



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2002/83/Add.1  
28 January 2002

Original: ENGLISH/FRENCH/  
SPANISH\*

---

COMMISSION ON HUMAN RIGHTS  
Fifty-eighth session  
Item 12 (a) of the provisional agenda

**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND  
THE GENDER PERSPECTIVE**

**VIOLENCE AGAINST WOMEN**

**Report of the Special Rapporteur on violence against women,  
its causes and consequences, Ms. Radhika Coomaraswamy,  
submitted in accordance with Commission on Human Rights  
resolution 2000/49**

**Addendum**

**Communications to and from Governments**

---

\* The executive summary of this report and the confidential information form (see appendix) are being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the languages of submission only.

## CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Executive summary .....		4
Annex: INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES .....	1 - 151	5
Australia .....	1	5
Bahrain .....	2	5
Bangladesh .....	3 - 6	6
Canada .....	7	6
China .....	8 - 11	7
Colombia .....	12 - 15	7
Democratic Republic of the Congo .....	16	8
Egypt .....	17 - 20	9
Ethiopia .....	21 - 22	10
Guinea .....	23 - 26	11
India .....	27 - 39	12
Indonesia .....	40 - 47	15
Iran (Islamic Republic of) .....	48 - 51	16
Israel .....	52 - 53	17
Kenya .....	54	17
Lebanon .....	55 - 71	18
Liberia .....	72	22
Mexico .....	73 - 74	22

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
Myanmar .....	75 - 91	23
Nigeria .....	92 - 93	25
Philippines .....	94 - 109	26
Qatar .....	110 - 112	29
Republic of Moldova .....	113 - 114	30
Russian Federation .....	115 - 116	30
Sri Lanka .....	117 - 139	31
Turkey .....	140 - 148	35
United Kingdom of Great Britain and Northern Ireland .....	149	37
Uzbekistan .....	150 - 151	38
Appendix: Violence against women information form .....		39

### **Executive summary**

At its fifty-seventh session, the Commission on Human Rights, in its resolution 2001/49, requested all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested and to respond to the Special Rapporteur's visits and communications. The Commission, furthermore, welcomed the efforts by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and consequences, in particular, where appropriate, by sending joint urgent action appeals and communications with other special rapporteurs.

The Special Rapporteur has produced a standard reporting form which may be used to document alleged instances of violence against women (see appendix). In this connection, it should be emphasized that, in accordance with her mandate, the Special Rapporteur is in a position only to process cases of alleged violence against women which are gender-specific, that is violence or threats of violence directed against women because of their gender. The definition of gender-based violence used by the Special Rapporteur is taken from the Declaration on the Elimination of Violence against Women, adopted by the United Nations General Assembly in its resolution 48/104 on 20 December 1993.

The Special Rapporteur wishes to inform the Commission that during the period under review she transmitted communications to the Governments of: Bangladesh, China, Colombia, the Democratic Republic of the Congo, Egypt, Ethiopia, Guinea, India, Indonesia, Iran (Islamic Republic of), Israel, Kenya, Lebanon, Liberia, Mexico, Myanmar, Nigeria, Philippines, the Republic of Moldova, the Russian Federation, Sri Lanka, Turkey and Uzbekistan. In addition the Governments of Iran, Lebanon, Mexico, the Russian Federation, Sri Lanka and Turkey provided the Special Rapporteur with replies on cases submitted during the year under review, whereas the Governments of Australia, Bahrain, Canada, China, Qatar, Sri Lanka, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland did so with respect to cases submitted in previous years.

This report contains, on a country-by-country basis, summaries of general and individual allegations, as well as urgent appeals transmitted to Governments, and their replies thereto. Observations by the Special Rapporteur have also been included where applicable.

## **Annex**

### **INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES**

#### **Australia**

##### **Follow-up to previously transmitted communications**

1. By letter dated 7 March 2001 the Government responded to the Special Rapporteur's communication dated 4 February 1999 concerning the case of **Ms. E** (E/CN.4/2000/68/Add.1, paras. 8-18). The Government indicated that on 11 February 1999, the Refugee Review Tribunal (RRT) had affirmed the decision of the delegate of the Minister for Immigration and Multicultural Affairs not to grant Ms. E a protection visa as the RRT was not satisfied that Ms. E was a refugee. However, on 3 July 2000, following health and character checks, the Minister exercised his powers under section 417 of the Migration Act 1958 (Cth) and granted Ms. E a subclass 820 spouse (temporary) visa. Under section 417 the Minister may substitute for a decision of the RRT a decision that is more favourable to the applicant, if he thinks it is in the public interest to do so. Although the subclass 820 visa granted to Ms. E is a temporary visa, she may now apply for a subclass 801 spouse (permanent) visa. She will be eligible for grant of the permanent visa after two years if she remains in a genuine and continuing relationship with her Australian husband and does not engage in conduct that would preclude the grant of the visa. Ms. E is therefore not at risk of return to the Ukraine in the foreseeable future.

#### **Bahrain**

##### **Follow-up to previously transmitted communications**

2. By letter dated 22 January 2001 the Government responded to a communication sent on 21 December 2000 (E/CN.4/2001/73/Add.1 paras. 3-5) concerning the case of **Yeshiworq Desta Zewdu**. It stated that on 28 November 2000 the court had convicted Ms. Zewdie and sentenced her to death. Her lawyer lodged an appeal in the High Court of Appeal on 25 December 2000, and a hearing date was awaited. Should that appeal be unsuccessful the case would be sent for automatic review by the Cassation Court, which has powers to look into the case by way of full appeal, or by rehearing of either the substantive case or of issues of the procedure, law or evidence. Should the Cassation Court uphold the conviction and sentence, the case would be referred to his Highness the Amir, without whose consent no death sentence can, under the Constitution and applicable laws be carried out. The Government assured the Special Rapporteur that Ms. Zewdie was fully represented by an independent defence lawyer and that full and complete judicial safeguards were in place to prevent any form of injustice. It stated that Ms. Zewdie's case continued to follow the due process of law in the regular way.

## Bangladesh

3. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

4. **Chaniu Marma**, a 13-year-old girl from Dajjya Para village in Khagrachari district, is reported to have been repeatedly raped by a group of so-called Bangladeshi Muslim infiltrators on 18 March 2000 near Dajjya Para Road. She allegedly lost consciousness. On 23 March 2000, she was reportedly examined at Khagrachari hospital and lodged a case against the rapists at the Manikchari police station under the Children and Women Persecution Act. No investigation or arrest has reportedly been carried out.

5. **Momta Khatun Rekha**, a 17-year-old girl from Singuira village in Gatail area of Tangail district, was reportedly raped by a police constable from Bhuapur police station on 14 September 1999 in a house adjacent to Bhuapur Thana hospital. The constable took her to a nearby house, where she was tied to a bed and had a handkerchief pushed into her mouth. The family is said to have filed a complaint on 15 September 1999 against the constable and his accomplice at Bhuapur police station on the allegation of kidnapping and raping Momta Khatun. The constable was reportedly suspended and taken into custody. Months later, Momta Khatun Rekha withdrew the case reportedly under severe pressure from the police.

6. **Rowshan Ara Begum**, an elected member of the Union Parishad (local council), was allegedly raped in her home in the Kishorgonj district of Dhaka by two men, accompanied by three accomplices, on 1 May 1999. She was beaten in front of her 13-year-old daughter, Shara, who was then locked out of the house while two of the men raped her mother. The five accused were said to have been subsequently arrested, but three (charged with being accomplices) were released on bail and reportedly threatened her, her children and her lawyers. The police are said to have taken action to assure their safety.

## Canada

### Follow-up to previously transmitted communications

7. By letter dated 21 June 2001 the Government responded to the communication submitted jointly with the Special Rapporteurs on extrajudicial, summary or arbitrary executions, and on the human rights of migrants on 9 August 2000 (E/CN.4/2001/73/Add.1, paras. 11-13) regarding the case of **Ms. Anam Iqra**. The Government indicated that Canada recognized Ms. Iqra as a "Convention refugee" on 14 February 2001. She subsequently filed an application for permanent residence on 27 February 2001. As a refugee claimant she is entitled to work in Canada. If granted permanent residence in Canada, Ms. Iqra would have virtually the same rights and obligations as a Canadian citizen. After three years of permanent residence in Canada, she could apply for citizenship.

## China

8. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

9. Between March 1997 and June 1998, the director and deputy director of Qinjia Township police station, Xinhua County, Hunan Province had illegally detained 42 young women who worked in other provinces, handcuffing, kicking, beating, humiliating and threatening them in order to extract confessions that they had engaged in prostitution. In September 1999, they were reportedly sentenced to one year and to six months in prison respectively for detaining the women. Both sentences were allegedly suspended for one year.

10. On 17 May 1999, the head of the Public Security Bureau Communication Department of Xinmi City, Henan Province, a police colleague and a security guard reportedly apprehended a young woman, detained her at their office, demanded that she admit to prostitution, beat her with police batons, gave her electric shocks to her breasts and thigh, sexually assaulted her and kicked her. They reportedly forced her to sign a guarantee, threatening to send her to a labour camp. They reportedly told her they had been lenient to her, that with women from other towns, they would apply electric shocks to their vaginas until they confessed.

### Follow-up to previously transmitted communications

11. By letter dated 15 January 2001, the Government of the People's Republic of China responded to the Special Rapporteur's communication dated 13 March 2000 concerning the case of **Rebiya Kedeer**. The Government indicated that Rebiya Kadeer was serving her sentence at the Xinjiang Autonomous Region No. 1 prison. She was convicted in accordance with articles 111 and 56.1 of the Penal Code for supplying State intelligence to parties abroad; the court sentenced her to eight years' imprisonment and stripped her of her political rights for two years. The Government stated that the verdict had nothing to do with freedom of speech or with her activities relating to women's issues as a member of a governmental delegation. The Government denied allegations that she was being badly treated and that her health had deteriorated as a result.

## Colombia

12. El 11 de junio de 2001, la Relatora Especial envió un llamamiento urgente conjuntamente con el Relator Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias y el Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos a favor de **Dany Rada Jiménez**, de 22 años, y otros activistas de la **Organización Femenina Popular (OFP)**. Según las informaciones recibidas, el 18 de mayo de 2001, paramilitares habrían informado a Dany Rada que era objetivo militar y, desde entonces, habría recibido reiteradas amenazas de muerte. Desde hace unas semanas estaría bajo constante vigilancia y hombres desconocidos la habrían seguido en distintas ocasiones por la calle. Ésta habría denunciado los hechos a la policía. El 3 de junio de 2001, un familiar suyo habría sido amenazado por un paramilitar que le habría dicho que Dany Rada se metía en sus problemas y que ya le habrían advertido que no denunciara. El paramilitar también habría afirmado que un

policía de Puerto Wilches le había entregado una copia de la denuncia que ésta habría interpuesto. Los paramilitares habrían amenazado igualmente a varios miembros de la organización de Puerto Wilches, departamento de Santander, con matar a activistas de la OFP, y habrían advertido a los vecinos de Puerto Wilches que la organización de mujeres estaba amenazada, asegurando que: "Es posible que colocaremos una bomba... La OFP se acaba porque se acaba".

13. El 13 de febrero de 2001, la Relatora Especial envió un llamamiento urgente conjuntamente con el Relator Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias y el Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos a favor de la **Organización Femenina Popular (OFP)**. Según las informaciones recibidas, en la mañana del 27 de enero de 2001, dos hombres que se habrían identificado como miembros del grupo paramilitar Autodefensas Unidas de Colombia (AUC) habrían llegado al Centro "Casa de la Mujer" dirigido por la Organización Femenina Popular (OFP) en el distrito de Prado-Campestre de Barrancabermeja, departamento de Santander. Según la fuente, los dos hombres habrían anunciado su intención de ocupar el Centro y habrían exigido a los activistas que les dieran las llaves del mismo. Uno de los hombres habría vuelto al lugar el mismo día, amenazando a la defensora de los derechos humanos, Jackelin Rojas, y requisando su teléfono celular. Se informa que los paramilitares habrían amenazado con tomar el Centro por la fuerza "tumbando la puerta abajo y pasando por encima de quien fuera". Según la fuente, el hombre fue arrestado por la policía, pero se teme que otros miembros de las Autodefensas pudiesen llevar a cabo su amenaza de tomar a la fuerza el Centro.

14. Además, se informa de la situación de un observador internacional de la organización no gubernamental "Peace Brigades International (PBI)", que colabora con otros grupos de defensores de los derechos humanos en Colombia, en particular la Organización Femenina Popular. La información indica que a primera hora de la mañana del 8 de febrero de 2001, dos hombres armados, que se habrían identificado como miembros de las AUC, habrían llegado a un centro de mujeres dirigido por la OFP. Según la fuente, los dos hombres se aproximaron a un observador internacional de Peace Brigades International y le habrían ordenado que les entregara sus documentos así como su teléfono celular. Al negarse, uno de los paramilitares le habría amenazado con una pistola. Tras tomar los documentos y el teléfono celular, los dos hombres habrían abandonado el centro amenazando con declarar a la organización PBI objetivo militar.

