

RECOMMENDATIONS TO THE POLISH EU PRESIDENCY

JULY - DECEMBER 2011

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Pressing for progress with the EU's neighbours

Eastern Partnership - Focus on human rights in Belarus

- September sees the Eastern Partnership summit in Warsaw. We're asking the Polish presidency to press Belarus to free its prisoners of conscience and abolish the death penalty. Belarus is the last European country to execute people. Please see the case of Zmitser Dashkevich, a prisoner of conscience, in the annex
- We also ask the presidency to rally EU support for pressure to be applied to the Belarusian Government to guarantee freedom of association and expression

Enlargement – Unfinished business in Croatia

- As Croatia's application to join the EU nears conclusion, the opening of the justice and fundamental rights chapter has given the EU a vital opportunity to state its expectations on Croatia. The Croatian Government is still failing to provide war crimes victims and their families with access to truth, justice and reparations for human rights violations committed during the 1991-95 war. The presidency should ensure there is full support by member states for the steps and conditions the Commission has laid down for Croatia's accession, and confirm that Croatia carries them all out. It is vital that the EU takes a responsible approach to Croatian accession as it will set an important precedent for other western Balkan countries which seek to join the Union

Holding governments accountable for human rights abuse in the name of 'counter-terrorism' policy

- The presidency must engage at EU level to ensure full accountability of EU member states for their contribution to CIA rendition and secret detention programmes. State secrecy should not serve as a justification for denying justice to victims of torture and enforced disappearances
- Regarding secret detention in EU countries, Lithuania is a particular cause for concern as it has recently halted criminal prosecution despite acknowledging that the country hosted two secret CIA prisons. Romania is another source of concern as it has failed to initiate a genuine investigation into credible allegations of a secret CIA prison on its territory
- Poland has to lead by positive example as it proceeds with a criminal investigation into allegations of a secret prison at Stare Kiejkuty now that two people, Abu Zubaydah and Abd al-Rahmin al-Nashiri, are formally named as victims
- Another encouraging development is the European Parliament's willingness to follow up its 2007 accountability report on European complicity by means of a new 'own-initiative' report. We expect the Polish presidency to fully cooperate with the European Parliament's efforts

Protecting women in Europe

- The Polish presidency must ensure the EU adopts a comprehensive framework on violence against women which addresses all violence, including female genital mutilation and ensures the highest degree of human rights protection. The presidency should press for a pan-European awareness-raising campaign on violence against women
- We ask the presidency to oversee the full implementation of the European Gender Equality Pact and the Commission's progress in implementing its 2010-15 Gender Equality Strategy notably by supporting the adoption of a rights-centred instrument on female genital mutilation
- The Presidency should encourage the EU and its member states to sign the Council of Europe Convention on preventing and combating violence against women and domestic violence and to take the necessary measures to ensure its swift ratification

Improving opportunities for Europe's Roma population

- The Polish presidency should ensure that member states develop suitable policies which have clear targets attached. We're looking to the presidency to influence other member states to ensure the EU Framework for National Roma Integration Strategies is truly participatory, and effective. It's time to make integration of Europe's Roma people happen
- A key part of making the EU Framework Strategy a success is reforming the European Platform for Roma Inclusion so it relates directly to policy-making and monitoring. For this to happen there must be effective, institutionalised exchanges between EU policy-makers, member states, civil society and in particular Roma communities

Getting a fair deal for migrants and asylum-seekers

- We expect the Polish presidency to press for more transparent and accountable border practices by member states and the EU borders agency, Frontex. The presidency should also seek to preserve human rights standards in readmission agreements.
- We ask the Polish presidency to drive through progress with the new asylum package, ensuring that all member states apply adequate and equivalent standards of treatment and procedures, and reversing widespread use of immigration detention. While discussing reform of the Dublin II system, the human rights of asylum-seekers must be central to the process.
- The presidency should ensure that the European Asylum Support Office, launched on 19 June in Malta, fully involves civil society in its activities, and operates transparently. It should also guarantee reliable, independent and accessible country of origin information

