



House of Commons
Foreign Affairs Committee

Human Rights Annual Report 2005

First Report of Session 2005–06



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*Report, together with formal minutes, oral and
written evidence*

*Ordered by The House of Commons
to be printed 15 February 2006*

HC 574
Published on 23 February 2006
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

Foreign Affairs Committee

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Conclusions and recommendations

1. We conclude that the Foreign and Commonwealth Office's Human Rights Annual Report 2005 makes a substantial contribution to the transparency and visibility of the Government's work in this important area. (Paragraph 5)
2. We conclude that the Government risks downgrading its human rights work by combining human rights responsibilities with trade in the person of the same minister and also by subsuming human rights work into the more general category of sustainable development. (Paragraph 9)

The international framework

3. We welcome moves to establish a permanent Human Rights Council. We recommend that the Government ensure that the Council starts its work at the earliest opportunity. We further recommend that the Government outline what measures will be put in place to ensure that the Council's work does not suffer from tactical voting or ideological opposition from particular states, as was the problem with the UN Commission on Human Rights. We also recommend that the United Kingdom, as a permanent member of the UN Security Council, should continue to make its utmost endeavours to bring the serious human rights situation in states such as Burma, Uganda and Zimbabwe to the Security Council's attention. (Paragraph 15)
4. We recommend that the Government set out in its response to this Report the human rights achievements and disappointments of its Presidency of the European Union. (Paragraph 17)
5. We conclude that the incentive of EU accession has played an important role in prompting human rights improvements in Turkey. We recommend that the Government support the Turkish government in its implementation of legislative changes, and that it maintain pressure on Turkey to make further reforms. (Paragraph 22)
6. We recommend that in its response to this Report the Government set out what it is doing to encourage other states actively to support the ICC. (Paragraph 28)
7. We conclude that the capture of war crimes indictee Ante Gotovina is a most welcome development, but stress that accession to either the EU or NATO should remain impossible for any of the Balkan states, including Croatia, until they have fulfilled all of their obligations to the International Criminal Tribunal for the former Yugoslavia. (Paragraph 32)

War against terrorism

8. We conclude that the continued use of Guantánamo Bay as a detention centre outside all legal regimes diminishes the USA's moral authority and is a hindrance to the effective pursuit of the war against terrorism. We recommend that the

Government make loud and public its objections to the existence of such a prison regime. (Paragraph 39)

9. We conclude that the Government has a duty to enquire into the allegations of extraordinary rendition and black sites under the Convention against Torture, and to make clear to the USA that any extraordinary rendition to states where suspects may be tortured is completely unacceptable. (Paragraph 52)
10. We welcome the Government's new frankness on the question of the use of information derived by other states from torture. We recommend that a policy of greater transparency be maintained. However, we conclude that the use of such information presents serious ethical dilemmas in terms of complicity, especially in the wake of a ruling by the House of Lords which described the use of torture as "dishonourable". We recommend that the Government clearly set out its policy on the use of information derived by other states through torture in its response to this Report and that it encourage a public debate on the ethical dilemmas it faces. (Paragraph 58)
11. We conclude that the Government should only use Memoranda of Understanding when it can be sure that the monitoring mechanisms in place are entirely effective, and that the Memoranda must not be used as a fig leaf to disguise the real risk of torture for deported terrorism suspects. We recommend that in its response to this Report the Government give full information on the monitoring arrangements which apply under existing Memoranda of Understanding, including where possible examples of how they work in practice. (Paragraph 66)
12. We recommend that the 2006 edition of the Annual Report should incorporate more information about the human rights situation in Iraq, including the impact on civilians of intense military operations such as those in Falluja in 2004, the position of Christian and other religious minorities and the treatment of detainees by the Iraqi government. (Paragraph 70)
13. We urge the Government to ensure that all appropriate measures are in place to curtail any possibility of abuses by coalition forces, and we recommend that the Government set out what it has done to prevent their re-occurrence. (Paragraph 72)
14. We conclude that the United Kingdom has a responsibility to engage its ally both privately and publicly on the question of abuses by US troops. We recommend that the Government make clear and public its condemnation of human rights abuses committed by any of the multinational forces in Iraq, and that its coverage in the human rights report should expand to include more detail of the USA's investigations into abuses committed by its soldiers and of the measures in place to prevent their recurrence. (Paragraph 76)
15. We conclude that while the trial of Saddam Hussein is a matter for the Iraqi people, the Government should urge the Iraqi administration to ensure the trial fulfils the accepted norms of justice. We recommend that the Government set out in its response to this Report how the United Kingdom will do so, for instance by providing security for lawyers and witnesses at the trial and by offering support for

the Iraqi authorities in ensuring the application of due process of law. (Paragraph 81)

General themes

16. We conclude that while the expansion of democracy in the former Soviet Union is most welcome, free elections are still a rarity and human rights abuses are widespread. We recommend that the Government work to support civil society organisations and regional institutions, such as the South Caucasus Parliamentary Initiative (SCPI), as well as supporting the election monitoring and evaluation work of the Organisation for Security and Co-operation in Europe (OSCE) and in particular its Office for Democratic Institutions and Human Rights (ODIHR), in order to help implant strong and enduring human rights norms in the post-Soviet world. (Paragraph 87)
17. We commend the Government's backing for the Arms Trade Treaty. We recommend that in its response to this Report the Government report on progress to increase support for the ATT and to ensure forward momentum in 2006. (Paragraph 90)
18. We recommend that the Government include a detailed explanation of export licence decisions in each of the countries of concern sections of the Annual Report so as to ease public concern about military exports to those states, including Colombia. (Paragraph 96)
19. We conclude that the Government must do its utmost to encourage states to improve their corporate social responsibility (CSR) standards so that companies can compete on a level playing field and that states with human rights failings are not tempted to work with unethical trading partners. We recommend that the Government work to broaden international support for instruments, like the UN Convention against Corruption, which enshrine ethical standards for business at an international level. (Paragraph 100)

States of concern

20. We conclude that the human rights situation in the Russian Federation has deteriorated over the last year. We recommend that the Government make clear to President Putin and other Russian authorities that a creeping return to authoritarianism is not an acceptable policy to pursue. We also recommend that the British Government engage with the Russian government on the question of Chechnya and the North Caucasus. We are concerned that the Kremlin's policy in Chechnya may result in further radicalisation of the population and an increase in recruits to Islamic terrorist groups. (Paragraph 107)
21. We conclude that the Government must maintain pressure on the Islam Karimov regime in Uzbekistan. We recommend that the Government should work hard to establish a consensus with its allies in the EU and NATO, including Germany, to put pressure on the Uzbek government and to add weight to its call for reform. (Paragraph 115)

22. We recommend that the Government include more information about its work to strengthen human rights standards in Angola in its Human Rights Annual Report. (Paragraph 119)
23. We conclude that the appalling human rights abuses in the Democratic Republic of Congo are a matter of grave concern. We recommend that the Government make clear to the Democratic Republic of Congo and its neighbours that interference is unacceptable. We further recommend that the Government do its utmost to ensure that those guilty of human rights abuses in the DRC are held accountable for their crimes. (Paragraph 122)
24. We conclude that the Annual Report should include information about the state of human rights in Equatorial Guinea, and that the Government should press the Equato-Guinean authorities to improve human rights. (Paragraph 125)
25. We conclude that a resumption of hostilities in the Horn of Africa would seriously damage human rights in the region, and recommend that in its response to this Report the Government set out what measures it is taking with its Security Council partners to prevent an outbreak of war and establish respect for human rights and democratic governance in the region. (Paragraph 133)
26. We conclude that the Government must maintain pressure in all possible forums on the Sudanese government in order to bring the abuses in Darfur to an end. We recommend that the Government continue to call for an end to the slaughter and an end to the immunity of the abuses from judicial proceedings, to support referrals to the International Criminal Court, and to offer resources to the African Union and UN missions in Darfur. We also recommend that the Government urge its Chinese counterparts to support UN Security Council measures against Sudan. (Paragraph 137)
27. We conclude that the United Kingdom must urge the Ugandan authorities to cease their interference in the Democratic Republic of Congo (DRC) and to curtail the trade in illegal gold which underpins the wartime economy in Ituri and other regions which suffer severe human rights abuses. We recommend that the Government make clear its condemnation of the arrest of opposition politicians in Uganda and support for free and democratic elections there. We also recommend that the Government continue its efforts to bring the question of human rights in Uganda before the UN Security Council. (Paragraph 140)
28. We conclude that the Government should continue its policy of putting pressure on the Mugabe regime in Zimbabwe, and should do its utmost to win support for this policy from other states in Southern Africa in general and from South Africa in particular. We recommend that the United Kingdom start a campaign for the referral of Robert Mugabe to the International Criminal Court for his manifold and monstrous crimes against the people of Zimbabwe. We also recommend that the Government should continue its efforts to place the question of human rights in Zimbabwe before the UN Security Council. (Paragraph 147)
29. We conclude that human rights in Iran have deteriorated over the last year, and worsening relations are making dialogue increasingly difficult. We recommend that

the Government set out what it hopes to achieve with the human rights dialogue with Iran, and that it continue its efforts to bring Iranian human rights to international attention and to urge its EU counterparts to do the same. (Paragraph 155)

30. We conclude that the human rights situation for Palestinians in the Occupied Territories is not acceptable and we recommend that the Government expand its coverage in the Report to include more detail on the problem of impunity in the Israeli Defence Forces (IDF). We also recommend that the Government urge Israel to take human rights issues into greater account when dealing with the Palestinians, and that the Government should continue to restate its position that those parts of the barrier beyond the Green Line are illegal. (Paragraph 160)
31. We recommend that the Government should explore the human rights situation in the Palestinian Territories in a separate section in its next Report, and that it should explore in greater detail the extent of the abuses committed in the Territories. (Paragraph 163)
32. We conclude that the human rights situation in Saudi Arabia continues to give cause for grave concern. We recommend that the Government continue to make clear that the Saudi Kingdom's instances of discrimination against women and other human rights abuses which are endemic in Saudi Arabia, breed discontent and fall far short of universal standards. We recommend that the Government engage the Saudi authorities on the questions of women's rights and the rights of guest workers, the use of torture and of the death penalty for a wide range of crimes including apostasy, adultery and 'acts of sabotage and corruption on earth'. (Paragraph 168)
33. We recommend that the Government set out in its response to this Report what it is doing to seek to improve human rights in Syria, and we also recommend that its next report should contain more information about Syria. (Paragraph 170)
34. We conclude that human rights abuses in Afghanistan are manifold and serious, and that security is a particularly difficult challenge. We also have major concerns about the lack of judicial process against human rights abusers in Afghanistan and urge the Government to do its utmost to support any mechanisms which will implement justice and aid reconciliation in Afghanistan. We also recommend that the Government increase its support for women's rights programmes in Afghanistan. (Paragraph 176)
35. We conclude that the United Kingdom should maintain its policy of pressing the Burmese military junta to permit reform and introduce basic rights which are universal and inalienable, and that its efforts to bring other ASEAN states around to its perspective should not falter. We recommend that the Foreign and Commonwealth Office should continue to report on Burmese human rights in its Annual Report, and redouble its efforts to bring the question of abuses by the Burmese authorities to the attention of the UN Security Council. (Paragraph 179)
36. We conclude that the UK-China human rights dialogue appears to have made glacial progress. We recommend that the Government set out in its response to this Report what measures it uses to determine whether the dialogue is a success, what it sees as

the achievements of the dialogue to date, and why it wishes it to continue. (Paragraph 186)

37. We conclude that the situation in Tibet is of great concern, and we recommend that the Government should make public its condemnation of the human rights abuses carried out by the Chinese authorities in Tibet. (Paragraph 189)
38. We conclude that the improvements in human rights in Indonesia are welcome, but that the Government must engage with its Indonesian partners to move further towards reform, particularly in the light of the USA's decision to reinstate military to military ties with Indonesia. We also recommend that the Government should expand its coverage of the West Papua conflict in its Annual Report. (Paragraph 194)
39. We conclude that the Government should include more information in the next Annual Report on the human rights situation in the Maldives. (Paragraph 197)
40. We conclude that the Government should maintain pressure on the King of Nepal to reintroduce democracy and to work to establish human rights standards throughout Nepal. We also condemn the bloody acts of terrorism perpetrated by the Maoist insurgents in Nepal. We recommend that the Government maintain only limited military assistance to the Nepali government until accountable government is reinstated. (Paragraph 202)

1 Introduction

1. In 1998, the Foreign and Commonwealth Office (FCO), in collaboration with the Department for International Development (DFID), published the first of what has become a series of Annual Human Rights Reports.¹ Robin Cook MP, the then Foreign Secretary, and Clare Short MP, the then Secretary of State for International Development, introduced the first Report by stating their intent to work “for a more just and peaceful world, in which human rights are genuinely universal”, and emphasising that “we cannot afford to treat human rights as an optional extra”.²

2. In 2005, the eighth Annual Human Rights Report was published.³ As has been our practice since the publication of the first Report in 1998, we have scrutinised the Report in order to evaluate its successes and identify its shortcomings. We announced our inquiry on 7 October 2005 and received a wide range of written evidence from Non-Governmental Organisations (NGOs) and other interested parties. We also took oral evidence on 16 November 2005, from Kate Allen, Director, and Tim Hancock, Head of Policy and Government Affairs, Amnesty International UK, and Steve Crawshaw, London Director, Human Rights Watch, and on 23 November 2005 from Ian Pearson MP, Minister of State for Human Rights and Minister of State for Trade, Foreign and Commonwealth Office. We would like to thank all those who assisted us in this process by submitting evidence to the inquiry.

3. The Human Rights Annual Report 2005 begins with a chapter examining the challenges posed by some of the world’s most problematic states, followed by thematic chapters covering the multiplicity of Foreign and Commonwealth Office work on human rights. Over the years we have been pleased to see our comments on the form and content of the Human Rights Report reflected in the finished product. This year we were gratified to note that, in accordance with recommendations we made in our last Report, a number of positive changes had been made.

4. Commenting on the Report, Amnesty International wrote: “The 2005 Report is a slimmer document than its two immediate predecessors. Nevertheless, it is still a comprehensive report providing a thorough overview, on the whole, of the work that the government has been doing to protect and promote human rights worldwide.”⁴

5. We conclude that the Foreign and Commonwealth Office’s Human Rights Annual Report 2005 makes a substantial contribution to the transparency and visibility of the Government’s work in this important area. Notwithstanding these remarks, there are aspects of the Report which we feel could be improved, which we discuss below.

1 Foreign and Commonwealth Office and Department for International Development, *Annual Report on Human Rights*, April 1998

2 *Ibid*, p 5

3 Foreign and Commonwealth Office, *Human Rights Annual Report 2005*, Cm 6606, July 2005, hereafter *Human Rights Annual Report 2005*

4 Ev 2, para 2

6. Two general concerns were expressed to us about the FCO's work. First, Amnesty International pointed to the FCO's decision to subsume human rights within sustainable development work, which they felt indicates that human rights work does not "warrant treatment as a stand alone strategic priority."⁵ We asked the FCO how it defined a human rights project. The FCO told us that a "human rights project is one that furthers HMG's human rights priorities and objectives in the country concerned. This means that projects will vary from one country to another and from one region to another, according to the human rights issues in that country...The Government does not therefore categorise a human rights project according to whether or not this is explicitly stated in the project title, but whether we judge it will have a positive impact on the human rights situation in that country or region concerned."⁶ This definition is the same as provided last year, and raises the same fears for Amnesty International: "It is difficult not to interpret this to mean that a human rights project is what the FCO says it is."⁷ We share these concerns.

7. Second, the Minister of State who is responsible for human rights has two seemingly contradictory roles. He is also the Minister of State for Trade. He therefore combines the two jobs of on the one hand prosecuting the United Kingdom's trading interest and on the other hand advocating human rights. It is inevitable that these two roles will sometimes stand in sharp contradiction. The Committee asked the Minister about his dual responsibilities. He said: "I think that it is pretty much standard practice that UK Ministers have raised human rights issues but raised a lot of other issues as well...I certainly do not have any problems in raising the issue of human rights at appropriate opportunities and then also raising trade matters."⁸

8. In the light of these developments we share some of Amnesty International's concerns, when they said: "The manner in which the 2005 report has been produced, the less than rational inclusion of human rights under sustainable development, changes to the funding arrangements for human rights projects, and even the less central location for the Human Rights, Democracy and Good Governance Group within the FCO all point to what we consider to be the declining influence of human rights in shaping UK foreign policy."⁹

9. We conclude that the Government risks downgrading its human rights work by combining human rights responsibilities with trade in the person of the same minister and also by subsuming human rights work into the more general category of sustainable development.

5 Ev 2, para 6

6 Ev 47, para 1

7 Ev 3, para 7

8 Q 72

9 Ev 3, para 11

2 The International Framework

The United Nations

10. The UN Commission for Human Rights (UNCHR) is at present the chief UN forum for discussion of human rights. The 61st session of the UNCHR took place in Geneva from March to April 2005. The FCO Report commented on the events at the last session.

- “The issue of how to address the human rights situation in individual countries is now, more than ever, the main area of disagreement within the CHR”.
- EU successes: resolutions on Democratic People’s Republic of Korea, Burma, Belarus, Colombia and Afghanistan, and secured “strong, consensus texts” on Sudan and Nepal.

11. However, the UNCHR has come under criticism, since some countries argue that ‘naming and shaming’ at UNCHR is an infringement of national sovereignty, while others regret the role played by states with bad human rights records, such as Libya, in the work of the Commission thanks to the intricacies of UN General Assembly voting alliances.

