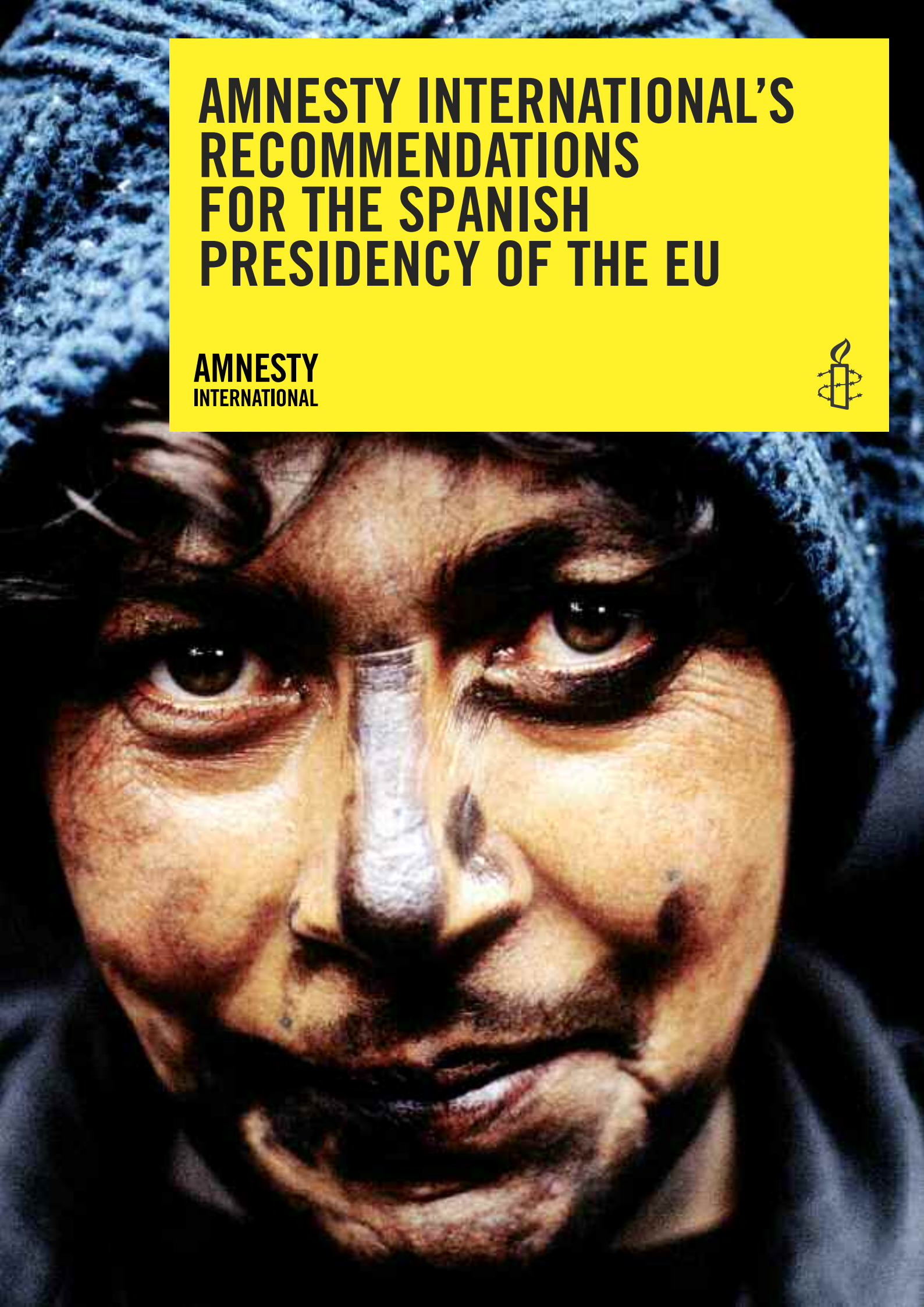


AMNESTY INTERNATIONAL'S RECOMMENDATIONS FOR THE SPANISH PRESIDENCY OF THE EU

AMNESTY
INTERNATIONAL



Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

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Cover picture: Roma woman working in a carbon factory in Copsa Mica, Romania
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AMNESTY INTERNATIONAL'S RECOMMENDATIONS FOR THE SPANISH PRESIDENCY OF THE EU

INTRODUCTION

The Spanish Presidency is taking over in a period where substantial structural changes need to be made operational: shaping the remit of the new posts of the President and the double-hatted High Representative for Foreign Affairs and Security Policy, elaborating the action plan for the Stockholm Programme, creating the External Action Service. While doing so, a unique opportunity arises for putting human rights at the heart of the European Union's (EU) policies and practices.

These new operational frameworks for the EU also create an occasion to not only continue with good practices carried out by previous Presidencies but to institutionalize them, to make them EU standards. For example, sustaining the principle of transparency in how the Presidency works makes the EU more accessible to the public and provides an accountability mechanism. Wide consultation with civil society organizations and access to information are key elements in this process. They have proved essential for a constructive interaction and setting them as the norm in the system would constitute a valuable legacy.

At this milestone in the European process, the EU should build on the fundamental and one of the founding values of the Union: respecting and protecting human rights. Institutional changes at this time are not without risk. Other pressing demands such as the economic downturn, climate change, migratory flows, and the fight against terrorism are sometimes viewed as competing with human rights for priority. This is an artificial choice because sustainable measures to address all these issues spring from the principles of human rights. Non-discrimination, respect for due process, access to rights and accountability are part of the solution.

The EU's leadership on human rights in the international arena needs to be mirrored in its internal policies – there must be consistency. Accountability within the EU lies in guaranteeing an effective protection of human rights, without discrimination, in all EU policies. The new commissioner, in charge of fundamental rights needs to ensure the coordination and overview of the human rights impact assessments of all EU internal policies.

Amnesty International presents a number of recommendations to the Spanish Presidency that can be implemented in a six month period. The instruments and mechanisms are in

place - what is required is the political will. The success of this EU Presidency will be assessed by Amnesty International against its effort of creating, harnessing and acting upon this political force.

Measuring political will poses challenges but it is not impossible. We propose benchmarks to indicate progress achieved against each of the recommendations. Amnesty International invites the Spanish Presidency to jointly monitor its own progress in following these recommendations – an achievement that would point to essential elements of a successful Presidency in terms of human rights impact.

Beyond these institutional challenges, the Spanish Presidency should keep in mind that human rights are about real people. Taking action on individual cases is one of the concrete ways of putting into practice the EU's commitment to protect human rights. Amnesty International presents 10 cases of people who have suffered or are currently suffering human rights violations and abuses all around the world - at home in the EU and abroad.

The Presidency of the EU has a particular duty to lead and coordinate the actions that the EU, as a Union of values with a shared responsibility, can adopt to *stop* the human rights abuse, to *protect* from further threats and to properly *address* past violations. Amnesty International calls on the Spanish Presidency to use all the means within its reach, from political pressure at the highest level to a range of working level instruments devised for the protection of human rights, in each of the individual cases presented.