Strengthening the EU's internal human rights policy

- The Polish presidency must take an ambitious approach to influencing the European human rights agenda. It should use the opportunity of the EU's new competence in the field of criminal justice, and forthcoming discussions on detention and the right to legal advice to demonstrate that the EU respects the Council of Europe's human rights standards and intends to apply them
- We expect the presidency to press energetically for EU accession to the European Convention on Human Rights, ensuring that this does not result in any weakening of Council of Europe protection mechanisms or hamper individuals' access to them. This process offers an excellent opportunity for the EU to install a robust internal mechanism to tackle human rights shortcomings and set up the necessary domestic remedies to address EU institutions' violations of human rights. The need to follow up the Council's commitments on implementing the Charter (agreed during the Hungarian presidency) provides another

Supporting human rights defenders

- In cooperation with the EEAS and EU member states, Poland should be proactive in effectively implementing the EU Human Rights Defenders Guidelines in non-EU countries. This includes maintaining regular and suitable contact with human rights defenders and consulting them on how the EU can best support them in their efforts
- The Polish presidency should give renewed impetus to the Shelter Cities Initiative launched by the Czech presidency, and provide political support for the adoption of a European protection and shelter programme, as proposed by the European Parliament Resolution of 17 June 2010 on EU policies in favour of human rights defenders. Such a programme would improve the EU's support for human rights defenders who need to leave their countries by facilitating temporary relocation in the EU, including by providing emergency visas and shelter

TEN CASES OF PEOPLE UNDER THREAT

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Around the world people are suffering the consequences of having their human rights violated. Amnesty International calls on the Polish presidency to ensure the EU's active engagement in these cases by:

- Raising these cases at every opportunity and pressing for tangible progress during the six-month presidency
- Working together with all EU embassies and EU delegations in each country to achieve change in these people's cases
- Acting locally and in the capital under the EU human rights guidelines





**ZMITSER DASHKEVICH
PRISONER OF CONSCIENCE, BELARUS**

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In March this prominent activist, former prisoner of conscience, and leader of the Young Front organisation, was sentenced to two years in a labour colony for allegedly assaulting passers-by. He was detained with a fellow activist on the eve of the December 2010 presidential elections in Belarus. We have learned that he and the group he was with had in fact been attacked by four men who punched Dashkevich and his colleague. It appears Dashkevich, as a well-known activist, was detained to prevent his attending the post-election demonstration on 19 December. There are now 11 prisoners of conscience connected with the post-election crackdown, including those currently detained or under house arrest, and five sentenced to between two and four years' imprisonment.

The Polish presidency must call on Belarus to release all prisoners of conscience and end the atmosphere of oppression in Belarus



**NURMEMET YASIN
HUMAN RIGHTS DEFENDER, CHINA**

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Uighur writer and poet Nurmemet Yasin is serving a ten-year prison sentence for writing a short story the Chinese authorities consider a veiled indictment of their conduct in the Xinjiang Uighur Autonomous Region. He is a prisoner of conscience. On the basis of his story, Yasin was charged with "inciting splittism." During interrogation in November 2004, the police threatened and beat him. In prison, he has been beaten by fellow inmates for not speaking Mandarin.

The presidency must call on the Chinese authorities to release Yasin immediately and unconditionally adopt policies which respect ethnic minorities' right to ensure, preserve, and reproduce their distinctive culture and traditions, and ensure freedom of expression for all



**ABD AL-RAHIM AL-NASHIRI &
ABU ZUBAYDAH
COUNTER TERRORISM, POLAND**

A 2004 internal CIA report says that Abd al-Rahim al-Nashiri was subjected to 'waterboarding' (mock drowning), stress positions, and threatened with a gun he believed was loaded, while in secret CIA detention. In 2010 George W Bush admitted in his memoirs that he authorised Abu Zubaydah's secret detention and waterboarding. Both Saudi nationals are currently detained at Guantánamo Bay. A Polish prosecutor has now granted them 'victim' status under the continuing investigation into the alleged presence of a secret CIA prison at Stare Kiejkuty.

