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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF  
TORTURE AND DETENTION**

**Torture and other cruel, inhuman or degrading treatment or punishment**

**Report of the Special Rapporteur, Manfred Nowak**

**Addendum**

**Summary of information, including individual cases, transmitted to Governments  
and replies received\***

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\* The present document is being circulated as received, in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

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## Introduction

This addendum to the report of the Special Rapporteur contains, on a country-by-country basis, summaries of reliable and credible allegations of torture and other cruel, inhuman or degrading treatment or punishment that were brought to the attention of the Special Rapporteur, and were transmitted to the Governments concerned. It also contains replies from Governments. This addendum does not illustrate the state of torture and other cruel, inhuman or degrading treatment or punishment throughout the world, but rather reflects the state of information brought to the attention of the Special Rapporteur.

The Special Rapporteur would like to recall that in transmitting these allegations to Governments, he does not make any judgement concerning the merits of the cases, nor does he support the opinion and activities of the persons on behalf of whom he intervenes. The prohibition of torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right, and every human being is legally and morally entitled to protection. When the Special Rapporteur receives reliable and credible information that gives grounds to fear that a person may be at risk of torture or other forms of ill-treatment, he may transmit an urgent appeal to the Government concerned. The communications sent by the Special Rapporteur have a humanitarian and preventive purpose, and do not require the exhaustion of domestic remedies. Governments are requested to clarify the substance of the allegations, take steps to protect the person's rights, and are urged to investigate the allegations and prosecute and impose appropriate sanctions on any persons guilty of torture and other cruel, inhuman or degrading treatment or punishment.

Observations by the Special Rapporteur have also been included where applicable. Such observations, which sometimes note the most recent findings of other supervisory bodies, in particular United Nations treaty bodies, are usually made when the information suggests that there may be a problem extending beyond the exceptional or isolated incident. References to press statements of the Special Rapporteur are also cited.

During the period under review, i.e. from 1 December 2004 to 15 December 2005, the Special Rapporteur sent 291 letters\* to 70 Governments. The Special Rapporteur also sent 202 urgent appeals\* to 56 Governments on behalf of individuals for whom fears had been expressed that they might be at risk of torture and other forms of ill-treatment. Government responses received up to 31 December 2005 have been included. The responses received after that date will be duly reflected in a future communications report.

The Special Rapporteur appreciates the timely responses received from Governments to the letters and urgent appeals transmitted. He regrets that many

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\* Includes joint action with other Special Procedures of the Commission on Human Rights. General statistical information on communications sent by Special Procedures in 2005 is available on OHCHR website : <http://www.ohchr.org>.

Governments fail to respond, or do so selectively, and that responses to older cases remain outstanding in large part.

Owing to restrictions on the length of documents, the Special Rapporteur has been obliged to reduce considerably details of communications sent and received. As a result, requests from Governments to publish their replies in their totality could not be acceded to. Attention is given to information in Government replies specifically relating to the allegations of torture and other cruel, inhuman or degrading treatment or punishment. **In particular, information on the following:**

- (a) What steps were taken to ascertain the veracity of the facts alleged?**
- (b) Has a complaint been lodged by or on behalf of the alleged victim?**
- (c) The details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to the case.**
- (d) Full details of any prosecutions which have been undertaken (e.g. penal, disciplinary or administrative sanctions imposed on the alleged perpetrator(s)).**
- (e) What compensation and rehabilitation has been provided to the victim or the family of the victim.**

## Mandate Abbreviations

TOR	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
FRDX	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
HRD	Special Representative of the Secretary-General on the situation of human rights defenders
SUMX	Special Rapporteur on extrajudicial, summary or arbitrary executions
IND	Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people
WGAD	Working Group on Arbitrary Detention
HLTH	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
IJL	Special Rapporteur on the independence of judges and lawyers
FOOD	Special Rapporteur on the right to food
RINT	Special Rapporteur on freedom of religion or belief
VAW	Special Rapporteur on violence against women, its causes and consequences
EID	Working Group on Enforced or Involuntary Disappearances
EDU	Special Rapporteur on the right to education
MIN	Independent Expert on minority issues
SALE	Special Rapporteur on the sale of children, child prostitution and child pornography
TRAF	Special Rapporteur on trafficking in persons, especially in women and children

Para.	Country	Date	Type	Mandate	Allegations transmitted	Government Response
1	Afghanistan	28/11/05	AL	TOR	<p><b>Walid Muhammad Shahir Muhammad Al-Qadasi</b>, a Yemeni citizen. He was arrested in Iran in late 2001. He was held there for about three months before being handed over to the authorities in Afghanistan who in turn handed him over to the custody of the US. He was held in a prison in Kabul. During US custody, officials cut his clothes with scissors, left him naked and took photos of him before giving him Afghan clothes to wear. They then handcuffed his hands behind his back, blindfolded him and started interrogating him. The interrogator was an Egyptian, who, accusing him of belonging to Al-Qaeda, threatened him with death. He was put in an underground cell measuring approximately two metres by three metres with very small windows. He shared the cell with ten inmates. They had to sleep in shifts due to lack of space and received food only once a day. He spent three months there without ever leaving the cell. After three months Walid Al-Qadasi was transferred to Bagram, where he was interrogated for one month. His head was shaved, he was blindfolded, made to wear ear muffs and a mouth mask, handcuffed, shackled, loaded on to a plane and flown out to Guantanamo, where he was held in solitary confinement for one more month. In April 2004, after having been detained for two years, he was transferred to Sana'a prison in Yemen, temporarily to Ta'iz prison and then back to Sana'a. He remains held without charge or trial or even the opportunity to challenge his detention although his family and NGOs have been allowed to visit him.</p>	

2	Algeria	23/09/05	JUA	FRDX; HRD; TOR	<p><b>M. Bellatrèche</b>, président des familles de disparu(e)s constantinoises, <b>Mme Saker</b>, membre de familles disparu(e)s constantinoises, <b>M. Arab</b>, 75 ans, père d'un disparu et membre de SOS Disparus à Alger, <b>Mme Yous</b>, la présidente de SOS Disparus, bureau à Alger, <b>Mme Ferhati</b>, membre du bureau de SOS Disparus à Alger, <b>Mme Nekrouf</b>, la secrétaire du bureau SOS Disparu à Oran et des <b>familles de disparu(e)s constantinoises</b>. Le 22 septembre 2005, les familles des disparu(e)s constantinoises se sont rendues au stade Ramdane Ben Abdelmalek, où le Président Bouteflika tenait une manifestation publique concernant le projet de Charte sur la paix et la réconciliation nationale, avec l'intention de demander audience au Président au sujet de la situation de leurs proches disparus. Les familles auraient été insultées et agressées par des agents des forces de l'ordre, en uniforme et en civil, qui leur auraient donné des coups de pied et de poing. Parmi elles, M. Bellatrèche, ainsi que Mme Saker et cinq autres mères de disparus auraient été embarquées par la police et emmenées au commissariat central afin d'être auditionnées. Elles se trouveraient toujours détenues à l'intérieur du commissariat. Ces femmes âgées de 60 à 75 ans ont l'habitude de se réunir pacifiquement pour demander vérité et justice pour les disparu(e)s. Le 14 septembre 2005, M. Arab, membre de SOS Disparus, bureau d'Alger, aurait été embarqué par quatre policiers lors du rassemblement qui se tient tous les mercredis devant la Commission Nationale Consultative pour la Promotion et la Protection des droits de l'Homme, à Alger. Après avoir passé</p>
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					<p>trois heures en garde à vue, le 15 septembre il aurait été inculpé d'une violation de l'article 96 du code pénal pour avoir distribué « des tracts de nature à nuire à l'intérêt national ». Par ailleurs Mme Yous, la présidente de SOS Disparus, bureau d'Alger, aurait reçu des appels anonymes lui conseillant de quitter immédiatement le territoire algérien, si elle souhaitait protéger les familles et son personnel. Mme Ferhati, membre du bureau de SOS Disparus à Alger, aurait été harcelée sans arrêt depuis jeudi 15 septembre par des SMS envoyés à son téléphone. Mme Nekrouf, la secrétaire du bureau SOS Disparu d'Oran et fille d'un disparu, aurait été contactée par téléphone par quelqu'un, qui lui aurait affirmé qu'elle allait disparaître comme son père. Le 17 et 18 septembre, trois policiers en civils auraient fouillé le bureau d'Oran sans présenter ni mandat de perquisition ni carte. Ils auraient interrogé Mme Nekrouf pendant 30 minutes.</p>	
3	Australia	21/12/04	JAL	IND; SUMX; TOR;	<p><b>Cameron Doomadgee (Mulrunji)</b>, a 36-year-old aboriginal man. On 19 November 2004 around 10am, he was arrested for public drunkenness and locked up as a "public nuisance" in a cell at the Palm Island police station, 70km north of Townsville. At 11am, he was found dead in his cell. The first autopsy found that he had four broken ribs, a ruptured liver and spleen, and that he died from internal bleeding. It is alleged that Mr Doomadgee's injuries were not consistent with a fall on concrete steps at the Palm Island police station, as stated by the police.</p>	<p>By letter dated 26/04/05, the Government informed that he died in police custody in Palm Island on 19 November 2004, following his arrest that day for creating a public nuisance. The Queensland State Coroner ordered a post-mortem and released the results to his family. The autopsy showed that he died with four broken ribs, a ruptured spleen and liver. The injuries were consistent with falling on steps. The Coroner subsequently agreed to a second autopsy following the request of the family. The second autopsy was observed by a pathologist on behalf of the family. The results of the second autopsy have not yet been released. The Queensland Police Service is required to notify the Queensland Crime and</p>

						<p>Misconduct Commission (CMC) of any "significant events" involving police officers. If the incident raises a suspicion of misconduct on the part of a police officer, the CMC formally investigates it. In this case, the CMC conducted the investigation. The objective of the investigation was to investigate whether there was any police misconduct associated with the arrest, detention or death in custody. As Cameron Doornadgee (Mulrunji) died in police custody, the Queensland State Coroner had a statutory obligation to conduct an investigation and inquest into the death. It is expected that the police officers involved in the arrest and detention will be called as witnesses before the inquest. An officer from the CMC will also give evidence concerning their investigation. The inquest begins on 8 February 2005 and has not yet been completed. The investigations into the death are not yet complete and no prosecutions have been undertaken. If the Coroner reasonably suspects that an offence has been committed, the information will be submitted to the Queensland Director of Public Prosecutions who will then determine whether to charge the person with an offence. In addition, the Coroner may also give information about police misconduct to the CMC, which will then determine whether any disciplinary action should be taken. No compensation has been paid to the families of the deceased.</p>
4	Azerbaijan	6/9/05	AL	TOR	<p><b>Sarvan Sarhanov</b>, a member of the youth organisation Yeni Fikir ("New Idea"). He was interrogated by three investigators, Mr. Ali Quliyev, Mr. Azer Amirov and Mr. Rahimov, at the Department for Serious Criminal Cases of the</p>	

					Prosecutor's office on 11 August 2005. They beat him on the face to force him to give false testimony. A fourth investigator threatened to squash his fingers and tear out one of his ears. Mr. Sarvan Sarhanov was eventually released without any charge on the same day.
5		17/10/05	JAL	FRDX; TOR;	<p>On 9 October 2005, fourteen journalists were reportedly beaten up by police during a demonstration by the Azadlig opposition group, gathering approximately 700 people, in Baku. <b>Ramiz Nadjafli</b>, editor-in-chief of the weekly <i>Boz Gurd</i>, was beaten unconscious and taken to hospital with head injuries. <b>Idrak Abbasov</b>, correspondent of the daily <i>Ayna-Zerkalo</i>, was hit on the head with a baseball bat by a group of police officers in civilian clothes. Policemen did not allow anybody to help the journalist who was left unconscious on the ground for several minutes and finally brought to the hospital.</p> <p>Twelve other journalists were attacked during the demonstration: <b>Elbrus Seyfullayev</b> of the "Azer-Press" news agency; <b>Mahabbat Orudjev</b>, <b>Tofik Yagublu</b>, <b>Afghan Mukhtarov</b> and <b>Mustafa Hajili</b> of the daily <i>Yeni Musavat</i>; <b>Rasul Mirhashimli</b> of the <i>Uch Nogta</i> news agency; <b>Orkhan Aslanov</b> of <i>ANS TV</i>; <b>Anar Shukurov</b> of <i>Leader TV</i>; <b>Elman Maliyev</b> of the daily <i>Express</i> and member of the press monitoring council; <b>Sarvan Rizvanov</b> of the <i>Turan</i> news agency and member of the press monitoring council; <b>Ibrahim Mamedov</b>, head of the press monitoring council; and <b>Nabi Alishev</b>, correspondent of <i>Baki Khabar</i> daily.</p>

6		11/11/05	JUA	WGAD; FRDX; TOR;	<p><b>Eldar Salayev</b>, 72 years old, professor and full member of the Academy of Science of the Azerbaijan Republic, and <b>Natif Efendiyev</b>, former head of the police department of Gyandja and current deputy chairman of the opposition Democratic Party. He was arrested on 27 October 2005 and is being held in the prison of the Ministry of National Security. In detention Mr. Efendiyev was beaten and electrocuted. When visited by his wife, he could hardly stand or speak. He is currently in hospital in Baku for treatment, but remains under arrest.</p>	
7	Bahrain	25/07/05	JAL	FRDX; HRD; TOR;	<p>On 15 July 2005, <b>a group of demonstrators</b> including <b>Nabeel Rajab</b> and <b>Abdulhali Alhawaja</b> gathered in Manama to protest against the national budget passed by the Bahraini Parliament and the Shura Council. Several protesters were allegedly beaten by the Bahraini police forces and some 30 demonstrators had to be taken to hospitals for treatment, some of them suffering from several fractures and other serious wounds. Nabeel Rajab is said to have sustained a fractured arm, a head injury and a broken finger. Reportedly, the Bahraini Parliament backed the police action, and condemned the rally as a threat to democracy and an insult to all Bahraini citizens. On 17 July 2005 a new gathering was held peacefully to denounce the beating of protesters by police on 15 July.</p>	<p>By letter dated 8/11/05, the Government informed that the right to freedom of expression must be exercised within the framework established by law and without prejudice to the rights or reputation of others or to national security or public order. There have been 450 sit-ins, demonstrations and protests in Bahrain in the past 14 months and none of the participants made any allegations about being subjected to violence or the use of excessive force. On 13 July 2005, the Ministry of the Interior had received a letter from an unregistered organization called the Founding Committee of the Public Committee of the Unemployed announcing its decision to hold a non-peaceful march on the National Assembly on Friday 15 July 2005. It said that the participants intended to bombard the National Assembly with eggs and rotten vegetables, in a protest against the Assembly's failure to discuss a number of unemployment-related issues. The Ministry of the Interior issued an order banning the march as unconstitutional and an infringement of Decree-Law No. 18 of 1973, concerning public</p>

						<p>meetings, parades and gatherings, since the march was not about expression of opinion, but was intended, as the organizers and participants had made clear, as an attack upon the National Assembly. Such attacks are regarded as criminal offences under article 216 of the Decree-Law No. 15 of 1976. In defiance of the ban order, the demonstrators congregated in the vicinity of the National Assembly. The police ordered them to disperse. However, the demonstrators stayed put and began throwing stones at the police and attacking them. They also held up the traffic on the public highway and damaged a police car and a traffic signal. Some policemen were injured in the process, and the demonstrators took flight. Concerning injuries, broken bones and serious wounds sustained by 30 demonstrators, including Mr. Nabeel Rajab, pointed out that the demonstrators fled after attacking the police. Not one of them filed a report with a police station or the prosecution service providing evidence of their injuries, because they realized that they had committed a criminal offence. The Ministry of the Interior submitted a report to the prosecution service, with a view to bringing a prosecution against the demonstrators for attacking officers of the law. However, no one was arrested or detained following the attack. If injuries were sustained, it happened while the policemen were taking precautionary measures to protect themselves from a direct attack. With regard to the Bahraini Parliament's support for the police, we should point out that there is a complete separation of powers in Bahrain, and that the legal measures taken by the police to disperse</p>
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						the demonstrators were in conformity with the law and the Constitution.
8	Bangladesh	16/09/05	JUA	WGAD; HLTH; HRD; TOR;	<b>Suresh Chandra Halder</b> , former General Secretary of the Association for Village Advancement, Faridpur District. On 9 August 2005, he was arrested without a warrant in Faridpur, and is currently held in Faridpur Jail. He is being denied access to medical treatment. He requires regular medication and medical attention, both for diabetes and for the treatment of an eye condition. He is also suffering from severe back pain. His family has tried to bring medicine to the jail to ease his back pain, but the authorities at the jail have refused to accept the medicine. Reports indicate that his health is deteriorating and he is losing weight. He is currently awaiting a bail hearing.	By letter dated 27/12/05, the Government informed that he had been treated for diabetes and that the jail authorities had taken appropriate measures for his medical care. He was found to be in good health and under observation of doctors.
9		15/11/05	JAL	FRDX; HRD; TOR;	<b>Tipu Sultan</b> , a correspondent with the news agency <i>United News of Bangladesh</i> . In January 2001, Mr. Sultan, was attacked by a crowd in Feni after he published an article criticising a local politician. It was only in 2001 that investigations into this attack, which left him with broken legs and hands, were initiated. Mr. Sultan and his family have, since then, received numerous threats that they would be killed if he does not withdraw the charges against the accused. Out of fear for their lives, Mr. Sultan and his family fled to Dhaka. <b>Hiramon Mondol</b> , a journalist with the daily <i>Prabartan</i> (subject of a previously transmitted communication, E/CN.4/2005/62/Add.1, para. 121). No investigations were initiated against the persons who allegedly tortured Mr. Mondol. In November 2003, he filed a civil suit before the Khulna Sessions Court for compensation for the maltreatment he suffered while in detention.	

					<p>However two witnesses have been threatened not to provide testimony in court. <b>Manik Chandra Saha</b>, a journalist based in Khulna, and <b>Shahriar Kabir</b>, a prominent writer, as well as a human rights defender. Shahriar Kabir, was released in January 2003. He was detained without charge since 8 December 2002 with <b>Munatsir Mamun</b>, a university professor and human rights defender, for having given interviews to journalists about the human rights situation in Bangladesh. Mr. Mamun alleged he had been detained incommunicado and subjected to torture and other forms of ill-treatment while in custody.</p>	
10		2/12/05	AL	TOR;	<p><b>S. K. Abubakkar Sultan Bitan</b>. On 15 July 2005 around 8pm, he was arrested by members of the Rapid Action Battalion (RAB) on Jasumuddin Road, Uttara Sector 7, Dhaka. The incident began when he intervened in beating of an elderly man by three plain-clothed members of the RAB. He was taken to RAB-1 Office in Uttara, where he was beaten with iron rods until he became unconscious. He was released at approximately 11pm. <b>Azizur Rahman Shohel</b> and <b>Atiqur Rahman Jewel</b>, two brothers who reside in the Puratan Bilsimli area of Rajsahi. On 27 July 2005, they were arrested at approximately 9pm. The arrest took place following an altercation with some guests at their father's guest house. They were taken to Bolia Police Station, where they were blindfolded, beaten with batons, kicked and punched by police officers, whose names are known to the Special Rapporteur. The two brothers were also subjected to electric shocks.</p>	
11		Follow-up to past cases			<p><b>Rafique al-Islam</b> (E/CN.4/2005/62/Add.1, para. 145).</p>	<p>By letter dated 15/04/05, the Government informed that he had been arrested on 21 August 2004. On 22 August 2004, he was charged under S.19 of the Arms Act. On 19</p>

						September 2004, he was released on bail.
12	Belarus	31/05/05	AL	TOR	<p><b>Conditions of detention in Minsk</b>, Novosady, Mozyr, Novopolotsk, Orsha, Mogilev, and Mogilev Prison (IU-19). These facilities are overcrowded and the sanitary, hygienic and nutritional conditions are not in line with internal laws and international minimum standards. Forty to 70 persons sleep in dormitories of 40 to 50 square metres. Within 1 hour 25 minutes, more than 200 persons have to eat in a room which seats 25. There is insufficient food and the quality is bad. Detainees do not have access to fresh air and adequate ventilation, thereby contributing to the spread of airborne diseases, particularly tuberculosis. The provision of water is insufficient for adequate bathing and showering. Access to medical care and medicine is severely restricted. Relatives of prisoners are asked to provide materials for the renovation of dormitories, lamps etc. Detainees and prisoners do not have access to legal texts (including the Criminal, the Criminal Procedure and the Penitentiary Codes), and have difficulties to obtain legal aid. Although there is a system whereby a certain number of prisoners are paid for cleaning the bathrooms, those who are required to do it, force others prisoners to do so in order to humiliate them. Prisoners are routinely used by the prison administration to "control" other prisoners, for which they receive certain privileges, which leads to a hierarchy among prisoners, and creates a climate of constant pressure and fear. Working conditions are extremely harsh, and workplaces have little lighting and heating. There are also reports of forced labour. Prison officials extort money from relatives in exchange for favours for prisoners. In Mogilev Prison, the administration does not allow</p>	<p>By letter dated 8/07/05, the Government informed that it has taken a number of effective measures to reduce the number of people held in places of detention in the past few years. National law has been changed (e.g. a new Criminal Code, Code of Criminal Procedure and Penal Enforcement Code have been adopted) and amnesties granted, thus gradually reducing the total number of pre-trial detainees and convicted prisoners. In the last six and a half years the prison population has decreased by 29.4 per cent. On 1 June 2005, there were 42,025 convicted and remand prisoners in penitentiary institutions. There are 1,779 more inmates than prison places, an overpopulation rate of 4.2 per cent. The decrease in the prison population in recent years has enabled the provision of living space and amenities to be brought into line with established requirements. Living space quotas in correctional institutions, as specified in article 94 of the Penal Enforcement Code, are 2m<sup>2</sup> per convict in correctional colonies and prisons, and 3.5m<sup>2</sup> per person in young offenders' institutions. Living space quotas in remand prisons are defined in article 13 of the Detention Procedures and Conditions (Remand Prisoners) Act (No. 215-3 of 16 June 2003) as 2.5m<sup>2</sup> per person, and 4m<sup>2</sup> for pregnant women and women with children. Nutritional requirements for prisoners have been approved by Council of Ministers Decision No. 156 of 24 March 1992, which ratified daily requirements for convicted prisoners, remand prisoners and persons attending active therapy centres and aftercare</p>



					<p>complaints to be sent outside the prison. Instead prisoners are blackmailed, and punished by placement in solitary confinement, beating and/or forcing them to stand outside the entire night in the winter.</p>	<p>units administered by the Ministry of Internal Affairs. The quantity and quality of food is continuously monitored by the prison authorities and the health inspectorate, and by independent and other monitoring bodies. In accordance with chapter 16 of the Internal Regulations of Correctional Institutions approved by Ministry of Internal Affairs Decision No. 174 of 20 October 2000 and coordinated with the Procurator-General of Belarus, a strictly regimented daily routine is in operation at every institution. According to this routine, mandatory provision is made, among other things, for meals, personal hygiene, and sleep. This routine is brought to the attention of every convict. Ninety minutes are allowed for meals, divided between breakfast, lunch and supper. There are no dining areas in correctional institutions with seating capacity for just 25 persons, as stated by the Special Rapporteur. The number of dining places at the institutions cited by the Special Rapporteur is as follows: Correctional Facility No. 1 (Minsk) - 460; Correctional Facility No. 20 (Mozyr) - 900; Correctional Facility No. 10 (Novopolotsk) - 640; Correctional Facility No. 14 (Novosady) - 1,200; Correctional Facility No. 8 (Orsha) - 600; Correctional Facility No. 12 (Orsha) - 450; Correctional Facility No. 15 (Mogilev) - 1,120; Correctional Facility No. 19 (Mogilev) - 330. Convicts at correctional institutions live in hostels and therefore have access to fresh air for the entire period specified in their daily routine. Convicts confined to cells may take exercise for between 30 minutes and two hours a day in accordance with articles 87, 123 and 173 of the Penal Enforcement Code.</p>
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						<p>Pursuant to article 13 of the Detention Procedures and Conditions (Remand Prisoners) Act, remand prisoners shall be entitled to take at least two hours' exercise a day, and under article 23 of the Act no restrictions shall be placed on the duration of exercise periods of pregnant women and women with children. Medical treatment in prisons is provided on the basis of the Public Health Act (No. 2435-XII of 18 June 1993) and regulations of the Ministry of Public Health and the Ministry of Internal Affairs. Every correctional institution has a properly staffed and equipped medical unit. There are two national hospitals for convicts in Minsk and Orsha, with capacity for 310 and 1,850 patients, respectively. Every citizen in a place of detention who requires medical treatment and medicaments is entitled to them without restriction on the basis of a doctor's prescription. The incidence of tuberculosis in penitentiaries has gone down every year since 1998 and has fallen by more than 62 per cent during this period (with a decrease of 9.3 per cent in 2004 alone). The tuberculosis rate in 2004 was 624 per 100,000, compared to 1,658 in 1998. Article 553 of the Civil Code stipulates that donations may be accepted from a donor if intended for the common good. A donor may specify to what use his or her donations should be put. Annex 26 to the Internal Regulations of Correctional Institutions states that, pursuant to a written application from a donor (including a relative of a convicted person), donations may be accepted and authorized for use in correctional institutions if intended for the common good. In accordance with article 10 of</p>
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						<p>the Penal Enforcement Code, the administration of a correctional institution must provide convicts with information about their rights and obligations the procedure and conditions for serving the sentence imposed by the court, or any other criminal punishment. Accordingly, the authorities at all correctional institutions have made available the necessary legal material, including the Criminal Code, the Code of Criminal Procedure and the Penal Enforcement Code. Article 8 of the Penal Enforcement Code states that convicted persons shall be permitted to buy reading material, including of a legal nature, through commercial networks, and to receive parcels and packets containing reading matter. Article 1 of the Penal Enforcement Code states that, in order to obtain legal assistance, convicted persons have the right to the services of lawyers or other persons qualified to offer legal advice. Article 83 of the Code states that, in order to receive such assistance, convicts may request meetings with lawyers and other persons qualified to offer legal assistance. Article 183 of the Internal Regulations of Correctional Institutions stipulates that such visits shall not be counted among the total number of visits allowed by law, and no restrictions shall be placed on their number or duration. Article 19 of the Detention Procedures and Conditions (Remand Prisoners) Act states that remand prisoners have the right to acquire reading matter, including legal texts, from a commercial network via the administration of the detention facility. Under the procedure specified in article 25 of this Act, remand prisoners are entitled to</p>
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						<p>confer with counsel (lawyers acting as counsel, and also close relatives or legal representatives admitted as counsel), at face-to-face confidential meetings, unrestricted in number or duration. Additionally, as part of its efforts to provide convicts with a legal education, the Penal Corrections Department of the Ministry of Internal Affairs organized a law clinic at Correctional Institution No. 1 in Minsk in conjunction with the law faculty of Belarus State University. At the law clinic, convicts got the chance to put legal questions to law students and faculty members and received appropriate answers. The students and faculty at Polotsk State University are organizing a similar event at Correctional Institution No. 10 in Novopolotsk, and students and faculty at Vitebsk State University are holding a clinic at Young Offenders' Institution No. 1 in Vitebsk. Article 108 of the Penal Enforcement Code states that, in order to develop a sense of healthy initiative and self-government among convicts, they shall be permitted to form voluntary groups under the direct supervision of the administration with a view to involvement in important social activities such as promoting and protecting the rights and legitimate interests of convicts, encouraging proper moral relationships between convicts, helping the administration of the institution to maintain discipline and order, and other activities consistent with the purposes, procedures and conditions of sentencing, for example counselling convicts who commit unlawful or immoral acts against other convicts and other offences, with a view to preventing the recurrence of such</p>
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						<p>behaviour. However, article 108, paragraph 3, of the Penal Enforcement Code specifies that members of self-governing groups of convicts shall not enjoy additional entitlements and shall not exercise any of the administration's powers. Paragraph 28.2 of the Standard Minimum Rules for the Treatment of Prisoners specifies, "... the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment". Notwithstanding the de facto obligation to work at places of detention, such work should not in point of fact be considered forced labour. Forced labour is prohibited under article 41 of the Constitution, with the exception of work imposed by order of a court. Article 13 of the Labour Code prohibits forced labour, but work performed pursuant to an enforceable court judgment under the supervision of the State agencies charged with ensuring due process of law in the enforcement of judicial decisions is not regarded as forced labour. According to article 7 of the Penal Enforcement Code, socially useful work is a vitally important means of ensuring the correction of convicts, which is one of the justifications for criminal penalties. Pursuant to article 98 of the Penal Enforcement Code, every convict must work as and where the prison authorities direct. The prison authorities must invite convicts to perform socially useful work that takes account of their sex, age, fitness for work and state of their health. Work performed by convicts may be either paid or unpaid. Article 101 of the</p>
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						<p>Penal Enforcement Code states that convicts may be invited to do unpaid work, but only collectively and for their own benefit, for example cleaning and improving premises within the confines of the correctional institution. Convicts are asked to perform this type of work, either on or off rota, for up to two hours a day when not engaged in socially useful work as defined in article 98 of the Penal Enforcement Code. In accordance with article 112 of the Penal Enforcement Code, this work consists in cleaning the buildings or site of the correctional institution. The convicts listed in article 98, paragraph 2, and article 101, paragraph 2, of the Penal Enforcement Code are invited to work of their own volition. Paragraph 71.2 of the Standard Minimum Rules for the Treatment of Prisoners states that all prisoners under sentence shall be required to work, subject to their physical and mental fitness, as determined by the medical officer. Article 8 of the International Covenant on Civil and Political Rights states that the term "forced or compulsory labour" shall not include any work normally required of a person who is under detention in consequence of a lawful order of a court. Articles 4 and 5 of the European Convention for Human Rights states that the term "forced or compulsory labour" shall not include any work required to be done in lawful detention after conviction by a competent court. Pursuant to the Instruction on educational work with persons sentenced to deprivation of liberty, as ratified by Ministry of Internal Affairs Order No. 125 of 7 June 1994, administrations of correctional institutions must carry out educational work with convicts. One</p>
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						<p>form of educational work is one-on-one counselling with various educational goals, including the involvement of convicts in various forms of socially useful activity, for example making reparation for harm caused by their crime, including early payment of compensation in civil actions. The administration of the correctional institution may request the assistance of relatives or other persons when carrying out educational work with convicts. The administration of a correctional institution may accept money from convicts' relatives or other persons, pursuant to a written application, which will subsequently be transferred to a convict's personal account for the sole purpose of early payment of damages in connection with the convict's crime. As per article 102 of the Penal Enforcement Code, amounts shall be withheld pursuant to enforcement orders in the manner outlined in the Belarusian Code of Civil Procedure. Where applicable, early payment of compensation in a civil action is one of the factors taken into account when deciding whether to recommend a convict for parole or to commute the unserved portion of a sentence to a more lenient punishment, in accordance with article 16 of the Instruction on recommending prisoners for parole or commutation of the unserved portion of their sentence to a more lenient punishment, as ratified by Decision No. 223 of the Ministry of Internal Affairs dated 30 November 2001. The recommendation of a convict for parole or commutation of the unserved portion of his sentence to a more lenient punishment is not an "entitlement" but a right, as specified by</p>
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					<p>articles 90 and 91 of the Criminal Code, and an obligation of the administration of the correctional institution under article 187 of the Penal Enforcement Code. Likewise, in accordance with article 85 of the Penal Enforcement Code, convicted persons are entitled to receive money transfers to their personal accounts. Using money they have earned and money transferred in accordance with article 82 of the Penal Enforcement Code, convicts are permitted to make cashless purchases of food and essential items as listed in the Internal Regulations of Correctional Institutions. Paragraph 4 of the Annex to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power states that victims should be treated with compassion and respect for their dignity. They are entitled to access to prompt redress, as provided for by national legislation, for the harm they have suffered. Every convict is entitled to submit proposals, applications or complaints, either orally or in writing, in accordance with article 10 of the Penal Enforcement Code. The procedure for the submission and processing of communications from convicts is outlined in article 13 of the Penal Enforcement Code and chapter 27 of the Internal Regulations of Correctional Institutions. The procedure for the submission of petitions, proposals, applications and complaints from remand prisoners is outlined in article 12 of the Detention Procedures and Conditions (Remand Prisoners) Act. Nothing prevents convicts from filing complaints with the procurator's office overseeing correctional institutions or the relevant State monitoring bodies. Applications</p>
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					and complaints from convicts and their relatives are reviewed regularly by the Penal Corrections Department of the Ministry of Internal Affairs and its offices in the provinces. To ensure prompt processing of complaints and applications, every prison governor meets regularly (at least once a week) with convicts wishing to discuss personal matters. A convict may request an interview with the prison governor to discuss a personal matter either on a work or a non-work day. In the course of oversight and monitoring of correctional institutions, officers of the courts, the procurator's office, the Penal Corrections Department of the Ministry of Internal Affairs and this department's offices in the provinces also meet with convicts to discuss personal matters, as prescribed by articles 17-20 of the Penal Enforcement Code. All communications from convicts and remand prisoners received by the Penal Corrections Department are carefully reviewed and, if the law has been broken, specific decisions are taken to suppress violations. Each complainant receives a full and detailed response.
13	Brazil	16/03/05	JAL	FRDX; HRD; TOR;	The <b>Landless Workers' Movement</b> (Movimento dos Trabalhadores Sem Terra, MST), an organization working for the protection of the economic and social rights of landless rural workers. On 8 November 2004 in the morning, approximately 100 members of the Movimento dos Trabalhadores Sem Terra gathered on the Paulo Freire encampment, in the municipality of Jandaia, Goiás. They began an organized and non-violent protest against the alleged sale of land in the encampment. Shortly afterwards, the military police of Goiás confronted the protestors

					and ordered a search for weapons, of which none were found. During this incident several protestors were severely ill-treated by officials operating under the leadership of a Lieutenant (whose name is known to the Special Rapporteurs). Ninety members of MST were subsequently imprisoned. They were detained in over-crowded conditions and several were subjected to further ill-treatment, as later attested to in court by the doctor on duty that night. On 9 November 2004 in the morning, lawyers were prevented from meeting with the detainees, photographing their injuries, and documenting the evidence of ill-treatment. The majority of detainees were later released the same day, but nine remained in custody for a further 25 days, on charges of unlawful possession (esbulho possessório) and damages (dano qualificado).
14		13/04/05	JUA	IJL; SUMX; TOR;	<b>Francisco Lúcio França, José de Jesus Filho</b> , both lawyers, and <b>Isabel Peres</b> , Coordinator of the Brazilian branch of Action by Christians for the Abolition of Torture (ACAT-Brazil). They have been involved in the prosecution of two police officers, accused of severely beating and murdering Anderson do Carmo, aged 16, and Celso Gioelli Magalhães Júnior, aged 20, between 27 September and 5 October 2002. The two officers were dismissed from the Military Police and charged with the killings. The trial took place in Mongagúia municipality from 21 to 23 March 2005. The officers were acquitted at the end of the trial and the public prosecutor's case has lodged an appeal. At the end of the first day of the trial, two black cars followed Francisco Lúcio França and José de Jesus Filho to the place where they were staying. On 25 March 2005, Francisco Lúcio França was approached in a shopping centre in

					the centre of São Paulo by a man, who identified himself as a police officer, and told him that he should drop the case or he will die. On 26 March, a black car followed Isabel Peres to the place where she was staying. Key witnesses to the murder are believed to be in particular danger.
15		30/09/05	UA	TOR;	<p><b>Afran Lima Rodrigues, Rodrigo da Costa Silva, Welison Pereira Xavier and Adail Mendes Rodrigues</b>, residents of Gurupi, Tocantins. On 14 August 2005, Afran Lima Rodrigues and Rodrigo Costa Silva were abducted at gunpoint by a group of military police called the Comando de Operações Especiais (COE), in Gurupi. The COE group, which included the local COE commander, took the two men to a remote area outside the town where they blindfolded them, taped their mouths and bound their hands and feet. Both men were subjected to near-drowning, beatings and electro-shock torture. This lasted for a period of four hours, during which time both men passed out. They were then left at the side of the road and told that if they reported what had happened they would die. Welison Pereira Xavier and Adail Mendes Rodrigues were abducted by COE officers the previous day, and tortured in a similar manner. They were also warned not to tell anyone what had happened, or their families would be killed. Despite these threats, the men immediately lodged complaints about the torture. A civil police investigator was sent from the state capital to interview the four victims, while the COE unit allegedly responsible was sent to another town for 30 days. The civil police investigator was unable to finish his investigations due to lack of funding. The members of the said COE unit have now returned to the area and in recent days have been seen repeatedly driving past the homes of the four</p>

					men in an intimidating manner. One of the four men has allegedly fled his home as a result of this intimidation.
16		17/11/05	JUA	FOOD; TOR;	<p><b>Rauvínio Alves de Oliveira</b> (known as 'Motoboy'), <b>Ramiro Rodrigues Garcia Filho</b>, <b>Celso da Silva Alves</b> (known as Celsinho do Turco) and approximately 1,500 detainees currently held in Polinter detention centre in the city centre of Rio de Janeiro. Approximately 1,500 male detainees, aged between 18 and 30 are being held in the detention centre which has a capacity to hold 250 detainees. There are 21 cells holding an average of 90 men, and measuring approximately 3m by 4m with a ceiling height of 2.5m. Due to the overcrowding, the inmates tie their sheets to the bars and sleep in makeshift hammocks whilst others tie their hands to the bars with cord so that they can sleep whilst standing. They alternate these sleeping conditions every three hours. It is reported that the detainees are being deprived of proper food, family visits and adequate medical attention. Detainees are allocated 10 minutes per week to go outdoors to a small patio; the only time that they can stand up or exercise. The cells are located in the basement and are infested with cockroaches, centipedes and other insects. There is neither natural ventilation nor light and water leaks through the cracked, mouldy ceilings. The floors are also regularly flooded when it rains due to the absence of a proper drainage system. Due to the unsanitary conditions in the detention centre, many detainees suffer from tuberculosis, pneumonia, skin irritations, cuts, swollen limbs and circulatory problems. It is reported that the overcrowded conditions in Polinter have created a climate of tension amongst the inmates which has</p>

					resulted in the killing of three detainees; Rauvínio Alves de Oliveira on 15 May 2005, Ramiro Rodrigues Garcia Filho on 24 May 2005, and Celso da Silva Alves on 12 June 2005.	
17		24/11/05	UA	TOR;	<b>Prisoners of Polinter Prison, Rio de Janeiro.</b> The prison has the capacity for 250 prisoners, yet it currently houses almost 1,500 prisoners. As a result, approximately 90 men are housed in each cell. The cells are approximately 3 metres long, 4 metres wide and 2.5 metres high. The cells do not benefit from natural ventilation or natural light. Furthermore, there are no health professionals to attend to the medical needs of the prisoners.	
18	Canada	Follow-up to past cases			<b>Souleymane Camara</b> (E/CN.4/2005/62/Add.1, para 220).	By letter dated 24/02/05, the Government informed that the Government of Alberta had now completed its investigation into the matter. The Government provided a copy of the findings of the Edmonton Police Service's response to the allegations. The response indicates that an investigation was undertaken in accordance with section of the Police Act, which deals with complaints and discipline. The allegations were investigated by Internal Affairs and were found to be not sustained. The Government provided details of the investigation and its findings. It also provided extracts from relevant legislation.
19	Chile	7/12/04	JUA	WGAD; HLTH; TOR;	<b>Pedro Rosas Aravena.</b> Pedro Rosas Aravena se encuentra detenido en la Cárcel de Alta Seguridad de Santiago de Chile. Está en detención desde el año 1994 cumpliendo una condena de 28 años por infracciones a los Códigos Militar y Civil y a la Ley de Control de Armas. En el año 2000, habría sido absuelto del cargo de violación a la Ley de Seguridad Interior del Estado y de aquel que le sindicaba como responsable de Asociación Ilícita Terrorista. En el	

					<p>año 2000, al Sr. Rosas Aravena se le diagnosticó cáncer en un testículo, del que fue operado y luego sometido a sesiones de quimioterapia. Se alega que el tratamiento médico fue realizado con injustificado retraso. La última vez que el Sr. Rosas Aravena fue llevado al oncólogo fue durante el primer trimestre del año 2002, a pesar que debía ser controlado cada seis meses por el especialista. Los informes médicos agregan que el Sr. Rosas Aravena tiene un 90% de posibilidades de morir antes del final del año 2006. Por lo demás, el Sr. Rosas Aravena, a pesar de su enfermedad, participó activamente en el movimiento interno de los prisioneros políticos por una plataforma de derechos mínimos. En ese contexto, llegó a participar en largas huelgas de hambre, la última con 75 días de duración en 2004. Por otra parte el Sr. Rosas Aravena ha cumplido más de 10 años de encierro y en el año 2004, el Presidente Lagos, firmó un decreto presidencial de indulto que benefició a numerosos prisioneros, muchos de ellos con condenas de mayor envergadura que la del Sr. Rosas Aravena, pero él no habría podido beneficiar de ese indulto, aunque los cargos por los que fue condenado no habrían implicado hechos de sangre. El Sr. Rosas Aravena concluyó una carrera universitaria en detención, mediante un acuerdo con la Universidad ARCIS, y publicó en agosto de 2004, un libro titulado "Derechos Humanos en la Transición" que fue reconocido por historiadores chilenos.</p>	
20	People's Republic of China	7/12/04	JUA	WGAD; TOR;	<p>Ms. <b>Minghua Qiu</b>, a 54 year-old practitioner of Falun Gong, Su Yuan Xin Chun, Ren Min nan Road, Wu Zhong District, Suzhou, Jiangsu Province. On 25 November 2004, personnel from the Suzhou Public Security Bureau, Lumuzhen,</p>	<p>By letter dated 12/05/05, the Government informed that she was detained on 26 November 2004 on suspicion of using a sect to hamper law enforcement. On 23 December 2004, she was arrested. The case is currently</p>

					Xiangcheng, arrived at her apartment and searched it from 1pm to 5pm. Computer equipment was confiscated. When she arrived at her flat around 3pm, she was arrested and taken away to No. 1 Detention Centre. She has been denied access to a lawyer and her family.	being investigated. The Government informed that she had not been subjected to torture or ill-treatment.
21		2/02/05	JUA	WGAD; FRDX; HRD; TOR;	<b>Hada</b> , aged 49. He is detained in Chifeng Prison, Inner Mongolia Autonomous Region, and is subjected to disciplinary punishment on the ground that he is "resisting reform". The punishments include being held in solitary confinement and being handcuffed overnight to a metal board. He is prohibited from talking to other inmates, allowed only limited contact with his family and denied proper medical care. He suffers from a serious stomach ulcer, coronary heart disease, rheumatoid arthritis, and experiences psychological problems.	By letter dated 12/05/05, the Government informed that upon being admitted to prison, he by his own admission, started suffering from cholecystitis. Just like all other offenders, Hada enjoys the right to medical treatment, and the authorities arranged for him to undergo prompt examination and effective treatment for the sickness for which he was suffering before he entered prison. He was entitled to one family visit per month in accordance with legal provisions. The authorities strictly respected legal provisions and there was no instance of ill-treatment or torture.
22		27/04/05	JUA	WGAD; FRDX; RINT; TOR;	Ms. <b>Liu Yawen</b> , aged 56. On 31 March 2005, she was arrested by the police when she was seen distributing Falun Gong video-CDs in Beijing, and is currently being held at the Xuanwu District Detention Centre. After she was detained, police officers searched her home for other Falun Gong materials. She is denied visits by her family and it is not known whether she has been charged with any offence.	By letter dated 22/07/05, the Government informed that on 31 March 2005, the Beijing Public Security authorities, while conducting patrol duties, arrested her in the process of conducting unlawful activities of the Falun Gong sect. Acting in accordance with article 2, para. 5 of the "Explanations by the Supreme People's Court and the Supreme People's Procuratorate on the Application of Specific Laws to the Handling of Cases involving the Organization and Use of Heretical Sects for the Perpetration of Criminal Offences", the authorities took her into custody for the purposes of investigation, conducted a search of her residence, and notified her family in accordance with due process. On 30 April, the labour re-education committee of the Beijing city government, ordered her to serve a

						term of two years' re-education through labour. The authorities acted in strict compliance with the law and carried out their law enforcement duties in a civil manner.
23		10/10/05	JUA	SUMX; TOR;	<b>Huang Zhiqiang, Fang Chunping, Cheng Fagen, and Cheng Lihe.</b> They are currently held in Leping City Police Detention Centre in the Jiangxi Province. They are at imminent risk of execution, convicted on the basis of confessions extracted under torture. They were convicted of murder, rape, robbery and extortion in connection with their joint involvement in three separate crimes committed between September 1999 and May 2000. The Jingdezhen Intermediate People's Court in Jiangxi Province sentenced them to death. They appealed to the Jiangxi High People's Court. On 17 January 2004 it ruled that the case should be sent back to the Intermediate Court for re-trial, since the detail of their testimony had changed several times and the evidence was insufficient to convict them. In their defence statements the four men had also highlighted several contradictions in their testimonies and alleged that they had confessed to the crimes under torture at the hands of the police. However, the Intermediate Court once again sentenced the men to death on 18 November 2004, reportedly without considering the torture allegations. The four men remain under sentence of death.	
24		31/10/05	JAL	HRD; TOR; VAW;	<b>Chen Guangcheng,</b> a self-educated lawyer. Since 7 September 2005, has been under house arrest in the village of Dongshigu, Shandong Province. He was the subject of a communication dated 19 September 2005, sent by the Chairperson-Rapporteur of the Working Group on arbitrary detention, the Special Rapporteurs on the freedom of expression, and violence against	



					<p>women, and the Special Representative of the Secretary-General on human rights defenders. On 24 October 2004 at approximately 1pm, Chen Guangcheng was kicked and beaten by a group of 8 or 9 people when he tried to leave his home. The group was led by two local officials, Zhao Feng and Li Xian'gan, who shouted during the beating: "Hit him hard! Break his legs! So he can include this in his lawsuit too." Chen Guangcheng, who is blind, fell to the ground five or six times during the attack. His family members were eventually able to drag him inside, but he was left bleeding from the forehead and with pain around his left eye. He was unable to bend his fingers after the assault. Chen Guangcheng's house is being guarded in shift rotation by a group of around 20 people. When members of his family asked those guarding the house if he could go to hospital their request was denied.</p>	
25		9/11/05	UA	TOR;	<p><b>Shi Xing-wu</b>, 38, President of China Life Science Society, resident of Zhu Hai, Guang Dong Province. He is currently detained in Huai-ji Prison, Guangdong Province, is denied access to his family and is in need of adequate medical attention. In July 1999 Mr. Shi Xing-wu was arrested at the Zhu Hai Hotel, Zhu Hai, Guangdong Province and later sentenced to eleven years imprisonment in July 2001 by the Beijing First Intermediate People's Court. He was charged with "illegal business operation" and illegal issuance of stock" and imprisoned in Lian-pin Prison, Guangdong Province during the period of 2001 to 2002. He was later transferred to Huai-ji Prison, Guangdong Province, where he is currently detained. During the first year of his detention Mr. Shi Xing-wu was held incommunicado and was unable to see his lawyer.</p>	

				<p>Furthermore he was refused family visits for the first two years of his imprisonment. In 2001, after Mr. Wu Ze-heng was transferred to Huai-ji prison, he was placed in solitary confinement, which was unclean and infested with large vermin. He was also prohibited from engaging in conversation with other prisoners. It is further alleged that prison officers assigned a certain number of prisoners to keep watch on him day and night, and instigated other groups of prisoners to humiliate him and carry out acts of discrimination against him. When Mr. Wu was placed in Huai-ji prison, he was assigned to the toy sewing manufacturing section, without any protective safety measures. He was required to sit on a hard stool to operate industrial sewing machines for over thirteen hours everyday, which led to bleeding from his hip after the first five days. He was physically forced to continue working every day under intense pain and beaten if he did not comply, even though he was losing a considerable amount of blood. He requested medical treatment but was denied such assistance. His heart and lungs have been seriously affected as a result. Mr. Wu became sick during the winter periods and was also refused adequate treatment by prison officials, even though the other ill prisoners were given rest and privileged opportunities. In the middle of September of 2003, even though he had suffered from a fever of 40.2 Celsius and the flu for a week, he was not allowed to rest. He then fell into a coma that was labeled "sleep without authorization" by the prison administration, and was therefore punished. In May of 2004, during an annual health examination of all prisoners, Mr. Wu and approximately 100 prisoners were found be infected with pulmonary tuberculosis. Once again,</p>	
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					Mr. Wu was refused medical treatment. He was required to continue his political "reformation" classes and physical labor while taking only prescribed medicine. During this time, he suffered from fevers, vomiting, whole body aches, chest pain, and breathing difficulties. It is alleged that he was forced to perform ten hours labor and two hours of study. It is reported that Mr. Wu was only allowed one medical examination by a prison doctor in May 2004, which was part of an annual examination of all prisoners. The medical certificates were issued, and the confirmed that he had pulmonary tuberculosis, cannot work more than 10 hours per day, and prescribed medical treatment. On 5 December 2004, Mr. Wu sent an appeal from the prison explaining the conditions of his detention. Since then his wife has not been allowed to see him, despite receiving two visiting allowance notices issued by the prison. Mr. Wu was later transferred to a different section again to receive stricter monitoring. At the end of April 2005, Ms. Wu Sai-qing sent his appeal statement out again, but the statement was rejected by the authorities and returned. At the beginning of May 2005, Ms. Wu Sai-qing sent the appeal again, but received no answer.	
26		23/11/05	JAL	RINT; TOR;	<b>Pastor Cai Zhuohua</b> , a house church leader, Beijing. On 8 November 2005, he was sentenced to three years imprisonment on charges relating to illegal business practices. The sentence was handed down by the People's Court of Haidian District, Beijing. On 11 September 2004, Pastor Cai Zhuohua was arrested by three plain-clothed State Security officers. He was subjected to electric shocks whilst he was in pre-trial detention.	
27		6/12/05	JUA	WGAD; RINT;	Five Buddhist monks from Drepung Monastery, Lhasa: <b>Ngawang Namdrol</b> of Tsotod Township,	

				TOR;	<p>Phenpo Lhundrup County, Lhasa Municipality; <b>Ngawang Nyingpo</b> of Khartse Township, Phenpo Lhundrup County, Lhasa Municipality; <b>Ngawang Thupen a.k.a. Shogbu Metok</b> of Lhasa Inner City, Lhasa Municipality; <b>Khenpo Ngawang Phelgyal</b> of Rinpong County, Shigatse Prefecture and <b>Phuntsok Thupwang</b> of Gongkar County, Lhoka Prefecture. On 23 November 2005, they were arrested following a patriotic re-education ceremony that had been taking place at Drepung Monastery since October 2005. They were handed over to officials of the Public Security Bureau of their respective places of origin after they refused to sign a statement denouncing the Dalai Lama and recognizing Tibet as a part of China. They are currently being held in Public Security Bureau places of detention. There are concerns that they may be subjected to torture or ill-treatment at risk of torture or ill-treatment. On 25 November 2005, approximately <b>400 monks</b> held a silent sit-down protest in the monastery courtyard. Security forces personnel, including from the army, People's Armed Police and the Public Security Bureau, beat a number of the monks in efforts to disperse them. Concerning <b>Tsering Dhondup</b>, aged 30, a monk at Sera Monastery, near Lhasa and <b>Changchup Gyaltzen</b>, a disciplinarian at Sera Monastery: in July 2005, the authorities expelled Changchup Gyaltzen from Sera Monastery after he read out a request for prayer, which referred to the Dalai Lama. He was placed under surveillance for a year. Tsering Dhondup, who is alleged to have drafted the prayer, disappeared on the same day. He is thought to be held incommunicado at Gutsa prison in northern Lhasa.</p>
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28		Follow-up to past cases		<b>Wang Bingzhang</b> (E/CN.4/2005/62/Add.1, para. 292).	By letter dated 11/11/04, the Government informed that since entering the prison, he has received monthly family visits in accordance with the Prison Act. He has been given meticulous care for his medical condition.
29				<b>Falun Gong practitioners</b> (E/CN.4/2005/62/Add.1, para. 256).	By letter dated 31/12/04, the Government informed that Falun Gong is a cult that developed in various places in China in the early 1990s, and that has the illegal accumulation of wealth as its objective. Its founder is Li Hongzhi, who initially claimed that the self possesses a supernatural "energy" and that this "energy" can be used to "heal diseases". He has used this ruse to fraudulently obtain wealth. He later claimed that as long as persons practised Falun Gong as invented by him and followed his theories, they would never get sick, and all followers would become "spirits" or "buddhas". In order to convince people of his twisted reasoning and heretical talk, he has also threatened that the Earth will explode and the world will be destroyed, at which time all those who do not believe his theories, including those who have abandoned Falun Gong, will perish forever. He requires all Falun Gong practitioners to buy his books, recordings and various kinds of exercise equipment. Through these methods Li Hongzhi exerts mind control over Falun Gong practitioners and carries out numerous illegal criminal acts in China. The most outstanding crimes perpetrated by Falun Gong violate human rights and harm lives. While under the mind control of Li Hongzhi, more than 1,000 Falun Gong practitioners suffering from all types of illnesses have refused treatment and medicine and have even died because they

						<p>followed Li's precepts, while hundreds have injured themselves or committed suicide. More than 30 innocent persons have been killed by Falun Gong fanatics. Many practitioners run away from home. For example, one Falun Gong practitioner, Zhang Zhiqin, suffered from diabetes, and once she began to practise Falun Gong she refused to take any medication. She preferred to rely instead on reading works by Li Hongzhi that were given to her by other practitioners, and listening to recordings of lectures by Li Hongzhi on the curing of illnesses. Her health worsened and in January 1999 she died. On 23 January 2001, seven Falun Gong members, following Li's request to "put down life and death" and "attain perfection", set themselves on fire in Beijing's Tiananmen Square. Two persons died and three were seriously injured. The two who died were both women and the group included a girl under 12. In the one-month period from 25 May to 26 June 2003, a Falun Gong member from Zhejiang Province, Chen Fuzhao, poisoned 15 beggars and one Buddhist in an effort to increase the potency of his "vital energy". Many Falun Gong victims are women and persons with low levels of education. Another crime perpetrated by Falun Gong is the serious violation of the public's rights. One example of this is the flouting of international standards by attacks on civil communication satellites. According to incomplete statistics, since 23 June 2003, the Falun Gong organization has attacked China's communications satellites 128 times, causing more than 70 hours' disruption. A second violation is the damaging of public facilities,</p>
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						<p>illegally interrupting television broadcasts. Since 2002 Falun Gong members have cut into television broadcasts on the Chinese mainland some 76 times. The Falun Gong website contains many documents relating to the sabotaging of television by Falun Gong members. A third violation is the carrying out of large-scale telephone harassment and threats, and the use of the Internet to send junk email. Falun Gong has set up "telephone groups" for this purpose, and the organization's website claims that telephone calls have already been made to more than 10 million residents of mainland China. In January and February 2004 alone they reached eight million people. Incomplete statistics indicate that, on average, Falun Gong junk email originating outside China exceeds 30 million messages a month. One Falun Gong practitioner, Li Xiangchun, an American, was sentenced by the Chinese courts for having engaged in criminal activities that damaged television broadcasting facilities in Yangzhou, Jiangsu Province, in October 2002. Li Xiangchun confessed his crime in court. Falun Gong also deliberately attacks scholars and groups that disagree with its views. When journalists, scientists, educators and religious leaders in China have exposed both the mind control exercised by Li Hongzhi over Falun Gong practitioners, and the cult's illegal activities after Falun Gong practitioners have met unusual deaths, Falun Gong has slandered, attacked and harassed them. In the years before Falun Gong was banned, the organization repeatedly targeted the news media all over China. When attacking the publishers of the Chongqing Daily, Falun Gong</p>
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						<p>went as far as to issue a "warning": if an apology was not forthcoming, Falun Gong practitioners would collectively cause the press to be inundated by floods, causing the premature destruction of the Earth. Today on the Falun Gong website one can see a long "list of evil persons", or a blacklist, that includes many eminent scholars, including the scientists Zhuang Fenggan, Pan Jiazheng and He Zuoxiu, and religious leaders such as Fu Tieshan and Sheng Hui. All have had their human rights violated because they criticized Falun Gong: they have been subjected to telephone harassment and threats and their physical safety has been threatened. In view of the fact that Falun Gong has carried out many illegal criminal acts, the Chinese Government has, in accordance with the law and pursuant to the relevant national legislation, sought to protect the basic human rights and freedoms of the masses by banning the Falun Gong cult. In 2003, China's Shaanxi Province conducted a one-time survey, which yielded the following results: 99.39 per cent of those surveyed thought that Falun Gong was a cult and 98.75 per cent supported the banning of the organization. The Chinese Government shows great concern and care for the vast majority of Falun Gong practitioners. It recognizes that they have been duped and that they too are victims. Its policy toward them has been one of unity, education and assistance. All of society has shown great patience in helping the vast majority or former Falun Gong practitioners to see that the Falun Gong organization is a cult, to throw off the mind control of Li Hongzhi, and to resume normal lives. As for the extremely</p>
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					<p>small number of Falun Gong diehards who engage in illegal criminal acts, China's judicial authorities will punish them, in accordance with the law, not because they practice Falun Gong but because they engage in illegal criminal acts that violate criminal law. In order to conceal its criminal activities, the Falun Gong organization has fraudulently obtained the sympathy of a number of public figures who, are unaware of the truth, and has disseminated many untrue allegations abroad, claiming that it is "persecuted" in China. In order to successfully set off such false alarms, the Falun Gong organization even invents incidents that are not true. One flagrant example is the allegation that Wei Xingyan, a female researcher at Chongqing University, was raped by the police. Falun Gong claims that she was arrested and then gang-raped by police officers while in detention because she was a Falun Gong practitioner. In fact, Chongqing University does not have any female researcher named Wei Xingyan, and no so-called gang-rape ever occurred. An investigation has revealed that this incident was made up by several Falun Gong members in Chongqing in response to a request from abroad posted on Falun Gong's Clear Wisdom website. Several Falun Gong members who were under suspicion have in fact confessed. The Clear Wisdom website is full of brazen appeals for members to damage public facilities, make up and spread false allegations, collect vast quantities of private information about individuals and reveal it, and use email and the telephone to harass average citizens, all in order to control the execution of</p>
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						<p>criminal activities. Falun Gong propaganda outside China, in the form of email messages and even letters from eminent persons belonging to international organizations or political circles, as well as literary and artistic propaganda, such as "torture exhibits" and art exhibits, are all full of such lies. Today Falun Gong styles itself outside China as a "spiritual movement" that seeks "perfection" and reflects traditional Chinese culture, thus concealing its true nature. However, this is a case in which facts speak louder than words. The sermons of Li Hongzhi to his more than 20 million practitioners and the criminal acts that are perpetrated by Falun Gong in China cannot be denied. All countries are opposed to prejudice and all upright individuals hold objective facts in esteem; and they support action taken in accordance with the law to deal with cults that engage in illegal activities, and to protect and guarantee human rights.</p>
30					<p><b>Zhao Yougang</b> (E/CN.4/2005/62/Add.1, para. 297).</p>	<p>By letter dated 31/12/04, the Government informed that he was sentenced to nine years imprisonment for the crime of using a cult to undermine law enforcement. He is serving his sentence at Wuxi Prison from 3 June 2003 to 2 June 2012. The Government informed that he began to refuse meals as soon as he entered the prison and at some point he was sent to Wuxi No.3 hospital and Xinkang hospital for treatment. His health has now improved and his weight has increased to 62.5 kilograms.</p>

31				<p><b>Tenzin Delek Rinpoche</b> (E/CN.4/2005/62/Add.1, para. 298).</p>	<p>By letter dated 31/12/04, the Government informed that the severity of the penalty was appropriate and that the proceedings had been conducted in accordance with the law. He is currently serving his sentence in Chuandong Prison in Sichuan Province. The suspension of the sentence is due to expire on 23 January 2005. The Government informed that Article 50 of the Constitution provides that if a person is sentenced to death and the execution is suspended, the sentence is reduced to life imprisonment if the individual does not intentionally commit a crime within the period of the suspension.</p>
32				<p><b>Chan Yu Lam (Chen Yulin)</b> (E/CN.4/2005/62/Add.1, para. 300).</p>	<p>By letter dated 31/12/04, the Government informed that he was convicted of espionage by Guangzhou People's Court in March 2004. He filed an appeal, which was rejected by the Supreme People's Court of Guangdong Province in June 2004. The Government informed that when a case involves state secrets, suspects and accused persons are not allowed access to a lawyer or a representative of foreign embassies without the authorization of the investigating or judicial authorities. The Government also informed that the allegations that he was denied medical treatment, that his confession was extracted by torture and that his lawyers were intimidated were groundless.</p>
33				<p><b>Zhang Bo, Wang Jie, Cai Shaojie and Li Weiji</b> (E/CN.4/2005/62/Add.1, para. 301).</p>	<p>By letter dated 31/12/04, the Government informed that all four of the persons named in the urgent action had been sentenced to periods of imprisonment for the crime of using a cult to undermine law enforcement. Zhang Bo is serving his sentence at Xihu prison in Benxi, Liaoning Province. Wang Jie and Cai Shaojie are serving their sentences at Liaoning</p>

						women's prison. Li Weiji is serving his sentence at Shenyang No. 2 prison. The Government informed that his injuries were caused by a fall in early childhood, resulting in a broken left wrist and a fall whilst in the army, resulting in protruding lumbar disc.
34					<b>Jiang Zongxiu</b> (E/CN.4/2005/62/Add.1, para. 257).	By letter dated 16/06/05, the Government informed that she and her mother-in-law were held in public order detention for 15 days by the public security authorities for seriously disrupting commercial operations in the Tongzi County market. On 18 June at 2pm, she suddenly fell ill and was promptly transferred to a nearby hospital where efforts to save her life failed and she died. On 27 June, the Tongzi 35County Public Security Bureau, together with members of her family, entrusted the Forensic Science Centre of Zunyi Medical School, Guizhou, to carry out a forensic enquiry in the presence of her family. The conclusions of the examination concluded that she died due to lipocardiac causes; ruling out mechanical asphyxia, mechanically induced death, or poisoning. Following careful investigation, it was verified that at all times of Jiang Zongxiu's detention, the authorities acted in strict compliance with the law, duly respected her lawful rights, and never applied any form of torture or other inhuman treatment. When she fell ill, she received prompt attention to save her life. The allegations that she was beaten to death in custody during interrogation are not consistent with the facts.

35					<b>Zhang Peiqui</b> (E/CN.4/2005/62/Add.1, para. 258).	By letter dated 8/07/05, the Government informed that she was arrested on 20 March 2004 by Antu County Public Security authorities in the process of arranging to conduct unlawful Falun Gong activities. She was sentenced on 2 August by the Antu County People's Court to five years' imprisonment for the offence of organizing and using a heretical sect in breach of Chinese law. She is currently serving her sentence in the Changchun City Prison, Jilin. Following a thorough investigation, it was established that the Jilin provincial authorities had enforced the law in a manner that was strict, fair and civil and that there was no instance of a confession being obtained through ill-treatment or torture.
36	Colombia	11/05/05	JUA	SUMX; TOR;	<b>J. B.</b> , de 15 años de edad, <b>C. R. V.</b> , de 16 años de edad, <b>C. A. V.</b> , de 17 años de edad, <b>P. P. V.</b> , de 17 años de edad, <b>Rubén Darío Valencia Aramburo</b> , de 18 años, <b>Pedro Luis Aramburo Cangá</b> , de 18 años, <b>Alberto Valencia</b> , de 18 años, <b>Mario Valencia</b> , de 19 años, <b>Victor Alfonso Angulo</b> , de 20 años, <b>Leonardo Salcedo García</b> , de 20 años, <b>Iver Valencia</b> , de 21 años, y, <b>Jhon Jairo Rodallegas</b> (cuya edad no se conoce hasta el momento). En fecha 19 de abril del 2005 un grupo de 24 personas pertenecientes a los barrios Punta del Este, Santa Cruz y Palo Seco, situados en la Comuna 5 de Buenaventura, fue conducido por un hombre que conducía una motocicleta a Puerto Dagua con el pretexto de organizar un partido de fútbol y bajo la promesa de recibir la suma de 200.000 pesos en caso de ganar el partido. El día 21 de abril 12 de ellos, cuya identidad ha sido señalada previamente, fueron encontrados muertos en la Comuna 12, Barrio el Triunfo, Vereda las Vegas, que se	Por carta con fecha 14/12/05, el Gobierno informó de que de acuerdo con datos suministrados por el Departamento Administrativo de Seguridad (DAS), en la Unidad Investigativa de Policía Judicial del Grupo Gaula de Buenaventura se instauraron el 19 de abril de 2005, dos denuncias por la desaparición de once personas en el barrio de punta del Este, Comuna 5 de la ciudad de Buenaventura, las cuales –según información suministrada por los denunciantes- habrían sido instadas, por individuo que se movilizaba en una moto, a participar en un juego de fútbol, a cuyo propósito abordaron un vehículo que los conduciría a un campo de juego. No obstante, y de acuerdo con los resultados de la investigación, este vehículo hizo contacto con un grupo de hombres que, después de amarrar a sus víctimas, procedió a dar muerte a Pedro Luis Aramburo Canga, Ruben Darío Valencia Aramburo, C. A. V. García, Luis

					<p>encuentra bajo la vigilancia de la Infantería de Marina del Ejército Nacional. Los cuerpos amordazados de los fallecidos presentaban signos evidentes de haber sido torturados a través de métodos tales como el uso de ácido, o la extracción de los ojos para finalmente recibir el tiro de gracia. Se desconoce el paradero de los 12 restantes que continuarían a día de hoy desaparecidos. En las alegaciones remitidas se hace mención a la difícil situación que atraviesa la comunidad afro-colombiana de la cual formaban parte las víctimas señaladas y en concreto la Familia Aramburu-García 3 de cuyos miembros se encuentran entre las víctimas y que ha venido siendo objeto de ataques y actos de hostigamiento desde el año 2000. La información contenida en las alegaciones constituye un motivo serio de preocupación por un lado respecto a la integridad física y mental de las personas cuyo paradero se desconoce, y por otro respecto a la clarificación de los hechos que resultaron en el asesinato de las personas mencionadas.</p>	<p>Mario García Valencia, Hugo Armando Mondragón, Rofolfo Valencia Benítez, Carlos Javier Segura, Manuel Concepción Rentería, Manuel Jair Angulo Mondragón y Leonel García. Es preciso señalar que, de este grupo de víctimas, solamente las primeras cuatro concuerdan con los nombres suministrados por el Relator en su denuncia del 11 de mayo de 2005. Asimismo, junto con este grupo de víctimas se halló el cadáver de otro joven del que aún se desconoce su identidad. Con esto, investigadores de la Unidad de derechos humanos de la fiscalía general de la nación adelantaron una serie de allanamientos en los barrios Viento Libre, R-9, El Laguito, San Francisco y 12 de abril de la ciudad de Buenaventura, a fin de dar con el paradero de los responsables, y de cuya diligencia resultaron capturadas cinco personas. A la fecha, los hechos y las circunstancias del caso dan cuenta de dos denuncias referidas a la desaparición de once personas, y no de veinticuatro como se haya consignado en la denuncia del Relator. Actualmente la investigación se encuentra en etapa de instrucción, habiendo capturado a 10 personas, de la cuales nueve se encuentran privadas de libertad.</p>
37		12/05/05	JAL	FRDX; TOR;	<p><b>N. N. A.</b>, de 15 años de edad, <b>Ricardo López Gómez</b>, camarógrafo, <b>Leonardo Luna Alzate</b>, y <b>Yohanna Guerrero</b>. El 1° de mayo de 2005 aproximadamente a las 13h30 de la tarde, durante la marcha conmemorativa del día del trabajo en la ciudad de Bogota, el estudiante, <b>N. N. A.</b> fue golpeado en la cabeza (zona occipital) por al menos ocho agentes del Escuadrón Móvil Antidisturbios de la Policía (ESMAD). Los</p>	<p>Por cartas con fecha 5/07/05 y 25/07/05, el Gobierno informó de que la procuraduría General de la Nación, por medio del oficio 111046 – 136990-05/toru, del 16 de junio de 2005, informó del inicio de una investigación disciplinaria por los hechos en que falleció el menor.</p>

					<p>policías, que tenían el rostro cubierto, cercaron al niño y lo golpearon repetidas veces con palos. <b>N. N. A.</b> fue trasladado al Hospital Centro Oriente donde permaneció hasta las 22.30 de la noche cuando fue trasladado a una Clínica situada en la calle 104 donde fue hospitalizado en una sala de cuidados intensivos. Como consecuencia de la paliza, el menor presenta trauma craneoencefálico severo, fractura del hueso occipital y un edema cerebral. Su estado de salud se agravó y el informe médico manifestaba que el desenlace podría ser la muerte cerebral. Además, a tenor del informe, los padres del menor han sido objeto de seguimientos, llamadas y hostigamientos por parte supuestamente de policías. Por otra parte, según los informes, durante dicha marcha del 1º de mayo resultaron heridas otras personas. Ricardo López Gómez, del programa de televisión de la Federación Colombiana de Educadores (FECODE), fue agredido mientras filmaba la agresión del grupo ESMAD contra algunos de los manifestantes. Como consecuencia de los golpes, presenta fractura de 4 dientes, heridas en los labios y debió ser suturado con 30 puntos de cirugía. Leonardo Luna Alzate, quien se desplazaba en un camión en el cual se llevaban pancartas, sonido y música, fue golpeado en una rodilla por uno de los agentes del ESMAD, así como herido por balas de goma. Fue trasladado al Hospital San Ignacio de Bogotá. Yohanna Guerrero, fue víctima de amenazas verbales y agresión física por parte de agentes del ESMAD. Fue herida por balas de goma, una de las cuales le impactó en la nuca, lo que le ocasionó un desmayo.</p>	
38		30/06/05	JUA	WGAD; HRD; IND;	<p>El 24 de junio de 2005, cerca de 350 campesinos iniciaron una toma pacífica de una vía del</p> <p>Por cartas con fecha 25 de Agosto de 2005 y 21 de Diciembre de 2005 el Gobierno de</p>	

				TOR;	<p>Municipio de Totoró, Departamento del Cauca, en el marco de reivindicaciones sobre tenencia de la tierra y respeto a los derechos humanos. Hacia las 7.00 horas de dicho día, fuerzas combinadas del Ejército y de la Policía asentadas en Totoró, arrestaron a los campesinos Sres. <b>Manuel Eduardo Masagua Chantre, Luis Ortega Calambas y Joaquín Cometa</b>. Los dos primeros son miembros de la "Asociación Campesina de Gabriel López y Agua Viva". El segundo pertenece al Pueblo Indígena de Ambaló. Se informa también que hacia las 10.30 horas de ese día, las fuerzas antes mencionadas detuvieron a cerca de 70 campesinos en la Vereda San Pedro del mismo Municipio. No se ha informado del lugar al cual los detenidos fueron transportados. No se presentaron órdenes judiciales de arresto al momento de procederse a las detenciones. Se informa por último que los "cambuches" (lugares de vivienda precaria) de esos campesinos, sus cobijas y colchonetas, fueron quemadas. En una de las cobijas los captores envolvieron un fusil, que fotografiaron. La vivienda de la Sra. María Jesús Calambas y del Sr. Rodrigo Pisso fue allanada de manera violenta, derribándose la puerta y aterrizándose a los miembros de la familia Calambas. Las dos personas mencionadas fueron también detenidas. Las pertenencias que se encontraban en dicha vivienda fueron quemadas. Particular preocupación se ha expresado por la integridad física y psicológica y por la seguridad de las personas detenidas y, en general, de los habitantes de la Vereda San Pedro y otras Veredas del Municipio de Totoró.</p>	<p>Colombia informó de que los hechos alegados tuvieron lugar dentro del marco de una operación policial de mantenimiento del orden público en virtud de las normas existentes para tal fin en el Código Nacional de Policía; el número de personas detenidas y conducidas al Departamento de Policía del Cauca fue de 43 y no de 70; y respecto a los demás hechos, el Gobierno comunicó que los miembros de la Fuerza Pública, se trasladaron al lugar de las protestas el día 24 de junio con el objetivo de registrar el sector para verificar la ausencia de armas, y que no se realizó ninguna incautación. Posteriormente se condujo de manera pacífica a algunos miembros de la comunidad hacia Popayán para verificar sus identidades, antecedentes, a que comunidad pertenecían y llevar a cabo una reunión interinstitucional para lograr un acuerdo que pusiera fin al bloqueo de la cantera. El Gobierno negó que se hubieran quemado "cambuches" ni las pertenencias de los manifestantes. Se informó además que el traslado de los detenidos se hizo de manera pacífica y respetuosa, que al llegar a Popayán los detenidos fueron recibidos con consideración, que en ningún momento fueron privados de la libertad, que estuvieron todo el tiempo comunicados entre sí y con sus familias y con los directivos de las organizaciones indígenas y campesinas; que fueron alimentados, y después de celebrar la reunión, fueron llevados de regreso a su sitio de origen el mismo día, utilizando vehículos y medios de la Policía Nacional. Se informó además que la mencionada reunión interinstitucional contó con la participación del</p>
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						<p>Gobernador del Cauca, la Procuradora Regional del Cauca, el Alcalde de Totoro, el Coronel del Ejército Nacional Brigada 29, el Presidente de la Asociación de Personeros del Cauca, el Personero Municipal de Totoro, el Consejero Mayor del Consejo Regional Indígena del Cauca, el Presidente de la Asociación Campesina y los carnunefos. Como resultado de la misina, se estableció el compromiso de no agresión entre los manifestantes y el despeje de la vía bloqueada. Una vez los campesinos llegaron a sus tierras el mismo día, de manera consciente y voluntaria retiraron los obstáculos que impedían el libre transito por la vía Tororó-Gabriel López, retornando la normalidad al lugar de los hechos.</p>
39		23/08/05	UA	TOR;	<p>El 10 de julio de 2005, en horas de la madrugada, el Sr. <b>Edgar Castaño</b> fue detenido en la Calle 44 del sector Plaza Norte de Santiago del Cauca, Departamento de Valle del Cauca, por miembros de una patrulla de la Fuerza Aérea asentada en la Base Militar de Aviación de Santiago de Cali. El Sr. Castaño fue conducido por los efectivos militares a la estación de policía de La Rivera. Al descender del vehículo militar recibió una serie de golpes de pie y puño por parte de uno de los efectivos militares. La Policía se negó a aceptar al detenido por el mal estado físico en que se encontraba y éste fue conducido por los militares a un centro asistencial. Durante el trayecto, habría seguido recibiendo golpes. El 11 de julio de 2005, hacia las 08.00 horas, el Sr. Castaño fue presentado al Fiscal Local 71 de la Unidad de Reacción Inmediata (U.R.I.), quien formuló cargos contra él por hurto calificado, porte ilegal de armas y tentativa de homicidio.</p>	

					<p>Posteriormente, la Fiscalía 46 Seccional Santiago de Cali ordenó que su estado de salud fuese examinado por el departamento de Medicina Legal. El Sr. Castaño denunció los malos tratos de que fue víctima. El examen médico comprobó que el Sr. Castaño fue golpeado en la columna cervical, en ambas rodillas, y que presentaba hematomas en la boca, el pómulo izquierdo, los brazos, glúteos y la pierna izquierda. Presentaba además un cuadro depresivo, probablemente generado por el estrés traumático. Se han expresado temores por su seguridad y por el hecho que pueda ser víctima de represalias por parte de los efectivos militares por haber denunciado los malos tratos recibidos.</p>
40		24/08/05	JUA	HRD; TOR;	<p>Sr. <b>Iván Ernesto Egas Córdoba</b>, un estudiante de 23 años, hijo del Sr. <b>Ramiro Egas Villota</b>, Director del <i>Comité Permanente por los Derechos Humanos (CPDH)</i>, seccional Nariño. El CPDH es una fundación reconocida mediante Resolución 3747 de 1985. Desde su creación en 1979, ha trabajado para la defensa de los derechos humanos, las libertades democráticas y la protección a la población civil en situaciones de conflicto armado. El paradero de Iván Ernesto Córdoba permanecería desconocido desde el 11 de julio de 2005. Este día habría sido visto por última vez cuando salía de una fábrica de calzado en Pasto, Departamento de Nariño, en la que trabajaba durante la temporada de vacaciones. No se tiene ninguna información sobre su integridad personal. Se alega que una persona cuya identidad se desconoce habría llamado al Sr. Ramiro Egas Villota un mes después de la desaparición de su hijo y le habría reportado que éste había sido objeto de detención arbitraria y desaparición forzada por</p>

