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人权委员会
第六十届会议
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纳入妇女人权和性别公平观

暴力侵害妇女问题

暴力侵害妇女、其原因及后果问题

特别报告员亚肯·埃蒂尔克女士提交的报告

增 编

与各国政府的函件往来*

* 本报告内容摘要和秘密举报表(见附录)以所有正式语文分发。报告本身载于内容提要附件，仅以提交语文分发。

内 容 提 要

人权委员会第五十九届会议第 2003/45 号决议鼓励特别报告员对收到的可靠情报作出有效反应。该决议请各国政府在特别报告员执行受权任务和履行受权职责时给予合作和协助，提供要求提供的一切资料，包括有关落实特别报告员的建议的情况，并对特别报告员的访问和信函作出反应。委员会还请特别报告员继续与其他特别报告员、特别代表、独立专家以及委员会特别程序工作组主席合作，包括酌情进行联合访问，编写联合报告，发出联合紧急呼吁和信函等。

现在备有一个标准举报表，用来记录指称的暴力侵害妇女事件(见附录)。在这方面，应当强调，根据授权，特别报告员只能处理妇女因其性别而据称遭受暴力或暴力威胁的案件。特别报告员采用的暴力侵害妇女的定义取自大会第 48/104 号决议通过的《消除对妇女的暴力行为宣言》。

特别报告员谨通知委员会：在报告所涉时期，她向下列国家政府发送了信函：安哥拉、阿根廷、阿塞拜疆、孟加拉国、中国、刚果民主共和国、埃及、希腊、印度、印度尼西亚、伊朗伊斯兰共和国、以色列、马来西亚、墨西哥、尼泊尔、秘鲁、斯里兰卡、苏丹、瑞士、泰国、土耳其、阿拉伯联合酋长国、乌拉圭。此外，阿根廷、阿塞拜疆、不丹、中国、埃及、希腊、伊朗伊斯兰共和国、以色列、墨西哥、新加坡、西班牙、瑞士、土耳其、乌拉圭等国政府就在报告所涉年度提交的案件和报告向特别报告员提交了答复，澳大利亚、中国、印度、墨西哥、缅甸、尼泊尔、巴基斯坦、斯里兰卡等国政府就在前几年中提交的案件做了答复。

本报告逐国摘述一般指称和个人指称，以及向政府发出的紧急呼吁和政府对此种呼吁作出的答复。必要时还附上特别报告员的意见。本报告所列案件中的一些受害人的姓名用姓名首字母代替，这样做是为了保护受害者的隐私，并避免其重新受害。向有关国家政府提供了所有受害者的全名。

Annex

REPORT OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES, YAKIN ERTÜRK,: COMMUNICATIONS TO AND FROM GOVERNMENTS

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Appendix Violence against women information form

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

Angola

Communications sent to the Government

1. By letter dated 11 July 2003, sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases:
2. **J.P.** (f), a 20-year-old resident of Fortaleza, was reportedly approached at her home by armed soldiers on 19 June 2001, and taken to one of the units of the military brigade deployed in N'tó, on the way to the border of Yema (Democratic Republic of the Congo). It is reported that several soldiers raped her before she was released on the following day.
3. A soldier of the Angolan Armed Forces (FAA) reportedly raped **I.T.** (f), aged 52, on 8 May 2002. It is reported that she was assaulted on her way to the Catholic Mission of Cabinda.
4. **M.I.** (f), aged 27, was reportedly raped on 2 October 2002 by three soldiers of the 20th Troop Battalion detached to the N'tó unit, in the village of Subantando. Her mother, **I.S** (f), aged 45, was reportedly severely beaten when she attempted to protect her daughter.
5. Three soldiers from the unit stationed in Ganda Cango reportedly raped **C** (f), aged 13, on 3 November 2002 on the banks of the River Chibaca. It was alleged that, upon protesting to the military command for this assault, her mother was accused of belonging to the Front for the Liberation of the Cabinda Enclave (FLEC).

6. **T.P** (f), aged 16, was reportedly raped by 15 military officers and allegedly had her genital organs mutilated on 8 November 2002 at Ganda Cango village, municipality of Belize.

7. Several FAA soldiers reportedly raped **M.L** (f), aged 46 and **M.C.** (f), aged 40, on 28 November 2002 on the main road of Piandinge, Necuto commune, in the presence of their children. Maria Luendo allegedly underwent surgery because of the mutilation of her genital organs.

8. By letter dated 23 July 2003, sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information that **A.L.** (f), aged 16, from Cata-Chivava village, Necuto commune, was reportedly shot dead by an FAA soldier on 20 October 2002, when she was allegedly trying to escape rape.

Observations

9. The Special Rapporteur would like to reiterate her interest in receiving a reply from the Government in regards to the allegations submitted.

Argentina

Comunicación dirigida al Gobierno

10. Por carta de fecha 17 de septiembre de 2003, la Relatora Especial, juntamente con el Relator Especial sobre la tortura, notificó al Gobierno que recibió información según la cual **G.S.** (f), interna en la Unidad carcelaria n.º 29 de Melchor Romero, habría sido víctima de diversas formas de tortura o malos tratos. El 11 de agosto de 2001, habría sido llevada a las duchas, donde habría sido golpeada e insultada por el personal penitenciario. Una agente (cuyo nombre fue transmitido a los Relatores Especiales) llenó una pileta del sector de Sanidad y sumergió en ella la cabeza de la G.S. Habría sido obligada, además, a

firmar informes médicos en los que se responsabilizaba de las lesiones que le habría producido el personal penitenciario bajo la amenaza de que, en otro caso, continuarían golpeándola. La interna habría sido sometida a un examen psicofísico en el que se le habría diagnosticado una fisura en el ojo. La Defensora Oficial adjunta del Departamento Judicial de la Plata habría solicitado el traslado de la G.S. a otra unidad y formulado la correspondiente denuncia penal.

Comunicaciones recibidas del Gobierno

11. Por carta de fecha 17 de noviembre de 2003, el Gobierno informó de que el 12 de agosto de 2001 se iniciaron actuaciones sumarias administrativas por lesiones leves de origen dudoso en relación con la G.S. Ésta fue inmediatamente conducida a la Sección de sanidad para recibir asistencia médica. La detenida habría afirmado que se había causado ella misma las lesiones que presentaba en el rostro al resbalar mientras realizaba su higiene personal la noche anterior. La G.S. habría sido examinada varias veces por personal médico y sus lesiones se curaron sin dejar secuelas. De las actuaciones sumarias administrativas no se desprenden elementos que permitan inferir la posibilidad de atribuir responsabilidades a terceras personas por las lesiones sufridas.

Australia

Follow-up to previously transmitted communications

12. On 10 September 2003 the Government of Australia replied to a joint urgent appeal sent by the Special Rapporteur and the Special Rapporteur on the sale of children, child prostitution and child pornography on 25 January 2002 in which the Special Rapporteurs expressed their concern about the manner in which domestic violence and child abuse are treated in Australia and referred to the specific case of a girl child who was reportedly returned to her father, who had allegedly abused her. (see E/CN.4/2003/75/Add.2, paras. 1-2).

13. The reply of the Government included information both on legislation and programmes on domestic violence in Australia, as well as information on the substance of the case.

14. Regarding the latter, the Government pointed out that it is not the role of the federal Government to inquire into the conduct of state government departments or police services. The actions of state government departments are subject to the scrutiny of internal and independent bodies. Complaints about child protection in Queensland can be made to the Ombudsman's Office in that state. The case of the girl child is still before the courts. For this reason, the Government suggests that the matter is most appropriately dealt with by the existing judicial mechanisms. Regarding the general situation of legislation, programmes and policies on family violence in the country, the Government reported that the guiding philosophy of the 1996 Family Law Reform Act is that children should receive adequate and proper parenting and that parents should have responsibility for the care, welfare and development of children except in circumstances where this is not in the child's best interest. The Government provided further information on child protection, child contact services, equality before the law, education and reform of the judiciary, access to the legal system and legal assistance.

Azerbaijan

Communications sent to the Government

15. By letter dated 8 July 2003, sent jointly with the Special Representative of the Secretary-General on the situation of human rights defenders and the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information according to which a number of women, including the chair of the Dilara Aliyeva Society to Protect Women's Rights, the singer **F.K.** (f), were assaulted by men in civil clothing on 20 June 2001, while 30 to 40 women activists were conducting a silent sit-down demonstration in a square near the State Philharmonic building in Baku in protest against police violence. Some of the women were reportedly injured. A large

group of police officers reportedly stood nearby and watched. The Head of the Sabail District Police Department, who was present at the demonstration, is reported to have stated that the incident was the women's "own provocation".

Communications received from the Government

16. By letter dated 23 September 2003, the Government informed the Special Rapporteur that the unauthorized picket line arranged by the Dilara Aliyeva Society to Protect Women's Rights was stopped by police officers without the use of force or illegal actions. The Government further reported that no complaints or medical statements had been received from F.K.

Bangladesh

Communications sent to the Government

17. By letter dated 10 January 2003, sent jointly with the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health, the Special Rapporteur advised the Government that she had received information according to which **N.B.** (f), aged 26, a ward-level leader of the women's wing of the Awami League, was allegedly gang-raped by persons belonging to the ruling Bangladesh National Party (BNP) and was denied medical care. It is reported that three male BNP member (whose names are known to the Special Rapporteur) forcibly entered her home on 17 September 2002. N.B. reportedly sustained severe injuries during the attack and was taken to the Khulna General Hospital at around midnight. However, it is alleged that an official ordered doctors not to attend to her. He reportedly also insulted N.B., using obscene language. She was reportedly then taken to the Khulna Medical College Hospital at about 2 a.m. on 18 September 2002 and laid on the floor of ward 11. At about 4 p.m., N.B. was reportedly still in pain at the hospital and had not yet received proper medical treatment. According to information received, the medical test report confirmed that she had been raped. It is reported that this incident followed an earlier attempt to rape N.B.

on the evening of 2 September 2002 when she was reportedly abducted by six armed member of BNP and taken to the office of the Town Defence Party (TDP) at Skid Ghat. There, it is alleged, they tore off her clothes, but her screaming attracted the attention of neighbours and she escaped. On 4 September 2002, N.B. filed a complaint with the Chief Metropolitan Magistrate's Court of Khulna, under sections 9(4) and 10(2) of the Women and Children Repression Prevention Act, 2000. The court ordered an investigation of the men accused in the Skid Ghat incident. However, it is alleged that the responsible official refused to undertake the investigation and that he threatened N.B. if she did not withdraw the charge. On 17 September 2002, the official is said to have issued a press statement saying that N.B. had filed a false charge with the court, arguing there was no evidence to prove the alleged attempted rape on 2 September 2002.

18. By letter dated 17 September 2003, sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information according to which **P.T.** (f), aged 22, **S.T.** (f), aged 15, and **K.T.** (f), three Jumma women, were raped by a group of army personnel belonging to the Artillery Division of the Guimara Zone, which had allegedly raided their village, Bara Chandra Karbari Para, Matiranga Sadat, on 21 May 2001. Thirteen other Jumma villagers were allegedly beaten during this raid. P.T.'s 1-year-old child was reportedly seriously injured with a knife.

19. On 5 November 2003, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on torture concerning **B.B.** (f), aged 18, who was reportedly raped on 16 October 2003. It was reported that she and her alleged rapist were subsequently arrested by the police and severely beaten in a police station in Hatgangopara. B.B. was allegedly taken to the hospital where the police are said to have registered her as a prostitute. No charges were reportedly filed against her alleged rapist, despite her testimony. She was reportedly later taken by two constables to Mohonpur Chawgachi, where she was allegedly forced to take some pills and was raped again by two constables, the above-mentioned rapist and two of his relatives. B.B.'s brother allegedly received threats as he reportedly filed a case against the alleged perpetrators. The two constables were reportedly suspended from the police force, but not charged in connection with this

case. The other three men were reportedly charged with rape, but the fact that B.B. has registered as a prostitute allegedly made the charges against them less serious. It was further reported that the police officer originally in charge of this investigation was transferred to Charchat district. Concerns were raised that the new police officers may obstruct a thorough investigation in order to free their colleagues from the accusations brought against them.

Observations

20. The Special Rapporteur would like to reiterate her interest in receiving a reply from the Government in regard to the allegations submitted.

Bhutan

Communications received from the Government

21. In a communication dated 16 June 2003, the Government of Bhutan provided additional information regarding the entry on Bhutan in the report of the Special Rapporteur's predecessor (E/CN.4/2003/Add.1, paras. 931-935). In particular, it noted that in addition to the Rape Act of 1996, crimes such as domestic violence and sexual harassment are covered under the general provisions of the supreme laws. Women, children and gender issues are important areas under the current Ninth Five-Year Plan (2002-2007). Steps are being taken to sensitize the police, judges, doctors, teachers and the mass media to domestic and sexual violence through education and awareness raising. Bhutan is a signatory to the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

Observations

22. The Special Rapporteur would like to thank the Government of Bhutan for providing information on its work to eliminate violence against women.

China

Communications sent to the Government

23. By letter dated 8 July 2003, sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

24. **L.X.** (f) was reportedly arrested in January 2000 by police officers from the Wuzhan town police station, where she allegedly was kept for several months. Although she was reportedly five months pregnant and expecting twins, she was reportedly severely beaten by the Chief of the police station, dragged by the hair and kicked. She was reportedly released just before she gave birth and after she had paid 5,000 yuan.

25. **J.Z.** (f), a pregnant woman, was reportedly arrested in January 2000 and taken to Hengyang City Detention Centre, where she was allegedly severely beaten. As a result, she reportedly had a miscarriage and her health allegedly deteriorated to the point where she was eventually released and later put under house arrest.

26. **L.Y.** (f) was reportedly arrested in January 2000 in Beijing because she allegedly practised Falun Gong, and taken back to her home town, Fengcheng city. According to the information received, as she was pregnant, the chief of the Fengcheng city police station reportedly ordered a forced abortion, which was reportedly carried out in a hospital.

27. **L.M.** (f), a resident of Sichuan province, was reportedly arrested in February 2000. The police allegedly slapped her and her baby daughter at the time of arrest. According to the information received, on the night of 19 July 2000, policemen from local police station took her from her home to the police station, where her hands were allegedly shackled behind a tree and her mouth sealed with tape for a prolonged period, to the point

where her clothes became soaked with her milk. She was reportedly kept at the detention centre for 15 days, during which she was not allowed to breastfeed her baby.

28. **W.S.** (f) and her husband were reportedly arrested on 15 February 2000, after they allegedly went to Beijing to appeal on behalf of Falun Gong. They were both reportedly taken to the Shekou Detention Centre. Wang Shaona was six months pregnant and was allegedly forced to abort in order to make her detention legally valid. According to the information received, the couple was detained again on 30 June 2000. W.S. was reportedly forced to abort a second time and was subsequently taken to the Nshan District Detention Centre, Shenzhenc city, Guangdong province.