12. In an effort to resolve these problems, at the World Conference in August 2005 the United Nations General Assembly agreed to establish a Human Rights Council (HRC), which would replace the UNCHR. The HRC “will assume the mandate of the Commission on Human Rights”. The HRC will have 30 to 50 members, each elected by the General Assembly for three years by a two thirds majority, on a geographical basis. Each member will undertake to fulfil human rights standards and face evaluation under the review mechanism. The HRC will serve as a forum on thematic human rights questions; promote international co-operation in concert with the Office of the High Commissioner for Human Rights; streamline human rights work in the UN system; review human rights in Member States; consult with non-governmental organisations; and publish an Annual Report for the General Assembly. The UN World Conference also strengthened the powers of the High Commissioner on Human Rights.¹⁰ The United Kingdom has welcomed the establishment of the Council, although its establishment is taking longer than its advocates had hoped.¹¹

13. Kate Allen from Amnesty International made clear what she hoped for from the Council, saying that it should operate on the same level as the Economic and Social Council. “We think that it needs to meet regularly, we think it needs to examine all countries; and we think it needs to have ability to deal with urgent situations.”¹² She went on to emphasise the necessity of an expanded budget and of consultation with NGOs.¹³

14. The Minister went some way to assuage Amnesty International’s concerns, when he told the Committee: “We also want [the HRC] to be a standing body that provides good

10 United Nations World Conference, Draft Outcome Document, 5 August 2005

11 Royal Institute of International Affairs, Speech by Ambassador John Bolton of the USA, 14 October 2005

12 Q 1

13 Q 1

access to non-governmental organisations.”¹⁴ He outlined how the “UK as the EU Presidency, has taken a leading role in developing the EU’s position [on the HRC], including drafting and co-ordinating all the EU statements and position papers on the Council.”¹⁵ The Minister described the international lobbying campaign the UK is undertaking on the Human Rights Council, stating that “we are just about to enter a process of negotiations in terms of the exact remit of the Human Rights Council.”¹⁶ We also recognise that the United Kingdom has worked hard to bring serious human rights abusers to the attention of the UN Security Council; for instance, the UN Security Council discussed a report on human rights in Zimbabwe in July 2007 at the request of the United Kingdom and the USA, and the Government has previously called for discussions on Burma and Uganda.¹⁷

15. We welcome moves to establish a permanent Human Rights Council. We recommend that the Government ensure that the Council starts its work at the earliest opportunity. We further recommend that the Government outline what measures will be put in place to ensure that the Council’s work does not suffer from tactical voting or ideological opposition from particular states, as was the problem with the UN Commission on Human Rights. We also recommend that the United Kingdom, as a permanent member of the UN Security Council, should continue to make its utmost endeavours to bring the serious human rights situation in states such as Burma, Uganda and Zimbabwe to the Security Council’s attention.

European Union

16. The European Union has placed human rights at the centre of its Common Foreign and Security Policy (CFSP). Our predecessor committee asked the Government how it would shape the human rights debate in 2005 during its presidency of the European Union. The Government responded by describing its work to extend the remit of the European Monitoring Centre on Racism and Xenophobia (EUMC) in order to create a Fundamental Rights Agency (FRA). The Government also outlined its support for Michael Matthiessen in his post of Personal Representative of the Secretary General/High Representative on Human Rights in the area of Common Foreign and Security Policy, and said that the United Kingdom would urge him to implement the EU’s existing human rights tools.¹⁸ The FCO wrote: “The Government’s primary objective on human rights during their EU presidency is effective and results-focused delivery of the EU’s current wide range of human rights activity...We also aim to use our presidency to further embed “mainstreaming” of human rights in wider EU work.”¹⁹

14 Q 76

15 Q 75

16 Q 75

17 “Zimbabwe discussed at UN Security Council”, *BBC News Online*, 27 July 2005, news.bbc.co.uk; “UN stages rare Burma discussion”, *BBC News Online*, 17 December 2005, news.bbc.co.uk; “UK wants UN report on war in North”, *Daily Monitor*, 16 December 2005

18 Foreign & Commonwealth Office, *Response of the Secretary of State of Foreign and Commonwealth Affairs, Annual Report on Human Rights*, Cm 6571, May 2005

19 Foreign & Commonwealth Office, *Response of the Secretary of State of Foreign and Commonwealth Affairs, Annual Report on Human Rights*, Cm 6571, May 2005

17. We recommend that the Government set out in its response to this Report the human rights achievements and disappointments of its Presidency of the European Union.

18. One particular area of success for the EU's human rights policy is in Turkey. Ankara's application to the European Union is dependent on complying with European standards in many areas, including human rights. The FCO Annual Report outlined some of the improvements recently made by Turkey, including:

- Turkey's work to implement the Council of Europe's Committee for the Prevention of Torture's recommendations, although impunity continues to exist in the security forces.
- The introduction of a new penal code which has "narrowed the scope for convictions of those expressing non-violent opinion" and growing freedom of religion thanks to a new law on foundations, which will put to rest some legal disputes over legal institutions.²⁰
- Greater efforts to comply with the decisions of the European Court of Human Rights, including a review of the controversial sentence of death against Kurdish guerrilla leader, Abdullah Ocalan, in 1999.
- The appointment of a civilian to the National Security Council for the first time.
- A slow process of transformation in the Kurdish regions thanks to a series of reforms implemented since 2000; these changes included new Kurdish language TV channels.
- A strengthening of women's rights, by removing sentence reductions for honour killings.

19. Yet, much work still needs doing. Human Rights Watch contend that:

torture remains common in Turkey today. While the government has declared "zero tolerance" for torture and introduced important reforms in the past five years that have significantly reduced the frequency and severity of torture, ill-treatment persists because police and gendarmes (soldiers who police rural areas) in some areas ignore the new safeguards. Due to poor supervision of police stations, certain police units deny or delay detainees access to a lawyer, fail to inform families that their relatives have been detained, attempt to suppress or influence medical reports which record ill-treatment, and still do not reliably apply special protections for child detainees.²¹

20. The Kurdish Human Rights Project have similar concerns, describing the report as "too conciliatory", and saying that "although it is agreed that Turkey has recently introduced a wide range of legal and other reforms, KHRP...remain concerned that these reforms have

20 *Human Rights Annual Report 2005*, p105

21 "Torture Worldwide", *Human Rights Watch*, 27 April 2005

not been put into practice.”²² Violations included torture and the limited implementation of the new laws on the use of the Kurdish language.²³

21. However, the FCO stressed its belief in the implementation of human rights improvements in Turkey thanks to the incentive of EU accession, stating: “The Government has every confidence that the impetus towards human rights improvements in Turkey will be maintained following the start of EU accession negotiations. In response to the publication on 9 November of the European Commission’s 2005 Regular Report on Turkey, the Turkish Foreign Minister said ‘Our government is determined to implement the reforms, to deepen and strengthen democracy. We know our deficiencies and we are determined to overcome them in the coming process.’”²⁴

22. We conclude that the incentive of EU accession has played an important role in prompting human rights improvements in Turkey. We recommend that the Government support the Turkish government in its implementation of legislative changes, and that it maintain pressure on Turkey to make further reforms.

International criminal architecture

The International Criminal Court (ICC)

23. The United Kingdom is a longstanding supporter of the International Criminal Court (ICC). The FCO’s response to the Committee’s Report last year said: “We believe in a strong International Criminal Court with global membership and jurisdiction to fight impunity for the most heinous crimes; crimes against humanity, genocide and war crimes. We are working with EU partners to urge more states to accede to the Rome Statute of the ICC so that the Court can enjoy the widest possible jurisdiction.”²⁵ The Minister also told the Committee that the United Kingdom has “concluded agreements on information sharing and on witness relocation with the Court and we are negotiating an agreement on sentence enforcement.”²⁶

24. The Annual Report describes:

- The first referral to the ICC by the UN Security Council, in March 2005, of the case of Darfur in Sudan, and the subsequent start of an investigation by the Prosecutor, in June 2005.
- Investigations into two other cases: abuses in the Democratic Republic of Congo and the Lord’s Resistance Army in Uganda.
- A budget of £46.4 million for 2005, of which the United Kingdom pays £5.9 million (12.8%).

22 Ev 100

23 Ev 100

24 Ev 48, para 5

25 Foreign & Commonwealth Office, *Response of the Secretary of State of Foreign and Commonwealth Affairs, Annual Report on Human Rights*, Cm 6571, May 2005.

26 Q 86

- Ratification of the Rome Statute by five more states, taking the total to 99.

25. The Annual Report also touched on the question of the United States' unwillingness to support the ICC, saying: "Not all states support the ICC. Some, most notably the US, are concerned that their citizens could be subjected to politically motivated 'nuisance' cases. We are satisfied that the safeguards in the ICC Statute will prevent the Court from pursuing such cases. We welcomed the flexibility shown by the US in allowing the Security Council to refer Darfur to the ICC."²⁷

26. The United States has sought the agreement of states to sign non-surrender agreements for American citizens in the event of a request from the ICC; around 100 have been signed so far.²⁸ Commenting on the problem of the USA and the ICC, Human Rights Watch regretted "that the UK support for the court has not always been as strong as we would have hoped. Thus, in July 2004, the UK was ready to permit the United States to force through a resolution which would have allowed Washington to renew a special immunity from the court. Other governments resisted the proposal strongly, and the US was eventually forced to withdraw its dangerous resolution. Britain was, at that time, supporting rather than confronting Washington's dangerous actions."²⁹ Human Rights Watch did, however, praise the Government's role in persuading the USA not to block the referral of Darfur to the ICC, "by the end if not at the beginning."³⁰ Human Rights Watch also raised concerns that the presentation of the referral of the Lord's Resistance Army indictment "was done at a press conference by the Ugandan president, and it almost appeared to be a government indictment...and I think it was very unfortunate for the prosecutor to be standing there publicly side by side with the president."³¹

27. We asked the Minister about the ICC and he made clear to the Committee that the USA's stance on the ICC was "a point of disagreement between us and the Americans."³² He also stated that the United Kingdom had not signed a non-surrender agreement with the USA, and had no plans to do so.³³

28. We recommend that in its response to this Report the Government set out what it is doing to encourage other states actively to support the ICC.

International Criminal Tribunal to the former Yugoslavia (ICTY)

29. The Annual Report describes the work of the International Criminal Tribunal for the former Yugoslavia (ICTY), outlining how the Tribunal needs to transfer some smaller scale cases to local courts and how UNSCR 1581 will make trial proceedings more efficient. Recent events have changed circumstances. On 4 October 2005 Prosecutor Carla del Ponte announced that Croatia was in compliance with the ICTY demands and Croatia's

27 Human Rights Annual Report 2005, p157

28 "Court probes Sudan 'war crimes'", *BBC News Online*, 6 June 2005, news.bbc.co.uk

29 Ev 24

30 Q 2

31 Q 2

32 Q 80

33 Q 87

negotiation talks for accession to the EU started.³⁴ Then on 8 December 2005, Croatia's foremost war crimes indictee, General Ante Gotovina, was arrested in Spain.³⁵

30. Before these events, concerns existed that Croatia's entry to the EU was part of a political deal to ease Turkish entry to the European Union. Indeed, Steve Crawshaw told the Committee: "We would regret very deeply if political deals were done which meant that justice was put to one side."³⁶

31. Other states such as Bosnia and Herzegovina and Serbia and Montenegro now need to fulfil their obligations to the ICTY; the war crimes indictees Radovan Karadic and Ratko Mladic are still at large. The Minister told us: "We have made it very plain to Croatia and to Serbia that they must co-operate with the International Criminal Tribunal to the former Yugoslavia and we have stressed to them that their Euro-Atlantic integration—ie their membership of the European Union and of NATO—would depend on it."³⁷

32. We conclude that the capture of war crimes indictee Ante Gotovina is a most welcome development, but stress that accession to either the EU or NATO should remain impossible for any of the Balkan states, including Croatia, until they have fulfilled all of their obligations to the International Criminal Tribunal for the former Yugoslavia.

34 "Analysis: Croatia in EU limbo", *BBC News Online*, 3 October 2005, news.bbc.co.uk

35 "Croatian fugitive general seized", *BBC News Online*, 8 December 2005, news.bbc.co.uk

36 Q 4

37 Q 92

3 War against Terrorism

33. The Human Rights Annual Report explicitly states: “Our experience in counter-terrorism tells us that respect for human rights is vital for long term success in the fight against terrorism”.³⁸ However, both Amnesty and Human Rights Watch contend that the war against terrorism has led to a large number of human rights abuses and both identify the behaviour of the United States over the past year as a significant challenge to the international consensus on human rights. Pointing to this contradiction, the Council for Arab-British Understanding wrote: “It is our belief that in the war on terrorism, it is vital that we uphold the standards of the rule of international law and demonstrate fairness in application. A failure to do so serves only the interests of the extremists who will highlight this in their propaganda.”³⁹

34. The Government has made clear its opposition to the use of torture. Jack Straw told the Committee in December 2005: “Plainly torture is illegal, complicity in torture is also illegal—it is illegal under our law and under international law.”⁴⁰ Moreover, a growing number of issues linked to the war against terrorism have raised concerns about the widening gulf between the rhetoric of freedom and the implementation of extrajudicial detentions and other human rights abuses. Human Rights Watch commented on the United Kingdom’s softening position on the use of torture and its silence on the USA’s abuses. “In effect, torture has become a relative matter—to be condemned in all circumstance, except where toleration of torture may appear useful in the war on terror. There appears to be a creeping belief that human rights and security should be treated as alternatives. They are not.”

Guantánamo Bay

The FCO Report

- In January 2005 the remaining four detainees returned to the United Kingdom. Five came back in March 2004. However, since the Australian detainee David Hicks won a legal judgement to award him UK citizenship which is subject to appeal by the Government. been awarded UK citizenship. Six non-UK citizens, formerly resident in the United Kingdom, are also in the camp.
- “The UK position has always been clear. The Government believe that [the British detainees] should either be tried fairly in accordance with international standards or be returned to the UK.”
- “British detainees have made a number of allegations about their treatment at Guantánamo Bay. The Government has pursued the allegations with the US government.”

38 *Human Rights Annual Report 2005*, p187

39 Ev 104

40 Oral evidence taken before the Foreign Affairs Committee on 13 December 2005, HC 768-i, Q 35

- The Government argues that the information given by the detainees “has helped to protect the international community from further Al Qaida and related terrorist attacks.”
- The Government welcomes the US talks with UN Special Rapporteurs on Torture seeking access to Guantánamo, in the hope that engagement will lead to agreement.

35. Amnesty International has attacked the system of detentions at Guantánamo Bay, saying:

The detention camp at the US Naval Base in Guantánamo Bay in Cuba has become a symbol of the US administration’s refusal to put human rights and the rule of law at the heart of its response to the atrocities of 11 September 2001. Hundreds of people of around 35 different nationalities remain held in effect in a legal black hole, many without access to any court, legal counsel or family visits. As evidence of torture and widespread cruel, inhuman and degrading treatment mounts, it is more urgent than ever that the US Government bring the Guantánamo Bay detention camp and any other facilities it is operating outside the USA into full compliance with international law and standards. The only alternative is to close them down.⁴¹

According to Human Rights Watch, detainees in Guantánamo are subjected to sleep deprivation, loud music, dietary manipulation, isolation, ‘hooding’, sensory deprivation, exposure to extremes of temperature, and ‘water boarding’, which involves the simulation of drowning.⁴² However, the US government has issued strong denials of mistreatment at the facility.⁴³ The USA has also made clear that it will continue to hold detainees at Guantánamo Bay, and the US Supreme Court ruled in June 2004 that detainees had a right to appeal their detention, but that they can also be held without charge or trial. The House of Representatives Armed Services Committee has also heard evidence on the Guantánamo Bay complex, but has not opposed the prison complex’s existence.⁴⁴ In its Report last year, the Committee called on the Government to make strong representations about the abuses committed at Guantánamo Bay. The Government responded both by saying that the US authorities were familiar with the UK position and by expressing support for the negotiations between the UN Rapporteurs on Torture and the US government.⁴⁵

36. However, Human Rights Watch contend that “the UK government chooses to praise the US government even while it remains in blatant defiance of international law. As far as we are aware, the British government has not expressed its concerns about the US failure

41 Amnesty International, “Guantánamo Bay: A Human Rights Scandal”, at http://web.amnesty.org/pages/Guantánamo_bay-index-eng

42 “Interrogation techniques for Guantánamo Detainees”, *Human Rights Watch*, 2003

43 “US rejects Guantánamo criticism”, *BBC News Online*, 10 January 2006, news.bbc.co.uk

44 “At hearing Guantánamo wins praise and criticism”, *Boston Globe*, 30 June 2005

45 Foreign & Commonwealth Office, *Response of the Secretary of State of Foreign and Commonwealth Affairs, Annual Report on Human Rights*, Cm 6571, May 2005

to provide the conditions in which rapporteurs can do their work. Instead, it has publicly ‘welcomed’ the alleged ‘engagement’, which has so far proved worthless.”⁴⁶

37. Kate Allen of Amnesty International told the Committee, in relation to the Annual Report: “I think we have moved from commenting in that report on Guantánamo to an attempt to offer an explanation as to why Guantánamo might be necessary.”⁴⁷ She added that Amnesty International saw the Government’s record on Guantánamo as “lamentable and not improving”.⁴⁸ Amnesty International also brought forward their concerns about the 210 men on hunger strike in Guantánamo Bay, and said that if diplomatic routes are not working, then the United Kingdom should take a more publicly critical stance against the detention facility.⁴⁹

38. The Minister for Human Rights was quick to reject these suggestions. He told us: “We made clear to the US authorities on many occasion and at every level that we regard the circumstances under which detainees are held in Guantánamo Bay as unacceptable, and the US Government knows our view on this.”⁵⁰

39. We conclude that the continued use of Guantánamo Bay as a detention centre outside all legal regimes diminishes the USA’s moral authority and is a hindrance to the effective pursuit of the war against terrorism. We recommend that the Government make loud and public its objections to the existence of such a prison regime.

