

# RECOMMENDATIONS TO THE GREEK EU PRESIDENCY

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## A TIME FOR CHANGE: A NEW DIRECTION FOR HUMAN RIGHTS POLICY IN THE EU

The Stockholm programme, a plan which has run for the past five years in the area of Justice and Home Affairs (JHA), has taken some significant steps forward in the field of human rights, including: the establishment of a Common European Asylum System (CEAS), a Framework for National Roma Integration Strategies (NRIS), and a roadmap for strengthening procedural rights of suspected or accused persons in criminal procedures. However, the Stockholm programme fell short of its stated objective to ensure that “the area of freedom, security and justice must, above all, be a single area in which fundamental rights are protected”. As the European Parliament and Commission reach the end of their current mandates and the European Council prepares to draft the strategic guidelines in the field of freedom, security and justice (“the strategic guidelines”) for the new JHA multiannual programme, the Greek presidency of the EU has a unique opportunity to shape the future of human rights protection in the Union.

Despite some of the important progress made under the Stockholm programme, the EU remains an area where certain groups, such as Roma, are targets of widespread discrimination and hate motivated violence, where systematic detention of migrants and asylum-seekers prevails, where refugees, asylum seekers and migrants die at its borders, and where violence against women remains a pervasive problem.

At this crucial turning point, it is vital that the Union steps up to the challenge and realises its commitment to ensure respect for human rights and rule of law is the bedrock of all its policies and action. Working with the European Council to define the orientation and objectives of the strategic guidelines, the Greek presidency must ensure that:

- The EU’s commitment to respect human rights, as enshrined in Article 2 of the Treaty, is upheld; and that the overall approach is human rights-based
- A multidisciplinary EU-internal human rights framework strategy and action plan is developed, which commits all EU institutions to:
  - » Devise effective actions to address and respond to human rights violations and ensure accountability for what EU tools deliver
  - » Address the issue of internal and external policy coherence by ensuring that internal EU policies do not have a detrimental effect on human rights beyond or at EU borders
  - » Ensure all EU actions **respect** and **protect** human rights. This means a commitment to mainstream human rights in all EU policies and proactive steps to **fulfil** EU and member states’ human rights obligations

*More specific calls in relation to the Post-Stockholm process can be found in yellow boxes below each thematic recommendation. Amnesty International will submit recommendations for the new JHA programme in January 2014.*

## EU ACCESSION TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS

The draft agreement on EU accession to the European Convention on Human Rights (ECHR) is an important first step. The opinion of the European Court of Justice on the agreement, expected under the Greek Presidency, will prompt the official negotiations of EU internal rules. The EU must commit to completing the process without undue delay. In the spirit of future accession, the EU must also assert its commitment to fulfilling its obligations under the ECHR, as interpreted by the European Court of Human Rights, to enhance respect and protection of human rights for all people across the EU.

### RECOMMENDATIONS

#### *The Greek presidency should:*

- Ensure that the upcoming negotiations of the internal rules are conducted in a transparent manner with meaningful consultation of civil society
- When devising the internal rules, give paramount importance to the right to an effective remedy and access to justice for individuals claiming that they have been the victim of a violation of the rights enshrined in the Convention
- Reiterate the EU's commitment to the ECHR and its support to the European Court of Human Rights

The strategic guidelines must reiterate the EU's commitment to complete the ECHR accession process as a matter of priority for a justice and home affairs policy with human rights at its core.

## FIGHTING DISCRIMINATION

Discrimination and violence particularly targeting migrants, refugees and asylum seekers, lesbian, gay, bisexual, trans and intersex (LGBTI) people, and Roma remain a Europe-wide concern. The Council should mobilise and prompt urgent action to combat persistent discrimination, growing intolerance and hate-motivated violence in EU countries.

### RECOMMENDATIONS

#### *The Greek presidency should:*

- Advance transparent negotiations and press for immediate adoption of the new Anti-Discrimination Directive (ADD)
- Push for the development of a more comprehensive EU approach to combat hate-motivated violence, including new binding instruments to address the protection gaps of the current EU legal framework

The strategic guidelines must explicitly address the need for further action at EU level to combat discrimination in all its forms, including hate-motivated violence.

