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# International Legal Updates

Matthew Solis

*American University Washington College of Law*

Jennifer Jaimes

*American University Washington College of Law*

Rukayya Furo

*American University Washington College of Law*

Ari Levin

*American University Washington College of Law*

Morgan E. Rog

*American University Washington College of Law*

*See next page for additional authors*

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**Authors**

Matthew Solis, Jennifer Jaimes, Rukayya Furo, Ari Levin, Morgan E. Rog, Mahreen Gillani, and Alex Cheng

## INTERNATIONAL LEGAL UPDATES

### UNITED STATES

#### JENA SIX EVENTS REVEAL RACIAL INEQUALITY IN U.S. CRIMINAL JUSTICE SYSTEM

In September 2006, a black student at Jena High School in northern Louisiana asked school officials for permission to sit under a tree. The events that followed brought entrenched racism and segregation to the forefront of debates in the United States.

Students referred to the tree as “the white tree,” where white students sat during breaks at school. The day after the student sat below the tree, three nooses appeared hanging from the tree. The school’s principal found three white students responsible for the nooses, but the superintendent denied his recommendation to expel the students and instead imposed a three-day suspension. Reed Walters, District Attorney for LaSalle Parish — in which Jena is located — visited the school on the day of a planned silent protest. Walters told students that the nooses were “an innocent prank” and threatened, “I can be your best friend or your worst enemy. I can take away your lives with the stroke of my pen.” Racial tensions persisted through December. The main building of the school was burned down, and black student was beaten at a “white party.” In another incident in Jena, a white man confronted a group of young black men with a shotgun. They wrestled it away and were arrested, while the white man faced no charges.

Racial animosity culminated on December 4, 2006, when a group of black students beat a white student. The white student had allegedly attacked the black student at the “white party” and taunted the black students with racist language. Six black students were arrested, charged with attempted second-degree murder, and expelled. Most of the young men, who became known as the “Jena Six,” remained in jail for months because their families could not afford to post bail for their release.

The first student to face trial was 16-year-old Mychal Bell. Walters tried Bell as an adult based on his prior criminal record but decreased the attempted murder charge to aggravated battery and conspiracy. Walters argued that the dangerous weapon, required for a charge of aggravated battery, was Bell’s sneaker. The prosecution’s case included 17 witnesses. Bell’s public defender put on no case in his defense. The all-white jury included friends and a relative of prosecution witnesses and two of Walters’s friends. The jury found Bell guilty, and he faced a maximum of 22 years in prison.

On appeal, Bell obtained new attorneys who argued that he should not have been tried as an adult. The judge agreed, dropping the conspiracy charge, but left the adult battery conviction intact. Bell’s first victory came on September 14, when Louisiana’s Third District Court of Appeals overturned his conviction, finding that he should not have been tried as an adult. Walters appealed the decision to the Louisiana Supreme Court. Bell was released from jail, but imprisoned again on October 12 for a violation of probation stemming from an unrelated charge.

Bell’s case has received widespread national and international attention from the media, civil rights groups, community leaders, politicians, celebrities, students, and other concerned citizens. In September 2007, over 20,000 individuals rallied in Jena to protest Bell’s conviction and the disparity in treatment of blacks and whites in LaSalle’s criminal justice system. Growing support for the young men also sheds light on state and national criminal justice systems that are often criticized as inherently racist.

#### U.S. DEPARTMENT OF JUSTICE ALLEGEDLY AUTHORIZED TORTURE

A recent report in the *New York Times* claims that the U.S. Department of Justice (DOJ) confidentially endorsed the Central Intelligence Agency’s (CIA) interrogation techniques. The report stems from a three-month investigation that included

interviews with at least 25 current and former U.S. government officials. The DOJ opinion in question, dating from February 2005, allegedly authorizes the use of tactics including head slapping, stress positions, sleep deprivation, water boarding — a form of simulated drowning — and freezing temperatures.

In 2004 the DOJ released an opinion that called torture “abhorrent.” This opinion appeared to be the Bush Administration’s representation of its approach to torture. The newly discovered 2005 memos may unveil an entirely different policy, however.

Following the September 11, 2001, attacks in New York, Washington, D.C. and Pennsylvania, the United States began employing previously unused interrogation tactics, including those allegedly condoned in the secret memos. The Bush Administration’s policy towards torture first came into question in 2002 when a DOJ opinion described all methods of interrogation as legal unless they caused pain parallel to organ failure, impaired bodily function, or resulted in death. The memo was eventually withdrawn, and at the end of 2004, the DOJ posted on its website the new opinion categorizing torture as “abhorrent.” This new policy left in question many of the CIA’s interrogation techniques, but the Administration seemed to finally condemn “cruel, inhuman, or degrading” methods.

The White House acknowledged the existence of the February 5, 2005, opinion, and stated that it merely clarified the application of the 2004 opinion. The Bush Administration defended the CIA’s interrogation methods by not defining them as torture, but also did not provide an actual definition. The Administration declared that it would not grant Congress access to the secret opinion because it constitutes protected work product produced by the DOJ to advise the Executive Branch. Until the content of the secret memos is revealed, it is unknown whether the Bush Administration and the CIA violated domestic and international law. This

includes the United Nations Convention Against Torture, which condemns “cruel, inhuman, or degrading” methods of interrogation.

### **PROPOSED LEGISLATION MAY BRING HURRICANE KATRINA VICTIMS HOME**

U.S. Congress will debate legislation that could secure the return of displaced victims of Hurricane Katrina. The House of Representatives passed The Gulf Coast Housing Recovery Act of 2007 (the Act), and it currently awaits debate in the Senate. The Act is comprehensive. It would ensure the opportunity for thousands of people who remain displaced from New Orleans, Louisiana to return home. Furthermore, the Act ensures that people who resided in public housing in the city of New Orleans have the right to return, which is a key issue of contention.

On August 29, 2005, Hurricane Katrina struck the U.S. Gulf Coast, causing unprecedented damage and sending tens of thousands of people from their homes. In the two years since, citizens of the Gulf Coast, nongovernmental organizations, and local and national media have criticized the region’s recovery as woefully flawed. A major criticism is the failure to provide thousands of the city’s most vulnerable victims with an opportunity to return to their homes.

The Act would empower the Department of Housing and Urban Development (HUD) to restore and rebuild enough public housing to ensure that every displaced victim has an opportunity to return. HUD, a U.S. cabinet department, executes policies on housing and cities. Under the Act, the Secretary of HUD must perform an independent study that would determine how many displaced former public housing residents wish to return to New Orleans. Three thousand units would be built immediately. HUD would also be responsible for replacing demolished housing units on a one-for-one basis. The exact number of units prior to the storm would be restored.

Opponents of the Act, including the Bush Administration and Louisiana Republican Senator David Vitter, cite this provision as one of its major flaws. Senator Vitter contends that the Act merely proposes rebuilding the “old” public housing

system, which was decried as a breeding ground for drugs, violence, and perpetual poverty. He claims one-for-one replacement would waste resources because over 650 public housing units and hundreds of other government-subsidized housing units in the city remain unoccupied.