Extraordinary or irregular rendition

40. As part of its efforts in the war against terrorism, the US government has made use of extraordinary rendition, a procedure whereby criminal suspects are sent to other countries for interrogation. That interrogation may involve the use of torture by the recipient state. Detainees have no access to lawyers and details of their detention may not be passed to the relevant consulates; they may be sent to Egypt, but other destinations may include Jordan, Morocco, Uzbekistan and Pakistan. Accusations have also emerged suggesting that the USA sends or renders terrorism suspects to a system of prisons across Eastern Europe, possibly in Poland and Romania, and Asia, known to the CIA as “black sites”. This policy is known as “extraordinary rendition”. An article by Dana Priest in the *Washington Post* referred to a Soviet era compound in Eastern Europe: “The secret facility is part of a covert prison system set up by the CIA nearly four years ago that at various times has included sites in eight countries, including Thailand, Afghanistan and several democracies in Eastern Europe, as well as a small centre at the Guantánamo Bay prison in Cuba...The hidden global network is a central element in the CIA’s unconventional war on terrorism.”⁵¹

46 Ev 27

47 Q 6

48 Q 6

49 Q 6

50 Q 94

51 “CIA holds terror suspects in secret prisons”, *Washington Post*, 2 November 2005

41. Other evidence of extraordinary rendition includes details Amnesty International outlined to us of “ghost detainees”. This was referred to in the report by Major General Taguba into the scandal at Abu Ghraib prison in Iraq, and described by Amnesty International as the “clear documentation that these are the practices that the US administration is using.”⁵² The Intelligence and Security Committee also quoted the Security Service in a report of March 2005 saying: “Clearly the US is holding some Al Qaida members in detention, other than at Guantánamo, but we do not know the locations or terms of their detention and do not have access to them. The US authorities are under no obligation to disclose to us details of all their detainees and there would be no reason for them to do so unless there is a clear link to the UK.”⁵³ Additionally, Kate Allen of Amnesty International pointed in her testimony to the cases of two men, Muhammed Bashmilah and Salah Salim Ali, from Yemen; they were arrested in Jordan in 2003, and then held incommunicado for more than a year, were transported between detention facilities and interrogated by guards they said were from the USA.⁵⁴ Steve Crawshaw of Human Rights Watch referred to a series of investigations carried out by Human Rights Watch into airplane logs, and flights between Afghanistan and Romania and Poland.⁵⁵

42. These accusations raise serious concerns about the scale of the USA’s extrajudicial detentions. Critics have suggested this policy amounts to torture by proxy and argued that it is in breach of international law since the Convention against Torture and other Degrading or Inhuman Treatment (CAT) prohibits sending people to destinations where they may be in danger of torture. The Convention states in Article 2(2): “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”⁵⁶ Article 3(1) states: “No State party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”⁵⁷

43. An element of debate revolved around differences in definition of torture between the USA and the UK, which may have given the US wider leeway to carry out these activities. However, the Foreign Secretary Jack Straw was quick to emphasise that while US law differed from that in the United Kingdom, both states adhered to the CAT.

On the question of definitions [of torture], the United Kingdom understands the term “torture” to have the meaning set out in Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Article 1 CAT defines torture as ‘any act by which severe pain or suffering whether physical or mental is intentionally inflicted...’. It does not, however, give specific examples of what constitutes torture. The understanding of the definition of torture made by the US on ratifying CAT specifies the meaning of “mental pain or suffering”

52 Q 10

53 Intelligence and Security Committee, *The handling of detainees by UK Intelligence personnel in Afghanistan, Guantánamo Bay and Iraq*, Cm 6469, March 2005

54 Q 13; “US challenged over secret jails”, *BBC Online News*, 5 August 2005, news.bbc.co.uk

55 Q 9

56 DJ Harris, *Cases and materials in international law*, (London, 1998) p 711

57 DJ Harris, *Cases and materials in international law*, (London, 1998) p 711

in more detail than Article 1 CAT. The UK made no reservations or understandings on ratification and has not adopted a formal definition of what constitutes mental pain or suffering for the purposes of Article 1. Section 134 of the Criminal Justice Act 1988 provides that a public official commits torture if he intentionally inflicts severe pain or suffering on another in the performance of his duties, and does not define “severe pain or suffering”.... On the question of definitions, I would also note that, under US legislation, the term ‘cruel, inhuman or degrading treatment’ is to be interpreted according to the US Constitution. But the essential fact is that “cruel, inhuman or degrading treatment” of any detainees held by the US Government anywhere is legally banned under US law.⁵⁸

Nonetheless, a range of investigations into extraordinary rendition and black sites have been launched across Europe, driven by concerns about the use of torture. The Council of Europe has launched an investigation and invoked Article 52 of the European Convention on Human Rights, formally requesting information from forty-five governments.⁵⁹ Investigations are also under way at a judicial level in Germany, Italy and Spain into extraordinary renditions.

44. The US Secretary of State, Condoleeza Rice has denied the use of torture, in response to a letter written by Foreign Secretary Jack Straw on behalf of the United Kingdom as Presidency of the European Union. On 5 December 2005 she said:

Rendition is a vital tool in combating trans-national terrorism. Its use is not unique to the United States, or to the current administration...[However] the United States does not permit, tolerate or condone torture under any circumstances.

- The United States has respected—and will continue to respect—the sovereignty of other countries.
- The United States does not transport, and has not transported, detainees from one country to another for the purpose of interrogation under torture.
- The United States does not use the airspace or the airports of any country for the purpose of transporting a detainee to a country where he or she will be tortured.
- The United States has not transported anyone, and will not transport anyone, to a country when we believe he will be tortured. Where appropriate, the United States seeks assurances that transferred people will not be tortured.⁶⁰

45. Although the Annual Report makes no mention of the British stance on rendition, allegations have also surfaced that the United Kingdom may be playing a role in the process of extraordinary rendition by turning a blind eye to the USA’s activities,. Reports in the Guardian newspaper in September 2005 said: “Aircraft involved in the operations have flown into the UK at least 210 times since 9/11, an average of one flight a week. The 26-

58 Ev 81

59 “Reports of illegal detention and ‘rendition flights’ in Council of Europe member states—the Secretary General activates the procedure under Article 52 of the European Convention on Human Rights”, Council of Europe Press Release, 636a (2005), 23 November 2005

60 US Department of State, Secretary Condoleeza Rice, Remarks upon her departure for Europe, 5 December 2005

strong fleet run by the CIA have used 19 British airports and RAF bases, including Heathrow, Gatwick, Birmingham, Luton, Bournemouth and Belfast. The favourite destination is Prestwick, which CIA aircraft have flown into and out from more than 75 times. Glasgow has seen 74 flights, and RAF Northolt 33.”⁶¹ The Government outlined what obligations flights passing through the United Kingdom had to disclose passenger lists:

Official permission (ie diplomatic clearance) is not needed for non-scheduled, non-commercial civil aircraft, including VIP flights over-flying or landing at civilian airports in the UK. In such cases the flight operator simply files the aircraft flight plan to the central Integrated Flight Plans Systems (IFPS). In the case of military or State aircraft landing at military airfields, clearance is sought from the MOD. Certain countries have a block clearance on a yearly renewable basis in a quid pro quo agreement (US, Germany, Italy and many others). Otherwise all nations must formally request permission to land or transit. However, neither international nor national aviation regulations require the provision of passenger information when transiting UK territory or airspace.⁶²

46. A range of instruments to which the United Kingdom is a signatory prohibit torture, including the European Convention on Human Rights, and prohibition of torture is considered a customary international law in some circles.⁶³ While the evidence at present is circumstantial, the United Kingdom has an obligation to investigate these allegations, according to Professor James Crawford of Cambridge University. He wrote in an opinion for the All Party Group on Extraordinary Rendition, chaired by Andrew Tyrie MP: “Regardless of the United States’ position, the United Kingdom has an independent obligation to ensure that its territory is not used to send any person to a country where there is a real risk that he may be tortured.” He went on to describe how international law requires that torture be guarded against by active measures, pointing particularly to the duty to enquire. “The duty to investigate arises where a prima facie case exists that the Convention has been breached. Credible information suggesting that foreign nationals are being transported by officials of another state, via the United Kingdom, to detention facilities for interrogation under torture, would imply a breach of the Convention and must be investigated.”⁶⁴ Steve Crawshaw agreed with this point of view when he told us: “I think merely to say, “Oh we did not know”, is a most inappropriate response...If they did not know, why are they not asking the questions?”⁶⁵

47. Last year the Committee examined the issue of extraordinary rendition and concluded in its Report on Foreign Policy Aspects of the War against Terrorism: “If the government believes that extraordinary rendition is a valid tool in the war against terrorism, it should say so openly and transparently so that it may be held accountable. We recommend that

61 “CIA terror flights: destination Cairo”, *The Guardian*, 12 September 2005

62 Ev 80

63 DJ Harris, *Cases and materials in international law*, (London, 1998) p 727

64 Professor James Crawford, Opinion: Extraordinary rendition of terrorist suspects through United Kingdom territory from All Party Group on Extraordinary Rendition

65 Q 11

the Government end its policy of obfuscation and that it give straight answers to the Committee's questions of 25 February."⁶⁶

48. The Government responded by claiming that its response had given a clear explanation of its policy towards rendition, saying that its "policy is not to deport or extradite any person to another state where there are substantial grounds to believe that the person will be subject to torture...The British Government is not aware of the use of its territory or airspace for the purposes of 'extraordinary rendition'."⁶⁷ The Foreign Secretary also issued a long statement on extraordinary rendition on 20 January 2006, in which he made reference to a leaked document which appeared to demonstrate the Government's determination to limit debate on rendition; in the statement, Jack Straw said again that the United Kingdom had no knowledge of the transfer of people through British airspace for the purposes of extraordinary rendition, and that the FCO had completed a search for any requests from the USA.⁶⁸

49. The Government is sticking to this line. The Foreign Secretary told us on 24 October 2005 that its position in respect of extraordinary rendition "has not changed. We are not aware of the use of our territory or air space for the purpose of extraordinary rendition. We have not received any requests or granted any permissions for use of UK territory or air space for such purposes. It is perfectly possible that there have been two hundred movements of United States aircraft in and out of the United Kingdom and I would have thought it was many more; but that is because we have a number of US air force bases here, which, under the Visiting Forces Act and other arrangements they are entitled to use under certain conditions."⁶⁹ On 12 December 2005 the Foreign Secretary issued a written answer stating that research by Government officials had failed to identify any occasion since 11 September 2005 when the USA had requested permission for a rendition from or through the United Kingdom.⁷⁰

50. Ian Pearson, the Minister of State, echoed this stance, saying: "We have not received any requests and we have not granted any permission for the use of UK territory or airspace for such purposes, so we can be very clear on that. The issue, however, arises because under UK and international law carriers are not obliged to provide a passenger list or to obtain permission from the Government to refuel."⁷¹ He also rejected suggestions that officials had kept the information from Ministers, and made clear that the Government, which included officials and ministers, was "not aware" of the use of British airspace for extraordinary rendition, although the Government was "very aware of the allegations."⁷² Kim Howells, Secretary of State for Foreign and Commonwealth Affairs, said on 10 January 2006: "If we were requested to assist another state in a rendition operation and

66 Foreign Affairs Committee, Sixth Report of Session 2004–05, *Foreign Policy Aspects of the War against Terrorism*, HC 36-I, para 94

67 Foreign & Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs, Sixth Report of the Foreign Affairs Committee, 2004–05, Foreign Policy Aspects of the War Against Terrorism*, June 2005, Cm 6590

68 HC Deb, 20 January 2006, col 38WS

69 Oral evidence taken before the Foreign Affairs Committee on 24 October 2005, HC 573-ii, Q 105

70 HC Deb, 12 December 2005, Col 1652W

71 Q 100

72 Q 119

such assistance were lawful, we would decide whether or not to do so, taking into account all the circumstances. We would not assist in any case if doing so put us in breach of UK law or our international obligations, including those under the UN convention against torture.”⁷³

51. While we welcome the decision to ask for more information at the EU level, we seriously regret that the Government failed to request information at a bilateral level and that only after prodding by European Union member states has the Government made any effort to investigate serious allegations.

52. We conclude that the Government has a duty to enquire into the allegations of extraordinary rendition and black sites under the Convention against Torture, and to make clear to the USA that any extraordinary rendition to states where suspects may be tortured is completely unacceptable.

53. In December 2005 Foreign Secretary Jack Straw told us: “At the same time we have to take account of our suspicions as to where [intelligence] has come from and not ever either to authorise the use of torture in the obtaining of intelligence or to suggest that we are somehow complicit or accommodating to this, because we are not, and I am not. I am against it.”⁷⁴ However, a number of allegations about extraordinary rendition have continued to arise, such as that involving Benyam Mohammed al-Habashi who claims that he was subject to rendition,⁷⁵ and the Committee has requested additional information from the Foreign and Commonwealth Office. We intend to pursue the matter of extraordinary rendition further in our ongoing inquiry into Foreign Policy Aspects of the War against Terrorism.

Use of information derived by torture

54. Another related concern is the use of information derived from states which practise torture. Former British Ambassador to Uzbekistan Craig Murray has contacted the Committee to allege the Government’s use of information provided by states which practise torture. He has drawn the Committee’s attention to certain documents which he feels demonstrate that the UK has used information acquired by torture, and the Committee has written to the FCO requesting the documents, which are classified.

55. Human rights organisations have concerns about the use of information derived from states which practise torture. The Campaign Against Criminalising Communities (CAMPACC) contend that the “UK cooperates with governments who regularly practise torture against detainees, thus acting in complicity in those acts. This liaison provides an incentive for such countries to torture their detainees.”⁷⁶ Steve Crawshaw from Human Rights Watch also told the Committee that when she was questioned on the use of information acquired by torture to the House of Lords, “Eliza Manningham-Buller in one of her submissions said as much as [this]: ‘We’re not going to ask, because that would

73 HC Deb, 10 January 2006, Col 152

74 Oral evidence taken before the Foreign Affairs Committee on 13 December 2005, HC 768-i, Q 28

75 “Straw faces MPs over claims MI6 delivered subject”, *The Independent*, 12 December 2005

76 Ev 109, para 2

make things difficult.”⁷⁷ Human Rights Watch condemned the Government’s use of information derived from states which use torture, saying that this “cannot simply be portrayed, as ministers are sometimes inclined to do, as a one-off example about when a government receives a key piece of information about an imminent attack. The policy cloaks a clear long-term relationship between the torturing regimes and recipients of the torturer’s information...It is regrettable if the UK government fails to understand the extent to which such a relationship gives comfort and encouragement to the torturers.”⁷⁸ The submission adds that often if the Government does not know about torture, “that is because it chooses not to know.”⁷⁹ Additionally, in a ruling by the House of Lords against the admissibility of evidence derived from torture on 8 December 2005, Lord Hofman stated: “The use of torture is dishonourable. It corrupts and degrades the state which uses it and the legal system which accepts it.”⁸⁰

56. In our Report Last year, we concluded that “we find it surprising and unsettling that the Government has twice failed to answer our specific question on whether or not the UK receives or acts upon information extracted under torture by a third country.”⁸¹ In response the Government told us that it evaluates all information, and takes its origins into account, but contended that this approach “is not the same as operating a general policy of use of information extracted under torture.”⁸²

57. We welcome the Minister of State Ian Pearson’s comments to us on 23 November 2005, when he told us that the United Kingdom had “extensive safeguards in regard to evidence that may be obtained by torture.”⁸³ However, we note that he added that when “we get to the situation where there is evidence that might prevent a future suicide bombing and we have suspicions that that evidence might have been obtained through torture, well, I think we have to use the evidence. I do not think that you can take a purist approach and completely ignore what might turn out to be vital evidence that will save the lives of UK citizens.”⁸⁴ He went on to say that if “we could save British lives by using some information which has been obtained by horrible means then I think we probably do have to do that.”⁸⁵

58. We welcome the Government’s new frankness on the question of the use of information derived by other states from torture. We recommend that a policy of greater transparency be maintained. However, we conclude that the use of such information presents serious ethical dilemmas in terms of complicity, especially in the

77 Q 49

78 Ev 26

79 Ev 26

80 Professor James Crawford, Opinion: Extraordinary rendition of terrorist suspects through United Kingdom territory from All Party Group on Extraordinary Rendition

81 Foreign & Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs, Sixth Report of the Foreign Affairs Committee, 2004–05, Foreign Policy Aspects of the War Against Terrorism*, Cm 6590, June 2005

82 Foreign & Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs, Sixth Report of the Foreign Affairs Committee, 2004–05, Foreign Policy Aspects of the War Against Terrorism*, Cm 6590, June 2005

83 Q 121

84 Q 122

85 Q 126

wake of a ruling by the House of Lords which described the use of torture as “dishonourable”. We recommend that the Government clearly set out its policy on the use of information derived by other states through torture in its response to this Report and that it encourage a public debate on the ethical dilemmas it faces.