					<p>parte de miembros de las Autodefensas Unidas de Colombia (AUC), un grupo paramilitar, como represalia por el trabajo realizado por su padre y el CPDH en defensa de los derechos humanos. Según la persona que llamó, las AUC afirman "no estar de acuerdo" con las opiniones y el trabajo del Sr. Ramiro Egas y reclaman su presencia para efectuar un "intercambio". Una denuncia habría sido presentada ante la Dirección Seccional de Fiscalías por la desaparición del estudiante. Según la información recibida, el Cuerpo Técnico de Investigaciones de la Fiscalía estaría llevando a cabo una investigación. Se han expresado temores por la seguridad e integridad física del Sr. Iván Ernesto Egas Córdoba y la de su padre, el Sr. Ramiro Egas Villota. A la luz de estas alegaciones, se teme que la desaparición del estudiante esté estrechamente vinculada con las actividades en defensa de los derechos humanos llevadas a cabo por su padre y que se trate de un intento de disuadir el Sr. Ramiro Egas Villota y los otros líderes del CPDH de continuar con su trabajo.</p>	
41		2/09/05	JAL	IND; TOR; VAW;	<p><b>Emérita Guauña</b>, estudiante indígena de 19 años de edad, Puacé, Departamento de Cauca. El 9 de agosto de 2005, entre las 16h30 y 17h00 de la tarde en el caserío 'El Alto' en el casco urbano de Coconuco, Puracé, en un lugar ubicado a poca distancia de una instalación de la Policía Nacional, Emérita Guauña fue abordada por dos militares del Batallón "José Hilario López. Los dos militares uniformados con trajes tipo camuflado, portando pasamontañas sobre sus rostros, procedieron a amenazarla e intimidarla tanto verbalmente como con el uso de sus armas y a través de su fuerza corporal, y luego, uno de ellos, en presencia de un niño indígena, la violó</p>	<p>Por carta con fecha del 8/11/05, el Gobierno informó de que de acuerdo con las alegaciones recibidas, fue abordada el día 9 de agosto de 2005 por dos militares uniformados, quienes, portando pasamontañas sobre sus rostros, la sometieron a amenazas, intimidaciones y violación sexual. Según se informaba el Coordinador del Grupo de Derechos Humanos del Ministerio de Defensa Nacional, había trasladado ya este caso a la Oficina de Derechos Humanos del Comando General de las Fuerzas Militares, a fin de esclarecer los hechos y adoptar las medidas pertinentes. De igual modo, el Programa de</p>

				<p>sexualmente mientras decían: "hacemos esto contigo porque vos eres una guerrillera". Posteriormente, Emérita Guauña fue atendida por médicos en la localidad. El 10 de agosto de 2005, al conocer la situación, varios pobladores indígenas del Resguardo al que pertenece Emérita Guauña, en compañía de la comunidad educativa "Colonia Escolar", procedieron a solicitar a los mandos militares allí acantonados que no trasladaran ni cambiaran de lugar a ninguno de sus efectivos con el fin de identificar a los responsables del mencionado crimen, al tiempo que los instaban a reconocer públicamente sus responsabilidades y la necesidad de reparar los daños causados. Según las denuncias, un oficial de las unidades allí desplegadas expresó que: "...los presuntos violadores no podían ser miembros de la institución, pues a esa hora, los implicados se encontraban en las labores de rancho". El 11 de agosto de 2005, en horas de la mañana, en el casco urbano de Coconuco los pobladores se reunieron con un militar, cuyo apellido es conocido por los Relatores Especiales, quien reconoció que efectivamente un hombre de la institución había sido el responsable de la violación sexual de la joven Emérita Guauña, pero se negó a dar el nombre del mismo, agregando que este se había fugado. Además, el efectivo regular manifestó que, "... el caso es grave pero suelen suceder este tipo de casos, afirmado que "... él no podía ofrecer disculpas..." Además, el militar nunca hizo alusión al cómplice de la violación sexual de la joven.</p>	<p>Derechos Humanos y DIH de la Presidencia de la República, se había puesto en contacto con el Inspector General del Ejército, la Procuraduría General del Ejército, y el Comandante del Batallón "José Hilario López", al que presuntamente pertenecen los supuestos violadores, para que se procediese a investigar las acusaciones. El Batallón "José Hilario López", respondió a esta petición el 11 de agosto de 2005, informando al Programa de la Presidencia, que se había dado inicio a la investigación preliminar disciplinaria. La Defensoría del Pueblo también había sido informada del caso, y se había dirigido a la Procuraduría Delegada para las Fuerzas Militares, al Comandante del Ejército y al Inspector General del Ejército, solicitando a estos que dispusiesen lo pertinente con el fin de esclarecer las investigaciones del antemencionado caso, esclarecer los hechos denunciados y sancionar a los responsables de las violaciones cometidas.</p>
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42		20/09/05	JAL	HRD; TOR;	<p>Sr. <b>Luciano Enrique Romero Molina</b>, de 47 años, líder y antiguo Secretario de Derechos Humanos del <i>Sindicato Nacional de Trabajadores de las Industrias de Alimentos (SINALTRAINAL)</i>, y activo colaborador junto a la FCSP, en donde realizaba actividades de solidaridad y atención humanitaria con los detenidos en Valledupar, departamento de Cesar. El 10 de septiembre del 2005, el Sr. Molina, quien tenía medidas cautelares de protección otorgadas por la Comisión Interamericana de Derechos Humanos (CIDH)- OEA, fue secuestrado por personas desconocidas. El día siguiente, el 11 de septiembre, en horas de la mañana, se encontró su cuerpo sin vida, amarrado de pies y manos y con heridas resultantes de las cerca de 40 cuchilladas que le fueron propinadas. El 22 de octubre del 2002, el Sr. Luciano Enrique Romero Molina fue despedido de su trabajo en la Fábrica de Productos Alimenticios Nestlé – Cicolac, en Valledupar, por un supuesto cese de actividades que fue declarado ilegal por el Ministerio de Protección Social. Según las informaciones, el Sr. Romero Molina cursó una demanda laboral por reintegro a su puesto de trabajo en el Juzgado Primero Laboral del Circuito de Valledupar, contra las empresas Nestlé de Colombia S.A., Cicolac Ltda. y Dairy Partens Américas Manufacturing Colombia Ltda. "DPA Colombia Limitada". Después de su despido laboral, se dedicó a monitorear la situación de derechos humanos de los presos políticos reclusos en las cárceles de Valledupar. Se teme que la muerte del Sr. Molina esté vinculada con sus actividades como defensor de los derechos humanos y sindicales.</p>
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43		9/11/05	AL	TOR;	<p>Sr. <b>Diego Gutiérrez</b>, Vicepresidente de la Junta de Acción Comunal del caserío Malavar. El 13 de octubre de 2005 por la tarde, el cadáver del Sr. Gutiérrez y rastros de su bicicleta fueron encontrados a un kilómetro de la vía principal entre Malavar y El Castillo. Su cuerpo presentaba 14 puñaladas en el lado izquierdo y sus testículos y su oreja izquierda habían sido cortados. Igualmente los dientes del Sr. Gutiérrez habían sido partidos, y sus manos presentaban señales de haber sido amarradas. El cadáver del Sr. Gutiérrez permaneció en el sitio hasta el 14 de octubre de 2005, cuando la policía de El Castillo realizó el levantamiento. Se teme que la muerte del Sr. Diego Gutiérrez esté vinculada con sus actividades como defensor de los derechos de los habitantes de su región.</p>	
44		Follow-up to past cases			<p><b>Dos muchachas de 16 y 17 años del municipio de Sansón</b> (E/CN.4/2005/62/Add.1, para. 474).</p>	<p>Por carta con fecha de 20/12/04, el Gobierno informó de que el caso se encontraba en la Fiscalía Delegada ante la Corte Suprema de Justicia. Las investigaciones disciplinarias sobre el caso se encontraban bajo un radicado por el "presunto secuestro y acceso carnal violento a dos menores de edad" y la Procuraduría Delegada se encontraba en estudio preliminar de la queja.</p>
45					<p><b>O. F., Daniel Linares Sánchez, Nilson Delgado, Samuel Linares Sánchez, Marcos López Díaz, Narciso Fernández y M. F.</b> (E/CN.4/2005/62/Add.1, para. 468-469).</p>	<p>Por carta con fecha 27/07/05, el Gobierno indicó que La Fiscalía Especializada de Cúcuta, Unidad de Apoyo a la Unidad Nacional de Fiscales de Derechos Humanos y Derecho Internacional Humanitario se abstuvo de abrir un investigación penal por los hechos denunciados contra todas las personas mencionadas en la comunicación del 5 de Mayo 2004, con la excepción de la investigación en relación a la muerte de Nilson</p>

						<p>Delgado, la cual continúa. Según lo determinó la Fiscalía, previo análisis de las pruebas recaudadas, las conductas denunciadas contra el ejército no existieron. La presunta víctima de los hechos O. F. declaró bajo juramento que jamás fue agredida y violada y que su pequeño hijo tiene dos años. Ella declaró que, por consejo del Gobernador del Cabildo Indígena de los Parreros, cambió su nombre por el de Doris Vargas Tarazona. M. F. también declaró que nunca ha sido violada. Niega igualmente que Narciso Fernández y algunos otros hayan resultado heridos o estén desaparecidos. Asimismo, la madre de Omaira informó que de su comunidad la única persona muerta es Nilson Delgado. La Fiscalía resolvió continuar la investigación con relación a esta muerte. Según la investigación previa de la Fiscalía, Nilson Delgado fue asesinado por presuntos integrantes de las Autodefensas Unidas de Colombia (AUC), el 31 de diciembre de 2002. La diligencia de la necropsia concluye como causa de la muerte 'shock Neurogénico, secundario a laceración cerebral por proyectil de arma de fuego'. Por otro lado, se presume la muerte de Daniel Linares Sanchez, a pesar de que no ha sido posible recaudar prueba alguna con relación a las circunstancias de su muerte.</p>
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46	Cuba	11/03/05	AL	TOR;	<p><b>Néstor Rodríguez</b>, quien cumple en el Centro Correccional de la Bamba una condena de seis años desde el año 2000. El 29 de noviembre de 2004 el Sr. Néstor Rodríguez habría sido objeto de malos tratos por parte de miembros de la policía del Centro Correccional de la Bamba. En esa fecha recibió la visita de la Sra. Yaíma Ortiz Parra y en el momento de la despedida, precisamente cuando se disponía a emprender el camino de regreso al campo de trabajo, un miembro de la policía le ordenó que se detuviera. El Sr. Néstor Rodríguez, al parecer hizo caso omiso de las indicaciones y siguió caminando. Tres miembros de la policía lo habrían golpeado en la cabeza, esposado e inmovilizado en el suelo. La reacción de la policía debió ser inmediata ya que la Sra. Yaíma Ortiz Parra tuvo ocasión de presenciar los hechos e intentó detener la agresión. Como consecuencia de dicho incidente el Sr. Néstor Rodríguez ha sido acusado de resistencia y desacato y el fiscal pide cuatro años de prisión. En el caso de la Sra. Yaíma Ortiz Parra la acusación se basa en un desacato a la autoridad y la pena solicitada se eleva a 8 meses.</p>	
47		26/07/05	JUA	WGAD; FRDX; HRD; TOR;	<p>La detención de al menos 33 personas el 22 de julio de 2005 en La Habana por miembros de los servicios de seguridad, cuando se disponían a participar pacíficamente en una manifestación convocada ante la Embajada de Francia por la organización autodenominada Asamblea por la Promoción de la Sociedad Civil (APSC) para demandar la liberación de opositores políticos. 24 personas habrían sido liberadas y las siguientes nueve continuarían en detención: <b>Santiago Valdeolla Pérez, Julio César López Rodríguez, Francisco Mouré Saladrigas</b>, de 46 años de edad; delegado de la APSC por La Habana,</p>	



					<p><b>Oscar Mario González, Miguel López Santos, Jesús Adolfo Reyes</b>, 44 años de edad, delegado adjunto de la APSC por la Capital, <b>Raúl Martínez Prieto, Ricardo Medina Salabarría</b>, dirigente de la APSC, y <b>René Gómez Manzano</b>, de 62 años de edad, vice-presidente de la APSC. Se afirma que estas personas fueron conducidas luego de su arresto a los locales del Departamento Técnico de Investigaciones (DTI) del Ministerio del Interior. Se ignora su actual paradero.</p>
48		3/08/05	JUA	WGAD; FRDX; HRD; TOR;	<p>Sr. <b>Oscar Mario González</b>, quien fue objeto de un llamamiento urgente enviado por la Presidente-Relatora del Grupo de Trabajo sobre la Detención Arbitraria, el Relator Especial sobre la tortura, el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión y la Representante Especial del Secretario-General para los defensores de los derechos humanos el 26 de julio de 2005. El Sr. Oscar Mario González, periodista de la agencia de noticias independiente Grupo de Trabajo Decoro, fue arrestado por agentes policiales el 22 de julio de 2005 aproximadamente a las 09.00 horas en la vía pública, a una distancia de 100 metros de su domicilio situado en el barrio Miramar, Municipio Playa, La Habana. Luego de ser conducido a tres comisarías de policía diferentes, fue trasladado a la comisaría de Miramar, donde se encuentra actualmente. Las autoridades policiales no habrían permitido a su esposa entregarle alimentos ni verle, aunque sí permitieron la entrega de ropa y de artículos de aseo. Los motivos del arresto no han sido comunicados. Se informa también que la detención del periodista González podría estar relacionada con su asistencia y la cobertura que prestó como reportero al congreso de la</p>

					<p>organización denominada Asamblea para Promover la Sociedad Civil en Cuba (APSC), en mayo de 2005. Sin embargo, no se le ha presentado acusación formal alguna. Ningún tribunal estaría considerando revisar la legalidad de su detención.</p>	
49		1/09/05	JUA	WGAD; FRDX; HRD; TOR;	<p><b>Oscar Elías Biscet Gonzáles</b>, quien ha sido el objeto de un llamamiento urgente enviado el 19 de mayo de 2003 por el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión, la Representante Especial del Secretario-General para los defensores de los derechos humanos y el Relator Especial sobre la independencia de magistrados y abogados. El Dr. Oscar Elías Biscet Gonzáles, médico de profesión y uno de los fundadores de la Fundación Lawton de Derechos Humanos, una organización humanitaria encaminada a promover y exigir en Cuba la defensa de todos los derechos fundamentales, estaría siendo detenido en condiciones que representan una seria amenaza para su salud, su integridad física y psíquica, su seguridad, y aun para su vida. Desde su último arresto el 6 de diciembre de 2002, habría perdido 18 kilos de peso, es decir un cuarto de su peso total. Habría perdido además casi toda su dentadura y padecería de gingivitis; gastritis; úlceras estomacales; hipertensión arterial; y elevada tasa de colesterol. Aunque su estado psicológico no ha sido examinado por un especialista, estaría padeciendo de un grado agudo de stress y ansiedad. Se afirma que el Dr. Biscet González, quien se</p>	<p>Por carta con fecha del 26/09/05, el Gobierno informó de que había presentado información sobre la situación del Sr. Biscet González en previas ocasiones y que en su 32º período de sesiones, el Grupo de Trabajo sobre las Comunicaciones de la Subcomisión de Promoción y Protección de los Derechos Humanos decidió discontinuar la comunicación relativa a la situación del Sr. Biscet por no contar con elementos que demostraran la existencia de un caso de violaciones de derechos humanos. El Sr. Biscet González fue sancionado el 7 de abril de 2003 por el Tribunal Popular Provincial de Ciudad de la Habana en la causa 15/03 a 25 años de privación de libertad en virtud de la ley 88/99, de los cuales ha cumplido 2 años y cuatro meses. Actualmente se encuentra en la prisión del Combinado del Este. Ha mantenido una conducta de violación sistemática del reglamento disciplinario del penal, motivo por el cuál, las autoridades del penal, de acuerdo con el reglamento vigente y de conformidad con las Reglas mínimas para el tratamiento de los reclusos adoptadas por Naciones Unidas en 1955, han dispuesto que el Sr. Biscet cumpla con las medidas disciplinarias correspondientes. En lo que se refiere a su</p>

					<p>encuentra actualmente en la prisión de Combinado del Este, sería trasladado pronto a la prisión Kilo Cinco y Medio de Pinar del Río, donde las condiciones de su detención serían aún peores. Este centro de detención se encuentra a más de 162 kilómetros de su domicilio. El Dr. Biscet González pasó ya siete meses en dicha prisión en situación de incomunicado y confinado en una celda de castigo de tres metros cuadrados; oscura; con elevada temperatura, piso de cemento, y deficiente ventilación. Se le habría prohibido el acceso a material de lectura y a alimentos proveídos por sus familiares. Además, se le habría mantenido semidesnudo en la celda, al haberse negado a portar el uniforme de los prisioneros. También se le ubicó en una celda de castigo durante los dos primeros meses que pasó en la prisión de Pinar del Río. Cabe señalar que el Grupo de Trabajo sobre la Detención Arbitraria, en su Opinión N° 17/2003 (Cuba), consideró que la detención del Dr. Biscet González era arbitraria. Actualmente, se han expresado serios temores por su integridad física y psíquica, por su seguridad y por su vida.</p>	<p>estado de salud, el Sr. Biscet posee antecedentes de hipertensión arterial, dislipidemia y gastritis que no se han podido confirmar por su negativa a recibir asistencia médica, aunque tiene indicado un tratamiento con clortalidona y atenolol que por decisión propia se automedica a partir del suministro familiar al rechazar los que se le entregan por los médicos del penal. A pesar de ello el Sr. Biscet recibe cada 45 días visita familiar a la que asiste su esposa, hermano y padres y mantiene una comunicación postal y telefónica con su esposa para la cual dispone de 100 minutos mensuales. El Sr. Biscet ha sido juzgado bajo el respeto al debido proceso penal. Ningún de sus derechos ha sido violado y su estado de salud es bueno. No se ha presentado queja a las entidades nacionales de cualquier forma de maltrato durante la detención, juicio o permanencia en prisión del Sr. Biscet. Así mismo es infundada la preocupación manifestada en la comunicación respecto al riesgo de padecer torturas o cualquier otra forma de malos tratos.</p>
50	Democratic Republic of the Congo	20/12/04	AL	TOR;	<p><b>Michel Tshinyemba Kateta Kahinda</b>, âgé de 52 ans et gérant de la Terrasse le Zouk- avenue Kisele. Le 12 novembre 2004, vers 15h00, alors qu'il procédait à un dépôt bancaire à la caisse Tujenge située avenue Muero, le commandant ville de l'Agence Nationale de Renseignements (ANR) Kasongo Tshikala dit Scoda l'aurait bousculé. La victime aurait demandé à ce qu'il s'excuse et qu'il fasse preuve de plus de respect, ce que le commandant n'aurait pas apprécié. En sortant de la banque, Michel Tshinyemba Kateta Kahinda aurait été intercepté par le commandant Kasongo Tshikala accompagné de deux membres</p>	

				<p>de la police militaire dont le commandant Major Zelwa Katanga dit Djadjija qui lui auraient demandé de les suivre à l'ANR. Dès son arrivée dans les locaux de l'ANR, il aurait été fouillé et dépouillé de la somme de 4800 francs congolais que les quatre agents se seraient partagés. Pendant deux jours, Michel Tshinyemba Kateta Kahinda aurait été soumis à des actes de torture dont les séquelles sont encore visibles à ce jour, comme en témoignent les photographies remises au Rapporteur spécial. A 16h00, Michel Tshinyemba Kateta Kahinda aurait été passé à tabac dans la cour de l'ANR. Il aurait reçu pendant une heure de temps des coups de poings, de pieds, de crosse qui lui auraient été assenés sur ordre et sous les yeux du commandant Tshikala, en présence des trois autres agents. Il aurait également été frappé sous les pieds. A 20h00, deux équipes de quatre personnes chacune l'auraient à nouveau tabassé en dehors de sa cellule et sous les yeux et sur ordre du commandant Tshikala. Michel Tshinyemba Kateta Kahinda aurait été brûlé sur le torse et près de l'œil gauche avec un mégot de cigarette. A 23h00, deux autres équipes de quatre personnes chacune seraient revenues. Michel Tshinyemba Kateta Kahinda aurait été mis en sous-vêtements. Il aurait été ligoté au niveau des bras et on lui aurait passé un pneu de camion autour du cou avant de le battre à nouveau jusqu'à ce qu'il perde connaissance. Aux environs de 2h00-02h30 du matin le 13 novembre, le commandant Tshikala serait personnellement revenu dans sa cellule. Avec des membres de l'ANR, il se serait concerté pour savoir s'il ne fallait pas l'achever et jeter son corps sur la route de Kasumbalesa. Vers 03h00 du matin, une autre</p>	
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					<p>équipe serait venue pour le tabasser une quatrième fois. Les policiers qui gardaient la cellule auraient tenté de les dissuader, craignant qu'il ne meure. Durant toutes les séances de tortures, Michel Tshinyemba Kateta Kahinda aurait été victime de moqueries, de menaces et d'intimidations telles que « tu vas mourir et on va te jeter ». Il a été rapporté que la femme de Michel Tshinyemba Kateta Kahinda aurait contacté un cadre de l'ANR, qui se serait rendu sur les lieux dès 06h00 du matin. Grâce à son intervention, Michel Tshinyemba Kateta Kahinda aurait été conduit à l'hôpital Sendwe une heure plus tard et admis aux services des urgences. D'après les informations et les photographies reçues, Michel Tshinyemba Kateta Kahinda souffre d'œdèmes sur l'ensemble du corps, de brûlures de cigarettes près de l'œil gauche et sur le torse, de lacérations au niveau des bras, de cotes cassées, de fractures à la tête et de blocage rénal. Il est à craindre selon l'ophtalmologue l'ayant examiné qu'il ne perde la vue de son œil gauche. Michel Tshinyemba Kateta Kahinda aurait porté plainte, mais des craintes ont été exprimées que celle-ci n'aboutisse pas en raison de l'implication de l'ANR. En ce sens, il a été indiqué que le chef de bureau ville de l'ANR qui aurait été révoqué par une décision de l'ANR Kinshasa, aurait repris fonction le 23 novembre 2004.</p>	
51		12/01/05	JUA	FOOD; TOR; VAW;	<p><b>235 prisonniers de la prison centrale de Munzenze</b> à Goma en faveur desquels l'Expert indépendant sur la situation des droits de l'homme en République démocratique du Congo étaient intervenu auprès du Ministère de la Justice et du Gouverneur de la Province du nord Kivu par lettre du 17 novembre 2004. La prison serait située dans un immeuble délabré, grièvement</p>	

				<p>endommagé par la grande éruption du volcan Nyiragongo du mois de janvier de 2002, et dans un état d'insalubrité générale, les pavillons des détenus étant même, pour la plupart, seulement couverts par de simples bâches. Aucun registre de détenus ne serait tenu mais il a été rapporté qu'à la fin du mois de novembre 2004, 235 prisonniers dont 10 femmes (avec 4 nourrissons); 1 mineur ; 128 détenus civils, 107 militaires, et 48 personnes ayant déjà été jugées par un tribunal se trouvaient dans les locaux de la prison. Aucune séparation nette entre les femmes et les hommes détenus ne serait établie, ce qui expose les femmes à tout type de violence, et en particulier des violences sexuelles de la part des détenus de sexe masculin. Les détenus souffriraient de graves carences alimentaires en raison de l'insuffisance et de l'irrégularité de l'approvisionnement de la prison en nourriture. Jusqu'au 20 décembre 2004, le Gouvernorat aurait régulièrement contribué à l'alimentation des prisonniers en leur fournissant 7 sacs de maïs et 7 sacs de haricots par semaine, soit un seul repas par jour. Depuis, les prisonniers n'auraient plus reçu de nourriture, le Gouvernorat ayant interrompu son approvisionnement pour des raisons de contraintes budgétaires. Lors de la présence à Goma de la Commission inter-institutionnelle du 17 au 22 décembre 2004, le Ministre de la Justice, membre de la délégation aurait affirmé que la subvention pour l'alimentation des prisonniers était versée régulièrement depuis Kinshasa pour toutes les Provinces. Depuis le 28 décembre 2004, les prisonniers interdiraient l'accès de la prison au personnel qui administre la prison. Ce personnel est au nombre de 11 dont 3 femmes. Les</p>	
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					<p>prisonniers refuseraient aussi l'entrée de nouveaux prisonniers. Par lettre du 26 novembre 2004, le Gouverneur de Province aurait fait rapport au Ministère de la Justice sur la situation des détenus mais, à ce jour, aucune suite n'aurait été donnée à ce courrier. Il a également été rapporté que certaines femmes seraient contraintes d'avoir des relations sexuelles en échange de nourriture avec certains hommes détenus, et notamment les 30 détenus désignés par le Directeur de la prison pour assurer la sécurité à l'intérieur de la prison. Cette pratique est connue et serait tolérée par l'administration pénitentiaire. A titre de sanctions disciplinaires, les détenus seraient privés de visite, ce qui a pour conséquence une privation de nourriture, les détenus comptant largement sur leurs familles pour recevoir un complément alimentaire indispensable pour leur survie. Certains détenus dont les familles ne vivent pas à Goma seraient dans une situation particulièrement préoccupante de ce point de vue. Au cours de l'année 2004, 4 détenus seraient décédés à cause de la faim. En l'absence d'une infirmerie dans la prison, les détenus n'auraient pas accès aux soins médicaux, et en cas de maladie grave, les détenus seraient simplement envoyés à l'hôpital où, faute de paiement, ils ne recevraient pas de soins. Leur transfert serait effectué dans le seul but d'éviter à avoir à enregistrer le décès en prison.</p>	
52		4/02/05	JUA	WGAD; EDU; FRDX; TOR; VAW;	<p><b>I. A.</b>, 16 ans, <b>F. R.</b>, 16 ans, Ms. <b>I. O.</b>, 17 ans, <b>A. T.</b>, 17 ans, Ms. <b>Mariama Ali</b>, 18 ans, <b>Abdala Amisi</b>, 19 ans, Ms. <b>Aziza Amisi</b>, 18 ans, <b>Bin Bushiri Bushiri</b>, 18 ans, <b>Atonyi Lumonga</b>, 20 ans, <b>Yema Maki</b>, 19 ans, <b>Mitamba Mwamba</b>, 20 ans, <b>Jonas Mwanza</b>, 24 ans, <b>Lutula Omba</b>, 20</p>	

					ans, Ms. <b>Salima Ousseni</b> , 18 ans, <b>Aridja Saidi</b> , 18 ans, <b>Manara Selemene</b> , 18 ans et <b>Utchudi Wembonyama</b> , 20 ans. Le 25 janvier 2005, les lycéens auraient protesté contre un changement dans leur horaire de classes et auraient menacé de recourir à une manifestation contre le préfet si leur demande n'étaient pas prises en compte. Afin de les dissuader dans leurs demandes, le préfet aurait fait appel à la Police d'Intervention Rapide (PIR) qui aurait procédé à l'arrestation des étudiants et frappé violemment plusieurs d'entre eux. Les lycéens, garçons et filles, seraient actuellement détenus ensemble dans une même cellule à Kindu.	
53		9/03/05	JAL	TOR; VAW;	<b>Mme. C. M.</b> Le soir du 5 février 2005 deux soldats des FARDC (Forces Armées de la République Démocratique du Congo) auraient violé à tour de rôle Mme. Christine Malembula en présence de sa fille de huit ans. Le viol aurait eu lieu dans les sanitaires au dehors de sa résidence à Mboko, à 48 km de Uvira (Sud Kivu).	
54		6/06/05	JUA	WGAD; FRDX; HRD; TOR;	M. <b>Timothée Mbuya</b> , directeur de publication à l' <i>Association africaine de défense des droits de l'Homme</i> , (l'ASADHO-Katanga), M. <b>Hubert Tshiswaka</b> , directeur exécutif de l' <i>Action contre l'impunité pour les droits de l'Homme</i> , (l'ACIDH), M. <b>Peter Kaodi</b> , directeur de publication à l'ACIDH, M. <b>André Murefu</b> , membre de l'ONG <i>Amis de Dag pour les droits de l'Homme</i> , M. <b>Emmanuel Impula</b> , membre de l'ACIDH, et M. <b>Kapenda</b> , membre du CDH, le <i>Centre des droits de l'Homme et du droit humanitaire</i> . Ces six personnes auraient été arrêtées le 3 juin 2005 à Lubumbashi, alors qu'ils organisaient un rassemblement pacifique afin de demander la libération de M. Golden Misabiko, président d'honneur de l'ASADHO-Katanga, détenu dans	



					les locaux de l'Agence nationale de renseignements (ANR-Katanga) depuis le 2 juin 2005. Alors qu'ils manifestaient devant le bureau de la direction provinciale de l'ANR-Katanga, des policiers de garde et des agents de l'ANR les auraient battus puis conduits au cachot de l'ANR où ils seraient toujours détenus à l'heure actuelle.	
55		30/06/05	JUA	WGAD; HRD; TOR;	<b>Anaclet Tshishiku Mukadi</b> , défenseur judiciaire auprès du Tribunal de Grande Instance de Likasi et Secrétaire chargé de la Justice de l'Union pour la Démocratie et le Progrès Social (UDPS)/Fédération de Likasi. M. Anaclet Tshishiku Mukadi aurait été arrêté à Likasi, lundi 13 juin 2005 à 14h00, par les agents de l'Agence Nationale de Renseignements (ANR) et transféré clandestinement à Lubumbashi, dans une cellule située sur l'avenue Kapenda. Il y serait détenu depuis cette date sur ordre de M. Jules Katumbwe, Directeur de l'ANR/Katanga, sans avoir le droit de recevoir des visites. Il aurait également été privé du droit de s'alimenter durant trois jours à compter de son arrestation.	
56		29/07/05	JAL	DRC; FRDX; HLTH; HRD; SALE; TOR; TRAF; VAW;	Les cas très répandus de violence sexuelle indiscriminée et systématique et d'autres formes de violence perpétrées contre des femmes et des filles depuis 1996. Cette année et l'année précédente, nous vous avons fait part de notre inquiétude par le biais de plusieurs communications, notamment une lettre d'allégation envoyée le 9 mars 2005, un appel urgent envoyé le 12 janvier 2005 et une lettre d'allégation envoyée le 11 octobre 2004 concernant des viols collectifs à Bongandanga et Songo Mboyo, envoyés conjointement avec le Rapporteur Spécial sur la torture. Des femmes et des filles, et parfois des hommes et des garçons, les plus jeunes âgés de 3 ans, auraient été violés,	

				<p>mutilés, torturés, forcés à l'esclavage sexuel, contraints à l'inceste, au mariage, au travail forcé et au pillage. Tous les groupes armés présents dans le pays, nationaux et étrangers (RCD-Goma, RCD-ML, Mai Mai, Mudundu 40, MLC, UPC, FNI, FDD et FNL burundais, des groupes armés de Hutus et ex-interahamwe, aussi que l'armée nationale congolaise, FARDC), seraient responsables de ces crimes. Dans notre communication envoyée à votre Gouvernement le 11 octobre 2004, nous avons exprimé notre crainte suite aux renseignements reçus selon lesquels, au 21 décembre 2003 à Songo Mboyo et Bongandanga, à Mbandaka, en Province d'Equateur, 119 femmes et filles auraient été violées et soumises à d'autres formes de violence sexuelle par un bataillon d'ex-MLC. Le bataillon entier aurait protesté contre le fait qu'il n'avait pas reçu de salaire. Nous sommes préoccupés quant au fait de ne pas avoir reçu de réponses de la part de votre Gouvernement concernant l'investigation et la poursuite pénale des auteurs présumés de ces graves violations des droits de l'homme et la compensation et la réhabilitation des victimes et de leurs familles. Nous redoutons que cela démontre que l'impunité pour la violence contre les femmes et les filles ne soit largement répandue dans votre pays. Les allégations de viols massifs en décembre 2003 ne sont qu'un exemple de violence contre les femmes et les filles. L'ampleur exacte de telles violences est difficile à mesurer, principalement à cause du manque d'informations officielles sur ces actes, ceci, en raison de l'hésitation des victimes à déposer plainte devant les autorités (parce que elles craignent une revanche par les auteurs, la situation est caractérisée par un manque général</p>	
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				<p>de sécurité et il existe de forts tabous culturels autour des violences sexuelles) et du manque de confiance envers les autorités afin de désigner comme responsables les auteurs de violence contre les femmes et les filles. Les rapports ont aussi indiqué que la réponse des autorités aux plaintes de ce type de crimes aurait été lente et insatisfaisante pour plusieurs raisons, dont la crainte de la police de revanches par les agresseurs, l'insécurité générale dans le pays, la corruption et le manque de volonté de coopérer avec les autorités appropriées. Ce manque de réponses des autorités aurait résulté dans l'impunité générale pour les actes de violence contre les femmes et les filles, et cette culture d'impunité aggraverait et encouragerait la suite d'une telle violence. En outre, comme il a déjà été référé dans l'appel urgent du 12 janvier 2005, envoyé conjointement par la Rapporteuse spéciale chargée de la question de la violence contre les femmes, y compris ses causes et ses conséquences, le Rapporteur spécial sur la torture et le Rapporteur spécial sur le droit à l'alimentation, nous restons concernés par les rapports qui indiquent que les conditions de détention et les prisons ne seraient pas conformes aux standards internationaux, et que les prisonnières et détenues du sexe féminin seraientnt sujettes à des violences, y compris sexuelles, pendant leur détention. En plus, notre attention à été attirée sur le fait que des membres de la société civile, spécialement des femmes défenseurs des droits humains, qui luttent contre la violence sexuelle et contre d'autres formes de violence contre les femmes et les filles dans le pays, auraient été visées et seraient sujettes à toutes formes de harcèlement, y compris à des</p>	
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					menaces et à des attaques, ainsi qu'à des actes de violences sexuelles et à d'autres formes de violences. La violence sexuelle généralisée et systématique aurait eu comme conséquence la diffusion, sans contrôle, du SIDA et d'autres maladies sexuellement transmissibles, autant à l'intérieur qu'à l'extérieur du pays. Ceci aurait eu comme conséquences, inter alia, une augmentation du nombre d'orphelins et d'enfants nés avec le SIDA, et une augmentation du nombre de personnes handicapées du fait de leur maladie et empêchées d'avoir toute activité économique qui leur permettrait de subvenir financièrement à leurs besoins. Il a été rapporté que les centres de santé, les cliniques et les hôpitaux, spécialement dans les régions rurales, ne pourraient pas fournir les soins aux personnes infectées, et parallèlement, les victimes ne seraient pas capables d'aller à ces centres de santé en raison de la situation d'insécurité dans le pays et du manque d'infrastructures de transport. Il a également été rapporté que ces centres de santé n'auraient pas les ressources matérielles, financières et humaines nécessaires pour assister les personnes affectés.	
57		16/11/05	JUA	FOOD; TOR; VAW;	<b>94 personnes</b> toujours détenues à l'Inspection Provinciale de Kinshasa (IPK). 430 personnes parmi lesquelles des femmes et des enfants auraient été arrêtées le samedi 5 novembre 2005 au Marché Central de Kinshasa et placées en détention à l'Inspection Provinciale de Kinshasa (IPK) sous le commandement du Général Sabiti. Si les raisons de ces arrestations demeurent incertaines, il semble qu'il se soit agi d'une opération visant à vider les rues de la capitale des personnes y vivant dont les enfants, communément appelés "les shégués". Toutes ces	

					<p>personnes auraient été enfermées dans un hangar ne comportant aucune installation sanitaire et n'auraient rien eu à manger durant plusieurs jours. Suite à l'intervention d'organisations internationales et d'organisations locales, les enfants auraient été relâchés, placés dans des centres ou remis à leurs parents. Cependant, 94 hommes et femmes seraient toujours détenus dans le même hangar sans qu'aucun chef d'accusation n'ait été retenu contre eux. Il a été rapporté qu'ils pourraient être poursuivis pour mendicité et vagabondage alors même que ces faits ne constituent pas des infractions prévues par le code pénal. Aucune des personnes détenues n'aurait par ailleurs eu accès à un avocat.</p>	
58	Djibouti	28/07/05	AL	TOR;	<p><b>Captain Behailu Gebre and Abiyot Mangudai.</b> On 11 July 2005, they were forcibly returned from Djibouti to Ethiopia and are currently being detained incommunicado at Debre Zeit airforce base, southeast of Addis Ababa where they have been tortured since their return. On 9 or 10 June 2005, the two pilots had landed a military helicopter in Djibouti and had sought asylum in the country on the grounds that they would be at risk of ill treatment if they were returned to Ethiopia as they had refused to use the helicopter to attack opposition demonstrators in Addis Ababa, who were protesting at alleged electoral fraud during elections on 15 May. They were detained incommunicado in Djibouti-ville, without being charged with a criminal offence or allowed access to a lawyer. The office of the United Nations High Commissioner for Refugees (UNHCR) in Djibouti was also denied access to both men. On 19 July, Djibouti's Interior Minister told a British Broadcasting Corporation reporter</p>	

					that the two pilots "were handed over last week after agreeing to go home" however this claim is refuted by family members of the pilots who deny that the two pilots had returned to Ethiopia voluntarily.	
59	Egypt	22/03/05	JAL	SUMX; TOR; VAW;	Ms. <b>Nafisa Zakaria Mohammed al Marakbi</b> , aged 38, Sarando village. On 14 March 2005, she was among a group of women arrested by security forces and detained in a house in the village that they had converted into a makeshift detention centre. The police removed her face veil and fondled her breasts and abdomen while making sexual threats. Other women in the group were subjected to similar treatment. The police took each woman separately outside of the house for a period of time. When Ms. al Marakbi was released at 3am, her physical and psychological state was very poor. Medical officials at Damanhour General Hospital reported that she was in a coma when she was brought in by her family at 9pm. Efforts to revive her continued until 6am on 15 March, at which point she was pronounced dead. No autopsy was performed on the body, which security officials returned to the family and buried the same day. Moreover, villagers told a delegation of human rights experts on 16 March that prior to their visit police had threatened them with arrest if they spoke to the delegation, and that shortly before the delegation's arrival the majority of the police present in the village were moved inside large police transport vehicles in an apparent attempt to hide their presence.	By letter dated 6/04/05, the Government informed that an incident linked to a land dispute did occur in the village of Sarando on 4 March 2005. The Government informed that following the incident the Department of Public Prosecutions went to the scene and conducted a forensic examination of the area and questioned the injured persons. On 6 March 2005, they arrested 15 persons on suspicion of attacking the owner of the land and his employees and destroying some of his property. On 19 March 2005, 6 of the accused persons were released.
60		22/03/05	JUA	HRD; TOR; VAW;	Inhabitants of <b>Sarando village</b> , Bahariya Governorate and the surrounding areas. On 4 March 2005 at approximately 7am, a large number of armed men led by members of the	

				<p>family of Salah Nawar arrived at the village, and destroyed crops and attacked the inhabitants. The attack is reportedly linked to an ongoing land dispute between the Nawar family and the villagers in Sarando and vicinity. It is reported that one of the armed med was killed during the clash and many of the male inhabitants fled the village, fearing retribution. At approximately 10am, a large number of police under the command of a Lieutenant Colonel (whose name is known to the Special Rapporteurs) of Damanhour Centre for Police Investigations, Ministry of Interior, arrived to assist the members of the Nawar family. The police allegedly broke into homes, stole food and valuables and destroyed furnishings, and beat the inhabitants. The police cursed the women and girls, bound them together by their braided hair in addition to handcuffs, and in some cases beat them in the face with shoes. They took women and children into custody when wanted male relatives could not be found. At least thirteen women are known to have been arrested, as well as at least five young children: a nine year-old girl, a six year-old boy, a five year-old girl, a two year-old girl, and a two year-old boy. Their place of detention is still not known. One of the women detained in a later raid was forced to leave behind a days' old infant. One group of 14 women taken into custody were blindfolded, including three elderly women, moved from police checkpoint to police checkpoint for five days, and forced to sleep on floors without blankets, food, or water. One woman was detained outdoors with her three young children for three days without food or blankets in an effort to force her to testify that her husband had participated in burning a tractor. On 10 March 2005, the Lieutenant Colonel attempted</p>	
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					<p>to prevent a delegation of human rights activists and journalists from entering Sarando and Ezbit Bahariya. Women in both villages told the delegation that they did not know where their husbands and children are being held, and feared for their safety. It is estimated that at least 52 persons remain in detention. These police raids have reportedly occurred on multiple occasions since January 2005, resulting in the detention of many of the villagers in the village of Sarando. Moreover, it is reported that the Lieutenant Colonel remains in his post despite being under investigation in the beating of a pregnant woman, Ms. <b>Khayriya Abd al Minem al Baqali</b>, during a similar 5 January 2005 raid by security forces on the village. The police raid of 5 January also resulted in the detention of <b>Zayd Mahmud al Fiqi</b>. Although the Damanhour attorney general ordered his release on 6 March, the police have denied that he was in custody. Currently, he not known to have left police custody, and his whereabouts are unknown.</p>	
61		19/05/05	AL	TOR;	<p><b>Ahmed Mahmoud Salem</b>, a 42 year-old agricultural worker, Kafr Saqr, Sharqiyya Governorate. On 16 April 2005, he was arrested together with 20 other persons, including women and children, during a raid of the home of his relatives by officers of Kafr Saqr Police Station and the central security forces. Mr. Salem, who suffered a broken pelvis after falling from the third floor during his arrest, was forced by members of the security forces to stand up before beating him. He and his relatives were then taken to Kafr Saqr Police Station, where Ahmed Mahmoud Salem was beaten, hung, given electric shocks and sexually assaulted by police officers. He did not receive any medical attention and subsequently</p>	



					died in custody on 18 April 2005. Charges were brought against 13 of the detainees, some of whom remained in detention for three days until their release.
62		8/08/05	JAL	FRDX; HRD; TOR;	<b>George Ishaq</b> and <b>Amin Eskandar</b> , leaders of the opposition group <i>Kifaya</i> (Enough) and another member of this group <b>Abd al Hadi Al-Mashad</b> ; two human rights activists, <b>Magdy Abdel Hamid</b> , a member of the <i>Egyptian Association for Community Participation</i> , and <b>Kamal Abbass</b> , the director of the <i>Centre for Trade Unions and Workers Services</i> ; journalist <b>Shaaban Abd Al-Rahim Al-Daba</b> ; and an activist with the <i>Al-Hamla Al-Sha`biyya min agl Al-Taghyi</i> (Popular Campaign for Change), <b>Salah Adli</b> . On 30 July 2005, they were among a number of people attending a political rally in Tahir square, Cairo, who were attacked and beaten by security forces. Some 40 people were arrested, detained and mistreated for several hours. Twenty-four among them were released on bail two days later, on 1 August 2005. Kamal Abbass, Abd al Hadi Al-Mashad and Shaaban Abd Al-Rahim Al-Daba sustained serious injuries and were brought to a local hospital.
63	Equatorial Guinea	18/04/05	JUA	FOOD; HLTH; TOR;	<b>70 reclusos del Centro Penitenciario Black Beach</b> , Malabo, Bioko. Desde finales del pasado febrero de 2005 los reclusos han permanecido en régimen de incomunicación y no han sido autorizados a abandonar sus celdas. La ración de alimentos diaria, que ya fue reducida en diciembre del 2004 de un plato de arroz a una o dos piezas de pan, es suministrada de manera esporádica y en ocasiones se priva a los reclusos de cualquier tipo de alimento durante días. A consecuencia de ello existe un riesgo manifiesto y permanente para los reclusos de morir por

					<p>inanciación. Además a muchos de ellos que se encuentran debilitados a causa de las torturas o malos tratos padecidos y/o que sufren enfermedades crónicas se les ha negado el acceso al tratamiento médico correspondiente en cada caso. Esta serie de medidas parecen tener su causa y origen en el hecho de que se descubriera que el administrador del centro penitenciario empleaba en trabajos de construcción a reclusos, de manera fraudulenta y sin ofrecer remuneración alguna. Como consecuencia de ello dicho administrador fue despedido de su cargo. Se informa también que los ciudadanos extranjeros cuya situación ya fue objeto de un llamamiento urgente (documento de Naciones Unidas E/CN.4/2005/62/Add.1, para. 654) que no ha recibido respuesta hasta la fecha de hoy, han permanecido esposados de manos y tobillos desde marzo del 2004</p>	
64	Eritrea	13/04/05	JUA	RINT; TOR;	<p>Pastor <b>Kidane Weldu</b>, of the Mulu Wengel ("Full Gospel") Evangelical Church. On 13 March 2005, he was arrested in Asmara, and continues to be held incommunicado in the 2nd Police Station. It is believed that he was arrested solely because of his religious beliefs. <b>16 members of the Kale Hiwot ("Word of Life") Evangelical Church</b> of a small town near Asmara. They were arrested on the same day for watching a Christian video in a church member's home. Although they were neither charged nor brought to court, two elderly women among them were freed after admitting to some offence and paying a fine equivalent to US\$12. None of the detainees have been brought before a court, as required by law, nor charged with any offence. Moreover, several senior members of the same church have been detained without charge or trial since April 2004.</p>	

65		20/05/05	JUA	WGAD; FRDX; HRD; TOR;	<p><b>Tewelde Ghebremedhin</b>, Chairperson of the Food, Beverages, Hotels, Tourism, Agriculture and Tobacco Workers Federation, <b>Minase Andezion</b>, Secretary of the Textile and Leather Workers' Federation, and <b>Habtom Weldemicael</b>, Head of the Coca-Cola Workers Union, and an executive committee member of the Food and Beverage Workers' Federation. On 30 March 2005, Tewelde Ghebremedhin and Minase Andezion were arrested by police. On or around 9 April 2005, police also arrested Mr. Weldemicael, who is reported to have been arrested for urging industrial action to protest against workers' worsening standard of living. The three trade union leaders have been held incommunicado with no access to lawyers for more than a month. Furthermore, they have not been brought before a magistrate within 48 hours of their arrest.</p>	
66		3/06/05	JUA	WGAD; RINT; TOR;	<p><b>Demoze Afewerki</b>, aged 67, head of the inspection department of the Housing and Commerce Bank of Eritrea and chair of the Gideons (Bible) International branch, Eritrea. On 13 March 2005, he was arrested, and is being held in incommunicado detention and without charge in the special security section (Wenjel Mirmera) of the 2nd Police Station in Asmara. It is alleged that up to 900 members of banned churches are also being held in detention. Amongst this group are approximately 150 women. Those detained are being held in harsh conditions: in shipping containers, secret cells or underground prisons. Some may be subjected to torture in order to extract signed renunciations of their faith. They are reportedly detained in a number of military prisons (with over 230 in Sawa military conscription and training centres), Mai Serwa army camp near Asmara, and police and</p>	

					security prisons in Asmara, Keren town and Assab.
67		3/06/05	JUA	WGAD; RINT; TOR;	<b>Binyam Gezay, Essey Stefanos</b> , a gospel singer, and over <b>200 other members</b> of the Meseret Christos evangelical church. On 28 May 2005, Binyam Gezay, the groom in a wedding party, together with his fiancée, and over 200 persons attending the wedding, were arrested by the security forces in Asmara. They are all members of the banned Meseret Christos church. They are currently being held in a police station in the Expo District of Asmara. Several detainees were released without charge on 29 May, but the majority is still in custody. According to Eritrean law they should have been brought before a court within 48 hours of arrest, but this has not been done.
68		7/12/05	JUA	RINT; TOR;	<b>Helen Berhane</b> , aged 30, a prominent Christian singer. On 13 May 2004, she was arrested during an operation led by the Ministry of Defence. She is being detained in a shipping container at the Mai Serwa military base, north of Asmara. The reasons for her detention are thought to be linked to her activities as a prominent Christian singer. She is being held incommunicado and has not been brought before a judge. The Ministry of Defence has been placing pressure on her to sign a statement renouncing her faith and promising to cease her participation in any Christian activities in Eritrea.

69		Follow-up to past cases			<p><b>Large scale round ups of Eritrean males</b> (E/CN.4/2005/62/Add.1, para. 665).</p>	<p>By letter dated 27/01/05, the Government informed that it had conducted routine round-ups on the dates concerned, in search of males aged 18-40 believed to have failed to respond to the call to report for National Service, or to be away without leave (awol). Participation in the National Service is mandatory and a constitutional duty for all able-bodied Eritreans aged 18-40. In relation to the incidents concerned, a riot had occurred in a temporary shelter, during which some arrested persons attacked the guards. According to preliminary investigations conducted by the authorities, four detainees had been fatally injured with a few more receiving minor injuries. Very few non-draft dodgers that had been initially rounded up, were freed after preliminary enquiries. With regards to the allegations of incommunicado detention, the detainees were only temporary assembled in shelters, pending their transfer to training centers and duty stations. Only very few of those arrested were subsequently charged.</p>
70	Ethiopia	21/12/04	UA	TOR;	<p><b>Omot Ojullu Abella</b>, aged 47, the head of the administration and finance department of the Gambella regional government's health bureau, and leader of the Gambella People's Democratic Congress. On 13 December 2004, he was beaten by guards in the Gambella prison, Gambella Town, with iron bars and rifle butts. He sustained injuries to his head, back and arm, and is denied medical treatment. He was been beaten in reprisal for commemorative events organized by the Anuak community in the United States of America, in relation to mass killings and arrests of members of the Anuak ethnic group in Gambella Town on</p>	

				13 December 2003. The Government banned any demonstrations or commemoration. Omot Ojulla Abella was arrested during the incident. His brother, Okuch Ojullu Abella, was one of those killed. Several hundred people arrested at the time are still held in the Gambella prison, incommunicado and without trial. Many have been tortured or ill-treated.	
71		10/6/05	JUA	FRDX; SUMX; TOR;	Incommunicado detention of approximately 1500 demonstrating students, the killing of 26 persons, the wounding of 100 others and the arrest and harassment of various journalists including <b>Helen Mohammed, Temam Aman</b> and <b>Bereket Teklu</b> working for Voice of America, and <b>Tadesse Engidaw</b> and <b>Assegedech Yiberta</b> working for <i>Deutsche-Welle</i> , as well as human rights defender <b>Chernet Tadesse</b> , 31, investigator for the Ethiopian Human Rights Council, and the former deputy mayor for Addis Ababa, <b>Andargachew Tsige</b> . On 6 June 2005 at the two main Addis Ababa University campuses, several hundred peaceful demonstrating students were beaten with batons and rifle butts by police. The students were protesting the announcement of the provisional results of the 15 May 2005 Parliamentary elections, and demanding an investigation into alleged voting irregularities, including reported arrests and beating of opposition candidates in approximately 300 out of 547 constituencies. Other students protesting in Kotebe Teacher's College, the AAU's Commercial College and Technical College in Addis Ababa, were also beaten and arrested on 6 and 7 June 2005. At Kotebe, it is reported that, in response to the students throwing stones at the police and burning government vehicles, police opened fire, particularly on those who blocked police vehicles

					<p>which were carrying arrested students. A female student, <b>Shebray Delelagne</b>, was killed; six others were wounded. Approximately 2000 students, as well as journalists were arrested. Around 500 students have been released, but the others remain incommunicado in police and military camps, including the Sendafa police training college, 40km north of Addis Ababa. 26 persons have been killed as a result of security forces opening fire on the demonstrators.</p> <p>Moreover, opposition party members, particularly members of the UEDP Medhin party, were beaten and detained for a short period. <b>Lidetu Ayalew</b>, the leader of the opposition Coalition for Unity and Democracy, was kept under house arrest for 30 hours in his office, incommunicado, and without food or water. He was then allowed to go home where he is also being kept under house arrest. Moreover, on 6 June, police confiscated the cameras belonging to reporter <b>Anthony Mitchell</b> and photographer <b>Boris Heger</b>, working for the Associated Press, and covering the student protests.</p>	
72		15/06/05	JUA	FRDX; HRD; TOR;	<p><b>Chernet Tadesse, Yared Hailemariam</b> and <b>Berhanu Adenaw</b>, human rights defenders and investigators for the Ethiopian Human Rights Council (EHRCO), Addis Ababa. On 8 June 2005, at approximately 9pm, Chernet Tadesse was arrested by police at his home. On 13 June 2005, at approximately 3:30pm, Yared Hailemariam and Berhanu Adenaw were arrested by police at the EHRCO office. No reasons were given for their arrests and their whereabouts are unknown.</p>	

73		26/07/05	JUA	WGAD; FRDX; TOR;	<p><b>Captain Behailu Gebre</b> and <b>Abiyot Mangudai</b>. On 9 or 10 June 2005, Captain Behailu Gebre and Abiyot Mangudai, two pilots of the Ethiopian armed forces, landed a military helicopter in Djibouti. They sought asylum in the country on the grounds that they had refused orders to use the helicopter to attack opposition demonstrators in Addis Ababa, which placed them at risk of persecution in Ethiopia. On 11 July 2005, however, they were returned to Ethiopia, and are currently detained incommunicado at Debre Zeit Air Force Base.</p>	
74		4/10/05	JUA	WGAD; FRDX; TOR;	<p>Hundreds of Coalition for Unity and Democracy (CUD) officials and members, including <b>Birkayehu Mekecha</b>, an official in the head office, <b>Dache Molla</b>, a representative, Kolla Dibba District, North Gondar, <b>Emkulu Yiheyis</b>, a youth official, Debre Sina town, Amhara Region, <b>Endrias Ero</b>, a representative, Gamo Goffa zone, <b>Hailemichael Zijita</b>, a parliamentary candidate, Gamo Goffa zone, <b>Solomon Tenaye</b>, a secretary, Minjar District, Amhara Region, <b>Tefera Mengeste</b>, an official in Eastern Hararghe District, <b>Tesfaye Tarekegne</b>, a District secretary, South Gondar, <b>Wendwossen Shiferraw</b>, an election observer, Debre Sina town, and <b>Yohannes Abate</b>, a zone chair, western Gojjam. They are being held incommunicado and without charge. The authorities carried out the arrests with the aim to stop them from organizing and attending nationwide demonstrations which had been planned for 2 October 2005. The authorities had refused permission for the demonstrations, accusing the opposition parties of "a violent conspiracy aimed at subverting the constitutional order.</p>	



75		3/11/05	JUA	WGAD; FRDX; HRD; TOR;	<p><b>Hailu Shawel</b>, President of the Coalition for Unity and Democracy (CUD), <b>Debebe Eshetu</b>, CUD Vice President, Dr. <b>Berhanu Negga</b>, mayor of Addis Ababa, <b>Gizachew Shifferaw</b>, Dr. <b>Hailu Araya</b>, former editor of the Press digest Publication, Dr. <b>Yakob Hailemariam</b>, former UN official and International Criminal Court official, Ms. <b>Birtukan Mideksa</b>, lawyer, as well as former army major, <b>Getachew Mengiste</b>, and Professor <b>Mesfin Woldemariam</b>, renowned author and human rights defender and founder and former chairman of the Ethiopian Human Rights Council (EHRCCO), aged 75. They were arrested together with numerous other journalists, human rights defenders and members of the Ethiopian Free Press Journalists' Association, as well as other leaders of the CUD and elected members of parliament. Many of the arrests took place at the persons' homes. Mr. Hailu Shawel was also beaten by the police officers upon being arrested. None of the persons arrested are reported to have been brought before a court in accordance with the law. Some of the arrested persons are being detained at the Police Central Investigation Bureau, known as Maikelawi. Many others are being detained at unknown locations. Since 1 November 2005, riot police, using live ammunition to target protestors in the central Mercato and other Districts, killed at least 30 people, including women, and injured at least 150 protestors in anti-government protests in Addis Ababa. The protests had started peacefully but then degenerated into stone throwing and burning of vehicles after police began shooting at the protestors. Two police officers were also killed by the protestors. The protestors accused the Government of rigging the May Parliamentary elections. Moreover, on 30</p>	<p>By letter dated 23/11/05, the Government informed that, according to the police, the situation had been restored in the affected parts of the country, and that a large number of persons who had been taken into custody in the wake of the disturbances but had not been involved directly in the violence, had been released. On the other hand, those that were either directly involved in the violence as well as those who were considered to be the masterminds of the violence were, at the time this reply was sent, still under custody pending prosecution. The process of releasing detainees was continuing in an expedited manner. Key leaders of the opposition had already been charged under the relevant provisions of the Penal Code and had appeared, at that stage, twice before the Federal High Court; their due process rights were fully respected. Moreover, following intensive debate on the Report of the Federal Police Commission, the Federal Parliament adopted a resolution to establish a Neutral Inquiry Commission with a mandate to investigate (a) the cause of the lapse in the security situation during the period concerned, (b) whether force used by the security forces was proportionate to the gravity of the situation, and (c) the extent of the loss of life and damage or destruction of property during the disturbances. The Government also attached a detailed report prepared by the Federal Police Commission on the incidents that followed the third national elections in Ethiopia held in May 2005.</p>
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76	Germany	18/11/05	AL	TOR;	<p><b>Decision by the Hamburg Supreme Court</b> (Hanseatisches Oberlandesgericht). On 14 June 2005, the court, in its "Beschluss IV - 1-04" decided to accept evidence given by United States intelligence officials to German authorities in the form of summaries of interrogations of three persons suspected of "terrorist" activities held at unknown locations by US authorities in spite of allegations that it might have been obtained under torture. The statements are to be used in a re-trial of Mounir Al-Motassadeq, accused of belonging to a terrorist group and of having assisted in the 11 September 2001 attacks. The Court had asked the US authorities to indicate whether the witnesses in question are in US custody and to describe the circumstances, in which their testimonies were obtained. However, the US Ministry of Justice replied that it was unable to do so. Equally, other relevant US authorities denied to provide any information other than the testimonies by the three witnesses that had been put at the disposal of the court. Taking note of the restrictions with regard to the availability of information about the circumstances, in which the evidence was gathered, the Hamburg Supreme Court considered that the statements seemed fairly balanced (i.e. contained both incriminating and exculpatory elements, which it interpreted as an indication that no torture has been used). It also found that, since the sources of information</p>	<p>By letter dated 27/12/05, the Government informed that during the retrial of El Motassadeq the Hanseatic Higher Regional Court officially requested the US Department of Justice, among other things, to transfer witnesses for direct questioning, to allow video-conference questioning or, alternatively, to send it minutes of the interrogations carried out to date. The court expressly requested that an FBI official be granted permission to explain how the testimonies of the witnesses in US custody had been obtained. It also requested information on whether there were indications that the use of these testimonies could be problematic with a view to section 136a of the Code of Criminal Procedure, concerning, non-admissibility of improperly-obtained evidence). In its letters of 9 August 2004 and 9 May 2005 the US Department of Justice merely sent summaries of the interrogations of Ramzi Binalshibh, Khalid Sheik Mohamed and Mohamed Ould Slahi for use in the trial. It stated that it was not, however, in a position to describe the circumstances in which these testimonies came about. As there had been reports in the press and other publications on the use of torture in US prisons, the court had to decide whether the summaries sent by the US could be invoked and used as evidence in the trial with a view to Article 15 of the</p>

are not named, the allegations of torture and other ill-treatment made by non-governmental organisations and others are not verifiable and too general. It concluded that it cannot be proven that the statements given of the said persons were extracted under torture or other ill-treatment.

Convention against Torture (CAT) and section 136a of the Code of Criminal Procedure, or whether the use of that evidence was prohibited. Under German criminal-procedure law proof of an irregularity must be produced ex officio – in this case the alleged torture of witnesses and the causal connection between torture and testimony. The principle of "in dubio pro reo" therefore does not apply. If the irregularity is not proven, the testimony is admissible. In order to decide this issue, the court heard a great deal of evidence. During his examination as a witness the FBI official referred to the limitation of his permission to testify and gave no details of the circumstances surrounding the interrogations. The other trial witness was also unable to supply details. As a leading figure of the independent US commission charged with examining the 9/11 attacks, he stated, he had had no access to Al-Qaeda members and their interrogations. Court inquiries to the Federal Ministries of Justice and the Interior and to the Federal Intelligence Service failed to reveal that these bodies had any information on how the testimonies of the witnesses Mr. Binalshibh and Mr. Sheik Mohamed were obtained. The President of the Federal Office for the Protection of the Constitution, during examination as a witness in the trial, could also give no details of the conditions under which the witnesses were interrogated. The court then heard publicly accessible material regarding alleged torture of US prisoners during the trial and considered it. This material consisted of press articles from various sources. The court also heard as evidence

						<p>reports from various NGOs, in particular excerpts from reports by Amnesty International and Human Rights Watch. In the decision of 14 June 2005, the court decided to accept, as trial evidence, the full summaries of the testimonies given by Mohamed Ould Slahi, Ramzi Binalshibh and Khalid Sheik Mohamed. The court was of the opinion that a prohibition on the hearing or admissibility of this evidence arose neither from Art. 15 CAT nor from section 136a Code of Criminal Procedure, because no proof that the testimonies were obtained using torture could be derived from the information available to the court. Although the press articles and other reports heard in court supplied (mostly general) indications that alleged Al-Qaeda members had been tortured, the court was unable to verify them, as no sources had been named. Moreover, the reports were partly contradictory and from the contents of the transmitted summaries it could be derived that no torture was used during the specific testimony, as they also contained exculpatory elements. Irrespective of this evidence problem, the court expressly pointed out in its decision to admit the summaries of the interrogations as evidence that the problem of the possible use of torture must be taken into account when considering the statements made in the summaries. The court in its decision of 14 June 2005, dealt in detail with the issue of proving the accusation of torture and the admissibility of evidence where there is a presumption that it was obtained using torture. The court examined whether German criminal and criminal-procedure law was observed, in particular the ban on the</p>
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						admissibility of evidence contained in section 136a of the Code of Criminal Procedure. The court also included relevant international conventions in its examination and decided that Art. 15 CAT is directly applicable as national law. In its judgement of 19 August 2005, the court sentenced the defendant to seven years' imprisonment for membership of a terrorist organization. In his oral reasoning the presiding judge stated that the summaries sent by the US Department of Justice did not have sufficient probative value, positive or negative, with a view to the uncertainty over how the statements had been obtained. The testimonies of the US prisoners had therefore only been taken into account, in considering the evidence and reaching a verdict, to the extent to which they had been clearly corroborated by other objective evidence. The court therefore complied with the clear statement contained in its judgement of 14 June 2005.
77	Guatemala	1/09/05	JAL	FRDX; TOR;	<p>Varios reporteros, entre ellos <b>Edwin Benavente</b> y <b>Leonardo Noriega</b>, fotógrafo y camarógrafo, respectivamente del noticiero <i>Telediario</i>, Villa Nueva, Guatemala.</p> <p>El 23 de junio de 2005, varios reporteros que cubrían un homicidio en Villa Nueva fueron agredidos de forma verbal y física por elementos de la policía Nacional Civil de la Comisaría 15 de Villa Nueva. El más afectado fue el Sr. Edwin Benavente a quien los policiales golpearon cuando éste, por accidente, rompió la cinta amarilla colocada por las autoridades para resguardar el lugar donde yacían los restos de tres jóvenes asesinados. Se alega que los agentes agredían a otros reporteros, entre ellos el</p>	

				<p>Sr. Leonardo Noriega, e les impedían cumplir con su labor de tomar notas y grabar imágenes, acusándolos de contaminar la escena del crimen. Se teme que estos presuntos actos de hostigamiento y agresión en contra de los reporteros por parte de la policía puedan constituir un claro intento de impedir sus actividades periodísticas.</p>	
78		Follow-up to past cases		<p><b>Gerardo Montenegro, Luis Romero, Mynor Tuc, Edwar Morales, Mario Morales, Julio Rodas, Francisco Revolorio y Dervin Revolorio,</b> (E/CN.4/2005/62/Add.1, para. 689-691).</p>	<p>Por carta con fecha 14/02/05, el Gobierno informó de que en virtud de los hechos ocurridos el 31 de agosto de 2004, en los cuales el Estado de Guatemala, a través del Ministerio de Gobernación y por consiguiente de la Policía Nacional Civil incurrieron en uso excesivo de la fuerza con el objeto de repeler los ataques de campesinos armados, la Comisión Presidencial de derechos humanos, COPREDEH, inicio de oficio las gestiones ante las instituciones encargadas de la seguridad a fin de garantizar la vida, la seguridad, la integridad y la libertad de los periodistas. Durante el mes de noviembre de 2004, la COPREDEH tuvo dos entrevistas con los afectados a fin de coordinar medidas de protección, de conformidad con la petición de la Comisión Interamericana de derechos humanos. La petición de los periodistas que el Estado prestase protección a través de la Secretaría de Asuntos Administrativos y de Seguridad (SAAS), no fue posible dado que éste órgano sólo coordina la seguridad del Presidente y Vicepresidente de la República. Debido a las denuncias interpuestas por los periodistas ante el Ministerio Público sobre las agresiones por agentes de la Policía Nacional Civil, desistieron de la protección policial. En cuanto al proceso de los responsables, tres</p>

					<p>personas se encontraban sujetas a los procedimientos penales y administrativos para determinar si existía responsabilidad por acción u omisión como agente del Estado. El proceso penal seguido contra los 3 agentes del Estado por los delitos de abuso de autoridad, agresiones, robo agravado y violación a la libertad de expresión y opinión de los periodistas se encontraba en fase de investigación que duraría aproximadamente seis meses puesto que se encontraban con medidas sustitutivas a la prisión preventiva y en situación especial dentro del ejercicio del cargo en la Policía Nacional Civil, hasta que no se resuelva su situación jurídica y de la responsabilidad administrativa, de conformidad con lo aportado por el Ministerio Público y la Oficina de Responsabilidad profesional de la Policía Nacional Civil, ante el Tribunal disciplinario. El Estado de Guatemala integró la conformación de una Comisión humanitaria para atender las necesidades más urgentes de las familias afectadas por el desalojo de la Finca Nueva Linda que consiste en una ayuda alimentaria de 2000 raciones por aproximadamente 350 000 quetzales, ayuda para las familias de las personas fallecidas de 160 000 quetzales, y una remuneración de conformidad con el avalúo de los costos de siembra por manzana de un total de 446 4000 quetzales. No es posible por el estado actual del proceso, determinar si en el procedimiento policial, existieron tratos crueles, inhumanos o degradantes o incluso tortura.</p>
79				<p><b>Victoriano Zacarías Mindez, Wilson Carreto y Miguel Angel Ochoa</b> (E/CN.4/2005/62/Add.1, para. 692).</p>	<p>Por carta con fecha 14/02/05, el Gobierno informó de que tras haber agotado los mecanismos de negociación y diálogo, el</p>

					<p>Ministerio de Gobernación conjuntamente con el Ministerio Público precedieron a desalojar las vías públicas de la Ciudad de Guatemala, para evitar que se cumpliera la amenaza de provocar la explosión de las Cisternas y arrestar en forma flagrante a los autores y cómplices de la toma. Como resultado del operativo fueron aprehendidos en el lugar de los hechos los Sres. Victoriano Zacarías Mindez, Wilson Carreto y Miguel Ángel Ochoa. El Ministerio público actuó a través de la Fiscalía Metropolitana 19 e inició las investigaciones por los delitos de Terrorismo y atentar contra la seguridad pública ante el Juez Décimo de Primera Instancia Penal, Narcoactividad y Delitos contra el ambiente de la Ciudad de Guatemala contra los Sres. Zacarías Mindez, Carreto y Ochoa y 26 conductores más. El Ministerio Público como órgano acusador determinó que ellos y los otros 26 acusados no eran responsables de la amenaza que consistía en derramar gasolina sobre las rutas tomadas, y por lo tanto solicitó la modificación de estos delitos por los de instigar a delinquir y atentar contra la seguridad pública. En consecuencia, los Sres. Zacarías Mindez, Carreto y Ochoa y los otros 26 conductores, se acogieron al mecanismo de Procedimiento Abreviado contemplado en el Código Procesal Penal, declarándose culpables de los hechos imputados y por tal razón obtuvieron la conmutación de la Pena de prisión recobrando su libertad en forma inmediata.</p>
80	Guinea	23/02/05	JAL	FRDX; TOR;	<p>Un journaliste du quotidien national gouvernemental <i>Horoya</i>, M. <b>Lansana Sarr</b>, qui aurait été arrêté par des agents de la Brigade</p>



					Spéciale d'Intervention de la Police (BSIP) et gardé en détention pendant trois heures et demie le 14 février 2005. M. Lansana Sarr couvrait une manifestation à Conakry pendant laquelle des manifestants auraient été attaqués et bastonnés par des éléments de la BSIP. Des agents auraient vu M. Sarr tenter de photographier l'incident, l'auraient roué de coups, l'auraient traîné jusque dans la fourgonnette de patrouille et l'auraient jeté au sol. Ils lui auraient confisqué son appareil photo et son téléphone cellulaire, et l'auraient ensuite emmené à la prison de la Compagnie Mobile d'Intervention de la Sécurité (CMIS) dans la banlieue de Conakry.	
81	Haiti	23/12/04	JUA/	SUMX; TOR;	Des prisonniers du Pénitencier National de Port-au-Prince. Plusieurs détenus auraient exprimé des craintes pour leur sécurité et redouteraient des représailles de la part des autorités pénitentiaires suite à la mutinerie du 1er Décembre 2004. A cette occasion, une dizaine de prisonniers auraient été tués par balles et une quarantaine d'autres blessés. D'autres prisonniers auraient également été battus par les forces de l'ordre. Les prisonniers auraient protesté contre leurs conditions de détention et contre le fait qu'ils n'auraient jamais été déférés en justice. Les autorités pénitentiaires auraient alors ouvert le feu sur les détenus, tuant une dizaine d'entre eux. Selon les autorités, les détenus se seraient insurgés en refusant d'être transférés, brûlant des matelas et se servant d'ustensiles, de tuyaux et de briques pour agresser les gardiens de la prison. Selon le bilan annoncé par les autorités, le nombre de victimes s'élèverait à 7 et celles-ci auraient été tuées à l'arme blanche par d'autres détenus. Le 6 décembre 2004, le directeur de la Police Nationale haïtienne aurait annoncé la	

					tenue d'une enquête. Depuis, la liste des victimes n'aurait pas encore été rendue publique.
82	Honduras	15/06/05	JUA	WGAD; IND; TOR;	<p><b>Feliciano Pineda</b>, dirigente indígena de la comunidad de Vertientes, una de las dos comunidades que componen Montaña Verde, en el municipio de Gracias, departamento de Lempira. El 5 de junio del 2005, Feliciano Pineda fue agredido y resultó herido de gravedad por cuatro hombres armados con machetes a los que se cree estar relacionados con una poderosa familia de hacendados locales. Fue llevado al hospital, pero allí fue arrestado y ahora se encuentra en prisión, sufriendo una grave infección a causa de sus heridas y sin poder comer. Se alega que Feliciano Pineda estaría teniendo problemas para ingerir alimentos, no recibiendo la atención médica que se le habría prescrito y por lo tanto su vida podría correr peligro. Las informaciones también alegan que los hombres que atacaron a Feliciano Pineda son familiares de un individuo con estrechos lazos con hacendados poderosos de la región que mantienen una disputa con las comunidades de Montaña Verde por sus derechos sobre la tierra en la que viven. Feliciano Pineda fue llevado al hospital La Esperanza por su esposa, y de allí a un hospital de Tegucigalpa, donde unos agentes de la policía lo detuvieron. Primero fue llevado a la cárcel de La Esperanza, y luego a la prisión de Gracias. Según los informes, la policía detuvo a los atacantes, pero los puso en libertad con "medidas sustitutivas" (libertad bajo fianza) poco después, por orden del juez de Gracias. Se informa que otros dirigentes indígenas de la misma comunidad se enfrentan a cargos similares, y también corren peligro. Además, los atacantes amenazaron con matar a la esposa de</p>

83		Follow-up to past cases		<p>Feliciano Pineda si no abandona la zona.</p> <p><b>105 jóvenes reclusos del Centro Penal de San Pedro Sula</b> (E/CN.4/2005/62/Add.1, para. 719).</p>	<p>Por carta con fecha 9/09/05, el Gobierno de Honduras remitió la siguiente información sobre los eventos acontecidos en la "Granja Penal de El Porvenir, Atlántida, el 5 de Abril del 2003 donde fallecieron 68 personas". El Gobierno informó que el 5 de marzo del 2004, la Fiscalía Especial de Derechos Humanos, presentó requerimiento fiscal contra 31 agentes del Estado por los delitos de Asesinato en perjuicio de 68 personas; Asesinato en su grado de ejecución de tentativa en perjuicio de 23 reos sobrevivientes; homicidio contra 7 reos comunes en perjuicio de 27 personas y Homicidio en su grado de ejecución de tentativa contra 18 reos comunes en perjuicio de 20 reos sobrevivientes. El 5 de abril de 2004 celebró la declaración de imputados, a la cual acudieron 45 de los 51 imputados a los que se les aplicaron medidas sustitutivas a la prisión preventiva. Los 5 imputados que asistieron a esta audiencia fueron declarados en rebeldía, librándose las correspondientes ordenes de captura. El 3 de Mayo de 2004 tuvo lugar la audiencia inicial, en las que la fiscalía presentó 27 pruebas documentales, dos testigos protegidos y 7 declaraciones testificales recibidas como prueba anticipada. La defensa por su parte presentó 25 testigos mas prueba documental. El día 8 de mayo de 2004, se emitió la resolución judicial la cual tuvo como resultado: 39 autos de prisión contra igual número de imputados; ratificación de la medida cautelar de libertad vigilada en contraposición con lo solicitado por la fiscalía de aplicación de la prisión preventiva; seis</p>
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						<p>sobreseimientos provisionales solicitados por la fiscalía; un sobreseimiento definitivo para un imputado que falleció en la cárcel. Además se testimoniaron diligencias para conocer por separado contra cinco de los acusados que no acudieron al llamamiento judicial, declarándose en rebeldía y ordenándose sus capturas. El 12 de mayo de 2004, los defensores de 16 de los imputados interpusieron un recurso de apelación contra el antemencionado auto de prisión. La Corte de apelaciones de la Sección Judicial de la Ceiba confirmó los autos de prisión. El Ministerio Público por su parte interpuso un Recurso de Apelación contra las medidas cautelares sustitutivas a la Prisión preventiva, pidiendo que se decretase contra los imputados prisión preventiva mientras se celebraba el juicio. La Corte de Apelaciones admitió el recurso y ordenó que los imputados fueran reducidos a prisión. Los defensores de los imputados Carlos Esteban Enriquez Álvarez y Luis Beltrán Arias Ramos por una parte y Oscar Reynier por la otra, interpusieron El 9 y 18 de Febrero de 2005 respectivamente recursos de Amparo contra el auto de fecha 7 de Enero de 2005, emitido por la Corte de Apelaciones de Ceiba, Atlántida mediante el cual se impuso la prisión preventiva a los imputados como medida cautelar. Ambos recursos no había sido resuelto por la Corte Suprema de Justicia en el momento de finalizarse este informe. -El jueves 11 de agosto de 2005, fue capturado en la ciudad de Tegucigalpa el imputado Welman Adalid Blanco Colindres, celebrándose la audiencia de declaración de imputado el viernes 12 de agosto, decretándose la</p>
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						detención judicial y señalándose el 17 de Agosto de 2005 como fecha para la celebración de la audiencia inicial.
84	India	10/12/04	JAL	SUMX; TOR;	<b>Abhijnan Basu</b> , aged 40, an inmate of the Presidency Jail, Kolkata, West Bengal. On the morning of 12 November 2004, he was taken to MR Bangur Hospital before being taken to the SSKM Hospital, Kolkata, where he remained for eight days in critical condition, with burns to 90 per cent of his body. He died on 19 November. Before his death he affirmed to hospital officials that three prison wardens were ordered by a prison official to douse him with diesel fuel and set him on fire. The prison authorities claim he committed suicide. It is reported that Abhijnan Basu believed that the prison authorities sought to silence him for the complaints he made regarding the poor quality of the prison food. Though an investigation has been launched and not yet completed, the Inspector General (Prisons) has reportedly confirmed to the media the account of the prison officials.	
85		27/05/05	JAL	TOR; VAW;	<b>Parveena Akhtar</b> , aged 19, Mattan, Islamabad District, Kashmir. On 4 November 2004, she was raped by a group of soldiers belonging to the 7th Section of the Rashtriya Rifles, Indian Army. They forced their way into her home under the pretext that they had to carry out a search and ordered everyone else to leave. She was taken to hospital and her case was reported to the Shangas Police Station. No action has as yet been taken by the authorities.	

