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REGIONS:

AFRICA

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ASIA

♦ Sri Lanka

- ▶ EU Presidency Statement on the ongoing violence in Sri Lanka and its possible impact on the scheduled peace talks in Switzerland (14/10/06)

Presidency of the European Union is concerned that the recent escalation of violence can endanger the positive step taken by the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) to resume peace talks in Switzerland on 28-29 October 2006. The Presidency urges both sides to cease all hostilities immediately and create an environment for constructive discussion. The Presidency reiterates its full support to Norway's important facilitation work and to the Sri Lanka Monitoring Mission (SLMM).

The Presidency is deeply concerned about the increasing violations of human rights and international humanitarian law. The Presidency urges the Government of Sri Lanka and the LTTE to ensure that humanitarian aid deliveries be granted a free access to conflict affected areas and that the security of humanitarian workers will be guaranteed.

http://eu2006.fi/news_and_documents/cfsp_statements/vko41/en_GB/1160813419954/

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◆ **European Commission**

▶ Celebration of the World Day against the Death Penalty (10/10/06)

On this occasion, a joint press conference has been held by European Commission Vice-President Franco Frattini and Mr Terry Davis, Secretary General of the Council of Europe, to support the celebration of the World Day against the Death Penalty. Commissioner Frattini stated that "*the administration of State killing via the judicial system serves no useful purpose in preventing crime but can have a brutalising effect on societies that inflict it*". The Commissioner for External Relations Mrs. Ferrero-Waldner added that "we remain strongly committed to fight against the cruel and inhuman practice of the death penalty throughout the world and we call upon all third countries that have not yet abolished capital punishment, to do so without further delay".

There are been constant progress towards worldwide abolition. There are at present 128 countries that are abolitionist in law and practice. Over 40 countries have abolished the death penalty for all crimes since 1990. They include countries in Africa (recent examples include Liberia, Côte d'Ivoire), the Americas (Canada, Paraguay, Mexico), Asia and the Pacific (Philippines, Bhutan, Samoa) and Europe and Central Asia (Armenia, Bosnia-Herzegovina, Cyprus, Serbia and Montenegro, Turkey, Turkmenistan). In 2005, countries having abolished death penalty were 86, while in 1977, only 16 countries were abolitionist. The Commission, together with the Council of Europe, will organise a top level international Conference on 10 October 2007 in order to support the promotion of universal abolition and to provide a European contribution to the annual World Day against the Death Penalty, which has taken place on 10 October since 2003.

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/06/369&format=HTML&aged=0&language=EN&quiLanguage=en>

♦ European Commission

- ▶ Entry into force of European rules on the qualification and status of persons in need of international protection (10/10/06)

On 10 October 2006, the deadline for the implementation of the Qualification Directive (Directive 2004/83/EC of 29 April 2004, on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted), will expire. By Monday 9 October, only 6 Member States had notified any implementing measures to the Commission. These measures are currently under examination as to whether they fully and correctly transpose the Directive. This Directive is one of the four building blocks of the first stage of the Common European Asylum System. The other main asylum instruments are Regulation (EC) 343/2003 ("Dublin Regulation"), Directive 2003/9/EC ("Reception Conditions Directive,") and Directive 85/2005/EC ("Asylum Procedures Directive"). These legislative instruments guarantee a minimum level of protection and procedural safeguards in all Member States for those who are genuinely in need of international protection, whilst preventing abuses of asylum applications which undermine the credibility of the system. They all aim at a common objective – to level the asylum playing field and lay the foundations for a Common European Asylum System in line with the objectives set at the Tampere European Council.

The Qualification Directive ensures that, throughout the EU, the same criteria apply for the identification of persons who are genuinely in need of international protection and that a minimum level of rights and benefits are available for these persons in all Member States. This approximation of rules on the recognition and content of the protection granted by the Member States is expected to help to limit the secondary movements of applicants for asylum between Member States, caused purely by differences in national legislations. On the one hand, based on the full and inclusive application of the Geneva Convention of 1951 on the Status of Refugees, this Directive offers interpretative guidance to Member States so as to ensure a harmonized application of the Convention's criteria for qualifying for refugee status and reduce the discrepancies that existed in Member States' legal systems in the past. Importantly, it proposes a broad, progressive interpretation with regard to several key elements for the assessment of the protection needs of person seeking asylum. It recognizes for instance that non-state agents such as militia can also be the perpetrators of persecution and explicitly provides for the recognition as a refugee of those persons who have a well founded fear of being persecuted on account of their sexual orientation or gender. It thus recognises the legitimacy of claims by women, such as those based on acts of sexual violence, domestic violence, female genital mutilation, as well as by persons facing persecution or serious discrimination because of their homosexuality.