Diplomatic Assurances

59. The Government wrote in its response to the Committee’s latest report on Foreign Policy Aspects of the War against Terrorism, that its “policy is not to deport or extradite any person to another state where there are substantial grounds to believe that the person will be subject to torture or where there is a real risk that the death penalty be applied.”⁸⁶ However, the Government has also sought measures to expel people suspected of engaging in terrorism or terrorism sponsoring activities. Part of this effort has included obtaining Memoranda of Understanding from a number of states including Jordan, Egypt, Libya and Algeria which offer diplomatic assurances that the extradited people will not suffer torture or ill treatment.⁸⁷ Libya for instance signed a Memorandum of Understanding with the UK on 18 October 2005.⁸⁸

60. There are however some doubts about the system of monitoring. Manfred Nowak, the UN Special Rapporteur on Torture, has expressed opposition to the use of diplomatic assurances by the United Kingdom.⁸⁹

In November 2004, the Committee against Torture, the body responsible for monitoring implementation of the [Convention Against Torture], the body responsible for monitoring implementation of the CAT, expressed concern at the UK’s use of diplomatic assurances...in circumstances where its minimum standard for such assurances, including effective post-return monitoring arrangements and appropriate due process guarantees were not wholly clear. The Committee requested that within one year the United Kingdom provide it with details on how many cases of extradition or removal subject to receipt of diplomatic assurances or guarantees has occurred since 11 September 2001, what the State Party’s minimum contents are for such assurances or guarantees and what measures of subsequent monitoring it has undertaken in such cases.⁹⁰

61. The legality of the Memoranda of Understanding is also questionable. The UN Convention against Torture and other Cruel, Degrading or Inhuman Treatment (CAT) explicitly prohibits the transfer of a person to a state where they may be in danger of torture, and recent jurisprudence has raised serious doubts about the validity of diplomatic assurances as a guarantee against torture. A ruling in the case of *Chahal v United Kingdom* (1996) by the European Court of Human Rights also established that diplomatic assurances

86 Foreign & Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs, Sixth Report of the Foreign Affairs Committee, 2004–05, Foreign Policy Aspects of the War Against Terrorism*, Cm 6590, June 2005

87 “Clarke outlines moves to expel troublemakers who back terror”, *Daily Telegraph*, 25 August 2005

88 “Libya promises not to torture deportees”, *Daily Telegraph*, 19 October 2005

89 Q 28

90 “Torture and other cruel, inhuman or degrading treatment or punishment”, United Nations Committee on Torture, 60th Session, 30 August 2005

are an inadequate guarantee where torture is “endemic” or a “recalcitrant or enduring problem”; and more recently a UK court found against extradition in *Russia v Zakayev* (2003) because Akhmed Zakayev, a prominent Chechen exile in London, since his treatment in detention in Russia could prejudice the outcome of his trial.⁹¹

62. Steve Crawshaw of Human Rights Watch attacked the use of Memoranda of Understanding, saying that “these things absolutely do not work, and indeed, that they cannot work.”⁹² Evidence from Human Rights Watch to the Human Rights Committee outlined why they feel they cannot work:

The issue of post return monitoring is clearly the most contested area presently in the debate over the use of diplomatic assurances. I think it is important to begin by saying what these proposed post return monitoring mechanisms are not. What they are not is anything that is comparable to the kind of systematic institutional-wide monitoring that the International Committee of the Red Cross undertakes. The International Committee of the Red Cross will not undertake monitoring in a detention facility unless they have global access to all of the prisoners in that facility. There are a number of reasons for that. One of the reasons is a moral one, which is that it is not morally acceptable to be in a situation where you are monitoring a select group of detainees within a facility while allowing the other detainees in the facility to be subject to whatever treatment they may be subject...The second reason is a practical one, which is that if you are conducting interviews with detainees, assuming that you have confidential access to the detainees, you are monitoring the entire population, if reports of ill-treatment come to your attention and you have interviewed 100 prisoners, you can take those reports as the International Committee of the Red Cross to the prison authorities without fear that the person who provided that information to you will be clearly identified and will be subject to reprisals or, indeed, their family members will be subject to reprisals. That is not the case in respect of the kind of monitoring which is proposed under these diplomatic assurances, or these Memoranda of Understanding as the UK terms them.⁹³

63. However, the Government claims the Memoranda of Understanding overcome any concerns, since they include a number of provisions for treatment in line with international standards, a prompt judicial process which would include a right to defence, and rights to meetings with an organisation nominated by both states as a monitor.⁹⁴ The Minister told us: “The wording of the MOUs makes clear that treatment is expected to be in accordance with international obligations...we will not send people back where there is a substantial risk that they will be tortured.”⁹⁵

91 “Empty Promises: Diplomatic assurances no safeguard against torture”, *Human Rights Watch*, April 2004

92 Q 25

93 Uncorrected transcript of oral evidence taken before the Joint Committee on Human Rights on 21 November 2005, HC 701-i, Q 15

94 Memorandum of understanding between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Hashemite Kingdom of Jordan regulating the provision of undertakings in respect of specified persons prior to deportation, at www.statewatch.org

95 Q 129

64. The text of the Memorandum of Understanding with Jordan reads: “If a returned person is arrested, detained or imprisoned within 3 years of the date of his return, he will be entitled to contact, and then have prompt and regular visits from the representative of an independent body nominated jointly by the UK and Jordanian authorities. Such visits will be permitted at least once a fortnight, and whether or not the returned person has been convicted, and will include the opportunity for private interviews with the returned person. The nominated body will give a report of its visits to the authorities of the sending state.”⁹⁶ The Minister described the purpose of such wording: “Written into the memoranda of understanding is information about the monitoring requirements, and so the intention is that we would deport suspected terrorists and we would do so to countries who signed memoranda of understanding and who agreed to monitoring arrangements.”⁹⁷ He added that the monitoring arrangements were still under discussion.⁹⁸

65. Nonetheless, we retain strong concerns that the monitoring arrangements are not adequate. Steve Crawshaw of Human Rights Watch made an important point when he told us: “I think [the Government] feel that the British public perhaps does not mind so much because they assume that those people deserve to have whatever happens to them happening to them, and that is a quite different argument which I would like to hear rather more bluntly put by the British government. If that is what they are thinking, then they should say that and not pretend that the torture will not in fact take place.”⁹⁹

66. We conclude that the Government should only use Memoranda of Understanding when it can be sure that the monitoring mechanisms in place are entirely effective, and that the Memoranda must not be used as a fig leaf to disguise the real risk of torture for deported terrorism suspects. We recommend that in its response to this Report the Government give full information on the monitoring arrangements which apply under existing Memoranda of Understanding, including where possible examples of how they work in practice.

Iraq

67. The Annual Report contains an extensive section on Iraq, which describes among other things the photographs taken in Abu Ghraib prison in 2004, and the subsequent investigation into abuses by the United States. It comments: “These enquiries concluded that the incidents of abuse were the result of the behaviour of a few sadistic individuals and a failure of oversight by commanders, rather than the result of US policy or procedures.”¹⁰⁰

68. However, some witnesses were critical of this part of the Annual Report. Kate Allen told the Committee that Amnesty “would question the broadly positive tone of that entry.” In addition, the Council for Arab-British Understanding (CAABU) in its submission pointed to gaps in the report, saying: “The primary concern that CAABU has with regards

96 Memorandum of understanding between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Hashemite Kingdom of Jordan regulating the provision of undertakings in respect of specified persons prior to deportation, at www.statewatch.org

97 Q 130

98 Q 130

99 Q 25

100 *Human Rights Annual Report 2005*, p 63

to the Iraq section of the Human Rights Report is the startling lack of a response to the alleged human rights violations during the assault on Falluja in November 2004. Amnesty International reported a number of breaches in human rights law on the part of American and Iraqi forces as well as on the part of insurgents. For example, health workers and medical facilities appeared to be a direct target of American and Iraqi forces... We strongly recommend the Foreign Office to make efforts to improve its monitoring of human rights abuses on the part of occupying forces in Iraq.”¹⁰¹ Our Committee also has particular concerns about the revelations about the use of white phosphorous in the campaign in Falluja in 2004.¹⁰²

69. The Jubilee Campaign also raised the lack of reference in the Report to some religious minorities in Iraq, saying: “The fact that the Iraq section of the FCO’s annual report gave no specific attention to the desperate situation of Iraq’s Christian community suggests that the Foreign Office has seriously underestimated the vulnerability of this community and the intensity of the pressures and attacks they are facing.”¹⁰³ The discovery by US troops of 170 detainees held by Iraqi government forces in terrible conditions in November 2005 raised other concerns; the Human Rights Minister told us that the Government was taking a strong interest in the subsequent investigation.¹⁰⁴

70. We recommend that the 2006 edition of the Annual Report should incorporate more information about the human rights situation in Iraq, including the impact on civilians of intense military operations such as those in Falluja in 2004, the position of Christian and other religious minorities and the treatment of detainees by the Iraqi government.

71. Another major human rights concern has been the treatment of detainees by US and UK troops, to which our predecessor committee gave serious attention last year. In response to our predecessor committee’s report, the Government wrote: “The Government have made clear to the US Government our concerns about the treatment of detainees in Iraq, Guantánamo Bay and Afghanistan and will continue to do so, as necessary.”¹⁰⁵

72. The Annual Report contains a section on the abuses committed by coalition forces in Iraq, which states that “the UK condemns utterly all forms of abuse and take allegations of abuse extremely seriously.”¹⁰⁶ It outlines the abuses committed by US personnel at Abu Ghraib and the subsequent investigations.¹⁰⁷ The report also describes the outcome of investigations of abuses committed by UK personnel, which resulted in a court martial in Osnabruck finding four men guilty of abuses. The Chief of General Staff Mike Jackson apologised and said that the British Army would examine the situation and implement

101 Ev 104

102 “White Phosphorous: A weapon on the edge”, *BBC News Online*, 16 November 2005, news.bbc.co.uk

103 Ev 115, para 9

104 Q 135

105 Foreign & Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs, Sixth Report of the Foreign Affairs Committee, 2004–05, Foreign Policy Aspects of the War Against Terrorism*, Cm 6590, June 2005

106 *Human Rights Annual Report 2005*, p 62

107 *Human Rights Annual Report 2005*, p 63

measures to ensure they do not take place again.¹⁰⁸ However, a video of British soldiers abusing Iraqis in early 2004, which was revealed in February 2006, raises renewed concerns.¹⁰⁹ **We urge the Government to ensure that all appropriate measures are in place to curtail any possibility of abuses by coalition forces, and we recommend that the Government set out what it has done to prevent their re-occurrence.**

73. However, Human Rights Watch was very critical on the question of US abuses. “These sections are seriously misleading. They appear to be deliberately framed in order to avoid confronting the reality. The evasion is inexcusable...We find it difficult to reconcile the facts set forth in Human Rights Watch’s reports on this subject with the conclusion in [the FCO Annual Report] report that ‘five substantial inquiries’ were conducted. In reality, the inquiries were not comprehensive, and were framed in a manner which ensured that senior military commanders and politicians would not be held accountable.”¹¹⁰

74. Tim Hancock from Amnesty International echoed Human Rights Watch’s concerns, saying: “We are still concerned about the way in which detainees are being treated. We do not think...that all the inquiries and all of the learning about Abu Ghraib has been done, particularly by the US government, and so in no way would we say we are comfortable with the US in particular continuing to hold detainees.”¹¹¹

75. The United Kingdom should play a particular role on this issue given its close alliance with the USA. Human Rights Watch said: “The voice of the UK is loudly heard in the United States. UK silence, in this context, is thus especially eloquent. In effect, the silence makes the United Kingdom complicit with US crimes. This silence, combined with misleading characterisations which actively seek to exculpate the US administration in its trampling of international commitments, should finally come to an end.”¹¹²

76. We conclude that the United Kingdom has a responsibility to engage its ally both privately and publicly on the question of abuses by US troops. We recommend that the Government make clear and public its condemnation of human rights abuses committed by any of the multinational forces in Iraq, and that its coverage in the human rights report should expand to include more detail of the USA’s investigations into abuses committed by its soldiers and of the measures in place to prevent their recurrence.

Trial of Saddam Hussein

77. Another issue of the greatest interest for human rights in Iraq is the trial of Saddam Hussein which opened on 19 October. The only charges so far detailed against Saddam and seven associates relate to 143 executions in the Shia village of Dujail in 1982, which followed a failed assassination attempt on Saddam as his motorcade passed through the

108 *Human Rights Annual Report 2005*, p 63

109 “Blair promises Iraq abuse probe”, *BBC News Online*, 12 February 2006, news.bbc.co.uk

110 Ev 22

111 Q 30

112 Ev 22

town. All eight men pleaded not guilty and after just over three hours, the trial was adjourned until 28 November. The trial has since reopened.

78. In its Report in July 2004, our predecessor committee assessed the role played by the United Kingdom in assisting the new Iraqi judiciary and Iraqi Special Tribunal (now known as the Supreme Iraqi Criminal Tribunal). The British assistance involved:

- a “significant contribution” in the area of human rights;
- developing the tribunal’s investigations strategy;
- training judges for the tribunal;
- assisting the drafting of the Statute and Rules of Procedure for the tribunal; and
- assisting the redrafting of the Rules of Procedure and the drafting of Elements of Crime.¹¹³

79. However, a report by Human Rights Watch released on 16 October 2005 sets out a list of problems with the tribunal that it argues risk violating basic fair trial guarantees protected by international human rights law. These include:

- No requirement to prove guilt beyond reasonable doubt.
- Inadequate protections for the accused to mount a defence on conditions equal to those enjoyed by the prosecution.
- Disputes among Iraqi political factions over control of the court, jeopardising its appearance of impartiality.
- A draconian requirement that prohibits commutation of death sentences by any Iraqi official, including the president, and compels execution of the defendant within 30 days of a final judgment.¹¹⁴

In their submission, Human Rights Watch said that “it is wrong to think that judicial shortcuts—including, for example a lower threshold of guilt than the international norm—help to create a more stable Iraq.”¹¹⁵ Another problem raised in our evidence sessions was the question of security of lawyers and witnesses. Kate Allen said: “I think that the murder of some of the lawyers involved is deeply to be regretted and I think that the Court needs to consider what protection it needs to be able to restart this process.”¹¹⁶

80. We asked the Minister for Human Rights about these problems and he told us: “We want to ensure that Saddam receives proper justice and a transparent and an open trial process...We have been encouraging the Iraqi government to make sure that all the necessary steps are taken to provide protection for the legal team and, indeed, all those

113 Foreign Affairs Committee, Seventh Report of Session 2003–04, *Foreign Policy Aspects of the War against Terrorism*, HC 441–I, paras 65–70

114 “The Former Iraqi Government On Trial”, *Human Rights Watch Briefing Paper*, 16 October 2005

115 Ev 21

116 Q 34

others who are involved in the trial process.”¹¹⁷ The walk out of the indictees from the trial in February 2006 also raises issues about the efficacy of the process.

81. We conclude that while the trial of Saddam Hussein is a matter for the Iraqi people, the Government should urge the Iraqi administration to ensure the trial fulfils the accepted norms of justice. We recommend that the Government set out in its response to this Report how the United Kingdom will do so, for instance by providing security for lawyers and witnesses at the trial and by offering support for the Iraqi authorities in ensuring the application of due process of law.

4 General themes

Democratisation

82. In the Annual Report, the FCO writes: “The period covered by this Report has seen extraordinary progress in the spread of democracy around the world. Events in Georgia and Ukraine, in particular, have highlighted the changes across Europe since the collapse of the Soviet Union. Elections in Iraq and Afghanistan have shown the strength of will of people to participate in the democratic process; at the same time, these elections have been an important element in the process of conflict resolution.”¹¹⁸

83. The Report covers Ukraine’s “Orange Revolution” in some detail, pointing out that the United Kingdom provided many observers for the OSCE and worked on programmes to inform the public about democracy in the run up to the elections. The Report also comments on the reform process in Georgia, although with some provisos. “Freedom of information remains an issue in Georgia. The government claims that the media self-censors but there have been complaints that some media owners practice censorship.”¹¹⁹

84. However, Human Rights Watch has raised concerns about whether these revolutions have actually contributed to democracy in the former Soviet Union.

