

European Union

The ratification of the E.U. Partnership and Cooperation Agreement (PCA) with Turkmenistan remain stalled, due to human rights concerns. But the PCA's Interim Agreement extended full trade benefits, squandering the European Union's leverage with Turkmenistan.

After the September attacks in the United States, the European Union began to reevaluate its engagement with Central Asian states bordering on Afghanistan. Within this context Belgian Foreign Minister Louis Michel, representing the E.U. presidency, visited Turkmenistan to discuss cooperation on terrorism, border control, and drug trafficking.

United States

In the post-September 11 context of U.S. policy toward Central Asian states, Turkmenistan's human rights record took second place to its strategic location, sharing a border with Afghanistan. The Bush administration's list of countries of particular concern for religious freedom, released in October, did not include Turkmenistan. In August, the U.S. Commission on International Religious Freedom had recommended its inclusion.

European Bank for Reconstruction and Development (EBRD)

In a letter to President Niazov in July 2001, the EBRD threatened to cut off all activities in Turkmenistan if political and economic reforms were not enacted within a year, citing "grave concerns about the state of democracy and the lagging pace of political and economic transition." The EBRD had ended public sector lending to Turkmenistan in April 2000.

UNITED KINGDOM

HUMAN RIGHTS DEVELOPMENTS

In the aftermath of the September 11 attacks in the United States, the United Kingdom proposed emergency measures that threatened to undermine civil liberties and the rights of refugees and migrants. Three years after the 1998 Multi-Party Agreement was negotiated in Northern Ireland, the agreement's human rights provisions were not yet realized. Contentious outstanding issues included the creation of a representative, accountable police force, and the establishment of public inquiries into the murders of two slain defense lawyers.

On September 27, British Home Secretary David Blunkett suggested that Afghans who might flee their country were not entitled to seek refuge elsewhere.

“There is already a major problem on the Afghan border,” he said. “The main aim is to stop people coming from that region and spreading across the world. That is also necessary for reasons of terrorism.” Blunkett indicated that in order to prevent terrorism it might be necessary to curb the appeal rights of those refused entry into the United Kingdom. Such measures threatened to prevent asylum seekers from having their claims for refugee status assessed fully and fairly. Most individuals recognized as refugees in the United Kingdom had appealed an initial negative decision.

In October, the British Home Office proposed new security measures—including enhanced police powers; a denial of judicial review for decisions made by the Special Immigration Appeals Commission, which deals with asylum claims of persons suspected of terrorist activities; and provisions for the indefinite administrative detention of those suspected of terrorist activity or associated with terrorist groups or their members. In February, the United Kingdom lifted its derogation from article 5 of the European Convention on Human Rights, which governs the rights of individuals in custody. The indefinite detention proposal would have required the United Kingdom to reinstate the derogation.

On November 12, Home Secretary David Blunkett declared a “state of emergency,” a requirement for derogation from certain provisions of the European Convention on Human Rights (ECHR). Blunkett told the *Guardian* that the declaration was a legal technicality—necessary to ensure that certain antiterrorism measures that contravene the ECHR could be implemented—and not a response to any imminent terrorist threat. In a statement to Parliament on October 15, Blunkett stated that “[t]here is no immediate intelligence pointing to a specific threat to the United Kingdom.” These public pronouncements raised concern that the United Kingdom sought to derogate from its human rights obligations in the absence of conditions amounting to a bona fide state of emergency.

The Home Office subsequently introduced the Anti-Terrorism, Crime and Security 2001 bill on November 13. The bill included a definition of “international terrorist suspects” that included persons who “have links with a person who is a member of or belongs to an international terrorist group,” giving rise to concern that people could be found guilty by association; provided for indefinite detention with limited judicial review for foreigners certified by the Home Secretary as suspected terrorists; and undermined the 1951 Refugee Convention by denying those considered suspects the fundamental right to seek asylum and potentially excluding them from the United Kingdom, or detaining them indefinitely without adequate safeguards. An expedited process was implemented to see the bill to adoption, which was expected by December.

Attacks against Muslims living in the United Kingdom increased dramatically after September 11. On September 17, three white men beat an Afghan taxi driver so severely that he was paralyzed from the neck down. Although such attacks were condemned by the government—with a promise to toughen enforcement of hate crimes legislation—new government calls for antiterrorist measures, more restrictive immigration and asylum controls, and for halting the flow of Afghan refugees into Europe contributed to an increasingly hostile climate toward refugees and migrants in the United Kingdom.

The Northern Ireland peace process faced numerous challenges in 2001. On August 18, the Irish and British governments issued a revised implementation plan for the 1999 Patten Commission report on policing. Although Northern Ireland's Irish nationalist Social Democratic Leadership Party (SDLP) agreed to the plan, the republican party Sinn Fein refused to approve it, citing its failure to incorporate key provisions of the 1998 Patten report, which recommended fundamental reform of policing arrangements. In September, the Northern Ireland Police Board—the policing oversight body—was established with representatives from all the major political parties except Sinn Fein. Without support from Sinn Fein, members of the Catholic minority that identify themselves as republicans or nationalists were less likely to seek jobs in the service.

In June, the Royal Ulster Constabulary introduced “less lethal” plastic bullets into its cache of weapons. Human rights groups and Labor Party MPs argued that scientific evidence indicated the new bullets remained lethal and continued their calls for a total ban on the use of plastic bullets.

