the massive human rights abuses that have taken place over the past 12 months in Iraq?
Ian McCartney: Sadly, there have been human rights abuses for the past 40 years in Iraq. The new elected Government have inherited not just the current conflict but a state where human rights abuses were endemic, whether the gassing and murdering of whole villages or the taking away of 100,000 Kurds who were never seen again. Marsh Arabs and trade unionists were killed almost to obliteration, along with leading academics, women, children and civil rights activists. It is a sad tragedy that that is the case.

Working with the Government we want and need a fresh start despite the circumstances that we are working in, and we want to get the Government of Iraq to work with international partners to develop an infrastructure that will promote and protect human rights. That will include the creation of a human rights ministry and independent judicial courts, police and civil society organisations. That is critical and goes back to the issue of sustainability. It will take time to build that structure, there is no doubt about it, and the culture of human rights in Iraq. As I said, there were three decades of dictatorship, and torture and violence are still being used. They were previously used as a deliberate act of Government policy.

There has been some progress, but I do not exaggerate it—none of us want to do that. There has been the establishment of democratically elected, representative Government and a constitution with human rights at the heart of it. It must be ensured that the international human rights enshrined in the constitution become something in practice for the citizens. We are working on that. We are also working with them on applying the rule of law, and that work has been of a practical nature from the UK. We are training and mentoring Iraqi police forces. We are establishing, in the areas where we are working, improved co-ordination including public accountability. We are quite deliberately raising human rights awareness and activity. We are training investigative judges and police officers in forensic skills. We are assisting Iraqi prosecutors pursuing cases of serious corruption in the police and there is a specialised prosecution mentoring unit. That goes to the heart of your question about whether we are tackling abuses in the current Government or agencies working on their behalf.

We have just finished work, which we co-funded, on an international domestic law to protect women's rights. Judges from the Iraqi High Court tribunal and Iraqi parliamentarians are among those involved in the programme, and we will be bringing a delegation of senior Iraqi judiciary, police and prison service professionals to work with our own Surrey youth justice board and co-operate with them to create a comprehensive human rights approach in the criminal justice system. Those are just some of the practical activities on which we are working with the Iraqi Government. That does not mitigate your question and the points that you make, but it is critical to have hands-on activities with the Iraqis to ensure that in the years to come there is a society in which human rights are not just talked about but practised effectively.

Q71 Mr. Pope: I completely share your view about the Saddam regime in Iraq and the terrible atrocities that were carried out by him. One of main reasons why I supported the war in 2003 was to get rid of a tyrant like Saddam. Do you agree, though, that in the end even a tyrant like Saddam deserved proper justice? The fact that he denied justice to so many Iraqis and that so many were arbitrarily executed by his regime meant that his own trial should have been of the highest possible standards. I know that the British Government went on record as saying that Saddam’s trial should fulfill the “accepted norms of justice”. There have been many criticisms about political interference in the trial by the Government of Iraq, the failure to disclose key evidence to the defence and the perhaps understandable inability to allow cross-examination of witnesses. Is it the view of the British Government that Saddam’s trial fulfilled the “accepted norms of justice”?

Ian McCartney: He was prosecuted under the procedures prescribed by Iraqi law. The trial was open and held with independent monitors and the media present. He never once gave that to any citizen of his country. I acknowledge that there are criticisms of the trial process, and they were raised with the Iraqi authorities not just by ourselves, but by others too. It was the Iraqi high tribunal’s first case. We should remember that it was carried out in a climate in which senior officials, including judges, were under physical and mortal threat.

In general, I have to say that he was prosecuted properly under the procedures of Iraqi law. I am hoping that in the coming years, the legal system will continue to improve, both in its prosecuting and defence standards and in dealing with outcomes such as jail sentences and other things. In the final analysis, we made it quite clear, when he was given the death penalty, that the Government oppose the death penalty in all circumstances, including for him. We made it clear that that was the case. We do not support the death penalty even for those found guilty of crimes against humanity.

Q72 Mr. Keetch: After we defeated Germany, we did not let the new German Government try Hess and the rest of them—an international tribunal was set up. When we captured war criminals in the Balkans, we did not hand them back even to the democratically elected Governments for them to be tried. They were tried in The Hague. As you said earlier, we are seeking to catch two more war criminals, but they will not be handed back to any kind of democratic Government. They will be tried by an international tribunal. Would it not have been better for Saddam and the others to have been tried by an international tribunal?

Ian McCartney: International tribunals hear cases only where local justice is either unwilling or unable to do so. That was not the case in Iraq. Iraqis were willing to do it and had a legal system set up and established that fulfilled international norms. They tried him and he was found guilty of appalling crimes.
Chairman: Just one further question on Iraq and human rights. You mentioned the British Government’s efforts to persuade the Iraqi Government to establish a ministry for human rights. That would be welcome because it would sign up the Iraqi Government to a human rights agenda. However, have you contemplated doing what we have done in Afghanistan, which some of us saw directly when we met the independent Afghan Human Rights Commission? Are the British or American Governments, or the coalition, taking any steps to complement the efforts being made to establish a Government department for human rights in Iraq by establishing an Afghan human rights commission independent of the Government?

Ian McCartney: Let us be quite clear: torture and abuse are completely unacceptable. There have been such events involving Iraqi police units and, as you know, we took quite forceful action—those units have now been disbanded and the Iraqi authorities have established a proper inspection programme.

In general terms, yes, we have a close and continuing dialogue for the establishment of a human rights ministry. We also want to ensure that it has the capacity to work and engage with civil society and across the Iraqi Government—with the ministry for women’s affairs and in the development of the ministry for civil society. It is not just about a human rights ministry but integrating all the other ministries. We are trying to inculcate across the Government the ability, willingness and preparedness to put human rights at the heart of everything that they are trying and need to do. That means giving support to an independent national human rights commission and a national centre for missing people. We support the plan to develop those two institutions.

Chairman: Thank you. We shall turn to Afghanistan.

Q74 Richard Younger-Ross: Part of the Committee recently visited Afghanistan and was quite impressed by a lot of what it saw. We did not think that the situation there was the same as that in Iraq. However, a number of issues concerned us greatly. In its written evidence, Human Rights Watch has raised concerns about the continued reliance of the Afghan Government and their international allies—including us—on war criminals. What we were told while we were there, and Human Rights Watch repeats, is that 90% of the population would like to see a fairer and more just society, not one reliant on corruption. The Times reported that the “warlords in the Afghan parliament have granted themselves an amnesty from human rights charges in a move that has shocked the country’s Western backers . . . The rule states that anyone who fought against the Soviet Army in the 1980s cannot be prosecuted . . . and anyone who described an MP as a warlord would risk prosecution.” What is the Government’s position on this?

Ian McCartney: I could not agree with you more in terms of this action. It is extremely unhelpful and in the long term it does not engender what we need to engender, which is trust and respect for the new, emerging democratic structures in Afghanistan. It is important that, despite this, we redouble our efforts to ensure the agreed strategy for transitional justice, which is to work up into 2008 and was set out in the national action plan for peace, reconciliation and justice—that was done in collaboration with the Afghan Government and the United Nations and was adopted in December 2005—is committed to and seen through.

What we also need to make sure is seen through is the justice process—including vetting, truth telling, prosecutions and reconciliation processes—to deal with war crimes and gross human rights violations committed during the conflict in Afghanistan. None of us is resiling from any of those issues, irrespective of this decision, which, as I said, is not only extremely unhelpful, but sends the wrong messages altogether.

That said, alongside that there is actually hope in Afghanistan, despite everything. We see a record number of children at school. We see women being able to play a full part in civil society. We see women playing a full part in public life, including at local and national level. However, we still have, of course, the Taliban placing bombs in schools, beheading teachers for teaching schoolchildren and abusing girls for going to school, including acid attacks and rape. So, there is still a huge amount to be done in Afghanistan, but the framework is there. It is a case of giving them the support and the resource to see that framework through. If we see it through in the way that I have described, then at last the people of Afghanistan will have the chance to live in a free and democratic society.

Q75 Richard Younger-Ross: So we have made it very clear to President Karzai that we think that this new regulation is incorrect?

Ian McCartney: I said that I think it is more than that, did I not? I could not be stronger. It was not just as I described it, but goes against the whole grain of what we are trying to do and to work with, of what the international community is trying to do and of what he and this Government are committed to do.

Q76 Richard Younger-Ross: Winning hearts and minds is obviously very important. The US has recognised that where there are civilian casualties, they will be compensated quickly. Tom Porteous of Human Rights Watch suggested that NATO should follow the same principle. Can you say whether the UK Government will support the principle for NATO to pay compensation promptly to civilian casualties?

Ian McCartney: I do not know the answer to that question, to be honest with you. I have not been engaged in any of the discussions on this issue. It would be wrong to give you a personal view.

Q77 Richard Younger-Ross: Will you come back to the Committee on that?

Ian McCartney: Yes, I was going to say that I will do more than that.²

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I am being frank with you—I could give you a line, but I am not doing that. I have not been engaged at all, at any level, in any discussion on these matters. I am not complaining, by the way, but if I had known about the question I would have sought out information. Rather than give you a personal view and mislead the Committee—I may well have a personal view in this matter—I will come back to the Committee as a matter of urgency.

Chairman: Thank you. We are now going to turn to countries that we have not covered so far. In the FCO’s report you have a list of major countries of concern. Some we have covered already such as Iraq and Afghanistan. You have a total of 20 on your list. We will not be able to cover them all. Indeed, we have three that do not feature on your list which we want to raise with you today; Somalia, Pakistan and one of the overseas British territories.

Ian McCartney: Is that Bermuda by any chance?
Chairman: Wait and see. It will come as a great surprise, Minister.

Q78 Mr. Moss: Despite the fact that the UK has apparently raised human rights concerns with the Iranian Government some 16 times in the last six months, very little seems to have been achieved. Indeed, there seems to be little if no leverage at all either by the UK Government or internationally. Are the Government’s efforts to stop Iran developing nuclear technology helping or hindering the UK’s ability to influence the human rights situation in Iran?

Ian McCartney: I recognise what you are saying, Mr. Moss. We can ultimately influence Iran only by multilateral activity, albeit on a bilateral basis. You can be absolutely sure that we are making strong representations not just about the situation in the past few months, but about the deterioration in the situation. There have been no improvements since the publication of our concerns in our annual report. That is the truth of the matter—no improvement whatsoever. In fact, in the last 12 months, according to our sources, there has been a major clampdown on the freedom of expression in Iran again. We are particularly concerned about the continued use of the juvenile death penalty. Iran is one of the few remaining countries that still imposes a death sentence for crimes committed before the age of 18. That is despite the fact that Iran gave a commitment to hold a moratorium on this practice some two years ago.

Although elections were held for local councils on 15 December, hundreds of candidates were excluded by the Minister of the Interior and an unelected guardian council made it clear that they would not be allowed to stand. All female candidates were also banned. That is a gross violation of basic democratic principles.

Iran claims that it is holding elections, that it is a democratic country and that the west does nothing but criticise, but that is not the case. We will continue not just with our contacts in the United Nations but with our activities in the region with those who are involved in the talks to try to get Iran to a different position in terms of its attempts to develop weapons-grade nuclear materials. You know a bit about those discussions so I do not need to go into them.

The short answer is that we are continuing individually and collectively to try to discuss with Iran its capacity to move to a different place. It is not just human rights; there are other issues. Iran has been extremely difficult with us. The issue of human rights is such that we are not in for the short haul here. We are in for the long haul and we will do everything that we can to co-operate internationally to try to influence a better outcome for the people of Iran.

Chairman: We turn now to Israel in relation to the Palestinian territories and then in relation to the situation in the Lebanon.

Q79 Richard Younger-Ross: The situation in Gaza seems to be going from bad to worse. I know that there were talks yesterday, but there has been fighting recently between Hamas and Fatah. On 28 January, 25 people were killed. There has been a lot of criticism of the British Government’s and the Americans’ response to the election of Hamas. Human Rights Watch has written to us to say that the boycott and the Israelis’ refusal to remit tax money has led to a “crippling budget shortfall for the government”. In its recent report on the Palestinian territories, our own International Development Select Committee said that with regard to poverty these actions have made a bad situation worse.

The current measures are harming ordinary people and the report provides statistics suggesting that 20% of the population were below the poverty line in 1998. The figure has risen by 64% in 2006; in Gaza the figure is 78%. Has the West’s and the Israeli financial boycott played any role in causing the recent factional fighting in the Palestinian territories?

Ian McCartney: I shall deal with the questions in two parts: our current concerns with the mechanism in terms of getting international aid to the Palestinian Authority and the issues around the need for Israel to resume transfers of withheld Palestinian tax and customs revenue that are essential in averting a fuller crisis in the territories. We are raising bilaterally and with the European Union, the Israeli Government and the Palestinian Authority the following issues: freedom of movement between the west bank and Gaza; the targeted killings of Palestinians by the Israeli defence force; the firing of artillery shells near populated areas of the Gaza strip causing the death of civilians; continued construction of settlements in the west bank; the impact of the barrier; crossing point closures; settler violence; and the intimidation and harassment of Palestinian citizens. It is a long list of difficult issues.

If you remember, it seems like such a long time ago, but in the summer the European Union and ourselves proposed a temporary international mechanism. Although limited in scope, it was and is intended to operate with full transparency and accountability to ensure financial resources into the territories. That proposal was in essence put
Chairman: Thank you, Minister.

Q80 Richard Younger-Ross: Moving on to Israel and Hezbollah, the FCO report provides the number of Israeli dead in the section of Israel, but it makes no mention of the scale of the Lebanese suffering. Indeed, Human Rights Watch notes that, during the fighting, the UK “refrained from serious criticism of Israel”, “resisted calls for the humanitarian ceasefire” and “gave a green light to the transfer of American weapons to Israel through the UK”. It argues that the Lebanese see the UK as complicit in the violence they suffered and claims that “this lack of balance is perpetuated in the FCO report”. Considering that and considering that the Human Rights Watch report does not include that information on the human rights impact, including the hundreds of deaths of civilians as a direct result of the military action in Lebanon, why is the FCO report missing that detail? Why is it not more balanced? Usually, such reports are excellent in their even-handedness.

Ian McCartney: I will answer both points. I reject totally the description of the Government’s engagement in the Israel–Lebanon crisis. From the moment the crisis commenced, we used all our diplomatic efforts in a range of forums to help to end it. Indeed, in the end, this country was one of those that had the capacity to get an international agreement within 31 days—that is a terribly short time in which to get a sustainable international agreement to end a crisis.

The annual human rights report covers the period July 2005 to late August 2006. We said at the time of its publication—the question was raised then fairly by some, but by others just to produce knocking copy—and at the time of writing that many of the details of the conflict were still unclear. Therefore, we were able to insert a section about our efforts to bring about the ceasefire, and I recommend people to look at it, because it gives the lie to what has been said about us.

On our plans to help with the reconstruction, we have added paragraphs to the section on Syria, rightly remarking on its unhelpful role in supporting Hezbollah. We had concerns about Israel’s actions during the conflict, which we made public at the time, and there is a large section in the report covering other matters of concern in relation to Israel.

We gave a commitment on publication of that report that in this year’s report there will be full coverage of the conflict and its consequences. There is no dodging that. This year’s report will include all the information on the whole period and what has happened since.

Q81 Richard Younger-Ross: So the next report will go into the detail of the impact on human rights and of the civilians who died on the Lebanese side?

Ian McCartney: You will note that all the reports in the past have been open and transparent; they do not pull punches, and we did not pull punches at the time. What we said, how we said it and what we have done since is all in the public domain. Another aspect of this is that we are committing ourselves to a substantial sum of money for security reform projects in Lebanon. That is to help the Lebanese armed forces to respond effectively to internal security issues. We are helping the Lebanese Government to sustain themselves as an effective, democratic Government. That has got to be important.

Q82 Richard Younger-Ross: Will the report explain why the UK Government seem to be unable to use the word “disproportionate” in relation to the Israeli actions?

Ian McCartney: I will be frank: that is a pejorative remark. The report will set out in graphic detail a fair, effective, honest assessment of the issues involved in the crisis, what our role was and what it has been since, some of which is already in the public domain.

Chairman: Thank you. We turn now to Saudi Arabia.

Q83 Mr. Purchase: The FCO report on Saudi Arabia said that there is still cause for serious concern. This Committee, rather more outspokenly, said that the human rights situation in Saudi Arabia falls far short of universal standards, yet Saudi Arabia remains on the United Nations Human Rights Council. I should be asking whether it deserves its place. Before you answer that, could I put it to you that, because you have the dual role of being a Trade Minister and taking responsibility for the human rights agenda, some people might see a conflict there?

I illustrate that by citing the recent difficulty, which is now being debated in the House, of the al-Yamamah contract, the investigation into which has
now been put to one side. How is it that we can say that we have serious concerns for human rights in Saudi Arabia while at the same time the Prime Minister says that the investigation into the al-Yamamah matter would be “devastating” for our relationship with an important country, and then continues to support Saudi Arabia on the UN Human Rights Council? Some would call in aid the Scottish poet—was it Burns?—who said, “Oh what a tangled web we weave, when first we practise to deceive.” Have we got into that kind of mess?

**Ian McCartney:** No.

**Mr. Purchase:** Thank you for that answer.

**Ian McCartney:** On the issue of my role, as I said at the outset, every Minister has got a role and a responsibility for human rights, whether they are a Minister dealing with agriculture, leisure or, in my instance, trade. The truth of the matter in this globalised world is that human rights are interwoven into all other foreign affairs activity. You cannot have sustainable trade with a region or a country unless it has effective, stable policies and the capacity for its citizens to participate in enjoying the human rights that we sometimes take for granted here.

If we were a Government who were in any way unwilling to discuss with Saudi Arabia issues on human rights, why have we got it in our annual report? If that was the case, there would not be a section about Saudi Arabia in the report; Ministers would not be talking to Saudi Arabia about its need to improve its human rights activities. The report itself is the answer. We engage with all countries about human rights and I have never ducked one yet. I have not been to Saudi Arabia yet but if I were to go, you can rest assured we would have an interesting discussion.

Some countries will want to discuss human rights with you in an open, transparent way and some countries are less willing to do so, but it is important that we do. It is important that they understand the reasons why we want to discuss human rights with them. In the same way as discussing it with them, it is also important to try to have a relationship and a dialogue that will take forward human rights issues. Sometimes you can count successes and sometimes you cannot.

We are trading nation with 1% of the world’s population in a globalised economy. We trade on an ethical basis. That is why we have OECD rules; that is why we sign up to international conventions; that is why we were one of the first countries in the world to have a national contact point. By the way, I will be announcing soon that that national contact point will be the first Government body to include NGOs. It will report to the Government on issues of investment in those areas where investments may have been made in a way that was counter-productive to the needs of the population—conflict diamonds in Africa, for example.

We are very much committed to an international basis to a fair and transparent system, at the same time ensuring that there is dialogue on issues such as human rights. What we set out in the report about Saudi Arabia was quite wide ranging. We talked about its judicial system, frequent reports of torture and the ill-treatment of prisoners, corporal and capital punishment, restriction on the freedom of religion and assembly and discrimination against women and non-Muslims. That is a pretty long list to be in a report in the public domain from a Government who are frightened to talk to Saudi Arabia about human rights.

**Q84 Mr. Purchase:** Thank you for that answer, Minister. I happen to have been to Saudi Arabia and I was quite surprised at the enlightened attitude of the Saudi Arabian business community in general. They were very anxious to cast off the problem worldwide that they are seen as dodgy traders. In fact, they would like to join the mainstream of world business and they think they would do very well. But internally in 2005, 92 people were executed as opposed to 31 the year before. I was lucky to avoid being the 93rd with my views on religion but, at the same time, it is hardly a defensible record. However you set out what the Foreign Office said in its report, and there is a very strong smell of hypocrisy about the two positions we appear to take on this matter.

**Ian McCartney:** I know you have got to repeat your question, Mr. Purchase. The other thing that it should have covered was the periodic review of the Human Rights Council, which is an important tool in the hands of the international community. To be able to be a member of the council, for the first time ever countries such as Saudi Arabia will have to have a review of their human rights record, their programme to improve it and the time scale for doing so. That is a powerful international weapon. I am concerned about improving relationships and creating opportunities for the citizens of Saudi Arabia, and I would rather they participate effectively and fully. With that participation, in the next few years, we will see ongoing improvements in their rights.

**Chairman:** Thank you, Minister. We are now going to make a brief foray into Latin America, and Sandra Osborne is going to begin with Colombia.

**Q85 Sandra Osborne:** The armed conflict in Colombia continues, as you know. It has been ongoing for over 30 years now, resulting in millions of people being displaced, human rights abuses and murders, not least of trade unionists—something that has increased in the past year. In 2005, the Colombian Congress approved the justice and peace law, which it says is designed to “balance the need to disarm, demobilise and reintegrate ex-combatants from illegal armed groups with the rights of the victims of the conflict to truth, justice and reparation”. The Colombian Government are one of the Governments who say that they are prepared to engage with other countries in discussions about their human rights record and their aims to improve it. The FCO report states: “By August 2006, over 30,000 paramilitaries had demobilised under the law.” However, it notes that there is “strong evidence to suggest that some demobilised paramilitaries are forming new criminal groups”. The justice and peace law has been called into question by a number of people, including the...
Justice for Colombia in the UK, which is strongly supported by the trade union movement, not least because of the number of trade unionists who have been murdered. The EU has supported that law with reservations. I wonder whether you agree with Amnesty International and Human Rights Watch that the EU’s financial support for Colombia’s justice and peace law should be conditional on concrete results on genuine demobilisation and full accountability for past abuses.

Ian McCartney: That is a fair question. First, we are engaged, along with our EU partners, not just with the Government but with civil society and trade unions in that country. In fact, I believe that yesterday there was a delegation here in the UK. Unfortunately, I was before the Select Committee on Welsh Affairs talking about globalisation and was unable to meet the delegation. We have a commitment to work closely with them. My colleague, Lord Triesman, visited Colombia last September to have discussions with the Government about the context of humanitarian law, the activities that we are undertaking with them and the EU to develop approaches for them to rid themselves of human rights abuses, and the action that they need to take on effectively prosecuting not just those in the regime but those outside it over a number of years. We have conducted discussions with the Colombian Government, and we want them to put greater emphasis on supporting the role of civil society in protecting and encouraging the development of human rights defenders, and to encourage and to stop undermining the role of trade unions, the media and community leaders.

I am prepared to take your suggestion back to our European colleagues and consider it. I was not party to the original agreement—this may well have been part of it—but the point that has been made in good faith is not that we do not want to put money in, which we should, but that we need to ensure that the money and dialogue are effective. We must get some movement on that. I am not saying that I agree or disagree with the people who made the comment, because I was not here. I am more than happy to take back the comments that have been made with regard to the situation.

I am not sure of the time scale of when a fresh mandate comes in terms of EU and UK money, but I will come back to that in any event. However, alongside that is another important thing: we have supported the role of the office of the UN High Commissioner for Human Rights. The mandate comes up this year, and we want to make sure that Colombia agrees to extend it. It is vitally important that it is extended, and the role of that commissioner is crucial in that. I shall come back to that in any event, but I take in good faith what has been said to the Committee, and we will look at the matter to see whether something practical can be done. Like the Committee, I want to try to ensure that we get a return on the investment that we put in—not in the financial sense, but in terms of human rights and civil rights.

Sandra Osborne: That would be appreciated.

Chairman: Thank you, Minister. We shall now move on to Africa and we shall begin with Sudan.

Ian McCartney: I am suffering from jet lag. Can I have 10 minutes?

Q86 Mr. Pope: I want briefly to talk about Sudan, where the British Government have played an active role, which is widely welcomed. As we all know, however, violence and rape are still endemic as weapons of war in Darfur, and I think that we all agree that a UN force of sufficient size to make a difference needs to be deployed there with a remit to enforce peace, but that seems some way off. I wonder whether you can tell us the British Government’s view of the likelihood of the deployment of a UN force in Darfur. If such a force could be deployed, would it be fatally comprised and undermined by the terms on which the Sudanese Government would allow it to be deployed?

Ian McCartney: I think that that is why the Human Rights Council decided to establish an expert mission there; it gives an opportunity for the different stakeholders in the region to take the steps for which we have been asking for so long. There have been occasions on which we have almost been there, but it has been rebutted and rebuffed and complications have arisen. However, it ends up, it always ends up with the people of Sudan left in a worse place than they started. That has gone on for far too long.

The mission is being led by Jody Williams, who is a respected international activist, and it will travel to Sudan this month and report back to us next month. We are encouraged that the assessment mission, inadequate as it sounds, will help us get to a different place, and I will advise the Committee as soon as I can about that.4

There are still 2 million people in camps and 4 million needing aid and food, and they are still under attack from both the Government and rebels. We will continue to be one of the biggest donors of humanitarian aid in the area, if not the biggest. We have been closely co-operating with African Union peacekeepers and we are looking at UN reinforcement. If that fails, we will look to encourage even tougher measures. It is important that we work with the African Union Mission in Sudan and support it. Indeed, we have made an initial payment of £15 million pounds to AMIS to help it to play a more effective role, so we are doing all that we can from the humanitarian end and the logistical end, and in trying to find an agreed way forward by utilising the latest effort by the Human Rights Council.

Q87 Mr. Pope: Let us turn now to Zimbabwe. I know that you have an anti-apartheid background, as do I. I well remember celebrating with exiles from southern Africa on the night that Mugabe came to power in Zimbabwe. My first question is: do you share the sense of betrayal—I cannot think of a better word—that I feel about the fact that someone whose victory we celebrated over a couple of decades ago, is now reduced to torturing trade unionists? Is that not an absolute disgrace?

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My second question relates to the role that the British Government are playing in applying more pressure on the squalid Mugabe regime. I know that we are doing a lot—and we are also doing a lot behind the scenes—but do you think that we are hindered in doing more by our colonial past? Is that not a difficulty with diplomacy in southern Africa? It is difficult to stand up and speak out for democratic change in Zimbabwe without people making charges of colonialism against us.

**Ian McCartney:** I occasionally invite to the Foreign Office ambassadors and high commissioners from countries that we need to talk to about continuing problems in their countries—that is the best way to put it—and those are usually private discussions.

