

AMNESTY INTERNATIONAL

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AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AFR 44/019/2007 (Public)
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Nigeria: Amnesty International delegates say prison conditions 'appalling'

Amnesty International researchers, recently returned from Nigeria, have expressed shock at the prison conditions they witnessed and the protracted delays in Nigeria's justice system.

"The circumstances under which the Nigerian government locks up its inmates are appalling. Many inmates are left for years awaiting trial in filthy overcrowded cells with children and adults often held together," said Aster van Kregten, Nigeria researcher for Amnesty International. "Some prisoners are called 'forgotten inmates' as they never go to court and nobody knows how much longer their detention will last, simply because their case files are lost."

The Amnesty International delegation spent two weeks in Nigeria, visiting 10 prisons in the states of Enugu, Kano and Lagos, and in the Federal Capital Territory.

In the wake of its findings, the organisation called on the Nigerian government to properly fund urgent prison improvements and ensure all inmates are tried within reasonable time.

Inmates in many prisons routinely sleep two to a bed or on the floor in squalid cells. Toilets, often little more than holes in the floor, are generally overflowing by the end of each day. Disease is rampant in the filth and close quarters.

Three out of every five people in Nigeria's prisons are awaiting trial, often for years. Amnesty International researchers spoke to several detainees who reported that they had each spent eight years or more waiting for their cases to conclude. Protracted pre-trial detention is so commonplace in

Nigeria that periodic presidential and gubernatorial amnesties are routinely extended to those who have spent more time in prison awaiting trial than the maximum sentence they could receive if eventually convicted.

Children under the age of eighteen were held together with adults in four of the largest prisons Amnesty International visited. In Kuje Prison, located in the Federal Capital Territory, 30 boys—some as young as 11 and 12—shared a dormitory with over 175 adult men.

By law, Nigeria's prisons are tasked with inmates' rehabilitation. Some facilities visited by Amnesty International offered schooling or work opportunities to a limited number of prisoners, but even these centers lacked sufficient books, instructional supplies, and vocational training materials.

All facilities had medical staff and "welfare" officers, personnel charged with safeguarding the well-being of inmates, but prisoners commonly reported that access to staff or medication was available only to those who could afford bribes.

Such extortion may be explained in part—but in no way excused—by the economic hardships guards face. Underpaid as a rule, prison guards had just received their June paychecks at the end of July, they told Amnesty International.

Amnesty International's finding confirm those of various Nigerian presidential working groups and committees as well as other national and international organisations over several years.

"Our findings should not come as any surprise to the Nigerian government since the dire situation in the country's prisons has already been highlighted by numerous experts and organisations. What is needed now is urgent government action to tackle the enormous human misery and injustice of this situation, said Michael Bochenek, Amnesty International's Director of Policy and a member of the delegation to Nigeria.

Amnesty International will release a full report of its findings later this year.

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AMNESTY INTERNATIONAL

Public Statement

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Egypt: Rights of Individuals intercepted at the border with Israel must be protected

Amnesty International has today called on the Egyptian government to protect the human rights of individuals intercepted at the border with Israel who include refugees, asylum-seekers and migrants, and to launch immediately a thorough, independent, and impartial investigation into the killings of at least three Sudanese refugees or asylum seekers in recent weeks, and make its findings public.

This call came following the Egyptian authorities' statement regarding the government's "efforts to combat trespassing across the international borders with Israel". The statement, which was issued by the Ministry of Foreign Affairs on 11 August 2007, did not mention whether the Egyptian authorities had opened any investigation into the killings of refugees and asylum seekers at the border or the specific circumstances in which security officers at the border are instructed to use firearms.

The alleged killings occurred when Egyptian security forces at the border reportedly shot dead two men believed to be of Sudanese origin as they attempted to cross to Israel during the night of 1 and 2 August 2007. Two other men were said to have been arrested and beaten up by the security forces during the same night. Egyptian senior security sources have publicly denied that the shootings took place, although they have confirmed that two men were arrested by the Egyptian border police on 2 August, one of whom was said to be seriously injured.