On the other hand, and in a manner unprecedented from a global perspective, the Directive introduces a harmonised regime for subsidiary protection in the EU for those persons who fall outside the scope of the Refugee Convention, but who nevertheless still need international protection, such as victims of civil war. This is of crucial importance as the number of persons in need of this type of protection is growing on a worldwide scale. Indeed, this Directive is the first major supranational attempt to establish a clear, uniform set of criteria, firmly based on Member States' international obligations under human rights instruments, and to codify the scope and the content of subsidiary protection in a binding instrument.

For both the refugee and the subsidiary protection status granted in accordance with its provisions, the Directive sets out the rights and benefits that attach to each status, regarding inter alia residence permits, access to education and employment, healthcare and social welfare, family unity and integration. At the same time, the Directive ensures that terrorists or serious criminals who apply for asylum cannot find a safe haven in the EU. It provides a series of tough clauses on exclusion from both refugee status and

subsidiary protection status so as to prevent the abuse of asylum systems by those who could be a threat to the security of the Member States or who have committed serious crimes.

According to statistical data provided by UNHCR, in 2005, there were 237,840 asylum applications and 73,068 positive decisions (refugee status + subsidiary protection status) in the EU25. The Directive is based on Article 63(1) (c) and (d) of the Treaty establishing the European Community. It was unanimously adopted by Member States on 29 April 2004 and has to be transposed by Member States by 10 October 2006 at the latest. It is binding for all Member States except for Denmark (according to a protocol attached to the Treaty Denmark is not bound by the measures taken under title IV of the Treaty). With regard to those Member States who have not notified any implementing measures until the date of the expiry of the deadline for transposition, the Commission will take appropriate procedural steps, according to the power conferred to it by Article 226 of the Treaty establishing the European Community.

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/06/368&format=HTML&aged=0&language=EN&guiLanguage=en>

EU / UN REFORM

MISCELLANEOUS

♦ European Parliament

- ▶ Sakharov finalist No 1: Those who campaign for hostages in Colombia (10/10/06)

Ahead of the awarding of the Sakharov prize for freedom of thought in December, Parliament's website is running profiles of the 3 finalists. Today we look at the nomination of "All those fighting for the release of kidnapped hostages in Colombia". As nominees, this group is represented by former Colombian Presidential candidate Ingrid Betancourt (herself a hostage), and the "País Libre" (free country) foundation which campaigns on behalf of those held hostage and their families.

Colombia is one of the most dangerous places in the world. Decades of civil war between government forces, leftist guerrillas and right-wing paramilitaries have left tens of thousands dead and thousands held hostage. It is estimated that there are currently 3000 people held hostage in Colombia, 80% of the world's total. Added to this is the carnage caused by Colombia being one of the world's largest producers of cocaine, a lucrative trade that has fuelled the violence and instability.

Ingrid Betancourt: campaigner for peace in Colombia

Ingrid Betancourt was someone who advocated a negotiated settlement to Colombia's problems. She stood as a Presidential candidate in the 2002 Presidential election on a platform of anti-drug trafficking, anti-corruption and the need to negotiate with the FARC guerrilla movement, (Revolutionary Armed Forces of Colombia) - something the government started in October. Mrs Betancourt was abducted on 23 February 2002, and is believed to be held by FARC.

She was a former Colombian MP, Senator and founder of the "Oxygen" political party whose aim was to secure an end to the civil war through dialogue. Her campaigns against drug-trafficking, corruption in public life and violence made her many enemies. She received numerous death threats and survived an assassination attempt.

"País Libre" foundation: supporter of hostages and their families

This independent Colombian foundation campaigns not only for the release of hostages, but also for the welfare of those whose loved ones may have been abducted. It also helps victims of extortion. País Libre aims to raise awareness of the problem in Colombia and the wider world and provides support and advice to those who have been affected by kidnapping. They also campaign for changes on the law in Colombia. The foundation offers psychological advice and advises people how to negotiate with kidnapers who are demanding ransoms. The organization does not participate in negotiations, support families financially or denounce crimes to the authorities. All of its services are free to victims.

http://www.europarl.europa.eu/news/public/story_page/015-11508-268-09-39-902-20061010STO11507-2006-25-09-2006/default_en.htm

◆ EP / Temporary Committee looking into allegations of illegal CIA activities in Europe

- ▶ Charges of Italian involvement in CIA kidnapping - prosecutor sets out his case to MEPs (10/10/06)

Milan prosecutor Armando Spataro set out to MEPs on Monday his grounds for charging 26 CIA agents and a Carabinieri marshal with kidnapping – and the head of the Italian military intelligence organisation SISMI with complicity in kidnapping – in relation to the February 2003 abduction of Egyptian cleric Abu Omar in Milan.