86		24/08/05	JAL	TOR; VAW;	<b>Bilqees Aktar</b> , Kashmir. On 3 July 2005, she was abducted, raped, and detained for a week by a member of the Territorial Indian Army. She was rescued by the police from Watroo village and taken to a hospital, where the rape was confirmed by a medical examination. Although the case has been reported to the police, no action has yet been taken to investigate the crime.	
87		13/12/05	AL	TOR	<b>Amit</b> alias <b>Montu Babubhai Dabhi</b> , aged 25, of 14 Fellowship Society, Bapunagar, Ahmedabad. On 28 April 2005, two policemen arrived at his home at approximately 11am. They requested him to go with them for questioning about an undisclosed matter. He was taken to Amit Mill Police Chowky where he was questioned about the possession of illegal arms. He was forced to remove his clothes and was severely beaten by a police inspector and constables of Bapunagar police station (whose names are known to the Special Rapporteur). He was also subjected to verbal abuse and threats against his life. Over the next two days he was taken from one police station to another and ill-treated by police. On 2 May 2005, he was left on the roadside near Amit Mill Police Chowky. <b>Rajiv Rai</b> , aged 16, of Rosemary Lane, Howrah, West Bengal. On 12 May 2005, the police detained Rajiv Rai at his home and took him to Golabari Police Station, where he was held in a crowded cell together with adult detainees. He was beaten by police officers, resulting in swollen fingers and bruising on his legs. On 16 May 2005, he was released from police custody.	
88		Follow-up to past cases			<b>Umakanta Meiti</b> (E/CN.4/2005/62/Add.1, para. 785-786).	By letter dated 4/02/05, the Government informed that he had been detained by the police on 9 September 2004, following the receipt of intelligence regarding the presence

						of armed terrorists in the state. As the police party approached Mr. Meiti fled. He was later apprehended after a chase on suspicion that he might be a terrorist. He was taken to Porompat Police Station, Imphal East, but was released without charge. He was neither arrested nor tortured.
89					<b>Perveena Ahangar, Pervez Imroz, Bilal Mohammad Bhatt, Yasin Rah and Umtoo</b> (E/CN.4/2005/62/Add.1, para. 771).	By letter dated 15/02/05, the Government informed that a group of 70 to 80 persons threw stones at vehicles and the police contingent deployed to maintain law and order. In response, the police cane-charged the group. The group was charged under sections 147, 341, 336 and 323 of the Penal Code and admitted on bail.
90	Indonesia	31/05/05	JUA	IJL; SUMX; TOR;	<b>Sakak bin Jamak</b> , a 50-year-old farmer, South Sulawesi, <b>Sahran</b> , aged 52, and <b>Sabran</b> , aged 45. Sentenced to death in May 1995 on confessions extracted under torture, they are at risk of imminent execution, according to a recent announcement from the Attorney General's office. During his interrogation at the police station, Sakak bin Jamak was once immersed in water for a period of around two hours, beaten with sticks and whips, and his feet were burned.	By letter dated 14/11/05, the Government informed that it had no information to indicate the veracity of the torture allegations. He had the right to benefit from legal defence.
91		26/07/05	JAL	TOR; VAW;	<b>Zubaidah Karim</b> , aged 30, <b>Nurhayati Abdullah</b> , aged 32, <b>Warni Bukhari</b> , aged 25, and <b>Nur Alcah Adam</b> , aged 22, from the village of Alue Gani-Gp Gunong Pungki, Kuala, District of Nagan Raya. On 7 July 2005, the four women were threatened with guns, and then raped by the Police Mobile Brigade, who forcibly entered their home during a search operation in the area.	By letter dated 22/09/05, the Government informed that an investigation was underway but that it had not yet been possible to verify the facts as alleged. Once the investigations were complete, those found guilty would be accordingly punished.
92		29/07/05	JAL	TOR; VAW;	<b>Nurlaili M. Amin</b> , aged 23, her father, <b>Jacob M. Amin</b> , 51, and her mother, <b>Zainabon Ismael</b> , 45, Seuneubok village, Sungai Raya subDistrict, East Aceh. On 8 June 2005 at around 4pm, she was	By letter dated 11/11/05, the Government informed that it was determined to investigate the incident and to bring the perpetrators to justice. It could not consider the issue of

					<p>beaten, along with her father and her mother by members of the Satuan Gabungan Intelijen (SGI), Sungai Raya town. The officers, led by a captain, whose name is know the the Special Rapporteurs, raided the house in of a GAM member. They ransacked the house and destroyed the furniture and other belongings. Nurlaili M. Amin and her daughter were then taken to the SGI headquarters. There she was stripped naked, had her arms and legs tied to an X-shaped wooden frame, was beaten, and raped by at least three soldiers. Upon being raped for the third time, she lost consciousness. She and her daughter were both released the next day at 10am.</p>	<p>compensation until and after the facts of the case were verified, brought before a court of law and until a verdict was passed.</p>
93		17/11/05	JAL	Terrorism; TOR;	<p><b>Salah Nasser Salim 'Ali</b>, aged 27, and <b>Muhammad Faraj Ahmed Bashmilah</b>, aged 37, both Yemeni citizens. On 19 August 2003, Salah Nasser Salim 'Ali was detained in Jakarta by police and taken to the main immigration centre in the Kuningan area. After four days of incommunicado detention, during which he was handcuffed, blindfolded and denied food, Salah Nasser Salim 'Ali was told that he would be deported to Yemen, via Thailand and Jordan. Upon arrival at the airport in Amman, he was taken to a detention facility of the Jordanian intelligence service, and held there for four days. He was interrogated about a past stay in Afghanistan and was beaten, spat on, verbally abused, and threatened with sexual abuse and electric shocks by Jordanian officials. On one occasion they tried to force him to sit on a bottle so that it would penetrate his anus. He was suspended upside down, hands and feet tied, and beaten with sticks on the soles of the feet. On a later occasion he was surrounded by 15 guards in a circle, who made him run around in the circle to</p>	



				<p>the point of exhaustion. The guards then forced him to lie down in the centre and took turns beating him. Muhammad Farah Ahmed Bashmilah travelled to Jordan with his wife in October 2003. On arrival at Amman airport, Jordanian immigration authorities took his passport. Three days later, on 19 October 2003, he was arrested by the Jordanian Da'irat Al-Mukhabarat Al-'Amah (General Intelligence Department (GID)), who kept him in custody for four days. During this period he was repeatedly tortured. From detention in Jordan, Salah Nasser Salim 'Ali and Muhammad Farah Ahmed Bashmilah were transferred to a detention centre under United States control. Blindfolded, they were brought here by plane following a flight that lasted several hours, and were subsequently detained below ground. Therefore they are not able to identify the location of the detention centre. Both the forces in charge of transferring them and those in charge of the detention centre were from the United States. The solitary confinement cells in which they were held in for six to eight months were approximately 1.5 x 2m, and had buckets instead of toilets. They were later transferred to a second detention centre under United States control, again blindfolded, flown by plane and helicopter, and are not able to identify the location of the facility. In both places, Salah Nasser Salim 'Ali and Muhammad Farah Ahmed Bashmilah were interrogated about their activities in Afghanistan and Indonesia, and about their knowledge of other persons suspected of terrorist activities. The two men were kept in US custody for 20 and 18 months, respectively. Throughout this period they were held incommunicado in underground solitary</p>	
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					<p>confinement cells with no contact with others except for the prison guards, interrogators and interpreters. Noise was piped into their cells without interruption, 24 hours a day. At the beginning of May 2005 Muhammad Farah Ahmed Bashmilah and Salah Nasser Salim 'Ali were transferred to Yemen, where they were detained in the central prison of Aden. On one occasion they were taken to Sana'a. They are currently detained at the Fateh political security facility in Aden, where they have received visits by their family. Neither of the two men has been charged or tried with any offence and neither has been informed of the reason for their continued detention. It is reported that the reason for their detention is that their transfer by United States forces was conditional upon them being held in Yemen.</p>
94		24/11/05	UA	TOR;	<p><b>Elfrianus (Alfred) Ulu</b>, aged 23, a student at the Maritime Academy of Kupang, East Nusa Tenggara Province. On 23 February 2005, he was arrested and detained by members of the Kupang Police Force. On 5 March 2005, he was transferred to Penfui Correctional Institute. During the period from 5 March to 8 March 2005, he was beaten, kicked and hit with various objects including blocks of wood, chairs and a door handle. The acts were carried out by five prison officers (whose names are known to the Special Rapporteur). As a result he suffered from swelling in his face, feet and hands, a bloody nose and bruising. He also lost his eyesight.</p>
95		6/12/05	AL	TOR;	<p><b>Fitriyanto (Sanep)</b>, aged 28, a taxi driver. On 12 September 2005, he was arrested at Manggar Belitung Bus Terminal by a police officer at approximately 11am. He was taken to the Resort Police Station Belitung Timor (Mapolres Belitung</p>

					Timor), Bangka Belitung. At the police station he was accused of stealing approximately 130,000,000 rupees, some gold and a generator from a Gantung resident. He was punched by a number of policemen and hit with a helmet and some wood on his face, head, back and legs to force him to confess. He was later transferred to Gantung Resort Police Station and then returned to Resort Police Station Belitung Timor. On 13 September 2005, he was released without charge.	
96	Iran (Islamic Republic of)	3/12/04	JUA	RINT; SUMX; TOR; VAW;	Ms. <b>Hajieh Esmaeelvand</b> aged 35 and mother of two, and <b>Rouhollah Maseouili Gargari</b> , aged 22, town of Jolfa. They are at risk of imminent execution. On 16 January 2000, Hajieh Esmaeelvand was sentenced to death by hanging by the 3rd Branch of the Public Court of Jolfa for adultery, and five years' imprisonment with corporal punishment for assisting in the premeditated killing of her husband. Then aged 17, Rouhollah Maseouili Gargari was sentenced to hanging for his role. The 37th Branch of the Supreme Court of Justice later amended the verdict against Hajieh Esmaeelvand to stoning, and it was scheduled to be carried out on 1 September 2004. Following an appeal, the Supreme Court of Justice upheld the sentence of stoning for Hajieh Esmaeelvand. The sentences are expected to be carried out within the next three weeks.	By letter dated 13/01/05, the Government informed that she had submitted a request for pardon. Her sentence had been suspended pending a decision on her request. By letter dated 18/02/05, the Government informed that Ms. Esmaeelvand has filed an extraordinary appeal. It also informed that the allegation that Mr. Gargari has been sentenced to death is under investigation.
97		13/12/04	JUA	RINT; SUMX; TOR; VAW;	<b>Leyla M</b> , aged 18. Sentenced to death by a court in Arak on 28 November 2004 for crimes she committed while under 18, she is facing imminent execution, awaiting confirmation of the sentence by the Supreme Court. She is to be flogged before she is executed. She was charged with "acts contrary to chastity", including controlling a brothel, having intercourse with blood relatives	By letter dated 4/02/05, the Government informed that the death sentence has been appealed to the Supreme Court. In the event that the Supreme Court reaffirms the sentence, she would be entitled to bring an extraordinary appeal.

					and giving birth to a child out of wedlock. IQ tests have revealed that she has the mental age equivalent to that of an eight year-old, however, she has apparently never been examined by the court-appointed doctors. She was sentenced to death solely on the basis of her confessions, without consideration of her background or mental health. She was forced into prostitution by her mother at the age of eight, bore several children as a result. She was repeatedly raped, sold into marriage, and subsequently forced into prostitution by her respective spouses.	
98		15/12/04	JUA	EID; FRDX; HRD; RINT; TOR;	<b>Bahram Mashhadi</b> , aged 31, and a member of the Bahá'í community. On 1 December 2004, he was arrested by the Iranian intelligence authorities when he arrived to present an appeal on the situation of Bahá'ís in Iran to a group called the Eastern Tehran Assembly of Jurists (Majma'-e-Qada'i-e-Sharq-e-Tehran). He was taken to the local police station, where he spent the night. On 2 December, he was transferred to the headquarters of the Prosecutor's Office of the Revolution (Dadsitani-e-Markaz-e-Enghelab), where he was interrogated. Accompanied by a guard, he was subsequently brought back to his home to collect some personal effects and then taken to Evin Prison, Tehran. Since then, his relatives have gone there on several occasions in order to visit him. Each time, the prison authorities denied any knowledge of him being held there. It has been impossible to obtain any further information on Mr. Mashhadi's whereabouts. It is believed his detention is related to a written appeal submitted to the President of the Islamic Republic of Iran on 15 November 2004 on the situation of Bahá'ís in Iran, by a group of Iranian Bahá'ís on behalf of the entire community.	By letter dated 18/02/05, the Government informed the allegations are under investigation.

99		15/12/04	JUA	WGAD; FRDX; TOR;	<p><b>Farid Modaressi</b>, a 26 year-old member of the student organization, <i>the Office to Consolidate Unity</i>, Qom. On 28 November 2004, he was arrested on the orders of the Qom Prosecutor's Office, and is detained in solitary confinement at the main prison of Qom. He has had one visit from family members on 11 December. He was beaten in detention. Farid Modaressi had posted a number of articles on his website about incidents of harassment carried out against reformists. It is reported that recently, several on-line journalists, including <b>Omid Memariyan</b> (the subject of a previously transmitted communication, E/CN.4/2005/64/Add.1, para. 473), <b>Fershteh Ghazi</b> and <b>Maboudeh Abbasgholizadeh</b> (the subjects of a previously transmitted communication, <i>ibid.</i>, para. 472), <b>Rozbeh Mir Ebrahimi</b>, aged 27, and <b>Shahram Rafihzadeh</b>, aged 36, both journalists for the newspaper <i>Etemad</i>, were arrested by <i>Adareh Amaken</i> in relation to reformist articles published on-line. They are reportedly freed on bail. They were punched during questioning, and Shahram Rafihzadeh was beaten on the soles of his feet with electrical cables. The whereabouts of another on-line journalist, <b>Javed Gholam Tamayomi</b> (the subject of a previously transmitted communication, <i>ibid.</i>, para. 475), is unknown.</p>	<p>By letter dated 18/02/05, the Government informed that Omid Memariyan, Fershteh Ghazi, Maboudeh Abbasgholizadeh, Shahram Rafihzadeh have been released on bail. Concerning Mr. Modaressi, the allegations are under investigation.</p>
100		12/01/05	JUA	FRDX; IJL; TOR;	<p><b>Hanif Mazroi</b>, <b>Massoud Ghoreishi</b>, <b>Arash Naderpour</b>, and <b>Fereshteh Ghazi</b>, <b>Mahbobeh Abbasgholizadeh</b>, <b>Omid Memarian</b> and <b>Ruzbeh Mir Ebrahimi</b> (subjects of a previously transmitted communication dated 15 December 2004, see above). They have received death threats from judicial officials of the Prosecutor's Office and direct threats from Chief Prosecutor of Tehran that they will be subject to legal action, lengthy prison</p>	<p>By letter dated 18/02/05, the Government informed that Hanif Mazroi, Massoud Ghoreishi, Arash Naderpour, Omid Memarian, Fereshteh Ghazi and Mahbobeh Abbasgholizadeh have all been released on bail.</p>

					sentences and that their family members would be harmed. They have been threatened as a result of their testimony before a presidential commission on 25 December 2004 and 1 January 2005 where they testified about their torture and mistreatment while they were detained, without charges, by secret squads operating under the authority of the judiciary. The journalists' testimonies exposed the Chief Prosecutor's role in authorizing their torture to extract confessions and in compelling them to appear on television to deny their mistreatment while under detention.
101		11/02/05	JUA	IJL; SUMX; TOR; VAW;	<p><b>Azam Qara Shiran</b>, aged 37. She is scheduled to be executed by hanging this week. <b>Akram Gharivel</b>, aged 29. She was convicted of murder and sentenced to death. <b>Tayebeh Hojati</b>, aged 25. She was convicted of the murder of her husband's daughter. In February 2004, after the child went missing, Ms. Hojati was held in incommunicado detention for 16 days by the Shapoor Agahi police (homicide division), Tehran. During interrogations she was tortured, sexually abused, threatened with rape and forced to watch the torture of her brother. The police also threatened to detain and torture her other relatives unless she agreed to sign a confession that she had killed her husband's child. Once the confession was signed she was told what to say before the court hearing. Throughout the investigative process and during her confession, she did not have access to legal counsel. Important elements of the case were not investigated or considered in her trial, including forensic evidence that the girl had been killed at a time when Ms. Hojati was already in police custody. She has been sentenced to death and is currently detained in Evin prison, Tehran awaiting</p>

					<p>execution. <b>Shahla Jahed</b>, aged 35. She was convicted of murder of her boyfriend's wife. For one year she was held in incommunicado detention by the Agahi police (homicide division) and also in Evin Prison, Tehran. During this period she was tortured to make her confess to the murder. She was beaten, tied up in painful positions and verbally insulted. She has scars on her left hand and right arm from the treatment. Throughout the investigative process, including when making the confession, she did not have access to legal counsel. Exculpatory forensic evidence, including that the murder victim was raped prior to death, was not considered. Ms. <b>Fatimeh Pajouh</b> was sentenced to death for the murder of her husband.</p>	
102		14/02/05	JUA	TOR; VAW;	<p>Ms. <b>Maryam Gholamali</b>, aged 24. She has been detained in Evin prison since 2000 for the murder of her husband. She was subjected to physical and psychological torture whilst in police custody to force her to confess to the crime and she has certified medical evidence of such treatment. In 2003 she filed a complaint against one of the police officers involved but no action has been taken. Bail has been set at 400,000,000 Rials (equivalent to US\$ 50,000) and her family does not have sufficient money to pay it. It remains unclear whether charges have been raised against Ms. Gholamali and at what stage criminal proceedings against her are.</p>	

103		16/02/05	JUA	FRDX; HRD; TOR;	<b>Nasser Zarafshan</b> (subject of a previously transmitted communication, E/CN.4/2004/62/Add.1, para. 420; see reply, E/CN.4/2005/101/Add.1, para. 334). On 2 December 2004, his health deteriorated after a severe kidney inflammation. He was hospitalized in Evin Prison and, on 6 December, his lawyer asked for him to be hospitalized outside the prison. He was later allowed out of the prison on three occasions, but he has not been granted enough time to seek medical treatment. The prison authorities and Mr. Zarafshan's doctor are in support of him receiving medical treatment by a 24 hour leave from the prison. The Tehran prosecutor is refusing to give Mr. Zarafshan permission for such a leave, in contravention of Article 291 of the Criminal Procedure Code.
104		12/05/05	JUA	SUMX; TOR;	<b>Hojjat Zamani</b> (the subject of a previously transmitted communication (E/CN.4/2005/62/Add.1, para. 844); and <b>Esmail Mohammadi</b> (the subject of a previously transmitted communication, <i>ibid</i> , para. 843). No responses have been received, and they are at imminent risk of execution.
105		4/05/05	JUA	WGAD; FRDX; HLTH; TOR;	<b>Yosef Azisi Banitrouf</b> , a freelance journalist and former reporter for the daily <i>Hamshari</i> , and <b>Reza Alijani</b> (the subject of a previously transmitted communication, E/CN.4/2004/56/Add.1, paras. 825 and 826, for which no response has yet been received). On 25 April 2005 at 2pm, <b>Yosef Azisi Banitrouf</b> was arrested by eight plainclothes security force agents at his home, and taken away to an unknown location. The agents refused to show an arrest warrant, despite claiming to have one. They seized all his papers, his computer and address book. On 29 April, Mr. Banitrouf informed his wife that he had been transferred from Evin



					<p>Prison to an unknown detention centre in Ahwaz, Khuzistan and that he would be meeting with a lawyer on 7 May 2005. The Office of the Prosecutor informed his wife that Mr. Banitrouf was being charged with incitement to revolt and with attempts against the security of the state. Mr. Banitrouf's arrest followed his public statements concerning the violent ethnic clashes, which started on 15 April in Ahwaz, Khuzistan between the security forces and protestors, who were mainly from the Arab community. After having given interviews to national and international media, Mr. Banitrouf's wife received threatening phone calls from a security agent demanding that she no longer speak to the media. Concerning Reza Alijani, he has been in Evin Prison since 14 June 2003 and has serious respiratory problems which have worsened due to the harsh conditions of his detention. Despite repeated requests, officials at the prison have denied him access to medical treatment.</p>	
106		16/06/05	JUA	WGAD; FRDX; HLTH; TOR;	<p><b>Akbar Ganji</b>, aged 45, a journalist and former professor at the University of Shiraz. On 11 June 2005, Akbar Ganji, who was on medical leave from Evin Prison, Tehran, since 30 May 2005 was rearrested and immediately placed in solitary confinement in Evin Prison on the order of Tehran's Chief Prosecutor. Despite statements from the Deputy Head of Tehran's Justice Department on 30 May 2005, and the Judiciary spokesperson on 7 June 2005, concerning the extension of his medical leave, he has been returned to the prison without receiving the medical treatment recommended by a specialist for his chronic asthma. Akbar Ganji's lawyer went to the prison on 12 June but was denied access to him and told that he was not allowed visits. It is</p>	

					reported that Akbar Ganji has gone on hunger strike to protest the denial of medical care. Akbar Ganji was arrested in 2000 after returning from a conference he attended in Berlin on human rights in Iran, where he reportedly expressed views critical to the Iranian authorities and the Supreme Leader.
107		16/06/05	JUA	FRDX; HLTH; HRD; TOR;	<b>Nasser Zarafshan</b> (the subject of a previously transmitted communication, E/CN.4/2004/62/Add.1, para. 420, and an urgent appeal of 16 February 2005, see above). His requests for medical leave have been blocked by the Chief Prosecutor of Tehran, and he continues to be held in a cell with violent offenders despite his health condition. He has reportedly undertaken a hunger strike to protest the denial of medical treatment and is currently in a poor condition. His lawyer was denied a visit on 15 June.
108		27/06/05	JUA	WGAD; FRDX; HLTH; HRD; TOR;	<b>Akbar Ganji</b> , detained at Evin Prison in area 240 (subject of a previously transmitted communication, see above). He is still denied medical treatment, and his health has deteriorated. The prison clinic is not equipped to treat asthma. Moreover, the prison doctor indicated the need to take x-rays of his back, which has not been done since the medical facilities provide only out-patient care. He has since lost 17 kg as a result of his hunger-strike. Since his return to Evin Prison on 10 June 2005, Mr. Ganji has been kept in solitary confinement. He was not allowed to have any contact even with other prisoners and receive visits from his lawyer or family until 18 June 2005, when his lawyer obtained a special permission from the Tehran Prosecutor General's office, which other prisoners do not need. Afterwards the lawyer and Mr. Ganji's wife were able to visit him. Mr. Ganji is not

					allowed to make phone calls. He is denied access to newspapers or other sources of news.
109		18/08/05	JUA	WGAD; RINT; TOR;	Arrest of <b>14 Bahá'ís</b> : Between 3 and 6 August 2005, they were arrested and their whereabouts are unknown. On 3 August 2005, Ms. <b>Simin Gorji</b> , arrested in Ghaem Shahr; <b>Hooman Bakhatavar</b> , <b>Kaviz Nuzdehi</b> , Ms. <b>Nahid Ghadiri</b> , Ms. <b>Nasrin Ghadiri</b> , <b>Vahid Ghadiri</b> , Ms. <b>Sima Rahimian</b> , <b>Jalayer Vahdat</b> , and Ms. <b>Rozita Vaseghi</b> , and Ms. <b>Sima Eshraghi</b> , all were arrested in Mashhad; and a group of trainers working to promote the moral education of young Bahá'ís, including <b>Pooya Movahhed</b> , resident of Karaj, Ms. <b>Nasim Ashrafi</b> , Ms. <b>Nasim Naderi</b> , and <b>Emad Sharghi</b> , all residents of Tehran, were arrested in the city of Karaj. The whereabouts of the 14 individuals are not known at this time.
110		21/09/05	UA	TOR;	<b>Mohsen Bawi</b> , aged 32, an IT consultant, his brothers <b>Imad Bawi</b> , a law student, <b>Zamel Bawi</b> , <b>Hani Bawi</b> , a commerce student, <b>Moslem Bawi</b> , a student, their father <b>Hajj Salem Bawi</b> , and their relatives <b>Asad Bawi</b> , <b>Mansour Tayouri</b> , and <b>Hassan Boughedar</b> , all from Ahvaz, Khuzestan Province. Around 11 August 2005, they were arrested by security forces in the city of Ahvaz and are being held incommunicado at unknown locations.
111		5/10/05	JUA	WGAD; TOR;	<b>Hamid Gate'Pour</b> and <b>Emad Rafi'i</b> , both teachers, and <b>Mohammad Hezbawi</b> (also known as Hezbaee Zadeh), a newspaper editor, all members of Iran's Arab minority resident in Ahvaz, Khuzestan Province. On 10 August 2005, Emad Rafi'i, was arrested, and around 17 September, Hamid Gate'Pour was arrested in Area 2 of Ahvaz. On 18 September, Mohammad Hezbawi was arrested. The reasons for their arrest and detention are not known, and the three

					are not known to have been charged with any offence. They are being held incommunicado at unknown locations.
112		14/11/05	JUA	RINT; TOR; VAW;	<b>Leyla Mafi</b> (the subject of a previously transmitted communication dated, 13 December 2004, see above). Her death sentence has been commuted though she was found guilty under Article 637 of the Penal Code of an "unchaste act with next of kin (other than fornication)", and sentenced to 99 lashes of the whip, as well as for "providing the facilities for corruption and prostitution by being available for sexual acts", and sentenced to three and a half years imprisonment.
113		8/11/05	JUA	FRDX; RINT; TOR;	<b>Grand Ayatollah Yasub Al-Din Rastgari</b> , aged 78, a religious leader and scholar, Qom. On 27 April 2004, he was arrested for publishing a book on religious history titled "The reality of religious unity". He is currently being held in incommunicado detention and his relatives have not been informed of his whereabouts. He is also reported to be in poor health, suffering from diabetes and heart disease.
114		9/12/05	JUA	WGAD; FRDX; TOR;	<b>Firouz Abou Farhan</b> , also known as Nasr Daraji, aged 23, a poet, <b>Abdulali Douraghi</b> , <b>Karim Douraghi</b> , and <b>Eshaghi</b> . On 6 November 2005, they were arrested after demonstrations to mark the 'Id Al-Fitr celebration. They are now believed to be held incommunicado at an unknown location. On 6 November, Firouz About Farhan's house was raided by police at about 3am, and police beat his mother, aged about 65 and suffering from diabetes, when she tried to intervene.

115		Follow-up to past cases			<b>Esmail Mohammadi</b> (E/CN.4/2005/62/Add.1, para. 843).	By letters dated 25/05/05, and 8/08/05, the Government informed that a thorough investigation was carried out by the judicial authorities, as a result of which he has been charged with terrorist activities in cooperation with the Komeleh armed group, resulting in a murder. After due legal process he was sentenced to death on one count of the charges. Nevertheless, the sentence has been put on hold after further consideration.
116	Iraq	8/03/05	JUA	WGAD; TOR;	Ms. <b>Huda Hafez Ahmad Al-'Azawi</b> , a businesswoman, and her daughters, <b>N.</b> aged 15, and <b>Sarah</b> , aged 20, District of Hay Al-Jami'a, Baghdad. On 17 February 2005 at 4am, Ms. Huda Hafez Ahmad Al-'Azawi was handcuffed, blindfolded, and taken from her home to an undisclosed location by members of the United States military and members of the Iraqi National Guard. They accused her of "supporting the resistance", and confiscated three computers and a mobile phone from her adjacent office. The soldiers also beat, handcuffed and blindfolded her daughters. She was previously arrested in December 2003 with her sister, Nahla, and brother, Ayad, on suspicion of supporting an armed opposition group. Ms. Huda Hafez Ahmad Al-'Azawi and her sister were later held in Abu Ghraib prison until their release in July 2004. She alleged that she was subjected to torture and ill-treatment and that her brother died in custody as a result.	
117		11/05/05	JUA	WGAD; FRDX; HRD; TOR;	<b>Rebwar Arif</b> , aged 40, the secretary of the International Federation of Iraqi Refugees. On 5 May 2005, he was arrested by members of the Asayish, or security forces, following a speech he gave the previous day at a students' demonstration in Sulaimaniya. He was taken to	

					the Asayish headquarters and is being held incommunicado.	
118		20/05/05	JUA	WGAD; TOR;	<b>'Abd Al-Rahman Ahmad 'Abd Al-Rahman</b> , aged 70, a religious leader, <b>Usama 'Abd Al-Rahman Ahmad</b> , aged 34, a teacher and <b>Maymun 'Abd Al-Razzaq 'Abd Al-Rahman</b> , aged 31, a shopkeeper. On 11 May 2005 at dawn, they were arrested at their home in Basra by members of the Iraqi security forces. They were stripped naked, blindfolded, tied up, and taken away in a car. Prior to the arrest, the security forces had searched the house, breaking windows and doors. In the course of the search, the women in the house were hit with guns, and the men beaten. No weapons were found. The men have been held in incommunicado detention since their arrest, and believed to be detained at the headquarters of the <i>Al-Istikhbarat</i> (Intelligence Directorate) in Basra, southern Iraq.	
119		11/08/05	JUA	WGAD; TOR;	<b>Hossein Pouyan</b> and <b>Mohammad-Ali Zahedi</b> , members of the "People's Mojahedin Organization of Iran" (PMOI), Baghdad. On 4 August 2005 at 12:30pm, they were taken into custody on Karradah Street by men riding in two Iraqi police vehicles. The local police precinct reported that both cars belonged to the Interior Ministry's Special Forces. The men were initially taken to the Interior Ministry. The purpose of their detention was to expel them to Iran. All inquiries to the police and to Iraqi Government officials about their whereabouts, fate and the grounds for their arrest have been unsuccessful. Witnesses state that they have recently seen the two men in Al Amarah.	

120		2/09/05	JUA	WGAD; FRDX; TOR;	<b>Abraham Al-Mashadani</b> , a 36-year old Iraqi freelance cameraman and photographer working for Reuters in Ramadi. On 8 August 2005, he was arrested by US troops after images of US troops were found on his videos, cameras and desktop computer. The spokesman for the US detainee operations in Iraq stated that Mr. Abraham Al-Mashadani will not be able to receive visitors for the first 60 days of his detention, including his family or a lawyer. No justification for his arrest has been provided. Mr. Abraham Al-Mashadani is currently being detained at Abu Ghraib.
121		30/09/05	JAL	FRDX; HRD; SALE; TOR; VAW;	<b>Violence against women and girls.</b> Ms. <b>Yanar Mohammed</b> , the Chairperson for the Organisation of Women's Freedom in Iraq (OWFI) received death threats by e-mail from an Islamist group known as the army of Sahaba. United States officials informed her that they were not in a position to offer her protection. In September 2003, Ms. <b>Aquila Al-Hashimi</b> , one of three female members of the Iraqi Governing Council (IGC), was killed. Ms. <b>Raja Khuzai</b> , another IGC member, received death threats for opposing proposed amendments to the Personal Status Law. Ms. <b>Amira Salih</b> , the manager for a women's centre in Karbala, resigned as a result of repeated death threats. On 9 March 2004, Ms. <b>Fern Holland</b> , an civilian employee of the Coalition Provisional Authority, involved in setting up women's rights projects in Babil, Hilla, Karbala and Najaf, as well as Ms. <b>Salwa Oumashi</b> , her assistant, were both killed in an armed attack. On 29 March, former Minister of Public Works, Ms. <b>Nisreen Mustafa Al-Burawari</b> , survived an attack which claimed the lives of her body guards. Ms. <b>Lami'a Abed Khadawi</b> , a member of former Prime Minister Iyad Allawi's political party, was

				<p>killed upon returning home from a meeting of the National Assembly. On 20 November, Ms. <b>Amal Al-Ma'amalachi</b>, co-founder of the Advisory Committee for Women's Affairs in Iraq, and the Independent Iraqi Women's Assembly, as well as an advisor at the Ministry of Municipalities and Public Affairs, was killed together with her secretary, bodyguard and driver in Baghdad. Women and girls, including non-Muslims, are increasingly under pressure, often violent, to wear a veil or headscarf and to wear the traditional abaya. They are increasingly punished with acid attacks by islamist groups and militia for not complying. Women and girls have also been subjected to sexual threats by members of the US forces, including at check points and during house searches. They have been beaten, subjected to humiliating treatment, held for long periods in solitary confinements, and sexually abused while in detention by US forces. Rape and killing by criminal gangs, extremist religious groups and armed opposition groups has also increased. Domestic violence continues to be very common, and according to article 41.1 of the Penal Code of 1969, which is still in force, a husband who 'disciplines' his wife is exempt from criminal liability. Most victims of domestic violence have no access to medical treatment. Honour killings and mutilations are also condoned in Iraqi legislation. The law allows the mitigation of punishment for perpetrators found guilty of these crimes. The continued use of female genital mutilation continues to be reported in the northern region of Iraq.</p>	
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122	Israel	14/12/04	JUA	HLTH; TOR;	<b>Hayel Hussein Hamad Abu-Zaid</b> , a 36 year-old Syrian national, Majdel Shams, Golan Heights. On 5 December 2004, he was transferred by the administration of Galbou' Prison to the Affoula Hospital and later on to Rambam Hospital. He is seriously ill and suffering from an advanced case of leukemia. The family reported that he is being held, handcuffed and shackled to his bed in a small hospital room guarded by three members of the military police.	
123		7/06/05	JUA	WGAD; FRDX; HRD; IJL; TOR;	<b>Ziyad Muhammad Shehadeh Hmeidan</b> , a staff member of Al Haq, affiliated to the International Commission of Jurists. On 23 May 2005 around 4:30pm, he was arrested while trying to cross through Qalandiya checkpoint between Ramallah and Jerusalem. Israeli soldiers entered his ID number into their computer, pulled him aside and placed handcuffs on him. He has been detained at the Moscobiyya detention centre (also known as the Russian Compound), since 27 May. No charges were filed against him. On 30 May, an order was issued prohibiting him from meeting with counsel for eight days on the basis of Military Order 378 of 1970. On 2 June, a lawyer tried to visit him, but she was denied access.	By letter dated 11/07/05, the Government informed that he was arrested on suspicion of involvement in terrorist activities. His detention and subsequent appearance before the Israeli judicial system were and would continue to be in conformity with the law. He has had access to a lawyer since 5 June 2005.
124		24/11/05	UA	TOR;	<b>Z. Z. I. A. D.</b> , aged 14, a student of Kharbath Musbah, Ramallah District. On 17 August 2004, he was arrested by Israeli soldiers. He was handcuffed and hooded and placed in a jeep where he was beaten by soldiers, resulting in head injuries and bleeding. He was then kept in an isolated room in an unknown detention centre for two days. Whilst he was there, he was beaten and deprived of food, sleep and the use of toilet facilities. He was then transferred to Etzion holding centre together with five other children.	

125		2/12/05	AL	TOR;	<b>Hikmat Adnan Ibrahim Hanani</b> , aged 34, Kufer Ni'meh, Ramallah District. On 16 December 2003, he was arrested by Israeli soldiers. His hands were handcuffed behind his back and he was put in a jeep, where he was beaten, resulting in head injuries and bleeding. He was taken to an unknown location where he was interrogated daily for 15 hours by Intelligence Service Officers. During the interrogations he was beaten and forced to stand or sit in difficult positions while hooded and handcuffed. He was also subjected to cold air conditioning for three hours a day on a daily basis. He was released on 25 August 2004.
126	Jordan	17/11/05	JAL	Terrorism; TOR;	<b>Salah Nasser Salim 'Ali</b> , aged 27, and <b>Muhammad Faraj Ahmed Bashmilah</b> , aged 37, both Yemeni citizens. (See Indonesia above).
127	Kazakhstan	6/07/05	JUA	WGAD; FRDX; HRD; TOR;	<b>Lutfullo Shamsuddinov</b> and <b>six of his dependent family members</b> . Mr. Lutfullo Shamsuddinov is a member of the Human Rights Society of Uzbekistan. On 4 July 2005, they were arrested in Almaty, Kazakhstan, by members of the Kazakh police, following a request by the Uzbek authorities to extradite him. His family members were later released. The Uzbek authorities are seeking his extradition on the grounds that he participated in the protests in Andijan on 13 May. He is charged with five offences, including, premeditated aggravated murder, which carries a possible death sentence. Mr. Shamsuddinov fled to Kazakhstan on 25 May 2005, after the 13 May events in Andijan, Uzbekistan, and was registered at UNHCR on 27 May 2005. On 24 June 2005, he and his six dependents were recognized as mandate refugees, after a thorough refugee status determination process.

128		9/12/05	JUA	RINT; TOR;	<p>Unknown number of Uzbek asylum seekers, including <b>Abdurakhman Ibragimov, Tohirjon Abdusamatov, Shoimat Shorakhmedov</b>, who were registered asylum-seekers, <b>Alisher Mirzakholov, Abdurauf Kholmuratov, Alijon Mirganiev, Farkhod Islamov</b> and possibly <b>Rukhiddin Fakhrutdinov</b>, a former imam from Tashkent. Beginning on 23 November 2005, they were arrested in southern Kazakhstan. Their whereabouts are not known. All of them are wanted by Uzbek authorities on charges of "religious extremism." <b>Ten persons</b>, including <b>Nozim Rakhmonov</b>, an asylum-seeker who had registered his application with UNHCR, <b>Azomodin Kosimjonov</b> and <b>Sharafutdin Latipov</b>. On 28 November 2005, they were arrested by Kazakh authorities in Shymkent, and handed over to the Uzbek authorities at the border between the two countries later that same night. They are now in the custody of the Ministry of Internal Affairs, Tashkent. No judicial review of the cases had taken place before the return.</p>	<p>By letter dated 15/12/05, the Government informed that it cannot confirm the accuracy of the facts alleged due to the absence of information on whether the concerned citizens of Uzbekistan had been present in the territory of Kazakhstan and on whether UNHCR had issued asylum seeker certificates to them. But further efforts to clarify the situation will be undertaken.</p>
129	Kenya	6/07/05	JUA	HRD; TOR;	<p><b>Ojiayo Samson</b> and Mr. <b>Mithika Mwenda</b>, human rights activists and members of the Multi-Sectoral Forum (MSF) - Yellow Movement, Maua - a network of human rights civil society organisations. On 18 June 2005, they were arrested and beaten up by police officials while attending a procession on the occasion of the launch of the MSF Maua Chapter. Mr. Samson was held at the Njiru Police Station in solitary confinement while Mr. Mwenda was admitted in Maua Hospital, chained to his bed and under police guard. On 21 June 2005, both men were released on bail however they are facing numerous charges. Their trial will begin on 26 September 2005.</p>	

130	Kuwait	18/02/05	JUA	WGAD; TOR;	<b>Mohamed Ben Aoun and Ahmed Moussameh.</b> On 31 January 2005, they were arrested by Kuwaiti security forces and detained at an unknown location, but believed to be a military hospital. Mr. <b>Ameur Khalif Al Anzi</b> , who was arrested on the same day as part of the same police operation, died in custody.	
131	Kyrgyzstan	14/12/04	JAL	SUMX; TOR;	<b>Tashkenbai Moidinov</b> , aged 46. He and his wife were stopped by a militia officer, Askar Beshbakov, in the midst of argument they were having in the street, and taken to the regional militia office, Bazar-Kurgan. The militia officer insisted that Mrs. Akmatova write a complaint against Mr. Moidinov stating that he applied force towards her during their quarrel, but she refused. She was released soon after, while her husband continued to be detained. Several hours later she and Mr. Moidinov's brother returned to the militia office and learned that Mr. Moidinov was dead. Militia officers on duty had called the medical centre and reported that a person hanged himself in the regional militia office. A nurse, who examined the body, reported fingerprints on Mr. Moidinov's neck, consistent with choking. The militia officers told Mr. Moidinov's relatives that during questioning his heart simply stopped. Mrs. Akmatova said that after she was informed of her husband's death she was again detained and required to write a complaint against her husband, stating that he had problems with his heart and that she had no complaints against the militia. The next morning she was released.	By letter dated 7/02/05, the Government informed that they were arrested and taken to the local militia station due to a quarrel between the two of them. Tashkenbai Moidinov was found to be in an intoxicated state. Salima Akmatova was asked to make a statement and was subsequently allowed to go home. At approximately 6pm, Tashkenbai Moidinov was found dead in his cell at the Bazar-Korgon district temporary holding facility. He appeared to have hung himself. On 25 October 2004, an autopsy was carried out in the presence of Tashkenbai Moidinov's brother. The forensic expert concluded that he had died from asphyxia. However, Tashkenbai Moidinov's relatives argued that pink coloured spots were noticed on the deceased's neck and in the area of his kidney were not duly examined during the autopsy. Accordingly, the Bazar-Korgon District Prosecutor's Office opened a criminal case under Article 316(2) of the Criminal Code (Dereliction of Duty) against officials of the Bazar-Korgon District Internal Affairs Department. The case is currently under investigation.
132		31/05/05	AL	TOR;	<b>Sultanidunov Sainidin</b> , aged 50. On 12 May 2005, he was arrested in Bishkek at Pervomayskii regional court by the police and taken to the Main Investigation Department of the Ministry of Interior (rooms 419 and 420). There he was severely	By letter dated 28/07/05, the Government informed that the Ministry of Interior had investigated the allegations received and established that a criminal case (No. 151-96-23) had been opened against Mr. Sultanidunov

					<p>beaten by several officers, and suffered a heart attack. On 13 May he was transferred to a police pre-trial detention centre, and on 14 May, to a Ministry of Justice pre-trial detention centre (SIZO 1), where several injuries were recorded. He was allowed to see his lawyer only on 17 May. A cardiologist was allowed to see him on 19 May, but his recommendations were not followed by the officers of the detention centre. He was released on 27 May 2005. Complaints have been filed with the prosecutor's office and the court.</p>	<p>in 1996. In the course of the investigations he was charged with several serious offenses (stealing State property). As a result, he was required to sign an undertaking not to leave the city. However, he repeatedly failed to present himself to the investigative authorities in spite of several summonses. On 25 April 2005, the aforementioned preventive measure was therefore replaced with the stricter "detention in remand centre No. 1 in Bishkek", and a search for the accused began. On 12 May, officers of the Ministry of Interior arrested Mr. Sultanidinov. The investigation did not corroborate the allegations concerning beatings after the arrest. Emergency services were called several times, however the doctors who provided Mr. Sultanidinov with medical care found his health satisfactory and certified that he could remain in custody. He also had unrestricted access to a lawyer starting from the moment when the investigation was initiated. On 27 May, following a decision by the Procurator General, Mr. Sultanidinov was released.</p>
133		16/06/05	JUA	WGAD; TOR;	<p><b>Ortikboy Dzhabaralievich Akbarov, Abdushukur Abubakirovich Alimov, Shomsiddin Shukurullaevich Atamatov, Abdurakhmon Abdushutolipovich Bodiroy, Odil Akhmadolievich Makhsadaliev, Musazhon Rasulovich Mirzaboev, Bakhtiar Adkhamovich Mukhtarov, Tursun Ibrokhimovich Nazarov, Nushonzhon Ismoilovich Nechmatov, Burkhoniddin Badirdinovich Nuritdinov, Farrukh Farkhadovich Rashidov, Yakub Toshboevich Toshboev,</b> all currently detained at the Municipal Police Detention Centre, Jalalabad. They are at imminent risk of forcible return to</p>	

					<p>Uzbekistan. On 13 May 2005, these 12 men, believed to be former inmates from Andijan Prison, Uzbekistan—five of whom were among a group of 23 local businessmen on trial for "Islamic extremism"—fled the city after Uzbek security forces fired on thousands of mainly unarmed and peaceful demonstrators protesting against the trial. On 9 June, they were moved from the refugee camp at Besh-Kana to the Municipal Police Detention Centre together with <b>Dilshod Gadzhiev, Tavakal Gadzhiev, Abdubais (Gasan) Shakirov</b> and <b>Muhammad Kadirov</b>. The latter four are believed to have been handed over to the Uzbekistan National Security Service, and their whereabouts are unknown.</p>
134		17/06/05	UA	TOR;	<p>Over <b>400 asylum-seekers</b> in the refugee camp in Sasyk. They fled to Kyrgyzstan to seek protection following the crackdown on 13 May 2005 by Uzbek security forces against protesters in Andijan, Uzbekistan. They are at risk of forcible return to Uzbekistan, particularly in light of recent developments: On 9 June 2005, the Kyrgyz authorities, upon the request from the Office of the Prosecutor of Uzbekistan, handed over four individuals, who had been moved from the refugee camp at Sasyk to the Jalalabad Municipal Police Department (despite their claim for asylum, and without access by independent international organizations), to the Uzbek authorities. Papers signed by them which purportedly waived their asylum claims were forged. Recently 12 asylum-seekers were moved from the camp to detention facilities in Osh and they are reportedly at risk of imminent forcible return. (These 16 persons were the subject of a previously transmitted communication dated 16 June 2005, see above).</p>

135		23/06/05	UA	TOR;	<p><b>29 Uzbekistani persons seeking international protection in Kyrgyzstan</b>, currently detained at Osh pre-trial detention facility (SIZO). The Government has announced that the forcible return to Uzbekistan of 29 asylum seekers, whose status is yet to be determined, is imminent. They had escaped to Kyrgyzstan after the 13 May 2005 events in Andijan. Seventeen of the asylum seekers were detained on 16 June 2005: <b>Usmanov Zhakhongirbek Mamadalievich; Pirmatov Rasulzhon Raimzhanovich; Elikaev Khasanzhon Rakhmanberdievich; Maksudov Nyrilla; Mirzaev Maripzhon Ergashbaevich; Pirmatov Inomzhon Raimzhonovich; Bakiev Nazimzhon Komilzhanovich; Mirzaev Zakhidzhan Ergashbaevich; Rakhmonov Kozimzhon Bazarbaevich; Ibrakhimov Ergash; Shakirov Akhmadullo; Shokirov Saidaamirkhon; Salimakhunov Khusan Yusupakhunovich; Kaimov Makhhammad-Ali Ibragimovich; Rakhimov Odilzhon Mashrabzhanovich; Maksudov Zhakhongir Yuldashevich; and Mamadzhonov Mamirzhon Kamilovich.</b> Twelve (the subjects of a previously transmitted communication dated 16 June 2005, see above) were transferred from Sasyk refugee camp to pre-trial facilities on 9 June 2005. The Prosecutor General of Uzbekistan has been seeking the extradition of a total of 133 persons.</p>	
136		29/07/05	UA	TOR;	<p><b>Twelve Uzbek persons recognized as refugees by the UN Refugee Agency (UNHCR), and 3 persons seeking international protection in Kyrgyzstan, all of whom are currently detained at Osh pre-trial detention facility (SIZO)</b> (the subjects of a previously transmitted communication dated 16 and 23 June 2005, see above). Since 27 July 2005, Uzbek officials,</p>	

				whose identities are not known have been at the Osh pre-trial detention facility (SIZO). The 15 Uzbek detainees, who were scheduled to be evacuated by UNHCR on 28 July, but were not permitted to do so by Kyrgyz authorities, might be handed over to the Uzbek side.	
137	Lebanon	29/04/05	JUA	WGAD; IJL; SUMX; TOR;	<p><b>Nehmeh Naïm El Haj</b>, résident du quartier Al Basatine à Ain Saadeh, arrêté le 25 novembre 1998 à la frontière libano-syrienne par les services de renseignements syriens et condamné à mort par le tribunal libanais de Baabda. M. El Haj aurait été détenu au secret pendant plus d'un mois par les services de renseignements syriens dans un centre d'interrogatoire illégal situé à Anjar (au Liban). Accusé du meurtre de deux personnes au Liban, il y aurait régulièrement subi des tortures avant d'être remis aux autorités libanaises à Zahleh et transféré par la suite à Jounieh. N'ayant aucun contact avec l'extérieur, M. El Haj n'aurait pas pu bénéficier de l'assistance d'un avocat tout au long de son interrogatoire. Le 1<sup>er</sup> juillet 2004, le tribunal pénal libanais de Baabda aurait entériné les conclusions des services secrets syriens alors que ceux-ci n'étaient pas habilités à mener l'enquête et a condamné à mort M. El Haj. Il nous a été signalé que, pour ce faire, le tribunal de Baabda n'aurait aucunement tenu compte du fait que les familles des victimes avaient entre-temps retiré leur plainte et a maintenu son jugement. Dans l'hypothèse où le pourvoi en cassation de M. El Haj était rejeté, celui-ci pourrait être exécuté dans les jours à venir.</p>



138		29/04/2005	JUA	WGAD; HLTH; TOR;	<p><b>Gergès Toufic Al-Khoury</b>, 36 ans, résident de Moukhayem Dbaih, membre du Parti des Forces Libanaises, informaticien, détenu dans le Centre de détention du Ministère de la Défense à Beirout. Depuis 1994 M. Al Khoury serait détenu en isolement dans une cellule de 1,3m sur 2,4m, au sous-sol, sans aération ni lumière naturelle, et ne bénéficierait que de très courtes périodes de promenades, menotté à un gardien. Son état de santé serait très préoccupant et, en dépit de nombreuses demandes d'examen médical, il ne bénéficierait pas de soins médicaux appropriés. M. Al Khoury, aurait été arrêté en le 5 mars 1994 après s'être présenté à la suite d'une convocation comme témoin par les services de renseignements libanais. Au début de sa détention, il aurait été détenu pendant six semaines au secret, et soumis à des interrogatoires avec torture. M. Al Khoury aurait été jugé et condamné à la réclusion à perpétuité par la Cour de Justice, un tribunal d'exception où les décisions ne seraient pas susceptibles d'appel.</p>	<p>Par lettre datée du 31/05/2005, le gouvernement a informé que M. Al-Khoury avait bénéficié de tous les droits garantis par la loi en ce qui concerne les visites, l'exercice physique et la nourriture et qu'il était libre de consulter un médecin ou un spécialiste s'il le souhaitait. Le gouvernement a confirmé qu'il avait été examiné par un ostéopathe qui avait déterminé qu'il était en bonne santé. Par lettre datée du 23 juin 2005, le gouvernement a expliqué qu'il avait reçu une peine d'emprisonnement à vie pour sa participation au bombardement d'une église. Le gouvernement a également dit qu'il avait été régulièrement examiné par un médecin et qu'il reste en contact permanent avec sa famille et ses représentants légaux.</p>
139	Libyan Arab Jamahiriya	23/03/05	JUA	EID; TOR;	<p><b>Hatem Al Fathi Al Marghani</b>, aged 25, Aggar, Ash Chati. Since 28 December 2004, he has been detained and held in an unknown location, following a visit to the National Security Directorate's headquarters in Brak (Ash Chati). He went there in the company of his father but did not return home. His relatives went there the next day and were told that he had been arrested "at the request of Tripoli" and transferred to the capital the previous night. He was not the subject of any warrant. The relatives later went to Tripoli and inquired about Mr. Al Marghani's whereabouts at the central headquarters of the National Security Directorate, as well as at different courts and</p>	<p>By letter dated 28/06/05, the Government informed that he is at home with his family and is leading a normal life.</p>

					prisons. The authorities denied all knowledge of his detention. It is believed that Mr. Al Marghani's disappearance is linked to his public denunciation of the trial of his brother, Tareq Al Fathi Al Marghani, who was reportedly arrested August 1997 on suspicion of endangering state security, detained without trial for seven years, and sentenced to death on 21 December 2004. At the time of the arrest of Mr. Tareq Al Fathi Al Marghani's arrest, his family was forced out of their native town, Sabha, and their house was destroyed.	
140		24/11/05	UA	TOR;	<b>Kristiana Malinova Valcheva, Nasya Stojcheva Nenova, Valentina Manolova Siropulu, Valya Georgieva Chervenashka and Snezhanka Ivanova Dimitrova</b> , five Bulgarian health professionals and <b>Ashraf Ahmad Jum'a</b> , a Palestinian doctor (the subjects of a previously transmitted communication, E/CN.4/2005/62/Add.1, para. 886; see the reply, ibid, para. 887). On 7 June 2005, 10 security officials were acquitted on charges of torturing the health workers while they were in pre-trial detention. On 15 November 2005, the Supreme Court postponed the appeal of the six health professionals until 31 January 2006.	
141	Malaysia	9/12/05	UA	TOR;	<b>130 unidentified persons</b> . They are at risk of imminent forcible return to Thailand. They fled from Thailand to Malaysia in August 2005, and are suspected of involvement of separatist activities in southern Thailand.	
142	Mauritania	4/0505	JUA	WGAD; IJL; TOR;	M. <b>Cheikh Mohamed El Hacen Ould Dedew</b> , imam, M. El Moctar Ould Mohamed Moussa, leader du Parti National de la Convergence Démocratique, M. <b>Mohamed Ahmed Ould El Hadj Sidi</b> , avocat et professeur de droit, M. <b>Cheikhani Ould Beiba</b> , président de l'Association	Par lettre datée du 20/07/2005, le gouvernement a répondu aux cas transmis par le Rapporteur spécial. Le gouvernement a précisé que les personnes mentionnées par le Rapporteur spéciale ont été interpellées dans le cadre d'une affaire se rapportant à la sûreté

pour la sagesse, l'authenticité et le renouveau du patrimoine (*Al-Hikma*), M. **Mohamed Lemine Ould Moustapha**, imam, M. **Habib Ould Houmeïtt**, conseiller du ministre de la culture, M. **Abdallah Ould Eminou**, imam, M. **Al Hacene Ould Habibullah**, imam, M. **Mohamed Sidiya**, professeur; M. **Sidi Mohamed Ould Sidi**, homme d'affaires, M. **Ahmed Ould Al Kowri**, professeur, M. **Mohamed Ould Abarrahmane**, journaliste à *Al Jazeera.net*, M. **Bounenna Ould Bebbah**, professeur, M. **Cheikh Ahmed Ould Mohamedine Vall**, M. **Khalid Ould Isselmou**, imam; M. **Abderahmane Ould Emine**, imam, M. **Mohamed Abdallahi Ould Bilil**. Le 25 avril 2005 les forces de sécurité auraient arrêté les personnes mentionnées ci-dessus à Nouakchott. Elles seraient détenues sans accès à leurs familles et à des avocats dans un endroit inconnu à Nouakchott. Ces personnes n'auraient pas été conduites devant un magistrat ni accusées officiellement d'aucun crime. Toutefois, un porte-parole de la police aurait accusé les détenus d'avoir planifié des actes de terrorisme et d'être en contact avec un group lié à *Al-Qaeda*. Ils auraient aussi été accusés d'avoir des liens avec le Groupe salafiste pour la prédication et le combat.

intérieure de l'Etat. Selon le Gouvernement, elles sont accusées d'appartenir à un groupe d'extrémistes agissant en dehors du cadre légal, exhortant à la violence et utilisant les mosquées à des fins de propagande politique sectaire. Ils ont ainsi commis des infractions réprimées par la législation nationale. L'article 56 du Code de procédure pénale autorise l'Officier de police judiciaire à maintenir en garde à vue, pour les besoins de l'enquête, les personnes contre lesquelles existent des preuves graves et concordantes de nature à motiver leur inculpation. Le même article dispose, dans son alinéa 4, qu' « en cas de crime ou délit contre la sûreté intérieure ou extérieure de l'Etat, le délai de garde à vue peut être porté à trente jours à compter de l'arrestation, par ordre écrit du Commissaire du Gouvernement près la court de sûreté de l'Etat, du Procureur de la République ou du Président du Tribunal régional. » Dans ce cas précis la garde à vue a duré vingt jours. 14 personnes en question ont été relâchées pour insuffisance de charge et 12 personnes ont été présentées devant le Procureur de la République à l'issue de leur garde à vue. Les prévenus ont été informés des chefs d'accusation retenus contre eux et le parquet a requis du juge d'instruction l'ouverture d'une information judiciaire. Elles ont également eu la possibilité de faire appel à leurs avocats en vertu de l'article 103 du Code de procédure pénale qui stipule que « l'inculpé détenu peut, aussitôt après la première comparution, communiquer librement avec son conseil... ». La garde à vue a été prolongée conformément à la loi, et leur intégrité physique et morale a

						été pleinement respectée.
143		13/07/05	JAL	SUMX; TOR;	<p>M. <b>Mamadou Saliou Diallo</b>, âgé de 58 ans, ressortissant guinéen. M. Mamadou Saliou Diallo, aurait été arrêté par la police vers 11 heures le 21 juin 2005 à Nouakchott suite à une altercation avec un responsable de la collecte des ordures du quartier, qui avait déposé une plainte auprès de la police. Celle-ci aurait d'abord emmené M. Diallo au commissariat n. 2 de Dar Naim, et vers 13 heures aux Urgences de l'Hôpital Cheikh Zaïd, où il serait décédé vers 13 heures 15.</p> <p>La réquisition délivrée par le procureur contiendrait la mention «mort par suicide».</p> <p>Toutefois, aucun des huit médecins qui ont examiné sa dépouille ne se serait prononcé sur les causes de son décès. Aussi, le soir même, un scanner du cou de la victime réalisé au Centre Hospitalier National aurait révélé que ses deux vertèbres cervicales étaient brisées.</p>	
144		12/10/05	AL	TOR;	<p><b>Ismael Ben Abdalla</b> dit <b>Issa</b>, Algérien âgé de 33 ans, résidant en Mauritanie depuis plus de dix ans et domicilié dans le Département d'El Mina à Nouakchott, <b>Mohamed Mahmoud Ould Ahmed Ould Idoumou</b>, 41 ans, résidant à Dar Naim à Nouakchott et <b>Sidiya Ould Souleymane Ould Jdoud</b>, dit <b>Newewi</b>, 45 ans, domicilié à Boutilimitt.</p> <p>Ismael Ben Abdalla aurait été arrêté le 29 mai 2005, déféré au parquet de Nouakchott le 12 juillet 2005 et transféré le même jour à la prison civile de Nouakchott après avoir été inculpé de "relation avec El Qahida et intelligence avec des forces étrangères". Au mois de juin, dans un lieu situé à 20 minutes du commissariat d'El Mina n° 2, il aurait été soumis à des tortures, notamment des bastonnades avec une lanière sur ses pieds et ses organes génitaux jusqu'à l'évanouissement. Après avoir été déshabillé complètement, on lui</p>	

				<p>aurait brûlé le corps au moyen de cigarettes qu'on lui aurait écrasées sur ses tibias, sa poitrine et l'intérieur de ses jambes au niveau du sexe. Il aurait aussi été torturé avec un appareil électrique et frappé au moyen d'une barre de fer sur le dos et sur d'autres parties du corps. Aujourd'hui encore, les traces de ces tortures seraient apparentes. Mohamed Mahmoud Ould Ahmed Idoumou aurait été arrêté le 2 mai 2005. Il aurait été déféré au parquet de Nouakchott le 27 mai 2005 et transféré le même jour à la prison civile de Nouakchott, inculpé d' "appartenance et direction d'association non reconnue et actes exposant la Mauritanie à des représailles étrangères". Entre le 17 et le 19 juin 2005 la police l'aurait conduit au commissariat d'El Mina n° 2. Pendant toute la période de sa détention il aurait été menotté aux poignets et aux pieds. Il aurait subi des bastonnades sur la tête et différentes autres parties de son corps. Il aurait également été déshabillé et suspendu par les poignets et les pieds sur une barre métallique horizontale, avec une cagoule sur la tête. En outre il aurait été frappé avec des bottes sur toutes les parties de son corps. A ce jour, il souffre de maux aigus au niveau du dos et ne peut bouger ses mains et ses pieds qu'avec difficulté. Deddahi Ould Abdellahi (Directeur de la Sûreté de l'Etat), Mouhameden Ould Lekbeid dit Dames, commissaire d'El Mina N°2 et Mohameden, inspecteur de police, auraient donné des ordres afin qu'il soit torturé. Les auteurs de la torture seraient quant à eux Didi Ould MBarek, Mohamed Ould Amar Mohameden dit Gobés ainsi que d'autres dont les noms n'ont pas été transmis au Rapporteur spécial. Sidiya Ould Souleymane Ould Jdoud, dit « Nawawi » aurait été arrêté le 25 avril</p>
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					<p>2005, détenu à l'école de police de Nouakchott, déféré au parquet de Nouakchott le 27 mai 2005 et transféré à la prison civile de Nouakchott le même jour. Il aurait été inculpé d' « appartenance et direction d'association non reconnue et actes exposant la Mauritanie à des représailles étrangères ». Entre avril et mai 2005, il aurait été menotté aux poignets et aux pieds pendant 32 jours à l'école de police. Il aurait été insulté, dénigré et entièrement déshabillé. On lui aurait mis une cagoule sur la tête et le visage et on l'aurait menacé de le suspendre par les poignets et les pieds et d'utiliser des appareils électriques pour le torturer au sein de l'école de police en avril et mai 2005 et au sein du commissariat d'El Mina N°2 entre le 17 et le 19 juin 2005. Tous trois se trouveraient actuellement à la prison civile de Nouakchott.</p>	
145	Mexico	17/02/05	JUA	WGAD; FRDX; TOR;	<p><b>Daniel Martínez Dolores, Abdón Martínez Martínez, Crescencio Cardoza, Carlos Calderón Sánchez, Tomás Enrique Cardoza, Humberto Pérez Calderón, Saturnino Sánchez Sevilla, Joaquín Hernández Cardoza, Antonio García Martínez y Daniel Bautista Pérez,</b> campesinos del municipio de San Juan de Lalana en Choapán. De acuerdo a las informaciones recibidas, el 6 de febrero habrían sido llevadas a cabo dos operaciones diferentes por parte de miembros de la Policía Ministerial, la Policía Municipal y militares que dieron lugar a las detenciones de los ciudadanos mencionados. Respecto a la primera de las operaciones, a las dos de la madrugada habrían sido detenidos Daniel Martínez Dolores (Presidente del Cabildo Popular), Abdón Martínez Martínez (Secretario), Crescencio Cardoza (Presidente del Comisariado de Bienes Comunales), y los pobladores Carlos</p>	<p>Por carta con fecha de 23/12/05, el Gobierno informó de que el 14 de diciembre de 2004 se llevó a cabo una reunión con el propósito de dialogar en relación a las inconformidades surgidas en la elección del 5 de diciembre de 2004. Durante esta reunión el Presidente Municipal electo propuso a los demás contendientes de las diferentes plantillas que se integraran a su cabildo para el trienio 2005-2007. Las cuatro plantillas (verde, roja, azul y amarilla) aceptaron la propuesta. El 26 de diciembre de 2004, el Secretario General de Gobierno se reunió con el Presidente municipal electo y los candidatos de las plantillas roja y amarilla, Daniel Martínez y Abdón Martínez Martínez que firmaron un acuerdo y aceptaron participar en el Cabildo. A pesar de las negociaciones y compromisos que se hicieron, el 21 de diciembre de 2004,</p>

Calderón Sánchez, Tomás Enrique Cardoza, Humberto Pérez Calderón, Saturnino Sánchez Sevilla y Joaquín Hernández Cardoza en la desviación conocida con el nombre de "Sebastopol". Habrían sido obligados a bajar del autobús en el que viajaban a la Ciudad de Oaxaca a fin de entrevistarse con el Gobernador Ulises Ruiz Ortiz y habrían sido golpeados por personas encapuchadas que acompañaban a las fuerzas de seguridad que efectuaron las detenciones. A las 13 horas se desconocía su paradero y todavía no habría sido facilitada ninguna información al respecto, a pesar de que la Procuraduría ya estaba haciendo su informe sobre la detención. Respecto a la segunda de las operaciones, ese mismo día aproximadamente a las cinco de la madrugada, los Sres. Antonio García Martínez y Daniel Bautista Pérez habrían sido detenidos en sus domicilios por miembros de la policía acompañados de personas encapuchadas. Éstos últimos habrían hecho uso excesivo de la fuerza, amenazado y humillado a los detenidos. A las 17 horas los detenidos fueron localizados en la Penitenciaría del Estado de Oaxaca. Los Sres. Antonio García Martínez y Daniel Martínez Dolores se encontraban muy golpeados y este último tenía además muy lastimados sus pies. Todas las detenciones habrían sido efectuadas de manera arbitraria para impedir las negociaciones que se iban a llevar a cabo a fin de resolver el conflicto originado con la última elección de concejales municipales, en las que no se habrían respetado los derechos indígenas a los usos y costumbres locales. En este sentido las informaciones recibidas revelan que los detenidos habrían recibido en el Centro Penitenciario de Santa María Ixcotel una serie de

un grupo de simpatizantes de las dos plantillas dirigidos por Anastasio Sevilla Hernández privaron de libertad a 28 simpatizantes de la plantilla del presidente electo, bloquearon los accesos a San Lorenzo Lalana, allanaron el domicilio del presidente electo y retuvieron al Delegado Regional de Gobierno junto con el encargado del departamento jurídico quienes habían acudido a dialogar. Ante los hechos, el Juez Mixto de Primera Instancia de Santiago Chiopan, libró orden de aprehensión en contra de los Sres. Antonio García Martínez, Daniel Martínez Dolores, Abdón Martínez Martínez, Humberto Pérez Calderón, Joaquín Hernández Mendoza, Florentino Pérez Manzano y Crescencio Calderón entre otros. El 1 de enero de 2005, un grupo de unos trescientos simpatizantes de las plantillas roja y amarilla bloquearon a un grupo de simpatizantes de la plantilla azul que se trasladaban a Colonia Morelos para asistir a la toma de protesta del presidente electo, los golpearon con palos, varillas y puños. Ante los hechos, el Juez Mixto de Primera Instancia de Santiago Chiopan, libró orden de aprehensión por los delitos de lesiones y lesiones calificadas. El 7 de enero de 2005, con motivo de los hechos referidos en el Municipio de San Juan Lalana, la Comisión Estatal de Derechos Humanos del Estado de Oaxaca solicitó al Secretario General de Gobierno implementar medidas inmediatas para evitar hechos violentos y enfrentamientos entre habitantes del municipio. El 6 de febrero, los elementos de la Policía ministerial del Estado, ejecutaron las dos órdenes de aprehensión. El 21 de febrero a fin de restablecer la paz en el municipio, el

					<p>propuestas encaminadas a evitar cualquier forma de presión sobre el Gobierno. Ello, a través de la renuncia expresa a formar parte de una organización concreta, hablar a la gente para que disolvieran las reuniones que estaban teniendo lugar en San Juan Lalana y permitir a las Autoridades hacerse cargo de la defensa de los detenidos. En lo que respecta a la toma de declaraciones del juicio en el que figuraban como encausados los detenidos, los abogados de la defensa habrían sido objeto de agresiones intimidatorias por parte de una funcionaria del Ministerio Público, quien habría tomado sus nombres e interrumpido a los procesados cuando estaban declarando.</p>	<p>Titular de la Secretaría General de Gobierno celebró una reunión con los familiares de las personas detenidas en la que se firmó una minuta según la cuál, las partes aceptan respetar la minuta de la reunión del 26 de diciembre de 2004, en la que el grupo inconforme se integra al cabildo con cinco regidurías. Las partes también se comprometen a realizar reuniones previas a la asamblea en las que informarán a sus representados de los acuerdos obtenidos para evitar nuevas violencias. El Tribunal Superior de Justicia del Estado de Oaxaca informó que el 16 de marzo de 2005, se revocó el auto de formal prisión dictado por el Juez Mixto de Primera Instancia de Choapan el 12 de febrero de 2005, quedando libres las personas involucradas en los acontecimientos referidos. La segunda Sala Penal del Tribunal por resolución del 18 de marzo de 2005 revocó el auto de formal prisión, quedando libres las personas involucradas en los acontecimientos referidos.</p>
146		10/06/05	UA	TOR;	<p><b>Feliciano Julián Gómez Ortiz</b>, Tlaxiaco, estado de Oaxaca. El 2 de junio del 2005, hacia las diez y media de la mañana, un automóvil blanco con cuatro agentes de la Policía Ministerial en su interior aparcó cerca del garaje en el que Feliciano Julián Gómez Ortiz trabaja en Tlaxiaco. Tres de los agentes salieron del vehículo y dos se acercaron a Feliciano Julián Gómez y le dijeron: <i>"hijo de la chingada, tú sabes en dónde está la mercancía que andamos buscando"</i>. A continuación, le propinaron un puñetazo en la nariz y boca y le dijeron: <i>"pendejo, te vamos a romper la madre"</i>. Luego lo metieron en el automóvil y lo llevaron a la Comandancia de la</p>	<p>Por carta con fecha el 7/12/05, el Gobierno informó de que con motivo de los hechos denunciados por el policía ministerial del Estado de Oaxaca, se inicio la averiguación previa en contra de quien o quienes resulten responsables por los delitos de abuso de autoridad y demás que resulten, cometidos en agravio del señor Feliciano Julián Gómez y de la Señora Esperanza Sánchez López. Según el Gobierno, la Procuraduría General de Justicia del Estado de Oaxaca (PGJO) ordenó investigar los hechos y se logro establecer la probable responsabilidad de dos policías. El 17 de junio de 2005 se recabaron las</p>



					<p>Policía Ministerial de Tlaxiaco donde fue detenido sin cargos y torturado por los cuatro agentes. A Feliciano Julián Gómez Ortiz lo esposaron, le vendaron los ojos y le amenazaron de muerte si no revelaba el paradero de la mercancía que la policía buscaba. Según los informes, le pusieron una bolsa de nylon sobre la cara durante más o menos un minuto, para provocarle la asfixia, algo que repitieron dos veces más. Cuando la policía se dio cuenta de que Feliciano Gómez no era la persona que buscaban lo dejaron en libertad, pero lo amenazaron diciendo: "<i>Te tenemos bien identificado y, si dices lo que te hicimos, te vamos a matar, así que más vale que te calles la boca porque la próxima vez te vamos a meter en el río y te vamos a meter toques eléctricos</i>". El 3 de junio del 2005, Feliciano Julián Gómez Ortiz presentó una denuncia ante el agente del Ministerio Público de Tlaxiaco, Oaxaca y otra denuncia ante la Comisión de Derechos Humanos del estado.</p>	<p>testimoniales de Esperanza Sánchez López y de un menor de edad y se realizó una prueba psicológica al Sr. Feliciano Julián Gómez Ortiz. Según el Gobierno, practicaron al señor Feliciano Julián Gómez el dictamen médico psicológico basado en el Protocolo de Estambul, que en momento de escribir que se estaba elaborando. El Gobierno informó que el 14 de julio de 2005 la PGJO ejerció acción penal en contra de los policías sobre mencionados, solicitándole al Juez la orden de captura de los indicados. Según el Gobierno, la PGJO había solicitado al Juez Mixto de Primera Instancia del Distrito Judicial de Tlaxiaco, Oaxaca la reparación del daño como sanción pública de carácter obligatorio y hasta el momento de escribir, la autoridad judicial no había determinado el monto de esta reparación.</p>
147		4/07/05	JUA	WGAD; TOR;	<p><b>Bryan Torres</b>, de 16 años, ciudadano estadounidense. Bryan Torres, que vive en El Paso, en el lado estadounidense de la frontera, estaba visitando Ciudad Juárez y se encontraba durmiendo en la casa de Dáygoro Josué Rivera Contreras cuando unos policías municipales entraron en la casa y lo detuvieron. También detuvieron a Dáygoro Josué Rivera, quien posteriormente confesó el asesinato de los dos policías y ha sido acusado de este delito. Dáygoro Rivera habría declarado que Bryan Torres no estuvo implicado en el crimen. En la madrugada del 19 de junio del 2005, en la ciudad septentrional de Ciudad Juárez en la frontera con Estados Unidos, Bryan Torres fue detenido y torturado por la policía municipal para obligarlo a</p>	<p>Por carta con fecha 2/11/05, el Gobierno indicó que a las cuatro horas del pasado 19 de junio, la Oficina de Averiguaciones Previas de Ciudad Juárez, Chihuahua, recibió et aviso de que en la intersección de las calles Federico Gamboa y Niños Héroe se encontraron los cadáveres de dos personas del sexo masculino que posteriormente fueron identificados como los agentes de la Dirección de Tránsito Municipal, Rodolfo Iván Ramos Díaz y Norberto Javier Longoria Luna. En un domicilio cercano al lugar del hallazgo antes referido, elementos de Seguridad Pública Municipal efectuaron la aprehensión en flagrancia de Dáygoro Josué Rivera Contreras (diecinueve años de edad), de su madre, la</p>