I am prepared, however, to share with you a discussion that I had with the Ambassador from Zimbabwe. I put to him the vital point made earlier about the continued charge of the old empire kicking into Zimbabwe. Instead of allowing him to play that card, as child of the Commonwealth, not of the empire, and as a young activist, I told him of the joy I had in my heart when Zimbabwe threw off the yoke of colonial rule. Millions of survivors—men and women—came out of the bush to create a new world for themselves. Many others we shall never meet because they died.

I said to him, “You were a man in the bush. You took part in those troubles. Why are you now turning your guns, your secret police, army and other forces on the men and women who created Zimbabwe?” It is a unique regime because it is destroying the people who created it in the first place. Unlike the ambassadors from North Korea and Burma who will defend their Governments, it is interesting that his body language showed that he knew that it was wrong. I do not want to get him into trouble with Mr. Mugabe, but he knows that it is wrong.

I recently met some Zimbabwean trade union leaders. Those men—one in particular—were still suffering from the physical damage done to them. We are in regular contact not just with the trade unions, but the women’s movement, whose members are increasingly suffering violence. Apart from the violence, it seems incredible to me that a country that once might have been a democratic nation in the world of nations, and which could not only feed itself but the rest of Africa, can no longer feed its own people.

I do not think that this is about our colonial past. The fact that the trade union, civil rights and women’s movements and others in Zimbabwe look to us to support and help them, gives the lie to that. They know that that is a ploy being deployed by Mugabe and Co. and that it is a bankrupt ploy. And his rhetoric is bankrupt rhetoric. We are doing all that we can with our colleagues in southern Africa and other places who have logistical levers—I am not talking about armed forces—that could help resolve the situation sooner rather than later.

Both myself and the Foreign Secretary will be going to southern Africa, although not together—I suspect that she is going before me. One of the reasons I am going is to talk to the key people about what other steps can be taken to resolve the situation in Zimbabwe. Alongside that, it is important for the future development of economic ties between the states of southern Africa and the European Union that we have a comprehensive and effective trade arrangement that takes into account economic development and builds the capacity of those countries in southern Africa to develop human rights awareness. I believe that there is an appetite in that region for developing such a strategy, and I hope that we can develop one. I am not yet privy to the Secretary of State’s full programme, but I am certain that she will take the opportunity, as will I, to try to find ways and means to assist the Zimbabwean people to end their nightmare.
On press freedom, I specifically asked the Chinese to consider one point, which I will follow up at ministerial level. 8 October is the date before the Olympics from which press restrictions will be relaxed, and I told them that they should take that as an opportunity to start the process of not reimposing such restrictions. The Chinese delegate listened politely.

I know that Greg Pope showed frustration when he made his contribution. I do not mean that negatively—he is passionate about the dialogue and when it should end. I want to say, however, that there are some elements that would love the dialogue to end. Difficult as it is, we are obtaining progress. There are projects in place, we are investing resources, and we are getting returns. Later this year, when I have my next discussion with the Committee, I will provide an update both about discussions on that and on human and civil rights—a number of which I have not raised today but which are relevant to the Committee.

Chairman: Thank you.

Q89 Richard Younger-Ross: I know that you are talking about China and Africa but I just urge you in your discussions also to raise the situation in Tibet. Ian McCartney: Yes, I actually sent a letter to Sir John—yesterday, I think—inviting him and Committee Members to meet me for a detailed discussion about Tibet so that I can decide whether to put it more at the core of the issues that I will be discussing with the Chinese community. Sir John, that letter to you is in the system somewhere, so I look forward to that meeting.

Q90 Richard Younger-Ross: Thank you. China is also a big international player, particularly in Sudan, as mentioned earlier. What discussions are we having with China to try and get them to play a more proactive role in guaranteeing human rights in Africa—in countries such as Sudan? While it clearly has no influence over the Sudanese Government, it could help bring some relief to that beleaguered country.

Ian McCartney: Yes, we are putting in place a working group of officials as a first stage for, not just a dialogue, but as much co-operation between China and the rest of the international community as we can get, on conflict resolution and openness about trade and trade negotiations, investments and loans. China is a legitimate player in Africa and we would all welcome its investment in infrastructure. We need to make sure that any arrangements it makes are WTO compliant and do not undermine the short to medium-term ability of the countries concerned to build up their own capacity, indigenous work force, businesses or trades.

It is also important that China recognises that responsibilities as well as rights come with being a member of the United Nations Human Rights Council, the World Trade Organisation and the World Health Organisation. It played an active part in the Commission for Africa. This weekend I had discussions with the Chinese ambassador on this matter, to work out how to take this work forward.

I know the gentleman well and have a good working relationship with him. He is a great advocate for his country but is also a very honest and transparent diplomat. From our discussions, I am certain that there is genuine willingness in the Chinese community to have, not just an appropriate dialogue, but to see if we can co-ordinate, alongside other international efforts, a long-term investment strategy for Africa and for the other matters that I have raised.

My final point is that China has, for the first time in a long time, put additional resources into peacekeeping. That is an important development for which we should thank and congratulate it. It is a major step forward as is China’s involvement with North Korea and the six-party talks and on Iran. We are still not quite there on Burma, although, even in that case, there is an open and transparent admission that something has to happen. Dialogue does work in the end and I am not being too optimistic or glassy-eyed when I say that.

The point about Africa is not just well meant, we have to ensure that we do not get into another cycle of soft loans leading to the problems that we have seen with other issues. As we speak, the President of China is on an extensive tour of a range of countries. That tour follows up China’s Africa conference in Beijing last November, which was attended by 48 countries and at which decisions on just over £5 billion, in soft loans and other agreements, were reached.

One of the concerns is that a substantial proportion of their oil reserves come from conflict zones. These are big issues, but I am certain that China will have that dialogue and, hopefully, I will report back to the Committee on the details. It is not just a dialogue with ourselves; it is a dialogue with others as well.

The Chairman: Thank you, Minister. You mentioned Burma, which we will now come to.

Q91 Mr. Keetch: In Burma the situation is bad and getting worse. The FCO report said that there has been a deterioration in the human rights situation in the past year and there are continuing, credible reports of torture. Can I turn to the international community’s response to Burma, specifically to the two UN votes? I applaud what the UK Government did on resolution 16233, which was passed by the General Assembly in, I think, December 2005. Yet, a few months ago, in January, a US draft resolution was vetoed by China and also by Russia; Human Rights Watch told us that it believes that that US resolution was brought too soon, that its wording almost invited a veto from Russia and China and, as a result, the Burmese Government are now able to hide behind Russia and China in some kind of defence of their position. Do you share that concern, or do you think that it would, perhaps, have been better to have waited until China and Russia were at least in a position of abstaining, rather than pushing for a vote that did not force them but invited them to veto it?
Ian McCartney: No, I do not share it and I shall explain why. Despite the vote, which was disappointing, the fact was that even among those that voted against—one abstained. I think—that was still an overwhelming expression of the need for Burma to make a move towards working with the UN, not just the Security Council, but the range of UN rapporteurs that it needs to work with. Yes, there is always the risk, with a veto, of a particular country trying to use that, and I am quite certain that Burma will attempt that. But it is interesting, alongside that, to consider the ASEAN conference. ASEAN has said little, until recently, about Burma. At the meeting in Finland, it acquiesced with a very strong resolution on the need to move. But it went a bit further than that, as I understand it, and the President of the Philippines and others made it absolutely clear to Burma that it cannot use the veto, that time is running out and it needs to do something. Therefore, it is important. If you simply run around on the basis that in all circumstances of a veto you do not speak out, you might as well sit on your hands. Extensive discussions and negotiations took place—as always happens in these cases—and you can rest assured that the words spoken there were that it should be given the best shot possible. There are other international pressures at play in the region—China and India—for different reasons. It is important, overwhelmingly, that we keep putting Burma in the spotlight and that we keep the United Nations putting Burma in the spotlight. Recently, Mr. Gambari went to Burma on behalf of the UN. I met him afterwards. It is important, after his visit, that we continue the pressure, if it is going to try to persuade the international community that the discussions that it is having about moving to democracy are real—looking at the proposals that it is putting forward—and it still prevents any viable, democratic institutions from being created or any viable, democratic, accountable independent elections taking place. It is still keeping Aung San Suu Kyi and others in custody. It is an appalling regime. A few days ago, I met some very brave people from two areas of Burma—who have left for a moment where they were—along with NGOs. These people, by the way, go back into Burma and have families in there. I have no doubt that, if they were caught by the Burmese, they would suffer the consequences. They were absolutely delighted that we had stuck our neck out and want us to continue to do so, because it gives them hope that people are still listening to them. It gives them hope that one day soon the Burmese Government will move into the 21st century.

Q92 Chairman: Before we leave Burma, should any credence be given to the press reports that the Burmese authorities are seeking to remove the remaining Christian community from that country? Ian McCartney: I have met representatives of the Christian community, and they are certainly under a great deal of pressure. As I understand it—I say this with caution because I am giving you second-hand information that comes from Christian activists and NGOs working in the region—on religious freedom, there was a move recently in at least one province to close down churches in villages and townships and to utilise a large number of non-Christian religious leaders who have the support of the Burmese regime to go into those areas to speak to and intimidate Christians. I received that unconfirmed report a few days ago when I met some representatives of the Christian community.

Q93 Mr. Pope: Pakistan is obviously playing a crucial role in the fight against the Taliban, and it is safe and fair to say that the Pakistan army is probably taking more casualties than any of the allies in the fight against the Taliban. There was particularly fierce fighting in the South Waziristan and the Afghan border areas, involving the Pakistan armed forces. The downside to that, of course, is the knock-on effect on human rights in precisely those areas around the Pakistan–Afghan border. We have heard reports of torture being endemic, people disappearing, and the Pakistan security force, the ISI—Inter-Services Intelligence—acting with impunity.

That is a matter of real concern because, if the war on terror is anything, it is a battle for human rights and extending human rights into Afghanistan. It cannot possibly be right to pay the price by allowing human rights abuses to take place in the fight for human rights. In that context, I was puzzled, and some of the people who gave evidence to this Committee were perplexed, that Pakistan is not listed as a country of concern in the Foreign Office’s annual human rights report. It seemed to us—it was, at least, arguable—that other countries with a slightly better human rights record were listed, whereas Pakistan was not. Could you say a word about that?

Ian McCartney: I recently visited Bangladesh, India and Pakistan, but had to come back to the House before I went to Sri Lanka. Before I went out, I met NGOs covering all four countries and had a detailed discussion about their priorities and the issues to be raised in each country. In Pakistan, I met Prime Minister Aziz and followed that up with a detailed letter and notes about the issues of concern. I also expressed in the letter that those concerns had been expressed to us by communities in the UK that are committed to Pakistan and its well-being. I am waiting for a response.

While I was there, it was interesting that a great deal of discussion took place, and the Government held firm and passed the Women’s Protection Bill. That was a significant step for women’s rights. They were very firm about that, and about the potential for doing other things, although public meetings were organised and demonstrations were held against the Government for having passed it. I was encouraged by that. When I was there, I welcomed their agreement to address the issue of blasphemy legislation being used against minorities and to encourage a programme of further reform on discriminatory legislation. They are working very
closely with us—we have provided resources—to deal with forced marriage, abductions and honour killings.

There was an interesting decision a few weeks ago, when a court decided that a child should be returned to the UK for the determination. Pakistan has not yet recognised The Hague convention, but that decision was in line with it. If I had been asked even two or three years ago whether I expected that to happen, the answer would have been no.

A great deal is going on in Pakistan; we are engaged with it and will continue to be. At the same time—not just because of the Taliban coming in from Afghanistan—the Government there to deal with very effective internal terrorist organisations. The Government are committed to general elections, to parliamentary elections, and to a forward programme—not linked to human rights, but important in terms of international commitments—for the opening up of financial services in other sectors of the economy. That is an important process in terms of interesting inward investors not just in general investment but in investment involving corporate responsibility.

It was a short visit, but I was more encouraged than I had been before I went. Since then, I have sat down with the NGOs for the four countries concerned and shared with them the discussions that I had and the work programme that I put in place.

The final point—I know that you did not ask about the work programme that I put in place. It was a short visit, but I was more encouraged than I had been before I went. Since then, I have sat down with the NGOs for the four countries concerned and shared with them the discussions that I had and the work programme that I put in place.

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Q94 Chairman: We want to cover two more countries, and a Division is coming up, so could we come to them?

Ian McCartney: Yes, I am not trying to divert you. I shall come back another day.

Chairman: It is just the time factor. We want to cover Russia now, and then we will come to the overseas territories.

Q95 Mr. Purchase: The FCO clearly gives great significance to Russia—12 pages in the report. I scarcely need remind you of the issues: Chechnya, the restriction on NGOs, the deaths of Politkovskaya and Litvinenko. Those are serious matters, clearly indicating that all is not well in Russia in terms of human rights, as are the move of Putin to become more authoritarian, the greater secrecy, the development of oligarchies, the imprisonments and so on. However, I must say that Putin is a fantastic improvement on Yeltsin, who was yet another choice of the west with our unerring ability to pick up drunks and warmongers.

We last recommended that the Government should make it clear to President Putin and other Russian authorities that the creeping return to authoritarianism that is regularly reported is not an acceptable policy to pursue. Can you tell us, first, what action, if any, was taken as a result of that and secondly, whether you accept—in a way we are back to the Saudi Arabia question—that serious and difficult compromises have to be made with Russia, particularly as an energy supplier, and that that might be at the expense of the human rights agenda? If so, how can we best protect that agenda?

Chairman: Briefly, please.

Ian McCartney: I shall be brief. I shall come back another day to speak about energy being used as a hard foreign policy option by Russia; that is another debate.

On 22 January, I participated in a human rights dialogue with Russia’s human rights negotiator. It was a full and frank discussion, as they always are. We are engaged on a whole range of issues. For brevity reasons, I will write a note to the Committee.5

Chairman: Thank you, Minister. Now, the question that you have been waiting for.

Q96 Andrew Mackinlay: The human rights policy of this Labour Government is that we should combat gender discrimination. In Bermuda, the commander-in-chief is the Governor and the Deputy Governor, who is a Foreign and Commonwealth Office diplomat, is ex officio on the Defence Board of Bermuda. Bermuda currently has conscription, which is exclusively for males who are chosen by ballot. I put to you, Minister, that even if we consider conscription to be acceptable, how is it consistent with our Labour Government’s gender anti-discrimination policies that we should have the conscription of just males?

Ian McCartney: First of all, the European convention on human rights allows for conscription, in that there is an exclusion in the section that deals with slavery and forced labour. I think that is because some countries in the European Community still have national service.

Q97 Andrew Mackinlay: May I just interrupt? I was aware of that. The issue is the Labour Government’s policy on gender discrimination, not the ECHR.

Ian McCartney: I was setting it down in the context of the question that I thought you were alluding to. Secondly, the position of the Bermuda Government and Parliament is a matter for them. We do not have conscription here and we do not have discrimination. We have a very strong view of that. There are discussions with other countries where we are almost encouraging them to look at what we are doing. We have a good record. This is a matter for the Bermudian Parliament and Government to determine, not ourselves.

Q98 Andrew Mackinlay: But Minister, your appointees—one, the Governor, who is the commander-in-chief, and the other, the Deputy Governor, a Foreign and Commonwealth Office diplomat—are on the defence board.

Ian McCartney: The responsibility for the regiment is with the Ministers of Bermuda, and has been since 1989. It is not our responsibility. Why should it be? We are not a colonial power in that respect. They have the legal right to establish this force, and they...
have established it. They have a legal right to set out who can be conscripted into it and who cannot. That is a matter for them and will remain a matter for them.

Q99 Andrew Mackinlay: If you recall the discussions earlier, when we touched upon Zimbabwe, it reminded me of the fact that Harold Wilson’s Government deeply regretted that they did not exercise their powers of competence over the Rhodesian armed forces, which was a similar situation. They had the power, they did not use it and that left them in some difficulty. That is a matter for history, but the constitutional position is that you have ultimate responsibility for this issue and you are acquiescing in a discrimination that you would not tolerate in Dunbartonshire or West Lancashire or Thurrock.

Ian McCartney: You are a bit short in your geography and in your history. Comparing the Bermudian force of 300, which is used in times of problems from hurricanes and stuff, with the Rhodesian uprising against the whole black community is a ridiculous point to make. The reality here is that the Bermuda Parliament and Government have a constitutional and legal right to establish this force. They have done and they are entitled to do so. They also have a legal right to determine who they will recruit to it. That is their right. From my point of view, that is the end of the matter.

Chairman: Minister, thank you very much indeed. We hope that we have not left you too giddy with jet lag as you have gone round the world several times.

Ian McCartney: I will need a new passport.

Chairman: We are grateful to you, and to Miss Hyland and Mr. Adam for accompanying you. Thank you very much indeed.

Supplementary evidence from Rt Hon Mr Ian McCartney MP, Minister of State for Trade, Investment and Foreign Affairs

During my oral evidence session on the Foreign and Commonwealth Office’s 2006 Annual Human Rights Report, which took place on 7 February, I undertook to write to the Committee with further information about a number of questions.

Deportation with Assurances (Q65/66)

I undertook to write to the Committee with fuller details of the arrangements with Algeria, Libya, Jordan and Lebanon. We have already made much of the information that follows available to the Committee in the form of our recent response to the Committee’s response to the Annual Human Rights Report. And, of course, copies of the arrangements have been deposited with the Library of the House. For ease of reference I attach a copy of the arrangements we have concluded with Libya. I hope that this short overview will be of assistance to the Committee in their work.

Libya, Jordan and Lebanon

MOUs were signed with Libya, Jordan and Lebanon in October 2005, August 2005 and December 2005 respectively. The MOUs are bilateral framework agreements which formalise the process of obtaining assurances regarding the future treatment of people we wish to deport from the UK. They contain assurances, agreed by both parties, that we believe will safeguard the rights of individuals being returned. Examples include access to medical treatment, adequate nourishment and accommodation as well as treatment in a humane manner in accordance with internationally accepted standards. Additional, specific assurances may be obtained in individual cases depending on the circumstances of each case.

At the time of signature, the British Government also set out to the governments of Libya, Lebanon and Jordan, its firm opposition to the use of the death penalty in any circumstances and confirmed in writing that the Government would not return an individual if that person were at significant risk of being subjected to such a penalty.

In Libya, Lebanon and Jordan monitoring bodies have been appointed to oversee the implementation of assurances. Monitoring is one element of the wider package (which includes the assurances which I have mentioned above). In selecting and appointing monitoring bodies, the British Government and the government of the receiving State take into consideration eg capacity, independence, access to expertise. Our Embassies are closely involved in the selection process and liaise with monitoring bodies once appointed. The monitoring body in each case must have capacity for the task ie have experts (“Monitors”) trained in physical and psychological sign of torture and ill-treatment; have, or have access to, sufficient independent lawyers, doctors, forensic specialists, and specialists on human rights, humanitarian law and prison systems and the police. Where necessary, additional training or capacity building measures can be provided to ensure the monitoring can function effectively.

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The monitoring body operates under terms of reference, which are agreed by the British Government, the receiving state and the monitoring body itself. Under the Terms of Reference the monitoring body will undertake a number of tasks, including accompanying deportees from the UK to the receiving state and to their home, or other destination; to ensure that contact details are obtained for the returnee and his/her next of kin. They will make arrangements to maintain contact with an individual whether he/she is in detention or at liberty. The monitoring body should provide frank reports to authorities of both States and should contact the sending State immediately if its observations warrant.

The Qadhafi Development Foundation has been appointed as the monitoring body in Libya, the Adaleh Centre in Jordan and the Institute for Human Rights of the Beirut Bar Association in Lebanon.

Capacity building training is already being provided to the monitoring body in Jordan and will shortly be provided in Libya and Lebanon in the area of international human rights law and also in the detection of signs of torture and ill-treatment. The British Government also supports, and has done so for some time, wider human rights projects in the Middle East and North Africa. For example the British Embassy in Libya run a Prison Management Project with the International Centre for Prison Studies (ICPS) of King’s College, and the Libyan Judicial Police. In Jordan the Embassy has funded training courses, capacity building and study visits in the UK for the Jordanian Ministry of Justice and the Jordanian police, as well as a project with the National Centre for Human Rights to disseminate knowledge of human rights in Jordanian schools.

**Algeria**

There is no MOU with Algeria. Instead the arrangements include an Exchange of Letters, signed by the Prime Minister and Algerian President Bouteflika on 11 July 2006 and an exchange of Note Verbales in each individual case. The Exchange of Letters and assurances in individual cases safeguard the rights of the individuals being returned. In the Exchange of Letters both Governments undertake to abide by fundamental freedoms such as the freedom of movement and right of abode. In particular they undertake to uphold their obligations under national and international law. The British Government set out in the Exchange of Letters its firm opposition to the use of the death penalty in any circumstances and confirmed that the Government would not return an individual to Algeria if that person were at significant risk of being subjected to such a penalty. No monitoring body has been appointed in Algeria.

**General remarks**

The arrangements with Algeria, Libya, Jordan and Lebanon apply to individuals whom the Government wishes to deport on grounds of national security. An individual who is served with a deportation order in these circumstances has the right to appeal against his deportation. Deportation may not take place if an appeal to the British courts is outstanding.

To date the British courts have considered five appeals against deportation to Algeria, as well as one Jordanian case and one Libyan appeal. The Special Immigration Appeals Commission has published judgments in four cases, the Jordanian and three involving Algerians. In each case the court upheld the deportation order. The Government welcomes these judgments. Judgment in respect of the Libyan case is expected shortly.

During my evidence to the Committee I also undertook to provide further information about the two Algerians who were deported from the United Kingdom in June of last year. The paragraphs below detail this information. I have also included an explanation of the position of a further four individuals, who have also since returned to Algeria.

In my evidence I explained to the Committee that I used initials to refer to the men because of British court proceedings. The same procedure applies here.

Two Algerians, “I” and “V”, were deported in June 2006 following withdrawal of their appeals against deportation from the UK. They were detained and interviewed on arrival in Algeria. They were released after five days and six days in detention respectively. On release they were reunited with their families.

Between 20 and 27 January 2007 a further four Algerians were deported to Algeria after either withdrawing or waiving their appeals against deportation. They were known as “K”, “H” and “P”. The fourth man was formerly known as “Q”; he recently waived his right to anonymity and is now known as Mr Dendani.

Prior to removal, each individual was provided with the contact details of the British Embassy in Algiers and it was explained that they or a representative could maintain contact with the Embassy following their return. British Embassy officials have been in and remain in close contact with the Algerian authorities regarding all four deportees. Only one individual, “H”, specifically requested contact arrangements. These were established before “H” left the UK. The British Embassy in Algiers has been in touch with H’s family since “H” returned.

The Algerian authorities have told us that “K” was detained on 24 January 2007 and released without charge on 4 February. “P” was detained on 27 January 2007 and released without charge on 30 January. Amnesty International reported on 8 February that “K” had rejoined his family and had not reported being
subject to any ill-treatment during his detention. Mr Dendani was detained on 25 January 2007 and subsequently brought before a court. He has been charged with offences under Article 87 of the Algerian Criminal Code, (membership of an armed terrorist group active abroad) and under Article 249 (assumption of the name of a third party).

“H” was detained on 31 January 2007 and brought before a court on 5 February 2007. He has been charged with offences under Article 87 of the Algerian Criminal Code (membership of an armed terrorist group active abroad). He has had contact with his family since being charged and it is the Government’s understanding that he is being held in a civilian prison. He has had access to an Algerian lawyer. The British Government will continue to monitor the cases of “Q” and “H” closely.

All four men were either released or charged before the 12 day detention period, provided for in Article 51 of the Algerian Criminal Code, had expired. All were able to contact their families during that initial period of detention.

By way of conclusion I would only add that, as I said when I gave my evidence to the Committee, the United Kingdom is not in any way seeking to evade its international human rights obligations. Indeed it is precisely to uphold these obligations that the Government has sought assurances from Libya, Lebanon, Jordan and Algeria before deporting these individuals.

AFGHANISTAN (Q76/77)

I undertook to write to you about compensating in cases of civilian casualties in Afghanistan.

It is the national responsibility of each ISAF troop-contributing nation to pay compensation for valid claims related to civilian casualties. The UK believes it important that compensation claims are considered quickly by allies and compensation is paid promptly in accordance with legal liability.

To assist in the thorough and expedient resolution of claims, it is normal procedure for the Ministry of Defence to deploy an Area Claims Officer (ACO) to those NATO operations where the UK is a contributing nation. The ACO is responsible for handling all but the most serious compensation claims. Those claims involving death or serious injury are handled by the Ministry of Defence in the UK because of their complex and sensitive nature and to ensure a consistent approach in their handling.

PALESTINIAN/ISRAEL: FINANCIAL ASSISTANCE (Q79)

I undertook to write with further details regarding the formation of a National Unity Government and UK funding to the Palestinian people.

Following several days of discussions in Mecca, on 8 February Fatah and Hamas agreed to form a National Unity Government. At their meeting in Berlin on 21 February, the Quartet reiterated its support for a government committed to the three principles: renunciation of violence; recognition of Israel; and acceptance of previous agreements and obligations, including the Roadmap and has encouraged progress in this direction. We stand ready to work with a Palestinian government based on these principles and await further details of the new government.

The UK Government is extremely concerned about the humanitarian situation in the Occupied Palestinian Territories and is committed to helping the Palestinian people through the EU-led Temporary International Mechanism (TIM) and other means.

In 2006, we gave £30 million bilaterally and an additional £40 million through the EU. The Secretary of State for International Development has also announced a four-year, £76.6 million commitment to UN Relief and Works Agency. The TIM has been extended by the Quartet twice, most recently in late December for three months. Following this decision the EU has agreed to increase the number of recipients, while maintaining the rigorous auditing procedures that have been applied so far.

UK/RUSSIA HUMAN RIGHTS CONSULTATIONS (Q95)

I undertook to send a note to the Committee about the recent round of the UK/Russia Human Rights consultations.

The latest round of our bilateral human rights consultations with Russia was held at the Foreign and Commonwealth Office on 22–23 January 2007.

As a new element of the talks, the UK made presentations on our experience of advancing human rights in areas of mutual interest. The Association of Chief Police Officers (National Communities Tension Team) gave a presentation on the UK’s experience of investigating racially motivated crimes. In addition, the Department of Constitutional Affairs (Human Rights Division) shared UK experience of implementing European Court of Human Rights judgements. These presentations stimulated a useful exchange of views.

