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AFTER BELVIL
SERBIA NEEDS NEW LAWS
AGAINST FORCED EVICTION

**AMNESTY
INTERNATIONAL**



On 26 April 2012, almost 1,000 Roma (around 250 families), living in an informal settlement at Belvil in Belgrade were forcibly evicted by the city authorities.

Approximately 124 families were evicted from their homes and resettled in metal containers around Belgrade. Around 133 other families were forced to return to inadequate housing in poor municipalities mainly in southern Serbia.

Other Belvil residents were not evicted that day. The 93 “Sava Bridge” families were notified in 2011 that they will be evicted due to the European Investment Bank (EIB)-funded Sava Bridge development project. These families have been assured that they will be resettled into permanent housing during 2013.

However, the families evicted on 26 April were not part of this group. Amnesty International considers this eviction to be a forced eviction, due to the lack of adequate notice, genuine consultation and adequate resettlement by the Belgrade authorities. The eviction also led to further human rights violations, including of their rights to freedom of movement and work.

The impact of the April 2012 forced eviction on Roma living at Belvil powerfully demonstrates the need for a legal

FORCED EVICTIONS

A forced eviction is an eviction which is undertaken without legal protections such as genuine consultation with affected communities to identify all feasible alternatives to evictions, provision of adequate notice and legal remedies, compensation, and adequate alternative housing for those who cannot provide for themselves.

framework to prevent any more forced evictions in Serbia.

This briefing is based on research carried out by Amnesty International in Serbia in April and June 2012, and on continued contact with the community. It focuses on the eviction of 26 April 2012, and also refers to the forthcoming eviction, also from Belvil, of other Romani families, due to be evicted before access roads to the Sava Bridge are built (see page 10).

FAILURE TO RESPECT INTERNATIONAL STANDARDS

International human rights standards require states to ensure certain safeguards prior to, during and after evictions. The Belgrade authorities did respect some international standards while conducting the April 2012 eviction in Belvil: Roma and their possessions were removed from their homes without violence; UN representatives were asked to observe the eviction and NGOs including Amnesty International were also present.

However, the authorities completely failed to apply crucial safeguards prior to the eviction, including consultation with affected communities to explore all feasible alternatives to eviction and on resettlement. They failed to provide people with information, even on the reason for the eviction, adequate notice or legal remedies, and failed to provide adequate housing options for resettlement.

ADEQUATE NOTICE

“They constantly tell us we will be evicted soon, but nothing concrete is being said. They constantly change the date. And we don't know what is going to happen to us. They did promise something that we will get assistance from our municipalities when we



go back, but how to believe this, if nothing is set. Nothing on paper – just these changing stories. They make promises they can't keep.”
I.A., resident of Belvil

Amnesty International considers that the notice provided to Belvil residents was



Left: The forced eviction of the Roma settlement in Belvil, Belgrade, 26 April 2012 meant nearly 1,000 people lost their homes. **Below:** Racist graffiti in the village of Jabučki Rit saying “Stop gypsyization”. Roma moved to a container settlement nearby and were subject to a racist attack a few days after their arrival. **Cover:** Forced eviction of the Roma settlement in Belvil, Belgrade, 26 April 2012. © Amnesty International



Although the city had already informed international organizations about the planned date of the eviction, final notices including the date were only served to the residents by the city on Tuesday 24 April, just before two short meetings held by the city with the community. It was not made clear until then to the families that they would be evicted on Thursday 26 April.

The fact that nearly 1,000 people did not know the date of the eviction until two days before demonstrates the Belgrade’s lack of commitment to safeguarding people’s rights. International standards require that sufficient notice is provided prior to the eviction to enable genuine consultation, access to remedies and developing adequate resettlement solutions.

Many had no idea where these new settlements were.

For example, 10 families who thought they were going to a settlement at Rakovica, were told just before they boarded the bus that they were being taken to Resnik, where they knew there had been racist demonstrations by residents against the resettlement of Roma in the area.

“What freedom of movement can you have in Resnik if people want to kill us there?”

Former Belvil resident

inadequate. Notices dated 12 March and 4 April informed residents that they would have to demolish their outbuildings and houses within three or five days respectively, but gave no date for the eviction. These were also not distributed to all affected families.