				<p>confesar su implicación en el doble asesinato de dos policías municipales. Según Bryan Torres, la policía municipal lo recluyó en un lugar desconocido durante más de seis horas, y le propinó palizas, le aplicó descargas eléctricas y lo roció con un pulverizador de pimienta en la cara y el cuerpo, además de amenazar con matarlos a él y a su familia para obligarlo a confesar que había participado en el asesinato de los dos policías o lo había presenciado. Luego fue recluido en un centro de detención de menores, donde también fue objeto de malos tratos y amenazas. Bryan Torres y su familia niegan estas alegaciones, y afirman que fue sometido a malos tratos y amenazas de muerte en el centro de detención de menores. El consulado de los Estados Unidos no recibió inicialmente notificación de la detención de un ciudadano de su país, pero desde entonces ha visitado a Bryan Torres bajo custodia y ha fotografiado su estado físico. Los informes indican que se han retirado los cargos contra Bryan Torres, pero éste continúa bajo custodia durante 60 días por orden del Tribunal para Menores para que se le realice un examen psicológico.</p>	<p>senora Aida Virginia Contreras y del menor Bryan Torres (dieciséis años), quienes fueron remitidos a la Estación de Seguridad Pública Municipal denominada "Aldama", en donde permanecieron hasta que fueron entregados a elementos de la Agencia Estatal de Investigación de la Procuraduría General de Justicia del Estado de Chihuahua (a las trece horas con treinta y ocho minutos de ese día). En las instalaciones de la Oficina de Averiguaciones Previas Dáygoro Josué Rivera Contreras y Bryan Torres manifestaron haber sido golpeados por elementos de Seguridad Pública Municipal, por lo que fueron inmediatamente enviados al médico legista adscrito a la unidad, quien determinó lo siguiente. Dáygoro Josué Rivera Contreras tenía varias equimosis en el cuello, pabellón auricular, espalda, hombros, brazos, costados y pies; una herida contusa en el dorso del pie derecho con desprendimiento parcial del borde de la uña del primer dedo del pie y estigmas lineales circulares rojizos en las muñecas. Bryan Torres tenía unit herida contusa frontal derecha de un centímetro; equimosis en la región escapular derecha y en el brazo derecho; manos inflamadas; estigmas circulares en las muñecas; estigma negruzco por fricción en el muslo derecho de veinte por nueve centímetros; pies y plantas con coloración roja violócea e inflamados. Aida Virginia Contreras no tenía huellas externas de violencia física reciente. En la averiguación previa a cargo del Ministerio Público, se realizaron las actuaciones que a continuación se precisan. Declaración de Dáygoro Josué Rivera Contreras, quien confesó su autoría en</p>
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						<p>el homicidio de los agentes de la Dirección de Tránsito Municipal; y manifestó que minutos antes de que acontecieran los homicidios, Bryan Torres se encontraba durmiendo en el interior de la casa en que fueron aprehendidos. Declaración de Bryan Torres, rendida ante la autoridad ministerial el pasado 19 de junio, en la que manifestó que el día de los hechos se encontraba durmiendo en casa de su amigo Dáygoro Rivera Contreras, quien lo había despertado para pedirle un dinero; posteriormente, salió de la casa tras de su amigo y desde el porche advirtió que Dáygoro Rivera Contreras forcejeaba con uno de los agentes de tránsito, a quien desarmó y disparó en contra de él. En esa misma declaración refirió que presenció cuando Dáygoro Rivera Contreras le disparó en tres ocasiones al otro agente, quien pretendía pedir ayuda por radio. Declaración de Aida Virginia Contreras quien manifestó que al escuchar los disparos se asomó por la ventana y vio a Bryan Torres en la banqueta al frente de la casa. Los agentes de la Policía Municipal señalaron que al momento de ingresar al domicilio encontraron a Bryan Torres escondido en el horno de la estufa. Vestía un pantalón azul de mezclilla, una camisa blanca con gris, y una camiseta color blanco. Este señalamiento coincide con los resultados de la inspección practicada por el agente del Ministerio Público, en la que se hizo constar que las prendas señaladas se encontraron impregnadas con sangre, dentro del horno de la estufa. Con fecha veinte de junio de este año, el agente del Ministerio Público en funciones de Coordinador de la Fiscalía Especial de Homicidios de la Oficina</p>
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						<p>de Averiguaciones Previas, se declaró incompetente para seguir conociendo de los hechos en lo que respecta a Bryan Torres, y dispuso su presentación en la Escuela de Mejoramiento Social para Menores y la remisión de una copia certificada de la averiguación previa al Presidente del Tribunal para Menores de Ciudad Juárez, Chihuahua, para que dicho funcionario determinara lo que conforme a derecho procediera. El 30 de agosto, el Tribunal para Menores resolvió que quedaba demostrada la participación del menor en el delito de homicidio cometido en contra de quienes en vida fueron Rodolfo Iván Rarnos Díaz y Norberto Javier Longoria Luna; consecuentemente, se determinó que Bryan Torres debía someterse a un programa de internamiento sujeto a readaptación, orientación y protección por un término de veinticuatro meses. La defensa del menor promovió un recurso de revisión ante el Tribunal Superior para Menores del Estado de Chihuahua, que actualmente se encuentra pendiente de resolución. Durante su declaración ante el Ministerio Público de fecha diecinueve de junio, Bryan Torres manifestó que fue golpeado por elementos de la Policía Municipal a quienes imputó que le habían inferido diversos golpes y descargas eléctricas para que se declarara culpable del delito de homicidio, por lo que presentó una denuncia por el delito de lesiones y lo demás que resulte. La Coordinación de Homicidios de la Oficina de Averiguaciones Previas remitió al Área de investigación especializada del delito de lesiones, una copia certificada de la averiguación previa de los homicidios de los</p>
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						<p>agentes de tránsito Municipal, para que se integrara la averiguación correspondiente. El 27 de junio de 2005, la Procuraduría General de Justicia del Estado de Chihuahua ordenó a la Subprocuraduría de Justicia Norte que prosiguiera con carácter prioritario la investigación de los hechos (averiguación previa 15/2005 SJZN) y se emprendieran las respectivas acciones legales. El 21 de junio de 2005, la Sra. Maria de los Ángeles Torres, madre de Bryan Torres presentó una queja ante la Comisión Estatal de Derechos Humanos en Ciudad Juárez (CEDH) y solicitó la intervención de la misma ante el Tribunal para Menores, con el fin de evitar que su hijo fuera incomunicado y de que se corroborara el estado físico y mental del menor, el visitador de ese organismo se entrevistó personalmente con el menor. Con el objeto salvaguardar sus derechos, el 11 de julio de 2005, la CEDH determinó abrir una investigación (No. V071/05) y como diligencias inmediatas se solicitaron los informes respectivos a la Dirección de Seguridad Pública de Ciudad Juárez, y a la Subprocuraduría de Justicia Zona Norte, autoridades que a la fecha ya rindieron sus informes respectivos el día 21 y 25 de julio, actualmente la queja se encuentra en su fase de investigación. Se comunica que como resultado de las indagatorias efectuadas por el Ministerio Público, se ha logrado identificar a 39 elementos de la Secretaría de Seguridad Pública Municipal de Juárez Chihuahua, -entre ellos a Juan Manuel Escamilla León, quien se desempeñó en aquel entonces como Director Operativo de la corporación-, a quienes se les investiga en</p>
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						<p>relación con diversas maltratos inferidos a Bryan Torres. Acerca de los exámenes médicos practicados, se informa que el Ministerio Público cuenta con el certificado previo de lesiones -junto con 10 fotografías originales-, practicado al menor por el médico forense adscrito a los Servicios Periciales, en el que se hacen constar las lesiones anteriormente descritas (Sección 1, Apartado C.2 de este escrito). El órgano investigador también tiene diversas copias de fotografías digitalizadas, en las que se muestran las lesiones que presentaba Bryan Torres, y que fueron tomadas -según el dicho de su madre, María Torres- en la Escuela de Mejoramiento Social para Menores, por personal del Consulado de los Estados Unidos de América en Ciudad Juárez. Finalmente, es pertinente puntualizar que el ofendido, por conducto de la Representación Consular estadounidense, solicitó se aplicara el Protocolo de Estambul para verificar si hubo tortura; por lo tanto, el Ministerio Público local, con fundamento en las disposiciones legales en vigor, acordó dar vista a la Subprocuraduría de Derechos Humanos, Atención a Víctimas y Servicios a la Comunidad de la Procuraduría General de la República, para que en el ámbito de su competencia practique los dictámenes periciales correspondientes. Se informa que a la fecha el órgano investigador ha recabado los testimonios de los elementos de Seguridad Pública Municipal que intervinieron en la detención del menor, así como de la gran mayoría de las oficiales, mandos medios y superiores que estuvieron presentes, dirigieron o tuvieron alguna participación en el operativo</p>
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					<p>que culminó con la aprehensión de Dáygoro Josué Rivera Contreras, Bryan Torres y Virginia Contreras Martinez. También se logró que el menor ofendido identificara -a través de fotografías-a Juan Manuel Escamilla León -que en aquel entonces era Director Operativo de la Secretaría de Seguridad Pública Municipal de Juárez, Chihuahua- como quien le propinó golpes y descargas eléctricas en sus pies, mientras permaneció detenido en la Estación Aldama. El Secretario de Seguridad Pública Municipal remitió copias certificadas de los expedientes -que incluyen la fotografía- los elementos del Grupo Delta de la Policía municipal a la Procuraduría General de Justicia del Estado de Chihuahua, que sirvieron para que Bryan Torres señalara a otros 38 elementos policiacos como responsables de los maltratos. Actualmente se realizan acciones para recabar los medios de prueba pertinentes para determinar la probable responsabilidad de los sujetos involucrados. Se comunica que la Sra. Maria Torres manifestó ante las autoridades de la Subprocuraduría de Justicia de Zona Riorte, que no se le ha ofrecido indemnización alguna. Corresponderá al juez de la causa -a solicitud de Ministerio Público- hacer efectiva la garantía de reparación del daño establecida en el artículo 20, apartado B, fracción IV de la Constitución Política de los Estados Unidos Mexicanos, en caso de que emita una sentencia condenatoria.</p>
148		19/07/05	JAL	IND; TOR;	<p><b>Juan Pérez Pérez y Teodoro Pérez Pérez,</b> indígenas tsotsiles en la comunidad de Yabteclúm, municipio de Chenalhó, Estado de Chiapas. Según las informaciones recibidas: El 10</p>

				<p>de junio del 2005, hacia las 9h00 de la mañana el Sr. Juan Pérez Pérez fue detenido arbitrariamente por dos policías de la base de la policía sectorial en Yabteclúm, cuyos nombres tiene conocimiento el Relator Especial. Los dos policías le hicieron subir a la camioneta tipo "pick-up" de uso oficial de la Policía Sectorial, donde le golpearon repetidas veces con las culatas de sus rifles, mientras le interrogaban sobre los responsables de la emboscada a la camioneta que transportaba dinero del programa Oportunidades, hecho delictivo que había sucedido el mismo día. El 19 de junio del 2005, hacia las 21h00, el Sr. Teodoro Pérez Pérez fue amarrado por el mismo policía del supuesto caso anterior y el comandante de la base de Yabteclúm, junto con otros seis miembros de la policía quienes revisaron sus pertenencias y le robaron \$500 pesos mexicanos que llevaba. El comandante sujetó al Sr. Teodoro Pérez Pérez por el cuello violentamente, sofocándolo, mientras los demás policías lo golpeaban con sus "macanas" y con las culatas de sus armas, también le vertieron agua caliente sobre el pecho e incluso llegaron a desnudarlo amenazándolo con violarlo sexualmente. Se informa que los golpes y malos tratos propinados al Sr. Teodoro Pérez Pérez se prolongaron hasta aproximadamente las 22h30, cuando fue puesto a disposición del Juez de Paz y Conciliación en Chenalhó. El Sr. Teodoro Pérez Pérez estuvo recluso en la cárcel municipal hasta las 8h00 de la mañana del día 20 de junio de 2005 cuando fue liberado debido a la presión de su familia. Según las denuncias, el Juez habría afirmado que los policías le habían indicado que no lo liberara sino hasta las 16h00 del mismo día. Según el peritaje médico y psicológico practicado el 22 de junio del</p>	
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					<p>2005 por iniciativa del Centro de Derechos Humanos "Fray Bartolomé de Las Casas", el Sr. Juan Pérez Pérez presentaba "excoriación en etapa de cicatrización, de aproximadamente 3 centímetros a nivel del octavo espacio intercostal izquierdo sobre la línea axilar anterior y excoriación de forma circular de aproximadamente 2 centímetros de diámetro en el antebrazo izquierdo. Por otra parte, la valoración médica realizada al Sr. Teodoro Pérez Pérez indicó "dolor a la palpación en epigastrio, cuadrante superior izquierdo, y fosa ilíaca izquierda". Además dichos dictámenes médicos y psicológicos confirmaron que los indígenas tsotsiles Sres. Juan Pérez Pérez y Teodoro Pérez Pérez habían sido torturados, y de acuerdo a su propio testimonio, privados de su libertad. Según las informaciones, en la denuncia presentada por las personas antes mencionadas se responsabiliza a los miembros de la Policía Sectorial destacados en la base policial de Yabteclum, cuyos nombres tiene conocimiento el Relator Especial, quienes, según las informaciones, ya no se encuentran en el mencionado destacamento.</p>	
149		28/09/05	AL	TOR;	<p><b>Luis Ignacio Lara Vidal</b>, de 41 años de edad, natural de Cintalapa, Chiapas. El 18 de agosto de 2005, el Sr. Vidal fue detenido en la heladería de Cintalapa por 5 hombres desconocidos quienes, sin presentar ningún tipo de documentación ni orden escrita de captura, amenazaron con pistolas en mano a éste y a su esposa. Los hombres procedieron a llevarse de manera violenta al Sr. Vidal luego de subirlo a una camioneta verde tipo Suburban, sin placas. El día siguiente, María de los Ángeles Hernández Vera, denunció la desaparición de su marido ante la</p>	

				<p>Fiscalía del Ministerio Público. El 20 de agosto, la familia del Sr. Vidal se conoció a través de la radio la noticia de su muerte ocurrida bajo custodia policial en donde se le trataba y acusaba de ser un 'multihomicida'. Su muerte se habría debido a la hipertensión arterial. La familia no fue notificada del paradero de Luis Ignacio Lara Vidal, a pesar de que murió el mismo 18 y que la señora María de los Ángeles denunciara el presunto secuestro el día 19. Ese mismo día María de los Ángeles Hernández Vera, después de interponer una denuncia ante la Comisión Estatal de Derechos Humanos de la ciudad de Tuxtla Gutiérrez, se dirigió al Servicio Médico Forense a reconocer el cuerpo de su marido, dónde, según comenta ella "estaba claramente que había sido torturado, golpeado, tenía moretones por todo el cuerpo y dondequiera que yo lo vi, tenía hasta el labio inferior, el de abajo, lo tenía abierto..." Posteriormente se le fue entregado el cuerpo. La oficina de Comunicación del Estado con un comunicado firmado el 19 de agosto titulado "Multihomicida fallece por hipertensión", afirma que: "Producto de una hipertensión que padecía, Luis Lara Vidal falleció la noche del jueves (...) al ser trasladado de Cintalapa a esta capital, poco antes de llegar a Tuxtla Gutiérrez, el presentado manifestó que le faltaba aire y se desmayó(...) el fiscal del Ministerio Público ordenó la detención de Lara Vidal, por lo que los efectivos de la Agencia Estatal de investigaciones (...) se movilizaron para lograr su detención" lo cual indica que efectivamente no hubo una orden de aprehensión expedida por un juez. Continúa el comunicado: "El resultado de la necropsia de ley, efectuado por expertos en medicina forense de la</p>	
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				<p>Coordinación de Servicios Periciales arrojó que la causa de la muerte fue un derrame cerebral, a consecuencia de la hipertensión que el ahora occiso padecía; además de que en el corazón se le encontraron secuelas de haber sufrido infartos anteriores. Así mismo, el cadáver no presentaba lesiones o indicios de violencia". Sin embargo, el dictamen de la necropsopia realizada a Luis Ignacio Lara Vidal, firmado por el médico forense Jorge Alberto Hernández Salazar, asignado al Servicio Médico Forense, de fecha 19 de agosto de 2005, menciona en el punto de "signos exteriores": "Presencia de equimosis reciente ubicada sobre la región frontal ubicada a 2 cms a la derecha de la línea media anterior de 1.5 cms de diámetro por debajo de la línea de unplanación de los folículos pilosos. Presencia de equimosis reciente de 2 cms de diámetro ubicada en región malar izquierda por debajo de párpado inferior izquierdo. Presencia de equimosis reciente ubicada en el tercio superior de brazo izquierdo en su cara anterior de 2.5 por 3 cms de diámetro. Presencia de tres equimosis paralelas entre sí y con una separación de 0.4 cms entre ellas, ubicadas a nivel de la cara anterior del brazo derecho en su tercio superior, la primera con una longitud de 3 cms y la segunda y la tercera con una longitud de 2 cms cada una. Presencia de equimosis de 0.2 cms de diámetro ubicada en hemilabio inferior izquierdo así como dos equimosis ubicadas en cara interna de la mucosa de labio inferior de 0.2 cms de diámetro. No se aprecia ningún otro tipo de lesión o marca macroscópica en ninguna otra parte de su anatomía. Cabe hacer mención que las lesiones ya descritas aunque recientes de ninguna manera pusieron en peligro su vida". Se alega también</p>
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					<p>que en los días siguientes al entierro de Luis Ignacio, los familiares han sido víctimas de persecución y hostigamiento de personas desconocidas, que pasan por el lugar donde trabaja la Sra. María de los Ángeles Hernández Vera y que el 7 de septiembre de 2005 cuando viajaban de Tuxtla a Cintalapa, un automóvil marca Pointer de color gris con placas del estado con número MB7411 los siguieron hasta la salida de Tuxtla Gutiérrez, pudiendo distinguir a bordo del automóvil a dos personas con una actitud supuestamente amenazadora.</p>	
150		3/10/05	JUA	HRD; IND; TOR;	<p>Sr. <b>Teodoro Pérez Pérez</b>, indígena tsotsil, de la comunidad de Yabteclúm, municipio de Chenalhó, Estado de Chiapas, cuyo caso ya fue objeto de una comunicación enviada el 19 de julio de 2005 por el Relator Especial sobre la tortura y el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas.</p> <p>Desde el pasado 20 de agosto de 2005, dos personas uniformadas como miembros de la Policía Sectorial del Estado de Chiapas, se habrían presentado, en diferentes ocasiones y de manera intimidatoria, en el domicilio del Sr. Teodoro Pérez Pérez. Su esposa les habría atendido solicitando sus datos y el motivo de su presencia, información que los presuntos policías se habrían negado a proporcionar. De acuerdo con las informaciones recibidas, se teme que estos actos de intimidación hacia el Sr. Teodoro Pérez Pérez y su familia sean una represalia por la denuncia penal por tortura presentada por los indígenas toziles Sres. Teodoro Pérez Pérez y Juan Pérez Pérez ante la Fiscalía General del Estado, en contra de dos miembros de la Policía Sectorial, denuncia penal conocida por la Fiscalía</p>	<p>Por carta con fecha el 23/12/05, el gobierno informó de que la Fiscalía General del Estado de Chiapas informó que dieron inicio a las averiguaciones previas por los delitos de tortura, privación de la libertad y los que resultaran responsables, la primera en contra de Eliseo Guzman, Martin Sanchez y quienes resultaron responsables en agravio Teodoro Perez Perez. En cuanto a las medidas relativas a salvaguardar la integridad física y psicológica de los señores Perz Perez, la Fiscalía Especializada para la Atención de Delitos Relacionados con Servidores Públicos, quien en términos e lo dispuesto por los artículos 21 de la Constitución Federal, 47 de la Constitución Local. 38 de la Ley Orgánica y 52 del Reglamento Interno de la FGE Chiapas, 2 y 9 y demás relativos del Código de Procedimientos Penales del Estado, determinara conforme a derecho corresponda.</p>

				<p>Especializada para la Atención de Delitos cometidos por Servidores Públicos, ubicada en la ciudad de Tuxtla Gutiérrez.</p>		
151		3/10/05	JUA	<p>HRD; IND; SALE; TOR; VAW;</p>	<p><b>O. I. L. V.</b> y a <b>Zoila Reyes Santiago</b> de la comunidad indígena mixteca de San Isidro Vista Hermosa, en el distrito de Tlaxiaco, estado de Oaxaca. El 29 de agosto del 2005, O.I.L.V. de 17 años habría sido secuestrada por un hombre enmascarado que le habría obligado a entrar en una furgoneta en cuyo interior se encontraba otro hombre y una mujer. Seguidamente, la furgoneta se habría trasladado a un lugar desconocido donde O.I.L.V. habría sido violada por los captores varones. Esa misma tarde la familia habría recibido una llamada anónima en la que se informaba que O.I.L.V. se encontraba secuestrada por autoridades de Santa Cruz de Nundaco. El 30 de agosto del 2005, O.I.L.V. habría sido obligada a llamar a Zoila Reyes Santiago, conocida dirigente del grupo de San Isidro, para comunicarle que los secuestradores pretendían secuestrar a la hija de Zoila en lugar de ella. El 31 de agosto del 2005, Olga Isabel habría sido puesta en libertad a 40 kilómetros de Santa Cruz Nundaco. Los secuestradores le habrían entregado un sobre con amenazas contra Zoila Reyes y su familia. Asimismo, hemos recibido alegaciones sobre la situación de continuo acoso, amenazas e intimidaciones en la que se encontrarían O.I.L.V. y su familia. Según los datos recibidos, la familia de O.I.L.V. habría sido seguida por un automóvil con cristales tintados y O.I.L.V. habría estado intimidada en varias ocasiones por varones inidentificables con señales obscenas cuando caminaba por la calle. Resultan preocupantes las denuncias recibidas respecto de la supuesta conducta de las</p>	<p>Por carta con fecha de 23/11/05, el Gobierno informó de que en respuesta a una denuncia interpuesta por la Sra. O.I.L.V. ante el Ministerio Público de la Agencia Especializada en Delitos Sexuales el 1 de Septiembre 2005, las autoridades Ministeriales del Estado de Oaxaca estaban investigando las acusaciones, pero que estas investigaciones estaban aun en la etapa de averiguación previa, y por consiguiente, el Gobierno de México no estaba aun en posibilidad de calificarlos.</p>

				autoridades estatales quienes se habrían mostrado reacias a aceptar las denuncias de acoso a la familia y a prestar alguna medida de seguridad para proteger a O.I.L.V. y su familia.	
152		12/10/05	JUA	FRDX; HRD; TOR; <b>Sr. Agustín Chávez</b> , periodista del Noticiero "Enlace Informativo", que transmite la radioemisora "La Poderosa 830 AM" de Tlaxiaco, Oaxaca. El 4 de octubre de 2005, a las 14:30 horas aproximadamente, Agustín Chávez fue agredido en la calle por dos hermanos del ex presidente municipal de Tlaxiaco. Agustín Chávez caminaba junto con otro hombre cuando dos individuos se aproximaron y le dijeron: "Hijo de la chingada, a ti te andamos buscando". Le golpearon durante unos diez minutos, hasta que el Sr. Chávez perdió el conocimiento. Le robaron su cámara, un teléfono móvil y algo de dinero. Al parecer, amenazaron con matarle por haber denunciado la presunta corrupción de algunas autoridades municipales de Tlaxiaco; lo que perjudicaba al hermano de sus agresores. Varios colegas del periodista llegaron al lugar y condujeron al Sr. Chávez a un consultorio médico. El médico ordenó su hospitalización y mantenerlo en observación durante 24 horas. Se informa también que esta agresión fue precedida de varios intentos de intimidación. El 3 de junio de 2005, el periodista recibió una llamada telefónica de un hombre que le dijo que "le bajara el tono o no seguiría vivo para hablar con nadie". Al parecer, el 17 de septiembre, un miembro del actual gobierno municipal de Tlaxiaco le abordó en la calle y le pidió que se retractara de lo que había escrito sobre él en una entrevista. El Sr.	Por carta con fecha 16/12/05, el gobierno informo que el incidente del 3 de octubre de 2005 no fue derivado de la actividad periodística del Sr. Chávez sino de un conflicto personal entre el afectado y el agresor, después de que el Sr. Chávez agrediera verbalmente a la esposa de éste. El mismo día, se inició la averiguación previa 175(I)/2005 en contra de quien o quienes resulten responsables del delito de amenaza en agravio de Agustín Chávez quien presentó denuncia. La averiguación previa sobre las amenazas se encuentra en período de integración. El 3 de octubre de 2005, el Sr. Chávez se presentó ante la Agencia del Ministerio Público del Segundo Turno de la Ciudad de Tlaxiaco para interponer denuncia de los hechos en la que señaló que fue agredido y amenazado por lo que estaba diciendo en la radio. Se inició la averiguación previa 308(I)/2005, en contra de quien o quienes resulten responsables de lesiones dolosas, amenazas y robo con violencia. El 7 de octubre de 2005, se realizó la ampliación de la declaración del Sr. Chávez en la que señaló a sus agresores. El 6 de octubre, uno de los presuntos agresores solicitó su intervención. El 13 de octubre se requirió al Sr. Chávez que presente testigos. Hasta la fecha el Sr. Chávez no ha presentado testigos ni ha

					Chávez pidió al hombre que no le amenazara, y al parecer, éste le respondió golpeándole. Agustín Chávez ha presentado ante la oficina local del Ministerio Público una denuncia formal en la que detalla las agresiones que ha sufrido. También ha presentado una denuncia ante la Fiscalía Especial de Oaxaca para la Atención de Delitos Contra Periodistas. Se teme que estos actos de intimidación y agresión contra Agustín Chávez estén vinculados a su trabajo periodístico.	aportado pruebas para la debida integración de la averiguación previa.
153	Mongolia	2/08/05	UA	TOR;	<b>Seded Bataa</b> (the subject of a previously transmitted communication, E/CN.4/2006/6/Add.4). On 22 July 2005, he died in custody in Prison No. 405 (Tahir Soyut), following his transfer from Zuunmod Pretrial Detention Centre on 5 July 2005. On his arrival, Seded Bataa was bloated, unable to speak, and in very poor health. His family was not informed of his poor health, and he did not receive treatment nor was he seen by any doctor. Although the post-mortem listed the cause of death as tuberculosis, his corpse did not present the normal indications for this disease such as appearing gaunt or emaciated. Rather, his corpse presented, among other things, welts and bruising around the wrists and ankles consistent with accounts of being continuously handcuffed and shackled in his cell. When he was last seen by family members in May 2005, Seded Bataa did not complain of tuberculosis and did not request any need for treatment in this regard. Following his death, the police warned Seded Bataa's family that if they registered a complaint, his body would not be returned for burial as the investigation would be protracted. The family reluctantly complied and the body was cremated on 29 July. His personal effects, including a diary have not been returned.	

154	Morocco	27/07/05	JUA	WGAD; FRDX; HRD; TOR;	<p>M. <b>El Houssein Lidri</b>, M. <b>Brahim Noumria</b>, membres du Forum Vérité et Justice Sahara dissout en 2003, et M. <b>Laarbi Massoud</b>, ex-détenu politique en 1999 connu pour ses engagements en faveur des droits humains. Le 20 juillet 2005, vers dix heures du matin, des agents de la Direction de la surveillance du territoire (DST) auraient fait irruption au domicile de l'activiste sahraouie Mme Fatma Ayach à Laâyoune, où ils auraient arrêté M. El Houssein Lidri, M. Brahim Noumria et M. Laarbi Massoud, trois activistes sahraouis. Les forces de sécurité auraient conduit les trois hommes vers un endroit inconnu, où ils seraient toujours détenus sans accès à l'assistance d'un avocat ni à leurs familles.</p>	<p>Par lettre du 19/09/2005, le gouvernement a indiqué que suite à l'enquête effectuée par la police judiciaire, il s'est avéré que les accusés, qui avaient été arrêtés à la suite des événements qu'a connus la ville d'Al Ayoun, ont été impliqués dans des actes criminels. En outre certains sont accusés d'être impliqués, en tant que participants ou instigateurs, dans des actes de violence et des troubles à l'ordre public, ayant pris comme prétexte le transfert du prisonnier Ahmed Heddi de la prison centrale d'Al Ayoun à celle de Ayat Melloul pour exacerber les tensions et monter des groupes de jeunes contre les forces de l'ordre en leur fournissant les moyens et les armes nécessaires à cet effet. Quant à la dénommée Aminatou Haidar, elle a été placée en garde à vue du 17 juin 2005 à 22 heures jusqu'au 19 juin 2005, après le prolongement du délai de garde à vue de 24 heures sur ordre du Procureur du Roi. La mère de l'intéressée, Dejjia bent Mohammed Fadhel, a été avertie et la défense de Mme Haidar durant l'instruction a été confiée à Me Habib El Reguibi. En ce qui concerne l'allégation selon laquelle il y aurait eu violation du délai de garde à vue, le gouvernement a précisé que le dénommé Ali Salem Tamek a été arrêté le 18 juillet 2005 sur ordre du Procureur général du Roi et placé en garde à vue pour interrogatoire. Il a reçu au cours de sa garde à vue la visite du Procureur général du Roi d'Al Ayoun, qui s'est enquis de son état de santé et s'est assuré du respect des garanties devant être observées au cours de la garde à vue. Il a en outre reçu la visite de son avocat, Me Habib El Reguibi du barreau d'Agadir Al Ayoun et a été présenté, le 21</p>
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						<p>juillet 2005, au Procureur général, qui a décidé de demander l'ouverture d'une enquête au sujet des actes qui lui ont été imputés. L'intéressé a donc été déféré devant le juge d'instruction. Il a bénéficié de toutes les garanties juridiques. Quant aux dénommés Houssein Lidri, Ibrahim Noumria, Larbi Massoud et Mohammed El Moutaouakil, ils ont été placés en garde à vue le 20 juillet 2005 pour être interrogés sur leur participation aux actes qui leur étaient imputés. Ils ont bénéficié de toutes les garanties légales tant en ce qui concerne le délai légal de garde à vue que l'inscription de leurs noms sur le registre de garde à vue. Le 23 juillet 2005, ils ont été présentés au Procureur général du Roi près la cour d'appel d'Al Ayoun, qui a décidé de demander l'ouverture d'une enquête sur les actes qui leur avaient été imputés. Devant le Procureur général et le juge d'instruction, les accusés ont été représentés par Me Mohammed Abou Khaled et Me Hassen Benman du barreau d'Agadir Al Ayoun. Après avoir été interrogés par le juge d'instruction, ils ont été écroués. Pour ce qui est des allégations selon lesquelles les intéressés auraient été victimes de mauvais traitements et de tortures, il y a lieu de signaler que ni le dénommé Ali Salem Tamek ni son avocat n'ont réclamé devant le Procureur général du Roi un examen médical et aucune trace de violence n'a été constatée sur le corps de l'intéressé. Dès que M. Tamek avait été déféré devant le juge d'instruction, le 21 juillet 2005, des instructions ont été données pour qu'il fasse l'objet d'une visite médicale. Un examen effectué par trois médecins a montré qu'il n'y</p>
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155		28/07/05	JUA	WGAD; FRDX; HRD; TOR;	<p>Mme <b>Aminatou Haidar</b>. Mme Aminatou Haidar aurait été arrêtée vers 23 :30 heures du 17 juin 2005 à l'hôpital « Hassan ben Mehdi » de Laâyoune, où elle recevait des soins suite à des graves blessures subies au cours de l'intervention des forces de sécurité lors d'une manifestation pacifique à Laâyoune dans l'après-midi du même jour ayant pour but de dénoncer les violations des droits de l'homme perpétrées par les autorités marocaines à l'encontre des citoyens sahraouis. Mme. Haidar aurait été emmenée au commissariat central de police de Laâyoune, en avenue de Smara, où elle aurait détenue en isolement et soumise à des longs interrogatoires. Elle aurait de surcroît été privée de médicaments et d'alimentation apparemment pour réduire sa résistance. Le 20 juin 2005 Mme. Haidar aurait été transférée à la Prison noire de Laâyoune, où elle serait toujours en détention.</p>	Voir la réponse datée du 19/09/2005.
156		3/11/05	JAL	FRDX; TOR;	<p><b>Lmbarki Hamdi ould Salek ould Elmahjoub</b>. Le 29 octobre 2005, il aurait été arrêté par des agents des groupes marocains urbains de sécurité, suite aux manifestations organisées dans la ville de El Aiun pour exiger le droit à l'autodétermination et la libération immédiate des prisonniers politiques sahraouis. Lmbarki Hamdi, après avoir été brutalisé dans la rue et amené au siège de la police judiciaire, aurait été transféré tard dans la nuit, dans un état critique, à l'hôpital Belmehdi où il aurait succombé à ses blessures. Par ailleurs, les forces de l'ordre auraient violemment réprimée une grande manifestation organisée en ville après la confirmation du décès de Lmbarki Hamdi, et déclanchée une campagne de répression et d'intimidation qui se poursuivrait toujours.</p>	

157	Myanmar	16/02/05	JUA	WGAD; FRDX; HRD; Myanmar; TOR;	<p><b>Khun Htun Oo</b>, Chairman of the Shan National League for Democracy (SNLD), <b>Sai Nyunt Lwin</b>, Secretary of the SNLD, and General <b>Sao Hso Ten</b>. On 9 February 2005, Special Branch Police arrested Mr. Khun, and Mr. Lwin. The reasons for their arrest and detention as well as their current whereabouts remain unknown.</p>	
158		25/02/05	JUA	WGAD; FRDX; HRD; Myanmar; TOR;	<p>Ms. <b>May Win Myint</b>, a member of the National for Democracy (NLD), and the elected Parliament Member from Mayangon constituency. She is detained in Insein Prison (Yangon Division), serving a seven year prison term, which was extended by one year on 2 February 2005. She is suffering from hypertension, heart disease and cervical spondylosis. <b>Than Nyein</b>, NLD member and elected Parliament Member from Kyauktan constituency. He is detained in Prome (Pyi) Prison (Pegu Division), serving a seven year prison term, which was extended for another year. He suffers from liver problems, heart disease, diabetes and nerve problems. On days when he had appointments with doctors he was transferred to a different prison. <b>Ko Nay Oo</b>, a member of the NLD. He is detained in Kalay Prison (Sagaing Division), serving a 14-year sentence. He suffers from mental health problems which are the consequence of both torture and malnutrition. <b>Ko Thet Win Aung</b> and <b>Ko Nay Lin Soe</b>, two student leaders detained in Mandalay Prison (Mandalay Division). The former is serving a 52-year sentence which was increased to 60 years, and the latter, a 14-year sentence. Both suffer from serious mental health conditions. Ko Nay Lin Soe now suffers from poor eyesight and muscle paralysis.</p>	

159		25/02/05	JUA	WGAD; HRD; Myanmar; TOR;	<p><b>U Aung Soe Myint</b>, an NLD member and elected Parliament Member from Taungoo constituency. He is detained in Insein Prison (Yangon Division), serving a seven year sentence. He is severely suffering from diabetes, heart disease and eye problems. He was transferred from Thayet to Insein prison to be examined for his condition, but he has not been treated adequately yet. <b>U Thet Wai</b>, the chairperson of the NLD (Sanchaung Branch). He is serving a two-year sentence in Insein Prison. He underwent an operation at the end of 2004 for a gastric ulcer and appendicitis, but his health situation is still precarious since he is not receiving adequate health care and has to live in halls crowded with prisoners suffering from various diseases. <b>Saw Bin Son</b>, member of Karen National Union. He is has been serving a life sentence since 1984. He is suffering from tuberculosis, and eye and liver problems. He was transferred from Thayet to Insein prison in 2003, but he has never received adequate medical treatment. <b>Ko Thet Naung Soe</b>, a law student. He is detained in Insein Prison, and suffers from severe mental health problems and skin diseases. <b>U Kyi Toe</b>, the chairperson of the NLD (Chauk Branch). He is detained in Thayet Prison (Magway Division), serving a seven year sentence. He suffers from hypertension and a gastric ulcer. <b>U Maung Maung Oo</b>, aged 63, the secretary of the NLD (Thayet Branch). He is detained in Thayet Prison (Magway Division), and suffers from a gastric ulcer due to prison food, and gout. <b>Ko Than Zaw</b>, an organizer of the NLD Youth Wing (Tanyin Branch). Sentenced to death in 1989, he is detained in Thayet Prison (Magway Division). He suffers from eye problems and general bad health. <b>Ko Than Lwin</b>, a member of the NLD. He</p>	
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					is serving a 10 year prison sentence in Moulmein (Mawlamyaing) Prison (Mon State). Since June 2004, his health condition has been deteriorating and he is now in a critical condition due to lack of proper health care. <b>Ko Aye Aung</b> , a student. He is serving a 45-year sentence in Kalay Prison (Sagaing Division). He is suffering from malaria, which is exacerbated by the lack of proper bedding in cold weather. <b>Zaw Myint Maung</b> , an NLD member and elected Parliament Member from Amarapura constituency. He is detained in Myitkyina Prison (Kachin State), serving a 25-year sentence. He suffers from low blood pressure, and numerous undiagnosed black spots on his face. <b>U Saw Nay Don</b> , aged 84, chairperson of the NLD (Paukkhaung Branch). He is detained in Tharawaddy Prison (Pegu Division), and suffers from hypertension.	
160		28/04/05	JUA	WGAD; FRDX; HLTH; Myanmar; TOR;	<b>Ye Kyaw Zwa</b> , aged 33. He is detained in Myingyan Prison, Mandalay, serving a 19-year sentence. Since 2004, he is suffering from severe depression. Despite his poor condition, the authorities have ignored appeals by the family that he be moved to Insein Prison to be closer to them, on humanitarian grounds. <b>Thet Naung Soe</b> , aged 34. He is detained in Insein Prison, Yangon. He is suffering from mental health problems and skin diseases. <b>Kyaw Linn Htun</b> , aged 28. He is detained in Insein Prison. He is suffering from severe depression. <b>Myo Min Zaw</b> , aged 30. He is detained in Mandalay Prison, serving a 52-year sentence. He is suffering from serious mental health problems and gastric pain. He was beaten at the time of his arrest and during interrogation.	
161		4/05/05	JAL	FRDX; HRD; Myanmar;	Ms. <b>Ma Than Htay</b> , also known by her Buddhist name as Mar Lar Yee, and Ms. <b>Ma Tin Tin Oo</b> , also known as Thayzawaddy, both human rights	

				TOR;	defenders and Buddhist nuns. On 16 January 2003 in the morning, they were arrested following their participation in a demonstration near the City Hall, Yangon. On 17 January 2003, the authorities announced that they had been arrested for distributing "pamphlets to agitate the people to stage demonstrations" and for shouting slogans outside the City Hall. Ms. Htay and Ms. Oo were ill-treated in pre-trial detention, and later sentenced to 13 years' imprisonment. Their location of detention is unknown.
162		20/05/05	JUA	FRDX; HRD; Myanmar; TOR;	Prisoners currently detained in Insein Prison, Yangon, involved in a hunger-strike to protest the decision of the Insein Prison authorities to make political prisoners share cells with prisoners convicted of criminal offences, who allegedly ill-treated them: <b>Naing Naing</b> , an NLD Member of Parliament, and <b>Soe Han</b> , an NLD lawyer, (the subjects of a previously transmitted communication, E/CN.4/2005/62/Add.1. para 1009), both serving 21-year terms; <b>Aye Lwin</b> , <b>Han Win Aung</b> , sentenced to seven years' imprisonment; <b>Kyaw Kyaw</b> , <b>Kyaw Moe</b> , <b>Kyaw Naing</b> , and <b>Lwin Ko Latt</b> , students and members of the All Burma Federation of Student Unions (ABFSU); <b>Myo Khin</b> , an NLD member, serving a three-year sentence; <b>Myo Win</b> ; a monk whose name is not known; and <b>Myint Ye</b> , <b>Ne Kyaw</b> , <b>Myint Naing</b> and lawyer <b>Soe Han</b> , who were transferred to other prisons in Myanmar, including Thayet Prison, 340 miles from Yangon. Although the hunger strike has terminated, two protestors were confined to special punishment cells originally built as dog kennels for army dogs, and were severely beaten by the authorities. Some of the prisoners have been denied contact with their families and some are still in solitary confinement.

					Several suffer from health problems. Nine other political prisoners are also being denied contact with their relatives: <b>Hla Moe</b> , <b>Htun Yin</b> , an NLD member from Dallah Township, Yangon; <b>Naing Naing</b> ; <b>Myint Htay</b> , an NLD Youth member, who was sentenced to seven years; <b>Nanda Sit Aung</b> , an ABFSU member, who was sentenced to 17 years' imprisonment; <b>Nan Shin Mon</b> , a student who was sentenced to 15 years' imprisonment; <b>Ohn Than</b> , who was sentenced two years; monk <b>U Rajadamma</b> ; and <b>Zaw Min Oo</b> , an ABFSU student.	
163		2/06/05	JAL	Myanmar; SUMX; TOR;	<b>Ko Aung Hlaing Win</b> , a youth member of the NLD, Hlaing township, Yangon. On 1 May 2005, he was arrested without warrant by an unknown group of men who were assumed to be soldiers. The authorities did not inform his family of the reasons for his arrest and of his whereabouts. On 10 May, the commander of an interrogation centre, informed his family that he had died of a heart attack on 7 May. The commander tried to give Mr. Win's family 100,000 kyats to use for the prayer ceremony. His family refused to take the money. His family published an announcement where they stated that Mr. Win had "passed away unexpectedly" or "for unknown reasons". The authorities forced them to change the announcement into "Ko Aung Hlaing Win passed away because of a general disease".	
164		1/07/05	JUA	WGAD; FRDX; Myanmar; TOR;	<b>U Hkun Htun Oo</b> , chairman of the Shan National League for Democracy (SNLD), aged 62. Since 9 February 2005, he has been detained incommunicado in the special cell of Insein Jail, Yangon, charged with treason, among other things. U Htun Oo suffers from breathing and stomach problems, and urgently needs proper medical treatment.	



165		27/07/05	JUA	FRDX; Myanmar; TOR;	<p><b>U Win Tin</b>, aged 75, an editor and senior advisor to the NLD. He was arrested 16 years ago on 4 July 1989 and received three consecutive sentences totaling twenty years. He is currently detained in Insein Prison. U Win Tin is suffering from heart disease and spondylitis, and is in and out of the prison hospital. His poor state of health has been exacerbated by his treatment, which has included torture, inadequate access to medical treatment, and detention in a cell designed for military dogs, with concrete floors, and without bedding. He has for long periods of time been deprived of food and water. He is Myanmar's longest serving prisoner of conscience. He has been denied the right to a fair trial and to humane prison conditions. In 1996, he was again sentenced for his attempt to send a report detailing the ill-treatment and inhumane prison conditions in Insein prison to the UN Special Rapporteur on Myanmar.</p>	
166		2/11/05	JAL	FRDX; HLTH; MIN; Myanmar; SALE; TOR; TRAF; VAW;	<p><b>Widespread and systematic violence against women and girls.</b> Women and girls are subjected to violence by soldiers, especially sexual violence, as 'punishment' for allegedly supporting ethnic armed groups. The authorities sanction violence against women and girls committed by military officers, including torture, inter alia, as a means of terrorising and subjugating the population, particularly those in the Shan state. One report detailed the alleged rape of 625 women and girls in Shan State by soldiers from 52 different battalions. It was alleged that 83% of the rapes were committed by officers, often in front of their troops; and 61% of the rape incidents involved gang rapes. In only one of these cases was the perpetrator punished by his commanding officer. On many occasions there was apparently no</p>	

				<p>attempt to conceal the bodies of dead women who were raped and subjected to other acts of violence. While in detention, particularly in military camps, women and girls, as men, suffer from the existing harsh conditions including overcrowding, poor sanitation, lack of proper food and nutrition as well as a lack of access to adequate medical treatment. Most prison officials are male and prisons are not necessarily gender segregated. Women are not provided with the necessary sanitary supplies for their menstruation, clothes or adequate water to be able to wash, while in detention. Pregnant women are frequently denied medical or other assistance while giving birth, which often leads to complications for both mother and child. In most cases, especially when the perpetrators are government officials, victims do not lodge complaints to the authorities on any acts of violence committed against them, for fear of retaliation by the perpetrators. In many instances, those that do complain are invariably instructed to accept meagre compensation under the threat that if they do not retract their complaint, they would be subjected to more violence. Alternatively, they are arbitrarily arrested and detained until they withdraw their complaints. Sometimes the families of the victim are threatened as a means of exerting pressure on the victim. Medical personnel who treat a rape victim are reluctant to take any action with the authorities out of fear of possible reprisals against them. In August 2002, government authorities carried out investigations into the report 'Licence to Rape' where rape cases of Shan women and girls from 1996 to 2001 were documented. It is reported that the authorities forced people throughout central and southern Shan State to</p>	
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					<p>sign documents testifying that no incidents of sexual violence had been committed by military troops in their areas. In some places, people were also made to stage public demonstrations to support this claim. It was then publicly announced by the authorities that the findings of the said report were false and fabricated. In October 2002, prior to the visit in Shan state of the Special Rapporteur on Myanmar, the authorities threatened Shan villagers not to testify against their troops and sent out military intelligence officers to track down rape survivors. The same warnings were sent to the population prior to the visit of a delegation from the ICRC in Southern Shan State in late 2002. Military officers threatened to cut the tongues and slit the throats of anyone who dared speak to the ICRC delegations about human rights abuses committed by the military troops. The population was similarly threatened when a delegation from Amnesty international visited Myanmar in January 2003.</p>
167		15/12/05	AL	TOR;	<p><b>Ko Min Zaw Oo</b>, aged 35, and <b>Ko Zaw Win</b>, aged 27, two brothers, of Ward No. 18, Hlaingthayar Township, Yangon. On 29 April 2005, they were arrested by officers of the Hlaingthayar police. During the arrest the two brothers were kicked and beaten. Ko Min Zaw Oo was released on the same day and Ko Zaw Win was released on 30 April. On 1 May, the two brothers went to the police station to lodge a complaint. However, they were taken into custody on charges of being drunk and disorderly. On 8 May, Ko Zaw Win was released and Ko Min Zaw Oo was sent to Insein Prison, where he was kicked and beaten.</p>

168		Follow-up to past cases			Ms. <b>Naang Kham</b> , and <b>Zaai Yi</b> (E/CN.4/2005/62/Add.1, para. 1002).	By letter dated 30/03/05, the Government informed that an inquiry confirmed that the incident did not occur. Naang Kham and Zaai Yi did not live in Nwang Hai village and that the Light Infantry Battalion had not been present in that area.
169					<b>N. S.</b> and <b>N. L.</b> (E/CN.4/2005/62/Add.1, para. 1003).	By letter dated 30/03/05, the Government informed that the incident did not occur. There is no village called Saai Murng in Lai-Chi Township. There are two villages with similar sounding names. However, nobody with the names of N.S or N.L lived there. There is no report of the alleged incident at Ta-Khi-Laek Hospital.
170					<b>Saang Zi-Na</b> , <b>Naang Non</b> , and <b>Naang Zaam</b> (E/CN.4/2005/62/Add.1, para. 1004).	By letter dated 30/03/05, the Government informed that the incident did not occur. The three individuals were not residents of Paang Sa village and there are no records of a shooting occurring there.
171					Ms. <b>Naang Khin</b> , and <b>Naang Lam</b> (E/CN.4/2005/62/Add.1, para. 1005).	By letter dated 30/03/05, the Government informed that the incident did not occur. The village of Wan Zing does not exist. There is a village with the similar sounding name of Wan-San. However, the two individuals did not live there and there are no reports of the incident having occurred.
172					Ms. <b>Naang Sa</b> , and <b>Zaai Leng</b> (E/CN.4/2005/62/Add.1, para. 1006).	By letter dated 30/03/05, the Government informed that the incident did not occur. The Light Infantry Battalion was not assigned to the area and the two individuals did not live there.
173					Ms. <b>Pa Ong</b> (E/CN.4/2005/62/Add.1, para. 1007).	By letter dated 30/03/05, the Government informed that the incident did not occur. The individual did not live in Maak Laang village and the Light Infantry Battalion had not been present in that area.

174					Ms. <b>Naan Zum</b> (E/CN.4/2005/62/Add.1, para. 1008).	By letter dated 30/03/05, the Government informed that the incident did not occur. It informed that there is no village called Murng-Su in Shan State. The individual did not live in any villages with similar sounding names.
175	Nepal	14/12/04	JUA	EID; TOR;	<b>Kafle Naniram</b> , a 23 year-old agricultural worker, Naubise Village Development Committee (VDC)-1, Dharke, Dhading. On 20 September 2004, at about 12:30pm, a group of about 50 armed security personnel of the Royal Nepalese Army (RNA), Armed Police Force (APF) and Nepal Police entered his house, and arrested him without a warrant or giving any cause for his arrest. His relatives were told that he would be returned home in about four or five days, after the interrogation, however, his whereabouts are still unknown. A petition (no. 1270) was registered at the National Human Rights Commission on 4 October 2004.	By letter dated 7/03/05, the Government informed that he was not in police custody on 20 September 2004.
176		14/12/04	JUA	EID; FRDX; TOR;	<b>Prakash Thapa</b> (the subject of a previously transmitted communication, E/CN.4/2005/62/Add.1, para. 1177). He was the subject of a joint urgent On 9 December 2004, he was released, but rearrested immediately after. He and his wife left the building compound of the Chief District Officer together with some human rights activists and proceeded to leave in a taxi. A TATA van with registration number "Ba 1 Cha 9769" stopped in front of it, and security forces personnel in plain clothes emerged from it and took Prakash Thapa away. Before he was taken away, Prakash Thapa confirmed to his wife that the security forces personnel were from the Shree Jang barracks. He also confirmed that he had been tortured in detention, but that a soldier had told him that due to his link to a "UK-based organisation", he was not tortured as badly as	

				some of the other detainees. Following his previous arrest, a habeas corpus petition was filed at the Supreme Court on 16 November 2004. On 2 December, the Supreme Court informed the family that the Prakash Thapa was held on the orders of the Kathmandu Chief District Officer at the Shree Jang barracks, Singha Durbar, under the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO). The Shree Jang barracks also confirmed to the Supreme Court that he was being held there by the order of the Kathmandu Chief District Office. The Court subsequently ordered the Shree Jang barracks to release Prakash Thapa.	
177		26/01/05	JAL	FRDX; HRD; TOR;	<p><b>Jitman Basnet</b>, a lawyer and editor of the <i>Sagaramatha Times</i>. On 4 February 2004 at 6pm, he was abducted from Tinkune, Kathmandu, by four armed men in plain clothes. He was taken to a detention camp run by the RNA. During the first days of his detention he was repeatedly subjected to severe assaults, including being kicked, punched, hit with a pipe and sticks, and repeatedly submerged in a hole filled with water. He was questioned about an article he wrote and published in the <i>Sagaramatha Times</i> about an incident in which the RNA allegedly killed 19 arrested Maoist rebels. Mr. Basnet was also forced to remain undressed in cold temperatures and was denied food for several days. Three sets of <i>habeas corpus</i> proceedings were brought on his behalf before the Supreme Court. In all three cases, the RNA denied detaining him. The RNA transferred him and other camp detainees to different places on three occasions in order to hide them from the International Committee of the Red Cross (ICRC). Mr. Basnet was released on 17 October 2004, but may be arrested again.</p>

				<p><b>Bishnu Prasad Bastola</b>, the public relations officer of the NGO HimRights. On 2 December 2004, wearing the distinct HimRights LifeLine vest, he gave a ride home on his motorcycle to Bal Kumar Devkota, a man released from the central jail that day. Security forces in a van with the license plate no. "Ba.2.Cha 3979", stopped Mr. Bastola in front of the Hotel Himalaya, Kupondole, Lalitpur, and attempted to hit him several times. They pushed him aside and dragged Mr. Devkota from the motorcycle and boarded him into the van and drove away. <b>Kailash Thakur</b>, Human Rights Organisation of Nepal (HURON) Nawalparasi District President, and HURON members <b>Dhana Jaisi Sharma</b> and <b>Narsarulla Ansari</b>. On 24 December 2004, a delegation of the National Human Rights Commission (NHRC) visited Nawalparasi District, where they visited the Guthisuryapura VDC. That same evening, the same VDC suffered an attack by Maoist forces which resulted in the killing of two villagers. The following day, 25 December, a group of representatives of civil society organisations, including Mr. Thakur, Mr. Sharma and Mr. Ansari, returned to the Guthisuryapura VDC, in order to gather information about the attack of the preceding evening. Tensions arose between the villagers and the team of civil society activists. Security forces present at the site proceeded to arrest Mr. Sharma and Mr. Ansari, purportedly for security reasons, and placed them in a police van. In the police van, both of them were blindfolded, their hands tied behind their backs, were kicked with boots and hit on their shoulders with gun butts. Having observed this treatment, Mr. Thakur approached the van and requested the security forces to stop. He was arrested and put into the</p>	
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				<p>same van. The security forces took the men to the Armed Police barracks, Bardhghat, Makar VDC. There they were photographed and taken to the office of the Chief District Officer (CDO). Their cameras were seized and they were asked to name all the persons who had accompanied the NHRC on its monitoring visit of the VDCs of Nawalparasi District. They were questioned on the whereabouts of human rights activists affiliated with the Forum for Protection of Human Rights (FOPOHR), and the Federation of Journalists Association of Nawalparasi District. Mr. Thakur, Mr. Sharma and Mr. Ansari declined to answer these questions. After the questioning, they were released on the personal guarantee of the District President of the Nepal Bar Association on the condition that they report back on 28 December 2004. When the men presented themselves on 28 December 2004, they were received by the CDO and a colonel of the army, and again asked to provide the names of their colleagues who were with them on 25 December. The Army Colonel said that he had received orders to detain them in the barracks, but that he was "kind enough" to hand them over to the CDO. They were also informed that they were alleged to have links with the Maoist rebels. On the same day, 28 December 2004, Mr. Thakur, Mr. Sharma and Mr. Ansari complained to the NHRC about these incidents. In a press conference in Kathmandu on 31 December 2004, the spokesperson of the RNA accused international and national human rights defenders of being carried away by the Maoist propaganda and of discrediting the RNA. He further accused the "so-called human rights activists" of terrorizing the people and supporting the Maoist rebels, citing the HURON members</p>	
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					<p>arrested in Nawalparasi District (i.e. Mr. Thakur, Mr. Sharma and Mr. Ansari) as an example.</p> <p><b>Naman Kumar Shahi</b>, a member of the Informal Sector Service Centre (INSEC), and <b>Bhupendra Shahi</b>, editor of the Gorkhapatra Daily, District Chairman of Journalist Forum and District President of the Human Rights and Peace Society (HURPES). On 2 January 2004, they went to Dailekh District to collect information relating to the killings of Dil Bahadur Rana, a member of the District Working Committee of the Nepali Congress Party, as well as the Secretary of the Independent Committee of the Internally Displaced Persons in the Dailekh District, who was killed by Maoist forces that day. At around 3pm at Nayabazaar, Narayan Municipality, the two men were assaulted and beaten by a plain clothed policeman of the Dailekh District Police Office. On behalf of the police, the Head of the District police apologized for the misconduct of the officers.</p>
178		10/03/05	JUA	EID; TOR;	<p><b>Dilli Ram Apagain</b>, a 25 year-old student, Chiparatole, Biratnagar sub-metropolis -32, Morang District. On 27 February 2005 around midnight, he was taken from his home by 15 people dressed in civilian clothes, who identified themselves as security forces personnel. The abduction was witnessed by relatives, and the security personnel told the family that Mr. Apagain would be sent back home following an investigation. Since then, his whereabouts remain unknown and his family has been unable to obtain any information about him. Relatives believe he may have been arrested on suspicion of involvement with the Communist Party of Nepal (Maoist). His abduction was reported on 2 March 2005 to the eastern regional office of the National Human Rights Commission, Biratnagar. Appeals</p>

					on his behalf were also sent to the Ministry of Defense, the Home Ministry, the RNA, APF, and the police.	
179		12/04/05	JUA	WGAD; TOR;	<b>Narayan Bajgain</b> , aged 40, <b>Tika Ram Uprety</b> , aged 50, <b>Prem Prasad Chapagain</b> , aged 55 and <b>Damber Pandey</b> , aged 36. On 3 April 2005 at around 8am, Mr. Bajgain was detained at his home. At around 3pm, Mr. Uprety, Mr. Chapagain and Mr. Pandey were detained by RNA personnel, while they were attending a meeting of an environmental group, the Forest Users Committee. It is not clear why they were taken into custody. All four persons are believed to be held incommunicado at the Charali Barracks, Jhapa District, where detainees previously held have claimed that they were tortured and subjected to mock executions.	By letter dated 14/09/05, the Government informed that Tika Ram Uprety was arrested on 3 April 2005 by the RNA under TADO. He is in preventative detention at the District Jail in Jhapa.
180		3/05/05	JAL	FRDX; TOR;	<b>18 metis</b> , or males who dress as women, Kathmandu. On 13 April 2005 at around 11 pm, they were attacked by police officers from Durbar Marg Police Station as they walked along the Kantipath Road toward a festival. One person was threatened at gunpoint, beaten in the stomach with the butt of a gun, and kicked repeatedly. Another suffered a broken hand. The inspector of the Durbar Marg station watched the beatings from inside a nearby police van. Nine persons were severely beaten with batons, gun butts, and sticks. The metis attempted to report the incident at the station, but police refused them entry. They went to the Bir Hospital, where their injuries were treated and recorded.	By letter dated 1/07/05, the Government informed that Durbar Marg Police had tried to pacify those male "metis" who were under the influence of alcohol and were trying to fight with local people. When the police patrol team attempted to pacify them, they picked a fight with the police. The patrol team then chased them away. The police did not beat them, take them into custody or subject them to mental torture.
181		11/05/05	UA	TOR;	<b>Sailendra Maske</b> , aged 35 years (the subject of an urgent appeal dated 13 April 2005 by the Chairperson-Rapporteur of the Working Group on arbitrary detention). He is now known to be detained at the Shivapuri Barracks. He is suffering	By letter dated 14/09/05, the Government informed that he was a member of the Maoists. He was arrested on 18 April 2005 by the RNA. He surrendered on 26 April 2005 and has formally requested, and is receiving, protection

					from an eye infection and has chest pains and to this date has been denied access to a doctor. His wife has been allowed to visit him, as have members of the NHRC who reportedly found him blindfolded and handcuffed.	from the security forces in view of the threat posed to him by the Maoists. He was not tortured in custody.
182		26/09/05	JUA	WGAD; FRDX; IJL; TOR;	<b>Prem Bahadur Oli, Tek Bahadur Khatri, Man Bahadur Bista, Padam Sarki, Birman Sarki, Tapta Bahadur Giri, Bir Bahadur Karki, Padam Bahadur Budha, Gagan Singh Kunwar, Dhawal Singh Bohara and Ujal Singh Dhami</b> , all from Jogbudha VDC in neighbouring Dadeldhura District. On 19 September 2005, these 11 men were rearrested by the security forces immediately after a court had ordered their release, and taken to an undisclosed location. The men were first taken into custody on 17 August 2004, while attending a mass meeting held by the Communist Party of Nepal (CPN) (Maoist) in Kanchanpur District. Security forces broke up the meeting, arresting any participants who did not flee. The 11 men were initially held incommunicado at the Surya Dal barracks in Bhagatpur, Kanchanpur District, and transferred to Kanchanpur Prison in November 2004. In May 2005, representatives of Amnesty International visited several of the detainees at Kanchanpur prison. The AI representatives found that Birman Sarki had severe mental disabilities, apparently as a result of torture and ill treatment during his earlier detention at the Surya Dal barracks. He was hardly able to speak, and the scar of a serious head wound was visible. The other detainees told AI that Birman Sarki had been savagely beaten by soldiers at the barracks after expressing concerns about the safety of his wife and young children. On 12 May 2005, the Kanchanpur Appeal Court ordered the release of	

				<p>the detainees on the grounds that the Government had not provided sufficient evidence to justify their preventive detention under the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO). The security forces took them back to Kanchanpur Prison, where they ordered them to sign papers stating that they had been released. However, instead of freeing the men, the security forces transferred them to the Kanchanpur Regional Police Office and subsequently obtained authorization from the Chief District Officer to again hold them in preventive detention under the provisions of TADO. On 15 June 2005, the Appeal Court again ruled that the detention of the 11 men was illegal and that they should be released immediately. However, the police took the men back to Kanchanpur prison. Fearing that the men would be re-arrested, their lawyers followed them to the prison, accompanied by journalists and other human rights defenders. Despite lawyers' protests, the detainees were made to sign release papers and loaded into a vehicle parked outside. After security forces ordered the lawyers to leave the premises, the detainees were driven to the Kanchanpur Regional Police Office and later transferred back to the district jail. On 16 September 2005, the Supreme Court ruled that the group's detention was illegal and ordered their release in the presence of the Kanchanpur District Court. On 19 September 2005, police brought the detainees to the court house in three vehicles escorted by about 35 security forces personnel, waited while their release was recorded by the District court registrar, and then ordered the group to get back into the vehicles. The detainees were driven in the direction of the Kanchanpur Regional</p>	
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					Police Office, where it is thought that they may be detained. However, the authorities have not confirmed the location of their current detention.
183		9/11/05	JAL	TOR; VAW;	Several metis, men who identify themselves as women: <b>Pupsa</b> , aged 21, <b>Sanjaya</b> , aged 25, <b>Suntali</b> , aged 21, <b>Neema</b> , <b>Umesh</b> , <b>Rabi</b> , and <b>Kala Rai</b> , Thamel, Kathmandu. On 24 September 2005, in the evening in Thamel, some police officers approached a group of metis. One of the police officers burnt a cigarette on the hand of Pupsa, forcibly touched her private parts, and requested that she have sex with him. When she refused, he became violent towards her, pulling her hair and slapping her. When Sanjaya, Suntali, Neema, Umesh, and Rabi intervened, the policeman went away. Later, he returned with some men, who started beating the metis and the metis responded throwing some stones at the men. Around 2am on 25 September, policemen detained Kala Rai, beat her and took her to Durbar Marg Police Station accusing her of having hit one of their colleagues with a stone. Kala Rai was kept in detention up to 6pm and told that she had to pay a fine of 28,000 rupees on a public offence charge. She was also forced to perform oral sex with two policemen. She was released after paying 1000 rupees. Attempts were made to lodge a complaint on her behalf at the NHRC and the Human Rights Cell of the Nepal Police, but both refused to investigate.
184		25/11/05	UA	TOR;	<b>Raj Kumar Rai</b> aged 17. On 15 June 2005, he was arrested by the Kalimati police on suspicion of stealing his employer's bicycle. On 29 June, he was remanded in custody after having been held in four different places of detention. He was

					<p>initially detained at Kalimati Police Unit for about two hours, where he was repeatedly kicked with heavy boots on his back and thighs and punched in the chest by two men. He was then detained at Kalimati Ward Police Office for 10 days, where he was blindfolded and beaten with a bamboo stick on his back, arms and legs by a policeman for three hours. He was not provided with any food and had to rely on other detainees sharing their food with him. He was transferred to Hanumandhoka District Police Office, where he was beaten with a bamboo stick. <b>Chandra Bahadur Basset</b>, alias <b>Manoy</b>, aged 28. On 24 August 2005, he was arrested at Dhankuta Hotel. On 25 August 2005, the deputy superintendent of the District Police Office, Morang, telephoned his relatives to ask them to come and collect his body. The relatives were informed that he had been killed in a security operation. On inspection of his body, it was found that he had two bullets wounds to his chest and neck and contusions on his chest, neck and genitals. <b>Santosh Champlagain</b>. He is currently being detained in Morang Prison.</p>	
185		28/11/05	JUA	<p>SALE;  TOR;  VAW;</p>	<p><b>R. B.</b> Khidim VDC, and <b>G. N.</b>, Pali VDC, both aged 15, Arghakhanchi. On 17 April 2005, R. B. was arrested by security forces in the District of Arghakhanchi and detained in different places: at the Thada Barracks for two days and Sandhikharka Barracks, Taulihawa, for four days. At the District Police Office, Sandhikara, she was kicked and beaten by members of the security forces, and subjected to sexual harassment. On 10 May, G. N. was arrested and initially held overnight at Sandhikharka Barracks. She was then transferred to the District Police Office, Sandhikharka, where she was kicked and beaten</p>	

					<p>by members of the security forces. On 17 June, they were both transferred from the District Police Office, Sandhikara, to Kapilvastu Prison where they were arrested on suspicion of being involved with the Communist Party of Nepal. They were arrested under the Terrorist and Disruptive Activities (Control and Punishment) Ordinance which allows for preventative detention for up to one year. On 4 September, the Appeal Court in Butwal District ruled that their detention was illegal and they were released in front of the Kapilvastu District Court on 5 September. However, they were re-arrested by the police shortly after being released. It is believed that they are being held at Kapilvastu District Police Station, Taulihawa.</p>
186		7/12/05	AL	TOR;	<p><b>Chandrali Giri</b>, aged 22, Okhaldhunga VDC - 7, Okhaldhunga. In January 2005, he was detained by six to seven plain-clothed men in the Pulchowk Lalitpur area. He was driven to an unknown location where he was detained for one week. He was interrogated about involvement with the Maoists by members of the RNA. His hands and legs were tied together and he was subjected to electric shocks to his head. He was kicked and beaten, including with sticks, to his head, chest, back and thighs. He was subsequently transferred to the Shree Jung Barracks, Singh Durbar, where he was detained for 14 days, and continued to be tortured. On 19 January, he was transferred to the Central Jail where he was remanded in custody. On 5 June, a habeas corpus petition was filed and the court ordered his release from the Central Jail on 21 June.</p> <p><b>Lokendra Khadka</b>, aged 27, of Panchkanya VDC-1, Sunsari District. On 24 July 2005 at about 5am, he was arrested by six to seven plain-clothed men at his sister's house in Kapan,</p>

					<p>Kathmandu. During the journey to the barracks in Sinhadarbat he was hooded and handcuffed. The men pulled at the flesh and hair on his stomach, beat him around the head and pulled on his genitals. At the barracks, he was interrogated by army personnel who tried to force him confess to being a Maoist. He was subjected to electric shocks on both ears whenever he denied their allegations. He was also hit with bamboo sticks and had water put up his nose. At some point during the interrogation, three to four army personnel took turns to step on his stomach and punch his chest as he was lying on the floor with his hands tied in front of him. The treatment continued until approximately 10pm on 24 July, and during the morning on 25 July. He was released at about 11am on 25 July.</p>
187		13/12/05	JAL	FRDX; TOR;	<p><b>Bharat Shahi</b>, Chuli Sandesh weekly editor, <b>Bhimsen Rajbahak</b>, Communication Corner journalist, <b>Kamal Pariyar</b>, Jana Sangharsa weekly journalist, <b>Rodan Rai</b>, The Himilayan Times photographer, <b>Gyanendra Sharma</b>, Nepal One TV cameraman, <b>Tilak Mahat</b>, a reporter for the regional daily Lumbini Dainik and <b>Suresh Sainju</b>, a journalist. On 6 September 2005, the five journalists were assaulted by the police at an opposition pro-democracy rally in Kathmandu. Bharat Shahi was hit on the head with batons and kicked by plain-clothed and uniformed policemen. He was detained and later admitted to Bir Hospital. Bhimsen Rajbahak, Kamal Pariyar, Rodan Rai and Gyanendra Sharma were ill-treated and detained but later freed by police. On 13 September 2005, Tilak Mahat and Suresh Sainju were beaten with clubs at a demonstration.</p>



188		Follow-up to past cases			<b>Hom Bahadur Bagale</b> (E/CN.4/2004/56/Add.1, para. 1139 and E/CN.4/2005/62/Add.1, para. 1023).	By letter dated 14/09/05, the Government informed that he was involved in the theft of gold. He was not subjected to torture and is presently working at the Central Police Band.
189					<b>Champa Bishwakarma</b> (E/CN.4/2004/56/Add.1, para. 1167-1168).	By letters dated 8/03/05 and 14/09/05, the Government informed that she had been arrested on 6 February 2002 under TADO. She had been detained in Banke Jail, first under TADO and later under the Public Security Act. She was released on 24 March 2004. She was not subjected to any form of torture or ill-treatment.
190					<b>Rewati Sapkota</b> (E/CN.4/2004/56/Add.1, para. 1169-1170).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was released on 7 June 2002. A case was filed in the District Court, Kathmandu seeking compensation. The court dismissed the case on 24 June 2005.
191					<b>Hari Lamsal</b> (E/CN.4/2004/56/Add.1, para. 1171-1172).	By letter dated 8/03/05, the Government informed that he was released on 21 February 2003. He was not ill-treated or tortured while in custody.
192					<b>Prithwi Kumar Prajapati</b> (E/CN.4/2004/56/Add.1, para. 1175, 1178).	By letter dated 14/09/05, the Government informed that there is no information about his arrest by any authority.
193					<b>Abdesh Singh, Kumar Lama and Manoj Lama</b> (E/CN.4/2004/56/Add.1, para. 1186-1187).	By letters dated 8/03/05 and 14/09/05, the Government informed that Abdesh Singh and Manoj Lama were in custody in Kathmandu and had been charged with theft. Abdesh Singh was being detained in the Central Jail in Kathmandu; and that Kumar Lama had not been tortured and had been released on bail. An investigation is underway to confirm whether he had been tortured.
194					<b>Nirmal Kumar</b> (E/CN.4/2004/56/Add.1, para. 1185).	By letter dated 14/09/05, the Government informed that there is no information of his arrest or detention.

195					<b>Ravan Kiran Regmi</b> (E/CN.4/2004/56/Add.1, para. 1188).	By letters dated 8/03/05 and 14/09/05, the Government informed that was arrested by the RNA on suspicion of involvement of terrorist activities on 5 September 2003. He was not tortured or ill-treated.
196					<b>Balaram Sharma, Shanta Shrestha, and Sobhit Yadav</b> (E/CN.4/2004/56/Add.1, para. 1191-1192).	By letters dated 8/03/05 and 14/09/05, the Government informed that Balaram Sharma was released from custody on 12 November 2003; Shanta Shrestha was handed over to the ward police post, Gaushala, Kathmandu, on 17 September 2003; and Sobhit Yadav was handed over to the District Police Office, Dhanusha, on 25 March 2004. Balaram Sharma, Shanta Shrestha had not been tortured or ill-treated.
197					<b>Om Bahadur Thapa</b> (E/CN.4/2004/56/Add.1, para. 1193-1194).	By letter dated 14/09/05, the Government informed that he was arrested by the RNA on 11 September 2003, and was released. He was not tortured in custody, which is confirmed by a written statement filed with the RNA Human Rights Cell.
198					<b>Mophiuddin Khan</b> (E/CN.4/2005/62/Add.1, para. 1195).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was was arrested on 12 May 2003 on suspicion of involvement in terrorist activities and held at Banke Jail under the Public Security Act. He was released on 14 January 2005.
199					<b>Shubhashankar Kandel</b> (E/CN.4/2004/56/Add.1, para. 1196).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by the RNA, and released on 11 October 2003. He had not been ill-treated in detention.
200					<b>Navin Pun</b> (E/CN.4/2004/56/Add.1, para. 1197).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by the RNA for general enquiry on 22 September 2003, and released on 25 September 2003. He was not tortured in detention.

201					<b>Lokendra Dhvaj Khand</b> (E/CN.4/2004/56/Add.1, para. 1200 - 1201).	By letters dated 8/03/05 and 14/09/05, the Government informed that he had been arrested on 27 August 2003 and released on 16 February 2004. He was not tortured in detention.
202					<b>A.L., Nirmala Bhandari, and Ujjwal Shukla</b> (E/CN.4/2004/56/Add.1, para. 1202, and E/CN.4/2005/62/Add.1, para. 1043).	By letters dated 8/03/05 and 14/09/05, the Government informed that A.L. was arrested on 8 September 2003 for interrogation and released on 27 September 2003; and that Nirmala Bhandari had been arrested on 15 September 2003 and released on 8 October 2004. A claim for compensation in the District Court, Kathmandu was dismissed. The Government further informed that Ujjwal Shukla was arrested on 23 September 2003 and released on 28 September 2003. They were not tortured.
203					<b>Prakash Chandra Lohani and Pradeep Adhikari</b> (E/CN.4/2004/56/Add.1, para. 1203-1204).	By letter dated 14/09/05, the Government informed that Prakash Chandra Lohani was held in preventive detention at Dhading Jail under TADO. Pradeep Adhikari is not in custody by any authority.
204					<b>Dharma Raj Dangol</b> (E/CN.4/2004/56/Add.1, para. 1205 - 1206).	By letters dated 30/03/05 and 14/09/05, the Government informed that he was arrested on 2 June 2004 by the RNA for investigation and held in detention at Dhulikhel Jail by order of the District Administration Office in Kavre District under TADO. He was released on 23 March 2005. He was not tortured.
205					<b>Deepak Thapa</b> (E/CN.4/2004/56/Add.1, paras. 1207- 1208)	By letter dated 14/09/05, the Government informed that he was arrested by police on 24 September 2003 on suspicion of involvement in a burglary case. He was in the custody of the District Police Office Hanumandhoka, Kathmandu. A case against him was filed with the district court on 24 September 2004. He was sent to Central Kathmandu Jail by order of

						the district court since he failed to pay Rs 4000 for his bail. He was not subjected to torture or ill-treatment.
206					<b>Ram Bahadur Limbu</b> (E/CN.4/2004/56/Add.1, para. 1209).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by the RNA on 26 September 2003 on suspicion of terrorism and held in preventative detention in Morang Prison under TADO. He was subsequently released. He was not tortured.
207					<b>Deepak Kumar Chaudhary</b> (E/CN.4/2004/56/Add.1, para. 1210).	By letter dated 8/03/05, the Government informed that he is not being held in custody.
208					<b>Prem Sagar Karmacharya</b> (E/CN.4/2004/56/Add.1, para. 1211).	By letter dated 14/09/05, the Government informed that he was is not in custody by any authority.
209					<b>Ram Chandra Maharjan</b> (E/CN.4/2004/56/Add.1, para. 1212).	By letters dated 8/03/05 and 14/09/05, the Government informed that he that he had been arrested for questioning by the RNA on 27 September 2003. He was released after questioning on 21 November 2004. He was not tortured.
210					<b>Ram Hari Kadel</b> (E/CN.4/2004/56/Add.1, para. 1213).	By letter dated 8/03/05 and 14/09/05, the Government informed that he was arrested by the RNA for interrogation and released on 10 December 2003. He was not tortured.
211					<b>Udaya Raj Gautam</b> (E/CN.4/2004/56/Add.1, para. 1214).	By letter dated 8/03/05, the Government informed that he is not in custody.
212					<b>Subindra Buda Magar</b> and <b>Bandhu Dev Pandey</b> (E/CN.4/2004/56/Add.1, para. 1216).	By letters dated 8/03/05 and 14/09/05, the Government informed that Subindra Buda Magar is not in police custody; and that Bandhu Dev Pandey had been arrested by Nepal Police under TADO and released on 11 November 2002. He was then rearrested on 31 July 2004 and released on 1 August 2004. He was not tortured.

213					<b>Binash Thapa</b> (E/CN.4/2004/56/Add.1, para. 1217).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested on 1 October 2003 by the RNA for investigation and was released on 27 April 2004. He was not tortured.
214					<b>Kabir Kumar Shrestha</b> (E/CN.4/2004/56/Add.1, para. 1218).	By letters dated 8/03/05 and 14/09/05, the Government informed that he had been arrested on 12 September 2003 for investigation and was released on 12 November 2003. He was not tortured.
215					<b>Min Kumar Koirala</b> (E/CN.4/2004/56/Add.1, para. 1219).	By letter dated 14/09/05, the Government informed that he was arrested on 3 September 2003 by the RNA. He was released on 14 November 2003. He was not ill-treated or tortured in custody.
216					<b>Himal Sharma Chaulagain</b> and <b>Sharita Devi Sharma</b> (E/CN.4/2004/56/Add.1, para. 1220).	By letters dated 8/03/05 and 14/09/05, the Government informed that Himal Sharma Chaupagain was arrested on 14 February 2005 and is under preventative detention at Gorkha Barracks. He was returned to Gorkha on 23 August 2005 after receiving necessary medical treatment at Birendra Army Hospital, Kathmandu. The Government further informed that Sharita Devi Sharma was arrested in Chandol by the RNA for involvement in Maoist activities on 16 November 2004. She is not being tortured.
217					<b>Shyam Kumar Shrestha</b> (E/CN.4/2004/56/Add.1, para. 1221).	By letter dated 1/04/05, the Government informed that he was released on 5 November 2003.
218					<b>Pashupati Dhungana</b> (E/CN.4/2004/56/Add.1, para. 1222).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested for interrogation by the RNA on 25 September 2003 and released on 2 January 2004. He was not tortured.