There was a broad discussion on co-operation in international institutions. We urged Russia to ratify Article 14 of the European Convention on Human Rights (on reform of the European Court of Human Rights) and to implement outstanding European Court of Human Rights judgements.
We reiterated our support for the OSCE and its core work, particularly the Office for Democracy, Institutions and Human Rights, and its election-monitoring role.

There was an exchange of views on the UN Human Rights Council. We stressed the need for the Council to develop effective procedures and instruments to enable it to address a range of issues, including emergency situations.

We discussed the situation in the North Caucasus and raised concerns about the role of the Kadyrovtsy (the former Chechen Prime Minister, Ramzan Kadyrov’s officially disbanded personal militia), disappearances, arbitrary detention, torture and impunity.

We also raised many of our wider human rights concerns in Russia including: judicial independence, the death penalty, the use of torture by law enforcement officials, journalist safety, freedom of the media, restrictions on NGOs, the law against extremist activity, and the rights of ethnic, racial, sexual and religious minorities.

The Russian Government also raised a number of concerns about human rights observance in the United Kingdom, including: detention without charge, the use of evidence obtained under torture and non-ratification of European Human Rights Conventions.

The bilateral consultations, complemented with the EU/Russia human rights consultations, held twice a year, our financial and political support for civil society, and ongoing lobbying by UK Ministers and officials, demonstrate the Government’s commitment to promoting human rights and democratic freedoms in Russia.

Rt Hon Mr Ian McCartney MP
Minister of State for Trade, Investment and Foreign Affairs
February 2007

Memorandum of Understanding between the General People’s Committee for Foreign Liaison and International Co-operation of the Great Socialist People's Libyan Arab Jamahiriya and the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland concerning the provision of assurances in respect of persons subject to deportation

Application and Scope

A request for assurances under this Memorandum may be made by the sending state in respect of any citizen of the receiving state, any stateless person who was habitually resident in the receiving state, or any third-country national whom the receiving state is prepared to admit.

Such requests will be submitted in writing either by the British Embassy in Tripoli to the General People’s Committee for Foreign Liaison and International Co-operation or by the People’s Bureau of the Great Socialist People’s Libyan Arab Jamahiriya in London to the Foreign and Commonwealth Office. The state to which the request is made will acknowledge receipt of the request within five working days.

A final response to such a request will be given promptly in writing by the Foreign Secretary in the case of a request made to the United Kingdom, or by the Secretary of the General People’s Committee for Foreign Liaison and International Co-operation in the case of a request made to Libya.

To assist a decision on whether to request assurances under this Memorandum, the receiving state will inform the sending state of any penalties outstanding against a person to be deported, and of any outstanding convictions or criminal charges pending against him and the penalties which could be imposed.

Requests under this Memorandum may include requests to the receiving state for further specific assurances. It will be for the receiving state to decide whether to give such further assurances.

The United Kingdom and the Great Socialist People’s Libyan Arab Jamahiriya will comply with their human rights obligations under international law regarding a person in respect of whom assurances are given under this Memorandum. The assurances set out in the following paragraphs (numbered 1–9) will apply to such a person, together with any further specific assurances provided by the receiving state.

An independent body (“the monitoring body”) will be nominated by both sides to monitor the implementation of the assurances given under this Memorandum, including any specific assurances, by the receiving state. The responsibilities of the monitoring body will include monitoring the return of, and any detention, trial or imprisonment of, the person. The monitoring body will report to both sides.
ASSURANCES

1. Where, before his deportation, a person has been tried and convicted of an offence in the receiving state in absentia, he will be entitled to a re-trial for that offence on his return.

2. In cases where the person may face the death penalty in the receiving state, the receiving state will, if its laws allow, provide a specific assurance that the death penalty will not be carried out. In any case, where there are outstanding charges, or where charges are subsequently brought, against the person in respect of an offence allegedly committed before his deportation, the authorities of the receiving state will utilise all the powers available to them under their system for the administration of justice to ensure that, if the death penalty is imposed, the sentence will not be carried out.

3. If arrested, detained or imprisoned following his deportation, the deported person will be afforded adequate accommodation, nourishment, and medical treatment, and will be treated in a humane and proper manner, in accordance with internationally accepted standards.

4. If the deported person is arrested or detained, he will be informed promptly by the authorities of the receiving state of the reasons for his arrest or detention, and of any charge against him. The person will be entitled to consult a lawyer promptly.

5. If the deported person is arrested or detained, he will be brought promptly before a civilian judge or other civilian official authorised by law to exercise judicial power in order that the lawfulness of his detention may be decided.

6. The deported person will have unimpeded access to the monitoring body unless they are arrested, detained or imprisoned. If the person is arrested, detained or imprisoned, he will be entitled to contact promptly a representative of the monitoring body and to meet a representative of the monitoring body within one week of his arrest, detention or imprisonment. Thereafter he will be entitled to regular visits from a representative of the monitoring body in co-ordination with the competent legal authorities. Such visits will include the opportunity for private interviews with the person and, during any period before trial, will be permitted at least once every three weeks. If the representative of the monitoring body considers a medical examination of the person is necessary, he will be entitled to arrange for one or to ask the authorities of the receiving state to do so.

7. The deported person will be allowed to follow his religious observance following his return, including while under arrest, or while detained or imprisoned.

8. If the deported person is charged with an offence he will receive a fair and public hearing without undue delay by a competent, independent and impartial civilian court established by law. The person will be allowed adequate time and facilities to prepare his defence, and will be permitted to examine or have examined the witnesses against him and to call and have examined witnesses on his behalf. He will be allowed to defend himself in person or through legal assistance of his own choosing, or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require.

9. Any judgement against the deported person will be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interest of justice.

WITHDRAWAL

Either participant may withdraw from this Memorandum by giving six months notice in writing to the diplomatic mission of the other.

Where one or other participant withdraws from the Memorandum any assurances given under it in respect of a person will continue to apply in accordance with its provisions.

SIGNATURE

This Memorandum of Understanding represents the understandings reached upon the matters referred to therein between the Great Socialist People’s Libyan Arab Jamahiriya and the United Kingdom of Great Britain and Northern Ireland.

Signed in duplicate at Tripoli on 18 October 2005 in the English and Arabic languages, both texts having equal validity.

Anthony Layden
HM Ambassador
British Embassy, Tripoli
For the United Kingdom of Great Britain and Northern Ireland
We, the undersigned, hereby appoint the Implementation Body, comprising the Qadhafi Development Foundation supported by other independent organisations, to monitor, in accordance with attached Terms of Reference, the execution of the undertakings given under the Memorandum of Understanding between the General People’s Committee for Foreign Liaison and International Co-operation of the Great Socialist People’s Libyan Arab Jamahiriya and the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland dated 18 October 2005 (the MOU), in relation to returns to Libya under the MOU.

We undertake to support and facilitate the Implementation Body’s full and unrestricted implementation of these Terms of Reference.

Signed in Tripoli on 8 May 2006 in English and Arabic.

For the Great Socialist People’s Libyan Arab Jamahiriya
For the Government of the United Kingdom of Great Britain and Northern Ireland

We accept this appointment and attached Terms of Reference on behalf of the Implementation Body.

For the Qadhafi Development Foundation

TERMS OF REFERENCE FOR IMPLEMENTATION BODY

1. Key features of the Implementation Body

(a) The Implementation Body must be independent of the government of the receiving State, ie:
   — The State must have no influence over the mandate of the Body, nor over its existence/composition, even on a change of government.
   — The Body’s personnel must be independent of the State.
   — The Body must be financially independent.\footnote{This does not exclude state funding as long as there are no conditions attached to that funding.}
   — The Body must be able to produce frank and honest reports.

(b) The Implementation Body must have the capacity for the task, ie, have experts (“Monitors”) trained in detecting physical and psychological signs of torture and ill-treatment. The Body itself must have, or have access to, sufficient independent lawyers, doctors, forensic specialists, psychologists and specialists on human rights, humanitarian law, prison systems and the police.

2. Journey to Receiving State

A Monitor should accompany every person returned under the MOU (“returned person”) throughout their journey from the sending State to the receiving State and should go with them to their home or, if taken to another place, to that place.

3. Accessibility to persons not in detention

(a) Before leaving a returned person at their home or other destination, the Monitor should obtain his or her contact details, and should obtain the contact details of one other person of the returned person’s choosing (“next of kin”) who generally has knowledge of the returned person’s movements and is willing to participate in the monitoring arrangements. The Monitor should provide both the returned person and the next of kin with the Implementation Body’s contact details.

(b) For the first year after the person returns, a Monitor should contact him or her, either by telephone or in person, on a weekly basis. If the returned person is unavailable on any occasion, the Monitor should instead contact the next of kin.

(c) At all times, the Implementation Body should be accessible to any returned person or next of kin who wishes to contact it, and should report to the sending State on any concerns raised about the person’s treatment or if the person disappears.
4. Visits to detainees

(a) When the Implementation Body becomes aware that a returned person has been taken into detention, a Monitor or Monitors should visit that person promptly.

(b) Thereafter, Monitors should visit all detainees frequently and without notice (at least as frequently as the MOU permits; Monitors should consider requesting more frequent visits were appropriate, particularly in the early stages of detention).

(c) Monitors should conduct interviews with detainees in private, with an interpreter if necessary.

(d) Monitoring visits should be conducted by experts trained to detect physical and psychological signs of torture and ill-treatment. The visiting Monitor or Monitors should ascertain whether the detainee is being provided with adequate accommodation, nourishment and medical treatment and is being treated in a humane and proper manner, in accordance with internationally accepted standards.

(e) When interviewing a detainee, a Monitor should both encourage frank discussion and observe the detainee's condition.

(f) Monitors should arrange for medical examinations to take place promptly at any time if they have any concerns over a detainee's physical or mental welfare.

(g) The Implementation Body should obtain as much information as possible about the detainee's circumstances of detention and treatment, including by inspection of detention facilities, and should arrange to be informed promptly if the detainee is moved from one place of detention to another.

5. Fair trial

In order to monitor compliance with the right to fair trial, Monitors should have access to all court hearings, subject to the requirements of national security.

6. Specific assurances

Monitors should ensure that they are mindful of any specific assurances made by the receiving State in respect of any individual being returned, and should monitor compliance with these assurances.

7. Reporting

(a) The Implementation Body should provide regular frank reports to the sending State.

(b) The Implementation Body should contact the sending State immediately if its observations warrant.

Letter to the Chairman of the Committee from Rt Hon Ian McCartney MP, Minister of State for Trade, Investment and Foreign Affairs

At the Westminster Hall debate on the Foreign Affairs Committee Report on East Asia on 1 February, I promised to update you on the UK–China Human Rights Dialogue, and the wider human rights discussions I have been having in the region.

The 15th round of the UK–China Human Rights Dialogue took place in London on Monday 5 February. At the end of the Dialogue I met the head of the Chinese delegation, Dr Shen Yongxiang, Special Representative on Human Rights, Chinese Ministry of Foreign Affairs.

I stressed the public and parliamentary interest in China’s progress and engagement on human rights. I left Dr Shen in no doubt of the value that we attach to the Dialogue. As I said during the Westminster Hall debate, I believe human rights requires a long-term dialogue, not only as a means of sharing information but also as a channel for discussing often difficult issues on a regular basis. I also made clear to Dr Shen that the Dialogue is just one strand of a much wider engagement that includes a growing portfolio of successful project work, ministerial and official exchanges and work through EU and international mechanisms.

The Dialogue produced frank discussions on a wide range of human rights issues. Overall, there were signs of progress. The Supreme People’s Court recovered its right to review all death sentences on 1 January 2007. China implemented new guidelines for foreign correspondents which temporarily lift restrictions on travel and the requirement to seek official permission for interviews up to and during the Olympics. And we received a constructive response on 35 of the 45 individual cases of concern we raised.

But despite continued international pressure, progress in other areas, notably ratification of the International Covenant on Civil and Political Rights (ICCPR), remains slow.

The main themes were civil society and the role of defence lawyers in the criminal justice system. The Chinese authorities recognised the contribution that civil society has made to the market economy and social support services in China. They stated candidly that many existing laws and regulations prevented NGOs
and INGOs from developing and were outdated. We made recommendations for reform, emphasising the need for a simplified and transparent regulatory framework, as in the UK. A senior representative of the Royal National Institute for the Deaf—the first UK NGO to play a leading role in the main talks—described how the charity successfully lobbied to improve a public service.

In parallel to the main talks at the Dialogue, legal experts took part in a workshop on the role of defence lawyers. A detailed case study involving the detention, arrest and eventual charging of a suspect helped to focus discussions on the areas of Chinese practice which remain incompatible with the ICCPR. During the two-day fieldtrip to Belfast that followed, the case study culminated in a mock trial hosted by the Lord Chief Justice, and a visit to the custody suite of a police station. It is in areas like this, where China has already shown a willingness to implement reforms (China is in the lengthy and complex process of reforming its Criminal Procedure Law) that I believe we can have the most impact in shaping China’s thinking in positive directions, particularly through projects.

We take a multi-layered approach to engaging China on human rights. High-level messaging is important to encourage progress at the top. But project work is the most effective way to deliver more immediate results on the ground. We have used the Global Opportunities Fund to support a number of projects aimed at developing the rule of law. The Lord Chancellor’s Training Scheme for Young Chinese Lawyers (LCTS) gives Chinese lawyers practical experience of litigation and court procedure. The UK has significant expertise in safeguarding the rights of defendants and their defence lawyers from which China can benefit. I know that the Chinese participants found the workshop session particularly valuable.

When the Foreign Secretary met Chinese Foreign Minister Li Zhaoxing last September, she made the point that China’s early ratification of the ICCPR would go a long way to reassure the international community that China is serious about improving human rights. At the Dialogue, Dr Shen would not or could not elaborate on a timetable for ratification, despite my repeated requests. This was disappointing. With EU partners, we will continue to make the case that it is in everyone’s interests—Chinese citizens and the international community—for China to ratify the ICCPR with the minimum number of reservations and to implement it in its true spirit.

In August 2006 I wrote to the Chinese Ambassador to urge China to give fresh impetus to reforming the Re-education through Labour (RTL) system. At the Dialogue, we gave a cautious welcome to China’s plans to reduce the scope of the RTL system and the maximum sentence length, while pushing for details of concrete steps and timing. We will continue to raise our concerns about this and all other forms of administrative detention and press for more urgent progress.

Torture remains a serious, widespread problem in China, as the Special Rapporteur on Torture noted in the report on his visit at the end of 2005. But there have been positive signs since. Senior Chinese government figures have openly recognised that forced confession is a serious problem. They have begun to pass that message on to law enforcement officials. We will continue to lobby the Chinese unambiguously to prohibit the use of evidence obtained through torture, and to take other measures which will act as a practical barrier to torture, such as allowing defence lawyers a larger role in the criminal judicial process.

At the Dialogue, we reminded China of its obligations as host of the Olympics and events such as the Shanghai Expo to ensure greater freedom of the media, information and expression. We expressed concern about the continued restrictive regime on access to information, including the blocking of websites and jamming of radio frequencies.

During the Westminster Hall debate, you asked for an update on the role of western companies, including Sky, and the internet in China. We have made clear that it is for the companies concerned to answer questions on their co-operation with the Chinese Government. However, I understand that Google and Yahoo! are now working with the Berkman Centre for Internet and Society at Harvard Law School, Human Rights Watch and the Centre for Democracy and Technology (CDT) in Washington on a code of conduct to guide company behaviour when faced with ‘laws, regulations and policies that interfere with the achievement of human rights’.

On issues like freedom of expression, we must recognise that a significant shift in China’s policy in the medium term is unlikely. Nevertheless, we will continue to impress upon China our belief that progress on these issues will ensure both growth and stability, and an improvement in China’s international standing.

This is also true of issues that touch on national unity, such as the protection of minority rights in Tibet. We regularly urge the Chinese government to engage in serious negotiations with the Dalai Lama’s representatives, without pre-conditions, to build a peaceful, sustainable and legitimate solution for Tibet. At the Dialogue, we urged the Chinese government to carry out a full investigation into the Nangpa Pass shooting at the end of September 2006, including reports of ill treatment of detainees. As I told Sir John Stanley at the Westminster Hall debate, I would welcome a meeting to discuss these issues further. I have written separately to Sir John inviting him to take this forward with my office.

We also raised the “training camp” incident that took place in Xinjiang on 5 January and the execution of a Uighur Mullah which reportedly took place the same day. We raised concerns about the treatment of Christians and other religious practitioners in China. And we raised concerns about reports of the mistreatment of Falun Gong practitioners in detention.
We noted the parliamentary and media interest in allegations of organ harvesting, including the revised report by former Canadian Minister David Kilgour, published on 1 February 2007. We welcomed draft legislation to further tighten controls over organ transplants. We urged China to ensure that it meets the World Health Organisation (WHO) requirement for free and informed consent and covers transplants taking place outside ordinary hospitals.

We also raised China’s treatment of refugees and other migrants from the Democratic People’s Republic of Korea (DPRK). Last July, I discussed the human rights situation in DPRK with Ministers in Japan, South Korea and China. In Japan, I met the families of Japanese citizens abducted by North Korean agents in the 1970s and 1980s. I support Japanese efforts to draw international attention to this issue.

North Korea represents a direct challenge to international human rights standards. We take every opportunity to express our concern about the wide-ranging human rights abuses there, and are working to improve the overall flow of information on human rights issues into and out of the country. Following their nuclear test in October, I summoned the DPRK Ambassador and took the opportunity to convey a forceful message on human rights. In November, I invited the UN Special Rapporteur on Human Rights in the DPRK to the UK for talks with parliamentarians, NGOs, academics and other interested parties. In January, I chaired a workshop session on DPRK human rights, which academics, NGOs and senior officials from across Whitehall attended. At the meeting, I made a commitment to enter into an ongoing dialogue with NGOs on how best to engage North Korea on human rights.

I will shortly be writing again to Vice-Foreign Minister Zhang Yesui to develop further our ideas for taking forward the UK–China Human Rights Dialogue. These include broadening participation by Government Departments on both sides, and revisiting key themes over a number of rounds for better continuity and more focused discussions. In a similar way we are discussing with EU partners ways to strengthen the EU–China Human Rights Dialogue. We have been able to put forward a number of the recommendations set out by the FAC in its Report on East Asia. The EU working group on human rights discussed the issue on 28 February. I will write to the Committee with more details shortly.

I also intend to make available to NGOs, Parliament and other interested groups details of our internal strategy paper setting out how we intend to deliver our priorities on human rights, democracy and good governance in China. I believe it is important to clarify the various strands of our activity and how we prioritise to ensure that we continue to address human rights issues in the most effective way.

Finally, I would like to remind you that I hope to visit East Asia again later this year. I would be happy to meet you, and other interested Members, nearer the time to discuss the programme of work and objectives for the visit, and to report back to you on my return.

Engaging with China on human rights can be hard going. It requires sustained commitment. But over a long time-scale, I believe that you can see things are moving in the right direction. Since mid-2005, the Chinese have taken real steps towards a substantive reduction in the death penalty. They have strengthened measures to reduce torture by the police. They have moved towards re-drafting the criminal procedure law to promote fairer trials by improving the rights of defendants. They have renewed reform (albeit not yet abolition) of RTL. And they have substantially liberalised the rules for foreign correspondents. China is making progress, albeit slowly and ponderously. Encouragement and practical co-operation in these areas can help China towards the rule of law and greater freedom of expression.

I am grateful to Sir John Stanley for acknowledging during the debate my long-standing personal commitment to human rights. I can assure you that I will continue to make human rights an integral part of my duties as a Minister. I am copying this letter to all Members of the Foreign Affairs Committee, and those Members who attended the Westminster Hall debate on 1 February.

Rt Hon Ian McCartney MP
Minister of State for Trade, Investment and Foreign Affairs

10 March 2007
Written evidence

Letter to the Chairman of the Committee from the Secretary of State for Foreign and Commonwealth Affairs

Thank you for your letter of 9 February.¹

In answer to your question about the alleged detention and maltreatment of Pakistanis in Greece last year, I can confirm that no British Official was present at their alleged detention.

On rendition, the focus of questioning, and therefore of our answers, last year were the allegations of “extraordinary rendition” via the UK over the previous four years. When we extended our research further back in time, we found the 1998 cases, about which I then informed Parliament. I have kept Parliament updated as information became available to me, and I will continue to do so. I have also responded to new questions as best I could when they have been put to me. William Hague’s question about discussions between US authorities and UK officials about rendition via the UK was such an example. You will recall that I placed a copy of my reply in the Library of the House, and referred to this in my Written Ministerial Statement.

You say you do not accept what I have said about the role of the Intelligence and Security Committee. But there is some information which cannot be made public and which Parliament has decided, by passing the Intelligence Services Act, is a matter for the Intelligence and Security Committee. The ISC is a committee of Parliamentarians, and does a very effective job of holding the Agencies and responsible Ministers to account. The information you have sought about Benyam al-Habashi falls into this category.

I look forward to seeing you on 15 March.

Rt Hon Jack Straw MP
Secretary of State for Foreign and Commonwealth Affairs
27 February 2006

Letter to the Secretary of State for Foreign and Commonwealth Affairs from the Chairman of the Committee

The Committee has considered your predecessor’s letter of 27 February. We are grateful for the further responses to our questions.

The Committee was, however, perturbed by the assertion at the end of the letter that “there is some information which cannot be made public and which Parliament has decided, by passing the Intelligence Services Act, is a matter for the Intelligence and Security Committee.”

In the opinion of the Committee this statement offers a novel interpretation of the 1994 Act. In our view, it takes the FCO’s position on the supply of information to the FAC a stage further backwards from where we had previously understood it to be.

References in the 1994 Act to “information” occur only in Schedule 3 and refer in the main to information which may not be provided to the ISC. There appears to be nothing in the Act which suggests the ISC has exclusive rights over any category of information with which it may be provided. In the past the FAC has been provided with information which has also been provided to the ISC, and indeed vice versa. We would expect that this would continue to be the case. I would therefore welcome your assurance that this will be so.

Mike Gapes
Chairman of the Committee
8 May 2006

Letter to the Chairman of the Committee from Rt Hon Ian McCartney, Minister for Trade, Investment and Foreign Affairs

During the Westminster Hall debate on 15 June on the Annual Human Rights Report I undertook to give the Foreign Affairs Committee a general update of the work in and around my portfolio on Africa.

There remain many human rights problems in Africa. Some of these relate to conflict (e.g. arbitrary arrest; detention without trial; use of child soldiers) and we are working hard with partners in both the EU and the UN to help resolve conflicts and deal with the consequences. Other human rights problems in Africa are more indicative of an abuse of power—clamdowns on democratic institutions (including civil society) and freedom of expression, excessive use of force, lack of respect for rule of law and independence of the judiciary.

Our membership of both the UN Security Council and the new UN Human Rights Council gives us an opportunity to ensure that serious human rights issues are addressed and acted upon. We have been active in the Security Council on problems such as Sudan, where the UK co-sponsored Security Council Resolution 1672 (2006), which imposed targeted sanctions on four individuals from all sides to the conflict. With the Security Council we have continued work to bolster the fragile security situation in the Democratic Republic of Congo (DRC).

The mandate of the UN peacekeeping force there (MONUC) was strengthened; we reaffirmed the need for all parties to support the transition process, working towards free and fair elections; we committed the UN to continue its monitoring of the human rights situation on the ground; and adopted UNSCR 1653 which condemned the activities of the armed groups, including the Lord’s Resistance Army, who continue to commit human rights abuses. The International Criminal Court (ICC) also began investigating crimes against humanity committed in the DRC. The transfer of Congolese Thomas Lubanga, the first ICC war crimes indictee, to the Hague in March 2006, sent a strong signal that grave human rights abuses will not be tolerated.

These are just some examples of our activity in the Security Council. The new UN Human Rights Council offers a further means to tackle human rights issues in Africa in a multilateral forum and I hope that the UK and other members of the Council can work together on this. As I said in my remarks to the Council in Geneva on 20 June, we should no longer assume that one region’s concern must be another’s taboo. We need to recognise that it is legitimate to discuss challenges and concerns in a particular state. This need not be something to resist at all costs; rather, an opportunity to address those concerns together.

The situation in Somalia was mentioned in a few interventions, so I would like to offer a few specific comments about the situation there. I share the concerns expressed by honourable Members. The rapid advance of the militias fighting for the Islamic Courts Union against the warlords has brought about a fundamental change in the Somali equation. We are alert to the risks of this conflict becoming international as regional powers feel compelled to intervene. We therefore welcomed the initiative by the League of Arab States to invite the Transitional Federal Government and Islamic Courts representatives to meet in Khartoum, and the agreement that was concluded there. We do not believe that Somalia’s problems can be resolved by military means and have urged all sides to pursue dialogue and Somalia’s neighbours to respect the UN arms embargo.

More generally, impunity for human rights abuses is a problem in many African states, raising questions about Africa’s willingness to tackle examples of poor governance and abuse of human rights. A public message that this situation will not be tolerated needs to come from Africa Union states both collectively and individually. We were encouraged that at their Summit in Banjul on 1–2 July the AU passed resolutions on reports of the African Commission of Human and People’s Rights (ACHPR) on the human rights situation in Ethiopia, Eritrea and Uganda.

Zimbabwe was given a further two months to comment on the ACHPR’s report and we look forward to the AU considering Zimbabwe’s response in the near future.

Our action in support of the Special Court for Sierra Leone over Charles Taylor is an example of our commitment to ensuring that human rights abusers face justice. The historical significance of Taylor’s capture and trial—the first of its kind involving a former African leader—cannot be underestimated. Against the odds, the combined efforts of the international community delivered a major advance in combating impunity against those accused of war crimes, crimes against humanity and genocide.

The African Court on Human and Peoples’ Rights is now set to become a reality. The Protocol establishing the Court was opened for ratification in 1998 but did not receive the requisite number of ratifications until 2004. While preparations were underway to make the Court operational, the AU decided to merge the Court with the AU Court of Justice, and suspend the process until the modalities of the merger had been considered. There are several legal and practical implications of such a merger, which will take some time to regularise. It is commendable that the AU has decided to continue attempting to make the human rights court functional, despite the fact that the complexities of the merger are still being considered (including the statute to combine the Human Rights Court with the Court of Justice, which has yet to be approved).