Excessive use of force by the Egyptian security forces at the border with Israel has increased over the last few weeks. A Sudanese woman died on 22 July 2007, after allegedly being shot by Egyptian security forces while she was attempting to cross the border with Israel. Other Sudanese, including an 11-year old girl, and a woman from the Ivory Coast were also injured at the scene. Furthermore, on 8 August 2007, a 30-year old Sudanese refugee was found dead, with his hands and feet tied up and his body covered with bruises and wounds, near El-Tawayal village, some 20 km from the Rafah border crossing.

While states have the right to exercise authority over their border and to regulate entry into their territory, any measures taken in this regard must not come in conflict with or violate internationally recognized human rights law and standards. The Egyptian authorities must ensure that the fundamental human rights of all individuals intercepted at the border must be protected and respected. According to international standards such as the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, security force officers should use force in line with the principles of necessity and proportionality and should only employ firearms if lives are in danger and there is no other means to respond to that danger.

Amnesty International is concerned that Egypt may be sending to the border area law enforcement officials who do not have the necessary training for dealing with crowd-control situations, or adequate human rights training, or training to identify the needs of asylum seekers and refugees or other persons in need of international protection, thus putting the lives of these individuals at risk.

The organization is calling on the Egyptian authorities to ensure that security forces at the border comply with international standards governing policing activities, including the UN Code of Conduct for Law Enforcement Officials, and receive adequate training on fundamental human rights, in particular those protecting the rights to life and to physical and mental integrity of all individuals, among other rights.

In addition, raids by the Egyptian security forces in the border area between Egypt and Israel in July 2007 alone have reportedly led to the arrest of over 220 mostly Sudanese individuals, including refugees, asylum-seekers and migrants, who were trying to cross the border without official permission.

The organization calls on Egyptian authorities to respect the international prohibition on collective expulsions and guarantee that each case of expulsion is examined and decided individually. In every case, Egyptian authorities should ensure that no individual is forcibly returned to a country where he or she faces a risk of serious human rights abuses, in accordance with Egypt's obligations under international law, including the 1951 Convention Relating to the Status of Refugees and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Any decision to deport individuals found not to be in need of international protection following a fair and

satisfactory asylum procedure must only be taken after a careful examination of each individual case and must include adequate procedural safeguards, including the ability to challenge deportation decisions.

Background

In May 2007, the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families has in its concluding observations called on Egypt “to initiate training for all officials working in the area of migration, in particular police and border personnel ...”.

Thousands of individuals, including refugees, asylum seekers and migrants, who mostly come from Sudan and Eritrea as well as other parts of sub-Saharan Africa, try to cross from Egypt to Israel each year. Their numbers have been increasing in recent months and according to the Israeli Minister of Interior Meir Sheerit some 300 try to cross into Israel every week.

In December 2005, 27 Sudanese individuals, including refugees, asylum-seekers and migrants, were killed and others injured when police brutally dispersed what had been for three months a peaceful sit-in close to the offices of the UNHCR in Cairo. Police were said to have aimed water cannons at protesters and subjected them to indiscriminate beatings. The demonstrators, whose numbers had swelled to around 2,500 by December, were calling for improvements in their living conditions, protection from return to Sudan, and resettlement in Europe or North America. In June 2006, the Egyptian Public Prosecutor closed the investigation without anyone held responsible for the killings.

In its concluding observations, the Committee on Migrant Workers also expressed concern that the inquiry into these killings has been closed without any clarification being given regarding the circumstances leading to the death of the 27 Sudanese individuals and called on the Egyptian authorities to reopen this investigation.

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Public Statement

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Uganda: Proposed national framework to address impunity does not remove government’s obligation to arrest and surrender LRA leaders to the International Criminal Court

On 29 June 2007, the Ugandan government and the Lord’s Resistance Army (LRA), which are both accused of crimes against humanity and war crimes against the people of Uganda during the conflict in northern Uganda, signed an agreement on accountability and reconciliation purporting to establish a framework to address impunity in Uganda.