Children's right to education was threatened in September in the Ardoyne area of Belfast where local protesters—who identify themselves as Protestant “loyalists” to the U.K.—lobbed a blast bomb, tossed bottles, and shouted sectarian slurs at Holy Cross elementary students, girls aged four to eleven, as they made their way to school. Loyalists issued death threats against some parents. On November 11, a sixteen-year old loyalist protester died after a pipe bomb exploded in his hand. Catholic parents charged the RUC with failing to protect their children adequately. In November, the RUC arrested a nationalist who was videotaping loyalist protests outside the school.

Press outlets continued to suffer setbacks in their efforts to report on the Force Research Unit (FRU), a unit within British Army intelligence alleged to be responsible for a number of killings—through its agents in both loyalist paramilitary groups and the Irish Republican Army (IRA)—including the murder by loyalist paramilitaries of defense lawyer Patrick Finucane in 1989. On April 24, the Ministry of Defense secured a temporary injunction against Ulster Television's *Insight* series, which was about to broadcast a program about FRU's infiltration of former soldiers into the IRA. The program alleged that members of the security forces and the public died in IRA attacks that were allowed to go ahead in order to protect those agents' cover. A permanent injunction was served on UTV on April 26 banning the station from broadcasting information about the ban.

In February 2001, the Irish government issued a public statement supporting the call for an independent international public inquiry into the March 1999 murder of human rights lawyer Rosemary Nelson. In August 1 proposals to advance the political process, the British and Irish governments called for the appointment of an international judge to investigate allegations of official collusion in several cases, including the murders of Rosemary Nelson and Patrick Finucane. The Nelson and Finucane families continued to call for independent public inquiries into the murders.

DEFENDING HUMAN RIGHTS

In July 2000 human rights activists discovered a web site listing names of persons being targeted by loyalist paramilitaries, including defense lawyers, journalists, and community activists. The police got the list off the web in December 2000. Evidence subsequently came to light that loyalists had the list and were amending it. The RUC warned hundreds of people that their names were on the list.

On September 28, journalist Martin O'Hagan, who wrote about alleged collusion between the security forces and loyalist paramilitaries, was shot dead in Lurgan.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In April, the U.N. special rapporteur on the independence of judges and lawyers and the special rapporteur on human rights defenders called for public inquiries into the murders of Rosemary Nelson and Patrick Finucane.

In November, the U.N. Human Rights Committee issued concluding observations on the United Kingdom's fifth periodic report. The committee welcomed the entry into force of the Human Rights Act 1998 and the establishment of a police ombudsman and human rights commission in Northern Ireland. It recommended that any derogation from the International Covenant on Civil and Political Rights (ICCPR) in the effort to combat terrorism comply with the requirements on derogation contained in article 4, to implement "a full, transparent, and credible accounting" of the circumstances into disputed killings in Northern Ireland, including the murders of Patrick Finucane and Rosemary Nelson, to examine the asylum system to ensure that asylum seekers' rights under the ICCPR receive full protection, and to establish a national human rights commission.

Council of Europe

In four judgments issued in May, the European Court of Human Rights held that the United Kingdom had failed to conduct effective investigations into disputed killings in Northern Ireland. The cases were brought by the families of eleven people killed by security forces and one person killed by Loyalist paramilitaries with the alleged collusion of the security forces. The court unanimously found in all four cases that the procedures for investigating the use of lethal force by police officers failed to meet the requirements of article 2 of the European Convention on Human Rights, which guarantees the right to life.

United States

On March 15, the second anniversary of Rosemary Nelson's murder, the House

Subcommittee on International Operations and Human Rights held a hearing on the review of the criminal justice system in Northern Ireland.

The U.S. State Department's *Country Reports on Human Rights Practices for 2000* adequately catalogued the concerns of human rights groups, including the lethal potential of plastic bullets, alleged collusion between security forces and loyalist paramilitaries, and the unresolved murders of lawyers Rosemary Nelson and Patrick Finucane.

Relevant Human Rights Watch Reports:

Commentary on the United Kingdom's Anti-Terrorism, Crime and Security Bill 2001, 11/01

UZBEKISTAN

HUMAN RIGHTS DEVELOPMENTS

The new U.S.-led campaign against terrorism dramatically changed Uzbekistan's international position, but its appalling human rights record remained unchanged. The government retained tight control over all media and other forms of expression, dealing harshly with dissidents and rights activists who sought to expose abuses. It did not tolerate independent political parties or social movements. State agents tortured those in custody and at least five people died in custody under highly suspicious circumstances in 2001.

The government pressed forward with a campaign of unlawful arrest, torture, and imprisonment of Muslims who practiced their faith outside state controls, and took increasing numbers of pious women into custody. Police forcibly disbanded protests by relatives of religious prisoners, and placed several under administrative arrest for demonstrating.

Seventy-three mountain villagers were convicted, after being tortured and ill-treated, on charges of abetting the Islamic Movement of Uzbekistan (IMU) insurgency in 2000 in southeastern Uzbekistan.

While authorities withheld comprehensive statistics on prisoners held on religious and political charges, conservative estimates put the total number at around 7,000. Local rights organizations estimated that in 2001 at least thirty people per week were convicted for alleged crimes related to their religious affiliation or beliefs. The majority of cases involved those accused of membership in Hizb ut-Tahrir (Party of Liberation), which espouses reestablishment of the Islamic Caliphate by peaceful means. The government of President Islam Karimov equated the group's beliefs and activities with attempted overthrow of the state, and authorities prosecuted any person in possession of the group's literature or in any way affiliated with it. They also prosecuted so-called Wahhabis, or Muslims who were