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INDIVIDUALS AT RISK



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Globally, including in the EU, it is the individual who suffers the effects of human rights violations. As such, one of the key checks of all the EU's mechanisms and policies is their ability to protect real people, in real situations. Amnesty International has identified 10 cases involving people at risk, where the Spanish Presidency can make a difference. They range from people who are awaiting the death penalty in Japan, political prisoners in Ethiopia, to sexual rights activists being harassed in Nicaragua.

The common thread of all 10 cases is the EU's political commitment on paper to defend such individuals - through its Guidelines on human rights in external relations, and its treaty based obligation to protect human rights within Member States. What is needed from the Spanish Presidency is the political will to turn these paper-based commitments into reality in the lives of these individuals. The cases are by no means exhaustive, but they illustrate various situations where the EU can act, either through coordinated efforts of its embassies and delegations in third countries or through political peer pressure to abide by human rights as EU values.

Yang Chunlin is a Chinese human rights activist arrested for campaigning on behalf of tens of thousands of farmers whose lands were confiscated for development projects. Following his arrest he was held incommunicado and has been subjected to torture and other ill-treatment.

Birtukan Mideksa is the leader of Ethiopia's Unity for Democracy and Justice Party and has been detained since 2008 for the peaceful exercise of her right to freedom of expression and association.

Okunishi Masaru is now 83 years old and spent over 48 years in custody of which 38 years have been on death row for the murder of five women in 1961. He was reportedly tortured and forced to confess.

Aleksei Sokolov is a human rights defender, unlawfully detained in Russia on the basis of suspicion of robbery. There are fears that Sokolov is at risk of torture, and that the charges brought against him were in order to prevent his human rights work.

Erzsébet Fodor and her family were forcibly evicted from their homes in Romania in 2004 and along with 70 other Roma members were resettled in a 'temporary' facility next to a sewage filtering station, where there are serious health risks, particularly for children.

Nine Nicaraguan Women's Rights Defenders are currently facing charges for having helped a raped nine-year old girl obtain a legal abortion. The legal complaint was introduced by a NGO backed by the Roman Catholic Church in Nicaragua. Amnesty International fears that the complaint has been brought solely because of the women's human rights work and their campaigning activities.

Lamba Soukouna is a French national who in May 2008 was allegedly beaten outside his home by police officers, despite his warnings of his serious health conditions. In response to attempts to file an official complaint Soukouna was charged with "outrage and rebellion".

Mothers of Soacha are a group of Colombian women at risk for campaigning for justice over the executions of their loved ones - it is feared security forces have executed as many as 2,000 innocent men in an attempt to receive a reward for "guerillas killed in combat".

Binyam Mohamed is an Ethiopian British resident who was released from Guantánamo Bay to the UK in 2009 after conspiracy charges were dropped. It is feared that British intelligence agents were complicit in the torture he suffered under the US-led rendition program.

Samar Barghouti is a Palestinian woman from Ramallah who has been refused visiting rights to her husband currently been imprisoned by the Israeli army for over six years. Along with some 8,500 Palestinians Samar's visa applications to enter Israel have been rejected, effectively denying visitation rights.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Actively engage on these 10 cases raising them at every opportunity and pressing for concrete progress during the six month term.
- Develop a team from embassies and delegations in each of the countries identified, to work closely on these cases.

For case files turn to the end of the document.

INTERNAL POLICY ON HUMAN RIGHTS



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INTERNAL HUMAN RIGHTS MECHANISM

“The promotion of fundamental rights and liberties within the EU and in its external relations represents a hallmark for the Union. The three Presidencies will contribute to this aim by promoting a close cooperation with the EP and the Commission. The three Presidencies will also strive to improve the cooperation mechanisms between the Fundamental Rights Agency and the EU institutions”

Trio Presidency Draft Operational Programme, Spanish-Belgian-Hungarian Trio Presidency of the Council of the EU operational programme (2010-2011)

To honour this commitment and taking advantage of the opportunity provided by the Stockholm programme,¹ the Spanish Presidency should endeavour to strengthen the Council’s capacity to address EU domestic human rights issues.

A concrete step would be to follow-up the European Parliament’s report on the situation of fundamental rights in the EU 2004-2008, including the recommendation on transforming the *ad hoc* working party on fundamental rights and citizenship into a standing working party which would work in tandem with the working party on human rights (COHOM).

This new permanent working group would be *inter alia* responsible for following-up on the work from the Fundamental Rights Agency. It should aim at promoting an overarching EU human rights strategy that provides the parameters for a credible EU internal human rights policy that addresses the human rights situation in the Member States, and in consistency with the EU’s efforts to promote human rights in its external relations.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Follow-up on the relevant recommendations from the European Parliament’s report on the situation of fundamental rights in the EU 2004-2008 in order to strengthen the Council’s capacity to address human rights issues within the EU.

BENCHMARKS

- Transforms the *ad hoc* Council working group on fundamental rights and citizenship into a standing working group with a comprehensive mandate and a clear mechanism for ensuring the accountability of Member States.
- Proposes as an assignment for the working party on fundamental rights and citizenship to respond to the Commission Communication on Article 7 TEU ‘Respect for and promotion of the values on which the Union is based’ of October 2003 as a first step to EU level accountability.
- Launches an in-depth debate on how EU institutions tackle human rights issues in the Member States through the organization of a conference on the future of EU human rights policy.

¹ The multi-annual programme in the Area of Freedom, Security and Justice (AFSJ) 2010-2014

IMPLEMENTATION OF THE STOCKHOLM PROGRAMME – CRIMINAL JUSTICE

The Spanish Presidency must ensure that respect and promotion of human rights is at the core of the Action Plan governing the implementation of the Stockholm programme's political priorities. This implies an approach to human rights policy that is not limited to an active promotion of EU citizenship rights but also systematically addresses the human rights of all individuals affected by EU policies and measures deriving from the Stockholm programme. Particular attention should be given to the rights of migrants and asylum-seekers who are directly affected by the Stockholm agenda.

In the area of criminal justice, it will be critical that words are put into action in respect to procedural safeguards. Only a common reading of the rights and actual treatment of "suspects" and detainees will allow a sustainable level of mutual trust between the different national systems - and indeed trust in the EU's capacity to effectively protect all individuals within the criminal justice system. EU action should focus both on standards and practices. Its scope should encompass policing activities and their impact on the protection of individuals. Amnesty International's research has revealed serious concerns in the EU of torture and other ill-treatment committed by law enforcement officials, and effective impunity that many enjoy in relation to these acts. A tangible step in the implementation of the Stockholm programme could be concretely addressing the lack of police accountability for human rights abuse within the EU.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Ensure that the scope of the Stockholm programme includes not only EU citizens but all persons affected by EU policies.
- Promote concrete measures and action to protect the rights of "suspects" in criminal proceedings.