RESETTLEMENT OPTIONS

During the meetings on 24 April, Belvil residents were given slips of paper by the authorities with the name of the container settlement to which they would be moved: Jabučki rit, Kijevo, Makiš, Resnik and Dren.

JUSTIFICATION AND CONSULTATION

The UN Committee on Economic, Social and Cultural Rights (CESCR) has emphasized that evictions may only be carried out as a last resort, once all feasible alternatives have been explored in genuine consultation with affected people. According to the authorities, the eviction was necessary primarily because of the “unhygienic state of the settlement”.

However, the authorities did not set up a consultation process with the Roma or explore alternatives to eviction, such as the possibility of improving conditions in the settlement. Those being evicted were also not consulted on the location or type of resettlement sites.

Alternatives to resettlement suggested by Roma during the 24 April meetings were ignored. One resident, D.M., whose brother had some land in Belgrade on which he could build his own house, asked for some money for building materials, instead of moving to a container. The city authorities did not consider this option.

His wife told Amnesty International: *“We just want to live a normal life again. We have a chance with this piece of land. If we could only have our own house – we would pay our bills, it would be ours. Why is it better for them to keep us in containers and pay electricity for us? We just want to live a normal life like every human being – we all want the same things.”*

At the 24 April meeting, Roma who were not registered as residents in Belgrade were informed that they and their possessions would be taken back to their original municipalities, and given 20,000 dinars (€200, provided by Belgrade) by these municipal authorities. If necessary, some would receive 80,000 dinars to repair their houses. Residents pointed out that

they had come to Belgrade in order to find work, and questioned whether their municipalities would be able to help them. They were not offered any alternative.

LEGAL REMEDIES

International human rights standards require that anyone who may be evicted is able to challenge decisions to evict them, including before the courts and provided with legal aid, if necessary. Belvil residents were not provided with such a remedy. Although the eviction notice provided for a complaints procedure, it did not allow people to challenge the decision to evict them. No provision was made for compensation to be paid to Roma for any losses of, or damage to any possessions in the process of eviction.

IMPACTS OF RESETTLEMENT

“[A]t least [in Belvil] we could make a plan for how we would survive each week, how we will feed our children. Here we are completely dependent on help. Our children are hungry and I don’t know where to go and earn some money to feed them.”

Belvil resident sent to the Jabučki rit container settlement.

“There is no chance to live if there is no work”,

[D.B., former Belvil resident]

On 26 April, around 124 Romani families were bussed to five racially segregated container settlements on the edges of Belgrade. Amnesty International considers that these metal containers do not meet the criteria for adequate housing, even when defined as “temporary” accommodation. Some Roma evicted in 2009 are still living in metal containers on other sites.



Four of the container sites chosen by the authorities – Jabučki rit, Kijevo, Resnik and Dren – are far from the centre of Belgrade. They are isolated from other communities and in some cases, far from health centres, schools, municipal offices, shops and amenities. The lack of affordable transport means that Roma living there are unable to



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Left: The segregated container settlement at Dren (Obrenovac municipality) is 26km from Belvil in Belgrade. Roma who have moved there are unable to find work locally.

Below: A resident at Dren container settlement pointing out the proximity of marshland. The authorities have promised to move residents to another site.



JABUČKI RIT

Mila Stančić now lives in the Jabučki rit container settlement, 26km from Belvil. She has to travel 16km to Borča to collect her free meal, five days a week. She told Amnesty International in June: “I spent eight years in Belvil. I’m from Belgrade and my husband is from Kosovo. In Belvil we used to work – we made decent money selling old stuff at the market. Now my husband earns 500 (€5) dinars a day – but he pays 100 dinars for the bus there and 100 for the bus back. Sometimes he stays in Belgrade and sleeps on the streets. There are skinheads in Belgrade who want to kill Roma, and he is afraid when he walks past them on his way to and from work.

“I gave birth prematurely on 17 May... The baby is still in the hospital. Three days after I gave birth, I was going to Borča where the kitchen is and the bus inspector kicked me off the bus. I tried to explain that I don’t have money [for a ticket] and that I live in a container settlement, and that I’m not receiving any help. After that I waited for about an hour for the next bus. When I got there, I was late and there was no more food”.