15. Los relatores especiales expresaron su preocupación en cuanto a la posible suspensión por la fuerza del trabajo de los defensores de los derechos humanos en Barrancabermeja como resultado de la intimidación a la cual estarían siendo sometidos. Se alega que algunos defensores de los derechos humanos habrían salido de Barrancabermeja y que aquellos que todavía permanecen allí estarían siendo perseguidos, hostigados y amenazados.

### **Democratic Republic of the Congo**

16. Le 27 août 2001, la Rapporteuse spéciale a envoyé un appel urgent conjointement avec les Rapporteurs spéciaux sur la situation des droits de l'homme en République démocratique du Congo et sur la torture et le Président-Rapporteur du Groupe de travail sur la détention arbitraire en relation à des incidents qui se seraient déroulés le mercredi 15 août 2001, au marché central de Kinshasa. Suite au décès lors de son arrestation d'un enfant des rues soupçonné de vol,



d'autres auraient saccagé le bureau du commissariat de police du marché central, dont le commandant aurait été grièvement blessé. Des policiers militaires auraient ensuite procédé à l'arrestation d'au moins 420 enfants de la rue, âgés de 2 à 17 ans. Certains auraient été amenés aux services spéciaux de la police Kin Maziere et d'autres à l'état-major du Commandement du bataillon mobile Kin Ouest de la police près de l'hôpital général de Kinshasa. La nuit du mercredi 15 août 2001, sur instruction du Gouverneur ad interim de la ville de Kinshasa, des patrouilles de la police auraient procédé à l'arrestation d'autres enfants qui auraient été conduits à l'Inspection provinciale de la police de Kinshasa. Le 16 août 2001, à l'issue d'une réunion entre le Gouverneur a.i. de la ville et une organisation non gouvernementale (ONG) appelée «ECO/ASBL» plus ou moins 366 enfants de la rue, dont une soixantaine des filles, auraient été conduits au siège de cette ONG dans la commune de Ngaliema en vue d'être transférés au site Mitendi devant être réaménagé à cet effet par le Gouvernement. Plusieurs filles qui faisaient partie de ce groupe auraient fait l'objet de harcèlements sexuels, et certaines d'entre elles auraient même été violées par des membres de la police.

### Egypt

17. By letter sent on 30 September 2001 with the Special Rapporteur on torture the Special Rapporteur advised the Government that she had received information on the following individual case.

18. **Salha Sayid Qasim**, a 37-year-old housemaid, was reportedly taken from the house of one of her employers to Giza Police Headquarters by two plainclothes security officers on 3 March 2000 on suspicion of burglary. There, she was reportedly blindfolded and whipped with a stick on her back, legs and head. An officer allegedly told her to take off her clothes and to turn towards them. The officer then reportedly threatened her with sexual abuse, including gang rape by the officers. After several hours of abuse, she was reportedly sent to spend the night handcuffed in a cell with a male prisoner. The next day, she was allegedly given electric shocks and beaten severely on her body and head with a stick for over an hour in order to extract a confession. She was reportedly released on 4 March 2000 without charge. On 13 March 2000, a complaint was reportedly filed with the Public Prosecutor's Office.

19. On 6 June 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative of the Secretary-General on human rights defenders and the Special Rapporteur on freedom of opinion and expression on behalf of **Nawal El Saadawi**, a writer and eminent defender of women's rights. According to information received, a legal proceeding has been launched in order to annul on the grounds of apostasy the 37-year-long marriage of Nawal El Saadawi and her husband, Sheriff Hetata. This proceeding is reportedly based on an interview with Nawal El Saadawi, published in an Egyptian weekly newspaper, "*Al Midan*", on 6 March 2001, in which she was reportedly critical of certain religious practices. It has been reported that Ms. El Saadawi's statements, which related to historical facts and to her views on the wearing of the veil by women, polygamy and the inequality of women with regard to inheritance law, were misquoted by the newspaper. According to the source, a lawyer named Nabih El Wahch lodged a complaint before the General Prosecutor and the Cairo Court for Personal Status Affairs, accusing her of contempt of Islam and asking for her separation from her husband. The request is reportedly based on a Muslim precedent known as Hisba, which permits any Muslim to introduce proceedings against another Muslim who is considered guilty of

violating an Islamic obligation. The Special Rapporteurs have been informed that while the General Prosecutor rejected, on 23 May 2001, the complaint filed against Ms. El Saadawi, the case is still pending before the Cairo Court for Personal Status Affairs. The hearing was scheduled to take place on 18 June 2001.

20. According to information received, Nawal El Saadawi had previously been subjected to harassment because of her activities as a women's rights activist. According to that information, she was given an 11-year prison sentence in 1981 for her activities and, in 1991, the Arab Women's Solidarity Association, which she founded, was banned. It is further reported that in 2001, several of her books were prohibited from being exhibited at the Cairo Book Fair.

### Ethiopia

21. On 18 September, the Special Rapporteur sent an urgent appeal with the Special Representative of the Secretary-General on human rights defenders on behalf of **the Ethiopian Women Law Association (EWLA)**, based in Addis Ababa, which was reportedly forced to suspend its activities on 31 August 2001. EWLA is an organization which provides counselling to women victims of human rights abuses, assists them in securing legal remedies, raises public and government awareness of discrimination and violence against women and encourages corrective action. It has been reported that on 3 September 2001, EWLA received a decision dated 31 August 2001 from the Ministry of Justice which was signed by the Chief of the Registry of Association. According to the decision, entitled "Notice of Suspension of the Association", the EWLA "has been found out acting beyond its mandate and the Code of Conduct Guidelines" and "is hereby suspended as of 30 August 2001 until further notice". Furthermore, the Government has frozen the EWLA bank account.

22. It is alleged that this decision is connected to demonstrations organized by the EWLA, in February 2001, in front of the office of Prime Minister Meles Zenawi and the Parliament, in which some 1,000 women protested violence against women, calling for stricter laws against rape and sexual abuse and more effective law enforcement. According to information received, another factor leading to the Government's decision was the involvement of EWLA in a recent case concerning a girl, Hermela Wosenyeleh, who was reportedly continually harassed by a young man and could not get adequate police protection. It is reported that he finally shot and wounded her, as well as seriously harming two of her sisters with a machete. EWLA sought to assist Hermela and her family by writing to the Ministry of Justice seeking his intervention when the family failed to obtain adequate and timely protection. It also contacted "Ethiopian Television", government and private newspapers, as well as "Radio Ethiopia" and "Fana", which commented widely on the case. Government officials have reportedly told EWLA that in speaking out about the case it had made the justice system look bad. According to information received, all the activities of EWLA have been suspended for the time being and some 50 of its employees had to be laid off. All the casework carried out by EWLA lawyers in the courts has reportedly been interrupted. It has been reported that four girls under the care of the association and for whom it was paying school fees have interrupted their education because its bank account has been frozen. The Rapporteurs called on the Government to ensure that all possible means are employed for the removal of any conditions or circumstances that undermine the right, individually or in association with others, to promote and strive for the protection and realization of women's human rights and fundamental freedoms.

## Guinea

23. Par une lettre datée du 3 octobre 2001 envoyée conjointement avec les Rapporteurs spéciaux sur les exécutions extrajudiciaires, sommaires ou arbitraires, sur la torture, sur la promotion et la protection du droit à la liberté d'opinion et d'expression et sur l'indépendance des juges et des avocats, la Rapporteuse spéciale a informé le Gouvernement qu'il avait reçu des renseignements concernant le procès d'**Alpha Condé**, président du Rassemblement du peuple de Guinée (RPG), un des principaux dirigeants de l'opposition et candidat aux élections présidentielles de décembre 1998, et de ses 47 coaccusés. Alpha Condé aurait été arrêté et frappé au moment de son arrestation par des militaires à Piné, en région de Guinée forestière, le 15 décembre 1998. Au moment de son arrestation, il aurait été accusé de vouloir se rendre en Côte d'Ivoire alors que les frontières du pays étaient fermées en raison des élections.

**Ben Karamoko Kourouma**, garde du corps d'Alpha Condé, **Antoine Gbogolo Soromou**, ancien maire de Lola, et son chauffeur **Michel Lah Gonga**, ainsi que **Morifing Sagno**, un villageois de Piné chez lequel Alpha Condé se serait réfugié et **Vassezé Diomandé** auraient été arrêtés le même jour en raison de leurs supposés liens avec Alpha Condé. Ils auraient tous été transférés par avion militaire à Conakry où pendant un mois Alpha Condé aurait été détenu au secret dans divers centres de détention non reconnus, dont le camp Koundara (des baraquements militaires de l'unité de la sécurité de l'État). Il aurait été interrogé par des membres d'une unité antigang directement responsable auprès du Ministre de l'intérieur. Le 28 décembre 1998, il aurait ainsi été présenté devant un magistrat. Il aurait été transféré à la prison centrale de Conakry le 13 janvier 1999 et aurait à ce moment-là été formellement inculpé.

24. Entre le 7 octobre 1999 et janvier 2000, plus de 30 personnes, la plupart des membres des forces armées, auraient été arrêtées en relation avec l'arrestation d'Alpha Condé. La plupart des personnes arrêtées auraient été soumises à différentes méthodes de torture telles que des coups, gifles, coups de poing et de pied sur différentes parties du corps, dont les parties génitales. Certains auraient subi des simulacres de noyade et auraient été menacés de mort. Ces actes auraient la plupart du temps été commis juste après l'arrestation dans les commissariats de police ou des baraquements militaires. Certains auraient été emprisonnés dans une cellule connue sous le nom de la cellule de «l'enfer» dans l'île de Kassa, qui serait une cellule de petite dimension, placée sous une cuve d'eau, dans laquelle les détenus seraient forcés de rester debout et seraient régulièrement inondés d'eau. Ces actes auraient eu pour but d'obtenir des confessions incriminant Alpha Condé, en échange desquelles une libération était promise.

25. Le procès d'Alpha Condé et de ses coaccusés n'aurait commencé que le 12 avril 2000 et aurait principalement été basé sur des confessions obtenues sous la torture. Ce n'est qu'à partir de l'ouverture du procès que certains des coaccusés auraient eu le droit de recevoir des visites de leur famille. La fille de l'un des détenus sur l'île de Kassa aurait été arrêtée et détenue pendant trois jours, durant lesquels elle aurait été menacée de viol. La femme d'un de ces détenus aurait elle aussi été arrêtée et aurait reçu 10 coups de fouet. Les 48 détenus auraient été jugés par la Cour de sûreté de l'État, cour créée le 10 juillet 1985 par le Président Clansana Conté. Cette cour, aux pouvoirs permanents et spéciaux, serait composée de magistrats nommés directement par le Président de la République (art. 634 (3) du Code de procédure pénal) et aurait pour juridiction tous les crimes d'atteinte à la sécurité de l'État. Les juges auraient été dans ce cas nommés par un décret présidentiel daté du 4 août 1999, soit après l'arrestation d'Alpha Condé. Pendant le procès, un certain nombre d'accusés, dont les membres des forces armées, auraient

témoigné que leur confession incriminant Alpha Condé avait été obtenue sous la contrainte. En particulier, Ben Karamoko Kourama aurait montré les blessures qu'il avait encore sur les bras, le dos et les hanches au moment du procès. Ces confessions auraient néanmoins été acceptées comme preuves par la cour, qui n'aurait pas demandé l'ouverture d'une enquête. Le procureur public aurait par ailleurs qualifié ces témoignages de manœuvres de la défense. Alpha Condé aurait été condamné à cinq ans de prison le 11 septembre 2000. Quinze de ses coaccusés auraient été condamnés à diverses peines allant de un an d'emprisonnement avec sursis à cinq ans d'emprisonnement ferme. Vingt-trois coaccusés auraient été acquittés, alors que 10 autres auraient été acquittés «avec le bénéfice du doute». Quatre autres coaccusés auraient été condamnés *in absentia* à 10 ans d'emprisonnement ferme.

26. Suite à l'arrestation d'Alpha Condé, un certain nombre de manifestations pacifiques se seraient déroulées réclamant sa libération et visant à contester les résultats du scrutin. Lors de ces manifestations, en particulier en décembre 1998, des centaines de personnes auraient été arrêtées dans plusieurs villes, dont Kankan, Baro et Siguiry, et torturées, en particulier aux camps militaires Soundiata à Kankan et Alpha Yaya à Conakry, avant d'être relâchées ou condamnées à des peines de prison fermes. Un grand nombre de femmes, en particulier des mineures, auraient été violées lors de ces arrestations. Des femmes auraient témoigné de leur viol, souvent collectif, lors de leur procès. Les magistrats auraient ignoré ces témoignages et auraient demandé aux victimes de «tourner la page». **Mamadou Kourouma** aurait été arrêté lors d'un rassemblement pacifique dans l'après-midi du 21 décembre 1998 chez le doyen Le Hadj Amiata Kaba, un député du RPG. Il aurait été emmené au camp Soundiata où trois militaires l'auraient allongé sur une table avant de le battre avec des matraques. Suite aux arrestations survenues à Kankan et Siguiry en décembre 1998, plus de 60 personnes, dont des députés et des conseillers municipaux, ont été jugées par le tribunal de première instance de Kankan pour «participation à une marche non autorisée et incitation à la violence». Le 16 mars 1999, 38 accusés ont été condamnés à des peines comprises entre quatre mois et cinq ans d'emprisonnement assorties d'amendes importantes. Les conditions de détention auraient été particulièrement mauvaises. Jusqu'à 30 personnes auraient été enfermées dans des cellules de 4 mètres carrés, avec un seul trou dans le mur pour servir de système d'aération. Le Hadj Biro Diallo, le Président de l'Assemblée nationale, aurait été exclu de son parti, le Parti de l'unité et du progrès, pour avoir dénoncé, y compris dans une lettre au chef de l'État, ces violations des droits de l'homme. En janvier 1999, il aurait adressé un courrier au Président de la République pour réitérer son opposition à la torture et aurait inclus un document vidéo dans lequel des victimes montraient les blessures subies lors de leur arrestation et détention. Selon les informations reçues, aucune enquête n'aurait été ouverte.