This time last year, after reformists in Georgia staged the “Rose Revolution” that ousted President Eduard Shevardnadze, many wondered what lessons governments in the region would draw. No leader relishes political instability. But the question was, what would the region’s leaders do to avoid it? Would they promote honest elections, greater accountability, better governance and peaceful transitions of power? Or would they ignore the issues that cause public discontent, such as entrenched, widespread corruption, and undermine the political opposition and democratic institutions in order to retain power at all costs? Overwhelmingly, governments in former Soviet states have chosen the latter path, continuing policies that had started well before the Georgian revolt. Uzbekistan may be one of the more acute examples of this trend but it has plenty of company.¹²⁰

85. Some concerns about Georgia, Ukraine and Kyrgyzstan underplayed in the FCO Annual Report include: changes in electoral laws in Georgia’s capital, Tbilisi, and a restructuring of the Central Electoral Committee which offer advantage to President Saakashvili’s incumbent New Movement Party, alongside ongoing use of torture by security forces;¹²¹ political assassinations of prominent figures in the revolution in Kyrgyzstan alongside strong concerns about the influence of organised crime in the governmental process;¹²² and continued concerns about press freedom in Ukraine.¹²³

118 *Human Rights Annual Report 2005*, p 205

119 *Human Rights Annual Report 2005*, p 117

120 “Beyond Ukraine a Grim Picture”, *Human Rights Watch*, 8 December 2004

121 “Tbilisi’s election law fuels opposition”, *Eurasianet*, 6 July 2005, www.eurasianet.org

122 “Kyrgyzstan’s revolution at risk”, *Eurasianet*, 26 September 2005, www.eurasianet.org

123 “Opportunity for reform: human rights agenda in Ukraine”, *Human Rights Watch*, 21 January 2005

Additionally, the controversial elections in Azerbaijan and Kazakhstan raised concerns. The OSCE election monitoring mission wrote of the Azerbaijani elections that “the election day process deteriorated progressively during the day and, particularly, the tabulation of the votes.”¹²⁴ Other problems, such as intimidation of other candidates by the government, “limited the possibility for meaningful competition” in Kazakhstan.¹²⁵ These issues underline the importance of continued democracy building and effective international monitoring in the former Soviet Union, the crucial role played by civil society groups and nascent regional institutions and confidence building measures such as the South Caucasus Parliamentary Initiative (SCPI), and the work of major international institutions such as the Organisation of Security and Cooperation in Europe (OSCE).¹²⁶

86. Steve Crawshaw pointed to a marked difference in tone in dealing with the relevant governments. He said: “Clearly there are lots of problems but again, as a human rights organisation, one does grasp at the times when you can say that the glass is at least half-full and not pretty much on empty. Broadly, the fact that those changes have taken place is to be welcomed.”¹²⁷ The Minister agreed that the revolutions were most welcome, and rejected the suggestion that human rights concerns might be subordinated to strategic interests when it came to dealing with states in the former Soviet Union.¹²⁸

87. We conclude that while the expansion of democracy in the former Soviet Union is most welcome, free elections are still a rarity and human rights abuses are widespread. We recommend that the Government work to support civil society organisations and regional institutions, such as the South Caucasus Parliamentary Initiative (SCPI), as well as supporting the election monitoring and evaluation work of the Organisation for Security and Co-operation in Europe (OSCE) and in particular its Office for Democratic Institutions and Human Rights (ODIHR), in order to help implant strong and enduring human rights norms in the post-Soviet world.

The arms trade and military assistance

88. The Annual Report on Human Rights includes a discussion on small arms and light weapons (SALW). The Report says: “Foreign Secretary Jack Straw announced during a speech at the Institute of Civil Engineers London on 15 March 2005 that the UK will work to secure an international Arms Trade Treaty (ATT) covering all conventional weapons. This would be a legally binding treaty negotiated at the UN and backed by the UN’s authority that would make the responsible transfer of all conventional arms a statutory requirement.”¹²⁹ The UK will work towards setting criteria within an ATT based on standards such as those in the UN Declaration on Human Rights, and so will regulate better the arms trade. The UK position is gathering strength; the European Union

124 Organisation for Security and Co-operation in Europe, International Election Monitoring Mission, Parliamentary Election, Republic of Azerbaijan, 7 November 2005, Statement of Preliminary Findings and Conclusions

125 Organisation for Security and Co-operation in Europe, International Election Monitoring Mission, Presidential Election, Republic of Kazakhstan, 4 December 2005, Statement of Preliminary Findings and Conclusions

126 “Thousands in fresh Azeri protest”, *BBC News Online*, 5 December 2005, news.bbc.co.uk; “Kazakhstan election ‘not democratic’”, *BBC News Online*, 19 November 2005, news.bbc.co.uk

127 Q 37

128 Q 162

129 *Human Rights Annual Report 2005*, p 151

announced its backing for the ATT on 4 October 2005, marking a significant growth in international support for the treaty.¹³⁰

89. This stance has been welcomed by human rights organisations. Kate Allen told us: “We are very pleased by the Foreign Secretary’s support for an arms trade treaty. I think that the support of the UK Government is absolutely brilliant and very essential to see the potential for that treaty, and we would very much want to congratulate the Foreign Secretary and the British Government on that support.”¹³¹

90. We commend the Government’s backing for the Arms Trade Treaty. We recommend that in its response to this Report the Government report on progress to increase support for the ATT and to ensure forward momentum in 2006.

91. However, concerns have been expressed to us about aspects of UK policy towards military exports. Saferworld raised general concerns about the United Kingdom’s arms export policy, and “that the Government’s policy on arms exports continues to undermine its commitments on human rights. In 2004, the Government authorised arms sales to 19 of the 20 states identified in the Human Rights Report as “major states of concern”.¹³² Amnesty International made a similar point; Kate Allen said: “The only country of concern that is not receiving arms exports from the UK is North Korea.”¹³³

92. The Human Rights Minister rejected such suggestions, saying that it was important to examine the details because “the reality of it is that in a lot of these cases it will be bomb-disposal equipment, it will be de-mining equipment, it will be body armour, it might be communications equipment to help their policing operations work more effectively in dealing with drugs problems.”¹³⁴

93. One particular state of concern is Colombia.¹³⁵ The FCO Annual Report has an extensive section on Colombia, which it classes as a country of concern. The report outlines the many human rights problems in Colombia, such as the murder of trades unionists.¹³⁶ Human Rights Watch has also drawn attention to the culture of impunity and links between the army, paramilitary groups and criminal gangs and the grey area between the official military and those carrying out extrajudicial killings.¹³⁷

94. AB Colombia raised concerns about the UK’s military assistance to Colombia, stating:

There are well established links between paramilitary groups and the State, and elements within the Armed Forces continue to carry out extrajudicial executions, torture and violations of due process...Despite this, the UK continues to express strong political support for the Colombian government, and provides significant

130 “EU backs global small arms treaty”, *BBC News Online*, 3 October 2005, bbc.news.co.uk

131 Q 53

132 Ev 97

133 Q 54

134 Q 157

135 *Human Rights Annual Report 2005*, p 49

136 Ev 93

137 “Colombia: Smoke and Mirrors”, *Human Rights Watch*, August 2005, Vol 17 No. 3

military support to the Colombian government, with little or no analysis of its impact. In this context, it is difficult to assess how the UK government can guarantee, as it claims to do, that this cooperation does not end up in any way contributing to human rights abuses or to impunity in the absence of Colombia's full implementation of the UN human rights recommendations.¹³⁸

95. The Annual Report states that the FCO uses “the best information available to assure ourselves that Colombian civil and military authorities benefiting from UK assistance are not engaged in activities that violate human rights, aid internal repression or are in collusion with paramilitary organisations.”¹³⁹ Additionally, the Minister defended the United Kingdom's military assistance to Colombia in the evidence session. He said: “UK military assistance to Colombia focuses on mine-disposal training and human rights training...UK military training introduces security personnel to British defence concepts, including the importance of accountable and democratic action, and we use the best information available to assure ourselves that Colombian military personnel benefiting from UK assistance are not engaged in activities that violate human rights or that aid internal repression and that they are not in collusion with paramilitary organisations. This goes as far as including personal interviews and background checks.”¹⁴⁰

96. We recommend that the Government include a detailed explanation of export licence decisions in each of the countries of concern sections of the Annual Report so as to ease public concern about military exports to those states, including Colombia.

Corporate social responsibility (CSR)

97. The Annual Report describes the Government's recent work to advance CSR, outlining how the United Kingdom sponsored a successful resolution at the UNCHR calling for the appointment of a Special Representative on Corporate Social Responsibility. The new post will: identify standards of corporate responsibility and accountability; research and clarify concepts such as “complicity” and “sphere of influence”; and develop means to assess the impact of business on human rights.¹⁴¹

98. The Report states: “We want an outcome that will require multinationals to support, rather than inhibit, respect for human rights through their activities. But we must also address genuine business concerns about the extent of its responsibilities and maintain the principle that states only hold obligations under human rights law.”¹⁴² The FCO's Annual Report on the Global Opportunities Fund describes its support for CSR programmes in China and outlines its support for two initiatives which seek to establish higher standards of CSR in business, such as the Extractive Industries Transparency Initiative (EITI) and the OECD Guidelines for Multinational Companies.¹⁴³

138 Ev 83

139 *Human Rights Annual Report 2005*, p 49

140 Q 176

141 *Human Rights Annual Report 2005*, p 178

142 *Human Rights Annual Report 2005*, p 178

143 Foreign & Commonwealth Office, *Global Opportunities Fund: Annual Report 2004-05*, 12 October 2005

99. However, some human rights organisations have concerns about the Government's approach to CSR. Global Witness, for instance, argues that companies should be subject to an International Financial Reporting Standard (IFRS), requiring them to reveal country by country activity in three particular areas: commercial performance, taxes and other benefits paid to host governments, and reserves.¹⁴⁴ Their concerns have gained weight from the willingness of companies from states such as China to do business in countries with documented records of human rights abuses. Beijing's lack of concern about human rights has also helped Chinese business win contracts in other states with poor human rights records like Zimbabwe and Sudan, as well as other states with a historical scepticism towards western intervention, economic or political, in Africa and Latin America.¹⁴⁵

100. We conclude that the Government must do its utmost to encourage states to improve their corporate social responsibility (CSR) standards so that companies can compete on a level playing field and that states with human rights failings are not tempted to work with unethical trading partners. We recommend that the Government work to broaden international support for instruments, like the UN Convention against Corruption, which enshrine ethical standards for business at an international level.

144 "Extracting transparency: The need for an International Financial Reporting Standard for the Extractive Industries", *Global Witness*, 2005, www.globalwitness.org

145 Jamestown Foundation, *China Brief*, Vol V, Issue 21, 13 October 2005

5 States of concern

Europe and former Soviet Union

Russian Federation

101. The Government rejected the Committee's assertion that the Annual Report did not place enough focus on human rights abuses throughout the Russian Federation in its last response to our previous Report.¹⁴⁶ This year the Annual Report covers Russia in some detail in its Countries of Concern section. In particular, it looks at the lack of media freedom in Russia, growing racism and xenophobia, and increasing constraints on the NGO community.¹⁴⁷

102. The Report also includes an extensive section covering the turbulent North Caucasus, including matters of concern such as: disappearances and the work of killing squads in Chechnya; the undemocratic government in Chechnya underpinned by Ramzan Kadyrov's militia; and the corruption of the judiciary in the North Caucasus region.¹⁴⁸

103. The Report takes into account the problem of terrorism in Chechnya, and accepts that Moscow has legitimate security concerns in the region. However it does not mention that the conflict has begun to spread beyond the borders of the Chechen Republic, and now threatens the neighbouring republics of Dagestan, Ingushetia, North Ossetia, Karbardino Balkaria, and the rest of the North Caucasus region, as the attacks in Nalchik on 13 October 2005 demonstrated.¹⁴⁹

104. The problem of human rights abuses in Russia is broader than just the North Caucasus. One submission to the inquiry raised a series of concerns about human rights in the Russian Federation as a whole. According to Anton Drel and Robert Amsterdam, who acted as lawyers on behalf of Mikhail Khordokovsky, the jailed former owner of oil company Yukos, the FCO Human Rights Report "fails to connect the tragedy of Russian human rights today with the overall deterioration in the Corruption Perception Index as reported by Transparency International. The Russian Federation's Corruption Perception Index 2004 score was 90th out of 146 countries. In 2005 it was 126th out of 159 countries. We would argue that it is...corruption of the state administration that is a propulsive force behind the deterioration both in judicial independence and overall judicial corruption."¹⁵⁰ The submission also emphasised the political control of the judiciary as a major problem in Russia.¹⁵¹ These concerns are particularly relevant given the adoption of the recent law curtailing the freedom of civil society organisations in Russia, which is another example of the looming power of the Kremlin which is of concern to the Committee.¹⁵²

146 Foreign & Commonwealth Office, *Response of the Secretary of State of Foreign and Commonwealth Affairs, Annual Report on Human Rights*, Cm 6571, May 2005

147 *Human Rights Annual Report 2005*, p 71

148 *Human Rights Annual Report 2005*, p 71

149 *Human Rights Annual Report 2005*, p 74

150 Ev 107

151 Ev 107

152 "Putin to scrutinise bill on NGOs", *BBC News Online*, 24 November 2005, news.bbc.co.uk

105. Human Rights Watch also criticised the United Kingdom's attitude to human rights in Russia, and said: "The report says that the UK 'pointed out that effective antiterrorism policies and respect for human rights are not mutually exclusive. Proper observance of human rights can be very effective in combating terrorism.' Sadly, there is a wide gap between the sentiments expressed here and the message that is sent by senior ministers, in their meetings with Russian government leaders and their public statements in that context. There still seems to be an eagerness not to confront the extent of the crimes being committed in Chechnya, let alone the fact that the crimes in Chechnya are now spilling over into greater instability in the entire region."¹⁵³

106. However, the Minister for Human Rights contended that human rights were an important part of exchanges between Russia and the United Kingdom. He said: "During President Putin's visit to London...both he and the Prime Minister conducted high level talks regarding human rights issues, and we do have an EU/Russia and a UK/Russia human rights dialogue as well where we raise specifically our areas of concern with them."¹⁵⁴ He also pointed to the Government's concerns about extrajudicial killings, arbitrary detentions and torture.¹⁵⁵

107. We conclude that the human rights situation in the Russian Federation has deteriorated over the last year. We recommend that the Government make clear to President Putin and other Russian authorities that a creeping return to authoritarianism is not an acceptable policy to pursue. We also recommend that the British Government engage with the Russian government on the question of Chechnya and the North Caucasus. We are concerned that the Kremlin's policy in Chechnya may result in further radicalisation of the population and an increase in recruits to Islamic terrorist groups.

108. The allegations of spying in Moscow by British diplomats also raise serious concerns about the Government's work to promote democracy and good governance. There is a risk that the FCO's support for human rights and democracy in the Russian Federation could be jeopardised by any linkage to UK intelligence operations. The allegations of spying also raises concerns about the effective use of the Global Opportunities Fund by the FCO to support NGO activity, since doubts about its lack of independence from FCO objectives within foreign governments could damage the effectiveness of the United Kingdom's work in support of democracy. The Westminster Foundation for Democracy, which operates under a board of governors representing all the political parties and with a large independent contingent while receiving its budget from the FCO, provides an interesting contrast; its work is carried out at arms length from the FCO and so would not so easily be subject to accusations of acting purely in the interests of the United Kingdom.¹⁵⁶ We have written to the FCO to inquire into this matter, and will be reporting further to the House in due course.

153 Ev 23

154 Q 168

155 Q 168

156 "The lesson that the west must learn from the Moscow rock", *The Guardian*, 26 January 2006

Uzbekistan

109. The Government has brought human rights to the forefront of its relationship with Uzbekistan. The former ambassador to Tashkent, Craig Murray, had accused the FCO of subordinating human rights to strategic concerns. The 2005 Annual Report singled out Uzbekistan as a country of concern, as it did in its 2004 Annual Report, and included sections on:

- Torture in prisons, thanks to a system of justice based on confessions;
- The lack of access to prisons for diplomats;
- The lack of independence of the judiciary;
- Slow movement towards the abolition of the death penalty, which the Karimov government has now announced;
- Controls on civil society organisations, both international and local;
- Media control;
- Lack of religious freedom.

110. The Report also draws attention to the massacres at Andijan in May 2005 in response to local protests against the arrest of a number of people for Islamic extremism. A Human Rights Watch report outlined the scale of the event: troops killed perhaps 500 protesters and arrested hundreds in the aftermath. Many detainees were tortured, and 15 people suspected of leading the protests were tried in Tashkent and were sentenced to imprisonment in November 2005.¹⁵⁷

111. Frictions over the Andijan protests have contributed to worsened relations between Tashkent and the US and British governments, which resulted in the decision of Uzbekistan to request the dismantling of the US military bases in Uzbekistan, as well as with the European Union, which in October 2005 introduced an arms embargo on Uzbekistan, prohibited visas for senior officials and suspended its Partnership and Cooperation Agreement (PCA) with Tashkent.¹⁵⁸ The EU arms embargo raises questions about Uzbekistan's role in NATO's Partnership for Peace (PfP). The British Government has made clear that it will continue to demand an independent inquiry into the events at Andijan and will urge the Uzbek government to improve human rights. Last year, the Committee endorsed the FCO's decision to make human rights issues the focus of relations with Tashkent.¹⁵⁹

112. Our witnesses made some mild criticisms of the Government's policy towards Uzbekistan. Human Rights Watch argue in their submission that maintaining pressure on Uzbekistan is essential, but contend that the claims in the Annual Report to have made progress on combating torture "is an exaggeration" because legislative changes have no

157 "Uzbekistan: burying the truth", *Human Rights Watch*, Vol 17, No 6, September 2005

158 "EU bans arms exports to Uzbekistan", *BBC News Online*, 3 October 2005, news.bbc.co.uk

159 Foreign Affairs Committee, Fourth Report of Session 2004-5, *Human Rights Annual Report 2004*, HC 109

substantial impact in Uzbekistan.¹⁶⁰ Their submission also raised the question of the United Kingdom's military assistance to Uzbekistan before the Andijan massacres including training in marksmanship and "managing defence in a democracy".¹⁶¹

113. Steve Crawshaw emphasised the importance of maintaining pressure on Uzbekistan. "What would be very important...is that there is not the sense that. 'We have now taken action that was needed and now we can move and forget about this.' There is a visa ban for senior members of the regime...but I think that it is very important for it not to stop there, because Karimov still believes that he is sitting pretty, and he does not need to be under pressure."¹⁶² However, it was recently reported that Uzbekistan's Interior Minister, Zakirjan Almatov, has taken cancer treatment in Germany despite having his name on a EU-wide visa ban.¹⁶³ We note that Germany has also maintained a military base in Uzbekistan, and is the only NATO member to do so.¹⁶⁴

114. Commenting on the Government's policy towards Uzbekistan, the Minister said: "We supported the reorientation of the [European] Commission's funding programme in Uzbekistan to support an increased focus on poverty reduction and...democracy and human rights in a civil society."¹⁶⁵ He added that the United Kingdom had sponsored a UN General Assembly Resolution on human rights in Uzbekistan, and that the Government was "now calling very strongly on Uzbekistan to abide by what the UN resolution actually says."¹⁶⁶

115. We conclude that the Government must maintain pressure on the Islam Karimov regime in Uzbekistan. We recommend that the Government should work hard to establish a consensus with its allies in the EU and NATO, including Germany, to put pressure on the Uzbek government and to add weight to its call for reform.