Proponents of the Act argue that Senator Vitter’s dream of mixed-income public housing is shared among Congress and members of New Orleans’s public housing communities. Proponents believe that ensuring a return home is a priority, but they also support the Act’s voucher system, which allows displaced residents to move into new mixed-income housing units that will be built. Mandatory replacement merely guarantees that a residence, old or new, be made available to displaced citizens.

As the Senate debate draws near, the Bush Administration recently approved a plan by the Housing Authority of New Orleans to demolish the city’s four largest housing projects, totaling 4,500 units. Community organizations and individuals oppose the demolition of the homes. Former residents believe the storm was used to hasten an agenda of privatization and exclusion of low-income families. In the place of the old housing projects, developers plan to build housing that would dramatically reduce the original number of units and raise rental prices to levels unaffordable to most low-income families. Most of the units to be demolished are habitable but remain empty. The Act would ensure that each of these 4,500 units would be replaced by a comparable unit somewhere in the city. Until a policy guarantees availability of the number of units necessary to ensure the return of every displaced citizen, the replacement of public housing with mixed-income housing threatens the return of a segment of New Orleans’s population that is vital to the city’s identity and culture.

### **LATIN AMERICA**

#### **ALBERTO FUJIMORI EXTRADITED TO PERU**

In September Chile’s Supreme Court accepted the extradition request for former Peruvian President Alberto Fujimori to Peru, where he will face human rights and corruption charges. Mr. Fujimori was President of Peru from July 1990 to

November 2000. While he has been credited with improving Peru’s economy and making inroads against the Maoist guerrilla organization Shining Path or *Sendero Luminoso*, others assert that he committed human rights violations during his presidential term.

Fujimori resigned as a result of the collapse of his government and travelled to Japan where he sought and was granted asylum. In 2005 he moved to Chile, with the aim of returning to Peru, but in November of that year the Chilean authorities detained him. In January 2006, Peru requested Fujimori’s extradition, but a Chilean judge rejected the request. Peru appealed the decision. The Chilean Supreme Court subsequently ruled for Peru and extradited Fujimori on September 22, 2007.

Chile’s Supreme Court accepted seven of the 13 charges presented against Fujimori. Two of those charges concern human rights violations, while the other five charges involve allegations of corruption. The first human rights charge regards an incident that took place on November 3, 1991, at a barbecue in Barrios Altos, Peru. Fujimori allegedly sanctioned the killing of 15 citizens, including an eight-year-old child, by the paramilitary death squad the Colina Group. The second human rights violation charge is for an event that took place on July 18, 1992. Fujimori allegedly authorized the Colina Group to kidnap and murder a professor and nine students from Lima’s La Cantuta University. The five corruption charges involve bribery, embezzlement, illegal phone tapping, and misuse of government funds to obtain support and control of the media during his re-election campaign.

The decision of the Chilean Supreme Court presents the first instance in which a court has extradited a former head-of-state for trial in his own country. As a former head-of-state, Fujimori retains certain privileges: for instance, he can only be tried by the Peruvian Supreme Court. Furthermore, under international law he can only be tried for the charges for which Chile’s Supreme Court held he could be extradited.

On his arrival in Peru, Fujimori was placed in a police station located in the eastern outskirts of Loma, where he has been allowed to have a guitar and to

receive conjugal visits. While each human rights charge carries a thirty-year sentence and each corruption charge carries a ten-year sentence, in Peru charges are served concurrently. Consequently, Peruvian prosecutors estimate that Fujimori faces a maximum sentence of thirty years and a fine of \$33 million. Human rights organizations such as Amnesty International assert that the Chilean Supreme Court's decision to extradite the former President is a crucial step to ensure that all victims of Fujimori's alleged human rights violations receive justice and reparations.

### **NICARAGUA'S NATIONAL ASSEMBLY REAFFIRMS BAN ON THERAPEUTIC ABORTIONS**

On September 13, 2007, Nicaragua's National Assembly reaffirmed a law banning all therapeutic abortions, including cases in which the pregnancy is the result of rape or incest and in which the pregnancy endangers the life of the mother. The law threatens to convict those who perform an abortion with a 30-year prison term. This law, originally passed in November 2006, overturned a 1983 provision that banned all abortions except for those cases where the life or health of the mother was at risk.

Human rights organizations allege that the law was only passed because political parties wish to garner and maintain the support of the Roman Catholic and evangelical churches in Nicaragua. They argue that the law violates international human rights standards by risking pregnant women's health. Several organizations, such as the European Commission and the Inter-American Commission on Human Rights, have also opposed the ban for violating women's rights. Some organizations, among them Human Rights Watch, have expressed their concerns to Nicaraguan President Daniel Ortega and to the state's Supreme Court, asking the Nicaraguan government to repeal ban.

Many Nicaraguan doctors have refused to provide pregnant women required care when they suffer severe health conditions. Some doctors are now reluctant to treat cases that could affect the fetus in any way out of fear that they may violate the law. Opponents of the ban on therapeutic abortions claim that the ban is responsible for the deaths of numerous Nicaraguan women

who required abortions but were unable to attain them. Government statistics suggest that, in general, during the last 11 months more than 80 pregnant women have died, and that over the last year, maternal mortality rates in Nicaragua have increased by 100 percent.

### **MEXICAN MILITARY ACCUSED OF HUMAN RIGHTS VIOLATIONS**

Since Mexican President Felipe Calderon took office in December 2006, the Mexican military has been praised for its positive steps in fighting drug traffickers and in purging corrupt local police departments. With the prominence of the military's work and its involvement in various high profile operations, however, have come allegations of human rights violations. Specifically, Mexico's National Human Rights Commission recently accused the military of responsibility for four human rights violations. The Commission also made multiple recommendations to President Calderon about how to address these issues.

The first of the allegations concerns a July 2006 incident in the northern state of Coahuila, in which 14 women were allegedly raped by the military. The second reported violation occurred in the state of Michoacan in early May of this year, while soldiers were investigating the death of five other soldiers. During the investigation, soldiers allegedly stole money from civilians, tied them to poles, and tortured them to obtain information. During the same incident, four teenagers were sexually abused by the military. Several days later, also in Michoacan, at least seven adults and one child were detained and tortured. The final alleged abuse took place in the state of Sinaloa on June 1, 2007, when two drunk soldiers shot a truck in which three adults and five children were traveling. Two of the adults and three of the children died in the episode.

The Commission's recommendations to President Calderon include opening an investigation into these violations, detaining those responsible, educating the military on respect for human rights, ensuring the preparedness of military units before they are deployed, and compensating, either directly or indirectly, those who were injured.

### **PEACE PRIZE LAUREATE LOSES GUATEMALAN PRESIDENTIAL BID**

Human rights activist Rigoberta Menchú lost her bid for Guatemala's presidency on September 9, 2007. The 1992 Nobel Peace Prize laureate, a champion of women's and indigenous people's rights, was unable to gain the electoral support of the people whom she has represented all her life. While human rights organizations blame her poor election performance on an unclear political message and a failure to earn the trust of Guatemala's indigenous population, others cite deeply entrenched racial prejudice as an obstacle to Guatemalan's willingness to elect an indigenous woman as president.