### India

27. By letter dated 10 August 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

28. **Misra, wife of Nazam u din** was reportedly raped by personnel of the 25th Reshtriya Rifles (RR) and the 8th RR on 28 January 1998 in her house, in the village of Mailgam Prem Nager, Tehsil Doda, State of Jammu and Kashmir, including by a captain. Another woman was

reportedly raped by the same men at around the same time. A first information report (FIR) has reportedly been lodged but no legal action has allegedly been taken. Since then, Misra and her family have reportedly received death threats.

29. **Lala Begum, wife of Fateh Mohammad**, was reportedly raped by a soldier on 7 May 1999 in her house in Persholla village, Doda tehsil and district, State of Jammu and Kashmir. Three members of the 8th RR from Gulmana camp reportedly entered her house and severely beat the inhabitants, including her father-in-law and some minors. She was allegedly taken into a room, stripped and beaten. Although she was reportedly eight months pregnant, she was reportedly raped by one of the soldiers and threatened with death not to tell anybody about the incident. At the police station in Doda, an officer allegedly refused to register her complaint.

30. **Jyotsna Bal** was reportedly taken by plainclothes police from her home to Gariahat and subsequently to Lal Bazar police lock-up on 21 April 1999. During transfer, she was allegedly beaten. She was reportedly later told that she was arrested on charges of theft of several pieces of furniture, filed by her husband's relatives, who were believed to have been motivated by a housing dispute. She was reportedly remanded in custody until 26 April, despite being ill. On 23 April, she was taken to the Medical College hospital where she was allegedly given some unidentified medicine. On 24 April, she was reportedly told to sign papers, including blank papers, at Gariahat station. When she refused, she was reportedly slapped, had her hair pulled and was threatened with prolonged detention. Upon release on 26 April, the police allegedly told her not to return to her property until 10 May, where her husband's family had moved in. She allegedly continues to fear harassment from the police.

31. **Sarva Begum, wife of Muhammad Sharief Khan**, was reportedly raped by four men belonging to the Village Defence Committee (VDC) and Special Task Force (STF) in her residence in Kantoyee village, Kashtigargh, Doda district, State of Jammu and Kashmir, on the night of 30/31 January 2000. Soldiers reportedly forcibly entered her house, and brought her to the stable, where four of them allegedly raped her. Although a FIR was registered on 7 February 2000, the police is said to have taken no action. She and her family are believed to have been receiving death threats since.

32. **Rupa Nath**, aged 11, and her sister, **Oirabati Nath**, were reportedly arrested by Gogamukh police in the State of Assam, on 2 February 2000. In custody, they were allegedly interrogated and severely beaten. The next day, they were reportedly handed over to Ghilamara police station, where they were repeatedly raped by officers. Rupa Nath was allegedly later left on the highway near 2nd Culvert of Gogamukh. Once released, they were reportedly taken to Gogamukh hospital.

33. The following 12 women, **Sala, Renuka, Bhavani, Umayavalli, Chelli, Amutha, Nagarani, Palayam, Kannagi, Veerammal, Velankanni and Indira**, and two children, **Anand** and **Mani**, were reportedly ill-treated in connection with the case of Nathan, who reportedly died in custody at F-1 police station, Tamil Nadu on 17 February 2000, following alleged torture. On 11 February 2000, Sala, his wife, was reportedly beaten in custody in Chennai and had her fingers bent backwards. A day later, Renuka, Bhavani, Umayavalli, Chelli and Amutha were reportedly arrested, pulled by the hair, beaten and sexually and verbally abused. On 13 February 2000, Veerammal, Nathan's mother, Nagarani, Palayam,

Kannagi, Velankanni and Indira were reportedly beaten on the hands and verbally abused. Anand and Mani were reportedly detained on 13 February, and Anand was allegedly pierced with a needle in his genitals.

34. **Nazira Begum** was allegedly gagged and raped by two members of the 8th RR, based at Bharat, on 5 April 2000, while her husband was in custody. They reportedly threatened that if she did not give information on the whereabouts of her husband's weapons, they would shoot her and throw her into the river. They allegedly warned her that if she told anyone her husband would be killed.

35. **Mariam Yousuf Gujjar**, aged 19, wife of Muhammad Yousaf, was reportedly raped by five men of the 26th RR on 11 April 2000, close to her residence in Patzani village, Banjwa, Thathri tehsil State of Jammu and Kashmir. On 10 April 1999, her husband was reportedly taken to a nearby army camp by a group of about 16 armed soldiers. The next day, soldiers allegedly returned to her home, asking for his whereabouts. While the other inhabitants were reportedly beaten and locked away, she was gagged and raped. She allegedly lost consciousness. She was reportedly examined by a doctor on 12 April 2000 in the Doda district hospital.

36. **Mercy Kabui** was reportedly raped at gunpoint by two members of the 112th battalion of the Central Reserve Police Force (CRPF) at her home in Lamdan Khullen village in Churachandpur district of Manipur in July 2000. Her husband, **Akham**, was reportedly beaten by order of the assistant commander and her father-in-law, **Maringmi Thaitounga**, the village chief of Lamdan Khullen, was reportedly forcibly prevented by an officer from intervening on their behalf. Following the departure of the CRPF personnel, Maringmi Thaitounga allegedly reported the incident to the commanding officer of the army camp and lodged a complaint at Loktak police station. CRPF officials stationed in Lamdan reportedly denied the accusations. The police reportedly initiated an investigation. However, the CRPF reportedly failed to cooperate, so that it was not concluded.

37. **Sakina Begum, Naseema Begum and Hasina Begum** were reportedly raped by members of the 8th RR on 1 June 2001 in Behota, Mermat, a day after the visit of human rights defenders to the area and while all their male relatives were away from the house. Sakina Begum, who is elderly, was allegedly beaten on the head and back with a stick, kicked in the abdomen and then raped by a soldier. Naseema and Hasina Begum were reportedly beaten with rifle butts. Naseema Begum was reportedly raped by one soldier while two others held her down, and her baby was allegedly thrown to the floor. Hasina Begum was said to have been raped by two soldiers. At Doda district hospital, the staff allegedly did not produce accurate medical reports. An FIR was lodged at Doda police station, but no action has reportedly been taken.

38. By letter dated 30 August 2001 sent jointly with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

39. **Malik, Manikandan, Samuel, Subetha (f), Laila Beevi (f), Vijayalakshmi (f), Subbulakshmi (f), Mary (f), Malika (f), Kallathiyani, Isakki, Rajammal (f), Chandran (f), Victoria (f), Pappa (f), Lakshmi Ammal (f), Seetha Lakshmi (f) and K. Parvathy (f)** were reportedly victims of excessive use of force by the police on 23 July 1999 during a peaceful

protest march of Manjolai tea estate workers and their supporters, in Tirunelveli, south Tamil Nadu. The demonstrators are said to have marched to the Tirunelveli District Collector's office to demand the release of 652 tea workers previously detained for holding a peaceful rally. According to the information received, police resorted to charging with lathis, using tear gas and firing shots to disperse the demonstrators. Once the demonstration was dispersed, police are alleged to have kept beating demonstrators. It is reported that women who were taken to Tirunelveli police station were stripped naked, beaten and verbally humiliated. Furthermore, the following people reportedly died as a result of the alleged police brutality during the dispersal of the march: **Sha Navas, Josphin (f), Murugan, Raju, Arumugam, Rathinam, Jayaseelan, Kutti Kumar, John Boopalarayar, Ennacy Manickam, Anthony, Sanjeevi, Vignesh, Rathinamary (f), Velayudam, Keisar and Abdul Rahman.**

### Indonesia

40. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

41. **Sumiati Binti Hamzah** was reportedly raped at gunpoint by a member of the North Sumatra (Aceh) based Territorial Battalion Yonif 126 on 16 August 1996. Upon discovering that she was pregnant as a result of the attack, she allegedly asked her attacker to provide her with financial compensation and was reportedly offered the equivalent of US\$ 500 on condition that she did not report the case. In March 2000, a military tribunal in Medan reportedly ruled that the perpetrator should pay the victim 50,000 rupiah per month as maintenance for the child, but no one has reportedly been held responsible for the rape.

42. **A number of women** were reportedly raped and sexually assaulted in the village of Alue Lhok in Matangkuli sub-district, North Aceh district by men wearing military uniforms searching for members of the Free Aceh Movement (Gereakan Aceh Merdeka, (GAM)) on the night of 7 March 2000. Their male relatives were reportedly tied up and beaten. A fact-finding team headed by the Aceh branch of the National Commission on Human Rights (Komnas HAM) is said to have reported that three women had been raped and that the military appeared to be responsible. No one has reportedly been arrested, charged or brought to trial in connection with the cases.

43. **Maria Pompeia** was reportedly subjected to sexual harassment and beatings by a public servant and a member of the Makikit militia on 20 March 1999, in Dilo village, Lacluta sub-district. She was allegedly stripped, touched on her whole body and taken to the sub-district military command. During the transfer, she and her three children were said to have been beaten and kicked. **Aniceto dos Santos Xavier**, aged 16, was allegedly hit with a rifle, **Jose da Costa Nunes**, aged 14, with an arrow, and **Justo Mesak**, aged 5, pulled by the hair. **Olinda Pinto Martins**, aged 41, was reportedly also beaten during the same incident.

44. **Candida Maria** was reportedly raped on 25 April 1999 by a commander of Laksaur Merah Putih militia and a second sergeant of TNI, who is also said to be the head of Belulik Leten village. She was allegedly raped in connection with the escape of her husband, and threatened with death.

45. **Fernanda Beitau**, a 17-year-old student from Taroman hamlet, was reportedly raped by a member of the TNI back-up Laksaur Merah Putih militia on 26 May 1999.

46. **Azelia Amaral** was reportedly raped by a commander of Laksaur Merah Putih militia and a civil servant at the Department of Education on 31 May 1999.

47. **Jacinta** (no surname) was reportedly raped by a commander of the TNI back-up Mahidi militia. According to the information received, the incident occurred in Hare Kain village, Mape, Zumulai, Covalina in May 1999.

### **Iran (Islamic Republic of)**

48. On 23 January 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on the situation of human rights in the Islamic Republic of Iran, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture, on behalf of **Maryam Ayoubi**, who had reportedly been sentenced to death by stoning for the murder of her husband. Her accomplice, **Hossein Esna 'Asharyhas**, had reportedly also been sentenced to death.

49. On 8 August 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on the situation of human rights in the Islamic Republic of Iran on behalf of **Soraya Dalaian**, and concerning the use of sexual torture in Evin Prison, Tehran. According to information received, Soraya Dalaian was repeatedly raped by two men over a period of 24 hours during her stay in Evin Prison in 1997. It is reported that it is not an isolated case and that women prisoners are systematically subject to rape by judges and high-ranking officials in prison. It is alleged that there are suites available in the prison for that specific purpose. According to press reports of 16 April 2001, during the trial of Esmail Eftekhari Nasr, the commander of the local urban Revolutionary Guards centre in Tehran's 12th district, it was alleged that he and his subordinates had kidnapped a number of young girls and after raping and murdering them, had dumped their bodies in different parts of Tehran. Mr. Eftekhari was subsequently sentenced to five years in jail, while ordinary citizens would reportedly receive much harsher sentences. The Rapporteurs also expressed their distress over the execution by stoning of Maryam Ayoubi on 11 July 2001. They urged the Government to remove article 82 (b) concerning stoning from the Islamic Code and to actively undertake a policy of suppressing recourse to stoning throughout the country.

50. By letter dated 9 November 2001 the Government responded regarding the case of **Soraya Dalaiean**. It stated that she was arrested and sentenced to imprisonment on 10 November 1997 and was released on 8 January 1998. She was again sentenced to imprisonment on 28 April 1998 and released on 3 May 1998. She was further sentenced to imprisonment on 2 August 1998 and released on 23 September 1998. The Government stated that there were no political overtones to her conviction. The Government did not respond to the allegations of the use of sexual torture in Evin Prison, Tehran.



## Observations

51. The Special Rapporteur remains concerned about violence against women in Iran and requests the Government to respond to the allegations of the use of sexual torture in Evin Prison, Tehran.