BENCHMARKS:

- Endeavours to explicitly extend the provision dealing with rights and protection to all persons affected by EU policies in the Stockholm Action Plan, including migrants who are particularly vulnerable to human rights abuses.
- Ensures that the Stockholm Action Plan explicitly mentions all the rights prioritized in the Council's "roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings", including the adoption of binding instruments.
- Promotes the adoption of a strong framework decision on the right to interpretation and translation, following up from the work achieved under the Swedish Presidency.
- Ensures that time and resources are allocated for genuine debate and actual negotiations on the remaining specific rights under the Right to Fair Trial, prioritized in the roadmap: adoption of a strong binding instrument on the right to information and advanced discussions on the right to legal advice and legal aid.
- Ensures that the Stockholm Action Plan addresses the issue of accountability of law enforcement authorities for human rights violations.

VIOLENCE AGAINST WOMEN

On violence against women, the Trio Presidency programme stresses that efforts should be directed to assistance for victims of gender-based and domestic violence. Building on Spain's own experience, concrete initiatives should be taken up at EU level to address all forms of violence against women and girls, with such initiatives been integrated into the Stockholm Action Plan. Furthermore the Spanish Presidency has announced plans to create an observatory on gender violence. The mandate of this new observatory should reflect the need to focus on the elimination of all forms of violence, prevention and prosecution of perpetrators and the protection of victims. This should include follow-up on the study on harmful practices such as Female Genital Mutilation (FGM) conducted under the Daphné Programme, to be completed in March 2010.

The trafficking of human beings for forced prostitution or other forms of exploitation is a serious human rights violation, which affects in particular migrant women and girls. Building on the existing efforts and strong commitments at EU level, the Spanish Presidency should ensure that the fight against trafficking is a priority for the Member States.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Adopt a coordinated and systematic response to the issue of all forms of violence against women and girls in the Action Plan of the Stockholm Programme.
- Ensure that adequate proceedings on identification, protection and access to compensation for trafficked persons are established at EU and national level, in line with the Council of Europe Convention on Action against Trafficking.

BENCHMARKS

- Ensures that the observatory for violence against women and girls is created with the mandate and purpose outlined above.
- Ensures that the Stockholm Action Plan makes explicit reference to the fight against all forms of violence against women and girls, FGM and the principle of due diligence in criminal matters, in access to justice, police cooperation and the single asylum procedures. This includes investigating into the development of a core of common standards to be integrated in all policies and measures envisaged by the Programme.
- Follows-up with concrete actions the study on harmful traditional practices including FGM in the EU, through for instance organizing a seminar with all stakeholders working on such issues.
- Aims that the proposed framework decision on combating trafficking is adopted.

DISCRIMINATION



Romani girl participates during class, in a mainstream elementary school in Ostrava, Czech Republic, 2009.

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ANTI-DISCRIMINATION DIRECTIVE

In its draft operational programme, the new Trio Presidency affirms its deep commitment to the principle laid down in article 13 of the Treaty establishing the European Community (TEC). The Trio Presidency explicitly states that it will continue the work on the new proposed Directive on Equal Treatment, which intends to provide a similar level of protection for the grounds of religion or belief, age, disability and sexual orientation that exists under the 2000 Race Equality Directive. This announcement echoes similar commitments made by the Council without any positive results so far. Despite reports from experts, civil society, the European Parliament and calls from the EU's advisory bodies on human rights and non-discrimination on the need to upgrade EU legislation in this area, the Council has to date failed to agree on the European Commission's 2008 proposal for a new comprehensive anti-discrimination directive. Moreover, the negotiations so far suggest worrying setbacks compared to the standards set by the 2000 Directives. This sends an extremely negative signal that, despite its clear competence to fight against all forms of discrimination, the EU is not taking the problem seriously, and in fact is allowing discrimination to continue within the EU. While financial implications may not be ignored, they can by no means justify any derogation from Member States' human rights obligations deriving from international and European standards. Building on its efforts at national level, the Spanish Presidency can leave an important legacy by prioritizing the adoption of a strong new EU anti-discrimination Directive in the next six months.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Reach a political agreement on the Equality Directive proposed by the Commission in July 2008, raising protection standards against discrimination on the basis of religion or belief, age, disability and sexual orientation to a similar level of what currently exists under the 2000 Race Directive.

BENCHMARKS

- Ensures that the Working Party negotiating the Directive is allocated sufficient time and resources to carry out its work.
- Aims that the Directive is on the agenda of all Employment and Social Affairs and other relevant Council meetings, with substantial information on the state of the negotiations made publicly available.
- Engages in a transparent negotiation process. Experts, including civil society representatives, are invited to make contributions; including by presentations to the Council on various aspects of the Directive to ensure an informed and open dialogue on the issues at stake.

ROMA DISCRIMINATION

The real need for more concrete action on discrimination at the EU level is illustrated by the persistent discrimination, violence and exclusion suffered by Roma communities within Europe. The launch of the 2010 European Year for Combating Poverty and Social Exclusion by the Spanish Presidency provides a key opportunity to do so with the objectives of the European Year including the recognition of the fundamental right to live in dignity for those living in poverty and with social exclusion. It states the fight against poverty and exclusion is the shared responsibility of both the collective and individual, and recalls the strong political commitment of the EU and its Member States to make a decisive impact through concrete action.

As this joint effort attempts to improve coordination of existing projects, the widespread exclusion and discrimination suffered by Roma communities - worsened by forced evictions in Italy, Romania and Greece - requires particular attention. Some evicted from their homes have already experienced at least one previous forced eviction with the destruction of shelters, clothes, mattresses and sometimes medicines and documents. All evictions are believed to have been carried without the procedural safeguards required under regional and international human rights standards. This pattern of evictions is part of a trend of increased attacks against minorities and in particular against Roma people. Attacks, some fatal, and threats should be fully investigated and prosecuted.

The EU should build on its political commitment and take action on these cases of forced evictions and racist attacks. The Spanish Presidency, hosting the Second EU Roma Summit, should use this occasion to reaffirm that the EU, as a union of values, does its utmost to protect minorities and to fight against exclusion.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Call for an end to forced evictions in the EU and that due process takes place in Member States in relation to evictions.
- Reflect the political priority of Roma inclusion in the Second Roma summit, including the condemnation of racist attacks and hate speech against Roma and concrete action to address its exclusion.

BENCHMARKS:

- Promotes a declaration condemning forced evictions and respect of due process when evictions, as an ultimate resort, are required.
- Promotes a clear outcome from the Second EU Roma summit that includes firm condemnation of any racist attack and the commitment to adopt a comprehensive and coherent framework of policies and instruments for Roma inclusion.

ASYLUM AND MIGRATION

Inside a detention centre for refugees and migrants on Lampedusa Island, Italy, 2007.