29. **W.X.** (f) was reportedly arrested on 19 February 2000 in Beijing after she allegedly appealed on behalf of Falun Gong. She was reportedly beaten during interrogation at the Linhe city police station. On the following day, she was reportedly transferred to Hohhot City Women's Labour Camp, where, despite being three months pregnant, she was allegedly forced to perform hard labour and to stay in awkward positions for prolonged periods, she was also subjected to electric shocks and reportedly hung from her handcuffed wrists for entire days. On 30 July 2000, when she was eight month pregnant, she was reportedly taken back to the Linhe city police station, where she was allegedly subjected to an attempted forced abortion. According to the information received, one month after she gave birth, she was forced to leave her home as she allegedly refused to give up Falun Gong.

30. **A.G.** (f), detained at Masanjia Labour Camp, was repeatedly beaten and subjected to electric shocks after journalists visited the camp in February 2000. Toothpicks were also allegedly inserted under her fingernails. She was also allegedly forced to uncover her breasts and walk from one cell to another and was hung upside down until her face turned red and her eyes bulged.

31. **Y.P.** (f) was reportedly arrested in March 2000, when she allegedly went to Beijing to appeal on behalf of Falun Gong. She was allegedly pregnant at the time of her

arrest and subjected to a forced abortion. She was reportedly initially detained at the Zhonghualu police station and later at the Caidian police station, both in Wuhan city.

32. **Z.W.** (f) and her husband were reportedly severely beaten and kicked in April 2000 by at least 22 policemen. She was reportedly four months pregnant at the time. According to the information received, one month later, an officer from the Cuizhu police station ordered her to be sent to the 102 Military mental hospital to have an abortion. It was alleged however, that the forced abortion failed and that she eventually gave birth. On 8 February 2001, she and her husband were reportedly arrested again. During the arrest, the baby was allegedly injured on the head and legs.

33. **B.L.** (f), **C.S.** (f) and **Z.B.** (f) had reportedly been detained at the women's labour camp in Shijiazhuang city since May 2000. According to the information received, detainees had been held in a room that was about 40 degrees Celsius for a whole day, during which they were allegedly prohibited from going out or even using the toilet. Many detainees were allegedly subjected to sexual abuse by guards, such as rubbing their genitals and hitting them on their breasts. B.L. is believed to have lost her hearing after she was allegedly slapped on the face with a shoe. C.S. reportedly sustained many scars on her body from being scratched. Z.B. was allegedly hung up with only her toes slightly touching the ground for an extended period of time.

34. **D.J.** (f) was reportedly arrested in June 2000, when she went to Beijing to appeal on behalf of Falun Gong, and taken to Beishan Detention Centre in Lianzhushan town, where she was allegedly forced to load heavy bricks although she was pregnant. According to the information received, that resulted in a miscarriage.

35. **L.N.** (f) and **W.X.** (f), along with other female Falun Gong practitioners, were reportedly arrested and sent to Jingxing County Detention Centre in Hebei province at the end of July 2000. According to the information received, during their detention, policemen stripped all female Falun Gong practitioners naked, beat them and subjected them to electric shocks. W.X. was reportedly given electric shocks to her mouth and

vagina. Policemen allegedly applied electric shocks to L.N.'s breasts, despite the fact that she still had scars from an operation to remove a tumour. She was also reportedly subjected to electric shocks on her genitals and perineum.

36. **L.Y.** (f) was reportedly arrested in October 2000 and taken to the Yingtaoyuan police station in Weifang city, allegedly for appealing on behalf of Falun Gong. Although she was allegedly pregnant at the time of her arrest, she was reportedly severely beaten by the deputy chief of the police station, who allegedly also stuffed cigarettes into her nose and kicked her back.

37. **Y.J.** (f) was reportedly arrested on 6 October 2000, when she went to Beijing to appeal on behalf of Falun Gong, and was sent to the Sanhe city police station. She was reportedly beaten, kicked, slapped on the face and pulled by the hair according to the information received. She was allegedly lifted into the air and violently thrown onto the ground. A policeman allegedly whipped her numerous times and subjected her to electric shocks. He reportedly threatened to scald her body with boiling water and to order men to rape her. She was ordered to take off her clothes, and was sexually abused when she refused.

38. **L.S.** (f) was reportedly arrested on 30 November 2000 and taken to the Haidan branch of the Beijing police. It is alleged that the police stripped off her clothing except for her underwear and put her in a cell where she was reportedly severely beaten by other inmates, allegedly instigated by a police officer. Her hair was allegedly pulled and her head knocked against a wall and a towel tied tightly around her throat until she lost consciousness. Her eyelids, face, breasts and chest were allegedly pierced with a ballpoint pen. She was also allegedly subjected to electric shocks. L.S. reportedly went on a hunger strike to protest against this treatment. According to the information received, she suffered from vaginal bleeding and part of her body remained numb for a year. When she was released one year later, she was reportedly unable to walk normally.

39. **Shi** (f), from Jilin province detained at Heizuizi labour camp, was reportedly subjected to electric shocks in early winter 2000. Her menstrual periods reportedly ceased as a result.

40. **H.Q.** (f) was reportedly arrested on 20 December 2000. She went to Tiananmen Square in Beijing to appeal on behalf of Falun Gong and was taken to a police station where, according to the information received, her face, breasts, genitals and other parts of her body were seriously burned and injured with electric batons. She reportedly became unconscious as a result of the severe beatings. She was reportedly told that she would only be released if she agreed to state that the burns had been self-inflicted.

41. **L.X.** (f) was reportedly taken to a labour camp in Harbin city, Heilongjiang province, in December 2000, after she went to Beijing to appeal for Falun Gong. She was reportedly denied drinking water for nine days, and police allegedly stomped on her back. She was reportedly later escorted to a detention centre in Chibi town, where she was believed to have been held for 20 months, during which she was allegedly subjected to ill-treatment. According to the information received, she was never allowed a family visit or a full night's sleep; she was severely beaten and kicked and forced to kneel on the ground for 12 hours. On one occasion, she was allegedly taken to the hospital, where she was allegedly forcibly injected with a substance that caused internal bleeding. She was allegedly released after she went on a hunger strike. However, she was reportedly still closely monitored at home and reportedly arrested again once her health had improved.

42. **G.X.** (f) was reportedly arrested on 22 December 2000 in Beijing, where she had gone to appeal on behalf of Falun Gong, and taken to the Pingshan county police station in Shijiazhuang city, Hebei province. She was allegedly severely beaten on various occasions. Policemen allegedly covered her eyes and force-fed her with hot pepper powder, poked her body with pins, stripped off her clothes and sexually harassed her.

43. **G.P.** (f), her husband and her 6-month-old baby were reportedly arrested in January 2001 in Beijing for appealing on behalf of Falun Gong. She was reportedly

repeatedly subjected to electric shocks. Her husband was reportedly sent to a labour camp in Boading. According to the information received, when she appealed for his release, she was taken to a mental hospital, where she was allegedly forced to take drugs that had a mentally debilitating effect.

44. **C.Y.** (f), as well as other Falun Gong practitioners detained at the Wanijia labour camp, were reportedly locked in so-called “iron chairs” for 28 days and then hung up by their wrists on their cell door between 18 and 20 June 2001. C.Y. was also reportedly subjected to electric shocks. A guard was reported to have grabbed her by her breast and to have shouted obscenities at her. To protest against this treatment, she allegedly went on a 39-day hunger strike.

45. **W.H.** (f) was reportedly arrested on 7 June 2001 by police officers from Lanzhou University police station, allegedly on the grounds that she refused to stop practising Falun Gong. She was reportedly sent to the Taoshuping detention centre in Lanzhou city, where she allegedly underwent a hunger strike to protest against her detention. She was reportedly pregnant at that time and forced to undergo an abortion by the police.

46. The Xinglong town local government reportedly arrested **Xu** (f), a resident of Xinglong town, Sichuan province, in late July 2001. Although she was nursing a 9-month-old baby at the time, she was allegedly separated from her baby in the government building where she has kept. According to the information received, she was hung by her handcuffed wrists and beaten.

47. **W.Y.** (f) was reportedly arrested by Cuijiagu town police officers for hanging up Falun Gong banners in August 2001. She was allegedly pregnant at the time of her arrest. She was reportedly severely beaten by the officers and allegedly suffered a miscarriage as a result.

48. **Y.D.** (f) and **Z.J.** (f) were reportedly arrested in December 1999 and taken by the Security Section of the Fourth Machinery Company to a detention centre, where they

were allegedly subjected to torture and other forms of ill-treatment before being released 15 days later. Officers of the Yulukou police station reportedly detained them for another 15 days in July 2000. In October 2001, they were reportedly arrested again and detained at the Yulukou police station. Y.D. was reportedly subjected to sleep deprivation and other forms of ill-treatment. According to the information received, after eight months of detention, she was sentenced to one year in the second brigade of the Shayang labour camp for allegedly refusing to give up the practice of Falun Gong. In the camp, she was allegedly forced to work for long hours. It is reported that she was frequently forced to sit on small stools for the entire day. Z.J. was allegedly not allowed to sleep for several nights. She was reportedly handcuffed for about a fortnight and subjected to severe ill-treatment. She allegedly started a hunger strike to protest, and as a result, she was allegedly force-fed. After eight months of detention, she was reportedly sentenced to one year in a forced labour camp in June 2002, and sent to the ninth brigade of the Shayang labour camp. In the camp, guards, together with other inmates, reportedly beat her and did not allow her to sleep. On the day she was released, a group of inmates reportedly threatened to kill her, slapped her face with slippers and stuffed her mouth with a dirty cloth, which made her face swell and bleed. Z.J. was reportedly taken to the Shashi re-education centre on 31 October 2002. One month later, she was reportedly detained in a detention centre for another two months. On 21 February 2003, she was reportedly transferred to the Wuhan re-education centre, where she was allegedly subjected to daily ill-treatment by four inmates for at least 20 days.

49. On 11 June 2003, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on torture concerning **W.X.** (f), a student who was reportedly arrested on 11 May 2003, along with a dozen other students and teachers of Chongqing University and China Southwest University of Political Science and Law. They were reportedly arrested for hanging banners and balloons commemorating 13 May, the anniversary of the introduction of Falun Gong. According to information received, on 13 May 2003, several policemen took her to a cell in Baihelin detention centre in Shapingba district and forced two female inmates to strip her. One of the uniformed policemen reportedly pushed her to the ground and raped her as the other inmates watched. Police reportedly

botched a violent attempt to force-feed her when she went on hunger strike, seriously injuring both her trachea and esophagus, leaving her unable to speak. On 22 May 2003, she was reportedly transferred to the Southwest Hospital in Chongqing city, but her condition was not known at the time of writing the urgent appeal.

50. On 17 November 2003, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture concerning **L.Q.** (f), who was reportedly taken away from her home in Shanghai on 1 November 2003 by members of the National Security Bureau from Suzhou city and Shanghai city. Since then, her whereabouts have reportedly remained unknown. She was reportedly arrested in connection with her alleged practice of Falun Gong.

51. On 14 November 2003, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on torture and the Special Rapporteur on the right to the highest attainable standard of physical and mental health concerning four female Falun Gong practitioners. On 27 September 2003, **Y.F.** (f) was reportedly taken to Xihuanlu detention centre, where she allegedly went on a hunger strike. She allegedly vomited blood and lost consciousness several times after being force-fed. It was reported that the 610 Office ordered her to be secretly transferred to Shijiazhuang city, but her whereabouts were allegedly unknown. **Y.F.** and **her 16-year-old daughter** had allegedly been arrested and subjected to torture and other forms of ill-treatment in the past. **T.L.** (f) was reportedly beaten by the head of the 610 Office in Weihai city and four other officers on 22 May 2002. She was reported to have also been severely beaten at Weihai police station before being transferred to Weihai detention centre, where she was allegedly forced to sit in an iron chair (a torture device) and exposed under the sun until her body was completely numb. As a result, she allegedly lost consciousness and became paralyzed. She was reportedly subsequently released. **C.Y.** (f) was reportedly arrested on 8 August 2003 by Jiaxing city police and taken to a local detention centre on 13 September 2003, where she went on a hunger strike. She was allegedly force-fed while being handcuffed and

tightly tied to a bed. On 26 September 2003, she was reportedly sent to the Zhejiang province prison hospital for further force-feeding. It was alleged that as a result, her entire body convulsed with pain and she vomited blood. It was reported that when she was untied from the bed, she was too weak to walk, her face was very pale, her hands and feet were ice cold, her arms were swollen and bruised and her blood could not circulate properly. Needles were allegedly inserted into her bruises. She was reportedly released on bail on 13 October 2003.

Communications received from the Government

52. By letter dated 29 July 2003, the Government responded that there was no such person as **W.X.**, neither among the permanent nor among the temporary residents of Chongqing city, and that no student with that name was registered at Chongqing University. They stated that this person was not among the inmates of Baihelin detention centre in Shapingba district.

Follow-up to previously transmitted communications

53. By letter dated 19 March 2003, the Government of China responded to a communication sent jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention dated 22 July 2002 (E/CN.4/2003/75/Add.2, paras. 27-33). The Government submitted information regarding the following persons:

- (a) **Zheng Donghui** (f), aged 33, of Changchun city, Jilin province, was ordered to serve three years of labour re-education for causing a public disturbance, the sentence running from 25 November 2000 to 24 November 2003;
- (b) **Li Shujie** (f), aged 53, of Qiqihar city, Heilongjiang province, was taken into criminal detention on 2 November 2001 for causing a public disturbance. On 19 April 2002, the Qiqihar Labour Rehabilitation Committee sentenced her to two years' labour re-education. On 30 April, since she was suffering from coronary heart disease, the sentence was amended to enable her to serve her term outside the facility. The

Government stated that she had been sent home, and it is not the case that her whereabouts are unknown;

(c) **Liu Runling** (f), aged 38, resident of Hebei province, was placed under surveillance in her home on 28 September 2001, on suspicion of having committed the offence of sabotaging implementation of the law, and on 2 November of the same year, she was taken into criminal detention. This case is currently in process;

(d) **Yang Jingxin** (f), aged 35, resident of Xingcheng city, Liaoning province, was sentenced to three years' labour re-education from 23 April 2002 to 22 April 2005, for causing a public disturbance;

(e) **Lu Guifang** (f), aged 55, resident of Xingcheng city, Liaoning province, was sentenced to three years' labour re-education from 23 April 2002 to 22 April 2005 for causing a public disturbance;

(f) **Zhao Yuhua** (f), aged 42, resident of Xingcheng city, Liaoning province, was sentenced to three years' labour re-education from 23 April 2002 to 22 April 2005 for causing a public disturbance;

(g) **Wang Guizhen** (f), aged 43, resident of Jiamusi city, Heilongjiang province, was sentenced to three years' labour re-education from 22 April 2002 to 21 April 2005, for causing a public disturbance. While serving her term of labour re-education, Ms. Wang showed herself able to conform to the facility's rules and regulations and received 24 days' remission of her period of detention. According to information provided by the Government, her state of health is currently good. With reference to **Wei Tianchen** (f), mentioned in the communication, the Chinese public security agencies and judicial authorities have investigated, but to date have been unable to locate this person, and requested more detailed information.