### Israel

52. On 26 September 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on torture, on behalf of **female Palestinian prisoners, including a child**, in the Neve Tirtza women's prison in Ramle. On 13 September 2001, the prison wardens were said to have entered the cells reserved for women and to have taken **Maha Al-A'ak, Abeer Amer, Suad Ghazal, Wijdan Buji and Rab'a Hamael**, aged 14, to isolation, while **Amen Muna** was taken to a different section holding convicted criminals. The other women, fearful for the latter's safety, were said to have started shouting, at which point the wardens were believed to have beaten them. They were said to have tied their spread arms and legs to their beds with plastic restraints that were tight to the point of causing swelling and severe pain for one night.

53. On 16 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on torture, on behalf of **female Palestinian prisoners** held at Neve Tirtza women's prison in Ramle, on behalf of whom the Special Rapporteurs had already intervened on 26 September 2001 (see above). They were said to have started on a hunger strike on 1 October 2001 as a protest against the alleged repressive attitude of the prison administration, following a series of beatings on 13 September 2001. It was believed that during the hunger strike, the detainees were refused rations of milk and salt and were not permitted to take recreation time outside their cells. **Rab'a Hamael, Sanna Amer and Sawsan Abu Turki**, all aged 14, were held in isolation cells. Sawsan Abu Turki who had reportedly been arrested on 6 September 2001 on charges of attempting to stab an Israeli soldier was said to have a history of psychological problems. She had reportedly been hospitalized in July 2001 for three days after having been hit on the head by an Israeli soldier. It was said that while her family supplied the medication she needs in order to treat her various medical problems, the prison administration has constantly refused to pass this medication on to her or to provide her with other medical care. Her psychological state has allegedly deteriorated to the extent that she is no longer able to clearly distinguish her identity. When the court was reportedly asked to have an impartial and culturally-sensitive psychological examination conducted to assess her fitness to stand trial, it is alleged that an Israeli psychologist visited her for approximately five minutes, filled in a questionnaire and declared her to be psychologically fit to stand trial.

### Kenya

54. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information concerning **Sophia Dolar, Pauline Wanjiru and Ester Wairimu**, who were reportedly arrested in March 2000 with eight other human rights activists, held for five days in Nakuru Prison, Rift Valley Province. Upon arrival, the women were reportedly forced to strip naked in full view of other prisoners and jeering prison guards, and beaten with sticks during interrogation. They

were allegedly held in a large overcrowded cell holding 39 women, many of whom were ill. When they refused to eat uncooked food, they were reportedly beaten with canes and forced to eat the food. No official investigation is said to have been carried out.

### **Lebanon**

55. Par une lettre datée du 30 septembre 2001 envoyée conjointement avec le Rapporteur sur la torture, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements selon lesquels, lors de leur arrestation et détention, les femmes souffriraient de discriminations particulières dues à leur statut de femmes et seraient souvent soumises aux tortures et autres formes de mauvais traitements, dont les viols et autres abus sexuels. Ces derniers seraient en particulier dus au fait que les membres des forces de l'ordre, en particulier de la police, seraient majoritairement des hommes qui, de plus, n'auraient reçu aucune formation spécifique dans ce domaine. Les femmes accusées d'avoir commis des crimes seraient abandonnées par leur famille, ce qui les rendraient encore plus vulnérables à l'égard des forces de l'ordre. Cela signifierait aussi qu'un certain nombre d'entre elles n'auraient plus alors les moyens financiers nécessaires pour se garantir une aide juridique.

56. Les principales formes de mauvais traitements subies par les femmes seraient les suivantes: viols et tentatives de viols, insertion de divers objets dans le corps, coups et brûlures sur des parties sensibles du corps, mise à nu forcée et dévoilement des parties intimes et utilisation d'insultes à caractère sexuel. Les gardes masculins envahiraient l'intimité des cellules des femmes de manière arbitraire et les priveraient d'accès aux toilettes qui leur sont spécifiquement destinées. Certaines femmes auraient aussi été obligées d'être les témoins des tortures endurées par des membres de leur famille.

57. Le Rapporteur spécial a transmis des renseignements selon lesquels les conditions de détention dans les prisons pour femmes situées à Ba'abda, Tipoli, Zhale dans la Bequ'a, et à Barbar al-Khazen à Beyrouth seraient cruelles, inhumaines et dégradantes. Les prisonnières de droit commun représenteraient près de 4,7 % de la population carcérale. Dans ces prisons, un nombre important de détenues seraient malades et ne recevraient pas l'attention médicale dont elles auraient besoin. Elles seraient maintenues, comme les autres détenues, dans des conditions inadéquates, en particulier en ce qui concerne l'hygiène, les installations sanitaires et la ventilation. Les dortoirs seraient surpeuplés et humides, ce qui leur ferait courir de sérieux risques pour leur santé. Les dortoirs seraient par ailleurs infestés d'insectes. En outre, les détenues n'auraient pas de lit et dormiraient à même le sol, utilisant des matelas en mousse. Les détenues seraient la plupart du temps enfermées dans leurs cellules et n'auraient pratiquement pas accès à de l'air frais, ni l'opportunité de faire des exercices physiques. D'après les informations reçues, des femmes de tout âge, y compris des mineures, seraient détenues ensemble, dans des lieux sans installations prévues pour les femmes enceintes ou pour les femmes détenues avec leurs enfants. De plus, il n'existerait pas de lieu spécifique de détention provisoire pour les femmes. La société civile aurait dénoncé ces conditions de détention en plusieurs occasions.

58. Le Rapporteur spécial a également transmis des renseignements concernant les cas individuels suivants.

59. **Bassima Huriya**, une jeune fille de nationalité syrienne, aurait été arrêtée le 23 mars 1997 alors qu'elle avait 16 ans, et aurait été accusée d'avoir été impliquée dans le meurtre de son fiancé. Elle aurait été détenue durant 20 jours par la police judiciaire (*Dabita al'adliyya*) au poste de police de Ba'abda, où elle aurait été détenue dans une cellule avec des adultes. Pendant sa détention, elle aurait été interrogée et battue par des policiers en civil. Elle aurait été suspendue à une porte par les poignets, reçu des coups de poing sur les oreilles et aurait été frappée contre une armoire. Elle aurait également été soumise à la méthode dit du poulet (*farruj*), qui consisterait à attacher la victime à une barre en bois, à la suspendre et à la battre à coups de bâton. Les mauvais traitements auraient été arrêtés quatre jours avant qu'elle soit présentée devant un magistrat qui, en réponse à son témoignage sur les tortures qu'elle aurait subies, lui aurait répondu que toute personne qui comparait devant lui se plaignait d'avoir été battue. Elle aurait été jugée en 1998 et condamnée, le 2 février 2000, à cinq ans de prison fermes.

60. **Fatima Yunes** aurait été arrêtée par des membres de la Sécurité de l'État (*Amn al-dawleh*) le 26 octobre 1998, en relation avec le meurtre de son mari. Elle aurait été détenue au bureau de la Sécurité de l'État de Tyre pendant quatre jours. Durant sa détention elle n'aurait pas eu accès à un avocat, elle aurait eu droit à aucune visite et aurait été soumise à de mauvais traitements par huit hommes habillés en civil. En particulier, elle aurait été assise sur une chaise et battue, soumise à la méthode dite du *farruj* et brûlée avec des cigarettes. Elle aurait perdu connaissance et aurait fini par signer une confession. Lorsqu'elle aurait comparu devant le magistrat en charge de son dossier, elle aurait dénoncé avoir été victime de tortures et aurait montré des marques sur son corps et ses jambes. Le magistrat en question aurait ouvert une nouvelle enquête mais n'aurait pas ordonné d'examen médical.

61. **Lebnayniya 'Abdallah**, âgée de 16 ans au moment des faits, aurait été arrêtée en 1993 et accusée d'incitation au meurtre de son beau-fils. Elle aurait été conduite au poste de police de Remeila à Tripoli et ensuite à Zgharta où elle aurait été détenue pendant 21 jours, durant lesquels elle aurait été obligée de dormir sur une chaise. Elle aurait été fouettée par six ou sept personnes. Elle aurait été obligée de se dénuder jusqu'à la taille. Elle aurait été soumise à la technique du *farruj*. Elle n'aurait pourtant jamais avoué avoir commis le crime qu'on lui reprochait. Ses interrogateurs l'auraient menacée de nouvelles tortures si elle se plaignait au magistrat en charge de son dossier. Elle aurait ensuite été transférée dans les prisons pour femmes de Tripoli et Ba'abda. Bien que mineure, elle aurait été détenue avec des adultes. En 1999, elle aurait été condamnée à la peine de mort bien que ses coïnculpés auraient témoigné qu'elle était innocente. La cour de cassation aurait finalement jugé en appel qu'elle était innocente et elle aurait été relâchée.

62. **Heba Ma'sarani** aurait été arrêtée le 14 juin 1997 et accusée de la mort de son mari, qui se serait en fait suicidé. Elle aurait été emmenée au poste de police du port de Tripoli (*Makhfar al-Mina*) où elle aurait été interrogée pendant deux jours. Les agents de police l'auraient déshabillée et auraient tenté de la violer, mais le chef du poste les en aurait empêchés. Celui-ci aurait ordonné le transfert de Heba Ma'sarani au poste de police de Bab al-Ramla, à Tripoli, où elle aurait été amenée devant un magistrat instructeur avant d'être torturée pendant sept jours sans pourtant être interrogée. Elle aurait été violée par des membres de la *Dabita al'adliyya* de nuit et en l'absence du chef du poste de police. Elle aurait aussi été soumise à la méthode dite du *farruj* ainsi qu'à la méthode dite du *dullab*, qui consisterait à suspendre la victime au moyen d'une chambre à air et à la battre. Elle aurait finalement été transférée sur ordre d'un magistrat

dans une prison. Son procès aurait débuté neuf mois après son arrestation et se serait prolongé durant 18 mois. Elle aurait par la suite été transférée à l'hôpital-prison de Tripoli, ne pesant que 36 kilogrammes.

63. Le Rapporteur spécial a aussi transmis des renseignements concernant des femmes accusées de «collaboration» avec Israël, qui auraient été torturées dans le but de leur soutirer des confessions. Elles seraient détenues pendant de longues périodes au secret dans des centres de détention où le personnel serait entièrement masculin. Elles seraient en particulier détenues au centre de détention du Ministère de la défense où elles subiraient des interrogatoires musclés. Ces femmes seraient ensuite jugées par des cours militaires. Les Rapporteurs spéciaux ont en particulier transmis des renseignements sur les cas individuels suivants.

64. **Huyam 'Ali 'Alyan** aurait été arrêtée en mars 2001 par des membres de *Al-Mukhabarat al-'Askariyya*, suite à sa visite à des parents emprisonnés à la prison de Rumieh. Les yeux bandés et les mains menottées, elle aurait été emmenée à Sido Barracks, puis au centre de détention du Ministère de la défense, où elle aurait été maintenue au secret pendant 16 jours, durant lesquels elle aurait été battue et menacée par des agents masculins. Elle aurait été frappée sur tout le corps, y compris le dos, le ventre et les parties génitales. Elle n'aurait pas reçu de soins médicaux et n'aurait pas reçu de serviettes hygiéniques pour contenir le sang. Ceci aurait provoqué un prolapsus (glissement) de l'utérus. Durant sa détention au secret, elle aurait été forcée de rester continuellement assise sur une chaise dans un couloir dans le but de l'empêcher de dormir. Elle aurait été obligée d'être témoin des tortures qu'aurait subies son oncle. Un procureur militaire l'aurait fait examiner par un médecin légiste et d'après le rapport de ce dernier, daté du 11 avril 2001, elle aurait eu des contusions aux bras et poignets cohérentes avec ses allégations. Elle aurait comparu devant la Cour militaire de Beyrouth en juin 2001 et celle-ci l'aurait condamnée pour avoir «collaboré» avec Israël. Elle se trouverait à présent à la prison de Barbar al-Khazen, à Beyrouth.

65. **Khadija Hussain Marwa** aurait été arrêtée chez elle dans le village de Kafr Hatti au sud du Liban en août 1999 par des membres de *Al-Mukhabarat al-'Askariyya* et soupçonnée de «collaboration» avec Israël. Elle aurait été détenue au secret au centre de détention du Ministère de la défense où elle aurait été privée des médicaments qu'elle prenait de manière régulière et aurait été contrainte d'avouer avoir «collaboré» avec Israël. Elle aurait été libérée en août 2000 après avoir servi sa peine dans la prison pour femmes de Beyrouth.

66. **Huda Yamin, Lina Ghurayeb et Muna Shkayban** auraient été arrêtées entre le 9 et 12 septembre 1994 en même temps que d'autres personnes soutenant le général 'Aoun. Elles auraient été accusées d'avoir distribué des tracts critiquant la présence syrienne au Liban. Elles auraient été détenues pendant plus de deux semaines, pendant lesquelles elles auraient subies des interrogatoires au Ministère de la défense. Lina Ghurayeb et Muna Shkayban auraient été contraintes de se déshabiller devant des officiers masculins et l'une d'elles aurait été frappée sur la poitrine avec un bâton. Elles auraient été tirées par les cheveux et auraient été insultées. Elles auraient été mises en liberté conditionnelle en 1997 avant d'être condamnées à deux semaines d'emprisonnement dans le cas de Huda Yamin, et à dix jours, dans le cas de Lina Ghurayeb et Muna Shkayban.