219					<b>Dinash Nepali</b> and <b>Sanjay Raya</b> (E/CN.4/2004/56/Add.1, para. 1223 and E/CN.4/2005/62/Add.1, para.1178).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by the RNA under TADO on 4 January 2004 and kept in preventative detention for 90 days in Dhading Jail and released on 26 March 2004; and that Sanjay Raya was arrested by security forces on 22 December 2003 on suspicion of involvement in terrorist activities and released on 28 March 2004. They were not tortured or ill-treated.
220					<b>Gopi Krishna Thapaliya</b> (E/CN.4/2004/56/Add.1, para. 1225).	By letter dated 1/04/05, the Government informed that he was released on 14 November 2003.
221					<b>Maha Prasad Angai, Naresh Maharjan</b> and <b>Bhagirath Kharel</b> (E/CN.4/2004/56/Add.1, para. 1226 -1227 and E/CN.4/2005/62/Add.1, para. 1044-1045).	By letters dated 8/03/05 and 14/09/05, the Government informed that Maha Prasad Angai was arrested by the RNA on 15 June 2004 under TADO and released on 12 September 2004; and that Bhagirath Kharel was arrested on 25 November 2003 in Chabhil and released on 3 January 2004. He was rearrested on 4 January 2004 under the Public Security Act and released on 3 January 2005; and that Naresh Maharjan committed suicide by taking poison. By letter dated 14/09/05, the Government informed that Naresh Maharjan was arrested by the RNA on 9 November 2003 in Kirtipur, Kathmandu for investigation. He was released on 9 December 2003. He was not tortured or ill-treated.
222					<b>Purushottam Sapkota</b> (E/CN.4/2004/56/Add.1, para. 1228, 1178).	By letter dated 14/09/05, the Government informed that he is not held in custody.
223					<b>Pramod Narayan Mandal, Jitendra Jha, Gyan Bahadur, Sailendra Yadav</b> and <b>Rajesh Maharjan</b> (E/CN.4/2004/56/Add.1, para. 1231 and E/CN.4/2005/62/Add.1, para. 1178).	By letter dated 8/03/05 and 14/09/05, the Government informed that there is no information about the arrests of Pramod Narayan Mandal nor Jitendra Jha. Gyan Bahadur Maharajan was released on 25 March 2004 and handed over to his wife. He was not

					tortured while in custody. Sailendra Yadav was released on 4 December 2003 following interrogation by the security agencies. Rajesh Maharjan was arrested by the RNA for general inquiry on 9 November 2003 and released after questioning on 25 March 2004.
224				<b>Karsang Dhundrup Lama, and Bal Ram Karki</b> (E/CN.4/2004/56/Add.1, para. 1233).	By letter dated 14/09/05, the Government informed that Karsang Dhundrup Lama was arrested on 15 November 2003 by the RNA. She was released on 4 December 2003. She confirmed that she was not tortured and ill-treated in custody in a written statement, which is filed with the RNA Human Rights Cell. Bal Ram Karki was arrested on 13 November 2003 for interrogation. He was released afterwards and handed over to his wife on 9 December 2003. As he confirmed in a written statement, he was neither physically nor mentally tortured while in custody.
225				<b>Dhana Bahadur Magar</b> (E/CN.4/2004/56/Add.1, para. 1234).	By letter dated 14/09/05, the Government informed that he was arrested in Kathmandu on 18 November 2003 for investigation. He was released on 21 July 2004. He not ill-treated or tortured.
226				<b>Deependra Panta</b> (E/CN.4/2004/56/Add.1, para. 1235).	By letter dated 8/03/05, the Government informed that he is not being held in custody.
227				<b>Piman Singh Tamang, Tara Bhandari</b> (E/CN.4/2004/56/Add.1, para. 1236).	By letters dated 8/03/05 and 14/09/05, the Government informed that Piman Singh Tamang was released on 26 November 2003; and that Tara Bhandari is believed to be an active member of the Maoists Organization and was arrested on 16 February 2005 in Samundradevi VDC, Arkhaule during a spot check operation. She was found in possession of three socket bombs and Maoist literature. She was transferred to the Central Jail on 17 February 2005 under TADO. She was not

						subjected to torture during the day she spent in RNA barracks.
228					<b>Ram Prasad Gautam and Kedar Guatam</b> (E/CN.4/2004/56/Add.1, para. 1237).	By letter dated 1/04/05, the Government informed that Ram Prasad Gautam is in detention under TADO, and that Kedar Guatam was killed during security operations on 5 June 2004.
229					<b>Kamal K.C.</b> (E/CN.4/2004/56/Add.1, para. 1238).	By letters dated 10/03/05 and 14/09/05, the Government informed that he was arrested on 13 November 2003 by the RNA for investigation. He is in detention at Dhulikhel Jail by order of the District Administration Office Kavre District under TADO. He was not tortured or ill-treated in custody.
230					<b>Bhumi Chamling</b> (E/CN.4/2004/56/Add.1, para. 1239).	By letters dated 22/03/05 and 14/09/05, the Government informed that he was arrested by the RNA for interrogation 7 January 2005 and released on 11 January 2005. He was not subjected to torture or ill-treatment.
231					<b>Keshav Singh Thakuri</b> (E/CN.4/2004/56/Add.1, para. 1240).	By letter dated 14/09/05, the Government informed that there is no information of his arrest or detention.
232					<b>Gyanendra Prasad Bidari</b> (E/CN.4/2004/56/Add.1, para. 1241).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by Nepal Police on 10 March 2004 in Dhading under TADO and was released from preventative detention on 23 April 2004. He was not tortured.
233					<b>Manoj Rai</b> (E/CN.4/2004/56/Add.1, para. 1247).	By letters dated 22/03/05 and 14/09/05, the Government informed that he was arrested by Nepal Police on 23 December 2003 in Gairidhara KTM in connection with a theft case and was released following investigation on 24 December 2003. He was not tortured. Attempts are being made to hold a meeting with him to investigate the torture allegation. A



					case was filed in the District Court in Kathmandu seeking compensation. The court dismissed the case on 13 April 2006.
234				<b>Tej Narayan Sapkota</b> (E/CN.4/2004/56/Add.1, para. 1248).	By letters dated 1/04/05 and 14/09/05, the Government informed that he was arrested for murder by the Nepal Police on 15 April 2004 in Tinthana Dhungeadda. He is detained in Nakhuu Jail by order of the Appellate Court, Patan. He is being treated humanely.
235				<b>Keshav Chaulagain</b> (E/CN.4/2004/56/Add.1, para. 1250).	By letter dated 14/09/05, the Government informed that he was arrested on 31 August 2003 and released on 28 January 2004. He was not tortured in custody and has confirmed this in a written statement, which is filed with the RNA Human Rights Cell.
236				<b>Pushkar Subedi</b> (E/CN.4/2004/56/Add.1, para. 1252).	By letter dated 14/09/05, the Government informed that he was arrested by the RNA on 5 September 2003, and was released on 18 December at Syambu Ward Police Office. He was treated humanely and was not tortured in custody as is confirmed by a written statement filed with the RNA Human Rights Cell.
237				<b>Tej Prasad Gautam</b> (E/CN.4/2004/56/Add.1, para. 1253).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested on 25 November 2003 for general inquiry. He was subsequently sent to Kavre District Jail and released from preventative detention on 16 August 2004. He was not tortured or ill-treated.
238				<b>Dev Bahadur Maharjan</b> (E/CN.4/2004/56/Add.1, para. 1254 and E/CN.4/2005/62/Add.1, para. 1180).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by security forces in Bouddha, Kathmandu on suspicion of terrorism on 1 November 2004. He was held under the Public Security Act and was released on 6 January 2005 by order of the Supreme Court. He was not subject to torture or ill-treatment.

239					<b>Shankar Nepali</b> (E/CN.4/2004/56/Add.1, para. 1255).	By letters dated 22/03/05 and 14/09/05, the Government informed that he was arrested on 28 November 2003 in Sitapalia, Kathmandu by the RNA for investigation. He was released on 14 January 2004. He was not tortured or ill-treated.
240					<b>Hom Prasad Gautam</b> (E/CN.4/2004/56/Add.1, para. 1256).	By letter dated 14/09/05, the Government informed that he was arrested on 1 December 2003 for interrogation. He was released afterwards and handed over to his relative on 15 June 2004. As he confirmed in a written statement, he was not subjected to torture or ill-treatment while in custody.
241					<b>Ghanashyam Adhikari</b> (E/CN.4/2004/56/Add.1, para. 1259).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was held in preventative detention in Dhaging jail under TADO and released on 3 November 2004.
242					<b>Subid Guragain</b> (E/CN.4/2005/62/Add.1, para. 1012).	By letter dated 22/03/05, the Government informed that a person called Suresh Guragain had been found in detention at the District Jail in Morang since 13 October 2004.
243					<b>Ms. Kamala Pant, Om Bandhu Karki, Ram Prasad Adhikari, Jeevan Dangol, Devendra Niroula, Kudan Kaphley,</b> and (E/CN.4/2005/62/Add.1, para. 1014).	By letter dated 14/09/05, the Government informed that on 15 August 2004, the police intervened when a mass gathered for a demonstration in a restricted area in front of Padma Kanya Campus, Kathmandu. Ram Prasad Adhikari, Jeevan Dangol, Devendra Niroula, Kudan Kaphley were injured when demonstrators started throwing stones at the police. The injuries were mainly as a result of stone throwing. During the police action, Ms. Pant, an employee of Nepal Bank Limited, was taken into custody, and she received minor injuries when she fell down while she was getting inside the police van. The police dispersed the crowd. There is no record of her arrest, or of Om Bandhu Kark.

244					<b>Badri Khadka</b> (E/CN.4/2005/62/Add.1, para. 1016).	By letter dated 8/03/05, the Government informed that he was arrested in Pokhara and later transferred to Gajuri Barracks. He escaped from detention on 14 November 2004.
245					<b>Raju Lama</b> (E/CN.4/2005/62/Add.1, para. 1018).	By letter dated 14/09/05, the Government informed that it had no information on his arrest or detention. It informed that a case has been filed in the District Court for compensation for torture. The Court has not yet considered the case.
246					<b>Mani Lama</b> (E/CN.4/2005/62/Add.1, para. 1019).	By letter dated 22/03/05, the Government informed that the case could not be substantiated.
247					<b>S.M.</b> (E/CN.4/2005/62/Add.1, para. 1026).	By letter dated 14/09/05, the Government informed that she was reportedly raped by security personnel. The alleged perpetrators were produced before the District Court in Sunsari and have been remanded in custody in the District Jail in Morang.
248					<b>Kanhaiya Lal Gupta, Gayatri Devi Gupta, and Sonam Gurung</b> (E/CN.4/2005/62/Add.1, para. 1027).	By letter dated 14/09/05, the Government informed that he and his wife were arrested by police on 24 August 2004, and taken to the Ward Police Office, Maharjgunj, in connection with a dispute with a business partner. The case was settled by both parties at the police station. They were released, without being detained, and were not tortured. Sonam was taken to the Ward Police Office in Maharajguni and was immediately released. He was not tortured.
249					<b>Yuba Raj Chaulagain</b> (E/CN.4/2005/62/Add.1, para. 1029).	By letter dated 8/03/05, the Government informed that he is being held in detention at Sundarijal detention centre under TADO.
250					<b>Rebakala Tiwari</b> (E/CN.4/2005/62/Add.1, para. 1030 and E/CN.4/2005/62/Add.1, para. 1165).	By letter dated 1/04/05, the Government informed that she is not in police detention.

251					<b>Shaha Dev Ghimire</b> (E/CN.4/2005/62/Add.1, para. 1032).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested on 21 November 2003 for investigation and released on 29 December 2003. He was not tortured.
252					<b>Lila Dahal</b> (E/CN.4/2005/62/Add.1, para. 1033).	By letter dated 14/09/05, the Government informed that there is no information of his arrest or detention.
253					<b>Ganesh Dhakal</b> (E/CN.4/2005/62/Add.1, para. 1034-1035).	By letter dated 8/03/05 and 14/09/05, the Government informed that he was arrested on 3 December 2003 and released on 16 August 2004. He was not tortured.
254					<b>Ram Krishna Adhikari</b> (E/CN.4/2005/62/Add.1, para. 1037).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested on 10 December 2003 in Tripureswor, Kathmandu and was released on 19 December 2003. He was not tortured.
255					<b>Maila Tamang</b> (E/CN.4/2005/62/Add.1, para. 1039).	By letter dated 14/09/05, the Government informed that he was arrested by the RNA and later released on 9 December 2003. He confirmed that he was not tortured or ill-treated in custody in a statement that is filed with the RNA Human Rights Cell. On 13 January 2004, he was arrested by the Nepal Police in connection with a public offence and released on bail.
256					<b>Khadka Singh Tamang</b> (E/CN.4/2005/62/Add.1, para. 1040).	By letter dated 22/03/05, the Government informed that he was handed over to Yuddha Bhairab Gulma for investigation by the police on 25 November 2003.
257					<b>Pushpa Lal Dhakal</b> (E/CN.4/2005/62/Add.1, para. 1042 and para. 1157).	By letters dated 1/04/05 and 14/09/05, the Government informed that he was arrested on 13 January 2004 in Gauradah VDC and handed over to the RNA. He was transferred to Bhadrapur Jail on 28 July 2004. He was released on 10 June 2005. He was not

					tortured.
258				<b>Gopi Bhandari</b> (E/CN.4/2005/62/Add.1, para. 1043).	By letters dated 22/03/05 and 14/09/05, the Government informed that he was arrested on 10 March 2004 in Balaju by Nepal Police and released on the same day. He was not tortured or ill-treated.
259				<b>Basu Dev Sigdel</b> (E/CN.4/2005/62/Add.1, para. 1046).	By letters dated 1/04/05 and 14/09/05, the Government informed that he was arrested in Kathmandu on 22 January 2004 and released on 11 March 2004. He was not tortured or ill-treated.
260				<b>Man Bahadur Shah, Tula Thapa, Rajendra Adhikari and Ram Bahadur Rana</b> (E/CN.4/2005/62/Add.1, para. 1047 - 1048).	By letters dated 8/03/05 and 14/09/05, the Government informed that Man Bahadur Shah was arrested by police in connection with illegal possession of weapons and ammunitions on 5 February 2004 and released on 10 February 2004 by order of the District Administration Office. It further informed that Tula Thapa Tula Thapa was arrested by police on 5 February 2004 in Brahmatola, Bajura. His physical and mental condition was good when he was examined at the police station. He was released on bail from Bajura District Administration Office on 24 February 2004 on charges of possession of illegal weapons. It further informed that were arrested by police on 5 February 2004 in Kuldevmandu VDC for misappropriation and stealing food stuffs. They were referred to the District Administration Office for investigation and released on 10 February 2004.
261				<b>Narendra Maharjan</b> (E/CN.4/2005/62/Add.1, para. 1049).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested on 21 January 2004 in Kirtipur, Kathmandu for investigation on suspicion of involvement in terrorist activities. He was released on 27 January 2004. He was not ill-treated or

					tortured.
262				<b>Lekhnath Sapkota</b> (E/CN.4/2005/62/Add.1, para. 1050).	By letter dated 14/09/05, the Government informed that he was arrested by the RNA on 3 February 2004 and released on 11 March 2004. He confirmed in a written statement filed with the RNA Human Rights Cell that he was not tortured in custody.
263				<b>Jeetaman Basnet</b> (E/CN.4/2005/62/Add.1, para. 1051 - 1052).	By letter dated 8/03/05, the Government informed that he was released on 18 October 2004.
264				<b>Gyan B. Koirala</b> and <b>Maheshwar Pahari</b> (E/CN.4/2005/62/Add.1, para. 1055).	By letter dated 14/09/05, the Government informed that they were held in preventive detention in Kaski jail, and were not subjected to torture while in custody.
265				<b>Bal Krishana Devkota</b> and <b>Dhananjaya Khanal</b> (E/CN.4/2005/62/Add.1, para. 1056 - 1057).	By letters dated 1/04/05 and 14/09/05, the Government informed that Bal Krishana Devkota was arrested by the RNA and released on 23 February 2004; and that Dhananjaya Khanal was arrested in Lalitpur on 21 February 2004 and released on 26 February 2004. They were not tortured or ill-treated.
266				<b>Mukunda Ghimire</b> and <b>Keshav Chudal</b> (E/CN.4/2005/62/Add.1, para. 1058-1059).	By letter dated 14/09/05, the Government informed that Mukunda Ghimire was arrested on 27 November 2003 by the Nepal Police from Singhadurbar, and detained in the Central Jail under TADA. He was released from custody on 14 September 2004. He was not subjected to torture. Keshave Chudal was arrested on 21 November 2003 in Dadhikot and was released on 29 December 2003. He was not tortured. He was subsequently rearrested on 20 February 2004.
267				<b>Purushotam Chudal</b> (E/CN.4/2005/62/Add.1, para. 1060 - 1061).	By letter dated 14/09/05, the Government informed that he was arrested on 23 December 2003 in Surunga Prajapati in Jhapa. He has

					been in Bhadrapur Jail since 19 October 2004. He was not tortured or ill-treated.
268				<b>Chandra Prasad Nepal and Sabitri Nepal</b> (E/CN.4/2005/62/Add.1, para. 1062).	By letters dated 8/03/05 and 14/09/05, the Government informed that Chandra Prasad was arrested by the RNA and surrendered. He was released on 18 April 2004. He was not tortured by the RNA. Sabitri Nepal was arrested by the RNA on suspicion of involvement in terrorist activities. She surrendered on 18 April 2004 and was released. She was not tortured.
269				<b>Lok Krishna Bhattarai</b> (E/CN.4/2005/62/Add.1, para. 1063).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by the RNA on 18 February 2004 and was released on 27 February 2004. He was not tortured.
270				<b>Shankha Buddha Lama</b> (E/CN.4/2005/62/Add.1, para. 1064).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested on 24 February 2004 and was released on 26 May 2004. He was not tortured.
271				<b>Laxmi Pandey</b> (E/CN.4/2005/62/Add.1, para. 1065).	By letter dated 8/03/05, the Government informed that she was kidnapped by Maoists on 22 February 2004 and subsequently released on 25 February 2004. By letter dated 14/09/05, the Government informed that she was arrested by the RNA in Narayangarh on 21 February 2004 and was released on 25 February 2004. She was not tortured or ill-treated.
272				<b>Reena Rasaili, T.L., S.C.</b> (E/CN.4/2005/62/Add.1, para. 1066).	By letters dated 8/03/05 and 14/09/05, the Government informed that Reena Rasaili, T.L. and S.C. had been killed in a security operation. Their cases had been reopened and is being reinvestigated by a Central RNA Investigation Team. Reena Rasaili had been killed on 12 February 2004.

273					<b>Kaushalya Pokhrel</b> (E/CN.4/2005/62/Add.1, para. 1068).	By letter dated 1/04/05, the Government informed that she is not in police detention.
274					<b>Arjun Pokhrel</b> (E/CN.4/2005/62/Add.1, para. 1069).	By letter dated 1/04/05, the Government informed that he was killed during security operations on 23 April 2004.
275					<b>Madhu Mandal</b> (E/CN.4/2005/62/Add.1, para. 1070).	By letter dated 14/09/05, the Government informed that he was released on 26 April 2004.
276					<b>Lal Prasad Ghemere</b> (E/CN.4/2005/62/Add.1, para. 1071).	By letter dated 14/09/05, the Government informed that he was held in preventive detention in Birganj Jail.
277					<b>Surendra Rai</b> (E/CN.4/2005/62/Add.1, para. 1073 – 1075).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by the RNA on 15 March 2004 and was transferred to a detention centre at Sundarija for further investigation on 4 October 2004. He was not tortured.
278					<b>Bhimsen Kumar Gautam</b> (E/CN.4/2005/62/Add.1, para. 1076).	By letter dated 8/03/05, the Government informed that he was he was arrested by the RNA on 3 February 2004 and released on 17 May 2004, after routine enquiries. He was not tortured or ill-treated.
279					<b>R.A.</b> (E/CN.4/2005/62/Add.1, para. 1077).	By letter dated 8/03/05, the Government informed that she was released on 2 June 2004 from the RNA.
280					<b>Prabhu Ram K.C.</b> (E/CN.4/2005/62/Add.1, para. 1081).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by the RNA on 19 February 2004 and released after questioning on 3 August 2004. He was not tortured or ill-treated.
281					<b>Hari Prasad Acharya</b> (E/CN.4/2005/62/Add.1, para. 1083).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by the RNA. He was held in preventive detention in Dhading Jail for 90 days and released on 23 December 2002. He was subsequently rearrested by order of the District



					Administration Office and detained in Dhading Jail for a further 90 days. He was released on 19 February 2003. He was not tortured.
282				<b>Tej Mudhbhari and Deepak Mudhbhari</b> (E/CN.4/2005/62/Add.1, para. 1085).	By letters dated 8/03/05 and 14/09/05, the Government informed that Tej Mudhbhari was arrested by the RNA in Balaju, Kathmandu on 3 March 2004 and released on 3 August 2004; and that Deepak Mudhbhari was arrested by the RNA during a search operation on 29 October 2003. He is a member of a Maoist affiliated student union. He was transferred to Bhadrapur Jail on 23 January 2004 under the Public Security Act. He was arrested by the RNA for general interrogation on 3 March 2004, but found innocent and therefore released on 16 April 2004. He was rearrested on 25 July 2004 and detained at Jhapa Barracks. He was transferred to Bhadrapur Jail on 28 July 2004. He was not tortured.
283				<b>Bishnu Thapa</b> (E/CN.4/2005/62/Add.1, para. 1086).	By letter dated 8/03/05, the Government informed that he was released on 14 April 2004. He was not subjected to torture while in detention.
284				<b>Om Prakash Timalsina</b> (E/CN.4/2005/62/Add.1, para. 1087).	By letters dated 1/04/05 and 14/09/05, the Government informed that he was arrested by the RNA and released on 1 June 2003. He was not tortured in custody, which is confirmed in a written statement on file with the RNA Human Rights Cell.
285				<b>Saroj Babu Kuwar</b> (E/CN.4/2005/62/Add.1, para. 1088).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested on suspicion of involvement in terrorist activities. He was released from custody on 10 April 2004. He confirms in a statement on file with the RNA Human Rights Cell that he was not tortured and ill-treated in custody.

286					<b>Navina Lama</b> (E/CN.4/2005/62/Add.1, para. 1089).	By letters dated 8/03/05, 22/03/05 and 14/09/05, the Government informed that she was arrested on 5 March 2004 from Lalitpur, and was released from preventative detention under the supervision of the Lalitpur District Court on 3 August 2004.
287					<b>Dhani Ram Tharu</b> (E/CN.4/2005/62/Add.1, para. 1090).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested on 15 March 2004 from Nepalgunj by Nepal Police under TADA. He was detained in Banke Jail and was released on 13 July 2004 by the decision of the District Security Committee. He was not subjected to torture.
288					<b>Binod Prabhat Ghimere</b> (E/CN.4/2005/62/Add.1, para. 1091).	By letter dated 14/09/05, the Government informed that he was held in preventive detention at Morang Jail under TADO.
289					<b>Chakrapani Acharya</b> (E/CN.4/2005/62/Add.1, para. 1093-1094).	By letters dated 8/03/05 and 14/09/05, the Government informed that he surrendered to the local administration and was kept under the custody of the security forces from 9 March 2004. He was released from custody on 24 March 2004.
290					<b>Rajendra Roka</b> (E/CN.4/2005/62/Add.1, para. 1096 -1097).	By letter dated 8/03/05 and 14/09/05, the Government informed that he was arrested on 12 January 2004 by the RNA, and later kept in preventive detention. He was released on 1 June 2004. He was not tortured in custody.
291					<b>Ram Bilas Mahato</b> (E/CN.4/2005/62/Add.1, para. 1098-1099).	By letter dated 14/09/05, the Government informed that he was arrested on 13 March 2004 by the RNA as he was collecting donations for the Maoists and distributing Maoist leaflets in Gaushala, Dhanusa. He was held in detention in Jaleswor Jail by order of the District Security Committee. He was released on 31 August 2004 but was rearrested on 2 September 2004 for involvement in terrorist activities. He was

						rearrested for a third time on 7 January 2005 and sent to Jaleswor Jail under TADO. As of 7 July 2005, he is being detained for a period of six months. He is being treated humanely.
292					<b>Durga Thapa</b> (E/CN.4/2005/62/Add.1, para. 1100).	By letters dated 8/03/05, 10/03/05 and 14/09/05, the Government informed that he was arrested on 15 March 2004 from Lubhu, Lalitpur, and released after questioning on 20 July 2004. He was not tortured in detention, which is confirmed in a statement filed with the RNA Human Rights Cell. He was later abducted on 29 July 2004 by the Maoists and was released on 16 August 2004.
293					<b>Ramesh Dhungana</b> (E/CN.4/2005/62/Add.1, para. 1103).	By letter dated 14/09/05, the Government informed that he was arrested on 9 March 2004 by the RNA for investigation and was released on 26 May 2004. He was not tortured.
294					<b>Tikaram Bishwakarma</b> (E/CN.4/2005/62/Add.1, para. 1106).	By letters dated 8/03/05 and 14/09/05, the Government informed that he has not been arrested.
295					<b>Narayan Dhvaj Mahat</b> (E/CN.4/2005/62/Add.1, para. 1107).	By letter dated 14/09/05, the Government informed that he was arrested on 16 March 2004 by the RNA. He was handed over to the Sundarijal Investigation Centre for further investigation on 4 October 2004. He was not subjected to torture while in custody.
296					<b>Sheshkanta Sharma Chapagain</b> (E/CN.4/2005/62/Add.1, para. 1111).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was released from preventative detention on 14 July 2004.
297					<b>Sitaram Barai</b> (E/CN.4/2005/62/Add.1, para. 1113).	By letter dated 14/09/05, the Government informed that he was arrested by the RNA on 24 March 2004 in Mahadevtar, Kathmandu and released on 1 April 2004. He was not tortured.

298					<b>Samundra Budhathoki</b> (E/CN.4/2005/62/Add.1, para. 1116).	By letter dated 14/09/05, the Government informed that he was arrested by the RNA on 19 March 2004 in Manamaiju, Kathmandu and was released on 24 March 2004. He was not tortured.
299					<b>Tuk Nath Dhungana</b> (E/CN.4/2005/62/Add.1, para. 1117).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested for interrogation by the RNA on 25 March 2004 and released on 26 March 2004. He was not tortured.
300					<b>Man Bahadur Shrestha</b> (E/CN.4/2005/62/Add.1, para. 1118).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was released from Kanchanpur District Administration Office on 29 October 2004.
301					<b>Achuyt Kumar K.C.</b> (E/CN.4/2005/62/Add.1, para. 1119).	By letter dated 14/09/05, the Government informed he was never subjected to torture.
302					<b>Govinda Ghimire</b> (E/CN.4/2005/62/Add.1, para. 1121).	By letter dated 14/09/05, the Government informed that he was arrested by the RNA and handed over to Sundarijal Detention Centre on 4 October 2004 for further investigation. He was released on the same day. However, since he was found to be involved in terrorist activities again, he was re-arrested on 24 June 2005. He was transferred to the central jail for preventive detention under TADO. He was not subjected to torture while in custody.
303					<b>Durga Dutta Gautam, Tek Nath Sigdel, and Guru Prasad Subedi</b> (E/CN.4/2005/62/Add.1, paras. 1127, 1167, 1168).	By letters dated 8/03/05 and 14/09/05, the Government informed that Durga Dutta Gautam was killed as part of a military operation conducted by the RNA in Sharadpur area of Chitwan District on 20 March 2004. Tek Nath Sigdel was arrested by the RNA on 23 February 2004, and was handed over to the District Police Office, Nawal Parasi. On the orders of the District Administration Office, he was kept in closed confinement. He was released on 4 December 2004. He was not

					tortured or ill-treated in custody. Guru Prasad Subedi was arrested by the RNA on 23 February 2004 from Deurali VDC Ward-3, Nawal Parasi. On the orders of the District Administration Office, he was kept in preventive detention from 6 June 2004. He was released on 3 December 2004. He was not tortured or ill-treated in custody.
304				<b>Bhai Kaji Ghimire</b> (E/CN.4/2005/62/Add.1, para. 1128).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by the RNA for necessary investigations on 3 December 2003. He was found to be involved in terrorist activities, and was handed over to Nakkhu Jail, Lalitpur, on 26 February 2005. He was not tortured and ill-treated during his detention in the barracks. He was released on 15 August 2005 by the order of the Supreme Court.
305				<b>Kedar Prasad Bidari</b> (E/CN.4/2005/62/Add.1, para. 1131).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was released on 1 July 2004. He was not tortured in custody and has confirmed this in a statement, which is on file with the RNA Human Rights Cell.
306				<b>Ngadar Bhote</b> , (E/CN.4/2005/62/Add.1, para. 1132-1133).	By letter dated 14/09/05, the Government informed that he was arrested by the Nepal Police on 7 September 2004. He was detained in the Central Jail under TADO. He was not tortured in detention. He was released on 6 December 2004.
307				<b>Jhabaru Chaudery</b> (E/CN.4/2005/62/Add.1, para. 1134 - 1135).	By letters dated 8/03/05 and 14/09/05, the Government informed that he is in preventative detention in Marang Jail under TADO.
308				<b>Krishna Silwal</b> (E/CN.4/2005/62/Add.1, para. 1136).	By letter dated 1/04/05, the Government informed that he was released on 11 March 2004.

309					<b>Laxman Prasar Aryal and Girija Prasad Koirala</b> (E/CN.4/2005/62/Add.1, para. 1136).	By letters dated 1/04/05 and 14/09/05, the Government informed that Laxman Prasar Aryal was arrested by the RNA on 29 January 2004 and released on 9 June 2004. In a statement filed with the RNA Human Rights Cell, he confirmed that he was not tortured in custody. Girija Prasad Koirala was arrested on 15 August 2004 for violating the order of the District Administration Office banning political activities within the Ring Road, Kathumandu District. He was released within three hours, after the situation returned to normal.
310					<b>Rhada Baitha</b> (E/CN.4/2005/62/Add.1, para. 1138).	By letters dated 8/03/05 and 14/09/05, the Government informed that she was summoned by the RNA on 5 April 2004, and after an inquiry she was released. She was treated humanely.
311					<b>Bhuvan Sen</b> (E/CN.4/2005/62/Add.1, para. 1139-1140).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested on 30 March 2004 by the RNA and is under preventive detention under TADO at District Jail, Kaski. He was transferred from District Jail, Baglung, on 23 February 2005, by the order of the District Administration Office, Baglung. He was not subjected to torture or any other form of ill-treatment.
312					<b>Madan Limbo, Raj Kumar Limbu and Padam Hari Paudel</b> (E/CN.4/2005/62/Add.1, para. 1142).	By letters dated 8/03/05 and 14/09/05, the Government informed that Madan Limbo was arrested by the RNA on 18 April 2004 and released on 19 May 2004 following interrogation. He was not subjected to torture during the inquiry. Raj Kumar Limbu was arrested on 18 April 2004 from Kumarigal, Chabahil. After an investigation, he was released on 19 May 2004. He confirms in a statement on file with the RNA Human Rights cell that he was not mentally or physically

						tortured by the security forces. Padam Hari Paudel was arrested on 18 May 2004 by the RNA at Kumarigal, Chabahil. He was 19 May 2004. He confirms that he was not mentally or physically tortured in custody, and this statement is on file with the RNA Human Rights Cell.
313					<b>Chini Maya Majhi</b> (E/CN.4/2005/62/Add.1, para. 1143).	By letter dated 14/09/05, the Government informed that she was arrested by the RNA for a general inquiry on 31 May 2004. After the interrogation, she was found to be innocent, released and handed over to her husband on 7 June 2004. As she confirmed in a written statement, she was not ill-treated or tortured while in custody.
314					<b>Chandra Bahadur Prasai, Dev Raj Pradhan, Dilli Ram Rijal, Phulmaya Dahal and Gangram Lamitade</b> (E/CN.4/2005/62/Add.1, para. 1145).	By letters dated 10/03/05, 22/03/05 and 14/09/05, the Government informed that Chandra Bahadur Prasai was arrested on 1 May 2004 by the Armed Police Force, Pathibhara Ghana. He is in detention at Jhapa Jail under TADO. Dev Raj Pradhan was arrested on 3 June 2004 by the APF. He was not tortured in police custody, and he is in preventive detention at Jhapa Jail. Dilli Ram Rijal was arrested on 3 June 2004 by Pathibhara Ghana APF, TADA, but then handed back to his brother. He was not subjected to torture or ill-treatment. Gangram Lamitade was arrested on 3 May 2004, by the APF, and after a general inquiry, he was released on 8 June 2004. He was not subjected to torture and is living a normal life in the refugee camp. Phulmaya Dahal was arrested on 8 June 2004 by the APF on suspicion of involvement in terrorist activities. She was released after a preliminary interview, she was released. She was not subjected to torture or ill-treatment.

					Dilliram Rijal was released after investigation on 8 June 2004.
315				<b>Jetendra Khadka</b> (E/CN.4/2005/62/Add.1, para. 1146).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by the RNA on 18 May 2004 in Tinthana, Kathmandu for investigation. He was found to be involved in terrorist activities, and was handed over to the Central Jail on 9 July 2004 for preventive detention under TADA. He was not tortured and ill-treated while in custody.
316				<b>Narayan Poudel</b> (E/CN.4/2005/62/Add.1, para. 1147).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was not in custody and was found at his house.
317				<b>Mani Ram Choudhary, P.P., Sher Bahadur Oli, Tika Ram Giri and Prasanta Tharu</b> (E/CN.4/2005/62/Add.1, para. 1148).	By letters dated 8/03/05, 22/03/05, and 14/09/05, the Government informed that Sher Bahadur Oli was released on 21 June 2004 from preventative detention by an order of the Appellate Court dated 20 June 2004 following a writ of habeas corpus; and that Tika Ram Giri was released on 21 June 2004 from preventative detention by an order of the Appellate Court dated 20 June 2004 following a writ of habeas corpus. Mani Ram Choudhary has been imprisoned for armed robbery in District Jail Bardiya since 17 January 2002; and that P.P. had been in detention in Central Jail, Banke since 19 November 2003. Prasanta Tharu had been in detention in Central Jail, Banke since 19 November 2003.
318				<b>Nati Shrestha</b> (E/CN.4/2005/62/Add.1, para. 1149).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested on 22 June 2004 by the RNA at his house. He surrendered on 16 October 2004. He was detained in Lipikot barracks, Tokha, under TADA and he made a request to stay in the barracks for his own security. He was released on 4 July 2005, and the Government arranged



						for his employment abroad on 5 July 2005. He was treated humanely in custody.
319					<b>M.S.</b> and <b>Bimala B.K.</b> (E/CN.4/2005/62/Add.1, para. 1150 and E/CN.4/2005/62/Add.1, para. 1176).	By letters dated 8/03/05, 22/03/05 and 14/09/05, the Government informed that M.S. was killed while she tried to escape from Army control on the way to Army Barracks at Panchkhal on 17 February 2004. The Government informed that the case is being reinvestigated by a Central RNA Investigation Team. The Court of Inquiry has been constituted and the court martial is ongoing. Bimala B.K. was arrested by the RNA on 22 January 2004 for involvement in Maoist activities. She was handed over to the Central Jail, Jagannath Dewal, Kathmandu, on 16 February. She was not tortured or ill-treated in detention in the RNA barracks. Since 22 June 2005, she is under preventive custody in Dilibazaar Jail under TADA by the District Administration Office, Kavre. She is being treated humanely.
320					<b>Gopal Maharjan</b> (E/CN.4/2005/62/Add.1, para. 1151).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was released on 12 July 2004. He was not tortured by the RNA in custody.
321					<b>Babu Raja Prajapati</b> (E/CN.4/2005/62/Add.1, para. 1152).	By letter dated 14/09/05, the Government informed that he was released by order of the Supreme court on 20 August 2004 after having been preventatively detained at Kathmandu jail under TADO.
322					<b>Hari Sharan Maharjan</b> (E/CN.4/2005/62/Add.1, para. 1154).	By letters dated 8/03/05 and 14/09/05, the Government informed that there is no information of his arrest by any authority.
323					<b>Yek Raj Basnet, Khagendra Sambahamfe, Ram Bahadur Ingram and Tek Bahadur Bista</b> (E/CN.4/2005/62/Add.1, para. 1155-1156).	By letters dated 8/03/05 and 14/09/05, the Government informed that they had been held in detention at Morang Jail since 15 July 2004.

						Khagendra Sambahamfe was arrested by the security forces under TADA on 13 October 2004. He was held under preventive detention in Moranj Jail and was released on 19 July 2005. He was not tortured or ill-treated in custody. Tek Bahadur Bista was arrested by the security forces on 13 October 2004 under TADO. He is in detention at Morang Jail. He has not been tortured.
324					<b>Pushpa Neupane, Yam Giri, and Dev Raj Rai, Deepak Budathoki, and Syam Tamang</b> (E/CN.4/2005/62/Add.1, para. 1157).	By letters dated 8/03/05, 22/03/05, and 14/09/05, the Government informed that Pushpa Neupane was arrested by the RNA during a search operation on 24 December 2003 in Damak Jhapa District. He was transferred to Bhadrapur Jail on 23 January 2004 by the order of the District Security Committee. He was rearrested on 25 July 2004 and detained at Jhapa Barracks. He was then transferred to Bhadrapur Jail on 28 July 2004. He was not tortured or ill-treated in RNA custody. Yam Giri was arrested by the RNA on 29 October 2003 and transferred to Bhadrapur Jail on 23 January 2004 by order of the District Security Committee. He was rearrested on 25 July 2004 and detained at Jhapa Barracks. He was subsequently transferred to Bhadrapur Jail on 28 July 2004. He was not tortured. Dev Raj Rai was arrested on 15 December 2003, by the Nepal Police and handed over to the RNA. He was transferred to Bhadrapur Jail on 23 January 2004 by the order of the Jhapa District Security Committee. Keeping in view his involvement in terrorist activities after his release, he was re-arrested and kept in detention in the Jhapa barracks. He was transferred to Bhadrapur Jail on 28 July 2004. He was not ill-treated and tortured in custody.

					Deepak Budathoki was arrested by the RNA during a cordon and search operation on 29 October 2003. He was transferred to Bhadrapur Jail on 23 January 2004. Keeping in view his involvement in terrorist activities after his release, he was re-arrested on 25 July, by the order of the District Security Committee, and again kept in detention in the Jhapa barracks. He was transferred to Bhadrapur Jail on 28 July. He was not tortured or ill-treated in custody. Syam Tamang was arrested on 27 July 2004 by Jabarjang Battalion, Charali barracks, Jhapa, under TADA. He was released on 6 July 2005. He was not tortured in custody.
325				<b>Subash Shrestha</b> (E/CN.4/2005/62/Add.1, para. 1165 and E/CN.4/2005/62/Add.1, para. 1031).	By letters dated 1/04/05 and 14/09/05, the Government informed that he was arrested by police in connection with a murder investigation on 4 January 2004. He is in custody at Nakhkhu Jail, Lalitpur.
326				<b>Jahid Ali Sai</b> (E/CN.4/2005/62/Add.1, para. 1166).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by the RNA on 31 August 2004, from Bankatte VDC, Banke, for interrogation. He was kept in Banke Prison under the PSA. Later he was released on 22 February 2005. He was not tortured during the interrogation.
327				<b>Dil Bahadur Baniya, and Bharat Paudel</b> (E/CN.4/2005/62/Add.1, paras. 1169).	By letters dated 8/03/05 and 14/09/05, the Government informed that Dil Bahadur Baniya was released on 24 September 2004, following a brief enquiry. Bharat Paudel was arrested on suspicion of murder on 30 September 2004 and released following a routine enquiry on the same day. He was not tortured or ill-treated in detention in the RNA barracks.
328				<b>Man Bahadur Budhamagar</b> (E/CN.4/2005/62/Add.1, para. 1170).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested by

					the RNA on 17 August 2004 on suspicion of involvement in terrorist activities. He was handed over to the District Administration Office, Kanchanpur on 2 September 2004. He was released but was taken into custody on 16 September 2004. He was released on 29 October 2004. He was not subjected to torture or ill-treatment in custody.
329				<b>R. S. D. and Bal Krishna Dhakal</b> (E/CN.4/2005/62/Add.1, para. 1171).	By letters dated 8/03/05, 22/03/05, and 14/09/05, the Government informed that Bal Krishna Dhakal was arrested on 11 November 2004, and is in custody in the District Jail Bharatpur. R. S. D. was arrested by the RNA and was held in detention under TADO at the District Jail Bharatpur since 5 August 2004. He was released and handed over to his brother. He was not tortured in custody.
330				<b>Govinda Damai</b> (E/CN.4/2005/62/Add.1, para. 1172).	By letters dated 1/04/05 and 14/09/05, the Government informed that he is not in detention.
331				<b>J.K and Keshu Ram Kewat</b> (E/CN.4/2005/62/Add.1, para. 1173 - 1174).	By letters dated 8/03/05 and 14/09/05, the Government informed that Keshu Ram Kewat was arrested by the RNA on 20 April 2004 from Betani-5, Badhigaun, Banke, for interrogation. He was kept in preventive detention from 10 May 2004 to 15 July 2005 in Nepaljung Jail. He was not tortured in RNA custody. J.K. was held in preventative detention at Nepalganj Jail.
332				<b>Yagya Dhakal</b> (E/CN.4/2005/62/Add.1, para. 1175).	By letters dated 8/03/05 and 14/09/05, the Government informed that he was arrested in Baneswor, Kathmandu on 9 October 2004 by the RNA for general inquiry. He was released on 10 October 2004. He was not tortured.

333				<b>Prakash Thapa</b> (E/CN.4/2005/62/Add.1, para. 1177).	By letters dated 7/03/05, 8/03/05 and 14/09/05, the Government informed that he was released from at Jagannath Dewal, Kathmandu, under preventive detention on the order of the Supreme Court dated 8 December 2004. He is held again in preventive detention in Kathmandu Central Jail since 24 December 2004.
334				<b>Ram Hari Chaulagain</b> (E/CN.4/2005/62/Add.1, para. 1191-1192).	By letter dated 14/09/05, the Government informed that he was arrested for investigation by the RNA on 29 August 2003 and released on 24 October 2003. He was treated humanely.
335				<b>Raj Kumar Karki</b> (E/CN.4/2005/62/Add.1, para. 1218).	By letter dated 14/09/05, the Government informed that he was released on 10 March 2005.
336				<b>Sharita Devi Sharma</b> (E/CN.4/2005/62/Add.1, para. 1220).	By letter dated 14/09/05, the Government informed that she was arrested for her involvement in Maoist activities on 16 November 2004 by the RNA in Chandol, Kathmandu. She is still in detention in Maharajgunj Barracks. She is being treated humanely.
337				<b>Shita Ram Dhakal</b> (E/CN.4/2005/62/Add.1, para. 1220).	By letter dated 14/09/05, the Government informed that he was arrested on 9 November 2004 in possession of a bomb. He was found to be active in terrorist activities and was transferred to Sundarijal Detention Centre in good condition on 24 November 2004. He was not tortured or ill-treated in custody.
338				<b>Khambalal Gautam</b> (E/CN.4/2004/56/Add.1, para. 1222).	By letter dated 14/09/05, the Government informed that there is no information of his arrest or detention.

339					<b>Navraj Thapa</b> (E/CN.4/2004/56/Add.1, para. 1235).	By letter dated 14/09/05, the Government informed that he was arrested by the RNA, and released on 8 October 2003. He was not tortured in custody and this is confirmed in a written statement, which is filed with the RNA Human Rights Cell.
340					<b>Ram Chandra Bhandari</b> (E/CN.4/2005/62/Add.1, para. 1237).	By letter dated 14/09/05, the Government informed that he was arrested for interrogation by the RNA on 16 November 2003 in Koteswor, Katmandú. He was released on 17 November 2003. He was treated humanely in custody.
341					<b>Manoj Kumar Shah</b> (E/CN.4/2004/56/Add.1, para. 1242).	By letter dated 14/09/05, the Government informed that he was killed in an encounter with security forces on 9 November 2003.
342					<b>Shyam Raj Acharya</b> (E/CN.4/2005/62/Add.1, para. 1244).	By letter dated 14/09/05, the Government informed that he was arrested for investigation by the RNA on 18 November 2003 and released on 3 December 2003. He was treated humanely.
343					<b>Umesh Subedi</b> (E/CN.4/2005/62/Add.1, para. 1251).	By letter dated 14/09/05, the Government informed that he was arrested for investigation by the RNA on 4 September 2003 and released on 18 December 2003. He was treated humanely.
344					<b>Shyam Nepali</b> (E/CN.4/2005/62/Add.1, para. 1255).	By letter dated 14/09/05, the Government informed that he was arrested on 28 November 2003 in Sitapalia, Kathmandu by the RNA for investigation. He was released on 14 January 2004. He was not tortured.
345					<b>Kumar Prasad Pant</b> (E/CN.4/2004/56/Add.1, para. 1257).	By letter dated 14/09/05, the Government informed that he was arrested on 4 January 2004 under TADA. He was released on 6 January 2004. He was not tortured.

346					<b>Mukunda Prasad Pant</b> (E/CN.4/2004/56/Add.1, para. 1259).	By letter dated 14/09/05, the Government informed that he was arrested by the RNA on 11 November 2003 and was released on 24 March 2004. He was not tortured in custody as is confirmed in a statement filed with the RNA Human Rights Cell.
347					<b>Ajaya Shahi</b> (E/CN.4/2005/62/Add.1, para. 1159); <b>Amrit Kadel</b> (E/CN.4/2004/56/Add.1, para. 1215). <b>Arjun Maharjan</b> (E/CN.4/2004/56/Add.1, para. 1230). <b>Bhim Prasad Chaulagain</b> (E/CN.4/2004/56/Add.1, para. 1220). <b>Deepak Pandey</b> (E/CN.4/2005/62/Add.1, para. 1078). <b>Deshu Ram Tharu</b> (E/CN.4/2005/62/Add.1, para. 1148). <b>Dhana Shahi</b> (E/CN.4/2004/56/Add.1, paras. 1207- 1208). <b>Dinesh Raj Prasai</b> (E/CN.4/2005/62/Add.1, para. 1021). <b>Durgesh Kumar Labh</b> (E/CN.4/2004/56/Add.1, para. 1231 and E/CN.4/2005/62/Add.1, para. 1178). Hira Bahadur Rokka (E/CN.4/2005/62/Add.1, para. 1038). <b>Indra Bahadur Arya</b> (E/CN.4/2004/56/Add.1, para. 1258). <b>Indra Raj Pathak</b> (E/CN.4/2005/62/Add.1, para. 1102). <b>Jaya Bahadur Lama</b> (E/CN.4/2005/62/Add.1, para. 1019)	By letter dated 14 September 2005, the Government informed that there is no information about arrest and detention of these persons.
348	Nigeria	23/03/05	JAL	FRDX; TOR;	<b>Ayodele Ale</b> , a reporter for the weekend edition of <i>The Saturday Punch</i> . On 4 March 2005, he was detained by the Kick Against Indiscipline (KIA) paramilitary brigade in Sabo, Yeba District, Lagos, and taken to the Customary Court in the Akerele District of Surulere. Ayodele Ale was arrested for taking photographs in relation to a story of persons being detained by the KIA for crossing the highway instead of using the pedestrian bridge. At the court, one of the members of the KIA, broke his camera, and he was beaten by several of them with sticks, and thrown into a cell. He was released several hours later. The	

					following day, <i>The Saturday Punch</i> published an article on the arrest and beating of Ayodele Ale with pictures of his injuries. KIA acknowledged the incident, but asserted that the beating took place at the hands of a person who did not belong to their brigade.	
349		28/06/05	JUA	WGAD; HLTH; TOR;	<b>Florencio Ela Bibang, Felipe Esono Ntumu</b> and <b>Antimo Edu</b> , nationals of Equatorial Guinea. At the end of April 2005, they were arrested by the Nigerian authorities at sea near the border with Cameroon. They were fleeing with the aim of seeking asylum in Benin. They are currently being detained by the Office of Military Intelligence, Lagos, and are at risk of being forcibly returned to Equatorial Guinea. Florencio Ela Bibang suffers from diabetes and needs appropriate medical treatment, which he is currently being denied.	
350	Pakistan	15/03/05	JAL	SUMX; TOR;	<b>Yasir Lund</b> , Naushahro Feroze. At the end of January 2004, he died due to torture while under the custody of Mehrabpur Station House Officer, the Assistant Sub-inspector, and two Head Constables of Mehrabpur Police Station. No arrests have been made to date. <b>Mohammed Ashraf</b> , a 30 year-old photographer, Karachi. On 13 July 2004 at 3am, he was arrested by members of the Crime Investigation Agency (CIA) Saddar team and taken to the CIA Centre No. 1, on suspicion of a number of offences. On 14 July, he died in police custody. His family, who had not been notified of his death, was asked for a payment to secure his release by the inspector and sub-inspector. His body was taken to Jinnah Hospital for a post-mortem examination, which concluded that he was subjected to torture, though the authorities claimed that he died of a heart attack. A First Incident Report was registered against two officers and they were both	By letter dated 6/06/05, the Government informed that he was was arrested as a suspect in a case by the police officials of Police Station Mehrabpur, District Nausheroferoze, Sindh, and died in the police lock up. The Police department conducted a preliminary enquiry and his mother was advised to register First Information Report against the five police officials who were on duty at that time, including a sub-inspector, an assistant sub-inspector, and three police constables. Autopsy was carried out. After investigations, the case was registered in the court of the District and Session Judge, Nausheroferoze. The Court declared the sub-inspector an absconder; the assistant sub-inspector was sent to jail custody, and is now in the Central Prison Sukkur-I; one police constable is also currently detained in the Central Prison; and two constables were



arrested for negligence before being released on bail. No other action has been taken against them. The victim's family has been the subject of threats and intimidation. Ms. **Perveen Bibi**. On 12 August 2004, she died in custody of the Hafizabad Police, while being held on suspicion of abducting two young boys. According to the authorities, she complained of a stomach ache as she was taken into custody, and died as a result of it. However, no post-mortem examination was carried out.

**Ameerzada**, aged 40, and **Salim Khan**, aged 30, both from Shereen Jinnah Colony, Karachi. On 18 August 2004, they were arrested in front of their house by officers from Gizri Police Station, under the supervision of a sub-inspector, on suspicion of a number of offences. They were subjected to torture in order to extract confessions. On 23 August in the evening, they were doused with petrol and set alight by the sub-inspector. The men were later taken to the Civil Hospital for treatment. Mr Ameerzada died on 25 August from serious burns. Mr. Khan received burns to 75 percent of his body. According to the authorities, the burns resulted from suicide attempts. Thirteen police officers implicated in this incident were suspended, but not charged. **I.**, aged 14, Sheikhupura. On 27 September 2004, he was arrested by members of the Sheikhupura police on suspicion of theft. He died due to torture in police custody. The police claimed that he was already beaten before they took him into custody.

**Mohammed Tariq**, Kamoki. On 4 October 2004, he died in custody of the Saddar Kamoki police due to torture. A post-mortem was carried out by a board composed of senior doctors of the Divisional Headquarter Hospital, Gujranwala. The results have not yet been revealed even though

released on bail. The case is pending. The Government informed that Muhammad Ashraf was taken into custody as a suspect by the the CIA, Saddar, Karachi, on 13 July 2004. He died in police custody (CIA Saddar) on 14 July. An autopsy was carried out at Jinnah Post Graduate Medical Centre, Karachi, where the doctors declared the cause of death as "cardio-Respiratory Failure due to neurogenic shock", possibly resulting from fright. An FIR was lodged with Police Station Saddar, Karachi. The head constable and a constable were arrested and case was registered in the court of Additional District Judge, District South Karachi. The Court having examined the autopsy report granted bail to the accused. The case is presently sub-judice in the court of law. The Government informed that Ameerzada and Salim Khan belonged to the Shireen Jinnah Colony, Karachi, and were arrested under the supervision of a sub-inspector on suspicion of a number of offences. They were kept inside the lock up of Police Station Gizri, District South, Karachi, where they were doused with petrol and set alight, which resulted into the death of Ameerzada while Salim Khan sustained 75% injuries due to burns. The autopsy confirmed that the cause of death was burning. An FIR was registered at Police Station Gizri against two inspectors, and two sub-inspectors. The State prosecuted four police officials in the court of Judicial Magistrate, South Karachi, where it is presently subjudice. The Government also conducted departmental enquiry of the incident. As a result, the four officials on trial have been dismissed, as well

				the victim's body has been returned to the family. <b>Bashir</b> , aged 25, Sherakot. On 11 October 2004, he was arrested by members of Sherakot Police Station on suspicion of theft. Mr. Bashir was taken to a cell and subjected to torture by two sub-inspectors and an assistant sub-inspector. He died on 16 October 2004 due to torture, however, the police claimed that he was already injured prior to the arrest.	as a further three sub-inspectors and four police constables.
351		23/08/05	JUA	FRDX; HRD; TOR;	<b>Ali Nawaz, Akhter Nadeem, Allah Nazar</b> , all members of the Baloch Students Organization. On 25 March 2005, they were arrested in Karachi, and then on 13 August, after more than four months of incommunicado detention, they were produced before a court in the city of Sadiq Abad in relation to an alleged case of robbery. The men appeared again in front of the court on 17 August. During their detention all three men were tortured using electric shocks. As a result Allah Nazar is partially paralysed and unable to speak or recognise anyone. The authorities have denied the men access to medical treatment. They are currently held in a police station in the village of Chandar Maa, Punjab Province.
352		Follow-up to past cases			<b>Asif</b> (E/CN.4/2005/62/Add.1, para. 1245). By letter dated 10/02/05, the Government informed that on 2 June 2004 he and his friend alleged that they were stopped by two police constables and searched and injured in the process. His brother lodged a FIR against the two police constables involved, which has been submitted to the Magistrate's Court.
353					<b>Saifullah Kharal and Riast Ali</b> (E/CN.4/2005/62/Add.1, para. 1242). By letter dated 11/02/05, the Government informed that they were arrested on suspicion of theft. Saifullah Kharal reportedly succumbed to his injuries on the day of his arrest. A case under Section 302/34 was registered against the police officers concerned, who absconded.

						A departmental inquiry was also conducted. As a result, the police officers concerned were dismissed. The police officers are still at large and every effort is being made to find and arrest them.
354					<b>Qari Muhammad Noor</b> (E/CN.4/2005/62/Add.1, para. 1243).	By letter dated 11/02/05, the Government informed that his dead body was found by police on 17 August 2004. The police registered a case against unknown persons, and the case is under investigation by the police authorities.
355					Ms. <b>Zubaida Bibi</b> (E/CN.4/2005/62/Add.1, para. 1246).	By letter dated 11/05/05, the Government informed that the allegations concerning her abduction and torture were looked into thoroughly by an officer of superintendent level. The allegations have not been substantiated.
356					<b>Diwan Hashmat Hayat</b> (E/CN.4/2005/62/Add.1, para. 1254-1255).	By letter dated 27 July 2005, the Government provided information concerning criminal cases pending against him.
357					Ms. <b>Sakina</b> (E/CN.4/2005/62/Add.1, para. 1223).	By letter dated 20/09/05, the Government informed that she filed a writ petition in the court of Liaquatpur for the registration of a criminal case against the Head Constable. She has also filed a complaint with the police station of Trinda. The matter will be decided by a court.
358					<b>Zakia Sultan</b> (E/CN.4/2005/62/Add.1, para. 1224)	By letter dated 20/09/05, the Government informed that the police had wanted to search a's house on 28 June 2004, however, she did not allow them in and helped the culprits who had taken refuge in her house to escape. Zakia Sultana routinely files similar claims against the local police in order to avoid arrest.

359				<b>Mariam Sultana</b> (E/CN.4/2005/62/Add.1, para. 1225).	By letter dated 20/09/05, the Government informed that she produced an affidavit stating that the plot issue has been settled to her satisfaction, and there is no discord between her and the Station House Officer.
360	Peru	10/06/05	JUA	FRDX; HRD; SUMX; TOR;  <b>Luis Alberto Ramírez Hinostroza</b> , quien fue víctima de tortura durante la dictadura militar y quien fue uno de los testigos principales ante la Comisión de la Verdad y Reconciliación del Perú y ahora va a testificar en el proceso judicial contra un general retirado acusado de la desaparición forzada de nueve personas en 1991. Su caso ya fue objeto de un llamamiento urgente enviado el 7 de septiembre del 2004 (E/CN.4/2005/62/Add.1. para 1292) por el Relator Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, el Relator Especial sobre la tortura, el Relator Especial sobre la independencia de magistrados y abogados, el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión y la Representante Especial del Secretario-General para los defensores de los derechos humanos. El 1 de junio del 2005, aproximadamente a las 6:30 de la tarde, dispararon varias veces a Luis Alberto Ramírez Hinostroza desde un vehículo en movimiento mientras cruzaba por el parque Mariscal Castillo de Lima, acompañado de un guardaespaldas de la policía. El atentado ocurrió después de mantener una reunión con sus abogados del Instituto de Defensa Legal (IDL). Debido a la intervención del agente policial asignado para su custodia, ambos salieron ilesos de los disparos de arma de fuego. Este último intento de asesinato es el tercer atentado contra la vida del Sr. Ramírez en el transcurso de un poco más de un año. Se teme que este nuevo	

					<p>intento de asesinato pueda estar relacionado con el testimonio previsto de Luis Alberto Ramírez Hinostroza en el juicio contra un general retirado por la desaparición de al menos nueve estudiantes universitarios detenidos en el cuartel militar "9 de Diciembre" de Huancayo. A la luz de estas nuevas alegaciones y a pesar de las medidas cautelares otorgadas por la Comisión Interamericana de Derechos Humanos y el Estado Peruano a favor de Luis Alberto Ramírez Hinostroza y su familia, se han expresado temores por la vida e integridad física de dichas personas.</p>
361	Philippines	3/05/05	JAL	TOR; VAW;	<p><b>Angelina Bisuña Ipong</b>, aged 60, Anastacia Mission Village in Brgy., Lumbayao, Aloran, Misamis Occidental. On 8 March 2005 at 2pm, she was arrested at her house by 10 masked and armed men, wearing fatigue shorts, who identified themselves as members of the Criminal Investigation and Detention Group. At the time no reason was given for her arrest. She was blindfolded and handcuffed and taken in a panel truck in the direction of Ozamis City. Three hours later she was brought to the headquarters of the 1st Infantry "Tabak" Division, Philippine Armed Forces, Pulacan, Labangan, Zamboanga del Sur. For the first four days in custody, she was held in solitary confinement, left in a room, hog-tied and blindfolded. On the fifth day, she was airlifted to the Southern Command Headquarters, Zamboanga City. There she was tortured to force her to confess her involvement with the communist movement and to an ambush of personnel of the 10th Infantry Battalion in Sapang Dalaga, Misamis Occidental. She was slapped with a roll of cardboard and punched on the waist every time she refused to reply, stripped naked,</p>

				sexually assaulted, insulted, hog-tied, blindfolded, and was left naked in a cold room. On 15 March 2005, she was presented to the media. She was later taken back to her detention cell and blindfolded. She was denied visitors. On 17 March 2005, the Southern Command announced that she had been transferred to Molave, Zamboanga del Sur, though she was not located in Pagadian City Jail until 21 March. She was charged with rebellion without bail before the Regional Trial Court (RTC) Branch 23, Molave, Zamboanga del Sur. Although she was arrested on 8 March her arrest warrant was issued only on 17 March.	
362		Follow-up to past cases		<b>Flory Balilid</b> (E/CN.4/2005/62/Add.1, para. 1329).	By letter dated 8/03/05, the Government informed that an amicable settlement had been entered into between Mr. Balilid and the military personnel concerned. It informed that the Commission on Human Rights of the Philippines (CHRP) is looking into allegations that the amicable settlement was forged.
363				<b>J.R.</b> (E/CN.4/2005/62/Add.1, para. 1330).	By letter dated 8/03/05, the Government informed that he is facing charges of multiple homicide (Case No. 9575). On 23 January 2004, the Court of Burauen in Leyte ordered that he be released under supervision until the trial.
364				<b>Jose Cañedo Suplaag</b> (E/CN.4/2005/62/Add.1, para. 1331).	By letter dated 8/03/05, the Government informed that a non-governmental organization helped Mr. Suplaag to file a complaint against the relevant members of the military. Accordingly, criminal complaints were filed accusing them of arbitrary detention, maltreatment of a detainee, grave threats, grave coercion, physical injuries and illegal search. The Government informed that a joint resolution was subsequently rendered by the Office of the Provincial Prosecutor, Cebu City.

						It recommended that the cases against the accused be dismissed due to a lack of probable cause and insufficient evidence.
365					<b>Abdullah Ayob</b> (E/CN.4/2005/62/Add.1, para. 1333).	By letter dated 8/03/05, the Government informed that his arrest, along with the arrest of five other persons, was the result of a legitimate military operation. It informed that all six have been remanded in custody on charges of illegal possession of firearms and ammunition.
366					<b>Talib Macaangon and Eddie Redoble</b> (E/CN.4/2005/62/Add.1, para. 1334).	By letter dated 8/03/05, the Government informed that the Commission on Human Rights of the Philippines has recommended further investigations to establish the identity of the military personnel who allegedly participated in the torture of the two individuals, so that appropriate charges can be filed.
367					<b>Bangkola Kamao, S.K. and Acmad Ampatuan</b> (E/CN.4/2005/62/Add.1, para. 1335).	By letter dated 8/03/05, the Government informed that his whereabouts are still unknown. There are no records of the case at Marawi City Philippine National Police Office.
368					<b>T.U., J.B., Ting Idar, Esmael Mamalangkas and To Akmad</b> (E/CN.4/2004/56/Add.1, 1325, and E/CN.4/2005/62/Add.1, para. 1336).	By letter dated 8/03/05, the Government informed that they are facing charges related to the Davao Airport and Sasa Wharf bombings. The case against them is now lodged before the Regional Trial Court, Branch 12, Davao City.
369					<b>Saraudin</b> (E/CN.4/2005/62/Add.1, para. 1337).	By letter dated 8/03/05, the Government informed that he was charged with illegal possession of firearms and explosives.
370					<b>Hadji Omar Ramalan</b> (E/CN.4/2005/62/Add.1, para. 1338).	By letter dated 8/03/05, the Government informed that he has already been released from detention and the case against him has been dismissed. He has filed a counter-charge against the relevant military personnel.

371					<b>James Francis Defiesta, Wilfredo Damalerio, Evelyn Alicaba</b> (E/CN.4/2005/62/Add.1, para. 1339).	By letter dated 8/03/05, the Government informed that the Commission on Human Rights of the Philippines is investigating the case.
372	Republic of Moldova	12/08/05	JUA	WGAD; IJL; TOR;	<b>Mikhail Kaldarar</b> and <b>Vasilii Kodrian</b> , ethnic Romas. On or around 18 July 2005, Mikhail Kaldarar was detained by police on suspicion of murder during a raid on the Roma community in Yedintsy. Shortly after, he was transferred to a temporary detention facility under the authority of the Ministry of Interior (IVS) in Chişinău. On 25 July, an appeal court in Beltsy ordered his release because of the lack of evidence against him, and on 27 July, police informed relatives of Mr. Kaldarar that he had been released that day. However, on 3 August, an official of the Ministry of the Interior confirmed to Mikhail Kaldarar's father that his son was still being detained, despite the court order, and that he would be released only if the real culprits of the murder were handed over by the Roma community. The authorities have not confirmed Mr. Kaldarar's whereabouts, and neither his lawyer nor his family have been allowed to see him. Vasilii Kodrian was detained by police in Yedintsy on 5 August 2005, on the grounds that his son is a suspect in the investigation into the murders in Chişinău. Vasilii Kodrian has not been charged with any offence.	By letter dated 20/09/05, the Government informed that Mikhail Kaldarar was arrested on 20 July 2005, by the judicial authority of Edintsy District and was detained for 10 days for having committed an administrative offence under Article 174, paragraph 6 (insulting a police officer), of the Code of Administrative Violations. On 21 July, as a result of overcrowding at the temporary detention facility of the Edintsy District Police Commissariat, he was transferred to the temporary detention facility of the General Police Commissariat of Chişinău municipality, where he was held until 26 July. He was released four days early in accordance with a decision of the Beltsy Court of Appeal. Vasilii Kodrian was arrested by the judicial authority of the Chişinău municipality and detained for four days for having committed an administrative offence under Article 174, paragraph 174 (resisting a police officer), of the Code of Administrative Violations. He was held in the temporary detention facility of the General Police Commissariat of Chişinău municipality, and was released on 10 August 2005. No complaints were lodged by either men during their detention.
373		23/11/05	JUA	WGAD; TOR;	<b>Sergei Gurgurov</b> . On 25 October 2005, he was arrested by police from the Ryshkan District of Chisinau, accused of stealing a mobile phone. Later that day, he was transferred to a temporary holding facility at the Chisinau police headquarters. On 3 November, he was brought	



				<p>before the District Court in Ryshkan after the District Procurator requested he be detained for questioning for a further 30 days. At the court hearing, Sergei Gurgurov was assisted to the fourth floor of the building by police officials as he was unable to walk. A video recorded by his lawyer shows him being dragged into the court building by two officers, clearly unable to walk or stand without support. Sergei Gurgurov told his lawyer that he had been tortured while in detention, including by being beaten and subjected to electric shocks, in order to force him to confess to the theft. Sergei Gurgurov's lawyer appealed against the prolongation of his detention, in view of his visibly poor health, as well as the lack of evidence against him. The court refused the Procurator's request to extend the detention and ordered a transfer to house arrest. However, after the hearing, police officers told Sergei Gurgurov that he had to complete some forms before he was transferred to house arrest. Instead of transferring him to house arrest, the officers then took him to an unknown location for over two hours, and then moved him to another temporary holding facility at the Department for Combating Organised Crime in Chisinau. On 4 November, Sergei Gurgurov's lawyer learned from the authorities that his continuing detention was based on another order for his arrest dating back to September 2001, which also concerned a theft. On the same day, Sergei Gurgurov's lawyer lodged an appeal, claiming that her client was being arbitrarily detained and asking for the arrest to be reviewed. The review took place on 11 November, and the appeal was rejected. On 11 November, a medical expert visited Sergei Gurgurov in detention. The expert refused to</p>	
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					<p>diagnose his condition, saying that he needed to examine him in hospital in order to make a diagnosis, and demanded that Sergei Gurgurov be transferred to a hospital immediately. The authorities ignored this demand. The following day, at the insistence of Sergei Gurgurov's lawyer, the head of the neurosurgery department of a local hospital visited Sergei Gurgurov, and confirmed that he needed an urgent examination with equipment only available at the hospital. However, the authorities have still not permitted Sergei Gurgurov to be examined or treated in hospital and he is currently not receiving any medical treatment in detention.</p>	
374	Romania	4/7/05	AL	TOR;	<p><b>Cotun Ioan</b>, aged 36, currently at Arad Prison. On 14 November 2002, he was arrested by Arad police and taken to Arad Prison on 15 July 2003. There he was subjected to torture by representatives of the Independent Service of Protection and Anticorruption (SIPA), one of the prison departments, on numerous occasions. He was beaten on his body, head and feet and threatened with prolonged detention, transfer to another penitentiary institution, and negative remarks in his detention record. The aim of this treatment was to get him to withdraw complaints that he had filed against SIPA. The officers tried to force him to provide information on other prisoners to them, which he refused. As a result of the torture, scars are visible on his body. He filed several complaints, but was forced to withdraw them. No medical examination and treatment has been performed.</p>	<p>By letters dated 27/07/05 and 16/10/05, the Government informed that he was currently detained at the maximum security prison in Arad. It informed that he had accused two members of the Directorate-General of Protection and Anti-Corruption of mentally and physically ill-treating him in order to force him to withdraw a complaint that he had made against a police officer. It informed that the Prosecutor's Office attached to the High Court of Cassation and Justice and the Directorate-General of Protection and Anti-Corruption of the Ministry of Justice had carried out an investigation into the case. The investigation found that Ioan Cotun does not have scars and or other traces of being beaten. It found that he had inflicted physical harm upon himself. According to the decision of the Military Prosecutor's Office of Timisoara County, which was adopted on 8 September 2005, the Public Ministry decided not to start a criminal procedure against the police officers who were under investigation for alleged acts of torture</p>

					<p>against Ioan Cotun. The decision was based on a number of facts. Firstly, two of the three witnesses did not confirm the allegations and the other witness could not be found. Secondly, Ioan Cotun did not make any complaints about his treatment to the officers responsible for supervising his detention. Thirdly, there is no record that he underwent any medical examination or treatment as the result of injuries provoked by abusive treatment. The allegations were investigated and the accused officers were invited to a hearing. They both confirmed that they had had contacts with Ioan Cotun, but maintained that they had acted in accordance with procedural rules.</p>
375		Follow-up to past cases		<p><b>Gheorghe Emilian</b> (E/CN.4/2005/62/Add.1, para. 1358).</p>	<p>Par lettre datée du 5 mai 2005, le Gouvernement explique que Gheorghe Emilian, son frère Gheorghe Sorin, et son cousin Gheorghe Adrian, ont été dénoncés par des personnes pour échange illégal de devises étrangères. Après investigation, et après une tentative d'intervention par une sous-commissaire pour empêcher qu'ils soient poursuivis, ils ont été condamnés à une amende conformément à l'article 2 §2 de la Loi n° 61/1991 pour avoir commis l'infraction de « constituer un groupe de trois ou plusieurs personnes pour commettre des actions illicites contraires à l'ordre public et aux normes de cohabitations sociales ». Les procès-verbaux ont été contestés par les trois personnes devant les instances judiciaires. Les plaintes ont été rejetées. M. Gheorghe Emilian avait émis une plainte à l'encontre du chef de la Section 1 de la Police, en l'accusant d'avoir commis les infractions prévues par l'article 250</p>

					<p>§2 (comportement abusif d'un fonctionnaire) et l'article 267 §1 (torture) du code pénal. Par l'ordonnance 141/P/2.10.2003 le Parquet a décidé d'arrêter les poursuites contre le sous-commissaire et de lui infliger néanmoins une sanction administrative. La mesure a été contestée par Gheorghe Emilian devant la Cour d'Appel de Pitesti qui, le 10 février 2004, a relaxé Diaconu Vasile pour l'accusation de torture mais l'a également condamné pour comportement abusif à une peine de un an de prison avec sursis. Cette sentence a été contestée par Diaconu Vasile devant la Cour de Cassation, et le cas est en cours de jugement. Conformément aux dispositions du statut des policiers, Diaconu Vasile a été suspendu de ses fonctions en attendant le jugement. Au cours du procès, M. Gheorghe Emilian a présenté un certificat médico-légal constatant des lésions qui nécessitaient 15 jours de soins médicaux. Suivant certaines autres investigations, il a été indiqué que M. Gheorghe Emilian souffrait d'une surdité constituant une infirmité. Cependant, à la demande du Parquet, l'Institut National des Médecines Légales a réexaminé M. Gheorghe Emilian et a indiqué que la rupture du tympan n'était pas confirmée et que les lésions subies ne nécessitaient pas plus de sept à huit jours de soins médicaux.</p>
376				<p><b>Cristae Nicolae</b> (E/CN.4/2005/62/Add.1, para. 1366).</p>	<p>By letter dated 5/05/05, the Government informed that from the statements of the staff and of the prisoners, as well as according to the documents, these allegations were not confirmed. On 25 November 2004, a discussion with the prisoner showed the following: he stated several times that he had</p>

					<p>no problem, that he was not dissatisfied with the imprisonment regime. The only thing that was dissatisfactory was the fact that his family was not visit visiting him. The prisoner had an evasive attitude towards the questions that were strictly related to the incriminated incident and he refused to state this in writing.</p> <p>According to the documents: was diagnosed in the medical room as not having signs of physical violence on his body on 17 March 2003; on that date he received treatment for a dental abscess, and an acute infection of the upper respiratory ways; based on the prisoner's behaviour he underwent a psychiatric examination on the 25 November 2004 in the Bucharest-Jilava Hospital with the diagnosis, "unstable and impulsive-type personality disorder; psychopathic behaviour". As to the fact that the prisoner was not allowed to see his family, the Government informed that he has not been visited by his family or other persons and has not received any mail since his imprisonment.</p>
377				<p><b>Pencea Robert-Paul</b> (E/CN.4/2005/62/Add.1, para. 1367).</p>	<p>By letter dated 5/05/05, the Government informed that based on the investigation, the documents, the statement of prisoners who share the room with the applicant and the penitentiary staff reports, none of these allegations were confirmed. On 13 July 2004, the Prosecution Office decided not to initiate penal actions under art. 267 Penal Code against the prison staff. On 16 September 2004, the Military Prosecution Office by the Territorial Military Law Court of Bucharest confirmed this because the alleged acts had not been committed. Between 23 March and 17 April 2003 the prisoner did not request to</p>

						appear before the consulting room in order to receive a medical examination.
378					<b>Ionel Ghita</b> (E/CN.4/2005/62/Add.1, para. 1368).	By letter dated 5/05/05, the Government informed that based on the investigation conducted, documents, staff reports and prisoners' statements, his claims were not confirmed. On 1 July 2003, due to his requests, after being discharged from the Jilava Penitentiary Hospital, the prisoner appeared at the infirmary for treatment (he was suffering from post-tuberculosis traumas in the right upper lobe, infections and allergic persistent bronchial asthma). Due to the fact that at that moment the unit physician was not present at the infirmary, the prisoner was brought back to his room and was going to be sent to the doctor after he had arrived. After a while, the applicant was removed from his room in order to be administered proper treatment, but he left the room without proper clothing (naked up to his waist). After he had caught the attention of the supervisor, he threw himself on the floor and started shouting that he was being beaten. According to both the medical record of the applicant and the medical investigation book of the 4th section, after being examined on 18 July 2003 no traces of violence were found. The prisoner has a difficult character, he suffers from anti-social type personality disorders, a diagnosis which was set forth by the specialist physicians of "Al. Obregia" Hospital. According to the psychological image drawn up by the specialists of the unit, "in order to compensate

					<p>the pain caused by the multiple penal convictions, the prisoner victimizes himself". The witnesses who were heard claim that, when he was taken out from his rooms for various activities, Ghita lonel deliberately appeared in improper clothing, with a defiant and provoking attitude towards the staff with whom he came into contact. When he saw that the penitentiary staff did not answer to his provocations, he requested from some roommates, in exchange for some cigarettes, to hit him. After being rejected by them, Ghita lonel was seen while he hit himself with a shoe over his face in the sanitary group of this room. Some prisoners stated that the applicant intended to obtain various material advantages from the penitentiary employees with this behavior, blackmailing them with complaints or lawsuits. The prisoner made other complaints on similar aspects to the Ministry of Justice, the Parliament of Romania, the Ombudsman, which were not confirmed and during 2003 he made a complaint to the District Court of sector 4 in which he stated that he had been physically attacked by a non-commissioned officers of Jilava Penitentiary. This action was rejected as groundless by judgment no. 2309/2003.</p>
379				<p><b>Ion Mihaita Nitu</b> (E/CN.4/2005/62/Add.1, para. 1375).</p>	<p>By letter dated 5/05/05, the Government informed that on the basis of the inquiry, the relevant documents, the daily activities of the intervention group, the reports of the staff , and the statements of the accused, the allegations were not confirmed. On 20 February 2004, when he claimed that he had been attacked, the prisoner was present and examined by a doctor who did not notice any signs of</p>

					<p>violence, but upon the prisoner's insistence, she recommended x-rays. They were performed during the same day in the Hospital of Bucharest-Rahova Penitentiary, and were negative for damages. The prisoner is registered in the infirmary with the following diagnosis, "anti-social type personality disorders; several self-aggressions". He appeared several times for dental treatment and oral-facial surgery examinations within the sanitary network of the Ministry of Health. He was also presented for surgical examination caused by self-aggression ("object that were voluntarily eaten"). The applicant often refused the medical assistance provided to him, the last time on 25 and 26 November 2004, when he refused to be present for a new oral-facial examination. He has a recommendation for chronic psychiatric treatment. The Bucharest Military Prosecution Office stated no complaint forwarded by the prisoner Nitu Ion- Mihaita was registered. As to the fact that he was not allowed to see his family, on 22 February 2004 and on 24 February 2004, the prisoner made two phone calls and his first visit took place in the end of February 2004. According to the results of investigations, none of the prisoners' statements on alleged ill-treatment have been confirmed. It was also ascertained that the penitentiary regime was correctly enforced.</p>
380	Russian Federatifon	3/12/04	JUA	HLTH; TOR;	<p><b>Oleg Evgenyevich Khoroshunin</b> (the subject of a previously transmitted communication, E/CN.4/2005/62/Add.1, para. 1431). He is currently detained in cell no. 127 at the Pre-Trial Detention Centre (SIZO 26/2), Goryachiyvorskaya, 23, Pyatigorsk. On 15 November he requested medical treatment for a</p>



					<p>stomach complaint, as well as dental treatment, both of which were denied. Oleg Evgenyevich Khoroshunin reported that in the period from 26 to 29 November he was transferred to an unknown place and denied food and water for several days. The investigator stated that he has "no right to live". His lawyer visited him four times since his arrest, the last occasion being on 30 November. His mother was able to see him but not permitted to speak with him. She reported that he has lost weight and is very thin. His lawyer applied to the Prosecutor for habeas corpus, release on bail, and for an examination by a medical commission, all of which were denied.</p>	
381		6/12/04	JUA	FRDX; HRD; TOR;	<p><b>Ruslan Susaev</b>, the head of the organization, Civilian's Protest, who also assists the Information Centre of the Russian-Chechen Friendship Society in Chechnya, his wife, <b>Susanna Susaeva</b>, and <b>his children</b>. On 4 November 2004, they were stopped at a police roadblock near Achkoi Martan. The police ordered them out of the car, threw Mr. Susaev to the ground and searched him. They were taken to the police station in Achkoi Martan, and later to the Sunzhenskii Regional Department of Internal Affairs (ROVD). The police tried to make Mr. Susaev confess to a crime, and told him that his family would suffer unless he signed a confession. He refused to sign, and on the morning of 5 November, they were released. Mr. Susaev has been the subject of recent harassment and threats by the security forces in connection with his work. He collected information about a house raid on 27 August, in the town of Sernovodsk, allegedly carried out by the so-called "Kadyrovtsy", members of the Chechen Ministry of Interior security forces. During this raid several people</p>	<p>By letter dated 28/02/05, the Government informed that the checks carried out by the Achkoi-Martanov District Procurator established that Ruslan Seidrahmanovich Susaev and Susanna Valentinovna Susaeva were stopped on the Kavkaz highway by armed persons wearing camouflage on 4 November 2004. They were taken to the Achkoi-Martanov district internal affairs office. Ruslan Seidrahmanovich Susaev was questioned concerning his involvement in the activities of illegal armed groups and the pair was then released. No physical or psychological pressure was exerted on them. During the investigation, Ruslan Seidrahmanovich Susaev stated that it was true that during the night of 28-29 August, unknown armed persons approached him in civilian clothes, but stated that they did not carry out any search, did not use physical force against him or the members of his family, and did not arrest his sons. Moreover, he stated that his mother had died in 1985, and so she</p>