While none of the candidates secured a majority of votes in September, Álvaro Colom and Otto Pérez Molina received the most votes. The results of the election triggered a November 4 run-off between these two candidates, which Colom won with nearly 53percent of the vote.

Colom represents the National Union for Hope party. This was Colom's third run for president. He considers himself a moderate social democrat and compares his views to those of President Lula da Silva of Brazil. Colom states that as president he will focus on social development and educational improvements.

Pérez Molina was the Patriotic Party candidate. He has a highly controversial past, because while he was in the military he was allegedly involved in human rights abuses, including the 1994 murder of a judge and the 1996 murder of a guerrilla leader. During the presidential elections, Pérez Molina proposed putting more soldiers on the street to reduce violence and strengthening the army and national police to reduce corruption.

Guatemala's elections could be critical. In addition to a lack of educational and employment opportunities, the country faces an increase in gang- and organized crime-related violence. Some observers believe that Menchú — the indigenous candidate and who was awarded the Nobel Peace Prize for her work in Guatemala's marginalized communities — could have been the answer to some of these problems.



## AFRICA

### HUMANITARIAN CRISIS IN ETHIOPIA'S OGADEEN REGION DRAWS CONCERN

Ogaden is located in the Somali region of Ethiopia, and is inhabited by ethnic Somali and Muslim groups. The region has faced numerous conflicts spanning back to 1954, when the British ceded the area to Ethiopia. Somalia has fought two wars with Ethiopia since then, trying to regain the Somali region, but was defeated both times. In 1984, ethnic Somalis in the Ogaden region formed the Ogaden National Liberation Front (ONLF), a secessionist group fighting for the independence of Ogaden. In June of this year, the Ethiopian National Defense Forces (ENDF) launched a military attack on the small region, in an attempt to eliminate the ONLF forces. The military campaign began after members of the ONLF launched several attacks, most notably an April attack on Chinese personnel who were working on an oil installation project.

An October report by the United Nations Office for the Coordination of Humanitarian Affairs in Ethiopia (OCHA) warns of a looming humanitarian crisis in Ogaden due to the increased military action. The report came after a week long UN inter-agency mission to the conflict-ridden area. The report documented a major crisis resulting from lack of healthcare and food distribution. OCHA expressed concerns over the rapidly deteriorating humanitarian conditions, and added that "the nutritional status of the population will rapidly worsen within two or three months if only limited quantities of commercial food continue to be available." As a result of the food shortages, the price of food in the Ogaden region has almost doubled, raising health concerns for the approximately 1.8 million people living in the affected zones.

Human Rights Watch (HRW) also released a statement documenting the escalating human rights abuses in the region. According to a statement to the U.S. House Foreign Affairs Committee, HRW has documented "massive crimes by the Ethiopian army," including intentional targeting of civilians, burning of villages, public executions, rampant sexual violence, thousands of arbitrary arrests and widespread torture and death in military custody. In addition, a

trade and humanitarian relief blockade has shut off the entire region to food and aid, forcing hundreds of thousands of people from their homes, suffering from malnutrition. The HRW report calls the indiscriminate attacks on both military personnel and civilians, as well as the starvation of those living in the region, a violation of international law. HRW notes that the conflict in Ogaden bears a "frighteningly familiar pattern [to Darfur]: a brutal counter insurgency operation with ethnic overtones in which government forces deliberately attack civilians and displace large populations, coupled with severe restrictions on humanitarian assistance."

Recommendations made by OCHA and HRW include allowing an immediate and substantial increase in the amount of food and medical deliveries to the region, immediate and unimpeded access to humanitarian relief workers, and immediate actions to protect those civilians in the conflict areas.

### AU PEACEKEEPING FORCES KILLED BY DAFUR REBELS

In April 2004, the Sudanese government and rebel forces signed a ceasefire agreement attempting to end the Darfur conflict that has left hundreds of thousands dead and millions more displaced. The Darfur conflict began in 2003 when rebel forces — members of the Sudan Liberation Army (SLA) and Justice and Equality Movement (JEM) — began attacking government forces in retaliation for the government's oppression of black Africans in favor of Arabs. The Peace and Security Council of the African Union implemented the African Union Mission in the Sudan (AMIS) to perform peacekeeping missions, primarily in the western region of Darfur. The Peace and Security Council of the African Union established AMIS after the Sudanese government and the rebel forces signed a ceasefire agreement in April 2004. The first group of peacekeeping troops was sent out to Darfur in June of the same year, and by October, there were 465 soldiers from ten different African countries. The violence continued to grow however, and over the years, the number of peacekeeping troops has increased; today there are about 7,000 soldiers in Darfur. In recent weeks, however, the peacekeeping forces have come under increased attack from unidentified rebel groups.

At the end of September 2007, rebels raided an African Union (AU) peacekeeping base in Darfur, killing at least ten soldiers, kidnapping dozens more, and looting weapons from the peacekeeping base. The attack came shortly after extended efforts by the United Nations to encourage member countries to commit peacekeeping troops to the troubled region and to convince Sudan to accept the peacekeeping force. According to an AU spokesman, "Rebels swarmed the base just after sunset with 30 heavily armed trucks, surprising the guards and overwhelming the peacekeepers with a barrage of machine-gun fire." The attack is the worst faced by the peacekeeping forces since they arrived in the region three years ago.

Director of the Africa Program at Human Rights Watch (HRW) Peter Takirambudde has called the attack a "war crime" that "should be promptly investigated by the United Nations and the African Union." UN Secretary, Ban Ki-moon also condemned the attack, calling for "the perpetrators to be held fully accountable for this outrageous act."

The rebel attacks have not been limited to peacekeeping forces, however, and the area has seen an increase in the attacks on humanitarian relief workers who are in the region to assist the approximately four million people who have been affected by the violence. According to OCHA, such attacks on relief workers have increased by 150 percent in the past year alone.

Political negotiations between the Sudanese government and members of the rebel groups addressing the crisis in Sudan began on October 27, in the neighboring country of Libya. Convened by the United Nations and the African Union, the talks aim to resolve the issues of conflict that have plagued the region since 2003. Concern has been raised that the current attacks will deter those African countries that are considering contributing troops to the much anticipated United Nations-African Union peacekeeping mission. This initiative will increase the current number of peacekeeping troops in Darfur from 7,000 to 26,000 by the end of the year.

## MIDDLE EAST AND NORTH AFRICA UNFORESEEN CONSEQUENCES OF THE WAR ON TERROR: THE IRAQI REFUGEE CRISIS

More than four years after the U.S.-led invasion of Iraq, displacement of Iraqis throughout the Middle East has become both a major humanitarian concern and a multi-faceted regional problem. Since the start of the war in 2003, at least four million Iraqis have been displaced. Nearly two million of these displaced persons have become refugees in neighboring Middle East countries, mainly Syria and Jordan. With approximately 2,000 Iraqis being displaced each day, the Iraqi refugee situation is the world's fastest growing displacement crisis. Syria now hosts 1.4 million Iraqi refugees and Jordan hosts an estimated 500,000 or more. An additional 2.2 million people are living as internally displaced persons (IDPs) within Iraq, having been forced to flee their homes because of the ongoing sectarian violence.