The inadequate resettlement options provided to former Belvil residents have also denied them access to work, food, health care and social security. By mid-August, most people had still not received contracts for their tenancy of the containers. Without a contract, they had no registered address; without an address, the authorities could not process their applications for social welfare payments, or to register for health care.

“I don’t know if these containers were given to us. Do we own them? Maybe tomorrow they will throw us out from here too.”

F.B. former Belvil resident

work, or can only get to work with difficulty. Many face difficulties in accessing health care.

Removed from their work, without money to buy food, many Roma were initially dependent on food parcels from humanitarian organizations, until the city authorities arranged for them to receive free meals.

HOW SERBIAN LAW SHOULD PROTECT THE RIGHT TO HOUSING FOR ROMA

Serbia is obliged to guarantee the right to adequate housing, without discrimination, under international standards.

The Serbian government should adopt, amend or review legislation, as recommended in the National Roma Strategy, in order to:

PREVENT FORCED EVICTIONS

✓ **Introduce legislation, including by amending the existing Law on Housing, to prohibit forced evictions**

✓ **The legislation should require that the following safeguards are complied with before any eviction, whether undertaken by any public or private actor:**

- Genuine consultation with affected communities to identify all feasible alternatives to eviction;
- Adequate and reasonable notice for affected people prior to the eviction;
- Information on the proposed evictions and, where applicable, on the alternative purpose for which the land or housing is to be used;
- Safeguards relating to the process of the eviction itself;
- Provision of legal remedies and legal aid, where necessary;

■ Provision of compensation for all losses;

■ Provision of alternative housing which complies with international standards on adequacy of housing – to all those who are unable to provide for themselves;

■ requires the authority to give a reasoned decision for the eviction, providing a clear justification for why the eviction is being carried out and how alternatives were considered.

✓ **Amend the Law on General Administrative Procedure to prohibit evictions in inclement weather and accelerated eviction procedures.**

GUARANTEE ADEQUATE HOUSING

✓ **Recognize and protect the right to adequate housing as a legal right, which can be enforced before the courts:**

■ including through legislative amendments, and by ratifying Article 31 of the Revised European Social Charter.

✓ **Introduce standards to ensure adequacy of housing including requirements of habitability, durability, location and availability of services, facilities and infrastructure, in line with international standards:**

■ All municipalities should comply with these standards while constructing new housing, legalizing settlements, or resettling communities.

PROHIBIT DISCRIMINATION

✓ **Amend the Anti-Discrimination Law to prevent and prohibit discrimination in the right to adequate housing, including racial segregation in housing. Such legislative provisions should:**

■ Apply to both public and private sectors;

■ Establish a mechanism to monitor all trends which may result in racial segregation in housing and to combat such trends.

PUT RIGHTS INTO PRACTICE

The Serbian government should work with municipal authorities, and, using existing strategies:

✓ **Implement a time-bound and measurable Action Plan on the improvement and legalization of informal settlements throughout Serbia**, drawing on measures identified in the 2003 Poverty Reduction Strategy, the 2007-10 Guidelines for the Improvement and Legalization of Informal Roma Settlements, and the 2010 Strategy for Improvement of the Status of Roma in the Republic of Serbia;

■ Increase funding and resources for the implementation of measures for the legalization or regularization of informal settlements and upgrading of water, electricity, roads and other basic services wherever possible;

■ Ensure that living conditions in informal settlements conform at least to the minimum standards of communal infrastructure, as envisaged in the Law on the Spatial Plan of Serbia (2010-2020);

■ Ensure that local authorities allocate funds in their budgets for improving the conditions in informal settlements.