67. Finalement, le Rapporteur spécial a transmis des renseignements concernant des femmes émigrées, qui travaillent souvent comme domestiques. Lorsqu'elles se plaindraient de mauvais traitements de la part de leurs employeurs, elles seraient soumises à de mauvais traitements supplémentaires de la part des forces de l'ordre. Les femmes détenues pour des raisons liées à la drogue et à la prostitution seraient particulièrement vulnérables aux sévices sexuels. Elles seraient détenues dans des lieux différents des femmes libanaises, en particulier au centre de détention des étrangers des services généraux de sécurité (*al-Amn al-'Amm*), ce qui les rendrait vulnérables aux mauvais traitements et autres abus du fait qu'elles ne comprennent souvent pas la langue et ne bénéficient pas de la protection des autres femmes détenues d'origine libanaise. Très peu d'émigrées bénéficieraient d'une assistance juridique. Elles auraient souvent été forcées de signer des documents dans une langue qu'elles ne comprenaient pas. Certaines émigrées auraient continué à être détenues après avoir été acquittées ou après avoir terminé leur peine en raison des pouvoirs discrétionnaires donnés aux services généraux de sécurité en matière d'application de la loi sur la présence des étrangers au Liban. Certaines pourraient ainsi être considérées comme des menaces pour la sécurité de l'État ou devraient attendre jusqu'au moment où elles recevraient les moyens financiers pour se payer leur billet de retour ou les papiers administratifs permettant leur retour au pays. En particulier, les Rapporteurs spéciaux ont transmis des renseignements sur les cas individuels suivants.

68. **Clarissa Colliante** et **Elda Esquillo**, deux femmes originaires des Philippines, qui auraient été détenues à la prison centrale pour étrangers après avoir refusé de se soumettre à un ordre du directeur des services généraux de sécurité de retourner auprès de leurs employeurs, qui, selon elles, les maltraitaient et refusaient de mettre fin à leur contrat. Elles auraient été détenues au secret sans faire l'objet d'aucune inculpation. Clarissa Colliante aurait par la suite été déportée aux Philippines où en 1999 elle aurait gagné un procès contre son ancien employeur. Elda Esquillo aurait été contrainte de retourner chez son employeur.

69. **Farhoud Fakadu**, une femme d'origine éthiopienne, aurait été accusée d'avoir tué son nouveau-né. Elle aurait été détenue en 1997. Elle aurait été frappée par un policier et un docteur qui l'auraient forcée à signer un document en arabe qu'elle ne comprenait pas. Elle se serait plainte auprès du magistrat en charge de son dossier. Ce dernier n'aurait pas réagi. Elle aurait finalement été condamnée en 1999 à trois ans d'emprisonnement.

70. Dans une lettre en date du 26 novembre 2001, le Gouvernement a indiqué que le ministère public menait des enquêtes dans ces affaires avec les autorités concernées afin d'établir les faits et d'engager des procédures contre les coupables, au cas où les charges portées contre eux seraient prouvées.

71. Dans la même lettre, le Gouvernement a indiqué que le Code de procédure pénale du 2 septembre 2001, tel qu'amendé par la loi n° 359 du 16 août 2001, qui entrera en vigueur le 7 novembre 2001, fixe la durée maximale pour la mise en détention préventive à 48 heures, pouvant être prolongée de 48 heures supplémentaires, sous réserve de l'approbation du Procureur de la République.

### Liberia

72. By letter dated 30 September 2001 sent jointly with the Special Rapporteurs on torture and on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur advised the Government that she had received information concerning **dozens of university students and professors** who were reportedly whipped and severely beaten by members of the Special Operation Division (SOD) and the Anti-Terrorist Unit (ATU) in Monrovia, on 21 March 2001, during an alleged peaceful protest against the continued detention of four journalists. More than 40 students were allegedly arrested by the SOD and the ATU and more than 20 of them taken to the National Police Headquarters in Monrovia and later released without charge, bearing visible marks of beatings. At least seven of the female students arrested were allegedly raped and one of the arrested students had his elbow dislocated.

### Mexico

73. El 27 de junio de 2001, la Relatora Especial envió un llamamiento urgente en favor de **Adriana Espinoza Buanabad**. Esta mujer habría sido privada de libertad por Jorge Solórzano Santiago, quien, a través de una empresa denominada "Dental norteamericana" y su red, la habría mantenido en situación de explotación sexual desde hace cuatro años. En dichas alegaciones de violencia sexual y trato de blancas se encontrarían involucrados funcionarios públicos del Estado de Veracruz y Oaxaca. Después de haber recibido una denuncia sobre los hechos el 25 de abril de 2001, la Procuraduría General de la República habría remitido el caso a las autoridades del Estado y, a partir de este momento, el seguimiento del caso ya no había avanzado. Sin embargo, ante los temores de que, tras dicha denuncia, la vida de Adriana Espinoza Buanabad se encontraría en peligro, la Policía Federal Preventiva habría detenido a Jorge Solórzano Santiago y lo habría llevado al Ministerio de la Subprocuraduría regional del Istamo para que le sea tomado el testimonio. También habría sido tomado el testimonio de la persona supuestamente encargada de vigilar a la afectada. Un peritaje médico y psicológico habría constatado la violencia física que Adriana Espinoza Buanabad habría sufrido a nivel sexual. De acuerdo con la información recibida, el juez todavía no habría dado la orden de careo, con lo que se teme que las personas implicadas en esta supuesta red de explotación sexual tengan tiempo de hacer desaparecer las pruebas restantes. En vista de la supuesta dilación de las instituciones encargadas de administrar e impartir la justicia, se teme que Adriana Espinoza Buanabad y las demás jóvenes puedan ser víctimas de represalias.

74. Por carta con fecha 6 de noviembre de 2001, el Gobierno informó de que el 14 de junio de 2001 se presentó una denuncia de hechos ante la Procuraduría General de Justicia del Estado de Oaxaca, a partir de la cual se inició la averiguación en contra del Sr. Jorge Solórzano Santiago, por la presunta comisión de los delitos de violación y privación ilegal de la libertad, en agravio de Adriana Espinoza Buenabad, Liliana Romero Buenabad y Yazmin del Carmen Navarrete. En esa misma fecha, la policía detuvo al Sr. Jorge Solórzano Santiago y lo presentó ante el agente del Ministerio Público del primer turno de Tehuantepec, Oaxaca. El agente del Ministerio Público procedió, por estar en la hipótesis de un caso urgente, a la retención preventiva de Jorge Solórzano Santiago, al mismo tiempo que se recabaron diversos elementos de convicción sobre la posible comisión de los delitos de corrupción de menores, pornografía infantil y demás que se llegaron a configurar, procediendo a solicitar al Juez Primero de lo Penal

de Tehuantepec, Oaxaca, que determinara el arraigo del indiciado. El 15 de junio el Juez libró el arraigo solicitado dentro del expediente penal como medida cautelar, a fin de desahogar las diligencias tendientes a la integración de la averiguación previa. El 21 de junio las autoridades ministeriales procedieron a asignar elementos pertenecientes a la Policía Judicial del Estado, con el objeto de garantizar la seguridad de las ofendidas. El Ministerio Público, con base en las diligencias realizadas dentro de la averiguación, logró establecer la probable responsabilidad de Jorge Solórzano Santiago y ejercitó acción penal por los delitos de violación y corrupción de menores. El 2 de julio de 2001, el Juez Segundo de lo Penal de la ciudad de Salina Cruz, Oaxaca, libró en contra del inculcado la orden de aprehensión solicitada, que cumplió la Policía Ministerial del Estado. El 2 de julio el inculcado fue recluido en el Centro de Readaptación Social del citado distrito judicial a efecto de dar inicio al proceso penal correspondiente. Por otra parte, la Procuraduría General de Justicia del Estado de Veracruz informó que también tiene iniciadas y en integración las averiguaciones previas, en las que aparece como indiciado Jorge Solórzano Santiago, al que se le imputan la comisión de los delitos de abusos deshonestos y acoso sexual en agravio de Elizabeth Fanyuti Hau y Teresa Sánchez Sánchez, respectivamente.

### Myanmar

75. By letter dated 30 August 2001 sent jointly with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

76. **Three young women** originally from Wan Paang village, Nam-Zarng township, including two minors and **Naang Zing Mya**, were reportedly gang-raped by State Peace and Development Council (SPDC) troops from Company No. 4 of LIB 247 at a farm 3.5 miles from the town, on 24 May 1999. A patrol of about 50 SPDC troops reportedly asked them for their men and they answered that they had been taken by SPDC troops to serve as porters. A commander reportedly took one of the minors into a nearby farm, raped her and slapped her until she had bruises all over her face. The other two women were allegedly gang-raped several times. Naang Zing Mya was reportedly shot dead when she tried to run away and the two others were subsequently severely beaten and slapped.

77. **Pa Poi, Naang Awng, Naang Mawn and Pa Loi Pe** were reportedly arrested on 30 October 1999 by SPDC troops from LIB 514, under the accusation of having provided rice for the Shan rebels. They were reportedly taken to a deserted village west of Murng-Kerng town, gang-raped for one night and found dead the following morning.

78. **Naang Ong, Naang Thun Nae and Naang Paan Yaen** were reportedly arrested by SPDC troops from Company No. 3 of LIB 514 in late March 2000, 2.5 miles south of Kae-See town, Kae-See township, accused of being the wives of Shan rebels. They were tied up and interrogated about their husbands' whereabouts. The youngest woman was reportedly taken away by the patrol commander, who is said to have raped her, while the other two were raped by two officers. The next day, these two women were allegedly handed over to the remaining 30 soldiers, who reportedly gang-raped them and subsequently killed them.

79. **Naang Muay Phawng, Naang Zaan Pao, Naang Htun Nae, Naang Khur Wan, Naang Lao Sai and Naang Seng Hurn**, aged 16, all displaced women, were reportedly arrested by SPDC troops from LIB 248 in late May 2000, near the Kun-Hing-Murng-Paeng road between Ka Li village relocation site and Kun-Hing town, Kun-Hing township, raped by about 60 soldiers and subsequently shot dead.

80. **Nang Kawng Tip**, a 17-year-old girl from Murng In village, Murng Poo tract, Murng-Start township, was reportedly raped and killed by seven of the SPDC troops from Murng-Sart-based LIB 527 on 13 April 1999, on the banks of the Nam In stream in the vicinity of the village.

81. **Sai Nu, Sai Zitta, Sai Nya-Lintta, Maamg Nguay (f) and Naanf Lern (f)**, aged 17, were reportedly arrested by SPDC troops from Company No. 2 of LIB 102 on 11 January 2000, on the banks of the Nam Paang river in Kun-Hing township, interrogated about the whereabouts of Shan soldiers in the area and beaten to death. The two women are reported to have been taken with the troops for two days and two nights, during which they are believed to have been repeatedly raped and subsequently shot dead.

82. By letter dated 30 August 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

83. **Nang Kya Non** from Kaeng Lom village was reportedly gang-raped by SPDC soldiers from LIB 246 on 27 and 28 September 1998, near her farm 2.5 miles from Kun-Hing town. They reportedly took turns until daybreak and threatened to shoot her if she made any noise.

84. **Nang Lam**, a seven-month-pregnant woman, was reportedly beaten to death and her sister, **Nang Zu**, beaten, raped and robbed by SPDC troops of LIB 22 at a farm three miles south of Mark Mong Pawk village relocation site in Nam-Zarng township on 14 October 1998. Nang Zu was allegedly transferred to hospital for treatment of her head wound. When she explained what had happened, the medical personnel reportedly told her to say that her head was hit by a falling branch. She is believed to have fled to Thailand two or three days later.

85. **Pa Murng Awn, Pa Long, Naang Zaam, Naang Mo Khur** and their husbands were reportedly arrested by a patrol of SPDC troops from LIB 514 on 22 May 1999. They are reported to have been detained in the lock-up of the military camp in Kae-See town, where the women are believed to have been repeatedly raped for three consecutive nights by a captain and three other officers. The eight were allegedly released only when their relatives paid 10,000 kyat and they fled to Thailand on 11 June 1999.

86. **Naang Noot** was reportedly threatened with a gun and raped by an officer from LIB 227 of the SPDC in Murng-Phyak on 18 September 1999, when she was fishing close to Wan Tap village, Murng Nung tract, Murng-Khak township. Fearing reprisals, she reportedly did not officially complain about the rape.



87. **Naang Mawn Zing**, aged 17, and **Naang Lam Poi**, both schoolgirls from Lai-Kha, were reportedly arrested by SPDC soldiers in early October 1999, when attending a school meeting during which they asked about alleged human rights violations committed by soldiers. They were reportedly taken to LIB 515 base, where they were raped for four days and nights. Their parents were allegedly ordered to pay 15,000 kyat for the release of each of them.