				<p>were beaten, one person was killed, and another person was taken away. Mr. Susaev took part in a demonstration calling for the release of this person. On 28 August, several masked men wearing uniforms of the security forces raided Mr. Susaev's home. They asked for Mr. Susaev, searched the house, fired in the air, hit Mr. Susaev's mother in the face, and forced two of the children to lie on the floor. On 29 August, several men again came looking for him at his home, took two of his sons to a police station in Grozny, and released them a few hours later. That evening, a car without number plates stopped in front of the house, and three men in camouflage uniforms entered and threatened to torture Mr. Susaev unless he stopped his human rights work. Mr. Susaev and his family have since been moving from place to place in Chechnya and Ingushetia.</p>	<p>could not have been beaten in 2004. On 28 December 2004, following the investigation of the alleged brutal treatment of R.S. Susaev and the members of his family, the Achkhoi-Martanov district procurator's office decided not to institute criminal proceedings.</p>
382		26/01/05	JUA	<p>EID; HRD; IJL; TOR;</p> <p><b>Makhmut Dchaparovic Magomadov</b>, a 51 year-old human rights lawyer, Grozny. On 20 January 2005, at approximately 6:30pm, he was abducted in Grozny by a group of at least 15 armed men, speaking in Chechen and dressed in camouflage military uniforms. At the time, he was with his family on the way to the home of a friend in the Staropromyslovsky District. While driving to the Staropromyslovsky District in his car, he was followed by the so-called "Kadyrovtsy", under the command of the Chechen First Deputy Prime Minister, Ramzan Kadirov. The "Kadyrovtsy" have been reportedly involved in cases of disappearance, torture and ill-treatment and extra-judicial executions. Witnesses report that the "Kadyrovtsy" came in several cars. Mr. Magomadov was taken away in a white vehicle, in the direction of the centre of Grozny. Mr. Magomadov's family was ill-treated, including his</p>	

					four year-old daughter. Despite inquiries with local authorities, Mr. Magomadov's whereabouts are unknown. An appeal was sent on 21 January, to the Procurator of the Chechen Republic, with copies to the General Procurator of the Russian Federation, the Human Rights Ombudsman of the Russian Federation, and the Chair of the Presidential Human Rights Commission. A criminal investigation was opened by the Ministry of Interior into his abduction.	
383		17/02/05	JUA	HRD; TOR;	<p><b>Yakub Magomadov</b> and his family. In autumn 2003, he went to Tagangrog in the region of Rostov-on-Don to search for his brother. After he left the prison, men in uniforms pushed Mr. Magomadov into a car, took his money and beat him. They threatened him that he would "disappear" unless he stopped looking for his brother. On 2 April 2004, Mr. Magomadov left Chechnya for Moscow. On 28 April, a group of armed men in masks entered the house of the Magomadov family in Kurchaloy, asked Mr. Magomadov's 16 year-old nephew about his whereabouts, and beat him with the butts of their guns. They threatened to take him away. On 16 May, persons working for the Russian federal forces in Khankala informed Mr. Magomadov's family in Chechnya that he was held in Khankala and that he had been subjected to torture. They gave the family a note, allegedly written by Mr. Magomadov, where he stated that he was in Chechnya. His family does not have any official information concerning his whereabouts. The Magomadov family appealed to the European Court of Human Rights in 2001 on the alleged "disappearance" on 2 October 2000 of Mr. Aiubkhan Adamovich Magomadov, Mr. Magomadov's brother.</p>	<p>By letter dated 27/07/05, the Government informed that the Procurator's Office of the Chechen Republic opened a criminal case in relation to the abduction of Yakub Adamovich Magomadov on 19 July 2004. The case was opened following a complaint from the High Commissioner for Human Rights of the Russian Federation. In the course of this investigation it was established that Yakub Adamovich Magomadov left the village of Kurchaloy on 2 April 2004 and that he contacted his relatives by phone on 19 April 2004. On 29 April 2004, two unidentified armed individuals in camouflage uniform and masks carried out a search for Mr. Magomadov in Kurchaloy. On 16 May 2004, these two individuals gave Mr. Magomadov's relatives a note, allegedly from Mr. Magomadov, and a copy of his passport photograph. They informed them that Mr. Magomadov was at the Khankala military base. Mr. Magomadov's relatives went to Khankala military base but were informed that Mr. Magomadov was not being held there. Mr. Magomadov's brother claimed that the note had been given to him by an officer of the Ministry of Internal Affairs of the Chechen Republic, Magomed Khozh-</p>

						<p>Akhmedovich Daudov. However, Mr. Daudov claimed that he did not know Mr. Magomadov. When questioned, Mr. Magomadov's mother stated that her son Ayubkan had been abducted in 2000. Yakub Adamovich Magomadov had submitted an appeal on his brother's behalf to the European Court of Human Rights and had travelled to Chechnya to search for his brother. His mother stated that Mr. Magomadov had told her that law enforcement officers in Moscow had advised him to be less persistent in his search for his brother. On 16 August 2004, the criminal case was referred to the Moscow Procurator's Office and the Investigation Department of the Federal Security Service of the Russian Federation is conducting a search for Yakub Magomadov in connection with the investigation. On 29 July 2004, a criminal case was opened against Yakub Magomadov on the basis of an offence under Article 122(2) of the Criminal Code.</p>
384		13/04/05	JAL	FRDX; TOR;	<p><b>Vladimir Lavrov</b>, a photographer of the newspaper <i>Moya</i>, Voronezh. On 30 March 2005, he was beaten by several uniformed and plainclothes officers, who pushed him under the arch of a building, threw him to the ground, punched him several times in the face, and left with his camera's memory card, leaving him almost unconscious. He was taken to the hospital, where he was treated for bruises and eye injuries. The next morning, he filed a complaint at the local Interior Ministry office. The assault took place following an incident where he photographed a group of policemen in detaining about 30 young football supporters.</p>	<p>By letter dated 27/07/05, the Government informed that on 1 April 2005 the Procurator's Office of the central district of the city of Voronezh received a message from the Personal Security Department of the Main Internal Affairs Directorate of Voronezh Oblast, concerning the use of violence by unknown militia officers against Mr. Lavrov. The Procurator's Office initiated a criminal case on 4 April 2005 under Article 286.3 (a) of the Criminal Code (exceeding official powers). During the preliminary investigation it was established that, at around 7pm on 30 March, Mr. Lavrov filmed the administrative detention of a group of football supporters who had been</p>

					breaching public order. He was approached by unknown militia officers who forcibly obstructed the filming. As a result, Mr. Lavrov received bodily injuries. As part of the investigation, Mr. Lavrov was questioned. He said that he could not identify the persons who had used violence against him. No charge had yet been brought against any militia officers. The course of the investigation is being supervised by the Office of the Procurator General.
385		28/06/05	JUA	WGAD; Racism; TOR;	<p><b>Senyo Adzokpa</b>, a Ghanaian national, currently at pre-trial detention centre 1 (SIZO) in the city of Ivanovo. On 28 April 2005, he left his home for a meeting, but did not return. On 30 April, officials from the regional branch of the Federal Security Services (FSB) searched his apartment. They said that Mr. Adzokpa had been arrested on 28 April. When asked what evidence they had, they replied that they would find something and would also find out who his associates were. When a visitor arrived at the pre-trial detention centre on 3 June, she was told that Mr. Adzokpa was in an isolation block as punishment for an unspecified offence, and was not allowed to receive anything. When she returned with a lawyer on 10 June 2005, they met with him and he described how he had been beaten. On 16 May, a guard hit him in the eyes, and on 2 June, he was beaten by two guards after they searched his belongings and found a razor blade in a toilet roll. The deputy head of the facility held the razor to Mr. Adzokpa's face and asked whether he wanted him to kill him with it. Together with another guard, he then began to beat Mr. Adzokpa on his face, liver and kidneys. He was then made to walk on his knees 30 meters to the deputy head of the facility's</p> <p>By letters dated 15/08/05 and 20/09/05, the Government confirmed that criminal proceedings were initiated against Mr. Gratsius Siril Kvali Senyo Adzokpa on 1 April 2005. The proceedings concerned a number of reported cases of preparation and sale of false passports for citizens of foreign countries intended for illegal use. On 28 April 2005, Mr. Adzokpa was arrested in Balashikha in Moscow oblast and was placed in the temporary holding facility of the Ivanovo oblast department of internal affairs. On 30 April 2005, the Oktyabrsky district court in Ivanovo remanded Mr. Adzokpa in custody. On 6 May 2005 he was charged under Article 327(2) of the Criminal Code. On 22 June 2005, an attaché of the Embassy of Ghana was given the opportunity to talk with Mr. Adzokpa for an unrestricted length of time in the presence of escorts who did not speak the official language of Ghana. Mr. Adzokpa's detention has been extended by the court until 28 August 2005. He did not serve his entire sentence, as he was released after five days on health grounds due to an acute respiratory infection. A judicial investigation of claims of torture failed to reveal</p>

					<p>office. At this point, he could not walk properly and was seeing double. He was then put into an isolation block and told to write a 10-page confession. He was threatened with rape if he refused to do so. In the end he did, and in the morning of 3 June, the deputy head of the facility came to the isolation cell and ordered him to sign each page. He also informed Mr. Adzokpa that if he told anyone about what had happened he would face big problems.</p>	<p>any brutal treatment. In accordance with the established procedure, he was examined by the doctor on duty before being placed in the punishment cell, following a breach of the prison rules, and no bodily injury was observed. While he was in the remand centre, he received qualified medical care on request. A doctor found that a medical examination carried out on 2 August 2005 revealed no sickness or traumatic or post-traumatic injury.</p>
386		1/07/05	JUA	WGAD; TOR;	<p><b>Kasimkhudzaev Kabul, Khadzhimatov Khatam, Rustamkhodzhaev Makhmud, Makhmudov Obboskhon, Usmonov Iskandarbek, Ulugkhodzhaev Sardorbek and Ismoilov Ilkhomzhon and seven other ethnic Uzbeks</b>, currently detained at the pre-trial detention centre (SIZO), Ivanovo. On 18 June 2005, they were arrested by police and secret service officials in the city of Ivanovo following an extradition request by the Government of Uzbekistan. They are suspected of having been involved in the "Andijan events" of 13 May, or belonging to the group of so-called "Akromists" that is accused of having organized the uprising. At the moment the Russian Federation's Prosecutor General is considering the extradition request.</p>	<p>By letters dated 29/07/05 and 23/11/05, the Government informed that the Office of the Procurator-General of the Russian Federation is considering the request of the Office of the Procurator-General of the Republic of Uzbekistan for the extradition of Mr. Ismoilov, Mr. Makhmudov, Mr. Usmanov, Mr. Ulugkhodzhaev, Mr. Mukhamadsobirov, Mr. Mukhametsobirov, Mr. Kasimkhuzhaev, Mr. Alimov, Mr. Sabirov, Mr. Naimov, Mr. Khamzaev, Mr. Tashtemirov, Mr. Khadzhimatov and Mr. Rustamkhodzhaev. They are to face a number of criminal charges including murder, terrorism and participation in the Islamic Party of Turkestan and Hizb ut-Tahrir al-Islami, which were recognized by the Supreme Court of the Russian Federation on 14 February 2003 as terrorist organizations. Their detention was conducted on legally and their rights have not been violated. The Office of the Procurator-General of the Russian Federation is carrying out a check on their citizenship. The Office of the Procurator-General of the Republic of Uzbekistan has given assurances that they will only be prosecuted for those offences for which they will be extradited and that after the completion</p>

						<p>of the judicial proceedings and the serving of their sentences they will be free to leave the territory of the Republic of Uzbekistan and will not be expelled, transferred or extradited to a third State without the consent of the Russian Federation, and also that the punishment imposed on them will not be the death penalty. They will be afforded the assistance of lawyers in the Republic of Uzbekistan and they will not be subjected to torture, coercion or any other form of cruel or degrading treatment or punishment. The purpose of the request of Uzbekistan is to bring the suspects to criminal account and it does not provide any reason for considering the aim to be one of persecution for political motives or in connection with racial background, religious belief, nationality or political views. At present, the immigration office of the Ivanovo Oblast Internal Affairs Authority is considering applications from Mr. Ismoilov, Mr. Makhmudov, Mr. Usmanov, Mr. Ulugkhodzhaev, Mr. Mukhamadsobirov, Mr. Mukhametsobirov, Mr. Kasimkhuzhaev, Mr. Alimov, Mr. Sabirov, Mr. Naimov, Mr. Khamzaev, Mr. Tashtemirov and Mr. Rustamkhodzhaev for refugee status in the Russian Federation. Pursuant to article 4 of the Refugees Act of 28 June 1997, on the basis of the findings of the preliminary examination by the Ivanovo Oblast Internal Affairs Authority, it was decided to issue all of the aforementioned persons with documents certifying that their applications are being considered on the merits. A final decision will be taken in accordance with the provisions of national and international law. The detention conditions, amenities and health care provided for Mr.</p>
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					<p>Khozhimatov, Mr. Kasimkhuzhaev and Mr. Rustamkhodzhaev are in conformity with the norms laid down in domestic legislation. Upon admission to detention centre No. 1 (hereinafter SIZO-1) of the Federal Department of the Penal Correction System for the Ivanovo oblast, the aforementioned persons were examined by a medical officer who found no trace of bodily harm. Thereafter, they did not seek medical assistance since they remained in satisfactory health. During their detention in SIZO-1, Mr. Khozhimatov, Mr. Kasimkhuzhaev and Mr. Rustamkhodzhaev were not removed from the centre for investigative purposes. Mr. Khozhimatov's relatives did not visit him, and they made no requests to that effect to the administration of the centre.</p>
387		27/07/05	JUA	WGAD; TOR;	<p><b>Vitaly Knyazev</b>, aged 29, and <b>Aleksey Shatunov</b>, currently detained in SIZO 46/2 in Lgov. On 24 June 2005, Mr. Shatunov, who at that time was held in colony FGU-IK-3, filed a complaint with the regional Prosecutor against a disciplinary sanction issued by the guards. The same afternoon he was called before the "prevention council" of the colony. The council ordered him to be brought to the room of the Security Department and beaten. The beating was done with wooden sticks and rubber batons. Subsequently, he was forced by the prison guards to eat his complaint. When he refused, the beating continued until he became unconscious. He awoke in a punishment cell. He did not receive medical treatment. In protest, he cut his stomach open and tried to stab himself in the lungs with a long nail. Upon Mr. Knyazev's arrival at the colony FGU-IK-3 on 24 March 2005, several officials asked him to "cooperate" with the administration</p> <p>By letter dated 21/09/05, the Government informed that, following the complaints of convicts in FGU IK-3 (UFSIN, Kursk Region), about violations relating to the conditions of detention and use of violence by staff, the Main Supervisory Department of the General Prosecutor's Office organised an inspection. In the course of the inspection, the Prosecutor's staff received 770 complaints and the main demand was that the prison's management be replaced. Whereas most of them did not explain why, some contained information about specific cases of unlawful use of violence against prisoners. For this reason the Deputy Prosecutor of Kursk Region instituted criminal proceedings under art. 286.3 (a) and (b) of the Criminal Code, concerning exceeding official powers, on 27 June 2005. On 1 July 2005, the deputy head for security and investigations of correctional colony FGU IK-3, and the senior</p>



(i.e. provide information about fellow prisoners). When he refused, he was beaten and kicked by prison guards all over the body. Later the guards ordered five or six other prisoners to continue the beating with rubber batons. When this was over, he was transferred to a punishment cell for 10 days, after which he was called to the head of the colony, where he was again severely beaten. This treatment continued over the following months, usually in small rooms next to the entrance. On 26 May, a dog was made to bite him. On the night of 26 to 27 June, he and two fellow prisoners were called again by the deputy head of the colony and were severely beaten by prison officials. In response to this he cut his veins and stomach. Neither Mr. Shatunov and Mr. Knyazev received any medical treatment. They have been transferred to SIZO 46/2, with the official reason being the need to guarantee their security. However, they have been threatened that charges under article 321 of the Criminal Code ("disorganisation of places of isolation") would be brought against them if they do not withdraw their complaints. In response to treatment as described above, which is reported to have been systematic in colony FGU-1K-3, a group of about 300 prisoners handed over complaints about severe beatings of prisoners by the Head of the Prison and several prison officials to the regional Prosecutor. Afterwards the majority of the complainants were transferred to different investigation isolators in Kursk, Orlov and Belgorod regions. Their exact whereabouts are currently not known and their relatives have not been informed.

inspector of the security department, were charged with this crime. It has been established that on 24 June 2005, on the deputy-head's instructions, the senior inspector and other unidentified staff members of the colony beat Mr. Shatunov with their hands and feet and rubber clubs, causing many bruises on various parts of his body, which, according to the findings of a forensic examination, amounted to minor harm to his health. On 5 July 2005, the Lenin District Court in Kursk suspended the accused persons from their posts. There are currently no grounds for suspending the head of the colony, and the head of the Penitentiary Department of Dursk Region. On 20 July 2005, a decision was taken to recognise Mr. Shatunov as a victim. No other persons were found to have been victims. During interrogations, Mr. Knyazev testified, that he had been beaten by the deputy head and another person in the night between 26 and 27 June 2005. This incident is being investigated. However, according to the findings of the forensic examination of 29 June 2005, no signs of beatings were found on Mr. Knayzev. For the time being, no charges have been made in connection with this incident and the evidence given by Mr. Knyazev and other prisoners is being verified. In addition, on 30 June 2005, during his visit to correctional colony FGU iK-3, the prosecutor for Kursk Region was requested by a number of prisoners to institute criminal proceedings against a number of prisoners who had threatened to use physical violence against them if they refused to commit acts of self-mutilation. These complaints have been

						investigated. On 1 July 2005, based on the finding of the inquiries, the acting prosecutor for Kursk Region instituted criminal proceedings under article 321.1 of the Criminal Code, concerning disrupting the operation of detention institutions.
388		13/10/05	UA	TOR;	<p><b>Anvar Raimdjanovich Salikhov</b>, aged 22, an ethnic Uzbek, resident at Berezovskaya St., Nizhny Novgorod. On 26 June 2005, he was called in by criminal investigators of the Moskovsky District Ministry of Interior (Moi) department of Nizhny Novgorod as a witness. When he arrived, the officers arrested him. He was held in the temporary detention isolator of Moskovsky District Moi until 25 July, and then transferred to the SIZO-52/1. During detention he was tied up, his hands were handcuffed behind his back, his legs tied together with a rope and the rope was stretched over his neck pulling together his hands and legs (a method called the "envelop"). Moreover, the officers hung Mr Salikhov up by his hands from a bar and beat him with their hands for three hours. He suffered about 50-60 blows and lost consciousness three times. The officers poured cold water on him and slapped his face to revive him. From time to time the officers took Mr. Salikhov down from the bar, put him on the floor and beat him there. On one occasion they put a condom on a baton and forced it up his anus. On 26 June, in the temporary detention, Mr. Salikhov was handcuffed to the cell bars so that he had to stand on his toes for the whole night. When he tried to step on the cell's bench, a police officer pushed him off. As a result of the treatment, he sustained injuries, including bruises on his head, extremities, on the left eye, and multiple abrasions on his back. The purpose</p>	

					<p>of the treatment was to force him to confess to the murder of a police officer, and name his accomplices. A complaint was lodged with the head of the Central Department of Interior of Nizhegorodsky region. In response to a complaint to the "Self-Defense Department" of the Ministry of Interior of Nizhegorodsky region, the head of the department answered, on 18 August, that the facts described in his claim were not proven. Another complaint was filed with the prosecutors office of Moskovsky District, in response to which the investigator of the prosecutors office, on 6 August, refused to initiate investigations due to the lack of the corpus delicti in the acts of the Mol officers of Moskovsky District. The latter decision was appealed by Mr. Salikhov's attorney.</p>	
389		31/10/05	UA	TOR;	<p><b>Zelimkhan Taymurazovich Karaev</b>, aged 30, Mostovaya Street, Nalchik. On 13 October 2005 at 3pm, his family was told that he had been brought to City Hospital No. 1 with minor injuries. An hour later, when his relatives arrived, he had been taken away by five persons in military uniforms to an unknown location. The family was informed that Mr. Karaev was in the 6th department of the Ministry of Interior. The next day, the family learned that he had been brought to City Hospital No. 1's intensive care unit, was in a coma, and had sustained broken ribs, severely damaged internal organs, and a large haematoma on his head. He was guarded by armed Ministry of Interior officials. The Prosecutor's Office claimed that Mr. Karaev was not on their list of detainees. In the night between 17 and 18 October, several unidentified persons came to the intensive care unit, beat Mr. Karaev and cut off the tube leading to his lung, asking him to admit that he participated in the terrorist attack that had taken</p>	

					place on 13 October in Nalchik. They tried to force him to sign a confession. When he refused and asked for a lawyer to assist him, he was taken away to an unknown location. On 18 October, a Ministry of Interior investigator of Rostov Procuracy confirmed that he was investigating the case of Mr. Karaev, and informed the family that he had chosen a defense lawyer to represent him. He further indicated that he was being held in Nalchik's prison hospital. The next day, Mr. Karataev was taken to the court, where his arrest was sanctioned on the basis of the confessions that he had signed.	
390		31/10/05	JUA	WGAD; TOR;	<p><b>Rasul Kudaev</b>, in his 20s, a former Guantánamo Bay prisoner. On 23 October 2005, he was arrested and detained by law enforcement officers in Nalchik, Kabardino-Balkaria region, on suspicion of participation in an armed raid on 13 October. Rasul Kudaev was beaten by the detaining officers in the presence of his family. When his mother protested and pointed out that he was an invalid, the officers said that the real beating had not even started. His mother attempted to hand the detaining officers his medication, but they refused to take it. Rasul Kudaev was taken to the headquarters of the Organized Crime Squad (UBOP), Nalchik, where he was tortured, including by being repeatedly kicked in the head. Shortly after his detention, officers at the UBOP summoned medical personnel to treat him, due to the seriousness of his condition. During detention he was forced to sign a record of the interrogation and a confession in which he admitted to being present at the scene of a crime. When he signed the paper, he was semi-conscious, and so badly injured he was unable to speak properly or lift his head up to look</p>	<p>By letter dated 23/12/05, the Government informed on 23 October 2005, Mr. Kudaev was detained by officers of units of the Ministry of Internal Affairs of Kabardino-Balkar Republic. He was detained on suspicion of participation in an armed attack on a station of the State road traffic safety inspectorate Khasanya on 13 October 2005. Mr. Kudaev admitted having taken part in the crime. In addition, five witnesses confirmed his involvement in the armed attack. He was remanded in custody by Nalchik court. On 22 November 2005, he was charged with a number of criminal offences in connection with the attacks. He is being held in pretrial detention center 7/1 of the department of the federal penal correction service of the Russian Federation for the Kabard-Balkar Republic. He had a forensic medical examination on the day following his detention and found to have bodily injuries that were not detrimental to his health. In the course of questioning on 9 November 2005 with the participation of defence counsel, he stated that on 28 October 2005 he had been taken from the investigative cell and beaten by unknown individuals. During another forensic medical examination on 9 November 2005, he was found</p>

					<p>at anyone. He was transferred to a pre-trial detention centre (SIZO) in Nalchik. On 25 October, a court in Nalchik ruled that he should be further detained on suspicion of "terrorism", "participation in an armed group", and "attempt on the life of a law enforcement official" in relation to the Nalchik raids. Rasul Kudaev's state-appointed lawyer informed the family that he is currently in the Nalchik SIZO, and that his health condition is serious. The lawyer intends to submit a request for a medical examination for Rasul Kudaev. The family has so far been unable to find an independent lawyer willing to represent him. Rasul Kudaev was one of eight Russian inmates held at Guantánamo Bay for three years, having been transferred there from US custody in Afghanistan. He was among the seven Russian inmates subsequently transferred from Guantánamo Bay to Russia in late February 2004. Before he was detained, Rasul Kudaev is said to have been seriously ill and had difficulty moving due to a bullet embedded in the base of his spine. He also suffers from disorders affecting his heart and liver, and he suffers headaches. The authorities deny him access to medical treatment.</p>	<p>have superficial wounds, abrasions and bruises on wrists of both hands, which could have been caused by handcuffs. The claims that the injuries entailed serious harm to his health and that he suffers from illness preventing the conduct of procedural formalities in connection with his participation and his detention in custody have not been objectively confirmed. In the process of conducting inquiries with Mr. Kudaev and his defence counsel, several complaints of poor health or the use of physical force or pressure against him were received. Repeated checks by medical officers at the pretrial detention centre confirmed that his satisfactory state of health. In connection with a scar in the area of the right buttock, the result of a wound sustained in 2001 in Afghanistan, an X-ray examination conducted on 7 November 2005 showed the bullet to be in the minor pelvis, and not at the base of the spine, and as such, cannot be the reason for the worsening of his health. In the event of an impairment of R.V. Kudaev's health in pretrial detention centre 7/1, the centre has the necessary facilities to provide him with emergency medical aid. The information that he was required to sign a record including statements which he had not made is likewise not confirmed. The record of the interrogation was signed both by Kudaev and also by his defence counsel. During preliminary investigation, no statements were submitted regarding coercion to give testimony. Nevertheless, taking into consideration the discovery of bodily injuries on R.V. Kudaev, the Ministry of Internal Affairs of Kabardino-Balkar Republic is conducting an official inquiry. On 29 November 2005, the case relating to the discovery of bodily injuries was separated from the criminal proceedings against him.</p>
391		2/11/05	JUA	EID; SUMX; TOR;	<p><b>Zarema Buraeva</b>, aged 23, <b>Baudin Buraev</b>, aged 25, and <b>Ali Buraev</b>, aged 28, Ivanov Street, Grozny, Chechnya. On 2 October 2005 at 4 pm, the house of the Buraev family was surrounded by</p>	

					<p>a large number of personnel from the Ministry of Defence, the Federal Security Service (FSB), and the Anti-terrorist Centre (ATC) from the Staropromyslovsky District of Grozny. Reportedly, They all spoke Chechen and the commander of the operation was called "Iran" by the others. The officers forced Ali and Baudin Buraev to lie on the ground and then started to beat them heavily. After approximately one hour, the commander of the operation asked Zarema Buraeva about her deceased husband, and then demanded that she follow them. From that moment, her whereabouts are unknown. The servicemen took Ali and Baudin Buraev away. They were not able to stand after the beatings. The servicemen threatened their mother when she tried to intervene, "You should consider yourself lucky not to be executed yourself". The whereabouts of the two men are not known. A relative of the victims went to Grozny Police Station to ask about the whereabouts of the three disappeared persons, but was told that they were not in their custody; that the operation had been done jointly with other security services; and that they did not know where they were detained. The police officers reported that the men would be returned if a document was signed by the family testifying that the servicemen had found two weapons buried in the garden of their house. This was refused. On 14 October, the family was informed that the Prosecutors Office would open a criminal case.</p>
392		17/11/05	AL	TOR;	<p><b>Arrests of between 58 and several hundred persons</b> during a "special operation" by the Ministry of the Interior of Bashkortostan, in cooperation with the Special Police, OMON, in Blagoveschensk and Blagoveschensk District. On 10 December 2004 at 3 pm, a group of local</p>

				<p>policemen went to GAZ Micro-District, where they started to conduct passports checks on the territory of a students' residence. As a result, four teenagers were taken to the local police station. Afterwards the raids continued in the District. Some students were beaten and forced to sit in an uncomfortable position for several hours. At 4:30pm a group of local police and OMON staff surrounded the town market of Blagoveschensk, forcing all the persons present to fold their arms behind their heads, beat them with clubs, and forced them onto a bus. Those who protested were severely beaten. Upon arrival at Blagoveschensk local police department, women were led out of the bus, men were kicked out. In the station yard about 40 detainees were put in a line and were ordered to march. People were divided into groups: women, immigrants, town-dwellers; and those who carried a passport and not. Men were taken to the first floor of the building. Using clubs, policemen made everybody stand facing the wall with their arms raised and legs apart (the so-called 'stretching stance'). For about an hour masked policemen were walking along the walls in the corridor and beat everybody who protested or tried to take a more convenient posture. If a person said he/she would file complaints he/she was led away from the corridor and beaten. Then the OMON policemen went away and detainees were released one by one. In the evening of 10 December, random mass raids were held along Sedov Street, as well as in the suburbs. Persons, particularly young people, were arrested in the streets, in their houses and in shops. During detentions police did not introduce themselves and did not explain on what grounds they were arresting people. They beat and kicked</p>	
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				<p>them, including minors. During transportation to the police station, detainees were forced to stand with their backs towards the exit. Sometimes they were forced to kneel with their hands raised. In the period from 7 to 11pm, more than 200 people were brought to the basement of the local police department. The detainees were put against the wall in the 'stretching stance.' Those who tried to lower their hands, turn around, or speak were beaten by three policemen. Those who tried to resist or refused to sign documents stating that no harm had been done to them were taken to a cell, where they were beaten and forced to shout: "I love the Russian police." Numerous detainees, including women and minors sustained injuries. Detainees were released on 11 December at around 5am, after their photos and fingerprints had been taken. Those detainees who had sustained injuries were forced to sign a confession to the administrative offense of 'appearance in the streets, stadiums, squares, parks, public transport and other public places in an intoxicated state unbecoming to human dignity and challenging public morality' (article 20.21 of the Code on Administrative Offenses, as well as unfilled forms of evidence). On 11 December between 2 and 5pm, two residences in Blagoveschensk (No. 2 and BVK in Pershin Brothers Street) were blocked in order to conduct ID checks. People wearing uniforms and masks, armed with clubs and submachine guns rushed into the rooms and demanded IDs. At that time, mainly women and children were present. Police beat three persons and took them to the local police department. In the evening, raids were carried out in the vicinity of Sedov Street. Policemen burst into cafes and shops and</p>	
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				<p>detained people, particularly young ones, sometimes violently. The detainees were put on a bus, beaten and delivered to the local police station. At the same time about 15 local police and OMON staff under the leadership of a captain arrived in Bedeeva Polyana village. The captain gave orders to focus searches on people from Asia and the Northern Caucasus. Local residents were called to the police station by phone for passport checks. Then the OMON visited apartments and asked the men to come with them. Fifteen persons were detained, many of them severely beaten, some were sent to Blagoveschensk. At about 9.30pm about 15 local police and OMON personnel raided the village's "House of Culture". All persons present there were forced into the corridor. The girls were released. About 30 male teenagers were selected and beaten into a van, where they had to kneel and were hit with clubs. The detainees were taken into the village police station, where they were put against the wall. Their fingerprints were taken. At 11pm the detainees were brought to the Blagoveschensk Police Department. Afterwards about 15 OMON personnel wearing uniforms and masks blocked the "country club" in Verhni Izyak village, using clubs and rifle butts to drive all teenagers from the street into the club. In the hall the OMON men forced the men to stand against the wall with their hands behind heads and with legs apart, searched them and beat them with clubs. The girls were chased out. Some minors were released after beatings. The rest of the men were forced into the bus. After that the police went to Ilyno-Polyana via the village of Turuslu. On the way people were arrested randomly. Upon arrival, a local policeman entered a number of houses on</p>	
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				<p>Mir Street, detaining four teenagers, <b>A. B.</b>, <b>A. R.</b>, <b>V. K.</b>, and <b>D. L.</b> He drove the detainees to the club where he handed them over to the OMON. At 11.30pm the OMON and local police blocked the "country club" of Ilyno-Polyana, ordered all the teenagers to line up at the wall and searched them. They beat them on their legs, backs and necks and put them on a bus, where the beating continued during the transport to Blagoveschensk police department. When the teenagers in the overcrowded vehicle tried to resist, one of the OMON policemen released gas into the van. At 1am, upon arrival, all detainees were led into the basement and beaten with clubs on the way there. At 10:40am police raided the "country club" of Udelno-Duvaney village, chased out all girls, lined up the boys along the wall beating their legs with clubs. After searching all, including minors, they were driven into the bus. Sergey Antipin was arrested by police at his home. Everybody was put on a bus. The bus with the detainees stopped outside the village on the highway Ufa-Yanaul, where all detainees were taken out, lined up and beaten. Then OMON policemen picked out the minors and, having beaten them once again, let them go. The rest were put back on the bus and sent to Blagoveschensk. The bus with 20 detainees arrived at the police station at about 12pm. On the evening of 11 December, the police department of Blagoveschensk, where all detainees were brought, was overcrowded, the newcomers were no longer put against the wall, but rather forced to lean on the backs of those in the 'stretching stance.' So, there were three rows of detainees at the wall. Between four and six policemen were present all the time in order to keep control over the detainees. Any protests or</p>	
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				<p>movements, attempts to change an uncomfortable posture, to lower hands or turn the head were responded to by beatings. People stood with the hands raised for several hours, some, including women and pregnant women, were beaten. Detainees were not allowed to go to the toilet. One detainee, <b>A. Shatanov</b>, aged 27, cut his veins in the cell of the police department. He had been seized for the second time on the same day when he was outside his house on Sedov Street. Both times he was subjected to beating. An ambulance was called and the victim was delivered to hospital and diagnosed with a suicide attempt, but also with traces of beatings. All detainees were photographed, their passports checked, and fingerprints taken. People were forced to sign false confessions under threats. On 12 December between 3 and 5am, the detainees were gradually released. On 12 December, mass detentions, mainly of teenagers and members of ethnic minorities, continued in the micro-Districts Inza and GAZ of Blagoveschensk. Students who were in the corridors or outside the residences were detained. In the centre of the town raids began in the evening. OMON police picked up young people from their homes, streets, shops and cafes located in the proximity of Sedov Street. Everybody was taken to the local police department. Beatings took place both during detention and inside the transport vans. At 11.30am the village of Verhni Iziak was blocked by OMON police who went on to visit houses. <b>V. A.</b>, a minor, was seized by two OMON personnel who threw him into a van, beating him on his legs and head. Similar events took place in the village of Ilyno-Polyana. The people apprehended were brought to the basement of the local police</p>
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					<p>department, where they were beaten, forced to face the wall in a 'stretching stance.' All attempts to change position or to speak were suppressed by beating. On 13 December, OMON personnel conducted random raids in various Districts of Blagoveschensk. Several persons were detained (e.g. in the area of Kotlovka at the intersection of Kirov and Proletarskaya Streets the OMON stopped <b>N.</b>, a girl aged 14, returning home from school. <b>Oleg Diakonov</b>, aged 18, was detained near his house on Sedov Street and beaten. <b>N. G. Sergeev</b> along with others was detained at Pharaon Café at 8pm without explanation, forced to stand against the wall, searched and put on a bus and transported to Blagoveschensk Police Station, where they had to stand against the wall and shout "I love the police". On the next day at 4 pm, they were forced to sign false reports, brought before a judge and fined. In the evening OMON made trips to the villages of Bedeeva Polyana, Udelno-Dyvaney, Ylyni-Polyana. They continued to detain teenagers in the villages. Detainees were also brought to the basement of the local police building where beating continued; they were photographed and fingerprinted, forced to sign blank forms of reports and statements to the effect that they have no complaints about the police. There was quasi systematic pressure (through beating and threats) by local police and municipal authorities on the victims of these events to sign false confessions to administrative and other minor crimes, particularly when they sustained injuries.</p>	
393		14/11/05	JUA	EID; TOR;	<p><b>Ilez Khamhoev</b>, aged 33, Alkun village, <b>Magomed-Ali Barakhoev</b>, aged 33, Galashki village, both construction workes, and <b>Ruslan Yandiev</b>, aged 23, Nazran, all in Ingushetia. On</p>	

				<p>29 September 2005 around 9:30am, they were kidnapped from the a building site in Moskovski street, Nazran, by a group of unknown armed people in masks and camouflage. They did not show any identification, but reportedly were from the police (militia). Two cars arrived at the site, and masked people jumped out. The persons immediately began to beat Khamhoev, and then pushed him into the trunk of one car The other two, Mr. Barakhoev and Mr. Yandiev, were forced into the other car. All three were taken away in an unknown direction. Relatives of the three kidnapped men addressed all law enforcement bodies of Ingushetia (police and procuracy). The operation was undertaken by employees of ORB 2 (former RUBOP), and the men were taken to the military base in Khankala, Chechnya.</p>	
394		Follow-up to past cases		<p><b>Oleg Evgenyevich Khoroshunin</b> (E/CN.4/2005/62/Add.1, para. 1431).</p>	<p>By letter dated 7/02/05, the Government informed that he had been charged with aggravated theft under Section 162(2)(a) of the Criminal Code on 30 September 2000. However, he absconded and the case against him was suspended. On 30 October 2004, the Criminal Investigation Department of Essentuki City Internal Affairs Office received information about his whereabouts and arrested him. The original case against him was subsequently reopened. The Government informed that he was questioned about the case in the presence of his mother and a lawyer. They also informed that he was subsequently charged with another, unrelated crime. He is currently being held in a remand facility (IZ-26/2) in Pyatigorsk. In response to a complaint made by Mr. Khoroshunin's mother, the City Prosecutor's Office initiated a criminal case in connection with the infliction of bodily harm on</p>

						him by unknown militia personnel.
395					<b>V. K. (E/CN.4/2005/62/Add.1, para. 1405)</b>	<p>By letter dated 28/02/05, the Government informed that he was detained on 1 June 2004 on suspicion of murdering two juveniles. He was placed in the temporary holding facility of the Kamyshin district internal affairs department in Kamyshin. On 7 June 2004, he was transferred to the temporary holding facility of the Volgograd main internal affairs department, where he remained until 17 June 2004. While he was in the holding facility, he made no demands or requests for medical assistance. The Volgograd oblast procurator's office pursued inquiries during which his claims of ill-treatment were carefully examined. As a result it was established that all the investigative measures had been conducted in the presence of his defence counsel and his mother, who was acting as his legal representative. The findings of the psychological examinations and analysis of video recordings of the investigative actions show no indications of any pressure or violence applied by militia officers or staff members of the procurator's office. A preliminary hearing was held on 28 November 2004, during which the accused and his defence counsel did not raise questions regarding the exclusion of any statements or evidence obtained in contravention of investigative procedures. On 29 November 2004, the criminal file was referred for consideration to the Volgograd oblast court the case is now being examined in a jury trial. He</p>

						has been remanded in custody.
396	Saudi Arabia	26/01/05	JUA	WGAD; FRDX; HRD; IJL; TOR;	<b>Mohamed Al-Raouchan</b> , editor-in-chief of the weekly <i>Al-Mouhaid</i> . On 8 or 9 January 2005, he was arrested by security forces in Riyadh and has been in detention since. He has not been allowed to have contact with a lawyer. Mr. Al-Raouchan is a member of a legal defense team for Saudi Arabian citizens detained by the United States at Guantanamo Bay.	
397		17/03/05	UA	TOR;	<b>Salem Abdul Rahman Nawab al Baloushi</b> , a 32 year-old national of the United Arab Emirates. Since February 2003, he has been held incommunicado without charge or trial. He was arrested in Al-Dammam, Eastern Province, and taken to Al-Jubail Prison, where he was held for several months, and was later moved to Al-Dammam Prison, where he is currently detained. He does not have access to a lawyer or consular assistance, or family visits apart from the one short visit from his family one month after his arrest in Al-Dammam.	By letter dated 23/06/05, the Government informed that he was arrested between 24 to 25 May 2003, and was subsequently repatriated to his country. The allegations were unfounded.
398		29/11/05	JUA	EDU; FRDX; IJL; RINT; TOR;	<b>Muhammad Al-Harbi</b> , a high school chemistry teacher, Qassim Province, and <b>Muhammad Al-Sahimi</b> , a former middle and high school Arabic teacher. On 12 November 2005, a court in Bukairia permanently banned Mr. Al-Harbi from teaching and sentenced him to 40 months imprisonment and to a public flogging of 750 lashes after he was found guilty of blasphemy (15 lashes per week at the public market in the town of Al-Bikeriya in Al-Qassim). The sentence against him was based on complaints from students and their parents, as well as a number of his	

					colleagues who teach religious studies. Mr. Al-Harbi was not allowed to attend the trial against him and his lawyer was not recognised by the Court. Mr. Al-Harbi is appealing the decision. We also learnt that in March 2004, Mr. Muhammad Al-Sahimi was banned from teaching and sentenced to three years imprisonment and to 300 lashes for un-Islamic, sexual, social and religious practices.	
399	Senegal	8/11/05	UA	TOR;	<b>Hissène Habré</b> , ancien Président du Tchad. Il a fait l'objet d'un communiqué de presse fait en commun avec le Rapporteur Spécial sur l'indépendance des juges et des avocats le 2 août 2000. Le 20 mars 2001 la Cour de Cassation a jugé que les Cours du Sénégal n'étaient pas compétentes pour juger des crimes commis à l'extérieur du pays. Suite à cette décision, le Président Abdoulaye Wade aurait donné son accord pour extraditer M. Habré vers la Belgique, si celle-ci en faisait la demande. En septembre dernier, la Belgique, ayant inculpé Hissène Habré de crimes contre l'humanité, crimes de guerre et torture, a officiellement demandé qu'il soit extradé du Sénégal, où il réside en ce moment.	
400	Serbia and Montenegro	Follow-up to past cases			<b>Zoran Todorovic</b> , and <b>Danijela Bogojevic</b> (E/CN.4/2005/62/Add.1, para. 1450).	By letter dated 25/05/05, the Government informed that on 23 January 2003, they filed a criminal complaint of police misconduct to the Office of the Municipal Public Prosecutor of Kruševac. The complaint was filed against unidentified persons and attached a doctor's report. The Office of the Municipal Public Prosecutor of Kruševac requested the Investigative Magistrate of the Municipal Court of Kruševac to take investigative actions.
401					<b>Bojan Stojanovic</b> (E/CN.4/2005/62/Add.1, para. 1451).	By letter dated 25/05/05, the Government informed that on 3 July 2003, he filed a complaint against an unidentified police officer of the intervention brigade of the Belgrade



					Police Department for the criminal offences of police misconduct and grave bodily harm. On 30 April 2004, the Office of the Second Municipal Public Prosecutor in Belgrade requested the Second Municipal Court in Belgrade to take investigative actions.
402				<b>Goran Petrovic, Igor Gajic, Zoran Jotic, Vladen Kojic, and Slavoljub Marinkovic</b> (E/CN.4/2005/62/Add.1, para. 1452).	By letter dated 25/05/05, the Government informed that on 22 October 2003, five individuals filed a criminal complaint before the Office of the Municipal Public Prosecutor of Kruševac against an unidentified person for the criminal offences of extracting a statement and police misconduct. The Kruševac Police Department reported that its officers had not used force of threat of force or used inadmissible means of extracting statements. The Government informed that the District Court of Kruševac ruled on the matter. The decision has been appealed and is now pending before the Supreme Court of Serbia.
403				<b>Milan Sarajilic</b> (E/CN.4/2005/62/Add.1, para. 1454).	By letter dated 25/05/05, the Government informed that the Office of the District Public Prosecutor of Novi Sad has not received a criminal complaint concerning an alleged violation of the human rights of Milan Sarajilic. In the records of the interrogation before the Investigative Magistrate on 11 April 2003, it is stated that he said, "I also have some injuries on my legs, but I don't want to talk about it." The Court ordered forensic medical tests to be carried out on 15 April 2003. The examination established that he had no physical injuries.
404				<b>Josip Kruskovic</b> (E/CN.4/2005/62/Add.1, para. 1456).	By letter dated 25/05/05, the Government informed that he was detained by Sombor Police Department on 26 March 2003. On 25 April 2003, he was brought before the

					Investigating Magistrate on a number of charges including aggravated robbery and forgery. The records of the Office of the District and Municipal Public Prosecutor at Sombor show that he did not file a complaint in respect of his allegations.
405				<b>Dejan Petrović</b> (E/CN.4/2005/62/Add.1, para. 1458).	By letter dated 25/05/05, the Government informed that his father filed a criminal complaint against the police officers of Vracar Police Station. On 12 February 2002, the Office of the public Prosecutor requested the Emergency Department of the Clinical Centre of Serbia to provide information and documentation on the injury and treatment of Dejan Petrovic. Vracar Police Station was also asked to forward all relevant documents on the case to the Office of the Public Prosecutor. The autopsy showed his injuries had been caused by his fall and hitting the floor following a thrust through a glass window. During the post mortem examination, no other injuries were found which would have been consistent with other means of inflicting injury. The Office of the District Public Prosecutor in Belgrade rejected the criminal complaint and informed his parents accordingly. As a result, the parents were able to proceed with the case as private prosecutors.
406				<b>Svetlana Djordjevic</b> (E/CN.4/2005/62/Add.1, para. 1459).	By letter dated 25/05/05, the Government informed that following the incident, Vranje Police Department took the necessary measures to investigate it. While she lived in Vranje, she was provided with police protection during the period from 9 July to 29 August 2004. On 29 August 2004 she left for Belgrade and on her request, the Minister of Internal Affairs ordered the lifting of police protection.

						The criminal investigation has so far not confirmed any of her claims. Furthermore, they have also established that strong evidence that no toxic substances were injected into her body.
407					<b>Mirko Vuletic</b> (E/CN.4/2005/62/Add.1, para. 1446).	By letter dated 26/05/05, the Government informed that on 17 July 2003, three police officers used force against him during arrest, causing light injuries. Disciplinary action was carried out by the Disciplinary Commission of Ministry of Interior of the Republic of Montenegro.
408					<b>Milan Janošević and Dragan Jelenkovic</b> (E/CN.4/2005/62/Add.1, para. 1447).	By letter dated 26/05/05, the Government informed that on 9 June 2003, the Office of the Municipal Public Prosecutor of Raška filed a criminal complaint against Milan Janošević, Dragan Jelenkovic and one other for obstructing authorized persons in carrying out their assignment. On 25 June 2003, Milan Janošević and Dragan Jelenkovic filed a criminal complaint against two officers from Raška Police Station accusing them the offences of police misconduct and of inflicting light injury. Upon completion of the investigation the police officers were charged with police misconduct and the infliction of light injury. The trial has not yet taken place.
409					<b>Munir Muric</b> (E/CN.4/2005/62/Add.1, para. 1448).	By letter dated 26/05/05, the Government informed that on 10 September 2003, the Office of the Municipal Public Prosecutor of Tutin requested an Investigative Magistrate of the Municipal Court of Tutin to investigate the actions of an officer of Tutin Police Station. Upon the completion of the investigations, the Office of the Municipal Public Prosecutor rejected the criminal complaint. On the basis of the medical report, statements of the injured

						party and witnesses, it considered that there had been no elements of the criminal offence of police misconduct in the behaviour of the police officer. However, the Office of the Municipal Public Prosecutor did advise the injured party that he could bring a private prosecution for light injury.
410	Sierra Leone	10/03/05	JAL	FRDX; TOR;	Ms. <b>Salamatu Turay</b> , a senior reporter for the <i>Salone Times</i> . On 1 March 2005, close to the Eastend police roundabout, Freetown, she was reporting on a strike by Fourah Bay College students, which had degenerated into a clash with police, when she was assaulted by police, even after they were informed that she was a journalist. <b>Salamatu Turay</b> was taken to Saterlite Clinic to be treated for her injuries.	
411	Slovakia	Follow-up to past cases			<b>Stefan Šarkozi</b> and his children <b>O. Š., J. Š., A. Š.</b> and <b>R. Š.</b> ; and <b>Marian Rehak</b> and <b>Roman Malik</b> , members of the Roma community, Záhorská Ves village (E/CN.4/2005/62/Add.1, para. 1462).	By letter dated 25/04/05, the Government informed that on the basis of criminal complaints filed by the victims and in one case also on the initiative of the Police, a number of criminal cases have been commenced. The victims have lodged successful motion to have the cases removed from the Office of the Judicial and Criminal Police in Bratislava and the District Prosecution Office at Malacky on the grounds of bias. Following the assaults, all the victims received medical care and the police authorities requested medical expertise in each case.
412	Spain	13/05/05	JUA	IJL; TOR;	<b>Iñaki Peña González</b> , 25 años, <b>Sonia Marín Vesga</b> , 32 años, <b>Arkaitz Ormaetxea Etxeberria</b> , 29 años e <b>Igor Zearreta Garay</b> , 27 años. A lo largo de la madrugada y la mañana del lunes 9 de mayo del 2005, el cuerpo de la Guardia Civil llevó a cabo por orden del Juzgado Central de Instrucción nº 5 de la Audiencia Nacional, las detenciones de las personas anteriormente	Por cartas con fecha 13/05/05 y 26/05/05, el Gobierno lamentó en su comunicación que los Relatores no aportaran ningún elemento sustantivo que justificara su inquietud sobre la integridad física y mental de Iñaki Peña González, Sonia Marín Vesga, Arkaitz Ormaetxea Etxeberria, e Igor Zearreta Garay. Adicionalmente, el Gobierno afirmó que el

señaladas en las localidades de Bilbao, Arrigorriaga y Amorebieta-Etxano. Los arrestos se efectuaron al amparo de la legislación vigente en la lucha contra el terrorismo y los detenidos fueron trasladados a dependencias policiales en Madrid donde permanecen en régimen de incomunicación. En tales circunstancias cualquier dato referente a las personas detenidas es negado por fuentes policiales y judiciales tanto a familiares como a abogados particulares.

régimen de detención incomunicada decretado por las Autoridades judiciales españolas garantiza la asistencia médica y letrada en todo momento, y prevé todas las garantías prescritas por la legislación internacional de derechos humanos. El Gobierno invitó a los Relatores Especiales a tener en cuenta la información legislativa y judicial suministrada hasta la fecha por las Autoridades españolas para eventuales llamamientos urgentes, y se comprometió a facilitar más información sobre los casos citados una vez la Autoridad judicial competente lo estime oportuno. El Gobierno informó de que los cuatro ciudadanos españoles mencionados se encontraban en libertad bajo fianza desde el 13 de mayo, horas antes del envío del llamamiento urgente. Ellos fueron detenidos en la madrugada del 9 de mayo de 2005 en virtud de un auto judicial dictado por el magistrado del Juzgado de Instrucción n. 5 de la Audiencia Nacional: el magistrado mencionado supervisó y autorizó todas las actuaciones de la Guardia Civil. Durante los días de la detención incomunicada, la actuación de los cuerpos de seguridad del Estado se mantuvo en el más escrupuloso respeto del marco que dicta la legislación española. Los detenidos fueron informados en el momento de su detención de todos sus derechos, en presencia de la autoridad judicial. Recibieron las visitas diarias de un médico forense. El Gobierno reiteró que el régimen de incomunicación es una medida excepcional en España, y como tal está rodeada de las máximas cautelas legales y judiciales que aseguran su adecuación a los estándares internacionales de derechos

					humanos. Finalmente, el Gobierno señala su inquietud por la utilización inadecuada de un mecanismo de extrema gravedad dirigido a prevenir una violación grave e inminente de los derechos humanos, y reitera su plena voluntad de colaboración con los mecanismos especiales.
413		7/10/05	JAL	Migrants; SUMX; TOR;	<p>Emes de septiembre de 2005, hemos recibido diversas denuncias relativas a una serie de incidentes en los cuales varios migrantes de origen subsahariano habrían resultado muertos, sea como consecuencia de disparos o de maltratos por parte de las fuerzas de seguridad que vigilan las frontera española con Marruecos en Ceuta y Melilla. El 29 de agosto de 2005, a las 02:00 horas, unos cincuenta migrantes habrían intentado traspasar la valla fronteriza en Melilla. Se habrían dividido en tres grupos, uno de ellos compuesto por unas 16 personas. Este grupo habría sido visto por miembros de la Guardia Civil española, quienes habrían utilizado material anti-disturbio. De este grupo de 16, ocho personas habrían logrado atravesar las dos vallas que separan territorio marroquí de territorio español. Se alega que agentes de la Guardia Civil habrían golpeado con la culata de sus fusiles y con porras eléctricas a los otro ocho migrantes que habían quedado atrás, antes de re-enviarles a territorio marroquí por una puerta de servicio de la frontera situada entre los puntos "A7" y "A8", entre Melilla y Marruecos. <b>Joseph Abunaw Ayukabang</b>, un camerunés de 17 años, fue trasladado por sus compañeros hacia un bosque donde falleció, según se alega, a consecuencia de los golpes recibidos. Se informa también que el cadáver de otro migrante también herido durante el incidente habría sido recogido por efectivos de la</p>

				<p>Gendarmería real marroquí. Sin embargo, el Hospital de Nador habría confirmado solamente haber recibido un solo cadáver. El 12 de Septiembre de 2005, el cuerpo de un migrante de origen sub-sahariano habría sido trasladado al Hospital Comarcal de la ciudad de Melilla. Registraba heridas, supuestamente imputables a las fuerzas de seguridad marroquíes, ocasionadas cuando intentaba cruzar la frontera el 8 de septiembre de 2005. No obstante, otras informaciones indican que esta persona habría sido herida accidentalmente ese mismo día en territorio marroquí. Las informaciones que hemos recibido hacen también referencia a la muerte de otro migrante el 15 de Septiembre 2005, quien también habría sido trasladado al Hospital Comarcal. Su cuerpo presentaba una herida de bala de caucho en la garganta disparada supuestamente por elementos de las fuerzas de seguridad que vigilan la frontera hispano-marroquí. Hemos recibido también informaciones según las cuales otras cinco personas habrían sido mortalmente heridas de bala al tratar de cruzar la valla fronteriza en Ceuta conjuntamente con otros 500 o 600 migrantes el 29 de septiembre de 2005. Sus cadáveres fueron encontrados en ambos lados de la frontera. Otras ocho personas fueron trasladadas al hospital de Tetuán por heridas provocadas por impacto de balas de caucho, material antidisturbios al parecer utilizado por la Guardia Civil española encargada de vigilar la frontera. Algunas informaciones hacen mención que elementos de las fuerzas de orden marroquíes se habrían colocado en línea delante de la valla fronteriza y habrían disparado con fusiles.</p>	
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414	Sri Lanka	3/12/04	JUA	FRDX; HRD; TOR;	<p><b>Uswatta Liyanage Anthony Joseph Perera</b>, a member of a human rights organization, active in combating torture and child abuse, and provides assistance to the victims in obtaining legal advice and medical attention. On 22 November 2004, he received a phone call telling him to put an end to his human rights work if he wanted to live. He brought these threats to the attention of the National Human Rights Commission (NHRC) in a letter dated 25 November 2004. The threats against Mr. U.L. A. Joseph Perera are aimed to prevent him from further assisting <b>Lalith Rajapakse</b> (the subject of a previously transmitted communication, E/CN.4/2004/56, Add. 1, para. 1509), who filed a fundamental rights application concerning a torture case against police officers, which is pending before the Negombo High Court. Mr. Rajapakse has also complained about threats to his life. These concerns are reinforced by the death of Gerald Perera (the subject of a previously transmitted communication, E/CN.4/2004/56/Add.1, para. 1557). He was a successful plaintiff in a fundamental human rights case relating to torture, who was due to testify on 2 December 2004 in the criminal case against the policemen who tortured him, but was fatally shot on 21 November.</p>	<p>By letter dated 21/02/05, the Criminal Investigations Department commenced an investigation into the death threats allegedly received by the two individuals. While the investigations are ongoing, the police are providing protection to the two individuals at their houses. Furthermore, a special police team was deployed to provide security at the court hearing of a case against Lalith Rajapakse for alleged theft at the High Court in Negombo on 21 February 2005.</p>
415		5/01/05	JAL	SUMX; TOR;	<p><b>M. Ranson Peiris</b>, aged 59, Gnanaloka Mawatha, Egodauyana, Moratuwa. On 5 December 2004 at around 2pm, he was beaten by two policemen of the Moratuwa Police Station at the home of a friend. He was taken to the police station in a three-wheeler where he was beaten again. The Deputy Mayor of the Moratuwa Municipal Council informed his family of his arrest. When the Mayor inquired about the arrest, the police denied that Mr. Peiris was in their custody. However, the</p>	



				<p>family later found him lying in a police cell when they went to the station. The police refused to provide him with the requested medical treatment. He was taken by police at 10pm to the Lunawa Government Hospital, and later transferred to the Kalubovila General Hospital, where he died around 11:30am on 6 December. A post-mortem was conducted by the Judicial Medical Officer of the Colombo General Hospital. The report indicated that Mr. Peiris was assaulted by blunt instruments. Nine external injuries were found on his body, including to his neck. The cause of death was by rupture of the blood vessels of his brain. The Moratuwa Magistrate Court has begun an inquest. It is reported that the alleged perpetrators have resumed their functions, and that the witness has received threats by the Moratuwa police not to give statements against the police.</p>	
416		7/01/05	JUA	<p>FRDX; HRD; TOR;</p> <p><b>Uswatta Liyanage Anthony Joseph Perera</b> (the subject of a previously transmitted communication on 3 December 2004, see above). On 16 December 2004, between 5.30 and 5.45 pm, Mr. Perera was riding home on his motorcycle with his grandson, when two persons stopped him at a location close to his house on the Weligampitiya-Batagama Road. One of the two persons directed a gun towards Mr. Perera and demanded that he stop his human rights work. He reminded Mr. Perera of the previous threats and asked whether he had taken those lightly, advising him that this was the last warning. The two persons then got on the motorcycle by which they had reached the location and sped towards Weligampitiya, towards the Colombo-Negombo Road. The number plate of their motorcycle could not be recognized, as it was covered with dark paper.</p>	

417		11/02/05	JUA	SUMX; TOR;	<p><b>D. P.</b>, aged 16 (the subject of a previously transmitted communication, E/CN.4/2004/56/Add.1, para. 1489; and the reply, E/CN.4/2005/62/Add.1, para. 1616). No effective action has yet been taken to guarantee the security for himself or his family. His family has recently received further threats by the accused police officers in an attempt to force them to withdraw their complaints. The threats became even more serious as the case was to be heard for the first time at the Chilaw High Court on 9 February 2005. On that day, the Court was informed about the death threats made to the victim and his family. The next hearing of the case was set to 25 April 2005.</p>	
418		15/12/05	AL	TOR;	<p><b>Harsha de Silva</b> of Negombo. On 13 January 2005 at approximately 9pm, he was assaulted on the road from Colombo to Negombo by an assistant superintendent (ASI) of the Colombo Crime Division. The ASI flagged him down, grabbed his tie and punched him through the open window of his car. He then ordered him to get out of the car and dragged him to the side of the road, where he kicked and punched him in the face and chest. He was taken to Wattala Police Station where the ASI tore his shirt and hit him in the face and chest in the presence of several other police officers. He was released on bail the next day. Harsha de Silva has lodged a fundamental rights petition regarding the incident before the Supreme Court. During the month of May he received four telephone calls from unidentified persons threatening him to withdraw the case. <b>Thummiya Hakura Sarath Banja Kapilawatte</b>, aged 36, a cinnamon crusher, Kapilawatte, Kuragasmanhandiya. On 3 February 2004, he was arrested by a sub-inspector of</p>	

				<p>Welipenna Police and a number of other police officers. He was taken to Welipenna Police Station where he was kept from 3 February to 10 February. He was periodically assaulted by the sub-inspector. He was beaten with a post on the third, sixth and ninth days of his detention. He was beaten all over his body and particularly on the soles of his feet and on his buttocks. On one occasion he was forced to spit into the mouth and lick the lips of another detainee, with the aim of transmitting tuberculosis. <b>E. J. P. Kapila Fernando</b>, aged 33, an accountant of St. Ann's Road, Beruwala. On 2 May 2005 at approximately 11.30pm, he was arrested by four or five armed police officers at Kalido Junction, Kalutura North. During the arrest, he was hit on the right side of his head four times by the officer-in-charge of Payagala Police Station. He was taken to the station and charged with fabricated criminal charges. On 3 May, he was released on bail. <b>Hevana Hennadige Priyadarshana Fernando</b>, aged 26. On 19 May 2005, he was arrested at Pandura Police Station. He was repeatedly kicked and beaten by the sub-inspector and several policemen. An internal police investigation is being carried out into the allegations, however, it is reported that the custody record has been falsified. <b>P. A. Sampath Rasika Kumara</b>. On 30 May 2005, the initial hearing in a case brought by P. A. Sampath Rasika Kumara against three police officers was held at Negombo High Court. The officers are accused of stripping him naked and assaulting him. During the initial hearing, a lawyer claiming to represent Mr. Kumara stated that he wished to withdraw his case, which was not the case. Moreover, one of the officers visited Mr. Kumara's</p>	
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				<p>house before the hearing and threatened him to sign an affidavit to the effect that he could not identify the perpetrators. <b>Liyana Kankanamlage Vipula Saman Kumara</b>, aged 25, of Lahiru Road, Lower Bopitiya, Palmadulla. On 4 June 2005, he was arrested by a reserve constable and police constable on suspicion of driving under the influence of alcohol. The two police officers pulled him out of his car and dragged him to the nearby Palmadulla Police Post. His mother visited him in detention and reported that he had shoe marks all over his body and his ears and nose were bleeding. He was charged and released on bail.</p> <p><b>H.M. Susantha Herath</b>, aged 24, a farmer of Havenatenna, Panliyadda. On 4 July 2005, he was beaten by a sub-inspector, a sergeant and a number of other policemen attached to Gokarella Police Station. The incident took place when he refused to supply the policemen with a local liquor. He was released the following day. As a result of his injuries he was hospitalized for five days. Ms. <b>Mallikage Padma Wijesuriya</b>, aged 38, and her husband <b>Mudannayakage Christie</b>, aged 43. On 27 July 2005 at about 12.30am, 12 policemen and civilians entered the couple's house by force, beat them, and took them away to Saliyawewa Police Station. At the station, they were beaten by a police driver and the officer-in-charge (OIC). The OIC beat the couple with a 3 foot pole and then with a hosepipe. The police officers repeatedly made a number of sexual remarks to Ms. Wijesuriya, accusing her of having sexual relations with other men because her husband was paralysed. They also said that the police would be able to teach her sexual positions. The couple were detained at Saliyawewa Police Station until the 7:30am on 27 July. <b>Rohitha Upali</b></p>	
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				<p><b>Liyanage</b> and <b>Sarath Bandara Ekanayake</b>. On 28 July 2005 at about 11pm, they accused two police officers of taking their motorbike at Wahalla Junction, near Wattegama. They were beaten with iron rods by two officers of Wattegama Police Station, and taken to the station where they were further beaten by police officers. <b>Kaluthara Guruge Thilan Suranga Jayasinghe</b>, of Kurunegala Road, Dambulla. On the night of 27 September 2005, he was approached by three police officers, all of Dambulla Police Station. They ordered him to buy them a bottle of alcohol, and when he refused they hit him in the face, head and stomach. They also kicked him as he lay on the ground. After the incident he went to the hospital. He went to the Taj Hotel where he met the perpetrators, and was beaten again. He was taken to the hospital, where he was chained to the bed. On 30 September, he was released from hospital. <b>Seneviratne Goshara Mudiyanseelage Upali Nissanka</b>. On 21 October 2005 at approximately 10:45pm, he was arrested at a petrol station by a superintendent and three other police officers on suspicion of stealing the vehicle (a trishaw) he was traveling in. The arrest took place. He was taken to Nawula Police Station where the superintendent punched his ears and stamped on his body. The police officers refused to inform his family of his whereabouts. On 22 October, he signed a prepared statement, although he was not informed of the contents. The police took him to Nalanda Hospital and Kongahawela Hospital. At approximately 4pm, he was released on bail by Dambulla Magistrates Court. On 23 October, the officer-in charge of Kekirawa Police Station offered him free medical treatment and 2,000 rupees with the aim of</p>
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					persuading him not to report the actions of the Nawula Police Station superintendent.	
419		7/03/05	JUA	WGAD; TOR;	<p><b>B. C. Princit Perera, C. Niroshan and Dinesh.</b> On 2 March 2005, they were dragged from their three-wheeler in front of Kandana Police Station (near Shanthi Stores) following an exchange of words with some two plainclothes policemen. They were beaten with a shovel, poles, and with fists and boots. A crowd of police officers from the station joined in the assault. All three men were taken inside the police station where they were beaten again. C. Niroshan and Dinesh, were produced by the Kandana police before a magistrate at midnight on the day of their arrest and were later admitted to the Ragama Teaching Hospital for treatment. Mr. B. C. Princit Perera remains at Kandana Police Station, and is in need of medical treatment.</p>	
420		12/04/05	UA	TOR;	<p><b>Nimal Silva Gunarantne</b> (cited in E/CN.4/2003/68/Add.1, paras. 1523-1524, and E/CN.4/2004/56/Add.1, para. 1558). The criminal investigation by the Criminal Investigations Department into his torture by officers of the Pandurai Police Station in 2000 has been completed and is before the Attorney General for prosecution, with an indictment against the accused police officers expected shortly. In this connection, Mr. Gunartane has been subjected to intimidation and harrasment. In recent days, several unknown persons visited his garden and stayed near his house "almost every day". Moreover, on the evening of 6 March 2005, a shot was fired in the direction of Mr. Guneratne's house, and three police officers in uniform and two other persons in plainclothes were seen fleeing the scene in a light-coloured vehicle. It is alleged that there have also been several recent</p>	

					attempts to implicate him in fabricated cases for which he has been arrested on several occasions and produced before courts. The Supreme Court concluded the hearing of the Fundamental Rights Application in relation to this case on 15 November 2004 but has not issue the judgment yet.	
421		15/12/05	AL	TOR;	<b>D. V. R.</b> , aged 14, a pupil at Wellawa Central College. On 9 November 2005, he was beaten by his teacher in a Tamil language class. The teacher pulled him forward by his right ear and punched him on his left eye, causing his nose to bleed. He was admitted to hospital for four days. His father reported the incident to the sub-inspector of the Women and Children's desk at Wellawa Police Station. The teacher has not been subjected to any disciplinary measures and the police have not instigated an investigation.	
422		Follow-up to past cases			<b>Sathasivam Sanjeevan</b> (E/CN.4/2000/9, para. 937, E/CN.4/2001/66, para. 969, E/CN.4/2003/68/Add.1, para. 1655).	By letter dated 24/03/05, the Government provided additional information. An inquiry was conducted into his death by a Magistrate. The Magistrate ordered a second post-mortem, which was conducted at Batticaloa Hospital on 28 November 1998. The post-mortem revealed that his injuries were caused by gun shots. On 20 October 1999, the Magistrate ordered the CID to initiate a new investigation. As a result of the new investigation, the Attorney General's Department concluded that there was not enough evidence to institute criminal proceedings. Furthermore, disciplinary action was not taken against the police officers concerned.

423					<b>Dope Pathirenehalage Lasantha Priyankara</b> (E/CN.4/2005/62/Add.1, para. 1500-1501).	By letter dated 24/03/05, the Government informed that the Attorney General indicted the accused police officers, which was forwarded to the High Court of Kaluthara on 14 December 2004.
424					<b>Kadawatha Gedera Dharmasiri</b> (E/CN.4/2005/62/Add.1, para. 1556).	By letter dated 24/03/05, the Government informed that the SIU is currently carrying out an investigation into the case and that a medical examination has been ordered. As a result, a police officer from Hasalaka Police Station has been identified as the alleged perpetrator.
425					<b>Heeralu Mohottalage Punchi Banda</b> (E/CN.4/2005/62/Add.1, para. 1557).	By letter dated 24/03/05, the Government informed that the SIU is currently carrying out an investigation into the case and that a medical examination has been ordered. As a result, three police officers of Samanalewewa Police Post have been identified as the alleged perpetrators.
426					<b>Rathnasiri Senadheera</b> (E/CN.4/2005/62/Add.1, para. 1558).	By letter dated 24/03/05, the Government informed that the SIU is currently carrying out an investigation into the case and that a medical examination has been ordered. As a result, a police officer of Horana Police Office has been identified as the alleged perpetrators.
427					<b>Welgama Relanga Wijitha Herath</b> (E/CN.4/2005/62/Add.1, para. 1559).	By letter dated 24/03/05, the Government informed that the SIU is currently carrying out an investigation into the case and that a medical examination has been ordered. As a result, the officer-in-charge of Polgahawela Police Station has been identified as the alleged perpetrators.



428					<b>Horathelpedige Vijitha Dammika Nimalasiri</b> (E/CN.4/2005/62/Add.1, para. 1560).	By letter dated 24/03/05, the Government informed that the SIU is currently carrying out an investigation into the case and that a medical examination has been ordered. As a result, five police officers of Veyangoda Police Station have been identified as the alleged perpetrators.
429					<b>Ranawaka Aarachchige Hemasiri</b> (E/CN.4/2005/62/Add.1, para. 1561).	By letter dated 24/03/05, the Government informed that the SIU is currently carrying out an investigation into the case and that a medical examination has been ordered.
430					<b>Herman Quintus Perera</b> (E/CN.4/2005/62/Add.1, para. 1562).	By letter dated 24/03/05, the Government informed that 1 October 2004 had been declared a day of temperance, and the sale of alcohol was prohibited on that day. The police anti-vice squad conducted a search of the restaurant, on the basis of a court-issued search warrant. The staff of the restaurant resisted the search and a scuffle broke out. Four persons, including the deceased, were arrested and taken to the police station. At the police station the deceased fell ill and was taken to hospital, where he died. The investigation into the death was conducted by special team appointed by the Inspector General of Police. As a result of the investigation, four police officers from Polonnaruwa Police Station were identified as the alleged perpetrators and were brought before the Magistrate's Court in Polonnaruwa. They have been remanded in custody and the case is in progress.
431					<b>Pushparaj Kanagaraj</b> (E/CN.4/2005/62/Add.1, para. 1564).	By letter dated 24/03/05, the Government informed that the SIU is carrying out an investigation.

432					<b>Edirisuriyage Ravindra Kumara</b> (E/CN.4/2005/62/Add.1, para. 1565).	By letter dated 24/03/05, the Government informed that the SIU is carrying out an investigation.
433					<b>Sinnathurai Vijayaruban</b> (E/CN.4/2003/68/Add.1, para. 1540-1541, E/CN.4/2004/56/Add.1, para. 1541).	By letter dated 9/08/05, the Government informed that after completion of the investigations, the Attorney General decided not to bring charges against anybody because there was no evidence to identify the perpetrators.
434					<b>H. Fonseka</b> (E/CN.4/2003/68/Add.1, para. 1579-1580, and E/CN.4/2004/56/Add.1, para. 1561),	By letter dated 9/08/05, the Government informed that the wife of the alleged victim has also made a complaint to the Human Rights Commission of Sri Lanka on the same incidence. At the Human Rights Commission the complainant agreed not to proceed with legal action and came to a settlement with the police. The suspected police officer on his own volition paid LRK 5000 to the alleged victim. Subsequently, Mr. Fonseka withdrew the complaint. Considering the settlement of the case, the Attorney General directed the police to terminate the investigation.
435					<b>Gunanayagam Kitnamoorthi</b> (E/CN.4/2004/56/Add.1, para. 1479, E/CN.4/2005/62/Add.1, para. 1612).	By letter dated 9/08/05, the Government informed that Mr. Kitnamoorthi withdrew the complaint giving an affidavit to this effect, following which the Attorney General directed the SIU to terminate the investigations.
436					<b>Kurupanawa Gamage Nihal</b> (E/CN.4/2004/56/Add.1, para. 1496, E/CN.4/2005/62/Add.1, para. 1621).	By letter dated 9/08/05, the Government informed that since the available information was not sufficient to continue investigations, the Attorney General decided not to institute criminal proceedings against the alleged perpetrators.

437					<b>Kebbeduwa Gamage Prabhath Neel Chaminda</b> (E/CN.4/2005/62/Add.1, para. 1490-1491).	By letter dated 9/08/05, the Government informed that the investigation commenced on 4 August 2004. The victim, who is an army deserter, was trying to escape after a robbery, when he was captured and assaulted by the general public. Later the public handed him over to the police. Accordingly, the Attorney General decided not to charge the accused police officers, as there was no evidence against them.
438					<b>Tennakoon Mudiyanseelage Gunsekera</b> (E/CN.4/2005/62/Add.1, para. 1510-1511).	By letter dated 9/08/05, the Government informed that Mr. Gunasekara withdrew the complaint giving an affidavit. Accordingly, the Attorney General decided to terminate the investigations.
439					<b>M. A. D. D.</b> (E/CN.4/2005/62/Add.1, para. 1534-1535).	By letter dated 9/08/05, the Government informed that the Criminal Investigations Department (CID) through its investigation identified a police sergeant of Panadura Police Station as having arrested the victim, taken him to Panadura Police Station, assaulted him several times and kept him in detention for two days. The Attorney General concluded that the available evidence was not sufficient to bring charges against the police officers.
440					<b>Kurundukarage Eranjana Sampath</b> (E/CN.4/2005/62/Add.1, para. 1541-1542).	By letter dated 9/08/05, the Government informed that he withdrew the complaints submitting an affidavit. Accordingly, the investigation has been terminated by the SIU.
441					<b>Thusev Kamal Priyantha, and Matarage Sudhrsana Priya Kumara</b> (E/CN.4/2005/62/Add.1, para. 1543-1544).	By letter dated 9/08/05, the Government informed that after the completion of preliminary investigations, the Attorney General has decided not charge the accused police officers since there was no evidence to prove the identity of the perpetrators.