The International Criminal Court was mentioned in a few interventions during the debate. You asked me specifically how many countries have now ratified the treaty establishing the court. There are currently 100 States Parties to the Rome Statute of the International Criminal Court. The ICC Prosecutor is currently conducting three investigations into the situations in Northern Uganda (with the Lords Resistance Army), the Democratic Republic of the Congo and Darfur (following referral by the UN Security Council). He is also considering a further referral from the received from the Central African Republic (CAR) but has not yet announced his intention to launch a formal investigation. The Prosecutor has made clear his intention to publish periodic updates on his determinations whether or not to initiate investigations into other situations brought to his attention.

I would like finally to mention the EU Strategy for Africa, adopted at the end of our EU Presidency. As a political document, it commits all EU partners to promote human rights on the continent, to enhance African efforts to improve governance, to support the fight against human trafficking and organised crime.
Given the size of Africa and the complexity and range of the human rights problems it faces I have limited this note to comments on general human rights issues. Should you have any questions on specific countries I’m sure that you will address these to the relevant Minister, Lord Triesman, in the usual way. I am of course happy to assist the Committee and yourself in any way I can.

Rt Hon Ian McCartney
Minister for Trade, Investment and Foreign Affairs
10 July 2006

Letter to the Chairman of the Committee from Andrew Tyrie MP

I welcome the Committee’s inquiry into the Foreign and Commonwealth Office’s Human Rights Annual Report 2006. This is a short submission to the Committee on aspects of Chapter 5 of the report, “Human Rights and the Rule of Law.”

The government’s policy in this area is based on the premise that:

“the promotion of human rights, democracy, good governance and the rule of law is, in the long term, the most effective way of undermining terrorists and guaranteeing our own security.”

The application of this premise is evident when one reads the report’s section on Guantánamo Bay:

“The government has long made it clear that it regards the circumstances under which detainees continue to be held at the US detention facilities in Guantánamo Bay, Cuba, as unacceptable. Our views are well known to the US government and the Prime Minister has publicly expressed the view that it would be better if Guantánamo were closed. . . . we believe the situation at Guantánamo underscores the need to find more suitable long-term arrangements for holding terrorist suspects within a clearer legal framework. The UK continues to believe that, whatever the status of the detainees at Guantánamo, they are entitled to humane treatment.”

I am writing to ask the Committee to establish why the same approach was not taken in the section on rendition.

At the time at which the report was written, Secretary of State Rice had already stated publicly that the US used renditions “to transport terrorist suspects from the country where they were captured to their home country or to other countries where they can be questioned, held, or brought to justice” (emphasis added). Further, the UK was also aware that the US maintained secret detention sites outside of the US.

Given that people who are subject to renditions have even fewer rights than people at Guantánamo, and given that individuals who have been subject to extraordinary rendition claim that they have tortured during their detention, why has the Foreign Office not condemned rendition, extraordinary rendition and secret detention in the way that it has condemned Guantánamo?

In addition, it would be worth asking why, when recounting the instances when permission for renditions had been sought by the US, the government did not refer to the additional instance mentioned in the letter from the Foreign Secretary to William Hague on 6 February 2006.

In light of the report’s statement that “we remain ready to assist the [European Parliament] committee as and when required,” the Minister may wish to explain why that committee concluded, in an early draft of the report, that they “Deplore the way in which the British Government, as represented by its Minister for Europe cooperated with the temporary committee.”

Andrew Tyrie MP
19 February 2007

Written evidence submitted by Saferworld

A. SUMMARY

The publication of the Government’s 2006 Annual Report on Human Rights revealed that the Government has continued to export military equipment to all but one of the top 20 countries identified as “major countries of concern” for human rights abuses.

7Para 57, TDIP report 2006/2200.
Concerns remain over whether the Government is sufficiently taking into account the human rights record in countries when making export licensing decisions.

Saferworld’s most recent annual comparison of the Human Rights Report with the Governments arms exports report highlighted how British equipment is being authorised for exports to countries where it might be used for internal repression or abuse of human rights.

B. KEY QUESTIONS

How does the Government justify the large value of military exports to countries identified as human rights abusers given that such military equipment may be used to commit human rights abuses?

What steps is the Government taking to tighten its export licensing policy to countries identified as human rights abusers?

What impact has the 2006 Annual Report on Human Rights had on export licensing decision?

Can the Government explain the purpose behind the embargo to China, and explain how the continued authorisation of strategic exports is consistent with this purpose?

What is the Government’s position with regard to changing or ending the EU arms embargo on China?

In view of the ongoing and systematic abuse of human rights in China, as identified in the 2006 Annual Report on Human Rights, how is the current UK policy and the licensing of such a large quantity of equipment serving to pressurise the Chinese Government to have greater respects for human rights?

What measures is the Government taking to establish a formal system of end-use monitoring to ensure arms exports are not being used to commit human rights abuses?

How many arms export licences currently in existence have conditions attached to the use of equipment and do they apply to any of the top 20 countries identified as “major countries of concern” for human rights abuses?

Does the Government agree that by not seeking guarantees regarding the use of Heads-Up Display Units—exported to the US for incorporation into F-16 aircraft for subsequent export to Israel—that the Government is effectively endorsing Israel’s failure to respect the human rights of Palestinians in the Occupied Territories?

C. EXPORTING UK MILITARY EQUIPMENT TO REGIONS IDENTIFIED AS COMMITTING HUMAN RIGHTS ABUSES

During the past 12 months, of these 20 countries, exports of equipment which could be used in the commission of human rights abuses were approved to the following countries. The quoted descriptions of each country’s human rights record are drawn from the 2006 Human Rights Report:

— China—“The Chinese authorities continue to violate a range of basic human rights. The use of the death penalty remains extensive and non-transparent; torture is widespread.”

Export licences to the value of £68.5 million were granted for inter alia: technology for the production of combat aircraft, components for tanks and military communications equipment. This despite an EU arms embargo on China—see below.

— Colombia—“Serious human rights abuse remain a tragically common occurrence in Colombia . . . Illegal armed groups continue to carry out attacks on both military forces and the civilian population, and the incidence of murders, forced disappearances and kidnappings remains high.”

Export licences to the value of £4.5 million were granted for inter alia: armoured all wheel drive vehicles and military communications equipment.

— Israel—“Progress on improving the human rights situation in Israel and the Occupied Territories has been limited . . . the UK remains concerned about Israel’s failure to respect the human rights of Palestinians in the Occupied Territories.”

Export licences to the value of £15.5 million were granted for inter alia: armoured all wheel drive vehicles, components for military utility helicopters, components for military training aircraft, components for submarines, components for unmanned air vehicle control equipment, components for air-to-surface missiles, components for airborne electronic warfare equipment and technology for use of combat aircraft.

— Russia—“human rights defenders continue to be gravely concerned by actions taken by authorities . . . The North Caucasus . . . remains one of Europe’s most serious human rights issues.”

Export licences to the value of £10 million were granted for inter alia: military cargo vehicles, military utility vehicles, sniper rifles, gun silencers, shot guns, components for military aircraft navigation equipment and technology for the use of military aircraft navigation.
...Saudi Arabia—“there is still cause for serious concern about human rights in Saudi Arabia.”

Export licences to the value of £26 million were granted for inter alia: combat shotguns, sniper rifles, grenade launchers, heavy machine guns, military helmets, night vision goggles, body armour, tear gas/riot control agents, components for sniper rifles, components for submachine guns, components for heavy machine guns, components for anti-aircraft guns and components for body armour.

D. ARMS EMBARGO ON CHINA

Despite the fact that there is an EU embargo on arms sales to China, in 2005 the Government continued to authorise strategic exports. During 2006 the EU has been debating whether to lift the arms embargo; following US pressure the UK has recently argued to continue the embargo. However, the Government’s record on licences granted to China undermines this position. From January to September 2006, the Government issued 215 standard individual export licences to the value of £89 million.

E. DIVERSION AND MISUSE

In the case of several of the countries identified in the human rights section above the risk of diversion of goods licensed to them is also a concern. The UK Government does little to check what happens to arms exports once they leave the country. There is little way of knowing whether the arms find their way to other users, such as criminal gangs, pariah states, terrorists, paramilitaries or warlords or other rebel forces. A number of these states have reputations as conduits of arms to other irresponsible parties. For example, concerns have long been held over the links between the Colombian Government and right-wing paramilitary forces within the country. Israel has in the past failed to honour explicit end-use undertakings, while China, Israel and Pakistan have all been identified as significant producers of military equipment or technologies.

F. INCORPORATION

Also of concern has been the willingness of the Government to issue export licences for equipment for “incorporation” (ie components that will be incorporated into weapons systems in the recipient country for onward export). Over £6 million worth of incorporation licences were granted to the United States, including components for combat aircraft and components for military aircraft Heads-Up display units. The US has previously incorporated UK-made Heads-Up Display units into F-16 fighter jets, which have been subsequently exported to Israel. Under current UK law, such equipment would be denied a direct transfer to Israel.

Incorporating countries also include China, Israel, Russia and Turkey—none of which would be regarded as having export control standards equivalent to that of the UK.

Sonia Rai
Advocacy and Policy Officer, Saferworld

Jacqueline Macalesher
Arms Transfer Controls, Saferworld

(1) The Annual Human Rights Report covers the period from 30 June 2005 to 31 July 2006. The statistics for arms exports were taken from 4 Quarterly Reports on Strategic Exports over July 2005 to June 2006 and include:

(2) Strategic Export Controls Quarterly Report, April–June 2006
Strategic Export Controls Quarterly Report, January–March 2006
Strategic Export Controls Quarterly Report, October–December 2005
Strategic Export Controls Quarterly Report, July–September 2005

(2) The statistics for arms exports to China for this period were taken from three Quarterly Reports on Strategic Exports over January 2006 to September 2006.

Written Evidence submitted by the Jubilee Campaign

COMMENTS ON THE SECTION ON IRAQ IN THE FCO’S REPORT

INTRODUCTION

1. The Jubilee Campaign is an interdenominational Christian human rights organisation which campaigns on human rights issues worldwide. It serves as Secretariat to the All Party Parliamentary Group on Street Children and also has United Nations consultative status.
2. The FCO’s 2006 annual human rights report’s section on Iraq (pages 66 to 77) fails to mention in any specific detail the desperate situation of Iraq’s second largest ethnic minority, the ChaldoAssyrians, who are also the largest religious minority in Iraq, as they make up over 95% of the Iraqi Christian community. The ChaldoAssyrians are also the indigenous people of Iraq, having settled in that area long before it came under Arab domination.

3. Since the fall of Saddam Hussein, ChaldoAssyrian organisations have recorded the killing of over 100 Iraqi Christians. Christians have been subjected to escalating violence in Iraq. The indigenous ChaldoAssyrians are being targeted for violence by several different groups due to their distinct ethnicity and faith. Although the indigenous people of Iraq, they are a double minority in their own ancestral homeland since they are both an ethnic and religious minority.

4. While the average Iraqi faces many risks in the unstable situation in Iraq, Iraqi Christians are exposed to even more dangers as they have to deal with the additional threat of attacks from Islamic extremists, who want to drive them out of Iraq, kill them or force them to convert to Islam simply because they are Christians. In addition to that, many insurgents mistakenly perceive Iraqi Christians as being staunch supporters of the Coalition forces, because of their shared faith with the “Christian West”, and this has resulted in even more attacks against Iraqi Christians.

5. The ChaldoAssyrians also face additional problems from their neighbouring Kurds in northern Iraq, some of whom have used violence against ChaldoAssyrians or illegally expropriated Christian villages and land depriving many ChaldoAssyrians of their livelihood and shelter. At least 58 ChaldoAssyrian villages have been misappropriated by Kurds and repeated representations to Kurdish leaders for the return of this land have so far been ignored. This is one example of the inability of ChaldoAssyrians living under Kurdish domination to obtain proper redress for their grievances. Some ChaldoAssyrian land was also confiscated under the regime of Saddam Hussein and either given to Iraqi military and intelligence personnel or rented to Kurds or Arabs. Until now the land has yet to be returned to its ChaldoAssyrian owners.

6. The ChaldoAssyrian Christians are a highly vulnerable community under siege. While there is no danger of the Sunnis, Shiites, Kurds or Arabs vanishing from Iraq or having their communities in Iraq reduced to a tiny remnant, there is a real danger that this may happen to the ChaldoAssyrians in the near future unless their security situation vastly improves.

7. Tens of thousands of ChaldoAssyrians fled to neighbouring countries such as Jordan and Syria after lethal and coordinated church bombings by Islamic extremists killed at least 12 people and injured many more in August 2004. One significant indicator that the ChaldoAssyrian community have been disproportionately affected by the violence in Iraq is the report by the UNHCR that Iraqi Christians make up about 36% of refugees from Iraq despite the fact that they only comprise 2 to 3% of the Iraqi population.

8. Below are just a few examples of Iraqi Christians being attacked for their faith:

8.1 On 9 October 2006, a prominent ChaldoAssyrian priest, Fr Paulos Iskander, was kidnapped by an Islamic group and beheaded on Wednesday, 11 October.

8.2 Many Christian Churches in Iraq have received threatening letters from Islamic fundamentalists. Bishop al-Qas of Amadiyah, in the Kurdish region, said that posters had been put up urging Christians to convert to Islam or leave the country.

8.3 ChaldoAssyrian Christians have received threatening letters telling them to support Muslim rebellion against the Coalition authorities and practise Islam or suffer the consequences. The recipients of these letters are told to follow the Muslims’ basic rules of wearing the Islamic veil and following Islamic teaching. If the recipients do not submit and comply, then it is threatened that they will be raped, tortured, killed, kidnapped, or have their house, along with their family, burned or bombed. Muslim extremists are calling Iraqi Christians “crusaders” or a fifth column for the Christian West and the Americans.

8.4 Three Christian bishops in Mosul have received letters ordering them to permit the marriage of Christian women to Muslim men, a process which often involves the woman’s conversion to Islam, and threatening to kill one member of each Christian household as punishment for women not wearing the Islamic veil.

8.5 Islamic extremists conducted lethal terrorist bombings on Sunday 1 August 2004 against five churches in Baghdad and the northern city of Mosul, which killed 12 people and injured many more. Bombs exploded at two churches in Baghdad on 8 November 2004. Both churches were bombed within a space of five to ten minutes. At least three people were killed and 40 injured. On 16 October 2004, five ChaldoAssyrian churches in Baghdad were targeted and bombed by Islamic extremists. Nobody was injured.

8.6 On 26 June 2004 a grenade was thrown at the Holy Spirit Church in the Akhaa quarters in Mosul. The explosion caused serious injuries to one person.

8.7 The ChaldoAssyrian Christian community in Iraq, despite being one of Iraq’s indigenous ethnic groups, is in a far more vulnerable and weak position than the Kurdish, Arab, Shiite or Sunni Muslim communities in Iraq.
9. The fact that the Iraq section of the FCO’s annual report gave no specific reference or focus to the desperate situation of Iraq’s Christian community suggests that the Foreign Office has gravely underestimated the vulnerability of this community and the intensity of the pressures and attacks they are facing.

10. The British government should take practical steps to assist Iraq’s Christians including the following measures:

10.1 One significant way of enhancing the security of the ChaldoAssyrians is to grant them an administrative region as has been guaranteed under Article 53(D) of Iraq’s Transitional Administrative Law. Article 53(D) of the Transitional Administrative Law states: “This Law shall guarantee the administrative, cultural and political rights of the Turcomans, ChaldoAssyrians, and all other citizens.”

Such an administrative region can act as a safe haven for Iraq’s Christians and would also encourage the tens of thousands of Christians who have fled Iraq, especially in recent months, to return to their ancestral homeland.

This province should be located in the Nineveh Plains and include the Al-Shikhan and Al-Handaniya Districts. These areas are at the heart of the ChaldoAssyrians’ ancestral homeland and are still heavily populated by ChaldoAssyrians. This province would be jointly administered by ChaldoAssyrians and other ethnic groups historically linked to the area such as the Yezidis, and would be linked to the central government in Baghdad. What is being requested by the Assyrian Democratic Movement (ADM) and its supporters is a province for the ChaldoAssyrians and others historically linked to their region, which is linked to the central government in Baghdad. It would thus be a gross misunderstanding of this request to interpret it as an attempt to break up the Iraqi state.

10.2 The ADM has consistently received more votes from Iraq’s Christian population than any other political party and this indicates that their strong stance on wanting a self-governing province for ChaldoAssyrians in northern Iraq has widespread support among Iraq’s Christians.

10.3 The long and tragic history of massacres and genocide against the ChaldoAssyrians has demonstrated that they cannot rely on other ethnic groups to manage their affairs and provide them security. For example, in Dohuk province the ChaldoAssyrians live under the control of the Kurdistan Democratic Party (KDP) who have refused to heed ChaldoAssyrian appeals for the return of their 58 villages which have been partially or fully illegally occupied by Kurds. To make matters worse, the KDP has even encouraged Kurds from countries outside Iraq, such as Syria, to go and settle on the ChaldoAssyrian land. Furthermore, the KDP has done relatively little to protect the ChaldoAssyrians and very few Kurds who commit crimes including kidnapping and murder against ChaldoAssyrians are ever brought to justice. There have in fact been a number of incidents where the KDP authorities have handed over ChaldoAssyrians to Kurdish mobs who killed them.

10.4 During the Iraqi elections in early 2005, up to a hundred thousand ChaldoAssyrians and thousands of others were prevented from voting in northern Iraq because of KDP interference with the election process. This significantly reduced the chances of ChaldoAssyrian candidates being elected to the Iraqi Parliament and is yet another stark example of the many difficulties which ChaldoAssyrians living under KDP control have when it comes to obtaining their rights.

10.5 Failure to grant the ChaldoAssyrians their own province will keep many of these Christians in northern Iraq under Kurdish control which will inevitably perpetuate the discrimination and injustices they are suffering under the Kurds. Such ongoing friction between the two ethnic groups could eventually lead to an all out armed conflict. It is thus crucial for peace and stability that the ChaldoAssyrians be granted a province where they can control their own affairs.

10.6 Most ordinary ChaldoAssyrians see their hope for better security and self-determination within Iraq in the setting up of a province for the ChaldoAssyrians. It will also be an effective way of preventing discrimination against the ChaldoAssyrians in law enforcement because in that region the ChaldoAssyrians will be responsible for overseeing their own security needs. For example, in one incident when a ChaldoAssyrian family’s home was broken into by some Muslims, the family urgently begged the Iraqi police to come and assist them but were simply told to take care of themselves. This kind of police indifference is highly unlikely to occur in a ChaldoAssyrian province where they are operating their own police force. The need for such a province is especially urgent at a time when violence targeted specifically at the ChaldoAssyrians is escalating and the British government and its U.S ally should play an active role in helping to bring this about.

10.7 The KDP should also be pressured by Britain and the U.S to ensure that all the land and villages illegally expropriated by Kurds are returned to the ChaldoAssyrians and the violence, kidnapping and other crimes against ChaldoAssyrians in KDP controlled areas are punished. It does not appear that the Foreign Office has taken much or any action in this area and neither has the Foreign Office supported the creation of an administrative region for the ChaldoAssyrians. It is a matter of grave concern that the Foreign Office appears content to take a passive stance while Iraq’s third largest ethnic group, the ChaldoAssyrians, are steadily eradicated from their ancient homeland.
10.8 The British government and its U.S. ally should also financially support the redevelopment and reconstruction of ChaldoAssyrian villages and infrastructure and the return and resettlement of ChaldoAssyrian refugees and give whatever support they can to the Christians of Iraq to enhance their security and protection.

10.9 By assisting the reconstruction of ChaldoAssyrian villages and infrastructure and the return and resettlement of ChaldoAssyrian refugees as well as helping the ChaldoAssyrians with their security and protection, the British government would be enabling the return of tens of thousands of ChaldoAssyrian refugees who have in recent years fled Iraq and thereby empower a force for moderation within Iraq. Furthermore, if the ChaldoAssyrians had their own province and much of the rest of Iraq became increasingly Islamised, their region would very likely be a positive example to the rest of the country of good governance, religious tolerance and moderation.

10.10 The ChaldoAssyrians together with moderate Muslims in Iraq are the main bulwarks against the growth and spread of Islamic fundamentalism in that country. If the Iraqi Christian community is reduced to a tiny remnant, it will have little or no power to oppose the imposition of Islamic law in Iraq. The presence of a vibrant Christian community in Iraq also adds much strength to the ability of moderate Iraqi Muslims to oppose the spread of Islamic fundamentalism.

10.11 The British government would be making a grave mistake if it viewed the plight of the Christian community in Iraq as simply a side issue peripheral to the major events affecting that country. It is the non-Muslims who are the natural allies of moderate Muslims opposed to the spread of militant extremist Islam in Iraq. Even if the British government has yet to fully realise this, there can be little doubt that many of the Islamic extremists are already aware of this, which is one reason why they are now focusing their attacks so strongly on the Iraqi Christian community.

Wilfred Wong
Researcher and Parliamentary Officer
Jubilee Campaign
February 2007

Written evidence submitted by Sarah Cook, Student at the School of Oriental and African Studies, University of London

INTRODUCTION

1. I am a student reading for an LLM in Public International Law with a focus on human rights at the School of Oriental and African Studies.

2. I am currently conducting research on rule of law in China and have volunteered extensively for non-governmental organizations working on human rights in China and assisting victims of torture.

3. I am submitting this memo in order to bring to the attention of the Foreign Affairs Committee evidence I have come across in my research, including internal Chinese Communist Party documents. I hope this information will prove helpful to the committee in evaluating the accuracy of the FCO’s Human Rights Annual Report (henceforth “Annual Report”) and the effectiveness of UK policy to promote human rights and rule of law in China.

4. This submission will focus on evidence relating to a sustained crackdown in 2006 on three groups largely omitted from the FCO report: human rights defenders, Falun Gong adherents, and individuals distributing an editorial series entitled Nine Commentaries on the Communist Party.

HUMAN RIGHTS DEFENDERS

5. While the Chinese authorities’ surveillance, arrest and torture of human rights defenders is not a recent development, restrictions on individuals engaging in legitimate human rights work reached new heights in 2006. Several prominent lawyers and activists were sentenced to prison in secret trials or placed under house arrest during the year, leaving few free to engage in human rights work.9 This crackdown was the government’s response to a “rights protection” movement that involved lawyers using litigation to seek redress for victims of abuse and increase government accountability, as well as increased activist cooperation as illustrated by a “Relay Hunger Strike for Human Rights” carried out in the spring.9 The cases of two activists—Chen Guangcheng and Gao Zhisheng—as well as a recent CCP directive to lawyers are provided here as evidence of this pattern of abuses. This is followed by an analysis of the FCO’s treatment of this issue in the Annual Report.


6. Chen Guangcheng, a blind, self-taught lawyer, attempted in 2005 to sue officials in Shandong province who had carried out illegal forced abortions and sterilization on thousands of women in the Linyi region. His clients included several women who suffered forced abortions in their ninth month of pregnancy. He was placed under house arrest from September 2005 to March 2006, when he was arrested. In August 2006, just one month after his case was raised in the UK–China human rights dialogue, Chen was sentenced to four years and three months in prison in what Amnesty International and others have termed a “grossly unfair trial.”10 Violations of international fair trial standards included: the trial lasting only one day, it being closed to Chen’s wife and the public, and Chen’s defense lawyers being barred from attending. Chen appealed his sentence but the lower court’s decision was upheld in January 2007 following another closed door trial. He is currently serving the four year and three month sentenced and is at risk of torture.

7. Gao Zhisheng, who was named one of China’s top 10 lawyers in 2001, has in recent years litigated cases on behalf of dispossessed farmers, coal miners, underground Christians, and fellow rights activists. From October to December 2005, after several failed attempts to filed court cases on behalf of Falun Gong adherents who had been tortured, he published an open letter to China’s top leaders calling for religious freedom and an end to the “barbaric” persecution of Falun Gong.11

8. In the following months, the Chinese authorities escalated pressure against Gao, which included: revocation of his license to practice law, 24-hour surveillance of him and his family, beatings and at least one assassination attempt. In response to such rights abuses against him and other activists, he initiated a “Relay Hunger Strike for Human Rights” in February 2006. In the upcoming months, he continued to regularly post statements online publicizing human rights violations in China. He was arrested in August 2006 when visiting his sister and several days before he reportedly intended to monitor Chen Guangcheng’s trial. Gao was held incommunicado until December, when he was sentenced in a secret trial to three years in prison for “inciting subversion”. His sentence was suspended, however, and he was released, apparently due to international pressure and the publication of his case. He currently remains under house arrest, deprived of political rights, a legal license and any possibility of continuing his human rights work.12

9. The arrests and trials of Chen and Gao do not appear to be isolated cases, but rather part of a pattern of increasing restrictions on lawyers attempting to use litigation to advance human rights. A central indication of this was a series of government directives issued in March 2006, called “Guiding Opinions on Lawyers Handling Mass Cases”. According to Human Rights Watch (HRW), the regulations systematize local authorities’ intervention in cases involving 10 or more plaintiffs.13 They thus infringe on lawyers’ independence by requiring them to accept “guidance” from government judicial bureaus, often the same agencies responsible for the violations in the first place. An equally significant block to lawyers taking on such cases is the need for attorneys to get their firms’ permission to accept the case and the declaration that lawyers will be held liable if disputes “intensify”.

10. The regulations thus significantly limit the development of rule of law or government accountability in China and have been widely criticized in the Chinese legal community. For example, Zhang Sizhi, a well-known scholar reportedly called them “a disaster” that was “sending the legal profession back to the situation of the 1980s.” Following the regulations’ publication, several lawyers confided to HRW that they had come under pressure from colleagues to stop working on certain cases because of fear of government reprisal. In some case, lawyers were forced to quit their firms.14

11. Despite the abovementioned evidence, the FCO makes no significant mention of the emergence of the “rights protection” movement or the CCP’s crackdown against human rights defenders, events which are arguably among the most important developments regarding human rights in China in 2006. That the FCO recognizes Chen’s contribution to exposing forced abortions and raised his case during the July 2006 meeting is commendable and important. However, without further information regarding Chen’s case or focusing attention on Gao’s cases and the broader pattern of abuses against human rights defenders, the report risks distorting the actual situation and the CCP’s resistance to progress.