✓ **Establish a framework to confer legal security of tenure on people who currently lack the minimum degree of tenure status, in genuine consultation with the affected communities.**

Where settlements cannot be improved to minimum standards, authorities should:

✓ **Identify resettlement options for people living in informal settlements which cannot be regularized, ensuring that any relocation complies with international standards on evictions, provides adequate alternative housing, and does not result in the creation of additional segregated settlements.**

✓ **Establish effective mechanisms for monitoring all authorities, whether at the national or local levels, to ensure that they act consistently with these legal provisions and policies.**

SENT TO THE SOUTH

More than 130 families forcibly evicted from Belvil were not offered any alternative housing in Belgrade, but were put on buses and taken back to the municipalities where they had last registered their residency. Denying them resettlement in Belgrade and forcibly returning them to their original municipality is not only a violation of their right to adequate housing, but also of the rights to freedom of movement and residence, enshrined in the International Covenant on Civil and Political Rights.

Municipal authorities in Niš, Leskovac and Vranje told Amnesty International that arrangements to receive the evicted Roma had been made hastily with Belgrade officials the weekend before the eviction. The European Commission stated that they had urged the city to delay this aspect of the eviction, so that more adequate preparations could be made for those being returned to the south.

The CESCR has emphasized that anyone who cannot provide for themselves must be provided with adequate alternative housing. Many Roma were sent to inadequate housing in informal or irregular settlements which lack electricity, piped water, roads, sewage and other basic facilities. Due to the lack of consultation, others were sent back to municipalities where they had nowhere to live. With less than a week's notice the receiving municipalities had to find them accommodation.

In Leskovac, the authorities provided 11 homeless families with accommodation in a hostel; but at the beginning of August they were required to leave when the hostel owner needed the rooms; no alternative accommodation had been provided by the end of the month. In Niš, containers promised by Belgrade were never delivered, so an abandoned warehouse was provided as accommodation.

HOMELESS AND WITHOUT WATER AND SANITATION

Five families were sent back to Niš, a city in southern Serbia, although they had no houses to return to. The Niš city authorities provided them with beds and other basic needs in a disused warehouse, which had no running water or electricity. The families – including a newly born baby – remained without running water or toilets for almost three months. In June, temperatures reached over 38°C.

The right to water, as defined by the CESCR, requires that water be in, or in the immediate vicinity of, where people live. The families had to collect water in plastic containers from a water point in a gated marketplace, more than 115m away. However, the market was only open between 7am-3pm, and even then the market authorities often denied them access. Then, they had to walk for an hour to collect water from the city centre.

Despite assurances from the authorities that the families would be provided with water, it was only on 18 July, after several weeks of campaigning by local NGOs and Amnesty International, that the water was connected. Amnesty International is now calling on the Niš authorities to provide electricity in the warehouse, and seek alternative adequate housing for the families.

Some of those sent back to southern Serbia in April 2012 had returned to Belgrade by June, either because there was no work available, or because they had nowhere to live, or both. Many Roma have been returned to the poorer municipalities in the south more than once, such as those evicted from the Gazela Bridge settlement in 2009 and sent back to their municipalities.



Above left: Kadrija Pelifanović and Miroslava Mrković were returned to Masurica village; they now live in a van while they try to rebuild their burned out home.

Above right: Elvira Azemović, after her return to Belgrade, lives in an informal settlement in Vidikovac, June 2012.

Below: The Niš authorities took over two months to connect this single tap in the warehouse that the five Romani families had been sent to.





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HOMELESS IN SURDULICA

Kadrija Pelifanović and his wife Miroslava Mirković were returned to their village, Masurica, in the southern municipality of Surdulica, although they had informed the Belgrade authorities that their house had been burnt down by a neighbour and they had nowhere to live. After the Ministry of Work and Social Policy intervened they were sent to the city of Vranje, 40km away, where they were allowed to stay for six weeks in a former children's home. Surdulica municipality then offered them an isolated and dilapidated house in the mountains 11km from the town. The house had no running water or electricity. The municipality did not even give the family the keys to the house: the only option they had was to return to their village.

Kadrija Pelifanović borrowed a van to sleep in. He cleared their ruined house down to the foundations, but had no money to rebuild it. He never received the 80,000 dinars (€800) provided to some other returning families by the municipality, because he and Miroslava had been sent to Vranje. Without this assistance, they could not start rebuilding their house.

HOMELESS – AND BACK IN BELGRADE

Elvira Azemović was born in Bojnik, one of the poorest municipalities in southern Serbia. She had no house there, as she had moved to Belgrade as a child. In 2009, Elvira and her husband were forcibly evicted from Gazela Bridge, another informal settlement in Belgrade, and sent back to Bojnik. The mayor threw Elvira out of his office when she asked him for accommodation. She stayed with neighbours for three days, then returned to Belgrade and lived in Belvil.