Africa

Angola

116. Angola's growing importance as an oil exporter has added to its strategic importance, but the FCO Annual Report contains very little information on the state of human rights in Angola. Human Rights Watch raised serious concerns about ongoing abuses following the end of the civil war in Angola in 2002, such as the failure of the government to support the reintegration of refugees from the civil war, despite adopting legislation in 2002 which obliges them to do so; a catalogue of abuses in Angola's exclave Cabinda committed by the army, which include arbitrary detentions and torture despite the end of the separatist conflict; and limits to press freedom outside the capital of Lusaka.¹⁶⁷

160 Ev 24

161 Ev 24

162 Q 47

163 "'Massacre' minister in hospital despite ban", *The Times*, 18 November 2005

164 "Uzbeks allow Germany to keep base", *BBC News Online*, 11 December 2005, news.bbc.co.uk

165 Q 171

166 Q 172

167 See Africa: Angola, *Human Rights Watch*, www.hrw.org

117. Kate Allen told us: “There is very little mention in the report of Angola. We do, from Amnesty, have some very clear concerns. There are, and there continue to be, clashes between the MPLA and UNITA. We see a country where one million civilians were estimated to hold firearms illegally, with all the effect of that. We are aware of some improvement in police behaviour, but there are still very many reports of the police committing human rights abuses.”¹⁶⁸

118. Human Rights Minister Ian Pearson wrote to the Committee and said: “We are supporting projects related to human rights and conflict prevention. The UK is particularly concerned about the problem of illegally held small arms and light weapons in Angola and is working closely with the Angolan government to reduce this. We have recently agreed a contribution of \$286,622 towards the cost of the first phase of the HALO Trust’s support to the Angolan government’s civil disarmament effort.”¹⁶⁹

119. We recommend that the Government include more information about its work to strengthen human rights standards in Angola in its Human Rights Annual Report.

Democratic Republic of Congo (DRC)

120. The Annual Report includes a lengthy section on the human rights abuses in the DRC. The Report marks its particular concerns as the abuses which occurred and are occurring in north-eastern DRC, in Ituri, which have included rape, murder, torture, cannibalism, forced labour and illegal detention. The lack of security is another major concern throughout the DRC, and means that people are unable to tend their land, as is the intervention by the DRC’s neighbours, such as Uganda and Rwanda, in its civil war.¹⁷⁰ The Report also describes the United Kingdom’s work on human rights in the DRC, which has included raising the problems with senior members of the government, funding programmes through the Department for International Development, and support for MONUC, the UN Mission in the DRC. The Report also makes mention of the MONUC’s problems with sexual abuse by its troops.¹⁷¹

121. Human Rights Watch raised the problem of mineral resource exploitation and conflict in their submission, and stated that: “The UK Government is playing an important role in highlighting concerns about natural resource exploitation through its development programme funded in Congo by the Department for International Development...The British government could play an important role by ensuring the application of appropriate business standards.”¹⁷²

122. We conclude that the appalling human rights abuses in the Democratic Republic of Congo are a matter of grave concern. We recommend that the Government make clear to the Democratic Republic of Congo and its neighbours that interference is unacceptable. We further recommend that the Government do its utmost to ensure

168 Q 68

169 Ev 68

170 *Human Rights Annual Report 2005*, p 53

171 *Human Rights Annual Report 2005*, p 53

172 Ev 21

that those guilty of human rights abuses in the DRC are held accountable for their crimes.

Equatorial Guinea

123. The Annual Report contains very little information about human rights in Equatorial Guinea despite the large number of human rights abuses perpetrated by the government of Teodoro Obiang. The Committee raised the question of human rights in Equatorial Guinea with the Foreign Office.

124. The Foreign Secretary wrote to our Chairman, saying: “The human rights situation in Equatorial Guinea gives cause for considerable concern, particularly the poor prison conditions, torture, and the lack of freedom of expression and good governance... We have not yet discussed the 2008–09 elections with the Equato-Guineans. But we will urge the Government bilaterally and through the EU to make the considerable improvements needed to ensure the elections are free, fair and without violence. At the last elections in 2004, the UK provided transparent ballot boxes.”¹⁷³

125. We conclude that the Annual Report should include information about the state of human rights in Equatorial Guinea, and that the Government should press the Equato-Guinean authorities to improve human rights.

Eritrea and Ethiopia

126. Last year, the Committee raised concerns about the border dispute between Eritrea and Ethiopia as a source of tension between the two states, which remains deeply worrying, and with the human rights situation in Eritrea. The Government told the Committee in its response that the “Government are concerned by the human rights situation in Eritrea and raise this issue with the Eritrean government at every suitable opportunity,” going on to describe the EU-Eritrea dialogue on human rights.¹⁷⁴

127. However, the 2005 Annual Report makes little mention of the problems in Eritrea. In contrast, Human Rights Watch says: “Eritrea is a highly repressive state. Since independence, the only political party that has been allowed to operate in the country is the ruling People’s Front for Democracy and Justice (PFDJ) led by President Issayas Afewerki. During this period, no national elections have been held. National elections were scheduled to be held in 1997 and in 2001, but both times they were cancelled. Political dissent is now totally suppressed. In September 2001, the government arrested eleven leaders of the PFDJ... Since then, scores of other Eritreans have been arrested because of their alleged ties to the dissidents or for their perceived political views. The Eritrean government has also arrested publishers, editors, and reporters—and even two Eritrean employees of the U.S. State Department, apparently in retaliation for a U.S. statement critical of these other arrests.”¹⁷⁵

173 Ev 74

174 Foreign Affairs Committee, Fourth Report of Session 2004–5, *Human Rights Annual Report 2004*, HC 109

175 “Ethiopia and Eritrea: Promoting stability, democracy and human rights”, *Human Rights Watch*, 5 May 2005

128. Eritreans for Human and Democratic Rights (EHDR) commented on the human rights situation in their submission, saying: “The Eritrean government continued [in 2005] to rule by decree and remained not accountable to anybody. The country is run without a constitution, rule of law and a budget. Arbitrary arrests and detentions are widespread and its economy is in freefall.”¹⁷⁶ EHDR also described the arrests of the 11 government officials in 2001, the suppression of free journalism, the murder of 161 Eritreans escaping from the Wia military training/detention camp, and the repression of minority evangelical Christians.¹⁷⁷

129. The FCO wrote to the Committee, saying: “we have repeatedly urged the Eritrean government to respect religious and media freedom and the principles of international human rights. We have also asked for detainees who are held without charge to be released quickly.”¹⁷⁸

130. Recent events in Ethiopia have also raised serious human rights concerns. Following an election in May 2005, Prime Minister Meles Zenawi arrested a number of opposition politicians and activists who claimed the polls were rigged. Another series of protests in early November resulted in arrests; the Ethiopian government now claims that the detainees will face treason charges and so the death sentence.¹⁷⁹ The FCO wrote to us, saying: “We have expressed particular concern over the killing of demonstrators and the arrests of opposition leaders and supporters and urge the government to allow the opposition political parties to function without intimidation and that there should be an independent inquiry into these events. The Ethiopian Parliament has now approved this.”¹⁸⁰

131. The prospects of war between Ethiopia and Eritrea are also growing. Eritrea expelled US, Canadian and European members of the United Nations Mission to Ethiopia and Eritrea in December 2005, and contention over the frontier dispute has led to the massing of troops by both states.¹⁸¹ Commenting on Eritrea’s decision to expel the UN, Lord Triesman, the FCO Minister with responsibility for Africa, said: “The Government of Eritrea must reverse its decision immediately, and comply with the demands contained within the UN Security Council Resolution 1640...Lasting peace between Ethiopia and Eritrea cannot be achieved without the full demarcation of the border between the parties, and the UK remains fully committed to seeing both Eritrea and Ethiopia fulfil their commitments in this regard.”¹⁸²

132. The FCO wrote to us, saying: “We continue to underline to the governments of both Eritrea and Ethiopia that there must be no return to war; that the decision of the Boundary Commission is final and binding, and must be implemented; and that they should engage

176 Ev 117

177 Ev 113

178 Ev 68

179 “Ethiopia opposition treason move”, *BBC News Online*, 9 November 2005, new.bbc.co.uk

180 Ev 168

181 “UN warning on Horn of Africa war”, *BBC News Online*, 12 December 2005, news.bbc.co.uk

182 “Eritrea—Statement by Minister for Africa”, Foreign and Commonwealth Office press release, 7 December 2005

in dialogue on all the issues that divide them. We are working closely with the UN and Security Council partners to achieve a political resolution to this problem.”¹⁸³

133. We conclude that a resumption of hostilities in the Horn of Africa would seriously damage human rights in the region, and recommend that in its response to this Report the Government set out what measures it is taking with its Security Council partners to prevent an outbreak of war and establish respect for human rights and democratic governance in the region.

Sudan

134. The Annual Report includes a lengthy section on human rights in Sudan in its Countries of Concern section, which among other matters comments on: the signing of a peace agreement on 9 January 2005; the dreadful humanitarian situation in Darfur, where 70,000 people died between March and October 2004 alone; efforts in the UN Security Council to resolve the Darfur crisis; the referral of the Darfur situation to the International Criminal Court; the commitment of £119.5 million in humanitarian aid; and other human rights abuses in Sudan.¹⁸⁴

135. Amnesty International condemned the human rights abuses in their submission, but had some praise for the Government. “The UK Government has played a key role in responding to the crisis in Darfur. It was instrumental in securing UN Security Council resolution 1593 which referred the situation in Darfur to the International Criminal Court (ICC)...Ministers continue to give their attention to this conflict...It is crucial that the UK government ensures that the situation in Darfur remains high up its agenda and that it continues to apply pressure on the government of Sudan.”¹⁸⁵ Amnesty International also pointed to the United Kingdom’s role in supporting the work of the UN/African Union mission in Darfur. Human Rights Watch added that they

welcome the first step to sanctions, but note that the framework for sanctions remains extremely weak: as of November 2005, not a single individual has yet been sanctioned despite a serious escalation in the violence over the past two months. Considerable work will be needed at the Security Council to ensure that sanctions are in fact imposed and enforced on key individuals.¹⁸⁶

136. One particular difficulty in bringing pressure to bear on the Sudanese government is the scale of its oil trade with China, which means that sanctions regimes do not function effectively. Currently, China receives about 5% of its oil imports from Sudan, and has invested about \$3 billion in the oil industry.¹⁸⁷ Additionally, Beijing reportedly has 4000 non-uniformed forces protecting its interests in Sudan.¹⁸⁸ Without support from China, any actions sponsored in the UN Security Council may face failure.

183 Ev 68

184 *Human Rights Annual Report 2005*, p 81

185 Ev 18, para 146

186 Ev 23

187 “China’s strategic global influence”, *China Rights Forum*, No 3, 2005

188 Jamestown Foundation, *China Brief*, Vol V, Issue 21, October 13 2005

137. We conclude that the Government must maintain pressure in all possible forums on the Sudanese government in order to bring the abuses in Darfur to an end. We recommend that the Government continue to call for an end to the slaughter and an end to the immunity of the abuses from judicial proceedings, to support referrals to the International Criminal Court, and to offer resources to the African Union and UN missions in Darfur. We also recommend that the Government urge its Chinese counterparts to support UN Security Council measures against Sudan.

Uganda

138. The Annual Report deals with a range of human rights abuses in Uganda, including child soldiers in the Lord's Resistance Army, the use of the death penalty, and female genital mutilation. Last year the Government wrote in its response to our predecessor Committee's Report: "Concerns about human rights abuses in northern Uganda are well founded. The Lord's Resistance Army (LRA) commits the majority of abuses. But Ugandan security personnel have also been identified as abusers and some individuals named in official Uganda Human Rights Commission (UHRC) Reports...The Government have consistently urged the Ugandan government to address these concerns, including by conducting full investigations and by removing those security personnel who violate human rights from the north of the country."¹⁸⁹ Uganda's Forum for Democratic Change also drew attention to the detention of opposition leader Dr Kizza Besigye and the threat his detention poses to democracy in Uganda.¹⁹⁰

139. Human Rights Watch drew attention particularly to Uganda's role in gold smuggling from the Democratic Republic of Congo. "The Ugandan economy clearly benefits from the trade of illegal gold from Congo to Switzerland and elsewhere; a trade that is encouraged by the Ugandan government...In addition to involvement in natural resource exploitation, Uganda also continues to support armed groups operating in north-eastern Congo who carry out widespread violations of human rights including war crimes and crimes against humanity. Throughout 2005 there were clear indications that Uganda had not stopped such support. While pressure from the UK and other international actors did push Uganda to expel some of the Ituri armed group leaders from Ugandan soil, it has not yet halted support for these groups."¹⁹¹ We also welcome the efforts of the United Kingdom's Permanent Representative to the United Nations to raise the question of human rights in Uganda on the UN Security Council.¹⁹²

140. We conclude that the United Kingdom must urge the Ugandan authorities to cease their interference in the Democratic Republic of Congo (DRC) and to curtail the trade in illegal gold which underpins the wartime economy in Ituri and other regions which suffer severe human rights abuses. We recommend that the Government make clear its condemnation of the arrest of opposition politicians in Uganda and support for free

189 Foreign & Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs, Sixth Report of the Foreign Affairs Committee, 2004–05, Foreign Policy Aspects of the War Against Terrorism*, Cm 6590, June 2005

190 Ev 123

191 Ev 21

192 "UK wants UN report on war in North", *Daily Monitor*, 16 December 2005

and democratic elections there. We also recommend that the Government continue its efforts to bring the question of human rights in Uganda before the UN Security Council.

Zimbabwe

141. The Annual Report includes an extensive discussion of human rights problems in Zimbabwe in its Countries of Concern section. “The human rights situation in Zimbabwe remained very negative over the last 12 months, culminating in yet another flawed election. The government retained its repressive laws and in some cases strengthened them.”¹⁹³

142. The Annual Report mentions:

- Flawed parliamentary elections, involving violence against political opponents, in March 2005, which strengthened Robert Mugabe’s control through his ZANU-PF;
- Repression against Movement of Democratic Change (MDC) parliamentarians, with abductions, torture and politically motivated murder;
- Further restrictions on media freedom and NGOs;
- The growing hunger of the population in general.

143. Since the Annual Report’s publication, the Mugabe regime has launched “Operation Murambatsvina” (“Operation Clear the Filth”), a campaign of forced evictions, mainly targeted against pockets of political opposition. The United Nations estimates that as many as 700,000 people have been evicted and their houses and properties demolished since the government launched the operation on 19 May 2005. The dislocation has caused great suffering for many who have lost their homes and possessions, and prevented effective AIDS treatment in the effected areas since clinics have been destroyed.¹⁹⁴ The Commonwealth Human Rights Initiative also raised the “deteriorating human rights and political situation in situation in Zimbabwe.”¹⁹⁵

144. Kate Allen described the situation in Zimbabwe, saying: “What we are seeing at Amnesty is fewer cases of torture but a clearer and a different change of strategy, which has moved towards the manipulation of food, which only goes to those who support the Mugabe regime; and...the removal now of 700,000 people in Operation Restore Order. We do see a humanitarian disaster unfolding in Zimbabwe.”¹⁹⁶ She added that the United Kingdom had used its diplomatic pressure extensively.

145. Last year the Committee commended the Government’s policy of pushing for the isolation of Zimbabwe. However, many of Zimbabwe’s neighbours have not taken such a strong line against the Mugabe regime, and the Government said in its response that the Foreign Secretary was “surprised and saddened that Zimbabwe’s neighbours had chosen to

193 *Human Rights Annual Report 2005*, p 91.

194 “Zimbabwe: Mass evictions lead to massive abuses”, *Human Rights Watch*, 11 September 2005

195 Ev 103

196 Q 52

ignore the obvious and serial flaws in [Zimbabwe's] elections and had declared them fair. We will continue our dialogue with [the Southern African Development Community] (SADC), encouraging them to press for the return of good governance and respect for rule of law in Zimbabwe."¹⁹⁷ Kate Allen agreed, saying "I think that the more the UK government and the EU can do to encourage African states, and in particular South Africa who have been such a disappointment, to raise their concerns, so that it is seen as something that is led from within Africa, the better."¹⁹⁸ We asked the Minister how the Government was working to persuade Zimbabwe's neighbours to take a tougher stance towards Mugabe, and he told us that the Government engaged Zimbabwe's neighbours.¹⁹⁹

146. However, we fear that the United Kingdom's remonstrations have achieved nothing to date. We asked the Government if it had considered referring Mugabe to the International Criminal Court (ICC) as a means to increase the pressure on Zimbabwe. The FCO said: "While we keep the ICC option in the case if Zimbabwe under review, we do not judge that enough members of the Security Council would at this stage be prepared to accept that Zimbabwe constitutes a threat to international peace and security, and thereby agree to refer it to the ICC Prosecutor."²⁰⁰ We welcome the efforts of our Permanent Representative to the United Nations, as well as his US counterparts, to raise the question of human rights in Zimbabwe on the UN Security Council.²⁰¹

147. We conclude that the Government should continue its policy of putting pressure on the Mugabe regime in Zimbabwe, and should do its utmost to win support for this policy from other states in Southern Africa in general and from South Africa in particular. We recommend that the United Kingdom start a campaign for the referral of Robert Mugabe to the International Criminal Court for his manifold and monstrous crimes against the people of Zimbabwe. We also recommend that the Government should continue its efforts to place the question of human rights in Zimbabwe before the UN Security Council.