88. **Naang**, a 16-year-old girl, was reportedly gang-raped at gunpoint by three SPDC soldiers from LIB 279, including a sergeant, on 12 January 2000, on the bank of Nam Yarng stream near Ter Laat village, in Murng-Yarng township.

89. **Naang (Zang)** and **Naang (Nawt)**, aged 17, were reportedly raped on the banks of Nam Yaang stream some distance from their village on 6 March 2000 by SPDC troops from LIB 314 near Yaang Khum Mu village, Nawng Kwaang tract, Kaeng-Tung township.

90. **Naang (Mya Tawng)**, a displaced Shan woman, was allegedly raped at gunpoint on 29 March 2000 by the commander of Company No. 4 of the SPDC Kaeng-Tung-based LIB 529, stationed at Naa Kawng Mu. The latter is also alleged to have threatened to imprison the village leaders who wanted to complain about the rape.

91. **Pa Wai**, originally from Kun Pu village, Kun Pu tract, and **Naang Thawn**, **Naang Thun Nae** and **Naang Ing**, aged 9, all from Naa Mawn village, Nawng Hai tract, were allegedly raped by SPDC troops from LIB 246 based at Kun-Hing township. They were reportedly arrested in late April 2000 and repeatedly raped for five days and four nights by the soldiers.

### Nigeria

92. On 7 November 2001, the Special Rapporteur sent an urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of **Ms. Safiya Hussaini Tungar-Tudu**, a pregnant woman, who was sentenced to death by stoning by an Islamic Court in Gwadabawa, in the northern Nigerian State of Sokoto. According to information received, she was sentenced for having premarital sex. It is reported that she had until 8 November to appeal the sentence and that the court's ruling was to be reviewed by the State governor before a punishment date was decided upon. Ms. Tungar-Tudu's alleged sex partner was reportedly acquitted by the same court because it lacked sufficient evidence to prosecute him for the alleged sexual indiscretion.

93. On 11 January 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on torture on behalf of **Bariya Ibrahim Magazu**, a 17-year-old girl, on behalf of whom the Special Rapporteur on torture had already intervened on 29 September 2000. She was reportedly sentenced to 180 strokes of the cane by a Shariah (Islamic Law) court in Tsafe, Zamfara State, in early September 2000, allegedly for having had sexual relations outside marriage and for having falsely accused three men of having sexual relations with her. The sentence was not carried out at that time since she was due to give birth. It is believed that she had the baby mid-December and that the sentence would be carried out on 27 January 2001.

## Philippines

94. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information according to which women in the custody of law enforcement officials are particularly vulnerable to torture, including rape and sexual abuse. Most of the victims are said to be members of socially disadvantaged groups, including suspected prostitutes, street children, drug addicts and other women considered to come from the lowest strata of society. It is reported that the police use article 202 of the Revised Penal Code, “the anti-vagrancy law”, on a routine basis as a pretext to arrest women arbitrarily, extort money or subject them to sexual violence. In 1997, the Committee on the Elimination of Discrimination against Women criticized the discriminatory application of this law, noting that it was enforced against female sex workers but not against men involved as traffickers, pimps or clients. The alleged vague wording of this law is also reported to leave it open to abuse by law enforcement officials.

95. Women are believed to be particularly vulnerable to rape between the time of arrest and arrival at a police station. Following arrest, women detainees are reportedly taken to the local police station for questioning, where they are allegedly held in a detention cell before being charged. It is reported that, although according to Philippine regulations male and female detainees are supposed to be segregated in police custody, women are held together with men in many police stations. It is also alleged that police officers sometimes offer to release women or to give them preferential treatment if they agree to have sex with them. This is said to occur despite article 245 of the Revised Penal Code which forbids public officers from making sexual advances towards female detainees. According to the information received, the Manila police have also been criticized for their practice of employing “errand girls” to carry out menial tasks in some police stations. In June 2000, the Philippine House Committee on Public Order and Security reportedly called on police officers to stop this practice, citing an incident during which, according to the Committee, a detained street girl had been raped at a police station in Luneta, Manila. It is reported that, in most of the cases, victims of sexual abuse are reluctant to lodge a complaint, fearing that this would entail their being subjected to further sexual violence by other police officers. Furthermore, in a large number of cases, alleged victims are believed to refuse to pursue a case, fearing reprisals against their families.

96. The Special Rapporteurs had been informed that under the Philippine law (Republic Act No. 7659, known as the Death Penalty Law of 1993, and Republic Act No. 8353, known as the Anti-Rape Law of 1997), law enforcement officials, including police and military officers, found guilty of raping a woman in their custody face a mandatory death sentence. The Special Rapporteurs were aware of four death sentences imposed on police officers following conviction. It was also reported that, in two cases, police officers found guilty of the rape of a woman in their custody had been given long prison terms. The Special Rapporteurs believed that, while it was commendable that the perpetrators of such crimes be brought to justice, their sentences should conform with internationally recognized human rights standards.

97. Medical reports in rape cases, where they exist, are reported to present irrelevant findings and to employ non-medical terminology, such as “non-virgin state”. The Special Rapporteurs recalled that lack of medical evidence of sexual penetration does not refute an allegation of sexual abuse and that the complainant’s testimony must be impartially evaluated for consistency,

credibility and coherence. In this context, the Special Rapporteurs referred to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the so-called Istanbul Protocol (recently published as Professional Training Series No. 8 (HR/P/PT/8)), which states that “even on examination of the female genitalia immediately after rape there is identifiable damage in less than 50 per cent of cases and lesions in less than 30 per cent of cases of anal rape” (para. 220).

98. Lodging a complaint against a police officer or prison official requires courage and often financial resources beyond the means of most victims. According to the information received, it is not unusual for a victim of rape by law enforcement officials to be threatened or pressured by the perpetrator into withdrawing her complaint. If the victim is from a disadvantaged social or economic group, as is most often the case, her chances of obtaining justice are said to be bleak.

99. The Special Rapporteurs also received information on prison conditions. A number of women are reported to have been victims of sexual abuses, including rape, by prison officials. According to the information received, there have not been any successful prosecutions of prison officials for rape. It is alleged that in certain prisons, female and male detainees are not held in fully segregated areas, which is believed to lead to further abuses. Despite the fact that, in accordance with international standards and the 1993 Manual of Standards and Policies issued by the Philippine Bureau of Corrections, women detainees should be attended and supervised only by women officers, it is reported that most of the prison guards and officials in women prisons are men.

100. Material conditions in Philippine prisons are said to be poor and heavy overcrowding seems to be one of the major problems. According to the information received, owing to a heavy backlog in court cases, detainees - many unable to pay money as surety for bail - may wait years for their trials to be concluded. The Special Rapporteurs had received reports of nutritional deficiencies and inadequate medical facilities, including lack of medicines in prison infirmaries. Women who become pregnant as a result of custodial rape are said to face an additional set of traumas, such as lack of access to proper medical care or counselling. Abortion is said to be prohibited. It is also reported that, during the rainy season, parts of some jails, like the Manila City Jail, become badly flooded. Contaminated flood waters may carry various bacteria causing diseases such as cholera, typhoid fever and other enteric infections to spread among the detainees. Respiratory diseases such as tuberculosis are allegedly common, and according to the information received, a number of inmates had been found to have contracted leptospirosis, a potentially fatal disease carried by rats.

101. Finally, the Special Rapporteurs had been informed that at least 12 Muslim women had been raped by military personnel in the provinces of Sultan Kudarat, Maguindanao and Lanao del Sur in central and western Mindanao. It is believed that the number of victims of sexual abuse by soldiers may be higher. However, women are said to be reluctant to report the rape to the authorities, for fear of reprisals. No official investigations into these allegations are known to have been ordered.

102. In particular, the Special Rapporteurs received information on the following individual cases.

103. A **17-year-old girl** was reportedly arrested in February 1999 by Quezon City police officers, along with two other women, on suspicion of involvement in a robbery. While in detention at the women's detention cell of a Quezon City police station, she was taken by a police officer into a dark room, where she was allegedly raped. She is said to have been brought back later that night to the same room, where she was sexually abused by a second man, believed to be a radio reporter. On 12 February 1999 she was reportedly examined by a male police doctor, who is said to have concluded that she was "in a non-virgin state" and that he could find no external signs of trauma. The police officer allegedly admitted questioning her twice during that night, but denied having raped her. An investigating prosecutor dismissed her complaint against the accused police officer and radio reporter for lack of evidence. However, this decision is said to have been subsequently overturned by the Chief Prosecutor, who recommended the filing of criminal charges for rape and acts of lasciviousness. It is reported that the accused persons were neither detained, nor charged. In May 1999 and again in June 1999 the girl and the accused police officer were summoned to appear at separate hearings for grave misconduct before the People's Law Enforcement Board. It is not known whether these hearings took place. As the girl was allegedly unable to pay bail of 100,000 pesos for her release, she was reportedly transferred to Quezon City Jail, where she is thought to remain, awaiting trial in connection with the robbery charge against her.

104. A **21-year-old woman** suffering from mental illness is reported to have been raped by three police officers in June 1999. She had been arrested allegedly for "loitering" in the vicinity of the international airport, in Manila. It is reported that the police officers reportedly took her to an unknown location instead of to the local police station and dumped her unconscious body from a police patrol car. The three police officers were subsequently suspended pending official investigation, but it is not known whether they were facing criminal charges for rape.

105. A **17-year-old girl**, detained at Dagupan City Jail on suspicion of involvement in a homicide case, reportedly accused in January 2000 the former jail warden and 11 guards of raping her. She was allegedly threatened with guns and forced to drink alcohol and to perform oral sex. Her attempts to complain and requests for medical treatment were reportedly ignored until she was eventually admitted to a clinic, complaining of severe pain in her genitals and suffering from a sexually transmitted disease.

106. A **24-year-old woman** was reportedly arrested by three police officers of the Western Police District, in Malate, Manila, in September 2000. The officers reportedly released her without charge, after forcing her to perform oral sex inside a police car, threatening her and robbing her of a large amount of money which they ordered her to withdraw from her bank account. The police officers, who were allegedly reassigned to new jobs after the incident, were still at liberty several weeks later, despite the fact that they were said to be facing charges of rape and robbery.

107. A **22-year-old woman** detained at Antipolo City Jail was reportedly raped in January 2000. She had allegedly been detained for a minor crime and was reported to have been repeatedly abused and threatened by a police officer. In September 2000, she gave birth to a baby, allegedly conceived as a result of the rape. In November 2000, the then Secretary of the Interior and Local Government, Alfredo Lim, reportedly ordered an investigation against a senior police officer accused of having repeatedly raped her.

108. **An 18-year-old woman** was arrested late at night outside a store in Malate, Manila, in April 2000 on suspicion of violating the anti-vagrancy law. It is reported that instead of being taken to the local police station, she was brought to a private jeep, forced inside and raped at gunpoint by two police officers and a third man. The three men were said to have been arrested and detained for questioning while criminal and administrative charges were being prepared against them.

109. **A 38-year-old woman** is reported to have filed a complaint with the Office of the Ombudsman against the warden of Talavera District Jail, Province of Nueva Ecija. According to the information received, she complained that the jail warden raped her four times in late 2000, made her pregnant and then forced her to abort the child. He allegedly also threatened to kill her.

## Qatar

### Follow-up to previously transmitted communications

110. By letter dated 23 July 2001, the Government responded to the Special Rapporteur's communication dated 23 October 2000 concerning the case of **Mr. Arunda Nayanta Pandita** and **Mrs. Saleha Saleem** (see E/CN.4/2001/73/Add.1, paras. 43-44). The Government indicated that Mr. Mohammed Ameerudeen Saleem (Indian) filed a complaint against Mr. Arunda Nayanta Pandita (Sri Lankan) in which he alleged that the latter had seduced his daughter, who was working as his subordinate, and had travelled with her from India to Sri Lanka where he had married her in spite of their differing nationalities and religions (he being Buddhist and she Muslim), all this being without the knowledge of her family. The Government reported that since this constitutes a violation of the provisions of the Islamic Shariah, which is applied in the State of Qatar, the court ordered their separation on the ground that the marriage, being contrary to public order, was null and void. The official records show that Mr. Arunda was held in preventive custody for a short time, was subsequently released on bail and left Qatar for Sri Lanka before an appellate judgement was handed down in the case. He was not sentenced to detention or any other penalty, the court having merely ordered the couple's separation.

111. According to information provided by the Government during the proceedings, Mrs. Saleha claimed that she had married Mr. Arunda only after he promised her that he would convert to Islam. The Government stated that Mr. Arunda's assertion that he had been forced to convert to Islam was false since, in his allegations, he did not identify the authority which forced him to do so, nor did he provide any evidence to that effect. Moreover, the court did not make the continuation of the marriage contract conditional on his conversion. Saleha was temporarily prevented from leaving the country at the request of her father, in view of the fact that the case was still being heard by the courts. The Government indicated that her passport had never been taken away by the Ministry of Foreign Affairs or any other government authority. Mr. Arunda's relationship with Saleha ended when the judgement was handed down and, consequently, any complaint to the effect that she was being held against her will should be made by her or by a person with whom she has a legal relationship. The Government stated that the allegation that Saleha was prevented from continuing her education and from finding employment was

unrealistic, as the State did not deny foreign residents the right to study or seek employment. Furthermore, Saleha was not denied access to communication, including e-mail. The Government denied all the allegations.