The presidency should actively reject impunity and support all efforts to conduct full, impartial and effective investigations into all allegations of European complicity in the US-led rendition and secret detention programmes. During the Polish presidency, Poland should continue its investigation as transparently as possible, and ensure victims' full and effective participation



**MILAN LEVAR
ACCOUNTABILITY, CROATIA**

Milan Levar was killed by a bomb under his car in Gospić, Croatia on 28 August 2000. Almost 11 years later, this crime's perpetrator has not been brought to justice. Levar was killed because he publicly campaigned for justice for victims of crimes committed during the 1991-95 war in Croatia. He volunteered for the Croatian Army in 1991. According to reports, in 1992 he was ordered to round-up Croatian Serbs for execution and refused. After the war, he was questioned as a potential witness by the International Criminal Tribunal for the Former Yugoslavia in The Hague in 1997 and 1998 in connection with war crimes committed around Gospić. He also helped collect evidence and find other witnesses whom the Tribunal then interviewed. He was killed before he could testify.

In the context of Croatia's accession, the presidency should urge the Croatian Government to ensure that those responsible for Milan Levar's murder are brought to justice and urgently investigate allegations against current high-ranking officials who may have been involved in committing war crimes



**ASTER FISSEHATSION
INCOMMUNICADO DETENTION, ERITREA**

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Aster Fissehatsion has been held incommunicado without charge or trial since September 2001. She was arrested during a round-up of political dissidents, known as the Group of 15 (G-15). In May 2001 the G-15 published an open letter stating that Eritrea's President and ruling party were obliged by the constitution to call internal party meetings, follow correct parliamentary and government procedures and follow up on promises the party had made, particularly over judicial reform. In August 2001, the Secretary General of the Eritrean People's Front for Democracy and Justice accused the G-15 of attempting to destabilise the country. In a letter published in a newspaper, the G-15 asked the Eritrean people to help solve the country's problems, and urged the government to allow the free exchange of ideas and full popular participation. On 18 September 2001, 11 of the letter's 15 signatories, including Aster Fissehatsion, were arrested.

The presidency must press the Eritrean authorities unconditionally to release Aster Fissehatsion



**FATIMA HUSSEIN AL-BADI
DEATH PENALTY, YEMEN**

Fatima Hussein al-Badi faces the death penalty, first imposed in 2000 when she was convicted of murdering her husband following an unfair trial. She was reportedly questioned about the death for five hours at night without a lawyer and threatened with rape in the presence of her brother Abdullah.

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He apparently confessed to murdering her husband to save her, and was executed in 2005. In 2003, the supreme court found that Fatima had not taken part in her husband's killing, but had helped hide his body. Her sentence was consequently reduced to four years' imprisonment. The court reimposed the death sentence in 2004 after the president's intervention. Fatima's lawyer has appealed to the president for clemency, but she remains at risk of imminent execution.

In line with the Death Penalty Guidelines, the presidency should demand that everybody in Yemen under sentence of death, particularly Fatima Hussein al-Badi, has their sentence commuted urgently, with a view to abolition of the death penalty



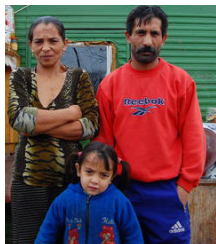
**DAKA ASANI
IMPUNITY, KOSOVO (SERBIA)**

Following the 1999 war, an estimated 700 Serbs, Roma and other minorities were abducted and killed by Kosovo Albanians. Daka Asani, a Roma, disappeared while shopping on 1 August 1999 in the town of Uroševac/Ferizaj. In 2000

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his body was exhumed from a cemetery in Pristina, along with the remains of 176 Albanians, Serbs and Roma. The autopsy says he died of "multiple gunshot wounds to the head and trunk". His body was identified and returned to his family in December 2006. Despite his family's requests, the authorities have not investigated his murder.