12. In addition, the Chinese authorities’ intensification of the crackdown against Chen and other lawyers followed a UK–China dialogue session focused on the role of defense lawyers and would indicate the CCP’s lack of good faith in engaging in such a dialogue. In contrast, the lessening of Gao Zhisheng’s punishment following public statements by lawyers,15 governments and academics, suggests that public support for human rights defenders is a more fruitful avenue for offering them protection.

12 Op cit “Background briefing”.
14 ibid
15 See for example open letter circulated by the Human Rights Law Foundation and signed by international lawyers in Appendix A.
**Falun Gong Adherents**

13. The FCO report mentions in two places the plight of Chinese citizens who practice Falun Gong, an exercise and spiritual discipline banned in China in 1999, stating that Falun Gong adherents face harassment, detention and mistreatment. While this is technically accurate, it also a gross understatement of the severity and scale of abuses facing those who practice Falun Gong in China. While it is impossible to obtain a fully accurate picture of the population of China’s prisons and labour camps, the information that is available indicates that Falun Gong adherents are arguably the most severely persecuted group in China. For example, according to a HRW report on petitioners in China published in 2005:

“Several petitioners reported that the longest sentences and worst treatment were meted out to members of the banned meditation group, Falun Gong, many of whom also petition in Beijing. Kang reported that of the roughly one thousand detainees in her labor camp in Jilin, most were Falungong practitioners. The government’s campaign against the group has been so thorough that even long-time Chinese activists are afraid to say the group’s name aloud. One Beijing petitioner said [in 2005]: “Petitioners are usually locked up directly. But the worst is [she whispers] Falungong. They have terrible treatment, not like the others”. 16

14. The FCO’s statements do not reflect the continued systematic nature of the campaign against Falun Gong and the thoroughness with which it is carried out. Provided below are several examples of individual cases (with photographic evidence) and internal CCP documents that point to a much broader pattern of abuse than what is apparent from the FCO’s report and subsequent policy on this issue.

15. The case of Gao Rongrong, a 37-year-old Falun Gong practitioner from Liaoning Province, was featured in Amnesty International’s 2006 Annual Report. Gao died in custody in June 2005 after being detained in the Longshan Re-education through Labour camp in Shenyang City of Liaoning Province. According to Amnesty International, “on 7 May 2004 Gao Rongrong was discovered reading Falun Gong material inside Longshan RTL facility, and subjected to seven hours of torture at the hands of officials demanding to know where she had acquired the material. This prolonged torture allegedly involved using electric-shock batons on Gao Rongrong’s face and neck and reportedly caused her severe blistering and difficulties with her eyesight.” Photos taken of her before her detention and 10 days after the above-mentioned torture session are available at http://www.amnestymiami.org/Newsletter/72005.pdf and www.falunhr.org.

16. In October 2005, the Falun Dafa Information Centre published photographs it had obtained from China documenting the injuries suffered by Wang Yunjie, another woman from Liaoning Province. The photos show the blistering, infection and disfiguration of Wang’s breast, reportedly incurred after guards in Masanjia Labour camp shocked her breasts with electric batons for over 30 minutes (available at http://www.faluninfo.net/Downloads/FDI–Press/FDI–051028–PH.htm). Wang reportedly died in July 2006 from her injuries.

17. Official speeches and documents: In addition to the testimonies of individual torture victims, both public statements and internal CCP documents suggest that the CCP’s campaign continues in full force, particularly when the authorities fear public displays of civil disobedience, such as around national holidays. Examples include a 9 May 2006 speech by Jiao Yongle, Secretary of the Political and Judicial Committee of Huoqiu County in Anhui Province, in which Jiao ordered officials to “First of all, continue [to] ‘Strike Hard’ on ‘Falun Gong’ organizations.”

18. Another example is a 6–10 Office document circulated in April 2006. Excerpts pointing to elements of the continued campaign against Falun Gong are included below. The full text of the English translation is attached in Appendix D.

(a) Threats of punishment for those not sufficiently resolute in the “struggle” against Falun Gong: “Various relevant townships and units must fully understand the seriousness of the struggle against Falun Gong. . . . Investigations will be resolutely conducted against those who have caused problems because of slackness in the mind, no implementation of the measures, and sloppy work.”

(b) Covertly exercising tight control and surveillance over citizens known to have practiced Falun Gong in order not to attract public or international attention: “Prevention and control should adopt appropriate methods so that internally controls are tight and externally all appear slack,

17 The documents have been leaked to overseas NGOs by officials secretly opposed to the persecution policy or from former security personnel who have defected from China.
19 The county and province name have been removed in order to protect the source. If additional information or a copy of the Chinese original is needed, please contact the author.
thus preventing negative effects. Regular visits must be made to those who truly have been converted but investigation should be made indirectly so that they may feel they live in a relaxed environment”.

(c) Mobilizing other segments of society to enable large-scale monitoring of Falun Gong adherents: “Each township and each relevant institution must mobilize its security-oriented households, country patrol team, community hygienic members, taxi drivers, postmen, security control men to participate in the patrol prevention and control work. Conduct massive prevention and massive control so as not to give Falun Gong elements a single chance [to distribute information or carry out acts of civil disobedience].”

19. The above evidence suggests that the FCO’s documentation and analysis of the persecution against Falun Gong adherents is seriously lacking. Describing the severe torture suffered by Falun Gong adherents as mere “mistreatment” is both disrespectful and irresponsible. Moreover, the lack of understanding of the scale of the campaign limits the FCO’s ability to analyse the effectiveness of its policy on this issue.

**PEOPLE DISTRIBUTING The Nine Commentaries on the Communist Party**

20. One element of the intensified crackdown on both Falun Gong and human rights defenders has been their involvement in the publication and spread of the “Nine Commentaries on the Communist Party”, a series of editorials highly critical of the CCP that was published by an independent overseas Chinese newspaper in November 2004. Initially, the document was circulated among the Chinese community overseas and in Hong Kong, but soon penetrated into Mainland China and began spreading.

21. Within weeks of the publication of the Nine Commentaries, a phenomenon emerged where people began to renounce their association with the CCP or related organizations, expressing the wish to distance themselves from the Party. Soon a website was set-up to which people could submit such statements and by the end of February 2005, over 70,000 postings were recorded. The pace of withdrawals accelerated, with approximately 20,000 resignation statements recorded each day. In February 2007, the total number topped 19 million.

22. The act of withdrawing appears to be largely symbolic, with many people from Mainland China using aliases to sign their statements for fear of government reprisal. In some instances, people explain in their posting that they will implement their decision by ceasing to pay party dues or to perform CCP-related functions at their job. A cursory survey of statements posted in October and November 2005 revealed a wide variety of professions, from laid-off workers to middle-level Party officials to chemical engineers, as well as a diversity of locations. Several high-ranking officials and prominent dissidents like Gao Zhisheng have also renounced their Party membership.

23. Almost immediately after the publication of the Nine Commentaries, the CCP perceived its spread as a threat. Following a January 2005 nation-wide order of the Ministry of Public Security, 20 authorities across China began implementing a variety of measures aimed at countering the document’s spread. These include sentencing those who distribute it to prison, confiscating copies of the book, and blocking access to almost all internet sites that mention the document.

24. According to a news item on People’s Net, in November 2005, a Falun Gong practitioner named Tan Xiuxia from Shizuishan City in the Ningxia Hui Nationality Autonomous Region was arrested and sentenced to four years in prison for having distributed flyers and VCDs related to *Nine Commentaries* in the Zhengtong Residential Area. 21

25. During the same month, the website of the Financial Department of Xixiu District in Guizhou Province published a document that gave the following directives among others: “(1) Firmly stop the spreading of Nine Commentaries . . .” 22

26. Two months later, in January 2006, a government website in Harbin City cited an order to “set the utmost top priority to prevent and crackdown on production and distribution of the Nine Commentaries.” Similar statements appeared in May 2006 on government websites in Anhui and Guangdong Provinces.

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20 “Special action plan for nation-wide public security offices on prevention and suppression of Falun Gong’s reactionary propaganda to incite public to read *Nine Commentaries*” 24 January 2005, referred to in several other internal documents. See ibid report of WOIPFG.


23 Ibid. Harbin City Government Website’s Departmental Trend of Political and Judiciary Committee section: “Nangang District has intensified the effort to prevent and control evil cult during ‘Three Holidays and Two Meetings’ period”, Harbin, China, 13 January 2006.
27. The Chinese authorities have also put significant effort into blocking internet access to the document. According to a report issued by the Open Net Initiative (a collaborative project between research centres at the University of Toronto, Harvard Law School, and Cambridge University) on internet filtering in China: “Sites listed in response to a search for the ‘Nine Commentaries,’ a highly critical evaluation of the Chinese Communist Party published by the Epoch Times, were also nearly totally inaccessible.” The study found that 90% of Chinese-language sites related to the Nine Commentaries were blocked, as well as 16% of their corresponding English-language sites. This was significantly more than the percentage of most other Chinese-language human rights- and democracy-related sites that were blocked (see figure below taken from the above-mentioned report).

28. Despite the above evidence available in the public domain, the FCO’s report makes no mention of this nation-wide effort to suppress freedom of expression and discussion of political reform.

CONCLUSIONS AND RECOMMENDATIONS

29. Taking the above evidence into account, several conclusions and recommendations can be drawn regarding UK policy on human rights in China:

(a) Considering the intensification of abuses against human rights defenders, Falun Gong adherents and others, even after such issues were addressed in dialogue sessions, the FCO should conduct a thorough re-evaluation of the use of private dialogues as the primary means of promoting human rights in China.

(b) Protecting human rights defenders and publicly condemning their harassment and arrest should form a key element of UK policy on human rights in China because of the short and long term implications for Chinese society that the arrest of prominent activists has on the realization of fundamental rights. As HRW has said: “training programs for improving judicial administration will have little effect without complementary political support for lawyers in China working to advance rule of law”. In this respect, a subheading of the annual report should be dedicated to the status of human rights defenders.

(c) The ongoing persecution and severe torture of Falun Gong adherents demonstrates the need for FCO policy and training to reach beyond the traditional prison system to re-education through labour camps and the use of torture to force renunciation of beliefs rather than solely the extraction of evidence for use during a trial. Considering the scale and severity of the violations against Falun Gong, pressing the CCP to cease the campaign should be a central focus of UK policy. As such, the group should also have its own subheading in the annual report.

24 The sites tested were the top 100 sites returned from a Google search engine for the relevant terms. Open Net Initiative, “Internet filtering in China in 2004-05: A Country Study”; http://www.opennetinitiative.net/studies/china/#toc3b
APPENDIX A

LETTER SIGNED BY INTERNATIONAL LAWYERS ON BEHALF OF GAO ZHISHENG

Wu Aiying
Ministry of Justice, People’s Republic of China
10 Nan Da Jie, Chaoyang Men
Zip 100020

Dear Minister Wu Aiying:

A dark shadow hangs over the forthcoming Olympic Games in Beijing for millions who believe passionately in freedom of religion.

We the undersigned write as human rights advocates, including law professors, attorneys and barristers. We do not understand why GAO Zhisheng, a lawyer and defender of religious freedom for the Falun Gong and for the Christian House Church in Xinjiang Uighur Autonomous Region, has been arrested, charged with “inciting subversion”, and is being held at an unknown location, possibly following a secret trial. We fear that he may be in danger of being tortured.

The United States Commission on International Religious Freedom’s Report of 21 August 2006, states that the arrest of Mr GAO appears to be an attempt to intimidate and silence those who are using legal means to defend human rights protections in China, and to deny legal representation to a citizen whose views or actions are unacceptable to the Chinese government.

Amnesty International speculates that Mr GAO’s detention is linked to his publication of an open letter in October 2005 calling for religious freedom and an end to the “barbaric” persecution of the Falun Gong spiritual movement.

We wish to remind your Government that GAO’s arrest and detention without trial constitute a violation of the International Covenant on Civil and Political Rights, which China has signed and committed to ratify, particularly Article 9 which prohibits arbitrary arrest and detention. We would also like to remind your Government that under the United Nations Basic Principles on the Role of Lawyers, governments have a duty to ensure that lawyers can fulfill their functions without fear of harassment and that any disciplinary proceedings against lawyers must be conducted in a fair and impartial manner.

The United Nations through its Special Rapporteur reports, the United States Department of State through its human rights country reports and International Religious Freedom reports, Amnesty International and several other NGOs have documented and commented upon the Chinese government’s abridgement of such civil and human rights as the right to be free from arbitrary arrest and detention and torture, the right to religious freedom and freedom of conscience, the right to a legal remedy as well as access to legal counsel. See for example, the Report of the Office of the High Commissioner for Human Rights (General Assembly, 59th Session, document number A/59/402, 1 October 2004), which references many serious shortcomings in the Chinese legal system. See also, the United States Commission on International Religious Freedom’s “Policy Focus on China”, Delegation to China, 14–28 August 2005.

We believe that these principles mark the cornerstone of an enlightened and democratic society.

For these reasons, the following lawyers, human rights advocates, individuals, and groups interested in the protection of these basic rights, state the following:

“We respectfully call on the Government of the People’s Republic of China to release GAO Zhisheng and reinstate Mr GAO’s law firm’s license to practice law”.

Sincerely,

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Executive Director
Human Rights Law Foundation

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APPENDIX D

OBTAINED FROM INTERNAL CCP SOURCE

CLASSIFIED

Document(s) of 610 Office, XX County, the Chinese Communist Party #03-2006 Issued by 610 Office, XX County

Notification of 610 Office, XX County, the Chinese Communist Party, on How To Conduct Prevention and Control during the “May 1” Period

Various Party Committees at the Township Level and Party Committees at the County State Institutional Level,

According to briefing from the Party’s Central 610 Office, recently Falun Gong activities have been quite active inside the country as a consequence of instigation from Falun Gong organization outside the country. Local incidents such as large-character writing, spraying, hanging and posting of counter-reactionary slogans have occurred every now and then; extensive distribution of Falun Gong’s counter-propaganda materials has happened on multiple occasions; the Falun Gong organization outside the country has continued to use technical means to augment its propaganda and penetration, to upgrade its capability of attacking satellites, and to conduct television break-in of its own programs; thus our prevention work running into tough situations. “May 1” festival is coming soon. To ensure a solid prevention and control and to ensure social and political stability across the county, the following matters are therefore included in this notification:

1. Strengthen prevention and control over “important figures”. Before the “May 1” festival, face-to-face talks must be given to “important figures” and “not-trust-worthy figures” individually and respectively to learn about their thoughts and tendency of actions. Implement “3-on-1” prevention and control measures, strictly restrict them from going out to initiate and create incidents. Proper arrangements must be made of their work and production to timely solve their worries and difficulties and to stabilize their thoughts and mood. Prevention and control should adopt appropriate methods so that internally controls are tight and externally all appear slack, thus preventing negative effects. Regular visits must be made to those who truly have been converted but investigation should be made indirectly so that they may feel they live in a relaxed environment. This is to consolidate the education and conversion results.

2. Strengthen society-wide prevention and control. The Public Security institutions must dispatch policing forces to upgrade patrol in the society. Strengthen security in the key areas and important sites to maintain high-pressure and create deterrence. At the same time strengthen information work to obtain alerting and signaling information. Closely watch for relevant social tendencies, pay attention to the mood of those on the internet, investigate and filter factors potentially to cause social instability, strictly restrict Falun Gong elements (members) from getting into large group events and hot social topics so that any risk factors will be wiped off at their earliest stage. Any single illegal activity of Falun Gong elements must be timely handled and dealt with as soon as discovered to strictly strike it according to laws. Each township and each relevant institution must mobilize its security-oriented households, country patrol team, community hygienic members, taxi drivers, postmen, security control men to participate in the patrol prevention and control work. Conduct massive prevention and massive control so as not to give Falun Gong elements a single chance.
3. Strengthen technical prevention on the broadcast and television, and telecommunications networks. The broadcast and television institutions must pay great attention to prevention of Falun Gong from broadcast and television break-ins. From this very moment, regular check-ups must be performed on each segment of security operation. Strengthen patrol over trunk and branch cable lines, monitor programs from beginning to end. As soon as an illegal signal is discovered a zero second cut-off must be resolutely implemented to ensure safe broadcasting of radio and television signals. The Public Security and telecommunications administrations must reinforce efforts to prevent harassment phone calls and massive e-mailings and cellular messaging so that a timely blockage is obtained against harmful messages.

4. Strengthen leadership and implement commitment. Various relevant townships and units must fully understand the seriousness of the struggle against Falun Gong and must get rid of slackness in mind to substantially fulfill their political responsibilities, to strengthen leadership in prevention and control, and to earnestly urge all measures to be implemented. Dispatch the forces and mobilize people as soon as possible. Investigations will be resolutely conducted against those who have caused problems because of slackness in the mind, no implementation of the measures, and sloppy work.

5. Strengthen the festival watch-guard duties to ensure smooth flow of information. During the “May 1” period, all townships, institutions and units must maintain a 24 hour security watch to keep information flow smooth. Every afternoon before 5 pm, a report must filed to the county 610 Office of the day’s situations. Incidents must be reported and no incidents must be reported as a safety message, and important situations must be reported right away to resolutely stop the phenomenon of missed information, late reported information, and purposeful hiding of information.

Written evidence from the Coalition For Unity and Democracy Party Support Organisation—UK (KSOUK)

SUPPRESSION OF HUMAN AND DEMOCRATIC RIGHTS IN ETHIOPIA

HELP THE ETHIOPIAN PEOPLE’S STRUGGLE FOR FREEDOM AND DEMOCRACY

As I write this letter Ethiopians all over the world are drawing closer to the first anniversary of the brutal massacre of unarmed protesters and the imprisonment of the leaders and supporters of the peaceful opposition movement in Ethiopia. This crime against humanity and human rights was committed by the regime of Prime Minister Meles Zenawi.

As a Chairman of Support Organisation Coalition of Unity and Democracy in UK, encouraged by your unwavering commitment for democracy and human rights, I am writing to urge you to give serious attention to the gross violation of human and democratic rights, and the complete disregard to the rule of law prevailing in Ethiopia.

Notable attempts have been made in different parliaments, especially in the British and European parliaments and the US Congress, to address these distressing political developments, which followed the May 2005 election. People’s representatives have taken initiatives to publicise the scale of the human and democratic right abuse in Ethiopia while some have gone beyond this in demanding their respective governments and legislative bodies to take action to stop these abuses. Prominent examples of this effort include:

— the November 2005 Early Day Motion 959 sponsored by the honourable Louis Ellman MP for Liverpool Riverside, (a motion signed by 92 MPs) and the amended Early Day Motion 959A1 sponsored by Kate Hoey MP for Vauxhall (signed by 12 MPs) both in the British parliament as well as the unanimous decision of the European parliament on 15 December 2005; and

— human rights bill HR4423 in the US congress, initially sponsored by the Honourable Congressman Christopher Smith and elevated to HR5680—a comprehensive bill for Freedom, Democracy and Human Rights in Ethiopia, expected to go to the floor of the House of Representatives very soon.

As a British Citizen of Ethiopian decent, I am deeply disturbed by the overt brutality and open disdain for basic human rights of the regime controlled by Prime Minister Meles Zenawi, ever more so since May 2005. Furthermore, I observe how government repression in Ethiopia starts to destabilize the entire Horn of Africa. To divert public attention away from domestic state terror, and to pose as an “ally on the war on terror”, the prime minister has effectively committed acts of invasion in Somalia, sending troops there ostensibly to support the secular transitional government there.
This has given the Islamic militants in Somalia a cause to recruit new supporters against the real and immediate danger of foreign intervention. Moderate Somali Muslims are now radicalized to hate Ethiopia and consider it number one enemy in the world. Mr Zenawi’s overzealous intervention in Somalia is a self-serving ploy to garner favour with the US administration, one intended to make up for total lack of support at home. Yet it is a dangerous game, which may soon lead to an open war between Somalia and Ethiopia, a conflict in which the war on terror will increasingly assume international and religious dimensions. I fear such eventuality may escalate the problem by helping the Islamic militants in Somalia to rally support from fundamentalist governments and other extremists who intend to destabilise the region.

In my humble opinion to turn a blind eye to the state terror unleashed by Meles Zenawi on the Ethiopian people amounts to committing the ultimate folly in foreign policy. A perpetrator of such terror cannot be a reliable and successful ally in fighting terrorism in the horn of Africa. Such an oversight is not only unethical but also self-defeating, as it will not serve our genuine interest to see an end to the scourges of terrorism. I believe that peace and stability in the Horn Africa is inseparably entwined with the cause of freedom and democracy in Ethiopia.

As the Foreign Affairs Committee, I strongly urge you to alert the UK parliament and the government about the looming catastrophe in the Horn of Africa. Please raise your voice against the prevailing complacency, within the executive bodies of western governments, towards the wilful and extensive abuses of human and democratic rights in Ethiopia. I call upon you to champion the cause of freedom and democracy by demanding the release of leaders of political and civic organisations, journalists and thousands of prisoners of conscience currently languishing in prisons and concentration camps all over Ethiopia.

_Abbebe Tolossa_
Chairman, Kinijit Support in the UK

**IMPORTANT LINKS**

- Crime nourishment in Ethiopia.
- Ethiopia Hope Shattered (SBS TV).
- EUROPEAN UNION ELECTION OBSERVATION MISSION FINAL REPORT—EXECUTIVE SUMMARY.
- Blair’s heroes of democracy who embraced oppression, By Jonathan Clayton, _The Times_, 2 January 2006.
- Ethiopian leader targets Make Poverty History in mass clampdown on dissent, By Meera Selva, _Independent News_, 23 December 2005.
- Protesters killed and 40,000 jailed as Blair’s friend quells “insurrection”, By David Blair in Addis Ababa, _Telegraph_, 16 December 2005.
- Ethiopian riot police open fire on crowds, By Mike Pflanz in Nairobi, 9 June 2005.
- Why Blair backs a brutal regime, Michela Wrong, Monday 14 November 2005.
- Ethiopia’s agony on Channel 4 News, By Inigo Gilmore, 4 December 2005.
  The June 2005 Massacre, Video.

30 October 2006

*Written submission by Kinijit Support in the UK*

Our organization is writing to you on behalf of the leaders of the Coalition for Unity and Democracy Party (CUDP) the main opposition party in Ethiopia, representatives of civic organization and members of the banned free press that are incarcerated in Kaliti prison, on the outskirts of Addis Ababa on fabricated charges of treason and genocide. Conviction—a likely result in the 19 February 2007, show trial—carries the death penalty. These prisoners have been declared “prisoners of conscience” by Amnesty International and other human rights organisations. The International Mission of Judicial Observation concluded that the charges brought against the above defendants are arbitrary and the trial is used to silence any political criticism of the current regime.
BACKGROUND

On 15 May 2005 the people of Ethiopia voted in unprecedented numbers to reject Mr. Meles Zenawi’s rule. The rejection could not have been more emphatic. The ruling Tigray Peoples Liberation Front (TPLF) which under-estimated the depth of popular protest was stunned by the results. In cities and rural areas where the incumbent party could not steal votes due to the presence of international observers the opposition parties managed to score results rarely matched in the history of democratic elections. In the city of Addis Ababa, the capital, all 23 parliamentary seats went to CUDP. All active high profile ministers and top officials serving the government of Prime Minister Meles Zenawi lost heavily to the opposition, despite their unlawful standing to contest in many rural constituencies which were regarded as safe seats by the ruling party. In the regional election conducted at the same time, the administration of all large cities went to CUDP. In the city of Addis Ababa, out of the 138 contested seats for the city council all but one were won by CUDP. However, instead of accepting the verdict of the people, the ruling party embarked on convoluted and unprecedented process of stealing parliamentary seats under the guise of “counting votes” and “investigating irregularities”, a process which went on for three months. Having falsified the vote count it unleashed a vengeful, systematic and violent repression against the democratic opposition culminating in the arrest of the entire leadership of CUDP on 2 November 2005. Details of egregious human rights abuses that followed the May 2005 general election have been documented by a number of governmental agencies attached to the Foreign Ministries of all western state governments, Amnesty International, Genocide Watch International, Human Rights Watch and World Commission for Jurists among others.

UPDATES

Our organization believes that 19 February 2007 marks in the Ethiopian calendar a date which may determine the fate of the country and its people. Our organization believes that the regime of Meles Zenawi emboldened by the support it gets from the USA for being an “obliging ally on terror”, will go ahead with convicted the prisoners of conscience at the resumption of the sham trials. Unless influential parliamentarians like your honourable selves speak out against the injustice that is taking place in Ethiopia, all signs indicate that Prime Minister Meles Zenawi will instruct his hand-picked judges to pass a decision to prolong detention of the prisoners of conscience. This may ultimately lead to their deaths by execution or as a consequence of the continuation of ill treatment they endure on a daily basis.

YOUR ASSISTANCE:

Therefore, we humbly request for your support to champion the cause of fellow parliamentarians jailed in Meles Zenawi’s notorious prison because they respected the will of the electorate who demanded a boycott of parliament until their votes and the rights of their representatives are restored to ensure the development of parliamentary democracy. Please;

— Write or speak on behalf the imprisoned parliamentarians in Ethiopia and demand your colleagues in the national and European parliament to show solidarity with the imprisoned parliamentarians in Ethiopia.

— Write, speak or fax to Prime Minister Meles Zenawi of Ethiopia and protest against the unlawful incarceration of leaders of the CUDP and civic organizations in Kaliti prison and demand their immediate and unconditional release.

— Ask the prime minister to give a chance to peace and national reconciliation, the only way to put the derailed democratic process back on track.

We thank you for all your support for the causes of justice, civil liberties and democratization in Ethiopia.

Abebe Tolossa
Chairman, Kinijit Support Organization in UK

Links for background information


Abebe Tolossa
Chairman, Kinijit Support in the UK
2 February 2007

Written evidence submitted by the Falun Gong Association (UK)

INTRODUCTION

1. The Falun Gong Association (UK) was established in 2000 as a non-profit organization with the aim of assisting and promoting the practice of Falun Gong. It raises public awareness of the severe persecution facing practitioners of Falun Gong in China and campaigns for their basic freedoms of belief, expression and association.