54. The Government of China said it attached great importance to safeguarding the lawful rights and interests of women. In order to safeguard the rights of women in politics, in the economy, in education and in other domains, China has laws and regulations for the protection of women's rights and the promotion of women's development. This system is underpinned by the Constitution of the People's Republic of China and its main component is the Law on the Protection of the Rights and Interests of Women. At the

same time, the Government of China attaches great importance to strengthening the judicial protection and legal supervision of women's rights and interests and has stepped up the level of enforcement of the law in this area, enhanced the effectiveness of preventive measures and increased the severity of action to combat unlawful and criminal activities which infringe the personal and property rights of women. The Government stated that the above-mentioned persons taken into custody, undergoing labour re-education or against whom an action has been brought had all violated or are under suspicion of having violated the laws and regulations; the measures adopted against them were all taken in accordance with the law, and these do not represent instances of violence against women or of arbitrary detention. The Government said that its decision to ban the Falun Gong cult was an entirely legitimate act. In imposing this ban, the Government had paid extremely close attention to the manner and ways in which it proceeds, and it acts in strict accordance with the law. It opposes and prohibits the use of torture and other cruel, inhuman or degrading treatment and has adopted a range of effective measures to preclude and punish the perpetration by State officials, in particular members of the judiciary, of acts of torture or other cruel, inhuman or degrading treatment or punishment.

55. By letter dated 24 May 2003, the Government responded to an urgent appeal sent jointly with the Special Rapporteur on torture and the Special Rapporteur on freedom of opinion and expression on 24 January 2002 concerning **Connie Chipkar** (f). The Government informed the Special Rapporteur that Ms. Chipkar left China on 24 January 2002 and that the allegations of torture and ill-treatment are unfounded.

Observation

56. The Special Rapporteur would like to thank the Government of China for its response. The Special Rapporteur is pleased to note that the Government attaches importance to the protection of the rights of women. However, in the light of the numerous allegations which continue to be received of ill-treatment of Falun Gong practitioners in detention, the Special Rapporteur would appreciate receiving more

detailed information about the re-education regime applied to practitioners of Falun Gong and the measures adopted to prevent, investigate and punish any acts of violence against women in detention. The Special Rapporteur notes that the Government did not respond to all the detailed allegations submitted in the communications. Without coming to any conclusions as to the facts of the allegations, the Special Rapporteur would like to remind the Government that it has a duty to prevent violence against women, investigate the allegations, prosecute the perpetrators and provide compensation to the victims.

Democratic Republic of the Congo

Communications sent to the Government

57. Par une lettre datée du 26 septembre 2003, la Rapporteuse spéciale, conjointement avec le Rapporteur spécial sur la torture et la Rapporteuse spéciale sur la situation des droits de l'homme en République démocratique du Congo, a informé le Gouvernement qu'elle avait reçu des renseignements selon lesquels **G.K.** (f), arrêtée le 24 août 2001, aurait été transférée tardivement de la prison de la Détection militaire des activités anti-patrie (DEMIAP) où elle était détenue vers une clinique afin qu'elle puisse y recevoir les soins appropriés à son état avancé de grossesse. Elle aurait été emmenée le 3 octobre 2001 à la clinique Ngaliema et placée dans une chambre sous la surveillance de deux militaires de la DEMIAP. Les autorités de la DEMIAP n'auraient pas accepté qu'elle soit hospitalisée plus tôt, malgré les signes allégués d'un accouchement proche. Les autorités de la prison lui auraient refusé la visite de son médecin traitant et n'auraient accepté que quelques visites rapides à la clinique des Anges à Kinshasa/Ngaliema et une consultation avec un infirmier du service de sécurité militaire. Depuis son arrestation, elle aurait été victime de mauvais traitements tels que privation de nourriture et de boisson, ainsi que des menaces et des intimidations. Les visites de sa famille lui auraient été interdites.

Observations

58. The Special Rapporteur would like to reiterate her interest in receiving a reply from the Government in regard to the allegations submitted.

Egypt

Communications sent to the Government

59. On 9 April 2003, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on torture and the Special Rapporteur on the independence of judges and lawyers regarding the arrest and detention of hundreds of anti-war demonstrators who attended anti-war rallies held across Cairo between 20 and 25 March 2003. They were reportedly accused of various offences, including participating in illegal gatherings and threatening public security. It is reported that the total number and location of the detainees, many of whom are being held incommunicado, remain unknown. Among those reported to be detained are activist (**Manal Ahmad Mustafa Khalid** (f) and lawyer **Ziad Abdel Hamid al-Uleimi**, **Nivin Ahmad Samir** (f), two other lawyers, **Gamal Abd al-Aziz** and **Yassir Farrag**, four members of Parliament, **Mohammed Farid Hassanein**, **Hammdeen Sabahi**, **Abdel Azim al-Maghrabi** and **Haidar Baghdadi**, and a number of students, **Marwa Faruq**, **Samir Fuli**, **Mahmud 'Izzat**, **Shaymaa Samir** and **Nourhan Thabet**. While many of the hundreds of people initially detained have been released, it is reported that at least 68 people have been issued with detention for orders between 4-15 days' detention and have reportedly been tortured or ill-treated (electric shocks and beatings) in police custody, including subjection to gender-based violence (threatened with rape), or have been subjected to the use of excessive force upon detention by security forces. Reportedly, at least seven civilian detainees were transferred to the State Security Prosecution Office under Egypt's emergency laws, which reportedly limit due process

during trial and deny the right to appeal as a conviction can only be overturned by an order of the President of the Republic in his capacity as Military Governor.

Communications received from the Government

60. On 22 April 2003, the Government replied to the Special Rapporteur's joint urgent appeal of 9 April 2003. The Government stated that it was not true that thousands of citizens were prevented from demonstrating against the war in Iraq. The only people arrested were those who breached the public security and public order, for example those who destroyed public or private property. Those persons were questioned by the Department of Public Prosecutions and released once the investigation was complete. The Government further claimed that no one is currently being held in detention because of the demonstrations against the war in Iraq.

Greece

Communications sent to the Government

61. By letter dated 4 July 2003, sent jointly with the Special Rapporteur on the human rights of migrants, the Special Rapporteur notified the Government that she had received information concerning the case of **Olga** (f), aged 19, a Ukrainian victim of trafficking who was allegedly raped by a police officer in 1998.

62. According to the information received, on 23 May 2003, a court acquitted the police officer accused of raping Olga. Reportedly, the victim was never summoned to testify or to be present at the proceedings. There were allegedly two summonses issued to an address in Amaliada; the victim asserted that she had never lived at that address, nor had she given it to the police. She also reportedly claimed that in 2001, she gave her correct address to the court, and that the police knew her as she had done some interpreting work for them. In the absence of the victim at the trial, the court reportedly concluded that she had consented to sexual intercourse with the police officer. The other

witnesses who had testified on her behalf at the preliminary hearings also were not summoned and consequently were not present at the trial. The police officer received a two-year suspended sentence for dereliction of duty as he knew that victims of trafficking were being held in the bar where he met Olga, he did not report the crime, and he had engaged in sexual intercourse with her. He was acquitted of the rape. The owner of the bar was sentenced to three years in prison for trafficking and three other defendants were also sentenced to two years in prison for procuring women or assisting in the trafficking of women. However, the sentences of these four persons were reportedly converted into yearly fines (1,600 euros per year). The Minister of Justice reportedly asked the Prosecutor of the Supreme Court to take all necessary actions to secure the full acquittal of the police officer. The Prosecutor filed a motion for cassation on 20 June 2003, on the sole ground that the verdict "lacked specific and detailed explanation". According to the information received, the Prosecutor had up to 15 days before the hearing to file additional arguments. Also according to the information received, Olga did not receive any form of effective protection during these proceedings, despite the fact that she had been threatened. A key witness also did not receive any form of witness protection. Furthermore, it was reported that Olga faced lengthy and expensive court costs, with no assistance from the Government. She also had no identity papers and was facing deportation. The Ukrainian consulate had reportedly refused to issue her a new passport, her former passport having been confiscated by the owner of the bar in 1998.

63. By letter dated 17 October 2003, sent jointly with the Special Rapporteur on the human rights of migrants as a follow-up to their previous communication, the Special Rapporteur notified the Government that she had received additional information in relation to the case of Olga. Reportedly, on 7 October 2003, the Supreme Court held a hearing on the case, allegedly again in her absence as she had not been summoned; she reportedly only learnt of the hearing through an article in the local newspaper. The accused was reportedly present. Furthermore, Olga's complaint filed in Patras on 11 September 2003, against two bailiffs, who allegedly falsely claimed that they had served a summons on her at an address where she never lived, had reportedly not yet been forwarded by the Patras prosecutor to the competent Amaliada prosecutor. Thus,

according to the information received, no investigation into the criminal responsibility of the bailiffs had started.

64. By letter dated 11 July 2003 the Special Rapporteur, jointly with the Special Rapporteur on torture and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, transmitted information concerning **Y.T.** (f), aged 21, from Nea Zoi, a Roma settlement in Aspropyrgos, approximately 15 kilometres west of Athens, who was reportedly assaulted by police officers on the morning of 8 January 2002 when police allegedly raided the settlement. According to the information received, a large group of police officers approached the settlement with their weapons drawn. The police were accompanied by a judicial official, but allegedly did not produce any arrest or search warrant. It is alleged that they ordered all the Roma out of their shanties, and forced those already outside to lie face down on the ground. The police officers searched, apparently indiscriminately, almost all the dwellings in the settlement for drugs, while the Roma, assembled outside, were allegedly shouted and sworn at, and subjected to racist insults. It is reported that the behaviour of the police was deliberate, and intended to frighten and humiliate. One police officer allegedly pointed his gun at a 13-year-old girl and another police officer reportedly shouted at a disabled boy of the same age to stand up, and then grabbed him by the arms to make him stand. It is reported that when she tried to protect the boy, Y.T. was pushed, kicked in the back and knocked to the ground. She was allegedly two and a half months pregnant at the time, and started to bleed. The following day she was taken to hospital, where she was reportedly diagnosed with a partially detached placenta. Three days later, she reportedly suffered a miscarriage. She is believed to have filed a complaint with the Athens prosecutor's office. According to the police authorities, an inquiry into these allegations found no evidence to support her allegations. It is also alleged that during the raid several other Roma were physically ill-treated by police officers.

Communications received from the Government

65. By letter dated 6 August 2003, the Government transmitted the following information concerning the case of Olga. Olga had entered the country illegally on 20 or 21 February 1998 via Bulgaria, and worked in a nightclub owned by V.B., at Marathia (Elia), for about one month. On 26 February 1998, at 1.30 a.m., she was picked up at the nightclub by a police officer, N.B. The policeman and the Ukrainian woman proceeded to a hotel where the officer asked for a room for which he did not pay because he was not asked to. There, he had sexual intercourse with Olga, and at 4 a.m. they returned to the club where the officer left her and went away. (The owner of the club used to lock Olga, together with other women, in a house next to the club and forced them to provide sexual favours to customers.) The next morning, Olga went to the hospital in Amaliada, allegedly because she was bleeding due to the sexual intercourse. A waiter working at the club accompanied her. The doctors recommended that she stay in hospital, but the waiter did not allow her to stay. He told her she had to pay 30,000 drachmas a day if she wanted to stay in hospital, since he was paying 25,000 drachmas to “rent” her from the owner of another nightclub in Korinthos. As her health problem persisted, she was taken, with her consent, to a private doctor in Patras who diagnosed serious damage to her genital organs. On 9 November 1998, Olga went to the Amaliada police station and reported that the police officer N.B. had raped her on 26 February 1998. She said that she had not denounced him because she was afraid she would be arrested. The owner of the club was keeping her personal documents, which he refused to return unless he was paid US\$8,000 “compensation”. The police officer N.B. and the nightclub owner V.B. were both prosecuted. The Public Prosecutor of Amaliada brought a charge against the policeman for rape and subsequently for dereliction of duty, and against the club owner for pimping, procurement, exploitation and misappropriation of documents. The police officer was brought to trial before the Patras mixed jury and, after a number of successive adjournments, on 23 May 2003, he was acquitted of the rape and sentenced to two years’ imprisonment for dereliction of duty. The officer appealed, but a date for the trial had not yet been set. A Formal Administrative Investigation had been ordered at the time of the

incident by the Ministry of Public Order and the Headquarters of the Hellenic Police, and on 22 December 1998, the police officer was suspended for one year. The Formal Administrative Investigation revealed that, according to the medical report issued by the hospital on 9 September 1998, Olga had suffered a haemorrhage the day before, caused by sexual intercourse. This was confirmed by a doctor who did not proceed with any further medical examination as the victim did not report that she had been raped. No scratches or bruises in the genital area were found by the doctors who examined Olga. It was also not proved whether Olga had engaged in sexual intercourse with a man other than the police officer after the latter left her. It was not proved whether the police officer had paid the owner of the club in order to pick up Olga. The charges against the policeman were published in the newspapers and other media, giving rise to unfavourable comments against him and the police force in general. These were reported to senior member of the police force, and it was decided that N.B. should be brought before the First Degree Disciplinary Board. The Board suspended from duty for six months and ordered that he be transferred. The sentence was upheld by the Second Degree Disciplinary Board. The police officer was considered to have served the sentence while on suspension from 29 December 1998 until 28 June 1999. Under an order dated 30 May 2000, the police officer was transferred to the General Police Directorate of Attiki.

66. Furthermore, by communication dated 15 October 2003, in regard to the same case, the Government provided the following additional information. Criminal proceedings were initiated against two men, a police officer and a civilian, who were charged with rape and dereliction duty, (the police officer) and for procurement, trafficking and exploitation of prostitution, and illegal confiscation of documents (the civilian). Following the main inquiry, these persons were referred for trial before the Mixed Sworn Court of Patras. The court acquitted the police officer of rape and found him guilty of dereliction of duty and sentenced him two years' in prison. The police officer filed an appeal, but the case has not yet been heard at second instance. The public prosecutor of the Supreme Criminal Court has filed an appeal to nullify the acquittal for rape on the ground that the decision does not have the required special and detailed justification. The appeal was set for hearing before the Supreme Court on 7 October 2003.