## WOMEN'S RIGHTS

It is vital for the EU's human rights credibility to ensure that women's rights are robustly protected within and beyond EU borders. During its presidency, Greece should demonstrate political leadership by pressing member states to deliver on promises to promote gender equality, and ensuring coherence across internal and external EU policies on violence against women.

### RECOMMENDATIONS

#### *The Greek presidency should:*

- Ensure that women's rights remain a core EU priority and that a comprehensive set of EU instruments is developed, in particular, a strategy for equality between men and women for 2015-2020
- Send a strong signal by acting on its commitment to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), and encourage the EU and member states also to sign and ratify it
- Gather support from the Council and member states for the implementation of the Communication on female genital mutilation (FGM)
- Ensure a strong position on gender equality as part of the post-2015 agenda, by calling for a stand-alone goal on gender equality, and the integration of gender within every goal. At the UN Commission on the Status of Women and other occasions, the EU should call for a post-2015 agenda that is inclusive and guarantees substantive gender equality, of opportunity and results, with full protection of the law. It should also address the multiple structural barriers women and girls face, and empower them to fully realise their rights

The commitment in the Stockholm programme to produce a comprehensive strategy on violence against women was not honoured. The new strategic guidelines must include a firm commitment to comprehensively address the issue. In particular, the guidelines should foresee the EU accession to the Istanbul Convention and ensure that the EU adopts a strategic framework on violence against women, including a commitment to support the implementation of the Commission action plan on FGM in accordance with the UN General Assembly Resolution on FGM. A gender-sensitive implementation of the victim's rights directive should also be assured.

## RESPECTING ROMA RIGHTS

More than a decade after the EU adopted the Race Equality Directive (RED) banning racial or ethnic-based discrimination, Roma still face widespread discrimination throughout Europe, in all walks of life - including access to housing, health care, employment and education - and often become the targets of racially-motivated violence. The EU must commit itself to combating and preventing discrimination in any form, and ensure Roma can fully enjoy their rights and contribute to society.

### RECOMMENDATIONS

#### *The Greek presidency should:*

- Support member states in fighting discrimination and violence against Roma, and tackling public officials' use of discriminatory rhetoric that incites hostility and violence
- Encourage member states to comply with the RED and call on the Commission to trigger infringement procedures in cases of non-compliance
- Lead member states to improve implementation of National Roma Integration Strategies (NRIS), mindful of recommendations by the Commission and civil society organisations
- Press member states to make Roma participation an integral part of the NRIS implementation process

The strategic guidelines must explicitly include a section dealing with measures to combat discrimination against Roma, Europe's largest minority, facing persistent and systematic discrimination.

## CORPORATE ACCOUNTABILITY

EU countries have a duty to protect people's human rights from abuse by business operations and ensure access to remedy for victims. To uphold these obligations, member states must set up measures, including human rights due diligence, to mitigate any threat to human rights, and measures to improve access to remedy for victims of corporate human rights abuse.

### RECOMMENDATIONS

#### *The Greek presidency should:*

- Set an example by developing its own national action plan to put into effect the UN Guiding Principles for Business and Human Rights (UNGPs), while encouraging other member states also to do so; and emphasise the duty to protect human rights and access to remedy (pillars 1 and 3)
- In the legislative process on disclosure of non-financial information, lead the Council in the triilogue to ensure human rights protection is adequately reflected; and press for a robust framework which includes mandatory disclosure of human rights risks and impacts of business operations and mitigation measures
- Urge EU member states to ensure their export credit agencies (ECAs) do not support projects or transactions that cause or contribute to human rights abuse. During the second ECA monitoring period, member states must include more detailed information on how ECAs ensure human rights are respected

The strategic guidelines must include a commitment to implement the United Nations Guiding Principles on Business and Human Rights at EU level, and foster their implementation at member state level.

## TREATING MIGRANTS AND ASYLUM-SEEKERS FAIRLY

Across the EU, and at its borders, migration control policies and practices continue to put migrants, asylum-seekers and refugees at risk. Significant loss of life over the past years is a testament to the failures of European migration policies. A major revision of European migration policies to uphold fundamental EU values, and ensure the centrality of the individual, is urgently required.

