

during mayoral by-elections in the province of Inhambane. They were initially released without charge, but in August were accused of illegal campaigning at polling stations. The detainees said they were distributing food and water for the MDM polling station monitors. On 5 October they were convicted of alleged electoral offences and sentenced to two months' imprisonment without the option of a fine. Seven were tried in their absence.

Excessive use of force and unlawful killings

In July the Maputo Administrative Court ordered the state to pay 500,000 meticais (about US\$17,000) in compensation to the mother of an 11-year-old boy who was killed by a stray bullet fired by police during violent demonstrations in Maputo in September 2010. No officer was held accountable. There were further cases of excessive use of force by the police during the year.

■ In July police shot and killed a 19-year-old man, known only as António, in the city of Nampula. António and a friend were reported to have driven a car into a police vehicle parked outside the 2nd police station in Nampula and failed to stop. Police pursued them and fired, hitting António, who died later. Police authorities told Amnesty International delegates in November that an investigation was being carried out. No further information was available at the end of the year.

■ In August, the district Police Commander in Ilha de Moçambique, Nampula province, beat a pregnant woman, resulting in her hospitalization. Police authorities said that the Commander had beaten her in his personal capacity during a private dispute. They stated that a disciplinary procedure had been instituted and that an investigation was being carried out. No further information was available at the end of the year.

Detention without trial

In at least three prisons in Maputo and two in Nampula, hundreds of people were held without trial, some without charge, for longer than the time legally allowed. Thousands of people remained similarly detained throughout the country.

■ On 16 February a joint delegation of Amnesty International and the Mozambique Human Rights League found José Capatine Cossa (also known as Zeca Capetinho Cossa) detained without charge or trial in Machava Maximum Security prison. He had been held

for over 12 years; the authorities claimed they did not know why he was there. In September the Attorney General informed Amnesty International that José Capatine Cossa had been released on 4 September as his detention had been irregular and that an investigation was being carried out. By the end of the year no one had been held responsible and José Capatine Cossa had not received compensation for unlawful arrest and detention.

Prison conditions

Prisoners in Nampula Central Prison and Beira Central Prison rioted in March and September respectively in protest against overcrowding, poor food and health conditions. The Rapid Intervention Force used excessive force during the riots at Nampula Central Prison, which was condemned by the Minister of Justice. Conditions at Nampula Central Prison were harsh, with extreme overcrowding, insanitary conditions, nutritionally inadequate food and poor medical facilities. Similar conditions were recorded in other prisons.

Amnesty International visits/reports

✈️ Amnesty International delegates visited Mozambique in February and November.

📖 Locking up my rights: arbitrary arrest, detention and treatment of detainees in Mozambique (AFR 41/001/2012)

MYANMAR

REPUBLIC OF THE UNION OF MYANMAR

Head of state and government:

Thein Sein

Amid ongoing political, legal and economic reforms, the authorities released hundreds of prisoners of conscience; however, many remained behind bars. Security forces and other state agents continued to commit human rights violations, including unlawful killings, excessive use of force, arbitrary arrests, torture and other ill-treatment, and unlawful confiscation or destruction of property and livelihoods. Impunity for past crimes, including crimes against humanity, persisted.

Background

In April, Myanmar held by-elections, which international observers determined to be largely free and fair. The opposition party, the National League for Democracy (NLD), won 43 of the 44 seats it contested and were allowed to take their seats in parliament.

In August, former prisoner of conscience Daw Aung San Suu Kyi was appointed as chairperson to the newly created parliamentary Committee for Rule of Law and Tranquility. In September, the National Human Rights Commission was accepted as a member of the South East Asia National Human Rights Institutions Forum, and in November it was admitted as an associate member of the Asia Pacific Forum, but concerns remained about its ability to act as an independent human rights monitor.

In November, Myanmar adopted the ASEAN Human Rights Declaration, despite serious concerns that it fell short of international standards. Also in November, President Thein Sein authorized the ICRC to resume prison visits, and announced that the government planned to develop an inter-governmental mechanism to review prisoner cases.

The EU and Australia, Canada, Switzerland and the USA suspended most sanctions against Myanmar in the first half of the year, but arms embargoes remained in place.