On 26 April, Elvira was sent back to Bojnik again: she still had no house to go back to. She stayed with her parents in a nearby village, but told Amnesty International that if the authorities didn't give her accommodation, she would go back to Belgrade.

By June 2012, Elvira was living in Vidikovac, an informal settlement in Belgrade:

“They promised us that when they sent us back to Bojnik, our [municipal] Centre for Social Work will be waiting for us, that we will get 20,000 dinars [€200] assistance and that those... who

do not have anything and are in the street, will get accommodation, a place to live and lay their heads, but this did not happen. Some got 20,000 dinars, some got 100,000 dinars. I got 20,000 dinars but no house, no accommodation. I stayed with my relatives and neighbours for five or six days. I realised that I had nowhere to stay and I had to come back to Belgrade. I made this shack and this is where I live with my daughter and my husband. I would like it if something could be done for me, here or in the village back home, it does not matter, it is important that I have... a roof over my head and better living conditions.”

By July, she was in another part of Serbia, picking peppers for 1,000 dinars (€10) a day, but said she would then return to Belgrade.

Belgrade authorities' approach of returning people to the South is not just contrary to Serbia's international obligations, it is also not sustainable to send people back to poor municipalities in the south where they cannot find work. The government must act to stop the city removing Roma from Belgrade and consider alternative options.

SEGREGATION – THE PROBLEM, NOT THE SOLUTION

In April 2012, the European Commission agreed to allocate €3.6 million for the provision of housing for those forcibly evicted from Belvil. Roma resettled to containers at Dren, Makiš, Kijevo, Resnik and Jabučki rit were informed in June that they will be provided with permanent housing in 2013. They will be offered units in prefabricated housing, abandoned rural houses or assistance with rebuilding their own property. These options will also be available to other evicted families living in those same container settlements. A needs assessment has been commissioned in six municipalities in southern Serbia to which Roma were returned. Measures identified will be separately funded.

Amnesty International welcomes the intention to build permanent housing units for evicted Roma, but is concerned about the locations proposed by the Belgrade authorities. Five of the six proposed sites are far from the city centre, with poor public transport links and services. So far the biggest concern raised by Roma in the consultations with the Resettlement Working Group has been about employment. However, during these consultations, they have not been asked their opinions on the proposed locations of the new settlements.

Amnesty International is concerned that the majority of the locations currently proposed for the new housing units will result in the segregation of Roma from other members of the population, and deny them access to work.

Since 2009, the majority of Roma forcibly evicted from Belgrade have been resettled in isolated locations on the outskirts of Belgrade, resulting in the creation of racially segregated settlements. In 2011, the UN Committee for the Elimination of Racial Discrimination urged the Serbian

government to “avoid residential segregation of minorities”.

Racial segregation is a form of direct discrimination, prohibited under the Serbian Anti-Discrimination Law and the International Convention on the Elimination of All Forms of Racial Discrimination. The European Union (EU) – as funders – and the City of Belgrade need to ensure that the permanent housing offered does not result in racial segregation.

THE SAVA BRIDGE EVICTION

In 2010, the Belgrade authorities announced that Roma living in the informal settlement of Belvil would be evicted in advance of the construction of access roads to the Sava Bridge, funded by the European Investment Bank (EIB). A total of 93 families, who lived on the route of the access road, were due to be evicted; others were told they would be not be evicted.

In April 2011, the 93 affected families were provided with outline plans about their resettlement in permanent housing, but they heard nothing more until city officials came to visit them in March 2012. On one visit, city officials asked households to fill in forms requesting accommodation in containers, and told them that nothing else was planned for them. Some people called the EIB’s consultant to ask what this meant, in the light of previous promises. He told them not to sign anything, and assured them that they would move into prefabricated houses, as promised. In April, one resident told Amnesty International:

“The worst thing is that nobody is taking us seriously, nobody came to us to speak to us individually and explain to us what is going to happen and when... this is really unfair towards us and our children. The way things were presented to us in April last year, it seemed to us we would have to leave the settlement soon, so we did not prepare well for the winter, we did not ... collect wood and save money. I am worried



the same thing is going to happen now. I want to know, so I can prepare for the winter. They constantly change their minds, they give us confusing information, one day they say we’ll get pre-fab houses, the next day they say we’ll get containers and nothing else. The bank [EIB] said one thing, the city say something contradictory and we have to cope with this confusion. This is just so shameful”.