All border control measures must conform to human rights standards. Widespread detention of migrants and asylum-seekers should cease, and alternatives be urgently found. Migrants and asylum-seekers must be treated fairly, and the EU and its member states should support each other more effectively. Mutual support between EU countries needs to extend beyond practical cooperation and capacity-building measures, and the EU must be more generous to other regions which host the bulk of the world's refugees and displaced persons. Obstacles preventing refugees from accessing territory or asylum procedures in EU member states must be removed, and other proactive steps taken to allow refugees to find protection in the EU.

### RECOMMENDATIONS

#### *The Greek presidency should:*

- With the EU institutions and member states, seek fully accountable border-management policies and practices. This includes ensuring agreements and arrangements with non-EU countries on border management and readmission:
  - » Are transparent and publicly available
  - » Are based on assessment of the potential human rights impact
  - » Include adequate human rights safeguards with appropriate implementation mechanisms
- Press member states to fully and unequivocally commit to rescuing people in distress at sea, and ensure their prompt and safe disembarkation by sharing responsibility for them
- Ensure the early-warning and preparedness system, being developed by the European Asylum Support Office (EASO), and the early warning, preparedness and crisis management system under the amended Dublin Regulation, are effective and transparent tools to improve and support national asylum systems
- Reverse the widespread use of immigration detention by promoting best practice which focuses on alternatives to detention
- Promote solidarity measures and a protection-sensitive application of the Dublin Regulation, in particular by allowing refugees to receive protection in countries in which they have family links
- Push for member states' participation in the Joint EU Resettlement Programme and the incremental increase of resettlement space in Europe to 20,000 places annually by 2020
- Press for the development of other safe routes for refugees to reach Europe, including by enabling wider family reunification

The strategic guidelines must call for a revision of European migration policies as an integral part of the EU's work on strengthening human rights and the rule of law. Policy must be revised in line with the EU Charter of Fundamental Rights and International Human Rights Law, to ensure the centrality of the individual, and address existing inconsistencies and gaps in protection.



# ELEVEN CASES OF PEOPLE UNDER THREAT

The EU is founded on a shared determination to promote peace and stability and to build a world founded on respect for human rights, democracy and the rule of law. These principles must underpin all aspects of EU internal and external policies.

Around the world people are suffering the consequences of human rights violations. Amnesty International strongly urges the Greek presidency to ensure the EU shows leadership and active engagement in the following listed cases.

## ***The Greek presidency should:***

- Raise the plight of those concerned at every opportunity and press for tangible progress
- Work with all EU embassies and delegations in each country to achieve positive change and concrete impact
- Act locally and in national capitals to realise all of the EU human rights guidelines
- Ensure that coherent action on human rights concerns is taken not only on cases abroad but also those within the EU

## **THE TEN YEAR ANNIVERSARY OF THE EU GUIDELINES ON HUMAN RIGHTS DEFENDERS**

As we approach the ten year anniversary of the adoption of the EU Guidelines on Human Rights Defenders (HRDs), we call on the European External Action Service (EEAS), working with the Greek presidency, to reflect on the effectiveness of these guidelines to date, and to work towards fulfilling the goal outlined in the EU Human Rights Strategic Framework and Action plan to intensify its political and financial support for HRDs, and strengthening EU efforts against all forms of reprisals.

While important progress has been made over the past decade, the implementation of the guidelines remains inconsistent. Best practice in implementation should be developed in collaboration with civil society.

The Greek presidency should work with the EEAS to ensure that all EU delegations and member state embassies:

- Are given practical and action-oriented training
- Engage with a wide range of HRDs working on civil, cultural, economic, social and political rights in different areas of countries including rural and remote areas
- Increase their efforts to raise awareness about the guidelines and their dissemination
- Are proactive on cases and provide systematic feedback to HRDs

## **EU GUIDELINES ON FREEDOM OF EXPRESSION**

As the listed cases demonstrate, denial of freedom of expression remains a serious human rights concern around the world. In line with the EU Strategic Framework & Action Plan on Human Rights and Democracy commitment to promote freedom of expression, opinion, assembly and association, the Greek presidency should:

- In consultation with civil society, work towards the timely completion of the EU Guidelines on Freedom of Expression and ensure that the Guidelines adopt a comprehensive approach, that they compliment and reinforce existing EU guidelines, and are in line with international human rights standards



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## MIRIAM LÓPEZ, MEXICO TORTURE, VIOLENCE AGAINST WOMEN

Miriam López was abducted and arbitrarily detained in Tijuana, Mexico on 2 February 2011. During the following week, soldiers repeatedly raped her, subjected her to electric shocks and asphyxiation, and threatened to target her family. Under coercion, Miriam signed a confession, falsely implicating herself in drug offenses.