67. By letter dated 13 October 2003, the Government responded to the joint communication sent with the Special Rapporteur on torture and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance regarding Roma. It stated that on 28 January 2003, a police operation took place in a Roma settlement in the Nea Zoi area of Aspropyrgos during which four persons were arrested. On 1 February, Y.T. filed a complaint with the district attorney, alleging that she was kicked during the police operation resulting in a miscarriage. The district attorney's office initiated a criminal prosecution against an unknown person and preliminary examination proceedings were ordered and are still pending.

Observations

68. The Special Rapporteur thanks the Government of Greece for the information submitted and its willingness to cooperate with the mandate. The Special Rapporteur would appreciate being kept informed on the cases of Olga and Y.T.

India

Communications sent to the Government

69. On 10 March 2003, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal to the Government of India in connection with the case of **A.R.D.** (m), his daughters **Shazada** (f) and **Shameema** (f), and other members of their family. In October 2002, Shazada and Shameema were allegedly returning to their home in Dangarpura village, Budgam district, when they were abducted by a group of men reportedly recognized as "renegades" (ex-members of armed opposition groups who now work with the security forces). Shameema was reportedly returned to her family after three days, but "renegades" visited the family home and threatened her father that he would be shot if he sought assistance from the police to secure the release of Shazada, who was reportedly held captive for three months

and forced to live as the wife of one of the “renegades”, a 40-year-old man who was already married. She was held in his house and continually watched. In mid-February 2003, she reportedly escaped and returned to her family home. On the night of 23 February, the “renegade” who held Shazada captive allegedly came to the family home with two other men. All three were armed. They threatened that unless Shazada willingly returned to them they would burn down the house, abduct Shazada and Shameema again and harm A.R.D. A.R.D. persuaded the men to let him have time to consider their demand, and they left. From that moment, A.R.D. and his daughters reportedly left the family home and were hiding in friends’ homes. His wife and three younger children remained in the home, looking after the family’s land and cattle. It was reported that the family’s lawyer filed a petition in the Jammu and Kashmir High Court on 28 February 2003, seeking protection for the family, but that no date had been set for the hearing at the time the appeal was sent.

Follow-up to previously transmitted communications

70. By letter dated 29 January 2003, the Government provided information concerning a joint letter sent on 10 August 2001 with the Special Rapporteur on torture concerning **Rupa and Aiya Nath** (E/CN.4/2002/83/Add.1, paras. 27-39). It stated that an inquiry had revealed that the two women were confined in the lock-up of the Ghilamara outpost throughout the night of 3 February 2000 and subjected to harassment. A medical report could not confirm that they had had sexual intercourse, but indicated that both were ill-treated. As a consequence, the Government initiated departmental proceedings against the responsible officials and suspended Assistant Sub-Inspector Bipin Kakaty of Ghilamara outpost.

71. By letter dated 30 January 2003, the Government provided information concerning the joint urgent appeal sent on 10 August 2001 with the Special Rapporteur on torture concerning **Ms. Mishra** and **Ms. Mercy Kabul** (E/CN.4/2002/83/Add.1, para. 27-39). Regarding Ms. Mishra, the Government had found the complaint baseless as there had been a delay of two weeks. No action was taken. Regarding Ms. Mercy Kabul,

the Government reported that the investigations, including DNA analysis, had found no material evidence to support the allegations of rape. However in view of the duly recorded statements of the complainant, the medico-legal findings of struggle and scratch marks on the body of the victim, the circumstantial evidence adduced from statements of the complainant's husband and father-in-law, as well as statements of other local witnesses, further investigation is in progress.

Observations

72. The Special Rapporteur would like to thank the Government of India for the reply to her communications and would like to be kept informed of the results of the investigation. The Special Rapporteur would like to receive information in regard to the cases for which she has not yet received a response.

Indonesia

Communications sent to the Government

73. On 17 October 2003 the Special Rapporteur advised the Government that according to information received, **C.R.I** (f), the wife of **T.I.D.** (m) a commander of the Free Aceh Movement (GAM), was the victim of an enforced disappearance. It is alleged that the Indonesian military is responsible. According to information received, on 21 September 2003, **C.R.I.** and her two children, a 2-year-old boy and a 9-month-old baby, were arrested in their home. It is reported that military spokesman (whose name is known to the Special Rapporteur) admitted that the military had arrested them but claimed that they had been released, and that they had been taken to the home of her parents-in-law in the village of Tepian Jaring Kuala. However, according to information received, **T.I.D.** does not know the whereabouts of his wife and children. The source of the information alleges that the arrest of wives of GAM leaders has been a systematic tactic of the Indonesian military in an effort to obtain information about the rebel group.

74. On 18 November 2003 the Special Rapporteur, jointly with the Special Rapporteur on torture, sent an urgent appeal regarding information that an estimated 100 women had been raped since martial law was declared in Aceh on 19 May 2003. It is reported that most of the victims are too frightened to take legal action; only 21 cases of rape or sexual harassment are said to have been reported to police. In July 2003, three soldiers in Aceh were convicted of rape and allegedly only given short jail terms by a military court. In addition, the following individual cases were transmitted.

75. According to information received, on 16 August 2003 army troops raided and ill-treated the villagers of Cot Seurani village, Muara Batu subdistrict, North Aceh. **Z.A.** (f), aged 51, was reportedly tortured and **her daughter** was sexually abused during the raid.

76. According to information received, on 8 August 2003, at 9.15 a.m., army Special Forces troops stationed at the KKA Factory allegedly raided the house of **M.H.** (f), aged 31, in Babah Buloe village, Sawang subdistrict, North Aceh. She is reportedly the wife of a guerrilla member. She was allegedly stripped by troops and forced to walk naked through the village while other villagers were forced to watch. She was allegedly threatened that if her husband did not surrender, she would be killed.

77. According to information received, on 27 July 2003, army troops rounded up the **villagers of Pulau Panyang and Ulee Jalan villages**, Matang subdistrict, Bireuen district. Most of the women were allegedly sexually abused.

78. According to information received, in July 2003, **N** (f), aged 16, from Buket Teukueh village, Idi Rayeuk subdistrict, East Aceh, was allegedly gang-raped by eight members of the mobile brigade posted at Keude Trieng, Idi Rayeuk. (The name of one of the alleged perpetrators is known to the Special Rapporteur.) It is said that this case was not reported to the police immediately, because her family was allegedly threatened that there would be reprisals if they reported the incident. The family decided not to report it as they feared for their safety. It is alleged that the family has moved to another district in Aceh. **Nar** reportedly suffers from post-traumatic stress following the incident.

79. It is reported that on 23 June 2003, in Alue Lhok village, Paya Bakong subdistrict, North Aceh, **Z** (f), aged 35, **A** (f), aged 31, **N** (f), aged 24, **N** (f), aged 21, **S**(f), aged 25, **F** (f) , aged 40, **M** (f) , aged 25, **N** (f), aged 18, and **N** (f), aged 30, were allegedly raped by members of troops of Army Battalion Yonif 411/ Pandawa Salatiga. They were allegedly forced to say that they had been raped by members of the guerilla movement.

80. On 21 June 2003, **A** (f), aged 21, from Alue Lhok village, Paya Bakong subdistrict, North Aceh, was allegedly raped by members of Army Battalion Yonif 411/ Pandawa Salatiga (the alleged perpetrators' names are known to the Special Rapporteur). Subsequently, she was allegedly taken to another village, Alue Lhok, where she was again raped by the same persons, and threatened not to with reprisals if she told anyone.

81. On 21 June 2003, **H** (f) and **N** (f), both aged 19, from Alue Lhok village, Paya Bakong subdistrict , North Aceh, were allegedly raped by members of Army Battalion Yonif 411/ Pandawa Salatiga (the alleged perpetrators' names are known to the Special Rapporteur). It is reported that **N**'s husband was beaten as he tried to defend his wife. They were threatened with reprisals if they told anyone.

82. On 20 June 2003, at 6 p.m., **S** (f), aged 22, from Alue Lhok village, Paya Bakong subdistrict, North Aceh, was reportedly raped by three members of Army Battalion Yonif 411/ Pandawa Salatiga (the alleged perpetrators' names are known to the Special Rapporteur). She was reportedly threatened with reprisals if she told anyone. According to information received, the alleged perpetrators were convicted by a court martial and sentenced to three to four years' imprisonment.

83. It is reported that on 19 June 2003, at 6 p.m., **M** (f), aged 20, from Lambadeuk province, Peukan Bada subdistrict, Aceh Besar, was captured by members of the mobile brigade (Brimob) from the Peukan Bada police station and interrogated. She was allegedly forced to strip and was allegedly detained at Iskandar Muda region military base.

84. It is reported that on 18 June 2003, **S** (f) (nickname), aged 15, a junior high school pupil in Bireuen, Aceh Jeumpa, and her sister were captured by three Brimob members from North Sumatera; the sister managed to escape. **S** was reportedly taken to an empty house across the Brimob station where she was raped by four Brimob members. According to information received, the case appeared in the national media and the perpetrators were court martialled.

85. According to information received, on 08 June 2003, army troops reportedly rounded up all the **women at the Negeri Lawe Simanok** primary school and the state secondary school in **Beutong** province, West Aceh. The men reportedly managed to escape to the forest. The troops allegedly forced the women to remove their clothes.

86. On 3 June 2003, army troops of the Kompi D Yonif 301 batallion Special Forces post in Lueng Putu province allegedly raped **A** (f), aged 25, and **L** (f), aged 23, two sisters from Balang Krueng Banda Baru village in Lueng Putu, Bandar Baru subdistrict, Pidie district.

87. On 2 June 2003, army troops from the Kopassus unit allegedly robbed the house of 40-year-old **R.H.** (m) in Kp. Darul Aman village, Peusangan subdistrict, Bireuen, and tortured **his wife**. His wife was allegedly stripped and her vagina was torn with a bayonet knife. The name of the alleged perpetrator is Danki Lettu Taufik Ismail.

88. It is reported that in Lawang village, Peudada subdistrict, Bireuen district, **S** (f), aged 16, was taken away on 31 May 2003, at 11 a.m., brought to an army camp and raped by members of the 144 Kostrad battalion.

89. On 28 Mai 2003, **W** (f), aged 28, from a village in Trumon subdistrict, South Aceh, was allegedly gang-raped by 10 members of the Ladang Rimba military unit from the Simpang Tiga Pulo Paya post. She reportedly suffers from post-traumatic stress following the incident.

90. It is reported that on 26 May 2003, at 3 p.m., after gunfire was exchanged between the Brimob and GAM, Brimob conducted a sweep operation in Alue Gajah village, Sampoiniet subdistrict, West Aceh, where they reportedly entered the house of **L** (f), aged 22, and allegedly raped her and shot her in the stomach. She was taken to the Cut Nyak Dien hospital in Meulaboh.

91. According to information received on 23 May 2003 in a village in Peusangan subdistrict, Bireun district, four women., **E** (f), aged 22, **L** (f), aged 22, **T** (f), aged 40, and **one other whose name is unknown**, were allegedly stripped and sexually assaulted with a rifle by army troops stationed at Peusangan post, Bireuen district.

92. On 22 May 2003, in a village in Bireuen district, Brimob members allegedly raped **three women** aged 18, 16 and 14.

93. On 21 May 2003, in a village in Peudada subdistrict, Bireuen district, **M** (f), aged 13, a junior high school student, **R** (f), aged 23, and **Y** (f), aged 19, were allegedly raped by Brimob members who were temporarily stationed in their village. Owing to the violence of the attacks, their genitals were reportedly torn. According to information received, the National Human Rights Commission branch in Aceh has documented the cases.

94. On 19 May 2003, in Djambo Keupok village, Bakongan subdistrict, East Aceh, **K** (f) was allegedly raped by army troops from the Keude Bakongan and Seuleukat posts. Her husband was reportedly killed in front of her.

95. In May 2003, army troops reportedly conducted an operation in Bungong village, Ara province, Peudada subdistrict, Bireuen district, during which they allegedly raped **K** (f), aged 13, a junior high school pupil.

Observations

96. The Special Rapporteur would like to reiterate her interest in receiving a reply from the Government in regards to the allegations submitted.

Iran (Islamic Republic of)

Communications sent to the Government

97. On 3 January 2003, the Special Rapporteur sent a communication to the Government in connection with information received regarding the existence of violence and discrimination against women in the Islamic Republic of Iran. According to information received, women face discrimination in the criminal justice system and are subjected to forms of punishment, such as stoning, amputation and blinding, which amount to torture, forced marriages, high levels of domestic violence and sexual violence at the hands of gangs and organized crime rings. Furthermore, information was transmitted of allegations of widespread violence against women prisoners and political opponents that reportedly took place primarily during the time the Ayatollah Khomeini was in power and included the alleged rape, torture and execution of many women. The Special Rapporteur expressed particular concern about the reported involvement of senior State and religious officials in these crimes, and about allegations of continued torture and sexual abuse of women prisoners.

98. On 11 March 2003, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent a communication to the Government of Iran in connection with information received about **Zahra Bagh-Shirin** (f) and **Farahnaz Youli** (f), who were reportedly accused of killing a man and were executed by hanging on 12 January 2003 after spending four years in jail. The executions reportedly took place in Gachsaran in southern Iran. It was reported that the death sentences were carried out under a law which provides that any woman who kills a man will be executed, while a man who kills a woman will not be executed, under the theory

that a woman's "blood money" is worth half that of a man. Concerns were expressed about the discriminatory application of criminal punishments, with women being sentenced to harsher penalties than men for the same crime, namely murder.

99. On 30 September 2003, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal to the Government of Iran regarding the situation of **Afsaneh Nouroozi**, who was allegedly at imminent risk of execution after a death sentence against her, was reportedly upheld by the Supreme Court in August 2003. The Supreme Leader of the Islamic Republic of Iran, Ayatollah Sayed Ali Khamenei, was allegedly the only authority able to grant her clemency at that stage. She was reportedly arrested in 1997 after she allegedly killed the Head of Police Intelligence in Kish, southern Iran, allegedly in self-defence in order to protect herself from being raped after the high-ranking official entered her hotel room while her husband was away. At her trial, her lawyer cited article 61 of the Islamic Criminal Law, which states:

"If whilst defending one's life, honor, chastity, property or freedom against any immediate or imminent aggression, one makes an action which is an offence, provided that all of the following conditions are met, one will not be prosecuted and punished:

- "(a) The defense is proportionate to danger or aggression;
- "(b) The action is not excessive;
- "(c) Calling the governmental forces is not possible immediately, or calling them is not effective in repelling the aggression or danger."