© UNHCR / A. Di Loreto

As the EU moves towards a Common European Asylum System (CEAS) in 2012, its development is entering a crucial phase with the revised asylum measures proposed by the Commission. The Spanish Presidency has an important role to play in ensuring that further harmonization is achieved in line with international protection standards, as the Council develops a common position on these measures. It should be particularly vigilant in ensuring that the proposed safeguards on detention, effective remedies, and access to procedures are retained. In regard to the existing Dublin system, the Spanish Presidency should support a fairer and more effective responsibility-sharing approach to asylum claims, as suggested by the Commission, by extending family reunion criteria and allowing for a suspension of transfer to be requested on the grounds of "particular pressure" on a Member State's asylum system.

However, the challenges often lie in the gap between the law and practice. To counter these challenges effective monitoring tools and quality control mechanisms are essential and should be developed as a matter of urgency. Setting up a European Asylum Support Office (EASO) could be instrumental in advancing monitoring tools, which should be developed alongside evaluation mechanisms to facilitate the alignment of the asylum systems. In overseeing the establishment of the EASO, the Spanish Presidency should ensure that the UNHCR and other relevant stakeholders contribute and are involved in developing monitoring systems.

During the Spanish Presidency, the evaluation of the Global Approach to Migration and of the EU Pact on Migration and Asylum offers an important opportunity to generally reassess the EU's policies in migration, particularly with regard to irregular migration. Current policies, at both Member State and EU level, contribute to the criminalization and discrimination of irregular migrants both in law and in practice. There should be a shift of focus from the 'fight against irregular migrants' to combating criminal networks; to target traffickers, smugglers and employers of irregular migrants that fall victim to exploitation and abuse. Against this context, the establishment of a mechanism to monitor the human rights impact of policies against irregular migration is urgently needed.

Moreover, the human rights of migrants, including respect for the principle of *non-refoulement* must be at the core of any dialogue and cooperation with third countries, particularly within EU efforts to conclude readmission agreements with a number of countries of origin and transit, and technical arrangements between Frontex and third countries. Agreements on migration aspects with Libya within wider talks on an EU-Libya framework agreement raise the deepest concerns, given Libya's well-documented ill-treatment of migrants and asylum seekers.

Despite acknowledgement from Member States of their international, regional and *acquis* obligations relating to refugee protection and human rights, concrete measures are required to ensure these obligations are observed in practice to prevent human rights violations of migrants and asylum-seekers both in the EU and third countries. Greater transparency in negotiations with third countries on all matters relating to migration, border controls and their operations is needed. The EU must not delay any longer the adoption of clear and binding rules on EU Member States establishing responsibility for disembarking migrants rescued at sea and giving access to asylum determination procedures. The Spanish Presidency must be vigilant to ensure that any strengthening in Frontex's role in border operations goes hand in hand with stronger accountability of this agency, including accountability of its operations.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Ensure that further harmonization of asylum laws and practices are achieved in line with international protection standards.
- Close the gap between law and practice through monitoring tools which involve and enable contribution of relevant stakeholders.
- Ensure that policies on irregular migration focus on combating criminal networks, traffickers/smugglers and employers which profit from irregular migration while protecting irregular migrants from exploitation and abuse. Those policies should also reject any measure which entrenches criminalization and discrimination of irregular migrants.
- Ensure that respect for the human rights of migrants and asylum-seekers is a prerequisite for cooperation on migration with third countries of origin and transit.

BENCHMARKS:

- Negotiations in the Council Working Groups on the revised asylum proposals uphold relevant guarantees regarding detention, effective remedies, and access to procedures.
- Ensures the revised Dublin arrangements include a mechanism allowing the suspension of transfer when Member States are under “particular pressure” and better meet the needs of the individuals concerned.
- Initiates inclusive discussions on monitoring tools to address the gap between the law and the practice in Member States’ asylum systems.
- Initiates discussions on the establishment of a mechanism to monitor the human rights impact of policies against irregular migration.
- Emphasizes the need to ensure adequate accountability of Frontex with regard to any proposal to strengthen its role and mandate.
- Facilitates the adoption of clear and binding guidelines with regard to Member States border operations, including under the auspices of Frontex; these guidelines should establish responsibilities for disembarkment and access to asylum determination procedures and ensure that interception operations do not lead to any person being *refouled*.

THE FIGHT AGAINST TERRORISM AND THE GUIDELINES ON TORTURE



© Harrison Mitchell

THE FIGHT AGAINST TERRORISM

Following President Barack Obama's announcement last January on the closure of the detention facility, Guantánamo Bay, European leaders across the spectrum warmly welcomed the move, presented as a new era of transatlantic counter-terrorism and security cooperation based on the respect of international law and human rights. Despite compelling evidence that some EU Member States have been complicit in the CIA illegal detention and secret detention programme, the issue has never been an agenda item for debate at Council meetings. Moreover the fact Lithuania has now been added to the list of states that allegedly hosted secret prisons has not triggered any new move in the Council to respond to the European Parliament's 2007 Resolution on this involvement. At the national level, the convictions by an Italian court of US and Italian intelligence agents for their involvement in the abduction of Abu Omar marked a step towards accountability for crimes committed in the course of the US' "rendition" programme. As the quest for accountability is well underway in the US, it is only a matter of time before even more information surfaces about European complicity.

Building on the developments in the US, Lithuania and Italy, as well as the work and demarches of the other EU institutions, the Spanish Presidency has the renewed duty to take up, at the executive level the call for in-depth, independent, impartial investigations to establish the truth about any European complicity.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Include the issue of Member States' responsibility in the CIA rendition and secret detention programme on EU's political agenda and substantively address due diligence in inquiries, prosecution of those responsible for human rights violations, reparation to victims, and prevention of abuse in the future.
- Urge Member States to comply with the European Parliament resolutions of 2007 and 2009, which call on Member States to conduct full, impartial and effective investigations into allegations of complicity in renditions to torture and the existence of secret detention sites on European territory.

BENCHMARKS

- Convenes a high-level meeting to evaluate the progress in the EU on accountability issues regarding CIA renditions and secret prisons.
- Reports on any and all actions at EU level to ensure that accountability processes are in place in Member States and at EU level.

TORTURE

The Swedish Presidency have held a number of discussions within relevant Council working groups on how to increase the EU's torture prevention activity in external relations. These included taking up individual cases, but much remains to be done to make the political commitments in the EU Guidelines on Torture a reality. As a priority, the Spanish Presidency should tackle the ongoing credibility issue which acts as a major hindrance in the EU's ability to encourage third countries to end the use of torture: its apparent unwillingness to confront violations committed by its own Member States. As the September 2009 European Parliament report on the EU Guidelines on Torture identified, third countries are increasingly challenging the EU to reaffirm their own commitment to the absolute ban on torture before challenging them on their record. For instance, Member States seeking "diplomatic assurances" from third countries to expel terrorist suspects to countries despite the fact that they would be at risk of torture and other ill-treatment is in clear violation of the *non-refoulement* principle that is highlighted in the preamble to the EU Guidelines on Torture.