2. The Falun Gong Association (UK) has been attending the FCO’s consultation sessions prior to and following UK–China Human Rights Dialogues.

3. Our submission is principally concerned with the Human Rights in China and UK’s approach for their improvement, with reference to human rights situations of Falun Gong adherents whenever appropriate.

Recommendations are set out in Italic type.

HUMAN RIGHTS AND TRADE WITH CHINA

4. The issue of China human rights has been closely linked to trade with that country in many aspects, not least in the government’s arrangement for the Minister for Trade to also deal with China and human rights issues.

5. China has already overtaken the UK in terms of GDP values and is widely expected to become the biggest economy in a small number of decades. This potentially biggest superpower, is however, without a tradition of respect for human rights. Indeed, as Jung Chang explained in her book “Mao: The Unknown Story”, the regime has caused the unnatural deaths of about 70 million people in peacetime in China. Today, as the UK 2006 Human Rights Annual Report indicated, there is still a whole spectrum of very serious human rights abuses. If this practice of abuses continues—there being little sign of significant change despite countless Human Rights Dialogues—this potentially strongest superpower could bring far-reaching changes to global values in terms of respect for human rights and basic freedoms. This would be a global “climate change” probably no less damaging than the atmospheric “climate change”. Like for the latter, it is not too late to do something—not through war or isolation—but to help shape the potential superpower as it grows, now. But the measures must be genuinely effective, rather than decorative or half hearted—which could have the opposite effect of encouraging the continuation of abuses.

6. One of the arguments against substantial actions for better human right practices in China is that it would affect our trade. Indeed, China has repeatedly used threat of economic retaliation or offer of economic “carrots” to dissuade western governments from criticising its human rights record. In February 2007, He Yafei, China’s Assistant Minister of Foreign Affairs for North America, told Canada's Globe and Mail “The economic relationship goes hand in hand with the political relationship,” and “I cannot say Canada is squandering (the relationship) now, but in practical terms Canada is lagging behind in its relations with China.” Canadian Prime Minister Stephen Harper responded by saying that Chinese officials should keep in mind that China enjoys a huge trade surplus with Canada and they would be wise to ensure any trade dealings with Canada are “absolutely fair and above board.”

7. Indeed, China, whose export accounts for 40% of GDP, is far more reliant on trade than its western trading partners. China’s import volume from Japan is far greater than that from any other country and greater than the combined import volume from all EU countries, despite the frosty relations between the two countries’ governments. To a large extent, the argument of appeasing China for trade is based on fear rather than rational analysis of all the facts.

8. Ultimately, one has to face the issue of whether to be responsible for our future world. Indeed, the resolve required to actively shape China for better human rights standards is no less than that required to deal with the climate change but the stake is probably no less significant, though of a different character.

9. Human rights in China are a global issue, as shown by the numerous human rights dialogues China is engaged in with other countries. As such the UK can only effectively deal with the issue by working closely with other governments. However, like the situation with climate change, one cannot afford to be idle, just because other governments are not as proactive.

10. Stephen Harper dismissed the argument of appeasing China for trade by telling the media “I think that’s irresponsible”. We think he is right.
11. We recommend that the HMG proactively help to shape human rights in China, with a vision of the country as a future power respecting human rights, rather than a power practising tyranny. The HMG may wish to commission a report looking into economic facts (rather than fears) relating to appeasing China for trade.

**UK–China Human Rights dialogue**

12. The regime in China uses the “closed door” Human Right Dialogues with western governments to silence publicly audible criticism without genuine intention for a fundamental change of ways. This attitude resulted in little real progress on the ground, and the Dialogue could be reduced to a twice yearly formality. In the UK, the absence of any hope for significant progress is reflected, for example, in the FCO’s omission of the de-briefing session with the NGOs following a round of the Dialogue in 2006 and the absence of a call by the FCO for individual cases for discussion in the most recent round of the Dialogue.

13. Taking the Dialogue as the most important and main plank of the FCO policy on China human rights does not help the appreciation and utilisation of public statements, which are one of the most effective ways of influencing China towards better human rights standards. As a result, the FCO may, in practice, lose valuable opportunities for utilising this tool. For example, the arrest, secret trial and sentence of prominent Chinese human rights lawyer Gao Zhisheng in 2006 provoked wide international criticism. The voice from the FCO was less audible. Public statements on such landmark cases, if consistently made, would have a significant effect on shaping China human rights. An unclear stance on these important occasions could be perceived as tacit approval by the communist regime in China, who derives encouragement from it.

14. The Chinese Ambassador to the UN in Geneva, Sha Zukang, said in an interview on 12 December 2006 with CCTV (the largest TV channel in China) that after he rebuked a human rights concern put forward by a senior UK diplomat, the latter submitted that the UK government actually does not have much concern but the government must consider public opinions; and that it was the UK NGOs that are concerned about the issue and put pressure on the government. (http://news.cctv.com/china/20061212/112447.shtml) This is of course a one-sided story which could have been distorted by the communist regime diplomat but the interview showed his open contempt for such private discussions on human rights matters.

15. On the other hand, the FCO’s internationally acknowledged success in dealing with Article-23 in Hong Kong in 2003 was an excellent example of balanced utilisation of public statements, high level representations as well as private Dialogues.

16. We believe and recommend that an effective China human rights policy should consist of at least three prongs: public statements, high level representations and private Dialogues—with each of the first two having at least equal weight and prominence as the third.

17. Public statements by the FCO would be particularly effective for widely publicised cases of human rights abuse in China. We recommend that simple statistics on the proportion of such cases benefiting from FCO public statements could be made public on an annual basis. Likewise, the percentage of high-level meetings on which human rights were raised with the Chinese counterparts should be published annually too.

**The Scale of the Persecution of Falun Gong in China and UK’s Response**

18. The China section in the FCO Human Rights Annual Report 2006 mentioned Falun Gong twice. The Report is accurate in stating that Falun Gong adherents face harassment and detention. The expression of concern in the Report over mistreatment of adherents in detention is greatly appreciated. However, the abuses of Falun Gong practitioners by the regime go far beyond harassment, detention and mistreatment.

19. Numerous cases of torture, sexual assault, incarceration in labour camps and prisons as well as death resulting from torture have been reported by investigators and families/friends and presented in the media but have not been mentioned in the FCO Report.

20. The UK-based Vice President of the European Parliament, Edward McMillan-Scott interviewed two Falun Gong adherents in a Beijing hotel on 21 May 2006 and learned of the atrocities they personally experienced or witnessed. One of them is Mr Niu Jinping who was incarcerated for two years for practicing Falun Gong. His wife, also an adherent, was still in a prison, where she was so savagely beaten that she is now deaf. Torture sessions she endured were up to 20 hours long. The other interviewee was Cao Dong, who saw the body of his friend and a Falun Gong practitioner, which had a hole where his organs had been removed. Cao Dong was abducted by secret agents shortly after the interview with McMillan-Scott and on 8 February 2007, the regime announced Cao has been sentenced to five years in prison for “illegally liaising with international anti-China forces” and “illegally accepting an interview”.

21. Ms Annie Yang, now 45 and living in London, was sent to a Beijing labour camp for 2 years in 2005 for downloading from the Internet and distributing Falun Gong materials. She was not at all one of the most severely persecuted, but in the labour camp, she was deprived of sleep and food, with two hours of sleep a day and 30 grams of bread per meal. She was denied a shower, bath or change of clothes for weeks in
scorching summer, and forced to sit straight on the front edge of a rough chair for 18 hours a day without moving. After a period, her hip rot and she was on the brink of becoming mad. A copy of Annie’s statement is enclosed as a separate supporting document.25

22. The prominent Chinese human rights lawyer Gao Zhisheng, who is a Christian and represented victims of various types, carried out an investigation of abuses against Falun Gong practitioners in Shandong, Liaoning and Jilin provinces by personally interviewing many victims. He presented the findings of his investigation in the form of an open-letter to the leaders of the regime in China on 12 December 2005.26 He found that virtually all the women victims in his investigation had been subjected to sexual abuse. He recorded a long list of horrendous tortures and deaths resulting from torture and ill-treatment. A copy of Gao’s open letter is enclosed as a separate support document.

23. In the year 2006 alone, the Falun Gong Information Centre verified reports of 146 specific cases of deaths of adherents in China resulting from torture or ill-treatment. Over the past eight years, over 3,000 such death reports have been verified and the number of practitioners sent to labour camps without trial is estimated to be at least 100,000. In fact, Falun Gong is by far the most severely persecuted group in China today, either in terms of number of people affected or intensity of persecution. According to the summary of the UN Special Rapporteur on Torture’s visit to China in 2006, 66% of reported cases of torture in China were of Falun Gong practitioners.

24. The scale and severity of the persecution of Falun Gong in China is not accurately reflected in the FCO Human Rights Annual Report, probably due to a lack of information. This situation was not helped by the fact that the FCO was not apparently interested in offers of such information. For example, when Ms Annie Yang (Paragraph 21) was released from the labour camp, the FCO was not interested in hearing her labour camp experience. Actually a letter and an email to the FCO were not answered even though the FCO had previously accepted her case as one of a list of individual cases handed over to the Chinese side at one of the Human Rights Dialogues. This example is not an isolated incident in the past year. We believe that this problem in communication would affect the FCO’s ability to accurately assess human rights situations in China and effectively respond to them.

25. As Falun Gong is a relatively new human rights issue compared with many other aspects of China’s human rights, the lack of information on what Falun Gong is and what caused this overwhelming persecution campaign in China does present a barrier for greater understanding of the issues involved.

26. We would thus recommend that FCO officials and, as appropriate, ministers meet Falun Gong representatives with a specific purpose of elucidating these issues and the serious human rights situations, which would facilitate and underpin the formulation of effective policies and actions.

27. We recommend more vigorous actions from the FCO to address the atrocities against Falun Gong adherents, who are the largest and most severely persecuted group in China today. In particular, we would recommend greater representations at high level inter-governmental meetings and greater use of public statements.

ORGAN HARVESTING

28. It has been widely reported in the media that China harvests organs from executed prisoners on a large scale. On 19 April 2006 the British Transplantation Society publicly condemned such organ harvesting as an “unacceptable” human rights violation, referring to the evidence as “really incontrovertible”.

29. On 6 July, David Matas, a respected international human rights lawyer and David Kilgour, former Secretary of State of Canada for the Asia Pacific region jointly published their “Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China”. The Report states “we have come to the regrettable conclusion that the allegations are true. We believe that there has been and continues today to be large scale organ seizures from unwilling Falun Gong practitioners.”

30. The Report was followed by the European Parliament resolution, in which this atrocity against the Falun Gong practitioners was condemned. The Australian Broadcasting Corporation reported on 16 August 2006 that the Australian Department of Foreign Affairs and Trade has asked the Chinese government to allow an independent investigation into claims of mass organ harvesting in China.

31. We note the absence of a reference to the Matas-Kilgour investigation in the FCO Human Rights Report 2006, although the FCO has been fully aware of the work.

32. On 31 January 2007, David Matas and David Kilgour published their updated and enlarged Report which now contains additional categories of evidence. They also felt that their conclusions had been reinforced by the fact that, despite having several months to consider the original report, the Chinese government had not produced any substantial factual information to contradict or undermine its findings.

33. Although the Matas-Kilgour Report did not provide direct evidence because of the secretive nature of this type of abuse, the strong circumstantial evidence they presented in a large number of categories would warrant further investigation into this abuse.

25 Ev 115
34. We recommend that the FCO should provide moral support for further investigations into this very serious alleged crime, and provide other forms of support when required and appropriate. The FCO should also consider the ethical implications of British scientific and medical contacts with China on transplants at a time when serious doubts and concerns exist about that country’s likely source of organs for transplant.

Mr Peter Jauhal, Chairman  
Dr Li Shao, Vice Chairman  
Falun Gong Association UK  
21 February 2007

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MY EXPERIENCE IN A FORCED LABOUR CAMP

MS ANNIE YANG27, LONDON

It is very difficult for people who have never had such an experience to imagine how I completed these records under such extremely difficult conditions. Over a period of three months, I don’t know how many times I wanted to pick up my pen to write down this painful memory, but each time when my memory went back to that terrible and unforgettable time at the labour camp, my hand stopped writing subconsciously and I was lost in deep thought. When I suddenly came back from the past, my face has already been covered with tears.

I am very grateful to those thousands of British people who do not know me at all, but have signed their names on the petition to rescue me—an ordinary Chinese citizen!

I am very grateful to the British government and all its officials for everything they have done to rescue me and other Falun Gong practitioners during my imprisonment.

I am very grateful to my English mother Agnes Wilton and my friends Annie Agletti, Phil Fitzgerald and Benvey Paddy (passed away now) etc. My heart is filled with gratefulness to them!

Meanwhile I am very grateful to all the Falun Gong practitioners outside China for what they have done to rescue me!

Now I live in a peaceful environment, but I miss more than ever my fellow practitioners who are still being illegally imprisoned in labour camps and prisons because I know deeply and clearly what cruel, evil and inhuman places they are.

Now I am suffering from another unbearable pain. The police arrested me in front of my 16-year-old son, who witnessed the whole process as they illegally searched my home. He cried and called for my parents at midnight as I was a single mother. I cannot imagine and have no idea how much effect it would have on his young mind for watching what has happened to me. It was 12:45 am when I was taken away by force from my home. When my father, who was over 70 years old, heard the news, his heart disease gave out. He sat there and could not speak. He survived after emergency treatment.

I met a lady whose name is Lu Shengxia when I was at the labour camp (she is still there now). She was arrested in 2000 for practising Falun Gong and was sentenced to one year. After she was released in 2001, she gave up practising Falun Gong. Later she was arrested again and sentenced to two years simply because she was with Falun Gong practitioners even though she was not practising any more and the police had not found any Falun Gong books or CDs at her home. Another example was that about two weeks after I was released, the local public security office came to talk to me and asked me what my understanding about Falun Gong was. I said: “If the condition is that you will be arrested so long as you practise Falun Gong, I maybe forced to stop, but I believe Falun Gong is good.” He said: “Sooner or later you will go to prison again”. The policeman was taking notes while he was talking. Afterwards he forced me to put my fingerprint on it (left and right second finger and palms). When I told him this is against my human rights, he said: “I have to do it. I am just following instructions. I know Falun Gong practitioners are all good people, but this is my job”. Apart from this, he also requested me to write about my understanding of Falun Gong. This so-called understanding means to slander Falun Gong. I didn’t want to do it against my will, but I knew if I didn’t do it, they would not leave me alone.

After returning home, whenever I heard footsteps in the corridor, I started trembling.

That period of time was like a nightmare. On 1 March 2005 at 7.30 pm, as usual I went to give some sharing articles from the Minghui website to Falun Gong practitioner X. Less than two minutes after I arrived at the practitioner’s home, the police were knocking at the door. As the door was opened, about seven to eight police in plain clothes burst into the room. Only one of them was in police uniform. They quickly separated me and the practitioner into different rooms. They started to search the house without showing any ID. In the room where I was, they searched every single piece of furniture, cupboards, draws etc. They even moved the sofa and carpet aside to search. They took away illegally all Falun Gong books and a printer from this practitioner’s home without leaving any receipt or document. After finishing

27 Annie was held for 18 months in a forced labour camp in Beijing till September 2006.
searching this practitioner’s home, one policeman from Hai Dian District tried to grab my house key from my hand. When I refused to hand it over, he grabbed my collar with one hand, the other hand was trying to slap my face. I was forced to give him my house key. They put practitioner X in one car and drove to the local Public Security Office. I was taken into a different car and was driven to my home directly. The police opened the door to my home with my key. As soon as they entered the house, they started to search. They took away my computer, two printers, dozens of books, a few hundred CDs and two address books. Then they took me to the local Public Security Office. I sat there for the whole night. At about 9 o’clock the next morning, I was taken to Hai Dian District Detention Centre. By the time all the procedures were finished, it was almost 4 o’clock in the afternoon. I was sent to Block 1 Room 7.

This is a room of about 20 square metres in size. The ceiling is very high. There was a single dim light bulb. The size of 20 square metres included a one square metre toilet and a half square metre corner to store quilts. There were 21 people living in the room, with all daily activities occurring there. The so-called bed was just a brick-laid place 1.5 centimetres above the ground and about four metres long and two metres wide. It was covered by a very thin piece of wood. There was no hot water all year around, even for washing and drinking. We were allowed to have a shower once a week, lasting three minutes. A few people fought for one showerhead. The time was so short that as soon as the body just got wet, the shower time was over. Breakfast everyday was a small cup of rice soup and a bit of salted vegetable, plus steamed bread. Lunch and dinner were boiled Chinese leaf and steamed bread. One could only lie down on her side to sleep. People squeezed onto the bed back to back. There was no way one could lie flat on her back because the space was too small.

When I got to the branch bureau that afternoon, I was totally exhausted. I hadn’t slept for over 24 hours. That evening at about 8:30 pm, I was questioned for the first time. It lasted until midnight. The evil police officer in charge of my case was Liu Dafeng. He brought me to his office. He started to shout at me as soon as we entered the office, using very dirty words to insult me. He questioned me and recorded the conversation while verbally insulting me. Finally he asked me to sign the form, which I refused to do. He pushed me against the wall and kicked me. I told him: Falun Gong teaches people to be a good person by following the principles of “truthfulness, compassion and forbearance”, I had committed no crime and I was not wrong either, therefore I would not sign. The following day I told supervisor Wang Kui in the detention centre that I was insulted by Wang Dafeng and demanded to change the interrogator. Wang replied: Ok, I know now. However that evening it was still Wang Dafeng who came to question me. This time it was again shouting and insulting. My demand was totally ignored. I started a hunger strike (no food and water) to protest and strongly demanded the change. My request was never granted.

From the second week onwards after I arrived at the Haidian branch of the Public Security Bureau, Haidian national security agents dispatched four former Falun Gong practitioners, who had renounced Falun Gong under pressure, to try converting me. It lasted three days, every day from 9:00 am to 9:00pm. Finally the head of the Haidian national security agents, Yang Jian, personally came to talk to me. He told me very clearly: other Falun Gong practitioners never had this “polite” treatment, only you. He told me that they didn’t want to sentence me. I didn’t quite understand the implication of what he said, thinking that it was probably because I have overseas connections. I only fully realised their purpose when I was forced to renounce my belief in Falun Gong in the forced labour camp and the public security officers frequently came to see me in the labour camp: they wanted me to be a spy for them outside China and promised that I would be released immediately. I refused their request.

Without going through any legal process, at the beginning of April 2005, I was illegally sentenced to two years in a forced labour camp.

On 12 April 2005, I was taken to the Da Xing labour-camp dispatching centre in Beijing. The first day I was detained alone in a room. A policeman known as “the big eye Wang” was responsible for talking to me: she wanted to force me to write a guarantee letter renouncing my belief in Falun Gong. Her talk with me lasted more than three hours. During the talk, she was sitting comfortably on a chair while I was made to stand opposite her and not allowed to move at all. After she left, I tried to move, but my legs were so numb that I almost fell down. Fortunately two drug addict detainees there gave me a hand. After “the big eye Wang” left, she sent four drug addicts to watch over me and to force me to write the guarantee letter. This was the third time these drug addicts had been detained in the labour camp so they knew quite well what to do to please the police. They also knew how to make Falun Gong practitioners suffer. I hadn’t done anything wrong. I didn’t need to guarantee anything to anyone. It was about 10:00 pm in the evening, time to go to bed in the labour camp. I hadn’t written a single word. These drug addicts started to shout at me loudly. One drug addict put her arms on my shoulders and leaned against me. I knew the possible outcome if this situation continued. At this time a policeman named Li called these drug addicts and asked them to move a wooden bed board in. It implied that I could sleep now. I asked the drug addicts: how about you? They replied: we have to sit here for the night. I said to them: You sleep. I would sit. They replied: we dare not do this. If they do, the police would shout at them. Whether at the labour camp for females or at the Dispatching Centre, there is always this evil way of “punishment of the connected”. These police use the drug addicts to make Falun Gong practitioners suffer. When Falun Gong practitioners refuse to write the guarantee statement renouncing Falun Gong and refuse to give up their belief, these police would shout at these drug addicts and punish them. As a result, these drug addicts would beat up Falun Gong practitioners. There was a policewoman called Tang Jingjing at the second large unit of Beijing’s labour camp for females.
where I was detained. She once openly announced: “You remember this. The police themselves would never lay a finger on you, but there are people who would beat you up.” There was a Falun Gong practitioner called Zhang Siuyuan. She refused to write the guarantee statement at the Dispatching Centre. Drug addict Gao Zhen and another drug addict not only shouted at her and beat her, they forced Zhang Siuyuan onto the ground, each used their body to constrain her arms, and used their hands to pull out her eyelashes. Zhang cried out loudly because of the unbearable pain. The whole building could hear her crying. There was another Falun Gong practitioner called Wu Mei. Because of her refusal to write the guarantee statement, three drug addicts slapped her face together, kicked her lower body and beat her. They didn’t allow her to sleep and Wu Mei was forced to stand the whole night. Every time I passed through the water room to wash my hands, I always saw Wu Mei standing facing the window with her back to the water room.

If a Falun Gong practitioner signed the guarantee statement giving up his/her belief under these unbearable stresses and suffering, these drug addicts would receive reduced sentences. Otherwise they would also be punished. Once I was talking in the class about the overseas Falun Gong situation and other Falun Gong information, when the group leader in my group was called out and forced to squat with her arms embracing her legs and her head looking down. This was because she didn’t stop me saying something good about Falun Gong and she was therefore punished. Thinking about this event now, I still feel sorry for her because she didn’t do anything wrong. This is the most evil method in the labour camps. The police don’t do these things themselves. Instead they use these drug addicts to make Falun Gong practitioners suffer. If Falun Gong practitioners didn’t follow their instruction to sign the guarantee letter and renounce their belief in Falun Gong, the police would shout at the drug addicts and threaten not to reduce their sentences. This method made the drug addicts hate Falun Gong practitioners and encouraged them to beat up practitioners.

Zhao Hui, a drug addict, once personally told me that the current head of the Beijing Labour Camp for Females, Chen Li, assigned a Falun Gong practitioner who refused to renounce her belief to her. Zhao Hui kicked and beat up this Falun Gong practitioner until she compromised. When the police use these drug addicts to shout at and beat up Falun Gong practitioners, they usually put Falun Gong practitioners in the deep corner of the building and then played loud music in the hall. This way the screaming and crying of Falun Gong practitioners would not be heard. At the Dispatching Centre, these drug addicts could freely walk around everywhere and chat to each other. However Falun Gong practitioners are not allowed to talk to each other even in the same class. Practitioners are also not allowed to sit next to each other. There must be a drug addict or a prostitute between them. At the Dispatching Centre, if the police see and like some practitioners’ valubles, they would confiscate the valuables as “forbidden items”. My two hair clips that I bought in Britain were simply stolen in this way. Many practitioners encountered similar situations. The Dispatching Centre supposedly is a place to train people to follow rules. When one goes to the toilet or water room, as long as there is a door, one has to report oneself like a soldier. Before breakfast, lunch and dinner every day, one has to recite the rules for labour camp detainees. There are over thirty rules. One also has to sing two songs specially written for labour camp detainees. Only after these rituals is one allowed to start the meal. When one goes to the dinner hall to collect the meal, one has to report: I am detainee XXX in the Xth class, I am very grateful to the group leader. This is to force you mentally to remember all the time that you are a labour camp detainee. At registration time every evening, when one’s name is called out, one has to squat with both arms embracing one’s legs and looking down. It is not allowed to have eye contact with the police doing the register. Regardless of how cold the weather is, only cold water is used to wash one’s face and feet and to brush one’s teeth. The washing time is only three minutes. One is not allowed to wipe the neck and ears while washing one’s face. If the police officer on the duty sees it, you would be shouted at loudly and the class leader would also be shouted at. One is allowed to have a shower and wash clothes once a week. Even washing socks and pants is not allowed in the normal time. There are at least 12 people, sometimes 16 people, sleeping in a 28-square-metre room. Because people are not allowed to wash properly, the room was very smelly.

After a 13 days’ stay at the Dispatching Centre, I was taken to the Beijing Labour Camp for Females on 25 April 2005. On the way to the labour camp, not only were my two hands handcuffed, my two hands were also forced to be put at the front seat and my head down. My integrity was greatly insulted. If I didn’t practise Falun Gong, I would probably never need to deal with the police in my whole life. My detention made me personally experience China’s so-called civilised way of carrying out the law and the so-called best period of China’s human rights.

I was assigned to the fifth unit at the labour camp. During the first two weeks at the unit, there were two police women responsible for converting me and brainwashing me. One called Zhang Sumeng and another a Guo (I couldn’t remember her exact name). These two police talked to me in turn from 6:00am in the morning to 11:00pm at night. Because I refused to give up my belief of Falun Gong, from the third week onwards, the head of the fifth unit Chen Hua took personal charge of my case. It was laughable that their talk was almost exactly the same. I could see that they had special training. Their idea about the self-immolation incident at Tiananmen Square was also exactly the same. Chen Hua also forced me to watch many CDs, all with content defaming and attacking Falun Gong without any evidence. When I was arrested, I had already been practising Falun Gong for about eight years. I know exactly what Falun Gong really is. Especially after 20 July 1999, I chose to continue my practising of Falun Gong after thorough soul-searching, because I was fully aware what could await me in the future. But I have no regrets at all.
In 1991, my marriage reached its end after my husband had affairs. My son was only three years old then. I couldn’t accept what life brought me and thought it was so unfair. I complained and complained and was easily irritated. I struggled to get by everyday just to get my son and myself going. I totally lost confidence in life. People around me were all very worried about me. Because of my bad mood and temper, my health also deteriorated greatly. I got kidney problems after giving birth to my son. I always felt dizzy and tired without any strength. My tough life plus the illnesses made me think then that I could only be relieved when I die. At that time, in October 1997 (I will never forget this date), I met Falun Gong. I finished reading Zhuan Falun in one go. Even now I still can’t find words to describe my excitement then because this was exactly what I had been searching for. I started to understand the true meaning of life. Falun Gong teaches people to be a good person, a better person, and finally becomes a selfless person who always considers others first. Soon after I started practising Falun Gong, my health improved greatly in a short period of time. I became more relaxed and energetic. The biggest change in me was that when faced with any situations I was able to remain calm and peaceful inside. Even if people did bad things against me, I didn’t have any complaints and would consider the issue from the opponent’s angle. Since 20 July 1999, the Chinese Communist regime has used everything in its power and all the media to create lies to defame and attack Falun Gong and its founder, Mr Li Hongzhi. Lies are always lies even if they are repeated a thousand times, and they can never become the truth! Just take a look at what means the regime has used to force people to give up their belief: without going through any legal procedures, people have been arbitrarily arrested, sent to forced labour camps, sentenced to prison for those persisting in their belief, and brutally tortured. The regime has been trying to crush Falun Gong practitioners mentally and physically. The more evil thing is that under the condemnation and appeals from international communities, the regime’s persecuting became more secretive. From outside, practitioners being persecuted don’t seem to have suffered any physical harm. But pain brought by the mental persecution is much worse than that by physical harm. The physical harm can be healed through medical care. But the mental harm may never be cured. On 1 September 2006, I was released after serving my sentence. This so-called freedom didn’t bring me any happiness. On the contrary, I have been heavily burdened in my life and this burden will be with me for the rest of my life. During my detention I said things against my will and did something that I didn’t want to do. What I did goes against my conscience in exchange for the relief from the physical harm. To a person with a clear conscience, this means living is worse than death!