442					<p><b>Horathelpedige Vijitha Dammika Nimalasiri</b> (E/CN.4/2005/62/Add.1, para. 1560).</p>	<p>By letter dated 9/08/05, the Government informed that the Special Investigations Unit (SIU) commenced an investigation. Five police officers of Veyangoda Police Station, including a sub-inspector, have been identified as the alleged perpetrators. Later the victim withdrew the complaint giving an affidavit, following which the police have terminated the investigation.</p>
443	Sudan	9/12/04	JAL	<p>Internally Displaced People; Racism; TOR; VAW;</p>	<p>Seven internally displaced women and girls from Deraj camp, 4km east of Nyala, Darfur: <b>Hawa Salih Khamis</b>, aged 19, <b>Zahra Haroun Koursi</b>, aged 30, <b>Fatima Saif Aldean Suliman</b>, aged 15, all from the Dajo tribe; and <b>Kaltoum Adam Mohamed, Meryem Idrees Adam, Zahra Issa Jar Alnabi</b>, and <b>Asha Mahmoud Abdalla</b>. On 30 November 2004, as they were collecting fire wood outside the camp in a place called Momo, 2km north of Deraj IDP camp, they were attacked by armed militias, stripped, and beaten with guns on their chests and heads, after having been asked about their tribal origins. Upon answering that they were Massalit, the militia told them that they did not like Massalit women. Half of the group were kidnapped and raped before being abandoned. The other half escaped and returned to the camp. They were all seriously injured, including one of whom was pregnant. Initially, all of them received medical treatment at the Medical Centre, Nyala. The pregnant woman was transferred to Nyala hospital where she miscarried. The attack was reported to the police forces in Nyala. Eight women and girls from the same camp: <b>Jawahir Abdella</b>, aged 10, <b>Safa Adam Ali</b>, aged 11, <b>Mastoura Ibrahim Ahmed</b>, aged 25, <b>Hawa Ahmed Ali</b> aged 30 and <b>Husnea Ibrahim Ahmed</b>, aged 25. On 2 December 2004, as they</p>	

					<p>were collecting fire wood north of the camp in Torkong, they were attacked by armed militias. They were beaten and three persons were raped. They received medical treatment at the Medical Centre, Nyala. The Centre's lawyer, at their request, reported the incident to the police authorities at the Nyala Central (Wasat) police station, however, the police refused to file the case. The women and girls were then transferred to the Nyala hospital for treatment but were refused because they did not possess a "Police Form Number 8", the form for treatment for injuries caused by a criminal act required by Sudanese Law.</p>	
444		6/01/05	JUA	WGAD; TOR;	<p><b>T. D. J.</b>, aged 12, Dajo tribe, <b>A. Y. B.</b>, aged 10, Dajo tribe, <b>M. I. M.</b>, aged 17, Fur tribe; and the following adults: <b>Adam Abaker Abdella</b>, a 33 year-old student, Tama tribe, <b>Alsadig Ibraheem Ahmed</b>, a 24 year-old student, Zghawa tribe, <b>Ali Mohamed Aldouma Adam</b>, a 22 year-old student, Shareefi tribe, <b>Ibraheem Mohamed Yahya</b>, a 52 year-old transport agent, Felata tribe, <b>Abaker Yahya Omer</b>, aged 33, Fur tribe, <b>Abdel Razig Abdel Majeed</b>, aged 65, Fur tribe, <b>Fayiz Abdella Yagoyb</b>, aged 22, Fur tribe, <b>Adam Ahmed Abaker</b>, aged 21, Hawara tribe, <b>Mousa Hassan Abdella</b>, a 60 year-old farmer, Zaghawa tribe, <b>Mousa Wadi Hassan</b>, a 50 year-old farmer, Zaghawa tribe, <b>Abdel Hameed Neel Salim</b>, aged 65, Zaghawa tribe, <b>Ibraheem Hassan Musa</b>, aged 58, Zaghawa tribe, <b>Hassan Ibraheem Mohamed</b>, a 70 year-old farmer, Hawara tribe, <b>Adam Douda Ismaeal</b>, a 52 year-old farmer, Zaghawa tribe, <b>Shareif Adam Babikir</b>, a 25 year-old farmer, Tama tribe, <b>Abdel Haleam Abdella Abaker</b>, aged 45, Birgid tribe, <b>Mohamed Ibraheem Tairab</b>, aged 25, Tama tribe, <b>Yasir</b></p>	

				<p><b>Abdella Musa</b>, aged 19, Zaghawa tribe, <b>Moustafa Abaker Ali</b>, aged 19, Berti tribe, <b>Emam Ahmed Abdel Aziz</b>, aged 35, Birgid tribe, <b>Ahmed Ishag Omer</b>, a 45 year-old teacher, Zaghawa tribe, <b>Soulieman Adam Tairab</b>, aged 35, Birgid tribe, <b>Yahya Abdella Tom</b>, aged 25, Tama tribe, and <b>Abdel Jebbar Shareif</b>, aged 20, Zaghawa tribe. On 16 and 17 December 2004, during aerial bombardments on Marla village by the Government, they were arrested in Marla, Domma, Labado and Belail villages, Nyala Province. The children and men were initially taken into military custody in Nyala where they were detained for two days. During the arrest and along the way from Douma and Marla to Nyala, they were beaten with sticks all over their bodies, flogged on their backs and chests and kicked with military boots on both their faces and sides. On 19 December, the detainees were moved to Nyala Wasat (Central) police station where they were charged under articles 51 (waging war against the State), and 53 (espionage against the country) of the 1991 Penal Code; offences which reportedly carry the death penalty. On 20 December, the 24 men and 3 children were transferred to Nyala Prison where they remain in detention. Lawyers in Nyala visited the detainees and submitted an application to the Attorney General requesting medical examinations of the detainees. The medical reports confirm that the children and men were subjected to torture. The wounded detainees are receiving medical treatment from Amel Medical Centre for Rehabilitation of Torture Victims, Nyala.</p>
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445		26/01/05	JUA	WGAD; TOR;	<p><b>Adam Joumma' Bakour</b>, aged 35, <b>Idrees Jai Khmees</b>, aged 55, <b>Souleiman Khatir Khamees</b>, aged 22, <b>Abdella Mohamed Khamees</b> from the Zaghawa tribe and <b>Araiba Adam</b>, aged 39, from the Fur tribe, Marla village. On 20 December 2004, they were arrested at the market in Marla village by members of the armed forces. They were taken to an underground room in a military custody centre in Marla, where they were tortured by members of the armed forces and Janjaweed militias. Their hands and legs were tied with rope, they were severely beaten with sticks and gun barrels on their heads, and were flogged on the back. Adam Joumma' Bakour, died as a result. The four other detainees received medical treatment at Marla Hospital. On 12 January 2005, one of the detainees was released. The remaining detainees are held without charges.</p>	
446		27/01/05	JUA	WGAD; TOR;	<p><b>Abdelkariem Mohamed Yahia</b>, a political activist and member of the Popular National Congress (PNC) party. On 10 September 2004, he was arrested with <b>Shamseldin Idries Al-amin</b>, another member of the PNC, in Al-Khilaila village, north of Omdurman, by members of the National Security Agency (NSA). They were taken to the political section of the NSA offices in Khartoum North. The two men were severely tortured in custody. Mr. Al-amin, sustained broken arms and other injuries consistent with torture, and died in custody. Mr. Yahia is still in detention.</p>	<p>By letter dated 4/03/05, the Government informed that Mr. Yahia was arrested in northern Khartoum and charged with smuggling arms to Khilaila area. He was brought before a competent court in Khartoum North and is now in custody. The Government informed that Mr. Al-Amin was arrested in Khilaila area and charged with receiving illicit arms. He was arrested on 10 September 2004 at 13.00h and passed away on the same evening. An autopsy was performed and an Investigation Committee has been formed on the circumstances surrounding his death.</p>
447		4/02/05	JUA	WGAD; FRDX; TOR;	<p><b>Abdallah Musa Abdallah</b>, General Secretary of the Beja Congress, Red Sea State, <b>Mahmoud Osman Ibrahim</b>, aged 45, General Secretary of the Beja Congress, <b>Aderob Bakkash</b>, a 22 year-old student, <b>Khalifa Omar Ohajj</b>, a 23 year-old student, <b>Ali Hussein Ali</b>, aged 40, <b>Mohamed</b></p>	

					<p><b>Samra</b>, aged 40, <b>Hussein Adam</b>, aged 35, all residents of Kassala, <b>Hashem Ali Dura</b>, and <b>Abdel Rahim Ali Bur'i</b>, residents of Port Sudan; all members of the Beja ethnic group. Between 29 January and 1 February 2005, they were among a number of persons arrested and are being held at national security offices in the cities of Port Sudan and Kassala, Red Sea State. Aderob Bakkash and Khalifa Omar Ohajji have been tortured in detention in Kassala. The arrests follow demonstrations on 26 and 29 January 2005 in Port Sudan predominantly by members of the Beja ethnic group, who were calling for equal opportunities and a share of power in the region. On 29 January 2005, armed security forces used live ammunition against a demonstration which had turned violent. They then attacked houses outside the area of the demonstrations, and threw grenades which wounded residents including children. At least 20 people were killed.</p>
448		24/02/05	JUA	WGAD; TOR;	<p><b>M. Ahmed Ali Soulieman</b>, aged 25, a communications centre employee, belonging to the Tounjour tribe. On 1 February 2005, he was arrested at work by security forces in Hey Al Jabel, Nyala, on suspicion of communicating with rebel groups. Mr. Soulieman was taken to security offices in Nyala, where he remains in detention without any official charges. He has been allowed to receive visits. Visitors reported that he appeared to have been beaten.</p>
449		24/02/05	JUA	EID; HRD; TOR;	<p><b>Abdella Souliman Shaibo</b>, aged 46, a tribal leader (sheik) of the Zaghawa tribe, an internally displaced person (IDP), Outash camp No. 2, north of Nyala. On 21 February 2005, he was arrested by security forces inside the Outash camp and took him to the camp's police station. On 22 February, Mr. Shaibo's family went to visit him at</p>



					but were informed that he had been transferred to Nyala Police Station. His family inquired at the police station and to the office of the National Security and Intelligence in Nyala, but his whereabouts remain unknown. Mr. Shaibo's arrest is connected with the fact that he provided information to an NGO in Nyala regarding the rape of three women and two girls by Janjaweed militias on 17 February 2005, near the Outash camp.
450		24/02/05	JUA	EID; TOR;	<b>Abdel Rahman Yagoub Amir</b> , aged 32, Zaghawa tribe, Nyala Hey Aljeer, <b>Mahmoud Ali</b> , aged 30, <b>Dawood Soulieman</b> , aged 45, <b>Adam Alnour Mohamed</b> , <b>Abdella Ali Taha</b> , <b>Ahmed Abdel Mahmoud</b> , and <b>Adam Ahmed</b> . On 19 February 2005, Abdel Rahman Yagoub Amir was arrested at home by six armed men in civilian clothing, on suspicion of supporting the Sudan Liberation Army (SLA). He was taken to the police offices in north Hey Aljeer, where he was detained for one night. On 20 February, when his relatives went to visit him at the station, they were told that he had not been arrested and that they did not know his whereabouts. On 12 February, Gedel Haboub village, 12km North-East of Nyala was attacked by armed forces in jeeps. They flogged the population of the village and fired live ammunition in order to intimidate the villagers, who are suspected of supporting the SLA. The six above-mentioned men were arrested during the attack and their whereabouts are unknown.
451		25/02/05	JUA	WGAD; TOR;	<b>Abde Mahmoud Adam Mohamadain</b> aged 39, a merchant, Nyala Hey Almazad neighbourhood, Nyala. On 19 February 2005, he was arrested at home by security forces on suspicion of joining the Popular National Congress (PNC) party and of communicating with the Sudan Liberation Army

					(SLA). He was taken to security offices in Nyala where he remains in incommunicado detention without any official charges. Mr. Abde's family have been denied access. <b>Adam Khamees Altom</b> , aged 40, Zaghawa tribe, Kalma Internally Displaced (IDP) camp, Darfur. On 22 February 2005, he was arrested at the camp by security forces and taken to security offices in Nyal, where he remains in incommunicado detention without any official charges. His arrest follows attempts by the security forces to move IDPs from Kalma IDP camp to a new camp 20km from Nyala.	
452		2/03/05	JUA	WGAD; TOR;	<b>Hassan Younis Abdella Ateam</b> , a 25 year-old caterer, <b>Hussain Younis Abdella Ateam</b> , a 25 year-old labourer, and <b>Abdella Mohamed Fadul</b> , a 40 year-old shoe trader, all from the Zaghawa community, Sanya Afondu village, east of Nyala. On 15 February 2005, they were arrested at the local market in Nyala by armed forces and military intelligence, on suspicion of membership of the Sudan Liberation Army. They were taken to a military camp, 1 km west of Sanya Afondu village, where they are detained in a hole in the ground. The men have not been charged with any crime. The men have been flogged on their chests and backs, and beaten severely with sticks on their testicles, head, backs, shoulders and legs. They have not received medical treatment for their injuries. Mr. Hassan Younis Abdella Ateam, in particular, is reportedly seriously wounded.	
453		9/03/05	JUA	WGAD; TOR;	<b>Adel Eltigani Bashir</b> , a 22 year-old student, from the Fur tribe, Jorouf Village, 19 km north of Nyala. On 14 February 2005, he was arrested and detained in Nyala by military intelligence, on suspicion of joining the rebel forces in Darfur. In their custody, his legs and hands were chained and he was beaten with sticks all over his body	

					and face, kicked with boots, and flogged on his back and shoulders. Despite the severity of his injuries, Mr. Bashir did not receive medical treatment. On 2 March 2005, he was transferred to Nyala Wasat (Central) police station and officially charged under Article 51 (Waging War Against the State) and Article 58 (Abetment of Mutiny) of the 1991 Penal Code. On 6 March 2005, he was transferred to Nyala prison where he remains in detention awaiting trial.	
454		15/04/05	JUA	WGAD; HLTH; TOR;	<p><b>Osman Ali Ahmed</b>, a 23 year-old farmer from Tur village, Western Jebel Marra Province, Southern Darfur State. On 24 December 2004, Mr. Osman was taken to the military detention centre in Tur where he was detained for two days. Four army officers, tied his arms and legs, beat him with sticks on his head and shoulders, and kicked him on his sides. On 26 December 2004, Mr. Osman was transferred to the military intelligence detention centre in Kass town, Jebel Marra Province. An officer, who is based in Kass town, ordered soldiers to torture Mr. Ahmed. The officers inserted the neck of a bottle into his anus, burned him on his chest and arms and cut him with a knife on his hands and neck. On 6 January 2005, he was taken to the military intelligence detention centre in Nyala, where he was detained for six days and flogged all over his body by an officer. On 12 January, he was transferred to Nyala Wasat (Central) police station where he was charged with waging war against the State and abetment of mutiny. Since 20 January, he has been detained in Nyala Prison awaiting trial.</p> <p><b>Mahmoud Abaker Osman</b>, a 38 year-old merchant, and <b>Diggo Abdel Jabbar</b>, a 45 year-old community leader (omda) and merchant, both of the Zaghawa tribe. On 22 February 2005, they</p>	

					<p>were arrested and taken by military personnel to a military camp in Sanya Afondu village, where they were detained in a hole in the ground for 11 days. During this time, eight soldiers, under the control of a senior ranking military official, beat the men with sticks and metal rods, flogged them on the back and chest, and burnt their feet and hands. On 4 March, the two men were transferred to the custody of the military intelligence in Nyala, where they were detained incommunicado and denied food for five days. On 13 March, they were taken to Nyala Wasat (Central) police station and charged. They have been detained in Nyala Prison since 19 March. <b>Adam Musa Ahmed</b>, a 30 year-old farmer belonging to the Zaghawa tribe, Sanya Afondu village, east of Nyala. On 7 March 2005, he was arrested by military intelligence, taken to a military camp 1km west of Sanya Afondu village, and detained in a hole in the ground. While in detention, under the command of officers, Mr. Ahmed was beaten by officers, including being flogged and kicked with boots. On 6 April, he was transferred to the security police detention facility in Nyala but has not been officially charged. All four men are denied medical treatment. The charges of waging war against the State, and abetment to mutiny carry the death penalty, and are tried before the Specialised Criminal Courts, which accept confessions extracted under torture.</p>	
455		26/04/05	JUA	WGAD; FRDX; TOR;	<p><b>Sati' Mohamed Al-Haji</b>, a human rights lawyer, <b>Yusuf Hussein, Tariq Ahmed Gasim</b>, aged 21, <b>Fawaz Salah Al-Sayed</b>, aged 21, all from Khartoum. On 21 April 2005, Tariq Ahmed Gasim and Fawaz Salah Al-Sayed were arrested along with four boys aged between 15 and 18. About 35 members of the National Security Forces</p>	

					<p>surrounded the house in which they were meeting to organise an commemorative event for 23 April for their relatives, who were amongst 28 officers executed on 24 April 1990, accused of plotting a military coup. After their arrest, the security forces took Tariq Ahmed Gasim and Fawaz Salah Al-Sayed and the four boys to their office in Khartoum North. The four boys were released later the same evening. Members of the security forces had beaten them and forced them to jump up and down on a hot floor. Sati' Mohamed Al-Hajj and Yusuf Hussein, who had been planning to support the event, were arrested at their homes, and are being held at an unknown location. On 22 April at 10am, Tariq Ahmed Gasim and Fawaz Salah Al-Sayed were shown to the families in the reception area of the offices but were then taken back into detention. Their families claim that they looked as if they had been beaten. On 22 April, the security forces arrested and released other organizers of the event; one was beaten and given 40 lashes before he was released. There is no news of any charges being brought against Tariq Ahmed Gasim, Fawaz Salah Al-Sayed, Sati' Mohamed Al-Hajj and Yusuf Hussein, and they are being held incommunicado.</p>
456		29/04/05	JUA	WGAD; TOR;	<p><b>Ahmed Ali Musa</b>, a 32 year-old merchant, Giraida town, Bouram Province. On 5 March 2005, he was arrested by security forces personnel in Nyala central market on suspicion of having joined the Sudan Liberation Army, and was taken to the military intelligence detention centre in Nyala. During the arrest, he was beaten and kicked, including on his face and head. His family have been allowed only one visit. Mr. Musa remains in detention and is facing no official charges. <b>Abdel Shafi Salih Wadi</b>, an 18 year-old</p>

				<p>student of Shengil Toubaya School, Zaghawa tribe, Shengil Toubaya village, 115 km north of Nyala, Darfur. On 12 March 2005, he was arrested by security forces personnel. During the arrest, he was beaten and kicked. He was taken to the military intelligence detention centre in Nyala where intelligence officers flogged him on his back using electrical wires and a sot (leather whip), and beat him with sticks on his head and all over his body. Despite the severity of his injuries, he did not receive medical treatment. On 21 March, he was transferred to Nyala Wasat (Central) Police Station and officially charged under Article 51 of the 1991 Penal Code. On 30 March, he was transferred to Nyala Prison where he remains. He appeared before the Specialised Criminal Courts for a hearing on 17 April. <b>Ishag Mohamed Adam</b>, aged 29, Fur tribe. On 15 March 2005, he was arrested by police officers in Abu Ajoura village, southern Nyala. He was taken to Abu Ajoura Police Station where he was detained for three days. During the arrest, the police officers beat him with their hands and kicked him with boots. On 18 March, he was transferred to Nyala Wasat (Central) Police Station where he was officially charged under Articles 51 and 58 of the 1991 Penal Code. On 22 March, he was moved to Nyala Prison where he remains awaiting trial. <b>Haroun Zakarea Osman</b>, a 36 year-old farmer of the Zaghawa tribe. On 19 March 2005, he was arrested by security forces personnel in Bajo village, near Marla, Nyala Province, taken to a military camp, 1km west of Sanya Afondu village, and detained in a hole in the ground for ten days. In detention he was beaten with sticks on his head and flogged all over his body. On 29 March, he was transferred to</p>	
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					a military intelligence detention centre in Nyala and detained there until 3 April. On 4 April, he was moved to Nyala Wasat (Central) Police Station where he was officially charged under Articles 51 (waging war against the State) and 58 (abetment of mutiny) of the 1991 Penal Code, offences which carry the death penalty if convicted. On 7 April, he was again transferred to Nyala Prison where he is awaiting trial. None of the above-mentioned men have received medical treatment.	
457		4/05/05	JUA	EID; TOR;	<b>Ahmed Manees Maalla</b> , aged 60, Marla, living in Nyala, <b>Adam Abdella Mohamed Tor</b> , aged 34, Marla, and <b>Ibrahim Khidir Abdella</b> , aged 30 years, Marla, all belonging to the Zaghawa tribe. On 20 April 2005, they were singled out by army personnel, beaten and ordered off a passenger bus travelling from Belail Internally Displaced Persons camp to Nyala. The three men were taken away in a jeep. The omda, or mayor, of the Zaghawa tribe visited police stations and security offices in Nyala, but was unable to locate them.	By letter dated 22/06/05, the Government informed that they were arrested on 18 April 2005. The investigation revealed that they were involved in acts prejudicial to the security of the State. Their treatment in custody is in accordance with the law and human rights norms.
458		12/05/05	JUA	EID; TOR;	<b>K. A. M. A.</b> , aged 16, Dajo tribe, Kalma Internally Displaced Persons camp, Nyala. On 21 April 2005, he was arrested by officers from military intelligence together with another person at a farm, two kilometers from the camp, and taken into military custody in Nyala. After 22 April, his brother tried to visit him at the military detention centre, but the military officers denied he was arrest or any knowledge of his whereabouts.	By letter dated 12/06/05, the Government informed that he was summoned for interrogation as a witness in connection with a criminal investigation under Article 47 (stealing ammunition). He was released after interrogation and is now living with his family. The Government informed that he was actually 18 years old. He was not subject to torture of any kind.
459		1/06/05	JUA	WGAD; TOR;	<b>Hassaballah Hassab Al-Nabi Issa, Ibrahim Mohammed Jadallah, Mustafa Abdallah Al-Jamil, Mohammed Al-Jazuli Adam, Yassin Yusuf Abdallah, Jalal Shaib, and Isam Mohammed Yusuf</b> , Nyala, Darfur. On 22 May 2005 at around 8pm, they were arrested at a	

					private house in Nyala, and are presently being held in incommunicado detention by the National Security Agency at an unknown location. The seven persons are members of Arab nomad groups. Most are linked to community leaders opposed the displacement of settled farming communities which have taken place in Darfur over the past two years.	
460		22/07/05	JUA	EID; TOR;	<b>Hasabella Hasab Alnabi Issaa</b> , aged 28, the Rezaigat tribe, <b>Mustafa Abdella Abaker</b> , aged 27, <b>Ibrahim Mohamed Abdella</b> , aged 28, <b>Mohamed Aljazouli Adam</b> , aged 30, and <b>Yaseen Yousif</b> , aged 27. On 12 May 2005, they were arrested by security forces in Nyala from a house in Hey Alkhartoum Billaail, Nyala. The men were initially taken to security offices in Nyala where they were detained until 13 June 2005. The relatives were denied access. On 14 June, these five men were transferred to an unknown location in Khartoum. The whereabouts of the men remains unknown.	
461		6/09/05	JAL	HRD; TOR;	<b>Abu Alabass Mohamed Hassan</b> , a 22 year-old student at Alahlia University, Omdurman. On 22 August 2005 at approximately 11am, security officers and members of the National Congress Party Student Militia wing kidnapped Abu Alabass in front of the university and forced him into a waiting car. He was taken to a nearby house the kidnappers inserted a bottle of mineral water into his anus, beat him all over his body, and threatened to rape him. The kidnappers also shaved Mr. Hassan' head, his moustache and made him sign unknown documents. They demanded that he give up his student activities and join the National Congress Party. On 23 August at approximately 1am, he was blindfolded, driven from the house and abandoned in a derelict	



					area of Omdurman. He is currently receiving medical treatment for his injuries at the Amel Centre for the Treatment and Rehabilitation of Victims of Torture. Mr. Hassan had been calling for the re-establishment of the University Student Union. Since July 2005, 22 students from Sudan University for Science and Technology and Alahlia University in Omduran have been arbitrarily arrested, detained and tortured, by security officers and the National Congress Party Student Militia wing. See also previously transmitted communication, E/CN.4/2005/62/Add.1, para. 1636.	
462		16/09/05	JUA	WGAD; TOR;	<b>Issa Fadul Dawalbeit</b> , a 30 year-old farmer, <b>Ramadan Altahir Ateam</b> , a 19 year-old driver's assistant, and <b>Mohamed Zakarea Hassan</b> , a 35 year-old farmer, Zalingei, Darfur. On 13 August 2005, the three men were arrested by officers from the Military Intelligence at their homes, on suspicion of supporting the Sudan Liberation Army (SLA). The men were taken to the military intelligence custody centre in Zalingei where they remain in detention and are facing no charges. The three men have been beaten with water hoses, kicked, flogged, and beaten with hands all over their bodies, and have sustained serious injuries. Their families were initially allowed to visit them, but are now denied access.	
463		30/09/05	JAL	HLTH; SALE; TOR; VAW;	<b>Widespread sexual violence in Darfur</b> . Victims report that the perpetrators are most frequently members of law enforcement agencies or the armed forces. Women and girls who are internally displaced are particularly at risk, especially when they leave the camps to search for firewood or other basic needs. On 6 September 2005, a woman was abducted and raped in Nyala. The perpetrators, including a member of the Popular	

				<p>Defense Forces, have been arrested and are in detention in Nyala. On 11 September, a woman and her daughter were attacked while they were collecting firewood by armed militias, who then raped the daughter, aged 17. On 13 September, six women were raped by armed militias while fetching firewood, and another 10 women were abducted while fetching firewood, also outside the Kalma IDP Camp in Nyala. On 16 September, armed militias, Janjaweed, in military uniforms raped one girl and one woman 2km from the Kalma IDP camp in Nyala. Often victims do not report sexual violence because they fear retaliation by the perpetrators or because they lack faith in the authorities' willingness and ability to hold the perpetrators accountable. In some cases, the police have refused to register cases; in other cases, the police have failed to investigate claims of sexual violence effectively. Some victims report having been intimidated and harassed by the police when attempting to report on sexual violence. Victims also face barriers to access to justice because of evidentiary requirements for proving rape. The Criminal Form 8 (a medical evidence form which must be completed by a qualified medical professional in order to lodge a complaint of sexual violence) is meant to standardize the evidence collected during criminal investigations, this form has hindered women's access to confidential medical treatment, and does not allow medical professionals to include all relevant information for proving rape and other forms of sexual violence. In response to concerns about Medical Form 8, the Minister of Justice issued a Criminal Circular (1/2004) on 11 August 2004, explaining that urgent medical treatment should be provided</p>	
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					<p>regardless of whether the Form 8 has been completed. This Criminal Circular was further amended on 11 December 2004 (2/2004) to clarify that criminal investigation and procedures should be undertaken without being restricted to completion of the medical form, and that the medical examination and the form should be completed before referring the case to trial. Nevertheless, some police continue to claim that no medical treatment can be given to a victim of sexual violence until the Form 8 is completed. Women who are unable to prove that they were raped may face criminal charges of adultery. The physical injuries arising directly from the violence, include mutilation of the genitals by the perpetrators with knives, sexually transmitted diseases, pregnancy, and psychological trauma. Many women avoid seeking medical treatment because of the stigma associated with such violations. Furthermore, women's access to medical care is hindered by the lack of adequate medical facilities and the unavailability of free medicines.</p>	
464		21/10/05	JUA	WGAD; TOR;	<p><b>Mohamed Ahmed Alarbab</b>, aged 40 years, a lawyer and human rights defender, Kalakla. On 1 October 2005, he was arrested by police officers at Mayo police Station, Khartoum. At the station, he was subjected to torture, beaten and subjected to severe pressure during the police interrogation. He was denied access to his family or lawyers. On 3 October, he was transferred to Kalakla Police Station where he was allowed visits from his family and his lawyer. On 8 October, a Human Rights Monitor from United Nations Mission in Sudan (UNMIS) was allowed to visit Mr. Alarbab. Following the visit, he was denied visits from his family and access to legal advice because of</p>	<p>By letter dated 28/11/05, the Government informed that he He was arrested as part of the investigation into the Soba Aradi incident. He was charged under Article 21 (complicity to execute a criminal agreement), Article 24 (criminal conspiracy), Article 50 (undermining the constitutional system), Article 77 (public nuisance), Article 107 (screening and harbouring an offender) and Article 130 (murder) of the Criminal Act 1991. He receives visits from his family and the United Nation Mission in Sudan (UNMIS).</p>

				<p>media reports alleging that he was subjected to ill treatment in custody. His family was allowed to deliver food, to break the 'Fast' (Iftar). On 18 October, an official investigation was launched by police officers at Soba Police Station. Mr. Alarbab is under investigation for offences under Articles 21, 24 (Participating in Commitment of a Criminal Act), 130 (Murder), 50 (Crimes against the Constitutional System), 51 (Crimes against the State), and 77 (Public Disturbance), 107 (Sheltering a Criminal) of the 1991 Sudanese Penal Code. Mr. Alarbab was working on cases of persons arrested following riots in the Soba Aradi area of Khartoum in May 2005.</p>	
465		Follow-up to past cases		<p><b>Waiel Taha</b> (E/CN.4/2005/62/Add.1, para. 1635).</p>	<p>By letter dated 20/10/05, the Government informed that he was arrested by the District Attorney following allegations that he had assaulted his supervisor at Khartoum University. He was subsequently charged under Articles 68 (Disturbance of public peace), 77 (Public nuisance), 143 (Criminal force), 143 (Criminal force) and 182 (Criminal mischief) of the Criminal Code.</p>
466				<p><b>Mudawi Ibrahim Adam</b> (E/CN.4/2005/101/Add.1, para. 484).</p>	<p>By letter dated 20/10/05, the Government informed that he was detained on 27 January 2004 in Kandawat village in South Kordofan. He had been previously detained and the Minister of Justice has issued a decision staying the criminal proceedings against him on 8 August 2004. He was treated humanely while he was in detention.</p>

467	Sweden	Follow-up to past cases			Ms. <b>Parvin Solaimanpour</b> (E/CN.4/2005/62/Add.1, para. 1683-1684).	By letter dated 24 February 2005, the Government informed that the Special Rapporteur's letter had been included in her latest application filed with the Aliens Appeals Board on 10 December 2004. The Swedish Migration Board had previously refused her application for residence and the Aliens Appeal Board had rejected her appeal. The Swedish Migration Board and the Aliens Appeal Board had both concluded that she is not in need of protection in Sweden. They concluded that an enforcement of the expulsion order can take place without risk and that there are no substantial grounds for believing that she would be exposed to torture or other forms of ill-treatment on her return to Iran. Her latest appeal is still pending.
468	Syrian Arab Republic	17/01/05	JUA	FRDX; HRD; TOR;	<b>Habib 'Isa</b> , a lawyer, aged 62, and <b>'Aref Dalilah</b> , aged 64. They are currently serving terms of five years, and ten years, respectively. Mr. 'Isa is suffering from chronic back pain and is in need of a hernia operation. Mr. Dalilah has developed a serious heart condition which requires an operation, possibly to fit a pacemaker. They have been held in solitary detention for a prolonged period. They are among six persons arrested in 2001 and convicted for their involvement in the pro-democracy and human rights movement known as the "Damascus Spring". Both men were beaten severely by prison guards in May 2002.	
469		27/01/05	JUA	WGAD; TOR;	<b>'Abd Al-Rahman Al-Musa</b> . On 19 January 2005, he was arrested upon arrival at Damascus Airport by Political Security officers and is now held incommunicado at the Political Security Detention Centre in Hama. He was forcibly returned from the United States of America after his asylum application was denied. Mr. Al-Musa was affiliated	By letter dated 5/10/05, the Government informed that Mr. Al-Musa was a member of the Muslim Brotherhood, an organization which has been banned in Syria, since 1980. It emerged from the interviews conducted with him that he provided shelter in to subversives and was trained at the Brotherhood's camps in

					in the past with the outlawed Muslim Brotherhood (MB) organisation. He has been living in the USA since about 1991. He left Syria in 1982 after serious clashes in Hama between the security forces and the MB left thousands of people dead, including members of his family.	Iraq. He traveled to the United States of America via Jordan and remained there until the United States authorities deported him to Syria on 19 January 2005. He was then detained and brought before the Higher State Security Court.
470		1/02/05	JUA	IJL; TOR;	<b>Amna Al-'Allush.</b> On 1 February 2005, her case before the Criminal Court of Raqqa is scheduled to resume. Amna Al-'Allush was sentenced to 12 years' imprisonment on 13 April 2004 despite witnesses, including at least two policemen and a court clerk, giving evidence that they had seen her restrained by tires, repeatedly beaten with a triple cabled wire, and forced to confess during an interrogation which took place in the presence of a judge and other public officials. On 16 August 2004, the Court of Cassation ruled there were procedural flaws in the original trial and thus overturned the conviction and ordered a retrial.	By letter dated 26/05/05, the Government informed that on 12 March 2003, the authorities received a report about a girl named Malikah Salih Fayad had been found hanging at her family home in Mughallah in Raqqa. After a forensic investigation had been carried out and witnesses had been questioned, the wife of the girl's father, Amna al-Mohammed Birt Allush, was identified as a suspect. She confessed to having strangled the girl in order to prevent her from telling her father that Ms. Allush was having a relationship with some men in the village. Ms. Allush was taken into custody and subsequently sentenced to 12 years in prison with hard labour. Ms. Allush claimed that she was innocent and asked for a new investigation. The competent judicial authorities are still examining the case.
471		26/05/05	JUA	WGAD; FRDX; HRD; IJL; TOR;	<b>Mohamed Ra'adoun,</b> lawyer and the head of the Syrian branch of the Arab Organization for Human Rights. On 22 May 2005 at around 11am, he was arrested by four officers of the Political Security at his office at Latakia. He was informed that his apprehension was taking place under the Emergency Law, though he was neither informed of the charges against him, nor shown an arrest warrant. Mr. Ra'adoun was taken to Damascus, where he was held by the Central Political Security Section. On 23 May, he was handed over to the Military Judiciary, though they have stated	See reply below.

					that there were no charges pending against him. On the morning of 24 May, he was returned to the Central Political Security Section, where he is still detained incommunicado.	
472		8/06/05	JUA	WGAD; FRDX; TOR;	<b>Habib Salih</b> , aged 55, Tartus. On 29 May 2005, he was arrested and is held incommunicado by Military Intelligence authorities in Tartus.	
473		1/07/05	JUA	WGAD; IJL; TOR;	<b>Mahmoud Simmak</b> , a 65-year-old Syrian national, resident in Yemen for over 20 years. On 9 April 2005, Mahmoud Simmak was arrested at Damascus Airport as he arrived from Sana'a. He was taken to the military security service detention centre in Idleb. He was transferred to the Palestine Branch of the Military Intelligence detention centre, Damascus. Since his arrest at the Airport he has not had access to a lawyer. His only contact with his family has been a short visit from his brother. Mahmoud Simmak has not been charged with any offence.	By letter dated 5/10/05, the Government informed that he joined the Muslim Brotherhood, a proscribed organization in Syria, in 1975. In 1980, Mr. Simmak left for Yemen and worked there as a primary teacher, while continuing with his former activities. In 1982, he travelled to Jordan and on to Iraq to take part in weapons training in preparation for a sabotage operation in Syria, which he subsequently renounced. In 1996, he sent his wife and children to Syria and submitted a petition announcing his withdrawal from the organization. He is currently being held for questioning.
474		1/07/05	JUA	WGAD; FRDX; HRD; TOR;	<b>Muhammad Ra'adoun</b> , 56 (subject of a previously transmitted communication of 26 May 2005, see above), and <b>Nizar Ristnawi</b> , founding member of the Syrian branch of the Arab Organization for Human Rights. On 18 April 2004, Mr. Ristnawi was arrested and is detained incommunicado, without charge, at the Military Security branch of Hama. His family was not informed of his arrest until two weeks after his arrest. Mr. Ra'dun has now been transferred to 'Adra Prison, near Damascus, where he is in solitary confinement and is awaiting trial before the Supreme State Security Court on charges of "disseminating false information," and "involvement in an illegal organization of an international nature". If convicted he faces more	By letters dated 21/07/05 and 29/12/05, the Government informed that Mr. Ra'adoun was arrested under Articles 286 and 288 of the Criminal Code on 22 May 2005. He was arrested after accusing the Syrian authorities, via the media, of causing the death of Ahmed Ali Musaliha. Ahmed Ali Musaliha had died as the result of a heart operation, which he had undergone 40 days after being released from detention. Mr. Ra'adoun was released under the amnesty issued by the President in 2005. The Government informed that Mr. Ristnawi was arrested on 18 April 2005 for writing and publishing negative material on the internet. He is still awaiting trial.

475		6/07/05	JUA	WGAD; FRDX; TOR;	than three years' imprisonment. <b>Ali Al-Abdullah</b> , aged 55, a journalist and member of Jamal Al- Atassi Forum, of the Committees for the Revival of Civil Society and of the Human Rights Association of Syria. On 15 May 2005 in the evening, he was arrested and is currently being held in solitary confinement in 'Adra Prison near Damascus, awaiting trial before the Supreme State Security Court on 30 October 2005. He has already been in custody for over six weeks, mainly held incommunicado. He is charged with "promoting an illegal organization," believed to be the Muslim Brotherhood. If convicted, he faces over three years in prison.	By letter dated 29/12/05, the Government informed that he was released under the amnesty issued by the President in 2005.
476		4/08/05	JUA	WGAD; FRDX; HRD; TOR;	<b>Yassin Al-Hamwi</b> , a 60 year-old, shopkeeper, Darya, and <b>Muhammad 'Ali Al-'Abdullah</b> , a law student, Qatana, both founding members of the newly established Committee of the Families of Prisoners of Opinion and Conscience, Darya. On 26 and 27 July 2005, respectively, they were arrested by security forces. The arrests came within days of holding the first meeting of the Committee of the Families of Prisoners of Opinion and Conscience on 25 July. Yassin Al-Hamwi was arrested at his shop in Darya. Muhammad 'Ali Al-'Abdullah was arrested at his home in Qatana. Both men are currently being held incommunicado.	By letter dated 1/12/05, the Government informed that they had been arrested by the competent authorities for forming a secret society and using <b>Muhammad 'Ali al-'Abdullah's</b> home for these activities. They were brought before the court on 2 August 2005 and then released. Their case is still being reviewed by the courts.
477		5/09/05	JUA	WGAD; FRDX; HRD; IJL; TOR;	<b>Riad Drar Al-Hamood</b> , an Arabic language teacher and a member of the Committee for Revival of Civil Society, a network of individuals engaging in the defense of human rights. On 4 June 2005, he was arrested after security officers raided his house and confiscated books and copies of his lectures. He is being held incommunicado in solitary confinement at 'Adra Prison, charged with "inciting sectarian strife", and	



					is expected to be tried by the Supreme State Security Court. He suffers from diabetes-related high blood pressure. He has received one visit after his arrest, but has since then been denied visits, including his doctor. His arrest follows a speech he made at the funeral of the prominent Islamic scholar Sheikh Muhammad Ma'shuq Al-Khiznawi, who had been allegedly abducted and tortured to death.	
478		30/09/05	JUA	WGAD; HLTH; SALE; TOR; VAW;	<b>Rolla Al-Khaled</b> , aged 20, <b>Nadia Al-Satour</b> , and <b>H. A.</b> , aged 17. On 3 September 2005, following a conflict in the Hama Province between Syrian Anti-Terror Squad and militants of the Jund-al-Sham (Soldiers of the Levant), Syrian forces arrested the three women; Ms. Al-Khaled and H. A., who are pregnant, and Ms. Al-Satour with her child. These women were arrested instead of their husbands, who the security forces were unable to find, and are suspected of involvement with Jund-Al-Sham. The women are being detained incommunicado in the underground cells, known as 'tombs' at the Military Intelligence Palestine Branch, Damascus. These "tombs" are two metres high, less than two metres long and one metre wide. The Palestine branch is known to be infested with cockroaches and other insects, as well as rats. It is reported that other pregnant women and young children are also being detained in this prison, and one woman has already suffered a miscarriage as a result of being tortured.	
479	Tajikistan	9/06/05	JUA	WGAD; FRDX; TOR;	<b>Jumaboy Tolibov</b> , a journalist based in northern Tajikistan. On 25 April 2005, he was arrested and since then has been held in incommunicado detention at the Aininski District Pre-trial Detention Centre. He has been charged with "hooliganism" and "obstructing an official". The arrest follows	

					critical articles he had written against the District Prosecutor.	
480		3/10/05	AL	TOR;	<b>Davlatkhudza Sakovarov</b> , a former driver of Makhmadrusi Iskandarov, the leader of the opposition Democratic Party of Tajikistan, Dushanbe. On 28 August 2004, he was arrested on the road between Tadzhibabad and Dushanbe (125 km from Tadzhibabad) by Ministry of Interior officials, and brought to the police station of Komsomolabadskiy District. Two hours later he was returned to the militia station in Tadzhibabad, where militiamen questioned and harassed him, and threatened him with a 15 year prison sentence. In the afternoon of 29 August, he was transferred to the Department for Fighting Organised Crime (UBOP), Dushanbe, where he was severely beaten throughout the night in order to extract evidence against his former boss, Mr. Iskandarov. After 13 days he was transferred to the detention centre of the Ministry of Interior, Dushanbe. He stayed there for another 15 days. Afterwards he was brought to a pre-trial detention facility, where he has been ever since.	
481		20/10/05	JAL	Terrorism; TOR;	<b>Mahmadrusi Iskandarov</b> , an opposition politician. On 5 October 2005, he was sentenced by the Criminal Collegium of the Supreme Court of Tajikistan to 23 years' imprisonment in addition to confiscation of his property and a reduction in rank for, inter alia, "terrorism" (art. 179.3 of the Penal code) and "establishment and leadership of a gang with the aim of attacks on citizens and organizations" (art. 186.1). Several witnesses alleged before the court that they and Mr. Iskandarov's former driver, Davlatkhudza Sakovarov (subject of a previously transmitted communication of 3 October 2005, see above), whose statement served as one of the key	

					testimonies of the trial, had been tortured to force them to testify against Mr. Iskandarov.
482	Thailand	12/12/05	UA	TOR;	<b>Anek Yingnuek.</b> On 10 November 2005, he was convicted by Phra Nakhon Si Ayutthaya Provincial Court. Since his conviction, he has been held in shackles in solitary confinement at Ayutthaya Central Provincial Prison. His treatment is connected to earlier allegations of torture and ill-treatment that he made against the lieutenant-colonel and a number of other police officers of Phra Nakhon Si Ayutthaya District Police Station in September 2004.
483		13/12/05	AL	TOR;	<b>Urai Srineh</b> , aged 44, a security guard. On 24 May 2005 at about 6pm, he was arrested by men in civilian clothing and taken to Chonburi Provincial Police Station. He was interrogated in connection with the murder of six Cambodian migrant workers in Rayong Province on 7 May 2005. He was repeatedly electrocuted on his testicles and groin over a period of about four hours. On 25 May at approximately 5am, he was released without charge. He suffered from burns on his groin, swollen testicles, an injury to his left toe and bruised wrists. He has difficulties to urinate, experiences numbness in his lower body, and has lung and kidney problems.
484		13/12/05	UA	TOR;	<b>Hamzah bin Saud.</b> On 8 December 2005, he was deported from Malaysia to Bangkok, where he was handed over to the Department of Special Investigation, under the Ministry of Justice. Thai authorities suspect him of involvement in separatist activities in southern Thailand and a warrant had been issued for his arrest on 20 March 2005.

485		Follow-up to past cases		<p><b>Rinat Kudayarov</b> (E/CN.4/2005/62/Add.1, para. 1729).</p>	<p>By letter dated 18/01/05, the Government informed that he was transferred from Pattaya Special Prison to Bang Kwang Central Prison, where he is currently detained. The conditions at the prison are adversely affected by the ever increasing number of prisoners, which inevitably results in cramped conditions. The adverse conditions are also partly due to the ageing of the prison infrastructure. The Government is allocating funds to renovate some parts of the prison. Prisoners at the prison are allowed outside of their cells for recreation twice daily from 7am to 9am and from 12pm to 3pm. Article 14 of the Corrections Act B.E. 2479 (1916) provides that instruments of restraint are prohibited except when there is a likelihood that the inmate will cause harm to himself or others, the inmate is insane and may pose a threat to others, there is a likelihood that the inmate may attempt to escape and when the Minister orders that restraints must be used due to the prison conditions or the conditions of the surrounding areas.</p>
486				<p><b>87 persons</b> (E/CN.4/2005/62/Add.1, para. 1727).</p>	<p>By letters dated 18 and 31/01/05, the Government informed that an independent commission was formed to investigate the incident and submitted a report, which includes recommendations for future actions and remedial measures for the victims and their relatives. The report states that the persons were transported in a hurried and disorganized manner. The 26 or 28 trucks were deemed sufficient to transport the 1,300 persons, with an average of 50 persons per truck. However, the first trucks were loaded with fewer than 50</p>

					<p>people and as a result the remaining trucks had to carry more than 50 people. Moreover, the trucks also picked up another group of protestors who were intercepted at checkpoints. This resulted in a large number of deaths in the trucks at the rear end of the convoy. From the post-mortems, interviews with physicians and visits with the injured, it could be concluded that the persons in custody died because they were in a weakened condition, unable to help themselves, having been subjected to prolonged deprivation of nourishment and water and, as well as a lack of ventilation. It is undeniable that the persons in the trucks must have been piled on top of one another at the rear end of the convoy. On 28 December 2004, the Cabinet considered the commission's report and instructed the agencies concerned to take, among other things, the following measures: the Ministry of Defence is tasked with commencing a disciplinary process with respect to at least three high-ranking military officers who failed to properly discharge their assigned functions and duties; within their respective jurisdictions, the competent military and police authorities shall investigate and bring to justice all those found to be responsible; a commission shall be established to provide assistance and remedies for victims and their families; and law enforcement and security authorities will submit recommendations to manage and prevent similar situations in the future.</p>
487	Former Yugoslav Republic of Macedonia	Follow-up to past cases			<p><b>Ismail Jaoski</b> (E/CN.4/2005/62/Add.1, para. 1739).</p> <p>By letter dated 10/01/05, the Government informed that the allegations have been investigated. It was concluded that the police officer concerned acted in accordance with</p>

						relevant domestic rules and regulations on the use of force. The Office of the Public Prosecutor informed that Ismail Jaoski filed criminal charges against the officer under Article 131(2) and Article 140(4) of the Criminal Code on unlawful arrest and Article 143 of the Criminal Code on ill-treatment by a public official. The Office of the Public Prosecutor requested the Basic Court-Prilep to conduct an initial investigation. On the basis of the findings of a medical examination carried out, the Basic Court concluded that there were no signs of serious injury to Mr. Jakosi, although light injuries were detected. On the basis of the court's conclusions, the Public Prosecutor rejected the criminal charges on 17 September 2002.
488					<b>Ramadan Mahmuti</b> (E/CN.4/2005/62/Add.1, para. 1740).	By letter dated 10/01/05, the Government informed that the allegations have been investigated. It was concluded that the police officer concerned acted in accordance with relevant domestic rule and regulations on the use of force.
489					<b>Ramiz Tahiri</b> (E/CN.4/2005/62/Add.1, para. 1741).	By letter dated 10/01/05, the Government informed that the allegations have been investigated. The police officer concerned demoted and re-located to another police station.
490					<b>Arben Ismaili</b> (E/CN.4/2005/62/Add.1, para. 1742).	By letter dated 10/01/05, the Government informed that the allegations have been investigated. The allegations had been found to be partially grounded and that police officer concerned had slapped him in the face twice. Accordingly, the police officer acted contrary to the relevant domestic rules and regulations. Internal disciplinary measures have been initiated against the police officer and a note

						has been placed on his personal file.
491	Togo	6/01/05	JUA	WGAD; TOR;	<p><b>Jean-Paul Oumolou</b>, ancien étudiant de l'université de Lomé et ancien Président du Collège des Délégués de l'Université de Lomé, un mouvement estudiantin. Le 20 décembre 2004 aux environs de 9h00, M. Oumolou, aurait été embarqué de force par des inconnus à bord d'un véhicule banalisé alors qu'il se trouvait sur le campus de l'Université de Lomé. A 16h00, l'intéressé se serait trouvé à la gendarmerie nationale, où il aurait subi des mauvais traitements. Des membres d'une organisation non-gouvernementale locale qui auraient eu accès à lui aux environs de 18h30 ce même jour auraient indiqué qu'il présentait une blessure au coude gauche et se plaignait de douleurs au thorax. Le 22 décembre, après 48 heures passées dans les locaux de la gendarmerie, M. Oumolou aurait été transféré à la prison civile de Lomé, les chefs d'accusation de violences volontaires, d'outrage à agent de l'ordre public et de destruction de biens publics et privés ayant été retenus contre lui. Le 23 décembre, les membres de l'organisation non gouvernementale auraient constaté en rendant visite à M. Oumolou à la prison civile de Lomé qu'il portait à la cheville des séquelles de coups de ceinture qui lui auraient été administrés par un groupe de détenus l'accusant de trop se mêler de politique. Jean-Paul Oumolou aurait du être jugé le 31 décembre 2004, mais ses avocats, n'ayant pas reçu l'information à temps, auraient demandé dès l'ouverture du procès un report d'audience. La nouvelle date retenue serait le 28 janvier 2005.</p>	<p>Par une lettre datée du 11/03/2005, le gouvernement a répondu au cas transmis par le Rapporteur spécial. Le gouvernement a informé que le 21 décembre 2004 la Gendarmerie a interpellé M Oumolou Edoh Nounyava Jean Paul suite à des manifestations qui se sont déroulées du 28 au 30 avril 2004 sur le Campus Universitaire de Lomé. Le procès a lieu actuellement devant le tribunal correctionnel de Lomé. La défense de M. Oumolou est assurée par des avocats. Selon le Gouvernement, l'interrogation de ce dernier a été en conformité avec les règles de la procédure pénale et il n'a pas fait l'objet de tortures ou de mauvais traitements ni durant la phase de l'enquête préliminaire, ni durant la phase de sa détention préventive. Au début de son arrestation, une ONG a saisi le Ministre de la Justice et fait part d'allégations des mauvais traitements. Mais après vérification, ces allégations ont été infondées. A la session de 31 décembre 2004 le tribunal a renvoyé le procès suite à la demande des avocats de l'inculpé, qui auraient affirmé de ne pas être prêts pour le procès. Ainsi, les allégations contenues dans la communication du Rapporteur Spéciale sont dénuées de tout fondement. L'Etat togolais, conformément à ses engagements internationaux, garantit l'intégrité physique et mentale de M. Oumolou.</p>

492		26/05/05	JAL	FRDX; TOR;	<p>Les manifestants, les membres de la presse et les médias dont les activités et les actions auraient été entravées pendant et après le déroulement du processus électoral. Ces personnes auraient fait l'objet de menaces mettant en danger leur intégrité physique et psychologique. Depuis le dimanche 24 avril 2005, les forces de l'ordre auraient empêché des membres d'organisations de défense des droits de l'homme et des médias de travailler. Des affrontements violents se seraient produits entre les forces de l'ordre et des manifestants depuis l'annonce officielle par la Commission électorale nationale indépendante (CENI) de la victoire aux élections présidentielles, du candidat du Rassemblement du peuple togolais (RPT). Les manifestants contesteraient la validité des résultats dans les rues de Lomé. Le 27 février 2005, une marche organisée par des organisations de femmes se serait également terminée par des affrontements entre les forces de sécurité et plusieurs manifestants. Le lendemain, cinq corps, dont celui d'un enfant âgé d'une dizaine d'années, auraient été retrouvés dans la Lagune de Bè. Des rapports estiment qu'il y aurait eu 50 morts et cent blessés, dont la plupart par balles. De plus, d'autres affrontements entre les partisans de l'opposition et les forces de sécurité se seraient déroulées les 26 et 27 avril 2005, à Lomé, dans les quartiers de Bè, Kodjoviakopé, Baguida et Adjiodogomé. Des barricades auraient été dressées par les manifestants, des pneus brûlés et des trous creusés. Divers moyens de répression auraient été utilisés par les forces de sécurité notamment les armes, les grenades et les gourdins qui auraient servi à frapper les jeunes garçons et les hommes dans les rues et dans les maisons. Des</p>
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					<p>affrontements se seraient aussi produits entre des jeunes et des militaires du camp Compagnie Maritime, le 26 et 27 avril 2005, à Aneho. Près de 11 morts et 100 blessés par balles auraient été recensés. D'autres affrontements violents entre les partisans de l'opposition et les militaires auraient eu lieu à Tsévie et à Atakpamé (les militaires du camp Landja). Ces violences auraient fait 1 mort et 21 blessés par balles à Tsévie et 16 morts, et 64 blessés (dont certains par balles explosives) à Atakpamé. Enfin, des affrontements opposant les partisans de l'opposition et ceux du RPT à Sokodé auraient été principalement localisées à Tchaouada, Kolondé et Salindé et auraient fait près de 3 morts et plusieurs blessés graves, dont un policier.</p>	
493	Tunisia	18/03/05	UA	TOR;	<p><b>Abdelatif Bouhajila</b>, âgé de 35 ans. Depuis fin janvier 2005, il affirme avoir été détenu dans une cellule isolée qui manquait d'aération, au sein de la prison « 9 avril », à Tunis. Il aurait commencé une grève de la faim le 11 février pour protester contre l'isolement cellulaire et le mauvais traitement auquel il aurait été soumis durant son arrestation. Abdelatif Bouhajila, est asthmatique et il souffre d'une grave maladie rénale. A ce jour, il serait dans un état extrêmement faible. Etant donnée sa détention prolongée en cellule isolée, il existe une inquiétude quant au risque de torture ou de mauvais traitement que Monsieur Abdelatif Bouhajila pourrait subir.</p>	<p>Par une lettre datée du 23/09/2005, le gouvernement a répondu au cas transmis par le Rapporteur spécial. Le gouvernement a indiqué que M. Bouhjila a été condamné à une peine de 11 ans et 15 jours de prison assortie d'une peine complémentaire de 5 ans de surveillance administrative pour appartenance à une bande de malfaiteurs ayant pour but de porter atteinte aux personnes et aux biens, ainsi que pour tenue de réunions clandestines dans un lieu non autorisé dans le cadre de deux affaires jugées par la Chambre Criminelle auprès de la Court d'Appel de Tunis, respectivement, le 13 novembre 1999 et le 8 juillet 2002. Depuis son incarcération, M. Bouhila bénéficie de toutes les garanties prévues par la législation régissant les prisons dont, notamment, la visite régulière de ses proches et le suivi médical permanent (au sein de l'établissement pénitentiaire ainsi qu'à l'Hôpital Charles Nicole). Il a, également, subi</p>

						avec succès en 2002, une intervention chirurgicale rénale. M. Bouhjlila s'adonne à une attitude provocatrice à l'égard des gardiens de la prison et des médecins. Il refuse parfois la visite de certains de ses proches pour simuler une atteinte à son droit de visite. En outre, il entame parfois « une grève de la faim » qu'il suspend aussitôt de son propre gré, afin de susciter des interrogations sur son cas. S'agissant de la prétendue « détention prolongée en cellule isolée » de M. Bouhjlila, le gouvernement considère que cette allégation est dépourvue de tout fondement. Le confinement en cellule individuelle, tel que prévu par la loi n. 2001-52 du 14 mai 2001 relative à l'organisation des prisons est une mesure disciplinaire qui ne peut être décidée, qu'après avis du médecin de la prison, et pour une période ne dépassant pas dix jours pendant lesquels le détenu demeure sous contrôle du médecin. La cellule individuelle doit être, en vertu de la même loi, équipée des installations sanitaires nécessaires.
494		26/04/05	JUA	FRDX; TOR;	<b>Hamadi Jebali</b> , au sujet duquel une communication avait déjà été envoyée (E/CN.4/2004/56/Add.1, para. 1688). M. Hamadi Jebali aurait entamé une grève de la faim le 9 avril 2005 dans la prison de Sfax, pour dénoncer le manque de soins médicaux et les conditions inhumaines de détention des prisonniers. Son état de santé se serait sensiblement dégradé depuis. M. Hamadi Jebali aurait été arrêté en 1991 et condamné à Tunis à une peine d'emprisonnement d'un an pour diffamation. En 1992, toujours en prison, il aurait été condamné par un autre tribunal à 16 ans de prison pour "complot visant à renverser le régime.	Par lettre datée du 26/08/2005, le gouvernement a répondu que M. Hamadi Jebali, membre fondateur et dirigeant du mouvement extrémiste clandestin «Ennahdha», a joué, dans le cadre d'un plan visant à renverser par la violence le gouvernement en place, un rôle de premier ordre dans la perpétration d'actes terroristes, qui se sont traduits, le 2 août 1987, par des explosions de bombes dans certains établissements touristiques à Sousse et Monastir. Traduit devant la Cour de sûreté de l'Etat, il a été condamné, le 27 septembre 1987, à la peine capitale, pour attentat ayant

						<p>pour but de changer la forme du gouvernement, en usant de la violence. Le 7 novembre 1987, l'intéressé a été gracié. Ayant retrouvé sa liberté, M. Jebali a continué à jouer un rôle de premier plan au sein de cette mouvance extrémiste. Le 28 août 1992, l'intéressé a été de nouveau condamné par le Tribunal Militaire, seule instance compétente en la matière au regard de la législation tunisienne, à 15 ans d'emprisonnement pour complicité dans l'attentat ayant pour but de changer la forme du gouvernement, en usant de la violence, une année d'emprisonnement pour appartenance à une organisation illégale et à une peine complémentaire de 5 ans de surveillance administrative. Le gouvernement souligne que, tout au long des procédures judiciaires ayant abouti à sa condamnation, M. Jebali a bénéficié de toutes les garanties d'un procès équitable. Il purge actuellement sa peine dans la prison civile de Mahdia, non loin de sa famille (qui habite à Sousse), et dans des conditions normales telles que prévues par la loi en vigueur, qui est d'ailleurs en parfaite harmonie avec les normes internationales en la matière. Celles-ci prévoient, entre autres, un suivi médical régulier au profit des détenus, lequel devient quotidien en case d'annonce éventuelle d'une « grève de la faim ». M. Jebali n'est pas en « grève de la faim », s'alimentant aussi bien avec la nourriture servie par l'administration pénitentiaire, qu'avec celle fourni par sa famille. Dans le cadre de son engagement en faveur du respect des droits de personnes privées de libertés, le Gouvernement Tunisien a décidé d'autoriser le Comité International de la Croix-Rouge (CICR)</p>
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					à visiter les établissements pénitentiaires, toutes les unités de détention provisoire et tous les lieux de garde à vue. A cet effet, un accord entre le Gouvernement Tunisien et le CICR a été signé, avec effet immédiat, le 26 avril 2005. A ce jour, le CICR a effectué des visites dans plusieurs unités pénitentiaires de différentes régions du territoire tunisien.
495		13/07/05	JAL	SUMX; TOR;	<b>Moncef Louhichi</b> , 42 ans. M. Moncef Louhichi aurait été arrêté le 9 juin 2005 à Tabarka par des agents de la police politique suite à une convocation orale par celle-ci. Dès son arrestation, M. Moncef Louhichi aurait été transféré à Jendouba et aurait été victime d'actes de torture. Les agents l'auraient notamment frappé à la tête. Le 10 juin 2005 à 21h, il aurait été remis, inconscient, à son frère aîné M. Houcine Louhichi, chauffeur de taxi à Tabarka par des agents de la police politique de Jendouba. Ces derniers lui auraient interdit d'hospitaliser la victime et de parler publiquement de cette affaire. M. Houcine Louhichi aurait néanmoins emmené son frère au service des urgences de l'hôpital de Tabarka. M. Moncef Louhichi aurait d'abord été transféré à l'hôpital de Jendouba, puis à l'hôpital «La Rabta» à Tunis, où il est décédé le 16 juin 2005 des suites d'une hémorragie cérébrale, causée, d'après les résultats d'une analyse médicale effectuée à l'hôpital de Jendouba, par des mauvais traitements infligés à la tête.
496		19/08/05	JUA	IJL; TOR;	<b>Mohamed Hmidi</b> , 19 ans, <b>Chouaib Jounni</b> , 21 ans, <b>Fayçal Ellafi</b> , 26 ans, <b>Ghaith Makki</b> , 26 ans, <b>Ezzeddine Abdellaoui</b> , 20 ans, <b>Wajdi Marzouki</b> , 23 ans, <b>Bilal Marzouki</b> , 25 ans, <b>Nizar Hasni</b> , 22 ans, <b>Tahar Bouzidi</b> , 23 ans, <b>Mounir Chraiet</b> , 23 ans, <b>Zied Fakraoui</b> , 29 ans, et <b>Haythem Fakraoui</b> , 23 ans (tous affaire N° 694), <b>Nader</b>

				<p><b>Ferchichi</b> 24 ans, <b>Mahjoub Zayani</b> 23 ans, <b>Abdelbari Al Ayeb</b> 25 ans (affaire N° 721), <b>Anis Krifi</b>, <b>Borhan Dridi</b>, <b>Sami Gharbi</b>, <b>Salah Chalghoumi</b>, <b>Ahmed Chabbi</b>, <b>Okba Ennasri</b>, <b>Houcine Ennasri</b>, <b>Hassen Ennasri</b>, <b>Mohamed Ayachi</b>, <b>Tarak Hammami</b>, <b>Sabri Mejri</b>, <b>Ali Ben Salem</b>, <b>Mohamed Zine Eddine</b>, <b>Mohamed Hammami</b>, <b>Yassine Ferchochi</b>, <b>Ridha Yahyaoui</b> et <b>Nizar Mernissi</b> (affaire N° 810), <b>Karim Belrabi Messoussi</b>, <b>Chouayeb Al Wafi</b> et <b>Zied Ghodhbane</b> (affaire N° 997), <b>Sami Souissi</b>, <b>Rajeb Nefzi</b>, <b>Mohamed Borni</b>, <b>Salaheddine Habourya</b>, <b>Nabil Rotbi</b>, <b>Seif Errayes</b>, <b>Walid Ben Hassen</b>, <b>Hosni Nasri</b>, <b>Abdelhalim Aroua</b>, <b>Mahfoudh Ayari</b>, <b>Zoubeir Karoui</b>, <b>Maher Chamam</b>, <b>Ghayeth Ghazouani</b>, <b>Anis Rafrafi</b> et <b>Maher Beziouech</b> (affaire N° 998). Ces 50 personnes seraient accusées sur le fondement des articles 12 (adhésion à ou soutien d'une organisation terroriste), 14 (recrutement ou entraînement de personnes en vue de commettre un acte terroriste sur ou en dehors du territoire tunisien), 15 (infractions terroristes contre un autre Etat), 18 (assistance à des personnes dans le cadre d'infractions terroristes) et 19 (financement de personnes, organisations ou activités en rapport avec des infractions terroristes) de la loi anti-terroriste du 10 décembre 2003. Ces affaires auraient respectivement commencé les 30 avril, 5 mai, 12 mai et 23 juin, 1er juin et 2 juin 2005. Plusieurs d'entre eux auraient été soumis à des actes de torture dans les locaux de la sûreté de l'Etat à Tunis afin de les faire signer des aveux sur leur appartenance à un groupe terroriste. Ainsi M. <b>Salaheddine Habourya</b>, 30 ans, aurait été détenu du 17 mai au 2 juin 2005 et aurait été suspendu nu à l'aide</p>
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				<p>d'une grue et reçu des coups sur les parties sensibles du corps. De même, M. <b>Anis Krifi</b>, 25 ans, aurait été détenu du 17 au 23 juin 2005 où il aurait eu entre autres les côtes fracturées. M. <b>Nader Ferchichi</b>, 24 ans, aurait été arrêté à son domicile à Bizerte le 27 avril 2005 et détenu durant dix jours. Il y aurait entre autre été privé de sommeil et subi l'aveuglement provoqué par quatre puissants projecteurs durant ses interrogatoires. M. <b>Mahjoub Zayani</b>, 23 ans, aurait été arrêté le 23 avril 2005 à Bizerte et détenu par la police politique, avant d'être transféré dans les locaux de la sûreté de l'Etat à Tunis. Il aurait subi durant les douze jours de sa détention l'assourdissement et la privation de sommeil au moyen d'une sonnerie ininterrompue. M. <b>Abdelbari Al Ayeb</b>, 25 ans, aurait été arrêté à Bizerte le 24 avril 2005 puis détenu pendant onze jours où il aurait été frappé, suspendu au plafond par les poignets et les chevilles. Les individus qui se sont relayés pour les torturer auraient utilisé les pseudonymes El Hadj, El Bacha, El Ghoul, Sharon. Les procès-verbaux ne feraient pas état du lieu de l'arrestation, alors que certains inculpés auraient déclaré à leurs avocats qui ont pu leur rendre visite en prison qu'au moins dix d'entre eux auraient été livrés par l'Algérie le 16 juin 2005. En termes plus généraux, la loi antiterroriste, promulguée le 10 décembre 2003, en vigueur depuis le 15 décembre 2003, aurait institué une justice d'exception qui réduit les garanties des suspects et adopte le principe de la justice préventive. L'anonymat aurait été garanti aux agents la police politique. De plus, les droits de la défense auraient été limités davantage: désormais, se prévaloir du secret professionnel pour l'avocat pourrait être criminalisé dans les</p>	
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					"affaires de terrorisme" (art. 22) et l'accès de la défense au dossier de leurs clients serait restreint.
497		23/09/05	JUA	FRDX; HRD; TOR;	<p><b>La Ligue Tunisienne des Droits de l'Homme</b> (LTDH) qui avait déjà fait l'objet d'appels urgents les 2, 6 et 7 septembre 2005. Les comités de section de la LTDH auraient décidé en concertation avec le comité directeur d'organiser des réunions d'information pour les adhérents dans les différentes sections locales. Cependant, les 16, 17 et 18 septembre 2005, les réunions prévues à Jendouba, Mahdia, Sousse, Bizerte, Gafsa et Monastir auraient été empêchées par les forces de polices qui auraient encerclé les locaux de ces sections et filtré l'accès interdisant aux militants y compris les membres des comités de sections et les membres du comité directeur ayant fait le déplacement de s'approcher. Les comités de sections de Mateur, de Kébili et de Gabès auraient également été empêchés de tenir leurs réunions ordinaires dans leurs locaux. Le lundi 19 septembre, alors que les responsables de la section de Mahdia allaient se réunir, l'encercllement de leur local par les policiers en civil aurait interdit l'accès à leur lieu légal de réunion. Devant l'insistance des membres de la LTDH, les forces de police, menées par le vice-président du District de police auraient isolé le président de la section, Mohamed Ataya, et l'auraient agressé. En particulier, il aurait été frappé à la gorge ce qui aurait provoqué une asphyxie et engendré une violente tachycardie. Suite à cette agression, M. Ataya aurait du être</p>

					transporté en urgence à l'hôpital, où il serait encore aujourd'hui sous observation médicale.
498		3/10/05	AL	TOR;	<b>Ali Ramzi Beltibi</b> (ou Beltaibi) âgé de 28 ans demeurant au Kram (banlieue nord de Tunis), condamné en première instance le 26 mars 2005 et en appel le 10 juin 2005, actuellement détenu à la prison de Borj El Amri, où il purge une peine de 4 ans de prison (N° d'écrou E 48601). M. Ali Ramzi Beltibi, qui travaillait dans un cybercafé du Kram, aurait été arrêté par la brigade de sécurité de l'Etat le 15 mars 2005 sur les lieux de son travail. Dans les geôles du Ministère de l'Intérieur il aurait été contraint de se mettre à genoux et aurait été frappé sur tout le corps avant d'être soumis au supplice de la falaqa. Il aurait été frappé à coups de bâton sous les genoux et en aurait gardé des séquelles. Il aurait aussi été privé de nourriture durant plusieurs jours. Les agents l'auraient en outre menacé de tortures à l'électricité.
499		19/10/05	JUA	FRDX; HRD; TOR;	Le 19 Septembre à Mahdia, le président de la section de la Ligue Tunisienne des droits de l'homme, <b>Mohamed Attia</b> , aurait été violemment pris à partie par la police devant le local de la section. A la suite de cette altercation, il aurait dû être hospitalisé. La police aurait exercé des pressions sur le personnel médical pour qu'il ne soit pas gardé en soins à l'hôpital. Le 2 octobre à Kairouan, à l'occasion d'une tentative de réunion au local de la Ligue Tunisienne des droits de l'homme, <b>Zakia Dhifaoui</b> aurait été agressée par 5 agents de police, qui l'auraient frappée et



traînée sur plusieurs centaines de mètres jusqu'au commissariat où elle aurait été insultée, frappée et maintenue à genoux plus d'une heure, puis interrogée par le chef du District et menacée de poursuites pour agression sur des agents dans l'exercice de leur fonctions. Après sa libération, elle se serait rendue à l'hôpital régional pour se soigner. Elle y aurait trouvé les mêmes agents de police qui l'y auraient précédée. Le médecin de garde ne lui aurait pas délivré un certificat médical, ce ne serait que le lendemain que le chef du service des urgences lui aurait délivré un certificat de 4 jours après s'être excusé des pressions et des coups de téléphone reçus de la police du District. Le 16 Octobre 2005, **Mokhtar Trifi**, Président de la Ligue Tunisienne des droits de l'homme, aurait été empêché d'arriver au local de la section de Bizerte par la police alors qu'il comptait tenir une réunion avec les adhérents. A Kairouan, **Messaoud Romdhani**, président de la Section de la Ligue Tunisienne des droits de l'homme aurait été agressé par des agents de police en civil qui auraient déchiré ses vêtements et l'auraient insulté puis conduit au commissariat et menacé de poursuites. D'autres membres de la LTDH auraient également été agressés dont **Taoufik Gueddah, Makki Ayadi, Mouldi Romdhani** ainsi que des syndicalistes dont **Naceur Ajili, Abdellaziz Sebri** et **Fathi Letaief**, secrétaires généraux adjoints de l'union régionale du travail de Kairouan. A Mateur, à l'occasion d'une tentative de réunion de la section, des policiers en civil auraient usé de violences contre **Mohamed Salah Nehdi**, président de la Section, ainsi que les membres du comité dont **Chadhli Maghraoui, Abderrahmane Marsani** et **Fethi Maghraoui**. Quand ils se seraient rendus au

					<p>commissariat, les agents auraient refusé d'enregistrer leur plainte. A Nafta le président de la section, <b>Chokri Dhouibi</b> aurait aussi été agressé par la police qui aurait suivi les membres de la Ligue jusque dans les cafés, leur interdisant de s'attabler. <b>Abdellatif Bouhjila</b>, qui purge une peine de 11 ans depuis 1998, avait entamé une grève de la faim depuis le 15 août pour exiger son droit à bénéficier des soins prescrits par le médecin et que l'administration carcérale lui refuse arbitrairement, sachant que Bouhjila souffre d'asthme et d'insuffisance rénale. Il aurait été battu par les gardiens et placé en isolement pour avoir refusé de s'alimenter. Le 7 octobre, <b>Naceur Bejaoui</b>, qui purge actuellement une peine 19 ans et 3 mois de prison depuis 1991 aurait été violemment battu par le directeur de la prison de Borg Erroumi, Imed Ajmi, juste après la visite hebdomadaire qui aurait été brutalement interrompue par le gardien Rachid, au moment où Naceur Bejaoui demandait à son père de prendre contact avec des ONG de droits humains pour les informer de sa situation. Il aurait été par la suite enchaîné et placé en isolement au cachot. Naceur Bejoui avait entamé une grève de la faim le 16 septembre pour exiger son droit à bénéficier du principe de l'autorité de la chose jugée, parce qu'il avait été condamné deux fois pour les mêmes faits.</p>	
500		11/11/05	JUA	FRDX; HRD; TOR;	<p><b>Mokhtar Trifi</b>, président de la Ligue tunisienne des droits de l'Homme (LTDH), Me <b>Mohamed Jmour</b>, membre du Conseil national de l'Ordre des avocats, et Me <b>Khémaïs Chammari</b>, ancien vice-président de la FIDH et la répression, le 8 novembre 2005, d'un rassemblement en soutien à l'action des grévistes de la faim dits « du 18 octobre 2005 ». Les policiers en civil et en</p>	

				<p>uniforme présents auraient violemment pris à partie les manifestants. En particulier, Me Mokhtar Trifi aurait été traîné sur le sol et frappé au niveau des yeux, devant sa femme et sa fille. Me Mohamed Jmour, qui tentait de venir en aide à son confrère, aurait également été agressé et un journaliste français, présente sur les lieux et qui filmait les actes des policiers, se serait fait arracher son sac et sa caméra. MM. <b>Mounir Fallah, Chawki Laarif et Salah Belhouichet</b>, militants de l'Union générale des étudiants de Tunisie (UGET) auraient aussi été agressés, arrêtés et brièvement détenus.</p>	
501		Follow-up to past cases		<p><b>Badreddine Ben Hassen Ben Mokhtar Reguii</b> (E/CN.4/2005/62/Add.1, para. 1749).</p>	<p>Par une lettre datée du 15/04/2005, le gouvernement a répondu au cas transmis par le Rapporteur spécial que, recherché pour vol avec effraction d'un lieu habité, Badreddine Reguii a été appréhendé, le 3 Février 2004, par la police judiciaire du District de Ben Arous et a décliné une fausse identité. Il a été transféré, au Centre de détention de Bouchoucha, en attendant que sa véritable identité soit établie. Durant la deuxième journée de sa détention et lors de son interrogatoire par la police judiciaire, il a fait une crise d'épilepsie et a été aussitôt conduit à l'hôpital régional dudit District. Lors de son examen par le médecin, l'intéressé a tenté de s'enfuir de l'hôpital et s'est blessé les mains. Suite à cet incident et afin d'éviter une nouvelle récurrence, il a été alors confiné dans une cellule individuelle. Lors de son interrogatoire, le 7 Février 2004, il a de nouveau manifesté un comportement violent en se cognant la tête contre le mur et en tentant de s'enfuir, cette fois-ci, des locaux de la police judiciaire. Ayant reçu les soins appropriés, il a regagné par la</p>

						<p>suite sa cellule après qu'un procès verbal pour tentative de suicide eut été dressé. Le 8 février 2004, les gardiens du centre de détention ont trouvé l'intéressé pendu dans sa cellule. Son cou a été entouré d'un cordage confectionné à partir de la couverture dont il disposait. Transféré d'urgence à l'hôpital Charles Nicole de Tunis, le médecin de garde a malheureusement constaté son décès. Au regard de son comportement violent et de ses tentatives de fuite, l'intéressé a fait l'objet d'une surveillance particulière de la part de ses gardiens qui l'ont contrôlé à douze reprises. Il a pu, toutefois, déjouer la vigilance de ses geôliers pour mettre fin à ses jours. Après que le Ministère public ait été informé du décès, le juge d'instruction s'est rendu à la cellule où le suicide avait eu lieu ainsi qu'à la morgue de l'hôpital Charles Nicole où des traces de violence au niveau des mains, du front et du cou ont été relevées sur le corps du défunt. Le cordage avec lequel le défunt s'est suicidé a été mis à la disposition de la police technique pour les besoins de l'enquête. Suite à ces constatations, le juge d'instruction a décidé, comme pour tout cas de décès survenant en détention, de l'ouverture d'une instruction judiciaire au sujet des circonstances du décès de M. Regui et ce, conformément à la législation en vigueur. Les agents de la police judiciaire de Ben Arous, qui avaient veillé à sa détention ainsi que les détenus mitoyens de l'intéressé au Centre de Bouchoucha, ont fait l'objet d'interrogatoires. Le médecin légiste de l'hôpital Charles Nicole, chargé de l'autopsie du défunt, a confirmé l'existence de traces de violence sur les mains, le front ainsi que le cou</p>
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					du défunt et précisé que le décès est survenu suite à une asphyxie. L'instruction suit son cours.
502				<p><b>Hamza Mahrouk, Amor Farouk Chelandi, Amor Rached, Abdel-Ghaffar Guiza, Aymen Mecharek, Ridha Hadj Brahim, Ayoub Sfaxi, Tahar Guémir, et Abderrazak Bourguiba</b> (E/CN.4/2005/62/Add.1, para. 1750).</p>	<p>Par lettre datée du 15/04/05, le gouvernement a répondu que les investigations préliminaires initiées suite à la découverte début février 2003 de documents compromettants imprimés de divers sites d'Internet incitant au «Jihad islamique» ont permis d'orienter les soupçons vers un groupe d'étudiants de Zarzis et de procéder à l'arrestation le 26 février de M. Omar Farouk Chalandi. Le prévenu a reconnu être membre actif d'un groupe dirigé par Tahar Guémir dont l'action repose sur le Jihad islamique qui a débuté à partir de 2001 et qui compte parmi ses membres Aïmen M'Charek, Ayoub Sfaxi, Abderrazek Bourguiba, Hamza Mahroug, Omar Rached, Ridha Belhaj Ibrahim et Abdelghaffar Guiza. Il a également reconnu que le groupe s'apprêtait à fabriquer des explosifs, à mettre le feu dans un lycée secondaire et à commettre un attentat contre le poste de la Garde nationale de Zarzis. Certains des membres se sont rendus à l'étranger, tels que Tahar Semir dans le but de contacter des dirigeants du réseau terroriste « Al-Qaida » et de rapporter des armes. Sur la base de leurs propres aveux il a été établi que les intéressés projetaient de porter atteinte à la sécurité des personnes et des biens et agissaient en connexion avec une organisation terroriste internationale. Au terme des investigations, l'affaire a été déférée le 3 mars 2003 au Ministère public près le Tribunal de première instance de Tunis qui a ouvert une information judiciaire contre les personnes mentionnées pour association de malfaiteurs</p>

						<p>ayant pour but de préparer et commettre un attentat contre les personnes et les biens par l'intimidation ou la terreur, fourniture d'un lieu de réunion, tenue de réunions non autorisées, vol, fabrication, transfert et stockage de matières explosives, possession d'outils et de matières destinés à la fabrication d'explosifs sans autorisation, tentative de vol et complicité. Le 16 avril 2004, la Chambre criminelle du tribunal de première instance de Tunis a condamné Omar Chalandi, Hamza Mahroug, Omar Rached, Ridha Belhaj Ibrahim et Abdelghaffar Guiza et Aïmen M'Charek à 19 ans et trois mois d'emprisonnement et à 5 ans de contrôle administratif. Ayoub Sfaxi a été condamné par contumace à la même peine. Tahar Kemir a été également condamné par contumace à 26 ans et trois mois de prison pour son rôle de dirigeant du groupe. Abderrazek Bourguiba a été jugé et condamné à 5 ans d'emprisonnement par le tribunal des enfants. Ses conditions de détention sont conformes aux dispositions relatives à la classification des détenus. Le ministère public et les condamnés, à l'exception des deux condamnés par contumace, ont fait appel. Par deux arrêts rendus les 6 et 7 juillet 2004, la Cour d'Appel de Tunis a confirmé les jugements de première instance en atténuant les peines qui ont été ramenées à deux ans et un mois pour le mineur et 13 ans de prison et 5 ans de contrôle administratif pour les autres prévenus. Omar Chalandi, Omar Chared et Ridhas Belhaj Ibrahim ont intenté un pourvoi en cassation, qui a été rejeté quant au fond le 8 décembre 2004 par la Cour de cassation. La plainte a été</p>
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						déposée par les avocats de la défense le 17 mars 2003 comme le certifient les registres du Ministère public près le Tribunal de première instance de Tunis. Les allégations faisant état de tortures ou mauvais traitements sont sans fondement. Aucune plainte n'a été introduite ni devant le juge d'instruction ni auprès du Ministère public. Aucune demande d'examen médical n'a été formulée par les prévenus. La détention, comme les poursuites et les condamnations se sont déroulées normalement, conformément à la loi.
503					Mme <b>Radia Nasraoui, Ali Ben Salem et Ridha Barkati</b> (E/CN.4/2005/62/Add.1, para. 1751.	Par lettre datée du 15/04/05, le gouvernement a répondu que les allégations contenues dans la communication sont dénuées de tout fondement. Le 8 juin, ils se sont présentés au bureau d'accueil du Gouvernorat de Tunis sollicitant de rencontrer le Gouverneur. L'agent d'accueil leur ayant indiqué qu'il était absent, leur a demandé l'objet de leur démarche pour les orienter vers un fonctionnaire habilité à les recevoir. Mme Nasraoui a refusé et s'est emportée en s'attaquant verbalement aux symboles de la Tunisie et aux membres du Gouvernement devant l'institution créant un attroupement. L'agent responsable est intervenu pour rappeler les intéressés à l'ordre. Mme Nasraoui a fait fi des injonctions et s'est même refusé à quitter les lieux alors que le travail avait pris fin amenant le personnel à intervenir de nouveau.
504	Turkey	11/05/05	AL	TOR;	<b>Nazime Ceren Salmanoglu, and Fatma Deniz Polattas</b> , (subjects of a previously transmitted communication, E/CN.4/2000/9, paras. 1055-1057). On 22 April 2005, the police officers, who allegedly perpetrated the torture of these women, were acquitted at the Court of Appeal. The trial	By letter dated 13/07/05, the Government informed that the Court's decision to acquit the accused was based on a number of factors including: in the course of her interrogation, Ms. Salmanaglu met twice with her father; the complainants had regular medical

				<p>was marred with numerous irregularities. The trial was postponed 30 times as the court waited 28 months for medical reports to be forwarded to the court from the Forensic Medical Institute. The Institute's report found corroboration of the torture allegations, but the court ruled that this evaluation should be referred back to the Institute's General Assembly for another opinion. On 3 March, the court received a report from the Institute in which a number of its members, some of whom lack the necessary qualifications, ruled that independent expert psychiatric reports that corroborated the torture allegations were not valid. The prosecutor subsequently asked for the acquittal of the defendants. The decision has been appealed, however even if the Court of Appeal overturns it and a new trial is opened, such proceedings will likely reach the statute of limitations.</p>	<p>examinations and the relevant medical reports indicate no traces of ill-treatment, sexual assault or physical violence, and there is no reason to think that the medical personnel acted against principles of medical ethics; the consolidated medical report by the General Board of the Forensic Medicine points out that the physical and psychological findings in the various medical reports do not constitute sufficient evidence of post-traumatic stress disorder caused by the alleged torture; the complainants did not lodge any complaints during the judicial proceedings while they were in custody; the other detainees who saw the complainants after they were interrogated did not see any traces of physical violence on the two complainants; the bruise on Ms. Salmanaglu's back and Ms. Polattas' broken tooth occurred long after their interrogation; the stress disorders of the complainants had been caused by the long custodial sentences they had received; and there is no other evidence proving that they were subjected to physical violence or sexual assault.</p>
505		22/06/05	JAL	<p>FRDX; RINT; TOR;</p> <p><b>Mehmet Tarhan</b>, detained in Sivas Military Prison. On 8 April 2005 early in the morning, he was arrested and brought to a military unit in Tokat, and later transferred to the military prison in Sivas. A declared conscientious objector to compulsory military service, Mehmet Tarhan is charged under Article 88 Turkish Military Penal Code for insubordination. In the Sivas Military Prison, according to his lawyer, he faces threats and abuse by fellow detainees without any intervention on behalf of the prison staff. On his arrival, the staff sergeant threatened Mehmet Tarhan with transfer to "Common Cell No. 2", where the</p>	<p>By letters dated 7/10/05 and 2/12/05, the Government informed that, his lawyers lodged complaints with the Military Prosecution Office on 3 May, 25 May and 6 June 2005, alleging ill-treatment in prison. An inquiry into the allegations is still underway. Mehmet Tarhan went on hunger strike between 25 May 2005 to 29 June 2005, during which time he refused any assistance, including food and drink and consumed only sugar and vitamin pills. according to article 72 of the Turkish Constitution, it is not possible to be exempted from military service on grounds of</p>



				<p>"wildest" prisoners are imprisoned. Later he was ordered to enter a darkened "Common Cell No. 1" where the inmates threatened him with death for being a traitor and beat him and pulled his hair. He was later transferred to a single cell, where he continues to be subject to threats, beatings, and demands for money and clothes from fellow prisoners. He has sustained injuries to his lips, bruises to his chin, neck, body, knee, legs and feet. As a result of his injuries he has experienced breathing pains, hair loss, and difficulty standing. Despite informing the prison staff, they did not prevent further attacks, but rather encouraged other prisoners to beat him. Following the requests from his lawyer, the prison authorities recorded his abuse and undertook to ensure his safety, however no information is available concerning any investigations carried out. Mehmet Tarhan has reportedly undergone a hungerstrike to protest his treatment in detention.</p>	<p>conscientious objection and there is no provision for alternative service. An inquiry into the allegations of ill-treatment was launched Military Prison at the 5<sup>th</sup> Infantry Training Brigade Command by the Military Prosecution Office. As a result of the investigations, an indictment was issued on 26 October 2005 charging an officer and a non-commissioner officer in the military prison administration with neglecting their official duty and charging two of the inmates with looting. The public trial against the four accused began on 2 December 2005 before the Military Court of the 5<sup>th</sup> Infantry Training Brigade Command.</p>
506		7/04/05	JAL	<p>FRDX; HRD; TOR;</p> <p><b>A group of approximately 500 individuals,</b> including NGO members, syndicate leaders and political activists, who participated in a demonstration organised by the Proletarian Women's Platform to mark International Women's day. On 6 March 2005, these individuals had gathered in the Sarachane and Beyazit quarters of Istanbul, where they were calling for equal pay for women and equal treatment of women within Turkish society. The police intervened in the demonstration, because it had not been authorised, using truncheons, pepper gas and physical force to disperse the group of approximately 500 individuals. Approximately 60 individuals were arrested and that at least three people were hospitalized.</p>	

507		Follow-up to past cases			<b>Human Rights Association</b> (E/CN.4/2004/56/Add.1, para. 1755).	By letter dated 5/04/04, the Government informed that a search was carried out in accordance with a warrant issued by the State Security Court, at the headquarters and Ankara branch of the HRA on 6 May 2003. An investigation initiated by the Public Prosecutor's Office at Ankara State Security Court on the administrators of the Human Rights Association (Headquarters and Ankara branch) concluded on 15 March 2004. In the absence of concrete evidence supporting the alleged criminal activities of the administrators, the Prosecutor's Office adopted a decision of non-prosecution.
508					<b>Human Rights Foundation of Turkey</b> (E/CN.4/2005/62/Add.1, para. 1764-1765).	By letter dated 20/01/05, the Government informed that Sezgin Tanrikulu and four other complainants filed a complaint that law enforcement officials had searched the Diyarbakir Center without a warrant. They also complained that files had been seized and that files that should only be opened by a judge were opened by law enforcement personnel. The Public Prosecutors found against the complainants on the grounds that a Ministry of Interior Circular of 12 February 1998 provides that associations and foundations can be searched without prior notification of a delegation headed by Deputy Governors or other officials.