One concrete action which the Spanish Presidency should commit to as a step to break down this obstacle is to work to ensure that the Optional Protocol to the Convention against Torture (OPCAT) is ratified by all Member States as quickly as possible, and that its principles are fully implemented. The fact that currently only 13 EU Member States have ratified OPCAT leaves worrying gaps in the commitment to protection against torture within the EU, and sends a negative message to third countries that needs to be rectified.

In its external relations the Spanish Presidency should not only build on the emerging good practice seen in the Swedish Presidency of taking up a minimum number of torture cases per month under the Guidelines, but go further in ensuring that this activity is effective. It should routinely feedback to the NGOs working on the cases on what action has been taken by the EU so future inputs are better informed and better tailored, as well as monitor and follow up so a clear signal is sent to the relevant third country interlocutors that the EU will not accept inaction as a response.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Ensure the legacy they pass on in July 2010 holds combating torture through the EU Guidelines on Torture as a core responsibility of the EU in its external relations, and not an optional add-on to other human rights commitments.
- Improve the feedback to civil society on actions taken, including on individual cases where demarches have been made.
- Promote the ratification of the OPCAT by all EU Member States.
- Adopt a strong EU position against the use of 'diplomatic assurances' to facilitate the transfer of persons to a country where they may be at risk of torture.

BENCHMARKS:

- Secures, at a minimum, the political commitment from the next two Member States in the trio, to ratify OPCAT before they take over the EU Presidency.
- Provides systematically feedback to civil society on two concrete actions under the EU Guidelines on Torture undertaken every month.
- Ensures that at least one meeting takes place during their six months at the helm of the EU between the Council and Commission working group on torture and civil society.
- Ensure that the Stockholm Action Plan reaffirms the absolute ban on torture and the principle of *non-refoulement*.

THE EU AS A GLOBAL ACTOR



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The Spanish Presidency will inherit two key aspects of the external relations legacy: the implementation of the new 'Consensus on Democracy' and the foreign affairs aspects of the Lisbon Treaty, including the creation of a new External Action Service under the new double-hatted High Representative for Foreign Affairs and Security Policy. Both developments provide opportunities to ensure that human rights promotion and protection is at the core of decisions on closely related external relations objectives such as development, security and managing migration. The Presidency will need to ensure that the drive for greater coherence is kept at the forefront of negotiations about how the new structure and policy commitments will work, and that not only political and resource considerations are taken into account.

DEATH PENALTY

As a leader in the worldwide abolitionist movement Spain is urged to hold to their promise to prioritize work against the death penalty during their Presidency through three different tracks:

Bilateral relations: Continue the strategic work with target countries – those that could either abolish the death penalty or establish a moratorium, including for example Belarus (only country in Europe and Central Asia that still executes people), Japan, South Korea and countries of the African Union.

Ratification of Second Optional Protocol: As a 'friend of the Second Optional Protocol' and in line with the Death Penalty guidelines, use all opportunities to push for ratification in their role as the EU Presidency.

Preparation for the United Nations General Assembly: Immediately begin preparations for the next General Assembly with the forthcoming Belgian Presidency, other EU Member States, cross regional partners and other stakeholders, in order to ensure effective outreach and burden-sharing which will help build towards an effective outcome.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Demonstrate the priority it gives to worldwide abolition of the death penalty through consistent implementation of the Death Penalty Guidelines in bilateral relations, and advance planning for the next UN General Assembly.

BENCHMARKS

- Launches a strategic demarche campaign, demonstrated by an increase in general demarches towards target countries and systematic demarches on all individual death penalty cases in target countries.
- Supports the 2nd Optional Protocol through a higher profile given to the issue in its bilateral dialogues with those countries yet to ratify – including discussions with Poland and Latvia with a view to their ratification.

LATIN AMERICA AND THE CARIBBEAN

During the key summit between the EU and Latin American and Caribbean (LAC) countries, Spain should utilize this historical relationship to emphasize the importance of a frank partnership which includes substantive discussion of human rights concerns. This requires recognition by both parties of their shortcomings. Concerns affecting both regions include forced evictions seen in Brazil, Colombia and Mexico and Roma communities within the EU, lack of access to the right to health for migrant and Roma communities who suffer discrimination in accessing public services, and recent legislative developments aimed at making abortion illegal in Nicaragua and the Dominican Republic. Finally, repression of Human Rights Defenders (HRDs), including economic, social and cultural rights activists, and notably trade unionists, is a reality in both regions. Sustainable development and social inclusion – two of the proposed themes of the summit - can only be effective if respect for human rights is at the core of the response.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Use the EU–LAC summit to discuss regional trends in human rights violations, including forced evictions, discrimination in access to services, particularly healthcare, and repression of HRDs, including their right to freedom of expression.

BENCHMARKS:

- Ensures NGOs are given an opportunity to brief the delegation attending the EU-LAC summit and subsequently are given proper feedback on the discussions. In the margins of the summit, the Presidency holds a meeting with HRDs.
- Includes a human rights agenda item (at a minimum) on the agenda at the EU-LAC summit.

AFRICA

Having identified the relationship with sub-Saharan Africa as a foreign policy priority, the Spanish Presidency is well placed to take the initiative within this relationship in the upcoming six month term. For progress to be seen, the EU-Africa Strategy needs to be transformed from words into action, particularly in the partnership on human rights and good governance. A successful and credible International Criminal Court (ICC) is dependent on both the EU and the African Union (AU), and in line with its stated commitment, the EU should press for full cooperation with the ICC from all AU states, including the warrant issued for Sudanese President Omar al Bashir. Broader Amnesty International recommendations on International Justice will be sent to the Spanish Presidency separately in the coming months.

Under the HRD Guidelines, the Presidency should promote action in response to the worrying trends of HRD repression in Africa; including through local 'focus groups' of EU missions committed to working on human rights protection. They should also report back to relevant organizations and the HRD concerned in order to ensure impact is improved and monitored.

The EU-AU human rights dialogue is an important forum to raise issues across the full range of human rights, including economic, social and cultural rights such as access to adequate maternal healthcare. This dialogue needs to become a frank forum for exchange on such issues, how to provide redress, and protect against such violations in the future.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Translate the planned foreign policy focus on Sub-Saharan Africa into concrete action, including on individual HRD cases through focus groups of EU missions and delegations, as well as developing the EU-AU human rights dialogue further as a forum for frank discussion.

BENCHMARKS:

- Takes action on a higher number of HRD cases within the EU-AU human rights dialogue than under the Swedish Presidency, and reports back to the HRDs and NGOs working on the case.
- Issues a strong statement of support for international cooperation with the ICC on Sudanese President Omar al Bashir's case in line with the warrant issued for his arrest.
- Includes an agenda item on access to healthcare, with a focus on maternal mortality, in the Spring-2010 round of the EU-AU human rights dialogue.