Internal armed conflict

The government signed ceasefire or initial peace agreements with the political wings of some eight ethnic opposition groups, including the Arakan Liberation Party, Karen National Union, Shan State Army North and Shan State Army South. However, occasional clashes continued to be reported in eastern Myanmar. The armed conflict in the Kachin and northern Shan states intensified, with the armed forces using air strikes to target outposts of the Kachin Independence Army (KIA) at the end of the year. The current conflict started after the Myanmar army broke its ceasefire with the KIA in June 2011. Attempts at talks between the government and the KIA did not yield positive results during the year. An ILO Action Plan on under-age military recruitment and the Joint Action Plan on children in armed conflict under UN Security Council Resolution 1612 were signed in June, and the authorities publicly released 42 child soldiers in September.

Villagers in areas of armed conflict, in particular in the Kachin and northern Shan states, continued to be subjected to a range of human rights abuses, including arbitrary arrest, unlawful killings, sexual violence, torture, enforced disappearances and destruction of livelihood.

■ In January, lawyers acting on behalf of the family of disappeared Kachin woman Sumlut Roi Ja lodged a case with the Supreme Court in Nay Pyi Taw. Sumlut Roi Ja disappeared after reportedly being detained by the armed forces in October 2011. Her husband, who claimed that he witnessed her abduction, was not allowed to give evidence. In March, the Supreme Court dismissed the case citing a lack of evidence.

■ In June, the army arrested four Kachin men who were tending cattle, for suspected ties with the Kachin Independence Organization (KIO) and the KIA. Credible reports stated that the men were tortured.

■ On 1 July, soldiers arrested 27 Kachin villagers for their alleged association with the KIA. Most of the men were quickly released, but Galau Bawm Yaw remained in detention. On 22 July, his body was discovered reportedly bearing signs of torture.

Internally displaced people

The number of people displaced by the ongoing conflict in Kachin state reached more than 75,000 by the end of the year. Many of those displaced were living in makeshift camps in KIA-controlled areas close to the Chinese border, and suffered from inadequate access to food, medical care and proper sanitation facilities. Humanitarian organizations were unable to provide sustained assistance to KIA- and KIO-controlled areas due to government restrictions.

More than 400,000 people continued to be displaced in eastern Myanmar. Another 115,000 Rohingya and non-Rohingya Muslims remained displaced in Rakhine state due to communal violence and abuses. Humanitarian agencies faced obstacles in assisting those outside official camps for the internally displaced, particularly in late October and early November. Camps were overcrowded and insanitary.

Communal violence

In early June, violent clashes erupted between Rakhine Buddhist and Rohingya and other Muslim communities, following the alleged rape and murder of a Buddhist Rakhine woman by three Muslim men on 28 May in Rakhine state, and the subsequent

killing of 10 Muslim men in a revenge attack. The President declared a state of emergency on 10 June. Sporadic violence continued in July and August, and intense communal violence broke out again between 21 and 30 October when other Muslim communities such as the ethnic Kaman were also targeted. Official figures indicated that around 160 people died. The actual figure may be considerably higher.

A government-appointed commission was set up on 17 August to investigate the cause of the violence in Rakhine state. The commission was composed of a range of stakeholders, including former political prisoners and six Muslim representatives, but lacked a representative from the Rohingya community. Two of the Muslim representatives were relieved of their duties in November. The commission had not released its final report at the end of the year.

Land disputes

Protests against land grabbing and evictions erupted during the year. A parliamentary committee was established to investigate land disputes. The committee was reported to have looked into several hundred cases in the last quarter of the year – out of a reported 4,000 reports of land seizures submitted to it – and was due to present its findings to parliament in early 2013.

■ In the early hours of 29 November, police forcibly dispersed peaceful protesters who were camped at the Letpadaung copper mine in Monywa township, Sagaing region, causing severe injuries to some of the protesters, including monks. Protesters had been objecting to the expansion of the mine, associated land confiscation, and the reported environmental impact already caused by the mine. In December, Daw Aung San Suu Kyi was appointed as the chair of a commission to investigate the expansion of the mine and the crackdown on protesters.

The Farmland Law and the Vacant, Fallow and Virgin Lands Management Law, both enacted in 2012, fail to provide adequate protection for farmers from having their land requisitioned by the authorities.

In March, the Ward or Village Tract Administration Act was amended to criminalize forced labour. In July, the government approved an action plan to end all forms of forced labour by 2015. Nevertheless, the practice continued, particularly in ethnic areas.

Freedom of assembly

In July, the government enacted the 2011 law on the Right to Peaceful Assembly and Peaceful Procession (Peaceful Assembly and Procession law). The law required protesters to apply at least five days in advance for permission to demonstrate, and stipulated that: “The application should not be denied unless the security of the State, rule of law, public tranquility and the existing laws protecting the public are to be breached.”

Some who organized or took part in peaceful demonstrations without permits were charged under section 18 of the law, and faced up to one year in prison for each township entered without a permit.