Miriam was held in pre-trial detention until April when she was charged and remanded in custody. She was released without charges in September 2011. Despite Miriam's identification of several perpetrators and accomplices, no one has been brought to justice.

Amnesty International has documented a sharp increase in serious human rights violations perpetrated by federal, state and municipal public officials in Mexico, and notes a prevailing culture of impunity.

**In accordance with the EU Guidelines on Torture and the EU Guidelines on Violence against Women, we ask the Greek presidency to ensure that the EU and member states press the Mexican authorities to:**

- **Conduct a full, prompt, impartial and effective investigation, in line with international standards, into the acts of torture suffered by Miriam López; publicise the results; and bring the perpetrators to justice**
- **Cooperate with all relevant UN mechanisms combating torture. In particular, to adopt a comprehensive and effective action plan which includes all recommendations issued by the UN Committee against Torture in 2012, and is implemented by federal, state and municipal authorities**



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## THE BOLOTNAYA THREE, RUSSIA FREEDOM OF EXPRESSION

On 6 May 2012, police dispersed an authorised protest action on Bolotnaya Square. 400-650 people were detained in connection with the event and several were subsequently charged with participation in mass riots and/or violence against state officials. Most remain in detention; thirteen are standing trial. Amnesty International believes that 10 – including Vladimir Akimenkov, Artiom Saviolov and Mikhail Kosenko – are prisoners of conscience, detained solely for the peaceful exercise of their beliefs. All three deny any involvement in violence or illegal actions at Bolotnaya Square. While acknowledging that isolated incidents of occasionally serious violence did take place, Amnesty International considers that these did not amount to a mass riot within the meaning of Russian or International Law.

Despite video footage, which indicates that they were not involved in any illegality, in June, Vladimir and Artiom were accused of participating in mass riots and violence against state officials (the latter charge has been dropped); and participating in mass riots and use of force against a representative of the authorities, respectively.

Mikhail Kosenko was also charged with participating in mass riots and for use of force against a police officer. Video footage and witness testimony contradict the latter charge. On 8 October, Mikhail Kosenko was sentenced to forcible psychiatric treatment of indeterminate duration. The prosecution's claim that Mikhail is a danger to himself or society has not been objectively verified. Mikhail's mental health records show no history of violence, nor need for hospitalisation. His defence team have appealed the Court decision and he remains in pre-trial detention, where he is not regularly receiving the medication he requires.

**In line with the EU Strategic Framework & Action Plan on**

**Human Rights and Democracy commitment to promote freedom of expression, opinion, assembly and association, the Greek presidency should press the Russian authorities to:**

- **Immediately and unconditionally release Vladimir Akimenkov, Mikhail Kosenko, and Artiom Saviolov, who are prisoners of conscience, detained solely for the peaceful exercise of their beliefs**
- **Ensure that all trials are conducted in line with international standards. EU delegations should also monitor all trials relating to freedom of expression in Russia**
- **Drop charges of participation in or incitement to mass riots against all of the accused**



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## **IHAR TSIKHANYUK, BELARUS LGBTI, FREEDOM OF EXPRESSION**

In January 2013, LGBTI rights activist Ihar Tsikhanyuk was subjected to threats and abuse by police after he attempted to register the LGBTI NGO Human Rights Centre Lambda (HRCL). Those responsible have not been held accountable. Ihar and others connected with HRCL remain at risk of further abuse.

While undergoing treatment in hospital in February 2013, Ihar was taken to the police station, where he was again threatened and beaten in connection with his work on LGBTI rights.

Despite the decriminalisation of homosexuality in 1994, there have been no other efforts to ensure that legislation protects the rights of LGBTI individuals in Belarus: levels of negative stereotyping and social prejudice are prevalent, and endorsed by the President.

The problem of NGOs being unable to register in Belarus is

systemic. Current laws unfairly restrict the right to freedom of expression and peaceful assembly. There are currently no LGBTI organisations registered in Belarus.

