

AMNESTY
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THE STATE OF THE WORLD'S HUMAN RIGHTS

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This report covers the period January to December 2009.

Musoni, in November. The arrests, on charges of crimes against humanity and war crimes committed by the FDLR in eastern DRC, reportedly followed a year-long investigation and were the first arrests of senior political or military leaders for crimes committed in the Kivu provinces. Other leaders accused of war crimes and other serious human rights abuses in the DRC remained abroad, free from prosecution. They included Laurent Nkunda, ousted military head of the CNDP, held in Rwanda since January.

The trial before the ICC of Thomas Lubanga, charged with the war crimes of recruiting and using children under the age of 15 in hostilities, began in January. The trial had not concluded by the end of the year. The ICC trial of Germain Katanga and Mathieu Ngudjolo Chui began in November. They had been jointly charged with war crimes and crimes against humanity, including the recruitment and use of children aged under 15, murder, rape and sexual slavery. Charges of war crimes and crimes against humanity against former DRC Vice-President Jean-Pierre Bemba Gombo, in ICC custody since July 2008, were confirmed in June 2009. His trial was expected to start in 2010.

Amnesty International visits/reports

- ✉ Amnesty International delegates visited the country in March, July and October.
- 📄 Democratic Republic of Congo: Submission to the UN Universal Periodic Review (AFR 62/009/2009)
- 📄 Democratic Republic of Congo: Open Letter to President Kabila regarding Bosco Ntaganda (AFR 62/011/2009)
- 📄 Democratic Republic of Congo: More prosecutions should follow for war crimes in the Kivus (AFR 62/019/2009)
- 📄 Democratic Republic of Congo: Governments launching offensives against armed groups must take precautions to avoid civilian casualties, 20 January 2009

DENMARK

KINGDOM OF DENMARK

Head of state:	Queen Margrethe II
Head of government:	Lars Løkke Rasmussen (replaced Anders Fogh Rasmussen in April)
Death penalty:	abolitionist for all crimes
Population:	5.5 million
Life expectancy:	78.2 years
Under-5 mortality (m/f):	6/6 per 1,000

New provisions were introduced allowing the use of secret information in deportation and expulsion cases. The authorities planned to use "diplomatic assurances" (unenforceable promises from the countries where individuals were to be returned) to return people suspected of terrorism to countries known to practise torture. There were forcible returns to Iraq. Measures to combat violence against women were inadequate.

Counter-terror and security

In July, amendments to the Aliens Act entered into force and were applied retrospectively. The new provisions allowed for the appointment of a lawyer from an approved list, when the authorities wished to expel or deport foreign nationals on "national security grounds" based on secret information. These security-cleared lawyers would have access during closed hearings to the secret material used to justify the expulsion or deportation, but they would be barred from disclosing it to the individual concerned or his or her lawyer of choice. The measures contravened fair trial standards.

In February, the UN Special Rapporteur on torture expressed concern about plans to rely on "diplomatic assurances" when returning people suspected of terrorism to countries known to practise torture.

■ At the end of the year, the civil proceedings issued in 2007 by Ghousouallah Tarin, were ongoing. He was one of reportedly 31 Afghan nationals detained by the Danish contingent of the International Security Assistance Force in Afghanistan in 2002. He complained that after his transfer from Danish to US custody he was tortured or otherwise ill-treated. Some witnesses, who were current and former high-level employees of the Danish Ministry of Defence, had not yet testified by the end of the year.

Torture and other ill-treatment

Although amendments to the Civil and Military Criminal Codes had introduced torture as an aggravating circumstance for various criminal offences in 2008, and the Danish Criminal Code contains provisions punishing acts that amount to torture, Danish criminal law continued to omit torture as a specific crime in its own right.

The UN Special Rapporteur on torture expressed concern at, among other things, the extensive use of solitary confinement, particularly of pre-trial detainees.

Minors held on remand were regularly detained in the same facilities as adult inmates.

Police and security forces

In December, the government tabled legislation to establish a new police complaints system.

The policing of demonstrations held in December during the UN Climate Change Conference in Copenhagen gave rise to concern. There were reports of use of excessive force, such as the use of pepper spray against demonstrators who were already under police control. Of the 968 demonstrators detained under the new provisions of administrative, preventive arrest, almost all were later released without charge.

Refugees and asylum-seekers

In August, in the middle of the night, police raided a church in Copenhagen, and detained a number of Iraqi asylum-seekers who had sheltered there for months. There were complaints that the police used excessive force to remove people who were demonstrating in solidarity with the asylum-seekers.

During the year, 38 Iraqi asylum-seekers were forcibly returned to Iraq, including at least 25 to central and southern Iraq contrary to the advice of UNHCR, the UN refugee agency.

Newly arrived refugees and other aliens were still only entitled to between 45 and 65 per cent of regular welfare benefits, giving rise to concern that this would lead to their being destitute.

Violence against women and girls

In February, the UN Special Rapporteur on torture expressed concern at the high incidence of assault and sexual offences against women in Greenland.

In August, the UN Committee on the Elimination of

Discrimination against Women (CEDAW Committee) expressed concern at the increase in the total number of women subjected to physical violence between 2000 and 2005, and that immigrant women were most affected. The CEDAW Committee noted that foreign married women, whose immigration status depended on that of their spouses, were particularly vulnerable as victims of domestic violence. The strict seven-year residence requirement for permanent residency gave rise to concern that it may prevent women from leaving abusive relationships and seeking assistance.

The CEDAW Committee concurred with the UN Special Rapporteur on torture, that the government's emphasis on the repatriation of trafficking victims to their country of origin, rather than on their recovery and rehabilitation, was a matter of concern.

The authorities failed to address the lack of legal protection and redress for rape survivors. However, in November the government commissioned an expert committee to examine existing rape legislation and make recommendations.

DJIBOUTI

REPUBLIC OF DJIBOUTI

Head of state:	President Ismael Omar Guelleh
Head of government:	Prime Minister Dileita Mohamed Dileita
Death penalty:	abolitionist for all crimes
Population:	900,000
Life expectancy:	55.1 years
Under-5 mortality (m/f):	134/116 per 1,000
Adult literacy:	70.3 per cent

Freedom of expression was restricted. The government prevented trade unions from operating freely. Human rights defenders were harassed and intimidated by the authorities.

Background

Unemployment remained high. The global rise in food prices contributed to an increase in malnutrition among the poor. Eritrea maintained a troop presence in the disputed Ras Doumeira area and Doumeira Island.