Recently, the Syrian government imposed a strict visa requirement on Iraqi refugees, which effectively prevents them from entering Syria. The Syrian government feels that it has unfairly shouldered the burden of the Iraqi refugee crisis due to a lack of international support. The United States opposes Syria's alleged support of terrorist networks such as Hezbollah and Hamas, and has, therefore, provided limited assistance. Furthermore, humanitarian assistance reaches a very small minority of Iraqi refugees in Syria. Refugees interviewed by Amnesty International reported that they received no food and that their savings were depleted. Due to the dire conditions, some Iraqi refugees have resorted to forcing their daughters to engage in prostitution.

Within Iraq, refugees of Palestinian descent are especially vulnerable. Palestinians are suffering threats, torture, killings, and deplorable living conditions in refugee camps, such as al-Waleed Camp near the Syrian border. The Palestinians are being targeted for two main reasons. First, some Iraqis believe that Palestinians were given special treatment under Saddam Hussein's regime. Secondly, as Palestinians are non-Iraqis and mostly Sunni Muslim, there is a pervasive fear among Shiites within Iraq

that Palestinians will sympathize with the Sunni insurgency. According to the United Nations High Commissioner for Refugees (UNHCR), dozens of Palestinian children in al-Waleed camp and in Baghdad, are ill and in urgent need of medical treatment. A recent UNHCR team visited the al-Waleed camp in June and reported that while a small infirmary exists in the camp, many patients require hospitalization.

Amnesty International has criticized the international community's global apathy to the plight of Iraq's refugees. Aside from Syria and Jordan, the international response has not measured up to the magnitude of the crisis. Amnesty International maintains that Syria and Jordan have had to bear too much responsibility for the Iraqi refugee crisis as a result of the international community's failure to adequately address the problem and to provide sufficient aid. Financial and technical assistance is imperative to provide for health, schooling, and other needs of Iraqi refugees. In addition to financial and technical support, Amnesty International has appealed to countries who contributed troops to the U.S.-led Multi-National Force to assist in the establishment of resettlement programs for Iraqi refugees. According to UNHCR, in 2003, 1,425 Iraqi refugees were resettled in third countries (outside of Syria and Jordan), while only 404 were resettled in 2006. By accepting greater numbers of refugees and asylum seekers, other countries could at least partially alleviate the burden placed upon Syria and Jordan.

## HUMAN RIGHTS ABUSES AGAINST ETHNIC MINORITIES IN IRAN

The threat of Iranian nuclear proliferation commands the fervent attention of the international community. There is a serious danger, however, that preoccupation with this threat will obscure the human rights violations that occur on a daily basis in Iran. In particular, there has been an increase in human rights violations against ethnic groups such as the Baluchis and the Baha'is in Iran. Violations have included arbitrary arrests, torture, and mistreatment of prisoners.

Over the last few years, the number of executions of Baluchis in Iran has increased substantially. Death sentences in Baluchi areas have been imposed mainly for drug-smuggling and armed robbery,

banditry, and kidnapping. In August 2007, Amnesty International reported that up to 50 executions, out of a total of 156 executions across the country, have been of Baluchis.

The Baluchi minority comprises approximately one to three percent of Iran's total population of around 70 million. Most Baluchis are Sunni Muslims, although the majority of Iranians, around 90 percent, are Shi'a. This disparity sheds light on the religious tension between the government and the Baluchi population. As a direct result of this tension, Baluchis often do not receive fair trials and are arbitrarily deprived of life, a clear violation of international human rights standards.

Since 2005 a Baluchi armed group known as Jondallah, or the Iranian Peoples' Resistance Movement, has engaged in armed assaults on officials and members of the security forces, hostage-taking, and the killing of hostages. In response, Iranian security forces have arrested and tortured suspected militants. Around 1,000 trained Jondallah fighters appear to be based in Baluchi areas in Iran and across the border in Pakistan. While Jondallah's aims are not clear, statements by the group's leaders suggest that discrimination against Iran's Baluchi population is a catalyst for their actions. A vicious cycle exacerbates the violence — governmental discrimination breeds Baluchi aggression, and consequently, Baluchi aggression triggers governmental discrimination.

State repression of Iran's ethnic minorities is not limited to the Baluchi community. The Baha'i community, with an estimated 300,000 members, is Iran's largest religious minority; however, the Iranian government does not recognize the Baha'i faith as legitimate. There are currently 800 Baha'i students in Iran that are victims of government discriminating on the basis of religion. Although these students have already taken the National Entrance Examination, the matriculation exam required for admission to Iranian universities, they have been denied access to their scores. Despite the fact that the test results are available online, the Baha'i students all received error messages informing the students that their files were "incomplete." By preventing Baha'i students from accessing their scores, the Iranian government is prohibiting these students from receiving

higher education. The continued mistreatment of Bahai's and Baluchis reflects the widespread human rights abuses against ethnic minorities in Iran.

## **THE EROSION OF HUMAN RIGHTS IN EGYPT**

Human rights activists in Egypt fear that authorities are restricting human rights through increased administrative measures under the guise of national security. In September, the Egyptian government dissolved the Association for Human Rights and Legal Aid (AHRLA). The government acted, purportedly, because AHRLA breached Article 17(2) of Law 84 of 2002, known as the NGOs law, which prohibits the receipt of funds without permission from the Ministry of Social Solidarity. Amnesty International, however, links the attack with the AHRLA's role in exposing human rights violations in Egypt, as well as its support of torture victims. The AHRLA provided legal counsel to victims of such violations, notably to those who had been tortured while in custody at police stations or other detention centers. Furthermore, charges of receiving foreign funds without authorization have been brought against other human rights detainees in the past in an attempt to intimidate them.

Human rights workers are not alone in their concern; workers' rights within Egypt are also at risk. Despite President Hosni Mubarak's "commitment" to protecting workers' rights, in April 2007, the Egyptian government closed a leading workers advice center, the Centre for Trade Union and Workers' Services (CTUWS). The closure of this center hinders Egyptian workers' access to information about labor rights. Similar to the actions against the AHRLA, the attack on the CTUWS reflects the government's attempt to prevent Egyptian citizens from being informed about their rights. Citing "security reasons," the Ministry of Social Solidarity refused to register the new Centre for Trade Unions and Human Affairs, the former CTUWS, in August.

The closure of both the AHRLA and the CTUWS symbolizes a worrying trend within Egypt: the erosion of fundamental human rights. By shutting down the AHRLA, the Egyptian government is preventing torture victims from receiving valuable legal advice in support of their

rights. Amnesty International calls on the Egyptian authorities to allow AHRLA to continue to operate and to provide much needed assistance in defense of human rights. Amnesty International argues that, as a newly elected member of the United Nations Human Rights Council, Egypt must uphold its international human rights obligations, not undermine them. The organization also emphasizes that amendments to the law on association must give more, not less freedom to non-governmental organizations to enable them to protect human rights.