**In line with the EU Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual and transgender and intersex people, the Greek presidency must ensure that the EU and its member states press the Belarusian authorities to:**

- **Open a thorough, independent, impartial and effective investigation into allegations that Ihar Tsikhanyuk was beaten by police and targeted because of his sexual orientation**
- **Protect Ihar Tsikhanyuk from further ill-treatment and harassment for his civil society activities, and on the grounds of his sexual orientation, and ensure that he receives reparation for the ill-treatment he has already suffered**

**Furthermore, the EU and member states must call on the Belarusian authorities to:**

- **Respect and ensure the rights of all those on its territory without discrimination on any of the grounds prohibited under international law, including gender identity and sexual orientation, in accordance with the ICCPR, to which Belarus is party**
- **Put an end to the pattern of obstruction, harassment and intimidation of NGOs directly and indirectly engaged in the promotion and defence of human rights in Belarus, including trade unions, environmental groups, LGBTI groups, as well as human rights groups**



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## **YORM BOPHA, CAMBODIA HUMAN RIGHTS DEFENDER**

Yorm Bopha is a housing rights activist and representative of the Boeung Kak Lake community in Phnom Penh. She was imprisoned in September 2012, and later convicted of “intentional violence with aggravating circumstances” for

planning an assault on two men, sentenced to three years' imprisonment, and ordered to pay compensation to the alleged victims. She is a prisoner of conscience, detained on baseless, fabricated charges as a result of her peaceful activism defending the right to housing and freedom of expression.

Witness testimonies during her trial were inconsistent and conflicting. Although an appeal hearing failed to resolve these inconsistencies in June 2013, the court upheld the original verdict while suspending one year of Yorm Bopha's three-year sentence. On 22 November 2013, Yorm was released on bail.

**In line with the EU Guidelines for Human Rights Defenders, the Greek presidency should ensure that the EU and its member states press the Cambodian government to:**

- **Ensure human rights defenders are protected from harassment and intimidation and are able to freely exercise their rights to freedom of expression and association, including promoting and protecting human rights nationally and internationally**
- **Press for Yorm Bopha's unconditional release with all charges dropped. She was imprisoned solely for peacefully exercising her rights to freedom of expression and association**
- **Ensure that victims of forced eviction have access to effective remedy, including access to justice and reparation.**



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## **TUN AUNG, MYANMAR PRISONER OF CONSCIENCE**

Dr. Tun Aung was arrested on 11 June 2012, in connection with riots in Maungdaw, Rakhine state, and held incommunicado for several months. Independent witnesses assert that Dr. Tun Aung did not play any role in violence, or incitement of violence, but actively tried to

calm the crowd. He was convicted of inciting riots and of various other criminal offences. His sentence to 11 years imprisonment in 2012 was increased to 17 years following the prosecution's appeal in 2013. There are further appeals pending. Amnesty International considers Dr Tun Aung a prisoner of conscience, targeted because he is a Muslim community leader.

Amnesty International is concerned by Dr. Tun Aung's conditions in prison. He is held in Sittwe prison, more than 170km from his home town Maungdaw, and may not be receiving the required medication and medical attention to treat his pituitary tumour.

**The Greek presidency should press the Myanmar authorities to immediately and unconditionally release Dr. Tun Aung and all prisoners of conscience. Furthermore, all trials must meet international fair trial standards.**



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## **AHMAD 'AMR 'ABD AL-QADIR MUHAMMAD, IRAQ DEATH PENALTY**

On 21 July 2006, Ahmad 'Amr 'Abd al-Qadir Muhammad was arrested by security forces in Baghdad and held incommunicado for more than a year. He was reportedly tortured and coerced into "confessing" that he was a member of an armed group who had intended to plant explosives, and that he had previously been involved in several bomb explosions in Baghdad. On 17 May 2011, he was sentenced to death on the basis of the Anti-Terror Law 2005. He is currently held at Camp Justice, al-Kadhimiya Baghdad and is at imminent risk of execution.

Defence lawyers have stated that eyewitnesses, including police officers, have given conflicting testimonies, and assert that no evidence linking Ahmad to the previous bomb explosions was presented to the court.