According to reports, she was sentenced to death and held in Bandar Abbas prison in southern Iran, which is reportedly known for its poor conditions. In August 2003, her husband, Mostafa Jihangiri, allegedly complained to Article 90, a parliamentary commission where citizens' complaints and grievances are examined, about the conditions of her detention.

100. On 24 November 2003 the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on

torture regarding a report in the Tehran newspaper *Kayhan* of 15 November 2003, which stated that **seven women**, about whom no further details were provided, were sentenced to 50 lashes each by a general court in Shiraz for allegedly showing disrespect (*hormat shekani*), for the holy month of Ramadan. The women were allegedly accused of driving around the streets of Shiraz, listening to loud music and dancing in the vehicle, which was reportedly interpreted as ridiculing those fasting during the month of Ramadan. Their behaviour was said to have reportedly offended citizens, who made repeated calls to a special police line in order to quickly stop them. It was reported that following their arrest, they allegedly confessed and were sentenced to 50 lashes each. It is not known when the sentence was scheduled to be carried out or whether an appeal had been lodged.

Communications received from the Government

101. On 23 October 2003, the Government of the Islamic Republic of Iran transmitted its response to the joint urgent appeal of 30 September 2003 concerning the situation of **Afsaneh Nouroozi**. The Government stated that her death sentence was issued and later upheld by the Supreme Court but that the Head of the Judiciary ordered that the carrying out of the sentence be postponed for further consideration of the case.

Observations

102. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its response and would appreciate being kept informed about the case of Afsaneh Nouroozi. The Special Rapporteur would like to reiterate her interest in receiving a reply from the Government about the other cases summarized above.

Israel

Communications sent to the Government

103. On 21 July 2003 the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a communication regarding the situation of women prisoners in Neve Tirza

prison in Ramallah. According to the information received, a group of women prisoners were attacked with severe violence when they refused to stand up for roll-call. It is reported that tear gas was sprayed into small and crowded cells and many of the women prisoners were injured. One prisoner, **Arij Ataf Sbahi Shahabri**, was reportedly thrown to the floor and beaten on the back to the extent that she could not walk properly afterwards. Another prisoner, **Kahara Elsa'adi**, also could not walk and she reportedly had a broken arm and a swollen neck.

104. On 10 November 2003 the Special Rapporteur sent a communication jointly with the Special Rapporteur on torture regarding **A.M.** (f), a female detainee at Ramleh prison and six other female detainees, **'Aishah 'Abeyat** (f), **'Umayah Dammaj** (f), **Ra'eda Jadallah**(f), **Wasfiyeh Abu 'Ajamiyeh**(f), **Samar Bader** (f) and **Su'ad Ghaza** (f). The case of A.M. had already been included in previous urgent appeals sent by the Special Rapporteur on torture (E/CN.4/2003/68/Add.1, para. 739, and E/CN.4/2002/76/Add.1, para. 813). The Government provided information on this case by letter dated 14 February 2002 (E/CN.4/2003/68/Add.1, para. 740). According to new information received, A.M. was transferred to an isolation cell of Ramleh prison on 25 October 2003. One hour later, she was allegedly ordered to strip in order to be searched. It is reported that she refused as there were male guards in the cell. She is also reported to have refused to strip when the male guards left the room as they were standing behind the cell door. Later that day, another group of guards came to her cell, sprayed her with tear gas and forced her to strip. She allegedly received blows on the body, back and hands. She is also believed to have been grabbed by the throat and strangled. As a result of the treatment received, she reportedly began bleeding from the mouth and started to lose consciousness. Three hours later, she was reportedly transferred to another isolation cell and given a sedative. She was allegedly charged with attacking three guards and put in isolation for seven days. She reportedly started an open-ended hunger strike on 27 October 2003 to protest against her solitary confinement. On the following day, she was reportedly transferred to another isolation cell. It is alleged that she has not received medical treatment for the injuries allegedly sustained as a result of the beatings she received. It is also alleged that her health condition has deteriorated. Concern has been expressed for

her physical integrity if she does not receive prompt and adequate medical assistance. According to the information received, 40 other female detainees started a hunger strike to protest against the reported treatment of A.M. In reprisal, the penitentiary authorities reportedly placed the six women named above in isolation, confiscated television sets and mattresses and prohibited 40 women from having access to basic necessities provided in the canteen.

Observations

105. The Special Rapporteur would like to reiterate her interest in receiving a reply from the Government in regard to the allegations submitted.

Malaysia

Communications sent to the Government

106. On 6 November 2003 the Special Rapporteur, together with the Special Rapporteur on freedom of opinion and expression, and the Special Representative of the Secretary-General on human rights defenders sent a further urgent appeal regarding the situation of **Irene Fernandez** (f). According to the information received, in October 2003, the Kuala Lumpur magistrate's court reportedly convicted Ms. Fernandez of "maliciously publishing false news" in connection with a 1995 report that documented beatings, sexual abuse and inadequate food in detention camps for migrant workers. Her one-year jail sentence has reportedly been stayed pending appeal. On 4 November, the magistrate's court reportedly rejected her application for the issuance of a passport despite reportedly conceding that she was not likely to flee. It is reported that the denial came at the request of the prosecutor, who had urged the court to deny her request on the grounds that she would be likely to "tarnish the image of the country" if allowed to speak about Malaysia's human rights situation at international conferences she was scheduled to attend that month. Ms. Fernandez had been invited to attend two conferences on human rights issue in the United States and Canada, including a conference on human rights

defenders that was held in Atlanta on 11 and 12 November 2003. Ms. Fernandez is reportedly appealing the decision.

Mexico

Comunicaciones dirigidas al Gobierno

107. El 1.º de julio de 2003, la Relatora Especial notificó al Gobierno que había recibido información sobre alegaciones de violaciones de derechos humanos que habrían acontecido en **Ciudad Juárez y Chihuahua**. Según la información recibida, desde 1993, un total de 290 mujeres habrían sido asesinadas en Ciudad Juárez y Chihuahua. Familiares de mujeres muertas en Ciudad Juárez habrían advertido que esos crímenes se han extendido a Chihuahua, donde se habrían reportado al menos cinco casos con las mismas características. Se calcula que cerca de 500 más habrían desaparecido. La mayoría de las víctimas habría sido mujeres jóvenes de 15 a 25 años que acababan de llegar a Ciudad Juárez para trabajar en una de las numerosas maquiladoras próximas a la frontera con los Estados Unidos de América. Otras habrían sido estudiantes que trabajaban a jornada parcial para pagar sus estudios. En su tercer informe sobre la situación de las investigaciones relacionadas con las mujeres en Ciudad Juárez presentado a la Comisión Interamericana de Derechos Humanos (febrero de 2003), el Gobierno de México reconoció 46 casos de homicidio de mujeres que estarían siendo investigados por la Fiscalía Especial para los Crímenes de Mujeres y 131 casos de homicidios con móvil sexual en los cuales los responsables habrían sido consignados y/o sentenciados por la autoridad judicial.

108. Por carta de fecha 23 de noviembre de 1999, la Relatora Especial sobre la violencia contra la mujer puso en conocimiento del Gobierno que había recibido informes acerca de la pretendida ejecución violenta de mujeres en Ciudad Juárez. Por carta de fecha 24 de mayo de 2000, el Gobierno proporcionó a la Relatora Especial informaciones sobre un único caso, el de **Cecilia Guadalupe de la Cruz**, entre todos los señalados por la Relatora Especial.

109. Los acontecimientos de Ciudad Juárez fueron abordados anteriormente por la Relatora Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias, que visitó México del 12 al 24 de julio de 1999 (E/CN.4/2000/3/Add.3) y por el Relator Especial sobre la independencia de los magistrados y abogados, que llevó a cabo una misión de seguimiento en México del 13 al 23 de mayo de 2001 (E/CN.4/2002/72/Add.1).

110. La Relatora Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias señaló que “los sucesos de Ciudad Juárez son el típico ejemplo de delito sexista favorecido por la impunidad. La conducta arrogante de algunos funcionarios públicos y su manifiesta indiferencia antes estos delitos permiten concluir que muchos de ellos fueron deliberadamente pasados por alto por la mera razón de que las víctimas eran ‘sólo’ muchachas corrientes y, por lo tanto, no eran consideradas una gran pérdida” (E/CN.4/2000/3/Add.3, párr. 89).

111. El Relator Especial sobre la independencia de los magistrados y abogados señaló que hasta 1998 no se nombró a una procuradora especial para investigar esos crímenes, después de que la Comisión Nacional de Derechos Humanos criticara con firmeza la falta de respuesta de las autoridades. Para el Relator Especial resultó evidente que estos asesinatos no se investigaron de forma eficaz ni exhaustiva, si es que hubo algún tipo de investigación (E/CN.4/2002/72/Add.1, párr. 161). El Relator Especial recomendó que se investiguen a fondo los casos aún no esclarecidos en relación con los más de 189 asesinatos de mujeres ocurridos en Ciudad Juárez y que se procese a sus autores. Recomendó que los tribunales aceleren la resolución de los juicios pendientes. Indicó igualmente que debe estudiarse la erradicación de las prácticas discriminatorias contra la mujer en el lugar de trabajo, que deben articularse programas para mejorar el acceso de las mujeres a la justicia, que la policía y los fiscales han de recibir formación sobre la forma de tratar a las víctimas de la violencia sexual y que debe examinarse la posibilidad de establecer unidades especiales que se ocupen de los delitos de violencia contra la mujer (E/CN.4/2002/72/Add.1, párr. 192 *p*, incisos i) y ii)).

112. En su informe titulado “Situación de los derechos de la mujer en Ciudad Juárez: el derecho a no ser objeto de violencia y discriminación”, de marzo de 2003, la Relatora Especial sobre los Derechos de la Mujer de la Comisión Interamericana de Derechos Humanos, Martha Altolaguirre, expreso preocupaciones parecidas. En particular, señaló que “la gran mayoría de los asesinatos siguen impunes; aproximadamente el 20% han dado lugar a procesamientos y condenas. Por otra parte, [...] algunos funcionarios encargados de la investigación de esos hechos y el procesamiento de los perpetradores comenzaron a emplear un discurso que, en definitiva, culpaba a la víctima por el delito. Según declaraciones públicas de determinadas autoridades de alto rango, las víctimas utilizaban minifaldas, salían de baile, eran ‘fáciles’ o prostitutas. Hay informes acerca de que la respuesta de las autoridades pertinentes frente a los familiares de las víctimas oscilo entre indiferencia y hostilidad” (párr. 4). La Relatora Especial señaló también las “amenazas y actos de hostilidad contra los defensores de derechos humanos que habían participado en esos casos, familiares de víctimas que pedían el esclarecimiento de los hechos, y periodistas que daban cuenta de los delitos y de la búsqueda de la justicia” (párr. 65). La Relatora Especial reconoció los esfuerzos desplegados para mejorar la reacción frente a esos crímenes a través de la Fiscalía Especial para los Crímenes de Mujeres, establecida en 1998 (párr. 80), pero señaló que “la respuesta del Estado mexicano frente a los asesinatos [...] ha sido y sigue siendo gravemente insuficiente” (párr. 69).

113. Según la información recibida, continuaría habiendo varios problemas graves en las investigaciones sobre los crímenes de Ciudad Juárez. Estos incluirían, entre otros:

- Ausencia de acciones para la búsqueda y localización de las mujeres que han sido denunciadas como desaparecidas;
- Retardo injustificado y ausencia de las diligencias necesarias para la adecuada investigación;
- Fabricación de pruebas falsas para desviar la investigación;
- Retardo injustificado en la entrega de los cuerpos;
- Retardo injustificado, ausencia y ocultamiento de las pruebas periciales necesarias;

- Falta de acceso a la información para los defensores y familiares;
- Actitud discriminatoria por parte de las autoridades en la atención de los crímenes en contra de mujeres.

114. En este contexto, la Relatora Especial comparte y reitera la preocupación de la Relatora Especial sobre los Derechos de la Mujer de la Comisión Interamericana de Derechos Humanos por la impunidad que rodea la mayor parte de los actos de violencia basados en el género expuestos anteriormente, que “contribuye a promover su perpetuación” (párr. 69). La Relatora Especial insta al Gobierno a tome todas las medidas necesarias a fin de investigar, procesar e imponer las sanciones adecuadas a cualquier persona responsable de las violaciones alegadas, cualquiera que sea su rango o posición. La Relatora Especial también le insta a que tome medidas eficaces para evitar que se produzcan tales hechos y para compensar a las víctimas o a sus familiares, según lo establecido en las normas internacionales pertinentes.

115. El 13 de noviembre de 2003, la Relatora Especial envió un llamamiento urgente juntamente con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos con respecto a la situación de **Evangelina Arce**, madre de Silvia Arce, desaparecida en 1998 en Chihuahua, y de **Marisela Ortiz Rivera**, miembros ambas de la ONG "Nuestras Hijas de Regreso a Casa", quienes habrían sido muy activas en la "campana para la verdad y la justicia" en los casos de las mujeres raptadas y asesinadas en Ciudad Juárez, Estado de Chihuahua, y quienes habrían recibido amenazas. Según las fuentes, el 11 de octubre de 2003, a las 15.00, un hombre que se habría presentado como miembro de la oficina del Fiscal especial para la investigación de asesinatos de mujeres pero quien no habría llevado documento de identificación, se habría presentado en el domicilio de Evangelina Arce y habría pedido a una de las hijas fotos de Silvia. El hombre habría precisado ser un traductor trabajando para un experto forense extranjero, quien habría sido contratado por la Oficina del Fiscal Público del Estado para identificar los restos de ocho mujeres que habrían sido raptadas y asesinadas y entre las que podría encontrarse Silvia Arce. Según los informes recibidos, el hombre habría intentado presionar a la hermana de Silvia para que fuese a identificar el cuerpo

de ésta a la oficina del Fiscal. Después, el Fiscal habría negado haber enviado representante alguno a casa de Evangelina Arce. Según las informaciones recibidas, unos días antes de este suceso, un oficial de la policía judicial del Estado habría estado observando la casa de Evangelina Arce en un coche. Ésta habría denunciado el incidente, pero las autoridades se habrían negado a tomar las medidas necesarias para poder identificar al supuesto oficial de la policía judicial del Estado. Según los informes, el 24 de octubre, el coche en el que Marisela Ortiz Rivera viajaba habría sido seguido por dos vehículos cuyos ocupantes habrían amenazado con matarla a ella y su familia "si continuaba hablando". Se teme que estas amenazas estén relacionadas con la labor de Evangelina Arce y Marisela Ortiz Rivera a favor de los derechos de las familias de las mujeres desaparecidas en Ciudad Juárez.