CHINA

The EU's human rights dialogue with China has been in place since 1995, representing the most established human rights dialogue that the EU holds and thus providing lessons for the conduct of newer dialogues. The review of its effectiveness as a tool for human rights promotion, completed under the Swedish Presidency, was as an important step NGOs had long called for. Amnesty International expresses disappointment however at the lack of transparency of this review, and that despite consultations with civil society, the analysis and conclusions of the review were not shared.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Undertake more meaningful consultation with NGOs on the development of transparent benchmarks for the future rounds of the EU-China human rights dialogue.
- Ensure that any debate around the future of the arms embargo on China, in any context, is firmly anchored in measurement of whether justice has been achieved for the victims of the gross human rights violations, including the Tiananmen Square Massacre, which acted as the grounds for the embargo.

BENCHMARKS

- Hosts a consultation with NGOs to agree transparent benchmarks for future rounds of the EU China dialogue.
- Ensures that if the Council discusses the arms embargo under the Spanish Presidency, NGOs are given the opportunity to provide a briefing on the human rights issues at stake to decision makers.

UNITED STATES

“Finding practical solutions will guide our action as we continue to make our partnership more operational in maintaining security, facilitating legitimate movement, and protecting human rights and fundamental freedoms”

EU-US joint statement on “Enhancing transatlantic cooperation in the area of Justice, Freedom and Security”
October 2009

Effectively managing the strategic partnership with the United States (US) will be one of the most testing aspects of the Spanish Presidency. As the deadline set by the Obama administration for Guantánamo closure will pass in the first few weeks of the Spanish Presidency, Spain will need to ensure that international pressure calling for its closure continues while crucially, ensuring full respect for the human rights of over 200 men still in custody at Guantánamo Bay.

Within the EU-US summit hosted by Spain in May 2010, the Presidency will need to ensure that the human rights commitment within previous joint statements is not lost in the discussions around practical actions. In order to continue building a constructive, mutually supportive relationship with the US the EU needs to deal with the gathering evidence of the complicity of its own Member States in the name of countering terrorism as outlined in the chapter on the Fight against Terrorism. The EU needs to respond swiftly to these abuses and encourage the US to do the same.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

Use the dialogue with the US, including the EU-US Summit in May 2010, to address human rights violations committed by both sides in the “War on Terror”.

BENCHMARKS

- Offers NGOs an opportunity to meet with the EU delegation attending the EU-US summit in May to brief them on human rights concerns to be raised.
- Ensures the official statement from the EU-US summit explicitly recognizes the need for justice for those whose rights have been violated in the so-called “war on terror” and the commitment of both parties to make this call of justice a reality.

EUROPEAN NEIGHBOURHOOD

Relations between the EU and its neighbours continue to go through a period of great change. The new Eastern Partnership and Union for the Mediterranean are yet to address the many critical human rights problems throughout both regions. Bilaterally, the EU is close to finalizing a new agreement with Libya, is moving forward with closer relations with Syria and Belarus, will strengthen relations with Morocco with the first EU-Morocco summit, and has outstanding demands for closer relations with a number of countries, such as Jordan, Tunisia and Israel. Throughout all of these changes, the ability to raise and act on human rights problems must be maximized – be it through new agreements, enhanced action plans, increased practical assistance or more effective political dialogue.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Push for and assist necessary human rights reforms in neighbouring countries with greater consistency, with a view to realize the reforms.

BENCHMARKS

- Ensures that new instruments developed within the framework of the European Neighbourhood Policy (ENP) have clear human rights references and objectives, with achievable targets, deadlines and assistance programmes attached.
- Ensures that the outcome documents demonstrate that the bilateral political dialogues with neighbouring countries, such as the first EU-Morocco summit truly monitor and assist progress towards those stated human rights goals, including those related to freedom of expression and movement, and the protection of HRDs.
- Includes substantive discussions on human rights issues in the planned Union for the Mediterranean Summit and Eastern Partnership Ministerials.

ENLARGEMENT

Closer to home, after recent political difficulties, the enlargement process could get back on track under the Spanish Presidency. As Croatia prepares to finalize negotiations, including the crucial justice and fundamental rights chapter, Turkey continues with its own talks, and the possibility of opening negotiations with a number of other countries (including Macedonia, Montenegro and Iceland) comes closer, the EU must not forget the potential that the enlargement process brings to effect change. In this context, it is essential that accountability for violations in the Balkan conflicts through cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY) and progress on domestic prosecutions continue to be an integral part of the enlargement process.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Explicitly outline human rights expectations to candidate and potential candidate countries at all levels, and stand by the EU's commitment to war crimes prosecutions as well as addressing the problems of the past as a defining element of relations with the countries of the western Balkans.

BENCHMARKS

- Proposes clear political statements made by the Council that outline the current human rights problems in candidate and potential candidate countries, offering solutions and practical assistance wherever appropriate.
- Releases statements showing EU support for accountability in the Western Balkans through the ICTY, effective domestic prosecutions and further reform of the judicial system.

RUSSIA AND CENTRAL ASIA

The Spanish Presidency has spoken of a new relationship with Russia – within which the EU must demonstrate greater assertiveness in its discussions, and similarly with the governments of Central Asia. This is particularly important when the EU is discussing what it sees as non-human rights topics, such as energy security. In previous instances the EU has often weakened its stance and marginalized its human rights concerns, failing to make its demands clear or consistent.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Confirm human rights as a central part of the relationship with Russia and of a reoriented Central Asia Strategy.

BENCHMARKS

- Reiterates through public statements relating to Russia and the Central Asian countries the human rights progress required in these countries, its importance for the EU and the role that the EU can play in assisting with human rights reforms.
- Includes a specific agenda point in all political dialogues looking at *inter alia* the implementation of international human rights commitments – including both the EU-Russia summit, (with explicit inclusion of HRDs and accountability for attacks against them), and ministerials with Central Asian countries.

MIDDLE EAST

In the past, Spain has paid particular attention to the Middle East Peace Process, and its own role within this. In the current period of uncertainty, where the EU itself has been divided and has backtracked on previous principled positions, we look to Spain to show leadership both within the EU and in the international community, to stand up for the primacy of international law and the need to address all violations with clear accountability – including with the 22 days of hostilities in Gaza and southern Israel in December 2008 and January 2009.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Demonstrate leadership in defending the primacy of international law and the need to address all violations with clear accountability in the Middle East.

BENCHMARKS

- Ensures that Council conclusions and Quartet statements on the Middle East Peace Process do not backtrack on previous human rights demands, such as the opening of crossings between Israel and Gaza, the end to evictions of Palestinians in East Jerusalem, and the illegality of Israeli settlements in the West Bank, but rather recognize the imperative to deal with all human rights violations as an integral part of a fair and durable solution.