The recent imprisonment of two men who criticized the government's use of torture and promoted the rights of the Shi'a minority suggests that the Egyptian government actively suppresses political dissent. Both men are being detained on the authority of administrative decrees under Egypt's Emergency Law and are being held in solitary confinement in Tora prison outside Cairo. The Mubarak regime's dissolution of human rights centers on arbitrary arrests and torture, often on religious grounds. By tightening its political grip on the nation, the Egyptian government is incrementally eroding human rights in Egypt.

## **EUROPE**

### **BRITAIN ACCUSED OF DODGING CLUSTER BOMB BAN**

Just months after joining 46 countries to support a worldwide ban on cluster bombs, also known as cluster munitions, Britain is facing criticism from human rights and humanitarian organizations for reclassifying its Hydra CRV-7 rocket system to avoid the ban. The British government previously characterized this weapon as a cluster munition. Now it claims that the CRV-7 should not be classified under that category.

Cluster munitions are especially hazardous because they deliver hundreds of "bomblets" — smaller sub-munitions — when fired. These weapons are also extremely unreliable, because their sub-munitions often remain unexploded, posing threats to soldiers, aid workers and civilians alike. They have proven extremely dangerous in the wake of conflicts in the Balkans, Afghanistan, Iraq, and Southern Lebanon. Testing shows that cluster munitions have a six percent malfunction rate. These types

of bombs are typically more unreliable under actual combat conditions, however.

The potential for civilian harm from unexploded sub-munitions has spurred a growing international consensus against the use of cluster munitions. In February 2007, in an initiative called the Oslo Process, Britain and 46 other countries called for a worldwide ban on cluster bombs. The United Nations, through its conventional weapons negotiations, is also considering a ban.

According to critics, after proclaiming itself the first state to voluntarily stop using cluster bombs, Britain reclassified the CRV-7 in a ploy to make use of its current weapons stocks. Although the British Ministry of Defence included the CRV-7 in a list of cluster munitions in November 2006, it now claims that the weapon cannot be classified as a cluster bomb because it can be targeted accurately and has relatively few sub-munitions. Neither of these justifications excludes bombs from classification as cluster munitions, however.

Although Britain claims that the rocket has only nine sub-munitions, critics describe it as a 19-rocket pod that delivers 171 sub-munitions. Since helicopters carry CRV-7s in pairs, one strike has the potential to cover a large area with 342 "bomblets." The British government also stresses that the CRV-7 is equipped with a self-destruct mechanism, which it claims makes its use safer. Critics, however, say that these mechanisms have not improved reliability and actually have made munitions more dangerous by adding another explosion-producing trigger. In addition to the CRV-7 reclassification, the British government is attempting to keep the M85, another cluster munition with a self-destruct mechanism, in its arsenal.

Humanitarian organizations have been deeply critical of the British government's position, suspecting that it is simply attempting to circumvent the cluster bomb ban. Many organizations that have been outspoken in their efforts against the use of cluster bombs assert that it is not possible to use these weapons in accordance with international humanitarian law.



## TURKEY THREATENS TO SEVER TIES WITH UNITED STATES IN RESPONSE TO BILL RECOGNIZING ARMENIAN GENOCIDE

Beginning in 1915, Turkey ordered the deportation of hundreds of thousands of Armenians to Iraq and Syria, resulting in over a million Armenian deaths. Many historians consider these events to constitute the first genocide of the last century.

Almost a century later, this event remains a pivotal issue in international politics. After years of lobbying by a large Armenian-American constituency, the U.S. House of Representatives' Foreign Affairs Committee approved for hearing a resolution that formally recognizes the World War I era killing of one and half million Armenians by Ottoman Turks as genocide. The Turkish government has expressed discontent with the possibility that the U.S. Congress may approve the resolution. Although the resolution is purely symbolic, its supporters believe that U.S. recognition of the genocide has potential to raise awareness of genocides being perpetrated today. Passage at this time, however, may have a far-reaching negative impact on international politics.

The resolution has met with opposition from the Bush Administration and members of both the Democratic and Republican parties, who have begun pressuring the House of Representatives — the lower chamber of the U.S. Congress — to reject the resolution. Those who oppose approval fear the consequences of strained relations with the Turkish government, which has been an important ally in the Iraq conflict. U.S. forces use bases in Turkey for refueling and storing and transporting military supplies to troops in Iraq.

The resolution comes at a time when Turkish ties with the United States are already strained as a result of the conflict in Iraq. Turkish Prime Minister Tayyip Erdogan has continually encouraged the United States, without success, to take action against members of the Kurdish Workers Party (PKK), who have launched attacks on Turkey from northern Iraq. (Kurds within Turkey have been fighting for autonomy from Turkey since 1984.) With the number of Turkish soldiers killed by PKK attacks on the rise, as of early November, the Turkish military is shelling

Kurdistan, and the Turkish Parliament is considering an invasion of northern Iraq.

The Armenian atrocities remain controversial in Turkey, where it is a crime to classify the mass killings as genocide. Instead, the Turkish government views these events as a part of legitimate warfare in which many Turks also died. Under Article 301 of the Turkish Penal Code, which makes insulting "Turkishness" a crime, citizens who disagree with this strict stance can face severe consequences.

The Turkish government responded vehemently to the U.S. House Committee's approval of the resolution by recalling the Turkish Ambassador to the United States. The government also threatened to sever ties with the United States if Congress passes the resolution. The Bush Administration assured Turkey that it does not support the resolution. American officials also continue to urge the Turkish government to pursue diplomatic measures with the PKK rather than invade northern Iraq, one of that state's more peaceful regions.

This dispute has also increased tensions between Turkey and other governments. Believing that other U.S. allies have the power to effect change in U.S. legislation, Turkey is pressuring both Israel and Armenia itself to voice their opposition to the resolution. In addition, a Turkish incursion into Iraq would further weaken the state's ties to Europe, possibly compromising its prospects of gaining full membership in the European Union.

Despite opposition from President Bush, the U.S. House of Representatives Foreign Relations Committee passed the genocide resolution in October. Politicians, including House Speaker Nancy Pelosi, vowed to symbolically support the Armenian-American community with a resolution to recognize the genocide. In the wake of foreign policy concerns raised by Turkey's response and mounting pressure from the Bush Administration, however, members of both parties have voiced concern over the very real foreign relations consequences of the symbolic resolution. The U.S. House of Representatives may vote on the resolution by the end of 2007, but it is unclear whether there will be a companion resolution in the Senate.

## CONTROVERSIAL FRENCH IMMIGRATION POLICY CRITICIZED

Just months after facing criticism from the European Court of Human Rights (ECHR) for insufficient protection of asylum seekers, France has introduced an immigration bill that would make it more difficult for some immigrants to remain in France. In April 2007, the ECHR held that French immigration policy violates human rights law because it does not allow failed asylum seekers the possibility of an in-country appeal. As a result, they face the possibility of a return to unsafe home country conditions while their claims are still being examined in France. Human Rights Watch maintained that the proposed reforms were inadequate to protect asylum seekers, and called for stronger measures.