Comunicaciones recibidas del Gobierno

116. Por cartas de fechas 1º de julio y 6 de noviembre de 2003, el Gobierno respondió en relación con la situación de las desapariciones y homicidios de mujeres que se han sucedido desde 1993 en Ciudad Juárez y Chihuahua. El Gobierno informó sobre las acciones emprendidas en atención a los actos de violencia contra mujeres que se han registrado en Ciudad Juárez y Chihuahua. Las recomendaciones formuladas por especialistas de distintos órganos internacionales que han realizado visitas *in situ* han sido bien recibidas y, en la medida de lo posible, se avanza en su instrumentación. Dada la gravedad de los hechos, se ha insistido en que la Procuraduría General de la República sea la responsable de investigarlos, sobre todo por la necesidad de que existan investigaciones que cuenten con los recursos humanos y periciales necesarios. Se ha llevado a cabo un proceso de modificaciones legislativas para garantizar que todas las leyes estén tuteladas por los principios de no discriminación y de igualdad jurídica entre el hombre y la mujer. En abril de 2003, se aprobó la Ley Federal para Prevenir y Eliminar la Discriminación. El Estado de Chihuahua, en repuesta a los homicidios y desapariciones de mujeres, ha legislado para incrementar sus penas en los casos de homicidio calificado y violación, y ha establecido la violencia intra familiar como figura delictiva autónoma. También incluye acciones realizadas para mejorar la procuración de la justicia, los

resultados de las investigaciones, las gráficas con datos sobre el avance de las investigaciones y las sentencias dictadas.

117. By letter dated 8 December 2003 the National Human Rights Commission transmitted its report on the situation of cases of homicide and disappearances of women in Ciudad Juárez. The investigations conducted by the National Human Rights Commission are one of the legal actions made by 20 visitors and their respective teams, commissioned for almost a year to investigate and determine the human rights violations perpetrated by public officials responsible for the investigations of the cases. They concluded that the local authorities have in most cases not acted with due diligence, and with lack of skill, and that negligence, mistakes and omissions have occurred which amount to at least a disdain for the rights of the victims and their families, if not complicity with the authors of the crimes. The National Commission requested a determination of the legal responsibility of those public officials and prosecutors of the State of Chihuahua for the omissions in the investigations related to the homicide and disappearances of women in Ciudad Juárez, as well as for the false reports provided to it. The National Commission reported negligence during the investigations, and noted contempt, only understood because the victims were highly vulnerable: all of them were poor and often very young women, workers, students or employees of very modest condition, people without power or a voice in society.

Seguimiento de comunicaciones transmitidas previamente

118. Por carta de fecha 14 de noviembre de 2003, el Gobierno proporcionó más información sobre Valentina Rosendo Cantú, cuyo caso fue objeto de un llamamiento urgente enviado por la Relatora Especial, juntamente con el Relator Especial sobre la tortura y la Relatora Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias el 14 de marzo de 2002 (E/CN.4/2003/75/Add.2. párr. 71). El Gobierno ya contestó a este llamamiento urgente por carta de fecha de 14 de mayo de 2002 (E/CN.4/2003/68/Add.1, párrs. 867 y 868). En su nueva comunicación, el Gobierno indicó que en diciembre de 2002, la investigación adelantada por Comisión Nacional de Derechos Humanos afirmó

no contar con pruebas determinantes que permitieran concluir que la víctima hubiera sido objeto de una agresión sexual por parte de elementos del Ejército. La Procuraduría General de Justicia Militar también adelantó una investigación previa, en la cual recibió las declaraciones del médico general y la trabajadora social del hospital de Ayutl de los Libres. Según tales testimonios, Valentina Rosendo Cantú nunca habría hecho referencia a golpes o violación por parte de ninguna persona. El Gobierno también informó de que se realizaron diligencias de confrontación para el reconocimiento físico de 30 integrantes de la base de operaciones Ríos, la cual se encontraba operando el 16 de febrero de 2002. Asimismo, 31 fotografías del personal militar que integraba la base de operaciones Hernández, fueron puestas a la vista de la víctima sin que se hubiese reconocido a ninguno de ellos como agresor. El Gobierno también informó de que ciertos testimonios ponían en duda la ocurrencia de los hechos. Finalmente, el Gobierno informó de que, al no existir evidencias que corroborasen los hechos objeto de la denuncia, el agente del ministerio público se encontraba constitucional y legalmente impedido para ejercitar acción penal alguna.

Observations

119. The Special Rapporteur thanks the Government of Mexico for its detailed response in regards to the situation in Ciudad Juárez, Chihuahua State and willingness to cooperate with the mandate. The Special Rapporteur would appreciate being kept informed in regards to the investigation into the alleged negligence of public officials in relation to the cases.

Myanmar

Follow-up to previously transmitted communications

120. By letter dated 13 January 2003, the Government provided information regarding the urgent appeal sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture on 1 October

2002, in addition to the information provided in its letters of 5 November, and 6 and 20 December 2002, concerning alleged incidents of sexual violence against women by the members of the Myanmar Armed Forces. (E/CN.4/2003/75/Add.2, paras.73-147). It reported that the National Intelligence Bureau of the Union of Myanmar had carried out further investigations into the allegations in Taninthayi Division and in Bago Division. In regard to **Mi San Htay**, action was taken against Corporal Than Win from Infantry Division 282 on 4 December 2000 under section-71, 47(1) of the Military Act for the rape of Mi San Htay. The Military Court decided to demote him to private rank and sentenced him to three months' imprisonment with hard labour in a military prison. The other cases were said to be fabricated.

121. By letter dated 24 February 2003, the Government provided further information in regard to the above. It reported that investigations had also been conducted in Kayah State and provided information on five of the cases submitted by the Special Rapporteur. These five cases in Kayah State all were found to be groundless. As concerns seven allegations in Taninthayi Division, the inquiry also found the allegations to be groundless. It found that on 2 August 1999, there was a shooting incident at a village demarcated as no-man's-land, and that a woman, her child and one man were killed in the incident. The inquiry found that there had not been any rape cases during the incident. As concerns nine cases in Pegu Division, the inquiry found the allegations to be groundless. The inquiry found that on 14 October 1998, a nine-member anti-insurgent commando unit exchanged fire with insurgents at Aung Chan Than village. During the incident, **Ma Hla Myint**, aged 43, and her niece **Ma Nyo**, aged 16, were killed.

122. By letter dated 26 March 2003, the Government provided further information in regard to the above. It reported that the National Intelligence Bureau had examined the allegations in Kayah State and Mon State, thus completing investigation into all 71 allegations sent by the Special Rapporteurs. Regarding the allegations in Kayin State, the inquiry found five of them to be groundless. The inquiry found that during March 1997, Company No.2 of LIB 205, led by Captain Tin Mayo Aung, found two dead bodies of women near Naw Manday's betel nut farm 1 mile northeast of Khat Kwa village. The

women were identified as **Naw Ye Aye**, aged 50, and **Naw Mu They Kyar**, aged 45. The perpetrators have not been identified. It reported that two unidentified men raped **Moo Lah Aing** and **Ma Cho Win** in February 2002 close to the village of Mae Tha Raw Hta. Infantry battalion 83 arrived at Ka Toe Hta via Kya Ka Wa and Aung Hlaine villages in March 2002. In June 2002, a military column arrived at Set Ka Wet village. The column stayed there for two days and left to Mi Pha Lain village. About 50 villagers helped to transport ammunitions and food for the column, and were said to have been paid for it. **Naw Paw Gay** is said to have died of a natural death in October 2002. As regards allegations in Mon State, the following information was provided. The light infantry battalion No.534 arrested **Naw Khin Mya** and **U Thet Hanb** to interrogate them in connection to insurgents; they stayed at Mayangon village during the interrogation and were released and returned to their village after four days. The inquiry reported that Naw Khin Mya allegedly consented to sleep with Sergeant Kyi Win for three nights. As regards five cases, the inquiry found the allegations to be groundless. As concerns the alleged rape of **Ma Htwe Yin** on 8 November 2001, Corporal Kyaw Myint was found guilty of the crime, and the military court took action against him accordingly.

Observations

123. The Special Rapporteur thanks the Government of Myanmar for its detailed response and willingness to cooperate with the mandate.

Nepal

Communications sent to the Government

124. On 6 January 2003, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on the question of torture on behalf of **T.M.** (f), aged 16, her cousin **T** (f), aged 18, and her uncle, **M.M.** (m), aged 30. According to information received, on 24 December 2002, army personnel visited the home of T and T.M. and forced them to retract, in front of TV cameras, their allegations of rape and torture, which reportedly

occurred in custody at Chisapani army camp near Nepalgunj, Banke district. They had reportedly been raped in April 2002, and M.M. had been tortured in February 2002. It is reported that the footage has since been broadcast three times on national television. According to information received on 31 December 2002, T.M., together with her mother and uncle, were forced to attend a public meeting of local civil leaders and journalists in the office of the Chief District Officer in Nepalgunj, Banke district. At this meeting, it was reported that the family members were asked to deny the statements regarding the allegations of rape and torture, which they did. According to local newspaper reports, the contents of the meeting were published the following day.

125. On 10 September 2003, the Special Rapporteur and the Special Rapporteur on the question of torture advised the Government that they had received more information on the case of **M.M.** He was reportedly arrested on 27 February 2002 by some 30 army personnel who surrounded and searched his home at Municipality-3, Nepalgunj, Banke district. Some members of the family who asked for the reason for the search are alleged to have been kicked and punched. M.M. was allegedly taken to Chisapani army camp, where he was held for about one month. It is alleged that his relatives were not allowed to visit him. According to the information received, he was eventually released after his family paid part of a bribe. It is reported that as he could not pay the rest of the sum, he fled to India. On 3 April 2002, his daughter, T.M., aged 18, and his niece, T.M., aged 16, were reportedly arrested. Army personnel reportedly told the family that the two girls would be released once the sum required was paid. They are both reported to have been repeatedly raped while in detention at Chisapani camp. According to the information received, T.M. started bleeding severely and the two girls were taken to Nepalgunj bazaar. On the following day, T.M. was reportedly taken to a doctor. The two cousins were allegedly threatened with death to prevent them from filing a complaint. It is believed that since this incident, T.M. is suffering seriously from a mentally disorder.

126. **F (f)**, aged 30, owner of a small teashop in Mahottari district, was allegedly harassed by policemen from the Chhinamasta APF camp. According to the information received, on 16 July 2002, F was asleep at home with her 3-year-old son when five APF

personnel, believed to be from the Chhinnamasta APF camp, broke into the house, gagged her and carried her off. On the following day, she was reportedly found unconscious, lying naked in the jungle about 700 metres west of the Bhamshi Bridge. She allegedly had bruises on her face and breasts and swelling around her genital area. She was reportedly taken to Janakpur zonal hospital for examination and treatment. It is alleged that doctors suspected she had been raped and referred her for examination by a neurologist as she was suffering from paralysis. She is believed to have remained semi-conscious for 10 days. On 1 August 2002, she was admitted to the TU Teaching Hospital in Maharajgunj, Kathmandu, for treatment, where she stayed for 16 days. On 15 August 2002, her medical report was allegedly presented by her relatives to the Mahottari District police office and a formal complaint was lodged on her behalf under the Torture Compensation Act. However, the Special Rapporteurs have been informed that a police superintendent (whose name is known to the Special Rapporteurs) initially refused to accept the complaint, citing failure to comply with the 35-day deadline. After pressure from local people, the police allegedly agreed to file a case in court for gang-rape and attempted murder. However, to date, no case is known to have been filed in court against the accused. On 24 November 2002, an inspector at the district police office allegedly informed Mrs. F that she would be taken to the Chhinnamasta armed police force camp to identify the accused. As far as the Special Rapporteurs have been informed, no identification parade has taken place yet.

127. **S.C.** (f), from Patariya VDC, Kailali district, was reportedly blindfolded and raped by members of the APF on 10 September 2002 during a search operation in the village. At the same time, her husband was allegedly severely beaten and subsequently shot dead. **S.K.D.** (f), their 20-year-old neighbour, who was allegedly pregnant at that time, was reportedly taken to Sita Chadhary's house, where she is also believed to have also been raped.

128. On 17 September 2003 the Special Rapporteur sent a communication jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the question of torture regarding the case

of **X** (f) a student aged 21 from Kavre district studying in Kathmandu and member of an organization affiliated to the Communist Party of Nepal (CPN) (Maoist). She was reportedly arrested in her room in Kathmandu on 3 September 2002 by army personnel and taken to the Balaju army barracks (about 50 km northwest of Kathmandu) where she is alleged to have been held incommunicado for 25 days in a small, dirty damp room, with insufficient food and no toilet facilities. It is reported that during interrogation, she was subjected to beating on the soles of the feet with a rubber pipe almost every day, her head was banged against the wall, her chest poked and pressure applied to her neck so that she felt she was being suffocated. It is also reported that she was hung upside down by a rope on three occasions for about half an hour each time. She is also believed to have been subjected to verbal abuse of a sexual nature and humiliation. She was allegedly not given any medical treatment. According to the information received, she was transferred to the Hanumandhoka district police office on 28 September 2002, where she was held for 20 days, and then sent to Central Jail, Kathmandu. A habeas corpus petition was reportedly filed on her behalf in Kavre district. She is reported to have been released on bail on 4 April 2003.