EU-UNITED NATIONS RELATIONS



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HUMAN RIGHTS COUNCIL (HRC)

As we enter the period of discussions on the 2011 reviews of the HRC's functioning, active engagement and support for improvement of the HRC at every possible occasion is crucial. Preparation for this review needs to be done in close consultation with civil society and state partners, and remembering that the Geneva review should not detract from the regular work of the HRC. The EU should resist efforts to renegotiate the June 2007 institution-building package; rather it should concentrate on better implementation of the existing institutional arrangements and rules, in particular those that will further enhance the Special Procedures system.

Whilst there have been some recent improvements in the manner in which the EU operates at the HRC, all too often difficulties in reaching EU consensus lead to impaired or ineffectual outreach that fails to make the most of opportunities for cooperation in the HRC. Changes in the behaviour of states and improved working methods are among the key improvements required.

The EU's significant commitment to the Universal Periodic Review (UPR) process particularly in NGO participation and utilizing UPR recommendations in the EU's bilateral relations should continue and be strengthened. As the first country to be reviewed whilst holding the Presidency, Spain should further publicize the UPR process and exemplify best practice.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Lead the EU in a dynamic approach to improving the work and functioning of the HRC, including its Special Procedures system.
- Continue to actively support the UPR process, by mainstreaming UPR recommendations throughout the EU's external relations and by demonstrating best practice during Spain's own examination under the UPR.

BENCHMARKS

- Leads an active participation of the EU in all discussions within the HRC, including during interactive dialogues and UPR working group.
- Continues the previous consultations on improving the functioning of the HRC, leading up to the 2011 review – both with civil society and with countries from other regions, and promotes a more flexible approach to EU internal dialogue and outreach.
- Increases the references to UPR recommendations in the Council of the EU conclusions, Presidency statements, action plans and other EU documents.
- Uses Spain's UPR session as an example of best practice to other EU Member States and elsewhere, including preparatory and follow-up consultation with civil society, participation of other EU Member States and clear positions on all the recommendations made.

ARMS CONTROL

As the discussions on the future international Arms Trade Treaty (ATT) enter the negotiation stage in 2010, the EU and Member States need to show principled leadership in order to ensure a strong, robust and politically credible Treaty. The EU should promote comprehensive scope covering all types of arms transfers and legal parameters based on full respect for relevant principles of international law, including the 'Golden Rule'.²

One other important way to show leadership on global arms control is by reviewing implementation of the EU's own Common Positions relating to the arms trade. The Common Position on Arms Exports was adopted over a year ago, but to date there has been no comprehensive study of its implementation. The Presidency should launch such a study covering how national legislation has been modified and its implications on national procedures and license applications, as well as the development of best practice and possible future guidelines.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Ensure that the EU continues to be at the forefront of the push for the highest possible international standards to control the arms trade, including the Golden Rule.

BENCHMARKS

- Ensures that an EU negotiating position on the ATT is agreed and promoted worldwide and that it includes proposals for comprehensive scope covering all types of international transfers of conventional arms.
- Launches a review into the implementation of the EU's own rules on the arms trade, including the Common Position on Arms Exports, looking not only at legislative changes that have taken place, but also practical examples of best practice.

² The Golden Rule states governments must prevent arms transfers where there is a substantial risk that they are likely to be used for serious violations of international human rights and humanitarian law.

MILLENNIUM DEVELOPMENT GOALS



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The EU joined the global effort in the fight against poverty with its commitment towards achieving the Millennium Development Goals (MDGs). Despite this global initiative, progress is lagging behind with most countries already announcing that they will not meet their targets of reducing poverty by 2015. One of the serious limitations of the MDGs is the absence of explicit recognition and protection of the human rights of those living in poverty - rights that would end the deprivation, insecurity, exclusion and voicelessness experienced by the poor. The absence of human rights also brings the inability to hold governments accountable for the failure to fulfill obligations on reducing poverty.

There is increasing recognition that the realization of all human rights (political and civil, as well as economic, social and cultural rights) are at the heart of poverty eradication: they are both the means and the goal in the fight against poverty. Why? Because people living in poverty are driven into, and trapped within poverty by the abuse of human rights.

Eradication of poverty is interwoven with non-discrimination, gender equality and participation. Therefore in the fight against poverty, the right to equal access to rights in terms of the discrimination and exclusion of marginalized communities must be addressed. Furthermore, the spiral of impoverishment stemming from forced evictions of communities must be broken, and long term solutions towards security and access to services must be sought with the active participation of those affected. Similarly, protection from violence and access to sexual and reproductive rights for women, particularly in light of the maternal mortality crisis, is key in ensuring gender equality and empowerment of women. Finally for sustainable progress towards ending poverty, it is imperative for the voices of the poor to be heard; the right to organize, to participate and to have access information must be respected.

To acknowledge the invaluable role of human rights in the fight against poverty, the MDGs should explicitly and fully integrate the protection and fulfillment of all human rights. This would ensure that MDGs address not just the effects or symptoms of poverty, but also the root causes, in turn ensuring the resources used are achieving maximum impact. For example, development aid should be distributed in a manner which prioritizes the most vulnerable, ensures non-discrimination, respects the right to participate and access to information for affected persons, and ultimately provide accountability.

The upcoming 2010 UN Summit on the MDGs provides an opportunity to promote a human rights-focused approach to the MDGs and the eradication of poverty. In the preparation for this summit, the Spanish Presidency can play an important role in placing human rights at the centre of the EU review on the MDGs.

AMNESTY INTERNATIONAL CALLS ON THE SPANISH PRESIDENCY TO:

- Lead in developing a human rights-focused review of the MDGs in preparation of the UN Summit in September 2010.

BENCHMARKS

- Puts forward concrete mechanisms in regards to accountability both by state and non-state actors.
- Proposes a process of consultation and review to design a post-2015 framework, that actively seeks the views of poor communities, and that is mandated to report on ways in which human rights can be fully integrated in that framework.
- Promotes a joint EU position that aims at highlighting five key issues in the document resulting from the UN Summit. Those are: discrimination and exclusion, Violence against Women, forced evictions, maternal mortality and repression against poor people.

CALL

AROUND THE WORLD, PEOPLE ARE SUFFERING THE AMNESTY INTERNATIONAL CALLS ON THE SPANISH

- RAISING THEM AT EVERY OPPORTUNITY
- DEVELOP A TEAM AT EMBASSIES AND

YANG CHUNLIN HUMAN RIGHTS ACTIVIST, CHINA



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Yang Chunlin campaigned on behalf of Chinese farmers whose land was confiscated for development projects. In 2008 he was convicted of “inciting subversion of state power” and sentenced to five years’ imprisonment. He has been held incommunicado and has been subjected to torture: in several instances his arms and legs were stretched and chained to the four corners of an iron bed frame, causing him intense pain and forcing him to eat, drink and defecate in this position. Amnesty International considers him a prisoner of conscience.

- The EU should call for his immediate release and express concern under its Torture Guidelines for the torture suffered while in custody.