Speaking to the Temporary Committee looking into allegations of illegal CIA activities in Europe, Mr Spataro said that it had been hard to imagine that the CIA operation in Milan was organised “without any complicity on the part of the Italian authorities.”

Who was involved?

He first outlined the case against Luciano Pironi, a Carabinieri marshal who had, he said, been involved in planning and executing the operation. “His mobile phone was shown to be present in the time and place of the kidnapping,” said the prosecutor. His “frequent contacts” with CIA station chief Robert Lady were further evidence of involvement. When questioned by prosecutors, he had “confessed that he took part in the kidnapping,” asking Abu Omar for his identity papers to lure him to a van in where agents pulled him inside and drove off. He had told the prosecutor that Mr Lady had assured him “governmental cover” meant he would not be investigated.

Mr Spataro’s office was subsequently able to secure key evidence in the case by phone-tapping the phones of former SISMI General Gustavo Pignero and of his successor Marco Mancini. In June 2006, said Mr Spataro, Mr Mancini expressed his concern that the public prosecutor might be able to identify people who (on his own orders) had carried out checks on Abu Omar – checks meant to facilitate the kidnapping. The prosecutor said Mr Mancini admitted having organised a meeting of SISMI heads from northern Italy, in which it was agreed to carry out checks on Abu Omar. The decision to do so, Mr Spataro told MEPs, was “ordered from above.”

On this point, Mr Spataro cited Mr Mancini’s admission that it was Nicolo Pollari – the head of SISMI, who, in his appearance before the TDIP in March of this year, denied any involvement in the kidnapping – who provided him with a list of names, “including that of Abu Omar” and gave him “indications that Abu Omar should be observed in the run-up to the kidnapping”. Mr Spataro, though emphatic about SISMI complicity in the planning of the operation, had not found any proof of SISMI involvement in the kidnapping itself.

MEPs reaction

According to Wolfgang Kreissl-Dörfler (PES, DE), Mr. Spataro's investigation "shows that there have been serious violations of national law, international law, but also of European law and of the European Convention of Human Rights". Rapporteur Claudio Fava (PES, IT) said: "We are facing a serious case of complicity" on the part of the intelligence services of a Member State. Nicolo Pollari, he added, "lied in front of this committee".

Jas Gawronski (EPP-ED, IT) asked Mr Spataro whether Abu Omar could have been an "accomplice" in his own kidnapping. He cited a document from the questioning of Mr. Pironi, in which, he said, the Carabinieri argued that "this was a fake kidnapping and that the idea was to recruit Abu Omar" as a collaborator for SISMI and the CIA.

"There might have been an aim of recruitment," replied Mr Spataro, "but that doesn't mean that the kidnapping was organised" – or staged – with Abu Omar's complicity. When Boguslaw Rogalski (IND/DEM, PL) raised the issue again, Mr Spataro was direct: "The theory of a fake kidnapping is a lie, it is absolutely false" he said.

Asked by Sarah Ludford (ALDE, UK) whether he had "any indications that the Italian government had authorised the kidnapping", Mr Spataro answered that "at this point", he had "no evidence of that kind. [...] The head of SISMI is the highest level we've reached".

http://www.europarl.europa.eu/news/expert/infopress_page/017-11512-282-10-41-902-20061010IPR11511-09-10-2006-2006-false/default_en.htm

◆ European Parliament

- ▶ [Anna Politkovskaya \(1958-2006\) - a tribute by the European Parliament](#)
(12/10/06)

The European Parliament, meeting in Plenary session in Brussels, yesterday modified its agenda to discuss relations with Russia after the assassination of the campaigning Russian journalist Anna Politkovskaya and to pay homage to her. She was shot in her Moscow apartment block by unknown assailants on 7 October. "I wish to pay tribute to this exceptional journalist, to her exceptional bravery and to her exceptional resolve," said Parliament's President Josep Borrell.

He went on to say that "I very much hope that the Russian authorities do their utmost as quickly as possible to get to the bottom of this heinous act. Finding out who the perpetrators were will be a test for the state of democracy, freedom of expression and freedom of opinion in Russia".

The assassination of Ms Politkovskaya is not an isolated incident of violence and intimidation towards journalists. Mr Borrell noted that at this moment in time 120 journalists are imprisoned and 63 were murdered in 2005 while carrying out their work gathering information.

Many MEPs also took the opportunity to pay homage to Ms Politkovskaya and to underline the fact that, in its dialogue with Russia, the European Union cannot omit the question of human rights and freedom of the press. This call comes at a timely moment as relations between the EU and Russian will be an important point in the informal EU summit at Lahti on 20 October. MEPs observed a minute's silence in honour of Anna Politkovskaya and other assassinated journalists.

http://www.europarl.europa.eu/news/public/story_page/015-11638-284-10-41-902-20061012STO11637-2006-11-10-2006/default_en.htm