At the beginning of June 2005, I was sent to a special unit whose sole purpose is to deal with these Falun Gong practitioners with a firm belief. A living hell then began. The first method was “sitting on the high chair”, which was made of plastic about thirty centimetres across. The surface was very uneven. Everyday one was forced to sit for eighteen hours, with hands and legs tightly touching each other tightly, both legs touching each other tightly, both hands resting over the knees, the back must be kept straight, eyes must be open, and no movement is allowed. If one wants to move, one has to report to drug addicts who watch over us. For example if one wants to drink water, one has to report: report to the class leader, please let me drink water. If this drug addict says: move, then one can pick up the cup and drink. After finishing drinking, one again has to report to the drug addict: report to the class leader, please allow me to put down the cup. Only after the drug addict says “move” can one put down the cup. If one feels itchy, one also needs to report to the drug addict: report to the class leader, please allow me to scratch. If they said “move”, we can then scratch. If they say “no”, we are not allowed to move. That is to say, one has no rights even to move one’s own body. If one moved without permission, drug addicts would start to shout at you loudly, sometimes even beating you. There was a Falun Gong practitioner called Yang Xiaojing. Because she didn’t follow their instruction, three drug addicts beat her up together. Yang Xiaojing’s face became very swollen, her eyes looked like Panda’s eyes. Yang Xiaojing was sentenced to one year forced labour camp in 2001. This time she was arrested again and was sentenced to two and half a year labour camp. She also suffered serious physical harm due to beating. Her husband was also arrested in 2001 because he practises Falun Gong and was sentenced to five years in prison. This “high chair” was only one of the ways to make us suffer physically. After a week or two, many people’s bottoms started to rot.

The second method was starvation. That is not to provide enough food. Everyday breakfast, lunch and dinner only had half a piece of steamed bread about thirty grams, not even with any pickled vegetable. After a week, one became very thin. I once asked a policeman Li Zhiping who was in charge of me to demand increased food portions and was told: if you don’t renounce Falun Gong, it is seen as deliberately confronting the Communist Party, and you don’t even think about having enough food. Cultivators have no enemy. Falun Gong requires practitioners to treat all people around you with kindness. My teacher once said: if you cannot love your enemy, then you cannot attain Consummation. How can firm persistence with one’s belief be related to confrontation? This maybe the Communist Party’s logic. Drug addicts could not finish their food. They would rather throw it away than give it to us.

Another method of torture was not providing drinking water. When I was at this special unit, it was June. June is always very hot in Beijing. The temperature could reach 40 degrees centigrade. Every day they only gave you about 500 millilitres of drinking water. When thirsty, one could only afford to just about wet one’s lips. Apart from this, even going to the toilet was deliberately blocked: one was made to wait at least half an hour, sometimes two to three hours. This led me to have constant pain in my bladder later. There was no feeling whether there is urine or not. Eating, drinking water and going to the toilet are the most basic human rights for a person. Nobody has the right to take them away. From this, one can see that in order to achieve the purpose of forcing Falun Gong practitioners to give up their belief, the regime has resorted
to such unspeakable means. They made us suffer by denying the most basic human requirements. Besides these, as long as one doesn’t give up Falun Gong, it is not allowed to wash one’s hair, have a shower or wash one’s clothes. In temperatures over forty degree centigrade, the room only had a small open window. The door was closed, with curtains drawn. One would sweat heavily even without moving. After two weeks, my clothes became very smelly. I demanded to be allowed to wash my clothes. Not only was my request refused, even the drug addicts who were watching over me were scolded. The police shouted at them for not refusing my request directly. As a result I was shouted at by the drug addicts. My head was so itchy that I could not sleep at night. After my request to wash my clothes was refused, I started my hunger strike, refusing food and water. At such high temperatures, it was very dangerous to start a hunger strike without food and water. With such extreme measures, I was given a chance to wash my clothes. This was what I said earlier that the regime started to use more secretive and evil ways to punish Falun Gong practitioners.

The Chinese Communist regime announced to the outside world that now is the best time for China’s human rights and that they use education and persuasion to rescue Falun Gong practitioners. But in practice, the means they use are violence and lies. It is very easy to cheat the outside world. The other evil method they use is to watch over you 24 hours a day. At the special unit, I was detained alone in a room. Three drug addicts watched over me during the whole day in turn, each taking an eight-hour shift. They recorded my every move such as: at what times I drank water, how much I drank; at what times I went to the toilet, to urinate or excrete, how much, was the urine colour white or yellow, was the excretion dry or wet? What was my mood? Was I happy or sad, what did I say; did I lie flat or on my side during sleep etc; all recorded in great detail. They tried to seek a psychological breakthrough.

Due to the concerns raised by the British government and great efforts by overseas fellow Falun Gong practitioners, on 24 November 2005, an international human rights organisation came to the Labour Camp to try to interview me. But I was warned that I was not allowed to take part in the interview. I hinted to the two ladies who came to interview me in English, they understood my difficulty. Before this international human rights organisation came to the Labour Camp, they moved out all Falun Gong practitioners who had suffered torture and ill-treatment from the Labour Camp, using altogether four coaches. The second day after the international human rights organisation left, they were taken back again. If it was really as pleasant as the regime claimed to the outside world, why did they refuse to allow the interview?

Through two years’ life in the labour camp, because of the double mental and physical persecution, my eyesight became bad and my memory became weak. Because of the suffering caused by brainwashing, my hair all turned white. My mental status almost reached the edge of total collapse. I thought about dying. Every day the only thing I thought about, when I sat down, was how to end my life. Was it better to smash my head onto a radiator or drink washing powder? Because of long-term malnutrition, my whole body became swollen. Due to the “sitting on the high chair” for a long time, for a long period after I was released from the labour camp I had difficulty walking. I even walked slower than my parents who are over 70 years old. Because I kept practising Falun Gong, my health recovered very quickly.

In the labour camp, I met many Falun Gong practitioners. Most of them were forcibly taken from their homes. Falun Gong practitioner Li Lanping was looking after her grandson when the officers at her local “6.10” office came to ask her if she still practised Falun Gong. She was immediately taken away from her home when she said she still practised. Falun Gong practitioner Zhang Xiaojing was working at her company. She was taken away from her working place when the company director pretended to want to talk to her. Her husband was a serving soldier. He divorced her under the pressure. When she was arrested, her paralysed mother who is over eighty years old was left at home without anybody looking after her. The old lady soon passed away and was not able to see her daughter for a last time. Soon after Zhang Xiaojing was sentenced, his son was also sentenced to a few years in prison because he practises Falun Gong. In today’s China, there are countless such families that were torn apart because of the Chinese Communist regime’s persecution. There was another Falun Gong practitioner called Su Wei. She was just released in the middle of September 2005. Two months later, she was arrested again. This time she was sentenced to two and half years in a labour camp (the first time it was two years).

Written evidence submitted by Falun Gong Human Rights Working Group

We are submitting to you some more cases of Chinese regime’s severe persecution of Falun Gong practitioners in China. We hope that you have paid attention to our previous case reports.

The Chinese regime, and the silence of the media and other public forums, have led many to believe that the persecution of Falun Gong is a past, that Falun Gong has disappeared from China or gone underground, and that it is finally no longer a dilemma item on our conscience when we are dealing with China.

That is unfortunately far from being the case; rather, it is the persecution that has gone “underground,” gone unreported by the Chinese regime and by the media. Using a tactic that is not different from the Nazi’s high-profile hate-inciting propaganda to blind and numb the society to its followed by the clandestine “final resolution,” the Chinese regime’s earlier high-pitched campaign to deceive the society, to build a coercive atmosphere, and to justify its persecution to the world has been followed by the present period of stealthy torture and murder.
The persecution is indeed as severe and extensive as it has ever been. Unyielding to the extreme pressure, Falun Gong practitioners in China have persisted in exposing the horrific persecution. Their plight and courage have touched many to come to assist and to speak for them. These people have all been coerced, but remain unyielding; and their information has supported Falun Gong practitioners’ claims and appeals.

On the international front, information on the severe persecution has largely been ignored, perhaps because it is deemed to be from one privileged source. This is, unfortunately, a self-fulfilling judgment: as long as no one else cares to look into the persecution, its exposure will continue to be perceived as single-sourced.

And there is yet another self-fulfilling judgment we must scrutinize: Do we want our children to live in a future world where no one will look into other people’s suffering? If our answer is an honest “No,” how do we prepare to answer to our more caring children when they ask, “What did you do when the persecution of Falun Gong ran rampant?”

The cases we submit to you are from real people, and are about their real suffering. The information comes to us at great risk to those who pass it on, and oftentimes with great sacrifice. They must not be taken lightly, lest the value of hope, courage, and the future of humanity be forsaken.

Thank you for your kind attention,
Falun Gong Human Rights Working Group

Mr Yang Naijian Beaten and Tortured

Mr Yang Naijian, male, in his 20s, resident of Nugushan Village, Liuting Town, Chengyang District, Qingdao City, Shandong Province.

In 2004, because he told people the truth about Falun Gong and the persecution, the police arrested and tortured him. Once, one policeman beat his head with an electric baton, and then seven policemen beat him simultaneously, which caused his body and head to bleed, and he passed out. In the winter, police stripped off his clothes and forced him to stand outside in the snow. Police often kicked at his body and beat him. Later he was sent to the Qingdao Labor Camp for further persecution.

After Mr Yang was released, on 12 May 2006 around 8 pm, led by officer Lu Weizhong, a group of policemen of Liuting Town Police Station went to Mr Yang’s home, and they beat him out in front of his home. Then they took Mr Yang to the Liuting Town Police Station. At the police station, Lu Weizhong fiercely beat Mr Yang with an electric baton, and used his knee to jab Mr Yang’s abdomen, which caused Mr Yang to lose control of his bladder. Later, Mr Yang managed escape.

Huang Yongzhong Died from the Beatings

Mr Huang Yongzhong, in his 30s, was born in Xinhe Village, Dongshan Town, Jieyang City, Guangdong Province.

On 9 September 2001, Mr Huang was arrested while distributing Falun Gong truth clarification fliers in Longwei Town of Jiedong. He was detained at the Jiedong Detention Center, where Wu, the center director, beat him with his fists and a leather belt and kicked him in the head. Almost every evening around 7.00 pm, Mr Huang was taken out and beaten.

During Mr Huang’s trial, he was beaten so badly that he couldn’t walk on his own. He had to be carried into the courtroom. The judge ignored all of Mr Huang’s objections and the objections made by others on his behalf, and accepted the “evidence” that the police presented, although it was full of loopholes. The court sentenced Mr Huang to seven years for “disturbing the social order.” Mr Huang appealed, but the Jieyang Court insisted on “upholding its original sentence.” On 10 November 2001, he was sent to Beijiang Prison in Shaoguan.

In Beijiang Prison, Falun Gong practitioners, who refuse to give up their beliefs, are kept in dark cells, forced to do more work than others, not allowed to sleep, and are given unknown drugs in their food, causing their minds to become muddled. After he was there for a month, Mr Huang was transferred to Supervision Area Number 12. While he was there, the guards and prisoners often beat him. He had injuries all over his body and was beaten into a coma many times.

On 2 July 2006, Mr Huang’s parents received two phone calls asking them to hurry to the prison. They were sure something was wrong, so they brought their son’s friend with them. Prison officials told them their son was in the hospital, so they rushed over there. When they finally found him his arms and legs were shackled to the hospital bed, he was too weak to even speak. A prisoner was assigned to watch him. His mother looked under the blanket and saw wounds from beatings all over his body. She angrily asked the prison personnel, “Why did you beat my son like this? Why is he still locked up?!” Forcing a smile, one of the people she asked said, “We are a civilized unit. Why would we beat him? He caused these injuries himself by struggling when we tried to examine him. We had to immobilize him so he wouldn’t move too much while we gave him an injection.” Hearing this, Huang’s mother grew even angrier, “What kind of physical exams could give a person bruises all over his body, leave him unable to move or speak, and need a catheter?” The person continued to argue with her, saying, “His hepatitis virus has spread and caused his body to turn blue. Is it our fault that he got sick?”
At that time Mr Huang’s mother noticed his lips were very dry and looked like he hadn’t had water for a long time. She quit arguing and hurriedly gave her son some water, and then cut a piece of apple for him.

Mr Huang began to come around and he called weakly, “Mom.” Then he pointed at the person from the prison and said, “... evil to death.” He grabbed his friend’s hands tightly. It seemed like he had many things he wanted to say, but he was too weak to speak.

Mr Huang’s parents requested their son’s immediate release from prison so that he could receive medical treatment, but the prison officials obstructed them in every possible way. They said they needed to report to the “610 Office,” they needed to discuss it, and they needed several pieces of paperwork from the elderly parents. Mr Huang’s parents are honest farmers who are both more than 70 years old. They had no one to help them, so they finally had to return home.

On the morning of 5 July, Mr Huang’s parents got up early and went to talk to the officials at the police station, the “610 Office,” and other government offices, but everyone shifted the responsibility onto someone else and refused to speak with them. His parents cried, “Our son is dying, and you’re still making trouble for us. If something happens to him, heaven won’t forgive you!” That evening his parents brought the paperwork, which they’d obtained with great difficulty, to the prison.

On 6 July, after reading the certificate, the prison warden took out a piece of paper and asked Mr Huang’s parents to sign it. The paper said the prison would not be responsible if anything happened to Mr Huang after he left the prison. Mr Huang’s mother read it and yelled, “You didn’t ask me to sign anything when you took him away. Now he’s dying and you expect me to sign this? You want to avoid responsibility for your actions. You’ve killed a man and now you want to wash your knife clean!” Their righteous indignation left the wardens speechless. He sent for a vehicle, a few doctors and a police officer, who took Mr Huang to the People’s Hospital in Jieyang. The policeman told doctors, “This man is a criminal. If you can treat him, go ahead. If you can’t, just let him go.” Everyone was shocked by his words. Several days later, his parents brought him home.

By that time, however, it was too late for Mr Huang. He passed away on the afternoon of 21 July 2006.

Organ Harvesting Suspected in the Murders of Ms Fu Keshu and Mr Xu Genli

Ms Fu Keshu and her nephew Mr Xu Genli disappeared in Jinggangshan in November 2005. Guided by some locals, their family members went through the valleys and caves in the nearby mountains searching for them. They also petitioned the Jinggangshan City government to help find them, but to no avail. The bodies were not found until April and May of 2006 at Wuzhi Peak in the Jinggang Mountains.

Victims:
Ms Fu Keshu, 54, a retired teacher at the Kaiyang County No. 1 primary school, Guizhou Province.
Mr Xu Genli, Ms Fu’s nephew, a businessman from Jinsha County, Guizhou Province.

On 7 November 2005 Ms Fu Keshu and Mr Xu Genli left home with an older woman. They arrived at the Jinggang Mountains on the evening of 16 November 2005. They stayed at the Yongxin Hotel that night. At around 8.00 am on 17 November 2005, they planned to tour the area and distribute some Falun Gong materials, but the elderly woman, not feeling well after the bus ride, stayed at the hotel. Before Ms Fu and Mr Xu left hotel, they told the woman, “Don’t go anywhere! We’ll return later this afternoon for sure.” They never returned. The woman waited for five days. On the sixth day, she returned to Guiyang City in Guizhou Province.

After Ms Fu and Mr Xu’s family learned about their disappearance, on 4 December, they went to the Jinggang Mountains to look for them. They also inquired about them at the Yongxin Hotel and reported the disappearance to the Ciping Police Department. They broadcast public announcements on the Jinggangshan City TV, and posted announcements at various tourist sites. They also found locals who took them into the mountains, but they didn’t find anything. The family submitted reports to the Jinggangshan City government, the Jinggangshan City Police Department, the Jinggangshan City Politics and Law Committee, the Jinggangshan City Tourism Bureau and other government agencies, and continually asked for help to find them.

On 30 April 2006, the family got a phone call from the Criminal Investigation Division of the Jinggangshan City Police Department, saying a male body had been found at Wuzhi Peak in the Jinggang Mountains. On 3 May 2006, Mr Xu’s six family members arrived at the Jinggang Mountains and requested that people from the government’s Criminal Division go along with them.

Mr Xu’s body was lying on the dried riverbed of a small brook, downstream from a waterfall. The body was stuck between rocks, facing up, with a stream running underneath it. The muscles were dried-up, the legs were spread apart and both hands were raised above the head. It appeared the body had been dragged and strategically placed between the rocks. A T-shirt was found on the riverbank not far from the body, and his jacket and wallet were also found nearby.

His head had been shaved; there was a large hole in the forehead that exposed the brain. Both eyeballs were missing; the flesh around the sockets had ulcerated; there were two black holes on the nose. The chest and abdomen had been cut open. The police told the family that they had dissected the body for an autopsy and DNA test. On 6 May, the body was taken to the Ciping Morgue.
On 7 May 2006, Ms Fu Keshu’s family members and some locals went to the mountain to look for her. On 9 May 2006, the six people took a ferry along the river and went into the mountains again. At 9.00 am they found Ms Fu’s coat underneath a waterfall, over a hundred feet upstream from the location of Mr Xu’s body. At 10.00 am they found Ms Fu’s body in the middle section of a brook above the waterfall. They called the police, who took pictures and videotaped the scene. Xiao, a judicial doctor, conducted an autopsy.

Ms Fu’s body showed no signs of decay. Her head had been shaved; both eyeballs were missing and the flesh around the sockets had ulcerated. There were two black holes on the nose. The upper body was bare, her underwear was wrapped around her head and her trousers were a little worn. The thigh and calf muscles were somewhat dried up, and the tips of the toes were stretched out in a stiff position.

On the afternoon of 9 May 2006, Ms Fu’s body was sent to the Ciping Morgue. In the evening, the Criminal Division told her family that the two victims had “committed suicide.” When the family asked about a motive for the suicide, the police became upset. On 11 May 2006, Ms Fu’s body was moved from the Ciping Morgue to the Jian Morgue. It was cremated early in the morning on 12 May.

There were many similarities between the two bodies. Both victims were hairless, their eyeballs were missing, the flesh around the sockets had ulcerated and there were two black holes on the nose.

Mr Xu Genli’s body had been carved up before his family arrived at the scene. The nature of the cuts was consistent with organ harvesting. If the police were only doing a DNA test, they should not have cut him open on the mountain in the absence of any family member. A sample of skin tissue and hair would have been sufficient.

Ms Fu Keshu’s body had not decayed, while Mr Xu Genli’s body had dried up and the bones were exposed, which indicated that the two people had not died at the same time.

When Mr Xu’s sister had been anxiously searching for him and Ms Fu, she told the Jinggangshan City police that Mr Xu was a Falun Gong practitioner. A police officer said, “Our manpower is limited! You should go look for him yourself.” He also said that Falun Gong materials had been found in Huangyangjie on 18 November 2005. Thinking that Mr Xu and Ms Fu had gone there, the family asked, “Were they arrested?” The police said, “No.”

On 8 December 2005, the family had gone to the Jinggangshan City Tourism Bureau to ask for their help in finding the two missing people. The next day, a Mr Zhu from the Jinggangshan City National Security Division talked to the family and asked whether the two missing people were Falun Gong practitioners, and who else in the family practiced Falun Gong. He also mentioned that Falun Gong materials had been found in Huangyangjie on 18 November 2005. When the family asked whether someone was arrested in Huangyangjie, he said “No.” The family asked, “If no one was found, why you questioning us?” He didn’t say a word and left.

The police insist that the victims committed suicide and conducted no further investigation. The police later changed the cause of death to “sudden death,” after failing to properly explain the deaths. “Sudden death” still did not explain the missing hair and eyeballs, or the incision in Mr Xu’s body.

Based on these findings, their family suspected that Ms Fu Keshu and Mr Xu Genli’s organs were harvested, resulting in their deaths.

**Ms Tan Pingyun Tortured to Death**

Ms Tan Pingyun was a 56-year-old resident of Weifang City, Shandong Province. On the morning of 8 November 2005, more than 20 personnel from the “610 Office” in Weifang City barged into her residence. They ransacked her house and confiscated her belongings. They arrested Ms Tan and took her to the “610 Office” brainwashing center.

On 6 December 2005, without informing her family members, the authorities sent Ms Tan to Division One at the Wangeun Forced Labor Camp.

At approximately 11.40 on the morning of 18 May 2006, Ms Tan’s family received a phone call from the labor camp, informing them that she was in critical condition and asking them to rush to the 148 Hospital to see her for the last time.

Her family arrived at the hospital at 2.30 in the afternoon. By that time, they could not detect her blood pressure and her heartbeat was extremely weak. At 7 pm that night, her heart stopped beating. There were no apparent wounds on her body. When asked about the cause of her death, the labor camp officials claimed that she had drunk some toilet bowl cleaner when asked to clean the toilet at 7.00 that morning. The police said that, after finding out what happened, they sent her to the Wangeun hospital. The hospital treated her symptoms as high blood pressure. After the treatment failed, they transferred her to the 148 Hospital.

During a conversation with her family, the police learned that Ms Tan’s second brother, Mr Tan Weaning, did not practice Falun Gong, so they would only talk to him, not allowing other family members to be present. The family was suspicious. As Ms Tan was a cheerful person, they did not believe she would commit suicide and wanted to take the body to the hospital to investigate the cause of death. Other family members and friends also wanted to see her for the last time. The police refused and demanded that the family cremate the body immediately. They threatened the family by making the accusation that Ms Tan’s
elder sister, Ms Tan Aiyun, participated in many Falun Gong activities including going online to download Falun Gong materials. Due to the persecution, although Ms Tan Aiyun is in her 70s, she once had to spend three years in a labor camp.

On the night of 19 May, Zhong from the local Kuiwen District 610 Office, Liang Bin from the Kuiwen District police department, and Guan from Ms Tan’s work unit were ordered to go to the labor camp, where they, along with personnel from the provincial justice department, provincial labor camp bureau, and the labor camp, tried to persuade Mr Tan Weiming to drop the family’s request to take Ms Tan’s body. They said that any other requests would be considered. Mr Tan Weiming had no other choice but to agree to accept a compensation of 3,000 Yuan and allow the body to be cremated at the labor camp.

Some questions surrounding Ms Tan Pingyun’s death remain unanswered.

1. In detention centers and labor camps, there is usually no toilet bowl cleaner because it is a prohibited item. Laundry detergent is usually used to clean toilets.

2. Ms Tan Pingyun, who was supposed to have drunk toilet bowl cleaner, still had rosy lips and an intact tongue and teeth. According to experts, toilet bowl cleaner will burn the mouth and tongue.

3. Ms Tan was treated for high blood pressure when it was claimed that she drank toilet bowl cleaner.

4. When Mr Tan Weiming went to the forced labor camp to visit his sister, Ms Tan Pingyun, she was in good spirits. Why would such a person suddenly “commit suicide”? Was this a suicide or was it really a homicide?

Testimony: How I was Persecuted Because I Practice Falun Gong

Dai Ying, Norway

Ms Dai Ying: 48 years old, she is currently a resident of Norway. Escaping from China in 2005, she and her husband went through many hardships after they arrived in Thailand. They gained UN refugee status and were accepted by Norway.

ARRESTED FOR SIGNING PETITION TO UN SECRETARY-GENERAL

On 21 July 1999, my husband, Li Jianhui, and I appealed to the municipal government of Shenzhen City, Guangdong Province, to stop the persecution of Falun Gong. The Shenzhen police arrested us and the police department detained my husband at a secret location until he escaped ten days later.

On 23 September 1999, we heard that UN Secretary-General Annan was going to visit China. We thought that we should let him know about the human rights violations and the persecution of Falun Gong in China. So my husband went to meet with another practitioner, Mr Gu Haiying, who used to work at the Shenzhen Railway Company Office but was sent to do janitorial work due to practicing Falun Gong. We signed the letter that we wrote to Mr Annan. Then we all left and tried to find more signers. I also asked another practitioner, Ms Hao Bingtai to help collect the signatures. Soon we had over 90 signatures. My husband planned to take them to Beijing on 30 September.

On 26 September 1999, my husband and I went to Guizhou Province. Soon after we arrived, we received a phone call from the Shenzhen City Police Bureau requesting us to go back to Shenzhen immediately. We realized that they were monitoring our cell phone. We went back home on 28 September.

On 29 September 1999, the police from the Shenzhen City “610 Office” wanted to talk to my husband, so they went to a restaurant. After eating, they arrested him. Policeman Wang Xiang and more than 10 other policemen ransacked my home, and arrested me too. They searched every corner of my house including the ceiling and the safety box, until they found the letter and signatures. My husband and I were detained at the Futian District Detention Center. I was released on bail 15 days later, but they detained and tortured my husband.

MY HUSBAND WAS SENTENCED, OUR LAWYERS WERE THREATENED

The Shenzhen municipal government reported my husband’s name to both the “610 Office” of Guangdong Province and the “610 Office’s” Central Committee. A prosecutor in the Shenzhen Procuratorate thought that my husband was innocent. However, higher authorities ordered the court to sentence him for political reasons.