The death penalty has been used extensively in Iraq since

its reinstatement in 2004. Between January and 10 October 2013, at least 125 people, including two women, were executed.

In line with the EU Death Penalty Guidelines, the Greek presidency should urge the Iraqi government to:

- Commute the death sentence imposed upon Ahmad ‘Amr ‘Abd al-Qadir Muhammad, and grant him a retrial in compliance with international fair trial standards
- Ensure the full, prompt, impartial and effective investigation of allegations of torture by an independent body, which brings perpetrators to justice
- Declare an official moratorium on executions with a view to abolishing the death penalty, in accordance with repeated calls from the UN General Assembly, and commute without delay all death sentences



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## **JABEUR MEJRI, TUNISIA FREEDOM OF EXPRESSION AND RELIGION**

In March 2012, Jabeur Mejri was fined and sentenced to seven-and-a-half years in prison, after he published articles on, and pictures of, the prophet Mohamed on his Facebook page. He was convicted of “spreading written work that has the purpose of disturbing public order”, “harming or insulting others through public telecommunication networks”, and “attacking sacred values through actions or words”. Amnesty International considers Jabeur Mejri to be a prisoner of conscience, imprisoned for peacefully exercising his right to freedom of opinion and expression.

International human rights law protects expression of ideas that are perceived as offensive. Criticism of religious and other beliefs and ideas is a vital component of the right to freedom of expression. While critical of Islam, Jabeur’s writing neither incited nor advocated violence.

Jabeur’s case reflects a pattern of convicting journalists, artists and bloggers under the Penal and Telecommunications

Codes, since 2011.

In line with the EU Strategic Framework & Action Plan on Human Rights and Democracy commitment to promote freedom of expression, opinion, assembly and association, the Greek presidency should press the Tunisian authorities to:

- Immediately and unconditionally release Jabeur Mejri, who is a prisoner of conscience, imprisoned solely for peacefully exercising his right to freedom of expression
- Protect the rights to freedom of expression, and thought, conscience and religion, including the right not to have a religion, and enshrine them in the new constitution



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## **ESKINDER NEGA, ETHIOPIA PRISONER OF CONSCIENCE**

Eskinder Nega was arrested on 14 September 2011, after making speeches and writing articles criticising the government, and its use of the Anti-Terrorisms legislation to silence critics, and calling for freedom of expression to be respected. He was accused of involvement with the banned Ginbot 7 Movement for Justice, Freedom and Democracy, convicted for “preparation or incitement to terrorist acts”, “participation in a terrorist organisation”, and “high treason”, and sentenced to 18 years’ imprisonment on 13 July 2012. Amnesty International considers Eskinder a prisoner of conscience, imprisoned for his peaceful and legitimate activities as a journalist. This marks the eighth time that Eskinder has been prosecuted on account of his journalism. Eskinder was denied access to lawyers and family members in the initial stages of detention.

In Ethiopia, the authorities routinely use criminal charges and accusations of terrorism to silence critics. Repression of freedom of expression has increased alarmingly since the Anti-Terrorism Proclamation, which contains several excessively broad provisions, became law in 2009.

In line with the EU Strategic Framework & Action Plan on Human Rights and Democracy commitment to promote freedom of expression, opinion, assembly and association, the Greek presidency should urge the Ethiopian authorities to:

- Immediately and unconditionally release Eskinder Nega, and all other journalists detained solely for exercising their right to freedom of expression
- Immediately amend laws which unduly restrict freedom of expression and association, including the Anti-Terrorist Proclamation and the Charities and Societies Proclamation
- Fulfil its international obligations by taking all necessary steps to ensure that journalists and human rights defenders can operate freely, independently and with the full protection of the state



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## RESIDENTS OF BADIA EAST, NIGERIA FORCED EVICTION

On 23 February 2013, hundreds were forcibly evicted from Badia East, when the state authorities demolished at least 266 homes without prior consultation or adequate and reasonable notice. Residents did not receive alternative housing and/or compensation for loss and/or damage to property. The Lagos state government has called this demolition the first of a three-phase plan to demolish the entire Badia East.

In the absence of any legal and procedural safeguards, large-scale evictions have taken place across Nigeria. Tens of thousands have seen their homes demolished, without genuine prior consultation, adequate notice, access to legal remedies, adequate compensation or alternative housing provision.