BIRTUKAN MIDEKSA OPPOSITION LEADER, ETHIOPIA

Birtukan Mideksa is a lawyer, former judge and a leader of Ethiopia’s Unity for Democracy and Justice Party. She was re-arrested in December 2008 after a pardon she received in 2007 was revoked. She is detained solely for the peaceful exercise of her right to freedom of expression and association. Her sentence of life imprisonment was reinstated in 2008 after she spoke at a public meeting in Sweden about the pardon process which led to her release. Amnesty International considers her a prisoner of conscience.



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- Under its Human Rights Defenders Guidelines the EU should initiate a demarche and request a visit to the place of detention by an EU representative in Ethiopia.

ALEKSEI SOKOLOV HUMAN RIGHTS DEFENDER, RUSSIA



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Aleksei Sokolov is the head of the organization Pravovaia Osnova (Legal Basis), which campaigns against torture and other ill-treatment of people held in detention. In May 2009 he was detained on suspicion that he had taken part in a 2004 robbery. Amnesty International believes that charges were brought against him in order to prevent him from carrying out his human rights work and fears

he is at risk of torture and other ill-treatment and may face unfair trial.

- The EU should call for his immediate release and express concern under its Torture Guidelines of the threat of torture made while Sokolov was in detention.

OKUNISHI MASARU DEATH ROW PRISONER, JAPAN

Okunishi Masaru is 83 years old and has spent over 48 years in custody, with over 38 years on death row for the murder of five women in 1961. Okunishi was reportedly tortured and forced to confess following long sessions of interrogation by the police. Masaru Okunishi retracted this confession during his first trial and was acquitted for lack of evidence. This decision was reversed by a higher court. He has exhausted his appeals, and could be executed at any time.



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- In line with the EU’s commitment to the worldwide abolition of the death penalty and Guidelines, it should call for the death sentence to be overturned.

ERZSÉBET FODOR FORCIBLY EVICTED, ROMANIA



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Erzsébet Fodor and her family were forcibly evicted from their homes in Miercurea Ciuc, Romania in 2004. Along with another 70 members of the Romani community, Erzsébet and her family were resettled by the authorities in what was supposed to be a temporary

solution, next to a sewage filtering station. They have been left there, despite the inadequacy of the area, and the potential health risks that may be involved, for children in particular.

- The EU should call on Romania to end this situation and offer adequate housing to these families.

LAMBA SOUKOUNA POLICE ILL-TREATMENT, FRANCE



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Lamba Soukouna is a French national who in May 2008 was allegedly beaten by police officers outside his home in a suburb of Paris. Despite his warnings about his serious health condition – he is registered as 80% disabled as a result of sickle cell anaemia – he says he was kicked and hit with the butt of a flash-ball gun. In response to Soukouna’s attempts to file an official complaint about the ill-treatment he was charged with “outrage” (insult to public authority) and “rebellion” (violent resistance to police).

- The EU should call on France to investigate the claims of police abuse and offer adequate reparation.

**CONSEQUENCES OF HAVING THEIR HUMAN RIGHTS VIOLATED.
PRESIDENCY TO ACTIVELY ENGAGE ON THESE 10 CASES:
AND PRESSING FOR CONCRETE PROGRESS DURING THE SIX-MONTH PRESIDENCY
DELEGATIONS IN EACH OF THE COUNTRIES IDENTIFIED, TO WORK CLOSELY ON THESE CASES**

**NINE WOMEN'S RIGHTS DEFENDERS
NICARAGUA**



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Nine Nicaraguan women's rights defenders (Ana María Pizarro, Juanita Jiménez, Lorna Norori, Luisa Molina Arguello, Marta María Blandón, Martha Munguía, Mayra Sirias, Violeta Delgado and Yamileth Mejía) are currently facing charges for having helped a nine-year-old girl pregnant from a rape to obtain a legal abortion. The legal complaint was introduced by a Church-backed NGO backed by the Roman Catholic Church in

Nicaragua. Amnesty International fears that the complaint has been brought solely because of the women's human rights work and their campaigning activities to ensure safe and legal access to sexual and reproductive health services.

- In line with its Human Rights Defenders Guidelines, the EU should call for an end to the harassment of these women HRDs.

**BINYAM MOHAMED
RENDITION, UNITED KINGDOM**



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Binyam Mohamed is an Ethiopian British resident who was detained in Guantánamo Bay between 2004 and 2009. Previously, he was captured and transported under the US-led rendition program to prisons in Pakistan, Morocco and Afghanistan where he says he was tortured. He has described how in one prison interrogators repeatedly inflicted cuts on his penis and chest with a razor blade. Subsequent conspiracy charges

against him were dropped by the US and he was eventually released and returned to the UK in February 2009. It is feared that British intelligence agents were complicit in the torture of Mohamed, namely that they knew he was being mistreated in foreign prisons, interviewed him and/or colluded with foreign intelligence services to develop lines of questioning for him in some of those same facilities, and did nothing to stop the abuses.

- The EU should call on the UK government to investigate the alleged complicity of UK intelligence agents and to make sure that all relevant sources of information on this case are made available to any inquiry.

**THE MOTHERS OF SOACHA
CAMPAIGNERS, COLOMBIA**



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The Mothers of Soacha (Luz Marina Porras Bernal, Carmenza Gómez Romero, María Ubilerma Sanabria López, Blanca Nubia Monroy, Edilma Vargas Riojas and Flor Hilda Hernández) are a group of Colombian women whose sons were extrajudicially killed by the security forces. These women have been threatened, harassed and subjected to surveillance in an effort to silence their campaign for justice. More than a dozen of young men from Soacha, a poor locality near Bogotá, were killed by the army last year and their bodies presented mostly as "guerrillas killed in combat". The judicial authorities are investigating more than 2,000 cases of extrajudicial killings by the security forces.

- The EU should, under its Human Rights Defenders Guidelines, express concern over the threats against and harassment of these defenders and call on the Colombian authorities to carry out a full and impartial investigation into the threats and to guarantee their safety in strict accordance with their wishes.

**SAMAR BARGHOUTI
WIFE OF PALESTINIAN PRISONER,
OCCUPIED PALESTINIAN TERRITORIES**



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Samar Barghouti, a Palestinian woman from Ramallah has not been allowed to visit her husband since his imprisonment by the Israeli authorities more than 6 years ago. As is the case with some 8,500 other Palestinians, Samar's visa applications to enter Israel have been rejected. Through the denial of permits, Israel is effectively denying family visiting rights to many Palestinian prisoners from the West Bank, and has imposed a blanket ban on all visits to some 900 prisoners from the Gaza Strip.

- The EU should urge Israel to grant regular access of Palestinian family members to visit detainees. The EU should also call on Israel to hold Palestinian detainees in the Occupied Palestinian Territories in line with its obligations under International Humanitarian Law.



TEN CASES OF PEOPLE UNDER THREAT

YOU MAKE EUROPE
FOR A NEW COMMITMENT ON HUMAN RIGHTS

AMNESTY
INTERNATIONAL