Follow-up to previously transmitted communications

129. The Special Rapporteurs have received further information regarding **N.G.** (f) and **S.T.** (f), members of the All Nepal National Independent Students' Union (Revolutionary). They were reportedly arrested by the police on 17 July 2002. Their cases were included in a joint urgent appeal sent by the Special Rapporteur on the question of torture, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Chairman-Rapporteur of the Working Group on Arbitrary Detention and to which the Government responded by letter dated 30 September 2002 (see E/CN.4/2003/68/Add.1, paras 1036-1037, and E/CN.4/2003/67/Add.1, paras 411 and 420). In this letter, the Government indicated that Shusila Thapa had not been arrested and that Nita Gautam was under detention at Central Jail in Kathmandu. According to further information received, upon arrest, N.G. was taken to the Ward Police Station in Boudha, where she was kept for about three hours. It is reported that she was blindfolded

with her own shawl and taken to the Mahendra Police Club in Kathmandu, where, still blindfolded, she was allegedly made to lie on the ground and beaten by several policemen with wooden sticks on her thighs and shoulders for about five minutes. She is said to have been stamped on, kicked in the face and threatened with being subjected to electric shocks. It is also alleged that as she denied accusations of being a Maoist, the police tied her hands and legs together in a sitting position, beat her on the thighs and inserted a wooden stick into her vagina. She is also believed to have had a wooden stick inserted between her tied legs and kept her in that position for the whole night. She allegedly lost consciousness and was given a painkiller. Three days later, she was reportedly brought to the Ward Police Office in Tinkune, where she was allegedly threatened with being stripped naked and that pictures would be sent to members of her family. On 21 January 2003, she was reportedly transferred to Hanuman Dhoka police office and held under the Terrorist and Disruptive Activities Act (TADA). She was reportedly presented to court on 26 January 2003 and remanded for a further period. It is alleged that lawyers who visited her in custody on 4 February 2003 saw bruises and contusions all over her body, especially on her back, and blisters on her thighs and that she could not stand properly. She also allegedly complained of wounds and blisters in the vaginal area which were very painful. Following the intervention of the lawyers in the case, she was reportedly taken to Bir hospital in Kathmandu on 21 February 2003. She was eventually released on 26 March 2003. As far as the Special Rapporteurs have been informed, no investigation into the allegation of torture has been undertaken. Regarding S.T., the Special Rapporteurs have been informed that upon arrest she was taken to the Ward Police Station in Boudha, where she was allegedly blindfolded and interrogated by an inspector. It is alleged that she was made to lie on a bench and beaten several times by policemen with wooden sticks. Later on that day, she was reportedly brought to the Mahendra Police Club in Kathmandu. According to the information received, her legs were tied together and she was made to lie on a table and beaten with a wooden stick on the soles of her feet and on her thighs. It is alleged that as she protested her innocence, they tied her hands and legs together in a sitting position and placed a wooden stick between her thighs and beat her randomly all over her body with a wooden stick and a belt. She allegedly lost consciousness and was taken to a hospital. She is believed to have been kept at Mahendra

Police Club for three days and to have been subjected to a similar treatment every day before being transferred to the Ward Police Station at Tinkune where the police allegedly threatened to send photos of her in the nude to her family members and to post them up in public places. It is reported that when lawyers visited her in custody, she complained of numbness in her feet, weakness, pain in her joints and nightmares. She is said to have received no medical assistance. She was reportedly presented to the District Court on 27 January 2003 to extend her period of remand and eventually released on 26 March 2003. As far as the Special Rapporteurs have been informed, no investigation into the allegations of torture has been carried out.

Observations

130. The Special Rapporteur would like to reiterate her interest in receiving a reply from the Government in regard to the allegations submitted.

Nigeria

Follow-up to previously transmitted communications

131. On 26 March 2002 and 20 August 2002, the Special Rapporteur sent joint urgent appeals with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture on behalf of **Amina Lawal** (E/CN.4/2003/75/Add.2, paras. 148-149). According to information received, on 25 September 2003, an Islamic court of appeal in Katsina State acquitted Amina Lawal on charges of adultery. It is reported that this court's decision is final.

Pakistan

Follow-up to previously transmitted communications

132. By letters dated 28 January 2003 and 4 August 2003, the Government provided information concerning a letter sent by the Special Rapporteur on 12 July 2002 about the cases of **Mukhtaran Mai Bibi, Shakeela Siddique** and **Naira Nadia Masih**. (E/CN.4/2003/75/Add.2, paras.150-153). In regard to the case of Mukhtaran Mai Bibi, the Government stated that the Chief Justice directed the trial court to finalize this case as a top priority. The Governor of Punjab ordered immediate investigation. It stated that a police officer was reportedly suspended from service for negligence over the constitution of illegal *Panchayat* (council of tribal elders) in his area of jurisdiction. Another police officer was arrested for demanding illegal gratification from the affected parties. The Court has awarded the death sentence to six persons found guilty of rape, and the defendants have filed appeal against their conviction in the high court. As concerns Shakeela Siddique, according to information provided by the Government, it was reported that the story of rape was false. As regards Naira Nadia Masih, the Government gave the information that she had converted to Islam and married of her free will. The Medical Court Board under the orders of the High Court had investigated and found that she was not a minor. The High Court had reportedly ordered for her to be sent to a *Dar-ul-Aman* (safe house) for an interim period. The couple however are said to have a stay order against the decision of the High Court and the girl has accordingly been allowed to join her husband instead of going to the *Dar-ul-Aman*.

Observations

133. The Special Rapporteur thanks the Government for its response.

Perú

Comunicaciones dirigidas al Gobierno

134. Por carta de fecha 17 de septiembre de 2003, la Relatora Especial, juntamente con el Relator Especial sobre la cuestión de la tortura, notificó al Gobierno que había recibido información según la cual **E.R.T.** (f), reclusa de la prisión de Santa Lucía, en el departamento de Pasco, habría sido sometida a abusos sexuales por un guardia de la prisión en numerosas ocasiones desde su internamiento. La última de esas agresiones habría tenido lugar en febrero de 2001, cuando el guardia habría intentado violarla. Habría presentado una denuncia de abuso de autoridad contra tres funcionarios de la prisión. La organización de derechos humanos que la representa habría tratado de ampliar la denuncia para incluir el delito de tortura. Desde que la reclusa denunció estos incidentes, habría sido objeto de represalias por parte de los guardias de la prisión. Se habría abierto una investigación judicial en relación con este caso.

Observations

135. The Special Rapporteur would like to reiterate her interest in receiving a reply from the Government in regard to the allegations submitted.

Singapore

Follow-up to the Special Rapporteur's report

136. By letter dated 31 March 2003 the Government provided information regarding the report of the Special Rapporteur's predecessor (E/CN.4/2003/75/Add.1, paras. 1173-1176). It stated that the following paragraphs should read as follows: in paragraph 1173, "Singapore became a party to the Convention in October 1995 with reservations to articles 2, 9, 11, 16 and 29"; in paragraph 1175, "Section 364A was added to the Criminal

Procedure Code in January 1996”; in paragraph 1177, “An Inter-Agency Family Violence Dialogue Group was recently created.”

Observations

137. The Special Rapporteur thanks the Government of Singapore for the information provided.

Spain

Follow-up to reports of the Special Rapporteur

138. By letter dated 4 April 2003, the Government responded to the reports of the predecessor of the Special Rapporteur (E/CN.4/2003/75/Add.2, paras. 154-168, and E/CN.4/2003/75/Add.1, paras. 1786-1792). As concerns the allegations regarding women detained in the course of anti-terrorist police operations, the Government stated that ETA terrorists have been instructed to systematically file complaints of ill-treatment when detained. The Government also stated that the section on Spain in the report E/CN.4/2003/75/Add.1 contained factual errors.

Observations

139. The Special Rapporteur acknowledges the response of the Government, but notes that no details were provided in regard to the errors made in the report, and in this context she would like to receive further information.

Sri Lanka

Communications sent to the Government

140. On 24 September 2003, the Special Rapporteur sent a joint communication with the Special Rapporteur on the promotion and protection of the right to freedom of opinion

and expression and the Special Rapporteur on the question of torture regarding the case of **S.R.** (f), aged 22, held in detention in Batticaloa since 23 July 2002. She was arrested on 24 November 2001 by four male police officers from the Methirigirya police station on the basis of being a member of the Liberation Tigers of Tamil Eelam (LTTE), and was reportedly taken to the office of the Criminal Investigation Department (CID) in Polonaruwa. At about midnight, she was put alone in a cell, where it is alleged that officers from the Methirigirya police station and the Polonaruwa CID threatened to shoot her with a gun, put chili powder all over her body, suspended her from the ceiling, slapped her repeatedly, kicked her back, beat her with a rope, and burnt her all over with cigarettes. She was then allegedly raped by 12 police officers while in custody of CID. On 26 November 2001 she was reportedly transferred to the Kaduruwella police station where she was held for one month. It is believed that she was presented to a magistrate on 29 November 2001, and reportedly remanded to the Anuradapura Prison where she was held for another month before being transferred to Welikada prison for one month. She was reportedly transferred to Batticaloa prison on 23 July 2002 and granted bail on 19 September 2002. It is reported that she has suffered acute mental trauma and that the Batticaloa Judicial Medical Officer (JMO), who reportedly examined her on 30 August 2002 by order of the High Court of Batticaloa, has submitted a report to the Eastern High Court on 18 September 2003 in which it is recommended that counselling and rehabilitation should be provided to S.R.. According to the information received, the Eastern High Court has postponed the inquiry on this case.

141. On 24 September 2003, the Special Rapporteur sent a joint communication with the Special Rapporteur on the question of torture regarding **I.S.** (f), who was arrested on 25 September 2002 at 11.30 a.m. by the police and taken to Vavuniya prison, along with four other individuals, in connection with the murder of her husband. On the day of her arrest she was allegedly punched, kicked and beaten with sticks. It is also alleged that two police officers threatened to strip her naked if she did not tell the truth. That evening she was reportedly brought before a magistrate. On 26 September 2002, she was reportedly taken to hospital, but she allegedly did not receive proper medical treatment. It is reported that due to her injuries she was unable to move one of her hands properly. The names of

the alleged perpetrators of the above-mentioned acts of torture or ill-treatment are known to the Special Rapporteur. **S.H.** (f), aged 39, was reportedly taken to the Wariyapola police station in Kurunegala district on 8 March 2002 for questioning in connection with a robbery at a local temple. She was allegedly kept in police custody for two days, during which the police allegedly abused her sexually.

Follow-up to previously transmitted communications

142. On 8 July 2003, the Government responded to a joint communication sent by the Special Rapporteur with the Special Rapporteur on the question of torture dated 16 September 2002 regarding the case of **Ms. Yogalingam Vijitha**. Ms. Vijitha was arrested on suspicion of terrorist activities and detained at Negombo police station before being transferred to the Terrorist Investigation Division in Colombo on 26 June 2000. She was reportedly indicted under the Prevention of Terrorism Act in the High Court of Negombo. An investigation was ordered into allegations that she was raped while in detention. Sri Lanka's Supreme Court have heard the case on a fundamental rights application, and judged in her favour. The Court ruled that her rights under articles 11 and 13, paragraphs 1 and 2, of the Constitution had been violated and awarded compensation. The Court has reportedly directed the Attorney-General to pursue the possibility of criminal prosecution against those responsible for the violation of her fundamental rights. Though the presence of a petitioner in Sri Lanka is not required to file a fundamental rights application in the Supreme Court, under Sri Lankan law, the police require a statement from the victim to initiate the police investigation into a criminal act. The Government said it had exhausted all avenues to record the victim's statement. Therefore, the Attorney-General decided that it was not possible to proceed with further investigations and instructed the police to terminate investigations unless Vijitha made a formal statement to the police.

143. By letter dated 24 December 2003, the Government responded to a joint communication sent on 16 September 2002 with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture. It

reported that the Special Investigations Unit of the police (SIU) investigated the allegations that **Ms. S Umadevi** was abducted, raped and murdered on 12 September 2001. SIU concluded that the police had duly recorded the complaint and conducted investigations into the murder. Therefore, no disciplinary action has been taken against the police officer concerned. It reported that SIU also investigated the case of Ms. Jeyanthi Veerasingham, alleged to have been raped and killed on 17 February 2000 while in custody at Sanasa transit camp. It responded that she was arrested by army personnel of Sanasa camp, and was handed over to the 211 field headquarters for further investigation. She is said to have taken a cyanide capsule and was taken to hospital, where she died. SIU did not find any evidence that she was raped or subjected to torture prior to her suicide. However, SIU forwarded extracts of the investigation to the Attorney-General's Department for advice, and were waiting for the reply.

144. By letter dated 24 December 2003 the Government responded to a joint communication sent on 16 September 2002 with the Special Rapporteur on the question of torture. An investigation was ordered into the allegations that **Herath Nandani Sriyalatha** was subjected to sexual abuse and torture in police custody. On 21 June 2002, the Attorney-General ordered the Criminal Investigation Department to take over the investigation. The Attorney-General, after having examined the material, decided to indict the accused police officers under the Torture Act. Indictments were sent by the Attorney-General to the High Court of Kurunegala, and the case was taken up on 5 November 2003. The trial is scheduled for 16 February 2004. The Police Department has taken action to suspend the suspected police officers. In regard to allegations that **Velu Arshadevi** was raped at a checkpoint in Colombo on 24 June 2001 by policemen, the Government responded that four suspects had been identified, arrested and remanded in custody within 48 hours of the incident. On the advice of the Attorney-General, the police instituted non-summary proceedings in the Magistrates Court against the suspects, two police constables and three army personnel. The Magistrate committed the accused to stand trial in the high court. As a result of the committal, the accused army personnel were suspended. The Supreme Court awarded compensation payable by the State to the victim for the violations of her rights guaranteed by article 11 (right to freedom from

torture) and article 13, paragraph 1 (right to be free from arbitrary detention), of the Sri Lankan Constitution. The Supreme Court held for the first time that rape amounted to torture. An undertaking was given by the State to the Court to institute criminal proceedings against the suspects. Regarding **Poomany Saravanai**, two suspected army personnel have been arrested and were produced before the Jaffna Magistrates Court. They were charged in court for rape, and non-summary proceedings of this case are in progress. Regarding the 33-year-old mother, who was reportedly taken into custody by officers of CID on 27 June 2000 and ill-treated, the information provided was insufficient to commence investigation and take further action. The Government requested further information on the identity of the victim. The Government also requested more information about the identity of the mother of two children who was reportedly raped by a STF commando at Cheddipalayam in Batticaloa district on 5 February 2001.

Observations

145. The Special Rapporteur thanks the Government of Sri Lanka for its response and its willingness to cooperate with the mandate.

Sudan

Communications sent to the Government

146. On 22 May 2003 the Special Rapporteur sent an urgent appeal on behalf of a 14-year-old girl from Al Wihida Neighbourhood (Unity) of Niyala in Darfour, Western Sudan, who on 17 May 2003 was allegedly convicted of adultery and reportedly sentenced to 100 lashes. She was reportedly arrested by the Public Police (*alshorta alsha'abiya*), which is said to be an irregular police force set up by the ruling party to "guard the public decency and the morality of the nation". Allegedly, the charges were held against her because she was reportedly nine months pregnant and unmarried. It is alleged that the "Public Committee" of the neighbourhood reported the information to the Public Police, who reportedly arrested the girl at her home. According to the information

received, she was tried by the criminal court of Niyala in accordance with article 146 of the 1991 Penal Code, which reads as follows:

“Whoever commits the offence of adultery (*zina*) shall be punished with:

- (a) Execution by stoning when the offender is married (*muhsan*);
- (b) One hundred lashes of the whip when the offender is not married (non-*muhsan*)”

147. Mossad Mohamed Ali, the lawyer who allegedly represented the girl, is said to have appealed to the court invoking her pregnant condition. It has been alleged that in previous cases, sentences have been passed and carried out on the same day, giving the defendant no chance to appeal. In view of this, fears have been expressed that she may be imminently subjected to corporal punishment.