112. The Government assured the Special Rapporteur that in its human rights agenda, the State of Qatar accords priority to the question of violence against women, in keeping with the established principles of the Islamic Shariah, under which it is prohibited to subject women to any form of harm detrimental to their human dignity.

### **Republic of Moldova**

113. On 30 January 2001, the Special Rapporteur sent an urgent appeal to both the Governments of the Republic of Moldova and Turkey on behalf of **Ms. Olga Torgonscaia**, aged 21 years, from Chisinau, the Republic of Moldova. According to information received, Olga Torgonscaia was trafficked from the Republic of Moldova to northern Cyprus to work as a prostitute. It is reported that, on 29 September 2000, one Michail (surname unknown), a family member of one of Olga Torgonscaia's friends, offered her work as a waitress in Italy, which she accepted. He told her that she would have to go to Istanbul, in order to get an Italian work permit from the Italian Embassy there. Michail allegedly took her to Kagul (Moldova), where she was consigned to a woman who accompanied her to Istanbul by plane on 30 September 2000. She lived there for some days, until she was told that it was impossible to obtain an Italian visa but that nevertheless there was a similar job in Cyprus. On 10 October 2000, she was reportedly taken to northern Cyprus. When she arrived she realized that she had been cheated and was forced to work as a prostitute in a casino nightclub called "Crazy Girls" situated in the Turkish sector of Lefkosha. Olga Torgonscaia is reportedly not allowed to leave and may only call home occasionally and under strict surveillance. Serious fears had been expressed concerning the health and life of Olga Torgonscaia if she was not freed soon.

### **Observations**

114. The Special Rapporteur has been informed that Olga Torgonscaia has been released.

### **Russian Federation**

115. By letter dated 10 August 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information concerning **Zara Isaeva**, from Chechnya, who was visiting Moscow for medical treatment on 14 September 1999 when she was reportedly arrested at the home of her brother, **Zavlady Isaev**, along with one of his friends, **Musa Vagaev**. During an interrogation at a police station, she was allegedly stripped naked for an examination and threatened with being handed over to homeless vagrants to be raped. She was reportedly released after a day in detention. Zavlady Isaev and Musa Vagaev are believed to have been beaten and forced to sign a confession relating to possession of drugs.

116. By letters dated 28 October 2001 and 16 November 2001, the Government responded to the Special Rapporteur's letter. By letter dated 29 October 2001, the Government stated that there had been no complaints from Mrs. Z. Isaeva, Mr. Z. Isaev or Mr. M. Vagev regarding their alleged illegal treatment by law enforcement officials. By letter dated 16 November 2001, the Government replied that inquiries had established that M. Vagaev had been detained on 14 September 1999 by the Internal Affairs Department of the Moscow South-eastern Administrative District for a drugs offence and for possession of weapons. On 14 April 2000, he was sentenced by the Moscow Kuzminsk Inter-district Court to one year's deprivation of liberty and to a suspended sentence of six months' imprisonment. Z.S. Isaeva was detained on 14 September 1999 for petty hooliganism and released the same day after an administrative report had been drawn up. In this connection, breaches of the law were committed by members of the militia in that they completed certain administrative documents improperly. The decision by the head of the "Zhulebino" Internal Affairs Directorate of the Internal Affairs Department of the Moscow South-eastern Administrative District to fine Z.S. Isaev was appealed by the Office of the Moscow Kuzminsk Inter-district Procurator. The appeal was upheld and the fine paid by Z.S. Isaev was returned to him. Representations were made to the head of the Internal Affairs Directorate for countenancing these breaches. Z.S. Isaev was detained at 11 p.m. on 14 September 1999 for petty hooliganism. He was released at 3 a.m. on 15 September 1999 after an administrative report had been compiled. Allegations of violence used against Z.S. Isaeva, Z.S. Isaev and M.M. Vagaev were found not to be substantiated by the Office of the Moscow Kuzminsk Inter-district Procurator.

### Sri Lanka

117. On 8 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the sale of children, child prostitution and child pornography on behalf of **Palanithami Sasikala** (aged 17). According to information received, Palanithami Sasikala was kidnapped on 28 September 1998 from her home in Pethalai Valaichenai by her uncle. He allegedly took her to his house and then handed her over to an army officer attached to the Kayankeney army camp, Valaichenai, Batticaloa. The officer then took her to his mother's house in Dambulla. Since then, she has reportedly been forced to work as an unpaid domestic aide and has not been allowed to attend school. Once the family of Palanithami Sasikala determined her whereabouts, they reportedly asked the officer to release her. However he did not and reportedly threatened them. Fearing reprisals, the family did not file a complaint with the authorities. At a later date, the officer was transferred to another post and, on 2 July 2001, the family filed a complaint with the Kalumunai police, who asked the officer to report to the station, which he did. However it is reported that Palanithami Sasikala was not released and, although the family has filed another complaint, no action has yet been taken by the authorities.

118. By letter dated 20 December 2001, the Government of Sri Lanka informed the Special Rapporteur about the case of **Palanithambi Sasikaran**. The Government reported that an investigation had been initiated after a complaint was made to the Human Rights Commission of Sri Lanka by Home for Human Rights on behalf of Ms. Palanithambi Sasikaran. According to the investigations, Ms. Palanithambi Sasikaran was handed over to Mr. Opatha of the Sri Lanka army by her grandfather when she was 12 years old and Rs. 1,000 per month was given to the grandfather for about one and a half years. According to the Government, there was consensus

that the child was not being kept by Mr. Opatha or his mother forcibly. Furthermore, the inquiry did not show any evidence that the child was being kept forcibly and/or that Mr. Opatha took the child using his authority as an officer of the army. The Government further stated that the only issue, if any, to be examined would be the question of custody of the child.

119. By letter dated 30 August 2001 sent together with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

120. **Velauthapillai Rajani**, a 22-year-old woman from Urumpirai North, was reportedly arrested on 30 September 1996 in Kondavil-Urumpirai Road by the Sri Lankan army, dragged into a house and raped. Her naked dead body was allegedly found later in the compound.

121. **Ida Hamilitta**, on behalf of whom the Special Rapporteur on violence against women had already intervened, was reportedly killed by army personnel on 13 July 1999, in her home in Pullimunai in Mannar district. Kesavan Rajah had reportedly been forced by army personnel to bring them to Ida Hamilitta's place and had been tied up and hit on the face upon arrival. Soldiers allegedly raped Ida Hamilitta, stabbed her in the abdomen, shot at her genitals and killed her. When, on the following day, Kesavan Rajah went to the Pallimunai police to lodge a complaint, the police reportedly refused to record his statement and threatened him.

122. **Krishnapillai Thayayothy** was reportedly raped and killed by Home Guards operating with the government forces, at Poomarathadichenai, Muttur on 2 October 2000. She had reportedly been abducted along with six other farmers, all of whom are said to have been brutally murdered. Krishnapillai Thayayothy's body was allegedly mutilated.

123. By letter dated 7 December 2001, the Government stated that initial investigations into the case of **Ida Carmaleeta (Ida Hamilitta)** revealed that a group of army personnel had entered the house of the deceased on the night of 12 July 1999 and had raped and killed her. On 20 July 1999, the Criminal Investigation Division (CID) arrested a corporal and a soldier of the Sri Lanka army in relation with the rape and murder. Upon their arrest, they were produced before the relevant magistrate and remanded. Investigations revealed the complicity of three other army personnel in the commissioning of the crime. However, prior to being arrested, on 13 December 1999, they surrendered to the Magistrates Court and were also remanded. Another suspect surrendered to the court on 31 January 2000. On 20 July 1999, an identification parade was held in the Magistrates Court of Mannar. The first two suspects were identified. Criminal proceedings were instituted against the suspects for having committed the rape and murder. On 8 August 2000, a non-summary inquiry commenced in the Magistrates Court of Mannar. Subsequently, owing to the unsatisfactory nature of the security situation that prevailed in Mannar, the Attorney-General transferred the case to Colombo. The Chief Magistrates Court of Colombo assumed jurisdiction and the non-summary case recommenced in that Court. On 3 July 2001, upon review of the available evidence and upon being satisfied that there existed no evidence to proceed against the three suspects, the magistrate discharged the said suspects from further proceedings. The Government reported that the two main suspects remain accused, and the non-summary inquiry against them is continuing.



124. By letter dated 30 August 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

125. **Lakshmi Pillai** was reportedly raped by two army informants in August 1995, at her home, in Trincomalee, in front of her two sons, in revenge for having spoken about her previous rape at Plaintain Point army post in August 1993. The informants were reportedly arrested but later released on bail.

126. **Sivasothy Krishnapillai**, aged 31, was reportedly raped by three Special Task Force (STF) personnel on 31 December 1996, in Mandoor, Batticaloa district. The inquiry into the case was reportedly held at the Batticaloa district court on 30 November 1998.

127. **A 17-year-old Tamil schoolgirl** was reportedly severely beaten and raped by two Sinhala soldiers at a secluded spot on 17 July 1997, when she was on her way to a school in Araly South. She was allegedly admitted to Jaffna teaching hospital with severe injuries.

128. **Sri Balakumar Ajanthana**, a 17-year-old from Kandy Road, Ariyalai, in Jaffna town, was reportedly raped by a police constable on 15 April 1998, resulting in heavy bleeding from the vagina, and admitted to the Jaffna hospital at Kopay.

129. **Rajeswary Krishnarajah**, a 35-year-old widow was reportedly gang raped by soldiers on 29 September 1999 in her home, at Vaalaitthottam in Varani in the Thenmaradchi Division of the Jaffna Peninsula. Her brother and father were allegedly blindfolded. She was reportedly taken to a nearby coconut plantation, where she was raped by two soldiers. She managed to escape from a third soldier. On the following day, doctors at the Chavakachcheri hospital reportedly confirmed that she had been raped.

130. **A 13-year-old girl** is said to have been gang raped on 14 December 1999 at her home in Mawanella, east of Colombo on the Kandy Road, by a group of five police officers of the CID and an army deserter. The group reportedly entered the house, threatened the parents at gunpoint, took the girl to the kitchen and raped her. Only the army deserter has allegedly been arrested in connection with the alleged assault.

131. By letter dated 18 December 2001 the Government replied regarding the cases of **the 17-year-old girl (Yoganadhan Dishalani)** and **Rajeshwari Krishnarajah**. In regard to the first case, the Government reported that inquiries had been made into the alleged incident, reported to have occurred on 11 July 1997 in Aralay South in the Jaffna Peninsula, a soldier had been arrested and a case filed against him. The case was transferred on 13 November 1997 from the Jaffna Magistrates Court to the Mallakkam Magistrates Court. The next hearing was scheduled to be held on 21 December 2001. The alleged perpetrator has reportedly been demobilized from service pending completion of the court proceedings.

132. In regard to the case of **Rajeshwari Krishnarajah**, the Government reported that on 29 September 1999, at around 11.30 p.m., three persons in army type uniforms entered her house and raped her. The police submitted a report to the Magistrates Court on 6 October 1999, however further action is pending as the rapist has not been identified.

133. By letter dated 17 July 2001, sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

134. **Wijikala Nanthan**, a pregnant woman, and **Simvamani Sinnathamby Weeralon** were reportedly arrested by the Mannar Police Counter Subversive Unit (CSU) under the Prevention and Terrorism Act, at 11 p.m. on 13 March 2001. The CSU reportedly accused them of being members of the Liberation Tigers of Tamil Eelam (LTTE). The two women were allegedly raped repeatedly by CSU and Navy officers until they agreed to confess to possessing links with the LTTE and to sign confessions, while still detained, on 17 March 2001. They were sentenced to 14 days in judicial custody by Mannar district judge, during which time they were allegedly repeatedly raped again.

135. **A widowed mother of two** was reportedly stopped on 23 June 2001 by police at a checkpoint on the Borella Road, in Maradana. On 24 June, two policemen and a member of the military attached to the checkpoint reportedly went to her home and said that she must go with them to the Maradana police station. While en route to the police station, they reportedly stopped at a bunker near the Maradana Borella checkpoint and raped her.

136. By letters dated 9 April and 21 December 2001, the Government responded in regard to the cases of **Sivamany Archunan** and **Wijikala Atunam**. It stated that a special team of CID officers from Colombo had taken over the case and commenced further criminal investigations. By letter dated 21 December 2001, the Government reported that at the request of the CID a series of identification parades had been held. Fourteen naval and police personnel had been arrested by the CID, remanded and thereafter produced at identification parades. It stated that criminal investigations had recently been concluded, and the investigative material forwarded to the Attorney-General, enabling consideration of the institution of criminal proceedings.