509					<b>Yunus Güzel</b> (E/CN.4/2005/62/Add.1, para. 1766-1767).	By letter dated 20/01/05, the Government informed that the Fatih Prosecutor's Office filed a lawsuit at the Fatih 5 <sup>th</sup> Penal Court of First Instance against seven police officers from Istanbul Security Directorate on the grounds of negligence in conducting their duties. The court acquitted the accused on 3 December 2003. An appeal was lodged and the case was referred to the Public Prosecutor's Office of the Court of Appeal on 8 June 2004.
510					<b>Emin Ete</b> (E/CN.4/2005/62/Add.1, para. 1768-1769).	By letter dated 20/01/05, the Government repeated previous information provided.
511					<b>Ali Ulvi Uludogan and Ilhan Uludogan</b> (E/CN.4/2005/62/Add.1, para. 1770-1771).	By letter dated 20/01/05, the Government informed that the investigation is ongoing.
512					<b>H.B. and A.A.</b> (E/CN.4/2005/62/Add.1, para. 1772).	By letter dated 20/01/05, the Government informed that two individuals filed complaints at Izmir Public Prosecutor's Office on the grounds that they were tortured at Alsancak Police Station on 9 and 10 December 2003. An investigation is still underway.
513					<b>Metin Yurtsever</b> (E/CN.4/2002/76/Add.1, para. 1615, E/CN.4/2003/68/Add.1, para. 1853, and E/CN.4/2005/62/Add.1, para. 1804).	By letter dated 29/06/05, the Government provided additional information. The final hearing of the case against 16 police officers was held on 9 May 2005. The Kocaeli Heavy Penal Court No. 2 acquitted nine of the officers due to lack of evidence linking them to the crime. Seven of the police officers were sentenced to periods of between 8 months to one year. The ruling can be appealed to a higher court.

514	Turkmenistan	7/10/05	UA	TOR;	<p><b>Gurbangeldy Akmammedov, Annageldy Akmuradov, Dzhumamukhammet Annageldiev, Annadurdy Annasakhedov, Aram Atanesian, Arslan Babaev, Batyr Berdiev, Orazmukhammet Berdiev, Aman Buriev, Esen Buriev, Rovshen Dovletov, Vekil Durdiev, Dzhumageldy Durdyklychev, Chary Dzhumaev, Guvanch Dzhumaev, Rozy Dzhumaev, Rustem Dzhumaev, Timur Dzhumaev, Dovlet Gaibov, Atamurat Garaev, Guvandyk Garataev, Isa Garataev, Murat Garataev, Yazgeldy Gundogdiev, Bazar Gurbanov, Soltan Ilamanov, Akmurat Kabulov, Yusup Khaidov, Tagandurdy Khalliev, Amangeldy Khatamov, Annamurad Khatamov, Paltakgul Khatamov, Nepes Khemraev, Annamurat Khodzhamuradov, Suleyman Khummaev, Yury Lyaskin, Mukhammetberdy Movlyamov, Saparmurat Mukhammedov, Dovletkuly Nazargulyev, Vladislav Novozhilov, Redzhepgeldy Nurgeldiev, Nurmukhammet Orazgeldiev, Aleksandr Pavlinov, Serdar Rakhimov, Dzhora Reimov, Khonsaid Safarov, Saparmurat Seidov, Ashir Serchaev, Vepa Shagalov, Boris Shikhmuradov, Konstantin Shikhmuradov, Edzhegul Tashlieva, Ovezmurad Yazmuradov, Yklym Yklymov, Amanmukhammet Yklymov and Orazmamed Yklymov, all convicted in December 2002 and January 2003 to prison terms ranging between five years and life for their alleged involvement in what the authorities described as an assassination attempt on the President in November 2002. <b>Boris Shikhmuradov, Batyr Berdiev, Yklym Yklymov, Amanmukhammet Yklymov, Orazmamed Yklymov</b> (the subjects of a previously transmitted communication,</b></p>
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					E/CN.4/2004/56/Add.1, para. 1789). All these prisoners continue to be held incommunicado, without access to families, lawyers, or independent bodies such as the International Committee of the Red Cross.	
515	United Arab Emirates	8/06/05	JUA	WGAD; TOR;	<b>Salem Abdul Rahman Nawab Al-Baloushi</b> , aged 32, a national of the United Arab Emirates. In February 2003, he was arrested in Saudi Arabia and had been detained there until April 2005, when he was handed over to the UAE authorities, on suspicion of being a terrorist due to his travels to Afghanistan in the 1980s. Moreover, he was previously detained by the UAE authorities for six years, from 1994 to 2000, for similar reasons, though he was released without charge. It is reported that during his six-year detention in the UAE was held incommunicado, in solitary confinement.	
516		19/08/05	JUA	WGAD; FRDX; TOR;	<b>Abdallah Sultan Sbeehat</b> , aged 45, Director of the Agriculture Zone of Ajman, Ajman, <b>Mohammad Ahmad Seef Al-Gafly</b> , aged 44, Director of the Technical Institute, Electricity Department, Sharjah, and <b>Saeed Ali Hameed Al-Katby</b> , aged 45, Abu Dhabi, all members of the Reform Society, a welfare NGO. On 2 August 2005, they were arrested without warrants by ten security officers at from their homes. The officers	

					searched their homes and confiscated books and documents. None of them has been charged with any offense. They are held incommunicado.	
517	United Kingdom of Great Britain and Northern Ireland	25/04/05	JUA	WGAD; FRDX; RINT; TOR;	<p><b>Hua Jin</b>, a 35 year-old student and national of the People's Republic of China, residing in Manchester. He is detained at Harmondsworth Immigration Removal Centre and is at risk of imminent forcible return to China, following the rejection of his asylum application. On 10 September 2003 around 2am, while on vacation in China, he was arrested together with another person, <b>Zhu Zhigong</b>, in Jinxi City, Liaoning, by officers of the Jinxi City Lianshan District Police. At the time of their arrest, they were distributing Falun Gong-related flyers in a residential area. They were brought to separate interrogation rooms on the second floor of the station and interrogated about their activities. Zhu Zhigong was beaten, including with handcuffs. Hua Jin was slapped, beaten and kicked by three police officers, and lost a tooth. The two men were later held together in a room, from which Hua Jin escaped through a window. He reportedly remained in hiding for ten days in Taiyuan City, Shanxi, before boarding a flight back to the United Kingdom on 21 September 2003. He has been involved with Falun Gong activities prior to his arrival as a student in the UK, for which his family has been threatened, and continues to be involved, including protests against the persecution of Falun Gong practitioners before the Chinese consulate in Manchester.</p>	By letter dated 30/08/05, the Government informed that the allegations regarding Hua Jin's treatment in China essentially repeat the account he gave to the Adjudicator who heard his appeal against the refusal of his asylum claim. The account Hua Jin gave to the Adjudicator contained a number of discrepancies when compared with the accounts he had previously put forward in support of his claim. The Adjudicator did not accept that his Hua Jin's was arrested or persecuted in China. His application to appeal against the Adjudicator's decision to the Immigration Appeal Tribunal was refused on 25 June 2004.
518		22/08/05	AL	TOR;	<p><b>Prime Minister Blair's statement of 5 August 2005</b>, where he indicated that from now on, due to changed circumstances of national security, the United Kingdom will deport persons to their home</p>	By letter dated 17/10/05, the Government informed that on 20 July it announced that it would be taking a number of steps to deal with individuals who seek to foment or provoke

countries even in cases, where these countries have been found to violate international minimum standards, including the absolute prohibition of torture, in the past. The Prime Minister argues that memoranda of understanding containing what he calls "necessary assurances from the countries to which we will return the deportees, against their being subject to torture or ill-treatment contrary to Article 3" constitute a sufficient guarantee to avoid violation of Article 3 of the European Convention on Human Rights. On 10 August 2005 a first memorandum was signed with Jordan. The Prime Minister also indicated that the conclusion of other memoranda is on-going. While the Special Rapporteur unequivocally condemns all acts of terrorism, including the bombings which took place in London on 7 July 2005, as well as the subsequent attempts, the plan of the UK to request diplomatic assurances for the purpose of expelling persons in spite of a risk of torture aims at circumventing the international obligation taken on by your country. The fact that such assurances are sought shows in itself that the sending country perceives a serious risk of the deportee being subjected to torture or ill treatment upon arrival in the receiving country. Diplomatic assurances are not an appropriate tool to eradicate this risk. Most of the states with which memoranda might presumably be concluded are parties to the UN Convention Against Torture (Afghanistan, Algeria, Egypt, Jordan, Libyan Arab Jamahiriya, Morocco, Saudi Arabia, Syrian Arab Republic, Tunisia and Yemen) and/or to the International Covenant on Civil and Political Rights (Afghanistan, Algeria, Egypt, Iran, Iraq, Jordan, Libyan Arab Jamahiriya, Sudan, Syrian Arab Republic, Tunisia and Yemen) and are therefore already obliged vis-a-vis other

terrorism; part of a comprehensive programme of work for dealing with the terrorist threat. The approach has been to ensure that the Government has the powers necessary to exclude and deport all such individuals; and to ensure that the Government has the necessary international agreements and support to make good on them. The powers will not be used where there is a real risk that their application will lead to death or treatment contrary to the principle of non-refoulement. It is critical that that the Government has a lawful route to deportation. This includes having in place clear arrangements with foreign Governments about the proper treatment of those to be deported in order that the decisions to deport are consistent with the UK's obligations under international human rights law, including the ECHR, CAT and the ICCPR. Since December of 2004, the Government has been actively seeking the agreement of Memoranda of Understanding on human rights assurances with key foreign Governments to enable deportations to proceed. Since 7 July, that work has gathered further pace. An MOU was signed with Jordan in August 2005 and negotiations with Algeria, Lebanon and other Governments have progressed. The assurances given under the framework of MOUs and, where appropriate, additional individual assurances, will provide effective safeguards for proper treatment of individuals being returned. They will be accompanied by monitoring arrangements to ensure that their rights are respected. Any decision to deport will also be subject to appeal through the UK court system. Attempts to negotiate such

				States parties (including the UK) not to resort to torture or ill treatment under any circumstances. Such memoranda of understanding therefore do not provide any additional protection to the deportees.	MOUs does not represent an attempt to circumvent international obligations. It is because the Government abides by them that it considers it necessary to go to these lengths. The protection provided by the MOUs is more specific than the agreements in that it will relate to named individuals and will refer to their treatment. The MOUs will shine a spotlight on the treatment of the individual so that any failure to abide by the assurances will come to light.
519		Follow-up to past cases		<b>Walik Bashir Youssef al-Sa'di</b> (E/CN.4/2005/62/Add.1, para. 1846); and <b>Shakir Qassim al-Sai'd</b> (ibid, para. 1847).	By letter dated 11/02/05, the Government informed that the Ministry of Defence informed that Amnesty International had raised the two cases with the Government on 14 May 2004 and that the Government has responded to Amnesty International on 30 June 2004. In that response, the Government explained that due to the limited information provided by Amnesty International, it had not been able to launch investigations into the allegations. Amnesty International was unable to provide further information and as such an investigation could not be launched. The Government informed that all substantive allegations against the United Kingdom Armed Forces are investigated. The Special Investigations Branch (SIB) of the Royal Military Police conducts investigations into serious criminal offences committed by British service personnel. The SIB follows civilian police force procedures. Once the SIB investigation is complete and a violation is recognized, the Army Prosecuting Authority (APA) carried out a prosecution. The APA is statutorily independent of the chain of command.



520	United States of America	16/02/05	UA	TOR;	<p><b>Jameel Mohamed Toron</b>, a 29 year-old Syrian national. He is currently being held at the detention centre for the north Texas immigration courts, Haskell, Texas, awaiting imminent forcible return to Syria following the rejection of his asylum-application. On 27 October 2002, members of the security services came to his home in the middle of the night, and beat him while questioning him about the activities of two of his friends. He was pistol-whipped, struck with a belt, and punched in the face and abdomen. He was strapped to a chair and slapped every time he gave a "wrong" answer. In the morning, he was taken to a taxi by two of the men and told that they were taking him to a place where they could interrogate him more thoroughly. He managed to escape, and went into hiding. The Ba'th Party newsletter reported that one of his friends had been killed and the other was under arrest. On 30 October 2002, a family friend arranged for his flight to the United States of America after bribing the guards at the airport. He applied for asylum in the United States, and when faced with the court hearings, fearing being returned to Syria, Jameel Mohamed Toron, made a serious suicide attempt in April 2003. He spent four days in the hospital and sustained permanent damage to his internal organs. During hospitalization he was seen daily by a psychologist who confirmed that the suicide attempt was in reaction to the desire not to be tortured to reveal information about friends and family members. At that time, he still had wounds on his head, neck, arms, back and stomach, consistent with his account of being tortured. He first began treatment for torture rehabilitation in January 2003 and continues to receive treatment, most recently on 12 February 2005. He is</p>	<p>By letter dated 16/03/05, the Government informed that his deportation had been stayed. Mr. Toron arrived in the United States in October 2002 and applied for asylum. At his first hearing before an immigration judge in March 2003, the judge indicated that he was not persuaded that Mr. Toron had made a credible claim. The judge granted Mr. Toron's request for an opportunity to gather additional evidence and present a stronger claim. Prior to the date of the second hearing, Mr. Toron engaged in self-destructive behaviour, which resulted in his hospitalization. During the second hearing, he claimed that he had tried to kill himself as part of the additional material he presented. The judge concluded that he had not made a credible claim and denied his request for asylum. He appealed to the Board of Immigration Appeals (BIA) and in November 2004, the BIA denied the appeal. The relevant factors in the decision to deny the appeal included the fact that Mr. Toron had received a substantial education from the Government of Syria, including an advanced degree in medicine. At the time of his departure he was employed by a government hospital. He had his own apartment and automobile. He had a valid passport and had taken vacations outside Syria. He was also able to leave the country through the principal international airport, while it is widely recognized that the Government of Syria regularly prevents certain citizens from leaving.</p>
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					occasionally contacted by third parties and told that his family is still being questioned and harassed. He has no direct contact with his family as they believe that contact would jeopardize their safety. It is alleged that because he is of the Turkmen community, of mixed Christian and Muslim parents, and inactive in the national political party, he was the subject of regular questioning, every three to six months, by the Syrian security services, on suspicion of subversive activities.
521		13/07/05	JUA	WGAD; Racism; TOR;	<b>Mohammed C.</b> , 18 years old, a Chadian national born in Saudi Arabia, currently held at the US Naval Base in Guantánamo Bay, Cuba. On or around 21 October 2001, he was arrested in Karachi, Pakistan. He was transferred to a prison, where he was hung by his wrists and stripped naked to his shorts. He was held in this position for 10 to 16 hours a day during a period of three weeks and if he moved, he was beaten. He was blindfolded for that whole period except for three to five minutes each day, so he could eat. Mohammed was subsequently taken to Peshawar for 10 days, and then transferred to US custody in late November 2001. In US custody, he says that he was put in blue overalls, hooded, shackled, beaten, threatened with death and put in a helicopter. He was flown to the US airbase in Kandahar, Afghanistan, where he was physically assaulted on arrival, and kept naked for the first week, beaten and doused in freezing water. On one occasion, a guard grabbed Mohammed's penis and threatened to cut it off with a pair of scissors he was brandishing. In early January 2002, Mohammed was transferred to Guantánamo Bay. He was sedated, shackled, hooded and gagged for the flight and beaten upon

					<p>arrival. During the ensuing interrogation process, he was subjected to hanging by the wrists for up to eight hours at a time, beatings, sleep deprivation, strobe lighting, extreme cold via air conditioners, and racial abuse. It is reported that dogs were used to intimidate detainees, and that he was brutally removed from his cell, pepper sprayed and physically assaulted. In 2003, during an interrogation, the interrogator allegedly burned Mohammed's arm with a cigarette. He still bears the scars from this incident. In May 2004, Mohammed was transferred to the newly-opened Camp V where he is currently being held for up to 24 hours a day in solitary confinement in a concrete cell, measuring approximately four metres by two metres. He is supposed to get out three times a week for an hour, for a shower and exercise. However, it is reported that he is usually allowed out just once a week. There are large fans which make a constant noise and 24-hour lighting which Mohammed complains hurt his eyes. On his first day in Camp V, the interrogator said to Mohammed: 'We made this camp for people who would be here forever. You should never think about going home. You'll be here all your life. Maybe one day my son will come to see you as you get old. Don't worry, we'll keep you alive so you can suffer more. If you don't believe me, look at these walls.' And he banged on the concrete wall to show how solid it was.</p>
522		2/9/05	JUA	WGAD; FRDX; TOR;	<p><b>Abraham Al-Mashadani</b>, a 36 year- old Iraqi freelance cameraman and photographer working for Reuters in Ramadi. On 8 August 2005, he was arrested by US marines after images of US troops were found on his videos, cameras and desktop computer. The spokesman for the US detainee operations in Iraq stated that Mr. Al-Mashadani</p>

					will not be able to receive visitors for the first 60 days of his detention, including his family or a lawyer. No justification for his arrest has been provided. He is currently being detained at Abu Ghraib.	
523		19/09/05	UA	TOR;	<p><b>Sami Al-Laithi</b>, an Egyptian national who is at imminent risk of being returned to Egypt from Guantánamo Bay. He has been held without charge or trial for over three and a half years. On 10 May 2005, US authorities determined that Sami Al-Laithi is not an 'enemy combatant' through the Combatant Status Review Tribunal procedure. On 21 July, his lawyers applied for him to be given at least 30 days' notice of any transfer from Guantánamo and for him to be found a safe country to go to. This application was turned down on 28 August, when the Judge found that the lawyers had failed to offer direct evidence that he would be tortured in Egypt. The Judge also cited US authorities' declarations that it opposes torture and would not send someone to a country where they would be tortured. Mr. Al-Laithi is confined to a wheelchair due to a spinal injury which was caused by US officials at the Guantánamo Bay hospital who trod heavily on his back, fracturing two vertebrae. He has been told that sudden movement could sever his spinal cord and render him paralyzed. He has been denied an operation that could save him from permanent paralysis. His neck is permanently damaged due to repeated force being used to push his head towards his knees. He was sexually abused while in Guantánamo and consistently threatened with being returned to Egypt. On one occasion a visiting Egyptian delegation are reported to have told him that he would "certainly come back to Egypt" where he was told he would be subjected</p>	

					to military trial. He is being held in Camp V, a prison block for about 80 detainees who are held for up to 24 hours a day in solitary confinement in a concrete cell measuring approximately four metres by two metres.
524		30/09/05	JAL	FRDX; HRD; SALE; TOR; VAW;	<b>Violence against women and girls</b> , Ms. <b>Yanar Mohammed</b> , Ms. <b>Aquila Al-Hashimi</b> , Ms. <b>Raja Khuzai</b> , Ms. <b>Amira Salih</b> , Ms. <b>Fern Holland</b> , Ms. <b>Salwa Oumashi</b> , Ms. <b>Nisreen Mustafa Al-Burawari</b> , Ms. <b>Lami'a Abed Khadawi</b> , and Ms. <b>Amal Al-Ma'amalachi</b> (see Iraq above).
525		17/11/05	JAL	Terrorism; TOR;	<b>Salah Nasser Salim 'Ali</b> , aged 27, and <b>Muhammad Faraj Ahmed Bashmilah</b> , aged 37, both Yemeni citizens. (See Indonesia above).
526		18/11/05	JAL	Terrorism; TOR;	<b>Secret detention centres</b> under United States' authority in various parts of the world, in which an unknown number of persons are detained. They were subject of a General Allegation sent by the Working Group on Enforced or Involuntary EID (E/CN.4/2005/65). The Central Intelligence Agency (CIA) has set up a covert prison system to hide and interrogate some of its captives in its fight against terrorism, in several countries in Eastern Europe, Thailand and Afghanistan. About 100 terrorism suspects have been held in these places of detention. In most cases it has not been acknowledged that they are being held. The detainees have no access to the International Committee of the Red Cross. Their families are not notified of their whereabouts. There is no information about the procedures in place to decide about their detention and its duration. Moreover, there is no oversight of the conditions of detention and the treatment of the detainees, which is of particular concern since on 20 October 2005, Vice President Cheney and CIA Director Porter J. Goss asked members of Congress that

					legislation under consideration barring inhumane treatment shall not apply to counterterrorism operations conducted abroad or to operations conducted by an element of the United States Government other than the Defense Department, in particular the CIA.
527		28/11/05	AL	TOR;	<p><b>Walid Muhammad Shahir Muhammad Al-Qadasi</b>, Yemeni citizen. He was arrested in Iran in late 2001, held there for about three months, and handed over to the authorities in Kabul, Afghanistan, who in turn handed him over to the custody of the US. In US custody, officials cut his clothes with scissors, left him naked and took photos of him before giving him Afghan clothes to wear. They then handcuffed his hands behind his back, blindfolded him and started interrogating him. The interrogator was an Egyptian, who, accusing him of belonging to Al-Qaeda, threatened him with death. He was put in an underground cell measuring approximately two metres by three metres with very small windows. He shared the cell with ten inmates. They had to sleep in shifts due to lack of space and received food only once a day. He spent three months there without ever leaving the cell. After three months, Mr. Al-Qadasi was transferred to Bagram, where he was interrogated for one month. His head was shaved, he was blindfolded, made to wear ear muffs and a mouth mask, handcuffed, shackled, loaded on to a plane and flown out to Guantanamo Bay, where he was held in solitary confinement for one more month. In April 2004, after having been detained for two years, he was transferred to Sana'a Prison in Yemen, temporarily to Ta'iz prison and then back to Sana'a. He remains held without charge or trial or even the opportunity to challenge his detention</p>

					although his family and NGOs have been allowed to visit him.	
528	Uzbekistan	16/02/05	JUA	IJL; SUMX; TOR;	<b>Farid Nasibullin</b> (the subject of a previously transmitted communication, E/CN.4/2004/56/Add.1, para. 1887; see reply, ibid, para. 1888). Mr. Nasibullin has been prevented from requesting access to his defense lawyer by the Head of the Tashkent prison who demands that a person sentenced to death write to him personally through a relative in order to be able to exercise that right. This denies him the right to adequate legal assistance at all stages of criminal proceedings. In an attempt to overcome this unlawful restriction to access counsel, a defence lawyer from the organization which has been involved in Mr. Nasibullin's case has tried to review his file but, to date, he has been denied access to the criminal case. Further, the date of his execution is being kept secret.	
529		24/03/05	JUA	WGAD; TOR; VAW;	<b>Rahima Akhmadalieva</b> , aged 43. On 8 March 2005 at 5:30am, she was arrested without warrant at her home by officers from the National Security Service (SNB), and taken to an unknown place but believed to be a basement cell at the Ministry of Internal Affairs (MVD) or at the SNB detention centre. Her family has been denied access to her, and she has been denied access to her heart medication. Rahima Akhadalieva was imprisoned between 21 September 2001 to 17 January 2004 for undermining the constitutional order of the country. During her period of detention she was ill-treated, including having her hijab torn off her head, insulted, threatened, and denied her medication. Since her release, she has been repeatedly detained for questioning and harassed by MVD officers in relation to attacks on police checkpoints in Tashkent and Bukhara between 28	By letter dated 31/05/05, the Government informed that she was arrested at the Alat-5 border post Bukhara oblast as she was illegally entering Uzbekistan from Saudi Arabia through Turkmenistan on a false passport issued in the name of a citizen of Kyrgyzstan. Accordingly, the assertions that she was arrested at her home are unfounded. The Government informed that criminal proceedings have been instituted against her under Article 223(2)(b) (Unlawfully leaving or entering the Republic of Uzbekistan) and Article 228(3) (Manufacturing, counterfeiting, selling or using documents) of the Criminal Code and that she has been remanded in custody. It informed that she had been provided with defence counsel. It informed that on 1 and 5 April 2005 she underwent medical examinations at the

					March and 1 April 2004.	National Security Service's clinic. The findings, dated 5 April 2005, indicate that she is currently in good health. She has not lodged any complaints about the use of physical or psychological pressure. She has been authorized to receive visits from relatives, but to date no relative has sought to arrange a visit with her.
530		4/05/05	JAL	RINT; TOR;	<b>Iskander Tolipov</b> , UYa-64/18 Prison infirmary, Tashkent. He was imprisoned in KIN-36 Prison, Navoi City, from 17 December 2004 to 17 February 2005. When he arrived at the prison, guards stood in lines on either side of him and beat him with truncheons. The guards prohibited him from praying or reading the Quran. When he protested this rule, guards handcuffed and beat him several times with truncheons on his chest and lower back and on the soles of his feet. After one of the beatings, the prison director asked him, "Do you understand the rules now?" After he replied that he would continue to pray, the director instructed to the guards, "It seems he does not understand the rules, continue." He was also threatened with sexual assault. For refusing to stop his religious activity, he was later punished with six months in a damp isolation cell, without heating or bedding. He became ill, and since 17 February he has been held in the prison infirmary, suffering from tuberculosis. Mr. Tolipov was sentenced to seven years' and six months' imprisonment on 24 March 2002 for membership in an illegal religious organisation.	By letter dated 1 July 2005, the Government informed that he was convicted of a number of offences on 24 March 2002 and was sentenced to seven and a half months deprivation of liberty. He is currently serving his sentence at UYa-64/36 in the city of Navoi. No unlawful actions had been taken by the administration of the prison. There are no grounds for the allegations that guards handcuffed and beat him several times with truncheons on his chest and lower back and on the soles of his feet or that he was also threatened with sexual assault. Iskander Tolipov did not show any signs of torture or ill-treatment when he underwent a routine medical check on his arrival. He had been suffering from tuberculosis before he was admitted to the prison.
531		12/05/05	JUA	IJL; SUMX; TOR;	<b>Nazirzhan Azizov</b> , aged 33, <b>Khurshidbek Salaidinov</b> , aged 21, and <b>Bakhtiorzhan Tuichiev</b> , aged 31, all detained in Andijan Prison. They are at imminent risk of execution after having been tortured in pre-trial detention. They	By letter dated 10/06/05, the Government informed that all the allegations contained in their complaints to the UN Human Rights Committee are groundless and unsubstantiated. In particular, the allegations



were convicted of two murders by Andijan Regional Court and sentenced to death in October 2004. Reports indicate that they were tortured to extort a confession to the murders they were subsequently convicted of. The families of Bakhtiorzhan Tuichiev and Khurshidbek Salaidinov claimed that they had been beaten so badly in custody that they were unable to move for several weeks. During the trial the three men alleged in court that they had been tortured to make them sign confessions to the murders, but the court failed to investigate their claims. They were not allowed to meet with lawyers hired by their families, and were only able to meet with a state-appointed lawyer after they had been in custody for a month. All three men appealed against their convictions and sentences and/or requested a re-trial. Their requests were rejected by the Andijan Regional Court in December and again in February. They have submitted communications to the Human Rights Committee under the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). The Committee has requested the Government to take interim measures of protection in these cases, i.e. not to carry out the death sentence as long as the communications are pending before it, on 14 and 20 January 2005 respectively. On 26 April 2005, the Committee reminded the Government that these requests remain valid. The Government executed another death row detainee (Mr. Akhrorkhuzha Tolipkhuzhaev) on whose case the Committee had also requested interim measures of protection.

regarding the conduct of trial proceedings, planting of evidence and lack of access to a lawyer do not correspond to the reality of the situation. In addition to their confessions of guilt in the courtroom, their guilt was confirmed, inter alia, by the evidence of eye-witnesses and forensic evidence. All three were granted full access to legal counsel and all investigative actions were carried out with the participation of their lawyers. They were not subject to physical or psychological pressure. The three men confirmed that their interrogations during the preliminary investigations were carried out in the presence of their lawyers. They confessed of their own volition and no pressure was exerted against them. Following the request of the UN Human Rights Committee, interim measures have been taken to suspend the executions. The health of the three men is registered at a satisfactory level.

532		17/06/05	UA	TOR;	<p><b>Dilshod Gadzhiev, Tavakal Gadzhiev, Abdubais (Gasani) Shakirov and Muhammad Kadirov.</b> On 9 June 2005, these men, all previously convicted by Uzbek courts, had been moved from the refugee camp at Sasyk to the Jalalabad Municipal Police Department, Kyrgyzstan. On 10 June, they were returned from Kyrgyzstan to Uzbekistan upon the order of the Prosecutor General of Kyrgyzstan. It is believed that they were handed over to the National Security Service of Uzbekistan, and their whereabouts are unknown. International governmental and non-governmental organizations have been unable to obtain access to them. On 13 May, these four men had fled the city of Andijan after Uzbek security forces fired on protesters. It is further reported that Uzbek authorities are pressuring human rights defenders, who collect evidence about the shooting on 13 May, and Uzbek asylum-seekers in Kyrgyzstan to return, in order to suppress their testimonies in relation to the events in Andijan.</p>	<p>By letter dated 8/08/05, the Government informed that the four men were involved in armed attacks in Andijan in May 2005. They were all charged with a number of criminal offences in connection with the events in Andijan. <b>Dilshadbek Khazhiev</b> was tried in absentia on 31 May 2005, <b>Tavakkalbek Khazhiev</b> was tried in absentia 29 May 2005, <b>Khasan Shakirov</b> was tried in absentia on 3 June 2005 and <b>Mukhammadzhon Kodirov</b> was tried in absentia on 18 May 2005. A search was initiated and the four men were found in Kyrgyzstan. The Office of the Procurator-General of Uzbekistan, in full accordance with the rules of international law, sent the Procurator-General of Kyrgyzstan a request on 6 June 2005 for his surrender to the investigative bodies of Uzbekistan for the purpose of his criminal prosecution. However, before a response was made to this request, the four men returned voluntarily to Uzbekistan on 26 June 2005 and submitted written confessions to the Andijan oblast procurator about their participation in the events of 13 May 2005 in Andijan. The voluntary return of the above-mentioned persons is also attested by the reply of the Office of the Procurator-General of Kyrgyzstan to the effect that the requests of the Office of the Procurator-General of Uzbekistan for the extradition of the four men had been left unanswered because they had returned voluntarily to Uzbekistan. The four are currently being held in the Tashkent UYA 64/IZ-1 detention facility. The preliminary investigation is being conducted by the criminal investigation department of the Procurator-General's Office.</p>
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533		29/06/05	JUA	IJL; SUMX; TOR;	<p><b>Yuldash Kasymov</b>, aged 19, and <b>Alisher Khatamov</b>, aged 27. They are at risk of imminent execution. On 3 March 2005, Yuldash Kasymov was found guilty of the murder of his parents and sentenced to death by the Tashkent City Court. The sentence was confirmed by the Supreme Court on 10 June. Both Yuldash Kasymov and his brother Mansur were beaten during interrogations in order to force either one of them to plead guilty to the murder. Yuldash ultimately signed the confession statement. A video presented in Court showed that when the investigators took him to the crime scene, his face was covered with bruises. His girlfriend was beaten to punish her for insisting that he was innocent, and Mr. Kasymov was threatened that she would be raped in front of him if he did not "confess". The lawyer who was hired by his family was only able to have access to him ten or more days after his arrest, when he had already signed the statement. Mr. Kasymov immediately retracted his "confession" in a letter to the procurator and insisted on his innocence. On 16 March 2005, Alisher Khatamov was found guilty of the murder of two persons and sentenced to death by the Tashkent Regional Court. His sentence was confirmed by the Supreme Court on 14 June 2005. Officers of the Bukinsky District police and the regional police of Tashkent beat him and all the members of his family. Both he and his father were told that his mother and his sister would be raped unless Mr. Khatamov confessed to having committed the crime. His lawyer only got access to him two weeks after he was arrested. During the trial the family complained about the beatings, but this was ignored by the court. Yuldash Kasymov and Alisher Khatamov have submitted</p>	<p>By letter dated 1/07/05, the Government informed that the executions of Mr. Yoldash Kasymov and Mr. Alisher Khatamov have been suspended in accordance with rule 92 of the Human Rights Committee. The Government also provides further information on the case of Mr. Khatamov, born 1978 was convicted on 16 March 2005 by Tashkent Regional Court, under articles 25-97 paragraphs 2 (a), (c), (g) and (i) (premeditated murder), article 164, paragraph 4 (a) (robbery with violence), article 169, paragraph 4 (a) (theft), article 227, paragraph 4 (a) (acquisition, destruction, damage to or concealment of documents, stamps, seals, blank forms), article 247, paragraph 1 (unlawful acquisition of firearms, ammunition, explosive substances or devices), article 276, paragraph 1 (unlawful possession, production, purchase, storage and other activities with narcotic and psychotropic substances without the purpose of resale), and article 59 (determination of penalties for commission of multiple crimes) under the Criminal Code. In the communication to the United Nations Human Rights Committee, it was stated that: during the investigation, Mr. Khatamov was subjected to physical and psychological pressure by militia officers and all the admissions he made were extracted by torture without a lawyer present; defence witnesses were put under pressure during the trial, and many witnesses were not questioned as a result of unmotivated refusals by the judge; the court paid no attention to these violations, and sentenced Mr. Khatamov to death without justification. These claims are unfounded and shown to be so by the</p>
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communications to the Human Rights Committee under the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). The Committee has requested the Government to take interim measures of protection in these cases, i.e. not to carry out the death sentence as long as the communications are pending before it, on 13 April and 13 May 2005, respectively.

evidence in the case file. During the pretrial investigation, a bag containing rubber bands for tying wads of money, empty jewel cases, keys, and the sawn-off portions of the shotgun barrel and stock were recovered from the toilet at his home on the strength of information he provided. During the search Mr. Khatamov voluntarily produced the sawn-off 16-calibre shotgun he had modified, a knife with traces of blood, a mask, gloves, a sweater, and a T-shirt with traces of blood which he had hidden in the vineyard. During verification of his testimony at the crime scene in the presence of a lawyer, a white bag containing tights, trainers, a black cap with eyeholes cut in it, and adhesive tape, all of them with spots that looked like blood, were found in the attic of his home while a metal-cutting tool and fine metal shavings were found in his cellar. During his initial interrogation as a witness on 14 October 2004, later that day when questioned as a suspect, and on 16 October when questioned as the accused, Khatamov, in the presence of the lawyer acting in his defence during the pretrial investigation, provided detailed testimony about his crimes. No one stated that Mr. Khatamov had been pressured or beaten by militia officers or complained about his state of health. Later, during verification of his testimony at the crime scene in the presence of his lawyer and official witnesses, Mr. Khatamov also provided detailed information but did not mention any pressure being applied to him. At his trial, he confessed his crimes. Admitting to the murder, he stated that he had not wanted to kill his relatives: he had only taken the gun and knife to frighten them. He

						<p>stated that his admissions had been made voluntarily, without coercion, and no physical or psychological pressure had been put on him. His guilt is also borne out by a series of forensic and other evidence, which the Government described in detail. According to the forensic psychiatric examination of Mr. Khatamov, he was of sound mind when he committed the acts he has been charged with. His actions have been correctly classified according to law. The sentence on the condemned man is commensurate with the offence. The use against Mr. Khatamov and other witnesses of unauthorized methods in the course of the pretrial investigation and the court hearing has not been confirmed. From the moment he was taken into custody, all interrogations, investigations and court hearings in relation to his case were conducted with lawyers from the Tashkent Oblast Bar Association, and from the law firm "Lochin Khimoyasi", in attendance. No violations of the Code of Criminal Procedure have been established and Khatamov's conviction is recognized as being correct. For further information on the case of Yuldash Kasymov, the Government refers to document CCPR/C/84/R.3.</p>
534		8/07/05	JAL	RINT; TOR;	<p><b>Kural Bekjanov</b>, a 19 year-old Pentecostal Christian, Tashkent. On 14 June 2005, he was arrested and taken to Mirobad District Police Station. He was accused of involvement in the murder of a 65 year-old US citizen who had worked with Pentecostal churches in Tashkent. When the police discovered that he was a Christian, they started beating him. He was transferred to the main city police station where</p>	<p>By letter dated 28/11/05, the Government informed that the information in the communication was entirely far fetched. <b>He</b> was placed in the rehabilitation centre in Tashkent City Department of Internal Affairs as he had not papers. After his identity was established he was released on 14 July 2005. <b>Kural Bekjanov</b> himself explained that he did not suffer any illegal actions during the period</p>

					<p>he was put in a cell with Muslims. His cellmates also beat him after they found out that he was a Christian. Police tortured him every night for twelve days, inserting needles under his finger nails and threatening him that he would be put on a chair wired up to the electricity. As a result of the torture, his ribs were broken, he lost weight, had difficulty walking, and his fingers and legs were covered with blood. He was held at the main city police station until 29 June. He was then transferred back to Mirobad Police Station, where he was allowed access to a lawyer and where he remains in detention.</p>	<p>he spent in the rehabilitation centre. He also explained that nobody prevented him from performing his religious duties.</p>
535		26/08/05	JUA	WGAD; IJL; TOR;	<p><b>Dilshadbek Khajiev, Tavakkalbek Khajiev, Hasan Shakirov and Muhammad Kadirov</b> (the subjects of a previously transmitted communication of 17 June 2005, see above). They are still held incommunicado; they still do not have access to lawyers, family members and/or international organisations. There is a disparity in the date of the extradition from Kyrgyzstan (9 June 2005 according to several international governmental and non-governmental organisations present on the ground, and the date of their voluntary arrival indicated by the Government, 26 June 2005).</p>	<p>By letter dated 28/11/05, the Government provided the same information in their earlier response of 8 August 2005.</p>
536		6/09/05	JUA	WGAD; FRDX; HRD; IJL; TOR;	<p><b>Elena Urlaeva</b>, member of the opposition party, "Ozod Dehkonlar", and human rights defender, formerly a member of the Human Rights Society of Uzbekistan, and associate member of the International Helsinki Federation for Human Rights (IHF). On 28 August 2005, she was arrested in Tashkent for disseminating leaflets containing cartoons of the state emblem of Uzbekistan. She underwent continuous interrogation and did not have access to food or water after her arrest. She has also not had any</p>	<p>By letter dated 29/11/05, the Government informed that the law enforcement authorities in Tashkent arrested Ms. Elena Urlaeva 27 August 2005. She was arrested for distributing material which desecrated and defiled a State symbol contrary to Article 215 of the Criminal Code (Disrespect towards State symbols of the Republic of Uzbekistan). On the same day, the Tashkent procurator initiated a criminal investigation. The investigating authorities decided to conduct a psychiatric examination</p>

					<p>access to her lawyer since her arrest and was being coerced to sign a document in which she admits that she tried to overthrow the political system of Uzbekistan. She is currently detained in a psychiatric clinic. Her lawyer, who has not been able to see her, reported that a doctor in the department where Ms. Urlaeva has been placed stated that she is on compulsory treatment according to a court decision. Ms. Urlaeva has been targeted on previous occasions for her human rights activities. She was placed under house arrest on 17 May in order to prevent her participation in anti-government demonstrations following the events in Andijan on the 13 May 2005. On 13 July, police officers broke into her apartment and threatened her with a gun. It was reported that in April 2001 she was placed in a psychiatric hospital by the police in relation to her participation in a demonstration she had organized against forced evictions by the municipal authorities. Furthermore, the authorities ordered her to be placed in psychiatric detention in June 2002.</p>	<p>as to her mental state at the time of the commission of the offence. On 28 August 2005, the examination concluded that Ms. Urlaeva was not of sound mind and she was placed in a mental institution. Following the investigation, the case was brought before the courts on 16 October 2005. In the decision of the court of 27 October 2005, Ms. Urlaeva was absolved from criminal responsibility on the basis of her medical diagnosis. The court ordered her to undergo a course of treatment as an outpatient at a mental hospital.</p>
537		12/10/05	JAL	FRDX; SUMX; TOR;	<p><b>Shavkat Komiljanovich Madumarov</b>, 27 year-old imam of the Mosque "Ismoil Ota", Ultra-Chirchik District, Tashkent region. On 16 February 2005, he was arrested by Ministry of Interior officials, and charged with "Wahhabism" under article 244.1 of the Criminal Code, concerning preparing and distributing materials presenting a threat to public security. After the arrest he was severely ill-treated. In August 2005, during the trial at Tashkent city court, Mr. Madumarov was unable to stand on his own. In order for him to be able to sit, he had to be bound to a chair. He made a statement to the court to the effect that he regularly received injections without being</p>	<p>By letter dated 28/11/05, the Government informed that he had been actively involved in religious extremist activities directed at the violent change of Uzbekistan's constitutional structure through the armed overthrow of the legitimate authorities and the establishment of an Islamic state since 2001. He was arrested on 16 February 2005. On 1 March 2005, Mr. Madumarov entered the UYa-63/IZ-1 holding facility in Tashkent, where he underwent an initial medical check-up. The diagnosis made on the basis of the medical examination was periarteritis nodosa and HIV infection. During his stay, Mr. Madumarov received medical</p>

informed why. He claimed that because of the injections, he was unable to move and he experienced headaches and a high temperature. The court did not respond to his allegations. His condition further deteriorated and in the beginning of September he had to be carried into the court building. Three days after having been sentenced to six years' imprisonment, he died on 14 September 2005. His body was taken to his parents' home from the investigation isolator SI-1 "Tashturma". On that day their house in Toytepa town, Urta-Chirchik District, was surrounded by around 40 military policemen. His relatives were not allowed to open the shroud in which his body was wrapped, and were forced to bury him immediately at the closest cemetery.

treatment. On 9 August, he reported to the medical unit, complaining of a cough, chest pains and high temperature. He was diagnosed as having pneumocystic pneumonia; the secondary diagnosis was periarteritis nodosa with primary infection of the skin, dystrophy III and respiratory insufficiency II. The detainee received in-patient treatment at the medical unit of the UYa-64/IZ-1 holding facility in Tashkent until 12 September. On 12 September, the Tashkent city criminal court sentenced Mr. Madumarov to five years and six months' imprisonment for having committed an offence pursuant to article 2442, paragraph 1, of the Criminal Code (Formation, leadership or membership of religious extremist, separatist, fundamentalist or other banned organizations). The same day, in order to conduct a full examination and provide treatment, Mr. Madumarov was transferred to the national hospital of the UYa-64/18 holding facility in Tashkent, where he was diagnosed with HIV infection, pneumocystic pneumonia, periarteritis nodosa and cardiovascular insufficiency II-III. While at the national hospital, Mr. Madumarov received a complete check-up and was examined by specialists, after which he was diagnosed as having HIV infection IV, pre-AIDS stage (lymphadenopathy, chronic hepatitis, candidiasis of the oral cavity, encephalopathy and diarrhoea). The secondary diagnosis was bilateral pneumonia, chronic drug addiction in the non-persistent remission stage, cachexia and severe anaemia. Despite having received medical treatment, Mr. Madumarov died on 14



					<p>September. On the same day, in order to allow funeral arrangements to be made, his body was turned over to his next of kin (his father), who resides at 2 Bakht Street, Toitepa, Urta-Chirchik district, Tashkent province. On learning of Mr. Madumarov's death, the procuratorial authorities conducted a further inquiry, and on 24 September, dropped criminal proceedings on the grounds of lack of evidence that a crime had been committed (Code of Criminal Procedure, art. 83, para. 2). There is no substance to allegations that Mr. Madumarov was tortured or subjected to any other illegal forms of treatment. No wrongful acts were committed against Mr. Madumarov, and no physical or psychological coercion was employed during the investigation or trial. The above information concerning Mr. Madumarov and the causes of his death show that the allegations are based on false information. Such communications are sent to the Special Rapporteurs in order to discredit Uzbekistan's human rights policy and to make unfounded accusations against Uzbek authorities concerning the systematic use of torture in law enforcement practice. In this connection, the Uzbek Government considers it essential to draw the attention of the Special Rapporteurs to the fact that Uzbekistan has previously received unfounded allegations that the Uzbek citizens A. Shelkovenko (the Shelkovenko case), I. Umarov (the Arnasai case) and S. Umarov died as a result of torture. In response to those unsubstantiated statements, the Uzbek authorities, conducted, with the assistance of international experts, independent investigations into all three</p>
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						deaths. The findings of the investigations showed that the aforementioned assertions were unfounded. The mandate of the Special Rapporteurs of the Commission on Human Rights requires them to use only reliable sources of information when considering individual communications.
538		21/10/05	JUA	IJL; SUMX; Terrorism; TOR;	<p><b>Trial of 15 men</b>, including three Kyrgyz citizens. They are accused of being the main organisers of the "Andijan events" of May 2005 before the criminal Chamber of the Supreme Court of Uzbekistan, Tashkent. One hundred and six persons are still in detention and are expected to face trial on similar charges. The ongoing trial against the 15 persons is based on charges of premeditated murder and terrorism, punishable by the death penalty. The crime of terrorism may not be defined in national law in a manner compatible with the requirements that follow from articles 6 and 15 of the International Covenant on Civil and Political Rights in relation to crimes that carry the death penalty. On the first day of the trial, all 15 defendants confessed their guilt practically verbatim to the prosecution statement practically. Rather than seeking to defend their clients' interests, the defendants' attorneys posed questions which were not significant in terms of the charges or were formulated in such a way as to assist the prosecution case. These allegations give weight to suggestions that the defendants had been intimidated into confessing and that the defence procedures were inadequate to ensure a fair trial. Since, apart from the confessions, little evidence has been presented during the trial and since the defendants were not cross-examined by any independent lawyers to verify their testimonies, their confessions may have been</p>	<p>By letter dated 29/11/05 the Government informed that from 20 September to 14 November 2005, the criminal division of the Uzbek Supreme Court held open hearings in part of the criminal proceedings against 15 persons in connection with the terrorist acts and other particularly serious crimes committed on 12 and 13 May 2005 in Andijan. The 15 persons were accused of committing offences under article 97 (Aggravated homicide), article 155 (Terrorism), article 159 (Crime against the constitutional order of the Republic of Uzbekistan), article 242 (Organization of a criminal association), article 244 (Mass disturbances), article 244, paragraph 1 (Preparation or dissemination of materials that threatens public order and security), article 244, paragraph 2 (Formation, leadership or membership of religious extremist, fundamentalist or other prohibited organizations), article 247 (Unlawful taking of firearms, ammunition or explosive or explosive devices), article 132 (Destruction of, or damage to, historical or cultural monuments) and other articles of the Uzbekistan Criminal Code. The court found the accused guilty under the relevant articles of the Criminal Code and sentenced M. Sabirov, F. Khamidov, A. Khakimov, A. Gaziev and I. Khadzhiyev to 20 years' imprisonment; G. Nadirov to 18 years'</p>

obtained by means of torture.

imprisonment; A. Ibragimov, M. Artykov and T. Khadzhiyev to 17 years' imprisonment; K. Turapov and A. Turgunov to 16 years' imprisonment; and A. Yusupov, L. Imankulov, D. Burkhanov and V. Ergashev to 14 years' imprisonment. The course and outcome of the judicial proceedings show that the investigation and trial were conducted in strict conformity with Uzbekistan's procedural legislation and the universally recognized norms of international law. During the trial, more than 100 representatives of foreign and local media, diplomatic missions and international organizations, including the United Nations, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the Office of the United Nations High Commissioner for Human Rights, the Shanghai Cooperation Organization and international human rights organizations, such as Human Rights Watch and the American Association of Jurists, were present as observers. No restrictions were placed by the court on observing the trial. Both sides (defence and prosecution) were provided with equal conditions and opportunities for conducting impartial adversarial proceedings. Unfortunately, for political or other reasons a number of human rights organizations and political circles in other countries were unable to be objective about the trial and questioned the actions taken by the investigative authorities and judicial bodies to bring the perpetrators to justice. The allegations in the communication are unfounded concerning procedural violations during the investigation and trial. In particular, the allegations cast

						<p>doubt on the sincerity of the defendants' testimony and the participation of lawyers in the pretrial investigation and the trial. These baseless allegations reveal an obvious ignorance of the principles and provisions of Uzbek legislation on criminal procedure and a biased attitude towards the judicial proceedings against persons accused of committing a number of serious offences. In the present case, it should be pointed out that, pursuant to article 46 of the Uzbek Code of Criminal Procedure, the accused has the right to make any statement concerning the substance of the charges. At the same time, the accused is not required to testify, prove his or her innocence or adduce any other evidence. However, sincere remorse is regarded as an extenuating circumstance (Criminal Code, art. 55). The confessions of the accused (defendants) were, in fact, very similar to the bill of indictment. There is no substance to the allegation that the confessions of the accused "tracked the prosecution statement practically word" by word since, in accordance with Uzbek legislation on criminal procedure, the indictment is drawn up on the basis of the evidence, including the statements made by the accused. This explains the similarity of the confessions made by the accused (defendants) with the bill of indictment. The allegation that the accused (defendants) confessed under torture is also false. During the pretrial investigation and the judicial examination, the accused and their defence lawyers did not submit any complaints concerning their subjection to physical,</p>
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						<p>psychological or any other form of coercion. Further proof of the baselessness of such allegations is the fact that a medical examination of each of the accused during the pretrial investigation did not reveal any traces of physical coercion. During the trial, the presiding judge asked the defendants on a number of occasions whether they had been subjected to illegal methods or physical or psychological coercion. The defendants invariably answered in the negative. As to the allegation that the court did not examine the evidence sufficiently, it should be pointed out that, during the pretrial investigation, all substantiated evidence was carefully, thoroughly, comprehensively and objectively studied. As a result, the body of evidence collected showed without a doubt that the accused were guilty as charged. The evidence was set out in the bill of indictment, copies of which were given in good time to all the accused and to the lawyers representing their interests, and was carefully examined by the court. The evaluation of the evidence and of the defendants' plea of guilty or not guilty is the prerogative of the court. Any conclusions concerning insufficient examination of the evidence made prior to the court's handing down of its decision are premature and may be regarded as coercion of the court. There is no substance to the allegation that the authorities may be using the charge of terrorism in this matter as a tool to punish the defendants for the religious or political beliefs and convictions they hold. Such an allegation shows how poorly informed the authors of the joint communication are about the nature and public</p>
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					<p>danger of the offences committed by the defendants. The case-file contains evidence showing that each defendant committed armed attacks on military facilities, police stations and other buildings, which were accompanied by the seizure of a large number of weapons, ammunition and hostages, the murder of law enforcement officers and civilians and the destruction of State property and the private property of citizens through arson, as well as a number of other particularly cruel and cynical crimes that cannot be justified under any circumstances by religious dogmas or political beliefs and convictions. The allegation of improper conduct by lawyers in the performance of their professional duties is the purely subjective opinion of the authors of the joint communication. Pursuant to articles 46 and 50, the accused (defendants) have the right to choose or refuse a lawyer. The lawyers representing the interests of the defendants were chosen directly by the defendants themselves. No restrictions were placed on lawyers' meetings with the defendants, and no interference in lawyers' activities was reported. During the pretrial investigation and the trial, the accused (defendants) did not request the dismissal of the lawyers who had been selected or for their replacements.</p>
539		3/11/05	JUA	WGAD; FRDX; IJL; TOR;	<p><b>Sanjar Umarov</b>, leader of the opposition political movement "Sunshine Coalition", which has close ties with the Ozod Dekhkon ("Free Peasants") opposition party. On 22 October 2005, he was arrested. On 24 October, his lawyer found him in his cell at Tashkent City Police Department's detention facility, naked and incoherent covering his face with his hands and rocking back and</p> <p>By letter dated 29/11/05, the Government informed that the Economic Crimes and Corruption Department of the General Procurator's Office was carrying out the investigation regarding <b>Sanjar Umarov</b>, who is suspected of economic crimes over a long period of time. He was arrested by the law enforcement officials. On 25 October 2005, a</p>

					<p>forth. He did not react when his attorney called him. Since this visit, his attorney has not been able to talk to his client or to the investigator on his case.</p>	<p>specialist of the Office of Forensic Medicine of the Tashkent Central Department of Health examined him in the presence of official witnesses, and he was found not to have any physical injury. Upon the application of the lawyers, a psychiatric examination was conducted by specialists from a psychiatric clinic. On 7 November 2005, the examination concluded that Mr. Umarov was not suffering from mental illness. On the same day, a medical examination was conducted which concluded that he was physically healthy.</p>
540		9/12/05	JUA	WGAD; RINT; TOR;	<p><b>Nozim Rakhmonov, Azomodin Kosimjonov, Abdurakhman Ibragimov, Tohirjon Abdusamatov, Shoimat Shorakhmedov, Alisher Mirzakholov, Abdurauf Kholmuratov, Alijon Mirganiev, Farkhod Islamov, Rukhiddin Fakhrutdinov and Sharafutdin Latipov.</b> Beginning on 23 November 2005, they were arrested by Kazakh authorities in southern Kazakhstan, and handed over to the Uzbek authorities at the border. They are now in the custody of the Ministry of Internal Affairs, Tashkent. They are accused of either "Wahabbism", membership in "Akramia", a banned religious movement, or participation in the Andijan events of May 2005.</p>	
541	Venezuela	Follow-up to past cases			<p><b>Narciso Barrios, C. B., J. B., R. B., Oneida Barrios, Eloisa Barrios, Inés Barrios, Elvira Barrios, Luis Barrios y Justina Barrios</b> (E/CN.4/2005/62/Add.1, para. 1935-1937).</p>	<p>Por carta con fecha 7/03/05, el Gobierno informó que el 20 de Enero 2005, la Dirección General de Servicios Jurídicos de la Defensoría del Pueblo remitió oficio a la Dirección de Protección de Derechos Fundamentales del Ministerio Público, solicitando información sobre las medidas de protección adoptadas para resguardar la vida y la integridad física de los miembros de la familia Barrios, específicamente de aquellos</p>

						<p>mencionados en la Resolución de la Corte Interamericana de Derechos Humanos con fecha 23 de noviembre de 2004. En la misma fecha se solicitó también información a la Defensoría del Pueblo Delegada en el Estado de Aragua sobre el estado de las investigaciones sobre las presuntas violaciones a los derechos humanos de los ciudadanos Eloísa Barrios, J. B., R. B., Oscar Barrios, Inés Barrios, Pablo Solórzano, Beatriz Barrios, C. B., Carolina García y Juan Barrios; como también el nivel real de ejecución de la medida de protección dictada por el Juzgado de Control N° 9 del Circuito Judicial Penal de Aragua a favor de las antemencionados personas; así como la medida de protección acordada específicamente a favor del ciudadano C. B. por el Juzgado de Control N°7 del mismo Circuito Judicial. Con fecha 27 de enero de 2005 el Ministerio Público dio respuesta a esta solicitud indicando que se abrieron tres investigaciones: La primera investigación se abrió con respecto a la muerte del ciudadano Narciso Barrios y de las presuntas amenazas recibidas por distintos integrantes de la familia Barrios Ravelo, así como el supuesto hurto cometido en la residencia de las ciudadanas Eloísa Barrios, Elvira Barrios y Justina Barrios. Se habían practicado diversas diligencias investigativas, y en el momento de enviarse la respuesta, la Fiscal se encontraba haciendo un estudio de la causa a fin de emitir el acto conclusivo correspondiente. La segunda investigación, abierta con respecto a los presuntos abusos, maltratos y privación ilegítima de libertad en perjuicio de los ciudadanos Jesús Ravelo,</p>
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					<p>Gustavo Ravelo, Luisa de Ravelo, Elvira Barrios, Oscar Barrios, J. B. y N. A. B. se encontraba en fase de investigación, durante la cual se habían practicado diversas diligencias. El Gobierno informó además que el 15 de marzo de 2004, la Fiscal Superior del Ministerio Público del Estado Aragua solicitó medidas de protección para los ciudadanos Pablo Solórzano, Eloisa Barrios, Inés Barrios, Beatriz Cabrera Barrios, J. B., R. B., Maritza Barrios y Juan Barrios. La medida fue aprobada el 30 de Marzo de 2004. Las medidas fueron modificadas posteriormente el 13 de Mayo de 2004, cuando se asignó un destacamento de la Guardia Nacional más cercano geográficamente a las víctimas. El 24 de agosto de 2004, se adoptaron también medidas de protección a favor del ciudadano N. C. B. Todas las citadas medidas de protección fueron ratificadas por el Juzgado Noveno de Primera Instancia de Aragua el 3 de Diciembre de 2004, donde se acordó la constitución de una comisión permanente de funciones de la Guardia Nacional en el domicilio de los beneficiarios de la tutela con la obligación de enviar un informe semanal de sus actuaciones a la Fiscalía Superior del Estado Aragua. La tercera de las investigaciones, iniciada con ocasión a la muerte del ciudadano Luís Alberto Barrios, la cual se encontraba en fase preparatoria en el momento de enviarse la respuesta del Gobierno.</p>
542	Viet Nam	10/01/05	JUA	WGAD; HLTH; HRD; RINT;	<p>Ms. <b>Le Thi Hong Lien</b>, a 21 year-old teacher for the Vietnamese Mennonite Christian Church (the subject of a previously transmitted communication, E/CN.4/2005/101/Add.1, para.</p> <p>By letter dated 24/01/05, the Government informed that the allegations were totally untrue. Torture and other forms of ill-treatment are forbidden. The right of Le Thi Hong Lien to</p>

				TOR; VAW;	606). She is currently detained in the prison infirmary at Chi Hoa Prison, Ho Chi Minh City, where she is suffering from severe mental illness. Prison guards told relatives that they did not have the means to care for inmates with such a severe illness and explained that they have resorted to tying her hands and feet to the bed. She is said to be receiving no treatment for her condition, which is likely to deteriorate further. She was arrested in June 2004 and sentenced on 12 November 2004 to 12 months in prison on charges of "resisting a person performing official duty". During her imprisonment she was beaten by prison guards, suffering particularly serious beating by a guard escorting her to and from her trial.	medical treatment and health care is ensured. Her right to physical and mental integrity is protected. By letter dated 2/04/05, the Government informed that she was among 7,820 inmates subject to a special amnesty for those who have demonstrated sincerity in their repentance and have made remarkable progress in prison.
543		3/06/05	JAL	RINT; TOR;	<b>Degars</b> , a Vietnamese Christian community in the Provinces of Gia Lai, Dak Lak, and Dak Nong. There have been attempts to force several Degar Christians to abandon their belief by threats or other forms of violence. Several pastors and a large number of Christians were arrested and warned not to practice their belief without government approval. During detention several of them were ill-treated. <b>Tuan Rla Yang</b> , aged 32 years, Buon Dak Ndrung village, Dak Song District, Dak Nong Province. On 25 December 2004, he was arrested, tortured in custody, and released on 20 February 2005. He died on 26 February 2005 as a result of his injuries. <b>Ksor Phuok</b> , aged 31, Plei Ring, Dak Doa District, Gia Lai Province. On 21 February 2005, he died after having been imprisoned and tortured between 7 April and 11 August 2004.	By letter dated 25/07/05, the Government informed that there is no person named Tuan Rla Yang in Dak Ndrung Village. There is a person called Dieu Tuan (Ama Phe) who was summoned to the local police station for questioning from 19 April to June 2004. He was not subjected to torture or beating. He was allowed to return to his home and died suddenly of a heart attack on 30 January 2005. His family buried him on 31 January 2005 and did not make any complaints. The Government informed that Ksor Phuok was arrested for acts instigating riots and assisting FULRO leaders. He was released on 11 August 2004. He died of cancer on 21 February 2005. His family buried him, and no complaint was lodged.
544		Follow-up to past cases			<b>Nguyen Dan Que</b> (E/CN.4/2005/62/Add.1, para. 1965 -1966).	By letter dated 31/01/05, the Government informed that he had been granted a special amnesty, along with 8,427 other persons.

545	Yemen	23/12/04	JUA	IJL; TOR;	<p><b>Ludo Mouafo, Pierre Pengou, Baudelaire Mechoup</b> and <b>Zacharie Ouafu</b>, all nationals of Cameroon. They have been held incommunicado in the Political Security Organization Prison, Sanaa, since they were arrested in a midnight raid of the Plaza Suites Hotel, Sanaa, in March 1995. The reason for their arrest is unknown. It is reported that they are detained in an underground cell in harsh conditions, including, among other things, inadequate ventilation, food, and access to health services. They have been denied contact with family, as well as visits by lawyers, doctors, and human rights organizations. Lack of access to the prisoners has prevented petitions to be brought on their behalf, as a prisoner's consent is required.</p>	
546		29/04/05	JUA	SUMX; TOR;	<p><b>Amina Ali Abduladif</b>, aged 21, who is reportedly scheduled to be executed on 2 May 2005. She was sentenced to death when she was 16 years old. She was convicted and sentenced to death on 24 May 1999 for the murder of her husband who was killed in January 1998. She was subjected to torture in order to force her to confess to the murder and that she has since maintained her innocence. The Yemeni Penal Code explicitly prohibits the imposition of capital punishment on anyone who was under the age of 18 at the time of the commission of the crime. Shortly after the President ratified her death sentence, Amina Ali Abduladif was actually put before a firing squad for the execution to be carried out. However, the execution was stopped when the executioners noticed that she was pregnant. She had become pregnant after she had been raped by one of the guards at Al-Mahawet Prison.</p>	<p>By letter dated 8/06/05, the Government informed that the President of the Republic of Yemen has given directions to stop the execution of the death penalty so that her case can be re-considered. The Government emphasized the importance of finding solutions with the family of the victim, so as to avoid the execution of the death penalty.</p>

547		27/06/05	JUA	WGAD; TOR;	<b>I. S.</b> , a 14 year-old member of the Zaidi community. On 8 May 2005, he was arrested after security forces stormed his family home in Sana'a. Since then, he has been detained incommunicado, possibly in the Political Security (Al-Amn Al-Seyasi) prison in Sana'a. Ibrahim Al-Saiani was injured by shrapnel during clashes in Sa'da between government forces and followers of Hussain Badr Al-Din Al-Huthi, a cleric from the Zaidi community. Ibrahim Al-Saiani's right arm is said to have been amputated, a piece of shrapnel is lodged in his skull, and he has an injury to his right leg.	By letter dated 23/09/05, the Government informed that he had participated in acts of sabotage in Saada Province and had been injured during the clashes with the security forces. He subsequently joined a terrorist cell in Sana'a, which perpetrated some acts of sabotage and explosions targeted against the security forces, governmental facilities and foreign embassies. He has been arrested along with a group of 37 persons and the courts are dealing with the case.
548		27/10/05	JUA	FRDX; IJL; RINT; SUMX; TOR;	<b>Yahya Al-Daylami</b> , a religious leader of the Shiite Zaidi community. On 9 September 2004, he was taken into custody in Sa'da by agents of the Political Security Force and held incommunicado at the intelligence detention centre in Sana'a. On 29 May 2005, a special criminal court sentenced Mr. Al-Daylami to death. He is currently awaiting execution, as the death sentence requires the approval of the President, which is still pending. He was detained for more than eight months without access to a lawyer or anybody else.	By letter dated, 14/12/05, the Government informed that his arrest had been carried out in accordance with procedural norms, under the supervision of the Attorney General. No complaint had been submitted a complaint of ill-treatment and he was able to receive visitors. It informed that the specialized court would have taken instant measures in the event that mistreatment had been confirmed.
549		10/11/05	JAL	FRDX; TOR;	<b>Moujib Soueileh</b> , a camera operator working for Al-Arabiya, an Arabic-language satellite TV news station. On 20 October 2005, in Sanaa, police officers beat him, insulted him and detained him for questioning for several hours at a police station in the Habra neighbourhood of Sana'a, for filming a demonstration staged by textile factory workers demanding payment for wage arrears. Mr. Soueileh suffered from internal bleeding, three broken ribs and bruises on one leg.	
550		17/11/05	JAL	Terrorism; TOR;	<b>Salah Nasser Salim 'Ali</b> , aged 27, and <b>Muhammad Faraj Ahmed Bashmilah</b> , aged 37, both Yemeni citizens. (See Indonesia above).	By letter dated 20/12/05, the Government informed that both of the men stated, when questioned, that they had not been tortured by

					the authorities. The two men were not arrested but rather were handed over to them by the United States authorities after having been accused of being members of Al-Qaeda. The Yemeni authorities detained them under the Code of Criminal Procedures with a view to questioning them and verifying the allegations made by the US authorities. The Yemeni authorities received the files on the two men from the US authorities on 10 November 2005, and the legal procedures are being completed pending their arraignment before the courts. Under the Prisons Act, detainees awaiting trial are legally entitled to access to medical treatment and rehabilitation programmes.	
551	Zambia	Follow-up to previously transmitted communication			<b>Martinho Ngola</b> (E/CN.4/2005/62/Add.1, para. 1973).	By letter dated 8/02/05, the Government informed that the Zambian Police Service does not have any record of the arrest or detention of Mr. Ngola at Lusaka Police Headquarters. There is also no record of him on the Arrested Prisoners Property Book. The Government requested further information to enable it to respond appropriately.
552	Zimbabwe	28/06/05	JUA	FRDX; HRD; TOR; VAW;	<b>29 members of the Women of Zimbabwe Arise (WOZA)</b> . On 20 June 2005 at around 11am, 100 women carrying placards and banners started a peaceful demonstration in Bulawayo, against alleged forced evictions of thousands of people in the context of Operation Murambatsvina (Drive out the Rubbish). Police officers blocked their way and the women sat down in protest. Twenty-nine women were arrested. They were all detained for 48 hours before appearing in court to face charges of blocking the traffic in violation of the Miscellaneous Offences Act. They were all released on bail. The first trial hearing before the Provincial Magistrate's Court is scheduled for 11	By letter dated 31/08/05, the Government informed that the incident took place on 18 June 2005 rather than 20 June 2005. The women concerned were blocking traffic, they were detained, charged under the Miscellaneous Offences Act, and were released on bail. No complaint had been filed by Siphwe Maseko concerning the alleged abuse she suffered. The Government expressed its commitment to investigating the case if a claim was filed.

				<p>July 2005. Many of the arrested women are themselves vendors who have lost their homes as a result of Operation Murambatsvina. It is moreover reported that the conditions of detention were inadequate and that the women were kept in small, dirty cells, without food and with only two blankets for them to share. While in detention, some of the women were assaulted. <b>Siphiwe Maseko</b>, for example, was indiscriminately picked out from the women and beaten with a baton on her back and on her feet by plain clothes officers. The officers tried to force her to give them names of the leaders and funding partners of WOZA.</p>	
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Annex

Model questionnaire to be completed by persons alleging torture or their representatives

Information on the torture of a person should be transmitted to the Special Rapporteur in written form and sent to:

Special Rapporteur on Torture  
c/o Office of the High Commissioner for Human Rights  
United Nations Office at Geneva  
CH-1211 Geneva 10, Switzerland

E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)

Although it is important to provide as much detail as possible, the lack of a comprehensive accounting should not necessarily preclude the submission of reports. However, the Special Rapporteur can only deal with clearly identified individual cases containing the following minimum elements of information.

I. Identity of the person(s) subjected to torture

A. Family Name

B. First and other names

C. Sex: Male Female

D. Birth date or age

E. Nationality

F. Occupation

G. Identity card number (if applicable)

F. Activities (trade union, political, religious, humanitarian/ solidarity, press, etc.)

G. Residential and/or work address

**II. Circumstances surrounding torture**

A. Date and place of arrest and subsequent torture

B. Identity of force(s) carrying out the initial detention and/or torture (police, intelligence services, armed forces, paramilitary, prison officials, other)

C. Were any person, such as a lawyer, relatives or friends, permitted to see the victim during detention? If so, how long after the arrest?

D. Describe the methods of torture used

E. What injuries were sustained as a result of the torture?

F. What was believed to be the purpose of the torture?

G. Was the victim examined by a doctor at any point during or after his/her ordeal? If so, when? Was the examination performed by a prison or government doctor?

H. Was appropriate treatment received for injuries sustained as a result of the torture?

I. Was the medical examination performed in a manner which would enable the doctor to detect evidence of injuries sustained as a result of the torture? Were any medical reports or certificates issued? If so, what did the reports reveal?



J. If the victim died in custody, was an autopsy or forensic examination performed and which were the results?

### III. Remedial action

Were any domestic remedies pursued by the victim or his/her family or representatives (complaints with the forces responsible, the judiciary, political organs, etc.)? If so, what was the result?

### IV. Information concerning the author of the present report:

- A. Family Name
- B. First Name
- C. Relationship to victim
- D. Organization represented, if any
- E. Present full address