Reports indicate that negotiations during the drafting of the agreement focused significantly on bringing about the withdrawal of the International Criminal Court’s (ICC) arrest warrants for four senior

LRA leaders - Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen -- by setting up alternative national processes. The ICC has charged the men with crimes against humanity and war crimes.

Although the agreement commits the parties to establishing "accountability proceedings" and providing for reparations, Amnesty International has a number of concerns about aspects of the agreement which are vaguely defined and could ultimately result in a denial of justice and full reparations for victims. For example, the agreement provides for establishing "alternative justice mechanisms" and "alternative penalties" for serious crimes, without defining them.

The agreement between the LRA and the government is not binding on the ICC, whose primary purpose is to ensure that such serious crimes are investigated and, where there is sufficient admissible evidence, those suspected of the crimes are prosecuted fairly and effectively. If the ICC convicts persons, it can order that they provide reparations to the victims and their families.

Although the Ugandan government may decide to challenge the admissibility of the cases before the ICC on the basis that it is able and willing to prosecute the crimes before national courts, the Rome Statute is clear that the ICC will not defer its cases to national authorities if it determines that the national proceedings:

would be undertaken for the purpose of shielding the person from criminal responsibility, or would not be conducted independently or impartially and, they would be conducted in a manner which, in the circumstances, is inconsistent with an intent to bring the person to justice.

In the circumstances where there has been no clear commitment to prosecute genuinely the four men for the crimes for which they are charged by the ICC before Ugandan's criminal courts, Amnesty International continues to call for the four men to be arrested and surrendered to the ICC without further delay.

In fact Uganda does not have the laws in place to prosecute the crimes at this time. Draft implementing legislation for the Rome Statute, which would define genocide, crimes against humanity and war crimes as crimes under Uganda law, has not yet been enacted. Recommendations made by Amnesty International three years ago to bring the draft into line with Uganda's obligations under international law have still not been implemented (see: Amnesty International's Concerns about the International Criminal Court Bill 2004 , AI Index: AFR 59/005/2004, issued on 27 July 2004).

Arresting and surrendering the men to the ICC would be entirely consistent with the government's commitment to accountability contained in the agreement. Furthermore, enabling the ICC to prosecute the cases would allow the government to focus on developing an effective national system to address the thousands of other crimes committed during the conflict.

The development of effective national legislation, policies and procedures to further define the framework to address these other crimes, as provided for in the agreement, will be fundamental to ensuring the rights of victims to justice, truth and reconciliation are implemented. In particular, Amnesty International repeats its call for the government to ensure that the following essential elements are incorporated into a national strategy to end impunity, which could be effectively supplemented and complemented by proposed traditional justice mechanisms:

Ensure that all those responsible for crimes under international law committed in the conflict are brought to justice before national courts, thereby bringing justice to victims and establishing an effective deterrent to future crimes.

Establish effective mechanisms to provide full reparations to victims to address their suffering and help them rebuild their lives.

Ensure that courts deal with those recruited as children by the LRA and the Uganda People's Defence Forces (UPDF) who served as child soldiers are dealt with in a manner which fully

respects international law and standards concerning juvenile justice, taking into account mitigating factors such as abduction and duress, and ensuring reparations, as part of a broader program of rehabilitation and reintegration of child soldiers.

Develop effective mechanisms to establish the truth about the crimes committed during the conflict by allowing those affected to tell their stories.

/ENDS

PRESS MATERIAL FORMATS:

Press Release: Issued when AI has something to say which has news value. 1.5 pages maximum, with quotes.

News Flash: Immediate reaction to breaking news (preferably within 1-2 hours). 2-3 paragraphs including quote.

Media Advisory: Provides details of forthcoming event. 1 page maximum.

Public Statement: Puts AI's position on public record when the story lacks news value. 2 pages maximum. No quotes. Not proactively sent to media by IS.

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