Before the court hearing, I appointed an attorney named Ms Qu Ci from New Century Attorney Office in Shenzhen City, and my brother-in-law appointed another attorney named Ms Xu to work with her in defense of my husband. After they studied the files, they both believed that my husband was innocent. Attorney Qu Ci brought the files to Beijing and invited legal experts to discuss the case in a forum. The experts comprehensively proved, from constitutional and legal points of view, that my husband was innocent. So attorneys Qu and Xu decided to plead my husband innocent.
Two days before the court hearing, the Shenzhen City Police Department acted on behalf of the Shenzhen municipal government to stop attorney Xu from defending my husband. The Shenzhen City Judicial Bureau also forced attorney Qu Ci to terminate her contract with me, thus preventing her from defending my husband. Neither attorney, nor any family members were allowed to attend the hearing. The court assigned another attorney to plead my husband guilty.

China’s constitution stipulates that every defendant and his/her family members have the right to appoint attorneys to act on the defendant’s behalf. However, the Shenzhen City Court knowingly violated the law. At the end of February 2000, the Futian District Court in Shenzhen City sentenced my husband to four years in prison.

On 5 March 2000, I went to Beijing to appeal to the State Council for justice and to stop the persecution of Falun Gong. The police arrested me and sent me back to Shenzhen to be detained at the Futian District Detention Center.

TORTURE AND FORCED LABOR

To continue protesting the persecution, I had no choice but to go on a hunger strike. During the third day of my hunger strike, the guards at the detention center began to force-feed me.

They dragged me out of my cell. Four or five people pressed me against the ground to prevent me from moving. They inserted a very thick rubber tube into my nostril, causing my nose to bleed. When the tube failed, they used a screwdriver to pry open my teeth, and inserted a thick, sharpened bamboo tube into my mouth. It hurt so much that I felt as if they were splitting my mouth open. This force-feeding consisted of either food or dense salt water. I nearly suffocated. Food and blood kept spurting from my mouth and nose. Every time they finished, I felt as if I had died. They force-fed me every two or three days, not out of concern for my life, but for the purpose of torturing and devastating me. Once I gritted my teeth and tightly closed my mouth. Doctor Zhou in the detention center used the largest screwdriver to pry open my teeth. He pried off my two front teeth, and loosened the rest of my upper and lower front teeth.

A fellow practitioner, Ms Jiang Xiaowen, was detained in the cell next to mine. The guards pried off her two front teeth. Practitioner Ms Xue Aimei was detained in the same cell as I was. I witnessed how the guards brutally force-fed her with chili oil and chili powder. Every time she came back from force-feeding, her nose and face were covered with blood, and chili oil and food covered her body.

Since we had not committed any crimes, we refused to wear prison uniforms. Over a dozen of the Futian District Detention Center’s policemen and policewomen came in and forced over twenty female practitioners to strip naked. One female practitioner was dragged in front of male prisoners naked in order to humiliate her.

We were also forced to do slave labor in the detention center every day. We manually sewed leather shoes, which caused blood blisters to form on our fingers. Our fingers also became deformed and curved from this labor. All the products we made were exported to the United States and Europe. We were forced to work from 7:30 am until midnight or 1:00 am. In addition, we had to work a night shift of one to four hours every night. We worked on weekends, as well. Thirty people lived in a room of about 30 square meters (or 330 square feet), with a squat toilet. When we slept, we had to lie on our sides to save space, with one’s head next to another’s feet and vice versa. In the labor camp, no one treated us like human beings.

Soon I was sentenced to three years in prison. On 8 March 2001, I was transferred to Shaoguan Prison (currently known as Guangdong Province Women’s Prison). Because I refused to give up my belief, Instructor Luo, Director Dai, Chief Zheng Zhu’e, Chief Cai Guangping, Clerk Lin and Clerk Yang lectured me in turn every day. They coupled threats with promises. They threatened me, verbally abused me, and brainwashed me. They often forced me to watch programs that slandered Falun Gong and its founder. They also forced me to face the wall. I was not allowed to move, sit down or sleep. On the third day, I couldn’t stand it anymore and my legs gave out beneath me. They woke me up and forced me to stand again. I fell down again, and they forced me to stand once more. This process repeated until I could not stand up again. They allowed me a short nap, but soon made me face the wall once more. They didn’t allow me more than two or three hours of sleep for many days. Even during those two or three hours, they ordered two prisoners with infectious diseases to supervise me as my “personal cangues.” One had pulmonary tuberculosis (TB) and the other one had a skin disease.

During a large-scale meeting, the guards took me onto the stage. Instructor Luo told everyone that I practiced Falun Gong and no one was allowed to talk to or share anything with me. Every day, three or four personal cangues watched me. They followed me everywhere I went, including when having meals, using the toilet, or taking a bath. They deliberately created trouble, and abused and insulted me. They reported my every word and action, throughout all 24 hours of the day, to their chief.

As I refused to be “transformed,” the guards frequently shocked me with electric batons. They often threatened me, “If you don’t transform, we will send you to the Northwest.” Northwest referred to the concentration camps in the remote and secluded regions of northwestern China, the area in or around Qinghai Province. Many people who had been sent there had vanished.
After being tortured for only one month, my blood pressure was 220 and escalating, even though it had always been normal before. I was in a trance-like state. My blood pressure remained high. Even so, I still did 14 hours of slave labor a day. I couldn’t rest if I didn’t finish my assignment. We made all kinds of leather sandals and stringed lights for Christmas trees. The high intensity of the labor and the long work hours exhausted me. I always felt as if my limbs were falling apart.

Instructor Luo found out that I still refused to give up practicing Falun Gong, so one day she told me that she had been too nice to me. She threatened to lock me in a cell with a mental patient so that the patient could spread her excrement on me. She gave me 15 minutes to consider it. I told her, “I am not afraid.”

**Losing Vision in My Left Eye**

A few days later, at around 10.00 pm, CCP Secretary Lin and three prisoners with heavy sentences came in and dragged me to a basement. The three prisoners pressed me to the ground and held me so tight I could not move. Secretary Lin began to shock me with an electric baton. She pressed it onto my acupuncture points and sensitive spots, including my temples, the Renzhong acupuncture point (philtrum), the central nervous system at my cervical vertebra and other places. I cried out in pain. It felt like my head had split open from the shocks. I could hardly endure the pain that permeated my body. After thirty to forty minutes of this torture, I could no longer stand it.

The morning after that, I found my vision was blurry. Everything looked cloudy. This was a direct consequence of the electric shocks. Under my strong request, Chief Zheng and Clerk Yang took me to Lishi Hospital (outside of the prison). The examination showed that my optic nerves were bleeding in many places. I was losing vision in my left eye. The doctor said that it would not recover, and I would soon be blind. My right eye was also affected. Now, my right eye has a vision of 0.1 and my left eye vision has a vision of zero. (Normal vision is 1.5.)

Prisoner Liu Cheng tortured me at the prison. He told me, “You are nothing compared with Song Ping. She was tortured even worse. What you have endured is only 1/10 of what she has suffered. When Song Ping was shocked with electric batons, they poured water on her until she was soaked. Then they used several electric batons to shock her simultaneously. When she was shocked, she bounced against the wall, and then bounced back to the ground. And then they shocked her again. She had bruises all over her body . . .”

When my family came to visit me at the prison, two policemen escorted me to the meeting room. There was a glass window between my family and me, and we used a telephone to talk. There was always a policeman monitoring and recording our talk using another handset. I was not allowed to tell my family that I was tortured at the prison. If I said even a little bit about it, our talk would be cut off and they would not be able to visit me again. Therefore, the outside knew nothing about the torture that happened inside.

My eye was blind after the electric shock. However, I was still forced to work overtime every day, until two months before my term expired when the prison agreed to release me, under the condition of bail, for medical treatment. My family came to bring me home.

**Second Detention**

Only two months after I returned home, at 10.00 pm on 27 February 2003, policeman Wang Xiang and over a dozen others from the Shenzhen “610 Office” broke into my home and arrested my husband and me again. They took us to the Futian Detention Center again. In the detention center, I met Ms Wang Suqin, a 67 year-old Falun Gong practitioner. She told me that when the police from Shenzhen “610 Office” interrogated her they handcuffed her in a small, solitary cell. In the freezing winter, for two days and nights, they continuously blew on her with a fan, and didn’t allow her to eat or sleep. She said her daughter Li Xiaoqu was also detained in the Futian District Detention Center. The Shenzhen “610 Office” mercilessly tortured her daughter. She asked someone to pass a note to her mother, telling her that she would not commit suicide and, if she died, it would be due to torture.

**Brainwashing**

At the Sanshui labor camp, I was locked up in a small cell. All the windows and doors were sealed. Warden Xie, Warden Tang, Section Chief Ge, Section Chief Chen, Chief Sun, Chief Tang, Chief Zhang and Guard Liu Ai persecuted me. They did not allow me to write to my family, nor did they allow my family to visit me. Every day, they brainwashed me and forced me to watch television programs that slandered Falun Gong. They did not allow me to sleep or relieve myself in the lavatory. The pain of such torture was beyond description. I saw some practitioners become seriously ill right after they were “transformed.” More than 30 practitioners were persecuted and suffered from high blood pressure. I knew a female practitioner who was tortured and became mentally ill; the prison didn’t notify her family. Some practitioners were tortured until they were nothing but skin and bones.
Some practitioners were transported out of the prison when they were on the verge of death. When the prison transferred such practitioners, the guards drove everyone else into another room and locked the door. Then guards would wrap the dying practitioner in a blanket, carry her downstairs, and secretly transfer her. No one knew where she was sent.

**SORTING TRASH**

Our slave labor consisted of sorting trash. The trash was shipped in from Hong Kong. It was dirty and smelled awful. We had to sort out plastic and metal from the trash. However, we were forced to do it. Everyone had a daily quota. Our term would be extended if we failed to meet the quota.

**FORCED INJECTION**

One day in May 2004, they assembled about 160 Falun Gong practitioners together. Doctors from People’s Hospital of Foshan City came to give us injections of unknown drugs. I asked Chief Sun why only Falun Gong practitioners, but no other prisoners received injections. She answered, “We would not give them injections even if they wanted them. This is the government’s special treatment for you.”

Several guards held a practitioner and injected her by force. The practitioner fainted right on the spot. Seeing that, many practitioners resisted the injections. I also resisted. Despite the struggle, some practitioners were still given the injections. But overall, the guards gave up when we resisted the injections.

A few days later, the guards took a few practitioners at a time to the labor camp’s clinic. The doctors from the People’s Hospital in Foshan City came to give physical exams, and take blood tests, electrocardiograms and x-rays. Some of the equipment was brought from the People’s Hospital and installed in a large bus.

When a doctor examined me, he inquired about my heart condition in detail. He asked if I had ever had any heart problems before. During the physical exam, the doctor especially pressed and tapped at my waist (kidney region), and asked me if it hurt. Every practitioner was given a physical exam and had a blood sample taken, including the practitioners who had mental disorders. However, prisoners who were not Falun Gong practitioners were not examined.

When outside people came to visit or inspect the prison or the labor camp, all Falun Gong practitioners were locked in a secret room, except those who had formally renounced Falun Gong. They were interviewed and repeated the lies that the instructors had ordered them to tell.

I was on the verge of collapse from the long-term torture at the Sanshui Women’s Labor Camp. My blood pressure was as high as 250, and I often fainted. The labor camp was reluctant to take responsibility if I died there, so on September 20, 2004, they released me on bail for medical treatment.

**ESCAPING THE CCP’S GRASP**

During the time my husband and I were imprisoned, my daughter was only 14 years old and had no one to take care of her. My mother had died during the persecution. I was not be able see her final time; it is something that there is no way to recover.

In 2005, the Shenzhen “610 Office” started another round of persecution. On the evening of 7 September 2005, we were informed before they came and immediately left home. We left just in time, as they arrived soon after. They failed to arrest us, but did not give up. They searched for us in many places, tracked us through means of telecommunication, and used video cameras at the major entrances and exits of Shenzhen City to pursue us.

We were destitute and homeless for nearly two months. Our arrival in Thailand came after numerous untold hardships. We went to the United Nations’ Refugee Agency and told them the true situation of Falun Gong in China and of our own experiences. With the help of the UN Refugee Agency, we finally escaped from the CCP’s grasp and arrived in Norway.

My husband and I would like to thank the United Nations and the Norwegian Government for their support and help. We would also like to appeal to all kind people around the world and all governments, to help rescue the practitioners who are still detained in jails, forced labor camps, detention centers and many other unknown places in China.

Dai Ying

*10 March 2006*
HEILONGJIANG MIDDLE SCHOOL TEACHER DIES AFTER REPEATED TORTURE
AT CHANGLINZI FORCED LABOR CAMP

Mr Sun Peichen, 47, a teacher at Yinglan Middle School, Yilan County, Heilongjiang Province.

On 26 May 2004, Jia Lin, Qiao Lijun and others from the Dalianhe Town Public Security Sub-Bureau arrested Mr Sun. On their way to Yilan Prison, Qiao Lijun beat him mercilessly. His nose and mouth bled, his chest, abdomen and forehead were seriously wounded and he passed out many times.

Later, he was sent to the Changlinzi Forced Labor Camp for a three year of forced labor. He also lost his teaching position.

During his imprisonment in the forced labor camp, Chief Ji and Dong Hebin beat Mr Sun many times. The methods they used to torture him include “pushing” and “separating.” “Pushing” is where someone sits on the practitioner’s back and pulls the arms up behind the back to the limit, which makes the joints crack. “Separating” is pulling the legs in opposite directions to the limit.

One morning in March 2005, Mr Sun Peichen, along with other practitioners, Mr Li Qingrong, Mr Zhang Fengtian, and Mr Xu Guoxiang shouted loudly, “Falun Gong is good.” Zhao Shuang and other guards took Mr Sun away and ordered him to strip off his clothes. Zhao Shuang grasped Mr Sun’s testicles and crushed them hard. Another guard tortured him with an electric shock baton. When the guards became tired, they rested and then again shocked Mr Sun’s testicles and other sensitive parts. After that, Zhao Shuang continued to apply the above mentioned torture of “pushing” and “separating” on Mr Sun until Zhao Shuang was tired. The torture made Mr Sun pass out several time. They also forced Mr Sun naked and to stand in front of other practitioners and detainees.

On 12 April 2005, guard Zhao Shuang and others tortured Mr Sun with electric batons continuously, stripped off his clothes, held him down on the ground and pounded his chest and back with their elbows.

Guards at the Changlinzi Forced Labor Camp also forced Mr Sun to work for long hours. He was only allowed to sleep for two to three hours each night. He had to get up for work at 5.00 am and usually worked until after 9.00 or 10.00 pm. Sometimes, he worked until midnight or even all night.

The guard Zhao Shuang said, “It is alright as long as we do not kill them. Even if we kill them, we just have to fill out a form. We can report it as a normal death. Anyway, the forced labor camp has a death quota.”

During the last two years, Mr Sun was tortured in every possible inhuman way. Because of the beatings, he lost many of his teeth; he had difficulty breathing because of chest pain; he was painfully thin and had to stay in bed. On 7 June 2006, the forced labor camp hastily released him. Mr Sun could not recovery from the torture and died 20 days later on 3 July 2006.

Previous Detentions:

On 25 July 1999, because Mr Sun Peichen refused to give up his belief in Falun Gong, he was put into administrative detention for 15 days. On 16 January 2000, he was imprisoned for another 100 days.

On 21 May 2001, the county police arrested Mr Sun at his school. They imprisoned him in the Changlinzi Forced Labor Camp for a year. After being forced to live in a damp environment, his whole body was covered with scabies and he could not stand up or take care of himself. He went on a hunger strike to protest, and was barbarically force-fed and tortured many times.

YI HAIZHU SENTENCED TO 10 YEARS IN PRISON; FAMILY DENIED VISIT

Ms Yi Haizhu is a Falun Gong practitioner from Jiamusi City, Heilongjiang Province.

In December 2002, while visiting another practitioner, Ms Wang Dongxia, plain-clothes policemen waiting outside of the practitioner’s home arrested Ms Yi. She was detained at the Jiamusi Public Security Bureau at the Qianjin Branch. The police brutally tortured her, pulling apart her legs and beating her with her hands cuffed. On the second day, Ms Yi escaped from the police station.

On 27 February 2006, the authorities arrested Ms Yi while she was in Hegang City and detained her at the Hegang Second Detention Center. She was subjected to inhumane interrogation for several days and nights. The Gongnong Police Department of Hegang is handling the case. To protest the persecution, Ms Yi went on a hunger strike. She is in a life-threatening situation. For a while she was on the brink of death. Officials at the Gongnong Police Department, the main work unit responsible for the persecution of Ms Yi, are very aggressive. When Ms Yi’s family questioned the policemen’s unlawful action, Li Shujiang, the deputy head of the police department said, “Sue us wherever you’d like!”

In early April 2006, officials transferred Ms Yi to the First Detention Center. Her hunger strike, at that point, had lasted for more than 50 days, during which period she was sent to the emergency room many times. While Ms Yi has been on a hunger strike, her parents, sister and brother-in-law have gone to the Hegang City Police Department many times and asked for her release, but the officials have always refused to let them meet with her.
On 27 April 2006, Ms Yi’s mother, in her 70s, traveled from Jiamusi to the Gongnong District Police Department in Hegang for the eighth time to request to see her daughter. Each time she has gone, deputy chief Dong has refused her request.

In November 2006, Ms Yi’s family was informed that the Gongnong District Court of Hegang City, Heilongjiang Province, had sentenced Ms Yi to 10 years in prison. Ms Yi Haizhu’s elder sister went to the detention center again to request to visit her, but her request was again denied.

Written evidence submitted by Hongwei Lou

My name is Hongwei Lou and I just finished my graduate studies at the University of Cambridge. I am writing to ask for FAC’s help and could you please help me on rescuing my husband, Dongwei Bu, to get him out of the terrible labor camp in Beijing?

I am a Chevening Scholar, so I reported my husband’s case to the FCO immediately after I confirmed his arrest. And also my MP (David Howarth) wrote two letters to Rt Hon Ian McCartney MP about my husband’s case. In January when I heard that the FCO will have a Human Rights dialogue with Chinese authorities, I wrote to them again. But I never got any response from the FCO up to now so I don’t know whether the FCO have already know my situation. I have to write to you to get help.

My husband Dongwei Bu is currently incarcerated in a “Re-education through Labor” camp in China called Beijing Tuanhe labor camp only because of his holding some books at home about his personal belief—Falun Gong meditation practice. He was sentenced to 2.5 years RTL without a trial and without access to any lawyer. It is so ridiculous that a person whose duty is to provide legal consultancy was illegally put into prison.

Amnesty International has classified Dongwei as a prisoner of conscience and issued an urgent action worldwide. His case was also raised in a resolution which was passed by European Parliament on 7 September. UK parliament website published his case. Please find these information as follows.

http://www.publications.parliament.uk/pa/cm200506/cmselect/cmfaff/860/860we54.htm
http://www.sfgate.com/cgi-bin/article.cgi?file = /n/a/2006–08/30/state/n002419D41.DTL&type = printable
http://www.clearwisdom.net/emh/articles/2006/9/11/77905.html

Dongwei is a very kind and honest person. He has been supporting many poor children in the countryside so that they can obtain an education. He didn’t do anything wrong. Such a good person should not be put in prison. My husband’s parents are both nearly 80; we have a two-year-old daughter who is now being taken care of by my parents in China. I have been enduring so many sleepless nights and our daughter has been missing her father badly for months.

The labour camp policemen sequestrated all letters I sent to my husband because I mentioned I am rescuing him in the letter. As his long-time-separation wife, I have no any chance to see my husband, know his situation, and send him any piece of my words as well as my support. I really hope if FAC could help me and my husband, to live in peace, not in pieces.

Thank you very much for your attention.

I, together with my daughter, are looking forward to hearing from you.

Hongwei Lou

February 2007

Letter from Rt Hon Ian McCartney MP to the Chairman of the Committee, Minister of State for Trade Investment and Foreign Affairs

When I gave evidence to your committee on 7 February I agreed to send you further information on the UN Human Rights Council Mission to Sudan.

At a special session on Darfur last December the UN Human Rights Council agreed that a high level mission would go to Sudan to examine the human rights situation in Darfur. President Bashir gave his commitment to UN Secretary General Ban Ki-Moon at the African Union (AU) Summit in January that the Government of Sudan (GoS) would co-operate with the Mission.
The GoS refused to grant visas to all members of the mission when it was due to visit Sudan in February. The mission leader, Jody Williams, said, rightly, that if the whole Mission was not allowed in, none would go. The mission did visit Addis Ababa and eastern Chad. We, and others, pressed the GoS to allow the whole mission in.

The Mission issued its report on Darfur on 12 March. The report was based on AU and UN information and confirmed what we already knew about the grave human rights situation in Darfur: that it remains characterised by gross and systematic violations of human rights and breaches of international humanitarian law. The report recommended that there be more effective protection: deployment of UN/AU peacekeeping force and more human rights monitors; a ceasefire and negotiated peace; effective delivery of humanitarian assistance and ongoing donor support; and tackling impunity, including through GoS co-operation with the ICC. Despite procedural objections from OIC and Asian states, the report was welcomed by key African delegations, who called for the Council to take effective action.

In my statement to the Council I called on it to take effective action on Darfur and not be mired in procedural debates. We do not accept that the Mission report is not valid as the Mission failed to go to Sudan. The report is based on the assessments of UN humanitarian agencies, the African Union in Addis Ababa and UNHCR in eastern Chad. All of these organisations, which have large numbers of staff operating in Darfur and Eastern Chad, continue to report an appalling human rights and humanitarian situation there.

I also spoke privately to the Sudanese Justice Minister. I made clear to him that it was unacceptable that Sudan had not co-operated with the human rights mission to Sudan. It was a sensible and balanced report and we would be pressing for the Council to uphold its recommendations. I made clear that the Government of Sudan needed to uphold their international commitments and that this included co-operation with the International Criminal Court.

We, and EU partners, are pressing the Council to take forward the recommendations in the report.

Rt Hon Ian McCartney MP
Minister of State for Trade Investment and Foreign Affairs

13 April 2007

Letter to the Chairman of the Committee from Rt Hon Ian McCartney MP, Minister of State for Trade, Investment and Foreign Affairs

In the Secretary of State for Foreign and Commonwealth Affairs’ response to the Seventh Report of the Foreign Affairs Committee on East Asia, we undertook to raise the Committee’s recommendations on the EU-China Human Rights Dialogue with EU partners at the next opportunity (paragraph 98, 17 October 2006). I now write with a comprehensive update of the action we have taken and the EU’s response.

You will recall the Committee recommended that NGOs be invited to have observer status at the dialogue and that the EU publish a summary of objectives before, and outcomes after, each round. As we stated in October, we regularly exchange ideas with EU partners on the EU-China Human Rights Dialogue. We do this through the excellent working relations we maintain with our EU contacts at all levels, both formally and informally. However, in order to bring improvements to the dialogue process firmly within the EU’s human rights agenda, it was necessary to raise the issue in the appropriate forum. We therefore asked partners at a meeting of the EU’s working group on human rights on 27 October to consider the future of the dialogue within the working group at the earliest opportunity.

To begin discussions in the interim, we circulated a written proposal to all partners on 14 December, incorporating the Committee’s recommendations along with a number of our own suggestions. We invited partners to comment on our list of recommendations and to share further suggestions for improving the EU dialogue. The Presidency collated the responses and issued a consolidated set of points on 15 January, to which partners were asked to send further written comments by the end of the month. We expanded upon our original points in light of the preparations for the UK-China Human Rights Dialogue, which took place in London on 5 February.

I wrote to you on 10 March giving a detailed readout of our bilateral dialogue. It is important to note again the main improvements at the most recent round of the UK dialogue and the relevance of this to the EU’s dialogue. We successfully involved a UK NGO in the main talks for the first time; there was better participation from Chinese line ministries; more focused discussions; an impressive response to our individual cases of concern; and, by repeating themes addressed previously, follow-up on priority issues. We were able to share our approach with partners as a model for taking forward the EU dialogue and, by doing so, emphasise the importance of co-ordination between those countries which hold bilateral human rights dialogues with China.

The UK was invited to give a detailed presentation on its bilateral dialogue at the EU’s working group meeting on 28 February, and this guided a comprehensive discussion on how to improve the EU’s dialogue. Building on the written exchange, I can assure you that a great deal of time was given at the meeting to the Committee’s recommendations.
Unfortunately, there are legal obstacles which mean it will not be possible to invite NGOs to have observer status at the EU dialogue. However, the EU continues to place great value on the contribution of NGOs to the dialogue process overall, and emphasised the essential role such groups play in the EU-China legal seminars which run back to back with the dialogue. It is worth noting that the seminars make concluding recommendations, which the EU takes forward in the dialogue.

Partners decided that setting objectives that seek to achieve tangible results would not be helpful to the dialogue process or the EU’s work on human rights in China more generally. However, the UK’s use of objectives was seen as a model for better focusing discussion at the next round of the EU’s human rights dialogue, which will take place 14–15 May in Berlin. A set of draft recommendations was circulated on 3 April. A decision on whether to publish details has yet to be taken. Meantime, all partners recognise the need to keep interested groups informed of its approach and the EU has renewed its commitment in this regard.

The main themes for the next round of the EU dialogue will include reform of the criminal justice system, freedom of expression and the rights of ethnic minorities. We are already in the process of sharing information with the Presidency based on our experience of raising these issues, as well as our work on individual cases.

The next EU-China Legal Seminar, which will take place 11–12 May, will focus on the right to a fair trial and labour rights. We have nominated and since confirmed the participation of a UK expert in the seminar. This person took part in the previous EU seminar in October and the UK-China Human Rights Dialogue in July 2006 (both of which focused on labour relations) and will be well placed to follow-up on the relevant issues. An FCO official will also be in attendance.

Engagement on human rights in China remains a priority for the EU. In line with our own approach, the EU’s policy is multi-layered. While the dialogue provides an opportunity to discuss issues of concern in more detail, the EU continues to raise, what are often sensitive issues, outside this exchange, and at senior levels. The EU also runs a number of projects to deliver progress on the ground.

I hope the information I have provided here will be of use.

Rt Hon Ian McCartney MP
Minister of State for Trade, Investment and Foreign Affairs

16 April 2007