The French government was scheduled to address the ECHR's concerns during its parliamentary immigration debate in September 2007. Rather than addressing these issues, the response has focused on a controversial new immigration bill. The bill, which imposes new requirements on immigrants trying to join their families in France, embodies the strict anti-immigration policies of conservative French President Nicolas Sarkozy. The bill has already been accepted by the upper house of the French parliament and will return to the lower house for approval. It would allow officials to request DNA testing from immigrants applying to join family members in France. This bill seeks to more carefully filter applicants for residency in France and to deport 25,000 undocumented immigrants by the end of 2007. With only a month left before the end of the year, police efforts to apprehend undocumented immigrants have already escalated, resulting in numerous injuries to foreign nationals.

This aggressive anti-immigration policy and the new immigration bill have been widely criticized both within France and abroad. While the government claims that the proposed DNA testing is a way to fast-track immigration proceedings, many opponents, including French Socialist Party members, view these developments as a violation both France's protective family and privacy laws and European notions of human rights. Human rights groups have also been outspoken in their criticism of the bill.

## CENTRAL AND SOUTH ASIA

### MUSHARRAF IMPOSES EMERGENCY RULE IN PAKISTAN

On November 3, 2007, General Pervez Musharraf imposed emergency rule in Pakistan, suspending the Constitution of Pakistan and imposing the Provisional Constitutional Order (PCO) in its place. The PCO limits constitutionally afforded liberties, placing a ban on public gatherings, banning non-governmental television stations and censoring newspapers, among other restrictions. It also gives the police broad powers to arrest. In the days following the declaration of emergency, hundreds of human rights activists, including members of the Human Rights Commission of Pakistan, lawyers, and academics have either been arrested or placed under house arrest. Overall, it is estimated that at least 2,000 people have been arrested during various demonstrations around the country.

The "Proclamation of Emergency" emphasized that the decision to impose emergency rule was the result of escalating events that made it difficult for the government to continue in accordance with the Constitution. In particular, Musharraf criticized the judiciary for acting contrary to the will of the executive and legislative branches. According to the declaration, rising violence, combined with excessive judicial interference, weakened the ability of the government to maintain stability; adversely affected security, and hindered economic progress. Hence, the declaration was justified as an "emergent and extraordinary" measure because the Constitution of Pakistan did not provide the government with a "solution for this situation."

Immediately following the declaration, a seven-member bench of the Supreme Court ruled that the PCO was invalid, called Musharraf's actions "illegal and unconstitutional," and appealed to others in the judiciary not to comply with it. As a result, at least twelve of the seventeen Supreme Court justices refused to recognize the PCO, which resulted in their removal, and for some, house arrest. The ousted Supreme Court justices were replaced by judges from state high courts, and agreed to abide by the PCO. On November 6, an eight-member Supreme Court (at least four of whom were newly appointed under the PCO) reversed the decision holding that the PCO was invalid.

In response to the proclamation lawyers and judges in Lahore and Karachi organized the first of many demonstrations on Monday, November 5, 2007, to voice opposition to the PCO arguing that it was unconstitutional. Protesters were arrested and abused by police during the demonstrations. Pakistani lawyers have also boycotted proceedings before judges that upheld the PCO to protest the emergency as well as the arrest and treatment of lawyers and activists.

Musharraf's decision to impose emergency rule came about as he faced rising opposition in the judiciary. The proclamation was made only a week before the Supreme Court was to rule on the legality of the presidential elections in which the Pakistani Parliament had re-elected Musharraf as president. Musharraf's election faced two constitutional challenges at the Supreme Court. The first concern was that Musharraf had been simultaneously serving as the army chief and President in violation of the Constitution. Second, even if Musharraf did give up his post as army general as promised, the Constitution prohibits military personnel from running for president until two years after giving up their military position. Furthermore, the presidential elections were held before parliamentary elections, in violation of the Constitution. Although the Supreme Court allowed the presidential elections to go forward, it decided that Musharraf could not take the oath until it decided on petitions challenging the legality of the elections. Shortly before the emergency was imposed, a close aide warned Musharraf that the Supreme Court was going to hold his election illegal and unconstitutional, forcing him to step down from his position as President.

Musharraf's critics argue that although he has used the threat of Islamist militants to impose emergency rule, police and military personnel's efforts are concentrated on detaining human rights activists and lawyers. In fact, the proclamation criticized the Supreme Court for impeding governmental efforts to stop terrorism and economic growth by interfering and working against the executive and legislative branches. His emergency declaration seems more targeted at the Supreme Court and the Provincial High Courts than militants and would suggest that lawyers, not

terrorists, are threatening the stability of Pakistan.

In light of recent events, Pakistan's future remains very uncertain. With the imposition of emergency rule, which restricts the power of the courts, it is unclear if the new PCO Supreme Court will even address the constitutional challenges against Musharraf. Prime Minister Shaukat Aziz has suggested that the emergency rule could last up to one year or "as long as necessary," which could indefinitely delay parliamentary elections, originally set for January 15, 2008. Musharraf has, however, assured the public and international community that he is committed to holding Parliamentary elections in January 2008, but there may be some delay. Musharraf also continues to face criticism from the international community, which is urging Musharraf to restore civilian rule and transition the country from military rule to a democracy.

*This column went to press on November 9, 2007.*

**\*Update as of November 20, 2007:** On November 19, 2007, Pakistan's Supreme Court dismissed several petitions challenging the validity of Musharraf's re-election. Musharraf will step down from his military position before taking the oath of office for a new five-year term as president. Parliamentary elections, previously postponed indefinitely, have now been set for January 8, 2008. Opposition leaders have threatened to boycott the vote alleging that it will not be free, fair or legitimate if held under emergency rule and while opposition leaders and members are detained.

On November 20, over 3,400 persons detained during the first two weeks of emergency rule were released. Over 2,000 activists, lawyers and political opponents, including prominent members of the Pakistani Bar, are still imprisoned, and are rumored to have been tortured and abused in custody.

### EU CONTINUES SANCTIONS ON UZBEKISTAN

The European Union (EU) restored sanctions against Uzbekistan on October 18, 2007. The EU sanctions were initially imposed in October 2005 after the Uzbekistani government refused to allow

an international commission of inquiry to investigate the 2005 Andijan massacre. The massacre occurred after government forces used disproportionate and indiscriminate force against the largely unarmed protesters that had gathered in the city of Andijan to express their grievances over government repression and poverty. The original EU sanctions imposed an embargo on arms exports to Uzbekistan and a visa ban on Uzbekistani government officials directly responsible for the Andijan massacre.

The renewed sanctions place an arms embargo on Uzbekistan for 12 months and a visa ban on eight Uzbekistani officials for six months. EU members fear that arms sold to the government could be used against the civilian population to suppress rebellion in the country. In addition to allowing an international inquiry into the massacre, these sanctions are meant to pressure President Islam Karimov into improving the human rights situation and implementing democratic reforms.