148. On 27 June 2003, the Special Rapporteur, together with the Special Representative of the Secretary-General on the situation of human rights defenders, transmitted an urgent appeal concerning allegations that five officers of the Sudanese National Security Agency (NSA) arrested **38 women**, members of the Nuba Mountain Women's Association, and three men who were accompanying them on their way to a women's conference for peace and development. According to the information received, the NSA officers, armed with Kalashnikovs and pistols, arrested the delegates in Kalakala and took them to the NSA offices, where they were searched in an allegedly antagonistic manner, insulted verbally, and interrogated on their movements, the purpose of their trip and any relations they may have had with the Sudanese Peoples' Liberation Movement. It is reported that eight conference delegates were then transported to the NSA offices in Omdurman where they were forced to sign a declaration promising that they would not leave Khartoum without the permission of NSA. A number of personal items were reportedly confiscated from the group, including mobile phones, computer equipment, documents and diaries containing private details of contacts, as well as a sum of approximately 8 million Sudanese pounds. The delegates were allegedly made to sit on the floor for an hour in the hot sun. The delegates were reportedly released on 2 and 3 June, but some were reportedly ordered to report back to NSA offices on a daily basis.

Following this, the Ruayya Women's Organization in Al-'Awda, the initial destination of for the delegation, was reportedly closed down by NSA.

149. On 11 July 2003, the Special Rapporteur sent a communication jointly with the Special Rapporteur on the question of torture regarding **A.S.A (f)**, aged 15, from Nyala, Western Darfour. A.S.A is an assistant to a street vendor selling tea in the Wehda district of Nyala. According to information received, the Police for Community Security (*Amn Al-Mujtama*) arrested A.S.A. on the street where she was working for not wearing socks. Regulations require all female street-vendors, particularly those selling food and tea, to wear socks to cover their feet. A.S.A reportedly attempted to defend herself, explaining that she could not afford to buy socks. On 1 June 2003, A.S.A was sentenced to 30 lashes by the District Court (*Mahkamat Al-Muhafiza*) of Nyala for not wearing socks. The sentence was reportedly carried out the same day.

Communications received from the Government

150. By letter dated 3 July 2003, the Government responded to the joint urgent appeal sent on 22 May 2003 that internal human rights standards are incorporated in the penal law. It stated that a pregnant woman is not subjected to execution except after a period of two years have passed since the delivery of the child, and a woman breastfeeding a baby is not liable for execution until two years after breastfeeding.

Observations

151. The Special Rapporteur would like to reiterate her interest in receiving a reply from the Government in regards to the alleged cases of violence against women and discrimination on the basis of sex summarized above.

Switzerland

Communications sent to the Government

152. On 9 January 2003, an urgent appeal was sent jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography. The Special Rapporteurs were concerned about the situation of **child J.** (m) and **child M.** (f), brother and sister, who were supposed to be repatriated from Switzerland to Australia and assigned to the custody of their father, despite the accusations of abuse by child M. against her father. Following this accusation, the mother of the children had illegally taken them from Australia and brought them to Switzerland.

Communications received from the Government

153. On 24 January 2003, the Government of Switzerland replied that the decision to repatriate the two children was taken in compliance with the law, in particular with the Hague Convention on the Civil Aspects of International Child Abduction of 1980. The Government stated that Switzerland was not competent to investigate the penal aspects of the case, as the alleged criminal facts were perpetrated abroad. The Government further reported that it had taken appropriate measures to facilitate the return of the children and their mother.

Thailand

Communications sent to the Government

154. By letter dated 18 September 2003, the Special Rapporteur jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on the human rights of migrants, informed the Government that she had received information on the

case of **S.H.** (f), aged 25, a female migrant worker from Myanmar who was allegedly raped and killed by three men in Mae Sot, on the Thai border with Myanmar. One of the three perpetrators was reportedly identified as the factory security guard, a Thai national. However, it was alleged that no serious action had been taken by the police. S.H. had reportedly been working at the Ki Found knitting factory in Mae Sot for more than four years. On 31 August 2003, at 8 p.m. she went to get curry for dinner as usual. It was reported that the 40-year-old security guard of the factory offered her a lift on his motorbike. According to information received, she refused at first but later accepted, having been pestered. According to three witnesses from the same factory, two more men on another motorbike left with them, but only the security guard was identified. After that, S.H. reportedly disappeared. It was reported that on the morning of 1 September 2003, her body was found along the Mae Sot-Phop Phra Highway. Her body was taken to the Mae Sot hospital and the autopsy revealed that S.H. had been assaulted, raped and stabbed to death. According to information received, after hearing about the murder on the morning of 2 September 2003, about 1,000 Myanmar workers from the Ki Found knitting factory went on strike and attacked the security guard, reportedly because they did not trust that the police would investigate the case fairly and bring him to justice. The security guard was reportedly rescued by the manager and handed over to the police for questioning. He reportedly claimed to be innocent. It was reported that he was still being held at the police station. Although the district police chief told the workers that they would investigate the case thoroughly, other reports suggested that this was not the case. Furthermore, indications were reported that persons involved in the case were taking steps to cover it up. It was also reported that the body of the victim was quickly cremated on the evening of 4 September 2003, despite attempts by non-governmental organizations to intervene. It was alleged that the factory management obstructed the access of these organizations to the victim's family, reportedly because of their efforts to have the body sent for a more thorough autopsy by forensic science specialists. Reportedly, at least one witness in this case had been threatened. It was reported that one of the three witnesses was taken away by other factory security guards for five hours on the night of 2 September, and he reportedly stopped speaking with other workers after he returned. According to information received, in late May 2003, there was a similar incident in

which six other migrant workers from Myanmar were killed in Mae Sot, but the only person charged with murder, a Thai national, was reportedly released on bail. It was alleged that there were other cases of migrants from Myanmar being raped and murdered in this region without consequences for the perpetrators.

Observations

155. The Special Rapporteur would like to reiterate her interest in receiving the reply of the Government of Thailand in regards to the allegations submitted.

Turkey

Communications sent to the Government

156. On 3 July 2003 the Special Rapporteur sent a communication jointly with Special Rapporteur on the question of torture regarding the case of **G.G.** (f), an executive member of the Women's Section of DEHAP Istanbul, a political party in Turkey. According to the information received, on 14 June 2003 at 9 a.m., G.G. was abducted from the street by four men and was blindfolded. While the abduction was taking place, G.G. claims to have heard a person on the street tell her abductors to leave her alone, and the men responded by identifying themselves as police officers. The information received indicates that G.G. was taken to a dark room where she remained blindfolded while she was interrogated and tortured. It is reported that the men told her that she should not be leading political activities because she is a woman and that this would be a lesson to her. The men reportedly beat her with a steel rod between her legs, tore the skin on her back, and put out cigarettes on her cheek, all injuries reportedly verified by the doctor's report. It is reported that one of the men forced his penis into her mouth. Twelve hours later, G.G. was reportedly pushed from a moving car out onto the street near Gaziosmanpasa, a part of Istanbul. It is reported that police are currently denying that this event occurred. According to the information received, G.G. was previously harassed by the police in

connection with her political activities leading up to March 8, International Women's Day. It is reported that the police have also denied involvement in that incident.

157. On 16 September 2003, the Special Rapporteur sent a communication jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture regarding the case of **N.B.** (f), aged 29, who reportedly has received death threats after she lodged complaints that she had twice been abducted and ill-treated by police officers in western Turkey. On 5 November 2002, N.B. was reportedly grabbed from behind and shoved into a car containing a group of five men, while she was walking in the Alsancak area of Izmir. She was reportedly forced to lie face down on the floor near the car's back seat and taken to an unlit area about 45 minutes away. She was then reportedly blindfolded, pushed around and threatened with death. Although the men's faces were hidden, they carried walkie-talkies and mentioned the names of some acquaintances that the police had reportedly been looking for. It is believed that the men were members of the Anti-Terror Branch of the local police force and a complaint about the incident was lodged with the Izmir state prosecutor on 22 November 2002. An investigation was then launched. On 22 November 2002, N.B. was reportedly threatened by an individual in civilian clothes in the Yamanlar area of Izmir who told her: "You haven't learnt your lesson? Such things could happen to you that nobody would be able to find your body". According to information received on 17 December 2002, N.B. was reportedly grabbed again by two men while going to work and shoved into the back of a cream-coloured car, in which the driver was waiting. She was blindfolded and one of the men sat on her to prevent her from escaping. When she asked where they were taking her, she was apparently told: "we've warned you so far but you did not listen, you deserve everything that will happen to you". The men were reportedly carrying walkie-talkies and reportedly took her to an empty building where she was asked about the whereabouts of an acquaintance. She was told that she would suffer no harm if she agreed to help them. She was then allegedly thrown on the ground, stripped naked, sexually assaulted and threatened with death. Afterwards, she was returned to a place close to where she had been abducted. It is reported that forensic medical reports from the hospital in Izmir, documenting N.B.'s injuries, supported the

allegations of ill-treatment. On the basis of a complaint lodged about this incident, a case has been opened by the Izmir state prosecutor against two police officers from the Anti-Terror Branch of the Izmir police force. They have been charged with torture and the first hearing of their trial is due to take place on 16 October 2003. Since December 2002, N.B. has reportedly been receiving periodic treatment as an in-patient at a hospital. She was discharged from hospital on 25 April 2003 and was reportedly followed by individuals in civilian uniform as soon as she left the hospital. She was reportedly called at home on the same day and told: "We'll break your head. Did we make a mistake by not killing you?"

Communications received from the Government

158. In a letter dated 31 October 2003 the Government responded to the joint communication sent with the Special Rapporteur on the question of torture on 26 September 2003 regarding N.B. A complaint was lodged with the Public Prosecutor's Office in Izmir on the grounds that she was abducted and ill-treated by police officers on 5 and 17 December 2002 and an investigation was opened. She identified two police officers as perpetrators of sexual abuse and death threats. A lawsuit was filed against the two police officers and the first hearing was held on 16 October 2003.

Observations

159. The Special Rapporteur thanks the Government of Turkey for its response regarding N.B. and would appreciate being kept informed of the outcome of the case.

United Arab Emirates

Communications sent to the Government

160. On 31 March 2003, the Special Rapporteur sent an urgent appeal regarding **Fatima Hamad Hilal Al-Kuwaiti**, a national of the United Arab Emirates. According to information received, Fatima Hamad Hilal Al-Kuwaiti married Mohsin Majid Al-

Husseini, a national of Saudi Arabia, in Egypt on 23 October 2001 and the couple has a marriage certificate issued by the Egyptian authorities. It is reported that Fatima Hamad Hilal Al-Kuwaiti's family did not accept the marriage. In this context, Fatima flew back to Al-Ain in the United Arab Emirates with her father and uncle on the understanding that a traditional marriage ceremony would be held for the couple in Al-Ain. However, upon her arrival, her family allegedly detained Fatima in the family home and refused to let her leave or contact anyone. It is reported that her family had decided to marry her to someone else of their choosing against her will. She is said to have attempted to commit suicide and was admitted to Towam Hospital in Al-Ain. She managed to escape and went to Dubai with Mohsin Majid Al-Husseini. It is alleged that at 2.30 a.m. on 17 March 2002, while the couple was at the Marriott Hotel in Dubai, Fatima's father, accompanied by men who said they were from the police, forced their way into the hotel room without a warrant from a court or the Attorney-General. It is alleged that Fatima's father beat her while the other men held Mohsin to prevent him from intervening. She was then allegedly forced to go with her father. Mohsin was reportedly taken to prison. There he was allegedly threatened that, if he did not divorce Fatima, he would have to remain in prison. It is reported that he was only released after he informed the authorities that the Embassy of Saudi Arabia was aware of the situation. According to information received, Fatima's family sought a divorce without her consent. Finally, in March 2003, Fatima Hamad Hilal Al-Kuwaiti was allegedly forced to marry one of her relatives, a United Arab Emirates national. It is alleged that despite numerous complaints, the authorities have not taken any action to investigate the case.

Observations

161. The Special Rapporteur would like to reiterate her interest in receiving a reply from the Government in regard to the allegations submitted.

Uruguay

Comunicaciones dirigidas al Gobierno

162. El 26 de febrero de 2003, la Relatora Especial, junto con el Relator Especial sobre la independencia de los magistrados y abogados, envió un llamamiento urgente en relación con el supuesto traslado por parte de la Suprema Corte de Justicia de la juez penal **A.L.** (f) a una sede laboral. La juez Lima habría participado en programas de formación en derechos humanos para jueces y habría aplicado sus conocimientos en la materia en sus funciones judiciales. Uno de estos casos sería el de la violación de una menor, en el cual con base en las pruebas médicas solicitadas por la juez, se habría sentenciado a cuatro jóvenes. Posteriormente, bajo un procedimiento especial, la Suprema Corte de Justicia habría perdonado a los sentenciados, poniéndolos en libertad sin haber revocado la condena ni la sentencia. La Corte no habría brindado explicaciones respecto a tal decisión. El 9 de noviembre de 2002, la juez Lima habría tratado el caso relativo a la solicitud del Gobierno de España para la extradición de un ciudadano de ese país, el mes siguiente, la Suprema Corte habría decidido transferir a la juez a una sede laboral. Esta decisión habría sido percibida como una medida de represalia y castigo en contra de la juez Lima por su implicación en los casos arriba mencionados y como una medida de alerta a otros miembros del poder judicial. Como protesta, la juez Lima habría presentado su dimisión.

Comunicaciones recibidas del Gobierno

163. Mediante comunicación de 14 de mayo de 2003, el Gobierno proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con el Relator Especial sobre la independencia de los magistrados y abogados, envió el 26 de febrero de 2003 en relación con el supuesto traslado por parte de la Suprema Corte de Justicia de la juez penal **A.L.** a una sede laboral. Según el Gobierno, la decisión respecto al traslado de la juez Lima habría tenido como base razones de legalidad y de un mejor

servicio de administración de justicia. Asimismo el Gobierno informó de que la decisión no tendría el carácter de sanción y no habría representado la modificación de su categoría, rango o retribución, ni tampoco del lugar de asignación de las funciones. El Gobierno también informó de que la juez habría alegado razones personales como motivo de su renuncia sin que hubiese acudido a la vía contencioso anulatoria para obtener una eventual reparación de los daños que se habrían causado con la decisión administrativa.

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.

Include information about steps taken by officials to investigate the alleged violation (or threatened violation) and to prevent similar acts in the future. If a complaint has been filed, include information about the action taken by the authorities, the status of the investigation at the time the communication is submitted, and/or how the results of the investigation are inadequate.

Date: _____ Time: _____ Location/country: _____

Number of assailants: _____ Are the assailant(s) known to the victim? _____

Name of assailant(s): _____

Does the victim have a relationship with the assailant(s), if so what is the nature of the relationship? _____

Description of the assailant(s) (include any identifiable features):

DESCRIPTION OF THE INCIDENT:

Does the victim believe she was specifically targeted because of gender? _____
If yes, why? _____

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@ohchr.org)

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