In June 2012, the City finally agreed a Resettlement Action Plan (RAP) with the EIB, and met with the affected families to inform them that they would be resettled into permanent housing in 2013.

Amnesty International welcomes the agreement to resettle Roma from Belvil into prefabricated housing. The city authorities must now ensure that everyone entitled to resettlement is kept fully and regularly informed on developments, engage with them in full and meaningful consultation on all aspects of the resettlement and ensure that there is no racial segregation or discrimination. The EIB must also closely monitor the process to ensure that the resettlement is carried out, in accordance with international human rights standards.



According to a survey conducted by the city in October 2010, 92 of the 93 families interviewed said that they wanted to stay in Belgrade; 85 households said they were involved in collecting and recycling scrap materials. Yet the proposed resettlement sites for these families are again, with one exception, located in isolated areas between 25km and 70km from Belgrade, segregated from the local population, and where there is little possibility of collecting scrap or finding any other work.

While the RAP states that all 93 families are entitled to resettlement, Amnesty International is concerned that not all of them will be resettled by the city. By April, around 50 eligible families had been bribed or intimidated by Romani individuals, allegedly acting on behalf of the city, into leaving the settlement and had left Belvil. Amnesty International urges the EIB to ensure that the families who left are contacted and advised of their entitlements.

Above: Construction work on the Sava Bridge overshadows the Belvil settlement, Belgrade, June 2012.

Right: The segregated container settlement at Dren, June 2012.



CONCLUSION

The April 2012 forced eviction of Roma from Belvil highlights how the Belgrade city authorities are still failing to comply with international human rights standards and the devastating impacts that such evictions have on people's lives.

Amnesty International believes that the only way to stop such violations is for the Serbian government to introduce legislation which prohibits forced evictions. Such legislation should also set out safeguards that must be complied with prior to any eviction, based on the UN basic principles and guidelines on development-based evictions and displacement and in accordance with human rights standards.

Staff from Amnesty International and the Regional Centre for Minorities interview Roma the day after the forced eviction of the Belvil settlement.



RECOMMENDATIONS

Amnesty International calls on the Serbian government to:

- Introduce a legal framework in full compliance with international human rights law to prohibit all forced evictions, including safeguards that must be complied with prior to any eviction, based on the basic principles and guidelines on development-based evictions and displacement;
- Ensure, in co-operation with municipal authorities, that all those evicted from Belvil, in Belgrade and in the south, are provided with adequate housing and employment opportunities;
- Develop and implement a meaningful Action Plan on the improvement and legalization of informal settlements throughout Serbia.

Amnesty International calls on the City of Belgrade authorities to:

- Address the urgent needs of people living in container settlements;
- Ensure that people forcibly evicted from Belvil are provided with effective remedies;
- Ensure that people who were forcibly evicted are resettled as soon as possible in permanent housing which complies with international standards on adequacy of housing, that there is genuine consultation with the communities on all aspects of this resettlement, including location;
- End forced evictions and ensure that all future evictions comply with international human rights standards;
- Co-operate with the European Investment Bank to ensure that the eviction and resettlement of the remaining Belvil residents complies with international human rights standards.

Amnesty International calls on the European Commission to ensure that:

- Funding provided for the construction of housing for Roma does not result in the creation of racially segregated settlements for Roma, that the resettlement is carried out in full consultation with the affected community, and in accordance with international standards;
- Plans developed for those returned to southern municipalities ensure their access to adequate housing, and to employment opportunities.

Amnesty International calls on the European Investment Bank to:

- Ensure that the resettlement of Roma from Belvil in advance of construction is carried out in accordance with international standards, in full consultation with the community, ensures access to work, and does not result in the creation of racially segregated settlements.

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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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