The EU believes that the sanctions have had a positive impact on implementing democracy in Uzbekistan. Since the sanctions have been in place, President Karimov has started to slowly ease his grip on power and has urged Uzbekistan's Foreign Minister Vladimir Norov to start implementing democratic reforms. While these are positive steps, reports from human rights activists in the region suggest there is not enough evidence of human rights improvements to warrant the removal of sanctions.

The EU requires that the Uzbekistani government meet its obligations under international human rights law before it will consider easing sanctions. Human rights groups also urged the EU to uphold the sanctions until Uzbekistan releases activists in the county who have been imprisoned on questionable charges. Without continued EU pressure through sanctions, human rights groups fear these prisoners will not be released. The continued sanctions could also provide citizens of Uzbekistan security by ensuring that arms from EU members are not brought into the country and used against them. Even without access to arms, however, the human rights situation in the country has continued to deteriorate. The Uzbekistani government remains indifferent to interna-

tional pleas to release human rights activists and other prisoners of conscience.

### **AFGHANISTAN LIFTS MORATORIUM ON DEATH PENALTY**

On Sunday, October 8, 2007, after a three-year moratorium on the death penalty, Afghanistan sanctioned the execution of 15 prisoners by gunfire. The executions were conducted by firing squad at the Pul-i Charkhi high security prison outside of Kabul, in accordance with Afghan law. While the executions were rumored to be a part of an anti-terrorism campaign, none of the prisoners were members of Al Qaeda or the Taliban. Instead, they were prisoners convicted of crimes ranging from murder and kidnapping to adultery and armed robbery, all of which are crimes under Islamic law that carry serious punishments.

Despite international efforts to stop capital punishment in the new Afghan government, President Karzai proceeded with the executions. President Karzai set up a Special Commission to review the rulings by the Supreme Court before he decided to allow the executions. Mr. Humayun Hamidzada, spokesman for President Karzai, stated that while the President did not favor executions, they were in accordance with Afghan law and would be carried out.

The executions come after a three year moratorium on capital punishment. The last state-sanctioned execution was in 2004. The Afghan government, under pressure from foreign governments and relief organizations, had previously promised the international community that it would temporarily stop executions. The agreement, however, was only a temporary suspension on the death penalty, suggesting that capital punishment would continue. United Nations High Commissioner for Human Rights Louise Arbour urged the government to restore the suspension on executions, suggesting that failure to do so may constitute a breach of Afghanistan's obligations under international law.

The Netherlands is strongly opposed to the death penalty and called the recent executions "extremely unwelcome." However, the government has stated that Dutch troops will continue to transfer militants to the Afghan government. They have entered into agreements with the Afghanistan gov-

ernment to ensure that prisoners handed over from the Netherlands will not be executed. Despite this agreement, the government of the Netherlands is still hesitant, as there is no certainty that prisoners will be safe from execution. While it is not clear, sources predict that more than 300 prisoners are currently on death row in Afghanistan.

### **EAST AND SOUTHEAST ASIA AND THE PACIFIC**

#### **BURMA RESPONDS TO PROTESTS WITH VIOLENCE AND MEDIA CENSORSHIP**

Behind the Burmese military junta's bloody crackdown on widespread anti-government protests exists severe censorship of all forms of media. Stifling the ability of protesters to organize over the internet and journalists to transmit information out of the country has been integral to the junta's ability to quash the Burmese pro-democracy movement.

International press widely reported on the junta's violent response to protests sparked after the government unexpectedly doubled gasoline and diesel prices in mid-August. Resulting soaring costs of public transportation and staples such as rice and cooking oil sent small numbers of pro-democracy activists to the streets. On September 5, riot police injured three Buddhist Monks when they forcibly broke up a peaceful protest in the northern city of Pakokku. The incident resulted in public outrage and daily protests by hundreds of thousands of Burmese. Riot police and soldiers fired tear gas and bullets into crowds and carted away protesters in droves. The junta confirmed ten deaths and 3,000 arrests, while independent news agencies, such as the Associated Press, estimated the death toll at 200 and the number of arrests at 6,000. Strict media censorship makes an accurate count almost impossible to attain.

The junta's media crackdown began with efforts to prevent protest organizers from communicating with each other. The junta cut off activists' phone services, shut down public internet cafés, and blocked access to websites and blogs. As the junta began its suppression of the demonstrations, it sought to control news coverage by banning foreign journalists from the country and blocking international phone signals and internet connections.



On September 27, government forces surrounded and ransacked a hotel housing foreign reporters. On the same day, troops shot a Japanese journalist covering demonstrations in Rangoon, Burma's largest city.

Media censorship is part of the junta's larger effort to suppress political dissent. Though no public demonstrations have occurred since September, observers report that police continue to line streets and shoot at small groups of men. The junta also continues to seek out and detain dissidents. Security forces use videotapes of the recent protests to identify activists and raid their homes during the dusk-to-dawn curfew implemented in September. According to the Thai human rights group Assistance Association for Political Prisoners, Ko Win Shwe, a member of the main opposition party the National League for Democracy (NLD), was tortured to death while detained by security officials.

In October, the European Union and the United States imposed sanctions, and Japan threatened to cut aid to Burma. Burma's allies, India and China, have not taken similar action, but United Nations (UN) Envoy Ibrahim Gambari visited several Asian countries to garner support for sanctions and put pressure on the junta. The UN Security Council released a statement condemning the crackdown and calling for the release of political prisoners. In response, the junta released 50 members of the NLD and met with NLD leader Aung San Suu Kyi on October 25. The Nobel Peace Prize Laureate has been under house arrest since 1990 when her party won a popular election but was prevented from taking power. It is unclear whether this meeting demonstrates a good faith effort for reform or merely an attempt to placate the international community.

The junta continues to detain hundreds of individuals. Family members report that many detainees are being moved to remote provinces in anticipation of upcoming visits by Gambari and UN Human Rights Rapporteur Paulo Sergio Pinheiro.

### **CHINA CRACKS DOWN ON DISSENT BEFORE COMMUNIST PARTY CONGRESS**

Arrests, abductions, and harassment of human rights activists in China mounted in the months leading up to October's

17th Congress of the Communist Party. Authorities clamped down on dissent in the face of the twice-a-decade meeting, where the country's only legal political party chose the state's next generation of leadership.

The Chinese government formally arrested freelance internet journalist and author Lu Gengsong on September 29, 2007. Lu, who was initially detained on August 28, is charged with "inciting subversion of state power." According to China Human Rights Defenders, an international network of activists and human rights monitoring groups, the Chinese government often uses this vaguely worded subversion charge against dissidents.

Lu is a member of the outlawed Democracy Party and is known for publishing articles critical of government corruption and human rights abuses. Before his arrest Lu reported on illegal evictions by corrupt government officials and authored a book entitled *Corrupted Officials in Communist China*. During a three-hour interrogation, police told Lu's wife, Wang Xue, that Lu was arrested for attacking the Communist Party, and that he would be released if he signed a statement denouncing his articles. Lu remains in custody as of early November.