Middle East

Iran

148. The Annual Report has an extensive section on human rights in Iran, raising concerns about

- The punishment of juveniles;
- Freedom of expression;
- Pressure on NGOs and civil society groups;

197 Foreign & Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs, Sixth Report of the Foreign Affairs Committee, 2004–05, Foreign Policy Aspects of the War Against Terrorism*, Cm 6590, June 2005

198 Q 52

199 Q 173

200 Ev 69

201 "Zimbabwe discussed at UN Security Council", *BBC News Online*, 27 July 2005, news.bbc.co.uk

- The detentions of Christians and other issues related to freedom of worship, particularly for Baha'is;
- Detentions of political opponents;
- Use of the death penalty and public executions;
- Women's rights.

149. Last year the Committee raised concerns that the dialogue with Iran on the question of Iran's nuclear weapons would eclipse work to improve human rights in Iran.²⁰² The Government failed to answer the question, and instead emphasised its decision to sponsor a resolution in the UN General Assembly in December 2004 on Iranian human rights.²⁰³ Since the report, the failure of the EU's talks with Iran to result in a slowdown of the nuclear programme, the subsequent breach of its undertakings to the EU, and the provocative restarting of uranium reprocessing activities at Iran's nuclear facilities have raised serious concerns about the Iranian nuclear programme. This issue has combined with growing tensions over apparent Iranian involvement in attacks on British forces in Iraq and extremely inflammatory comments about the destruction of Israel and repeated denial of the Holocaust by the Iranian president, have seriously damaged relations between Iran and the international community.²⁰⁴

150. The Foreign Secretary, Jack Straw, told us on 8 February 2006: "The whole world is worried about [the threat Iran poses to Israel]. I would not have spent more time and effort on the Iran dossier than any other since the Iraq war were I not deeply concerned about this threat and the threat that it poses to international peace and security. Increasingly, there is a wide international consensus which shares our opinions."²⁰⁵ The Foreign Secretary also highlighted the problems of Iran's continued efforts to expand its nuclear programme.

151. Kate Allen outlined some of the problems in Iran, which include "curtailing of freedom of expression; the arrest of 26 internet journalists who have received prison sentences; students who have been imprisoned following demonstrations. We have heard allegations of torture and ill-treatment, and of course the deaths in Khuzestan, where 31 people died, and in Kurdistan, where 20 demonstrators were killed."²⁰⁶ The National Spiritual Assembly of the Baha'is of the United Kingdom also described the continued persecution of Baha'is in Iran, and commented on the Annual Report by observing "that the compartmentalised nature of [the UK government's] reports does not offer a single, comprehensive and impartial view of the human rights situation in Iran."²⁰⁷

202 Foreign Affairs Committee, Sixth Report of Session 2004–05, *Foreign Policy Aspects of the War against Terrorism*, HC 36–I, para 132.

203 Foreign & Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs, Sixth Report of the Foreign Affairs Committee, 2004–05, Foreign Policy Aspects of the War Against Terrorism*, Cm 6590, June 2005

204 "Rice seeks UK support over Iran", *BBC News Online*, 16 October 2005, bbc.news.co.uk

205 Uncorrected transcript of oral evidence taken before the Foreign Affairs Committee on 8 February 2006, HC 904–i

206 Q 45

207 Ev 85

152. Human Rights Watch, commenting on the human rights dialogue between Tehran and London, stated: “On human rights issues, however, it has sometimes seemed that the criticism has not gone beyond mere rhetoric.”²⁰⁸ The National Spiritual Assembly of the Baha’is of the United Kingdom also cited problems with the UK-Iran dialogue, and their submission suggests the establishment of a “set of benchmarks by the which the process [of the UK-Iran human rights dialogue] could be evaluated.”²⁰⁹ Amnesty International also expressed their thanks to the Government for its intervention on the question of the death penalty.²¹⁰

153. Dr Nazila Ghanea-Hercock took a gloomier perspective of human rights in Iran. She wrote: “Increasingly the evidence has shown that Iran has a constitutional system that has the veneer of democracy and balance of powers, but that in reality its framework makes the very notion of the independence of the judiciary and a society built on equality of opportunity and respect for rights impossible. The Iranian legal system is inherently gender-biased, racist, and has built within it a hierarchy of discrimination based on religion or belief. ...I therefore fear that any encouragement by the UK and EU for Iran to commit to human rights and dialogue will, at present, prove futile.”²¹¹ However, she stated her support for the UNCHR resolutions on Iran adopted between 1980 and 2002 as extremely important in identifying human rights violations in Iran.²¹²

154. The Minister told us that the Government was “very deeply concerned about [human rights in Iran], and that is one of the reasons why we co-sponsored the United Nations General Assembly resolution on Iran.”²¹³ It is clear that the Government has only recently changed its approach to the situation in Iran, as a statement by Foreign Secretary Jack Straw made clear, in response to Iran’s decision to restart uranium enrichment activity.²¹⁴

155. We conclude that human rights in Iran have deteriorated over the last year, and worsening relations are making dialogue increasingly difficult. We recommend that the Government set out what it hopes to achieve with the human rights dialogue with Iran, and that it continue its efforts to bring Iranian human rights to international attention and to urge its EU counterparts to do the same.

Israel

156. The Annual Report contains an extensive section on human rights in Israel. The Report states that “Israel’s failure to respect the human rights of Palestinians in the Occupied Territories remains a matter of grave concern. Actions by the Israel Defence Force, the impact of the barrier, restrictions on freedom of movement and settler violence cause great suffering to Palestinian citizens.”²¹⁵ The FCO Annual Report deals with:

208 Ev 21

209 Ev 85

210 Q 46

211 Ev 133

212 Ev 133

213 Q 144

214 HC Deb, 10 January 2006, Col 151

215 *Human Rights Annual Report 2005*, p 67

- The barrier and appropriations of Palestinian land
- Controls on freedom of movement for Palestinians
- Targeted killings
- Violence carried out by the Settler Community

The Committee explored some of these issues with Israeli and Palestinian interlocutors in a visit to the region in November 2005. We saw at first hand how the construction of the barrier had a serious impact on the daily lives of Palestinian people. Commenting on the impact of the barrier, Minister of State for Foreign and Commonwealth Affairs Kim Howells, said on 18 January 2006: “The wall is not a barrier within the old green line. It would be ugly if it were, but it could be justified. However, it goes deep into Palestinian territory. It has divided Jerusalem and locked 55,000 Palestinian Jerusalemites out of Jerusalem. It has cut the west bank in two...The checkpoints and the other obstructions mean that the rest of the tiny territory is being split up into tiny, ungovernable cantons.”²¹⁶

157. Some commentators have criticised the FCO Report. The Council for Arab-British Understanding contend that in the Report “the scale of the human rights abuses [in Israel and the Palestinian Territories] are underestimated.”²¹⁷ Their submission goes on to argue that the Report does not highlight the problem of Israeli settlement expansion, thanks to: its “low-key” response to the construction of the barrier; the lack of mention of discussions with Israeli officials about the rights of Arab-Israelis; and the failure to comment on torture by Israeli forces.²¹⁸

158. Human Rights Watch also emphasised the problem of impunity in the Israeli Defence Forces.²¹⁹ Steve Crawshaw told the Committee that “something which is still insufficiently addressed is this question of impunity, which underlies so much in terms of the message that is being sent. The language of the Human Rights Report...was quite soft. It praised the fact that there was some kind of justice in connection with the Britons who had been killed. Those are such extraordinary, exceptional cases that it is really most inappropriate to use those as though they were an indication that things are getting substantially better. They are not.”²²⁰

159. Ian Pearson, the Minister with responsibility for human rights, described how the FCO raised human rights issues and supported the peace process in the Middle East. He said: “It is important that we continue to exert and use what influence we have to encourage peace and prosperity in the region while at the same time keep pointing out human rights abuses and encouraging Israel to deal with those effectively.”²²¹ He added that the Government had raised its concerns about the construction of the barrier as an obstacle to the peace process and about its impact on the livelihoods of local people.

216 HC Deb, 18 January 2006, Col 274WH

217 Ev 104

218 Ev 105

219 Ev 22

220 Q 54

221 Q 146

“When you are talking about confiscation or destruction of land, destruction of property, when you are talking about access...and particularly about the impact on farming...this is destroying people’s livelihoods...It is a matter of great concern to the UK government.”²²²

160. We conclude that the human rights situation for Palestinians in the Occupied Territories is not acceptable and we recommend that the Government expand its coverage in the Report to include more detail on the problem of impunity in the Israeli Defence Forces (IDF). We also recommend that the Government urge Israel to take human rights issues into greater account when dealing with the Palestinians, and that the Government should continue to restate its position that those parts of the barrier beyond the Green Line are illegal.

The Palestinian Territories

161. Human rights abuses, including extrajudicial detentions and torture, are frequent in the Palestinian Territories, where a history of limited democratic accountability within the political system, the lack of a rule of law and systematic abuses by the Palestinian security services continues on a daily basis.²²³ The shelling of Israeli settlements from Palestinian Territory is also a major concern, while the victory of Hamas, which has espoused a policy of the destruction of Israel, raises fears of the rise of extremism among the Palestinian population at large. The FCO Annual Report also pointed to significant flaws in the Palestinian judicial system, such as the use of the death penalty by the Palestinian authorities, as well as frequent suicide bombings by non-state actors and terrorist groups, but did not otherwise examine in detail the human rights situation in the Palestinian Territories. The previous Committee had an opportunity to talk to victims of Palestinian suicide bombing attacks on a visit to Israel.

162. We asked Steve Crawshaw from Human Rights Watch about human rights in the Palestinian Territories. He told us: “On the one hand you have the continuance of suicide bombers, which are a crime against humanity...and a number of abuses, including physical abuse.”²²⁴ Amnesty International was also critical of the FCO Annual Report, and said that it focuses primarily on political developments in the Palestinian Territories, without exploring human rights matters in sufficient detail.²²⁵

163. We recommend that the Government should explore the human rights situation in the Palestinian Territories in a separate section in its next Report, and that it should explore in greater detail the extent of the abuses committed in the Territories.

Saudi Arabia

164. The Annual Report has an extensive section on Saudi Arabia, which says: “There has been a small but significant improvement in the situation in Saudi Arabia since our last Annual Report. However, the Saudi government has continued to violate human rights,

222 Q 148

223 Human Rights Watch, www.hrw.org

224 Q 55

225 Ev 16

including by restricting freedoms of expression and press, assembly, association, religion and movement. The government also continues to discriminate against women, foreigners, non-Muslims and non-Sunnis Muslims and to impose strict limitations on workers' rights."²²⁶

165. The Report refers in particular to:

- The introduction of a new code for criminal procedure, although torture of detainees is still routine
- Discrimination against non-Muslims and restriction of women's rights
- The slow process of reform

166. Last year, the Committee called on the FCO to keep pressing the Saudi authorities to improve human rights,²²⁷ while the year before the Committee raised concerns about the treatment of UK nationals such as Dr William Sampson, who confessed to a bombing while in Saudi police custody.²²⁸ We are unable to comment on this particular issue since it is currently *sub judice*. However, the case highlights the problems which arise from placing emphasis on confessions as part of the judicial process in Saudi Arabia.

167. Human Rights Watch have raised concerns that the Government "may be contemplating a possible Memorandum of Understanding (MOU) with the Saudis, regarding commitments not to torture those who might be deported to Saudi Arabia, along the lines of MOUs which have already been agreed with Jordan and Libya."²²⁹ Additionally, Kate Allen of Amnesty International told the Committee: "We would recognise that there have been small steps. We are not sure whether those are significant or not. The human rights situation in Saudi Arabia is still absolutely dire in very many ways that we have documented, including appalling use of the death penalty and the use of torture."²³⁰ The use of the death penalty for a broad range of crimes such as apostasy, drug offences, witchcraft, adultery and murder, as well as broad crimes such as 'acts of sabotage and corruption on earth', raises particular concerns.²³¹ The Committee had an opportunity to raise these and other issues with Saudi interlocutors on its visit to Riyadh in November 2005.

168. We conclude that the human rights situation in Saudi Arabia continues to give cause for grave concern. We recommend that the Government continue to make clear that the Saudi Kingdom's instances of discrimination against women and other human rights abuses which are endemic in Saudi Arabia, breed discontent and fall far short of universal standards. We recommend that the Government engage the Saudi authorities on the questions of women's rights and the rights of guest workers, the use of torture

226 *Human Rights Annual Report 2005*, p 78

227 Foreign & Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs, Sixth Report of the Foreign Affairs Committee, 2004-05, Foreign Policy Aspects of the War Against Terrorism*, Cm 6590, June 2005

228 "Saudi bombing 'unlawful killing'", *BBC News Online*, 22 February 2005, bbc.news.co.uk

229 Ev 23

230 Q 56

231 Amnesty International: Saudi Arabia, at www.amnesty.org

and of the death penalty for a wide range of crimes including apostasy, adultery and ‘acts of sabotage and corruption on earth’.

Syria

169. The Annual Report contains little information on human rights in Syria, despite the lack of pluralism and political repression which marks that state. The imprisonment of political opponents of the government of Bashar al-Assad raises concerns about political freedom in Syria, while Damascus’s efforts to interfere in Lebanon have earned Syria the condemnation of the international community. One particular concern was the assassination of Rafik Hariri, since a UN report established the involvement of Syrian officials in the killing,²³² and of other political opponents to the Syrian regime.²³³

170. We recommend that the Government set out in its response to this Report what it is doing to seek to improve human rights in Syria, and we also recommend that its next report should contain more information about Syria.

Asia-Pacific

Afghanistan

171. The Annual Report contains an extensive section on human rights in Afghanistan, outlining problems such as ongoing security risks and concerns about women’s rights.²³⁴ However, our witnesses agreed that the situation had improved under President Karzai.²³⁵

172. Nonetheless, Kate Allen of Amnesty International raised serious concerns. She said: “I think that when you are in a situation such as in Afghanistan at the moment, where security is...absolutely the overwhelming issue, particularly outside of Kabul, the situation does become quite bad. It is very much our experience that the levels of violence, discrimination and humiliation of women remain high within the country; that for safety’s sake women are retreating back into the home; that it is very difficult for women and young girls, particularly in rural areas; and that we need to do more to support women in Afghanistan.”²³⁶

173. Human Rights Watch also raised concerns about the lack of judicial proceedings against human rights abusers in Afghanistan, despite the large number of atrocities carried out over the last thirty years. Major political players today are amongst those accused of complicity in the massacres and human rights abuses of the struggle against the Soviet Union and the subsequent civil war, making difficult a process of reconciliation which would help ordinary Afghans come to terms with their traumatic history.²³⁷ In its submission, Human Rights Watch called on the Government to “take a leadership role in

232 “New Hariri report blames Syria”, *BBC News Online*, 11 December 2005, bbc.news.co.uk

233 “Crowds at Syria critic’s funeral”, *BBC News Online*, 14 December 2005, bbc.news.co.uk

234 *Human Rights Annual Report 2005*, p 34

235 Q 57–58

236 Q 58

237 “Afghanistan: Bloodstained hands”, *Human Rights Watch*, 2005

addressing past abuses and make it clear to President Karzai that he should choose justice over good relations with abusive warlords.”²³⁸

174. The FCO answered our questions on this matter in a letter. They wrote: “Post-conflict situations require a balance to be struck between reconciliation and holding individuals to account for what they may have done in the period of the conflict itself. But this does not mean that the UK, our partners, and the Afghan authorities themselves, are turning a blind eye to impunity in Afghanistan. The Government of Afghanistan and the international community, including the UK, are discussing a ‘Transitional Justice Action Plan’ for Afghanistan. A great deal of the momentum for this plan followed the publication of the Afghanistan Independent Human Rights Commission’s report ‘A Call For Justice’, published in January 2005.”²³⁹ The letter also mentioned a conference in The Hague in June 2005 on Transitional Justice in Afghanistan, and the draft action plan which has now been launched.²⁴⁰ The London Conference in January 2006 also put forward a series of means to establish human rights norms in Afghanistan.

175. The Committee is also seriously concerned about the problem of narcotics production in Afghanistan, and has met with the Afghan Minister with responsibility for the reduction of opium production. We will discuss this issue further in our report into the Foreign Policy Aspects of the War against Terrorism.

176. We conclude that human rights abuses in Afghanistan are manifold and serious, and that security is a particularly difficult challenge. We also have major concerns about the lack of judicial process against human rights abusers in Afghanistan and urge the Government to do its utmost to support any mechanisms which will implement justice and aid reconciliation in Afghanistan. We also recommend that the Government increase its support for women’s rights programmes in Afghanistan.