137. By letter dated 7 December 2001, the Government responded in regard to the case of **Velu Harsha Devi**. The Government reported that following the lodging of the complaint, on 24 July 2001, alleging that two police officers and two army soldiers had raped Ms. Velu Harsha Devi at the Technicak College checkpoint in Maradana, located in the district of Colombo, investigations had commenced and within 48 hours four suspects had been arrested and remanded. At the identification parade on 6 July 2001 the complainant identified two of the suspects, including a reserve police constable. The reserve police constable had since been demobilized. Investigations had been concluded and the investigative material forwarded to the Attorney-General, enabling consideration of criminal proceedings. The Attorney-General was due to advise the Police to institute non-summary proceedings.

#### **Follow-up to previously transmitted communications**

138. By letter dated 30 January 2001, the Government responded to the communication sent on 14 March 2000 (E/CN.4/2001/73/Add.1, para.53 (c)) concerning the case of **Pushpa Malar**. The Government stated that investigations in connection with the case had been conducted by the Senior Superintendent of Jaffna with the assistance of the police stations in Jaffna, Chavakachcheri, Kodikamam and Pallai. However, the criminal investigations had not yielded positive results.

## Observations

139. The Special Rapporteur welcomes the establishment, by the Commander of the Sri Lanka Army, of a directorate to deal with human rights issues. This directorate has been mandated to implement the directives of the Commander of the Sri Lanka Army relating to human rights and to oversee the implementation of human rights norms and standards, in line with domestic constitutional and other legal provisions and those relating to international human rights law. The new Directorate is administratively linked to the Directorate of Humanitarian Law, established in 1997, and has been designated as the Directorate of Human Rights and Humanitarian Law. However, despite this, the Special Rapporteur remains very concerned about the situation. Sexual violence continues, as can be seen from the number of cases reported this year. The Special Rapporteur would encourage the authorities to take all necessary measures to prevent further cases from occurring.

## Turkey

140. By letter dated 30 August 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

141. **Fatma Tokmak**, a woman of Kurdish origin, and her two-year-old son Azat were reportedly detained by police officers in Istanbul on 9 December 1996 on suspicion that she and her husband were members of the Kurdistan Workers Party (PKK). During their detention in police custody at the Anti-Terror Department of the police headquarters in Istanbul, until 20 December 1996, they were reportedly tortured. In front of Fatma Tokmak's eyes, Azat was reportedly given electric shocks on the back and had cigarettes stubbed out on his hands, to elicit confessions from his mother. Fatma Tokmak was reportedly violently undressed, forced to lie on the floor while her son was put on top of her and told "Come on, fuck your mother". She was reportedly threatened with rape, including with a truncheon, several times hung by her arms and sexually abused while in that position. She was threatened with her son's death when police took him away. On 20 December 1996, she was reportedly taken to the State Security Court in Istanbul, which remanded her to prison in Gebze. With the help of her lawyer, her son was reportedly found and returned to her mother some weeks later. A medical report by the Istanbul Medical Chamber is said to corroborate her allegations. She reportedly filed a formal complaint in 1997 against the police officers who allegedly tortured them. In July 1998, the public prosecutor in Fatih reportedly decided not to initiate proceedings, a decision appealed by her lawyers and rejected in June 2000. Fatma Tokmak is said to remain in Gebze prison charged with PKK membership in a trial in which the death penalty is being sought. She is believed not to have received a comprehensive medical examination.

142. **Fahriye Bikin, Müyesser Günes, Sekernaz Cakal, Rahime Inci, Azize Yildiz**, members of the Peace Mothers Initiative, and their male interpreter, **Murat Batgi**, were reportedly arrested by gendarmes at the Iraqi border on 4 October 2000 and interrogated at the border town of Habur for nine hours. After a medical check, the women were reportedly taken blindfolded to the Gendarmerie Headquarters in Silopi and interrogated again by gendarmes, who insulted them, stripped them naked, sexually abused them, strangled them with their headscarves and hit them on the back of their heads and necks. The gendarmes allegedly

squeezed Azize Yildiz's breasts, took nude photos of her and threatened to publish them. Rahime Inci and Sekernaz Cakal were reportedly hit on their shoulders with a heavy object. Fahriye Bikin, who had previously undergone a hip operation, was allegedly made to stand all night. On 7 October they were reportedly brought before a prosecutor, who ignored their complaints of torture, and were remanded to Mardin prison. Murat Batgi allegedly had his testicles squeezed, was beaten and threatened. He was reportedly remanded to Silopi prison.

143. By letter dated 9 November 2001, the Government responded that **Fatma Tokmak** had been taken into custody on 9 December 1996 in Istanbul along with eight persons. At the time of her apprehension, she was with her child Azat Tokmak, who had been dispatched to the Bahcelievler Nursery of the Social Services and Child Protection Agency on 12 December 1996 and had been returned to his mother by the petition of Fatma Tokmak's lawyer on 28 February 1997. The Government indicated that it had been revealed that within her activities in the PKK she had been involved in some murders and a pistol had been found at the house where these persons had been apprehended. In accordance with the decision of the relevant court, she was arrested and sent to prison on 20 December 1996. The trial is pending at Istanbul State Security Court. As none of the medical reports indicate any ill-treatment against them, a decision of non-prosecution was taken regarding the case against the police officers who were alleged to have committed torture. The objection to this decision was later rejected by the relevant court.

144. On 1 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on torture on behalf of **Asiye Güzel Zeybek**, a journalist, who had been arrested by the Turkish authorities in February 1997 and charged with membership of the Marxist-Leninist Communist Party (MLCP), an "illegal organization" under article 168 of the Turkish Penal Code. She reportedly filed a complaint against eight police officers, claiming that she had been subjected to severe torture including repeated rape over a period of 13 days while she was being held for interrogation at the Istanbul Security Headquarters. A first hearing of her complaint against the eight police officers was reportedly held in November 1998; however, in October 1999, the charges were rejected. It is reported that the court stated that there was "no proof of guilt" against the police officers, in spite of the fact that evidence that she had been raped was presented by members of the Medical Faculty at Istanbul University. In December 2000, she was among hundreds of detainees who protested against their transfer from the prison in Gebze to new detention centres. She reportedly suffered severe injuries as a result of police action and these resulted in temporary paralysis. The initial trial proceedings against Asiye Güzel Zeybek were reportedly commenced in February 2001, four years after her arrest. On 21 September 2001, the proceedings were further adjourned until 7 December 2001.

145. On 18 April 2001 the Special Rapporteur sent a joint urgent appeal with the Special Rapporteurs on the independence of judges and lawyers and on extrajudicial, summary or arbitrary executions and the Special Representative of the Secretary-General on human rights defenders on behalf of **Ms. Eren Keskin**, a prominent lawyer who is a leading member of the Human Rights Association (IHD) and founder of the Legal Aid Project for women who have been raped or sexually abused in custody. According to information received, Ms. Keskin had been receiving threatening telephone calls on her mobile phone, at her law office and at the office of the IHD, including threats that she would be raped or killed. Furthermore, on 9 April 2001, Ms. Keskin allegedly learned that a man arrested in Konya had confessed that he

had intended to kill her. The harassment has allegedly taken place since Ms. Keskin visited Silopi, in the south-eastern province of Sirmak, as a member of a delegation investigating the disappearance of two members of a Kurdish political party.

146. By letters dated 5 and 13 June 2001, the Government responded regarding the case of **Eren Keskin**. The Government stated that Mr. Hüseyin Calik was taken into custody on 25 April 2000. He confessed that he had been planning to murder Eren Keskin and that he had gone to Istanbul in March 1999 in possession of a pistol. He said that he had gone to the office of Eren Keskin, but could not achieve his goal due to the crowd in the office. Upon the completion of the investigation, Hüseyin Calik was arrested. The Government indicated that Ms. Keskin had not requested the security forces to provide her with personal protection. She asked for a police patrol in the neighbourhood of the Istanbul branch of the IHD. The Government indicated that, upon that request, the necessary measures had been taken by the security forces.

147. On 30 January 2001, the Special Rapporteur sent an urgent appeal to both Turkey and the Republic of Moldova on behalf of **Ms. Olga Torgonscaia**, aged 21 years, from Chisinau, the Republic of Moldova. According to information received, Olga Torgonscaia was trafficked from the Republic of Moldova to northern Cyprus to work as a prostitute. It is reported that, on 29 September 2000 one Michail (surname unknown), a family member of one of Olga Torgonscaia's friends, offered her work as a waitress in Italy, which she accepted. He told her that she would have to go to Istanbul, in order to get an Italian work permit from the Italian Embassy there. Michail allegedly took her to Kagul (Moldova), where she was consigned to a woman who accompanied her to Istanbul by plane on 30 September 2000. She lived there for some days, until she was told that it was impossible to obtain an Italian visa but that nevertheless there was a similar job in Cyprus. On 10 October 2000 she was reportedly taken to northern Cyprus. When she arrived, she realized that she had been cheated and was forced to work as a prostitute in a casino nightclub called "Crazy Girls" situated in the Turkish sector of Lefkosa. Olga Torgonscaia was reportedly not allowed to leave and could only call home occasionally and under strict surveillance. Serious fears had been expressed concerning the health and life of Olga Torgonscaia if she was not freed soon.

### **Observations**

148. The Special Rapporteur has been informed that Olga Torgonscaia has been released.

### **United Kingdom of Great Britain and Northern Ireland**

#### **Follow-up to previously transmitted communications**

149. By letter dated 17 May 2001, the Government responded to the Special Rapporteur's communication regarding the prison system in Bermuda, one of the United Kingdom overseas territories (E/CN.4/2000/68/Add.1, paras.27-30) stated that responsibility for the prison service was devolved to the Government of Bermuda. Recognizing that Bermuda faced some challenges with the administration and management of the Prison Service (including the Co-Educational Facility catering separately for female and juvenile inmates), the Government of Bermuda commissioned an enquiry into the state of prisons in July 1999. The review was carried out by

Mr. C.P. Gibbard, a governor in Her Majesty's Service Prison Service and Prison Reform Coordinator for the United Kingdom Overseas territories. The report includes a series of recommendations, which are the subject of ongoing action. However the report does not refer specifically to any fundamental and serious problems with the treatment of female prisoners. The Government of Bermuda states that it is confident that there is nothing untoward in the treatment of female prisoners in Bermuda. The Government responded that the Home Affairs Minister, Paula Cox, following the investigation into the case of Ms. Miah Lewis, announced in June 1999 that she had ordered "an extra layer of protection to be introduced" to ensure gender segregation in Bermuda's Co-Educational Facility. The Government stated that male prison officers could not be present in the Women's Section without the presence of a female officer and male officers did not have access to the keys for the Women's Section.

### **Uzbekistan**

150. By letter dated 10 August 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual case.

151. **Nadira Khidoiatova**, the niece of Uzbekistan's former ambassador of Uzbekistan to the United States, and **Asia Turaniyazova**, who were three and sixth months' pregnant respectively, were reportedly arrested by police in July 1995 and subsequently taken to the cells of the National Security Service, where they were forced to undergo abortions. They were allegedly forced to abort because Uzbekistan law is said to require that pregnant women be released pending trial.

**Appendix**

**CONFIDENTIAL  
VIOLENCE AGAINST WOMEN  
INFORMATION FORM**

*INFORMER: name and address of person/organization submitting the information, will remain confidential. Please also mention whether we can contact you for additional information and if so by what means.*

Name of person/organization: \_\_\_\_\_

Address: \_\_\_\_\_

Fax/Tel/E-mail: \_\_\_\_\_

*VICTIM(S): information about the victim(s) including full name, age, sex, residence, professional and/or other activities related to the alleged violation, and any other information helpful in identifying a person (such as passport or identity card number). Please mention whether the victim is willing for their case to be transmitted to the Government concerned.*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Nationality: \_\_\_\_\_

Sex: \_\_\_\_\_

Occupation: \_\_\_\_\_

Ethnic background, religious, social group (if relevant): \_\_\_\_\_

*THE INCIDENT: including dates, place, and the harm suffered or to be prevented. If your submission concerns a law or policy rather than a specific incident, summarize the law or policy and the effects of its implementation on women's human rights.*

*Include information about the alleged perpetrators: their names (if known), any relationship they may have to the victims and/or to the Government, and an explanation of the reasons why you believe they are the perpetrators. If you submit information about violations committed by private individuals or groups (rather than government officials) include any information, which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations.*

*Include information about the steps taken by the victims or their families to obtain remedies including complaints filed with the police, other officials, or independent national human rights institutions. If no complaints have been filed, explain why not.*





Has the incident been reported to the relevant State authorities? \_\_\_\_\_ If so, which authorities  
and when? \_\_\_\_\_

Have the authorities taken any action after the incident? \_\_\_\_\_

If so, which authorities? \_\_\_\_\_

What action? \_\_\_\_\_

When? \_\_\_\_\_

WITNESSES: Were there any witnesses? \_\_\_\_\_

Name/age/relationship/contact address: \_\_\_\_\_

*Please bring to the attention of the Special Rapporteur any information which becomes available after you have submitted this form. For example, please inform the Special Rapporteur if your human rights concern has been adequately addressed, or a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.*

PLEASE RETURN TO  
THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN  
OHCHR-UNOG, 1211 GENEVA 10, SWITZERLAND  
(Fax: 00 41 22 917 9006, E-mail: [csaunders.hchr@unog.ch](mailto:csaunders.hchr@unog.ch))

-----