Critics of the Chinese government not only face punishment by authorities but also retribution from government-controlled thugs. On the day of Lu's arrest, prominent human rights lawyer Li Heping was abducted and beaten for seven hours. Days before the incident, Beijing police told Li to leave the city, but he refused. As Li walked to his car after work, unidentified men placed a hood over his head, forced him into a van, and drove him to a basement, where they stripped and beat him with electric cattle prods. The men threatened to attack Li's wife and children if he did not leave Beijing. Upon arriving home after his release, Li found that some computer files had been erased and several personal items, including his identification card and press credentials, had been stolen. Li believes he was attacked because of his defense of an on-line dissident, an imprisoned environmentalist, and a religious leader.

The Chinese government appears to have mandated increased scrutiny of politi-

cal speech. Since March officials such as Zhou Yongkang, Minister of Public Security, have publicly supported smothering protests and making examples of individuals who might "cause unrest" before the now past Party Congress and the 2008 Beijing Olympic Games.

In recent months, several activists have gone missing, including Gao Zhisheng, a human rights campaigner who asked the U.S. Congress to oppose China's bid for the Olympics. While some non-governmental organizations, such as Reporters Without Borders, call for a boycott of the Olympics, no country has yet agreed to boycott.

### **TEENAGERS DETAINED FOR TIBETAN INDEPENDENCE GRAFFITI**

The Chinese government continues to detain five ethnic Tibetan high school students who were arrested on September 7, 2007 for drawing graffiti supporting Tibetan independence. One detainee, 15-year-old Lhamo Tseten, was hospitalized after being beaten in custody. Police also arrested a local monk for the same graffiti incident. He was held for approximately three weeks and also beaten before his release.

Police initially arrested dozens of students for writing slogans on the police station and other buildings in Amechok Bora, a village in Gansu Province, north-east of the Tibet Autonomous Region. The slogans called for Tibetan independence and the return of the Dalai Lama. Police released all but seven of the students within 48 hours.

The Chinese government severely restricts political speech in the Western Provinces, which are populated by many ethnic Tibetans. Individuals run the risk of arrest for discussing topics such as China's religious and cultural policies, the practice of placing ethnic Chinese officials to govern nomadic villages, the resettlement of Tibetan herders, and the teachings of the Dalai Lama. The Dalai Lama, Tibet's traditional Buddhist leader who fled the country in 1959 after a failed independence uprising, was recently awarded the U.S. Congressional Gold Medal. On October 17, police in Lhasa, capital of the Tibet Autonomous Region, closed monasteries

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war criminal transferred from the ICTY to the WCC. The appellate chamber confirmed a lower court conviction, and convicted two individuals the appellate division had earlier remanded for new trials.

To date, the WCC continues to function successfully. Recent convictions at the trial level include three accused war criminals: Krešo Lučić, a former commander of the Croatian Defence Council military police convicted of crimes against humanity; Nenad Tanasković, a Bosnian Serb former reserve police officer convicted of crimes against humanity; and Niset Ramić, a Bosnian Muslim convicted of war crimes committed against Serbs. In a rare moment, the WCC acquitted Momčilo Mandić, a Bosnian Serb and ex-interior minister, serving later as justice minister, who was accused of war crimes and crimes against humanity.

Along with its successes, the court has dealt with problematic issues. Despite the fact that distinct criminal codes operate in different courts throughout Bosnia, the WCC has had to apply the new set of laws that Parliament passed in 2005. These include a new criminal code and a new

criminal procedure code. The laws are based on both Bosnian law and modern European law, incorporate elements of common law, and include changes to the investigative, trial and appellate stages. In September 2007, a group of defendants in the WCC's custody began a hunger strike to protest the criminal code the court applies. The accused want the court to apply the former Socialist Federal Republic of Yugoslavia's (SFRY) Criminal Code, which envisages less severe punishments than the new code and does not include crimes against humanity. The discrepancies in the different criminal codes pose problems that the Court must effectively resolve.

**HRB**

*Anna Katherine Drake, a J.D. candidate at the Washington College of Law, covers the ICTY for the Human Rights Brief.*

*Kaegan-Marie Williams, a J.D. candidate at the Washington College of Law, wrote the Prosecutor v. Emmanuel Nindabahizi judgment summary for the Human Rights Brief.*

*Debra B. Lefing, an LL.M. candidate at the Washington College of Law, wrote the*

*Prosecutor v. Andre Ntagerura, Emmanuel Bagambiki, and Samuel Imanishimwe judgment summary for the Human Rights Brief.*

*Emily Pasternak, a J.D. candidate at the Washington College of Law, wrote the Prosecutor v. Vincent Rutaganira summary for the Human Rights Brief.*

*Rachel Katzman, a J.D. candidate at the Washington College of Law, wrote the Prosecutor v. Brima, Kamara & Kamu judgment summary for the Human Rights Brief.*

*Katherine McCleary, Assistant Director of the War Crimes Research Office at the Washington College of Law, edited the judgment summaries for the ICTR and SCSL cases for the Human Rights Brief.*

*Solomon Shinerock, a J.D. candidate at the Washington College of Law, covers the International Criminal Court for the Human Rights Brief.*

*Howard Shneider, a J.D. candidate at the Washington College of Law, covers hybrid and internationalized tribunals for the Human Rights Brief.*

## INTERNATIONAL LEGAL UPDATES *(Continued from page 39)*

and arrested numerous Tibetans celebrating the award.

The five 14- and 15-year-old boys who remain in custody were originally held in the local police station, where visiting family members found Tseten bleeding from the head. Government officials did not allow family members to take Tseten for medical care.

On September 10, non-uniformed security officers moved the students to the town of Xiahe, two hours away. Xiahe officials deny family visitation, and refuse to reveal the location of the students. Tseten is currently being treated in a hospital in Xiahe for severe head injuries. It is unclear if he will be detained again after his treatment. Two 14-year-old boys, who were moved to Xiahe, were released on September 24 under the conditions that each of their families pay fines of 4,000 yuan (\$532 U.S.) and that the boys be confined to their

villages. Of the five students who remain in custody, some were reportedly beaten with electric prods.

Organizations such as Human Rights Watch have called for the release of these students and protection from further persecution. Chinese government officials will not confirm that the students remain in custody.

**HRB**

*Matthew Solis, a J.D. candidate at the Washington College of Law, covers the United States for the Human Rights Brief.*

*Jennifer Jaimes, a J.D. candidate at the Washington College of Law, covers Latin America for the Human Rights Brief.*

*Rukayya Furo, a J.D. candidate at the Washington College of Law, covers Africa for the Human Rights Brief.*

*Ari Levin, a J.D. candidate at the Washington College of Law, covers the Middle East for the Human Rights Brief.*

*Morgan E. Rog, a J.D. candidate at the Washington College of Law, covers Europe for the Human Rights Brief.*

*Mahreen Gillani, an LL.M. candidate at the Washington College of Law, covers Central and South Asia for the Human Rights Brief.*

*Alex Cheng, a J.D. candidate at the Washington College of Law, covers East and Southeast Asia and the Pacific for the Human Rights Brief.*