Burma

177. The Annual Report includes a section on human rights abuses in Burma. The Report states that the last year has seen no improvement in human rights in Burma, and that the political and security situation has deteriorated. The FCO’s chief concerns are the incarceration of Aung San Suu Kyi, the leader of the democratically elected opposition, corruption and political interference in the judicial system, prison conditions, constraints on freedom of expression, ethnic discrimination, child labour and the lack of religious tolerance.²⁴¹ In their submission, the Jubilee Campaign emphasised the campaign of repression against the Karen, Karenni and Shan peoples in Burma.²⁴²

178. The FCO wrote to us about Burma, saying: “We remain deeply concerned about the political and human rights situation in Burma. We have been at the forefront of efforts over many years to bring pressure to bear on the military regime to reform and to respect

238 Ev 20

239 Ev 69

240 “Afghans adopt justice action plan”, *BBC News Online*, 12 December 2005, bbc.news.co.uk

241 *Human Rights Annual Report 2005*, p 36–8

242 Ev 116–117

human rights...Through the EU's Common Position on Burma we have imposed a comprehensive programme of targeted measures on the regime."²⁴³ The letter added: "The UK and the EU recognise the importance of working with ASEAN and other countries in the region to promote reform and democratisation in Burma. We take, therefore, every opportunity to raise our concerns with ASEAN countries."²⁴⁴ The decision of ASEAN to raise the question of Burma on 12 December 2005, then, is most welcome; we hope it leads towards some degree of reform. We also welcome the efforts of the United Kingdom Permanent Representative to the United Nations to raise the question of human rights in Burma on the UN Security Council.²⁴⁵

179. We conclude that the United Kingdom should maintain its policy of pressing the Burmese military junta to permit reform and introduce basic rights which are universal and inalienable, and that its efforts to bring other ASEAN states around to its perspective should not falter. We recommend that the Foreign and Commonwealth Office should continue to report on Burmese human rights in its Annual Report, and redouble its efforts to bring the question of abuses by the Burmese authorities to the attention of the UN Security Council.

China

180. A lengthy section covers the problem of human rights abuses in the People's Republic of China (PRC). The Report says:

The UK continues to have serious concerns about basic human rights in China, including extensive use of the death penalty; torture; shortcomings in judicial practices and widespread administrative detention, particularly re-education through labour; harassment of human rights defenders and activists (NGOs, political activists, journalists and lawyers); harassment of religious practitioners and adherents of Falun Gong; the situation in Tibet and Xinjiang; and severe restrictions on basic freedoms of speech and association.²⁴⁶

The Report also listed the projects which the UK Government is supporting in China, which cover areas including: promoting judicial justice; reforming the death penalty review system; policing and human rights; and research into Corporate Social Responsibility (CSR).²⁴⁷

181. The Annual Report section on China focused on:

- The question of ratification of the International Covenant on Civil and Political Rights (ICCPR);
- The lack of co-operation with UN monitoring mechanisms, such as Special Rapporteurs;

243 Ev 49–50

244 Ev 49–50

245 "UN stages rare Burma discussion", *BBC News Online*, 17 December 2005, news.bbc.co.uk

246 *Human Rights Annual Report 2005*, p 40

247 *Human Rights Annual Report 2005*, p 44

- Reform of administrative detention centres;
- A reduced use of the death penalty;
- Respect of the fundamental rights of all prisoners;
- The lack of progress on freedom of religion;
- The lack of cultural rights, particularly for minorities;
- Human rights abuses in Xinjiang;
- An end to jamming of BBC programming.

182. Human Rights Watch outlined a series of concerns in their submission but said that these “stand in sharp contrast to the apparent reluctance of senior government ministers publicly to confront human rights abusers, in many important contexts. At a press conference on November 7, a day before President Hu Jintao arrived on a state visit to the UK, the Prime Minister failed even to mention human rights when answering a Chinese journalist’s question about what he would be discussing with President Hu.”²⁴⁸ One area of particular concern which has re-emerged following the statements made by Manfred Novak, the UN Special Rapporteur for Torture, on his return from China in December 2005, is that of torture. Mr Novak made clear that torture in China is still widespread.²⁴⁹

183. Much of the exchange on human rights matters between London and Beijing takes place through the UK-China dialogue on human rights, which this year looked in particular at freedom of expression and civil society. However, last year the previous Foreign Affairs Committee criticised the Human Rights Dialogue, saying that it was failing to deliver results; in this context, the Committee recommended that the Government set specific goals and a timetable for the dialogue, and asked the Government how it worked with its partners in the EU. In its response, the Government argued that engaging China on human rights was a long term process and that setting timetables was inappropriate.²⁵⁰

184. Other commentators have criticised the dialogue. Kate Allen of Amnesty International told us: “We do not see any areas where progress is being made...What we have seen is that the UK-China human rights dialogue in June this year, which is now in its thirteenth round...We have no criticism of quiet diplomacy, if it is having an effect; but after the thirteenth round, we do question that and we would like to know what the British government sees as the progress to be made there.” She added that “it is time for the British government to be absolutely, publicly clear about what it sees as the advantages of the dialogue, what progress it wants to see.”²⁵¹

248 Ev 20

249 “China torture still widespread”, *BBC News Online*, 2 December 2005, news.bbc.co.uk

250 Foreign & Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs, Sixth Report of the Foreign Affairs Committee, 2004–05, Foreign Policy Aspects of the War Against Terrorism*, Cm 6590, June 2005

251 Q 59

185. However, the Human Rights Minister defended the human rights dialogue. He said: “Should we engage with a country and have a human rights dialogue or should we go down the route of UN resolutions? I believe that strategic engagement is very much the right path to follow as far as China is concerned.”²⁵² In a memorandum to us, the FCO went further, saying:

We agree that China’s progress on human rights is slow relative to the impressive economic changes in the country. We do not believe that this lack of speed means the dialogue is failing...We do not believe that establishing a timetable for the dialogue would improve its effectiveness. There are some human rights issues on which the Chinese Government is interested in making progress and might work with us towards agreed improvements. But there are other areas on which the Chinese Government is not interested in co-operation or is extremely hesitant about engagement...In such instances we find ourselves pursuing a role of moral advocacy rather than working with the grain of change in China. Against this background it is our view that agreeing a timetable with the Chinese Government would mean setting the target very low or—in some cases—it might prove impossible to set a meaningful target at all.²⁵³

The Committee is carrying out an inquiry into developments in East Asia, and we intend to return to the question of human rights abuses in China as part of that inquiry.²⁵⁴

186. We conclude that the UK-China human rights dialogue appears to have made glacial progress. We recommend that the Government set out in its response to this Report what measures it uses to determine whether the dialogue is a success, what it sees as the achievements of the dialogue to date, and why it wishes it to continue.

187. The situation in Tibet is another matter of serious concern. The Free Tibet Campaign raised concerns about human rights in Tibet, including the use of torture, saying that despite “being a signatory to the Convention Against Torture, torture remains endemic in prisons and detention centres throughout China and Tibet. In January 2005 a suspended death sentence against Tibetan religious leader Tenzin Deleg Rinpoche was commuted to life imprisonment. The case against Tenzin Deleg, who was accused of ‘splittist activities’ and taking part in ‘causing explosions’, has never been made public, but was based on a confession by his co-accused, Lobsang Dhondup. Dhondup publicly withdrew this confession, alleging he had been tortured. Dhondup was executed in January 2003.”²⁵⁵ The Free Tibet Campaign also raised the kidnap of the 11th Panchen Lama, Gedhun Choeki Nyima, in May 1995, which the Annual Report describes as a concern for the FCO.²⁵⁶

188. Commenting on the situation in Tibet, Kate Allen of Amnesty International told us: “We do not think it is improving. We continue to document abuse taking place in Tibet,

252 Q 177

253 Ev 49, para 11

254 “Foreign Affairs Committee announces inquiry into East Asia”, Foreign Affairs Committee Press Notice 10, 17 November 2005

255 Ev 112

256 *Human Rights Annual Report 2005*, p 43

particularly of monks and nuns and of other religious minorities. So we have nothing to say about improvement in Tibet.”²⁵⁷

189. We conclude that the situation in Tibet is of great concern, and we recommend that the Government should make public its condemnation of the human rights abuses carried out by the Chinese authorities in Tibet.

Indonesia

190. The Annual Report has a section on Indonesia as a country of concern, which describes the ongoing problems in Papua New Guinea, Aceh and East Timor. Last year the Committee outlined its fears about the Indonesian government’s seeming willingness to use the tsunami as cover to perpetrate human rights abuses, and the Government response accepted the Committee’s point. In the last year one recent worrying development, given the history of abuses committed by the Indonesian military in East Timor, Aceh and Papua New Guinea, has been the USA’s decision to reinstitute military to military ties in November 2005.²⁵⁸

191. Tapol have raised concerns about Indonesia in general and about the situation in West Papua in particular in their submission, saying that they “believe that the FCO has underplayed the severity of the situation in West Papua both in its analysis and weak policy responses. The FCO’s concern has not translated into the necessary diplomatic and economic pressure on Indonesia to improve the human rights situation and resolve the conflict peacefully according to the wishes of the Papuan people.”²⁵⁹ A submission by the Rt Hon Lord Anderson of Swansea also raised concerns about the treatment of minority faiths in Central Sulawesi, particularly bombings and beheadings of Christians.²⁶⁰

192. However, the Government takes a more positive line. The FCO wrote to us: “The human rights situation in Indonesia has improved in the last few years and we assess that President Yudhoyono is sincere in his attempts to push through reforms, including to the security sector. The current peace process in Aceh is an indication of his willingness to address some of the long running issues in Indonesia. The Indonesian Parliament has recently voted for the ratification of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.”²⁶¹

193. On the matter of West Papua the FCO wrote: “As part of our regular dialogue with the Indonesian government we raise reports of human rights abuses in Papua. We have also encouraged the Indonesian government to engage in dialogue with Papuan representatives, and to proceed with full implementation of the Special Autonomy Legislation...President Yudhoyono has committed his government to resolving the Papuan question through dialogue, “in a peaceful, just and dignified manner”.”²⁶²

257 Q 61

258 “Indonesia hails arms détente”, *BBC News Online*, 23 November 2005, news.bbc.co.uk

259 Ev 91, para 3

260 Ev 122

261 Ev 69

262 Ev 69

194. **We conclude that the improvements in human rights in Indonesia are welcome, but that the Government must engage with its Indonesian partners to move further towards reform, particularly in the light of the USA's decision to reinstate military to military ties with Indonesia. We also recommend that the Government should expand its coverage of the West Papua conflict in its Annual Report.**

Maldives

195. The Annual Report makes scant mention of human rights abuses in the Maldives, but the Commonwealth Human Rights Initiative (CHRI) says: "The Maldives is plagued by human rights violations and disregard for the principles for participatory democratic governance and the rule of law. The press faces harassment...and civil society faces restrictions."²⁶³

196. CHRI goes on to say: "A clear and strong public statement is required to send a message to the Maldivian administration and other Commonwealth nations that actions that violate the Harare Principles are unacceptable and will not be overlooked by the Commonwealth. Continued silence implies acceptance and risks damaging the Commonwealth's reputation for membership being dependent on the principles of democracy and human rights articulated in the Harare Declaration."²⁶⁴

197. **We conclude that the Government should include more information in the next Annual Report on the human rights situation in the Maldives.**

Nepal

198. The Annual Report has a short section on human rights in Nepal which tackles the proliferating concerns since the dismissal of Nepal's government and the assumption of power by King Gyanendra in February 2005. The King pledged that municipal elections would take place in February 2006;²⁶⁵ these took place but a very low turnout of less than 20%, a general strike and allegations of intimidation by both the Maoists and the Government, which won overwhelmingly, raised serious doubts about the elections.²⁶⁶ Parliamentary elections are due no later than April 2007, but at present the King continues to govern without democratic constraint.²⁶⁷ The King's takeover was in response to the growing Maoist insurgency which has strengthened over the last few years, and has added to growing concerns that both the Nepali government and the Maoist insurgents carry out frequent abuses of human rights, such as torture, disappearances, beatings, and targeted attacks on journalists, human rights defenders and political activists.²⁶⁸

263 Ev 103

264 Ev 102

265 "Nepal parliamentary vote pledged", *BBC News Online*, 12 October 2005, news.bbc.co.uk

266 "King's placemen take power in Nepal election", *Financial Times*, 10 February 2006

267 "Nepal back to normal after polls", *BBC News Online*, 9 February 2006, news.bbc.co.uk; "Jailing of Nepal ex-PM questioned", *BBC News Online*, 19 September 2005, news.bbc.co.uk

268 *Human Rights Annual Report 2005*, p 70

199. The United Kingdom reacted strongly to the February 2005 coup. The UK recalled its ambassador for consultations, appointed a human rights adviser to its post in Kathmandu and decided “to withdraw its plans to donate a further package of non-military assistance to Nepal.”²⁶⁹ Kate Allen of Amnesty International told us: “We see a situation of 200,000 people displaced. We know of 400 people, named people, who have disappeared. There is an absolute climate of fear.”²⁷⁰

200. The FCO wrote to us on the question of human rights in Nepal, saying: “The human rights situation has been steadily deteriorating for several years and we remain deeply concerned by the serious abuses that are still being carried out by the Maoists and the security forces. The UN Special Rapporteur on Torture, Manfred Nowak, visited Nepal in September and his preliminary report indicated widespread and systematic use of torture by Nepalese security forces.”²⁷¹ The letter also pointed to the United Kingdom’s role as holder of the EU presidency in an EU visit to Nepal, during which the delegation made a strong public statement calling for the reinstatement of human rights standards, and democracy, and for an end to Maoist acts of terrorism.²⁷²

201. The letter went on to deal with the question of military support “On the issue of military assistance, this has been significantly reduced since the King took power on 1 February [2005]. Our military assistance was always predicated on the maintenance of basic democratic structures and procedures Following...the imposition of the State of Emergency...we withdrew proposals for a substantial further package of military assistance...At present we provide only very modest levels of assistance to the Royal Nepalese Army (RNA)...This consists of bomb disposal equipment, human rights advice and training and a handful of general professionalism courses.”²⁷³ The situation has not improved; on 19 January 2006 the Foreign Office Minister with responsibility for Nepal, Dr Howells, issued a statement condemning the arrest of political opponents.²⁷⁴

202. We conclude that the Government should maintain pressure on the King of Nepal to reintroduce democracy and to work to establish human rights standards throughout Nepal. We also condemn the bloody acts of terrorism perpetrated by the Maoist insurgents in Nepal. We recommend that the Government maintain only limited military assistance to the Nepali government until accountable government is reinstated.

269 *Human Rights Annual Report 2005*, p 71

270 Q 65

271 Ev 69

272 Ev 69

273 Ev 70

274 “Foreign office minister condemns political arrests in Nepal”, Foreign and Commonwealth Office press release, 19 January 2006

Formal minutes

Wednesday 15 February 2006

Members present:

Mike Gapes, in the Chair

Mr Fabian Hamilton	Sandra Osborne
Mr David Heathcoat-Amory	Mr Greg Pope
Mr John Horam	Mr Ken Purchase
Mr Eric Illsley	Sir John Stanley
Andrew Mackinlay	Richard Younger-Ross

The Committee deliberated.

Draft Report [*Human Rights Annual Report 2005*], proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 14 read and agreed to.

Paragraph 15 read, amended and agreed to.

Paragraphs 16 to 75 read and agreed to.

Paragraph 76 read, amended and agreed to.

Paragraphs 77 to 107 read and agreed to.

Paragraph 108 read, amended and agreed to.

Paragraphs 109 to 148 read and agreed to.

Paragraph 149 read, amended, divided and agreed to (now paragraphs 149 and 150).

Paragraphs 150 to 158 (now paragraphs 151 to 159) read and agreed to.

Paragraph 159 (now paragraph 160) read, amended and agreed to.

Paragraphs 160 to 196 (now paragraphs 161 to 197) read and agreed to.

Paragraph 197 read, (now paragraph 198) amended and agreed to.

Paragraphs 198 to 201 (now paragraphs 199 to 202) read and agreed to.

Resolved, That the Report, as amended, be the First Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Several Papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.—(*The Chairman*).

Several Memoranda were ordered to be reported to the House.

The Committee further deliberated.

[Adjourned till Wednesday 8 March at Two o'clock

Witnesses

Wednesday 16 November 2005

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Ms Kate Allen, Director, and **Mr Tim Hancock**, Head of Policy, Amnesty International UK, and **Mr Steve Crawshaw**, London Director, Human Rights Watch

Ev 28

Wednesday 23 November 2005

Ian Pearson, a Member of the House, Minister of State for Trade, Foreign & Commonwealth Office, and **Ms Alexandra Hall Hall**, Head, Human Rights, Democracy and Governance Group, Foreign & Commonwealth Office

Ev 47

List of written evidence

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TAPOL, the Indonesia Human Rights Campaign, Free West Papua Campaign and the UK Coalition for West Papua	Ev 90
Trades Union Congress and Justice for Colombia	Ev 93
Saferworld	Ev 96
Kurdish Human Rights Project	Ev 99
Commonwealth Human Rights Initiative	Ev 101
Council for Arab-British Understanding	Ev 104
Robert Amsterdam	Ev 107
Campaign Against Criminalising Communities	Ev 108

Free Tibet Campaign	Ev 111
Eritreans for Human and Democratic Rights UK	Ev 113
Jubilee Campaign	Ev 114
International Campaign for Human Rights in Tunisia	Ev 117
Society for the Protection of Unborn Children	Ev 118
World Vision	Ev 119
Rt Hon Lord Anderson of Swansea	Ev 122
FDC Envoy to the UK and European Union	Ev 123
Ogaden Community Association	Ev 127
Gareth Howell	Ev 128
Leaked FCO memorandum obtained by News Statesman	Ev 131
Dr Nazila Ghanea	Ev 133

List of unprinted written evidence

Additional papers have been received from the following and have been reported to the House but to save printing costs they have not been printed and copies have been placed in the House of Commons library where they may be inspected by members. Other copies are in the Record Office, House of Lords and are available to the public for inspection. Requests for inspection should be addressed to the Record Office, House of Lords, London SW1. (Tel 020 7219 3074) hours of inspection are from 9:30am to 5:00pm on Mondays to Fridays.

The Selwood Foundation