■ Several people were charged under the Peaceful Assembly and Procession law for organizing a peace march without a permit in September. The marchers passed through multiple townships and were facing charges in each.

■ In December, at least six activists were charged under section 18 of the Peaceful Assembly and Procession law for demonstrating without a permit on 1 December in Yangon. They were expressing concern about the violent crackdown in November on protesters at the Monywa mine, Sagaing region.

Freedom of expression

On 20 August, the Ministry of Information announced the end of all pre-publication censorship procedures, and on the same day issued a strict set of publishing guidelines prohibiting, among other things, negative criticism of state policies. The Ministry still required articles to be submitted to the Press Scrutiny and Registration Division after publication.

In early August, the government created the Myanmar Core Press Council to serve as an interim body to monitor and address media issues until the new media law was enacted. There was strong opposition to its lack of independence, composition, and authority by journalists. A new interim Press Council was established in mid-September; more than half of its members were journalists.

Arbitrary arrests and detentions

Hundreds of people, including children, were arbitrarily detained, held in incommunicado detention, and subjected to cruel, inhuman and degrading treatment in places of detention without access to appropriate or adequate medical care.

There continued to be some reports of torture and other ill-treatment, occasionally leading to death in custody.

■ Prisoner of conscience Dr Tun Aung remained behind bars. He was a medical doctor and chairman of the Islamic Religious Affairs Council in Maungdaw, Rakhine state. On 11 June, he was arrested for provoking communal riots in Maungdaw, and sentenced to 11 years' imprisonment in the second half of the year. He was believed to have been persecuted for his role as a Muslim community leader in Maungdaw.

■ Myo Myint Swe died in a police station in Yangon in July after he was accused of involvement in a murder. His body showed signs of torture.

Prisoner amnesties

The authorities released more than 8,500 prisoners, including hundreds of prisoners of conscience. Most were granted conditional releases under section 401 of the Code of Criminal Procedure, violation of which could lead to re-imprisonment for the remainder of their sentence.

Death penalty

In early January, the President commuted the death sentences of all prisoners on death row to life imprisonment; however, at least 17 individuals received death sentences during the year.

Impunity

The National Human Rights Commission did not have the authority to receive and investigate complaints of human rights violations which had taken place prior to its formation on 5 September 2011. There was no comprehensive and independent mechanism to investigate possible war crimes and crimes against humanity, leaving victims and their relatives with inadequate access to measures of truth, justice and reparations. Many of those involved in grave human rights violations had not been brought to justice.

Amnesty International visits/reports

📄 Amnesty International delegates visited Myanmar in May, November and December.

📄 Revisiting human rights in Myanmar (ASA 16/003/2012)

📄 Myanmar: Meet immediate humanitarian needs and address systemic discrimination (ASA 16/008/2012)

📄 Myanmar: Open letter to the Minister of Home Affairs (ASA 16/016/2012)

NAMIBIA

REPUBLIC OF NAMIBIA

Head of state and government:

Hifikepunye Pohamba

The long-running treason trial of Caprivi detainees continued, with most of the men having spent more than 12 years in custody. Members of the ruling South West Africa People's Organization (SWAPO) continued to enjoy impunity for abuses against their political opponents. Ethnic minorities faced marginalization and exclusion from decision-making processes.

Caprivi detainees' trial

The last of the 379 witnesses in the Caprivi high treason trial gave testimony and the prosecution closed its case in the High Court on 7 February. The 111 men remaining on trial faced a total of 278 charges, including high treason, nine counts of murder and 240 charges of attempted murder in connection with an alleged conspiracy to secede the Caprivi region from Namibia between January 1992 and December 2002. After the closure of the prosecution's case, one of the suspects, Rodwell Kasika Mukendwa, who was arrested on 26 August 1999, was acquitted on 10 August 2012.

Amnesty International considered that many of the Caprivi detainees were possible prisoners of conscience because they were arrested solely on the basis of their actual or perceived political views, ethnicity or membership of certain organizations. The group was being tried under what is known as the "common purpose" doctrine, which essentially relieves the prosecution of having to prove beyond a reasonable doubt that each participant committed conduct which contributed causally to the ultimate unlawful consequence. The doctrine shifts the burden of proof from the prosecution to the defendants and undermines the right to presumption of innocence.

Freedoms of association and assembly

The rights to freedom of peaceful assembly and of association were violated by the Namibian police and members of SWAPO.

■ In October, seven teachers were arrested in Oshakati for demonstrating against poor working conditions.