The presidency should press for increased resources and personnel for the EU-led mission in Kosovo (EULEX) so it can promptly and impartially investigate Daka Asani's abduction and murder, and all other outstanding abduction cases



**PICTOR NAGY STREET
DISCRIMINATION, ROMANIA**

In 2004 Some 100 Roma people were forcibly evicted from their homes in Miercurea Ciuc, Romania. Instead of giving them alternative homes, the authorities resettled them in temporary housing: a series of metal cabins and shacks beside a sewage works. They

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have been left there for seven years, despite the accommodation's unsuitability, and health risks.

The presidency should call on Romania to end forced evictions and ensure Roma people have access to adequate housing and health without discrimination



**ALEKSEI SOKOLOV
HUMAN RIGHTS DEFENDER, RUSSIA**

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Aleksei Sokolov is a human rights defender known for exposing torture and ill-treatment in Russian penitentiary institutions. In 2010, he was charged with theft and robbery and sentenced to three years' imprisonment. He denied the charges, based solely on testimonies by prison inmates, and possibly extracted under pressure. His lawyers and human rights NGOs have reported violations of fair trial standards. Sokolov has since been routinely harassed by the authorities, particularly penitentiary officials. In August 2010, he was beaten by prison guards and temporarily placed in solitary confinement at a remand centre. On 14 December the court rejected his application for parole on the grounds that he had received two reprimands, one for drinking tea in the wrong place, the other for lying down without permission although this was due to pain resulting from injuries inflicted by guards.

The presidency should demand a fair trial on appeal and an investigation, under its Torture Guidelines and Human Rights Defenders Guidelines, into allegations that Aleksei Sokolov was subjected to torture and ill-treatment, and that his right to a fair trial was violated



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**AL-ME'ADESSA STREET RESIDENTS
HOUSING, EGYPT**

The lives of 200 families in Al-Me'adessa Street, in the Cairo slum of Manshiyet Nasser, are endangered by rock falls. On 6 September 2008, boulders fell on a nearby district, killing at least 119. The impoverished residents, who cannot afford to move, are asking to be re-housed. By late 2010 some 12,000 families were living near Al-Muqattam Hill which is under imminent threat of rock falls. Since the 2008 disaster, some 11,000 families have been moved to alternative housing without being consulted. Often, they were forcibly evicted and hundreds of families left homeless. Al-Me'adessa Street residents fear being left homeless, or relocated to inadequate housing far from their jobs, schools and social networks.

The presidency should urge the Egyptian authorities to protect the lives of Al-Me'adessa Street residents, providing them with temporary shelter and adequate alternative housing. Any eviction from 'unsafe' areas must respect guarantees against forced eviction. Nobody should be left homeless as a result of eviction, especially not women

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Cover picture: London, UK, 7 April 2011. Amnesty international calls on Lithuania to: "Unlock the truth" over allegations of complicity in rendition and secret detention.
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Inside picture: Minsk, Belarus, 19 December 2010. More than 30,000 opposition supporters marched through the capital to protest a presidential election they say was rigged in defiance of longtime authoritarian leader Alexander Lukashenko.
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In this document, Amnesty International presents seven specific recommendations on human rights policy for the Polish presidency to deliver during its six month term. Amnesty International will then assess the presidency's progress after three months and at its conclusion. We also invite the Polish presidency to monitor its own progress in following the recommendations. Human rights work is always about real people. Taking action on individual cases is a tangible way of putting the EU's commitment to protecting human rights into practice. So within this document we present ten individual cases of people who have suffered, or are currently suffering human rights violations. We ask the Polish presidency to intervene on behalf of each of these people, and thereby demonstrate the EU's commitment to defending human rights throughout the world.

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