The Greek presidency should press the Nigerian authorities to ensure that victims of forced eviction have access to effective remedy, including access to justice and reparation. As a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other international and regional human rights treaties, Nigeria must amend its housing laws in line with international standards, including by banning forced eviction and introducing safeguards. A federal moratorium on mass evictions would be a first step towards an end to Forced Evictions in Nigeria.



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## FAMILIES IN CLUJ-NAPOCA, ROMANIA FORCED EVICTION

On 17 December 2010, 76 families (356 people), most of whom were Roma, were forcibly evicted by local authorities from central Cluj-Napoca in violation of Romania's international human rights obligations.

The affected families were not consulted and no feasible alternative to eviction was explored. Those evicted were given neither written nor detailed notification, nor did they receive sufficient notice, and the community had no opportunity to challenge the eviction. Forty families were re-housed in sub-standard units on the city outskirts, close to a landfill site and chemical waste dump. The housing units do not comply with international or Romanian standards on adequate housing, particularly regarding location, habitability and availability of services, facilities and infrastructure. Thirty-six families were left without alternative housing. Some were allowed to build shelters, but those with no money for construction materials were left homeless. All the families seek justice, as they were given no remedy.

The Greek presidency, alongside the Commission, should

**press the Romanian authorities to ensure that victims of forced eviction have access to effective remedy, including access to justice and reparation. Romania should amend its housing laws to ban forced eviction, include safeguards which must be observed before any eviction is carried out, and bring housing laws into line with international and regional standards on the right to adequate housing.**



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## **ABU ZUBAYDAH AND ‘ABD AL RAHIM HUSSAYN MUHAMMED AL-NASHIRI, LITHUANIA, POLAND ACCOUNTABILITY FOR TORTURE AND ENFORCED DISAPPEARANCE**

These men were both held in secret detention by the Central Intelligence Agency (CIA) for almost four and a half years, during which they were subjected to enforced disappearance and torture, including “waterboarding” (mock drowning). After years in secret detention, the men were transferred to Guantánamo Bay. Both have alleged that they were detained between 2002 and 2003 in a secret CIA prison in Poland; Abu Zubaydah has also alleged that he was subsequently held in secret CIA detention in Lithuania. A Polish prosecutor has granted them “victim status” under the continuing investigation into the alleged presence of a secret CIA prison at Stare Kiejkuty, in Poland. The investigation has been shrouded in secrecy and the men’s lawyers have complained that they have not been allowed to participate meaningfully in it.

Al-Nashiri and Abu Zubaydah lodged applications to the European Court of Human Rights (ECtHR) for mistreatment during detention in Poland. Al-Nashiri is due to be tried by a US military commission and risks execution if convicted. Lithuania’s failure to investigate its role in CIA programmes has forced Abu Zubaydah to lodge a separate application at the ECtHR.

They were named in the 2012 European Parliament (EP) report on European complicity in CIA programmes and the follow-up resolution (October 2013), which call for effective

redress. The ECtHR held a public hearing on the two cases against Poland on 3 December 2013, setting an important precedent as the first time the Court will consider evidence concerning CIA sites in Europe.

**In line with the European Parliament’s recommendations, the Greek presidency must support full, prompt, impartial and effective investigations, in line with international standards, into all allegations of European complicity in CIA rendition and secret detention programmes. In particular, the presidency must urge member states to investigate alleged secret detention centres on their territories, and, in the spirit of future EU accession to the ECHR, press member states to cooperate fully with ECtHR.**

**In line with the EU Death Penalty Guidelines, the Greek presidency should commit itself to intervening with US and EU governments on these men’s behalf, and call for the closure of Guantánamo Bay.**

In this document, Amnesty International presents specific recommendations on human rights policy for the Greek presidency to deliver during its six-month term as President of the Council of the European Union (January-June 2014). Amnesty International will then assess the presidency's progress after three months. We also invite the Greek presidency to monitor its own progress in following the recommendations. Human rights work is about real people. Taking action on individuals is a tangible way of putting into practice the EU's commitment to protecting human rights. We ask the Greek presidency to intervene on behalf of eleven people or communities who have suffered, or are currently suffering, human rights violations, thereby demonstrating the EU's commitment to defending human rights throughout the world.

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